

RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

IN RE: **PLN-MAR-20-00001: SCHILLING PROPERTIES** – a petition for a zone map amendment from a Single Family Residential (R-1D) zone to a Neighborhood Business (B-1) zone, for 0.061 net (0.095 gross) acres, for property located at 706 Aurora Avenue. (Council District 3)

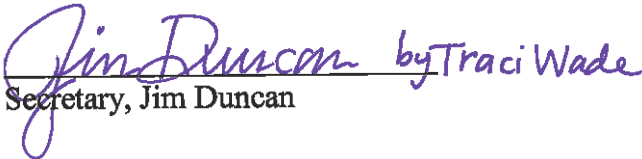
Having considered the above matter on **June 25, 2020**, at a Public Hearing, and having voted **8-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **CONDITIONAL APPROVAL** of this matter for the following reasons:

1. The requested Neighborhood Business (B-1) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning supports infill and redevelopment as a strategic component of growth (Theme A, Goal #2 and Theme A, Goal #2.a).
 - b. The expansion of the existing one-story structure will remain in line with the existing building, and will respect the built context and design features of the surrounding development, remaining compatible with the existing urban form (Theme A, Goal #2.b).
 - c. The proposed development provides a location for positive and safe social interactions in the neighborhood (Theme A, Goal #3.b) and those proposed sidewalk and parking improvements will enhance the neighborhood (Theme D, Goal #1.d).
 - d. The proposed enhancement of the restaurant along the edge of an established and walkable neighborhood, helps deemphasize single-occupancy vehicle dependence (Theme B, Goal #2.d).
 - e. The proposed neighborhood business zone can provide for entertainment and other quality of life opportunities that attract young and culturally diverse professionals to Lexington (Theme C, Goal #2.d).
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the site creates a residential development that increases safe pedestrian mobility and provides a neighborhood use.
 - b. The proposed rezoning includes safe facilities for the potential users of the site by prioritizing the inclusion of safe pedestrian facilities. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, limits the impacts on the surrounding environment, and adds tree canopy coverage in the form of street trees and landscape buffers.
3. **Under the provisions of Article 6-7 of the Zoning Ordinance, the following use and buffering restrictions are recommended via conditional zoning:**
 - a. Prohibited Uses:
 - i. Drive-Through Facilities
 - b. Outdoor speakers or the amplification of live music shall be prohibited on the subject property.
 - c. Lighting shall be a maximum of 10 feet in height and shall be shielded and directed away from the neighborhood adjacent to the property.

These restrictions are appropriate and necessary for the following reasons:

1. To reduce the potential impact of allowable neighborhood business uses on the adjacent neighborhood.
2. To reduce the potential impact of lighting and sound on the adjacent neighborhood.
4. This recommendation is made subject to approval and certification of PLN-MJDP-20-00003: Morningside Addition (Blue Door Smokehouse Expansion), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

ATTEST: This 28th day of July, 2020.


Secretary, Jim Duncan

MIKE OWENS
CHAIR

Note: The corollary development plan, PLN-MJDP-20-00003: MORNINGSIDE ADDITION (BLUE DOOR SMOKEHOUSE EXPANSION) was approved by the Planning Commission on June 25, 2020 and certified on July 9, 2020.

K.R.S. 100.211(7) requires that the Council take action on this request by September 23, 2020.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Richard Murphy, attorney.**

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (8) Bell, deMovellan, Forester, Nicol, Owens, Penn, Plumlee, and Wilson

NAYS: (0)

ABSENT: (3) Brewer, Mundy, and Pohl

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-20-00001** carried.

Enclosures: Application
Plat
Staff Report
Applicable excerpts of minutes of above meeting

MAP AMENDMENT REQUEST (MAR) APPLICATION

1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)

Applicant: SCHILLING PROPERTIES, 222 WALTON AVE, LEXINGTON, KY 40502
Owner(s): SCHILLING TYLER LEE TTEE, 222 WALTON AVE, LEXINGTON, KY 40502
Attorney: RICHARD V. MURPHY, 250 WEST MAIN ST, STE 2510, LEXINGTON, KY 40507 PH: (859) 233-9811

2. ADDRESS OF APPLICANT'S PROPERTY

706 AURORA AVE, LEXINGTON, KY 40502

3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
R-1D	VACANT	B-1	BUSINESS EXPANSION	0.061	0.095

4. COMPREHENSIVE PLAN

a. Utilizing Placebuilder, what Place-Type is proposed for the subject site?	ENHANCED NEIGHBORHOOD
b. Utilizing Placebuilder, what Development Type is proposed for the subject site? If residential, provide the proposed density	LOW DENSITY NON-RESIDENTIAL / MIXED-USE

5. EXISTING CONDITIONS

a. Are there any existing dwelling units on this property that will be removed if this application is approved?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
b. Have any such dwelling units been present on the subject property in the past 12 months?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
c. Are these units currently occupied by households earning under 40% of the median income? If yes, how many units? If yes, please provide a written statement outlining any efforts to be undertaken to assist those residents in obtaining alternative housing.	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

6. URBAN SERVICES STATUS (Indicate whether existing, or how to be provided)

Roads:	LFUCG
Storm Sewers:	LFUCG
Sanity Sewers:	LFUCG
Refuse Collection:	LFUCG
Utilities:	<input checked="" type="checkbox"/> Electric <input checked="" type="checkbox"/> Gas <input checked="" type="checkbox"/> Water <input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable



MURPHY & CLENDENEN, PLLC

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RICHARD V. MURPHY

CHRISTOPHER M. CLENDENEN

January 6, 2020

Mr. Mike Owens, Chairman
and Members of the Lexington-Fayette Urban County Planning Commission
200 East Main Street
Lexington, KY 40507

Re: Proposed zone change for 706 Aurora Avenue

Dear Chairman Owens and Members of the Planning Commission:

This firm represents Schilling Properties, which is filing a zone change application and preliminary development plan for the property at 706 Aurora Avenue in Lexington. This site is a vacant lot which in the past had a single-family house. It is immediately adjacent to the property at 226 Walton Avenue, which is zoned B-1. We are requesting a zone change from the Single-Family Residential (R-1D) zone to the Neighborhood Business (B-1) zone. Our development plan is proposing an expansion of the adjacent Blue Door Smokehouse.

Description of project

This 0.061-acre site is located on Aurora Avenue, just off Walton Avenue. It is bordered on the northwest by the property at 226 Walton Avenue, zoned B-1. On the southwestern side, it is bordered by 224 Walton Avenue, which is also zoned B-1. To the southeast, it is bordered by 708 Aurora Avenue, which is zoned R-1D. To the northeast, it is across the street from 705 Aurora Avenue, which is zoned R-1D. 226 Walton Avenue and 706 Aurora Avenue were originally one lot, as platted in the early 1900's on the plat of the Morningside Addition. At that time, 222, 224 and 226 Walton Avenue, the three commercial properties, were consistent in depth from Walton Avenue. At some point, the rear of 226 Walton Avenue was subdivided to create the subject lot, at 706 Aurora Avenue. The front portion of the original lot at 226 Walton Avenue is now occupied by the Blue Door Smokehouse. The building at 226 Walton Avenue was constructed in 1952 according to PVA records. This zone change is requested to allow a modest expansion of the Blue Door Smokehouse building, with the main objectives being increased kitchen and restroom facilities. We are also improving the parking situation by creating additional off-street parking on the lot at 224 Walton Avenue. Other improvements will include sidewalks and pedestrian accessibility.

Goals and Objectives of the 2018 Comprehensive Plan

The proposed rezoning to the B-1 zone is in agreement with the Goals and Objectives of the 2018 Comprehensive Plan. By allowing a modest expansion of this neighborhood located restaurant, and by improving pedestrian and parking facilities, the proposal enhances the quality of life and promotes successful, accessible neighborhoods, as called for in the mission statement. It supports infill and redevelopment as a strategic component of growth (Goal A.2. and Objective A.2.a). This expansion is a one-story addition to an existing small restaurant building, and it respects the context and design features of the surrounding development, and is compatible with the existing urban form (Objective A.2.b). The restaurant provides a location for positive and safe social interactions in the neighborhood (Objective A.3.b). Sidewalk and parking improvements, and the fact that this established restaurant is located in an established neighborhood, help de-emphasize single-occupancy vehicle dependence (Objective B.2.d).

