

ORDINANCE NO. 149 -2017

AN ORDINANCE CHANGING THE ZONE FROM A NEIGHBORHOOD BUSINESS (B-1) ZONE TO A PLANNED SHOPPING CENTER (B-6P) ZONE, FOR 9.45 NET (10.26 GROSS) ACRES, AND FROM A PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE TO A PLANNED SHOPPING CENTER (B-6P) ZONE FOR 0.43 GROSS ACRE, FOR PROPERTY LOCATED AT 1201 GREENDALE ROAD. (GREENDALE PROPERTIES, LLC; COUNCIL DISTRICT 2).

WHEREAS, at a Public Hearing held on August 24, 2017 a petition for a zoning ordinance map amendment for property located at 1201 Greendale Road from a Neighborhood Business (B-1) zone to a Planned Shopping Center (B-6P) zone for 9.45 net (10.26 gross) acres, and from a Planned Neighborhood Residential (R-3) zone to a Planned Shopping Center (B-6P) zone for 0.43 gross acre, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 8-2; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone for property located at 1201 Greendale Road from a Neighborhood Business (B-1) zone to a Planned Shopping Center (B-6P) zone for 9.45 net (10.26 gross) acres, and from a Planned Neighborhood Residential (R-3) zone to a Planned Shopping Center (B-6P) zone for 0.43 gross acre, being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 - That the granting of this zone change is made subject to the following use restrictions as conditions of granting the zone change:

Under the provisions of Article 6-7 of the Zoning Ordinance, the following land use restrictions shall apply for the subject property via conditional zoning:

A. Prohibited Uses

1. "Rehabilitation Homes."
2. Arcades, including pinball and electronic games.
3. Self-service laundromats.
4. Car washes as a principal use.

5. Tattoo parlors.
6. Funeral parlors.
7. Circuses and carnivals.
8. "Day shelters."

B. Other Use Restrictions

1. All parking lot lighting shall be "shoebox" style lighting or another type that will appropriately shield that light source.
2. Limitation of eight gasoline pumps for gas stations or convenience stores.
3. Within 150 feet of Lucille Drive, no gasoline pumps or drive thru facilities for food services or packaged liquor.

These restrictions are appropriate and necessary to protect nearby residential land use from incompatible uses in the shopping center.

Section 3 - That the Lexington-Fayette Urban County Planning Commission is directed to show the amendment on the official zone map atlas and to make reference to the number of this Ordinance.

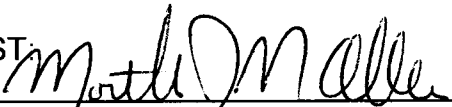
Section 4 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: October 12, 2017

MAYOR



ATTEST:


CLERK OF URBAN COUNTY COUNCIL

Published: October 19, 2017-1t

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Legal Description of the
Greendale Properties, LLC
Zone Change From B-1 to B-6P
1201 Greendale Road
Lexington, Fayette County, Kentucky
(Area 1)

ALL THAT TRACT OR PARCEL OF LAND SITUATED NEAR THE NORTHEAST END OF LUCILLE DRIVE AND EAST OF MULUNDY WAY IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a point in the centerline of Lucille Drive at the intersection with the north property line of Greendale Properties, LLC; thence with the centerline of Lucille Drive along a curve to the right having an arc length of 183.13 feet, a radius of 700.00 feet, and a chord bearing south 46 degrees 45 minutes 47 seconds west, a distance of 182.61 feet; thence leaving the centerline of Lucille Drive north 30 degrees 31 minutes 52 seconds west 9.38 feet to a point; thence north 49 degrees 39 minutes 50 seconds east 180.78 feet to the point of beginning and containing 0.036 gross acres and 0 net acres.

Legal Description of the
Greendale Properties, LLC
Zone Change From R-3 to B-6P
1201 Greendale Road
Lexington, Fayette County, Kentucky
(Area 2)

ALL THAT TRACT OR PARCEL OF LAND SITUATED NEAR THE INTERSECTION OF LUCILLE DRIVE AND MULUNDY WAY IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at intersection of the centerline of Lucille Drive and the centerline of Mulundy Way; thence with the centerline of Lucille Drive along a curve to the left having an arc length of 9.47 feet, a radius of 700.00 feet, and a chord bearing north 54 degrees 38 minutes 44 seconds east a distance of 9.47 feet to a point; thence leaving the centerline of Lucille Drive south 30 degrees 36 minutes 55 seconds east 122.53 feet to a point at the intersection of the centerline of Mulundy way with the north property line of Greendale Properties, LLC; thence with the centerline of Mulundy Way north 35 degrees 03 minutes 00 seconds west 122.11 feet to the point of beginning and containing 0.013 gross acres and 0 net acres.

Legal Description of the
Greendale Properties, LLC
Zone Change From R-3 to B-6P
1201 Greendale Road
Lexington, Fayette County, Kentucky
(Area 3)

ALL THAT TRACT OR PARCEL OF LAND SITUATED JUST EAST OF THE INTERSECTION OF CIELO VISTA ROAD AND MERLUNA DRIVE IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a point in the centerline of Cielo Vista Road approximately 32.0 feet east of the intersection of Merluna Drive; thence leaving said centerline north 78 degrees 35 minutes 30 seconds east 58.15 feet to a point in the centerline of Cielo Vista Road; thence with the centerline of Cielo Vista Road along a curve to the right having an arc length of 58.24 feet, a radius of 300.00 feet, and a chord bearing south 78 degrees 35 minutes 30 seconds west a distance of 58.15 feet to the point of beginning and containing 0.001 gross acres and 0 net acres.

Legal Description of the
Greendale Properties, LLC
Zone Change From B-1 to B-6P
1201 Greendale Road
Lexington, Fayette County, Kentucky
(Area 4)

ALL THAT TRACT OR PARCEL OF LAND SITUATED JUST EAST OF THE INTERSECTION OF CIELO VISTA ROAD AND MERLUNA DRIVE IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a point in the centerline of Cielo Vista Road approximately 91.1 feet east of the intersection of Merluna Drive; thence with the centerline of Cielo Vista Road along a curve to the left having an arc length of 65.50 feet, a radius of 300.00 feet, and a chord bearing north 66 degrees 46 minutes 30 seconds east a distance of 65.37 feet to point; thence leaving the centerline of Cielo Vista Road south 50 degrees 47 minutes 15 seconds west 28.70 feet to a point; thence south 78 degrees 35 minutes 30 seconds west 38.60 feet to the point of beginning and containing 0.004 gross acres and 0 net acres.

Legal Description of the
Greendale Properties, LLC
Zone Change From R-3 to B-6P
1201 Greendale Road
Lexington, Fayette County, Kentucky
(Area 5)

ALL THAT TRACT OR PARCEL OF LAND SITUATED JUST EAST OF THE INTERSECTION OF CIELO VISTA ROAD AND MERLUNA DRIVE IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a point in the centerline of Cielo Vista Road approximately 156.7 feet east of the intersection of Merluna Drive; thence leaving said centerline north 50 degrees 47 minutes 15 seconds east 101.43 feet to a point in the centerline of Cielo Vista Road; thence with said centerline along a curve to the right having an arc length of 101.92 feet, a radius of 300.00 feet, and a chord bearing south 50 degrees 47 minutes 15 seconds west a distance of 101.43 feet to the point of beginning and containing 0.007 gross acres and 0 net acres.

