

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2016-18: JAMES CLAY WALLER

DESCRIPTION

Zone Change: From a Single Family Residential (R-1C) zone
To a Wholesale & Warehouse Business (B-4) zone

Acreage: 0.88 net (1.26 gross) acre

Location: 1500 and 1502 North Limestone, and 101 Rosemary Avenue

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Properties	R-1C	Single Family Residential
To North	B-1 & B-3	Commercial & Insurance Office
To East	B-4	Wholesale & Warehouse Businesses
To South	R-1C	Single Family Residential
To West	P-1 & R-1C	Office & Single Family Residential

URBAN SERVICES REPORT

Roads – North Limestone/Old Paris Road is a four-lane minor arterial roadway at its signalized intersection with New Circle Road (KY 4), but it narrows to a two-lane roadway along the frontage of two of the subject properties, which are located approximately 700 feet to the south. New Circle Road (KY 4) is a six-lane major arterial roadway in this vicinity and approximately 39,000 vehicles travel along this roadway daily. Rosemary Avenue is a local residential street that intersects North Limestone about 900 feet south of New Circle Road. The existing residential driveways on the subject properties are proposed for removal, and one commercial access point is proposed along Rosemary Avenue, which will provide a connection to the existing warehouse development to the northeast of the subject site.

Curb/Gutter/Sidewalks – North Limestone and Rosemary Avenue are both lacking curbs and gutters or along the frontage of the subject properties. Sidewalks are present along the Rosemary Avenue parcel, and continue around the corner on to North Limestone; however, they are not clearly delineated or adequately separated from the paved roadway or from available on-street parking areas. These facilities have previously been constructed along the North Limestone corridor intermittently.

Storm Sewers – The subject properties are located within the Cane Run watershed. Storm sewers exist in this portion of the Urban Service Area; however, the subject property may require additional storm water facilities to adequately contain any water quality impacts or runoff created by the proposed redevelopment for commercial uses. There are no FEMA special flood hazard areas on the subject property, although one exists along the north side of New Circle Road in this vicinity associated with the Cane Run Creek. Localized stormwater issues were documented at the intersection of North Limestone and New Circle Road as well as along Loneta Street during the September 2006 storm event.

Sanitary Sewers – The subject properties are located within the Cane Run sewershed, which is served by the Town Branch Wastewater Treatment Facility, located on Lisle Industrial Avenue, east of New Circle Road. Existing sanitary sewer facilities may need to be upgraded to serve the proposed redevelopment of the subject property. A sanitary sewer line currently crosses the Rosemary Avenue subject property, providing service to residential properties along Rosemary Avenue. That sewer line continues across the adjoining warehouse project to the northeast of the subject property.

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 business use, which can be accomplished by contracting with private refuse haulers, if desired.

Police – The subject properties are located within the Central Sector and are served by the Central Sector Roll Call Center, located near the intersection of Eastland Parkway and Winchester Road, approximately 2½ miles to the south of the subject properties. The subject properties are also approximately 2½ miles to the northeast of the Police Headquarters, located in downtown.

Fire/Ambulance – Fire Station #8 is located less than one mile to the northeast on North Broadway, between New Circle Road and Interstates 64/75.

Utilities – All utilities, including gas, electric, water, phone, and cable TV are available in the area to serve the proposed redevelopment of the subject property.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan’s mission statement is to “provide flexible planning guidance to ensure that development of our community’s resources and infrastructure preserves our quality of life, and fosters regional planning and economic development.” The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The subject properties are located within the Central Sector Small Area Plan boundary, an adopted element of the Comprehensive Plan. More specifically, it is located within Sub-Area D, where the North Limestone corridor was designated a “focus area” and its intersection with New Circle Road was designated a major gateway into the Central Sector.

The petitioner proposes a Neighborhood Business (B-1) zone for the subject property in order to construct a small commercial building of approximately 6,000 square feet in size, and associated off-street parking.