As the Blue Door Smokehouse has established a following over the last few years, this modest expansion is a development that promotes and enhances tourism (Objective C.1.d). It will also help provide entertainment and other quality of life opportunities that attract young and culturally diverse professionals and a workforce of all ages and talents to Lexington (Objective C.2.d). The sidewalk and parking improvements will support pedestrian accommodation, as called for in Objective D.1.a.

Also, this proposal agrees with Objective E.1.d, by maximizing development on vacant land within the Urban Service Area.

Engagement

The applicant has scheduled a meeting with Mentelle Neighborhood Association representatives the week that this application is filed.

Place-type, development type and requested zone

This proposal fits within the Enhanced Neighborhood category as a place-type under the PlaceBuilder portion of the Comprehensive Plan. This property is located within an existing residential and commercial area. We are requesting a Neighborhood Business (B-1) zone change for less than one-tenth of one acre in order to allow a modest expansion of an existing successful restaurant in the neighborhood. The size of the development is context-sensitive to surrounding areas. The addition to the commercial building would fit in the LNR/MU (low density, non-residential/mixed-use) category.

Development criteria

Our development plan shows that this lot will be developed as an addition to the commercial structure at 226 Aurora Avenue. As mentioned above, the original plat of 226 Walton Avenue included the subject property as part of that lot. The zone change will allow a consistent depth of commercial along Walton Avenue, as established in the original plat.

Many of the criteria shown on Pages 335-336 of the PlaceBuilder will be met on the development plan and are so marked. In addition, the criteria which are not applicable are so marked. Following is further discussion of individual criteria:

- A-DS4-2. The purpose of this zone change is to allow an addition to be constructed to the existing Blue Door Smokehouse at 226 Walton Avenue. This will be a one-story addition, which is at an appropriate scale and size to respect the context of neighboring structures.
- A-DS5-3. The building orientation will remain to Walton Avenue. Sidewalk improvements will create a pedestrian-friendly atmosphere.
- A-DS7-1. Additional parking will be oriented to the interior of the three lots fronting on Walton Avenue, which are shown on the development plan. The additional parking will be constructed on 224 Walton Avenue, which will retain the integrity of the streetscape on Walton Avenue.
- A-DS7-2. The non-residential parking will be buffered from Aurora Avenue by the building.
- A-DN2-2. As the addition will be one-story, consistent with the size of the existing building at 226 Walton Avenue, it will minimize any contrast in scale, massing and design along the edge of this neighborhood.
- A-DN3-1. This zone change will promote pedestrian oriented commercial opportunities in this residential area.
- A-DN3-2. This criteria calls for incorporation of residential units in commercial centers. As this is a detached business use on a small lot, addition of residential units would result in a larger building, which would not be context-sensitive, and would also potentially require increased parking requirements. Therefore, it is not appropriate on this development.
- C-DI1-1. The Neighborhood Business zone is the most flexible commercial zoning option for this property.
- C-LI7-1. Sidewalk improvements will provide safe access to this property.
- C-PS10-2. Parking will be shared with the property at 222 Walton Avenue. Please note that we plan to phase development. A portion of the parking lot at 224 Walton Avenue will be constructed simultaneously with the addition to the building at 226 Walton Avenue. The second phase of development will provide parking for 224 Walton Avenue, at the time that that property re-develops.
- D-PL2-1. This development enhances an existing neighborhood-serving use.

- D-PL7-1. The applicant will be consulting the neighborhood association.
- E-GR4-1. This proposal will increase the viability of the existing business at 226 Walton Avenue.
- E-GR9-2. This proposal increases the viability of this use which is already a part of the existing neighborhood.
- E-GR9-4. This proposal utilizes an underutilized, vacant parcel of land.
- E-GR10-2. This proposal will enhance an existing, walkable commercial property.
- D-CO2-1. Improved sidewalks will provide safer facilities for users.

Conclusion

This proposal is in agreement with the mission, goals, objectives, policies and PlaceBuilder of the 2018 Comprehensive Plan. It will enhance the viability of an established small business in our community which has found a dedicated following. This is an underutilized parcel which was originally part of the same lot on which the Blue Door Smokehouse is now located.

Thank you for your consideration of this zone change and development plan request.

Sincerely,



Richard V. Murphy
Attorney for Applicant

RVM/prb

Justification letter 1-6-20.docx

LOW DENSITY NON-RESIDENTIAL / MIXED-USE

SITE DESIGN, BUILDING FORM, & LOCATION

- A-DS4-2** New construction should be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context in accordance with other Imagine Lexington corridor policies and Placebuilder priorities.
- A-DS5-3** Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
- A-DS5-4** Development should provide a pedestrian-oriented and activated ground level.
- A-DS7-1** Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
- A-DS7-2** Any non-residential or multi-family parking not buffered by a building should be screened from the streetscape view and adjacent properties.
- A-DS10-1** Residential units should be within reasonable walking distance to a focal point.
- A-DS11-1** Common public uses that serve as neighborhood focal points, such as parks and schools, should be on single loaded streets.
- A-DS12-1** Medium-high density development should be located nearest to neighborhood-serving commercial areas.
- A-DN2-1** Infill residential should aim to increase density.
- A-DN2-2** Development should minimize significant contrasts in scale, massing and design, particularly along the edges of historic areas and neighborhoods. (D-PL9, E-GR6)
- A-DN3-1** Pedestrian-oriented commercial opportunities should be incorporated within residential neighborhoods.
- A-DN3-2** Development should incorporate residential units in commercial centers with context sensitive design.
- A-EQ7-1** School sites should be appropriately sized.
- B-PR9-1** Minimize disturbances to environmentally sensitive areas by utilizing the existing topography to the greatest extent possible.
- B-SU11-1** Green infrastructure should be implemented in new development. (E-GR3)
- C-DI1-1** Consider flexible zoning options that will allow for a wide range of jobs.
- C-DI5-1** In Opportunity Zones with a clearly defined local context, consider adaptive reuse to enhance the existing context.
- C-LI6-2** ADUs and/or affordable housing options should be incorporated into existing and new single-family residential development. (A-DN5)

- C-LI7-1** Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.
- C-PS9-2** Modify current office space to include complementary uses.
- C-PS10-2** Developments should explore options for shared and flexible parking arrangements for currently underutilized parking lots.
- C-PS10-3** Over-parking of new developments should be avoided. (B-SU5)
- D-PL2-1** Developments should aim to provide a neighborhood-serving use that does not already exist in the vicinity, or that fills a specific need.
- D-PL7-1** Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
- D-PL9-1** Historically significant structures should be preserved.
- D-PL10-1** Activate the streetscape by designating public art easements in prominent locations.
- D-SP1-1** Elementary and middle schools should be located within residential neighborhoods, and high schools primarily along collector streets. (A-EQ7)
- D-SP1-2** An open and inviting school campus/locale should utilize frontage on single-loaded streets (also true for other support facilities, like parks, community centers, social services, healthcare).
- D-SP3-1** Adequate right-of-way, lease areas and easements for infrastructure, with emphasis on wireless communication networks should be provided to create reliable service throughout Lexington.
- D-SP3-2** Cellular tower antennae should be located to minimize intrusion and negative aesthetic impacts, and stealth towers and landscaping should be used to improve the visual impact from the roadway and residential areas.
- D-SP9-1** Encourage co-housing, shared housing environments, planned communities and accessory dwelling units for flexibility and affordability for senior adults and people with disabilities.
- E-GR4-1** Developments should incorporate reuse of viable existing structures.
- E-GR5-1** Structures with demonstrated historic significance should be preserved or adapted.
- E-GR9-1** Live/work units should be incorporated into residential developments.
- E-GR9-2** Low-intensity business uses that will provide neighborhood amenities should be incorporated into existing neighborhoods.
- E-GR9-3** Less intense multi-family residence types (duplexes, four-plexes, courtyard apartments, etc.) should be incorporated into primarily single-family areas.

