

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-16-00025: DAVID MYERS, KENTUCKY LODGING AND DEVELOPMENT CO., INC.

DESCRIPTION

Zone Change: From an Interchange Service Business (B-5P) zone
To a Highway Service Business (B-3) zone

Acreage: 0.745 net (1.357 gross) acres

Location: 2167 North Broadway

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	B-5P	Vacant
To North	B-5P	Hotel
To East	B-5P & R-1B	Restaurant & Single-Family Residential
To South	R-1B	RJ Corman Railroad line
To West	B-5P	Gas Station & Interstates 64 & 75

URBAN SERVICES REPORT

Roads – The subject property is located on the north side of North Broadway (US 27/US 68), a major arterial highway, about 850 feet east of Interstates 64 & 75, and 300 feet from the on-ramp to the westbound/northbound lanes to the interstate at the Broadway interchange. The site is also bound to the east by Judy Lane, a local street within the Thoroughbred Acres subdivision.

Curb/Gutter/Sidewalks – North Broadway was constructed without curb, gutter and sidewalks in this portion of the Urban Service Area. Judy Lane also does not have curb, gutter or sidewalks along the subject property’s frontage. The right-of-way has been improved directly across Judy Lane from the site. Ordinarily, similar improvements (1/2 section) are required to be made along the unimproved frontage of the subject property at the time of site development.

Storm Sewers – The subject property is located within the Cane Run watershed. The stormwater swales along the N. Broadway frontage are currently utilized by the subject and adjoining properties. No other stormwater improvements appear to have been completed, generally, within this commercial area. No FEMA special flood hazard area or known flooding issues exist within the immediate area, although there are some documented issues downstream.

Sanitary Sewers – The subject properties are located within the Cane Run sewershed, and will be serviced by the Town Branch Wastewater Treatment Facility, located on Lisle Industrial Avenue inside New Circle Road between Leestown Road and Old Frankfort Pike. Sanitary sewers have been constructed within the immediate area; however, no lines currently extend to the subject property. Capacity of the sewer system will need to be verified prior to construction of any use on the subject property. Under the Capacity Assurance Program, there is currently available sanitary sewer capacity in this area.

Refuse – Refuse collection to residential properties is provided by the Urban County Government to this portion of the Urban Service Area on Thursdays. However, commercial uses often contract for more frequent service with private refuse haulers.

Police – The Central Sector Roll Call Center is the nearest police station to this location. It is located on Industry Road, near the interchange of Winchester Road and New Circle Road, about 2½ miles to the southwest of the subject property.

Fire/Ambulance – The subject property is in fairly close proximity to Fire Station #8, which is located on N. Broadway, approximately one mile to the southwest.

Utilities – All utilities, including electric, gas, water, telephone, and cable 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. In addition, the Plan encourages a mix of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

The petitioner proposes a Highway Service Business (B-3) zone in order to construct a retail sales establishment about 7,500 square feet in size and associated off-street parking on the subject property

CASE REVIEW

The petitioner has requested a zone change from an Interchange Service Business (B-5P) zone to a Highway Service Business (B-3) zone for less than an acre of land at the intersection of N. Broadway and Judy Lane, just northeast of the N. Broadway/Interstates 64 & 75 interchange. The subject property is vacant.

This portion of the North Broadway corridor is characterized by commercial land uses that are developed mostly for patronage by the traveling public along the interstate. Several restaurants, gas stations and hotels occupy both sides of the folded diamond interchange, along the north side of N. Broadway. Although the area along the south side of N. Broadway is residentially zoned, it is occupied by the RJ Corman railroad line, which parallels the road right-of-way in this location. The commercial uses that have frontage along N. Broadway are primarily located within the B-5P zone; however, the greater the distance from the interchange or N. Broadway, the likelihood for alternative commercial zones increases, including P-1, B-1 and B-3 zones. Such a mixture of zoning also exists on the eastern side of the interchange.

The petitioner proposes to construct a retail sales establishment about 7,500 square feet in size and associated off-street parking on the subject property. The existing B-5P zone allows a convenience store up to 3,000 square feet in size, and the applicant wishes to build a store that will serve the traveling public (a Dollar General store), as well as the nearby neighborhoods.

