

3. **JEFF & PEGGY PARR ZONING MAP AMENDMENT & WEBB PROPERTIES OFFICE PARK SUBDIVISION ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-17-00011: JEFF & PEGGY PARR (6/4/17)\*- petition for a zone map amendment from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone, for 1.09 net (1.41 gross) acres, for property located at 2301 Huguenard Drive.

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. In addition, the Plan encourages a mix of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

The petitioner proposes a rezoning to a Neighborhood Business (B-1) zone in order to construct two buildings with a total of 16,270 square feet for retail sales establishments and associated off-street parking.

The Zoning Committee made no recommendation, due to lack of a quorum.

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

- 1. A restricted Neighborhood Business (B-1) zone is substantially in agreement with the 2013 Comprehensive Plan, for the following reasons:
  - a. The site has been an underutilized site after almost three decades with P-1 zoning. The property should be considered for a possible change to an alternative zone in order to permit a new use that will better serve the needs of the community within the Urban Service Area.
  - b. The proposed zoning and land use are generally compatible with the nearby businesses, including professional offices, retail sales establishments, banks, and restaurants that have developed along W. Lowry Lane and Pasadena Drive (and between). Conditional zoning restrictions to limit uses that may impact the adjoining offices uses or would be undesirable would be appropriate for the subject property to ensure future land use compatibility.
  - c. The proposed development will be able to use the existing infrastructure and transportation networks (which are adequate to serve the use). This is consistent with the guiding principles of the Comprehensive Plan, specifically Chapter 6: "Improving a Desirable Community."
- 2. This recommendation is made subject to the approval and certification of PLN-MJDP-17-00023: Webb Properties Office Park, 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 use restrictions shall apply to the property via conditional zoning:

Prohibited Uses

  - a. Drive-through windows when accessory to restaurants.
  - b. Beer, liquor and wine stores (stores devoted primarily to the sales of beer, wine and distilled spirits for consumption off-premises).
  - c. Automobile service stations; automobile and vehicle refueling stations; and gasoline pumps.
  - d. Carnivals, festivals and concerts.

These restrictions are appropriate because they have been offered by the applicant and will limit inappropriate uses within an established office park.

- b. PLN- MJDP-17-00023: WEBB PROPERTIES OFFICE PARK (6/4/17)\* - located at 2301 Huguenard Drive.  
(Barrett Partners)

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

- 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. Urban Forester's approval of tree inventory map information.
- 5. Denote that the timing of adjacent access and access drive provided by DP 98-68 shall be resolved at the time of Final Development Plan.
- 6. Denote that the construction of a dumpster enclosure per DP 98-68 shall be resolved at the time of Final Development Plan.

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\* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Staff Zoning Presentation – Ms. Wade presented and summarized the staff report and recommendations for this zone change. She displayed several photographs of the subject property and of the general area. She said the subject property is part of the Webb Properties Office Park and she gave a brief history of the property.

Ms. Wade said that the applicant contends that request is in agreement with the 2013 Comprehensive Plan. She said that the staff also believes that a restricted B-1 zone would be in agreement with the 2013 Comprehensive Plan. She said that staff also recommends four prohibited uses at this location, which were generally submitted by the applicant.

Development Plan Presentation – Mr. Martin presented the staff report on the Preliminary Development Plan associated with this zone change. Mr. Martin identified the property's location, and described the location of the proposed buildings. He also identified the access off of Huguenard Drive, the parking area, and a large detention basin that serves this property and others in the office park. He said that there is an issue that needs to be addressed at the time of the Final Development Plan; the adjacent access easement isn't built and will need to be constructed. He said that the Subdivision Committee did recommend approval of this plan.

Petitioner Presentation – Dick Murphy, attorney, was present representing the petitioner. He said the applicant is in agreement with the staff's recommendations. He clarified that the prohibited use (item b) from the staff report related to alcohol sales was to prevent a store which primarily sells wine, beer, or liquor but would allow a retail establishment to sell these items as long as it wasn't strictly a wine, beer, or liquor store.

Commission Question – Mr. Wilson asked to clarify the prohibited uses under section 3.b. Mr. Murphy replied that is correct and that this is an interpretation of the language present. The staff agreed with the stated interpretation

Citizen Comment – There were no citizens present to speak to this application.

Zoning Action – A motion was made by Ms. Plumlee, seconded by Ms. Richardson, and carried 10-0 (Drake absent) to approve PLN-MAR-17-00011: JEFF & PEGGY PARR, for the reasons provided by the staff.

Development Plan Action – A motion was made by Ms. Plumlee, seconded by Ms. Richardson, carried 10-0 (Drake absent) to approve PLN- MJDP-17-00023: WEBB PROPERTIES OFFICE PARK, for the reasons provided by the staff.