

REVISED STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MARV 2011-12: THE LEXINGTON HEARING & SPEECH CENTER, INC.

DESCRIPTION

Zone Change: From a Single Family Residential (R-1D) zone
To a Professional Office (P-1) zone

Acreage: 0.99 net (1.19 gross) acres

Location: 154 and 158-162 North Ashland Avenue

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	R-1D	School and Day Care Center
To North	R-1D	Heritage Baptist Church, Residential
To East	R-1D & R-2	Vacant, Residential
To South	R-1D & R-2	Residential
To West	R-1D	Residential, Adath Israel Temple

URBAN SERVICES REPORT

Roads – North Ashland Avenue is a local street with on-street parking available on both sides of the roadway. It runs parallel to Walton Avenue south of the downtown area. North Ashland connects to East Main Street (US 25/US 421) west of the subject site and terminates at its intersection with National Avenue to the east. This wide local street serves a residential area, as well as two large places of worship and Ashland Elementary School.

Curb/Gutter/Sidewalks – North Ashland Avenue has typical urban improvements (sidewalk, curb and gutter) along both sides of the street.

Storm Sewers – The subject property is located within the Town Branch watershed. The storm sewer system in the area was constructed decades ago to serve the original development of this area. Multiple stormwater issues have been documented in the general area, although not affecting the subject property, during major storm events within the past decade. The area is not located within a FEMA Special Flood Hazard Area. If additional impervious areas are proposed, this property will have to comply with the Division of Engineering’s adopted Stormwater Manual with regard to stormwater management.

Sanitary Sewers – Sanitary sewers already serve this site and there are no known problems in the immediate area. The proposed reuse of the existing buildings in the site should not require any additional sanitary sewer service for the property. The Town Branch Wastewater Treatment Plant, located near the intersection of Leestown Road/Main Street and S. Forbes Road, serves this area.

Refuse – The Urban County Government serves residential and commercial properties within this portion of the Urban Service Area with collection on Tuesdays. Some commercial businesses also make arrangements for more frequent refuse collection through private contractors, as necessary.

Police – The nearest Police Station is the Police Headquarters, located on East Main Street, about one mile to the northwest of this property. The subject property is located within the Central Sector, which has its Roll Call Center, on Goodwin Drive near the Eastland Shopping Center.

Fire/Ambulance – The nearest fire station (#5) is located less than one mile to the northwest of this site at the intersection of Woodland Avenue and E. Maxwell Street.

Utilities – All utilities (gas, water, cable, phone, electric, and streetlights) are existing to serve the subject property and can be modified or improved to serve the proposed professional office use, if necessary.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 3) recommends Semi-Public (SP) future land use for the subject property. The petitioner proposes to rezone the property in order to renovate the existing buildings for limited professional office uses. The applicant has proposed conditional zoning restrictions and requested multiple dimensional variances in association with the requested zone change.

CASE REVIEW

The petitioner has requested a zone change from a Single Family Residential (R-1D) zone to a Professional Office (P-1) zone for 0.99 net acres of property located on the southeast side of North Ashland Avenue, immediately across the street from the T-intersection of Franklin Avenue. The subject property is comprised of two parcels, located mid-block between East Main Street and Cramer Avenue. They have been most recently used by The Lexington Hearing and Speech Center, a private school and daycare center that serves children with speech, hearing, and language delays and disorders.

The North Ashland corridor is a mixture of residential and non-residential uses, including: single family dwellings, places of worship, neighborhood business, a public elementary school, townhouses, and numerous warehouses that are proposed for adaptive reuse. Such uses are in addition to the former private school and daycare center located on the subject property.

This property is part of the Rogers and Clark Addition to the City of Lexington, which was platted in June 1890. The comprehensive Zoning Atlas of 1969 depicts the area with R-3 zoning. In 1975, and again in 1998, the subject property was part of a neighborhood downzoning – first, to an R-2 zone, and more recently to the current R-1D zone – both times at the request of the neighborhood's residents. The private school had been at this location for 50 years, moving only recently to the former site of the Julia R. Ewan Elementary School in the Fairway neighborhood, located about one mile southeast of the subject property.

The owner/petitioner requests a re-zoning to the P-1 zone in order to re-use the subject property for professional offices. The corollary development plan proposes maintaining the former residences and the associated parking areas as they are today.

The 2007 Comprehensive Plan recommends Semi-Public Facilities (SP) land use for the subject property, recognizing the prior use of a school and daycare center on the subject site. The Semi-Public land use category is defined by the Comprehensive Plan to generally include facilities that benefit the public, but are not publicly owned; service-oriented facilities; and facilities that contribute to the general welfare of the entire community. Places of worship, cemeteries, private educational institutions, and private recreation are specifically listed as uses that fall within this land use designation on the Land Use Map. The Comprehensive Plan also states that, if redevelopment of a semi-public use is proposed, the Planning Commission should consider the recommendations of the previous comprehensive plans and plan amendments, as well as other relevant current information when making a zoning recommendation for such sites. The 2001 Comprehensive Plan also recommended Semi-Public Facilities land use, while plans previous to that recommended Medium Density Residential future land use (defined as 0-10 dwelling units per acre).

