

4. **DAVID MEYERS, KENTUCKY LODGING AND DEVELOPMENT CO., INC ZONING MAP AMENDMENT & HOSPITALITY MOTOR INNS, INC. & BP OIL CO, INC. (DOLLAR GENERAL)(AMD) ZONING DEVELOPEMT PLAN**

- a. PLN- MAR-16-00025: DAVID MEYERS, KENTUCKY LODGING AND DEVELOPMENT CO., INC (2/19/17)* - petition for a zone map amendment from Interchange Service Business (B-5P) zone to a Highway Service Business (B-3) zone, for 0.75 net (1.36 gross) acres, for property located at 2167 N. Broadway.

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. In addition, the Plan encourages a mix of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

The petitioner proposes a Highway Service Business (B-3) zone in order to construct a retail sales establishment about 7,500 square feet in size and associated off-street parking on the subject property

The Zoning Committee Recommended: **Approval.**

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, for the following reasons:
 - a. The site can be considered as an underutilized site after 50 years of B-5P zoning, with no development. The property should be considered for a possible change to an alternative business zone (and use) in order to better serve the needs of the community, since the site is within the Urban Service Area.
 - b. The proposed redevelopment will be able to use the existing infrastructure and transportation networks (which are adequate to serve the use), and the proposed land use will not impair existing environmental conditions on the site. This is consistent with the guiding principles of the Comprehensive Plan, specifically Chapter 4: "Protecting the Environment," and Chapter 6: "Improving a Desirable Community."
 - c. The 2013 Comprehensive Plan supports infill and redevelopment and creating a well-designed neighborhood/community (Theme A, Goals #2 and #3). The site is a long-time vacant site within the Urban Service Area, which can enhance the existing nearby neighborhoods with support uses, such as additional shopping options in close proximity.
 - d. The proposed zoning and land use are not out of character with the other commercial uses along the North Broadway corridor. Conditional zoning restrictions to limit uses that may negatively impact the nearby residential neighborhood would be most appropriate for the subject property to ensure land use compatibility.
 2. This recommendation is made subject to approval and certification of PLN-MJDP-16-00053: Hospitality Motor Inns, Inc. and BP Oil Co., Inc (Dollar General), 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, via conditional zoning:

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.
- b. PLN-MJDP-16-00053: HOSPITALITY MOTOR INNS, INC. & BP OIL CO, INC. (DOLLAR GENERAL)(AMD) (2/19/17)* - located at 2167 N. Broadway. **(Vantage Engineering, PLC)**

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Provided the Urban County Council rezones the property B-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
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. Increase font size for all textual note information, including site statistics.
6. Correct plan title to match agenda information.
7. Addition of all pertinent information from previous development plan.
8. Complete dimensions on building for store entrance area (front wall).

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

9. Resolve proposed access to Judy Lane, to the approval of the Division of Traffic Engineering.
10. Remove site statistics for Tract 2A (not applicable).

Staff Zoning Presentation – Ms. Wade presented and summarized the staff report and recommendations for this zone change. She said the applicant is requesting this zone change because of the restriction that limits the square footage of retail sales in the current zone. She said that the applicant wants to build a Dollar General Store on the subject property. The staff recommends conditional zoning restrictions to prohibit the most intense uses at this location because of residential development across Judy Lane.

Development Plan Presentation – Mr. Martin presented a rendering and the updated staff report on this development plan, which was displayed and handed out to the Commission with revised conditions, as follows:

The Staff Recommends: Approval, subject to the following conditions:

1. Provided the Urban County Council rezones the property B-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
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. Increase font size for all textual note information, including site statistics.
6. ~~Correct plan title to match agenda information.~~
7. ~~Addition of all pertinent information from previous development plan.~~
6. ~~8. Complete Re-establish and provide dimensions for access from private drive near~~ on building for store entrance area (front wall).
7. ~~9. Resolve Reduce width of proposed access apron~~ to Judy Lane, to the approval of the Division of Traffic Engineering.
10. ~~Remove site statistics for Tract 2A (not applicable).~~
8. Use dashed lines to outline landscape area along west property line.
9. Extend sidewalk in front right-of-way westward to edge of asphalt.

Mr. Martin said that there is an easement along North Broadway that functions as a service road. He distributed an exhibit displaying the original submission of the conditions. He said the staff had concerns that the applicant is proposing to build landscape and concrete scape that will block this easement. The applicant is proposing to remove the service/easement.

Petitioner Presentation – Tanner Nichols, attorney, was present representing the petitioner. He said that the applicant is in agreement with the staff's recommendations. He said the proposed service road was for internal traffic among the three properties, which will be terminated. He said the applicant is in negotiation with the hotel and gas station owners regarding this proposal.

Citizen Comments in Opposition:

Ms. Catherine Perkins, 258 Swigert, was representing Joyland Homeowners Association. She said they have concerns about the entrance off of Judy Lane and the increased traffic, but was supportive of the zoning restrictions recommended by the staff.

Zoning Action – A motion was made by Mr. Cravens, seconded by Ms. Richardson, and carried 9-0 (Brewer and Penn absent) to approve PLN- MAR-16-00025: DAVID MEYERS, KENTUCKY LODGING AND DEVELOPMENT CO., INC., for the reasons provided by the staff, including conditional zoning.

Development Plan Action – A motion was made by Mr. Cravens, seconded by Ms. Richardson, carried 9-0 (Brewer and Penn absent) to approve PLN-MJDP-16-00053: HOSPITALITY MOTOR INNS, INC. & BP OIL CO, INC. (DOLLAR GENERAL)(AMD), for the revised conditions provided by the staff.