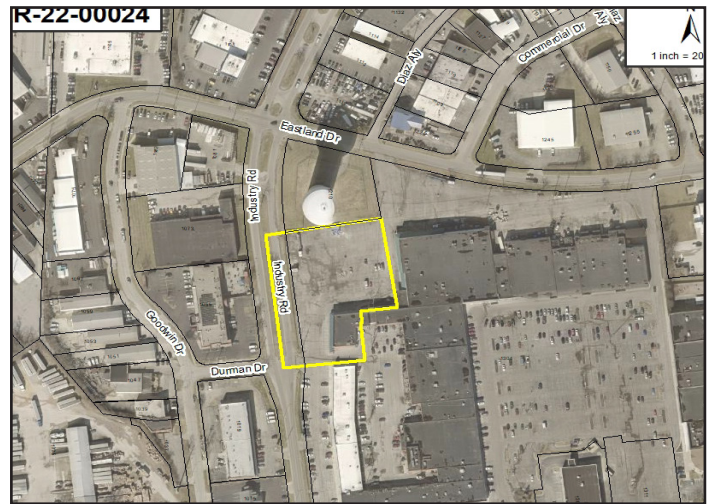


# STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-22-00024: EASTLAND LEGACY CENTER, LLC

## DESCRIPTION OF ZONE CHANGE

Zone	From a Neighborhood Business (B-1) zone
Change:	To a Light Industrial (I-1) zone
Acreage:	1.80 net (2.20 gross) acres
Location:	1301 Winchester Road (a portion of)



## EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	B-1	Shopping Center/Parking
To North	I-1	Water Tower
To East	B-1	Shopping Center
To South	B-1	Shopping Center
To West	B-1 / I-1	Community Center / Distribution Center

## URBAN SERVICE REPORT

**Roads** - The subject site has frontage along four roadways: Winchester Road (US 60), Industry Road, Eastland Drive, and Murray Drive. The portion of the property that is proposed for rezoning fronts along Industry Road, which is a collector roadway connecting Winchester Road with New Circle Road (KY 4).

**Curb/Gutter/Sidewalks** - Industry Road has been constructed with curb and gutter facilities; however, sidewalk facilities are not present along the Industry Road frontage for the property. Sidewalk improvements will be required during the development of the property.

**Utilities** - All utilities, including natural gas, electric, water, phone, cable television, and internet are available in the area, and are available to serve the proposed development.

**Storm Sewers** - The subject property is located within the North Elkhorn Creek watershed, and there are no known flooding issues in the immediate area. Storm sewers have been constructed along Eastland Drive.

**Sanitary Sewers** - The subject property is located within the North Elkhorn sewershed. The property is served by the West Hickman sewage treatment plant, which is located in northern Jessamine County. No further improvements are necessary to accommodate the proposed use of the subject property. Sanitary sewer capacity will need to be verified by the Capacity Assurance Program (CAP) occupancy of the structure.

**Refuse** - The Urban County Government serves this area with refuse collection on Tuesdays.

**Police** - The subject property is located within the Central Sector. The Roll Call Center for the Central Sector is located on Industry Road less than 200 feet south of the area of rezoning.

**Fire/Ambulance** - The nearest fire station (#2) is located adjacent to the subject property at the corner of Eastland Drive and Murray Drive.

**Transit** - The Eastland Route (#9) runs along Winchester Road providing both outbound and inbound service.

**Parks** - There are no public parks within proximity to the area of rezoning.

## SUMMARY OF REQUEST

The applicant is seeking a zone change from the Neighborhood Business (B-1) zone to the Light Industrial (I-1) zone in order to allow for the construction of shops of specialty trade.

## PLACE-TYPE

INDUSTRY &  
PRODUCTION CENTER

The Industry and Production Center Place-Type is where Lexington’s most intense types of economic development and job creation occur. These places should be located near major corridors to facilitate efficient and affordable shipping and transportation of goods throughout the region while minimizing the impact on the traffic infrastructure throughout the rest of the community. Special care should be taken to address the environmental impact of these places as well as their impact on residents.

## DEVELOPMENT TYPE

INDUSTRIAL & PRODUCTION  
NON-RESIDENTIAL

### Primary Land Use, Building Form, & Design

Primarily employment land dedicated to the most intense types of employment-centric development. This is the only category where uses are inherently incompatible and are best separated from adjacent uses.

