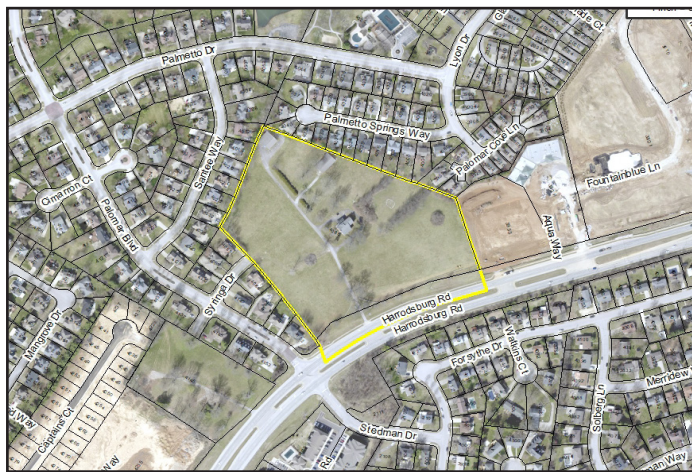


STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-21-00016: HARRODSBURG ROAD, LLC

DESCRIPTION OF ZONE CHANGE

Zone	A-U to B-3:	7.88 net (9.245 gross) acres
Change & Acreage:	A-U to R-3:	<u>3.88 net (3.88 gross) acres</u>
	Total:	11.76 net (13.125 gross) acres
Location:	4085 Harrodsburg Road	



EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Properties	A-U	Vacant
To North	R-3	Single Family Residential
To East	B-3	Commercial Center
To South	R-1D / A-U	Single Family Residential / Right-of-Way
To West	R-1D	Single Family Residential

URBAN SERVICE REPORT

Roads - The subject property is bordered to the south by Harrodsburg Road (US 68), a major four-lane, divided arterial roadway with two lanes dedicated for turning at Stedman Drive and Palomar Boulevard. Harrodsburg Road is one of two major commuter routes connecting Jessamine and Fayette Counties and becomes South Broadway as the roadway heads north towards downtown. While the proposed development is proposing full access along Harrodsburg Road, there are currently two access points associated with the Fountains at Palomar development: a right-in/right-out along Man O War Boulevard and a full signalized intersection on Harrodsburg Road approximately 1,000 feet south of its intersection with Man O' War Boulevard. Additionally, there is a stub street, Syringa Drive, that abuts the subject property. Syringa Drive is a local roadway and is meant to provide access from Captains Court to the subject property.

Curb/Gutter/Sidewalks - Harrodsburg Road and Syringa Drive have curb, gutter, and sidewalks at this location. The internal street and pedestrian system would need to provide these facilities as well.

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

Storm Sewers - The subject property is located within the South Elkhorn watershed, and there are no known flooding issues in the immediate area. Storm sewers have been constructed along Harrodsburg Road and within adjacent developments.

Sanitary Sewers - The subject property is located within the South Elkhorn sewershed and is served by the West Hickman Wastewater Treatment Facility, located in northern Jessamine County. Sanitary sewer capacity will be verified by the Capacity Assurance Program (CAP) prior to certification of any final development plan.

Refuse - The Urban County Government serves this area with refuse collection on Thursdays. However, supplemental service by private refuse haulers is commonly utilized for commercial development due to the needed frequency of pick-up.

Police - The nearest police station is the West Sector Roll Call Center, located approximately four and a half miles to the northeast of the subject property on Old Frankfort Pike, near New Circle Road.

Fire/Ambulance - The nearest fire station (#20) is located near the corner of Harrodsburg Road and Arrowhead Drive, in the Indian Hills Subdivision, about ¾ mile to the northeast of the subject property.

Transit - LexTran transit route service is available along Wellington Way, approximately ½ mile north of the subject property, via the South Broadway Route (#13) and the Night Versailles Route (#58). There are no current plans to extend transit service south of Man O War Boulevard.

Parks - There are no public parks within close proximity of the development.

SUMMARY OF REQUEST

The applicant is seeking to rezone a portion of the subject property from an Agricultural Urban (A-U) zone to the Highway Service Business (B-3) zone in an effort to construct a continuation of the commercial shopping center located at the corner of Man O War Boulevard and Harrodsburg Road. Additionally, the applicant is seeking to rezone the remaining portion of the subject property from an Agricultural Urban (A-U) zone to the Planned Neighborhood Residential (R-3) zone to develop a separate low density residential development with 14 single family residential lots.

