

**3. COMPASS CAPITAL, LLC ZONING MAP AMENDMENT & SOUTH ELKHORN VILLAGE ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-17-00020: COMPASS CAPITAL, LLC (7/30/17)\*- petition for a zone map amendment from a Neighborhood Business (B-1) zone to a Planned Shopping Center (B-6P) zone, for 5.78 net (7.58 gross) acres, for property located at 4379 Old Harrodsburg 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.

The petitioner proposes a rezoning to the South Elkhorn Village neighborhood shopping center in order to facilitate increased signage and reduced parking requirements for the center. No physical changes to the subject property are planned, other than a new shopping center identification sign, by the petitioner.

**The Zoning Committee Recommended: Approval.**

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

1. The existing Neighborhood Business (B-1) zone is no longer appropriate, and the proposed Planned Shopping Center (B-6P) zone is appropriate for the subject property, for the following reasons:
  - a. The subject property meets the definition of a "neighborhood shopping center" as established in Article 12 of the Zoning Ordinance. It is greater than three acres in size and provides for the "sale of convenience goods ... and personal services."
  - b. The subject property's parking requirements can be standardized and the parcel can be utilized in a more efficient manner with the proposed B-6P zone.
  - c. Due to the property's topographic situation related to the nearby Harrodsburg Road, and due to the established development pattern, the B-6P zone and designation as a shopping center is more appropriate than the allowable collection of independent businesses possible in the existing B-1 zone.
2. This recommendation is made subject to the approval and certification of PLN-MJDP-17-00047: South Elkhorn Village, 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 prohibited uses and landscape buffers are recommended for the subject property via conditional zoning:
  - A. Landscape Buffers (in addition to the requirements of Article 18 of the Zoning Ordinance)
    - i. Along the northwestern and northeastern boundaries, a 20-foot wide landscape buffer shall be provided.
    - ii. Included within the buffer shall be an eight-foot (8') tall brick wall, except that the wall shall allow a fifty-foot (50') wide gap where Palmetto Drive adjoins the property.
    - iii. Included in the landscape buffer shall be evergreen trees planted 20-foot (20') on center along the northeastern boundary (shared A-U zone boundary).
  - B. Use Conditions
    - i. Lighting
      - a. All outdoor lighting shall be directed downward and away from adjoining land that is residentially and agriculturally zoned; and the light source shall be shielded so as to prevent direct lighting of the adjoining Palomar Hills Subdivision or the historic South Elkhorn Christian Church.
    - ii. Prohibited Uses
      - a. Self-service laundries or laundry pick-up stations
      - b. Self-service car washes
      - c. Trailer, truck and/or equipment rental
      - d. Outdoor miniature golf or putting courses
      - e. Circuses and carnivals
      - f. Arcades, including pinball and electronic games
      - g. Mining
      - h. Automobile service stations, automobile and vehicle refueling station, and gasoline pumps available to the public without an employee on the premises
      - i. Recycling drop-off centers
      - j. Rehabilitation homes

The land use and buffering restrictions, most of which have been in existence for the past decade, are necessary and appropriate for the subject property in order to protect the adjoining residential area and historic church from the potential negative effects of more intensive non-residential uses on the subject property.

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

- b. PLN- MJDP-17-00047: SOUTH ELKHORN VILLAGE (7/30/17)\* - located at 4401 Old Harrodsburg Road.  
(EA 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. Denote: No building permit shall be issued unless and until a final development plan is approved by the Planning Commission.
8. Denote height of buildings in feet, on plan.
9. Denote width of existing sidewalks.
10. Clarify whether existing trees will have protection measures, and what those will be.

Staff Zoning Presentation – Ms. Wade presented and summarized the staff report and recommendations for this zone change. She displayed several photographs of the subject property and the general area and said that the subject property is currently the South Elkhorn Village shopping center. This shopping center is on Old Harrodsburg Road, which is approximately 10 feet below the new Harrodsburg Road (US 68) that was built about 10 years ago. She said that the applicant believes that the proposed zone will benefit this property by allowing it to be more utilized in a more efficient manner.

Ms. Wade said that the parking and sign allowances are different in the proposed zone. She said that the parking requirement is a flat ratio shared between all the shops in the center. The sign allowance is for one sign per shopping center in a B-6P zone, which also allows a larger sign, and one which could list all the shopping center tenants.

Ms. Wade said that the applicant's justification states that this zone change is in agreement with the 2013 Comprehensive Plan, but the staff can't find that without a physical change to the subject property, that there isn't any supporting documentation affecting this zone change request. However, the staff does agree with the applicant that the proposed zone would be more appropriate at this location.