CASE REVIEW

The petitioner has requested a zone change from a Single Family Residential (R-1C) zone to a Wholesale & Warehouse Business (B-4) zone for less than an acre of property located at 1500 and 1502 North Limestone, and 101 Rosemary Avenue.

The subject property is comprised of three adjacent single-family residential lots located at the eastern corner of the intersection of North Limestone and Rosemary Avenue. The three residential lots are occupied by single-family residential homes, dating back to the late 1930s. The subject properties are collectively bordered by warehouse and wholesale business zoning to the northeast, residential zoning to the southeast and southwest, and by professional office zoning across North Limestone.

The immediate area is characterized by commercial development of varying types and intensities, as well as some existing residential uses to the south of this location. Commercial uses in the area include automobile repair, a new CVS pharmacy store, a furniture store, restaurants, an insurance agency, offices, a church, retail stores, a car wash establishment, Goodwill Industries offices and retail store, warehouse space, an indoor athletic facility, as well as a Windstream service facility (for the local telephone company). Single family residences are present along North Limestone, Rosemary Avenue, and Loneta Street.

The applicant proposes the rezoning in order to redevelop the site with a one-story warehouse structure, similar to those constructed to the immediate northeast of the subject properties since 2010. The B-4 zone permits warehouses and wholesale businesses, shops of special trade (which include business locations for general contractors, plumbers, electricians, painters, and major auto and truck repair, among others), vehicles rental and sales, vehicle repair, automobile service stations and offices for such uses. The proposed structure would total 7,280 square feet of gross floor area.

The previously adopted Comprehensive Plan from 2007 recommended that the subject properties (and the adjoining B-4 area that has already been redeveloped) remain as a residential land use. However, the Plan also depicted an asterisk near this area, which denotes an “area of special consideration” and further recommended that “mixed use with office and limited neighborhood retail should be considered as part of the Central Sector Small Area Plan.”

In April 2009, the Planning Commission adopted the Central Sector Small Area Plan as an element of the Comprehensive Plan, following months of meetings and neighborhood involvement. The Central Sector Plan was anticipated and recommended through the 2007 Comprehensive Plan update process to enable the Planning Commission to more closely study the area bounded by Georgetown Road, Winchester Road, New Circle Road and Second Street.

The subject properties are located within Sub-Area D of the SAP, and North Limestone has been designated as a “neighborhood connector” corridor within this area. In fact, the North Limestone corridor between New Circle Road and Loudon Avenue has also been designated as a “focus area,” with emphasis on the intersection of North Limestone and New Circle Road being a major gateway into the Central Sector. The Plan identifies six Sub-Area priorities, one of which is to “retain unique character of North Limestone as a traditional neighborhood retail corridor” and also indicates a need to upgrade the North Limestone streetscape and building façades. The Goals and Objectives section of the Central Sector SAP does provide some guidance for the Planning Commission in considering a zone change and provides more detailed information than the more generalized Comprehensive Plan for this vicinity.

The Central Sector SAP identifies four guiding principles for the area. They include: (1) enhance the urban fabric; (2) promote and prepare for redevelopment and investment; (3) provide adequate and equitable housing; and (4) preserve the area’s cultural and historic heritage. Specifically, the SAP encourages a neighborhood economic development approach that utilizes existing assets. The petitioner contends that the subject properties have the opportunity for re-use that can spur further investment in the neighborhood.

The 2013 Comprehensive Plan does not include a specific future land use element related to individual sites within the Urban-County. Rather, policy statements with goals and objectives are utilized to evaluate proposed land use changes within the community. The petitioner opines that the requested rezoning is in substantial compliance with the 2013 Comprehensive Plan. They cite Theme C, Goal #2b, which calls for improving opportunities for small business development and workers who rely on personal technology. The adjoining warehouse development was approved in 2010, and the petitioner states that all structures are occupied, bringing 50 jobs to this area of the community. They also contend that the proposed expansion would foster additional small business growth along the North Limestone corridor. Additionally, the petitioner believes that the proposed development would support the “Complete Streets” concept (Theme D, Goal #1a.) by eliminating a gap in the existing sidewalks along North Limestone Street.

