

**2. JAKE RIORDAN ZONING MAP AMENDMENT & VALLANDALE SUBDIVISION (AMD.) ZONING DEVELOPMENT PLAN**

- a. MAR 2016-2: JAKE RIORDAN (AMD.) (2/25/16)\* - petition for an amended zone map amendment from a Mixed-Use 2: Neighborhood Corridor (MU-2) zone to a Neighborhood Business (B-1) zone, for 0.964 net (1.235 gross) acres, located at 1501, 1505, 1507, and 1509 Versailles Road.

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 has amended their request, which originally was a rezoning to B-3 for five properties. The proposed rezoning is now for four properties to a B-1 zone for neighborhood-oriented retail establishments within a new 12,000 square-foot building. The associated off-street parking would be located behind the principal building on the lot, adjacent to an R-3 lot that was formerly a part of this zone change request.

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

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

1. A restricted Neighborhood Business (B-1) zone is in agreement with the 2013 Comprehensive Plan and the Cardinal Valley Small Area Plan (CVSAP), adopted by the Planning Commission in April 2015, for the following reasons:
  - a. Theme A of the Plan, 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 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. The proposed B-1 zone is compatible with the immediate vicinity, and a landscape buffer along the rear property line will help to provide an appropriate transition in land use.
  - c. The proposed B-1 zone along an entrance corridor to downtown Lexington that was recently studied by the Division of Planning and the Kentucky Transportation Cabinet (District 7 office) will provide an opportunity to provide some jobs closer to where people live.
  - d. The Cardinal Valley Small Area Plan encourages aesthetic and functional improvements that will make the Versailles Road corridor more accessible to pedestrians, which seems to speak to encouraging pedestrian-oriented development. The corollary development proposed for the site conforms to the B-1 zone setbacks, which encourages pedestrian interaction and development closer to the street. This is consistent with the CVSAP recommendations.
2. This recommendation is made subject to the approval and certification of ZDP 2016-4: VALLANDALE SUBDIVISION (AMD.), prior to forwarding this 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 use restrictions shall apply to the subject property:
  - a. Prohibited Uses:
    1. Drive-through facilities within 100' of Delmont Drive.
    2. The sale or provision of wine, beer or alcoholic beverages, other than by the drink.
    3. Live entertainment and/or dancing.
    4. Cocktail lounges, brew-pubs and nightclubs.
    5. Automobile service stations.
    6. Arcades, including pinball and electronic games.
    7. Sale of firearms other than by federally licensed manufacturers, importers or dealers.
    8. Car washing establishments.
    9. Pool tables, within an establishment, even as an accessory use.
    10. Automobile and vehicle refueling stations.
  - b. Other Use Restrictions:

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1. A landscape buffer of at least ten (10) feet in width shall be provided along the northern property boundary, with plantings as specified by Article 18-3(a)(1)2 of the Zoning Ordinance, including the retention or replacement of a 6-foot tall privacy fence.
2. Outdoor lighting shall be shielded and directed away from any adjacent residential zone. Lighting attached to a pole or any structure shall be a maximum of twenty (20) feet in height.
3. Any free-standing sign erected shall be a maximum of ten (10) feet in height.

These use and buffering restrictions are appropriate and necessary for these four lots to ensure greater compliance with the 2013 Comprehensive Plan and Cardinal Valley Small Area Plan, and to provide greater consistency with prior action by the Planning Commission and the Urban County Council involving business uses at this location.

- b. ZDP 2016-4: VALLANDALE SUBDIVISION (AMD) (2/25/16)\* - located at 1501-1509 Versailles Road.  
(Vision Engineering)

The Subdivision Committee Recommended: Postponement. There were some questions regarding the proposed access to the site from Delmont Drive.

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. Urban Forester's approval of tree inventory map.
5. Delete note #14.
6. Dimension sidewalks serving front building entrances.
7. Denote that fenestration and front architectural building features relative to the Versailles Road frontage shall be reviewed at the time of the Final Development Plan.
8. Discuss proposed dumpster location.
9. Discuss patio/sidewalk area.
10. Discuss the potential parking impact for restaurants and uses other than retail.

Zoning Presentation: Ms. Wade presented the staff report on this rezoning request, noting that the staff had received 16 emails in opposition to this request, along with a petition opposed to this rezoning with approximately 150 signatures. She distributed those items to the Commission for their review.