These uses are best suited in areas where they already exist, collocating to utilize industrial-scale infrastructure to serve the needs of the users. Environmental protection measures should be taken to minimize impacts.

### Transit Infrastructure & Connectivity

These uses are also heavy employers and should incorporate mass transit infrastructure, on par with that of other modes, to connect residents to their jobs.

## PROPOSED ZONING



This zone is intended for manufacturing, industrial and related uses not involving a potential nuisance in terms of smoke, noise, odor, vibration, heat, light or industrial waste. In addition, the Comprehensive Plan recognizes that it is important to promote adaptive reuse of older industrial areas and to allow Industrial Mixed-Use projects and Adaptive Reuse Projects. The Comprehensive Plan should be used to determine appropriate locations for this zone and for Industrial Mixed-Use Projects. Consideration should be given to the relationship of this zone to the surrounding land uses and to the adequacy of the street system to serve the anticipated traffic needs.

## PROPOSED USE



This petitioner is proposing the Light Industrial (I-1) zone in order to construct flexible warehouse space for the operation of shops of specialty trade. The proposed development would be comprised of two buildings to include nine potential areas for special trade contractors to operate. The proposed development would be situated in a portion of the property that is currently being utilized for parking, as well as a small portion of the current shopping center.

## APPLICANT & COMMUNITY ENGAGEMENT



The applicant has indicated that due to the holidays, meetings with the surrounding property owners have been deferred to the month of February in order to facilitate maximum attendance and participation. The applicant stated that a supplemental report on this outreach engagement would be tendered to the Planning Commission. The applicant should supply information regarding the engagement for the zone change.

## PROPERTY & ZONING HISTORY



The subject property was initially zoned Highway Service Business District (B-3) zone until 1969 when it was reclassified to the Neighborhood Business (B-1) zone during the comprehensive rezoning of the city and county. While portions of the property have been subdivided and rezoned, the primary portion of the property, including the portion of the property that is seeking to be rezoned, has remained B-1 since that time.

The Eastland Shopping Center is one of the oldest shopping centers within Lexington. The type of commercial development is representative of the late 1950s and early 1960s, with a shift to a more auto-centric shopping experience that included multiple users in one open setting.

## COMPREHENSIVE PLAN COMPLIANCE



The 2018 Comprehensive Plan, *Imagine Lexington*, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. 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 applicant opines that the proposed rezoning for the subject property is in agreement with the 2018 Comprehensive Plan.

### GOALS & OBJECTIVES

The applicant opines that the proposed rezoning is in agreement with the adopted Goals, Objectives, and Policies of the 2018 Comprehensive Plan. They state that the proposed amendment will help to eliminate the vacant and underutilized employment space of the subject property by providing job opportunities to Lexington residents in general and particularly for residents who live near the subject property along the Winchester Road corridor (Theme A, Goal # 2.a; Theme E, Goal #1.c). The applicant posits that the proposed building design and character will be in keeping with the context of the surrounding business structures (Theme A, Goal #2.b). Finally, the applicant indicates that the proposed rezoning will strengthen efforts to develop a variety of job opportunities that can lead to upward prosperity and impact individuals from various economic and educational backgrounds (Theme C, Goal #1.a).

The staff agrees with these aspects of the applicant's proposal and that these Goals and Objectives of the 2018 Comprehensive can be met with the proposed development.

### PLACE-TYPE, DEVELOPMENT TYPE, AND ZONE

In an effort to allow for the greatest contextual development of Lexington's Urban Service Area, a Place-Type based on the location of the subject property is identified. Within each Place-Type there are recommended Development Types based on the form and function of the proposed development. Based on the Place-Type and Development Type there are also several recommended zones that are most appropriate based on the Goals, Objectives, and Policies of the 2018 Comprehensive Plan. While these zones are the ideal zoning categories to develop within a specified area, other zones may be considered, provided there is an appropriate justification addressing the unique situation and provided the development is able to adequately meet the associated Development Criteria.

