

**STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT**

**MAR 2015-13: GREER NICK RD II, LLC**

**DESCRIPTION**

<b>Zone Change:</b>	<u>REQUEST</u>		<u>ACREAGE</u>	
	<u>FROM</u>	<u>TO</u>	<u>NET</u>	<u>GROSS</u>
	R-1C	B-3	0.33	0.39
	B-1	B-3	0.79	1.08
	TOTAL .....		1.12	1.47

**Location:** 1201 South Broadway, 406 & 408 Pyke Road

**EXISTING ZONING & LAND USE**

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Properties	R-1C & B-1	Residential & Convenience Store
To North	R-1C	Single-Family Residential
To East	B-1 & R-1C	Commercial & Residential
To South	B-3 & B-1	Vacant & Commercial
To West	B-1 & R-1C	Parking Lot & Open Space

**URBAN SERVICES REPORT**

Roads – The South Broadway/Harrodsburg Road (US 68) corridor provides significant road frontage for the subject site. It is a five-lane major arterial roadway in this vicinity and carries approximately 32,000 daily vehicle trips. Pyke Road and Gibson Avenue are local streets within the Gibson Park neighborhood; both intersect with South Broadway and also provide lot frontage for the proposed redevelopment of the subject properties.

Curb/Gutter/Sidewalks – South Broadway, Gibson Avenue and Pyke Road have curb, gutter and sidewalk facilities.

Storm Sewers – The subject properties are located within the Wolf Run watershed. Storm sewers exist in this portion of the Urban Service Area, and will most likely be adequate to handle the proposed redevelopment at this location. Additional on-site stormwater facilities may be required by the LFUCG Engineering Stormwater Manuals. No FEMA special flood hazard area on the site; however, a significant floodplain area does exist to the west, associated with Vaughn’s Branch of Wolf Run Creek.

Sanitary Sewers – The subject properties are located within the Wolf Run sewershed, which is served by the Town Branch Sewage Treatment Facility, located on Old Frankfort Pike, east of New Circle Road. Sanitary sewer capacity will need to be verified prior to certification of the final development plan for the proposed redevelopment.

Refuse – The Urban County Government serves this area with refuse collection on Mondays. However, supplemental service by private refuse haulers is commonly utilized for commercial land uses, such as those proposed.

Police – The subject properties are located within the West Sector, and are served by the West Sector Roll Call Center. It is located on Old Frankfort Pike, more than 2 miles to the northwest of the subject properties.

Fire/Ambulance – The nearest fire station (#11) is located approximately ½ mile to the southwest on Harrodsburg Road between St. Joseph Hospital and Picadome Elementary School.

Utilities – All utilities, including gas, electric, water, phone, and cable TV are available in the area, and have served the properties for many years.

### **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 petitioner proposes to maintain the existing Thornton's convenience store near Gibson Avenue and to construct a new fast food restaurant with an accessory drive-through facility on the portion of the zone change area near Pyke Road. The proposed rezoning of the Thornton's parcel and the two parcels to the rear of a vacant tract will bring the land between Gibson Avenue and Pyke Road all into the same zoning category.

### **CASE REVIEW**

The petitioner has requested a zone change from a Single-Family Residential (R-1C) zone and a Neighborhood Business (B-1) zone to a Highway Service Business (B-3) zone for 1.12 acres of property at 1201 South Broadway, and 406 and 408 Pyke Road.

The subject site is comprised of three parcels that are being requested for rezoning in order to match the existing Highway Service Business (B-3) zoning that is located at the western corner of the Pyke Road and South Broadway intersection. The parcels proposed for rezoning are 406 and 408 Pyke Road (located to the rear of the vacant B-3 zoned tract at 402 Pyke Road), and 1201 South Broadway. The corollary development plan encompasses these three parcels, as well as the adjoining vacant tract. The subject parcels are currently occupied by two single-family residences (along Pyke Road) and a Thornton's convenience store with accessory gas pumps (along South Broadway and Gibson Avenue).

The South Broadway/Harrodsburg Road corridor is predominantly commercial in nature within the immediate vicinity of the proposed zone change. The Lexington Clinic and the Gay Brewer-Picadome Golf Course are located to the west of the subject property. A number of smaller commercial businesses exist along South Broadway to the south and east, including retail sales establishments, restaurants, automobile rental, and professional offices. The Golf View Estates neighborhood (Gibson Park subdivision) borders the subject properties to the north.

