

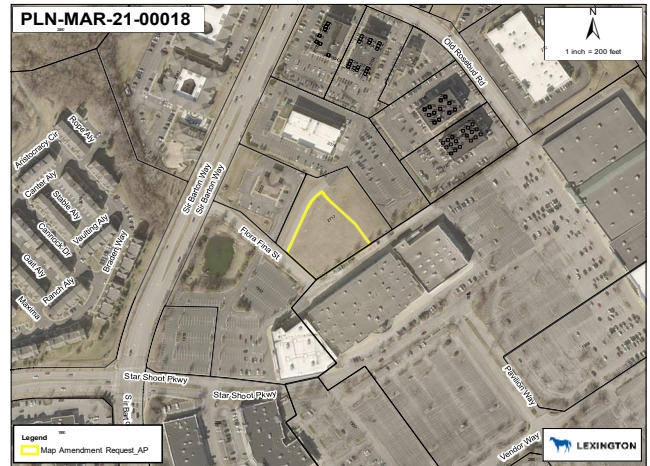
STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-21-00018: FLORA INVESTMENTS, LLC (AMD)

DESCRIPTION OF ZONE CHANGE

Zone Change:	From a Professional Office (P-1) zone To a Commercial Center (B-6P) zone
Acreage:	1.035 net (1.035 gross) acres
Location:	2717 Flora Fina Street (a portion of)

EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	P-1	Vacant
To North	P-1	Medical Office
To East	B-6P	Movie Theater
To South	B-6P	Parking Lot
To West	P-1	Bank



URBAN SERVICE REPORT

Roads - The subject property fronts upon Flora Fina Street, which is a private roadway that extends from Sir Barton Way to an access drive southeast of the subject property. Sir Barton Way is a four-lane divided, major collector street that connects Man O War Boulevard to Winchester Road (US 60). An access easement also extends from Flora Fina Street along the eastern portion of the property, which provides access to the professional office development located to the north.

Curb/Gutter/Sidewalks - While much of the area has been developed with curb, gutter and sidewalk facilities, the frontage of the property lacks sidewalk facilities. These facilities will be required to be constructed with the development of the subject property.

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

Storm Sewers - The subject property is located in the North Elkhorn Creekwatershed. Stormwater facilities have been constructed throughout the area, including a large stormwater detention basin located to the southwest of the subject property. There are no FEMA Special Flood Hazard Areas or environmentally sensitive areas on the subject property.

Sanitary Sewers - The subject property is located in the North Elkhorn sewershed and is served by the West Hickman Wastewater Treatment facility in northern Jessamine County. A sanitary sewer force main serves the Hamburg area. The sanitary sewer system will be extended by the developer as part of the development of this property.

Refuse - The Urban County Government serves this portion of the Urban Service Area with refuse collection to individual properties on Tuesdays. Commercial businesses often hire private refuse collection services to replace or supplement Urban County Government collection.

Police - The nearest police station is located near Eastland Shopping Center at the Central Sector Roll Call Center, approximately 2½ miles northwest of the subject property, just off Winchester Road.

Fire/Ambulance - The nearest fire station (#21) is located about 2¼ miles southwest of the subject property on Mapleleaf Drive, just south of Man O War Boulevard. A new fire station (relocated #17) is planned along Polo Club Boulevard between Winchester Road and Man O War Boulevard. That location is less than one mile north east of the subject property.

Transit - LexTran service is available within the area of the subject property. The Hamburg Pavilion Route (#10) has inbound and outbound service less than one-quarter (¼) of a mile from the subject property along Sir Barton Way. The inbound stop is sheltered at this location.

Parks - Liberty Park is located approximately one-half (½) of a mile walking distance west of the subject property along Flying Ebony Drive, Star Shoot Parkway and Liberty Road.

SUMMARY OF REQUEST

The applicant is seeking to rezone a portion of the subject property from a Professional Office (P-1) zone to the Commercial Center (B-6P) zone in an effort to construct a two-story commercial development. In addition, the applicant is seeking a conditional use permit in order to establish a parking lot on the remaining portions of the property not being rezoned with this request.

