

AN ORDINANCE CHANGING THE ZONE FROM A PROFESSIONAL OFFICE (P-1) ZONE TO A PLANNED SHOPPING CENTER (B-6P) ZONE, FOR 2.88 NET (3.33 GROSS) ACRES, FOR PROPERTY LOCATED AT 1937 STAR SHOOT PARKWAY (A PORTION OF). (HAP PROPERTY OWNER LP; COUNCIL DISTRICT 6).

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WHEREAS, at a Public Hearing held on May 25, 2017, a petition for a zoning ordinance map amendment for property located at 1937 Star Shoot Parkway (a portion of) from a Professional Office (P-1) zone to a Planned Shopping Center (B-6P) zone, for 2.88 net (3.33 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending approval of the zone change by a vote of 7-0; 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 1937 Starr Shoot Parkway (a portion of) from a Professional Office (P-1) zone to a Planned Shopping Center (B-6P) zone, for 2.88 net (3.33 gross) acres, being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 - 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 3 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: July 6, 2017

ATTEST

  
CLERK OF URBAN COUNTY COUNCIL

Published: July 13, 2017 1t

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MAYOR

  
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**Legal Description**

BEING A TRACT OF LAND IN LEXINGTON, FAYETTE COUNTY, KENTUCKY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the intersection point of the centerline of Sir Barton Way and the centerline of Star Shoot Parkway; thence with the centerline of Sir Barton Way along a curve to the right having an arc distance of 305.17 feet, a radius of 954.93 feet, and chord bearing north 14 degrees 06 minutes 14 seconds east a distance of 303.87 feet to a point, said point being the TRUE POINT OF BEGINNING.

Thence with the centerline of Sir Barton Way North 23 degrees 36 minutes 05 seconds East a distance of 405.48 feet to a point; Thence leaving said centerline of Sir Barton Way South 66 degrees 23 minutes 55 seconds East a distance of 150.00 feet to a point; Thence South 46 degrees 22 minutes 23 seconds East a distance of 343.15 feet to a point; Thence South 39 degrees 58 minutes 23 seconds West a distance of 281.82 feet to a point; Thence North 50 degrees 01 minutes 37 seconds West a distance of 188.59 feet to a point; Thence North 84 degrees 50 minutes 51 seconds West a distance of 223.51 feet to a point in the centerline of Sir Barton Way, said point being the TRUE POINT OF BEGINNING.

Contains 3.328 acres.

Rec'd by Bm  
Date: 6-9-17

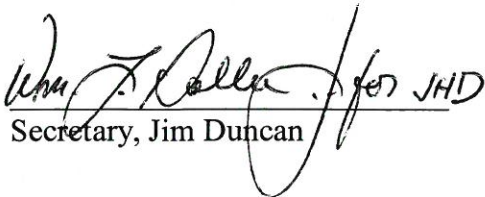
**RECOMMENDATION OF THE**  
**URBAN COUNTY PLANNING COMMISSION**  
**OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY**

IN RE: **PLN-MAR-17-00012: HAP PROPERTY OWNER LP** – a petition for a zone map amendment from a Professional Office (P-1) zone to a Planned Shopping Center (B-6P) zone, for 2.88 net (3.33) acres, for property located at 1937 Star Shoot Parkway (a portion of). (Council District 6)

Having considered the above matter on May 25, 2017, at a Public Hearing, and having voted 7-0 that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL** of this matter for the following reasons:

1. The existing Professional Office (P-1) zoning is inappropriate, and the proposed Planned Shopping Center (B-6P) zoning is appropriate at this location for the following reasons:
  - a. The applicant's request would create a single and contiguous zone across this parcel, in a fashion consistent with the rest of the entire Hamburg Pavilion development, and will not adversely affect the overall character of non-residential land use in this vicinity.
  - b. The subject property already functions as a part of the Hamburg Pavilion shopping center, and the requested zone change will allow the subject property to continue to function in the same manner.
  - c. The subject property is separated from the rest of the Sir Barton Office Park development to the north, by Flora Fina Street and by a large detention basin. The street forms a more logical and discernable zoning boundary than the center of the existing parking lot, which is the case at present.
2. This recommendation is made subject to the approval and certification of PLN-MJDP-17- 00032: Hamburg Plan Mall, Unit 2 (Hamburg Pavilion) (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.

