

1. **SOLOMON VAN METER ZONING MAP AMENDMENT & MEADOWTHORPE COMMUNITY BUSINESS CENTER, UNIT 1 (AMD), ZONING DEVELOPMENT PLAN**

- a. MARV 2015-12: SOLOMON VAN METER (9/4/15)* - petition for a zone map amendment from a Wholesale & Warehouse Business (B-4) zone to a Neighborhood Business (B-1) zone, for 2.865 net (3.457 gross) acres, for property located at 1447 Antique Drive. A dimensional variance is also requested.

LAND USE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan no longer makes a specific land use recommendation for each and every parcel in Lexington-Fayette County, but *Chapter 1: Goals and Objectives* does recommend "supporting infill opportunities as a strategic component of growth," and to promote "collaboration with healthcare entities to meet the needs of Lexington-Fayette County's residents." The applicant is requesting this rezoning in order to develop an assisted living facility or a licensed personal care facility on the subject property.

The Staff Recommends: Approval, for the following reasons:

1. The requested Neighborhood Business (B-1) zone for the subject property is in agreement with the 2013 Comprehensive Plan for the following reasons:
 - a. The Goals and Objectives of the 2013 Plan recommend planning for safe, affordable, and accessible housing to meet the needs of older residents of Lexington-Fayette County (Theme A., Goal 1c). This development will accomplish that goal, by providing a specialized residence for seniors in need of assistance or a spectrum of care in order to live near an established neighborhood and one of the community's largest shopping areas.
 - b. The Goals and Objectives encourage the use of our local assets to create a variety of jobs (Theme C, Goal 1d) and enable infill and redevelopment to create jobs where people reside. The applicant is proposing to develop a well-landscaped facility on a by-passed property to further this goal, in a manner that is sensitive to the character and nearby residential and commercial residents of the Meadowthorpe neighborhood.
 - c. The Plan's Goals and Objectives support the improvement of our desirable community by providing for healthcare facilities to meet the needs of the County's residents (Theme D, Goal 2b). The petitioner will provide such a residential care facility, perhaps including an assisted living component, for a portion of the Urban County that is and has been underserved by such facilities.
2. The proposed B-1 zone would be appropriate for the subject property, since it is more than 90% surrounded by properties with B-1 zoning.
3. This recommendation is made subject to approval and certification of ZDP 2015-61: Meadowthorpe Community Business Center, Unit 1 (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. REQUESTED VARIANCE

- a. Increase the maximum allowable front yard in a Neighborhood Business (B-1) zone from 20 feet to 100 feet.

The Staff Recommends: Approval of the requested variance, for the following reasons:

1. Granting the requested variance to allow a maximum front yard setback of 100 feet will not adversely affect the public health, safety or welfare. It will not negatively impact the essential character of the general vicinity because this property is the only property that has Antique Drive as the sole street frontage.
2. There are several special circumstances regarding this property that make compliance with the required setback more difficult. The property is of a triangular shape, which makes a conventional building design more difficult; there is a drainage area that will need to be moved, and there is an 80' deep access easement across half of the frontage of this property. Furthermore, Antique Drive is primarily used for the rear service access to the Meadowthorpe Shopping Center. The proposed residential care facility will be the only property utilizing this public street for its frontage. These unique facts apply to this property but do not generally apply to most commercial properties, which generally have a much more typical arrangement.
3. Although a facility could be constructed on this site without a variance, it would not likely result in a better design or outcome. Strict application of the requirements of the Zoning Ordinance would create an unnecessary hardship for the applicant, because the result could seriously impact the operational needs of the proposed residential care facility.
4. The requested variance is not an unreasonable circumvention of the Zoning Ordinance based on the unique circumstances of this property, which are a result of special considerations that affect the property.
5. This variance is not the result of prior actions taken by this applicant, as no construction has yet occurred on the subject site.

This recommendation of approval is made subject to the following conditions:

1. Provided the Urban County Council rezones the property B-1; otherwise, any Commission action of approval of this variance is null and void.
2. Should the property be rezoned, it shall be developed in accordance with the approved Development Plan, as

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amended by a future Development Plan approved by the Commission, or as a Minor Amendment permitted under Article 21-7 of the Zoning Ordinance.

3. A note shall be placed on the Zoning Development Plan indicating the variances that the Planning Commission has approved for this property (under Article 6-4(c) of the Zoning Ordinance).

- c. ZDP 2015-61: MEADOWTHORPE COMMUNITY BUSINESS CENTER, UNIT 1 (AMD) (9/4/15)* - located at 1447 Antique Drive. (Endris Engineering)

Note: The purpose of this amendment is to propose a new zone and development of the property.

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

1. Provided the Urban County Council rezones the property B-1; 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. Addition of metes and bounds description of the property.
6. Denote canopy height on plan.
7. Delete zoning requirement from plan face.
8. Denote timing of the resolution of the building easement conflict on plan.
9. Denote lot coverage, floor area ratio and open space site statistics per Art. 21-6(a)(13) of the Zoning Ordinance.
10. Discuss pedestrian access to site and street improvements.
11. Discuss front building line per Article 8-16(h) of the Zoning Ordinance.
12. Denote emergency access gates to the approval of the Division of Fire and Emergency Services.

