

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2016-2: JAKE RIORDAN

DESCRIPTION

Zone Change:	<u>Request</u>		<u>Acreage</u>	
	<u>From</u>	<u>To</u>	<u>Net</u>	<u>Gross</u>
	MU-2	B-3	0.964	1.235
	R-3	B-3	<u>0.289</u>	<u>0.318</u>
	TOTAL:		1.253	1.553

Location: 1501, 1505, 1507 & 1509 Versailles Road, and 105 Delmont Drive

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	R-3 & MU-2	Vacant & Residential
To North	R-1C	Single-Family Residential
To East	B-1	Multi-Family Residential
To South	B-1	Commercial
To West	R-4	Senior Housing

URBAN SERVICES REPORT

Roads – The site, which consists of five properties, is bordered to the south by Versailles Road (US 60), a major five-lane arterial, and by Delmont Drive, a collector street, to the east. The intersection of Delmont Drive and Versailles Road is signalized. Access to the subject property is proposed from both streets.

Storm Sewers – The subject properties are located within the Town Branch Creek watershed. The storm sewer system is already in place at this location and there are no known flooding problems in this immediate vicinity.

Sanitary Sewers – The subject properties are located within the Town Branch Creek watershed, and are serviced by the Town Branch Wastewater Treatment Plant, located one mile to the north on Lisle Industrial Avenue. Sanitary sewers already serve the properties, but reconfiguration may be necessary as redevelopment occurs at this location. Assurance of sanitary sewer capacity will be required prior to this redevelopment.

Refuse – The Urban County Government currently serves this area with collection on Thursdays. Commercial businesses and offices often contract for additional service by private collectors.

Police – The nearest police station is the West Sector Roll Call Center, located on Old Frankfort Pike, approximately one mile northwest of the subject property, just east of New Circle Road.

Fire/Ambulance – The nearest fire station (#14) is southwest of this location, about 1¼ miles away on Roanoke Road, just south of Versailles Road and a short distance east of Alexandria Drive.

Utilities – All utilities, including gas, electric, water, phone, cable television and streetlights are available in the area.

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 Cardinal Valley Small Area Plan (CVSAP), adopted by the Planning Commission in April 2015, encompasses the subject properties. The SAP outlined five recommendations: 1) neighborhood conservation, 2) Versailles Road corridor improvements, 3) recognition and development of the “Alexandria Drive International District,” 4) Oxford Circle neighborhood center redevelopment, and 5) augmenting the open space network within the area.

The petitioner proposes rezoning the subject properties in order to build a gas station and convenience store, and associated off-street parking.

CASE REVIEW

The petitioner has requested zone changes from a Mixed-Use 2: Neighborhood Corridor (MU-2) zone and a Planned Neighborhood Residential (R-3) zone to a Highway Service Business (B-3) zone, for approximately 1.25 acres.

The site includes a total of five contiguous lots, at the northwest corner of Versailles Road and Delmont Drive. Four of the properties front on Versailles Road and one fronts on Delmont Drive. This zone change is requested for a proposed gas station and convenience store.

Versailles Road is one of the principal entrance corridors into Lexington, and connects the airport and Keeneland to downtown. The vicinity is characterized by a mixture of commercial land uses along Versailles Road east and south of the subject properties, a senior housing development to the immediate west and predominantly single-family residential development to north and northwest of the site. A vacant, non-conforming multi-family development also exists across Delmont Drive from the site. The Versailles Road corridor also has a number of institutional and/or community facility uses, such as community centers and a nursing home.

Historically, the westerly two lots (1507 & 1509 Versailles Road) had been zoned P-1 for many years, and were occupied as a child day care center. In 1988, the lot at the corner of Versailles Road and Delmont Drive (1501 Versailles Road) was conditionally rezoned from R-1C to B-1, with the only allowed use limited to the display and sale of art. In 1994, the adjoining P-1 lot was conditionally rezoned to B-1 to accommodate an expansion of the art gallery (1505 Versailles Road). Such restrictive conditional zoning was applied in each of those cases to limit the possibility of business activity adversely affecting the adjoining residential areas to the north and west, since those residents actively participated in those rezoning public hearings. The gallery closed, and the buildings on that portion of the subject site stood vacant for a number of years. In 2005, the four lots mentioned above and the adjacent lot on Delmont Drive (the subject property) again received considerable attention when the property owner proposed a mixed-use development with residential units above a small retail space at the corner of Delmont Drive and Versailles Road. The development was approved, again with conditional zoning restrictions to prohibit a number of the more intense business uses that would be possible, and that could be detrimental to an established neighborhood.