Thus, the Central Sector Small Area Plan recommendations, including the four guiding principles from the SAP and the statements about Sub-Area D, and the 2013 Comprehensive Plan should be utilized to guide the Planning Commission in evaluating the proposed zone change.

The staff cannot definitively state that the proposed zone change is in agreement with the 2013 Comprehensive Plan and the Central Sector Small Area Plan. Rather, the staff finds that the proposed B-4 zone along North Limestone is appropriate and the existing R-1C zoning is inappropriate, and that an expansion of the B-4 zone along Rosemary Avenue would be an inappropriate encroachment into a residential neighborhood. It would be contrary to several of the Goals and Objectives of the 2013 comprehensive Plan which encourages the protection of established residential neighborhoods and increasing affordable housing in the community (and not reducing it).

When the B-4 zone was approved in 2010 for the adjoining property, the developer proposed certain enhancements to the North Limestone corridor and conditional zoning restrictions to limit the impact of the B-4 zone on adjoining residential area – a 50-foot setback along North Limestone with landscape improvements, a 50-foot landscape and buffer adjoining any lots which front along Rosemary and Loneta Avenues, and façade improvements to the structures facing the corridor. These were proposed, in part, in order to demonstrate compliance with the recommendations of the adopted Small Area Plan. Part of the record of the public hearing in 2010 shows that the staff was concerned then, and remains concerned, about the impact or encroachment into the established residential neighborhood of more a more intense land use. The staff stated then that “the B-4 zone is generally not considered an adequate buffer between single family and other business uses, and this case is no exception.”

When considering the proposed zone change, the staff finds that continuing the building façade and landscape buffer along this side of North Limestone, opposite of commercial development across the street, will carry the improvements to the Rosemary Avenue intersection, which can be considered a more appropriate land use transition than the stormwater and utility easement that currently exists. The conditional zoning restrictions and façade improvements previously proposed by the developer should be applied to the requested B-4 zone along North Limestone. In this regard, the single family residential zoning is no longer appropriate along North Limestone, and a restricted B-4 zone would be compatible with the adjoining development.

However, concern remains about the encroachment of B-4 zoning along Rosemary Avenue, where the rear of the warehouse building and a parking lot are proposed to replace a single-family residence. This existing residence is located across from another single-family residence and is at the entrance to a residential neighborhood comprised of affordable dwelling units. The staff does not believe it is appropriate to “turn the corner” and begin the encroachment of business zoning into this neighborhood, and therefore, cannot support the proposed rezoning of 101 Rosemary Avenue to the B-4 zone.

The Staff Recommends: Approval of a B-4 zone for 1500 & 1502 N. Limestone, for the following reasons:

1. The existing Single Family Residential (R-1C) zoning is inappropriate, and the proposed Warehouse and Wholesale Business (B-4) zoning is appropriate for the following reasons:
 - a. The property shares a boundary with the existing warehouse development to the immediate northeast, and the proposed rezoning will enable the façade improvements to continue along the North Limestone corridor to a more appropriate land use transition – the intersection of Rosemary Avenue.
 - b. The proposed warehouse structures with façade improvements will be compatible with the adjoining B-4 development, as well as the commercial development directly across North Limestone from the site. The existing single family residences are no longer as compatible along this portion of the North Limestone corridor.
 - c. The development of small warehouses with accessory offices will enhance the land use transition between the unrestricted B-3 properties to the north and the residential neighborhood to the south. The buffer will provide a less intensive land use in terms of uses, business hours, noise and traffic.
2. This recommendation is made subject to approval and certification of ZDP 2016-70: Bobbie & Sylvia Waller Property (Shadowlawn Subdivision) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission’s approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restriction(s) should be applied to the subject properties:

PRINCIPAL PERMITTED USES

- a. Wholesale establishments, wholesale establishments with warehouses, storage and warehousing.

