

Note: Ms. Roche-Phillips arrived at this time.

1. GREY GOOSE, LLC, ZONING MAP AMENDMENT & MARY SWIFT, ET AL., PROPERTY (LOTS 1 & 2)

- a. MAR 2012-5: GREY GOOSE, LLC (4/28/12)* - petition for a zone map amendment from a High Density Apartment (R-4) zone to a Neighborhood Business (B-1) zone, for 0.21 net (0.35 gross) acre, for properties located at 175 and 185 Jefferson Street.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 1) recommends Downtown Master Plan future land use for the subject property. The petitioner proposes to rezone the property to the B-1 zone in order to renovate the existing residential structure for a restaurant (185 Jefferson Street), and maintain the surface parking lot (175 Jefferson Street).

The Zoning Committee Recommended: Approval, for the reason provided by staff.

The Staff Recommends: Approval, for the following reason:

- 1. The proposed Neighborhood Business (B-1) zone is in agreement with the 2007 Comprehensive Plan, for the following reasons:
 - a. The Plan recommends Downtown Master Plan (DTMP) future land use. The 2007 Plan states that redevelopment recommendations for this land use are found in the *Downtown Lexington 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.
 - b. The 2001 Comprehensive Plan recommended Retail Trade and Personal Services (RT) land use for the subject properties. The B-1 zone and the proposed land use are in keeping with the retail trade and personal services land use category.
 - c. The *Masterplan* generally identifies the Jefferson Street corridor as a neighborhood business area along the primary pedestrian corridor, where "retailers should be supported, encouraged and given access to small-business loans," even though the *Masterplan* denotes the subject properties as residential areas due to their current zoning designation as R-4.
 - d. The *Masterplan* identifies 15 principles, which were incorporated into the 2007 Comprehensive Plan. Principle #8 recommends investment in a pedestrian network, and in part, encourages mixed-use corridors, which is applicable to the B-1 zoning proposed for the subject properties.
 - e. The proposed B-1 zone does permit residential dwelling units above or to the rear of a principal permitted use, and the applicant is interested in utilizing the second story of the structure for a small dwelling unit.
- 2. This recommendation is made subject to approval and certification of ZDP 2012-14: Mary Swift, et al. Property (Lots 1 & 2), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
- b. ZDP 2012-14: MARY SWIFT, ET AL. PROPERTY (LOTS 1 & 2) (4/28/12)* - located at 175 & 185 Jefferson Street.
(Ben Gallagher)

The Subdivision Committee Recommended: Postponement. There were questions regarding the required parking and landscaping proposed for the subject property.

Should this plan be approved, the following requirements should be considered:

- 1. Provided the Urban County Council rezones the property B-1; otherwise, any Commission action of approval is null and void.
- 2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
- 3. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
- 4. Building Inspection's approval of landscaping and landscape buffers.
- 5. Urban Forester's approval of tree protection plan and/or tree preservation plan.
- 6. Correct plan title.
- 7. Correct and complete site statistics.
- 8. Complete tree preservation plan.
- 9. Denote storm drainage detention.
- 10. Addition of Tower Plaza sidewalks.
- 11. Provide typical parking space dimensions.
- 12. Dimension access apron.
- 13. Denote building dimensions.
- 14. Denote that plan shall meet Article 18 requirements.
- 15. Discuss solid waste disposal.
- 16. Discuss parking (minimum required, handicap accessibility and parking agreements).
- 17. Discuss VUA landscaping.
- 18. Discuss status of plan.

* - Denotes date by which Commission must either approve or disapprove request.

Zoning Presentation: Ms. Wade presented the staff's zoning report, noting that the staff had received two letters in support for the proposed rezoning. She distributed those letters to the Planning Commission members, and briefly oriented the Commission to the location of the subject property on the north side of Jefferson Street between Short and Second Streets. The subject property also has frontage on Tower Plaza to the west. Zoning in the vicinity of the subject property consists of mostly B-1 zoning along Jefferson Street, and R-4 and R-5 residential zoning for the nearby neighborhood. Ms. Wade noted that the subject property, although not in a local historic district, is included in the Northside neighborhood National Register Historic District. The Northside Historic District is generally to the south and east of the subject property, and the Western Suburb Historic District is to the west. The subject property has no local historic zoning overlay, but it should be considered as contributing to the National Register district.

Ms. Wade stated that the petitioner is proposing to rezone the subject property in order to re-use the existing building, which is residential in character but has most recently been used as an office, for a small restaurant. The petitioner is also proposing to retain the existing surface parking lot on the property at 175 Jefferson Street.

Ms. Wade said that the 2007 Comprehensive Plan recommends the Downtown Master Plan (DTMP) land use category for the subject property. The 2007 Comprehensive Plan recommends following the DTMP and, if it is not fully implemented, to consider other relevant information, including the 2001 Comprehensive Plan. For the subject property, the 2001 Comprehensive Plan recommended Retail, Trade & Personal Services land use. In addition, the DTMP recognizes Jefferson Street as a primary pedestrian corridor. Principle #8 of the DTMP focuses on maintaining the primary pedestrian corridors, and encouraging business and mixed uses along those corridors. Ms. Wade said that the petitioner contends that the proposed B-1 zone is in agreement with the recommendations of the 2007 Comprehensive Plan, and the staff agrees, for the reasons as listed in the staff report and on the agenda. The Zoning Committee recommended approval of this request, for those same reasons.