Legal Description of the
Greendale Properties, LLC
Zone Change From R-3 to B-6P
1201 Greendale Road
Lexington, Fayette County, Kentucky
(Area 6)

ALL THAT TRACT OR PARCEL OF LAND SITUATED JUST EAST OF THE INTERSECTION OF CIELO VISTA ROAD AND MERLUNA DRIVE IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a point in the centerline of Cielo Vista Road approximately 258.6 feet east of the intersection of Merluna Drive; thence leaving said centerline north 24 degrees 38 minutes 48 seconds east 161.79 feet to a point; thence south 84 degrees 37 minutes 40 seconds east 7.96 feet to a point in the centerline of Cielo Vista Road approximately 16.0 feet west of the intersection of Mulundy Way; thence with the centerline of Mulundy Way south 20 degrees 46 minutes 47 seconds west 59.58 feet to a point; thence along a curve to the right having an arc length of 106.16 feet, a radius of 300.00 feet, and a chord bearing south 30 degrees 55 minutes 02 seconds west a distance of 105.61 feet to the point of beginning and containing 0.034 gross acres and 0 net acres.

Legal Description of the
Greendale Properties, LLC
Zone Change From B-1 to B-6P
1201 Greendale Road
Lexington, Fayette County, Kentucky
(Area 7)

ALL THAT TRACT OR PARCEL OF LAND SITUATED NEAR THE INTERSECTION OF MULUNDY WAY AND CIELO VISTA ROAD IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at intersection of the centerline of Mulundy Way and the centerline of Cielo Vista Road; thence with the centerline of Mulundy Way along a curve to the left having an arc length of 66.79 feet, a radius of 925.00 feet, and a chord bearing south 71 degrees 17 minutes 19 seconds east a distance of 66.78 feet to a point; thence leaving Mulundy Road centerline north 84 degrees 37 minutes 40 seconds west 69.22 feet to a point in the centerline of Cielo Vista Road; thence with said centerline north 20 degrees 46 minutes 47 seconds east 15.98 feet to the point of beginning and containing 0.012 gross acres and 0 net acres.

Legal Description of the
Greendale Properties, LLC
Zone Change From R-3 to B-6P
1201 Greendale Road
Lexington, Fayette County, Kentucky
(Area 8)

ALL THAT TRACT OR PARCEL OF LAND SITUATED NEAR THE INTERSECTION OF MULUNDY WAY AND CIELO VISTA ROAD IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a point in the centerline of Mulundy Way approximately 66.8 feet east of the intersection of Cielo Vista Road; thence leaving the centerline of Mulundy Way south 84 degrees 37 minutes 40 seconds east 141.69 feet to a point; thence south 75 degrees 33 minutes 34 seconds east 100.68 feet to a point in the centerline of Mulundy Way; thence with said centerline along a curve to the right having an arc length of 242.33 feet, a radius of 925.00 feet, and a chord bearing north 80 degrees 51 minutes 44 seconds west a distance of 241.63 feet to the point of beginning and containing 0.055 gross acres and 0 net acres.

Legal Description of the
Greendale Properties, LLC
Zone Change From B-1 to B-6P
1201 Greendale Road
Lexington, Fayette County, Kentucky
(Area 9)

ALL THAT TRACT OR PARCEL OF LAND SITUATED NEAR THE INTERSECTION OF
GREENDALE ROAD AND MULUNDY WAY IN LEXINGTON, FAYETTE COUNTY, KENTUCKY,
AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a point in the centerline of Mulundy Way located 65.69 feet west of the intersection of the centerline of old Greendale Road and the centerline of Mulundy Way; thence with the centerline of Mulundy Way along a curve to the left having an arc length of 65.69 feet, a radius of 925.00 feet, and a chord bearing north 89 degrees 35 minutes 54 seconds east a distance of 65.67 feet to the intersection of Mulundy Way and old Greendale Road; thence with the centerline of old Greendale Road south 19 degrees 55 minutes 22 seconds west 11.80 feet to a point; thence leaving old Greendale Road north 83 degrees 39 minutes 54 seconds west 36.01 feet to a point; thence north 75 degrees 33 minutes 34 seconds west 26.71 feet to the point of beginning and containing 0.009 gross acres and 0 net acres.

Legal Description of the
Greendale Properties, LLC
Zone Change From R-3 to B-6P
1201 Greendale Road
Lexington, Fayette County, Kentucky
(Area 10)

ALL THAT TRACT OR PARCEL OF LAND SITUATED NEAR THE INTERSECTION OF
GREENDALE ROAD AND MULUNDY WAY IN LEXINGTON, FAYETTE COUNTY, KENTUCKY,
AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a point at the intersection of the centerline of Mulundy Way with the
centerline of old Greendale Road; thence with the centerline of old Greendale Road
north 19 degrees 55 minutes 22 seconds east 303.20 feet to a point; thence leaving said
centerline south 68 degrees 26 minutes 40 seconds east 8.78 feet to a point in the
centerline of new Greendale Road; thence with the centerline of new Greendale Road
along a curve to the left having an arc length of 272.80 feet, a radius of 880.00 feet, and
a chord bearing south 01 degrees 34 minutes 47 seconds west a distance of 271.71 feet
to the intersection of new Greendale Road with the centerline of Mulundy Way;
Thence with the centerline of Mulundy Way south 81 degrees 59 minutes 43 seconds
west 14.64 feet to a point; thence along a curve to the right having an arc length of
89.90 feet, a radius of 925.00 feet, and a chord bearing south 84 degrees 46 minutes 46
seconds west a distance of 89.87 feet to the point of beginning and containing 0.312
gross acres and 0 net acres.

Legal Description of the
Greendale Properties, LLC
Zone Change From B-1 to B-6P
1201 Greendale Road
Lexington, Fayette County, Kentucky
(Area 11)

ALL THAT TRACT OR PARCEL OF LAND SITUATED NEAR THE INTERSECTION OF
GREENDALE ROAD AND MULUNDY WAY IN LEXINGTON, FAYETTE COUNTY, KENTUCKY,
AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the intersection of the centerline of Mulundy Way with the centerline of old Greendale Road; thence with the centerline of Mulundy Way along a curve to the right having an arc length of 65.69 feet, a radius of 925.00 feet, and a chord bearing south 89 degrees 35 minutes 54 seconds west a distance of 65.67 feet; thence leaving said centerline north 75 degrees 33 minutes 34 seconds west 100.68 feet to a point; thence north 84 degrees 37 minutes 40 seconds west 141.69 feet to a point in the centerline of Mulundy Way; thence with said centerline along a curve to the right having an arc length of 66.79 feet, a radius of 925.00 feet, and a chord bearing north 71 degrees 17 minutes 19 seconds west a distance of 66.78 feet to the intersection of the centerline of Mulundy Way with the centerline of Cielo Vista Road; thence with said centerline south 20 degrees 46 minutes 47 seconds west 15.98 feet to a point; thence leaving said centerline north 84 degrees 37 minutes 40 seconds west 7.96 feet to a point; thence south 24 degrees 38 minutes 48 seconds west 161.79 feet to a point in the centerline of Cielo Vista Road; thence leaving said centerline south 50 degrees 47 minutes 15 seconds west 101.43 feet to a point in the centerline of Cielo Vista Road; thence with said centerline along a curve to the right having an arc length of 65.50 feet,

a radius of 300.00 feet, and a chord bearing south 66 degrees 46 minutes 30 seconds west a distance of 65.37 feet; thence leaving said centerline south 78 degrees 35 minutes 30 seconds west 58.15 feet to a point in the centerline of Cielo Vista Road; thence leaving said centerline north 25 degrees 39 minutes 11 seconds west 571.13 feet to a point; thence north 57 degrees 53 minutes 31 seconds east 124.77 feet to a point in the centerline of Mulundy Way; thence leaving said centerline north 30 degrees 36 minutes 55 seconds west 122.53 feet to a point in the centerline of Lucille Drive; thence with the centerline of Lucille Drive along a curve to the left having an arc length of 183.13 feet, a radius of 700.00 feet, and a chord bearing north 46 degrees 45 minutes 47 seconds east a distance of 182.61 feet to a point, said point being the east end of Lucille Drive; thence leaving Lucille Drive south 68 degrees 26 minutes 40 seconds east 880.01 feet to a point in the centerline of old Greendale Road; thence with the centerline of old Greendale Road south 19 degrees 55 minutes 22 seconds west 303.20 feet to the point of beginning and containing 10.198 gross acres and 9.452 net acres.

RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

IN RE: **PLN-MAR-17-00030: GREENDALE PROPERTIES, LLC** – a petition for a zone map amendment from a Neighborhood Business (B-1) zone to a Planned Shopping Center (B-6P) zone, for 9.45 net (10.26 gross) acres, and from and a Planned Neighborhood Residential (R-3) zone to a Planned Shopping Center (B-P6) zone for 0.43 gross acres, for property located at 1201 Greendale Road. (Council District 2)

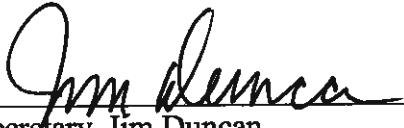
Having considered the above matter on **August 24, 2017**, at a Public Hearing, and having voted **8-2** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **CONDITIONAL APPROVAL** of this matter for the following reasons:

1. The proposed Planned Shopping Center (B-6P) zone is in agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. The development of this vacant property, encouraged by this rezoning, would support infill and redevelopment efforts recommended by the Plan (Theme A, Goal #2),
 - b. Infrastructure is in place to support this development with a minimal disruption of existing natural features of the land (Theme A, Goal #3c.).
 - c. A community-oriented commercial development of the subject site would result in an improved design for this neighborhood and for this portion of the community (Theme A, Goal #3.).
 - d. A neighborhood-oriented shopping center at this location will create some jobs in close proximity to where people live (Theme C, Goal #1d.).
 - e. Such a commercial center will have the ability to be accessed by sidewalks, bicycles and passenger vehicles (Theme D, Goal #2).
 - f. This center will provide accessible community facilities and services to an under-served area of the community, as there are no other shopping centers within two miles of this site (Theme E, Goal #1b.).
2. This recommendation is made subject to the approval certification of the associated development plan, **PLN-MJDP-17-00084: Greendale Hills, Unit 3 (Amd.)**, 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 use restrictions for the property B-1 zone shall be imposed on the subject property:**
 - A. **Prohibited Uses**
 1. "Rehabilitation homes."
 2. Arcades, including pinball and electronic games.
 3. Self-service laundromats.
 4. Car washes as a principal use.
 5. Tattoo parlors.
 6. Funeral parlors.
 7. Circuses and carnivals.
 8. "Day shelters."
 - B. **Other Use Restrictions**
 1. All parking lot lighting shall be "shoebox" style lighting or another type that will appropriately shield that light source.
 2. Limitation on eight gasoline pumps for gas stations or convenience stores.

3. Within 150 feet of Lucille Drive, no gasoline pumps or drive thru facilities for food service or packaged liquor.

These restrictions are appropriate and necessary to protect nearby residential land use from incompatible uses in the shopping center.

ATTEST: This 8th day of September, 2017.


Secretary, Jim Duncan

WILLIAM WILSON
CHAIR

Note: The corollary development plan, PLN-MJDP-17-00084: Greendale Hills, Unit 3 (Amd.) was approved by the Planning Commission on August 24, 2017 and certified on September 7, 2017.

K.R.S. 100.211(7) requires that the Council take action on this request by November 22, 2017.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Dick Murphy, attorney.**

OBJECTORS

- Mr. Jacob Walbourn, attorney for the nearby neighbors

OBJECTIONS

- Represented the opposition views of the neighborhood, and requested that the proposed conditional zoning restrictions be adopted.

VOTES WERE AS FOLLOWS:

AYES: (8) Bell, Berkley, Cravens, Forester, Mundy, Owens, Richardson, and Wilson

NAYS: (2) Brewer, Plumlee

ABSENT: (1) Penn

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **CONDITIONAL APPROVAL** of **PLN-MAR-17-00030** carried.

Enclosures: Application
Plat
Staff Report
Applicable excerpts of minutes of above meeting

MAP AMENDMENT REQUEST (MAR) APPLICATION

1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)

Applicant:

GREENDALE PROPERTIES, LLC, 3341 OVERBROOK DR, LEXINGTON, KY 40502

Owner(s):

GREENDALE PROPERTIES, LLC, 3341 OVERBROOK DR, LEXINGTON, KY 40502

Attorney:

Richard Murphy, Murphy & Clendenen, PLLC, 250 W Main Street, Suite 2510, Lexington, KY 40507

2. ADDRESS OF APPLICANT'S PROPERTY

1201 GREENDALE RD, LEXINGTON, KY

3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY

Zoning	Existing Use	Requested		Acreage	
		Zoning	Use	Net	Gross
B-1	Vacant	B-6P	Shopping Center	9.452	10.259
R-3	Right-of-Way	B-6P	Right-of-Way	0.00	0.431

4. EXISTING CONDITIONS

a. Are there any existing dwelling units on this property that will be removed if this application is approved?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
b. Have any such dwelling units been present on the subject property in the past 12 months?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
c. Are these units currently occupied by households earning under 40% of the median income? If yes, how many units? If yes, please provide a written statement outlining any efforts to be undertaken to assist those residents in obtaining alternative housing.	<input type="checkbox"/> YES <input type="checkbox"/> NO

5. URBAN SERVICES STATUS (Indicate whether existing, or how to be provided)

Roads:	LFUCG
Storm Sewers:	LFUCG
Sanity Sewers:	LFUCG
Refuse Collection:	LFUCG
Utilities:	<input checked="" type="checkbox"/> Electric <input checked="" type="checkbox"/> Gas <input checked="" type="checkbox"/> Water <input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable



Statement of Justification

The Applicant, Greendale Properties, LLC, is requesting your approval of a zone change from the Neighborhood Business (B-1) zone to the Planned Shopping Center (B-6P) zone for approximately ten acres of land located at 1201 Greendale Road.

This property is located in the middle of a rapidly developing residential area which has a need for commercial services. Within a one-mile radius of this property, there are currently 2,603 households with a population of 7,163. Within a three-mile radius, there are currently 12,444 households with a population of 35,808. Average household income in the area is approximately \$80,000.00 per year. As the area has developed rapidly, commercial support facilities have not kept up the pace.

This property is ideally suited for commercial use to serve the surrounding area. It is served by collector roads, Lucille Drive and Greendale Road, and by Mulundy Way. It is easily accessible from the surrounding neighborhood by foot, bicycle or vehicular access. It is well-situated to provide retail, service, professional and restaurant use.

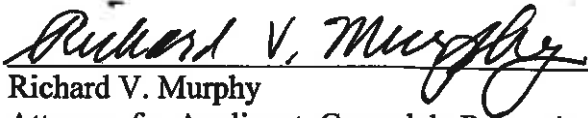
Sixteen years ago, in 2001, this property was rezoned to the B-1 zone, with a number of conditional zoning restrictions. The B-6P zone will better allow development of this property in today's economy. The conditions imposed in 2001 require that no more than 25% of the floor area dedicated to B-1 uses may be located in buildings which are exclusively used for B-1 uses. 15% of the total floor area was required to be residential uses.

The B-6P zone will permit a planned shopping center which will allow the uses to be guided by market demand, as called for in Objective E.1.b. of the 2013 Comprehensive Plan. In addition, there will be greater sign control.

