

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MARV 2015-26: JEFFREY STUART MORGAN

DESCRIPTION

Zone Change: From a High Density Apartment (R-4) zone
To a Neighborhood Business (B-1) zone

Acreage: 0.355 net (0.542 gross) acre

Location: 500-506 Maryland Avenue (a portion of)

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	R-4	Parking lot
To North	R-4	Vacant (formerly athletic club)
To East	R-1E	Single-Family Residential
To South	B-4	Restaurant/Banquet Facility/Catering
To West	B-1	Professional Offices

URBAN SERVICES REPORT

Roads – Jefferson Street borders the subject property to the southeast, and Maryland Avenue borders the site to the northeast. Jefferson Street is a two-lane collector street, with on-street parking available. Maryland Avenue is a local street that connects Jefferson Street to Newtown Pike to the northwest of the site, also with on-street parking. Ingress and egress points for the property are planned along both Jefferson Street and Maryland Avenue, which allows for internal vehicular circulation on the property.

Curb/Gutter/Sidewalks – Both Jefferson Street and Maryland Avenue have adequate curbs, gutters, and sidewalks.

Storm Sewers – This site is located in the Town Branch watershed. The Town Branch emerges (flowing north) from underground about 1/3 of a mile to the west of the subject property, although no known flooding problems exist within the immediate vicinity. According to approved plans, a small basin exists on the corner of the property. The subject property is part of a larger lot proposed for redevelopment; therefore, stormwater detention/retention may be required for this development by the LFUCG Division of Engineering Stormwater Manuals.

Sanitary Sewers – The subject property is located within the Town Branch sewershed, and is served by the Town Branch Wastewater Treatment Facility located on Lisle Industrial Avenue. The Capacity Assurance Program tracking systems indicates that site is split between two sub-basins of the sewershed, but both portions of the site currently have available sanitary sewer capacity.

Refuse – The LFUCG currently serves this portion of the Urban Service Area with collection days on Thursdays. The petitioner may consider supplemental service from a private refuse hauler to meet the actual needs of the commercial and residential uses proposed on the subject site.

Police – The nearest police station is the Main Headquarters located on East Main Street, about 2/3 of a mile to the southwest of the subject property.

Fire/Ambulance – The nearest fire station (#4) is located within the same block of Jefferson Street as the subject property, between West Second and West Third Streets.

Utilities – All utilities, including phone, water, gas, electric, and cable television are available to serve the subject 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.

The 2013 Comprehensive Plan's Goals and Objectives recommend identifying opportunities for infill, redevelopment and adaptive reuse that are respectful of an area's context and design features (Theme A, Goal #2a.); providing for well-designed neighborhoods and communities (Theme A, Goal #3); providing entertainment and other quality of life opportunities that will attract young professionals and a workforce of all ages and talents to Lexington (Theme C, Goal #2d.); and encouraging mixed-use sustainable development with the Urban Service Area (Theme E, Goal #1b.). The subject property is located within the *Downtown Master Plan* boundary, a 2005 planning effort of the Lexington Downtown Development Authority (DDA).

The petitioner proposes to rezone the property to the B-1 zone in order to construct one or more restaurants at the corner, with parking to the rear of the lot. The corollary development plan also depicts an associated 16-unit townhouse development in an R-4 zone, which will share access to Jefferson Street. The petitioner is also requesting dimensional variances to reduce the off-street parking requirement by 50% and to reduce the rear yard for the townhouses.

CASE REVIEW

The petitioner has requested a zone change from a High Density Apartment (R-4) zone to a Neighborhood Business (B-1) zone for less than ½ of an acre of property, which is a portion of 500-506 Maryland Avenue.

The subject property is located at the western corner of the Jefferson Street and Maryland Avenue intersection. A small portion of the site along the western property boundary is already within a B-1 zone. The majority of the immediate area is zoned either Neighborhood Business (B-1) or multi-family residential (R-4 & R-5), although a small pocket of Wholesale and Warehouse Business (B-4) zoning does exist directly across Jefferson Street from the site. Harrison Elementary School is located about a block to the south on Bruce Street; and the West Jefferson Place building, which is located to the west, is primarily occupied by professional offices. The Jefferson Street corridor has experienced resurgence over the past few years, as several new businesses and restaurants have opened and have attracted new customers to the area, including The Apiary (banquet facility, offering catering and restaurant); The Blue Heron; Nick Ryan's Salon; Country Club and others. The area is characterized by a mix of residential, institutional, and business uses.