PLACE-TYPE

REGIONAL
CENTER

A regional center is a vibrant hub of commerce, employment, diverse housing opportunities, & entertainment. They include larger buildings with active ground levels, intentional open spaces and plazas, & walkable transportation networks, all to provide the user/resident with a unique experience. A mix of uses is required to cultivate a sustainable center that is adaptable to future conditions and should include higher density residential options. It is often located at major intersections & along primary corridors.

DEVELOPMENT TYPE

MEDIUM DENSITY NON-RESIDENTIAL /
MIXED-USE

Primary Land Use, Building Form, & Design

Primarily community-serving commercial uses, services, places of employment, and/or a mix of uses within midrise structures with a higher Floor Area Ratio. Mixed-use structures typically include more multi-family residential units and places of employment, and retail and commercial options generally draw from a larger geographic area. An activated and pedestrian-scale ground level should be provided. These developments may include more employment space for professional office and can include some larger entertainment spaces.

Transit Infrastructure & Connectivity

Though they draw more external users, they should still include multi-modal connections allowing for easy neighborhood access. Mass transit infrastructure is to be provided on par with that of other modes, and the higher-density housing types should be located in close proximity.

Parking

The buildings should be oriented to the street, and developments should avoid over-parking, with provided parking located internally.

PROPOSED ZONING

B-6P

The intent of the Commercial Center (B-6P) zone is to create centers of activity that promote commerce and retail along major corridors within the community, while supporting existing residential neighborhoods and incorporating new residential opportunities in accordance with the Comprehensive Plan.

The standards contained in this provision are intended to:

- a. Improve the economic base and tax structure of the Lexington metropolitan area by:
 1. Creating a variety of employment, retail, and commerce opportunities, and improving access to these opportunities;
 2. Increasing the supply and mixture of housing types available throughout Lexington, thereby improving overall housing affordability;
 3. Protecting and enhancing the investments of existing B-6P developments by providing redevelopment opportunities that unlock additional potential to better utilize existing zoned land.
- b. Create a sense of place, with experiences and community minded development rather than the over-parked, underutilized suburban model shopping centers of times past by:
 1. Creating strongly defined street edges through orienting buildings to roadways, both internal and external;
 2. Ensuring that intensive operations, such as loading areas, do not adversely impact or effectively



- 3. Reducing the impact of parking on land use consumption and walkability by:
 - i. Encouraging shared parking across complementary professional office and retail uses;
 - ii. Reducing overall parking.
- c. Ensure safe multi-modal transportation options through:
 - 1. Providing walkable developments that function well internally;
 - 2. Creating a well-connected external pedestrian network to adjacent neighborhoods and developments;
 - 3. Providing accessible mass transit facilities that easily connect people to internal destinations;
 - 4. Increasing residential density along major corridors, improving mass transit efficiency;
 - 5. Connecting roadways to provide efficient and direct access for motorists and emergency services.

PROPOSED USE



The petitioner proposes the rezoning of a portion of the subject property to the Commercial Center (B-6P) zone to allow for the construction of a two-story 22,550 square-foot commercial structure containing first floor restaurant space and second floor office space. The use will be accompanied by 57 on-site parking spaces, and the applicant is seeking a conditional use permit to establish a 59 space parking lot in the Professional Office (P-1) zoned areas around the perimeter of the property.

APPLICANT & COMMUNITY ENGAGEMENT



The applicant held a public meeting for comment on the original iteration of the application on November 9, 2021; however, the applicant has not indicated that any further outreach has occurred since the plan was substantially amended and re-filed. The applicant should conduct further outreach to update the surrounding stakeholders on the changes to the content and scope of the request.

PROPERTY & ZONING HISTORY



The subject property was initially zoned Agricultural District (A-1) until 1969 when it was reclassified to the Agricultural Urban (A-U) zone during the comprehensive rezoning of the city and county. The property was part of a large farm and operated as such until 1997 when the property was rezoned to the Professional Office (P-1) zone and incorporated as part of a professional office park. While a majority of the area has experienced development, the subject property has remained vacant since the 1997 rezoning.

