

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.