

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-16-00023: D & D REALTY, LLC

DESCRIPTION

Zone Change: From a Light Industrial (I-1) zone
To a Neighborhood Business (B-1) zone

Acreage: 1.84 net (2.74 gross) acres

Location: 362 Newtown Pike

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	I-1	Auto Repair Shop
To North	A-U	Bluegrass Community & Technical College
To East	I-1	Crematory, Railroad & Light Industrial
To South	B-1 & I-1	Railroad, & Vacant
To West	B-1 & I-1	Drive-in Restaurant, Light Industrial & Liquor Store

URBAN SERVICES REPORT

Roads – Newtown Pike (US 25 & KY 922) borders the subject property to the west, which is an urban major arterial roadway. Both it and Georgetown Road (US 25) divert at the intersection of West Fourth Street, and that arterial road extends from downtown into Scott County. Newtown Pike carries approximately 27,600 vehicles per day. West Fourth Street borders the site to the north, and has seen recent improvement to complete a modification from one-way travel to two-way travel. Significant sidewalk upgrades and restriping has been completed from Newtown Pike east as far as Jefferson Street. The petitioner plans to utilize both Newtown Pike and Fourth Street for vehicular access to the subject property.

Curb/Gutter/Sidewalks – With recent improvements, Newtown Pike and Fourth Street both have adequate curbs, gutters, and sidewalks. A shared path is planned to be constructed along the Newtown Pike frontage of the subject property for a future connection to the Town Branch Trail Project and the Legacy Trail.

Storm Sewers – This site is located in the Town Branch watershed. The Town Branch emerges (flowing north) from underground near Rupp Arena, less than ½ of a mile to the southwest of the subject properties. No known flooding problems exist within the immediate vicinity of the subject site, and street drainage has been recently improved as a result of the completion of the Fourth Street roadway project. Underground stormwater detention is proposed for the site in order to meet the requirement of the Engineering Stormwater Manuals at the time this site may redevelop.

Sanitary Sewers – The subject property is currently served by sanitary sewer service. However, improvements to the lines along West Fourth Street and Newtown Pike may need to be upgraded, especially since a major mixed-use development is proposed immediately to the south of the subject property. The property is located within the Town Branch sewershed, and is served by the Town Branch Sewage Treatment Facility, which has seen recent improvement with the completion of a wet-weather storm water holding tank on Lisle Industrial Avenue.

Refuse – The local government currently serves this portion of the Urban Service Area with collection on Thursdays. Daily service is available within a defined area downtown, but does not include the area of the subject property. Commercial developments also contract for more frequent service from private refuse haulers.

Police – The nearest police station is the Main Headquarters located on East Main Street, about ¾ mile to the southwest of the subject properties.

Fire/Ambulance – The nearest fire station (#4) is only about three blocks to the east of the subject property, located on Jefferson Street between West Second and West Third Streets.

Utilities – All utilities, including phone, water, gas, electric, and cable television currently serve the subject properties. All should be able to accommodate the proposed change in land use.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan’s mission statement is to “provide flexible planning guidance to ensure that development of our community’s resources and infrastructure preserves our quality of life, and fosters regional planning and economic development.” The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The subject property is located within the boundary of the *Central Sector Small Area Plan*, the *Downtown Lexington Masterplan* and the *Fourth Street Zoning Study*. Each document suggests future mixed-use development for the subject site.

The petitioner proposes to rezone the properties to the B-1 zone in order to construct a convenience store/gas station/restaurant and a small commercial building oriented to the intersection of Newtown Pike and West Fourth Street.

CASE REVIEW

The petitioner has requested a zone change from a Light Industrial (I-1) zone to a Neighborhood Business (B-1) zone for 1.84 net acres of property, located on the east side Newtown Pike, at the southeast corner of West Fourth Street.

The site is comprised of a mostly underutilized parcel at a prominent location along the Newtown Pike corridor. The site fronts on both Newtown Pike and West Fourth Street, and is bordered to the south by a former railroad spur. The CSX railroad tracks cross Newtown Pike less than a block to the south at West Third Street. This area is characterized primarily by light industrial land uses. The subject property, currently home to a foreign auto repair business, is very prominent from the intersection of Georgetown Road and Newtown Pike, which is directly across from West Fourth Street. The petitioner wishes to remove the existing structures on the subject site, and they propose to construct three new commercial buildings on the subject property. Access to the site is proposed to both West Fourth and Newtown Pike.

