

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-17-00012: HAP PROPERTY OWNER, LP

DESCRIPTION

Zone Change: From a Professional Office (P-1) zone
To a Planned Shopping Center (B-6P) zone

Acreage: 2.881 net (3.328 gross) acres

Location: 1937 Star Shoot Parkway (a portion of)

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	P-1	Parking Lot & Storm Water Basin
To North	P-1	Office Building & Bank
To East	B-6P	Retail Store, Movie Theatre
To South	B-6P	Retail Businesses & Restaurants
To West	R-3	Multi-Family Residential

URBAN SERVICES REPORT

Roads – The subject property fronts upon Sir Barton Way, a four-lane divided, major collector street that connects Man o’ War Boulevard to Winchester Road (US 60). Access to the subject property is attained from the south along Star Shoot Parkway (a private access easement). The intersection of Sir Barton Way and Star Shoot Parkway is signalized. The northern boundary of the subject property is Flora Fina Street, which is a private roadway that terminates into the service area for the Hamburg movie theatre and an access drive for the H. H. Gregg retail store.

Curb/Gutter/Sidewalks – Curbing and gutters have been provided along both Sir Barton Way and Star Shoot Parkway. Sidewalks are located on the north side of Star Shoot Parkway and both sides of Sir Barton Way, and along most of Flora Fina Street.

Storm Sewers – The subject property is located in the North Elkhorn watershed. The East Interstate 75 Tributary flows through the subject property (from south to north). According to the 2014 FEMA Flood Insurance Rate Maps (FIRM), no Special Flood Hazard Area exists on the subject property, although a sizeable floodplain does exist about 200’ to the northwest of this location, across Sir Barton Way. A large drainage basin exists on the subject property, and any changes to the stormwater system should be done in accordance with the adopted LFUCG Engineering Manuals, since the downstream floodplain could also be affected.

Sanitary Sewers – The subject property is located in the North Elkhorn sewershed and is served by the West Hickman Wastewater Treatment facility in northern Jessamine County. A sanitary sewer force main serves the Hamburg area. The sanitary sewer system will be extended by the developer as part of the development of this property, if sanitary sewer capacity exists in the current system, according to the Capacity Assurance Program.

Refuse – The Urban County Government serves this portion of the Urban Service Area with refuse collection to individual properties on Tuesdays. Commercial businesses often hire private refuse collection services to replace or supplement Urban County Government collection.

Police – The nearest police station is located near Eastland Shopping Center at the Central Sector Roll Call Center, approximately 3½ miles northwest of the subject property, just off Winchester Road.

Fire/Ambulance – The nearest fire station (No. 21) is located about 2¼ miles southwest of the subject property on Mapleleaf Drive, just south of Man o’ War Boulevard. A new fire station was formerly planned (and generally recommended by past Comprehensive Plans) for various locations between Sir Barton Way and Interstate 75, not far from Winchester Road. That location would be about 1/2 mile from the subject site.

Utilities – All utilities, including gas, electric, water, telephone, and cable television are available in the area and can easily be extended to serve the subject property.

LAND USE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan no longer has a land use element to guide future land use recommendations. 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 Comprehensive Plan also encourages the creation of jobs and prosperity (Theme C) by attracting the world's finest jobs, encouraging entrepreneurial spirit and enhancing our ability to create and retain a talented, creative workforce (Goal #2); supports providing entertainment and other quality of life opportunities that attract young professionals (Theme D); encourages maintaining a balance between planning for urban uses and safeguarding rural land (Theme E); supports upholding the Urban Services Area concept (Goal #1); and encouraging compact, contiguous and/or mixed use sustainable development with the Urban Services Area (Goal b).

The petitioner proposes rezoning the subject property in order to add a new 20,000 square-foot commercial building near the existing H. H. Gregg store in Hamburg, and utilize the existing off-street parking lot.

CASE REVIEW

The petitioner has requested a zone change from a Professional Office (P-1) zone to a Planned Shopping Center (B-6P) zone for about three acres, located on a portion of 1937 Star Shoot Parkway, at the south corner of Flora Fina Street (a private street).