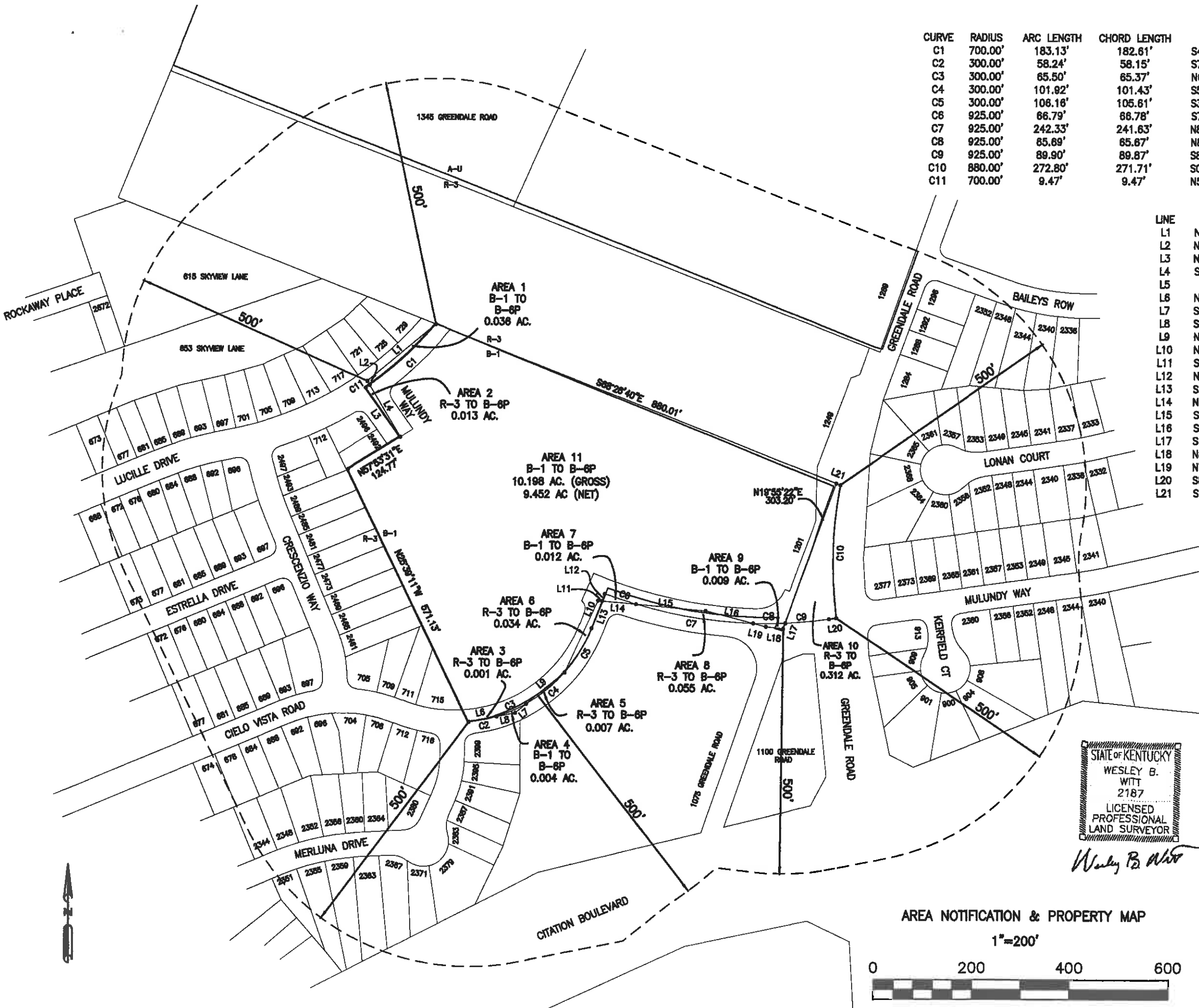
This proposal is in agreement with the 2013 Comprehensive Plan. If this underutilized property is allowed to develop it will support infill and redevelopment throughout the Urban Service Area as a strategic component of growth (Goal A.2.). Much of the infrastructure has already been constructed, and it can be developed with minimal disruption of natural features (Objective A.3.c.). Allowing community-oriented commercial will assist in providing a well-designed neighborhood and community (Goal A.3.). This proposal will also create jobs where people live (Objective C.1.d.). Its ability to be served by pedestrian, bicycle and vehicular traffic comports with Goal D.2. which calls for providing accessible community facilities and services to meet the health, safety and quality of life needs of Lexington-Fayette County's residents and visitors. It provides goods and services to an under-served area of the community. The zone change also supports Objective E.1.b. by encouraging compact, contiguous development as guided by market demand, to accommodate future growth needs. This development will support the growing residential community in this portion of Lexington. The proposal will help maintain the current boundaries of the Urban Service Area (Goal E.3.).

Also, this proposal will reduce Lexington's carbon footprint by reducing the time and distance spent in automobiles to reach retail and service destinations, as called for in Goal B.2. It will encourage economic investment in established communities in Lexington (Page 98) and will allow space for new businesses, as called for on Page 62 of the Comprehensive Plan.

Thank you for your consideration of this zone change request.

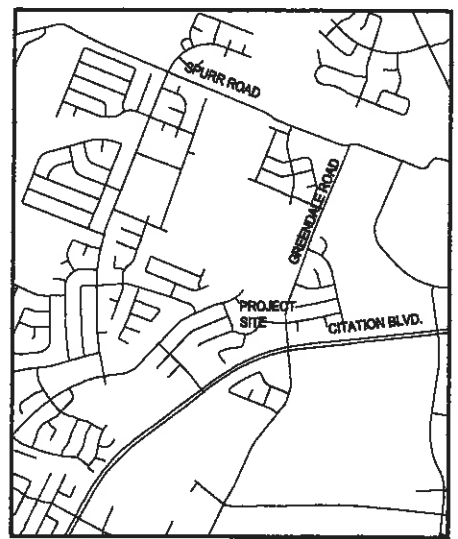

Richard V. Murphy
Attorney for Applicant, Greendale Properties, LLC

Statement of Justification 7-3-17.docx



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHD
C1	700.00'	183.13'	182.61'	S46°45'47"W
C2	300.00'	58.24'	58.15'	S78°35'30"W
C3	300.00'	65.50'	65.37'	N66°46'30"E
C4	300.00'	101.92'	101.43'	S50°47'15"W
C5	300.00'	106.18'	105.61'	S30°55'02"W
C6	925.00'	86.79'	86.78'	S71°17'19"E
C7	925.00'	242.33'	241.63'	N80°51'44"W
C8	925.00'	85.89'	85.87'	N89°35'54"E
C9	925.00'	89.90'	89.87'	S84°46'46"W
C10	880.00'	272.80'	271.71'	S01°34'47"W
C11	700.00'	9.47'	9.47'	N54°38'44"E

LINE	BEARING	DISTANCE
L1	N49°39'50"E	180.78'
L2	N30°31'52"W	9.38'
L3	N35°03'00"W	122.11'
L4	S30°36'55"E	122.53'
L5	NOT USED	
L6	N78°35'30"E	58.15'
L7	S50°47'15"W	28.70'
L8	S78°35'30"W	38.60'
L9	N50°47'15"E	101.43'
L10	N24°38'48"E	161.79'
L11	S84°37'40"E	7.98'
L12	N20°46'47"E	15.98'
L13	S20°46'47"W	59.58'
L14	N84°37'40"W	69.22'
L15	S84°37'40"E	141.69'
L16	S75°33'34"E	100.68'
L17	S19°55'22"W	11.80'
L18	N83°39'54"W	36.01'
L19	N75°33'34"W	26.71'
L20	S81°59'43"W	14.64'
L21	S68°28'40"E	8.78'



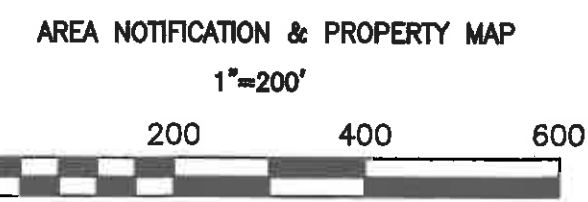
VICINITY MAP N.T.S.

