

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2013-11: 562 SHORT STREET, LLC

DESCRIPTION

Zone Change: From a High Density Apartment (R-4) zone
To a Lexington Center Business (B-2B) zone

Acreage: 0.167 net (0.205 gross) acre

Location: 562 West Short Street

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	R-4	Residential
To North	R-4	Residential
To East	R-4	Church
To South	B-2B	Day Care Center, Businesses
To West	R-4	Residential

URBAN SERVICES REPORT

Roads – West Short Street is a one-way street that runs west to east in one of several one-way pairs downtown (opposite the flow on West Second Street). On-street parking is available along the west side of West Short Street. No improvements are anticipated to be necessary for a change of use on the subject property.

Curb/Gutter/Sidewalks – West Short Street has curb, gutter, and sidewalk improvements.

Storm Sewers – The subject property is located within the Town Branch watershed, and there is no existing storm water detention on the subject property. The proposed surface parking lot, to replace a two-car garage, will not require on-site detention due to its small size. No flooding problems exist within the immediate vicinity of the subject property.

Sanitary Sewers – This urban environment is served by sanitary sewers, and the subject property is located within the Town Branch sewershed. It is served by the Town Branch Wastewater Treatment facility, located off West Main Street/Leestown Road and Forbes Road. The proposed change in use should have little impact on the existing sewers.

Refuse – The Urban County Government collects refuse in this downtown area daily for businesses.

Police – The nearest police station is the main headquarters, located about ½ mile to the south on East Main Street.

Fire/Ambulance – The nearest fire station (#4) is located less than ½ mile to the north on Jefferson Street.

Utilities – All utilities currently exist on the subject property, and should be adequate to serve the proposed change in use.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 1) recommends Downtown Mixed Use future land use for the subject property, as it is within the designated Downtown Master Plan (DTMP) Area. This area has an underlying recommendation of Medium Density Residential (MD) land use from the 2001 Comprehensive Plan. The petitioner has requested a Downtown Center Business (B-2B) zone in order to renovate the existing residential structure for commercial uses – possibly offices or retail shops.

CASE REVIEW

The petitioner has requested a zone change from a High Density Apartment (R-4) zone to a Lexington Center Business (B-2B) zone for a fraction of an acre of land located at 562 West Short Street. The existing Historic District (H-1) Overlay zone will not change with the proposed change in the underlying zoning.

The subject property is located on the west side of West Short Street, between Jefferson Street and Felix Street; opposite the intersection of Bruce Street with West Short Street. The site is located within the Western Suburb local historic district, which has been a designated local historic district (zoned H-1) since 1975. The subject property is bounded by High Density Apartment (R-4) zoning on both sides, as well as across West Short Street. Lexington Center Business (B-2B) zoning is adjacent to the property's rear boundary line. The immediate area along West Short Street is characterized by residential use of varying densities, a mixture of small businesses and several semi-public land uses, such as a church and a school. In addition, the church located immediately to the southeast has a large parking lot, also available to the general public as a pay-lot, which the petitioner intends to utilize.

The applicant proposes to rezone the subject property in order to re-use the existing residential structure for a commercial use. They plan to remove a non-contributing detached garage, and construct three parking spaces on site. Additionally, they plan to direct patrons or customers to the pay-lot associated with the adjacent church.

The 2007 Comprehensive Plan recommends Downtown Master Plan (DTMP) land use for the subject property and much of the downtown area. This property was included in the study area of the *Downtown Lexington Masterplan*, which was conducted by a consultant under the guidance of the Downtown Development Authority. The 2007 Comprehensive Plan states that the redevelopment recommendations for this land use are found in the *Masterplan*; however, if the *Masterplan* is not implemented, the Planning Commission should consider the recommendations of the 2001 Comprehensive Plan update and other relevant current information to guide redevelopment decisions. The 2001 Comprehensive Plan recommended Medium Density Residential (MD) land use for this site.

