

REVISED STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2012-13: GREER NICK RD., LLC AND GREER NICK RD. II, LLC

DESCRIPTION

Zone Change: From a Neighborhood Business (B-1) zone
To a restricted Highway Service Business (B-3) zone

Acreage: 2.589 net (3.030 gross) acres

Location: 1949 Nicholasville Road and 145 Collins Lane

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Properties	B-1	Restaurant and Offices
To North	R-1C, R-3 & B-1	Single-Family Residential, Parking, Restaurant, & Retail Sales
To East	R-1D & P-1	Single-Family Residential & Banks
To South	B-1	Retail Sales, Automobile Service Station, & Restaurants
To West	B-1	Car Wash Establishment & Bowling Alley

URBAN SERVICES REPORT

Roads – Nicholasville Road is a seven-lane urban arterial roadway at this location, with variable lanes to control traffic congestion. Nicholasville Road experiences approximately 44,000 daily vehicle trips for this section of the roadway, and serves as a major commuter corridor for Lexington-Fayette County. Collins Lane is a private access easement that is partially owned by the petitioner, and serves several other commercial properties in this area. Collins Lane intersects with Nicholasville Road, borders the subject property, then it makes a 90 degree turn to the south and extends to its terminus at an intersection with Southland Drive. This private access provides vehicular movement in a fashion similar to a frontage road. Southland Drive is a three-lane minor arterial street that intersects Nicholasville Road less than 200 feet from the subject property.

Curb/Gutter/Sidewalks – Nicholasville Road has curb, gutter and sidewalk improvements typical of an urban arterial; however, such improvements are not consistently available along the Southland Drive corridor. As a private access easement, these urban improvements do not exist along Collins Lane, and may not be practically possible due to the number of property owners in the area.

Storm Sewers – The subject property is located within the Wolf Run watershed. Currently, no storm water facilities exist on the subject property; however, the petitioner proposes construction of an underground storm water detention vault on-site. Any new facilities will need to adequately contain any storm water impacts created by the proposed redevelopment. The subject property is located within a regulatory floodplain, that is, a Special Flood Hazard Area has been designated by the 2009 FEMA D-FIRMs and covers over 90% of the property. The applicant is working to remove the subject property from the regulatory floodplain via a Letter of Map Revision (LOMR). The staff understands that the LMOR is currently under review by FEMA.

Sanitary Sewers – The subject property is located in the Wolf Run sewershed. The property is served by the Town Branch Sewage Treatment Facility, located on Old Frankfort Pike, east of New Circle Road. The existing sanitary sewer lines in the area may need to be replaced, improved or repaired to ensure adequate sanitary sewer capacity for the proposed hotel use.

Refuse – The Urban County Government serves residential properties in this area with refuse collection on Mondays; however, commercial customers often contract with private haulers for supplemental service.

Police – The subject property is located within the Division of Police’s West Sector; however, the closest police station is the East Sector Roll Call Center, located approximately 3 miles to the southeast, on Centre Parkway in Gainesway.

Fire/Ambulance – The closest fire station (#12) is located less than one mile to the northwest at the Southland Drive intersection with Cherrybark Drive.

Utilities – All utilities, including gas, electric, water, phone, and cable TV currently serve the area and could be reconfigured to serve the proposed redevelopment on the subject property.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 4) recommends Retail, Trade and Personal Services (RT) for the subject property. The applicant proposes redeveloping a majority of the property with a five-story hotel and retaining the existing restaurant along Nicholasville Road. The proposed hotel would have 105 rooms and associated off-street parking.

CASE REVIEW

The petitioner has requested a zone change from a Neighborhood Business (B-1) zone to a restricted Highway Service Business (B-3) zone for approximately 2.5 acres of property along the west side of Nicholasville Road, about 200 feet north of its intersection with Southland Drive in order to develop a five-story hotel and maintain the restaurant use along Nicholasville Road.

The subject property fronts Nicholasville Road and also utilizes Collins Lane, a private access drive, along the southern side of the subject property. The Nicholasville Road corridor is primarily residential or professional office uses north of Goodrich Avenue, a local street one block north of Southland Drive, where there is a transition to more professional office uses and commercial development. The immediate area along Southland Drive is characterized by a mixture of commercial uses, including restaurants, a gas station, offices, several banks, and variety of retail sales establishments. The Collins Eastland Bowl is also located less than 100 feet to the west of the subject property. Goodrich Avenue is the edge of a single family residential neighborhood (zoned R-1C), and has four residences that directly abut the subject property to the north.

The petitioner proposes restricted B-3 zoning for the two parcels that comprise the subject property because a hotel is not a permitted use in the existing B-1 zone. Hotels are only permitted in the B-2, B-2A, B-2B, B-3, B-5P P-2 and MU-3 zones, unless an extended-stay hotel is proposed, than several additional zoning categories are available. The petitioner proposes a five-story hotel, with 105 rooms to be constructed on the rear half of the subject property, in close proximity to the existing single-family residences located along Goodrich Avenue.

