

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2016-4: SOLAR ECLIPSE, LLC

DESCRIPTION

Zone Change:

<u>REQUEST</u>		<u>ACREAGE</u>	
<u>FROM</u>	<u>TO</u>	<u>NET</u>	<u>GROSS</u>
P-1	B-1	0.95	1.25
R-3	P-1	<u>0.25</u>	<u>0.29</u>
TOTAL		1.20	1.54

Location: 3600 Palomar Center Drive & 2101 Palomar Trace Drive (a portion of)

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	P-1 & R-3	Veterinary Clinic & Residential
To North	R-3	Single Family Residential
To East	R-3	Multi-Family Residential
To South	P-1	Bank
To West	P-1 & B-1	Day Care Center & Commercial

URBAN SERVICES REPORT

Roads – Harrodsburg Road (US 68) is a four-lane divided arterial highway that provides access to the subject property. Wellington Way is a collector street just to the west of this location that provides a direct connection from Harrodsburg Road to Lyon Drive. The subject property is also near Palomar Trace Drive, a cul-de-sac that was developed almost two decades ago to serve several single family homes. The single family lots on the south side of that street were recently rezoned, and are now under development. The commercial development (existing and proposed) along the frontage of Harrodsburg Road is also able to access Palomar Centre Drive, a commercial access easement that also intersects with Wellington Way. That access easement is proposed for extension to Harrodsburg Road.

Curb/Gutter/Sidewalks – It is expected that the petitioner will complete the curb, gutter and sidewalks along the frontage of Palomar Centre Drive. No improvements are expected along Harrodsburg Road, which has curbing and gutters, but no sidewalks. Such improvements would require the approval of the Kentucky Transportation Cabinet.

Storm Sewers – The developer will need to provide stormwater management in accordance with the adopted Engineering Manuals. This property is within the South Elkhorn Creek watershed, and there are not any floodplain problem areas on or near the subject property denoted in the Floodplain Management Plan. A large detention basin is contemplated to the east of the subject site, behind several homes in the Harrods View subdivision (on Sallee Drive).

Sanitary Sewers – Sanitary sewers are available in the area and should be able to be extended into this property at the time of development. Most properties surrounding this land have already been developed. This property lies within the South Elkhorn sewershed and is served by the West Hickman Wastewater Treatment Plant. The South Elkhorn pump station serving this area has recently been upgraded. Assurance of sewer capacity will be required prior to any development of the subject site.

Refuse – The Urban County Government serves this area with collection on Mondays. Commercial developments, including restaurants, often contract for more frequent service during the week.

Police – The nearest police station is the Headquarters located on East Main Street downtown, approximately 5 miles to the northeast of the subject property.

Fire/Ambulance – The nearest fire station (#20) is located about one mile to the northeast, at the corner of Arrowhead Drive and Harrodsburg Road.

Utilities – All utilities, including phone, electric, water, natural gas, cable television, and streetlights are available in the areas surrounding this development, and can easily be extended to serve this property.

LAND USE 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 2013 Plan's Goals and Objectives emphasize the importance of growing successful neighborhoods (Theme A), protecting the environment (Theme B), creating jobs and prosperity (Theme C), improving a desirable community (Theme D) and maintaining a balance between planning for urban uses and safeguarding rural land.

The petitioner proposes rezoning all of one property and a portion of another to create a lot for a fast food restaurant, and complete a service road (access easement) connection to Harrodsburg Road for commercial development.

CASE REVIEW

The petitioner has requested a zone change from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone for about one acre, and from a Planned Neighborhood Residential (R-3) to a Professional Office (P-1) zone for about ¼ acre of property, located a short distance east of Wellington Way and the Palomar Shopping Centre on Harrodsburg Road.

Most of the subject property is currently being used as a veterinary clinic and pet grooming facility, as it has for several decades. The largest parcel involved with this zone change (3600 Palomar Centre Drive) was originally platted as a residential lot. The property is accessed from Palomar Centre Drive, and that access is proposed to remain. A small portion of 2101 Palomar Trace is also included in this zone change application, to allow Palomar Centre Drive to be extended to an existing driveway access to Harrodsburg Road. A vacant P-1 zoned lot is situated between the two subject lots.

The Palomar Trace Subdivision abuts two office buildings in that complex, on the northeast side of Wellington Way. On the southern edge, closer to Harrodsburg Road, are located a daycare center, and several banks near the entrance to the Palomar Shopping Centre.