Zoning Presentation: Mr. Sallee presented the staff report on this requested zone change, using an aerial photograph to briefly orient the Commission to the location of the subject property. He said that the subject property, which is just under 3.5 acres in size, is located on Antique Drive. In the vicinity, Antique Drive connects North Forbes Road with Burke Road, behind the Meadowthorpe commercial area. The subject property is triangular-shaped, with two "wings" along Antique Drive; those "wings" provide approximately 40' of frontage along both North Forbes Road and Burke Road.

Mr. Sallee stated that the subject property was rezoned to B-4 from B-1 in 2008. It has been vacant for the past 30-35 years, and it remains vacant today. The petitioner is proposing the zone change in order to develop either an assisted living or a licensed physical care facility on the property. The petitioner contends that the proposed zone change is in agreement with the Goals & Objectives of the 2013 Comprehensive Plan, with which the staff concurs. The staff also believes that the proposed B-1 zone would be more consistent with the existing B-1 zoning that almost entirely surrounds the subject property, with the exception of the R-1C zoning in the adjoining Meadowthorpe neighborhood residential area. Mr. Sallee explained that the uses that are proposed are allowed in the B-1 zone. The staff is recommending approval of this request, for the reasons as listed in the staff report and on the agenda.

Development Plan Presentation: Mr. Martin presented the corollary preliminary development plan, explaining that the petitioner is proposing to construct an 18,000 square-foot building, with 40 off-street parking spaces. The assisted living facility is proposed to include 30 beds, a greenspace area, and a large recreation area. There is an existing large easement on the property, which will need to be addressed prior to the issuance of any permits on the property. That access easement also relates to the requested variance to the B-1 setback line. Mr. Martin noted that the development plan also depicts a large detention basin, which should help to address existing stormwater problems in the area.

Mr. Martin stated that the Subdivision Committee recommended approval of this plan, subject to the 12 conditions as listed on the agenda. Condition #8 relates to the building easement, which the staff anticipates will be addressed on a final development plan for the property. Condition #11 refers to the front building line; should the Commission approve the requested variance, this condition could be deleted. Mr. Martin explained that condition #10 refers to Antique Drive, which has very few improvements along the frontage of the subject property. The staff believes that pedestrian connections will be particularly important into the subject property, and that the petitioner can address those specifics on the final development plan for the property.

Variance Presentation: Mr. Emmons presented the variance report, explaining that the requested B-1 zone has a maximum front yard setback of 20'; the petitioner is requesting a variance to allow a maximum setback for the proposed development of 100'. The difference between the permitted 20' and requested 100' might seem to be a very large variance, Mr. Emmons noted, but the staff believes that there are several unique circumstances for the subject property that justify the requested variance: 1) the oddly-shaped, triangular configuration of the property; 2) the 80' easement that extends over half of the property's frontage along Antique Drive; and 3) the function of Antique Drive as essentially a service road to the rear of the Meadowthorpe shopping center. In addition, the subject property is the

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only parcel that has frontage on Antique Drive.

Mr. Emmons stated that the staff believes that the requested variance to 100' is justified, and the staff is recommending approval, for the reasons as listed in the staff report and on the agenda, and subject to the conditions as listed.

Petitioner Presentation: Solomon Van Meter, petitioner, stated that he was in agreement with the staff's recommendations.

Commission Question: Mr. Owens asked if Mr. Van Meter would be agreeable to the change to condition #10 to resolve the pedestrian access at the time of the final development plan. Mr. Van Meter responded that he was agreeable with that condition.

Citizen Comment: Larry Stahlman, 1481 Leestown Road, stated that his commercial building is prone to flooding. He said that, in March of 2015, his building sustained serious damage, and he wants to ensure that construction of the proposed development does not make the situation worse.

Mr. Martin stated that there were no staff members present from the Division of Engineering, but the petitioner will be required to submit an improvement plan to address the drainage on the site prior to the issuance of any permits for the property.

Mr. Penn asked how drainage on the property would be managed throughout the construction phase. Mr. Martin answered that that would be handled through the permitting and inspection processes.

Mr. Owens asked if Mr. Stahlman would be notified of any future development plans for the property. Mr. Martin answered that official notice is not required for development plans, but Mr. Stahlman could request notification. Mr. Sallee added that the Commission could also make that notification a condition of their approval of the plan.

Zoning Action: A motion was made by Mr. Brewer, seconded by Ms. Richardson, and carried 9-0 (Berkley and Wilson absent; Smith abstained) to approve MARV 2015-12, for the reasons provided by staff.

Variance Action: A motion was made by Mr. Brewer, seconded by Ms. Richardson, and carried 9-0 (Berkley and Wilson absent; Smith abstained) to approve the requested variance, for the reasons provided by staff, subject to the three conditions as listed on the agenda.

Development Plan Action: A motion was made by Mr. Brewer, seconded by Ms. Mundy, and carried 9-0 (Berkley and Wilson absent; Smith abstained) to approve ZDP 2015-61, subject to the first nine conditions as listed on the agenda; changing #10 to read: "Resolve pedestrian access to site and street improvements at the time of a final development plan for the property;" deleting condition #11; and adding a new condition to require the notification of Mr. Stahlman, owner of 1481 Leestown Road.

