

1. GREER LAND COMPANY ZONING MAP AMENDMENT & RIDDELL PLAZA, LOT 3 (PARKER PROPERTY) ZONING DEVELOPMENT PLAN

- a. MAR 2015-19: GREER LAND COMPANY (11/1/15)* - petition for a zone map amendment from a Neighborhood Business (B-1) zone and a Wholesale & Warehouse Business (B-4) zone to a Highway Service Business (B-3) zone, for 1.59 net (2.00 gross) acres, for property located at 1100 & 1108 South Broadway.

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 proposes to redevelop the site with a gas station, convenience store and two retail sales establishments, for a total of 14,000 square feet of space.

The Zoning Committee Recommended: **Approval.**

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

1. The requested rezoning to a Highway Service Business (B-3) zone is not in agreement with the 2013 Comprehensive Plan. Although more flexible, the Comprehensive Plan does not specifically address modest or minor changes in commercial land use. The petitioner contends that they are developing a variety of job opportunities for people living in the general vicinity (Theme C, Goal #1.a.), but that alone does not constitute agreement with the Comprehensive Plan.
 2. Although the petitioner contends that the proposed B-3 zone is appropriate, they have not provided a justification for why the existing zoning is inappropriate at this site, specifically the B-1 zone that exists along the South Broadway corridor. Based on one of the new buildings proposed, the B-1 zone is more appropriate to facilitate the proposed development.
 3. The petitioner has not requested any variances to the yard requirements along Simpson Avenue, as would be necessary for the currently submitted corollary zoning development plan.
- b. ZDP 2015-79: RIDDELL PLAZA, LOT 3 (PARKER PROPERTY) (11/1/15)* - located at 1100 and 1108 South Broadway.
(Vision Engineering)

The Staff Recommends: **Approval**, subject to the following requirements:

1. Provided the Urban County Council rezones the property B-3; 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.

Amendment of Application: Matt Carter, Vision Engineering, was present representing the petitioner. He stated that the petitioner would like to amend this rezoning application in order to remove 1100 South Broadway from the application and to rezone 1108 South Broadway to B-1, instead of to a B-3 zone.

Action: A motion was made by Mr. Cravens, seconded by Ms. Richardson, and carried 9-0 (Penn and Smith absent) to accept the amendment to this application, in order to rezone 1108 South Broadway to B-1.

Zoning Presentation: Ms. Wade presented this rezoning request, noting that the petitioner's original application was for two parcels. Following the amendment to the application, the petitioner is now only requesting to rezone 1108 South Broadway from B-4 to B-1. The subject property has approximately 35' of frontage on South Broadway, with its primary frontage along Simpson Avenue. Ms. Wade briefly oriented the Commission to the location of the property, adding that other uses in the immediate vicinity include a small shopping center across Simpson Avenue, which is part of a larger shopping center to the northeast; a new AT&T store which has frontage adjacent to the subject property along South Broadway; some Professional Office uses on Burley Avenue; an additional warehouse, to the south-east; and the Burley/American Avenue neighborhood to the south. The nearby neighborhood is primarily single-family residential in character, but there have been some zone changes to R-4 (multi-family land use) in recent years. South Broadway is primarily commercial in this area, with a mix of B-1, B-3, B-6P, and B-4 zoning.

Ms. Wade displayed the following photographs of the subject property: 1) an aerial view, noting the existing warehouse building, which has its rear side facing Simpson Avenue; 2) a view of the existing warehouse, with parking along the frontage and a parking lot and tributary of Wolf Run Creek to the rear of the property; 3) a view of the exist-

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

ing parking lot from the interior of the property toward South Broadway, noting the backup of stormwater due to recent heavy rains; 4) a view of the detention area at the rear of the property; and 5) a view of the adjacent warehouse along Simpson Avenue.

Ms. Wade stated that the petitioner is proposing to rezone the subject property in order to develop a convenience store and gas station with frontage along South Broadway, and two retail establishments in the same building along Simpson Avenue. The proposed B-1 zone does allow all of those uses. The subject property was rezoned from a Single-Family zone in 1976 to the existing B-4 zone.

