

1. WMM PROPERTIES, LLC, ZONING MAP AMENDMENT & WATTS FARM – TRACT 4, ZONING DEVELOPMENT PLAN

- a. MAR 2014-21: WMM PROPERTIES, LLC (1/4/15)* - petition for a zone map amendment from a Planned Neighborhood Residential (R-3) zone to a Neighborhood Business (B-1) zone, for 0.43 net (0.49 gross) acre, for property located at 435 Redding Road (a portion of).

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 proposes a Neighborhood Business (B-1) zone to redevelop a sit-down restaurant into a fast food restaurant with an accessory drive-through window and associated off-street parking. The subject property is a portion of a larger tract that is already located within a B-1 zone.

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

The Staff Recommends: Approval, for the following reasons:

1. The requested Neighborhood Business (B-1) zone for a portion of property located at 435 Redding Road is appropriate, and the existing Planned Neighborhood Residential (R-3) zone is inappropriate for the following reasons:
 - a. The 2013 Goals and Objectives of the Comprehensive Plan are supportive of sustainable small neighborhood centers, which can provide for a better quality of life within the immediate area and reduce travel demands (Theme A., Goals 2.a. and 3.b.). This property is such a center.
 - b. The residentially-zoned portion of the property is already fully incorporated into the development, and is supporting the business use on the tract as a stormwater detention basin and accessory parking lot. Additionally, there is currently no landscape buffer or other separation between the business and residential zoning.
 - c. The requested B-1 zone will permit redevelopment of the property for a freestanding fast food restaurant and accessory drive-through facility. The current residential zoning, although approved for a conditional use for accessory parking, cannot accommodate the drive-through facility anticipated by the petitioner.
 - d. Shifting the B-1 zone line to the north approximately 40 to 80 feet will not impact the adjoining extended-stay hotel, or any other nearby residential uses.
 - e. The existing residential zoning is not large enough to support any type of residential use considering the geographical features of the property. That area acts as the service area for the adjoining businesses, is very narrow, and is already encumbered by stormwater facilities to support the commercial use of the property. These factors make construction of any residential use not viable or desirable.
2. This recommendation is made subject to approval and certification of ZDP 2014-96: Watts Farm – Tract 4, 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 2014-96: WATTS FARM, TRACT 4 (1/4/15)* - located at 435 Redding Road.

(Vision Engineering)

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Provided the Urban County Council rezones the property B-1; 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 existing tree inventory information.
6. Addition of Redding Road cross-section to plan.
7. Discuss note #9 from previous plan in reference to offsite stormwater retention area.

Zoning Presentation: Ms. Wade presented the staff report for this zoning map amendment request, briefly orienting the Commission to the location of the subject property on Redding Road near its intersection with Tates Creek Road. She stated that the petitioner is requesting to rezone two small "slivers" of property to the side and rear of the existing buildings on the parcel. Referring to an aerial photograph of the property, she noted the two existing buildings in this small strip shopping center, and a standalone building. The area proposed for rezoning is currently occupied by a parking lot and service area for the shopping center, as well as a small triangle currently used as a stormwater basin. The remainder of the subject property is already zoned B-1.

Ms. Wade stated that the petitioner is proposing to rezone a portion of the property in order to remove a portion of the existing shopping center and construct a standalone restaurant with a drive-through window. Although the sub-

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

ject property has been split-zoned R-3 and B-1 for many years, the proposed zone change is necessary at this time because the drive-through lane and order area for the new restaurant would be located in an area that is currently zoned R-3. As part of the principal use of the property, those areas need to be located in the B-1 zone.

Ms. Wade said that the petitioner contends that this requested zone change is supported by two of the Goals of the Comprehensive Plan that address small neighborhood shopping centers and the need for services to support adjoining residential areas. The small shopping center on the subject property is surrounded by residential uses, and does, or formerly did, provide services to those households. In addition, the staff found that the portion of the subject property that has residential zoning is already being used in a commercial manner, so rezoning it to B-1 will not significantly change the use of the parcel. Shifting the zoning boundary from the rear of the building to the rear property line will not impact the adjoining property, since it is occupied by an extended-stay hotel. The rear of the hotel faces that portion of the subject property, and the area immediately adjacent to the subject property is used only as a parking lot. Ms. Wade noted that it would be nearly impossible to use either of the areas currently proposed for rezoning for residential use, since one portion is encumbered by a stormwater facility and the other serves as the service area for the shopping center. 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.