The subject property was part of the North Nicholasville Road Small Area Plan effort, which was recommended by the 2007 Comprehensive Plan; however, the Plan was not completed due to stakeholder disagreement about the vision and goals of the Plan.

The 2007 Comprehensive Plan recommends Retail, Trade and Personal Services (RT) land use for the subject property. The existing B-1 zoning is in agreement with the existing land use recommendation. The applicant is proposing a B-3 zone, which is typically considered to be in agreement with the Highway Commercial/Interstate Commercial (HC) land use category, as defined by the 2007 Comprehensive Plan. In general, restricted B-3 zoning has been found by the Planning Commission and the Urban County Council in the past to be consistent by the RT land use category if the zone is appropriately restricted via conditional zoning restrictions. In this way, hotels have been approved by limiting the commercial use of the property to neighborhood-oriented businesses, offices and hotels in appropriate situations.

The Nicholasville Road corridor does have a limited number of B-3 zoned parcels, all of which have either been zoned for 40 or more year (without conditional zoning restrictions), or are current or recent hotels sites. The existing proposed location for a hotel is within close proximity to Central Baptist Hospital and the University of Kentucky, and is located along the busiest corridor in Lexington, were it can serve neighboring businesses, as well as nearby neighborhoods.

On the other hand, the proposed siting of the hotel in close proximity to low density residential uses is of concern to the staff. In other locations where hotels have been developed, the structures have not been located so near an existing single-family residential neighborhood. The B-3 zone establishes a 3:1 height-to-yard ratio adjacent to residential zones and a maximum of 75 feet in height. This maximum height exceeds the current B-1 zone requirements by at least 40 feet, since a B-1 zone does permit a height of 35 feet when dwelling units are proposed, otherwise structures are limited to 25 feet in height. A 5-story building in such close proximity to single-family residences cannot be mitigated entirely with a vegetative buffer as suggested by the applicant's revised corollary development plan; additional separation is necessary to lessen the impact of the land use. This is why B-3 zoning is not well situated adjacent to low density residential land uses.

In looking at a collection of zone changes over the past decade approved for hotel sites, and in areas recommended for RT future land use, they are usually over 300 feet from the nearest single-family residence, and on average over

800 feet distant. One hotel was located in a new development as close as 150 feet from single-family residences; however, in that case the hotel preceded the residential development, and therefore the residents were aware when they purchased their homes of the proximity to a new hotel directly across a public right-of-way. The proposed use is located only 23 feet from the side property line shared with the rear property boundary of residences along Goodrich Avenue. The closest single-family residence would be less than 100 feet from the proposed 5-story hotel. The height of the proposed hotel use would result in a structure height well in excess of the maximum 35 feet height of the R-1C and B-1 (when dwelling units are proposed) zones, which is not nearly as compatible with the adjoining established single-family neighborhood.

Additionally, the applicant has provided insufficient legal justification for the proposed zone change. KRS 100 and Article 6-5 of the Zoning Ordinance require that evidence be provided so that that Planning Commission, and ultimately the Urban County Council, can make a finding of fact that the map amendment is in agreement with the adopted Comprehensive Plan; or, in the absence of such a finding, that: (1) the existing zoning classification is inappropriate and the proposed zoning classification is appropriate; or (2) there have been major changes of an economic, physical or social nature within the area involved, which were not anticipated in the Comprehensive Plan adopted by the Commission and which have substantially altered the basic character of such area. The staff believes that the existing zoning is appropriate at this location, given that the applicant is proposing to prohibit all other uses except those permitted in the B-1 zone and hotels, and the Southland Drive and Nicholasville Road corridors are commercial in nature with the same or similar zoning throughout. In addition, there have been no major physical, social or economic changes in the immediate area that were not anticipated by the 2007 Comprehensive Plan.

The Staff Recommends: Disapproval, for the following reasons:

1. The proposed zone change and the corollary development plan do not propose the appropriate buffering needed between a Highway Commercial land use and existing Low Density Residential land uses. The proposed hotel is located far closer to the nearest residences along Goodrich Avenue, when compared to other hotels developed over the past decade, which on average are located 800 feet from the nearest single-family residence.
2. The applicant has provided insufficient legal justification to meet the requirements of KRS 100.213 and Article 6-5 of the Zoning Ordinance. Specifically, these regulations require that evidence be provided so that that Planning Commission, and ultimately the Urban County Council, can make a finding of fact that the map amendment is in agreement with the adopted Comprehensive Plan; or, in the absence of such a finding, that: (1) the existing zoning classification is inappropriate and the proposed zoning classification is appropriate; or (2) there have been major changes of an economic, physical or social nature within the area involved, which were not anticipated in the Comprehensive Plan adopted by the Commission and which have substantially altered the basic character of such area.