With regard to the recommendations of the 2013 Comprehensive Plan, Ms. Wade said that it does not make specific land use recommendations, or include policy statements about changes from one business zone to another. The petitioner contends that the proposed B-1 zoning is in agreement with the Comprehensive Plan; the staff agrees that it is in agreement with the Goals & Objectives that recommend identifying areas of opportunity for infill, redevelopment and adaptive reuse that is context-sensitive to the area; and providing job opportunities for people living in the immediate vicinity. The petitioner is proposing a neighborhood-oriented land use, with orientation to Simpson Avenue, in a location near an existing residential development. Ms. Wade stated that it is the staff's opinion that the B-1 zone is more compatible and consistent in this area of South Broadway than the existing B-4 zone, and that it provides a better buffer than the previously requested B-3 zone would for the established residential neighborhood to the southeast. The staff is recommending withdrawal of the application for 1100 South Broadway, and approval of the rezoning to B-1 for 1108 South Broadway, for the following reasons:

The Staff Recommends: **Withdrawal** of the portion of the application for 1100 South Broadway, and **Approval** of a Neighborhood Business (B-1) zone for a portion of the application for 1108 South Broadway, for the following reasons:

1. The requested rezoning to a Highway Service Business (B-3) zone at 1100 South Broadway is not in agreement with the 2013 Comprehensive Plan, and the Neighborhood Business (B-1) zone remains an appropriate zone at this location.
2. The proposed zone change to a Neighborhood Business (B-1) zone for 1108 South Broadway is supported by several Goals and Objectives of the 2013 Comprehensive Plan, including:
 - a. Theme A (*Growing Successful Neighborhoods*), Goal 2, Objective a., which states: "Identify areas of opportunity for infill, redevelopment and adaptive reuse that respect the area's context and design features whenever possible." The petitioner is providing neighborhood-oriented land uses and orienting the proposed structure to Simpson Avenue.
 - b. Theme C (*Creating Jobs and Prosperity*), Goal 1, Objective d., which encourages the creation of jobs near where people live. The property is located very near residential neighborhoods, and will provide support or service uses in the area that is compatible with the nearby residential neighborhoods.
3. The requested Neighborhood Business (B-1) zone is appropriate for this location, and the existing B-4 zone is inappropriate because of the property's location in proximity to existing residential areas. More neighborhood-oriented business uses can not only serve the nearby residential area, but also provide a superior land use buffer to the neighborhood.
4. This recommendation is made subject to the approval and certification of ZDP 2015-79: Riddell Plaza, Lot 3 (Parker Property), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

Ms. Wade added that finding #1 is not required if the withdrawal of the portion of the application for 1100 South Broadway was part of the petitioner's request for amendment.

Development Plan Presentation: Mr. Martin presented the corollary zoning development plan, explaining that the petitioner is proposing to use the existing South Broadway access to the property, as well as two accesses on Simpson Avenue. This plan has been revised; the original version depicted an access point closer to the South Broadway/Simpson Avenue intersection. The petitioner also addressed the orientation of the building to Simpson Avenue, based on the staff's concern at the Subdivision and Zoning Committee meetings three weeks ago. The staff was concerned about the presentation of the buildings to Simpson Avenue, including the area between the building and the right-of-way. The revised plan now depicts that area as a sidewalk, rather than a loading zone as depicted on the previous plan. Mr. Martin noted that this is a preliminary development plan; at the time of the Final Development Plan, the staff will initiate discussions about the façade of the building, and other aspects of its presentation to Simpson Avenue.

Mr. Martin stated that the petitioner is proposing to construct just over 13,000 square feet, with each of the retail spaces containing just over 4,000 square feet of floor area. The plan includes 63 parking spaces to serve the commercial uses, including a detention area in the rear of the property. Following the Subdivision Committee meeting, the petitioner revised the dumpster location slightly in order to provide for easier access. Mr. Martin stated that the petitioner is aware that there are existing stormwater issues in the vicinity of the subject property, and that the problems will have to be resolved according to the requirements of the Stormwater Manual at the Final Development Plan stage. The proposed detention on the subject property should help to address the issue, but additional work may be

necessary in the easement area. Mr. Martin indicated that the staff is confident that the problem can be addressed at the time of the Final Development Plan. He said that the staff is recommending approval, subject to the four conditions as listed on the agenda, modifying condition #1 to reflect the B-1 zone rather than the B-3 zone.

Commission Question: Mr. Owens stated that the area in front of the building on Simpson Avenue appeared to be marked as parking spaces. Mr. Martin answered that the area is labeled as a 20' sidewalk, which should be a nice feature in a pedestrian-oriented area.

Petitioner Representation: Mr. Carter stated that the petitioner is in agreement with the four conditions, and he requested approval.

Zoning Action: A motion was made by Mr. Berkley, seconded by Ms. Mundy, and carried 9-0 (Penn and Smith absent) to approve MAR 2015-19, as previously amended, for the reasons provided by staff.

Development Plan Action: A motion was made by Mr. Berkley, seconded by Ms. Mundy, and carried 9-0 (Penn and Smith absent) to approve ZDP 2015-79, subject to the four conditions as listed on the agenda, changing #1 to refer to the B-1 zone.