The subject property is located to the northeast of the signalized intersection of Sir Barton Way and Star Shoot Parkway within the Hamburg Place commercial development. Access to the subject site will continue to be from an existing access point along Star Shoot Parkway, or from the existing Flora Fina Street. No new access is proposed along Sir Barton Way, a five-lane collector street at this location. The subject property is currently a part of the parking lot serving the H. H. Gregg retail store.

A detention basin that serves a portion of the larger Hamburg commercial area (to the south and east) currently occupies much of the subject property. It was proposed for rezoning to B-6P as well as an outlot at the northeast corner of Sir Barton and Star Shoot, but was removed from the 2006 request that rezoned the parking lot area that is now proposed for a commercial development. The other three quadrants of this intersection have already developed, two with retail and restaurant uses (B-6P zoning), and the third with townhomes and condominiums (R-3 zoning). The existing parking lot in a P-1 zone is a conditional use previously approved by the Board of Adjustment. The property was rezoned P-1 in 1998, as a portion of a larger, (original) Hamburg zone change request, but given the 2006 rezoning, it is now split-zoned.

The petitioner is proposing a new 20,000 square-foot commercial building beside the H. H. Gregg store, and a 4,000 square-foot commercial outlot in the existing parking lot (previous 2006 zone change). The Hamburg Place Mall has parking in excess of that required at a minimum by the Zoning Ordinance. Thus, the removal of a portion of the existing parking will not adversely affect the overall development, and the P-1 parking lot to remain would now count toward the B-6P off-street parking requirements, if rezoned as requested.

The petitioner believes that this zone change is supported by many of the goals and objectives of the 2013 Comprehensive Plan. Specifically, the creation of jobs and prosperity (Theme C) by attracting the world's finest jobs, encourage entrepreneurial spirit and enhance our ability to create and retain a talented, creative workforce (Goal #2); providing entertainment and other quality of life opportunities that attract young professionals (Theme D); and maintaining a balance between planning for urban uses and safeguarding rural land (Theme E) by upholding the Urban Services Area concept (Goal #1); and encouraging compact, contiguous and/or mixed use sustainable development with the Urban Services Area (Goal b). The staff does not agree that this request is in agreement with the 2013 Plan.

Given that the request is not in agreement with the Plan, the staff has considered whether there has been a major unanticipated change of an economic, physical, or social nature since the adoption of the 2013 Plan, or whether the existing zoning is inappropriate and the proposed zoning is appropriate. In this instance, there have been no major unanticipated changes in this immediate area since the adoption of the current

Comprehensive Plan. Therefore, the appropriateness of the existing (P-1) and proposed (B-6P) zones must be reviewed.

The applicant also contends that their requested B-6P zone would create a single and contiguous zone across this parcel, in a fashion consistent with the rest of the entire Hamburg Pavilion development. The staff agrees, and would add that the subject property is already a functioning part of the shopping center. The requested zone change will allow the subject property to continue to function in the same manner. The detention basin serves most of the B-6P development, and it is appropriate to rezone it to the same category as is the remainder of the Hamburg shopping center.

The existing P-1 zone is inappropriate, since it has no office building on it, and its parking area is an approved conditional use for a more intense development (the shopping center). The subject property is currently situated so that it is separated from the rest of the Sir Barton Office Park development by the existing detention basin and by Flora Fina Street, which is now proposed to essentially be the zoning boundary between these two areas of the Hamburg development. Both facilities will remain, and continue to serve that purpose.

The Staff Recommended: Approval, for the following reason:

1. The existing Professional Office (P-1) zoning is inappropriate, and the proposed Planned Shopping Center (B-6P) zoning is appropriate at this location for the following reasons:
 - a. The applicant's request would create a single and contiguous zone across this parcel, in a fashion consistent with the rest of the entire Hamburg Pavilion development, and will not adversely affect the overall character of non-residential land use in this vicinity.
 - b. The subject property already functions as a part of the Hamburg Pavilion shopping center, and the requested zone change will allow the subject property to continue to function in the same manner.
 - c. The subject property is separated from the rest of the Sir Barton Office Park development to the north, by Flora Fina Street and by a large detention basin. The street forms a more logical and discernable zoning boundary than the center of the existing parking lot, which is the case at present.
2. This recommendation is made subject to approval and certification of PLN-MJDP-17- 00032: Hamburg Plan Mall, Unit 2 (Hamburg Pavilion) (AMD), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

WLS/TLW

5/3/17

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