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 they are in agreement with the adopted Goals, Objectives, and Policies of the 2018 Comprehensive Plan. The applicant indicates that the proposed project will grow successful neighborhoods (Theme A) by identifying and utilizing areas of infill (Theme A, Goal #2.a) and creating a development that is compatible with the existing urban form in the area (Theme A, Goal #2.b). The applicant does not provide information as to how this development is compatible with the existing urban form.



The applicant also indicates that the proposed development will create jobs and provide job opportunities within a short walking distance to the nearby apartment communities and within the Hamburg Place transit route. The applicant states that service-related job opportunities are often targeted at those with less education, which can allow upward mobility for lower income residents (Theme C, Goal #1; Theme C, Diversity Policy 2). The applicant stresses that the proposed restaurant and small shopping area will also provide entertainment and other quality of life opportunities that attract young, and culturally diverse professionals, and a work force of all ages and talents to Lexington. The applicant indicates that the development would be a locally connected spot for the nearby residential community and the abundant Lexington college student population.

Finally, the applicant indicates that the proposed project will work to achieve an effective and comprehensive transportation system (Theme D, Goal #1.c). They state that the existing Lextran Hamburg Place Route #10 runs northbound along Sir Barton Way and a bus shelter is located along the frontage of the nearby property at 2352 Sir Barton Way property. They indicate that the stop is within a few hundred feet of the subject property and is connected via frontage sidewalks on Flora Fina Street.

While staff agrees that some of these Goals, Objectives, and Policies can be met with future development of the site, there are other aspects of the Comprehensive Plan which have not been adequately addressed within the applicant's justification. The Comprehensive Plan calls for the integration of adequate greenspace and open space into all development projects, which serve the needs of the intended population (Theme A, Goal #2.b) ; however, the site does not appear to meet the open space requirements of the B-6P or P-1 zones. Additionally, the applicant is seeking to incorporate the property into the Hamburg Mall B-6P development; however, the site's geographical separation and lack of meaningful connections to the larger mall development make the proposed development incompatible with current urban form (Theme A, Goal #2.b), and the lack of direct pedestrian or multi-modal connections limit the ability to create an effective and comprehensive transportation system in this area (Theme D, Goal #1.c).

PLACE-TYPE, DEVELOPMENT TYPE, AND ZONE

In an effort to allow for the greatest contextual development of Lexington's Urban Service Area, applicants are asked to identify a Place-Type based on the location of the subject property. 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 applicant indicates that the project is located within the Regional Center Place-Type and is a Medium Density Non-Residential / Mixed-Use Development Type. The Regional Center Place-Type is focused on providing a vibrant hub of commerce, employment, diverse housing opportunities, and entertainment. These developments are typically located within or along the edges of neighborhoods and are situated to promote walkability. The proposed development is located at the edge of a large commercial center, the Hamburg Place Mall. To incorporate the site into the established commercial center, the applicant will need to show connections and continuity between the overall Regional Center. Pedestrian connections to the existing development may be difficult to establish at this location, as the property adjoins the rear maintenance and loading areas of the existing B-6P uses, with public access located on the opposite side of the structures. Currently, the applicant is not depicting nor describing the potential integration of the subject property into the established commercial area, and is only demonstrating how the proposed development would integrate with the established professional office park located to the north. As proposed, the applicant has not adequately described how they are located within a Regional Center Place-Type, nor are they depicting a development which would meet the characteristics of the Place-Type.

Additionally, the applicant is seeking to apply the Medium Density Non-Residential / Mixed-Use Development Type. This Development Type is recommended within the Regional Center Place-Type and is meant to be comprised of community-serving commercial uses, services, places of employment, and/or a mix of uses within mid-rise structures with a higher Floor Area Ratio. Mixed-use structures typically include more multi-family residential units and places of employment, and retail and commercial options



generally draw from a larger geographic area. An activated and pedestrian-scale ground level should be provided. Finally, these developments may include more employment space for professional office and can include some larger entertainment spaces. The applicant's amended request brings the request closer in line to the Medium Density Non-Residential/ Mixed-Use Development Type by increasing the proposal from one to two stories. However, the structure does not fulfill other aspects of the Development Type that relate to building location and encouraging pedestrian orientation. There is little activation along the Flora Fina Street frontage and the access easement, and pedestrian facilities to access the proposed development and the neighboring commercial development are not adequate to support connectivity.