In 1967, the subject property was part of a zone change from a single family residential zone to the B-5 zone (the zone that preceded the B-5P zone) in order to develop a 7-acre area for interstate-oriented commercial businesses (motel, restaurant and service stations). The rest of the site developed, but this parcel along North Broadway has remained vacant.

The 2013 Comprehensive Plan focuses on general land use policies, such as land use compatibility; well-designed neighborhoods; improving a desirable community; and making the best use of land inside the Urban Service Boundary for the protection of the surrounding rural areas. The Plan no longer relies upon a future land use map. The petitioner contends that the proposal is consistent with the 2013 Comprehensive Plan.

In terms of the Comprehensive Plan, the petitioner opines that the Goals and Objectives of the Comprehensive Plan are furthered by the proposed zone change, specifically through infill development of a long-time vacant site within the Urban Service Area (Theme A, Goal #2); providing enhancement to existing neighborhoods, such as additional shopping options in close proximity, will provide a well-designed neighborhood/community (Theme A, Goal #3); creation of new jobs near residential neighborhoods to promote the "live where you work" concept (Theme C, Goal #1); and, lastly, the development of the site will help to uphold the Urban Service Area concept by absorbing underutilized,

vacant land and by utilizing the existing infrastructure and transportation networks (which are adequate to serve the use) (Theme E, Goal #1).

The proposed land use is not out of character with other commercial uses along the N. Broadway corridor. The petitioner proposes a retail building over twice the size permitted in the existing zone, which created the need for this zone change request. The site remains, in the staff's opinion, at the interstate interchange, which meets the intent of the existing B-5P zone; however, it is also along a major arterial highway, which could meet the intent of the proposed B-3 zone, as well. The proposed development will serve the traveling public, as well as the adjoining neighborhood, "achieve a mix of uses that support and enhance a citizen's daily life."

The staff can agree that the B-3 zoning request, if restricted, is in substantial agreement with the 2013 Comprehensive Plan. The subject property remains an underutilized site, and should be considered for a possible change to an alternative business use in order to better serve the needs of the entire community. In addition, the new development will be able to use the existing infrastructure and transportation networks (which are adequate to serve both the traveling public and the proposed use), and this new land use will not impair existing environmental conditions on the site. Due to the close proximity of existing single-family residences, the staff suggests prohibiting a number of the most intense land uses otherwise permitted in the B-3 zone.

The Staff Recommends: Approval, for the following reason:

1. A restricted Highway Service Business (B-3) zone is in agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. The site can be considered as an underutilized site after 50 years of B-5P zoning, with no development. The property should be considered for a possible change to an alternative business zone (and use) in order to better serve the needs of the community, since the site is within the Urban Service Area.
 - b. The proposed redevelopment will be able to use the existing infrastructure and transportation networks (which are adequate to serve the use), and the proposed land use will not impair existing environmental conditions on the site. This is consistent with the guiding principles of the Comprehensive Plan, specifically Chapter 4: "Protecting the Environment," and Chapter 6: "Improving a Desirable Community."
 - c. The 2013 Comprehensive Plan supports infill and redevelopment and creating a well-designed neighborhood/community (Theme A, Goals #2 and #3). The site is a long-time vacant site within the Urban Service Area, which can enhance the existing nearby neighborhoods with support uses, such as additional shopping options in close proximity.
 - d. The proposed zoning and land use are not out of character with the other commercial uses along the North Broadway corridor. Conditional zoning restrictions to limit uses that may negatively impact the nearby residential neighborhood would be most appropriate for the subject property to ensure land use compatibility.
2. This recommendation is made subject to approval and certification of PLN-MJDP-16-00053: Hospitality Motor Inns, Inc. and BP Oil Co., Inc (Dollar General), 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 prohibited on the subject property, via conditional zoning:

Prohibited Uses

 - a. Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
 - b. Cocktail lounges and nightclubs.
 - c. Car wash establishments.
 - d. Pawnshops.
 - e. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult

- dancing establishments, adult entertainment establishments, and sexual entertainment centers.
- f. Advertising signs, also known as billboards, as regulated by Article 17 of the Zoning Ordinance.

These restrictions are necessary and appropriate in order to restrict the most intense land uses on the subject property, which are not currently permitted at this location. Such uses could have a negative impact on nearby residential neighborhoods.

TLW/WLS
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