- b. Shops of special trade and general contractors, such as plumbing; heating; carpentry; painting; plastering; printing; publishing; lithographing; engraving; electrical; sign painting; upholstery; tile, mosaic and terrazzo work; electroplating; and interior decorating.
- c. Parking lots and structures.
- d. Animal hospitals or clinics, provided that such structures or areas used, not including accessory parking areas, shall be at least one hundred (100) feet from any residential zone.
- e. Offices of purchasers, processors and handlers of agricultural products, limited to administrative uses only.
- f. Sales of feed, grain or other agricultural supplies.
- g. Garden centers.
- h. Establishments and lots for the sale of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles, such as mini-bikes, motorcycles, boats or supplies for such items.
- i. Establishments for the sale of precut, prefabricated, or shell homes.
- j. Retail sale of building materials and lumber.
- k. Mail order business.
- l. Office uses, limited to a maximum square footage of 60% of the floor area in the building in which the use is located.
- m. Office/warehouse mixed-use project, as further regulated by Article 8-21(o)(3).
- n. Adaptive Reuse Projects, as further regulated in Article 8-21(o)(4).

OTHER RESTRICTIONS

- 1. Outdoor music or sound systems and call boxes shall be prohibited.
- 2. Lighting shall be shielded and directed downward and away from residentially zoned properties.
- 3. The following landscape and buffering restrictions shall apply:
 - a. There shall be a 20' open space and landscape buffer along property boundary where it adjoins any residential dwelling unit. An 8' tall solid wood fence shall be placed along the length of the open space/buffer area. Within this open space/buffer area, the developer shall plant and maintain 8' evergreen trees planted 15' on center.
 - b. There shall be a 50' setback along the front of the property which shall contain a landscape/open space buffer. Within the landscape/open space buffer, the developer shall plant and maintain 8' tall deciduous trees planted 15' on center, and 3' shrubs interspersed with the trees.

These restrictions are necessary and appropriate to provide an aesthetically pleasing gateway feature to the North Limestone corridor, and to protect the adjoining residential neighborhood from the potential negative effects of more intensive uses that could occur in the B-4 zone without restriction.

The Staff Recommends: **Disapproval of a B-4 zone for 101 Rosemary Avenue**, for the following reasons:

- 1. The requested rezoning to a Wholesale and Warehouse Business (B-4) zone cannot be found to be in agreement with the 2013 Comprehensive Plan, or the Central Sector Small Area Plan (an adopted element of the 2013 Comprehensive Plan) for the following reasons:
 - a. The Goals and Objectives of the 2013 Comprehensive Plan recommend protection of existing neighborhoods (Theme D, Goal #3c.). The Plan also 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 rezoning along Rosemary Avenue is not compatible with these specific recommendations, which are overarching ideas of the Plan.
 - b. The Central Sector Small Area Plan recommends as one of its four guiding principles to "provide adequate and equitable housing" for the area. The Rosemary Avenue neighborhood should continue to provide convenient, and affordable housing for residents, as it has done for decades.

2. The proposed Wholesale and Warehouse Business (B-4) zone is inappropriate for 101 Rosemary Avenue because:
 - a. The type of truck traffic associated with warehouses and shops of special trade (i.e. general contractors, plumbers, painters, major auto and truck repair) is too intense for a local residential street.
 - b. Encroachment of B-4 zoning along Rosemary Avenue is not compatible with the existing single-family residential character of the area and could negatively impact the residents that live in the area, both along Rosemary Avenue and other local streets within the neighborhood.
3. The existing Single Family Residential (R-1C) zone remains appropriate at this location, as the existing residence is located at the entrance to an affordable neighborhood and should not be unduly impacted.
4. 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 that would support an argument for B-4 zoning for property along Rosemary Avenue.

TLW/WLS

7/7/2016

Planning Services/Staff Reports/MAR/2016/MAR 2016-18.doc