

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

**PLN-MAR-18-00015: JUSTICE PLAZA, LLC (AMD)**

**DESCRIPTION**

**Zone Change:** From an Interchange Service Business (B-5P) zone  
To a Commercial Center (B-6P) zone

**Acreage:** 4.05 net (4.94 gross) acres

**Location:** 1916 Justice Drive and 1750 Pleasant Ridge Drive

**EXISTING ZONING & LAND USE**

<b><u>Properties</u></b>	<b><u>Zoning</u></b>	<b><u>Existing Land Use</u></b>
Subject Properties	B-5P	Vacant & Restaurants
To North	B-5P & B-6P	Hotel & Vacant
To East	B-5P & B-6P	Hotel & Auto Service Center
To South	R-1E	Single-Family Residential
To West	B-6P	Restaurants

**URBAN SERVICES REPORT**

**Roads** – The subject properties are located at the northeast corner of the intersection of Pleasant Ridge Drive (a collector roadway) and Justice Drive (a local street), and extend to Bryant Road (also a local street). These roadways serve only commercial and industrial properties in this portion of the Urban Service Area, which is bound by Man o' War Boulevard and the Interstate 75 corridor. Pleasant Ridge Drive, Justice Drive and Bryant Road (in this immediate area) were built to full urban standards, and no improvements appear to be needed at this time.

**Curb/Gutter/Sidewalks** – Pleasant Ridge Drive, Justice Drive and Bryant Road have been built with curb, gutter and sidewalks as required by the Subdivision Regulations, and no improvements are anticipated.

**Storm Sewers** – The subject properties are located within the North Elkhorn Creek watershed, and stormwater improvements have been completed within this commercial area. A stormwater basin, which will handle stormwater for the subject property, is located to the east of the site, between the automobile service center and the hotel site. No FEMA special flood hazard area or known flooding issues exist within the immediate area.

**Sanitary Sewers** – The subject properties are located within the East Hickman sewershed, and will be serviced by the West Hickman Wastewater Treatment Facility in northern Jessamine County. Sanitary sewers have been constructed within the area, and capacity was assessed in 2016 when the final development plan was approved for the commercial and hotel structures by the Planning Commission. Additional sanitary sewer improvements are not anticipated for the proposed change of land use and zone.

**Refuse** – Refuse collection to residential properties is provided by the Urban County Government to this portion of the Urban Service Area on Tuesdays. However, commercial uses often contract for more frequent service with private refuse haulers.

**Police** – The Central Sector Roll Call Center is the nearest police station to the subject property. It is located on Industry Road, near the interchange of Winchester Road and New Circle Road, about 3½ miles to the northwest of the subject properties.

**Fire/Ambulance** – The subject properties are located in closest proximity to Fire Station #21, which is on Mapleleaf Drive, south of Man o' War Boulevard, approximately 1½ miles to the southwest. In addition, a new fire station is planned for the Hamburg area, but a site has not yet been identified. This proposed fire station would most likely be less than one mile from the subject site, once it is constructed and operational.

Utilities – All utilities, including electric, gas, water, telephone, and cable are all 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. In addition, the Plan encourages a mix of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

The petitioner has amended their zone change request and now proposes a Commercial Center (B-6P) zone in order to permit a wider range of business uses on the subject properties. One of the existing lots is currently occupied by two restaurants, but a third space within an existing building (constructed in 2017) remains vacant. The second lot is currently under construction with a 107-room hotel and associated off-street parking.

### **CASE REVIEW**

The petitioner has amended the requested a zone change both in term of the zone requested and has added acreage to the request as well. The petitioner has now requested a zone change from an Interchange Service Business (B-5P) zone to a Commercial Center (B-6P) zone for 4.05 acres of land located at the northeast corner of the intersection of Pleasant Ridge Drive and Justice Drive. With the inclusion of a second parcel, the area of the rezoning extended to Bryant Road. More generally, the subject properties are located within the southeast quadrant of the Man o' War Boulevard and Interstate 75 interchange.