NOTE: FOR ZONE CHANGE AREAS 1 THRU 10 THERE IS NO NET AREA THEREFORE ONLY THE GROSS AREA IS NOTED.

ZONE CHANGE REQUEST						
AREA	EXISTING ZONE	PROPOSED ZONE	NET ACRES	GROSS ACRES		
1	B-1	B-6P	0	0.036		
2	R-3	B-6P	0	0.013		
3	R-3	B-6P	0	0.001		
4	B-1	B-6P	0	0.004		
5	R-3	B-6P	0	0.007		
6	R-3	B-6P	0	0.034		
7	B-1	B-6P	0	0.012		
8	R-3	B-6P	0	0.055		
9	B-1	B-6P	0	0.009		
10	R-3	B-6P	0	0.312		
11	B-1	B-6P	9.452	10.198		
Total			9.452	10.681		
			B-1	B-6P	9.452	10.259
			R-3	B-6P	0	0.422
Total			9.452	10.681		

STATE OF KENTUCKY
 WESLEY B. WITT
 2187
 LICENSED PROFESSIONAL LAND SURVEYOR

Wesley B. Witt



GREENDALE PROPERTIES

Property Address:
 1201 Greendale Road, Lexington KY 40503

Owners / Applicant:
 Greendale Properties, LLC
 3341 Overbrook Drive
 Lexington, KY 40502

Prepared by:
 Barrett Partners, Inc. and Wesley B Witt, Inc.

Date Filed: July 3, 2017, REVISED July 17, 2017

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-17-00030: GREENDALE PROPERTIES, LLC

DESCRIPTION

Zone Change:	<u>REQUEST</u>		<u>ACREAGE</u>	
	<u>FROM</u>	<u>TO</u>	<u>NET</u>	<u>GROSS</u>
	B-1	B-6P	9.45	10.26
	R-3	B-6P	<u>0.00</u>	<u>0.42</u>
	TOTAL		9.45	10.68

Location: 1201 Greendale Road

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	B-1	Vacant
To North	R-3	Vacant & Single Family Residential
To East	R-3	Single-Family Residential
To South	R-3	Vacant & Citation Boulevard
To West	R-3	Single-Family Residential

URBAN SERVICES REPORT

Roads – Citation Boulevard is a four-lane minor arterial roadway, which was recently constructed in this vicinity, and that now provides a major connection between Leestown Road (US 421) and Newtown Pike (KY 922). Greendale Road (KY 1978) has a signalized intersection with Citation Boulevard, and is a state rural roadway that connects Spurr Road (north) to Leestown Road (south) of this location. As part of the construction of Citation Boulevard in this vicinity, Greendale Road was realigned to remove two 90 degree turns (south of this location) for safety reasons. That re-alignment has now left a right-of-way that has yet to be abandoned. Mulundy Way and Cielo Vista Road, two local streets, also border the subject site, and their rights-of-way are part of the proposed rezoning. Access to the subject site is proposed via Mulundy Way, Cielo Vista Road and also by Lucille Drive, which is a collector street a short distance north of Citation Boulevard. Except for the completion of Mulundy Way, no new local streets will be necessary for the proposed development to occur.

Curb/Gutter/Sidewalks – Sidewalks, curb and gutter have been constructed along the new Citation Boulevard, Greendale Road, Mulundy Way and Cielo Vista Road. Sidewalk improvements may be required to be constructed along Greendale Road by the developer and throughout any future commercial development of the site, so as to adequately connect proposed land uses to the public pedestrian system.

Storm Sewers – The subject property is located within the Town Branch watershed. Stormwater facilities are expected to be constructed when improvements to the overall site occur, and stormwater is planned to flow from this site northward, across and under Lucille Drive, to a larger detention basin originally designed to accommodate this drainage. No FEMA Special Flood Hazard Area (100-year floodplain) exists within the immediate area, and no known flooding problems exist either.

Sanitary Sewers – The subject site is located within the Town Branch sewershed. Sanitary sewer treatment is provided by the Town Branch Wastewater Treatment Plant for properties within this portion of the Urban Service Area, which is located approximately two and one-half miles to the southwest. Prior to any construction on the site, the Division of the Water Quality's Capacity Assurance Program (CAP) will evaluate the sanitary sewer demand anticipated by the developer's specific land use request compared to the available capacity of the system. The site is part of a grandfathered development plan with a remaining capacity of less than 1,000 gallons per day.

Refuse – The Urban County Government provides waste collection to this area on Thursdays. Supplemental refuse collection service is often necessary for commercial developments.

Police – The site is located in Police Sector 1. The West Sector Roll Call Center is the nearest police station to the subject property, located on Old Frankfort Pike near New Circle Road, approximately two miles southwest of the subject property.

Fire/Ambulance – The subject property is approximately two miles from Fire Station #13, which is located on West Main Street/Leestown Road, approximately one-half mile southeast of the Leestown Road/New Circle Road

interchange. A new fire station is proposed in the very near vicinity of the subject property at the intersection of Magnolia Springs Drive and Mable Lane, which is located about one-third of a mile to the west of the subject property. Utilities – Private utilities, including natural gas, cable television, electric, telephone and water service are to be extended into the site by the developer.

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 Plan's 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 rezoning mostly from a restricted Neighborhood Business (B-1) zone to a Planned Shopping Center (B-6P) zone in order to develop a community shopping center (between 3 and 10 acres in size), to include retail sales establishments, restaurants, a convenience store, a bank and associated off-street parking areas.

CASE REVIEW

The petitioner has requested a zone change from a Neighborhood Business (B-1) zone for nearly 10 acres of property, and from a Planned Neighborhood Residential (R-3) zone for some existing rights-of-way, to a Planned Shopping Center (B-6P) zone located at 1201 Greendale Road.

The subject property is comprised of a single parcel located on the west side of Greendale Road, about 400 feet north of its intersection with Citation Boulevard. Mulundy Way stubs into both the north and south sides of the subject property. It is expected to be extended through the property, which will divide the land into two smaller sites. Mulundy Way intersects Cielo Vista Way at the southern corner of the site, and extends eastward to an intersection with Greendale Road. The subject property is also bordered to the north by Lucille Drive, and two existing homes within the Masterson Station neighborhood.

Shortly after the construction of Citation Boulevard was completed, a zone change was filed on the vacant R-3 site to the south (PLN-MAR-16-00006: Citation Shoppes, LLC), wherein a Highway Service Business (B-3) zone was requested. That zone change was indefinitely postponed just more than one year ago.

Except for Citation Boulevard and the vacant property nearby to the north, this immediate area is characterized by residential land uses and zoning to the west, east and south. However, the subject property was rezoned more than a decade ago to its current B-1 classification (MAR 94-05: Chesapeake Equine, Inc.) to allow for a 10-acre mixed-use community center, to include both residential and commercial uses – all a short distance north and west of the intersection of Greendale Road and Citation Boulevard. The subject property was heavily restricted via conditional zoning in order to specifically implement a "community center concept" from the 2001 Comprehensive Plan.

The petitioner now proposes a Planned Shopping Center (B-6P) zone in order to construct a community shopping center (defined as between 3 and 10 acres in size), to include an automobile service station, retail sales establishments, restaurants, a bank and associated off-street parking areas.