Development Plan Presentation: Mr. Emmons presented the corollary final development plan, noting that the Commission members had received revised conditions for approval of the plan. He said that, since the Subdivision Committee meeting, the petitioner has worked to resolve all of the conditions set forth at that meeting. The Subdivision Committee recommended postponement of this plan, with 18 conditions as listed on the agenda. Following the submission of this revised plan, the staff is now recommending approval, subject to the following conditions:

1. Provided the Urban County Council rezones the property B-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
4. Building Inspection's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree protection plan and/or tree preservation plan.
6. ~~Correct plan title.~~
- 6.7 ~~Correct and Complete site statistics.~~
8. ~~Complete tree preservation plan.~~
9. ~~Denote storm drainage detention.~~
10. ~~Addition of Tower Plaza sidewalks.~~
11. ~~Provide typical parking space dimensions.~~
12. ~~Dimension access apron.~~
13. ~~Denote building dimensions.~~
14. ~~Denote that plan shall meet Article 18 requirements.~~
15. ~~Discuss solid waste disposal.~~
7. 16. Discuss parking (minimum required, handicap accessibility and parking agreements) Denote: Verification of executed parking agreement will be required prior to issuance of any Zoning Compliance Permit.
17. ~~Discuss VUA landscaping.~~
18. ~~Discuss status of plan.~~

Mr. Emmons stated that the petitioner is proposing to maintain the existing 1.5-story house, with a restaurant on the first floor, and an apartment on the second floor. He noted that most of the original conditions for approval of the plan referred to the petitioner's ability to provide the required parking for the subject property. With regard to the proposed parking layout, Mr. Emmons said that the first two parking spaces, which are not counted in the required parking for the site, are proposed to be removed, in order to install a dumpster pad, which will then be available should the site require dumpster service. Until such time as it is determined that dumpster service is required, those two spaces will still be usable for parking. The petitioner is also proposing to remove some asphalt from the parking lot along the Jefferson Street frontage in order to meet the required three-foot landscape buffer, so that the site will be compliant with Article 18 of the Zoning Ordinance. Mr. Emmons stated that the other physical change to the property will be the installation of a new sidewalk which, for most of its length, will be on private property. The petitioner hopes to save two existing trees by providing the sidewalk in an easement on a portion of the subject property.

Mr. Emmons said that the proposed removal of two parking spaces for a dumpster pad, and the provision of a handicap space, results in a total of 11 parking spaces for the site. He explained that that parking lot currently provides the

required parking for the Grey Goose restaurant, which is located across the street. The Grey Goose requires 12 spaces, and the proposed restaurant on the subject property will require 13, for a total of 25 needed spaces. Mr. Emmons stated that the Planned Parenthood property, which is located directly to the north of the subject property, has 27 parking spaces, 22 of which are available for a joint parking agreement. The petitioner has submitted documentation of the proposed parking agreements with Planned Parenthood, through which they can meet the parking requirements for the existing Grey Goose restaurant, as well as the proposed new Blue Heron restaurant. Mr. Emmons said that condition #7 requires that verification of the parking agreements be provided prior to the issuance of a zoning compliance permit for the Blue Heron restaurant. He added that the staff believes that the petitioner will be able to have this plan certified within the required two-week window, as most of the conditions have been met.

Commission Question: Mr. Berkley asked, with regard to the proposed parking agreements, if they are enacted for a specific term. Mr. Emmons answered that the Zoning Ordinance does not require a minimum number of years for a shared parking agreement, but a renewable two-year agreement is standard. He noted that the petitioner's proposed parking agreements would meet that standard. Mr. Berkley asked what would happen if the shared parking was ever lost. Mr. Emmons responded that, if the petitioner could no longer use shared parking, they would be required to find the required number of spaces, in order to remain compliant with the Zoning Ordinance.

Petitioner Presentation: Keith Clark, petitioner, was present. He stated that he lives in the vicinity of the subject property, and that he considered the impact of the proposed restaurant on his neighborhood before his own interests. The Grey Goose is a busy restaurant, and Mr. Clark is cognizant of the fact that it has had an impact on the neighborhood; he strives to manage the location so that it has as little negative impact on his neighbors as possible. Mr. Clark stated that the proposed restaurant would be a small venue, with a limited menu and schedule.

With regard to Mr. Berkley's questions about the shared parking agreement, Mr. Clark stated that he has been approached by the management of the Jefferson Center, who made an offer of the use of their parking area as well. He added that he believes that the Jefferson Street corridor is no longer suitable for residential use, and that the proposed restaurant would be the most appropriate use of the subject property.

Zoning Action: A motion was made by Mr. Penn, seconded by Mr. Cravens, and carried 8-0 (Blanton and Brewer absent) to approve MAR 2012-5, for the reasons provided by staff.

Development Plan Action: A motion was made by Mr. Penn, seconded by Mr. Cravens, and carried 8-0 (Blanton and Brewer absent) to approve ZDP 2012-14, subject to the seven conditions as listed in the revised staff recommendation.