

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2014-12: KROGER LIMITED PARTNERSHIP 1

DESCRIPTION

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

Acreage: 13.581 net (14.029 gross) acres

Location: 1590, 1600 and 1610 Leestown Road

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	B-1	Shopping Center
To North	R-1C/ ND-1	Single Family Residential with ND-1 Overlay
To East	P-1 & I-2	Offices, Heavy Industrial
To South	I-2	Heavy Industrial
To West	R-3, I-1 & B-1	Residential, Maintenance Facility, Commercial

URBAN SERVICES REPORT

Roads – Leestown Road (US 421), which provides the property frontage, extends westward from downtown to the Fayette/Scott County line. Inside of New Circle Road (KY 4), Leestown Road is major arterial roadway. Along the subject property’s frontage, the roadway transitions from a three-lane cross-section to a four-lane cross-section as the roadway approaches New Circle Road. Beyond New Circle Road, Leestown Road is currently undergoing a major widening and improvement project. The entrance to the Meadowthorpe Manor Shopping Center aligns with the Boiling Springs Drive entrance to the Meadowthorpe neighborhood, across Leestown Road. The shopping center also connects to the Townley Center development (Sharkey Property), to its immediate north, via an access easement. No new access points or streets are proposed with the potential rezoning of the subject property.

Curb/Gutter/Sidewalks – Curbs, gutters and sidewalks exist along Leestown Road. Pedestrian access currently extends about 100 feet into the property from Leestown Road, but abruptly ends along the entrance drive aisle near the entrance to McDonalds, an outlot of the shopping center. Pedestrian access may need to be continued into the subject property in order to enable neighboring residents and pedestrians to access the shopping center in a safe manner.

Storm Sewers – Storm sewers and a stormwater basin exist to serve the subject property, which is located within the Town Branch watershed. There is no FEMA flood hazard area, nor are there any known flooding problems, in the immediate vicinity. The Division of Engineering will evaluate applicant’s plan to modify the existing stormwater basin at the rear of the property to determine if any further modifications are necessary due to the proposed increase to building coverage on the property.

Sanitary Sewers – The subject property, as well as the entire surrounding area, is within the Town Branch sewer shed. In fact, the Town Branch Wastewater Treatment Plant is located approximately 1,000 feet to the rear of the subject site, situated off of Lisle Industrial Road along the Town Branch Creek.

Refuse – Refuse collection is provided by the Urban County Government on Thursdays in this part of the Urban Service Area. It states on the application that trash pickup will be provided by LFUCG; however, oftentimes commercial properties contract with private companies for additional service.

Police – The subject property is within Police Sector 1 and is served by the West Sector Roll Call Center, which is located on Old Frankfort Pike, approximately ¾ mile to the southwest of the property.

Fire/Ambulance – The nearest fire station/emergency provider (Station #13) is located on Leestown Road, about a ¼ mile from the property.

Utilities – Natural gas, telephone service, electric, water, streetlights, and cable service are all available to the subject and surrounding properties.

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 has requested a Planned Shopping Center (B-6P) zone for the subject property in order to expand the existing Kroger store within this shopping center.

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 just over 13 acres of property located on the southwest side of Leestown Road, inside of New Circle Road.

The subject site is comprised of three lots that together encompass the Meadowthorpe Manor Shopping Center. The shopping center is anchored by a Kroger grocery store and has several smaller shops.

The subject property has frontage along Leestown Road, but the shopping center sits back from the roadway about 650 feet when viewed from the entrance drive aisle. Two outlots, currently occupied by a bank and a fast-food restaurant, are not a part of the requested zone change.

This portion of the Urban Service Area is characterized by a mixture of land uses, but is primarily commercial along Leestown Road. The Meadowthorpe neighborhood (R-1C zoning), developed in the 1950s, is located directly across Leestown Road from the shopping center; and the Townley Center development (mixture of R-3, P-1, B-1, B-3 and I-1 zoning) is located to the north of the subject property. To the south and west are several heavy industrial land uses, including Wayne Supply (CAT dealership), automobile repair shops, recycling facilities and two large office buildings.

The petitioner proposes to make an addition to the rear of the existing structure in order to expand the Kroger grocery store. The current store is about 46,000 square feet in size, and the petitioner wishes to expand it to 79,644 square feet in size, just below the threshold for “big box” retail establishment design review. The existing Neighborhood Business (B-1) zone does not permit expansion of an existing single use or business establishment beyond 60,000 square feet in size. The proposed redevelopment will allow Kroger to expand the available products and provide a more modern store at this location, similar to what the company has been doing around the community.

