

- Hearing closed and Commission votes on zone change petition and related plan(s)

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the hearing. The Chair will announce its decision at the outset of the hearing.

1. **HAYMAKER DEVELOPMENT CO., LLC, ZONING MAP AMENDMENT & BEAUMONT FARM (AMD.) ZONING DEVELOPMENT PLAN**

- a. **MAR 2014-15: HAYMAKER DEVELOPMENT CO., LLC (10/5/14)*** – petition for a zone map amendment from a Highway Service Business (B-3) zone with conditional zoning restrictions, to a Highway Service Business (B-3) zone with modified conditional zoning restrictions, for 9.92 net (13.62 gross) acres, for properties located at 950, 960, 961, 973 & 980 Midnight Pass; 3101 Wall Street; and 3052 & 3084 Beaumont Centre Circle.

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 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 alteration of the existing conditional zoning restrictions on the eight subject lots, to lessen the overall restrictions and prohibited uses on them.

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

The Staff Recommends: Approval for the following reasons:

1. In accordance with Article 6-7(c) of the Zoning Ordinance, there have been unanticipated changes of an economic, physical, and social nature in the immediate area since the time the conditional zoning restrictions were imposed in 2005 and 2008 that have substantially changed the basic character of the area of the subject property; in particular:
 - a. The subject property remains vacant almost 25 years after it was originally zoned P-1, and more importantly, for almost a decade after an approved rezoning to a highly restricted B-3 zone for most of these lots.
 - b. The Great Recession of the last decade, unanticipated at the time the existing zoning restrictions were adopted in 2005, has slowed the demand for commercial development in Beaumont Farm, as it has throughout the country.
 - c. More recently, Kroger has expanded its Beaumont store to be one of the largest sized facilities in its chain.
2. This recommendation is made subject to approval and certification of **ZDP 2014-67: Beaumont Farm**, 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 subject property shall now be restricted with the following restrictions via conditional zoning:**

PROHIBITED USES:

- a. Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment; contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
- b. Indoor amusements, such as billiard or pool halls, dancing halls, skating rinks, miniature golf or putting courses, theatres, or bowling alleys.
- c. Self-service laundry.
- d. Shoe repair, clothing alteration, tailoring services and tattoo parlors.
- e. Carnivals, even on a temporary basis.
- f. Taxidermy establishments.
- g. Pawnshops.
- h. Parking lots and structures.
- i. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
- j. Advertising signs (and billboards) as defined in Article 17- 7(3)(b)(1) of the Zoning Ordinance.
- k. Free-standing signs taller than 10' in height.

These use restrictions are appropriate in that they have been offered by the applicant. The signage restrictions are similar, but significantly relaxed, from those originally approved for these properties, and will ensure consistency with other signage restrictions already in place for adjacent P-1 and B-3 zoned properties in Beaumont Farm.

- b. **ZDP 2014-67: BEAUMONT FARM (10/5/14)*** - located at 950, 960, 961, 973 & 980 Midnight Pass and 3101 Wall Street.
(EA Partners)

The Subdivision Committee Recommended: Approval, subject to the following conditions:

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

1. Provided the Urban County Council rezones the property B-3; 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. Building Inspection's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree inventory map.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Clarify the heights (# of stories) of proposed restaurants.

Zoning Presentation: Mr. Sallee presented the staff report, explaining that the petitioner is requesting to modify the existing conditional zoning restrictions on eight vacant lots in the existing Beaumont Centre development. Referring to an aerial photograph of the subject property, he noted that, with the exception of the one lot which has a Wall Street address, all of the subject parcels are located inside Beaumont Centre Circle. All of the subject parcels are zoned B-3. The subject properties are surrounded by B-3 zoning to the south and east, with B-6P zoning for the shopping center to the northwest.

Mr. Sallee stated that the petitioner is proposing to significantly reduce the number of prohibited uses on the eight subject lots; the uses that are proposed to remain prohibited are listed in the staff report and on the agenda. In their review of this application, the staff considered the changes that have taken place in the vicinity since the conditional zoning restrictions were imposed, the most recent of which were imposed about eight years ago. The staff noted that there has been a change in the business climate in the community, in addition to the recent national recession.

Mr. Sallee said that the staff believes, therefore, that the proposed relaxation of the conditional zoning restrictions is justified. The staff is recommending that two restrictions be retained, both of which deal with signage: 1) advertising signs and billboards; and 2) free-standing signs taller than 10' in height should remain prohibited. The 10' height limit would match most of the existing signage in the surrounding P-1 area, and would be consistent with the signage in the other business zones in the general vicinity. Mr. Sallee stated that the staff is recommending approval of this request, for the reasons as listed in the staff report and on the agenda.

Development Plan Presentation: Ms. Gallt presented the corollary zoning development plan, noting that it depicts proposed uses on the eight vacant subject lots, including a mix of restaurants and convenience stores, as well as a hotel.

Ms. Gallt said that the Subdivision Committee recommended approval of this plan, with a small and fairly standard list of conditions. The one exception is condition #7, which refers to the heights of the proposed buildings. That condition was recommended because the staff is required to verify that the appropriate height-to-yard ratio is being met for each of the proposed buildings; and, in order to do so, the building heights must be included on the face of the plan.

Petitioner Representation: Rory Kahly, EA Partners, was present representing the petitioner. He stated that the petitioner is in agreement with the staff's recommendations.

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

Zoning Action: A motion was made by Mr. Penn, seconded by Mr. Cravens, and carried 10-0 (Wilson absent) to approve MAR 2014-15, for the reasons provided by staff.

Development Plan Action: A motion was made by Mr. Penn, seconded by Mr. Cravens, and carried 10-0 (Wilson absent) to approve ZDP 2014-67, subject to the seven conditions as listed by the Subdivision Committee.