

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2012-4: LEXINGTON TROTS BREEDERS ASSOCIATION, LLC

DESCRIPTION

Zone Change: From a Wholesale and Warehouse Business (B-4) zone
To a Mixed-Use Community (MU-3) zone

Acreage: 2.12 net (3.39 gross) acres

Location: 439, 441, 445, 449, 451, 455, 459, 461, 463 & 471 Nelms Avenue and
a portion of 1200 Red Mile Road

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Properties	B-4	Open Space & Horse Race Track-Related Businesses
To North	A-U & MU-3	Horse Race Track & Grounds
To East	B-3 & B-4	Hotel & Equipment Rental Business
To South	B-1, P-1 & B-4	Gas Station & Office
To West	B-3 & B-4	Commercial

URBAN SERVICES REPORT

Roads – Nelms Avenue is a sub-standard local street that functions as an alley, parallel to Red Mile Road. The roadway has not been maintained of late, and it is barely 12 feet wide. Two-way traffic movements are permitted, despite its narrow width. It is accessed from the Red Mile property, near one of the primary entrances at its northern end, and from South Broadway at the southern end. At the existing terminus of Nelms Avenue, a private driveway/entrance road exists on the Red Mile property that is planned to be converted to a public street at the time of development. Red Mile Road, which borders a portion of the subject property to the southwest, is a five-lane, minor arterial roadway with a median at its intersection with South Broadway. The roadway significantly narrows to a three-lane roadway near Unity Drive to the north of the subject property, and continues as such toward Versailles Road South Broadway (US 68) is a major arterial roadway with more than 31,000 vehicles traveling daily along this portion of the corridor. The South Broadway and Red Mile Road intersection is signalized; however, the Nelms Avenue intersection functions mostly as a right turn only from South Broadway due to its narrow width.

Curb/Gutter/Sidewalks – Nelms Avenue has no urban improvements. South Broadway and Red Mile Road both have curb, gutter and sidewalk facilities. Curbing, gutter and sidewalk improvements are typically required for existing public streets, such as Nelms Avenue, when redevelopment or new residential development occurs.

Storm Sewers – The subject property is located within the Wolf Run watershed. Currently, no storm water facilities exist on the property. New storm water improvements will be required as the property develops, and new facilities will need to adequately contain any storm water impacts created by the proposed redevelopment. A perimeter drainage swale is existing adjacent to Red Mile Road and would need to be reconfigured or replaced by other infrastructure to continue to address storm water in this location. Additional facilities may be planned as part of the larger Mixed-Use development of the Red Mile property. The subject property has no known flooding or drainage problems.

Sanitary Sewers – The subject property is located in the Wolf Run sewershed, although the larger Red Mile property is split between the Wolf Run and Town Branch sewersheds. The property is served by the Town Branch Sewage Treatment Facility, located on Old Frankfort Pike, east of New Circle Road. An 8” sanitary sewer line runs down Nelms Avenue, toward South Broadway; this line may need to be replaced or improved to ensure future adequate sanitary sewer capacity to serve any proposed development.

Refuse – The Urban County Government serves this area with refuse collection on Mondays.

Police – The subject property is located within the Division of Police’s West Sector; however, the closest police station is the main headquarters, located slightly more than one mile to the northeast, on East Main Street near the downtown Public Library.

Fire/Ambulance – The closest fire station (#6) is located less than one mile to the east at the intersection of Scott Street and South Limestone, across from the University of Kentucky campus.

Utilities – All utilities, including gas, electric, water, phone, and cable TV are available in the area and could be extended, as necessary, to serve the proposed development of the subject property.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 5) recommends Commercial Residential Mixed Use (MU) land use for the parcels on the northeast side of Nelms Avenue, and Greenspace/Open Space (GS) on its southwest side. The properties were included in the study area of the Red Mile Development Plan, which was formulated for the Red Mile property during the spring and summer of 2009, and was accepted by the Planning Commission. This Plan was consciously substituted for a Small Area Plan for the property. The petitioner proposes MU-3 zoning, to be incorporated into the larger MU-3 zoning on the Red Mile property, for a mixed-use entertainment project. The preliminary development plan proposes a townhouse residential development with 34 dwelling units.

CASE REVIEW

The petitioner has requested a zone change from a Wholesale & Warehouse Business (B-4) zone to a Mixed-Use Community (MU-3) zone for 2.1 acres of property along Nelm Avenue, adjacent to the Red Mile property. The subject property is owned by the Red Mile harness track, and is proposed for residential development. The property is either vacant or used for businesses related to the race track.

Although included in the red Mile study boundary, the property was not rezoned in 2009 with the majority of the Red Mile property to the Mixed-Use Community zone (MU-3). At that time approximately 70 acres of the Red Mile property remained in the Agricultural Urban (A-U) zone to allow the track, the Tattersalls facility, and associated stables to continue to operate.