While the P-1 zone allows several semi-public land uses, such as churches and schools, the R-1D zone does as well, as conditional uses (subject to approval by the Board of Adjustment). Thus, both zones might be in agreement with the Comprehensive Plan, depending on the proposed land use. When such a situation occurs, the staff reviews other current, relevant information as suggested by the Comprehensive Plan.

Past Comprehensive Plans support residential land use in this area, and the neighborhood has twice been downzoned to maintain the less intense and predominantly single-family residential character of the area. Of concern to the staff is the introduction of a non-residential zone within the middle of this established neighborhood. Considering such a zone change request within the Infill and Redevelopment Area and in an established neighborhood can be quite difficult and the staff has spent much time reviewing this request.

While non-residential land use has existed in the area for decades, re-zoning to permit a professional services land use could potentially alter the neighborhood, lead to additional requests for non-residential zoning in this immediate area, and become a tipping point for even more intense land use, such as has occurred over time on Walton Avenue. While the Comprehensive Plan makes policy statements encouraging infill and redevelopment, there is a delicate balance that must be acknowledged – redevelopment to the potential detriment of a neighborhood should be avoided. In fact, several of the goals and objectives reflect the sentiment that established neighborhoods should be preserved, protected and enhanced (Goal #8), and that the community should balance the need to accommodate redevelopment with the need to preserve the essential character of historic areas (Goal #15). The question at hand, then, is whether the proposed re-zoning is compatible with the neighborhood, appropriate, and whether it respects the established neighborhood.

The applicant contends that the structures are no longer suitable or viable for residential use. The staff recognizes that the subject properties, as is, have limited practical use as single family residences. Although the subject properties have been modified to meet the needs of the applicant (now the previous user), this should not in itself be a justification for a zone change to a more intense zone and land use than recommended by the Comprehensive Plan. The existing structures remain viable for certain semi-public facilities without further alteration, which meets the recommendation of the Comprehensive Plan, regardless of its zone.

Additionally, the Planning Commission should consider not just the site itself, but the context in which it is situated within the community and the neighborhood. The subject properties are situated mid-block, and are not contiguous with any other non-residential zoning. As noted, the staff is appreciative of the historic use of the property as a semi-public use. Cases such as these present difficult issues regarding the proposed new use and possible consequences to the existing residential neighborhood. While the applicant has offered conditional zoning restrictions and development plan restrictions to attempt to limit the impact of the proposed land uses on the neighborhood, ultimately, the staff cannot support the change in land use proposed mid-block on North Ashland Avenue.

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

1. The requested Professional Office (P-1) zoning is not in agreement with the 2007 Comprehensive Plan, for the following reasons:
 - a. The Plan recommends Semi-Public Facilities land use, which includes facilities that benefit the public, but are not publicly owned. The proposed use of professional offices is not included in the Plan's definition of the Semi-Public Facilities land use category.
 - b. The Plan states that if a semi-public land use should cease to continue, then previous Comprehensive Plan land use recommendations should be considered by the Planning Commission in assessing potential redevelopment. The 2001 Comprehensive Plan recommends Semi-Public Facilities; however, previous Comprehensive Plans recommend Medium Density Residential (MD) future land use, defined as 5-10 dwelling units per acre. No residential use is proposed for the property.
 - c. The Goals and Objectives of the 2007 Comprehensive Plan, in particular Goals #8 and #15, support preserving, protecting, and enhancing established neighborhoods; balancing the need to accommodate redevelopment with the need to preserve the essential character of historic areas; and retaining the character, identity and appearance of vital, successful residential and non-residential area. The proposed P-1 zone provides less assurance that the neighborhood character and appearance will be preserved than the existing R-1D zone.
2. The proposed rezoning to the Professional Office (P-1) zone is inconsistent with previous Planning Commission and Council actions to downzone the subject properties and the surrounding neighborhood in 1975 and 1998.
3. The proposed P-1 zone is not appropriate for the subject property for the following reasons:
 - a. The proposed P-1 zone is not contiguous to another office or business zone, and would be located mid-block, several properties removed from any non-residential zone.
 - b. Although existing non-residential uses currently exist along North Ashland Avenue, altering the zoning to allow a more intense land use could lead to additional requests for non-residential zoning in this immediate area.
4. The relocation of the former school and daycare center at this location has not resulted in a significant unanticipated change of a physical, social or economic nature since the Comprehensive Plan was adopted in 2007. The property is well suited for Semi-Public Facilities land use.