

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

**PLN-MAR-17-00019: J. ROGER JONES, III**

**DESCRIPTION**

**Zone Change:** From a Single Family Residential (R-1B) zone  
To a Highway Service Business (B-3) zone

**Acreage:** 4.66 net (6.29 gross) acres

**Location:** 2300 Paris Pike

**EXISTING ZONING & LAND USE**

<b><u>Properties</u></b>	<b><u>Zoning</u></b>	<b><u>Existing Land Use</u></b>
Subject Property	R-1B	Vacant
To North	R-1B	Agricultural
To East	A-R & R-3	RJ Corman Railroad line, Agricultural & Residential
To South	R-1B	Non-Conforming Cocktail Lounge & Automobile Repair
To West	B-3	Gas Station & Bank

**URBAN SERVICES REPORT**

**Roads** – The subject property is located on the east side of Paris Pike (US 27/US 68), a major arterial highway, about ½ mile northeast of Interstates 64 & 75 and the N. Broadway/Paris Pike interchange. Paris Pike is a four-lane divided highway that connects Paris, in Bourbon County, to downtown Lexington (via a roadway name change to N. Broadway along the route, southwest of this location). This roadway was the subject of numerous studies and highway plans, which were implemented in the 1990s to protect a significant scenic highway. The subject site is accessible from Paris Pike, and the applicant is proposing a full access point directly across from Rogers Road.

**Curb/Gutter/Sidewalks** – Paris Pike was constructed without curb, gutter and sidewalks, although the widened sections of Paris Pike northwest of this location do have (fairly) new curb and gutter. Ordinarily, urban type improvements (1/2 section) are required to be made (by the Land Subdivision Regulations) along a site’s unimproved frontage at the time of site development; however, such improvements are along a federal highway under control of the Kentucky Transportation Cabinet, and may or may not be deemed necessary at this location by that agency.

**Storm Sewers** – The subject property is located within the eastern edge of the Cane Run watershed. No stormwater improvements appear to have been completed along the east side of Paris Pike in this general vicinity, with the exception of drainage swales along the highway. No FEMA special flood hazard area or known flooding issues exist within the immediate area, although there are some documented issues in the Joyland neighborhood across Paris Pike to the northwest of the subject property.

**Sanitary Sewers** – The subject properties are located within the Cane Run sewershed, and will be serviced by the Town Branch Wastewater Treatment Facility, located on Lisle Industrial Avenue inside New Circle Road between Leestown Road and Old Frankfort Pike. Sanitary sewers have been constructed within the immediate area; however, no lines currently extend as far as the subject property. Capacity of the sewer system will need to be verified prior to construction of any use on the subject property. Under the Capacity Assurance Program, there is currently available sanitary sewer capacity in this immediate area.

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

**Police** – The Central Sector Roll Call Center is the nearest police station to this location. It is located on Industry Road, near the interchange of Winchester Road and New Circle Road, about 2½ miles to the southwest of the subject property.

Fire/Ambulance – Fire Station #8 is the nearest station to the subject property. It is located on N. Broadway, less than one mile to the southwest of the site.

Utilities – All utilities, including electric, gas, water, telephone, and cable are within the vicinity, but may need to be extended to serve the subject property.

### **COMPREHENSIVE PLAN AND PROPOSED USE**

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The subject property is also located within the jurisdiction of the Paris Pike Corridor Commission. That Commission and the Planning Commission formulated and adopted a Corridor Plan (aka: Small Area Plan) along Paris Pike more than two decades ago. The Corridor Commission is expected to make a recommendation to the Planning Commission regarding the proposed zone change and corollary development plan.

The petitioner proposes a Highway Service Business (B-3) zone in order to construct an automobile service station with convenience retail sales and restaurant, and two additional restaurants, for a total of 22,800 square feet of space and associated off-street parking on the subject property.

