

2. CONTINENTAL REAL ESTATE ZONING MAP AMENDMENT & COONS PROPERTY, TRACT 1 (AMD) (A PORTION OF) ZONING DEVELOPMENT PLAN

- a. MAR 2015-20: CONTINENTAL REAL ESTATE (11/1/15)* - petition for a zone map amendment from a High Density Apartment (R-4) zone to a Planned Shopping Center (B-6P) zone, for 0.99 net (1.16 gross) acres, for property located at 4251 Saron Drive (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 applicant proposes to construct a 4,000 square-foot commercial building for a restaurant with an accessory drive-through, in addition to a retail sales establishment.

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

The Staff Recommends: Approval, for the following reasons:

1. The requested rezoning to a Planned Shopping Center (B-6P) zone is appropriate, and the existing High Density Apartment (R-4) zone is inappropriate for the subject property, for the following reasons:
 - a. The subject property is located adjacent to, and across Saron Drive from, properties that are currently located within a B-6P zone, and are developed as such. Therefore, the B-6P zone is compatible with the surrounding area.
 - b. The southern boundary of the subject property is defined by a significant stormwater and drainage feature and floodplain that creates a physical barrier to the remainder of the parcel to the south, which is currently under construction for an assisted living facility. As a result of these physical constraints, the subject property was not able to be utilized in the planning and development of the adjoining assisted living facility. This physical barrier is a more appropriate and recognizable land use buffer between the residential land use to the south and the commercial land use to the north in this instance.
 - c. As a stand-alone tract, the subject property is too small to be utilized for high density apartments, as suggested by its current zoning category, but is suitable for commercial development.
 - d. The proposed use and development is consistent with the provisions of Article 12 of the Zoning Ordinance for the B-6P zone, and is in a convenient location in order to serve the nearby neighborhoods without infringing upon their established boundaries.
 2. This recommendation is made subject to approval and certification of ZDP 2015-81: Coons Property, Tract 1 (a portion of) (Amd.), 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 2015-81: COONS PROPERTY, TRACT 1 (A PORTION OF) (AMD) (11/1/15)* - located at 4251 Saron Drive.
(Rich Design Studios)

Note: The purpose of this amendment is to rezone the property and add restaurant/retail uses.

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

1. Provided the Urban County Council rezones the property B-6P; 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.
5. Department of Environmental Quality's approval of environmentally sensitive areas.
6. Dimension access points to Saron Drive.
7. Dimension sidewalks on private property.
8. Denote construction access location.
9. Denote all development plan information existing and proposed for the entire property.
10. Addition of reference to Article 19 (floodplain elevations).
11. Discuss restaurant drive-through stacking and pick-up window location.
12. Discuss note #6 relative to proposed development.
13. Discuss proposed dumpster location.

Zoning Presentation: Ms. Wade presented the staff report on this requested zoning change, briefly orienting the Commission to the location of the subject property. She noted that the subject property is vacant; it is located across the street from the existing Tates Creek South Shopping Center, which is anchored by a Wal-Mart neighborhood

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

market. It is a portion of a larger parcel, which is currently under development with an assisted living facility. To the north is a gas station, also in a B-6P zone, and a number of outlots. A child care center is located further to the south of the subject property, along with mostly single-family residential dwelling units. There is still some vacant property in the area, along Chas Drive. Part of that property is under consideration for development as a medical office in the near future. Ms. Wade said that zoning in the vicinity includes B-6P to the north and east; R-4 for the property to the south and west; and a greenway immediately to the west, which is associated with West Hickman Creek.

Ms. Wade stated that the petitioner is proposing to rezone this portion of the subject property because it could not be incorporated into the assisted living facility site due to drainage and topographic issues along the zone change boundary. The petitioner is proposing the B-6P zone in order to create an outlot for the shopping center across the street, with a 4,000-square foot building and a drive-through.

With regard to the Comprehensive Plan recommendation, Ms. Wade explained that the 2013 Comprehensive Plan notes that compatibility is an important part of land use decisions. Since the adjoining B-6P zone is already developed, the staff agrees that B-6P zoning would help to provide consistency in the area. The staff and the Zoning Committee are recommending approval of this request, for the reasons listed in the staff report and on the agenda.

Development Plan Presentation: Ms. Gallt presented the corollary zoning development plan, noting the portion of the property that is being developed as an assisted living facility. She explained that the petitioner is proposing a restaurant use for the subject property, with an associated drive-through.

Ms. Gallt reviewed the Subdivision Committee recommendation, and noted that there was some discussion at the Committee meeting about the proposed locations for the drive-through and dumpster. The dumpster was originally proposed to be placed at an angle, which would not allow access for solid waste vehicles; the petitioner has agreed to revise the plan in order to straighten the approach to the dumpster. The staff wants to ensure that adequate stacking is provided for the drive-through, and that note #6 on the plan addresses the Division of Water Quality's requirements for the waterway.

Commission Questions: Mr. Owens asked if the three discussion items had been addressed. Ms. Gallt answered that the petitioner had agreed to revise the plan in order to address those items, but had not yet provided the appropriate documentation for that revision. She added that note #6 refers to the hydrological study that was done for the entire property as part of the development of the assisted living facility.

Ms. Plumlee asked where the dumpster is proposed to be located. Ms. Gallt answered that the dumpster location was originally proposed to be at an angle; the petitioner has indicated intent to revise the plan in order to meet the backup distance for the Division of Waste Management's vehicles. She again said that note #6 refers to the Division of Water Quality's control requirements, which were met based on a hydrology study done as part of the development of the assisted living facility.

Petitioner Presentation: Kevin Rich, Rich Design Studios, was present representing the petitioner. He stated that the petitioner is in agreement with the staff's recommendations.

Mr. Rich said that note #6, as referenced in condition #12, refers to a detention basin. The basin was constructed following a watershed analysis done as part of the construction of the assisted living facility. The analysis indicated that detention was not needed for the entire property, which was why no stormwater facilities were provided on the assisted living center site. Mr. Rich said that he had spoken with Hillard Newman in the Division of Engineering, who indicated that he had no problems with the terminology of the note.

With regard to the dumpster location, Mr. Rich said that the angle of approach had been changed to accommodate Division of Solid Waste vehicles.

Commission Question: Mr. Owens asked if condition #11, concerning the drive-through on the property, had been addressed. Mr. Rich responded that he had worked with the Division of Traffic Engineering, and those issues had been addressed. Mr. Owens asked why the revised version of the plan was not before the Commission members at this hearing. Mr. Rich answered that the appropriate copies of the plan had not been provided to the staff.

Mr. Owens asked if the staff was comfortable with the information provided on the plan, even though a revised version had not been presented. Ms. Gallt indicated that they were comfortable with recommending approval of the plan.

Zoning Action: A motion was made by Mr. Cravens, seconded by Ms. Richardson, and carried 9-0 (Penn and Smith absent) to approve MAR 2015-20, for the reasons provided by staff.

Development Plan Action: A motion was made by Mr. Cravens, seconded by Mr. Wilson, and carried 9-0 (Penn and Smith absent) to approve ZDP 2015-81, with the first 10 conditions as listed on the agenda, deleting conditions #11-13.