PLACE-TYPE

CORRIDOR

The Corridor Place-Type is Lexington’s major roadways focused on commerce and transportation. The overriding emphasis of Imagine Lexington is significantly overhauling the intensity of the major corridors. The future of Lexington’s corridors lies in accommodating the shifting retail economic model by incorporating high density residential and offering substantial flexibility to available land uses. Adding a mix of land uses to support the existing retail will provide a built-in customer base, create a more desirable retail experience, and allow a greater return on investment for landholders. Additional focus is on increasing the viability of enhanced mass transit, thereby reducing the reliance on single-occupancy vehicles and improving Lexington’s overall transportation efficiency.

DEVELOPMENT TYPE

MEDIUM DENSITY NON-RESIDENTIAL / MIXED USE

Primary Land Use, Building Form, & Design

Primarily community-serving commercial uses, services, places of employment, and/ or a mix of uses within mid-rise structures with a higher Floor Area Ratio. Mixed-use structures typically include more multi-family residential units and places of employment, and retail and commercial options generally draw from a larger geographic area. An activated and pedestrian-scale ground level should be provided. These developments may include more employment space for professional office and can include some larger entertainment spaces.

Transit Infrastructure & Connectivity

Though they draw more external users, they should still include multi-modal connections allowing for easy neighborhood access. Mass transit infrastructure is to be provided on par with that of other modes, and the higher-density housing types should be located in close proximity.

Parking

The buildings should be oriented to the street, and developments should avoid over-parking, with provided parking located internally.

PROPOSED ZONING



This zone is intended to provide for retail and other uses, which are necessary to the economic vitality of the community but may be inappropriate in other zones. The Comprehensive Plan should be used to determine the locations for this zone. Special consideration should be given to the relationship of the uses in the zone to the surrounding land uses and to the adequacy of the street system to serve the traffic needs.



This zone is primarily for multi-family dwellings and other residential uses. This zone should be at locations and at the density (units/acre) recommended by the Comprehensive Plan, and in areas of the community where necessary services and facilities will be adequate to serve the anticipated population.

PROPOSED USE



The petitioner proposes the rezoning of the subject property to the Highway Service Business (B-3) zone to allow for the continuation of the commercial shopping center located at the corner of Man O War Boulevard and Harrodsburg Road, known as the Fountain at Palomar. The continuation of the shopping center is proposed to include seven (7) out lots for retail sales. The development proposes to have access from an internal connection to the neighboring commercial center and full access to Harrodsburg Road. Additionally, the petitioner is seeking to rezone the rear of the property to the Planned Neighborhood Residential (R-3) zone to allow for the construction of 14 single family detached dwelling units. This residential development is proposed to be completely separate from the commercial development, with sole access from Syringa Drive.

APPLICANT & COMMUNITY ENGAGEMENT



The applicant has not indicated that they have spoken with any stakeholders regarding outreach for the subject application.

PROPERTY & ZONING HISTORY



The subject property have been zoned Agricultural Urban (A-U) since the comprehensive rezoning of the city and county in 1969. The property was originally part of an active farm before being sold to the Shriners Hospital in 1983. Not long after the purchase of the property, it was sold again to the Masonic Temple Association of Lexington, Ky in 1985. The property was operated as the Masonic Lodge until the early 2000s, when the Masons shifted their operation to 3112 Harrodsburg Road. Since that time the property has been vacant.

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.

The applicant opines that the proposed rezoning for the subject property is in agreement with the 2018 Comprehensive Plan.

GOALS & OBJECTIVES

The applicant opines that they are in agreement with the adopted Goals, Objectives, and Policies of the 2018 Comprehensive Plan. They opine that the project will expand housing choices (Theme A, Goal #1) by accommodating the demand for housing in Lexington responsibly and prioritizing higher density and mixture of housing types (Theme A, Goal #1.a). While the applicant is proposing the inclusion of fourteen (14) single family detached houses, the proposed development does not prioritize higher density, nor does the proposed development include a mixture of housing types in the area. The residential development west of Harrodsburg Road and south of Man O War Boulevard is comprised completely of low density residential options. The proposed development is not a deviation from such development nor does it propose a different form of single-family residential options.