The subject property is located in close proximity to two local historic districts – Western Suburb Historic District is generally to the west; and the Northside Historic District is located to the southeast, across Jefferson Street. Although not within the bounds of these local historic districts, the subject property is located within the National Register listed Northside Historic Residential District and should therefore be considered as a possible contributing property to the overall district.

The petitioner wishes to construct a restaurant or two with associated off-street parking on the subject property. The structure is proposed to be two stories, with approximately 5,700 square feet of floor area. The corollary development plan also includes a 16-unit townhome development to the rear of the planned business, extending along Maryland Avenue. The petitioner is also requesting variances to reduce the off-street parking requirement by 50% for the proposed business use and to reduce the required rear yard setback for the townhouses.

The petitioner contends that the proposed Neighborhood Business (B-1) zoning is in agreement with the 2013 Comprehensive Plan, citing several Goals and Objectives that would be furthered if the property is re-zoned and redeveloped. Several of the Goals and Objectives emphasize the revitalization of downtown, supporting local business, establishing entertainment options that appeal to young professionals, and maintaining the integrity of the existing neighborhoods. Specifically, the zone change is supported by:

- Theme A, Goal #2a. – Identify areas of opportunity for infill, redevelopment and adaptive reuse that respect the area's context and design features;
- Theme A, Goal #3 – Provide well-designed neighborhoods and communities;
- Theme C, Goal #2d. – Provide entertainment and other quality of life opportunities that attract young professionals and a workforce of all ages and talents to Lexington; and
- Theme E, Goal #1b. – Encourage compact, contiguous and/or mixed-use sustainable development with the Urban Service Area, as guided by market demand, to accommodate future growth needs.

Each of these four goals and objectives is being furthered by the petitioner's request to re-zone and create a mixed-use redevelopment, with business uses along Jefferson Street. The proposed development pattern of business along the Jefferson Street corridor, with residential along the side streets, is compatible with and similar in character to the immediate area. The staff agrees that the requested zone change is in agreement with the 2013 Comprehensive Plan.

Since parking is in limited supply within this pedestrian-oriented corridor, the staff recommends limiting the use of the property through conditional zoning restrictions. Those auto-oriented and high parking generator commercial uses should be limited, such as drive-through facilities, automobile service stations, medical and dental offices, and financial institutions (banks, etc.). In addition, because of the proximity to residential development, some uses that may cause excessive noise should be prohibited.

The Staff Recommends: **Approval**, for the following reason:

1. The requested Neighborhood Business (B-1) zone for the subject property is in agreement with the 2013 Comprehensive Plan for the following reasons:
 - a. The Goals and Objectives recommend: 1) identifying areas of opportunity for infill, redevelopment and adaptive reuse that respect the area's context and design features (Theme A., Goal #2a.); and 2) providing a well-designed neighborhood and community (Theme A, Goal #3). This redevelopment project will be in keeping with the neighborhood character and will support the pedestrian-oriented Jefferson Street corridor.
 - b. The Goals and Objectives encourage providing entertainment and other quality of life opportunities that attract young professionals and a workforce of all ages and talents to Lexington (Theme C, Goal #2d.). The applicant is proposing to further the resurgence of the Jefferson Street corridor by including a restaurant/pub in the plan for redevelopment, which is in keeping with the other establishments within the immediate area.
 - c. The Goals and Objectives encourage compact, contiguous and/or mixed use sustainable development with the Urban Service Area, as guided by market demand, to accommodate future growth needs (Theme E, Goal #1b.). The proposed mixed-use development will, in its own small way, help alleviate pressure to expand the Urban Service Area in the future.
 - d. The Goals and Objectives of the 2013 Comprehensive Plan are supported by the applicant's requested rezoning, and the requested B-1 zone is compatible with the adjacent zoning along Jefferson Street.
2. This recommendation is made subject to approval and certification of ZDP 2015-119: The Townhomes at Jefferson Street (Preston Subdivision), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses shall be restricted via conditional zoning:
- a. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions, savings and loan companies, holding and investment companies.
 - b. Medical and dental offices, clinics and laboratories.
 - c. Automobile service stations, gasoline pumps, and automobile and vehicle refueling stations.
 - d. Drive-through facilities.
 - e. Uses requiring or utilizing overhead doors.
 - f. Outdoor live entertainment and/or dancing.

These restrictions are necessary and appropriate in order to restrict the most intense land uses on the subject property and to provide an adequate land use transition to the nearby neighborhood. Such uses could have a negative impact on the neighborhood related to noise, parking and/or traffic congestion.