Theme Letter - Pillar Abbreviation & Policy Number – Criteria Number
Ex: from Theme A - Design Pillar & Policy #1 - Criteria #1 = A-DS1-1. Full decoder on page ###

Criteria that include additional policy items in parentheses refer to companion policies that will provide additional context to the related criteria.

LOW DENSITY NON-RESIDENTIAL / MIXED-USE

SITE DESIGN, BUILDING FORM, & LOCATION (CONT.)

- E-GR9-4** Development should intensify underutilized properties and develop vacant and underutilized gaps within neighborhoods. (E-GR6)
- E-GR10-2** Developments should provide walkable service and amenity-oriented commercial spaces.
- E-GR10-3** Shared common space in commercial developments should be provided to encourage experiential retail programming.

TRANSPORTATION & PEDESTRIAN CONNECTIVITY

- A-DS1-1** Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7).
- A-DS1-2** Direct pedestrian linkages to transit should be provided.
- A-DS4-1** A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided. (A-DS2, A-DN1, B-SU1, B-SU2, C-LI7, E-AC5)
- A-DS5-1** Adequate multi-modal infrastructure should be provided to ensure vehicular separation from other modes of transport.
- A-DS5-2** Roadways should provide a vertical edge, such as trees and buildings.
- A-DS10-2** New focal points should be designed with multi-modal connections to the neighborhood.
- A-DS13-1** Stub streets should be connected. (D-CO4)
- B-SU4-1** Where greenspace/community centers are not located within walking distance of a new development, applicants should attempt to incorporate those amenities. (A-DS9)
- C-PS10-1** Flexible parking and shared parking arrangements should be utilized.
- D-CO1-1** Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place-type.
- D-CO2-1** Safe facilities for all users and modes of transportation should be provided.
- D-CO2-2** Development should create and/or expand a safe, connected multimodal transportation network that satisfies all users' needs, including those with disabilities.
- D-CO4-1** Dead-end streets and Cul-de-sacs should be discouraged except where connections are not topographically or environmentally feasible.
- D-CO4-2** Roadway capacity should be increased by providing multiple parallel streets, which alleviate traffic and provide multiple route options, in lieu of additional lanes.

- D-CO4-3** Street pattern and design should consider site topography and minimize grading where possible.
- D-CO5-1** Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.
- D-SP1-3** Developments should provide multi-modal transportation infrastructure to school sites, including sidewalks, shared-use paths, and roadways that can accommodate the bus and vehicle traffic associated with the site.
- D-SP6-1** Social services and community facilities should be accessible via mass transit, bicycle and pedestrian transportation modes. (A-EQ7)

GREENSPACE & ENVIRONMENTAL HEALTH

- A-DS4-3** Development should work with the existing landscape to the greatest extent possible, preserving key natural features.
- A-EQ7-3** Community open spaces should be easily accessible and clearly delineated from private open spaces.
- B-PR2-1** Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.
- B-PR2-2** Dividing floodplains into privately owned parcels with flood insurance should be avoided.
- B-PR2-3** Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them.
- B-PR7-1** Connections to greenways, tree stands, and stream corridors should be provided.
- B-PR7-2** Trees should be incorporated into development plans, prioritize grouping of trees to increase survivability.
- B-PR7-3** Developments should improve the tree canopy.
- B-RE1-1** Developments should incorporate street trees to create a walkable streetscape.
- B-RE2-1** Green infrastructure should be used to connect the greenspace network.
- D-SP2-1** Visible, usable greenspace and other natural components should be incorporated into school sites.
- D-SP2-2** Active and passive recreation opportunities should be provided on school sites.
- E-GR3-1** Physical and visual connections should be provided to existing greenway networks.
- E-GR3-2** New focal points should emphasize geographic features unique to the site.

Theme Letter - Pillar Abbreviation & Policy Number – Criteria Number
Ex: from Theme A, Design Pillar, Policy #1, Criteria #1: A-DS1-1. Full decoder on page ###

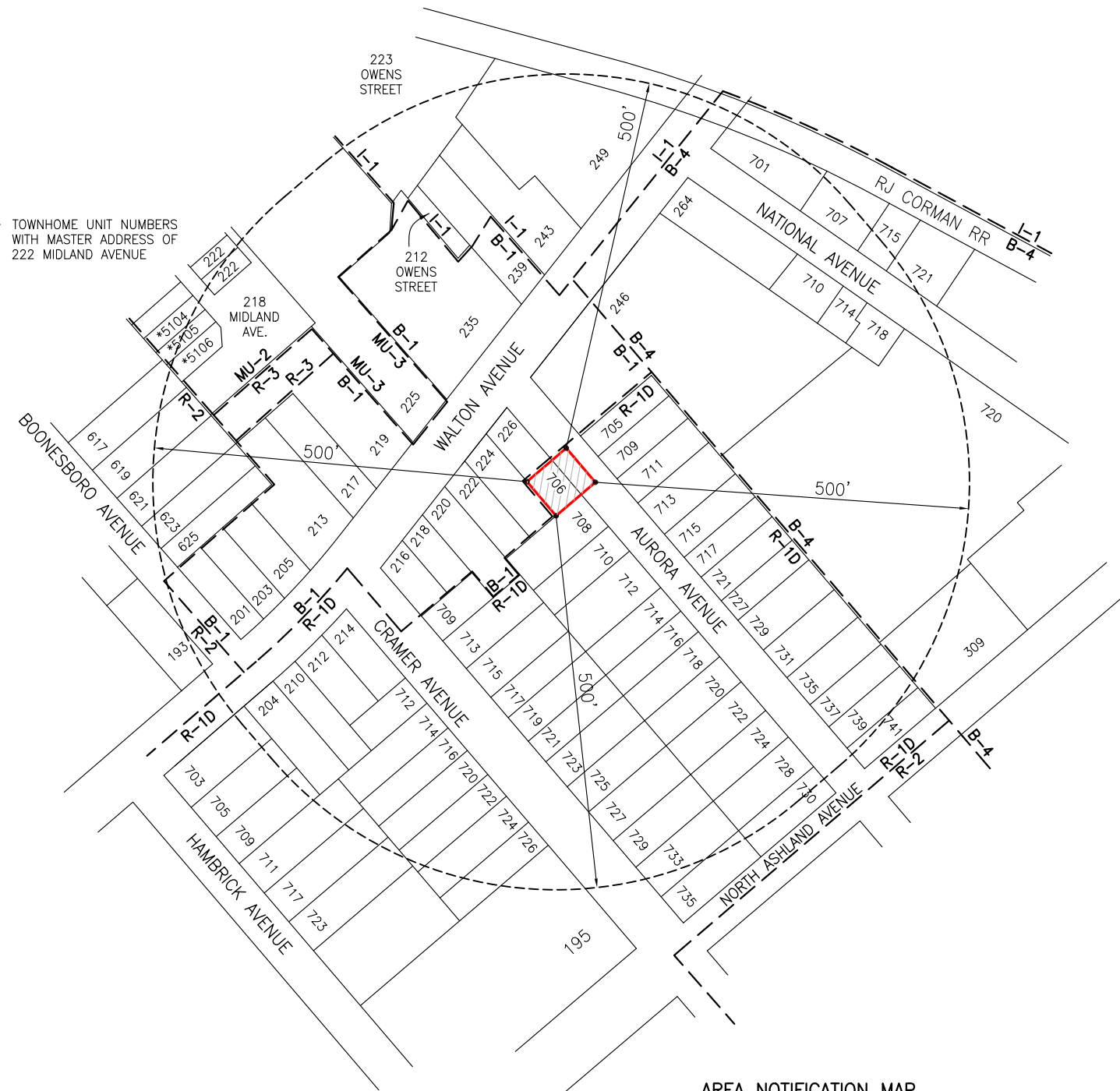
Criteria that include additional policy items in parentheses refer to companion policies that will provide additional context to the related criteria.