The *Downtown Lexington Masterplan* identifies the subject property in the Western Suburb precinct, which is depicted for an area located generally northwest and adjacent to the Downtown Core. The *Masterplan* does recommend some infill and redevelopment within this precinct, but does not provide much guidance as to the specific zone recommended for such redevelopment. The *Masterplan* does call for additional convenience retail and office uses in the area, which also includes part of Jefferson Street. The *Masterplan* also identifies the west side of West Short Street as a mixed-use area that should be expanded to include a wider range of uses with the "goal of creating a vibrant active corridor connecting the surrounding neighborhoods."

The applicant also indicates that the existing H-1 Overlay zoning will provide protection the neighborhood, as exterior changes will be reviewed by the Division of Historic Preservation and the Board of Architectural Review. Some proposed renovations have already been reviewed by the Historic Preservation Office.

Lastly, the petitioner contends that the 2012 Comprehensive Plan Goals & Objectives are supportive of redevelopment and adaptive reuse that respect the area's context and design features (Goal A.2.a.). Further, this zone change request will protect and enhance the cultural landscape that makes the Western Suburb neighborhood unique, and will further historic preservation efforts in this area of our community (Goals D.3.a. and D.3.c.).

Based upon the language and detail of the *Masterplan*, as well as the Goals and Objectives of the 2012 Comprehensive Plan, the staff is of the opinion that more flexibility is suggested for land use within the mixed-use corridors, and that the possibility for mixed use is appropriate for this site since the property is uniquely situated to be served by the adjacent commercial parking lot. Other residential properties along

West Short Street cannot accommodate such an expansion of available uses, and are not conveniently located adjacent to existing vehicular parking. The requested B-2B zone is one of many zones that could be used to implement the Downtown Mixed Use land use recommendation, and therefore the staff can support the requested zone change.

Considering the residential uses along this corridor, the close proximity of an elementary school and the historic character of the area, further restricting the allowable land uses is appropriate and necessary via conditional zoning restrictions. The applicant did supply the staff with some proposed conditional zoning restrictions; however, the staff believes that a few additional uses should also be prohibited at this location.

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

1. The requested Lexington Center Business (B-2B) zone is in agreement with the 2007 Comprehensive Plan and the *Downtown Masterplan*, for the following reasons:
 - a. The *Masterplan* identifies the west side of West Short Street as a mixed-use area that should be expanded to include a wider range of uses with the “goal of creating a vibrant active corridor connecting the surrounding neighborhoods.”
 - b. The *Masterplan* calls for additional convenience retail and office uses in the Western Suburb precinct, which also includes part of Jefferson Street.
 - c. The proposed B-2B zone will allow a mixture of uses, including convenience retail and offices that are mostly appropriate in this urban environment.
2. The 2012 Goals and Objectives of the Comprehensive Plan are supportive of historic preservation and context-sensitive adaptive reuse/redevelopment. The petitioner’s proposal to renovate the existing 2-story residential structure and provide space for small retail or offices is aligned with such goals (Goals A.3.a., D.3.a., and D.3.c.).
3. This recommendation is made subject to approval and certification of ZDP 2013-44: 562 Short Street, LLC, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission’s approval.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are proposed for the subject property via conditional zoning:

Prohibited Uses:

- a. Civic Center and convention facilities.
- b. Retail sale of plant, nursery or greenhouse products, or agricultural produce.
- c. Hotels or motels.
- d. Establishments for the display, rental or sale of automobiles, motorcycles, trucks, and boats.
- e. Amusement enterprises, such as circuses; carnivals; and horse or automobile racing.
- f. Outdoor live entertainment.

These restrictions are appropriate and necessary to ensure that any reuse of the property remains compatible in this established, historic neighborhood, given its location in such close proximity to existing dwellings.

TLW/BJR/WLS

5/2/2013

I:/Planning Services/Staff Reports/MAR/2013/MAR 2013-11.doc