Ms. Wade briefly oriented the Commission to the location of the subject property at the intersection of Delmont Drive and Versailles Road, which is signalized. Delmont Drive is a local residential collector, which parallels a railroad line to the north. The petitioner is proposing to rezone the subject property to B-1 in order to align it with the existing B-1 zoning to the south and east of this location. This is an amended petition, as the petitioner previously proposed B-3 zoning. The staff recommended disapproval of that request, which prompted the petitioner to modify their application to request the B-1 zone. Along with the amendment to their application, the petitioner also removed the property at 105 Delmont Drive. This amended request now includes only the four parcels zoned MU-2 at the intersection of Versailles Road and Delmont Drive.

Ms. Wade explained that the petitioner is proposing to develop a 1,200 square-foot retail building and associated parking to the rear, with access from Delmont Drive. The general vicinity includes several commercial uses; a senior housing development to the west; vacant non-conforming residential structures across Delmont Drive; and the Days Motel, across Versailles Road, which is a non-conforming hotel in the B-1 zone. Ms. Wade displayed an aerial photograph of the subject property, noting that it is situated at the entrance to an existing single-family neighborhood. She also noted the location of two vacant, multi-family residential buildings located across Delmont Drive from the subject property.

Ms. Wade displayed several additional photographs of the subject property, noting that the residential structures originally constructed there have been maintained, although they have been modified. The residential character and setbacks, however, still exist. Ms. Wade also noted the rear yards of the subject properties, which have an existing fence along the Delmont Drive parcel. Those rear yard areas have primarily been used for parking and access for the four subject properties.

Ms. Wade said that the parcels at 1507 and 1509 Versailles Road were rezoned to P-1 in the 1970s, and they have most recently been used as a daycare center. In 1988, the corner property, 1501 Versailles Road, was rezoned to B-1 in order to allow a single use for the display and sale of art. In 1994, the 1505 Versailles Road parcel was also rezoned to B-1 in order to accommodate the expansion of the art gallery. In these recent cases, the properties were restricted via conditional zoning in order to protect the residential neighborhood to the north. When the art gallery closed, a proposal was brought

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forward to alter the conditional zoning restrictions at 1501 and 1505 Versailles Road in order to allow more uses, but those properties remained vacant for years. In 2005, the properties were rezoned to MU-2, with conditional zoning restrictions. No final development plan was ever filed following that zone change, however, so the properties have remained in either residential or commercial use.

Ms. Wade said that the petitioner contends that the proposed rezoning is in agreement with the 2013 Comprehensive Plan, citing Goals & Objectives relating to infill and redevelopment that reflect the area's context and design features; encouraging positive and safe interactions in neighborhoods; enabling infill and redevelopment that creates jobs where people live; attracting and retaining high-paying jobs; and upholding the Urban Service Area concept by encouraging compact and contiguous, and/or mixed-use development. Ms. Wade noted that the subject properties are part of the recent Cardinal Valley Small Area Plan (CVSAP). The CVSAP had five general recommendations; the staff felt that the most relevant of those related to Versailles Road corridor improvements. That Goal refers to improving the aesthetics and function of the corridor for vehicles, and making it more accessible to pedestrians and cyclists. When the petitioner initially filed their rezoning request for a B-3 zone with a gas station, the staff could not find that the proposed development was in line with the CVSAP. The staff believes that the new proposed development, with a B-1 zone, more fully coincides with the concepts proposed by the CVSAP. The building is proposed to be set back 20' from the road, with parking in the rear, which is more pedestrian-oriented. Ms. Wade stated that the staff is now in agreement with the petitioner that the proposed zone change to B-1 is in agreement with the 2013 Comprehensive Plan and the CVSAP. The staff and the Zoning Committee are recommending approval, for the reasons as listed in the staff report and on the agenda. The staff is recommending nine prohibited uses on the property, as well as a 10' landscape buffer at the rear property line; the retention of the existing privacy fence (or replacement if necessary); that the direction of any outdoor lighting away from the residential area and a maximum height of 20' for that lighting; and the limitation of any freestanding signs to 10' in height.

Commission Question: Mr. Wilson asked, with regard to the proposed prohibited use, what the difference is between an automobile service station and a vehicle refueling station. Ms. Wade answered that automobile service stations have been in the Zoning Ordinance for decades, and include typical gas stations, tire centers, and other businesses that involve sales and/or servicing of vehicles. A vehicle refueling station refers specifically to compressed natural gas, which is a separate use with different regulations, due to the nature of natural gas and the inherent safety issues.