ATTEST: This 9<sup>th</sup> day of June, 2017.

  
Secretary, Jim Duncan

WILLIAM WILSON  
CHAIR

Note: The corollary development plan, PLN-MJDP-00032: Hamburg Plan Mall, Unit 2 (Hamburg Pavilion) (AMD) was approved by the Planning Commission on May 25, 2017 and certified on June 8, 2017.

K.R.S. 100.211(7) requires that the Council take action on this request by August 24, 2017.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **David Stoniecki, engineer.**

**OBJECTORS**

- None

**OBJECTIONS**

- None

**VOTES WERE AS FOLLOWS:**

AYES: (7) Berkley, Cravens, Drake, Mundy, Owens, Penn, and Richardson

NAYS: (0)

ABSENT: (3) Brewer, Plumlee, and Wilson

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-17-00012** 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.)

<b>Applicant:</b> HAP PROPERTY OWNER LP, 3340 PEACHTREE RD, STE 16660, ATLANTA, GA 30326
<b>Owner(s):</b> HAP PROPERTY OWNER LP, P O BOX 56607, ATLANTA, GA 30343
<b>Attorney:</b> Will Lovell, Hartman Simons & Wood, LLP, 6400 Powers Ferry Road NW, Suite 400, Atlanta, GA 30339 PH: 770-955-3555

### 2. ADDRESS OF APPLICANT'S PROPERTY

1937 STAR SHOOT PKWY, LEXINGTON, KY (a portion of)
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### 3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY

Zoning	Existing Use	Zoning	Requested Use	Acreage	
				Net	Gross
P-1	Parking, Detention	B-6P	Commercial	2.881	3.328

### 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:	Private
Storm Sewers:	Private
Sanity Sewers:	Private
Refuse Collection:	Private
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



March 3, 2017

Lexington Fayette Urban County Planning Commission  
200 E Main Street  
Lexington, KY 40507

Re: Zone Map Amendment Request - 1937 Star Shoot Pkwy.

Dear Commission Members,

We represent HAP Property Owner LP who is seeking a zone change for their property located at 1937 Star Shoot Pkwy from P-1 Professional Business to B-6P Planned Shopping Center. The subject property to be zoned consists of roughly 3.3 acres and is currently occupied with a parking lot associated with the adjacent HHGregg Appliance Store and a detention pond. The subject parcel (Parcel No. 38164360) is currently split-zoned with roughly half of the parcel zoned P-1 and the other half zoned B-6P. Rezoning the remainder of this parcel to B-6P creates continuous zoning across the parcel and throughout the entire Hamburg Pavilion development.

We believe the zone change request is supported by many of the goals and objectives of the 2013 comprehensive plan as follows:

Theme C: Creating Jobs and Prosperity

Goal 2: Attract the world's finest jobs, encourage entrepreneurial spirit, and enhance our ability to create and retain a talented creative workforce by establishing opportunities that embrace diversity with inclusion in our community.

Objective D: Provide entertainment and other quality of life opportunities that attract young professionals and a workforce of all ages and talents to Lexington.

Theme E: Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land

Goal 1: Uphold the Urban Services Area concept.

Objective B: Encourage compact, contiguous, and/or mixed-use sustainable development within the Urban Service Area, as guided by market demand, to accommodate future growth needs.

In addition to these specific goals and objectives of the 2013 Comprehensive Plan, we believe the proposed rezoning will offer continuity to the surrounding parcels which are interconnected and zoned correctly for the planned shopping center use in which Hamburg Pavilion provides.