The contends that the subject property is located within the Industry and Production Place-Type and an Industry and Production Non-Residential Development Type. Within this Place-Type and Development Type, the Comprehensive Plan states that special care should be taken to address the environmental impact of these places, as well as their impact on residents. Typically, the appropriateness of the Industry and Production Place-Type is heavily reliant, not only on the surrounding land use, but the infrastructure that is available to support such a development. The applicant indicates that the subject property abuts an area of Light Industrial (I-1) zoning and that this portion of the property is more readily associated with development along Industry Road, which is comprised primarily with industrial and warehousing land uses. They indicate that the proposed development will add tree canopy and construct in areas that were underutilized on the site. Staff agrees that the Industry and Production Place-Type and Industry and Production Non-Residential Development Type can be appropriate for the subject property with appropriate buffers and consideration



given to the context of the surrounding development.

Finally, the applicant has requested the rezoning of the property to a Light Industrial (I-1) zone for the subject property, which is a recommended zone within the Industry and Production Place-Type and Industry and Production Non-Residential Development Type.

### **DEVELOPMENT CRITERIA**

The development criteria for a zone change are the distillation of the adopted Goals and Objectives, as well as the policies put forth in the 2018 Comprehensive Plan. The development criteria represent the needs and desires of the Lexington-Fayette Urban County community in hopes of developing a better built environment. The applicable criteria are defined based on the proposed Industry and Production Place-Type and is seeking to create an Industry and Production Non-Residential Development Type.

#### 1. Site Design, Building Form and Location

The proposed rezoning meets the criteria for Site Design, Building Form and Location, as the development will create an industrial development that provides connectivity for bike and pedestrian mobility through the site, and infills an area of parking to provide a wider range of employment opportunities, which are compatible within the area.

#### 2. Transportation and Pedestrian

The proposed rezoning meets the criteria for Transportation and Pedestrian, as development will provide pedestrian access throughout the site and better delineate the internal vehicular circulation for this portion of the site. Additional pedestrian connections to Winchester Road and New Circle Road beyond the subject property should be considered by the applicant.

#### 3. Greenspace and Environmental Health

The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will increase tree canopy coverage, and reduce impermeable surface.

### **CONDITIONAL ZONING RESTRICTIONS**

In an effort to maintain the cohesive nature of the current development at the Eastland Shopping Center, while also promoting the employment factors for the proposed development staff recommends the use of conditional zoning restrictions to prohibit the following uses:

1. Self-storage warehousing.
2. Outdoor storage

Staff finds that these restrictions will maintain agreement with the 2018 Comprehensive Plan by limiting those uses which have low employment opportunities.

Additionally, staff recommends that between the proposed structures and Industry Road fencing be limited to four (4) feet and that barbed wire or razor wire be prohibited. As the proposed rezoning is for a portion of the property, and it is proposed to work with the established B-1 zoned shopping center, these restrictions will maintain the context of the Eastland Shopping Center.

**STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASONS:**



1. A restricted Light Industrial (I-1) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
  - a. The proposed amendment will help to eliminate the vacant and underutilized employment space of the subject property by providing job opportunities to Lexington residents in general and particularly for residents who live near the subject property along the Winchester Road corridor (Theme A, Goal # 2.a; Theme E, Goal #1.c).
  - b. The proposed building design and character will be in keeping with the context of the surrounding business structures (Theme A, Goal #2.b).
  - c. The proposed rezoning will strengthen efforts to develop a variety of job opportunities that can lead to upward prosperity and impact individuals from various economic and educational backgrounds (Theme C, Goal #1.a).
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
  - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location, as the development will create an industrial development that provides connectivity for bike and pedestrian mobility through the site, and infills an area of parking to provide a wider range of employment opportunities, which are compatible within the area.
  - b. The proposed rezoning meets the criteria for Transportation and Pedestrian, as development will provide pedestrian access throughout the site and better delineate the internal vehicular circulation for this portion of the site
  - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will increase tree canopy coverage, and reduce impermeable surface.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are recommended via conditional zoning:
  - a. Prohibited Uses:
    - i. Self-storage warehousing.
    - ii. Outdoor Storage.
  - b. Fencing in the front yard along Industry Road shall be limited to four (4) feet and barbed wire or razor wire are prohibited.

These restrictions are appropriate and necessary for the following reasons:

  1. To maintain agreement with the 2018 Comprehensive Plan by limiting those uses which have low employment opportunities.
  2. To maintain the context of the Eastland Shopping Center.
4. This recommendation is made subject to approval and certification of PLN-MJDP-22-00076: Eastland Shopping Center (AMD), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.