Development Plan Presentation: Mr. Martin presented the corollary preliminary development plan, noting the location of the proposed retail building and its orientation toward Versailles Road. The petitioner is proposing access to Delmont Drive, with associated parking to the rear of the building, and a pedestrian access to the entrance of the building. The retail structure is proposed to be 12,000 square feet in size, and one story in height.

With regard to the conditions for approval, Mr. Martin said that they refer mostly to typical "sign-off" type items, with a few exceptions. The staff is recommending a note referring to the front fenestration and architectural features of the building, which is always a concern in B-1 developments that adjoin residential neighborhoods. There are also three discussion items that are unresolved; the first involves the dumpster location on the property, which is typically not included on a preliminary development plan due to the effort involved in proper siting and the level of review required for approval of the site. The Division of Solid Waste requires 50' of clearance for backing of their collection vehicles; in addition, the subject property must include an internal turnaround for trucks, so that they will not be required to back out onto Delmont Drive. The dumpster location indicated on this plan will likely not work, since no turnaround is provided, and any addition of a turning area could result in the loss of parking spaces. The petitioner is proposing only seven additional parking spaces over the Zoning Ordinance requirement, so the staff is concerned that those issues be reviewed closely. Condition #9 relates to the patio/sidewalk area to the rear of the building, which is proposed to be 33' wide. The staff is concerned that the large patio area could include restaurant seating, which would also require additional parking spaces. Mr. Martin said that condition #10 refers to this concern, noting the potential impact of restaurant uses on the required parking. In any situation where a restaurant is located in a retail area, the staff reviews the parking very closely, since restaurants include a higher parking generator. The staff has not been able to fully resolve the issue with the petitioner, so they are recommending the resolution of these items at the time of a Final Development Plan for the property. Mr. Martin noted that the Subdivision Committee recommended postponement of this item at their meeting three weeks ago.

Petitioner Presentation: Jihad Hallany, Vision Engineering, was present representing the petitioner. He stated that the petitioner is in agreement with the staff's recommendations, including the proposed conditional zoning restrictions. Mr. Hallany asked that the discussion items for the development plan be deferred until the time of a Final Development Plan for the property.

Commission Question: Mr. Owens asked if the petitioner intended to use the rear patio area as a restaurant seating area. Mr. Hallany responded that the petitioner amended the application to request the B-1 zone in order to address the staff's concerns about the B-3 zone, which was originally proposed.

Citizen Support: No citizens were present in support of this request.



Citizen Opposition: Paula Singer, 100 Hamilton Park, stated that this zone change process has been fluid, and noted that it has been difficult at times for area residents to keep up. She said that she represented approximately 150 residents who signed a petition against the proposed development.

Ms. Singer stated that, as a member of the CVSAP Steering Committee, president of the Hamilton Park/Westgate Neighborhood Association, and founding member of Friends of Versailles Road, she has worked with neighborhood residents and the Planning staff to ensure the beautification and vitality of the corridor. Since 2012, LFUCG and the Kentucky Department of Transportation (KYDOT) have spent \$375,000 studying the Versailles Road corridor and the Cardinal Valley neighborhood. The CVSAP, adopted by the Planning Commission less than a year ago, provides guidelines for future design and growth in the area. One of the key features of the CVSAP was ensuring strong and stable residential neighborhoods, through neighborhood conservation. The CVSAP stresses the importance of providing an adequate supply of affordable housing to meet the needs of Cardinal Valley residents and assuring safe and well-maintained residential environments. It also recommends increasing the aesthetics of Versailles Road so it can function as a major gateway to the city.

Ms. Singer stated that area residents contend that the proposed development would "chip away" at the residential character of the neighborhood, which will not contribute to the achievement of the objectives laid out in the CVSAP. They believe that the residential section of Versailles Road from Delmont Drive west to Oxford Circle is the most attractive section of the corridor, and that a zone change that would allow retail development in that area would undermine the transition area between commercial uses toward downtown, and the residential uses to the west. Ms. Singer opined that the proposed zone change would be contrary to the Comprehensive Plan and CVSAP to uphold the Urban Service Area concept by "compact, contiguous, and/or mixed-use, sustainable development within the Urban Service Area."

