

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-16-00024: WEBB LEX VENTURE – 108, LTD

DESCRIPTION

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

Acreeage: 0.27 net (0.42 gross) acre

Location: 3735 Palomar Centre Drive (a portion of)

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	P-1	Detention Basin
To North	B-6P	Palomar Shopping Center
To East	P-1	Bank and Professional Offices
To South	R-1C	Single-Family Residential
To West	B-6P	Palomar Shopping Center

URBAN SERVICES REPORT

Roads – Harrodsburg Road (US 68) is a four-lane divided arterial highway that provides access to the Palomar Shopping Center. Palomar Centre Drive is an access easement through the shopping center that connects Wellington Way on the north to Lyon Drive on the west. Wellington Way and Lyon Drive are both collector streets that provide public street connections to Harrodsburg Road and Man o’ War Boulevard, respectively. Access to the subject property is proposed via the internal access easement.

Curb/Gutter/Sidewalks – Palomar Centre Drive, although only an access easement, has been constructed like a street with curbs and gutters; however no sidewalks exist along this internal roadway. 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 along that roadway.

Storm Sewers – This property is located within the South Elkhorn Creek watershed, and there are not any floodplain problem areas on or near the subject property. The developer will need to provide stormwater management in accordance with the adopted Engineering Manuals, which will likely have to include significant modifications to the stormwater management within the shopping center. The petitioner is proposing to repurpose the space dedicated to an existing stormwater basin and create vaults to hold the stormwater in alternative underground locations on the site.

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 parcel 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 often contract for more frequent service, as they find necessary.

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 – 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.

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 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 (Theme E).

The petitioner proposes rezoning a portion of the existing Palomar Shopping Center parcel in order permit a restaurant (coffee shop) with accessory drive-through facilities and off-street parking in what is currently a portion of one of the shopping center's detention basins.

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 ¼ of an acre of land within the Palomar Shopping Center, which is located in the northwest quadrant of the intersection of Harrodsburg Road and Man o' War Boulevard.

The subject property is a portion of the larger shopping center parcel that includes the main commercial structure, the shared parking lot, the access road and the detention basin. The site is bordered by the shopping center to the north, west, and east (split-zoned B-6P & P-1). Within the shopping center, several outlots have been created for banks, restaurants and a Shell gas station. Beyond the immediate area and the intersection of Man o' War Boulevard, residential land use is to the northeast southeast (Plantation Subdivision - zoned R-1C) and agricultural zoned land to the southwest (vacant Methodist Church property).

The petitioner proposes to construct a restaurant (Starbucks coffee shop) with drive-through facilities and associated off-street parking. Access will be provided via Palomar Centre Drive, an access easement internal to the shopping center.

In 1989, the Palomar Shopping Center was rezoned as part of the Joe Montgomery property. Despite considerable controversy, the shopping center was approved for a combination of B-6P and P-1 zoning, along with a buffer to the planned and existing residential developments north of this major intersection. Additional land behind the shopping center itself was recommended for future professional office land use. As the shopping center developed, the zoning boundary between B-6P and P-1 remained within the detention basin, and had very little impact. The petitioner now wishes to develop the land area of the detention basin for a commercial purpose (coffee shop and associated off-street parking), which requires that the P-1 portion of the basin be rezoned and included in part of the adjacent B-6P land.

There have been many questions as to the engineering feasibility of converting a detention basin to developable land brought forward by the staff prior to the application being submitted. During that time, the staff also became aware that the detention basin was the site of sinkhole as well. This poses an issue for the petitioner in designing a commercial facility around these two issues, but is not an issue related to whether or not the zoning for the parcel can be changed.

The 2013 Comprehensive Plan focuses on general land use policies, such as land use compatibility; well-designed neighborhoods; improving a desirable community; and making the best use of land inside the Urban Service Boundary for the protection of the surrounding rural areas. It no longer utilizes a land use map. However, the previous 2007 Comprehensive Plan Land Use Element did recognize the existing zoning boundaries as appropriate land use in this shopping center.

The petitioner contends that the proposal is in agreement with the 2013 Comprehensive Plan, specifically they state that the zone change supports infill development that is context sensitive to the area (Theme A, Goal #1a.), and the application upholds the Urban Service Area concept (Theme E, Goal #2b.). Unfortunately, citing only these two Goals and Objectives from the Plan does not make it wholly in agreement with the plan or even consistent with the plan's policies. These two goals and objectives are cited by most applicants and could equally support many zone changes as long as it is located within the existing Urban Service Area. The 2013 Comprehensive Plan does not really address modest or minor changes in commercial land use that have a negligible impact on job creation or tourism. The staff cannot come to the same conclusion that the request is in agreement with the 2013 Comprehensive Plan.

Rather, the staff finds that the existing P-1 zone is inappropriate and the proposed B-6P zone is appropriate. The existing P-1 zoning is no longer appropriate at this location because several professional office uses have already been developed and additional professional office land uses are no longer desired within this area of the community. In fact, several properties that were zoned P-1 along Wellington Way and the northern extension of Palomar Centre Drive across Wellington Way have been rezoned over the past few years to a more intense Neighborhood Business

(B-1) zone. The proposed B-6P zone is appropriate in that the detention basin is part of the larger shopping center parcel and is a facility that supports the entire Palomar Shopping Center.

Although, the applicant is proposing a more intense use of this portion of the parcel, whether that is ultimately approved or not based on engineering of the site, the small fraction of an acre within the shopping center being rezoned will have very little impact on adjoining land uses. The B-6P zone is also appropriate at this location because it is compatible with adjoining land uses and zoning, which include numerous other restaurants, banks, retail sales establishments, a grocery store, a gas station, and other typical land uses permitted in shopping centers. For these reasons the staff is in support of the proposed zone change.

The Staff Recommends: Approval, for the following reason:

1. The requested Planned Neighborhood Shopping Center (B-6P) zone is appropriate, and the existing Professional Office (P-1) zone is inappropriate for the subject property, for the following reasons:
 - a. The site is split-zoned, with only about ¼ of an acre located within a Professional Office zone. Split-zoned lots can create a hardship for a property owner and inhibit appropriate infill and redevelopment.
 - b. The demand for professional office land use is being met on along Palomar Centre Drive to the north and along Wellington Way to the north and west of the subject property, within the general area.
 - c. The proposed B-6P zone is appropriate in that the detention basin is part of the larger shopping center parcel and is a facility that supports the entire Palomar Shopping Center.
 - d. The B-6P zone is compatible with adjoining land uses and zoning, which include numerous other restaurants, banks, retail sales establishments, a grocery store, a gas station, and other typical land uses found in typical shopping centers.
2. This recommendation is made subject to approval and certification of PLN-MJDP-16-00052: Joe Montgomery Property (Palomar Centre) (Amd #19) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

TLW/WLS

11/30/2016

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