The subject site is also across West Fourth Street from land exchanged a few years ago from Eastern State Hospital to Bluegrass Community and Technical College (BCTC) and the subsequent opening of the new BCTC campus have resulted in new redevelopment interest in this portion of the Urban Service Area. The subject properties are primarily surrounded by Light Industrial (I-1) zoning, with the exception of the BCTC campus, which remains located in an Agricultural Urban (A-U) zone, and the Thistle Station site (still vacant, and not yet under development) which was rezoned to a Neighborhood Business (B-1) zone about 18 months ago.

Thistle Station was approved as a form-based project, permitted in the Neighborhood Business (B-1) zone based on the submission of a detailed “area character and context study.” The plans approved by the Commission for that site were to construct a signature mixed-use building along Newtown Pike and a two-story commercial building along West Fourth Street. That project had proposed 202 residential dwelling units, 28,000+ square feet of commercial space, and associated off-street parking, again, immediately south of the subject site.

The 2013 Comprehensive Plan has themes that are relevant to the proposed request for rezoning and the proposed redevelopment. Specifically, the filed application cites Theme A “Growing Successful

Neighborhoods;” Theme C “Creating Jobs and Prosperity;” Theme D “Improving a Desirable Community;” and Theme E “Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land.” Theme E, Goal #1b of the Plan is to “encourage compact, contiguous, and/or mixed-use sustainable development within the Urban Services Area, as guided by market demand, to accommodate future growth needs.” The applicant’s justification mentions several of the Plan’s Goals and Objectives, but without any supporting statements.

The staff is not sure that a new convenience store and a small retail building for multiple tenants is actually what was envisioned by the Plan three years ago when the Commission wanted to create “jobs and prosperity” for our community. However, the subject site is located within the boundary of the *Central Sector Small Area Plan*, the *Downtown Lexington Masterplan* and the more recent *Fourth Street Zoning Study*.

While the recommendations are not binding, the *Downtown Lexington Masterplan* and the *Fourth Street Zoning Study* can also inform the Planning Commission’s consideration of the petitioner’s request for B-1 zoning. The subject properties are located within the boundary of the *Downtown Lexington Masterplan*, and it and the *Zoning Study* both recommend mixed-use development for the site. They identify the property for mixed use within the Downtown Edge West study precinct (north of the downtown core), noting that “this area has the potential to be a true mixed-use neighborhood with retail, offices, and residential as a signature entryway to the downtown” (page 54). All of these recommendations are relevant to the proposed rezoning but the applicant’s actual land use is not proposed for that purpose.

The *Central Sector Small Area Plan*, adopted in 2009 by the Planning Commission, calls for a “proposed reinvestment area” for the subject property, and for the Thistle Station property to the immediate south. This concept was attributed to the prior *Lexington Non-Residential Infill Study*, which was completed in April of 2009. While the proposed development could meet this recommendation, it may not meet the Small Area Plan’s recommendation that “off-street parking for new development should be in the rear or on the side” of new buildings (page 69).

The *Fourth Street Zoning Study* is a recently completed study for the area in close proximity to the new BCTC campus on Newtown Pike, the area along Jefferson Street, and the West Fourth Street corridor connecting the two areas. The subject property is identified as part of a focus area where an urban mixed-use zone should be created. Again, the B-1 zone does permit mixed-use development, but this request is not for a mixed-use project of any type.

Still, even if there is not a justification for this requested zone change to be in agreement with the Comprehensive Plan, the rezoning and existing Neighborhood Business (B-1) zone approved for the Thistle Station site is a change that might have a justification. It is logical to have the zoning of the subject property match that approved for the Thistle Station site immediately to the south of this site.

The petitioner contends that the proposed Neighborhood Business (B-1) zoning is in agreement with the 2013 Comprehensive Plan, while the staff is not so sure. Although the proposed B-1 zone can implement the goals and objectives recommendations of the Comprehensive Plan; and specifically the *Masterplan* and *Fourth Street Zoning Study* both recommend mixed-use development for the subject property. Given the recent changes accomplished recently achieved around BCTC and the new Transylvania University improvements in the Fourth Street corridor, the staff would request changes to the proposed development to better implement these more detailed planning recommendations.

A traffic impact study has been submitted with the requested zone change. The Metropolitan Planning Organization (MPO) and the Transportation Planning Staff is currently reviewing the study and will make known their findings at the Commission’s public hearing on this request.

The Staff Recommends: **Postponement**, for the following reasons:

1. The proposed Neighborhood Business (B-1) zone does not propose a mixed-use development or project, while these uses have been recommended by both the *Downtown Lexington Masterplan* and the *Fourth Street Zoning Study*.
2. It is not certain that the rezoning and redevelopment request is in agreement with the themes, goals and objectives of the 2013 Comprehensive Plan, as currently proposed.

WLS/TLW

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