

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

IN RE: **MARV 2016-4: SOLAR ECLIPSE LLC** - petition for a zone map amendment from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone, for 0.95 net (1.25 gross) acres; and from a Planned Neighborhood Residential (R-3) zone to a Professional Office (P-1) zone, for 0.25 net (0.29 gross) acre, for property located at 3600 Palomar Centre Drive and 2101 Palomar Trace Drive (a portion of). A dimensional variance was also requested. (Council District 10)

Having considered the above matter on **February 25, 2016**, at a Public Hearing, and having voted **6-1** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **CONDITIONAL APPROVAL** of this matter for the following reason:

1. Although the requested zone change is not in agreement with the 2013 Comprehensive Plan, there have been unanticipated changes of an economic nature within the area of the subject property, for these reasons:
 - a. The neighboring properties at 1009 & 1017 Wellington Way were rezoned from P-1 to B-1 in 2014, as is proposed with this application.
 - b. With the Board of Adjustment's approval of a child care center on the bulk of the 2101 Palomar Trace Drive property (a use which is now proposed for relocation to the southwest), the properties with frontage along Harrodsburg Road and Wellington Way are now approved to be significantly more commercial than residential in character, compared to three years ago when the Comprehensive Plan was initially adopted.
2. The combination of the requested Neighborhood Business (B-1) and the Professional Office (P-1) zone is appropriate for these 1.25 acres of the subject property, and the existing combination of R-3 and P-1 zoning is no longer appropriate, for the following reasons:
 - a. The proposed connection of Palomar Centre Drive, incumbent with this rezoning and redevelopment proposal, has the potential to partially relieve existing traffic congestion at the Wellington Way/Palomar Centre Drive intersection to the benefit of the general public and some of the nearby commercial uses.
 - b. The proposed B-1 zone would permit a restaurant to be developed in a manner consistent with other existing commercial uses in this general area.
 - c. The P-1 zone proposed would align with the access from Wellington Way (collector street) to Harrodsburg Road (arterial highway) via Palomar Centre Drive, which would serve other professional and business uses located in this general vicinity.
 - d. Retaining the existing single family home on 2101 Palomar Trace Drive will provide an excellent land use buffer between existing homes in the Harrods View and Palomar Trace subdivisions from the newly developing commercial uses in this vicinity.
3. This recommendation is made subject to approval and certification of ZDP 2016-6: Schroyer Property, Dozier Property, Unit 2, and Palomar Trace Subd., Unit 3C, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of any Planning Commission approval.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are recommended via conditional zoning for the subject properties:

PROHIBITED USES (Within the B-1 Zone only)

- a. Automobile service stations.
- b. Retail sale of plant, nursery or greenhouse products.
- c. Miniature golf or putting courses.
- d. Carnivals and circuses.
- e. Arcades, including pinball and electronic games.
- f. Rental of equipment whose retail sale is permitted in the B-1 zone.
- g. Automobile and vehicle refueling stations.
- h. Retail sale of convenience products (i.e., convenience stores).

OTHER USE RESTRICTIONS

- a. Any free-standing sign shall be a maximum of ten (10) feet in height.
- b. Any outdoor lighting shall be shielded and directed away from any residential zone. Lighting attached to a pole or any structure shall be a maximum of twenty (20) feet in height.

These restrictions are appropriate and necessary in order to protect the adjacent residential properties to the north and west from the possible noise and light pollution associated with the proposed development, and to maintain the character of the immediate area.

ATTEST: This 23rd day of March, 2016.



Secretary, Jim Duncan

MIKE OWENS
CHAIR

Note: The corollary development plan, ZDP 2016-6: Schroyer Property, Dozier Property, Unit 2, and Palomar Trace Subd., Unit 3C, was approved by the Planning Commission on February 25, 2016, and certified on March 9, 2016.

Note: The Planning Commission approved a (dimensional variance) increase of the front yard setback from 20' to 40' for 3600 Palomar Centre Drive.

K.R.S. 100.211(7) requires that the Council take action on this request by May 25, 2016.

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

OBJECTORS

- Bruce Simpson, attorney, representing the Harrods View Neighborhood Association
- Doug Martin, attorney, representing the owner of Petitudes Grooming Salon

OBJECTIONS

- His clients do not believe that the existing deed restrictions on a portion of the property allow for the commercial uses in the proposed development.
- His client has an existing five-year lease on the subject property, which is currently under negotiation.

VOTES WERE AS FOLLOWS:

AYES: (6) Brewer, Cravens, Mundy, Owens, Smith, Wilson

NAYS: (1) Plumlee

ABSENT: (4) Berkley, Drake, Penn, Richardson

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **CONDITIONAL APPROVAL** of **MARV 2016-4** carried.

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