The immediate area is characterized by commercial land uses that are developed mostly for patronage by the traveling public along the interstate. Many restaurants, gas stations and hotels occupy this quadrant of the Man o' War Boulevard and I-75 interchange, and there is primarily a mix of B-6P and B-5P zoning in this area. In addition, several light industrial properties exist to the north and east of the subject property, which are occupied by motor-based land uses. When considering all four quadrants of the Man o' War Boulevard and I-75 interchange, the area is predominantly commercial in nature as well, offering a variety of restaurants, retail space, athletic facilities, and professional offices. The two quadrants on the east side of I-75 are located within the Expansion Area, of which the northern quadrant is zoned Community Center (CC) primarily for commercial development and the eastern quadrant is zoned for residential development (EAR-2 zone). In addition, the Hamburg Pavilion shopping center and office park are located in the western quadrant of the interchange.

In 1989, the subject properties was part of a zone change from an Agricultural Rural (A-R) zone to the B-5P zone in order to develop a sizeable area for interstate-oriented commercial businesses, including hotels and other service businesses. In 2003, the corner lot was developed for a carwash, which operated for about a decade, and the second lot remained vacant.

In 2015, the vacant lot was proposed for rezoning to the B-5P zone, along with an adjoining property, in order to construct a hotel to serve the community and traveling public. The zone change was approved by the Urban County Council at that time. In 2016, the carwash site was proposed for redevelopment. In January of that year, a plan for a sit-down restaurant was approved by the Planning Commission; and then in August, a 12,400 square-foot structure with three restaurants (about 4,000 square feet each) was approved. Collectively, these major development plans met the B-5P zoning requirements.

The petitioner now proposes to rezone the subject properties in order to increase the number of allowable business uses on the site, which will increase the flexibility of the site to address the needs of the nearby residents as well as the traveling public. The Commercial Center (B-6P) zone was recently amended to permit hotels when a development is at least ten (10) acres in size. With this amendment to the Zoning Ordinance text, the applicant believes the B-6P zone is now the most appropriate zone for the site and they also opine that the zone change is supported by the Comprehensive Plan.

The 2013 Comprehensive Plan focuses on general land use policies, such as land use compatibility; well-designed neighborhoods; improving a desirable community; and making the best use of land inside the Urban Service Boundary for the protection of the surrounding rural areas. The Plan no longer relies upon a future land use map. The 2013 Comprehensive Plan also does not address modest or minor changes in commercial land use that have a negligible impact on job creation or tourism. Historically, the area bound by Bryant Road and Pleasant Ridge Drive has been recommended for a mixture of commercial uses, include retail trade, personal services, hotels and restaurants. This zone change is substantially in agreement with the land use recommendations for the area, while remaining consistent with the area's context and design features. In addition, the B-6P zone provides for commercial businesses that serve the nearby residential neighborhoods, as well as the traveling public, and provides for improved transit and multi-modal accommodations for the community. The staff can now support the amended zone change application.

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

1. The proposed Commercial Center (B-6P) zone is in substantial agreement with the 2013 Comprehensive Plan and the Goals and Objectives of the 2018 Comprehensive Plan for the following reasons:
  - a. The proposed B-6P zone is compatible with the existing zoning and land use currently established within the Bryant Road and Pleasant Ridge Drive immediate area. The area is a mixture of commercial uses that support the nearby residential neighborhoods, as well as the traveling public along Interstate 75.
  - b. Historically, future land use recommendations within the immediate area supported the mixture of commercial uses. The land use recommendation have been implemented with a mixture of B-5P and B-6P zoning. These two zones permit a wide range of commercial uses such as offices, restaurants, retail sales, and hotels.
  - c. The character established by the B-6P zone is in keeping and consistent with the existing context and design features of the immediate area as recommended by Theme A, Goal #2 of the 2013 and 2018 Comprehensive Plans.
  - d. The B-6P zone also includes requirements for transit and multi-modal accommodations, consistent with the recommendations of Theme D, Goal #1 of the 2013 and 2018 Comprehensive Plans to achieve an effective and comprehensive transportation network, including accessible transportation alternatives.
  - e. The subject site is less than ten (10) acres in size; however, it will be incorporated into the existing B-6P development within the immediate area in order to meet the requirements of Article 12-2 of the Zoning Ordinance for a minimum development size of ten (10) acres for a community commercial center along a collector street.
2. This recommendation is made subject to approval and certification of PLN-MJDP-18-00060: Man O' War, Unit 2-A (Amd) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