### **CASE REVIEW**

The petitioner has requested a zone change from a Single Family Residential (R-1B) zone to a Highway Service Business (B-3) zone for slightly less than five acres of land along the east side of Paris Pike. The subject property is vacant.

This portion of the Paris Pike/North Broadway corridor is characterized predominantly by commercial land uses that are developed mostly for patronage by the traveling public along the adjacent federal highways, as well as several large residential tracts closer to the Urban Service Area boundary. The Urban Service Area boundary adjoins the subject property to the rear (following the RJ Corman railroad line), and is less than ½ mile to the northeast of the subject property where the Lexington Country Club is located just beyond the Urban Service Area boundary. Several restaurants, gas stations and hotels occupy both sides of the folded diamond interstate interchange, along the north side of N. Broadway. The commercial uses that have frontage along the corridor are located within both B-5P and B-3 zones.

The proposed zone change is also located within the jurisdictional review area of the Paris Pike Corridor Commission, a nine-member citizen commission established to implement the Paris Pike Corridor Small Area Plan (adopted by the Planning Commission in 1995) and fulfill the Inter-Local Cooperation Agreement signed (and completed) by the LFUCG, the City of Paris, and Bourbon County on May 27, 1993. The Corridor Commission must review the proposed zone change and development plan in accordance with the agreement.

The petitioner proposes to construct three buildings on the subject property for a total of 22,800 square feet of commercial uses. Preliminarily, the petitioner proposes a service station with convenience retail and drive-through restaurant, plus two additional restaurants and associated off-street parking on the site.

In 1973, the subject property was the subject of a similar zone change, which the Planning Commission recommended approval of subject to a revised development plan. At that time, stormwater issues were a significant concern, as was providing the appropriate traffic control and/or roadway improvements to serve the subject property. The staff cannot find where an alternative plan was ever brought forward to address these concerns; therefore, the zoning atlas was not approved for modification. The site has remained in the R-1B zone since that time, and has remained underdeveloped, as well.

The 2013 Comprehensive Plan focuses on general land use policies, such as land use compatibility; well-designed neighborhoods; improving a desirable community; and making the best use of land inside the Urban Service Boundary for the protection of the surrounding rural areas. The Plan no longer relies upon a future land use map. However, historically, the site has been recommended for Low Density Residential (1973 and 1980) or Highway Commercial (1988, 1996, 2001 and 2007) future land use over the past 45 years.

The petitioner contends that the proposed Highway Service Business (B-3) zone is appropriate and the existing Single Family Residential (R-1B) zone is inappropriate for the subject property. They also opine that the proposal is consistent with several of the Goals and Objectives of the 2013 Comprehensive Plan.

The petitioner states that the property does have all utilities and transportation available, but still, the site has not developed. The property is bordered by a non-conforming cocktail lounge and automobile repair shop to the west, an active railroad to the south, and multiple highway commercial uses across Paris Pike from the site. To the northeast along Paris Pike, there are several single-family residences on large tracts between the subject property and the Urban Service Area boundary. The northeast property line does have an existing, dense vegetative buffer, which the petitioner feels will provide an appropriate land use buffer between the proposed commercial uses and the single-family residences. Lastly, the petitioner contends that commercial land uses oriented to the four-lane federal highway are consistent with other uses in the immediate area and will help to serve the traveling public along not only Paris Pike, but also and the Interstate 64/75 corridor.

The petitioner opines that this rezoning is consistent with the Goals and Objectives of the 2013 Comprehensive Plan, specifically through infill development of a long-time vacant site within the Urban Service Area (Theme A, Goal #2); minimized disruption of natural features (Theme A, Goal #3c.); creation of new jobs near residential neighborhoods to promote the "live where you work" concept (Theme C, Goal #1d.); and, lastly, the development of the site will help to uphold the Urban Service Area concept by absorbing underutilized, vacant land and by utilizing the existing infrastructure and transportation networks (Theme E, Goal #1).