The 2013 Comprehensive Plan no longer supplies a future land use map for decision-making, but it does focus upon general land use policies, such as promoting land use compatibility; recommending 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 petitioner contends that the proposal is in agreement with the 2013 Comprehensive Plan, and specifically finds agreement with several Goals and Objectives. The staff does not disagree with the applicant's conclusions.

In terms of the Comprehensive Plan, they opine that a development of this vacant property, encouraged by this rezoning, would support infill and redevelopment efforts recommended by the Plan (Theme A, Goal #2), as infrastructure is in place to support this development with a minimal disruption of existing natural features of the land (Theme A, Goal #3.c). Allowing a community-oriented commercial development of the subject site would result in a better designed neighborhood and community (Theme A, Goal #3), and create some jobs in close proximity to where people live (Theme C, Goal #1d.). It will have the ability to be accessed by sidewalks, bicycles and passenger

vehicles (Theme D, Goal #2.). Finally, this center will provide accessible community facilities and services to an under-served area of the community (Theme E, Goal #1b.). All of these policies and recommendations are supported by this change from B-1 (heavily restricted) to B-6P.

The staff has concluded in previous reports that the Planned Shopping Center (B-6P) zone and the Neighborhood Business (B-1) zone are the most appropriate for commercial uses in this vicinity. The proposed development, as depicted in the corollary development plan, has the potential to create neighborhood business opportunities in a new shopping center where none are in close proximity.

The transition from a shopping center to the existing residential homes along Mulundy Drive and Lucille Drive caused some concern for the staff. For this reason, the staff recommends that some residential use be present along the Lucille Drive frontage. This would continue at least one element of the previously adopted "community center concept," which required residential floor area in the B-1 zone.

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

1. The proposed Planned Shopping Center (B-6P) zone is in agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. The development of this vacant property, encouraged by this rezoning, would support infill and redevelopment efforts recommended by the Plan (Theme A, Goal #2),
 - b. Infrastructure is in place to support this development with a minimal disruption of existing natural features of the land (Theme A, Goal #3c.).
 - c. A community-oriented commercial development of the subject site would result in an improved design for this neighborhood and for this portion of the community (Theme A, Goal #3.).
 - d. A neighborhood-oriented shopping center at this location will create some jobs in close proximity to where people live (Theme C, Goal #1d.).
 - e. Such a commercial center will have the ability to be accessed by sidewalks, bicycles and passenger vehicles (Theme D, Goal #2).
 - f. This center will provide accessible community facilities and services to an under-served area of the community, as there are no other shopping centers within two miles of this site (Theme E, Goal #1b.).
2. This recommendation is made subject to the approval and certification of the associated development plan, PLN-MJDP-17-00084: Greendale Hills, Unit 3 (Amd.), 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 use restrictions for the property B-6P zone shall be imposed on the subject property:
 - a. A residential use, and residential floor area, shall be located in a building constructed on the northern-most portion of the subject property nearest the intersection of Lucille Drive and Mulundy Drive.

This restriction is appropriate and necessary to provide a transition from adjacent residential uses to the planned shopping center.

WLS/TLW

7/31/17

Planning Services/Staff Reports/MAR/2017/PLN-MAR-17-00030.doc

6. GREENDALE PROPERTIES, LLC ZONING MAP AMENDMENT & GREENDALE HILLS, UNIT 3 ZONING DEVELOPMENT PLAN

- a. PLN-MAR-17-00030: GREENDALE PROPERTIES, LLC (10/1/17)*- petition for a zone map amendment from a Neighborhood Business (B-1) zone to a Planned Shopping Center (B-6P) zone, for 9.45 net (10.26 gross) acres, and from and a Planned Neighborhood Residential (R-3) zone to a Planned Shopping Center (B-P6) zone for 0.43 gross acres, for property located at 1201 Greendale Road.

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 Plan's 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 rezoning mostly from a restricted Neighborhood Business (B-1) zone to a Planned Shopping Center (B-6P) zone in order to develop a community shopping center (between 3 and 10 acres in size), to include retail sales establishments, restaurants, a convenience store, a bank and associated off-street parking areas.

The Zoning Committee Recommended: Approval.

The Staff Recommends: Approval, for the following reasons:

1. The proposed Planned Shopping Center (B-6P) zone is in agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. The development of this vacant property, encouraged by this rezoning, would support infill and redevelopment efforts recommended by the Plan (Theme A, Goal #2),
 - b. Infrastructure is in place to support this development with a minimal disruption of existing natural features of the land (Theme A, Goal #3c.).
 - c. A community-oriented commercial development of the subject site would result in an improved design for this neighborhood and for this portion of the community (Theme A, Goal #3.).
 - d. A neighborhood-oriented shopping center at this location will create some jobs in close proximity to where people live (Theme C, Goal #1d.).
 - e. Such a commercial center will have the ability to be accessed by sidewalks, bicycles and passenger vehicles (Theme D, Goal #2).
 - f. This center will provide accessible community facilities and services to an under-served area of the community, as there are no other shopping centers within two miles of this site (Theme E, Goal #1b.).
 2. This recommendation is made subject to approval and certification of the associated development plan, PLN-MJDP-17-00084: Greendale Hills, Unit 3 (Amd.), 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 use restrictions for the property B-6P zone shall be imposed on the subject property:
 - a. A residential use, and residential floor area, shall be located in a building constructed on the northern-most portion of the subject property nearest the intersection of Lucille Drive and Mulundy Drive.
- b. PLN-MJDP-17-00084: GREENDALE HILLS, UNIT 3 (10/1/17)* - located at 1201 Greendale Road.
(Barrett Partners)

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

1. Provided the Urban County Council rezones the property B-6P; 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. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Addition of conditional zoning restrictions.
8. Revise plan to comply with Article 12-8(b) of the Zoning Ordinance.
9. Revise plan to comply with Article 12-8(f) of the Zoning Ordinance for loading areas.
10. Discuss a possible residential use along Lucille Drive between adjacent single-family homes and shopping center.

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

Staff Zoning Presentation - Ms. Wade presented and summarized the staff report and recommendations for this zone change, and displayed photographs of the subject property and aerial photographs of the general area. She said the property is currently a B-1 zone but has significant conditional zoning restrictions, which is why the applicant is asking to rezone the property. She said the applicant is proposing to develop a neighborhood shopping center, including retail, restaurants, bank, automobile service station, and off-street parking.

Ms. Wade said the applicant contends that their application is in agreement with the 2013 Comprehensive Plan Goals & Objectives, in terms of infill and development; creating jobs; ability to access by sidewalks, bicycles and passenger vehicles; and provide assessable community facilities to an underserved area. She said the staff is in agreement with the applicant that this zone change proposal is compliant with the 2013 Comprehensive Plan.

Ms. Wade said staff recommended approval with one conditional zoning restriction along Lucille Drive. She said that vicinity should have some residential use to provide a better transition to the existing single-family homes along Lucille Drive and Mulundy Way.

Ms. Wade provided a handout to the Planning Commission that the staff received from the applicant addressing some traffic concerns that were expressed, by the MPO staff, when the application was submitted. She said that a traffic impact study was not required with this application.

Development Plan Presentation - Ms. Gallt presented a rendering of this preliminary development plan, which was displayed, depicting the proposed building location.

Ms. Gallt said the plan has a few conditions, which are typical sign offs and conditional zoning restrictions. She said the applicant needs to revise their plan to comply with Article 12-8(b) & (f) of the Zoning Ordinance, regarding the wall and zoning screening, which will be completed at the time of the final development plan. She said there was a residential component on the previous plan, so there was discussion in regards to the possible residential use along Lucille Drive between the adjacent single-family homes and shopping center.

Commission Question - Mr. Wilson asked if staff was leaving condition #10 as "Discuss" for the Planning Commission. Ms. Gallt replied that a revised plan wasn't received and there have been discussions regarding a residential component on this property. She said that after the decision of the different conditional zoning restrictions it could be removed or changed to "resolved."

