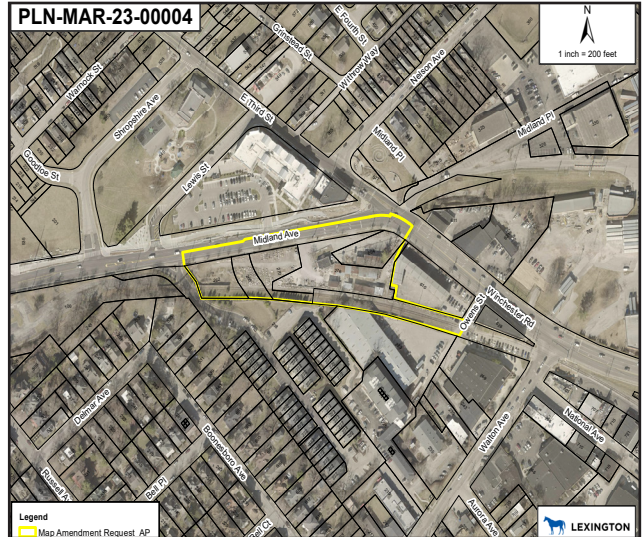


STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-23-00004: UCD MIDLAND, LLC

DESCRIPTION OF ZONE CHANGE

Zone Change:	From a Light Industrial (I-1), a Neighborhood Business (B-1), and a Mixed Use Community (MU-3) zone To a Downtown Frame Business (B-2A) zone
Acreeage:	2.93 net (3.61 gross) acres
Location:	262-276 Midland Ave. and 604 Winchester Rd.



EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Properties	I-1 / B-1 / MU-3	Cut Stone Sales & Storage
To North	B-2A / I-1	Mixed Use / Park
To East	I-1	Storage / Parking
To South	I-1 / MU-3	Storage / Residential
To West	MU-3	Residential

URBAN SERVICE REPORT

Roads - The subject properties have frontage on Midland Avenue / Winchester Road (US 60) and Owens Street. Midland Avenue/ Winchester Road (US 60) is a four-lane, major arterial roadway into downtown from the east. It handles more than 18,500 vehicle trips per day near its intersection with E. Third Street. Owens Street is a short local street that stubs into the neighboring properties southeast of the site.

Curb/Gutter/Sidewalks - Curb, gutter and sidewalks exist along Midland Avenue / Winchester Road (US 60). However, with the proposed redevelopment, typical street cross-section improvements will be required to be constructed by the developer. There is a public project, under review at the intersection of Midland Ave. and E. Third St. that is targeted at providing access to the proposed Liberty Trail, while also providing a safer gateway into Downtown Lexington. Sidewalk facilities are not present on Owens Street.

Utilities - All utilities, including natural gas, electric, water, phone, cable television, and Internet are available in the area, and are able to be extended to serve the proposed development.

Storm Sewers - The subject properties are located within the Town Branch watershed. Stormwater improvements, such as detention basins, do not exist on the subject properties; however, storm sewer lines do exist within the right-of-way of Midland Avenue / Winchester Road. Although historically no detention basins existed to serve the subject properties, on-site stormwater quantity and quality may need to be addressed by the developer in order to comply with the Division of Engineering Stormwater Manuals. For mixed-use developments, underground storage basins are often constructed.

Sanitary Sewers - The subject properties are located within the Town Branch sewershed. The property is served by the Town Branch Waste Water Treatment Facility, located on Lisle Industrial Avenue, inside New Circle Road, and west of Leestown Road. Since the use of the site is proposed for a major redevelopment, the petitioner will need to secure Capacity Assurance Program approval prior to the final development plan being certified.

Refuse - The Urban County Government serves this area with refuse collection on Tuesdays. Supplemental service may be required to serve the needs of the proposed mixed-use development. This can be accomplished by contracting with private refuse collectors, if desired.

Police - The Police Headquarters, located on E. Main Street, is located approximately ¾ mile to the northwest of the site. The property is located within the Central Sector and is served by the Central Sector Roll Call Center located approximately 1½ miles to the northeast of the properties.

Fire/Ambulance - The closest station is Fire Station #1 and Headquarters, located on E. Third Street, between Elm Tree Lane and Martin Luther King Boulevard, located approximately one-half mile northwest of the subject properties.