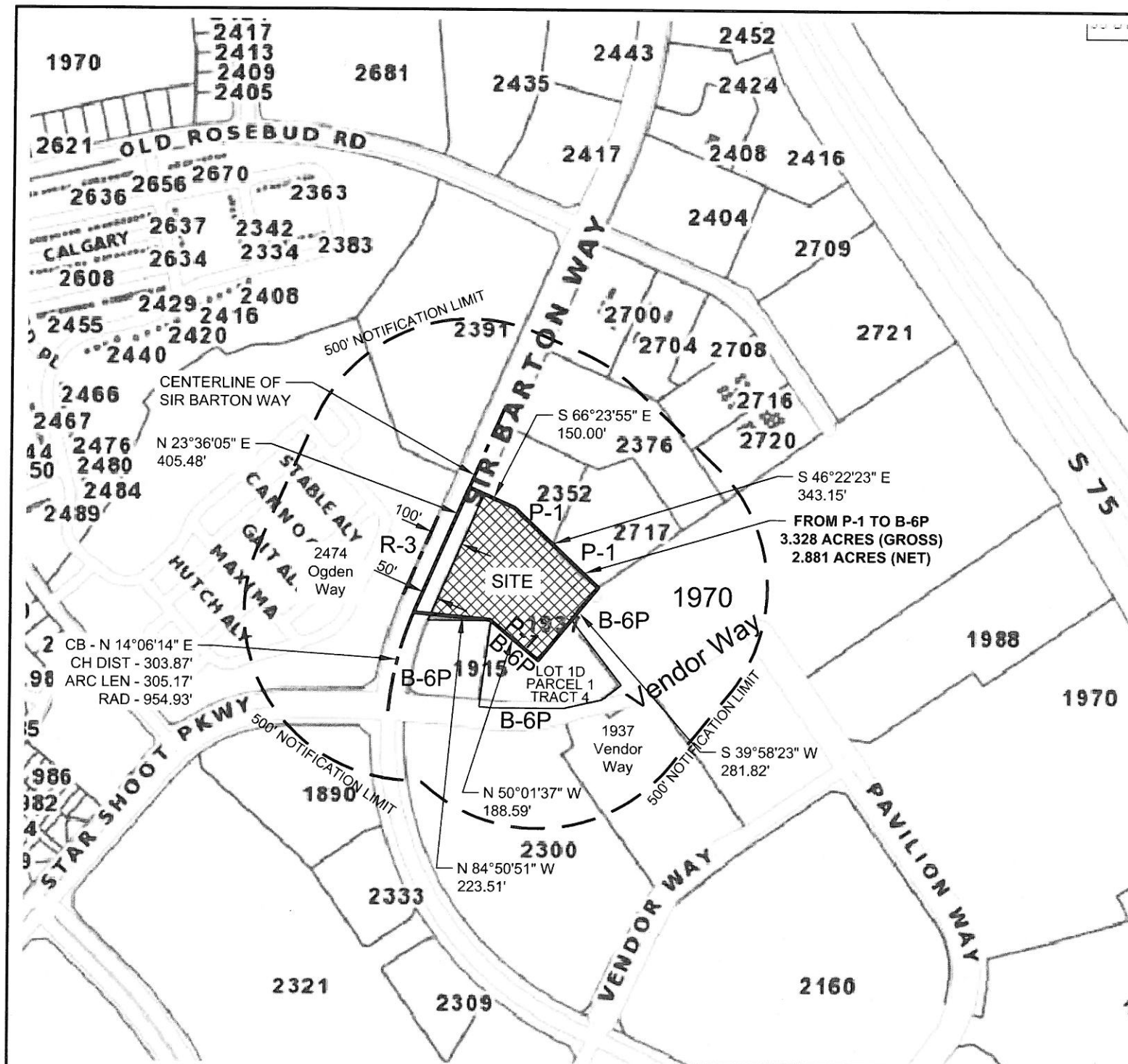
The subject parcel will be compatible to and serve the adjoining Hamburg Pavilion development. Surrounding parcels to the east, west, and south of the subject parcel are all zoned B-6P Planned Shopping Center. 1915 Star Shoot Pkwy, the parcel directly south of the subject parcel, was rezoned from P-1 to B-6P in 2006.

Based on the supportive Goals and Objectives of the 2013 Comprehensive Plan and other support referenced above, we request the zoning for the property located at 1937 Star Shoot Pkwy be changed from P-1 to B-6P.