Legal Description
Tyler Schilling (applicant)
Zone Change From R-1D to B-1
At 706 Aurora Avenue
Lexington, Fayette County, Kentucky

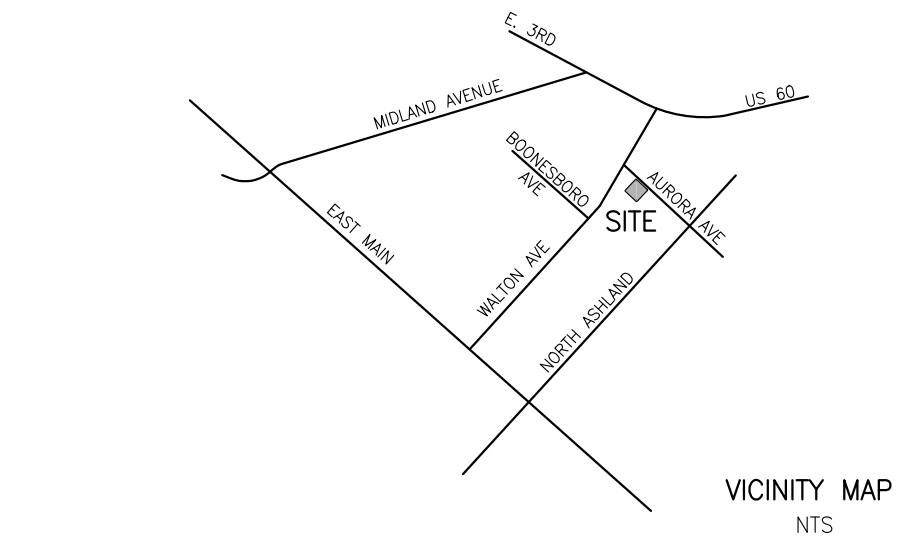
ALL THAT TRACT OR PARCEL OF LAND SITUATED ON THE SOUTH SIDE OF AURORA AVENUE APPROXIMATELY 128.5 FEET SOUTHEAST OF WALTON AVENUE IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a point in the centerline of Aurora Avenue, said point being approximately 128.5 feet southeast of the intersection with the centerline of Walton Avenue; thence along the centerline of Aurora Avenue south 40 degrees 29 minutes 13 seconds east 60.00 feet to a point; thence leaving Aurora Avenue south 49 degrees 30 minutes 47 seconds west 69.00 feet to a point; thence north 40 degrees 29 minutes 13 seconds west 60.00 feet to a point; thence north 49 degrees 30 minutes 47 seconds east 69.00 feet to the point of beginning and containing 0.095 gross acres and 0.061 net acres.

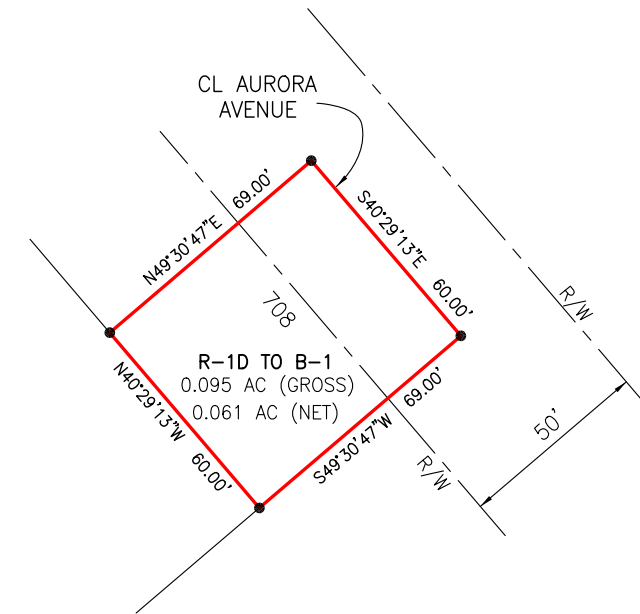
* TOWNHOME UNIT NUMBERS WITH MASTER ADDRESS OF 222 MIDLAND AVENUE



AREA NOTIFICATION MAP
1"=200'



VICINITY MAP
NTS



PROPERTY MAP
1"=50'

STATE OF KENTUCKY
WESLEY B. WITT
2187
LICENSED PROFESSIONAL LAND SURVEYOR

Wesley B Witt

ZOMAR: R-1D TO B-1				
PROPERTY ADDRESS: 706 AURORA AVENUE	FROM	TO	GROSS	NET
APPLICANT: TYLER SCHILLING 706 AURORA AVENUE, LEXINGTON, KY 40502	R-1D	B-1	0.095 AC	0.061 AC
PREPARED BY: MIDWEST ENGINEERING, INC.				
DATE PREPARED: NOVEMBER 22, 2019			TOTAL	0.095 AC 0.061 AC

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-20-00001: SCHILLING PROPERTIES

DESCRIPTION OF ZONE CHANGE

Zone Change: From a Single Family Residential (R-1D) zone
To a Neighborhood Business (B-1) zone
Acreage: 0.061 net (0.095 gross) acres
Location: 706 Aurora Avenue



EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	R-1D	Vacant
To North	B-1	Restaurant / Office
To East	R-1D	Single Family Dwelling
To South	R-1D	Single Family Dwelling
To West	B-1	Parking Lot / Vacant

URBAN SERVICE REPORT

Roads - Aurora Avenue is a local roadway that extends southeast from Walton Avenue to a deadend, east of Richmond Avenue. TWalton Avenue is a minor arterial roadway that extends southwest from Winchester Road to E. Main Street and experiences 7,500 average daily trips (ADT). Access to the property is proposed from Walton Avenue with oneway movement to egress onto Aurora Avenue.

Curb/Gutter/Sidewalks - Aurora Avenue and Walton Avenue currently have curb, gutter and sidewalk facilities. The sidewalks along the roadways currently measure four (4) feet in width.

Utilities - All utilities, including natural gas, electric, water, phone, cable television, and internet are available in the area, and are available to serve the proposed development.

Storm Sewers - The subject property is located within the Town Branch watershed. Storm sewers do exist in this portion of the Urban Service Area. Additional facilities may be required for the redevelopment in this general area to address water quality. Any such improvements shall be designed and constructed in accordance with the LFUCG Engineering Manuals. There are no FEMA Special Flood Hazard Areas or known flooding issues along these properties.

Sanitary Sewers - The subject property is located within the Town Branch sewershed. The property is served by the Town Branch Waste Water Treatment Facility, located on Lisle Industrial Avenue, southeast of New Circle Road. Improvements to the sewer have been made in the vicinity by the LFUCG. No further improvements are necessary to accommodate the proposed use of the subject properties. Sanitary sewer capacity will need to be verified by the Capacity Assurance Program (CAP) prior to certification of the final development plan.

Refuse - The Urban County Government serves this area with refuse collection on Tuesdays.

Police - The nearest police station is the main headquarters, located approximately one mile to the northwest on East Main Street.

Fire/Ambulance - The subject property is served by Fire Station #1, located approximately one mile to the northwest of the subject property on E. Third Street, between North Martin Luther King Boulevard and Elm Tree Lane. Fire Station #5 is also located in close proximity to the subject property, approximately one mile to the southeast, at the intersection of Woodland Avenue and East Maxwell Street.

Transit - LexTran service is available nearby the subject property along Winchester Road. Inbound and outbound service is available on Route #10 within a half mile of the subject property.

Parks - Currently, there are several parks nearby the subject property. The closest park is the Isaac Murphy Art Garden located less than ¼ mile to the northwest. Bell Place a historic house owned by the City of Lexington, is also located just over ¼ mile to the southwest.

SUMMARY OF REQUEST

The applicant is seeking a zone change from the Single Family Residential (R-1D) zone to the Neighborhood Business (B-1) zone for the property located at 706 Aurora Avenue. The zone change application is seeking the enlargement of the commercial zoning to allow for the expansion of the current footprint of the Blue Door Smokehouse building. The applicant is also seeking to update their development plan to address pedestrian mobility around the site, and vehicular movement through the site, while also increasing the available off-street parking.

