

Note: Mr. Berkley left the meeting at this time.

B. PUBLIC HEARING ON ZONING ORDINANCE TEXT AMENDMENT

1. **ZOTA 2014-5: AMENDMENT TO THE SPECIAL PROVISIONS OF THE COMMUNITY CENTER (CC) ZONE** – petition for a Zoning Ordinance text amendment to Article 23A to allow a second building exceeding 50,000 square feet in size in the Community Center (CC) zone.

REQUESTED BY: A & M Hamburg, LLC

PROPOSED TEXT: (Note: Text underlined is an addition to the current Zoning Ordinance.)

ARTICLE 23A – EXPANSION AREAS ZONING CATEGORIES AND RESTRICTIONS

23A-9 COMMUNITY CENTER (CC) ZONE

23A-9(k) SPECIAL PROVISIONS

1. At least 25% of the net developable acreage of any development within a CC zone shall be open space.
2. At least 40% of the aggregated floor area of buildings within a development in a CC zone shall be devoted to residential uses as permitted in EAR-3 and schools, churches and their accessory structures, and public buildings.
3. No building shall exceed 15,000 square feet in floor area unless:
 - a. the building contains a mix of residential and non-residential uses; or
 - b. the building is designed and intended to be used for a school, church or public building; or
 - c. the building is designed and intended to be used principally as a store selling food, produce and other grocery items (not primarily general merchandise) and, does not exceed 50,000 square feet, and no building previously permitted and constructed pursuant to subsection d. of this section contains a food, produce and grocery component in excess of 30,000 square feet; and
 - d. ~~one~~ two additional buildings exceeding 50,000 square feet which is ~~are~~ designed and intended to be used primarily as a store selling general merchandise, which may include ~~ing~~ food, produce and other grocery items, but only under the following conditions:
 1. the proposed building shall be located within a CC zone containing at least 30 net contiguous acres, and that has frontage on an interstate interchange;
 2. the building shall be part of an integrated development governed for all contiguously zoned CC land (excluding right-of-way) by a single development plan; ~~and~~
 3. any building exceeding 80,000 square feet in size shall also adhere to the "Design Guidelines for 'Big-Box' Establishments," excluding guideline numbers 6 and 14, which are contrary to other provisions of the CC zone. Such design guidelines shall be met unless waived by the Planning Commission through its approval of a final development plan; ~~and~~
 4. the maximum number of buildings permitted by subsections c. and d. collectively shall be two.
4. Parking areas shall be designed so as to minimize the placement of parking between the buildings and the adjoining streets.
5. Each development within a CC zone shall have access to a pedestrian accessway.
6. Each development shall provide suitable facilities for the parking of bicycles.
7. The development shall be screened from adjoining zones as for a business zone under Article 18-3(a)(1).
8. Structures shall be sited to avoid the rear of the building facing a street (other than an alley) to the greatest extent practicable.

The Zoning Committee Recommended: Postponement, for the reasons provided by staff.

The Staff Recommends: Postponement, for the following reasons:

1. The proposed text amendment to the special provisions of the Community Center (CC) zone might need to be simplified from its current form. The staff hopes to meet with the applicant in this regard.
2. After 18 years, there may be a need to re-examine the base square footage restrictions in the CC zone, so that these areas will still be able to meet the needs of the surrounding neighborhoods.

Staff Presentation: Mr. Sallee presented the staff report on this Zoning Ordinance text amendment request, explaining that the special conditions of the CC zone have existed since shortly after the Expansion Area Master Plan (EAMP) was approved in 1996. They were most recently amended in 2012. At this time, the petitioner is seeking this amendment to allow two stores that are larger than 50,000 square feet in a CC zone.

* - Denotes date by which Commission must either approve or disapprove request.

Mr. Sallee displayed a map, indicating the five locations in the Expansion Area that currently have CC zoning. Two of those areas are over 30 acres in size; only one is both over 30 acres and adjacent to an interstate interchange. The special provisions of this text amendment would apply only to the one location that meets both of those criteria.

Mr. Sallee stated that, at the Zoning Committee meeting, the staff reported that they were in agreement with this proposed text amendment in principle, but not with the details, since they believed the proposed text was too complex and needed to be simplified. The staff recommended postponement at that time, in order to provide the opportunity to meet with the petitioner. In the three weeks since the Zoning Committee meeting, the staff and the petitioner have exchanged several drafts of the proposed text. The staff presented a draft alternative text last week at the Commission's work session, proposing a much more simplified version. Mr. Sallee said that, today, the staff is presenting the most recent modification, which was emailed to the Commission members yesterday. He stated that the staff is recommending an update to the square footage changes from 15,000 to 20,000, primarily because drugstores have increased in size. The staff is also recommending an increase in grocery store square footage in the CC zone from 50,000 square feet to 80,000 square feet, to accommodate larger modern grocery stores, such as the one recently approved by the Commission on Leestown Road. The most significant change recommended from the text presented at the work session includes the addition of a phrase to allow a maximum of only two buildings that can be larger than 20,000 square feet in any of the qualifying CC areas. The staff sensed, when they presented the proposed text at the work session, that there was some concern about the number of large buildings allowable under this text, so they returned some of the language from the applicant's original proposal to this one, in an attempt to address that concern. Mr. Sallee stated that the staff is now recommending approval of the revised staff alternative text, for the following reasons:

1. The proposed text amendment to the special provisions of the Community Center (CC) zone has been simplified from its original form. The staff and applicant are agreeable with the revisions to the proposal that have been crafted and refined over the past few weeks, for CC zones adjacent to an interstate highway.
2. After 18 years, there is a need to alter the base square footage restrictions in the CC zone, so that these areas will still be able to meet the commercial shopping needs of the surrounding neighborhoods.

Petitioner Representation: Nick Nicholson, attorney, was present representing the petitioner. He stated that the petitioner was in agreement with the staff's recommendations, and he requested approval.

Citizen Comments: There were no citizens present to comment on this request.

Action: A motion was made by Mr. Brewer, seconded by Ms. Richardson, and carried 8-0 (Berkley, Cravens, and Wilson absent) to approve the staff alternative text of ZOTA 2014-5, for the reasons provided by staff.