Sincerely,

David Stoniecki  
Foresite Group Inc





**NOTIFICATION MAP**

SCALE: 1" = 400'

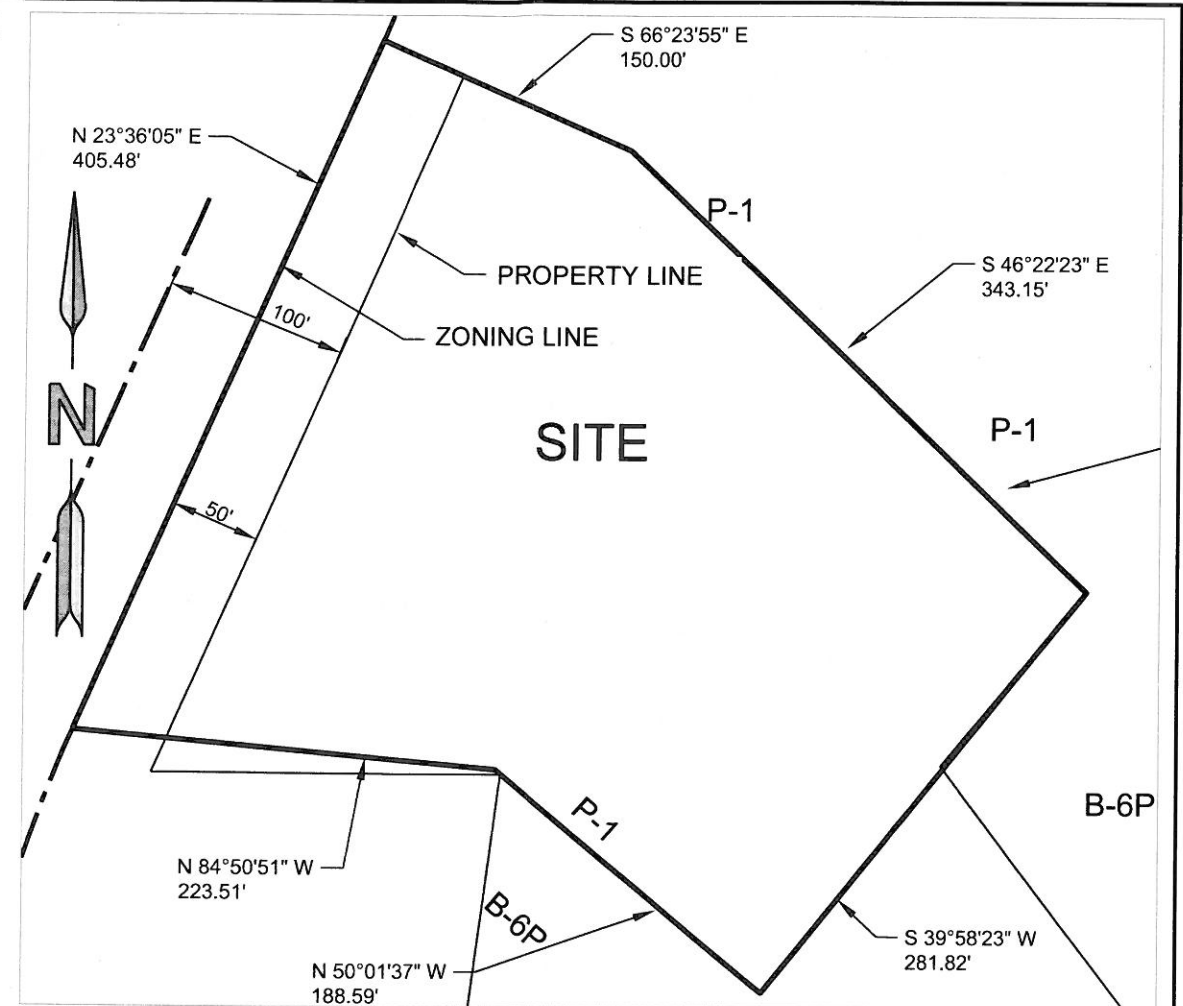
PREPARED BY:  
 FORESITE GROUP, INC.  
 DATE FILED OR AMENDED:  
 03/03/2017

APPLICANT NAME / ADDRESS:  
 HAP PROPERTY OWNER LP  
 3340 PEACHTREE RD  
 SUITE 1660  
 ATLANTA, GA 30326

PROPERTY ADDRESS:  
 1937 SIR BARTON WAY

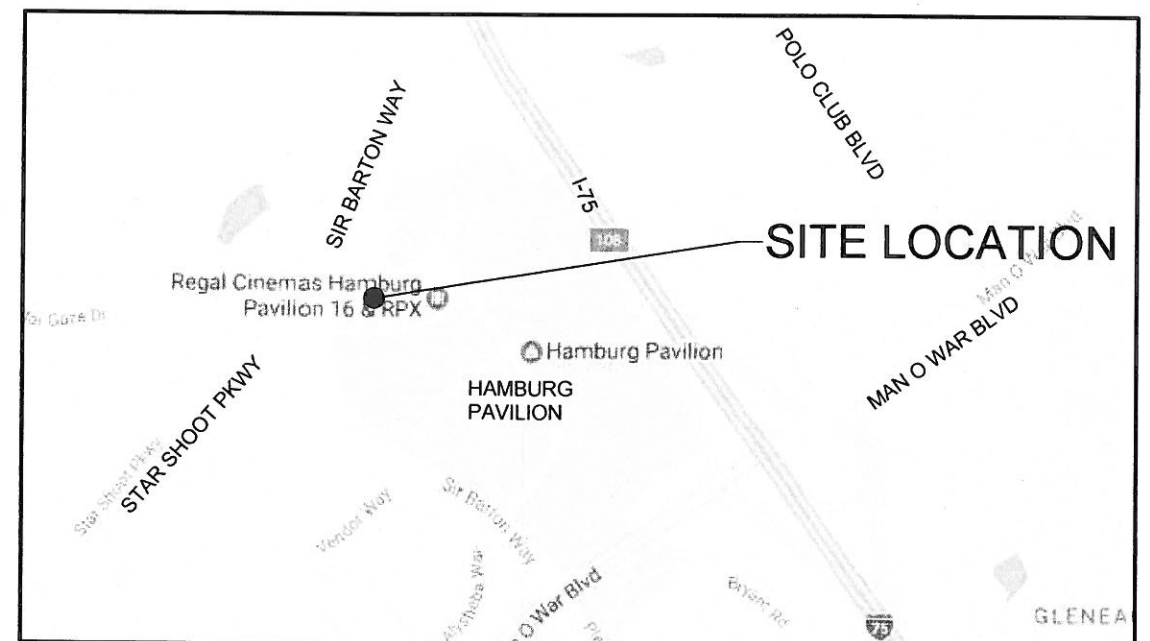


4/12/17



**PROPERTY MAP**

SCALE: 1" = 100'



**VICINITY MAP**

SCALE: NTS

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

**PLN-MAR-17-00012: HAP PROPERTY OWNER, LP**

**DESCRIPTION**

**Zone Change:** From a Professional Office (P-1) zone  
To a Planned Shopping Center (B-6P) zone

**Acreage:** 2.881 net (3.328 gross) acres

**Location:** 1937 Star Shoot Parkway (a portion of)

**EXISTING ZONING & LAND USE**

<b><u>Properties</u></b>	<b><u>Zoning</u></b>	<b><u>Existing Land Use</u></b>
Subject Property	P-1	Parking Lot & Storm Water Basin
To North	P-1	Office Building & Bank
To East	B-6P	Retail Store, Movie Theatre
To South	B-6P	Retail Businesses & Restaurants
To West	R-3	Multi-Family Residential

**URBAN SERVICES REPORT**

**Roads** – The subject property fronts upon Sir Barton Way, a four-lane divided, major collector street that connects Man o’ War Boulevard to Winchester Road (US 60). Access to the subject property is attained from the south along Star Shoot Parkway (a private access easement). The intersection of Sir Barton Way and Star Shoot Parkway is signalized. The northern boundary of the subject property is Flora Fina Street, which is a private roadway that terminates into the service area for the Hamburg movie theatre and an access drive for the H. H. Gregg retail store.

**Curb/Gutter/Sidewalks** – Curbing and gutters have been provided along both Sir Barton Way and Star Shoot Parkway. Sidewalks are located on the north side of Star Shoot Parkway and both sides of Sir Barton Way, and along most of Flora Fina Street.