The proposed B-6P zone permits the same land uses as the existing B-1 zone; however, no regulation limits the allowable building square footage, other than the 35% maximum lot coverage requirement. The shopping center zone (created in the late 1960s) is, by its nature, oriented toward designing suburban shopping centers and malls, which were beginning to be constructed around the country at that time. The B-6P zone, although amended over time, has continued to serve Lexington-Fayette County for over four decades. While the proposed B-6P zone is very similar to the existing B-1 zone in terms of permitted uses, the subject property is already developed and is proposed to remain a shopping center in its design and function.

Article 12-7 of the Zoning Ordinance establishes four general locational standards for proposed shopping centers. These locational standards should be reviewed, not only for new shopping centers, but for any proposed zone change for B-6P. The development currently proposed by Kroger is characterized as a “community shopping center,” based on the description provided in Article 12-2 – Types of Shopping Centers. This section of the Ordinance states that such centers “provide for not only convenience goods, but a range of facilities for the sale of ‘shopping goods’ such as apparel and home furnishings, as well as banking, professional services, and recreation,” and are a minimum of 10 acres in size.

This existing shopping center does provide convenience items, as well as restaurants and other professional services, and the site is over 13 acres in size; therefore, it meets the requirement for a community shopping center. The four locational standards for a community shopping center, as described in the Zoning Ordinance, are as follows:

- A community shopping center shall abut, front on and have its principal access to and from a street designated by the Commission as an arterial or collector street.
- A community shopping center shall be located where traffic congestion does not exist at present on the streets to be utilized for access to the center.
- The need for the proposed center at the proposed location, to provide adequate shopping facilities or services to the surrounding neighborhood, shall be demonstrated by the applicant by the means of a market study or other evidence.
- A community shopping center shall be of sufficient, but not excessive, size to provide adequate shopping facilities for the population it is expected to serve.

Leestown Road is a major arterial street, as designated by the Urban County Government; and the staff believes that the shopping center is adequate to serve the surrounding area. This proposed expansion will not be very visible from Leestown Road, and will likely not impact traffic in a significant way.

The staff completed a "food access" analysis as part of the 2013 Comprehensive Plan to look at market areas for grocery stores and pharmacies within the community in an attempt to determine where such services were lacking. The analysis shows that Kroger is the only grocery store between Old Frankfort Pike and Newtown Pike, beyond downtown. Based upon this information, the staff believes that the data is sufficient to show that the market exists for its existing use. The rest of the shopping center does have many other commercial uses that complement the grocery store to create a destination. For these reasons, the staff believes that the petitioner meets the four locational standards identified in Article 12 of the Zoning Ordinance.

The proposed B-6P zoning is appropriate for the subject property given its current development pattern and character. While the shopping center has succeeded under the existing B-1 zoning, the rezoning will allow for the center to expand in order to better serve its customers. The proposed zoning is also compatible with the existing zoning in the immediate area. The B-6P zone will remain a land use transition between the Meadowthorpe neighborhood to the east and the more intensive industrial uses along Lisle Industrial Road to the west of the subject site.

The requested B-6P zone is also supported by the 2013 Comprehensive Plan's Goals and Objectives. Specifically, the development serves the surrounding neighborhoods in a compact and contiguous manner within the Urban Service Area, which upholds the Urban Service Area concept (Theme E, Goal #1, Obj. A).

The Staff Recommends: **Approval**, for the following reasons:

1. The requested Planned Shopping Center (B-6P) zone is far more appropriate than the existing Neighborhood Business (B-1) zone, which is less appropriate for this 13-acre shopping center, for the following reasons:
 - a. While the two zones permit the same types of commercial uses, the B-6P zone promotes a more unified development for a shopping center, rather than stand-alone neighborhood businesses. The subject property is already developed in a unified approach, including shared off-street parking, stormwater management and an entrance sign.
 - b. A shopping center has occupied the subject property since the late 1980s and will continue to provide goods and services to this portion of the community. The grocery store also meets a need for this portion of the Urban Service Area, since it is the only such store between Old Frankfort Pike and Newtown Pike, a continually growing area.
 - c. The development meets the locational standards in Article 12-7 of the Zoning Ordinance for a community shopping center and is developed in manner that is consistent with the B-6P zone requirements for setbacks, lot coverage and off-street parking.
2. The requested B-6P zone is supported by the Goals and Objectives of the 2013 Comprehensive Plan. Specifically, the development serves the surrounding neighborhoods in a compact and contiguous manner within the Urban Service Area, which upholds the Urban Service Area concept (Theme E, Goal #1.Obj. A).
3. This recommendation is made subject to approval and certification of ZDP 2014-53: Arcadia Investments, Lots 3, 4 & 5 (aka Meadowthorpe Manor), 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/BJR/WLS

7/3/2014

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