PLACE-TYPE

ENHANCED NEIGHBORHOOD
The Enhanced Neighborhood Place-Type is an existing residential area to be enhanced with additional amenities, housing types, and neighborhood-serving retail, services, and employment options. Development should be context-sensitive to surrounding areas and should add to the sense of place. Incorporating multi-modal connections is crucial to neighborhood success and viability.

DEVELOPMENT TYPE

LOW DENSITY NON-RESIDENTIAL / MIXED-USE
Primary Land Use, Building Form, & Design
Primarily neighborhood-serving commercial uses, services, places of employment, and/or a mix of uses within low to mid-rise structures appropriately scaled to the surrounding neighborhood. Mixed-use structures can include a mix of residential, commercial, services, and/or employment uses, and an activated and pedestrian-scale ground level should be provided. Developments with a residential component are generally non-residential on the ground-floor with units above, providing opportunities for live/work arrangements. The retail/service options typically include boutique-type establishments, neighborhood restaurants or pubs, and/or neighborhood-serving services like dentists, daycares, etc., and the places of employment are small offices.
Transit Infrastructure & Connectivity
Bicycle and pedestrian connections to adjoining neighborhoods, and buildings oriented to the street are required to ensure the non-residential enhances nearby neighborhoods by creating a truly walkable environment.
Parking
Parking should be minimized and where necessary, located internally.

PROPOSED ZONING



This zone is intended to accommodate neighborhood shopping facilities to serve the needs of the surrounding residential area. Generally, they should be planned facilities and should be located as recommended in the Comprehensive Plan. This zone should be oriented to the residential neighborhood, and should have a roadway system which will be adequate to accommodate the anticipated vehicular traffic.

PROPOSED USE



The applicant is seeking to expand the footprint of the Blue Door Smokehouse building, so to increase the kitchen and restroom facilities. The applicant is also seeking to improve the impact of on-street parking within the surrounding neighborhood by providing additional off-street parking. Other improvements along the frontage of 226 Walton Avenue will include modernized pedestrian facilities.

APPLICANT & COMMUNITY ENGAGEMENT



The applicant has held two meetings with the Mentelle Neighborhood Association, but should provide greater information regarding details of their meetings.

PROPERTY & ZONING HISTORY



The subject property was originally platted together with what is now 226 Walton Avenue (Cabinet E, Slide 177 Morningside Addition Lot 185). At that time, the whole of the property (706 Aurora Avenue and 226 Walton Avenue) was addressed as 706 Aurora and included a one and a half story house (1934 Sanborn Fire Insurance Map). Between 1934 and 1958, a one-story commercial structure was added to the portion of the property fronting on Walton, and addressed 226 Walton Avenue (1958 Amendment to the Sanborn Insurance Map). The inclusion of the two structures on a singular lot led to the eventual subdivision of the lot, which created a very small and constricted residential lot behind a commercial lot. Recently, the structure on the subject property was demolished, leaving the lot vacant.

The zoning in the area surrounding the subject property has historically been a mix of residential, commercial, warehousing, and industrial. The land use patterning and associated zoning follows traditional modes of separation based on access to surround infrastructure, particularly railways and roadways. Industrial land uses were and continue to be located along Winchester Road and the RJ Corman Railway. Less intense uses, like warehousing, buffer residential uses, with neighborhood serving businesses being located along collector or arterial roadways. The development of the neighborhood business land uses along Walton Avenue occurred gradually, as represented by the Sanborn Fire Insurance Maps, but were instilled in the zoning as time moved on.

The nature of the residential zoning in the area experienced three changes over the course of the last 60 years. In 1969 during the comprehensive rezoning of Lexington, the residential neighborhood extending from the rear of the warehousing uses, located along National Avenue, to the rear of the properties fronting on E. Main Street were recommended and rezoned to a Low Density Apartment (R-3) zone. In 1975, at the request of the neighborhood, the Urban County Planning Commission and Council approved a downzoning for the area from the R-3 zone to the Two-Family Residential (R-2) zone (MAR-75-09). In 1998, the neighborhood again requested that the Planning Commission and Council initiate and approve a downzoning from the R-2 zone to a Single Family Residential (R-1D) zone for a portion of the previously rezoned area, which includes the subject property (MAR 98-49). The R-1D zone was approved as it conformed closer to the lot sizes of the area.

The subject property is located within the defined Infill and Redevelopment Area, as such the “small lot” provisions apply to this property. Per Article 4-1(c) of the LFUCG Zoning Ordinance, 706 Aurora Avenue does not constitute a non-conforming lot.

COMPREHENSIVE PLAN COMPLIANCE



GOALS & OBJECTIVES

The 2018 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community’s resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. 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 applicant indicates that the proposed rezoning and the associated development are in agreement with the Goals and Objectives of the 2018 Comprehensive Plan. They state that by allowing a modest expansion of this neighborhood restaurant, and by improving pedestrian and parking facilities, the proposal enhances the quality of life and promotes a successful, accessible neighborhood, as called for in the Comprehensive Plan’s mission statement, while also supporting infill and redevelopment as a strategic component of growth (Theme A, Goal #2 and Theme A, Goal #2.a). Further, they state that the expansion of the existing one-story structure will remain in line with the existing building, and will respect the built context and design features of the surrounding development, remaining compatible with the existing urban form (Theme A, Goal #2.b). The current restaurant provides a location for positive and safe social interactions in the neighborhood (Theme A, Goal #3.b) and proposed sidewalk and parking improvements will enhance the neighborhood. The applicant states that the established restaurant coupled with increased pedestrian facilities will help de-emphasize single-occupancy vehicle dependence (Theme B, Goal #2.d, Objective Theme D, Goal #1.a).

Additionally, neighborhood-oriented businesses that are walkable provide entertainment and other quality



of life opportunities that attract young and culturally diverse professionals and a workforce of all ages and talents to Lexington (Theme C, Goal #2.d).

The staff agrees with these aspects of the applicant's proposal and that these goals and objectives can be met with the proposed development.



CRITERIA

The criteria for a zone change are the distillation of the adopted Goals and Objectives, as well as the policies put forth in the 2018 Comprehensive Plan. The criteria for development represent the needs and desires of the Lexington-Fayette Urban County community in hopes of developing a better built environment. The applicable criteria are defined based on the proposed place-type and development type. The applicant has indicated that the site is located within the Enhanced Neighborhood Place-Type and is seeking to expand the currently operating restaurant, characterized as a Low Density Non-Residential / Mixed-Use Development Type. Staff concurs with the applicant's assessment of the Place-Type and agrees that low density non-residential development can be appropriate for the subject property within a Neighborhood Business (B-1) zone.

While staff agrees with much of the justification provided by the applicant, there are a few areas of concern as to how the applicant has applied the development criteria.

1. Site Design, Building Form and Location

Despite compliance with the majority of criteria for Site Design, Building Form and Location, there are three areas of concern that the applicant should expand upon. The 2018 Comprehensive Plan stresses the need to place a greater emphasis on the development of place, while also creating a more pedestrian-friendly atmosphere. This is specifically important with the development of the portions of the subject property along Walton Avenue and Aurora Avenue. Staff recognizes that the proposed layout increases pedestrian safety at this location. However, both the current layout and the proposed layout along the Walton Avenue frontage emphasizes an auto-centric mobility pattern. By utilizing this portion of the property as parking and an egress point for grab and go customers, the applicant does not give preference to pedestrians, but focuses more heavily on the traveling public. Staff would like to see a greater focus on placemaking and pedestrian orientation. The applicant should modify their plan or expand upon how they are meeting Placebuilder Criteria A-DS5-3: Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere, and A-DS7-1: Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.

Furthermore, the applicant has indicated that B-SU11-1: Green infrastructure should be implemented in new development, is not applicable for this development. As this development is increasing the overall utilization of the property, the applicant should utilize green infrastructure on-site or expand upon how it is not possible.