The Paris Pike Corridor SAP states that the corridor between Lexington and Paris is broken into three distinct areas, from a land use perspective. The subject property falls within the Lexington "urban end" which creates a transition area between the urbanized area and the core of the agricultural area. The SAP states:

"Within these areas, the gateway to the two communities should be created, both by proper land use and by appropriate parcel size and design guidelines. Land use for these areas is proposed to be consistent with the recommended land use designations already in place in the current comprehensive plans in Bourbon and Fayette Counties."

The Paris Pike Corridor Commission (PPCC) held a special meeting on June 5, 2017 to review and make a recommendation to the Planning Commission regarding the proposed zone change and the corollary development plan. The PPCC discussed several land uses that may be undesirable at this end of the corridor, the intent and language of the adopted Small Area Plan, and the traffic/access issues associated with the subject property. At the conclusion of nearly 90 minutes of discussion, they made a recommendation of "Approval" to the Planning Commission (by a 7-1 vote). The staff agrees with this recommendation, given that the future land use recommendation of Highway Commercial (HC) was in place when the Paris Pike Corridor SAP was adopted, and the Highway Service Business (B-3) has historically been considered one of the most appropriate zoning categories to implement that past land use recommendation.

The staff recommends that conditional zoning restrictions be employed in order to ensure that the entrance to the Paris Pike corridor is more aesthetically pleasing and that it provide an appropriate transition from commercial to residential and agricultural land uses.

A traffic study was required by Article 6 of the Zoning Ordinance for the proposed zone change and corollary development. The Transportation Planning/MPO staff will review the submitted study and prepare a written report to the Planning Commission.

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

1. A restricted Highway Service Business (B-3) zone is in agreement with the 2013 Comprehensive Plan's Goal and Objectives, as well as the recommendations of the Paris Pike Corridor Small Area Plan (adopted by the Paris Pike Corridor Commission and by the Planning Commission in 1995), for the following reasons:
  - a. The Goals and Objectives of the 2013 Comprehensive Plan encourages infill development of long-time vacant land within the Urban Service Area (Theme A, Goal #2) and development that will uphold the Urban Service Area concept (Theme E, Goal #1). This site has been within the Urban Service Boundary since its inception in 1958, the subject property is adjacent to existing commercial development, and infrastructure is available or can be extended to serve the subject property.
  - b. The Goals and Objectives also recommend creation of new jobs near residential neighborhoods to promote the "live where you work" concept (Theme C, Goal #1d.). The site is located very near neighborhoods in the Joyland neighborhood, as well as neighborhoods along the northern-most Old Paris Pike.
  - c. The Paris Pike Corridor Small Area Plan (PPCSAP) recommends that the essential character of the corridor be preserved due to its nationally recognized scenic and historic qualities. Further, the SAP recognizes that the corridor is broken into three distinct areas of land use, and within the Lexington "urban end," (where the subject property is located), the SAP recommends future land use consistent with the current Comprehensive Plan.
  - d. The proposed B-3 zone is in agreement with the prior 1988 Comprehensive Plan's land use recommendation of Highway Commercial future land use, which was in place at the time the SAP was adopted in 1995. In addition, the most recent land use recommendation for the subject property in 2007 continued to be for Highway Commercial, which is consistent with the Highway Service Business (B-3) zone.
2. This recommendation is made subject to the approval and certification of PLN-MJDP-17-00046: Jones/Cottrell 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 shall be prohibited on the subject property:

**Prohibited Uses**

- a. Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
- b. Cocktail lounges and nightclubs.
- c. Car wash establishments.
- d. Pawnshops.
- e. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
- f. Advertising signs, also known as billboards, as regulated by Article 17 of the Zoning Ordinance.

These restrictions are necessary and appropriate in order to restrict the most intense land uses on the subject property that could have a negative impact on adjacent agricultural and residential land uses and the aesthetic condition of the Paris Pike Corridor.