The petitioner proposes MU-3 zoning in order to incorporate this small area into the larger Red Mile Mixed-Use Project. The conceptual development plan filed with the zone change depicts 34 townhouses within the area for re-zoning. The petitioner also recently re-zoned the former Tattersalls facility to permit additional residential units, which is intended to be under separate ownership as those dwelling units are expected to be marketed to University of Kentucky students.

The South Broadway corridor between Red Mile Road and Maxwell Street has experienced a significant renewal and transformation over the past two decades. Many of the large parcels along the corridor were formerly tobacco warehouses that have been redeveloped, mostly for residential or commercial land uses. The corridor is a mixture of commercial, residential and industrial land uses. The Red Mile Road corridor has more recently experienced development interest, especially for multi-family residential development.

The 2007 Comprehensive Plan's Land Use Element recommends Commercial Residential Mixed Use (MU) land use for the parcels on the northeast side of Nelms Avenue, and Greenspace/Open Space (GS) on the southwest side of Nelms Avenue, between Nelms and Red Mile Road. These land use categories are defined in the 2007 Plan as follows:

- *Commercial Residential Mixed Use (MU)* – This is a mixed-use category that encourages combinations of office and neighborhood retail with residential above, or adjacent to, the retail and office. The intent of this category is to encourage redevelopment of selected older commercial areas by mixing uses and reducing parking requirements. Accessory or adjacent residential uses are a critical part of proposed uses in this mixture.
- *Greenspace/Open Space (GS)* – This land use category identifies undevelopable open space land. It includes medians, retention basins, excess right-of-way along freeways and expressways, interchange areas, and some common open space areas owned and maintained by homeowners' associations. For properties adjacent to these roadways and interchange areas, the land use category goes to the edge of the right-of-way." (emphasis added)

Although a portion of the subject property may be thought of by some as "excess right-of-way," the Greenspace Plan identifies the Red Mile property as an urban open space site (resource cluster and trail link), including this piece of property along Red Mile Road.

The South Broadway Corridor Plan studied the portion of South Broadway (US 68) from West Maxwell Street to Waller Avenue, including the subject property and the entire Red Mile property. As a result of that Small Area Plan (adopted in 1990 as an amendment to the 1988 Comprehensive Plan), the parcels along the northeast side of Nelms Avenue were depicted as Retail/Office Mixture (RO) future land use. The RO land use category was renamed Commercial Residential Mixed Use (MU) in the 2007 Comprehensive Plan.

The Red Mile Development Plan process, substituted for the small area plan process, was accepted by the Planning Commission in 2009 to meet the stated desire of the Comprehensive Plan for further study of the Red Mile property prior to rezoning. The Red Mile Development Plan was developed by a “working group,” comprised of residents, area business owners, Council and Planning Commission members and Planning staff, and addressed many of the issues discussed at a series of meetings, held at the track, and at meetings of the Commission. The boundary of the Plan includes the subject property in its entirety because it is under the ownership of the race track. The Red Mile Development Plan represents a consensus of the working group, and established three overarching goals for the Red Mile property:

1. The Red Mile Development Plan should lay the groundwork for additional development that would support and enhance the existing racetrack and ancillary operations at the Red Mile.
2. The Red Mile Development Plan will create a model for mixed-use development in Lexington and the region and explore innovative zoning regulations supporting mixed-use.
3. The Red Mile Development Plan will improve connectivity and access to the Red Mile from the surrounding community.

Much of the area between Nelms Avenue and Red Mile Road was shown as greenspace with a multi-use trail, and the parcels on the northeast side of Nelms Avenue were not a part of the overall concept plan approved for the larger Red Mile property. Additionally, in the content of the Plan, emphasis was placed on the South Broadway intersection with Red Mile Road as the “front door to the Red Mile Development,” (page 24) as well as preserving the visual character of the approach to the Standardbred Stable of Memories (SOM).

This zoning map amendment has been reviewed by the staff in light of the recommendations of the Red Mile Development Plan, the 2007 Comprehensive Plan, and the Greenspace Plan. The northeast side of Nelms Avenue is recommended for mixed-use land use and the petitioner is proposing a mixed use zone which is compatible with the adjacent property and collectively meeting the requirements of the proposed MU-3 zone. Although this portion of the subject property is in agreement with the Comprehensive Plan, the remaining two-thirds of the property is being planned for development when none has been recommended. With the stated goals of the Red Mile Development Plan and the Comprehensive Plan in mind, the staff is concerned that townhouses are now proposed to line Red Mile Road rather than maintaining this bucolic greenspace recommended by three adopted/accepted plans.

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

1. The current request does not meet the Greenspace/Open Space recommendation of the 2007 Comprehensive Plan and the Red Mile Development Plan for more than one-half of the subject property. The applicant's proposal appears to be contrary to the historical land use recommendations involving the subject property.