2. Transportation and Pedestrian

The proposed rezoning meets the criteria for Transportation and Pedestrian. The applicant has made an concerted effort to improve the pedestrian infrastructure and update the traffic and parking movement on site.

3. Greenspace and Environmental Health

The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, limits the impacts on the surrounding environment, and adds landscape buffers and street tree canopy.



CONDITIONAL ZONING RESTRICTIONS

In an effort to alleviate some of the potential adverse impacts on the adjacent residents, staff recommends the restriction of some uses that would otherwise be available in the B-1 zone. Staff recommends prohibiting drive-through facilities, and stand alone parking lots. Additionally, staff recommends that there shall be no outdoor speaker systems, and all lighting on the subject property shall be no taller than 10 ft in height, and shall be shielded and directed downward.

STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASONS:



1. The requested Neighborhood Business (B-1) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning supports infill and redevelopment as a strategic component of growth (Theme A, Goal #2 and Theme A, Goal #2.a).
 - b. The expansion of the existing one-story structure will remain in line with the existing building, and will respect the built context and design features of the surrounding development, remaining compatible with the existing urban form (Theme A, Goal #2.b).
 - c. The proposed development provides a location for positive and safe social interactions in the neighborhood (Theme A, Goal #3.b) and those proposed sidewalk and parking improvements will enhance the neighborhood (Theme D, Goal #1.d).
 - d. The proposed enhancement of the restaurant along the edge of an established and walkable neighborhood, helps deemphasize single-occupancy vehicle dependence (Theme B, Goal #2.d).
 - e. The proposed neighborhood business zone can provide for entertainment and other quality of life opportunities that attract young and culturally diverse professionals to Lexington (Theme C, Goal #2.d).
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the site creates a residential development that increases safe pedestrian mobility and provides a neighborhood use.
 - b. The proposed rezoning includes safe facilities for the potential users of the site by prioritizing the inclusion of safe pedestrian facilities. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, limits the impacts on the surrounding environment, and adds tree canopy coverage in the form of street trees and landscape buffers.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are recommended via conditional zoning:
 - a. Prohibited Uses:
 - i. Drive-Through Facilities
 - b. Outdoor speakers or the amplification of live music shall be prohibited on the subject property.
 - c. Lighting shall be a maximum of 10 feet in height and shall be shielded and directed away from the neighborhood adjacent to the property.

These restrictions are appropriate and necessary for the following reasons:

 1. To reduce the potential impact of allowable neighborhood business uses on the adjacent neighborhood.
 2. To reduce the potential impact of lighting and sound on the adjacent neighborhood.
4. This recommendation is made subject to approval and certification of PLN-MJDP-20-00003: Morningside Addition (Blue Door Smokehouse Expansion), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

1. **SCHILLING PROPERTIES ZONING MAP AMENDMENT & MORNINGSIDE ADDITION (BLUE DOOR SMOKEHOUSE EXPANSION) ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-20-00001: SCHILLING PROPERTIES (6/25/20)*- a petition for a zone map amendment from a Single Family Residential (R-1D) zone to a Neighborhood Business (B-1) zone, for 0.061 net (0.095 gross) acres, for property located at 706 Aurora Avenue.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2018 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. 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 applicant is seeking a zone change from the Single Family Residential (R-1D) zone to the Neighborhood Business (B-1) zone for the property located at 706 Aurora Avenue. The zone change application is seeking the enlargement of the commercial zoning to allow for the expansion of the current footprint of the Blue Door Smokehouse building. The applicant is also seeking to update their development plan to address pedestrian mobility around the site, and vehicular movement through the site, while also increasing the available off-street parking.

The Zoning Committee Recommended: Postponement to the full Commission.

The Staff Recommends: Approval, for the following reasons:

1. The requested Neighborhood Business (B-1) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning supports infill and redevelopment as a strategic component of growth (Theme A, Goal #2 and Theme A, Goal #2.a).
 - b. The expansion of the existing one-story structure will remain in line with the existing building, and will respect the built context and design features of the surrounding development, remaining compatible with the existing urban form (Theme A, Goal #2.b).
 - c. The proposed development provides a location for positive and safe social interactions in the neighborhood (Theme A, Goal #3.b) and those proposed sidewalk and parking improvements will enhance the neighborhood (Theme D, Goal #1.d).
 - d. The proposed enhancement of the restaurant along the edge of an established and walkable neighborhood, helps deemphasize single-occupancy vehicle dependence (Theme B, Goal #2.d).
 - e. The proposed neighborhood business zone can provide for entertainment and other quality of life opportunities that attract young and culturally diverse professionals to Lexington (Theme C, Goal #2.d).
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the site creates a residential development that increases safe pedestrian mobility and provides a neighborhood use.
 - b. The proposed rezoning includes safe facilities for the potential users of the site by prioritizing the inclusion of safe pedestrian facilities. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, limits the impacts on the surrounding environment, and adds tree canopy coverage in the form of street trees and landscape buffers.
3. **Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are recommended via conditional zoning:**
 - a. Prohibited Uses:
 - i. Drive-Through Facilities
 - b. Outdoor speakers or the amplification of live music shall be prohibited on the subject property.
 - c. Lighting shall be a maximum of 10 feet in height and shall be shielded and directed away from the neighborhood adjacent to the property.

These restrictions are appropriate and necessary for the following reasons:

 1. To reduce the potential impact of allowable neighborhood business uses on the adjacent neighborhood.
 2. To reduce the potential impact of lighting and sound on the adjacent neighborhood.
4. This recommendation is made subject to approval and certification of PLN-MJDP-20-00003: Morningside Addition (Blue Door Smokehouse Expansion), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

- b. PLN-MJDP-20-00003: MORNINGSIDE ADDITION (BLUE DOOR SMOKEHOUSE EXPANSION) (6/25/20)* - located at 222, 224 AND 226 WALTON AVENUE AND 706 AURORA AVE., LEXINGTON, KY.
Project Contact: Midwest Engineering

Note: The purpose of this development plan is to rezone the property located at 706 Aurora Avenue and incorporate the lot into the adjoining business area.

The Subdivision Committee Recommended: Postponement. There were some questions regarding the discussion items. Should this plan be approved, the following requirements should be considered:

1. Provided the Urban County Council rezones the property B-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways, greenspace and open space.
6. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.
7. Denote building height in feet in site statistics.
8. Dimension existing buildings.
9. Discuss proposed access to Aurora Avenue.
10. Discuss use of existing building at 222 Walton Avenue.
11. Discuss timing of shared parking lot construction located on 222 and 224 Walton Avenue and consolidation with one of the adjoining lots.
12. Discuss perimeter (zone to zone) landscape screening along the shared property line with 708 Aurora Avenue.
13. Discuss pedestrian access from parking lot and right-of-way to front entrance.
14. Discuss Placebuilder criteria:
 - a. A-DS5-3: Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
 - b. A-DS7-1: Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
 - c. B-SU11-1: Green infrastructure should be implemented in new development.

Staff Zoning Presentation – Mr. Baillie said that a public citizen has a presentation and at the appropriate time the staff will be sharing the screen in order for them to verbally give their presentation. He presented the staff report and recommendations for the zone change application. He displayed photographs of the subject property and aerial photographs of the general area. He said the applicant is proposing this zone change to allow the enlargement of the commercial zoning and to expand the current footprint of The Blue Door Smokehouse building. The applicant is also seeking to update their development plan to address pedestrian mobility around the site, and vehicular movement through the site, while also increasing the available off-street parking. He said that the subject property is located along Aurora Avenue. The subject property is surrounded by various land uses and zoning, which represents the historical development pattern of this area. He gave a brief history of the subject property and said that this area became R-1D zoning in 1998. He added that subject property is within the Infill and Redevelopment area, therefore is not considered a non-conforming property. He said that there have been 11 businesses at this location prior to The Blue Door Smokehouse.

