

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2015-4: JAKE RIORDAN & MARK A. JETER

DESCRIPTION

Zone Change:	<u>REQUEST</u>		<u>ACREAGE</u>	
	<u>FROM</u>	<u>TO</u>	<u>NET</u>	<u>GROSS</u>
	R-2	B-3	0.55	0.62
	B-4	B-3	0.47	0.69
	TOTAL		1.02	1.31

Location: 836 & 840 Winchester Road; 912, 916, 920 & 922 Detroit Avenue; and a portion of 915, 917, 919 & 921 Dayton Avenue

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Properties	R-2 & B-4	Residential & Vacant Commercial Structures
To North	B-3 & I-1	Commercial
To East	B-1	Automobile Service Station
To South	R-2	Single-Family Residential
To West	R-2 & B-4	Residential & Shop of Special Trade & Community Inn

URBAN SERVICES REPORT

Roads – Winchester Road (US 60) is a five-lane urban major arterial at this location and bounds the subject property to the north. It has an average daily traffic volume of 31,000 vehicles. Winchester Road is one of several primary access routes into downtown Lexington. Detroit and Dayton Avenues run parallel to each other, both intersecting Winchester Road at nearly a 45 degree angle. The layout of these local streets has created several oddly shaped lots along the Winchester Road corridor. The nearest traffic signal is located at the intersection of E. Seventh Street and Winchester Road, which is at an off-set with the Liberty Road/Winchester Road intersection a short distance to the east of the subject property. Ingress and egress is proposed for the site along Winchester Road and Detroit Avenue.

Curb/Gutter/Sidewalks – Winchester Road, Detroit Avenue and Dayton Avenue all have curb, gutter, and sidewalks in the vicinity of the subject properties.

Storm Sewers – The site is located within the Town Branch watershed. Storm sewers are existing within the public right-of-way, and there are no known problems in this immediate area. The property is slightly more than one acre in size; thus, stormwater facilities will be necessary, subject to the approval of the Division of Engineering. At this point, the applicant has not indicated how the requirements of the Stormwater Manual will be met, as no on-site facilities have been depicted on the associated development plan.

Sanitary Sewers – The subject property is located within the Town Branch sewershed and is served by the Wastewater Treatment Facility on Old Frankfort Pike. The existing sanitary sewers in this area should be adequate to serve the proposed redevelopment, and the Capacity Assurance Program (CAP) shows a positive balance in the applicable sewer bank for this area. Additionally, there are no known problems in this immediate area.

Refuse – The Urban County Government serves properties in this area with collection on Tuesdays. Dumpster collection will be necessary to accommodate a more intense business use, such as a restaurant, at this location.

Police – The nearest police station is the Central Sector Roll Call Center, located on Goodwin Drive off of Winchester Road, less than a mile to the east of the subject properties.

Fire/Ambulance – The nearest fire station (#1) is located near the corner of North Martin Luther King Boulevard and E. Third Street, about one mile to the northwest of this site. The proposed relocation of Fire Station #2 at Eastland Drive and Murray Drive will also be in close proximity, once completed.

Utilities – All utilities, including natural gas, water, electric, streetlights, telephone, and cable television are available or currently serve this property.

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.

In addition to the Comprehensive Plan mission statement, the Goals and Objectives of the Plan also encourage growing successful neighborhoods (Theme A), protecting the environment (Theme B) and creating jobs and prosperity (Theme C).

The petitioner proposes a B-3 zone in order to develop a restaurant with an accessory drive-through facility and off-street parking.

CASE REVIEW

The petitioner has requested a zone change from a Two Family Residential (R-2) zone and a Wholesale and Warehouse Business (B-4) zone to a Highway Service Business (B-3) zone for approximately one acre, located at the intersection of Winchester Road and Detroit Avenue.

The site is comprised of six lots, two of which have frontage along Winchester Road, and four that front on Detroit Avenue. This request also includes 18 feet of the rear of four more parcels along Dayton Avenue. The subject site is generally bounded to the north, west and east by a range of commercial land uses and zoning (B-1, B-3, B-4 and I-1). Some business uses in the area are service-oriented (such as restaurants, gas stations, beauty salons, and automobile repair shops), while others are more industrial in nature (Big Ass Fans, J.M. Smucker/Jif Plant, Milner Electric, and shops of special trade). A few community-oriented uses also exist within the immediate area, such as the Community Inn and Bridge Church. The Liberty Heights subdivision, a mostly single-family residential neighborhood, is located to the south of the subject site.