The applicant also opines that the proposed development will support infill and redevelopment throughout the Urban Services Area as a strategic component of growth (Theme A, Goal #2) by identifying areas of opportunity for infill, redevelopment, adaptive reuse and mixed-use development (Theme A, Goal #2.a). The proposed development is not an integrated mixed-use development, it does not adaptively reuse the existing structure, nor does the proposed development seek to construct at a density or intensity that might be reflective of a major corridor in Lexington.

Additionally, the applicant indicates that the proposed development will respect the context and design features of areas surrounding development projects and develop design standards and guidelines to ensure compatibility with existing urban form (Theme A, Goal #2.b). The applicant does not expand upon the context and design features that they are seeking to promote. While the applicant is adding more commercial and residential opportunities to the area, the commercial opportunities actually represent a decrease in intensity and density of use compared to the neighboring Fountain at Palomar development.

The applicant further indicates that the proposed development will support and showcase local assets to further the creation of a variety of jobs (Theme C, Goal #1). The applicant has not provided information as to what forms of jobs might be created through the development of the subject property. Through review of the associated development plan, the applicant has indicated retail operations only.



Finally, the applicant indicates that the proposed development will improve a desirable community by supporting a model of development that focuses on people first to provide accessible community facilities and services to meet the health safety and quality of life needs of Lexington-Fayette County residents and visitors. The applicant has not provided information regarding what facilities would be incorporated into the proposed development. Further, the proposed development is not pedestrian-oriented and is completely separated from the surrounding residential context. These two aspects of the proposed development creates a barrier to accessibility to any services or facilities that might be developed on site.

PLACE-TYPE, DEVELOPMENT TYPE, AND ZONE

The applicant indicates that the project is located within the Corridor Place-Type and is a Medium Density Non-Residential / Mixed Use Development Type. Due to the location of the site along Harrodsburg Road, which is one of the identified Corridors within the 2018 Comprehensive Plan, the Corridor Place-Type can be appropriate for those elements of the development that are interacting with Harrodsburg Road.

While a Medium Density Non-Residential / Mixed Use Development Type can be appropriate for the subject property, the proposed development does not meet the description of the Medium Density Non-Residential / Mixed Use Development Type. This Development Type is primarily community-serving commercial uses, services, places of employment, and/or a mix of uses within mid-rise structures with a higher Floor Area Ratio (FAR). The applicant is proposing a commercial development that is completely comprised of single storied structures with a FAR of less than 0.11.

Additionally, the Development Type calls for mix of uses, which would typically include multi-family residential units and places of employment, and retail and commercial options generally draw from a larger geographic area. While the applicant is showing a mix of uses, with the single family residential development to the rear, there is no interconnectivity between the two developments. By providing no interaction between the residential component and the commercial component, this development cannot be considered a mixed-use development. Furthermore, low density residential is not recommended for the Corridor Place Type, nor does it meet the intent of the Medium Density Non-Residential / Mixed Use Development Type.

The Development Type also calls for an activated and pedestrian-scale ground level. The proposed development does situate parking as the primary visual component of the development and does not provide clear and accessible pedestrian access to the proposed structures. The clear focus on the auto-centric nature of this development is further reinforced by the overparking of the subject property, which is meant to be avoided for this Development Type. The required parking for the proposed project is 112 parking spots. The applicant is proposing 267 parking spots, which is 138 percent greater than what is required. This represents a tremendous overparking of the site.

While the staff agrees that a Medium Density Non-Residential / Mixed Use Development type can be appropriate within the Corridor Place-Type, the proposed development is not representative of that Development Type, in this case.