Mr. Baillie said that the applicant indicated that they were part of the Enhanced Neighborhood Place-Type, which is typically in existing residential areas in which amenities are added in. He said that the applicant also characterized this property as a Low Density Non-Residential / Mixed-Use Development Type, and they have chosen a recommended zone for this Place-type. He said that the staff agreed with this Place-type. He said that the B-1 zoning is located in areas of the community where services and facilities will be adequate to serve the anticipated population and that the proposed B-1 zone expansion is intended to accommodate neighborhood shopping facilities to serve the needs of the surrounding residential area. He added that the B-1 zone should be oriented to the residential neighborhood, and should have a roadway system which will be adequate to accommodate the anticipated vehicular traffic. He then discussed the differences in the zoning regulations. He added the subject property is currently vacant and is not covered by a Historic District Overlay zone.

Mr. Baillie said that at the June 4, 2020 Committee meeting, the members and staff expressed concern with the application regarding the Placebuilder criteria. He then displayed the initial development plan, which depicted an exit lane onto Aurora Avenue. Staff was concerned about the distance to travel to Walton Avenue, the parking in front of the building, the phasing of the parking in the lot and the exit onto Aurora Avenue. He said that with the revised application, the applicant is seeking to move the pedestrian service to connect with the existing services and to remove the parking in front of the structure, which would allow amenities such as outdoor tables. He said that with these changes, the staff is now recommending approval of this zone change with conditional zoning restrictions, such as prohibiting drive-through facilities, outdoor speakers or the amplification of live music, and limiting lighting to 10 feet in height and shielded and directed away from the neighborhood adjacent to the property. He stated that these

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conditional zoning restrictions are only for the property of 706 Aurora Avenue, as the Planning Commission can't apply them on other properties, since they are not being rezoned at this time.

Commission Questions – Mr. de Movellan asked if there is going to be an outdoor eating area in the driveway area. Mr. Baillie said that the applicant has removed that driveway from the front of the building.

Mr. Bell asked where the parking is going to be located. Mr. Baillie said that will be discussed by Ms. Wade when she presents on the development plan.

Development Plan Presentation – Ms. Wade said that the recommendation on the agenda is from the Subdivision meeting that was held on February 6, 2020. She presented a revised rendering of the preliminary development plan associated with this zone change. She said that the subject property for the development plan includes four parcels. This plan, which the Subdivision and Zoning committees reviewed in February, indicates one-way circulation through the site and an exit onto Aurora Avenue, the existing restaurant with the proposed expansion. She said that the existing restaurant is approximately 1,100 square-feet and the expansion is the same size and there is an existing 1,400 square-foot building to the south, which is being utilized as an office. She said that after the committee meetings with the applicant, the applicant revised the development plan, which depicted the buildings in the same location, however the vehicular circulation and parking located in the area in front of the building was removed. This plan depicts the lot between the restaurant location and office building to be the primary parking lot. The plan also depicts the green infrastructure has been implemented by adding greenspace in front of the building.

Ms. Wade said that the applicant submitted a revised plan in late February to the staff digitally and in paper copy. They also submitted a color rendering in May, which the staff only received a digital copy, which depicts the removal of the dumpster. She said that the original development plan depicted one way vehicular circulation and the revised plan no longer has that one-way circulation. The revised development plan depicts a wider entrance onto Walton Avenue with in internal parking lot. She said that this configuration is a Traffic Engineering and zoning ordinance issue because of the different types of parking. She displayed the aerial photograph of the subject property and said that the staff has concern because there are currently four controlled access points on Walton Avenue, and the applicant is asking for another one, between two existing access points. She said that the staff is recommending approval of this development plan, however, there is a condition that the plan depict the one-way movement from the previous plan, which had vehicular traffic entering from Walton Avenue and exiting onto Aurora Avenue. She said that access onto Aurora Avenue will help to alleviate the possible traffic conflicts, which is the safer movement at this location.

Ms. Wade displayed the revised recommendation and conditions that were distributed to the Planning Commission, as follows:

1. Provided the Urban County Council rezones the property B-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways, greenspace and open space.
- ~~6. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.~~
- ~~6.~~ 7. Denote building height (existing and proposed) in feet in site statistics.
- ~~8. Dimension existing buildings.~~
- ~~7.~~ 9. Discuss proposed access Revise plan to depict one-way access to Aurora Avenue at rear of proposed addition.
- ~~8.~~ 40. Discuss Denote use of existing building at 222 Walton Avenue and adjust parking accordingly.
- ~~9.~~ 41. Discuss Denote timing of shared parking lot construction located on 222 and 224 Walton Avenue and consolidation with one of the adjoining lots shall be determined at time of Final Development Plan.
- ~~10.~~ 42. Discuss Denote property perimeter (zone to zone) landscape screening along the shared property line with 708 Aurora Avenue in its entirety.
- ~~43. Discuss pedestrian access from parking lot and right-of-way to front entrance.~~
11. 44. Discuss Placebuilder criteria:
 - a. A-DS5-3: Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
 - b. A-DS7-1: Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
 - c. B-SU11-1: Green infrastructure should be implemented in new development.

She said that the Subdivision Committee recommended postponement; however, the staff is recommending approval subject to 11 conditions. She said that condition #6 needs to be addressed to the existing and the proposed, in feet in their site statistics. Condition #8, which the applicant verbally stated that it will be used as an office space, but the parking calculation is consistent with retail or restaurant use. Condition #9, the applicant needs to denote the when the shared parking will be constructed. Condition #10, the applicant needs to correct the property perimeter landscaping along the rear, which is adjacent to single family property. She said in regards to condition #11, the Placebuilder criteria has been met. Ms. Wade said that the staff is recommending condition #7, returning to the proposed change to the plan because the staff believes it is a safety concern.

Commission Questions – Mr. de Moveilan asked for clarification regarding the dumpster. Ms. Wade said that typically the Division of Solid Waste isn't a sign-off on a preliminary development plan, because it is usually on the final development plan. She said that the properties are currently being served via roll carts, which the applicant wants to continue and Solid Waste agreed. However, the plan that was received in February depicted a dumpster and the recent plan does not.

Mr. Nicol said the revised development plan has 19 parking spaces and asked how many spaces were on the previous plan. Ms. Wade said that there were 21 parking spaces on the previous development plan. She added that only 13 parking spaces are required per the zoning ordinance. Mr. Nicol then said that if the parallel spaces were removed, they would still meet the required number of spaces. Ms. Wade agreed.

Mr. Owens asked for clarification regarding the parking area on the far end of the lot with the striping on the plan. Mr. Baillie said that there is a shed currently located on the single-family residential property. The applicant has been indicated that it will be removed prior to this development. Ms. Wade said that she believed that area would be thicker pavement for solid waste vehicles to be able to turn around. She said that the applicant may be able to inform them of the use of this area.

Ms. Wade added that the staff received letters from the citizens, which have been shared with the Planning Commission. These letters include 2 letters of support, 12 letters of opposition and 10 letters that support the neighborhood choice.

Applicant Presentation – Mr. Dick Murphy, attorney; Tyler Lee, Steve Baker, Midwest Engineering; and Jeff Newman, petitioner, were present. He said that The Blue Door Smokehouse needs more space to provide a larger kitchen for catering services and to build better restroom facilities. In order to do that, they wanted to add an addition to their building, which would be located on a parcel that needs to be rezoned and that parcel is less than 1/16th of an acre. He said that on the initial development plan, the staff recommended that the parking in the front of the building be removed. The revised development plan was submitted because of the Placebuilder process, which the applicant believes they have accomplished, after they have met with the staff and the Mentelle Neighborhood Association. He said that they met with the Neighborhood Association in late December, 2019, at which point they believed there would not be any common ground. Since that meeting, there were many discussions and gradually a solution was found. He said that the revised development plan depicts the removal of the parking area in front of the building, which could now be used as outdoor seating and they added parking on the 224 Walton Avenue parcel. He said that they also agreed with the conditional zoning restrictions. The applicant has also agreed to a private deed restriction on 708 Walton Avenue, which is also owned by Mr. Schilling, to restrict any rezoning for 20 years. There will be no vinyl siding will be used on the building, the on-street parking on Aurora Avenue will remain, and there will not be a driveway onto Aurora Avenue.