The petitioner originally proposed to develop a three-story, 27,000 square-foot office building on the P-1 lot they also own (which was rezoned in 2013) between the two lots comprising the subject property. It also would also have been accessed from Harrodsburg Road and by the access easement through the Schroyer veterinary clinic property, which extends southwest to Wellington Way. A one-story child care center is now contemplated for that vacant property, and not the office building. The proposed roadway connection has the potential to partially relieve existing traffic congestion at the Wellington Way/Palomar Centre intersection for the public and some of the nearby commercial uses.

The current Comprehensive Plan has general policy recommendations rather than a detailed land use (map) element, since its adoption in 2013. The applicant's justification is that their zone change to a Neighborhood Business (B-1) and to a Professional Office (P-1) zone is in agreement with the Plan. However, no specifics were cited. Since the proposal 1) will not create many new jobs, 2) is not proposed for any type of medical land use, 3) will not increase or maintain allowable residential density, and 4) will not result in significant "place-making" for this area, the staff does not agree that this zone change is in agreement with the 2013 recommendation.

The petitioner's justification for this change is also based on findings that the existing zoning is inappropriate and that the proposed zoning is appropriate, and that there have been major unanticipated changes within the area since the adoption of the 2013 Comprehensive Plan. In fact, neighboring properties at 1009 & 1017 Wellington Way were rezoned from P-1 to B-1 in 2014, as is proposed with this application. In addition, with the Board of Adjustment's approval of a child care center on the bulk of 2101 Palomar Trace Drive (which is now proposed for relocation to the southwest), the frontages along Harrodsburg Road and Wellington Way are now approved to be significantly more commercial than residential, compared to three years ago when the Comprehensive Plan was adopted. Conversely, retaining the existing single family home on the 2101 Palomar Trace lot will provide a good buffer between existing homes in Harrods View and Palomar Trace from these newly developing commercial uses.

For these reasons (i.e., the appropriateness of the proposed zoning and the unanticipated changes in the area), the staff agrees with the applicant that the combination of B-1 and P-1 zoning now proposed is justified for the subject properties. Between the Zoning Committee meeting and the scheduled public hearing, the staff may review the allowable uses in the B-1 zone in the context of their potential proximity to nearby residential uses. A result of that review may include additional staff recommendations for conditional zoning restrictions for all or part of the subject property.

Based on the proposed use of the subject property for a fast food restaurant, this zone change request did require the submission of a traffic impact study. The staff of the Metropolitan Planning Organization (Transportation Planning Section) will report their findings of that study at the scheduled public hearing on this rezoning request later this month.

The Staff Recommends: Approval, for the following reasons:

1. Although the requested zone change is not in agreement with the 2013 Comprehensive Plan, there have been unanticipated changes of an economic nature within the area of the subject property, for these reasons:
 - a. The neighboring properties at 1009 & 1017 Wellington Way were rezoned from P-1 to B-1 in 2014, as is proposed with this application.
 - b. With the Board of Adjustment's approval of a child care center on the bulk of 2101 Palomar Trace Drive property (a use which is now proposed for relocation to the southwest), the properties with frontage along Harrodsburg Road and Wellington Way are now approved to be significantly more commercial than residential in character, compared to three years ago when the Comprehensive Plan was initially adopted.
2. The combination of the requested Neighborhood Business (B-1) and the Professional Office (P-1) zone is appropriate for these 1.25 acres of the subject property, and the existing combination of R-3 and P-1 zoning is no longer appropriate, for the following reasons:
 - a. The proposed connection of Palomar Centre Drive, incumbent with this rezoning and redevelopment proposal, has the potential to partially relieve existing traffic congestion at the Wellington Way/Palomar Centre intersection to the benefit of the general public and some of the nearby commercial uses.
 - b. The proposed B-1 zone would permit a restaurant to be developed in a manner consistent with other existing commercial uses in this general area.
 - c. The P-1 zone proposed would align with the access from Wellington Way (collector street) to Harrodsburg Road (arterial highway) via Palomar Centre Drive, which would serve other professional and business uses located in this general vicinity.
 - d. Retaining the existing single family home on 2101 Palomar Trace Drive will provide an excellent land use buffer between existing homes in the Harrods View and Palomar Trace subdivisions from the newly developing commercial uses in this vicinity.
3. This recommendation is made subject to approval and certification of ZDP 2016-6: Schroyer Property, Dozier Property, Unit 2, and Palomar Trace Subd., Unit 3C, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of any Planning Commission approval.