

MAR 2016-13: FLYING DUTCHMAN PROPERTIES, LLC

REVISED CONDITIONAL ZONING RECOMMENDATION

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

1. A restricted Neighborhood Business (B-1) zone is in agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. The Goals and Objectives of the Plan state that infill and redevelopment should respect an area's context and design features (Theme A, Goal #2a); and that underutilized and vacant land should be utilized to encourage compact and contiguous development within the Urban Service Area (Theme E, Goal #1).
 - b. The proposed zoning is compatible with other commercial land uses between the Wolf Run Creek tributary and Village Drive, including the adjoining commercial development to the east. This portion of the Versailles Road corridor is predominantly zoned B-1. Additionally, a significant landscape buffer for the proposed commercial development will provide an adequate land use buffer from the single-family home to the south on Parkers Mill Road.
 - c. The proposed development of the subject property will put an underutilized tract to a productive use in support of existing businesses in the community.
2. This recommendation is made subject to approval and certification of ZDP 2016-48: Fox Property, Lot 4, 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 shall apply to the subject property:
 - a. Prohibited Uses:
 1. Drive-through facilities.
 2. The sale or provision of wine, beer or alcoholic beverages, other than by the drink.
 3. Live entertainment and/or dancing.
 4. Cocktail lounges, brew-pubs and nightclubs.
 5. Automobile service stations.
 6. Arcades, including pinball and electronic games.
 7. Sale of firearms other than by federally licensed manufacturers, importers or dealers.
 8. Car washing establishments.
 9. Pool tables within an establishment, even as an accessory use.
 10. Automobile and vehicle refueling stations.
 - b. Other Use Restrictions:
 1. A landscape buffer of at least twenty-five (25) feet in width shall be provided along the southern property boundary, with plantings as specified by Article 18-3(a)(1)2 of the Zoning Ordinance, including the retention of any tree that is at least 4" in diameter at breast height (DBH) in size **and the evergreen hedgerow (taxus)**. Any tree 4" DBH or larger **and the evergreen hedgerow** may only be removed if diseased or dying, and only with the written permission of the Urban Forester.
 2. Outdoor lighting shall be shielded and directed away from any adjacent residential zone. Lighting attached to a pole or any structure shall be a maximum of twenty (20) feet in height.
 3. Any free-standing sign erected shall be a maximum of ten (10) feet in height.

These use and buffering restrictions are appropriate and necessary to ensure greater compliance with the 2013 Comprehensive Plan, and to provide protection to the adjacent residential land uses.

JWE/TLW/BJR/WLS

4/7/2016, 4/28/16 rev cz

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