Transit - This area is served by the Leestown Road Route (#12), with outbound and inbound service at the intersection of Leestown Road and N. Forbes Road.

Parks - The subject properties are a walkable distance to multiple downtown parks. Both Isaac Murphy Art Garden and the Charles Young Park are located across Midland Ave. / Winchester Road from the subject properties, and Thoroughbred Park and Northeastern Park are located approximately a ½ mile west of the subject properties.

SUMMARY OF REQUEST

The applicant is seeking a zone change from the Light Industrial (I-1), Neighborhood Business (B-1), and Mixed-Use Community (MU-3) zones to the Downtown Frame Business (B-2A) zone in order to create a mixed-use residential and commercial development.

PLACE-TYPE

DOWNTOWN

2nd Tier Urban development consists of areas that complement the urban core, generally located within the established Infill and Redevelopment Boundary. Development within the 2nd Tier Urban Place-Type should promote walkability, increased intensity, and should promote appropriate stewardship of the available opportunities that will accommodate Lexington's future growth.

DEVELOPMENT TYPE

HIGH DENSITY NON-RESIDENTIAL / MIXED-USE

Primary Land Use, Building Form, & Design

Primarily regional-serving commercial uses, services, places of employment, and/or a mix of uses within high-rise structures with a high Floor Area Ratio. Mixed-use structures typically include an abundance of multi-family residential units, places of employment, and entertainment options, and the retail and commercial options generally draw from a regional geographic area. Screening and buffers should be provided to adjoining lower-density residential developments, however those adjoining neighborhoods should retain convenient access to the development.

Transit Infrastructure & Connectivity

These developments are generally located along higher intensity roadways. Mass transit infrastructure, on par with that of other modes, should be provided, and bicycle and pedestrian connections to adjoining developments are required. Internal multi-modal connectivity throughout the development is critical.

Parking

Parking is generally provided in structures with activated ground levels.

PROPOSED ZONING



The intent of this zone is to accommodate existing and proposed development in the transitional "frame," which surrounds the downtown core area, by providing for comparable and compatible uses while anticipating the future expansion of the downtown core area. Development within this zone should coordinate with adopted plans and studies, including corridor studies and streetscape plans. This zone should be located and developed within the Downtown Place-Type and should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.

PROPOSED USE



The petitioner is proposing the Downtown Frame Business (B-2A) zone in order to create a mixed-use residential and commercial development. The applicant's proposal includes the construction of two five-story structures that will include a total of 182 dwelling units, and approximately 2,000 square feet of commercial space. The associated parking will be located on the first floor of the structures and along the rear of the property. The applicant is proposing an activated corner that will incorporate future development of the Liberty Trail.

APPLICANT & COMMUNITY ENGAGEMENT



The applicant met with stakeholders within the Mentelle, Bell Court, and William Wells Brown Neighborhood Associations, as well as the Midlands Home Owners Association. During these meetings, the development team presented the proposed development, discussed the Place-Type and Development Type, and reviewed the proposed zoning. The staff was present at each of the meetings to provide insight into the zone change process and answer any questions regarding the zoning regulations. Following the meetings, the applicant continued their correspondence with members of the neighborhood associations to answer any further questions and receive feedback regarding the project. The applicant included staff on the correspondence, which included questions regarding increased traffic, buffering near the adjacent residential zoning, and what types of commercial was proposed at the site.

PROPERTY & ZONING HISTORY



The historical land use on the subject properties land use was industrial in nature. Such use was were heavily influenced by access to the two railroads that crossed the properties: the L & N Railway crossed along the front of the properties and the C & O Railway along the rear of the properties. In addition to the limitations to the properties caused by the location of the railways, the Town Branch Creek runs across the property. The creek was more natural in form until it was encased in a culvert in the 1930s. Despite the limitations on the properties, there have been a host of different businesses that have operated on the site, including the cut stone business, which still occupies the site, a gas station, an electric supply warehouse, and offices.

