

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-17-00020: COMPASS CAPITAL, LLC

DESCRIPTION

Zone Change:	<u>Request</u>	<u>Acreage</u>		
	<u>From</u>	<u>To</u>	<u>Net</u>	<u>Gross</u>
	A-U	B-6P	5.78	6.06
	B-1	R-1T	<u>0.00</u>	<u>1.52</u>
		TOTAL:	5.78	7.58

Location: 4379 Old Harrodsburg Road

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Properties	A-U & B-1	Neighborhood Shopping Center
To North	A-U & R-1D	Single-Family Residential, Church
To East	A-U	Church
To South	A-U	Agricultural
To West	R-1C	Single-Family Residential

URBAN SERVICES REPORT

Roads – The subject property is bordered to the west by Bowman Mill Road, and to the south by both Old Harrodsburg Road and Harrodsburg Road (US 68). Bowman Mill and Old Harrodsburg Road are both two-lane rural roadways that provide direct access to the existing neighborhood shopping center on the subject property. Harrodsburg Road is a major five-lane, divided highway at this location, and is one of two major commuter routes connecting Jessamine and Fayette Counties. It continues northward into downtown and becomes South Broadway. Old Harrodsburg Road, since the highway was relocated several years ago, acts as a frontage road to serve the shopping center and the adjacent church. No roadway improvements are planning with the proposed zone change.

Curb/Gutter/Sidewalks – Old Harrodsburg Road and Bowman Mill Road do not have curb, gutter or sidewalks along the frontage of this property. Harrodsburg Road was re-constructed and widened in this immediate area without these facilities several years ago by the Kentucky Transportation Cabinet, although they were discussed locally at the time. A shared-use trail is planned to pass underneath Harrodsburg Road, along the South Elkhorn Creek.

Storm Sewers – The subject property is located within the South Elkhorn watershed. Storm sewers and basins are not always required for development located adjacent to a creek, but stormwater management is still necessary to protect water quality, and should be completed by the developer in accordance with the LFUCG Engineering Manuals. A portion of the subject property is located within a FEMA Special Flood Hazard Area (floodplain) associated with South Elkhorn Creek, which flows northward under Harrodsburg Road and parallel to Bowman Mill Road to the south and west of this site. There are known and documented flooding problems that occur along the South Elkhorn Creek and its tributaries in the immediate area. No physical changes to the commercial building layout are anticipated currently, but any possible future development will not be allowed to exacerbate any known flooding problems on the site or nearby.

Sanitary Sewers – This property is located in the South Elkhorn sewershed and is served by the West Hickman Wastewater Treatment Facility, in northern Jessamine County. The subject property is currently served by sanitary sewers. The South Elkhorn pump station, located along Bowman Mill Road at the

Urban Service Area boundary, was recently improved after experiencing periodic overflow problems during peak flow times in the past.

Refuse – This area is served by the Urban County Government with solid waste collection on Mondays. Commercial business often augment this service with additional collection by private providers.

Police – The nearest police station is the West Sector Roll Call Center, located approximately six miles to the north of the subject property on Old Frankfort Pike, near New Circle Road.

Fire/Ambulance – The nearest fire station (#20) is located on Arrowhead Drive at Harrodsburg Road, two miles northeast of the subject property.

Utilities – All utilities are available to serve the site, including natural gas; electric; streetlights; telephone; water; and cable television service.

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 Plan's 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 a rezoning to the South Elkhorn Village neighborhood shopping center in order to facilitate increased signage and reduced parking requirements for the center. No physical changes to the subject property are planned, other than a new shopping center identification sign, by the petitioner.

CASE REVIEW

The petitioner has requested a zone change from a Neighborhood Business (B-1) zone to a Planned Shopping Center (B-6P) zone for approximately five net acres of property, located at the intersection of Old Harrodsburg and Bowman Mill Roads.

The subject property is located adjacent to Old Harrodsburg Road, south of the Palomar Subdivision, which is generally located southwest of the Man O' War Boulevard and Harrodsburg Road intersection in southwest Fayette County. The subject site is visible from Harrodsburg Road (US 68), but is situated topographically lower than the roadway by almost 10 feet. The subject property has long been home to Ramsay's restaurant at what was historically a rural cross-roads location in the county. The shopping center was more fully developed in 2006 following a successful rezoning for the rear 1.62 acres (MAR 2004-43: Elkhorn Development Company including conditional zoning restrictions). Since 2006, the small neighborhood shopping center has experienced numerous tenant changes, increased parking requirements due to the changes in tenant mix (more restaurants and less retail space), and now, expected direct competition within "a stone's throw" of the site (to the northeast).

The subject property is bound to the north by the Palomar Subdivision, to the east by the historic South Elkhorn Christian Church, to the south by a small family farm (across Harrodsburg Road), and to the west by the Willow Creek Estates Subdivision (across Bowman Mill Road and South Elkhorn Creek). A rezoning to the northeast of subject property, on the other side of the church, was accomplished earlier this year to permit up to 37,000 square feet of neighborhood business land uses, although the development has not yet been granted approval for the final development plan (PLN-MAR16-00003: Taylormade Real Estate (AMD)).