Mr. Owens said he will reserve his questions until after the applicant's presentation.

Applicant Presentation - Dick Murphy, attorney, was present representing the petitioner. He said the applicant believes that there is a great need for commercial business in this area. He said that within a one mile radius of this property, there are 2,600 households, with a population of approximately 7,100 people and 35,000 people within a three mile radius. He displayed an aerial photograph of the property and surrounding area depicting its growth. He said that the subject has been zoned as a shopping center for 16 years. A B-6P zone has mostly the same uses, but would have less conditional zoning restrictions. He said the subject property currently has two particular restrictions that have been very difficult to work with and they both relate to residential uses.

Mr. Murphy said he believes the application is in agreement with 2013 Comprehensive Plan. He said that they completed a traffic analysis because the previous traffic study was last completed in 2001 and another a few years ago. He said that the traffic analysis showed that the traffic generation will be less than the traffic generation that would have been on the same property in a B-1 zone.

Mr. Murphy said that there have been some neighborhood concerns. He has met with Mr. Walbourn, who is representing a group of neighbors, regarding the impact the shopping center may have. He distributed proposed conditional zoning restrictions that the applicant and the neighbors have agreed to, as follows:

PROPOSED CONDITIONAL ZONING RESTRICTIONS AND DEVELOPMENT PLAN NOTES
PLN-MAR-17-00030: GREENDALE PROPERTIES, LLC
1201 GREENDALE ROAD

- A. Use restrictions. The following uses would be prohibited under conditional zoning restrictions:
1. "Rehabilitation homes."
 2. Arcades, including pinball and electronic games.
 3. Self-service laundromats.
 4. Car washes as a principal use.
 5. Tattoo parlors.
 6. Funeral parlors.

7. Circuses and carnivals.
8. "Day shelters."
9. Limitation on eight gasoline pumps for gas stations or convenience stores.
10. Within 150 feet of Lucille Drive, no gasoline pumps or drive-thru facilities for food service.
11. All parking lot lighting shall be "shoebox" style lighting or another type that will appropriately shield that light source.

B. The following will be development plan notes:

1. Maximum building height of 35 feet.
2. Maximum building size of 35,000 square feet per building.
3. Along Cielo Vista Road, from driveway west to the Washington property line at 715 Cielo Vista Road, developer will plant/build a three-foot solid fence, and a three-foot hedge, and one tree every twenty feet.
4. Along Cielo Vista Road, from the driveway east to the intersection with Mulundy Way and along Lucille Drive, developer will plant/build a three-foot open fence (for example a picket fence) or a three foot hedge, plus one tree every thirty feet.
5. Along Lucille Drive, the landscape area shall average at least 10 feet in width, and shall be a minimum of 6 feet in width.

Mr. Murphy clarified that rehabilitation homes refers to half-way houses not physical therapy facilities. He also clarified that day shelters are homeless shelters, as defined in the Zoning Ordinance, not a senior day center. He mentioned the drive-thru facilities along Lucille Drive; the applicant believes that some drive-thru facilities may be acceptable, for example, a bank or dry cleaner, that doesn't generate the traffic, sound and debris. He also clarified the development plan notes.

Commission Question - Ms. Richardson asked if the "shoebox" style-lighting should be prohibited. Mr. Murphy said that she is correct. He said that they want the "shoebox" style-lighting and that they will need to correct that language.

Mr. Owens asked if the 150 feet from Lucille Drive is on the rendered development plan. Mr. Murphy pointed to the orange line drawn on the plan by the staff.

Mr. Wilson asked if the staff has had a chance to review these proposed conditional zoning restrictions. Ms. Wade refrained from answering the question until everyone has had a chance to speak regarding this zone change.

Citizen Comments - Jacob Walbourn, attorney, was present representing several of the neighbors that live along Merluna Drive. He said that the neighbors reached agreement as long as restrictions that Mr. Murphy proposed are imposed.

Staff Rebuttal – Ms. Wade noticed the contradiction is the applicant's proposed conditional zoning restrictions and had renumbered them so that the "shoebox" lighting would fall under a separate section for "Other Use Restrictions". She said that the staff would prefer that there be no drive-thru facilities along the 150 foot area on Lucille Drive; they are allowed on the rest of the property as an accessory use. She also commented on condition #10, regarding "or drive-thru facilities for food service." She said, consistent with her previous comment, the staff would like to strike "for food service" and have it relate to all drive-thru facilities within 150 feet of Lucille Drive, as follows:

A. Use restrictions. The following uses would be prohibited under conditional zoning restrictions:

1. "Rehabilitation homes."
2. Arcades, including pinball and electronic games.
3. Self-service laundromats.
4. Car washes as a principal use.
5. Tattoo parlors.
6. Funeral parlors.
7. Circuses and carnivals.
8. "Day shelters."
9. Limitation on eight gasoline pumps for gas stations or convenience stores.
10. Within 150 feet of Lucille Drive, no gasoline pumps or drive-thru facilities for food service.
11. ~~All parking lot lighting shall be "shoebox" style lighting or another type that will appropriately shield that light source.~~

B. Other Use Restrictions

1. All parking lot lighting shall be "shoebox" style lighting or another type that will appropriately shield that light source.

C B. The following will be development plan notes:

1. Maximum building height of 35 feet.
2. Maximum building size of 35,000 square feet per building.

3. Along Cielo Vista Road, from driveway west to the Washington property line at 715 Cielo Vista Road, developer will plant/build a three-foot solid fence, and a three-foot hedge, and one tree every twenty feet.
4. Along Cielo Vista Road, from the driveway east to the intersection with Mulundy Way and along Lucille Drive, developer will plant/build a three-foot open fence (for example a picket fence) or a three foot hedge, plus one tree every thirty feet.
5. Along Lucille Drive, the landscape area shall average at least 10 feet in width, and shall be a minimum of 6 feet in width.

Ms. Wade said that typically the staff offers a reason or a statement for the proposed conditional zoning restrictions. She asked that if the Planning Commission adopts these proposed conditional zoning restrictions that it is added that the proposed restrictions are appropriate and necessary to protect the nearby residential land use from incompatible uses in the shopping center.

Commission Questions – Mr. Brewer asked why staff wants to remove all drive-thru facilities on the property. Ms. Wade replied that the voice boxes and the constant flow of traffic of drive-thru facilities could be of a disruptive nature to the single-family residential.

Mr. Owens asked if the applicant's proposed conditional zoning restrictions would replace the staff's recommendations, #3. Ms. Wade said that it would replace the staff's recommendations.

Applicant's Rebuttal - Mr. Murphy said the applicant is in agreement with the staff's changes to the proposed conditional zoning restrictions, with the exception of removing "for food service" from condition #10. He believes the applicant is proposing a good number of restrictions and doesn't want the property to be as restricted as it currently is. He said the concern of a food service drive-thru near the single-family residential would generate more traffic during the evening hours, than a bank drive-thru ATM machine, or a dry cleaner.

Commission Questions – Mr. Cravens asked Mr. Barrett if the building could be designed so that a drive-thru could be located on the site away from the single-family residential homes. Mr. Barrett said that he could design the building so that the approach could be on the side of the building away from the homes. Mr. Murphy reminded the Planning Commission that this is a preliminary development plan.

Ms. Plumlee asked if a drive-thru isn't allowed, what would be in that building. Mr. Murphy said the marketing of the property has stalled due to current restrictions.

Mr. Owens asked if drive-thru liquor stores would be allowed, since the discussion seems to be protecting the neighbors from night time traffic. Mr. Murphy said drive-thru liquor stores would be allowed under the proposed conditions. He said that in his experience with Building Inspection, that anything that is drinkable is considered "food services".

