

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2015-6: NoLi CDC CORPORATION

DESCRIPTION

Zone Change: From a Planned Neighborhood Residential (R-3) zone
To a LuigArt Planned Unit Development (PUD-2) zone

Acreage: 1.3183 net (1.5272 gross) acre

Location: 128 Eddie Street; 128, 130, 132, 134, 136, 137, 138, 140, 141, 142, 144, 146, 151,
154, 156, 166, 168 and 174 York Street

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Properties	R-3	Vacant & Residential
To North	R-3 & I-1	Residential, Water Tank & Light Industrial
To East	R-3 & I-1	Residential and Light Industrial
To South	R-3	Residential
To West	R-3	Residential

URBAN SERVICES REPORT

Roads – North Limestone is a two-way, urban minor arterial roadway, with an average daily traffic count of 7,400 vehicles in the vicinity of the subject properties. Eddie and York Street are both local streets that operate as a one-way pair.

Curb/Gutter/Sidewalks – Curb, gutter and sidewalks exist along both Eddie and York Streets.

Storm Sewers – The site is located within the Cane Run watershed. Existing storm sewer facilities will serve the subject properties. No known flooding problems exist in this portion of the Urban Service Area.

The redevelopment of these lots on an individual basis should not require stormwater improvements; however, if a future development plan is required, stormwater management will be evaluated.

Sanitary Sewers – The area is served by existing sanitary sewers. The subject properties are located within the Cane Run sewershed and will be serviced by the Town Branch sewage treatment facility. Any change of use will need to be evaluated by the Capacity Assurance Program, and any increased flows will require LFUCG approval under that Ordinance.

Refuse – Refuse collection is provided by the Urban County Government to this portion of the Urban Service Area on Tuesdays for residential customers.

Police – The subject properties are located within Police Sector 2 and are served by the Central Sector Roll Call Center, located off Eastland Drive, approximately 1½ miles to the southeast of this location.

Fire/Ambulance – Fire Department Headquarters (Fire Station #1), less than one mile to the southwest, serves the subject properties. It is located on E. Third Street near Martin Luther King Boulevard.

Utilities – All utilities, including electric, gas, water, telephone, and cable service are available to serve the subject properties.

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 2013 Plan’s Goals and Objectives emphasize the importance of growing successful neighborhoods (Theme A), protecting the environment (Theme B), creating jobs and prosperity (Theme C), improving a desirable community (Theme D) and maintaining a balance between planning for urban uses and safeguarding rural land.

The Central Sector Small Area Plan, adopted in 2009 by the Planning Commission, identified four guiding principles, including: enhance the urban fabric, promote and prepare for redevelopment and investment, provide adequate and equitable housing, and preserve the cultural and historic heritage.

The petitioner proposes rezoning 19 properties to the LuigArt Planned Unit Development (PUD-2) zone in order to allow for the innovative reuse and future redevelopment of property primarily for live/work units.

CASE REVIEW

The petitioner has requested a zone change from a Planned Neighborhood Residential (R-3) zone to a LuigArt Planned Unit Development (PUD-2) zone for 19 properties within the designated boundary along Eddie and York Streets.

The subject properties are located within the three-block area designated by Article 22B of the Zoning Ordinance. More specifically, one lot is located on the southwest side of Eddie Street, and 18 lots are located along both sides of York Street, south of the Kentucky American Water tank. These properties are either owned by the NoLi CDC Corporation or are planned to be purchased in the near future.

This area is characterized by narrow residential lots, with a mixture of small shot-gun and cottage style homes, which were mostly constructed prior to 1935. In addition, the historic Luigart and Harting Malt Factory, other light industrial uses and the R.J Corman rail line are situated along the northern edge of the PUD area. Neighborhood businesses have begun to populate buildings along North Limestone within the PUD area. The entire LuigArt PUD boundary, which is available for PUD-2 re-zoning, is also a part of the regulatory Infill and Redevelopment Area.

The applicant is proposing to re-zone the subject properties in order to establish a live/work district oriented to artists and “makers.” Many of the shot-gun and cottage style structures have code violations, but could be either renovated or even replaced with structures that are similar in character to others in the area in order to promote the revitalization of this urban core neighborhood.

