

Rec'd by _____

Date: _____

RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

IN RE: MARV 2013-10: KROGER LIMITED PARTNERSHIP 1 – petition for a zone map amendment from a Neighborhood Business (B-1), Professional Office (P-1), Single Family Residential (R-1E), and High Density Apartment (R-4) zone to a Planned Shopping Center (B-6P) zone, for 3.1462 net (3.6588 gross) acres, for properties located at 704 Euclid Avenue; and 408, 412, 416, and 420 Marquis Avenue. Dimensional variances were also requested. (Council District 3)

Having considered the above matter on **May 23, 2013**, at a Public Hearing, and having voted **8-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL** of this matter for the following reason:

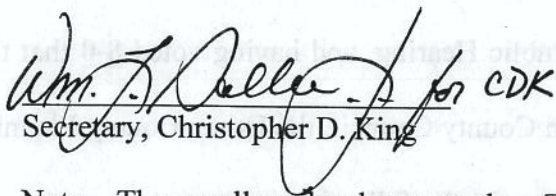
1. The requested Planned Shopping Center (B-6P) zone is in agreement with the 2007 Comprehensive Plan recommended land use of Retail Trade and Personal Services (RT) for the property located at 704 Euclid Avenue (existing Kroger site). The B-6P zone is one of several commercial zones that can implement this land use recommendation, and, in this case, will allow a grocery store to expand, and continue to serve an area of the community with limited access to food options.
2. The existing High Density Apartment (R-4), Professional Office (P-1), and Single Family Residential (R-1E) zones are collectively inappropriate; and the proposed B-6P zone is appropriate for the four parcels located at 408, 412, 416-418, and 420 Marquis Avenue, for the following reasons:
 - a. Each of the four lots is less than $\frac{1}{4}$ of an acre in size, and is currently vacant.
 - b. Including these properties as part of the Kroger site will allow for a more efficient use of the entire property, which will be controlled by a development plan as approved by the Planning Commission. Without these four parcels, the Kroger site would continue to have a stair-step configuration along the rear of the development. By incorporating these vacant parcels, the rear property line becomes uniform.
 - c. The existing zoning configuration of the four parcels is out of the ordinary in that each has a different zoning designation and, except for the property at 420 Marquis Avenue, would be difficult to develop collectively or independently due to the physical space necessary to fulfill parking requirements and zone-to-zone landscaping requirements of the Zoning Ordinance.
 - d. The business zone and proposed redevelopment of these lots with the rest of the Kroger site will result in a streetscape that is more consistent with the existing commercial area along Euclid Avenue. Currently, the Kroger store is developed in a suburban, automobile-oriented manner with parking between the street and the building along both frontages. The proposed development moves the structure to the street and parking internal to the site, similar to the character of the surrounding area.
3. The requested B-6P zone is supported by the Goals and Objectives of the 2012 Comprehensive Plan, which were adopted by the Urban County Council in May 2012. Specifically, the proposed zone change supports infill and redevelopment in a context-sensitive way and will provide improved design features that are consistent with the rest of the Chevy Chase commercial area (Goal A.2.a.). This

development also serves the surrounding neighborhoods in a compact and contiguous manner within the Urban Service Area, which upholds the Urban Service Area concept (Goal E.1.a.).

4. This recommendation is made subject to approval and certification of ZDP 2013-32: Suburban Properties (Kroger) and South Ashland Land Co., prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

Note: Variances to wall lengths, setbacks, and Ground Area Building Coverage were approved by the Planning Commission for this property, subject to the rezoning being granted.

ATTEST: This 7th day of June, 2013.


Secretary, Christopher D. King

MIKE OWENS
CHAIR

Note: The corollary development plan, ZDP 2013-32: Suburban Properties (Kroger) and South Ashland Land Co., was approved by the Planning Commission on May 23, 2013, and certified on June 5, 2013.

K.R.S. 100.211(7) requires that the Council take action on this request by August 21, 2013.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Bruce Simpson, attorney.**

OBJECTORS

- Mark Barker, 439 Park Avenue
- Amy Clark, 628 Kastle Road
- Penina Goldstein, 439 Marquis Avenue
- Kate Savage, 619 Columbia Avenue
- Robin Michler, 439 Marquis Avenue
- Ted Cowan, 612 Columbia Avenue
- Jenny Talbott, 634 Euclid Avenue

OBJECTIONS

- He is concerned about how the proposed Kroger store will affect the residential properties on Marquis Avenue.
- She is concerned that the proposed B-6P zone is inappropriate for the area, and that the Kroger store is too large for the lot.
- She does not believe that the proposed design of the store will accommodate the many pedestrians and cyclists who shop at this location.
- She is opposed to the size of the proposed Kroger store.
- He is concerned that the proposed Kroger store will not fit in well with the rest of the Marquis Avenue area, which is characterized by small residential lots.
- He believes that the proposed B-6P zone is inappropriate near a residential area, and will alter the existing character of the area.
- She is concerned that the Marquis Avenue wall of the proposed Kroger store will

- Ginny Daley, 136 Burley Avenue
- Bill Johnston, 645 West Short Street

negatively impact the character of her adjacent office.

- She believes that the Virginia Avenue/South Broadway area would be a more appropriate location for a new Kroger store.
- He is concerned about the impact of the proposed Kroger store on the nearby historic neighborhoods.

VOTES WERE AS FOLLOWS:

AYES: (8) Berkley, Blanton, Cravens, Mundy, Owens, Penn, Roche-Phillips, and Wilson

NAYS: (0)

ABSENT: (3) Beatty, Brewer, and Plumlee

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for APPROVAL of MARV 2013-10 carried.

Enclosures: Application
Plat
Staff Report
Applicable excerpts of minutes of above meeting