The petitioner is requesting a rezoning from the existing B-1 zone to a Planned Shopping Center (B-6P) zone to improve the existing shopping center's viability. The petitioner contends that the B-6P zone is beneficial to the site for two primary reasons. First, the freestanding signage permitted in the B-1 zone can be a maximum of 50 square feet (one freestanding sign per frontage), whereas the B-6P zone permits a maximum of 75 square feet (one freestanding sign per frontage). The B-6P zone also allows for tenant panels to be displayed on the shopping center identification sign, whereas the B-1 zone does not explicitly

permit this type of signage (prohibition on such tenant panels is a long-standing Building Inspection interpretation of the sign ordinance). Second, the B-6P zone regulates parking spaces for the entire shopping center based on a static ratio (for neighborhood shopping centers it is a 2:1 ratio of vehicular use area to building area), which does not fluctuate with changes in tenants. This is much less complicated and cumbersome than the current calculation and recalculation necessary for each and every tenant within a B-1 zoned development.

The petitioner opines that the requested zone change is in agreement with the 2013 Comprehensive Plan, and several of its Goals and Objectives. However, the petitioner also states there is no physical alteration planned “on the ground” – that is no change of use or occupancy, and no new construction. With no changes, except for a planned new sign, the staff cannot find that the requested rezoning is furthering the vision, goals, objectives or policy statements of the 2013 Comprehensive Plan.

Given that the zone change cannot be found to be in agreement with the adopted Comprehensive Plan, the Planning Commission must evaluate whether there has been a significant physical, social or economic change in the immediate that was not anticipated by the recently adopted Plan, or if the existing zoning is inappropriate and the proposed zone is appropriate. No “unanticipated changes” could be documented by the staff.

The petitioner has made a strong case that the B-1 zone is not appropriate for the subject site, and the more restrictive B-6P zone is appropriate. More than a decade ago, the staff agreed with that sentiment. The 5.78-acre site meets the size requirements defined in Article 12 for a “neighborhood shopping center,” and it has functioned as one for the past decade. The principal permitted uses are substantially the same, although there are fewer conditional uses available in the proposed B-6P zone.

The petitioner is also willing to restrict the property further through conditional zoning restrictions, although not as restrictive as the current conditional zoning restrictions for the rear portion of the property. Additionally, the B-6P zone will standardize the parking required for this development, and eliminate the need for leasing off-site parking; this facilitates a more efficient use of the existing shopping center. Lastly, although the B-6P zone requires a 50-foot setback from the zoning boundary, several of the structures on the site will not meet the requirement and will become non-conforming. No expansion of the existing buildings will be permitted unless a variance is granted in the future by the Board of Adjustment.

The Staff Recommends: Approval, for the following reasons:

1. The existing Neighborhood Business (B-1) zone is no longer appropriate, and the proposed Planned Shopping Center (B-6P) zone is appropriate for the subject property, for the following reasons:
 - a. The subject property meets the definition of a “neighborhood shopping center” as established in Article 12 of the Zoning Ordinance. It is greater than three acres in size and provides for the “sale of convenience goods ... and personal services.”
 - b. The subject property’s parking requirements can be standardized and the parcel can be utilized in a more efficient manner with the proposed B-6P zone.
 - c. Due to the property’s topographic situation related to the nearby Harrodsburg Road, and due to the established development pattern, the B-6P zone and designation as a shopping center is more appropriate than the allowable collection of independent businesses possible in the existing B-1 zone.
2. This recommendation is made subject to the approval and certification of PLN-MJDP-17-00047: South Elkhorn Village, 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 following prohibited uses and landscape buffers are recommended for the subject property via conditional zoning:
 - A. Landscape Buffers (in addition to the requirements of Article 18 of the Zoning Ordinance)
 - i. Along the northwestern and northeastern boundaries, a 20-foot wide landscape buffer shall be provided.

- ii. Included within the buffer shall be an eight-foot (8') tall brick wall, except that the wall shall allow a fifty-foot (50') wide gap where Palmetto Drive adjoins the property.
- iii. Included in the landscape buffer shall be evergreen trees planted 20-foot (20') on center along the northeastern boundary (shared A-U zone boundary).

B. Use Conditions

i. Lighting

- a. All outdoor lighting shall be directed downward and away from adjoining land that is residentially and agriculturally zoned; and the light source shall be shielded so as to prevent direct lighting of the adjoining Palomar Hills Subdivision or the historic South Elkhorn Christian Church.

ii. Prohibited Uses

- a. Self-service laundries or laundry pick-up stations
- b. Self-service car washes
- c. Trailer, truck and/or equipment rental
- d. Outdoor miniature golf or putting courses
- e. Circuses and carnivals
- f. Arcades, including pinball and electronic games
- g. Mining
- h. Automobile service stations, automobile and vehicle refueling station, and gasoline pumps available to the public without an employee on the premises
- i. Recycling drop-off centers
- j. Rehabilitation homes

The land use and buffering restrictions, most of which have been in existence for the past decade, are necessary and appropriate for the subject property in order to protect the adjoining residential area and historic church from the potential negative effects of more intensive non-residential uses on the subject property.