Although the concept of live/work has been espoused for decades, when the applicant began this planning process, the Zoning Ordinance did not have a zone or overlay that could accommodate either the mix of uses in a flexible manner, or the desire to protect the existing urban fabric of the area through reduced pavement/parking requirements. The applicant was searching for a sustainable way to improve this urban neighborhood that was densely developed during the turn of the 20th century to accommodate workforce housing. In 2014, the applicant worked with the staff to create the LuigArt Planned Unit Development (PUD-2) zone (Article 22B of the Zoning Ordinance) in order to attract artists and makers to locate within this area of the community. The LuigArt PUD aims to support infill and redevelopment, encourage entrepreneurship and creativity, preserve affordable housing and increase economic activity.

The LuigArt Planned Unit Development (PUD-2) zone was adopted in December 2014. It established the new requirements associated with a map amendment request (zone change) to a PUD-2 zone, as well as the development standards and criteria for when a development plan would be required. Overall, the goal in creating the new zone was to reduce barriers to redevelopment, rehabilitation and adaptive reuse, all of

which are sustainable practices. With the new zoning category in place, the applicant is now seeking to rezone all of the properties they currently control, and is still willing to assist other property owners in the future to grow the district.

The 2013 Comprehensive Plan establishes Themes, Goals and Objectives to further the vision for the community. Five of the six themes encompass concepts that the zone change proposal can help to implement, including: growing successful neighborhoods (Theme A), protecting the environment (Theme B), creating jobs and prosperity (Theme C), improving a desirable community (Theme D) and maintaining a balance between planning for urban uses and safeguarding rural land (Theme E). These themes are furthered by the applicant's zone change and more generally by their work to maintain affordable housing for artists and makers, creating an environment ripe for entrepreneurship, breaking down traditional zoning barriers, facilitating the creation of new jobs and economic stability/prosperity, and creating jobs where people live.

Similarly, the applicant's proposal to rezone to the PUD-2 zone will support the ideas of the Central Sector Small Area Plan (CSSAP); primarily, the guiding principles of enhancing the urban fabric, and providing adequate and equitable housing. Sub-Area C of the CSSAP, and this area in particular, has vacant lots, vacant buildings and deferred maintenance and/or deterioration of some structures. The applicant is utilizing the PUD zoning tool to keep housing and business costs low by providing the opportunity for live/work – artists will not need to rent gallery space or a shop in order to perform their skill/craft, as their home will allow for that shared space. The applicant is also attempting to renovate structures and maintain the same urban fabric by keeping small lots, small structures, and similar setbacks and scale.

Because no development plan is required with this zone change, a site inventory and site analysis recommendations accompanied the rezoning application in order to establish the baseline conditions for the subject area. The applicant has provided the required site inventory and several proposed recommendations. The staff and Planning Commission will utilize these established recommendations to evaluate future development plans. Assessment of the recommendations is covered by a separate staff report.

The staff is supportive of the petitioner's request to rezone the 19 properties to the new PUD-2 zone, a unique zoning tool that will allow the community to be far more creative about how land is utilized within the Urban Service Area.

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

1. The requested LuigArt Planned Unit Development (PUD-2) zone is in agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. Five of the six themes of the Comprehensive Plan encompass concepts that the proposed zone change can help to implement, including: growing successful neighborhoods (Theme A), protecting the environment (Theme B), creating jobs and prosperity (Theme C), improving a desirable community (Theme D) and maintaining a balance between planning for urban uses and safeguarding rural land (Theme E).
 - b. These themes are furthered by the applicant's zone change and more generally by their work to maintain affordable housing for artists and makers, creating an environment ripe for entrepreneurship, breaking down traditional zoning barriers, facilitating the creation of new jobs and economic stability/prosperity, and creating jobs where people live.
 - c. The applicant's proposal to rezone properties to the PUD-2 zone will also support the ideas of the Central Sector Small Area Plan (CSSAP), which was adopted by the Planning Commission in 2009. The PUD-2 zone permits live/work units for artists and makers, which supports the guiding principles of enhancing the urban fabric, and providing adequate and equitable housing.

TLW/BJR/WLS

5/6/15

Planning Services/Staff Reports/MAR/2015/MAR 2015-6.doc