Finally, the applicant has requested the rezoning of the property to the Commercial Center (B-6P) zone. The intent of this zone is to foster centers of activity that promote commerce and retail along major corridors within the community, while supporting existing residential neighborhoods and incorporating new residential opportunities. The original iteration of the applicant's proposed plan did not meet the required Floor Area Ratio (FAR) of 0.5 in order to incorporate into the existing Hamburg Mall B-6P development. The applicant has since amended the plan to meet the FAR requirements by increasing the size of the building to two stories, as well as dividing the parcel. While the applicant has addressed the FAR issue of the initial application, the request fails to meet key aspects of the intent of the B-6P zone as it lacks intentional open spaces, a walkable transportation network, and meaningful integration into the larger commercial area.

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 Regional Center Place-Type and Medium Density Non-Residential / Mixed-Use Development Type.

While the applicant has addressed some of the Development Criteria, there are areas of concern as to how the applicant has applied or not applied the development criteria. The following criteria should be further described by the applicant to demonstrate how they are in agreement with the Comprehensive Plan:

1. Site Design, Building Form and Location

A-DS5-3 Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere; A-DS7-1 Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments

The applicant's proposal includes bays of parking on all sides of the structure, with no activation of the front of the property along Flora Fina Street. The applicant should review opportunities to shift the proposed parking to the rear, and reorient the structure to closer to Flora Fina Street and provide a better pedestrian experience.

B-SU11-1 Green infrastructure should be implemented in new development, where possible. (E-GR3)

As the property is primarily open greenspace at this time, the applicant should explore opportunities to retain this existing element for green infrastructure.

C-PS10-3 Over-parking of new developments should be avoided (B-SU5); C-PS10-2 Developments should explore options for shared and flexible parking arrangements for currently underutilized parking lots.

The applicant is currently proposing to construct a total of 116 parking spaces to serve the proposed uses. The Hamburg Mall is already significantly overparked, and the subject property is adjacent to several underutilized parking lots to the north and south. The applicant should explore opportunities to reduce the amount of parking proposed on-site and coordinate shared parking agreements with the adjoining lots.



2. Transportation and Pedestrian

D-CO2-2 Development should create and/or expand a safe, connected multi-modal transportation network that satisfies all users' needs, including those with disabilities; A-DS10-2 Roadways should provide a vertical edge, such as trees or buildings.

While the site provides for direct vehicular access between the surrounding uses, staff would like the applicant to describe in greater detail how the proposed changes provide a safer and more diverse transportation network for all users, and provide greater detail on how the proposed site will incorporate a multi-modal plan. In addition, the applicant should consider shifting the building closer to Flora Fina Street to create a vertical edge.

3. Greenspace and Environmental Health

E-GR3-2: New Focal Points should emphasize geographic features unique to the site.

The proposal does not appear to currently meet the open space requirements of Articles 20 of the Zoning Ordinance. In redesigning the site's open space, the applicant should explore utilizing the required open space to create a focal point of usable open space for the site.

STAFF RECOMMENDS: POSTPONEMENT, FOR THE FOLLOWING REASONS:



1. The applicant should describe in greater detail how they meet the Goals, Objectives and Policies specifically those relating to site design, open space, and multi-modal connectivity.
2. The zone change application for the subject property, as proposed, does not completely address the development criteria for a zone change within the Regional Center Place-Type, and the Medium Density Non-Residential / Mixed-Use Development Type. The following criteria require further discussion by the applicant:
 - a. A-DS5-3: Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
 - b. A-DS7-1: Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments
 - c. A-DS10-2 Roadways should provide a vertical edge, such as trees or buildings.
 - d. B-SU11-1: Green infrastructure should be implemented in new development. (E-GR3)
 - e. C-PS10-3: Over-parking of new developments should be avoided. (B-SU5)
 - f. C-PS10-2: Developments should explore options for shared and flexible parking arrangements for currently underutilized parking lots.
 - g. D-CO2-2: Development should create and/or expand a safe, connected multi-modal transportation network that satisfies all users' needs, including those with disabilities.
 - h. E-GR3-2: New focal points should emphasize geographic features unique to the site.
3. The applicant should demonstrate compliance with the open space and landscaping requirements of Article 20 of the Zoning Ordinance.