**Storm Sewers** – The subject property is located in the North Elkhorn watershed. The East Interstate 75 Tributary flows through the subject property (from south to north). According to the 2014 FEMA Flood Insurance Rate Maps (FIRM), no Special Flood Hazard Area exists on the subject property, although a sizeable floodplain does exist about 200’ to the northwest of this location, across Sir Barton Way. A large drainage basin exists on the subject property, and any changes to the stormwater system should be done in accordance with the adopted LFUCG Engineering Manuals, since the downstream floodplain could also be affected.

**Sanitary Sewers** – The subject property is located in the North Elkhorn sewershed and is served by the West Hickman Wastewater Treatment facility in northern Jessamine County. A sanitary sewer force main serves the Hamburg area. The sanitary sewer system will be extended by the developer as part of the development of this property, if sanitary sewer capacity exists in the current system, according to the Capacity Assurance Program.

**Refuse** – The Urban County Government serves this portion of the Urban Service Area with refuse collection to individual properties on Tuesdays. Commercial businesses often hire private refuse collection services to replace or supplement Urban County Government collection.

**Police** – The nearest police station is located near Eastland Shopping Center at the Central Sector Roll Call Center, approximately 3½ miles northwest of the subject property, just off Winchester Road.

**Fire/Ambulance** – The nearest fire station (No. 21) is located about 2¼ miles southwest of the subject property on Mapleleaf Drive, just south of Man o’ War Boulevard. A new fire station was formerly planned (and generally recommended by past Comprehensive Plans) for various locations between Sir Barton Way and Interstate 75, not far from Winchester Road. That location would be about 1/2 mile from the subject site.

**Utilities** – All utilities, including gas, electric, water, telephone, and cable television are available in the area and can easily be extended to serve the subject property.

**LAND USE PLAN AND PROPOSED USE**

The 2013 Comprehensive Plan no longer has a land use element to guide future land use recommendations. 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 2013 Comprehensive Plan also encourages the creation of jobs and prosperity (Theme C) by attracting the world's finest jobs, encouraging entrepreneurial spirit and enhancing our ability to create and retain a talented, creative workforce (Goal #2); supports providing entertainment and other quality of life opportunities that attract young professionals (Theme D); encourages maintaining a balance between planning for urban uses and safeguarding rural land (Theme E); supports upholding the Urban Services Area concept (Goal #1); and encouraging compact, contiguous and/or mixed use sustainable development with the Urban Services Area (Goal b).

The petitioner proposes rezoning the subject property in order to add a new 20,000 square-foot commercial building near the existing H. H. Gregg store in Hamburg, and utilize the existing off-street parking lot.

### **CASE REVIEW**

The petitioner has requested a zone change from a Professional Office (P-1) zone to a Planned Shopping Center (B-6P) zone for about three acres, located on a portion of 1937 Star Shoot Parkway, at the south corner of Flora Fina Street (a private street).

The subject property is located to the northeast of the signalized intersection of Sir Barton Way and Star Shoot Parkway within the Hamburg Place commercial development. Access to the subject site will continue to be from an existing access point along Star Shoot Parkway, or from the existing Flora Fina Street. No new access is proposed along Sir Barton Way, a five-lane collector street at this location. The subject property is currently a part of the parking lot serving the H. H. Gregg retail store.

A detention basin that serves a portion of the larger Hamburg commercial area (to the south and east) currently occupies much of the subject property. It was proposed for rezoning to B-6P as well as an outlot at the northeast corner of Sir Barton and Star Shoot, but was removed from the 2006 request that rezoned the parking lot area that is now proposed for a commercial development. The other three quadrants of this intersection have already developed, two with retail and restaurant uses (B-6P zoning), and the third with townhomes and condominiums (R-3 zoning). The existing parking lot in a P-1 zone is a conditional use previously approved by the Board of Adjustment. The property was rezoned P-1 in 1998, as a portion of a larger, (original) Hamburg zone change request, but given the 2006 rezoning, it is now split-zoned.