The 2013 Comprehensive Plan no longer includes a parcel-based land use element; rather, it encourages land use decisions to be made based upon small area plan recommendations, policy statements and the Goals and Objectives of the Plan. The petitioner contends that the requested rezoning for a Highway Service Business (B-3) zone is in agreement with the Comprehensive Plan; specifically, they opine that Theme A: Growing Successful Neighborhoods emphasizes the infill, redevelopment and adaptive reuse of the urban area that respects the area's context and design features (Goal #2a.), and encourages striving for positive and safe social interactions in neighborhoods (Goal #3b.). In addition, the Goals and Objectives also suggest the community should "enable infill and redevelopment that creates jobs where people live" (Theme C, Goal #1d.); attract and retain high-paying jobs (Theme C, Goal #2c.); and to uphold the Urban Service Area concept by encouraging "compact, contiguous, and/or mixed-use sustainable development within the Urban Service Area, as guided by market demand, to accommodate future growth needs" (Theme E, Goal #1b.).

Although not mentioned by the petitioner, the Cardinal Valley Small Area Plan (CVSAP), adopted by the Planning Commission in April 2015, encompasses the subject properties. The SAP involved considerable public input from residents and neighborhoods in this area, and outlined five recommendations: 1) neighborhood conservation, 2) Versailles Road corridor improvements, 3) recognition and development of the "Alexandria Drive International District," 4) Oxford Circle neighborhood center redevelopment, and 5) augmenting open space network within the area. The most applicable recommendation, in light of this zone change request, is for Versailles Road corridor improvements, which, according to the SAP, should include improving the aesthetics and function of the corridor for vehicles and make it more accessible to pedestrians and cyclists. This has not been addressed on the corollary zoning development plan submitted in conjunction with this request.

Lastly, the petitioner contends that the existing MU-2 zone is not appropriate for the site because there is not a "market" for mixed-use development in this part of Lexington. They state that in order for mixed use to work, it requires an extremely dense population; and this area does not provide this, therefore it cannot be supported.

The Planning Commission must look to the Comprehensive Plan for guidance as to whether the proposed B-3 zone is supported by the Plan at this location. In addition to the Goals and Objectives statements, the Plan encourages the consideration of how proposals relate to existing development in the immediate vicinity, as well as protecting neighborhoods and residential areas from incompatible land uses. Policy statements in the Plan focus on the need for the development of land in the most appropriate relationships, and compatibility of land uses. Generally, the staff

found that the proposed zoning category is not compatible with these specific recommendations at this location, which are overarching directives of the Plan.

In further evaluating the petitioner's justification, the staff would note that the same 2013 Comprehensive Plan goals and objectives outlined by the petitioner might be cited for any site along a major corridor for any type of business. During the staff's review of this zone change request, consideration was given to the proposed use of a convenience store and gas station along an entrance corridor to downtown Lexington that was recently studied by the Division of Planning and the Kentucky Transportation Cabinet (District 7). While promoting business expansion, improving quality of life and providing services to the community are generally important priorities, they must be balanced with the community's need for this type of highway-oriented development and its impact on nearby residential areas. In this case, the petitioner is requesting one of the most intense business zones within the community at the entrance to a well-established neighborhood. This corner has a significant and lengthy zoning history. Previous land uses have been considered "not quite right," for a whole host of reasons, but each time the proposed development intensity has materially increased. In the end, the staff cannot see how a highway-oriented commercial zone, which will again intensify the use of the property, is context sensitive to the adjoining neighborhood, nor would it encourage positive and safe social interactions, as suggested by the petitioner. While the proposed use/service is necessary for any community, it is common along the Versailles Road corridor, and can be found within a short ½-mile walk in either direction. B-3 zoning is also not located on any adjoining or nearby land for it to be considered compatible in this vicinity. Lastly, the Cardinal Valley Small Area Plan encourages aesthetic and functional improvements that will make the corridor more accessible to pedestrians, which seems to speak to encouraging pedestrian-oriented development permitted by the existing MU-2 zone, rather than more auto-dependent development such as that proposed by the petitioner.