STAFF REPORT ON CONDITIONAL USE PERMIT REQUEST



In association with the zone change request for the property, the applicant is seeking a conditional use permit within the Professional Office (P-1) zone to operate a parking lot. With any zone change, the Planning Commission shall have the power to hear and decide applications for conditional use permits. These permits are to allow the proper integration into the planning area of uses which are specifically named in this Zoning Ordinance, which may be suitable only in specific locations in the zone only if certain conditions are met and which would not have an adverse influence on existing or future development of the subject property or its surrounding neighborhood.

ZONING ORDINANCE

Article 6-4(c) states that the Planning Commission may hear and act upon requested conditional uses and variances associated with a zone change. If the Planning Commission should choose to hear a conditional use or variance request, the Planning Commission shall have all of the powers and responsibilities of the Board of Adjustment, as defined in Sections 7-6(a) and 7-6(b) of the Zoning Ordinance. All conditional use and variance applications shall be acted upon by the Planning Commission within ninety (90) days from the date of the application, unless postponed further by the applicant.

Article 8-15(d)(2) states that parking lots are a conditional use in the Professional Office (P-1) zone.

CASE REVIEW

The applicant is proposing to utilize the 1.073 acre remainder of the subject property that is not being rezoned under this request for use as a parking lot. While parking areas are typically permitted as an accessory use in the P-1 zone, parking areas without another principal use on the parcel require a conditional use permit.

The proposed P-1 parking lot consists of 59 spaces and provides connections to Flora Fina Street and the adjoining Professional Office park to the north. While the parking lot would primarily serve the proposed B-6P zoned restaurant and office space, the applicant is also seeking to allow for cross parking and access with the neighboring office use.

The applicant opines that the parking lot is in keeping with the context of the Hamburg Mall area, and that it will not negatively impact the surrounding area; however, staff has several concerns with the applicant's proposal. First, staff has concerns that the parking lot configuration may result in circulation issues with the neighboring parcel. The proposed parking area is oriented in a different direction than the parking areas on the adjoining site, which may result in vehicular and pedestrian conflicts in the areas where they meet, particularly in the northwest corner of the site.

Additionally, the site does not appear to meet the open space requirements for Article 20 of the Zoning Ordinance. The request provides for areas of both interior and exterior landscaping; however, it does not demonstrate 10% required usable open space and 10% vegetated area requirements. The applicant should demonstrate on the corresponding development plan that all open and vegetated space requirements are being met on both proposed parcels. Accommodating these areas may necessitate a redesign of the proposed parking lot layout.

Finally, staff has concerns regarding the size and scope of impervious areas on-site. The development plan submitted by the applicant shows a total of 116 total parking spaces between the B-6P and P-1 zoned areas provided to accommodate two uses. While there are no longer any minimum parking requirements in the P-1 zone, the site data table on the submitted development plan denotes that the applicant is providing 17 more spaces than were required previously. Hamburg Mall as a whole is already significantly over parked, and surrounding properties appear to also contain more parking than necessary. These large paved surfaces cause increased temperatures and humidity in urban areas, commonly referred to as the urban heat island effect. The applicant should provide greater information on the projected parking demand for the proposed uses, and explore options for reducing the amount of on-site parking in order to provide for greater greenspace and mitigate impacts of the heat island effect.

STAFF RECOMMENDS: POSTPONEMENT, FOR THE FOLLOWING REASONS:



1. The conditional use application should address issues relating to site circulation and safety.
2. The proposed design should demonstrate compliance with the required open space and landscaping requirements.
3. The applicant should provide further justification for the size and scope of the proposed parking areas, and explore options to reduce the number of spaces to decrease the overall amount of impervious surface on-site.
4. Any reconfiguration of the site to address Placebuilder criteria for the rezoning request will substantially change the proposed layout and functionality of the proposed parking lot use.

DAC/TLW
6/1/2023

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