

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

**PLN-MAR-16-00023: D & D REALTY, LLC**

**STAFF REVIEW**

The petitioner has met with the staff since the Subdivision Committee and Zoning Committee meetings two weeks ago. Also, a revised preliminary development plan has been submitted from the applicant, since these meetings have occurred. Thus, the staff can provide a revised recommendation to the Planning Commission on this zone change from a Light Industrial (I-1) zone to a Neighborhood Business (B-1) zone.

The site at the corner of Newtown Pike and West Fourth Street is “underperforming,” according to the applicant’s representatives, and there is a very low level of building lot coverage on the site, currently. Thus, intensification is requested. The form that this intensification might take has been the source of the discussion points between the staff and the applicant’s representatives over the past few weeks. With the revised development plan submission of this week, the “face” of the proposed redevelopment across West Fourth Street from the Bluegrass Community and Technical College (BCTC) campus is more conventional now, except that the one-story buildings proposed are to be very tall – nearly 30’ in height, according to the submitted development plan. The retail and restaurant uses proposed along West Fourth should provide supportive and complementary uses to that institution, its faculty and students.

The physical form of the redevelopment of the subject site is now proposed to be much more in keeping with the Fourth Street Study, save one issue. A convenience store with gas pumps is still part of the applicant’s proposal, although the location of that facility has shifted  $\pm 100'$  to the south, and off of the West Fourth Street frontage. It is now proposed for orientation to Newtown Pike, immediately across that street from an existing liquor store. The applicant has told the staff that the nearby neighborhood favors the development of a modern convenience store on the subject site, and the staff is not aware of much neighborhood opposition to this proposed use.

The Thistle Station development immediately south of this location was approved with Conditional Zoning restrictions on some future B-1 uses, including prohibitions on auto repair, gasoline pumps and live entertainment land uses. The applicant is not interested in the adoption of those same restrictions on the subject property, and the staff has discussed whether or not to recommend those same land use restrictions for the subject site. Regardless, the staff is still inclined to recommend some conditional zoning restrictions as part of this zone change.

The staff, nor the applicant, could find a detailed justification that the present request is “in agreement” with the 2013 Comprehensive Plan themes, goals and objectives. However given the rezoning of the Thistle Station site, and that the *Central Sector Small Area Plan* calls for a “proposed reinvestment area” for the subject property, the staff can recommend that the zone change be made to the B-1 zone.

It remains logical to have the zoning of the subject property match that approved for the Thistle Station site immediately to the south of this site. The proposed B-1 zone can implement the goals and objectives recommendations of the Comprehensive Plan; and specifically the *Masterplan* and *Fourth Street Zoning Study*, which both recommend mixed-use development for the subject property. Given the speculative nature of the request, it is still possible that this will one day be proposed for the subject property.

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

1. The existing Light Industrial (I-1) zone is not appropriate, and a Neighborhood Business (B-1) zone is appropriate for the subject property, for the following reasons:

- a. The site is located within the boundary of the *Downtown Lexington Masterplan* and the more recent *Fourth Street Zoning Study*. The *Masterplan* and the *Zoning Study* both recommend mixed-use development for the site. In addition, the *Masterplan* states that the Downtown Edge West precinct “has the potential to be a true mixed-use neighborhood with retail, offices, and residential as a signature entryway to the downtown.” A B-1 zone would permit this type of development.
  - b. The proposed B-1 zone allows much more flexibility in its setback and other zoning requirements, which will permit a redevelopment of the subject site to better match the area’s character and form. The petitioner’s corollary development plan now proposes a more urban environment.
  - c. The I-1 zone permits the site to be under-performing and underutilized, while B-1 uses would be a better compliment to the surrounding institutional and residential neighborhoods in this area.
  - d. A B-1 zone would be more consistent with the themes, goals and objectives of the 2013 Comprehensive Plan, and the other plans and studies previously conducted in this immediate area.
  - e. B-1 zoning would match that approved for the Thistle Station site immediately to the south of this location, and that for land uses located to the west across Newtown Pike.
2. This recommendation is made subject to approval and certification of PLN-MJDP-16-00051: Whistle Stop, 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 recommended to be prohibited on the subject property:
    - a. Animal hospitals or clinics.
    - b. Drive-through facilities.
    - c. Automobile repair, service stations and gasoline pumps, closer than 125’ from West Fourth Street.
    - d. Automobile and vehicle refueling stations, closer than 125’ from West Fourth Street.

These use prohibitions are appropriate and necessary to ensure that future development will be compatible with the character of the adjoining area by prohibiting certain uses that would be contrary to its more urban and mixed-use character.

WLS/TLW  
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