While 276 Midland Avenue and 604 Winchester Road have been zoned I-1 since zoning was established in Lexington, 262-270 Midland Avenue have been the subject of three zone changes since the 1980s. In 1988, the three properties were rezoned from the I-1 zone to a restricted Neighborhood Business (B-1) zone to allow for the development of a large commercial shopping center that would extend from Midland Avenue to Walton Avenue (Ord. No. 252-88; MAR 88-27 CZ). In 2000, the owners of the property were granted relief from some of the conditional zoning restrictions that increased buffering between the development and the surrounding residential development (Ord No. 321-2000). Finally, in 2007, a portion of right-of-way operated by CSX Railroad, the historic location of the C & O Railroad, was rezoned to the Mixed-Use Community (MU-3) zone to allow for the development of the Midlands, a townhouse and multi-family development.

COMPREHENSIVE PLAN COMPLIANCE



The 2018 Comprehensive Plan, *Imagine Lexington*, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. 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.

GOALS, OBJECTIVES, & POLICIES

The applicant opines that they are in agreement with the adopted Goals and Objectives of the 2018 Comprehensive Plan. The applicant indicates that the proposed project will encourage expanded housing choices (Theme A, Goal #1), prioritizing higher density housing by adding 182 additional residential dwelling units (Theme A, Goal #1.a). Additionally, the applicant opines that their proposal supports infill and redevelopment by infilling an area that has been industrial historically, but is now more appropriate for residential or mixed-use projects (Theme A, Goal #2.a; Theme E, Goals #1.c, 1.d). Furthermore, the applicant stresses that they are seeking to enhance both the proposed area of development, as well as the public realm. The applicant states that through the inclusion of bike infrastructure, integrating into the current and proposed trail network, and enhancing the bus stop along the frontage of the property, they will prioritize multi-modal options to de-emphasize single occupancy vehicle dependence (Theme B, Goal #2.d). They will also support the Complete Streets concept, prioritizing a pedestrian first design that also accommodates the needs of bicycle, mass transit, and other vehicles (Theme D, Goal 1.a).

The staff agrees with these aspects of the applicant's proposal and that these Goals and Objectives of the 2018 Comprehensive can be met with the proposed development.

While the applicant does not directly reference any specific Comprehensive Plan Policies within their letter of justification, staff has identified several policies listed within the 2018 Comprehensive Plan that are being met with this request. In expanding the allowable uses, the request meets Density Policy #3 and Design Policy #12, which advocates for opportunities for additional neighborhood supportive uses and amenities. The proposed Downtown Frame Business (B-2A) zone will give this area additional flexibility in uses, allowing the applicant to create walkable neighborhood amenities that will help supplement the surrounding residential and commercial land uses.

The request also meets Livability Policy #6, which focuses on attracting and retaining young professionals by improving amenities and entertainment options. This proposed rezoning would create an attractive residential environment that could also include amenities and entertainment uses.

Finally, the proposed development meets Design Policy #5 by integrating the proposed development with future trail connections and increasing connections with enhanced multi-modal pathways the proposed development will create a pedestrian friendly street pattern and a walkable block to create inviting streetscapes.



PLACE TYPE, DEVELOPMENT TYPE, AND ZONE

In an effort to allow for the greatest contextual development of Lexington's Urban Service Area, applicants are asked to identify a Place-Type based on the location of the subject properties. Within each Place-Type there are recommended Development Types based on the form and function of the proposed development. Based on the Place-Type and Development Type there are also several recommended zones that are most appropriate based on the Goals, Objectives, and Policies of the 2018 Comprehensive Plan. While these zones are the ideal zoning categories to develop within a specified area, other zones may be considered, provided there is an appropriate justification addressing the unique situation and provided the development is able to adequately meet the associated Development Criteria.

The Downtown Place-Type is the urban epicenter of commerce and entertainment. The core should be anchored by high-rise structures with activated ground-levels. They are surrounded by mid-rise buildings that increasingly offer dense residential uses. A mix of uses and variety of transportation options should be prioritized, and parking should be addressed as a shared urban core asset. The High Density Non-Residential / Mixed-Use Development Type regional-serving commercial uses, services, places of employment, and/or a mix of uses within high-rise structures with a high Floor Area Ratio. These developments are intended to utilize Mixed-use structures, typically to include an abundance of multi-family residential units, places of employment, and entertainment options, and the retail and commercial options generally draw from a regional geographic area. The staff agrees that the subject properties are located within the Downtown area and that the proposed development would provide a higher density residential development with a small commercial component, which is in line with the High Density Non-Residential/Mixed Use Development Type.

