

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2013-9: MICHLER FLORIST, INC.

DESCRIPTION

Zone Change: From a Planned Neighborhood Residential (R-3) zone
To a Neighborhood Business (B-1) zone

Acreage: 0.9798 net (1.0774 gross) acre

Location: 417 East Maxwell Street

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	R-3	Florist and Greenhouse
To North	P-1 & R-3	Professional Office & Residential
To East	P-1 & R-3	Professional Office & Residential
To South	R-2 & R-3	Residential
To West	R-3	Residential

URBAN SERVICES REPORT

Roads – East Maxwell Street is a two-lane, one-way minor arterial in this location, with traffic that flows from west to east, beginning at the Versailles Road/High Street “Y” intersection and ending at the East Maxwell/East High Street “Y” intersection. Maxwell Street also serves as a dividing line between the University of Kentucky campus and downtown Lexington; therefore, it provides a traffic route for the University and the downtown workforce, as well as travelers from the west side of Lexington. As the primary connector between Versailles Road and East High Street, Maxwell Street carries a steady traffic volume at nearly all hours of the day, with an average daily traffic volume of 13,700 vehicles.

Curb/Gutter/Sidewalks – Curbs, gutters and sidewalks are available on both sides of East Maxwell Street. Sidewalks were recently improved in the immediate area to accommodate the high level of pedestrian traffic, as the property is within an area heavily used for student housing for the nearby universities, particularly the University of Kentucky.

Storm Sewers – Storm sewers exist in the area, which is within the Town Branch watershed. There are no known flooding problems in the immediate vicinity. Additional stormwater improvements may be necessary on the subject property in accordance with the Division of Engineering Stormwater Manual if there were to ever be a proposed redevelopment.

Sanitary Sewers – Sanitary sewers also exist in the area. The subject property and all of the immediately surrounding area is served by the Town Branch Wastewater Treatment Facility, located a little over 2.5 miles to the west of the property, between Old Frankfort Pike and Leestown Road.

Refuse – Refuse pickup is provided by the Urban County Government on Tuesdays in this vicinity.

Police – The nearest police station is the main headquarters facility, located on East Main Street in downtown Lexington, approximately 1/2 mile to the northwest.

Fire/Ambulance – Station #5 is located approximately 700 feet to the east of the property, at the southeast corner of East Maxwell Street and Woodland Avenue.

Utilities – Natural gas, telephone service, electric, water, and streetlights are all existing on the subject property. Should cable television or other cable service be desired, it is available to surrounding properties and can easily be extended to serve the property.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan recommends Downtown Mixed Use future land use for the subject property, as it is within the designated Downtown Master Plan (DTMP) Area. This area has an underlying recommendation of Medium Density Residential (MD) use from the 2001 Comprehensive Plan. The petitioner has requested a Neighborhood Business (B-1) zone, with conditional zoning restrictions, in order to allow special events to take place within the building, as well as the future operation of a small café.

CASE REVIEW

The petitioner has requested a zone change from a Planned Neighborhood Residential (R-3) zone to a Neighborhood Business (B-1) zone for approximately one acre just east of the intersection of Arlington Avenue and East Maxwell Street. The Historic District (H-1) Overlay zone is not proposed to be changed and will remain in place with the proposed change in the underlying zoning.

The subject property is comprised of a single one-acre lot with approximately 170 feet of frontage along East Maxwell Street. The subject property is located between Aylesford Place and Transylvania Park, on the north side of East Maxwell Street. The existing on-site facility for the Michler Florist has been in operation since 1903, long before the adoption of the first zoning ordinance in Lexington. The subject property has operated for decades as a non-conforming use at this location.

The entire property is located within the Historic Aylesford Neighborhood, much of which has been a designated local historic district since 1998. The subject property is mostly surrounded by Two Family Residential (R-2) zoning and Planned Neighborhood Residential (R-3) zoning in the Aylesford neighborhood. There is Professional Office (P-1) zoning to the northeast, for several non-residential uses on East High Street, and the applicant proposes to lease some of those P-1 parking spaces in order to accommodate the proposed expanded uses on the subject property.

The applicant proposes to rezone the subject property in order to bring it into compliance with its longstanding neighborhood business use as a florist with greenhouses, as well as to be able to offer event space, host meetings and possibly weddings and receptions. The applicant also wishes to supplement the existing land use with a café at some point in the future. Additional parking to address the additional uses on the property would be provided by an off site lease with the adjacent P-1 zoned property to the rear. The complementing hours of operation would allow these uses to share parking facilities with little to no overlap in their use.

