

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-25-00010: WAR ADMIRAL, LLC

DESCRIPTION OF ZONE CHANGE

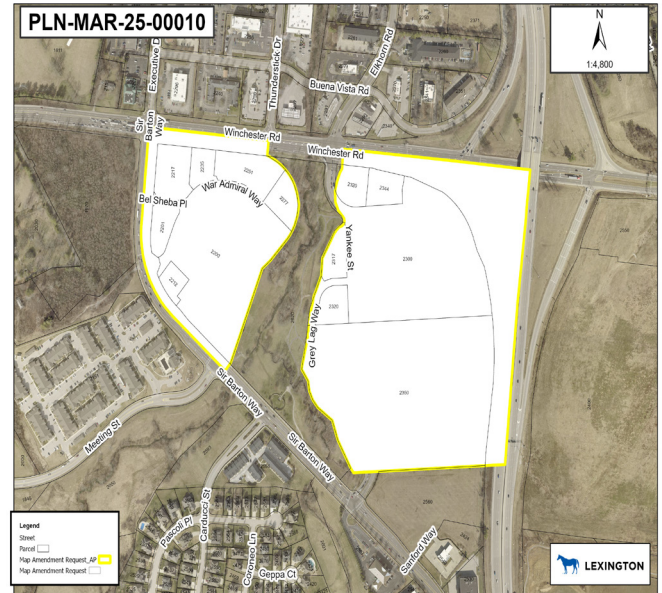
Zone Change: From: Commercial Center (B-6P) zone with conditions
To: Commercial Center (B-6P with modified conditions)

Acreage: 56.27 net (71.45 gross) acres

Location: 2300-2350 Grey Lag Way
2320, 2344 Elkhorn Road
2200-2277 War Admiral Way

EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Properties	B-6P	Commercial
To North	B-3/B-5P	Commercial
To East	ED	Vacant
To South	R-3/P-1	Residential/Professional
To West	R-3	Residential



URBAN SERVICE REPORT

Roads - The subject properties are bordered by Winchester Road (US 60), which is a major arterial to the north, Interstate 75 to the east, and Sir Barton Way (a major collector street) to the west. The intersection of Sir Barton Way and Winchester Road is signalized. The I-75 interchange at Winchester Road has, over the last twenty years, received a number of changes including improvements to its exit and entrance ramps. The development is served by a private street network that includes Grey Lag Way, Elkhorn Road, and War Admiral Way that provide connections to Winchester Road and Sir Barton Way.

Curb/Gutter/Sidewalks - All properties within this development are served by curbs, gutters, and sidewalks.

Utilities - All utilities, including natural gas, electric, water, phone, cable television, and internet are available in the area, and are available to serve future development.

Storm Sewers - The storm sewer system was constructed as the site was developed, in accordance with the adopted Engineering Manuals. The site is split by Bryan Station Creek, which flows in a northerly direction toward North Elkhorn Creek. The floodplain associated with this creek is generally between 250 feet and 400 feet wide and divides the developed area into two sections.

Sanitary Sewers - The site is located within the North Elkhorn sewershed, which is served by the West Hickman Wastewater Treatment Plant in northern Jessamine County.

Refuse - The Urban County Government serves this area with refuse collection on Tuesdays. Commercial and multi-family development often supplement this service with additional private collection.

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

Fire/Ambulance - Fire Station #2 is located approximately 1.5 miles to the west of the site, along Eastland Parkway and inside New Circle Road.

Transit - LexTran service is available for all parcels associated with this request. Outbound and inbound service for the Hamburg Pavillion Route (#10) are directly accessed from a majority of the subject properties, and less than 1,000 feet from the parcels that do not have frontage along the route.

Parks - Dixie Park is located approximately one mile northwest of the subject property, along Eastland Parkway.

SUMMARY OF REQUEST

The applicant is seeking to remove conditional zoning restrictions in the existing B-6P zone that limit the properties to a maximum of 532,000 sq. ft. of gross building area to allow for additional construction on the undeveloped lots.

PROPOSED ZONING



The intent of the Commercial Center (B-6P) zone is to create centers of activity that promote commerce and retail along major corridors within the community, while supporting existing residential neighborhoods and incorporating new residential opportunities in accordance with the Comprehensive Plan.