Mr. Brewer said that he believes "B. Other Use Restrictions" should be moved before line #9. That is gas pumps and drive-thrus are not proposed to be prohibited in their entirety, only limited.

Mr. Cravens asked if condition #10 could be worked out on the final development plan. Mr. Martin said that if the Planning Commission doesn't impose the conditional zoning that the staff had originally required, then there is no need for that condition. He said the B-6P zone allows vertical development and residential above should the applicant choose to do so. Mr. Cravens also verified that the applicant's proposed conditional zoning restrictions replaced the staff's recommendations #3. Mr. Martin replied that it does.

Mr. Martin said the staff's concern with having drive-thru facilities within 150 feet of Lucille Drive is a concern of the residential component of the neighborhood and this is a preliminary development plan and plans can be altered.

Ms. Richardson asked if the applicant's proposed conditional zoning restrictions was acceptable to neighborhood. Mr. Walbourn said it is but that his clients don't have an immediate concern about the drive-thru since they are located on the other side of subject property.

Mr. Brewer asked for clarification that if the drive-thru facility isn't restricted at this time, does it mean that it's automatic at the time of the final development plan. Mr. Martin said that the proposal can be reviewed at that time to determine if it's appropriate.

Commission Discussion – Discussion of the proposed conditional zoning restrictions, as follows:

- A. Use restrictions. The following uses would be prohibited under conditional zoning restrictions:
 1. "Rehabilitation homes."

2. Arcades, including pinball and electronic games.
3. Self-service laundromats.
4. Car washes as a principal use.
5. Tattoo parlors.
6. Funeral parlors.
7. Circuses and carnivals.
8. "Day shelters."

B. Other Use Restrictions

1. ~~All parking lot lighting shall be "shoebox" style lighting or another type that will appropriately shield that light source.~~
2. 9. Limitation on eight gasoline pumps for gas stations or convenience stores.
3. 40. Within 150 feet of Lucille Drive, no gasoline pumps or drive-thru facilities for food service.
4. ~~All parking lot lighting shall be "shoebox" style lighting or another type that will appropriately shield that light source.~~

C B. The following will be development plan notes:

1. Maximum building height of 35 feet.
2. Maximum building size of 35,000 square feet per building.
3. Along Cielo Vista Road, from driveway west to the Washington property line at 715 Cielo Vista Road, developer will plant/build a three-foot solid fence, and a three-foot hedge, and one tree every twenty feet.
4. Along Cielo Vista Road, from the driveway east to the intersection with Mulundy Way and along Lucille Drive, developer will plant/build a three-foot open fence (for example a picket fence) or a three foot hedge, plus one tree every thirty feet.
5. Along Lucille Drive, the landscape area shall average at least 10 feet in width, and shall be a minimum of 6 feet in width.

Zoning Action – A motion was made by Mr. Berkley, seconded by Ms. Mundy, to approve PLN-MAR-17-00030: GREENDALE PROPERTIES, LLC, for the reasons provided by the staff, with the elimination of item #3 and replacing the applicant's proposed conditional zoning restrictions and Ms. Wade's suggested statement, as follows:

A. Use restrictions. The following uses would be prohibited under conditional zoning restrictions:

1. "Rehabilitation homes."
2. Arcades, including pinball and electronic games.
3. Self-service laundromats.
4. Car washes as a principal use.
5. Tattoo parlors.
6. Funeral parlors.
7. Circuses and carnivals.
8. "Day shelters."

B. Other Use Restrictions

1. ~~All parking lot lighting shall be "shoebox" style lighting or another type that will appropriately shield that light source.~~
2. 9. Limitation on eight gasoline pumps for gas stations or convenience stores.
3. 40. Within 150 feet of Lucille Drive, no gasoline pumps or drive-thru facilities for food service or packaged liquor.
4. ~~All parking lot lighting shall be "shoebox" style lighting or another type that will appropriately shield that light source.~~

The proposed restrictions are appropriate and necessary to protect nearby residential land use from incompatible uses in the shopping center.

C B. The following will be development plan notes:

1. Maximum building height of 35 feet.
2. Maximum building size of 35,000 square feet per building.
3. Along Cielo Vista Road, from driveway west to the Washington property line at 715 Cielo Vista Road, developer will plant/build a three-foot solid fence, and a three-foot hedge, and one tree every twenty feet.
4. Along Cielo Vista Road, from the driveway east to the intersection with Mulundy Way and along Lucille Drive, developer will plant/build a three-foot open fence (for example a picket fence) or a three foot hedge, plus one tree every thirty feet.
5. Along Lucille Drive, the landscape area shall average at least 10 feet in width, and shall be a minimum of 6 feet in width.

Discussion on the Motion - Mr. Brewer believes the language that Ms. Wade had suggested to be added at the bottom needs to be added to C. Ms. Wade said that item C. is pertaining to the development plan, and the note should be added to the bottom of either A. or B. Mr. Berkley amended his motion to include that justification statement for the conditional zoning at the bottom.

Mr. Brewer also commented on the drive-thru facility and said that he doesn't see the difference between a drive-thru cigarette stand, lottery shop, or other facilities that create the same impact on the neighborhood that the staff is attempting to avoid.

Mr. Berkley said that the Planning Commission will review this at the final development plan.

Mr. Wilson said that this will be seen again on the final development plan and could be resolved at that time, including the design features.

Ms. Jones said that the zone change with conditional zoning restrictions is what is being voted on now, which can't be changed at the final development plan phase. She said that they need to be put in place at this hearing. She said that the items listed under item C. will be voted on with the preliminary development plan.

Mr. Cravens said if drive-thru facilities are removed at this time, they can't build them, but if the restriction is left as is, they will have the flexibility to have it on their final development plan.

Ms. Jones agreed.

Mr. Brewer said that there are many other locations within this development that drive-thru facilities are allowed and suggested removing "food service" as advised by the staff.

Mr. Berkley said that this restriction is not for the entire development but for only within 150 feet of Lucille Drive.

Motion Action - Motion and carried 8-2 (Plumlee and Brewer opposed; Penn absent).

Development Plan Action - A motion was made by Mr. Berkley, seconded by Mr. Cravens, and carried 9-1 (Plumlee opposed; Penn absent) to approve PLN-MJDP-17-00084: GREENDALE HILLS, UNIT 3, for the revised conditions provided by the staff, eliminating condition #10 and the addition of the applicant's proposed condition, item C. as follows:

1. Provided the Urban County Council rezones the property B-6P; 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. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Addition of conditional zoning restrictions.
8. Revise plan to comply with Article 12-8(b) of the Zoning Ordinance.
9. Revise plan to comply with Article 12-8(f) of the Zoning Ordinance for loading areas.
- ~~10. Discuss a possible residential use along Lucille Drive between adjacent single family homes and shopping center.~~

C B. The following will be development plan notes:

1. Maximum building height of 35 feet.
2. Maximum building size of 35,000 square feet per building.
3. Along Cielo Vista Road, from driveway west to the Washington property line at 715 Cielo Vista Road, developer will plant/build a three-foot solid fence, and a three-foot hedge, and one tree every twenty feet.
4. Along Cielo Vista Road, from the driveway east to the intersection with Mulundy Way and along Lucille Drive, developer will plant/build a three-foot open fence (for example a picket fence) or a three foot hedge, plus one tree every thirty feet.
5. Along Lucille Drive, the landscape area shall average at least 10 feet in width, and shall be a minimum of 6 feet in width.

Mr. Berkley asked if the motion for the zone change needed to be re-visited to include the language regarding the conditional zoning restriction, suggested by Ms. Wade. Ms. Wade said that the staff assumed that it was already incorporated in the motion based upon the Commission's discussion.