Ms. Singer reiterated the zoning history of the subject properties, noting that, when the westernmost property was rezoned from residential to B-1, it was to allow only one use: the display and sale of art. Ms. Singer stated that the area residents believe that the CVSAP supports the current MU-2 zoning of the subject property, and she asked that the Planning Commission disapprove this request.

Lane Boldman, 114 Woodford Drive, stated that she is the current president of the Cardinal Valley Neighborhood Association. She noted that lack of attendance at today's hearing is not a representation of lack of interest in this request; rather, there are a number of low-income residents in the area who were not able to leave work to attend this hearing. The neighborhood association did discuss this issue, but did not take a formal vote, so Ms. Boldman noted that she was offering her personal comments, rather than those of the association members.

Ms. Boldman stated that she was pleased that the petitioner abandoned their original proposal for a gas station, which she believes would have been "entirely inappropriate for the area." In considering the amended proposal, she said that, while it is improved from the original, it is equally inappropriate for the neighborhood. Cardinal Valley has been outlined in the CVSAP as an area of special need; and needs time to revitalize. Ms. Boldman believes that the proposed zone change would "chip away" at the existing residential neighborhood.

With regard to the CVSAP, Ms. Boldman stated that it was developed as part of a year-long process involving neighborhood residents and other stakeholders. The CVSAP depicts the subject property as part of a "neighborhood conservation area," which is defined as an area that "should increase affordable housing stock and promote a proactive, sustainable community through program outreach." The CVSAP also states that the goal of the area is to "expand home ownership opportunities, promote engaged communities and citizen/neighborhood involvement; directly and positively impact the quality and appearance of the housing stock; ensure safe residential environments." The current proposal would remove four 1920s structures, which are original to the area and have been maintained to code, and would replace them with non-residential space on a block that is primarily residential in nature. Ms. Boldman opined that, for these reasons, the proposed zone change to B-1 would not satisfy these requirements. The area near the subject property contains close to 50 original residential structures, so the proposed zone change would remove approximately 10% of the residential nature of this portion of the Versailles Road corridor.

Ms. Boldman said that an overlay area has been identified for Versailles Road corridor improvements, which specifies "increasing safety and function of Versailles Road by improving vehicular, cyclist, and pedestrian accessibility." The recommendation report states that, "These recommendations aim at revitalizing, and ensuring housing diversity and providing economic development opportunities and services, while tying it all together with open space and transportation improvements." The CVSAP also recommends that the Oxford Circle area should become the commercial node for the community.

Ms. Boldman opined that the recommendations of the 2013 Comprehensive Plan and the CVSAP should take precedence over individual zone change requests, particularly since the SAP is in preparation for implementation. Area residents want to make the CVSAP successful, and they believe that the proposed development would undermine those efforts. Ms.

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Boldman asked that the Planning Commission disapprove this request, so that the existing residential structures, and the integrity of the block, can be maintained.

Amy Clark, 628 Kastle Road, stated that there had recently been a number of B-1 and B-3 zone changes along arterial roadways within the city, and she believes that, in light of those developments, it is important to uphold the recommendations of the Comprehensive Plan and small area plans.

Ms. Clark displayed a map from the CVSAP, noting the residential neighborhood conservation area, which extends from Delmont Drive to Oxford Circle. Then, displaying the Food Access map from the 2013 Comprehensive Plan, she said that there are areas within the Versailles Road corridor with a high population density and little access to personal transportation. Versailles Road is also one of the most popular mass transit routes in Lexington-Fayette County. There is a need for affordable housing in the area, as well as neighborhood stability.

Ms. Clark said that, although there has been a mix of uses in the four residential structures on the subject properties, the existing MU-2 zoning has never been implemented. She said that it could provide an opportunity to develop a commercial use on the first floor, with residential use above, as a good buffer between the commercial area to the east and the adjacent senior citizens housing facility.

Ms. Clark stated that the proposed development would be "out, not up;" it would be surrounded by paving, and would eliminate 35,000 square feet of mature tree canopy on the site. The petitioner has committed to providing a landscape buffer along the rear property line, but it will be many years before any new trees are mature in height.

Ms. Clark urged the Planning Commission to consider the time and care that went into the Comprehensive Plan and CVSAP, and to disapprove this request.