Ms. Wade said that the applicant is willing to continue the conditional zoning restrictions that were put in place in 2006, and have also offered more restrictive limitations, for the subject property. She said that with the standardized parking, the shopping center will no longer need to lease parking from South Elkhorn Church. She concluded by saying that the staff is recommending approval of this zone change, with the conditional zoning restrictions that are currently in place. She distributed a handout of the revised conditional zoning restrictions, as follows (in bold):

3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following prohibited uses and landscape buffers are recommended for the subject property via conditional zoning:
  - A. Landscape Buffers (in addition to the requirements of Article 18 of the Zoning Ordinance)
    - i. Along the northwestern and northeastern boundaries, a 20-foot wide landscape buffer shall be provided.
    - ii. Included within the buffer **along the northwestern boundary with Palomar Hills Subdivision** shall be an eight-foot (8') tall brick wall, except that the wall shall allow a fifty-foot (50') wide gap where Palmetto Drive adjoins the property.
    - iii. Included in the landscape buffer shall be evergreen trees planted 20-foot (20') on center along the northeastern boundary (shared A-U zone boundary).
  - B. Use Conditions
    - i. Lighting
      - a. All outdoor lighting shall be directed downward and away from adjoining land that is residentially and agriculturally zoned; and the light source shall be shielded so as to prevent direct lighting of the adjoining Palomar Hills Subdivision or the historic South Elkhorn Christian Church.
    - ii. Prohibited Uses
      - a. Self-service laundries or laundry pick-up stations
      - b. Self-service car washes
      - c. Trailer, truck and/or equipment rental
      - d. Outdoor miniature golf or putting courses
      - e. Circuses and carnivals
      - f. Arcades, including pinball and electronic games
      - g. Mining
      - h. Automobile service stations, automobile and vehicle refueling station, and gasoline pumps available to the public without an employee on the premises

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

- i. Recycling drop-off centers
- j. Rehabilitation homes

The land use and buffering restrictions, most of which have been in existence for the past decade, are necessary and appropriate for the subject property in order to protect the adjoining residential area and historic church from the potential negative effects of more intensive non-residential uses on the subject property.

Ms. Wade also said the South Elkhorn Church has been next door for 250 years and the staff doesn't believe that the property will be rezoned and redeveloped anytime soon. They should enjoy the same buffering requirements that are typical for most shopping centers. She said that the landscape buffers have been separated so that the wall that has been required along the Palomar subdivision will not be required along the church boundary. This wall had been requested by the Palomar subdivision in 2006, is already in place and is currently only required along the northwestern boundary of the subject property.

Development Plan Presentation – Mr. Bronczyk presented the staff report on the 4<sup>th</sup> amended Development Plan associated with this zone change. He said that there are no physical changes being proposed to the site. He said that most of the conditions are standard sign-offs. He said that the height of each building denoted in feet as well as the dimensions of all the sidewalks. He said that to be in compliance with Article 26, the staff needs clarification of the protection measures intended for the existing trees.

Petitioner Presentation – Jacob Walbourn, attorney, was present representing the petitioner. He said the applicant is in agreement with the staff's recommendations. He said the grade difference of the shopping center to US 68 is a disadvantage to the shopping center. The applicant believes that this zone change will help make their development more visible and viable. He said that the applicant would like to deploy tenant panels on their signage instead of more wall signs.

Mr. Walbourn also said that the applicant is in agreement with the conditional zoning restrictions. He said that the applicant is currently leasing parking from South Elkhorn Church, which is highly underutilized. Under the proposed zone, all of the parking requirements will be met on their own property.

Commission Question – Ms. Plumlee asked for verification of the brick wall. Mr. Walbourn said that the brick wall that was requested by the neighborhood association was installed about twenty years ago. He said that they don't want the wall to extend to the church property line, as they don't believe it is necessary for buffering purposes. He said that the applicant is in agreement with the revised staff's recommendation for conditional zoning restrictions, and they will install a new landscape buffer.

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

Zoning Action – A motion was made by Mr. Owens, seconded by Ms. Richardson, and carried 8-0 (Brewer and Drake absent) to approve PLN-MAR-17-00020: COMPASS CAPITAL, LLC, for the reasons provided by the staff along with the staff's revised recommendation for conditional zoning restrictions.

Development Plan Action – A motion was made by Mr. Owens, seconded by Ms. Richardson, and carried 8-0 (Brewer and Drake absent) to approve PLN- MJDP-17-00047: SOUTH ELKHORN VILLAGE, for the reasons provided by the staff.