Currently, the two buildings that face Winchester Road are vacant, as are several of the residential structures included with the proposed zone change. The applicant proposes to demolish the two business and four residential structures in order to build a restaurant with an accessory drive-through and off-street parking. The restaurant is proposed to be approximately 3,700 square feet in size, with 70 seats.

The 2013 Comprehensive Plan no longer makes a specific land use recommendation for individual parcels, but rather, seeks to provide flexible planning guidance through the goals and objectives, small area plans, and general recommendations, which are utilized to assess whether a requested rezoning is in agreement or consistent with the Comprehensive Plan. The subject property is located near the eastern edge of the regulatory Infill and Redevelopment Area, which does affect the requirements for the corollary development plan.

The applicant contends that the proposed Highway Service Business (B-3) zone is compatible with the adjacent land use and zoning, as the zone is generally intended to be located along the community's primary arterial roadways, and Winchester Road is considered an "urban principal arterial" by the Kentucky Transportation Cabinet. In addition, property directly across Winchester Road from the site is zoned B-3, as is much of the corridor from E. Seventh Street to E. New Circle Road. The applicant also believes that the B-3 zone is appropriate, while the B-4 and R-2 zones are inappropriate for several reasons, including: oddly-shaped lots due to the skewed orientation of Detroit and Dayton Avenues are difficult to develop; by including the R-2 zoned lots, the proposed development would be consistent with the depth of commercial development (Speedway gas station) along the opposite side of Detroit Avenue; there is resident support for additional businesses that serve the adjoining neighborhood, such as restaurants, retail and professional offices; and warehousing and wholesale business uses are not appropriate near the residential neighborhood. Lastly, the applicant also opines that the proposed zone change is supported by three of the Goals and Objectives of the 2013 Comprehensive Plan: (1) identify areas of opportunity for infill, redevelopment and adaptive reuse that respect the area's context and design features whenever possible (Theme A, Goal 2a.); (2) provide incentives for green building, sustainable development, and transit-oriented development with civic agencies leading by example through the use of green building standards (Theme B, Goal 2c.); and (3) strengthen efforts to develop a variety of job opportunities that lead to prosperity for all (Theme C, Goal 1a.).

The intent of the B-3 zone states that the zone is intended to "provide for retail and other uses, which are necessary to the economic vitality of the community, but may be inappropriate in other zones" and further states that "special consideration should be given to the relationship of the uses in the zone to the surrounding land uses and to the adequacy of the street system to serve the traffic needs." These statements direct the Planning Commission and the staff to ensure that a B-3 zone is appropriate and adequately respects the adjoining land use (which in this case is a well-established single-family residential neighborhood near downtown), not just evaluate if

the property is bordered by other B-3 sites. In terms of the roadway system, the property is located along a primary route into downtown Lexington (Winchester Road), which would generally be adequate to accommodate anticipated vehicular traffic of the proposed restaurant use.

The staff does not believe the applicant's proposal furthers the recommendations of the Comprehensive Plan for *Theme B: Protecting the Environment*, as the applicant proposes to demolish six existing structures, and to create an auto-oriented land use that is not considered "sustainable" or "transit-oriented development." Additionally, they have indicated no intention to utilize green building practices on the site. Lastly, the proposed development does not respect the nearby residential area's context and design features as recommended by Goal 2 of *Theme A: Growing Successful Neighborhoods*. The proposed development plan depicts significantly more parking than necessary for the proposed land use. The staff believes that the applicant's proposal should be improved in order to meet the 2013 Comprehensive Plan, and that conditional zoning for use restrictions and possibly for a landscape buffer should be considered for the site.

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

1. The applicant's proposed redevelopment is not sensitive and respectful to the adjacent residential neighborhood as a proposed infill and redevelopment site, as recommended by the 2013 Comprehensive Plan and cited by the applicant (Theme A, Goal 2a.).
2. The applicant has not proposed any conditional zoning restrictions to reduce the intensity of the proposed B-3 zone adjacent to an established single-family residential neighborhood.

TLW/BJR/WLS

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