Additionally, neither the Highway Service Business (B-3) zone nor the Planned Neighborhood Residential (R-3) zone are recommended zones within this Place-Type and Development Type. While the applicant is not precluded from requesting a zone change that is different from what is recommended within the Comprehensive Plan, it is incumbent upon the applicant to show how the proposed zone meets the Goals, Objectives, and Policies, while also describing how the proposed zoning meets the intent of the Place-Type and Development Type. Within the Corridor Place-Type and Medium Density Non-Residential / Mixed Use Development Type, there are six recommended zones: Commercial Center (B-6P), Neighborhood Business (B-1) with a form-based project, Mixed-Use Corridor (MU-2), Mixed-Use Community (MU-3), High Density Apartment (R-4), and High-Rise Apartment (R-5) zones. These zones are recommended as they meet the intent of the Place-Type and Development Type. The applicant has not provided evidence as to how the proposed Highway Service Business (B-3) zone and the Planned Neighborhood Residential (R-3) zones are in agreement with the Corridor Place-Type and Medium Density Non-Residential / Mixed Use Development Type.



DEVELOPMENT CRITERIA

The applicant has not addressed any of the associated development criteria applicable to the Corridor Place-Type and the Medium Density Non-Residential Development Type. The applicant has therefore not shown how they are meeting the Comprehensive Plan. The following Development Criteria are applicable to the Corridor Place-Type and the Medium Density Non-Residential / Mixed Use Development Type:

A-DS4-2 New construction should be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context in accordance with other Imagine Lexington corridor policies and Placebuilder priorities.

A-DS5-3 Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.

A-DS5-4 Development should provide a pedestrian-oriented and activated ground level.

A-DS7-1 Parking should be oriented to the interior or rear of the property for nonresidential or multi-family developments.

A-DS7-2 Any non-residential or multi-family parking not buffered by a building should be screened from the streetscape view and adjacent properties.

A-DS7-3 Parking structures should activate the ground level.

A-DS8-1 At the individual street level, medium density housing types should be interspersed with single-family detached units and should be context sensitive.

A-DS10-1 Residential units should be within reasonable walking distance to a focal point.

A-DS11-1 Common public uses that serve as neighborhood focal points, such as parks and schools, should be on single loaded streets.

A-DN2-1 Infill residential should aim to increase density.

A-DN2-2 Development should minimize significant contrasts in scale, massing and design, particularly along the edges of historic areas and neighborhoods. (D-PL9, E-GR6)

A-DN3-1 Pedestrian-oriented commercial opportunities should be incorporated within residential neighborhoods.

A-DN3-2 Development should incorporate residential units in commercial centers with context sensitive design.

A-EQ3-1 Development should create context sensitive transitions between intense corridor development and existing neighborhoods.

B-PR9-1 Minimize disturbances to environmentally sensitive areas by utilizing the existing topography to the greatest extent possible.

B-SU11-1 Green infrastructure should be implemented in new development. (E-GR3)

C-DI1-1 Consider flexible zoning options that will allow for a wide range of jobs.

C-DI5-1 In Opportunity Zones with a clearly defined local context, consider adaptive reuse to enhance the existing context.

C-LI2-2 Non-agricultural uses at or near potential and existing gateways, as mapped in the Rural Land Management Plan, should be buffered.

C-LI2-3 Design should create a positive gateway character at existing and proposed gateways as identified in the Rural Land Management Plan.

C-LI2-4 Setbacks, signage, and screening should complement the iconic Bluegrass landscape along Historic Turnpikes, Scenic Byways, Turnpikes, and other scenic roads listed in the RLMP.



C-LI6-1 Developments should incorporate multi-family housing and walkable commercial uses into development along arterials/corridors.

C-LI7-1 Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.

C-PS9-2 Modify current office space to include complementary uses.

C-PS10-2 Developments should explore options for shared and flexible parking arrangements for currently underutilized parking lots.

C-PS10-3 Over-parking of new developments should be avoided. (B-SU5)

D-PL7-1 Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.

D-PL9-1 Historically significant structures should be preserved.

D-PL10-1 Activate the streetscape by designating public art easements in prominent locations.

D-SP3-1 Adequate right-of-way, lease areas and easements for infrastructure, with emphasis on wireless communication networks should be provided to create reliable service throughout Lexington.

D-SP3-2 Cellular tower antennae should be located to minimize intrusion and negative aesthetic impacts, and stealth towers and landscaping should be used to improve the visual impact from the roadway and residential areas.

D-SP9-1 Encourage co-housing, shared housing environments, planned communities and accessory dwelling units for flexibility and affordability for senior adults and people with disabilities.

E-GR4-1 Developments should incorporate reuse of viable existing structures.

E-GR5-1 Structures with demonstrated historic significance should be preserved or adapted.