The petitioner is proposing a new 20,000 square-foot commercial building beside the H. H. Gregg store, and a 4,000 square-foot commercial outlot in the existing parking lot (previous 2006 zone change). The Hamburg Place Mall has parking in excess of that required at a minimum by the Zoning Ordinance. Thus, the removal of a portion of the existing parking will not adversely affect the overall development, and the P-1 parking lot to remain would now count toward the B-6P off-street parking requirements, if rezoned as requested.

The petitioner believes that this zone change is supported by many of the goals and objectives of the 2013 Comprehensive Plan. Specifically, the creation of jobs and prosperity (Theme C) by attracting the world's finest jobs, encourage entrepreneurial spirit and enhance our ability to create and retain a talented, creative workforce (Goal #2); providing entertainment and other quality of life opportunities that attract young professionals (Theme D); and maintaining a balance between planning for urban uses and safeguarding rural land (Theme E) by upholding the Urban Services Area concept (Goal #1); and encouraging compact, contiguous and/or mixed use sustainable development with the Urban Services Area (Goal b). The staff does not agree that this request is in agreement with the 2013 Plan.

Given that the request is not in agreement with the Plan, the staff has considered whether there has been a major unanticipated change of an economic, physical, or social nature since the adoption of the 2013 Plan, or whether the existing zoning is inappropriate and the proposed zoning is appropriate. In this instance, there have been no major unanticipated changes in this immediate area since the adoption of the current

Comprehensive Plan. Therefore, the appropriateness of the existing (P-1) and proposed (B-6P) zones must be reviewed.

The applicant also contends that their requested B-6P zone would create a single and contiguous zone across this parcel, in a fashion consistent with the rest of the entire Hamburg Pavilion development. The staff agrees, and would add that the subject property is already a functioning part of the shopping center. The requested zone change will allow the subject property to continue to function in the same manner. The detention basin serves most of the B-6P development, and it is appropriate to rezone it to the same category as is the remainder of the Hamburg shopping center.

The existing P-1 zone is inappropriate, since it has no office building on it, and its parking area is an approved conditional use for a more intense development (the shopping center). The subject property is currently situated so that it is separated from the rest of the Sir Barton Office Park development by the existing detention basin and by Flora Fina Street, which is now proposed to essentially be the zoning boundary between these two areas of the Hamburg development. Both facilities will remain, and continue to serve that purpose.

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

1. The existing Professional Office (P-1) zoning is inappropriate, and the proposed Planned Shopping Center (B-6P) zoning is appropriate at this location for the following reasons:
  - a. The applicant's request would create a single and contiguous zone across this parcel, in a fashion consistent with the rest of the entire Hamburg Pavilion development, and will not adversely affect the overall character of non-residential land use in this vicinity.
  - b. The subject property already functions as a part of the Hamburg Pavilion shopping center, and the requested zone change will allow the subject property to continue to function in the same manner.
  - c. The subject property is separated from the rest of the Sir Barton Office Park development to the north, by Flora Fina Street and by a large detention basin. The street forms a more logical and discernable zoning boundary than the center of the existing parking lot, which is the case at present.
2. This recommendation is made subject to approval and certification of PLN-MJDP-17- 00032: Hamburg Plan Mall, Unit 2 (Hamburg Pavilion) (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.

WLS/TLW

5/3/17

Staff Reports2017/MAR/PLN-MAR-17-00012.doc

1. **HAP PROPERTY OWNER LP ZONING MAP AMENDMENT & HAMBURG PLACE MALL, UNIT 2 (AMD) ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-17-00012: HAP PROPERTY OWNER LP (7/2/17)\*- petition for a zone map amendment from a Professional Office (P-1) zone to a Planned Shopping Center (B-6P) zone, for 2.88 net (3.33) acres, for property located at 1937 Star Shoot Parkway (a portion of).

**COMPREHENSIVE PLAN AND PROPOSED USE**

The 2013 Comprehensive Plan no longer has a land use element to guide future land use recommendations. 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 2013 Comprehensive Plan also encourages the creation of jobs and prosperity (Theme C) by attracting the world's finest jobs, encouraging entrepreneurial spirit and enhancing our ability to create and retain a talented, creative workforce (Goal #2); supports providing entertainment and other quality of life opportunities that attract young professionals (Theme D); encourages maintaining a balance between planning for urban uses and safeguarding rural land (Theme E); supports upholding the Urban Services Area concept (Goal #1); and encouraging compact, contiguous and/or mixed use sustainable development with the Urban Services Area (Goal b).