The staff finds that the proposed zone change is not in agreement with the Comprehensive Plan and that the existing zone remains appropriate for the subject property because it can more fully support the 2013 Comprehensive Plan goals and policies. Also, there have been no unanticipated changes in this area since the Small Area Plan for Cardinal Valley was adopted last year.

The Staff Recommends: Disapproval, for the following reasons:

1. The requested rezoning to a Highway Services Business (B-3) zone is not in agreement with the 2013 Comprehensive Plan or the Cardinal Valley Small Area Plan (CVSAP), adopted by the Planning Commission in April 2015, for the following reasons:
 - a. Theme A: Growing Successful Neighborhoods of the Plan emphasizes the infill, redevelopment and adaptive reuse of the urban area that respects the area's context and design features (Goal #2a.), and encourages striving for positive and safe social interactions in neighborhoods (Goal #3b.). In addition, the Goals and Objectives suggest that the community should "enable infill and redevelopment that creates jobs where people live" (Theme C, Goal #1d.); attract and retain high-paying jobs (Theme C, Goal #2c.); and to uphold the Urban Service Area concept by encouraging "compact, contiguous, and/or mixed-use sustainable development within the Urban Service Area, as guided by market demand, to accommodate future growth needs" (Theme E, Goal #1b.).
 - b. The Plan encourages the consideration of how proposals relate to existing development in the immediate vicinity, as well as protecting neighborhoods and residential areas from incompatible land uses. Policy statements in the Plan focus on the need for the development of land in the most appropriate relationships, and compatibility of land uses. The proposed zoning category is not compatible with these specific recommendations, which are overarching ideas of the Plan, at this location.
 - c. The proposed convenience store and gas station along an entrance corridor to downtown Lexington that was recently studied by the Division of Planning and the Kentucky Transportation Cabinet (District 7) will not create a significant number of jobs, nor will such jobs be considered "high-paying" jobs for the benefit of the community.
 - d. While promoting business expansion, improving quality of life and providing services to the community are generally important priorities, they must be balanced with the community's need for this type of highway-oriented development and its impact on nearby residential areas. In this case, the petitioner is requesting one of the most intense business zones within the community at the entrance to a well-established neighborhood.
 - e. The site has a significant and lengthy zoning history, whereby at each stage, the proposed development intensity has increased. A highway-oriented zone, which will again intensify the use of the property, is not context sensitive to the adjoining neighborhood, nor would it encourage positive and safe social interactions.

- f. Convenience stores and gas stations are necessary for any community; however, they are already rather common along the Versailles Road corridor, and can be found within a short ½-mile walk in either direction of the subject property.
 - g. The Cardinal Valley Small Area Plan encourages aesthetic and functional improvements that will make the corridor more accessible to pedestrians, which seems to speak to encouraging pedestrian-oriented development, rather than more auto-dependent development such as that proposed by the petitioner.
2. Re-zoning this location to a B-3 zone may significantly impact the nearby neighborhoods within the area, especially Delmont Drive, and the senior housing facility immediately adjoining the subject properties, and therefore is inappropriate.
 3. Although the subject properties are collectively situated along a major arterial roadway, the proposed B-3 zoning category is not located on any adjoining or nearby land for it to be considered compatible in this vicinity.
 4. The existing Mixed-Use 2: Neighborhood Corridor (MU-2) zone remains appropriate for the subject property because it can more fully support the 2013 Comprehensive Plan goals and policies.
 5. There have been no unanticipated changes of a physical, social or economic nature within the immediate area since the Comprehensive Plan was adopted in 2013, or since the Cardinal Valley Small Area Plan was adopted last year, that would support B-3 zoning for the subject property.

TLW/BJR/WLS

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