E-GR9-1 Live/work units should be incorporated into residential developments.

E-GR9-4 Development should intensify underutilized properties and develop vacant and underutilized gaps within neighborhoods. (E-GR6)

E-GR10-2 Developments should provide walkable service and amenity-oriented commercial spaces.

E-GR10-3 Shared common space in commercial developments should be provided to encourage experiential retail programming.

A-DS1-1 Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7).

A-DS1-2 Direct pedestrian linkages to transit should be provided.

A-DS4-1 A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided. (A-DS2, A-DN1, B-SU1, B-SU2, C-LI7, E-AC5)

A-DS5-1 Adequate multi-modal infrastructure should be provided to ensure vehicular separation from other modes of transport.

A-DS5-2 Roadways should provide a vertical edge, such as trees and buildings.

A-DS10-2 New focal points should be designed with multi-modal connections to the neighborhood.

A-DS13-1 Stub streets should be connected. (D-CO4)

A-EQ3-2 Development on corridors should be transit-oriented (dense & intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure & facilities). (B-SU3)



- A-EQ7-2 Multi-modal transportation options for healthcare and social services facilities should be provided. (E-ST3)*
- B-SU4-1 Where greenspace/community centers are not located within walking distance of a new development, applicants should attempt to incorporate those amenities. (A-DS9)*
- C-PS10-1 Flexible parking and shared parking arrangements should be utilized.*
- D-CO1-1 Rights-of-way and multi-modal facilities should be designed to reflect and promote the desired place-type.*
- D-CO2-1 Safe facilities for all users and modes of transportation should be provided.*
- D-CO2-2 Development should create and/or expand a safe, connected multi-modal transportation network that satisfies all users' needs, including those with disabilities.*
- D-CO4-2 Roadway capacity should be increased by providing multiple parallel streets, which alleviate traffic and provide multiple route options, in lieu of additional lanes.*
- D-CO5-1 Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.*
- D-SP1-3 Developments should provide multi-modal transportation infrastructure to school sites, including sidewalks, shared-use paths, and roadways that can accommodate the bus and vehicle traffic associated with the site.*
- E-ST3-1 Development along major corridors should provide for ride sharing pick up and drop off locations along with considerations for any needed or proposed park and ride functions of the area. (E-GR10, E-GR7)*
- A-DS4-3 Development should work with the existing landscape to the greatest extent possible, preserving key natural features.*
- A-EQ7-3 Community open spaces should be easily accessible and clearly delineated from private open spaces.*
- B-PR2-1 Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.*
- B-PR2-2 Dividing floodplains into privately owned parcels with flood insurance should be avoided.*
- B-PR2-3 Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them.*
- B-PR7-1 Connections to greenways, tree stands, and stream corridors should be provided.*
- B-PR7-2 Trees should be incorporated into development plans, prioritize grouping of trees to increase survivability.*
- B-PR7-3 Developments should improve the tree canopy.*
- B-RE1-1 Developments should incorporate street trees to create a walkable streetscape.*
- B-RE2-1 Green infrastructure should be used to connect the greenspace network.*
- D-SP2-1 Visible, usable greenspace and other natural components should be incorporated into school sites.*
- E-GR3-1 Physical and visual connections should be provided to existing greenway networks.*
- E-GR3-2 New focal points should emphasize geographic features unique to the site.*

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



1. The requested rezoning to Highway Service Business (B-3) zone and the Planned Neighborhood Residential (R-3) are not in agreement with the 2018 Comprehensive Plan for the following reasons:
 - a. The requested zones are not recommended zones within the Comprehensive Plan and the applicant has not provided sufficient information as to how the zones fit the proposed Place-Type or Development Type.
 - b. The requested rezoning is not in agreement with the Goals, Objectives, and Policies of the 2018 Comprehensive Plan.
 - c. The proposed development does not meet the intent of the Medium Density Non-Residential / Mixed Use Development Type.
 - d. The requested rezoning is not in agreement with the Development Criteria of the 2018 Comprehensive Plan.
2. There have been no major unanticipated changes of an economic, social or physical nature in the area of the subject property since the adoption of the 2018 Comprehensive Plan.
3. The applicant has not provided evidence as to why the current zoning is inappropriate and the proposed zoning is the most appropriate zone for this location.