The petitioner proposes rezoning the subject property in order to add a new 20,000 square-foot commercial building near the existing H. H. Gregg store in Hamburg, and utilize the existing off-street parking lot.

**The Zoning Committee Recommended: Approval.**

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

1. The existing Professional Office (P-1) zoning is inappropriate, and the proposed Planned Shopping Center (B-6P) zoning is appropriate at this location for the following reasons:
    - a. The applicant's request would create a single and contiguous zone across this parcel, in a fashion consistent with the rest of the entire Hamburg Pavilion development, and will not adversely affect the overall character of non-residential land use in this vicinity.
    - b. The subject property already functions as a part of the Hamburg Pavilion shopping center, and the requested zone change will allow the subject property to continue to function in the same manner.
    - c. The subject property is separated from the rest of the Sir Barton Office Park development to the north, by Flora Fina Street and by a large detention basin. The street forms a more logical and discernable zoning boundary than the center of the existing parking lot, which is the case at present.
  2. This recommendation is made subject to approval and certification of PLN-MJDP-17- 00032: Hamburg Plan Mall, Unit 2 (Hamburg Pavilion) (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.
- b. PLN-MJDP-17-00032: HAMBURG PLACE MALL, UNIT 2 (AMD) (7/2/17)\* - located at 1915 and 1937 Star Shoot Parkway.  
**(Foresite Group, Inc.)**

**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. Denote: No building permit shall be issued unless and until a final development plan is approved by the Planning Commission.
6. Denote record plat designation in title block.
7. Addition of topography in area of the proposed rezoning to B-6P.
8. Denote construction access point on plan.
9. Denote height of new buildings in feet, on plan.
10. Revise scale to 1"=100' or provide an inset for new buildings at 1"=100'.
11. Denote height of retaining wall adjacent to detention basin, on plan/

**Staff Zoning Presentation** – Mr. Sallee presented and summarized the staff report and recommendations for this zone change. He displayed several photographs of the subject property and the general area and said that the subject property is currently split-zoned, and an outlot, which had never developed and is currently a parking lot, is located at the corner of Sir Barton Way and Star Shoot Parkway. He also said that a large portion of the subject property is a detention basin.

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

Mr. Sallee said that the applicant's justification states that this zone change is in agreement with the 2013 Comprehensive Plan. He said that the staff doesn't agree, because the basic land use (commercial) isn't changing. However, the staff did agree that the split-zoning of the subject property is unusual and that streets generally make for superior zoning boundaries. He said that the staff is recommending approval of this zone change for the reasons listed on the agenda and in the staff report.

Development Plan Presentation – Ms. Gallt presented the staff report on the Preliminary Development Plan associated with this zone change. Ms. Gallt identified the parking and the detention basin, which is along the boundary of the parking lot. She said that a retaining wall will be constructed and the height of that wall has not yet been determined.

Petitioner Presentation – David Stoniecki, was present representing the petitioner. He said the applicant is in agreement with the staff's recommendations.

Commission Question – Mr. Penn asked the applicant to comment on the building that is currently depicted in the parking lot. Mr. Stoniecki said that this is a first draft and that a revised plan will be submitted to the staff for review with a slightly different parking lot configuration and will not have that building.

Citizen Comment – There were no citizens present to speak to this application.

Zoning Action – A motion was made by Ms. Mundy, seconded by Ms. Richardson, and carried 7-0 (Brewer, Plumlee, and Wilson absent) to approve PLN-MAR-17-00012: HAP PROPERTY OWNER LP, for the reasons provided by the staff.

Development Plan Action – A motion was made by Ms. Mundy, seconded by Ms. Richardson, and carried 7-0 (Brewer, Plumlee, and Wilson absent) to approve PLN-MJDP-17-00032: HAMBURG PLACE MALL, UNIT 2 (AMD), for the reasons provided by the staff.