The Downtown Frame Business (B-2A) zone is recommended within the Downtown Place-Type and the High Density Non-Residential / Mixed-Use Development Type.

DEVELOPMENT CRITERIA

The development criteria for a zone change are the distillation of the adopted Goals and Objectives, as well as the policies put forth in the 2018 Comprehensive Plan. The development criteria for development represent the needs and desires of the Lexington-Fayette Urban County community in hopes of developing a better built environment. The applicable criteria are defined based on the proposed Place-Type and Development Type.

1. Site Design, Building Form and Location

Staff finds that this request meets the recommendations for Site Design, Building Form and Location. The applicant's proposal intensifies an underutilized site and creates a mixed-use development that prioritizes higher density residential. The proposed development provides safe pedestrian-scale connections to adjacent community facilities, greenspace, and potential employment, business, shopping, and/or entertainment uses.

2. Transportation and Pedestrian

Staff finds that this request meets the majority of the Development Criteria for Transportation and Pedestrian Connectivity. The proposed development provides increased access to planned trail systems, incorporates direct pedestrian linkages to the nearby transit stop, and provides safe multi-modal connections to the development. There is one area of concern regarding the proposed project.

D-CO2-1. Safe facilities for all users and modes of transportation should be provided.

Within the B-2A zone internal pedestrian walkways are required from building entrances to all adjacent rights-of-way, and must be a minimum of five (5) feet in width. The applicant is not connecting the proposed development to the Owens Street right-of-way.

3. Greenspace and Environmental Health

The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will significantly increase the amount of green open space, tree canopy coverage, and reduce the overall amount of impervious surface on-site. Additionally, the proposed development will add canopy coverage along the Midland Avenue frontage.

STAFF RECOMMENDS: **APPROVAL**, FOR THE FOLLOWING REASONS:



1. The requested Downtown Frame Business (B-2A) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed project will encourage expanded housing choices (Theme A, Goal #1), prioritizing higher density housing by adding 182 additional residential dwelling units (Theme A, Goal #1.a).
 - b. The proposed rezoning supports infill and redevelopment by infilling an industrial area that is now more appropriate for residential or mixed-use projects (Theme A, Goal #2.a; Theme E, Goals #1.c, 1.d).
 - c. The proposed project will prioritize multi-modal options to de-emphasize single occupancy vehicle dependence (Theme B, Goal #2.d), and support the Complete Streets concept, prioritizing a pedestrian first design that also accommodates the needs of bicycle, mass transit, and other vehicles (Theme D, Goal 1.a).
2. The requested Downtown Frame Business (B-2A) zone is in agreement with the 2018 Comprehensive Plan's Policies, for the following reasons:
 - a. The proposed rezoning will give this area additional flexibility in uses, allowing the applicant to create walkable neighborhood amenities that will help supplement the surrounding residential and commercial land uses (Density Policy #3 and Design Policy #12).
 - b. The proposed development creates a pedestrian-friendly street pattern and more walkable blocks to create inviting streetscapes (Design Policy #5).
 - c. The request meets Livability Policy #6 by providing the opportunities to accommodate additional residential and amenity opportunities that appeal to young professionals.
3. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the recommendations for Site Design, Building Form and Location. The applicant's proposal intensifies an underutilized site and creates a mixed-use development that prioritizes higher density residential. The proposed development provides safe pedestrian-scale connections to adjacent community facilities, greenspace, and potential employment, business, shopping, and/or entertainment uses.
 - b. The proposed rezoning addresses the Transportation and Pedestrian Connectivity Development Criteria. The proposed development provides increased access to planned trail systems, incorporates direct pedestrian linkages to the nearby transit stop, and provides safe multi-modal connections to the development.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will increase the amount of green open space, tree canopy coverage, and reduce the overall amount of impervious surface on-site. Additionally, the proposed development will add street trees along the Midland Avenue frontage.
4. This recommendation is made subject to approval and certification of [PLN-MJDP-23-00015: Arthur E Abshire Property \(Lexington Cut Stone & Marble Tile Co.\)](#), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.