The 2007 Comprehensive Plan recommends Downtown Master Plan (DTMP) land use for the subject property and much of the downtown area. The subject property was included in the study area of the *Downtown Lexington Masterplan*, which was conducted by a consultant under the guidance of the Downtown Development Authority. The 2007 Comprehensive Plan states that the redevelopment recommendations for this land use are found in the *Masterplan*; however if the *Masterplan* is not implemented the Planning Commission should consider the recommendations of the 2001 Comprehensive Plan update and other relevant current information to guide redevelopment decisions.

The *Downtown Lexington Masterplan* identifies the subject property in the Aylesford precinct, which is depicted for an area located next to the College Town Area and the Downtown Core. The *Masterplan* does recommend some infill and redevelopment within this precinct, but does not provide much guidance as to the specific zone recommended for such redevelopment. The *Masterplan* does recognize that the subject property is located within an existing historic residential neighborhood and calls for the preservation thereof along with selective context sensitive infill in other areas of this district. The Plan also acknowledges that the adjacent property to the rear is recommended for neighborhood business along the High Street corridor, even though there is office uses and zoning in place. For those reasons, it is difficult to conclude that the requested zone change is in complete agreement with the current Comprehensive Plan and the *Masterplan*.

With conditional zoning restrictions that match the petitioner's submitted legal justification, the proposed B-1 zoning can be considered appropriate for this historic use. This zone change will allow the existing historic business to operate in a conforming manner in the future; as a florist, café/restaurant and banquet facility, of which are all permitted uses in the B-1 zone. Also, the proposed re-zoning will enhance the applicant's ability to grow their business on its existing site, and will continue to provide for a compatible mix of uses in the Aylesford neighborhood. The applicant also indicates that the existing H-1 Overlay zoning will serve to further protect the neighborhood, as changes to any of the existing structures will be addressed by the Division of Historic Preservation.

The petitioners also contend that the 2012 Comprehensive Plan Goals & Objectives are supportive of neighborhood character preservation, which can provide opportunities for positive and safe social interactions in neighborhoods (Goals A.3.a. and A.3.b.). Further, the petitioner posits that this zone change request will protect and enhance the cultural landscape that makes the Aylesford neighborhood unique, and will further provide incentives to renovate and maintain the historic use on the subject property (Goals D.3, D.3.a. and D.3.b.). Provided that potentially disruptive future uses are prohibited, the staff is in agreement.

Considering the residents in the adjacent residential neighborhood, further restricting the allowable B-1 uses, outdoor lighting and signage on the subject property is necessary via conditional zoning restrictions. The applicant did supply the staff with some proposed conditional zoning restrictions recently; however, their submitted justification does not support the many of proposed uses that would still be allowable at this location. The staff expects to have a supplemental recommendation at the time of the Commission's public hearing in order to address the need for additional conditional zoning restrictions.

The Staff Recommended: **Approval**, for the following reasons:

1. The requested Neighborhood Business (B-1) zone, if restricted via conditional zoning limitations, is more appropriate than the existing (and unrestricted) R-3 zoning for the subject property, for the following reasons:

- a. The proposed B-1 zone will allow the existing historic business, in continuous operation on this site since 1903, to operate as a conforming use in the B-1 zone.
 - b. If restricted via conditional zoning, given the existing H-1 Overlay zone for this site and this area, the proposed B-1 zone should not permit a noticeably more intrusive a land use than what the long time non-conforming use has allowed.
 - c. A restricted B-1 zone, will still allow a small number of additional uses in addition to the existing florist business, and will provide additional off-street parking to accommodate the proposed expansion. Those will complement the existing florist and greenhouses, as well as support the neighborhood.
2. The 2012 Goals and Objectives of the Comprehensive Plan are supportive of neighborhood character preservation, which provide safe and positive social interactions in neighborhoods. The goals and objectives are also supportive of providing incentives to renovate and maintain the historic resources that already enhance a neighborhood's unique identity and image (Goals A.3.a., A.3.b., D.3., D.3.a. and D.3.b.).
 3. This recommendation is made subject to approval and certification of ZDP 2013-31: Michler Florist, Inc., prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

CAT/WLS/JWE/src

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