Barbara Fyock, 1523 Versailles Road, stated that her home is located in the same block as the subject property. She purchased her home in 2010, and is currently in the process of restoring it. Ms. Fyock sees Versailles Road from Delmont Drive to the west as a residential community, where neighbors bike and walk the area regularly. She would like to keep the residential character of the area, including her 1920s home, which is worthy of preservation. Ms. Fyock stated that she believes that this portion of Versailles Road is "the greatest part of town to live in," and she is opposed to the proposed development. She would like to see the CVSAP implemented as it was proposed.

Gary Billett, 125 Londonderry Drive, stated that he agreed with the other opponents to this request, adding that he does not want to see the residential character of the neighborhood decline. He added that, at the meeting between the petitioner and the neighborhood association, he asked several questions; but he did not feel that they were adequately answered.

John Boone, 121 Hamilton Park, stated that his family has lived on Hamilton Park for 60 years, and he loves the area. He said that he believes that Hamilton Park is an asset to Lexington, and, as such, it should be preserved. Mr. Boone said that he is concerned that rezoning the subject property for business use could create a precedent for more development in the area, and undermine the quality of the neighborhood over time. He asked that the Planning Commission disapprove this request.

Petitioner Rebuttal: Mr. Hallany reiterated that the proposed rezoning is in agreement with both the Comprehensive Plan and the CVSAP.

Mr. Hallany stated that, at the meeting between the petitioner and neighborhood residents about a week prior to this hearing, there were citizens present in opposition, but there were also supporters of this request. He said that the subject property has been zoned MU-2 since 2005, and it has remained undeveloped, which indicates that the MU-2 zone is inappropriate for the area. Mr. Hallany opined that the proposed development would provide business uses to serve the neighborhood, not detract from it, and he requested approval.

Citizen Rebuttal: Ms. Singer said that Mr. Hallany might have misunderstood the residents' politeness as approval for the proposed development at the recent neighborhood meeting; there were no citizens present in support of this request.

Ms. Singer stated that the area residents have been given no specifics as to what types of business might locate on the subject property. There have been several successful businesses that have located in the area, but they have been small, with well-established customer bases. Those businesses include Mickler's Equine Apparel and South Hill Gallery, both of which are located in historic structures, with a commitment to maintain the buildings. Most of the successful businesses in the area do not involve retail sales. Ms. Singer said that the petitioner indicated, at the neighborhood meeting, that a barber shop or coffee shop could locate on the subject property. However, a barber shop recently went out of business in the Village Shopping Center, next to the public library; it was replaced by a T-Mobile cell phone store, which the neighborhood residents do not believe is a desirable business for the community. Ms. Singer said that the area residents maintain that a small, local business would be able to locate on the subject property in the existing MU-2 zone; a "strip mall" is not welcome on the subject property.

Staff Rebuttal: Ms. Wade stated that the staff had no rebuttal comments.

Commission Comments: Mr. Wilson stated, with regard to Ms. Boldman's comments, that the staff had provided a well-defined set of proposed conditional zoning restrictions for the subject property. He asked if the neighbors had the opportunity to review that recommendation. Ms. Boldman answered that the neighborhood association called a special meeting so that residents could discuss the proposal; the result of that meeting was a consensus among the neighbors that they did not want the proposed development located in the neighborhood. Residents believe that the proposed development would undermine the efforts to revitalize their neighborhood, and they want to maintain its residential character.

Chairman Comment: Mr. Owens stated that the hearing was closed at this time, and he opened the floor for Commission comments or a motion.

Commission Comments: Ms. Plumlee commended the citizens for their thoughtful arguments, particularly with regard to the CVSAP. She said that, should this proposed development go forward, the questions about parking could become a greater concern. Ms. Plumlee opined that the proposed development would have a negative effect on the neighborhood.

Zoning Motion: A motion was made by Ms. Plumlee to disapprove MAR 2016-2, because it does not preserve the existing urban neighborhood, and is in conflict with the Comprehensive Plan, Theme A., Goal 3, Objective C. Ms. Plumlee's motion failed for lack of a second.

Zoning Action: A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 7-1 (Plumlee opposed; Drake, Penn, and Richardson absent) to approve MAR 2016-2, for the reasons provided by staff.

Development Plan Action: A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 7-1 (Plumlee opposed; Drake, Penn, and Richardson absent) to approve ZDP 2016-4, with the 10 conditions as listed on the agenda, changing #8 - #10 to read: "Resolve...at the time of the Final Development Plan."