The petitioner proposes the rezoning in order to combine the three different zoning categories that exist on the site currently into one, more suitable zoning category. The applicant wishes to develop a new fast food restaurant with an accessory drive-through and maintain the existing convenience store. The proposed Highway Services Business (B-3) zone permits the proposed land uses and is currently on the adjoining parcel. The B-3 zone also permits a more flexible front yard, as well as some of the more intense land uses within the Urban County.

The vacant parcel (formerly the location of the The Rag Peddler fabric store) was rezoned in 1989 to the B-3 zone, with one conditional zoning restriction to prohibit advertising signs (aka billboards). At that time a drive-in restaurant called "Hot N' Now" was proposed, but was never constructed at this location.

The 2013 Comprehensive Plan no longer makes a specific land use recommendation for the subject properties, but rather directs the Planning Commission to consider planning policies and the Goals and Objectives of the Plan for guidance when considering zone change requests. Although more flexible, the Comprehensive Plan does not specifically address modest or minor changes in commercial land use.

The petitioner contends that the proposed rezoning is appropriate and the existing zoning is inappropriate, in support of their request for the rezoning. First, the petitioner wishes to eliminate the step-back in zoning categories from South Broadway and split-zoning of the properties, which makes redevelopment within this block along South Broadway difficult. They believe the B-3 zone will accommodate those goals, but will still allow for an area of buffering adjoining the residential neighborhood to the northwest. Second, with the properties all being within one zoning category, it creates a better corridor (depth of commercial zoning of approximately 225 feet from South Broadway) without odd stepping along the residential neighborhood. Third, the proposed B-3 zone is designed for the community's most highly traveled corridors, including the South Broadway/Harrodsburg Road corridor, and B-3 zoning is fairly common within the immediate vicinity along with B-1, B-4 and B-6P zoning. Lastly, the R-1C zoning on the Thornton's lot is already being utilized as a landscape buffer, which would not change, and could be continued in a consistent manner across the rear of the proposed restaurant redevelopment by utilizing conditional zoning restrictions.

The staff agrees with the petitioner's justification; however, emphasis should be given to providing an adequate buffer along the single-family residential properties to the northwest in the Gibson Park subdivision. Conditional zoning restrictions are necessary in this location to establish a permanent landscape buffer and prohibit some of the most intense land uses that would otherwise be permitted within an unrestricted B-3 zone.

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

1. A restricted Highway Service Business (B-3) zone is appropriate, and the combined Single-Family Residential (R-1C) and Neighborhood Business (B-1) zoning is inappropriate, for the following reasons:
  - a. The restricted B-3 zone is compatible with the existing zoning along this portion of the South Broadway corridor. The subject site is primarily surrounded by business zoning (B-1, B-3, B-4, & B-6P).
  - b. The proposed rezoning will eliminate a split-zoning condition on the site, which should encourage its redevelopment.
  - c. The existing B-1 zone now has a more restrictive setback not conducive to the type of redevelopment planned or consistent with the character of the corridor, which makes it less appropriate than a restricted B-3 zone.
  - d. The existing R-1C zone is no longer appropriate, because the two lots are already being utilized as a landscape buffer and/or transition area to the adjoining residential neighborhood. Redevelopment of a portion of the site (along Pyke Road) will allow for a more consistent landscape buffer treatment between the neighborhood and the South Broadway corridor.
  - e. The depth of business zoning between Pyke Road and Gibson Avenue will be consistent at approximately 235 feet from the right-of-way of South Broadway.
  - f. The required landscape buffer will provide an appropriate transition between the proposed B-3 zone and the adjacent residential neighborhood.
2. This recommendation is made subject to approval and certification of ZDP 2015-62: Gibson Park Subdivision, Block C, 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 subject property shall be restricted in the following manner, via conditional zoning:

**Prohibited Uses**

- a. Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
- b. Cocktail lounges and nightclubs.
- c. Pawnshops.
- d. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
- e. Advertising signs, also known as billboards, as regulated by Article 17.

**Landscape Buffering & Lighting Restrictions**

- a. A 20-foot wide landscape buffer shall be provided along the northwest site boundary, between the existing residential subdivision and the site. The landscape buffer shall contain a 6-foot privacy fence, shrubs, and a tree every forty (40) feet on center, selected from Group A or B in the Planting Manual.
- b. All outdoor lighting shall be shielded to reduce glare and shall be arranged so as to reflect lights away from all adjacent residences and residential zoning districts. Exterior light poles shall not exceed twenty (20) feet in height and shall not be located within the designated landscape buffer.

These restrictions are necessary and appropriate in order to restrict the most intense land uses on the subject property and to provide an adequate land use transition to the nearby neighborhood. Such uses could have a negative impact on the neighborhood related to noise, lighting and/or traffic congestion.