PROPOSED USE



The applicant is seeking to remove conditional zoning restrictions in the existing B-6P zone that limit the property to a maximum of 532,000 sq. ft. of gross building area to allow for additional commercial construction on the undeveloped lots.

APPLICANT & COMMUNITY ENGAGEMENT



The applicant has not provided any information regarding efforts at public engagement.

PROPERTY & ZONING HISTORY



The subject property was the historic location of the Hamburg Place horse farm which, at its peak, covered nearly 2,400 acres. The property was bisected in 1964 by the interstate project and was zoned Agricultural Urban (A-U) at the time of the 1969 comprehensive rezoning of the City and County.

Although a portion of the property was rezoned from Agricultural Urban (A-U) to Interchange Business (B-5P) in 1993 (MAR 93-03), this area remained undeveloped until a second map amendment was approved in 2005 (MAR 2004-45 CZ). It was the second zone change that established the current configuration and set the conditional zoning restrictions associated with this request. The conditions set by the 2005 map amendment were as follows:

1. The subject property shall be limited to 532,000 square feet of gross building area.
2. Use of the 1.5 net acre parcel at the southern end of the subject property (to be rezoned from P-1 to B-6P) shall be limited to off-street parking, vehicular circulation, and use of no more than 1,500 square-foot area for a portion of a vehicle fueling facility and canopy.

Currently, the subject properties are home to several large retail stores including Lowe's Home Improvement, Wal-Mart Supercenter, Hobby Lobby and Sportsman's Warehouse. This development is also occupied by eating and drinking establishments such as Starbucks, First Watch, Raising Cane's Chicken Fingers and MOD Pizza. The most recent addition, involving the creation of a new out lot, is a Chipotle restaurant located at 2212 War Admiral Way (PLN-MJDP-23-00068). The recently completed restaurant represents the final permissible construction as the 532,000 sq. ft. gross building limitation has been reached.

CONDITIONAL ZONING RESTRICTION PROCESS



Article 6-7(c) Amendment. Modification, removal or amendment of conditions or restrictions shall be as follows:

1. Restrictions or Conditions Designated by the Urban County Council. The Urban County Council shall have final authority to consider and act upon requests for modification, removal or other amendment of a duly imposed binding restriction or condition so designated by the Council at the time of their adoption.
 - a. Findings Required. The request may be granted by the Council only if it is found that there has been a major change of an economic, physical or social nature on the subject property or within the area in which the subject property is located, which was not anticipated at the time the binding restriction or condition was imposed, and which has substantially altered the basic character of such area making the restriction or condition inappropriate or improper. The burden shall be on the applicant to establish said finding by a clear preponderance of the evidence.
 - b. Procedure. The procedure for review, notice and action on requests to modify, remove or amend an imposed restriction or condition shall be the same as for a zone map amendment, except that a full public hearing by the Urban County Council shall be required in all cases. The Council's decision to modify, remove or amend a duly imposed binding restriction or condition shall be final action; and any person or entity claiming to be injured or aggrieved by that action may appeal to Fayette Circuit Court within thirty (30) days after such final action pursuant to KRS 100.347.

ZONING ORDINANCE COMPLIANCE



The applicant opines that the zoning restrictions at this location are overly restrictive and are in direct conflict with the current Commercial Center (B-6P) zone regulations. The applicant cites the differences in lot coverage and floor area ratio between today's regulations and the regulations that were in place at the time of the previous map amendment. The justification points out the trend toward increased density as well as the new residential component allowed by the Commercial Center zone.

The applicant also points out the substantial growth that has taken place in this area over the last 20 years as justification for removing the condition. While the transformation of this area from agricultural to urban is certainly significant, one would assume this was anticipated at the time the restrictions were put in place.

Staff recommends postponement in order to provide the applicant an opportunity to supply supplemental information to bolster their appropriateness argument.

STAFF RECOMMENDS: **POSTPONEMENT**, FOR THE FOLLOWING REASON:



1. The applicant should provide greater information regarding unanticipated physical, social, or economic changes within the area which make the current conditions inappropriate.