Mr. Murphy said that the neighbors have genuine concern regarding the exit onto Aurora Avenue. The applicant redesigned the parking to only be accessible from Walton Avenue, which they believe provides a safe entrance/exit. He said that this design respects the neighborhood concern of not having an exit onto Aurora Avenue, and acknowledged that it was a collaborative process. He also agreed to the conditional zoning restrictions that the staff had proposed, which were also concerns of the neighborhood. He added that The Blue Door Smokehouse has limited hours, they closed at 3:00 p.m., Monday – Thursday and closes at 8:00 p.m. on Friday and Saturday, or earlier if they run out of their prepared foods.

Mr. Murphy said that they understand the staff's concerns; however, they believe that they have designed a reasonable solution to the traffic situation. He said that Placebuilder is a process to lead to a solution, which is acceptable to the property owner, the neighborhood stakeholders, and all involved.

Note: Mr. Brewer left the meeting at 4:00 p.m.

Commission Questions – Mr. Bell thanked Mr. Murphy and the neighborhood for working together and utilizing Placebuilder. He then asked how many parking spaces employees will be using, and how the services will impact the parking. Mr. Murphy said that currently there are 5 parking spaces. Mr. Newman said that there are usually 4 employees and some carpool to work and park in the on-street parking along Walton Avenue.

Ms. Plumlee asked if there is indoor seating or is it only pick-up service. Mr. Newman said that there are six tables indoors. He said that their main goal is to increase the kitchen area so that they can increase their catering business. He added that with the COVID-19 concerns, they are currently carry-out only.

Ms. Wade said that the development depicts that there are 15 seats indoors and they are proposing an additional 10 seats.

Mr. Nicol asked Mr. Murphy why he believes their access is the safest solution along Walton Avenue and asked for the details provided by Traffic Engineering to lead to this proposal. Mr. Murphy said that Traffic Engineering and the staff stated that the parking in front of the building must be removed. He said that Traffic Engineering agreed with the original plan with the one-way circulation and both access points on Aurora Avenue, but the Planning staff still had concerns, as well as the neighborhood association. They relocated the entrance driveway to Walton Avenue. He said that it is safer than the current parking configuration.

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Mr. Owens asked again for clarification regarding the cross-hatched area at the end of the parking lot. Mr. Murphy said that area will be the turnaround area, when all the parking spaces are occupied at one time.

Citizens in Favor – Ms. Jamie Lucke, 914 Aurora Avenue, representing the Mentelle Neighborhood Association, said they support the plan, as proposed by the petitioner. They don't support the driveway onto Aurora Avenue. It would be intrusive and fundamentally change the character of the street. She thanked Mr. Schilling for listening to their concerns. She said that they believe this proposed plan protects the character of the residential street and improves the safety at the corner of Aurora Avenue and Walton Avenue. She displayed photos of the front of the current building, with the parking. She agreed with Mr. Murphy in regards to Placebuilder by showing that a developer and a neighborhood can work together to make a better place. She did express concern that the conditional zoning restriction of no drive-through applies only to the 706 Aurora Avenue parcel and not to the parcel of the existing building. She believed that it would apply to the entire site, and in the future, if another business moves in and builds a drive-through, it would be intrusive and change the character of the street. She asked the Planning commission to approve the plan.

Chad Walker, 246 Walton Avenue, as well as multiple commercial properties in the neighborhood, said that his property has three access points, with one onto Walton Avenue that is just like The Blue Door Smokehouse, located near the corner with little distance from Aurora Avenue. He said that in the past 25 years, there hasn't been a vehicle or pedestrian accident at either of their access points. He said that The Blue Door Smokehouse's current parking lot is working. He believes that the proposed access of 110 feet from Aurora Avenue is sufficient. He stated that the collaboration of the petitioner and the neighborhood working together to compromise illustrates the philosophy behind Placebuilder. He doesn't want to see that this entire process could be derailed by overly cautious traffic guidelines that don't take into consideration the specific application of this neighborhood. He said that as the representative of multiple businesses, they support this plan with the exit onto Walton Avenue, and oppose to it going onto Aurora Avenue.

Shelby Reynolds, agrees with the previous comments. She stated that if all of the traffic from Blue Door Smokehouse exits onto Aurora Avenue it would be disruptive and negatively impact the neighborhood, essentially taking away their quiet, walkable neighborhood street. If another business moves into that location in the future, with even later hours, the lights would be more of a problem. The exit would also make this street less pedestrian friendly. He asked the Planning Commission to allow The Blue Door Smokehouse's business to grow without having a major impact on the neighborhood.

Citizens in Opposition:

There were no citizens present to speak in opposition to this application.

Applicant Rebuttal - Mr. Murphy said that three of the Mentelle Neighborhood Association representative are in favor, as well as many more citizens. He said that at the neighborhood meetings, he learned of the traffic backups along Aurora Avenue and they don't want to exacerbate that concern by having all of their traffic travel that road. He also said that the parallel spaces in front of the office building will be mostly utilized by the staff, and drop-off space for office supplies.

Citizen Rebuttal - Ms. Lucke said that she believes that no one should have a bigger say on the safety of the intersection of Aurora Avenue and Walton Avenue than the people who drive it every day. She believes that this proposal is safer for pedestrians. She also thanked the staff for being open and responsive.

Staff Rebuttal - Mr. Baillie said that in regards to the conditional zoning restrictions that what the staff is recommending is only for 706 Aurora Avenue, they can't be added, by law, to an already unrestricted site. He said that Ms. Lucke is correct that if in the future another occupant would like a drive-through, it would be permitted on the 226 Walton Avenue parcel.

Ms. Wade said that the Planning Commission could restrict the property with the development plan, which could be applied to the entire site. She added that it would be difficult to acquire the required space for five cars to stack within the parking lot. She said that in regards to Mr. Murphy's statement that the improvements on the property will reduce the safety issues on the front corner of the lot for a drive-through. She said that it is the staff's duty to make their best recommendations to the Planning Commission and she believes that the applicant has proposed a solution that is better than the current conditions, whereas the staff proposed the best recommendation for safety improvements and traffic.

Commission Questions – Mr. Nicol asked for clarification of the improvements being made by this access on Walton Avenue. Mr. Murphy said that improvements have made to the apron, the access, and the paving. Mr. Baker said that the existing entrance is 16 feet, which will be widened to 24 feet.

Mr. Wilson asked what Traffic Engineering to comment is regarding to the proposed access. Mr. Jeff Neal said that as Ms. Wade stated, they prefer the one-way circulation from Walton Avenue to Aurora Avenue. However, this will be a low-generator of traffic and that it won't be a safety concern either way. He also said that one of their concerns was service to the waste dumpster, and how it can be serviced with the applicant's proposed plan. Mr. Nicol asked if the applicant's proposal is acceptable. Mr. Neal said that is acceptable.

Commission Comments – Mr. Wilson thanked the applicant and the community for working together and that when they approved the Comprehensive Plan, this was the end goal.

Mr. Bell also expressed his appreciation of everybody working together.

Mr. Owens said that he applauded the extra work on this application. He added that the property owners usually know what is going on and know what they need to operate successfully.

Zoning Action – A motion was made by Mr. Wilson, seconded by Mr. Bell, and carried 8-0 (Brewer, Mundy, and Pohl absent) to approve PLN-MAR-20-00001: SCHILLING PROPERTIES, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Wilson, seconded by Mr. Bell, and carried 8-0 (Brewer, Mundy, and Pohl absent) to approve PLN-MJDP-20-00003: MORNINGSIDE ADDITION (BLUE DOOR SMOKEHOUSE EXPANSION), as for the reasons provided by the staff, and the development plan the applicant presented, with the following changes:

~~7. 9. Discuss proposed access. Revise plan to depict one way access to Aurora Avenue at rear of proposed addition.~~

~~11. 44. Resolve Discuss~~ Placebuilder criteria:

- a. A-DS5-3: Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
- b. A-DS7-1: Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
- c. B-SU11-1: Green infrastructure should be implemented in new development.

~~12. Denote no drive-through facilities on the property.~~