

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2013-2: JULIE AND ANTHONY CHILDRESS

DESCRIPTION

Zone Change: From a Wholesale & Warehouse Business (B-4) zone
To a Lexington Center Business (B-2B) zone

Acreeage: 0.057 Net (0.130 Gross) Acres

Location: 430 West Maxwell Street

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	B-4	Retail and Residential
To North	B-2B	Civic Center Parking Lot
To East	B-2B	Vacant
To South	B-4	Warehouse Businesses
To West	R-4 & B-4	Residential & Warehouses

URBAN SERVICES REPORT

Roads – West Maxwell Street (US 60) borders the subject parcel to the northeast, It is a one-way, two-lane road at this location. US 60 extends from Versailles Road, and, once it nears the downtown area, it continues on to North Broadway. Maxwell Street eventually merges into High Street near Woodland Park, and has been built to urban standards. Spring Street borders the parcel to the northwest, and is a sub-standard local street in this area.

Curb/Gutter/Sidewalks – West Maxwell Street does have curb, gutter, and sidewalks in this vicinity. Spring Street also has curb and gutters, but lacks sidewalk improvements.

Storm Sewers – Storm sewers do exist in this area, but there are no known problems in the immediate vicinity. The applicant is not proposing to significantly modify the amount of impervious surface that exists currently. Storm water improvements are not anticipated to be needed at this location, based on the requirements of the adopted Engineering Manuals.

Sanitary Sewers – The property is located within the Town Branch sewershed and sanitary sewers exist within this area. Many times, in older areas of the community, the capacity of the system may be in question. There are no known problems in this area; however, further investigation into the existing sewer situation may be needed to determine if any system improvements are required to allow the proposed development.

Refuse – The Urban County Government serves residential properties in this area with collection days on Mondays.

Police – The nearest police station is the Main Headquarters, located on East Main Street, about ½ mile to the east of the subject property.

Fire/Ambulance – The nearest fire station (#3) is located at the corner of Maxwell and Merino Streets, less than 1,000 feet away from the subject property; however, this station only houses an ambulance and specialized units. The nearest fire station (#4) with engine service is located near the corner of Jefferson and Third Streets, about 2/3 of a mile to the northeast of this site.

Utilities – All utilities, including natural gas, water, electric, streetlights, telephone, and cable television are available to serve this property.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 1) recommends a Commercial Residential Mixed Use (MU) land use for the subject property. The petitioner proposes a Lexington Center Business (B-2B) zone in order to re-use the existing structure for residential purposes, and construct an office/garage in a separate building on the same property.

CASE REVIEW

The petitioner has requested a zone change from a Wholesale and Warehouse Business (B-4) zone to a Lexington Center Business (B-2B) zone for a fraction of an acre of land located at the southwest corner of the intersection of West Maxwell Street and Spring Street, about two blocks northwest of South Broadway. This property is surrounded by a variety of land uses, most notably by the large parking lot associated with the Civic Center directly across West Maxwell Street. Along this portion of West Maxwell Street is a mixture of businesses, housing, community and governmental uses. Immediately adjacent to the subject property are several vacant lots along W. Maxwell St.,

warehouses with frontage along Spring Street, and some residential uses across Spring Street. Further to the west of the subject property, across Pine Street, is The Lex, one of several student housing developments constructed in the past five years within this area of Lexington.

The petitioner is seeking a zone change in order to re-use the property for residential and office use, as well as an accessory garage. The current use of the building has been retail on the first floor and residential on the second floor, both of which are non-conforming uses in the B-4 zone. The petitioner proposes renovations to the existing structure for residential use only, and construction of a detached garage, with office space above, to the rear of the site. Although no off-street parking is required, parking would be accommodated in the garage, which would be accessible from Spring Street.

The 2007 Comprehensive Plan continues to carry forward the land use recommendations of the Newtown Pike Extension Corridor Plan, an adopted Small Area Plan amendment. The 2007 Comprehensive Plan recommends that this block be used for a Commercial Residential Mixed Use (MU) land use (formerly Retail/Office Mixture) in the future. This land use category is defined as "a mixed use category that encourages combinations of office and neighborhood retail with residential above, or adjacent to, the retail or office. The intent of this category is to encourage redevelopment of selected older commercial areas by mixing uses and reducing parking requirements. Accessory or adjacent residential uses are a critical part of proposed uses in this mixture."

The proposed B-2B zone is one of several zoning categories that could implement the recommended future land use for this block. Conditional zoning restrictions with regard to the allowable uses can ensure that this property will be in keeping with the existing residential land uses within this area. Conditional zoning is also recommended in order to ensure that that the redevelopment of the subject property will be compatible with other approved redevelopment projects in the area nearest to downtown.

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

1. The requested Lexington Center Business (B-2B) zone is in agreement with the 2007 Comprehensive Plan and the Newtown Pike Extension Corridor Plan for the following reasons:
 - a. The property is recommended for a future Commercial Residential Mixed Use (MU) future land use (formerly Retail/Office Mixture), to include residential use.
 - b. The requested B-2B zone is one of several that can implement that future land use recommendation.
 - c. The petitioner proposes a residential use along West Maxwell Street and an office use along Spring Street, all of which are permitted in the B-2B zone.
2. This recommendation is made subject to approval and certification of ZDP 2013-10: Julie & Anthony Childress Property, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses are to be prohibited at this location via conditional zoning:
 - a. Cocktail lounges and nightclubs.
 - b. Automobile service stations and/or the sale of gasoline.
 - c. Establishments for the display, rental, repair and/or sale of automobiles, motorcycles, trucks, and boats.

These use restrictions are necessary and appropriate for the subject property to ensure that the proposed zoning will only allow for development that would be compatible with future redevelopment projects in the downtown area, and with uses recommended by the Comprehensive Plan.

TLW/BJR/WLS

1/7/13

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