

1. **MAR 2014-12: KROGER LIMITED PARTNERSHIP 1 ZONING MAP AMENDMENT & ARCADIA INVESTMENTS, LOTS 3, 4 & 5 ZONING DEVELOPMENT PLAN**

- a. MAR 2014-12: KROGER LIMITED PARTNERSHIP 1 (8/31/14)* - petition for a zone map amendment from a Neighborhood Business (B-1) zone to a Planned Shopping Center (B-6P) zone, for 13.581 net (14.029 gross) acres, for property located at 1590, 1600 & 1610 Leestown 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 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 has requested a Planned Shopping Center (B-6P) zone for the subject property in order to expand the existing Kroger store within this shopping center.

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

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

1. The requested Planned Shopping Center (B-6P) zone is far more appropriate than the existing Neighborhood Business (B-1) zone, which is less appropriate for this 13-acre shopping center, for the following reasons:
 - a. While the two zones permit the same types of commercial uses, the B-6P zone promotes a more unified development for a shopping center, rather than stand-alone neighborhood businesses. The subject property is already developed in a unified approach, including shared off-street parking, stormwater management and an entrance sign.
 - b. A shopping center has occupied the subject property since the late 1980s and will continue to provide goods and services to this portion of the community. The grocery store also meets a need for this portion of the Urban Service Area, since it is the only such store between Old Frankfort Pike and Newtown Pike, a continually growing area.
 - c. The development meets the locational standards in Article 12-7 of the Zoning Ordinance for a community shopping center and is developed in manner that is consistent with the B-6P zone requirements for setbacks, lot coverage and off-street parking.
 2. The requested B-6P zone is supported by the Goals and Objectives of the 2013 Comprehensive Plan. Specifically, the development serves the surrounding neighborhoods in a compact and contiguous manner within the Urban Service Area, which upholds the Urban Service Area concept (Theme E, Goal #1.Obj. A).
 3. This recommendation is made subject to approval and certification of ZDP 2014-53: Arcadia Investments, Lots 3, 4 & 5 (aka Meadowthorpe Manor), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
- b. ZDP 2014-53: ARCADIA INVESTMENTS, LOTS 3, 4 & 5 (AKA MEADOWTHORPE MANOR KROGER) (8/31/14)* - located at 1590, 1610 and 1660 Leestown Road. **(The Roberts Group)**

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. Building Inspection's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree inventory map.
6. Document notification of neighborhood association per development plan requirements.
7. Clarify square footage proposed for Kroger store expansion.
8. Clarify whether new Kroger store entrance as shown on plan is to be enclosed, or a canopy, and revise site statistics accordingly.
9. Resolve pedestrian access into and through the site.
10. Clarify number and location proposed for (rear) loading docks.

Zoning Presentation: Ms. Wade presented the staff's zoning report, briefly orienting the Commission to the location of the subject property on the west side of Leestown Road, a short distance inside New Circle Road. To the northwest of the subject property is the Townley Center development; to the southwest is a large area of land zoned for industrial use along Lisle Industrial Road, including the LFUCG sanitary sewer treatment plant; to the northeast is the Meadowthorpe neighborhood; and along Leestown Road, are a number of other commercial uses, with a mixture of B-3, B-1, and P-1 zoning.

Ms. Wade stated that the petitioner is proposing to rezone the subject property in order to expand the existing shopping center, in which Kroger serves as the anchor store. Displaying an aerial photograph of the property, she noted the location of the Kroger store, as well as the two existing outlots along Leestown Road, which are not proposed for

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

rezoning. The proposed expansion of the shopping center would allow for the Kroger store to be increased in size from approximately 46,000 square feet to slightly less than 80,000 square feet. The existing B-1 zone does not permit a single business to exceed 60,000 square feet, so the Kroger store would not be able to expand as proposed under the existing zoning.

Ms. Wade said that the proposed redevelopment will allow Kroger to increase the number of items for sale in the store, similarly to the redevelopments of most of the other Kroger stores in the Lexington-Fayette County area in recent years. The proposed B-6P zone permits the same uses as the B-1 zone, and would be much more in character with the existing development pattern in the vicinity of the subject property. The Zoning Ordinance outlines locational criteria for the B-6P zone; the staff reviewed the criteria, and believes that the subject property sufficiently meets those requirements. In addition, the Zoning Ordinance requires that the shopping center be of an adequate size to serve the immediate area, which the staff also believes would be met with the proposed redevelopment of the Kroger store. Ms. Wade stated that the staff believes that rezoning the subject property to B-6P is supported by the 2013 Comprehensive Plans Goals & Objectives, specifically Theme E, Goal 1, Objective A. She said that the staff and the Zoning Committee recommended approval of this request, for the reasons as listed in the staff report and on the agenda.

Development Plan Presentation: Mr. Martin presented the corollary zoning development plan, using a rendered copy of the plan to note the proposed location of the addition to the rear of the Kroger store. He also pointed out the existing large stormwater easement and basin to the rear of the shopping center, and noted that the subject property is bordered by significant treelines along both the northern and southern property lines.

Mr. Martin stated that the petitioner had already addressed many of the conditions originally recommended for approval of this plan, including documentation of their prior notification to the Meadowthorpe Neighborhood Association. He added that the petitioner had met with representatives of the neighborhood association and had gained their support for the proposed rezoning. The petitioner also clarified the square footage of the proposed addition, which will allow the building to remain just under the required threshold for the Big-Box Design Guideline requirements. There was some concern about pedestrian facilities in this older shopping center area, but the petitioner is working on a solution to improve pedestrian access both to and through the site. Mr. Martin stated that the Subdivision Committee recommended approval of this request, subject to the conditions as listed on the agenda.

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

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

Zoning Action: A motion was made by Mr. Brewer, seconded by Mr. Berkley, and carried 9-0 (Drake and Wilson absent) to approve MAR 2014-12, for the reasons provided by staff.

Development Plan Action: A motion was made by Mr. Brewer, seconded by Mr. Berkley, and carried 9-0 (Drake and Wilson absent) to approve ZDP 2014-53, subject to the 10 conditions as listed on the agenda.