Commission Question: Ms. Plumlee asked if the Planning Commission would see another plan for the subject property in the future. Ms. Wade answered that the corollary submittal is a final development plan, so the Commission will not have the opportunity to review the plan again.

Ms. Wade noted that the staff had received one letter of opposition to this request, which she circulated to the Commission members for their review.

Development Plan Presentation: Ms. Gallt presented the corollary zoning development plan, noting that the staff was recommending approval, subject to the seven conditions as listed on today's agenda. She said that condition #7 is a reference to an earlier plan for the subject property. A stormwater study was done in 1992, the result of which was that the detention basin on the property is sufficient to meet the requirements. Ms. Gallt stated that condition #7 could now be deleted.

Commission Questions: Ms. Plumlee asked how far the Redding Road/Walden Drive intersection is from the Redding Road intersection with Bates Creek Road, and what the minimum standard is for intersection spacing. Ms. Kaucher responded that the current minimum standard distance for intersection spacing is 500'; the distance between the Walden Drive and Bates Creek Road intersections with Redding Road is 320'. The distance, therefore, does not meet the minimum requirement. Mr. Sallee added that, when this portion of Walden Drive was originally developed, there was a great deal of discussion at the Planning Commission meeting about that spacing. Mr. Owens added that the intersection had been operating in its current configuration for a number of years.

Citizen Objection: Ann Wesley, Assurance Realty & Property Management, stated that her company manages the Aintree condominium development located at 421 Redding Road. She said that most of the owners in the condominium association are concerned about the additional traffic that could be generated by a drive-through restaurant on the subject property. The condominium development has only one exit onto Redding Road, which is located near enough to the Bates Creek Road/Walden Drive intersection that it is often blocked by traffic. Ms. Wesley added that there are 124 units included in the condominium owners association.

Petitioner Representation: Bruce Simpson, attorney, was present representing the petitioner. The petitioner contends that the proposed zone change is in agreement with the 2013 Comprehensive Plan, and stated that the staff and the Zoning Committee had recommended its approval. The Technical and Subdivision Committees both recommended approval of their development plan, as well. Mr. Simpson stated that the subject property was developed over 20 years ago; the access points to Redding Road were established at that time, and they have not changed since then.

With regard to the concerns about additional traffic in the area, Mr. Simpson said that, as Lexington-Fayette County "grows in place," additional traffic is inevitable. He added that the petitioner does believe that the construction of the proposed new restaurant on the site could actually improve the traffic flow, as one of the existing drive-through windows on site would be improved. The petitioner has also proposed to direct traffic internally, away from the existing Thorntons gas station. Mr. Simpson said that the Division of Traffic Engineering has reviewed the plan, and they determined that the proposed adjustments to the property were acceptable. He reiterated that the petitioner believes that redevelopment of a portion of the property could actually result in improvements to traffic, and he requested approval of their application.

Commission Question: Ms. Mundy asked if the petitioner intended to encourage traffic flow from the drive-through window to use the exit furthest from the Bates Creek/Redding intersection. Mr. Simpson answered that the plan includes curved traffic islands, which are intended to direct traffic to the access point furthest away from that intersec-

tion. Ms. Mundy opined that, while it is impossible to totally control drivers' actions, drivers should be encouraged away from the busy intersection if at all possible.

Rebuttal: There were no rebuttal comments.

Zoning Action: A motion was made by Ms. Richardson, seconded by Mr. Brewer, and carried 11-0 to approve MAR 2014-21, for the reasons provided by staff.

Development Plan Action: A motion was made by Ms. Richardson, seconded by Mr. Brewer, and carried 11-0 to approve ZDP 2014-96, subject to the first six conditions as listed on the agenda, deleting condition #7.

