

1. **SABLE HOLDINGS, LLC, ZONING MAP AMENDMENT & ALLENDALE SUBDIVISION, BLOCK A, LOT 18, ZONING DEVELOPMENT PLAN**

- a. **MAR 2012-7: SABLE HOLDINGS, LLC (6/2/12)*** - petition for a zone map amendment from a Single Family Residential (R-1C) zone to a Neighborhood Business (B-1) zone, for 0.225 net (0.273 gross) acre, for property located at 763 Lane Allen Road.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 4) recommends Retail, Trade and Personal Services (RT) future land use for the subject property. The petitioner proposes a B-1 zone in order to re-use the building for a retail sales establishment or other similar business use, along with off-street parking.

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

The Staff Recommends: Approval for the following reason:

1. The requested Neighborhood Business (B-1) zone is in agreement with the 2007 Comprehensive Plan's recommendation for Retail, Trade and Personal Services (RT) future land use for the subject property.
2. This recommendation is made subject to approval and certification of ZDP 2012-21: Allendale Subdivision, Block A, Lot 18 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 2012-21: ALLENDALE SUBDIVISION, BLOCK A, LOT 18 (6/2/12)*** - located at 763 Lane Allen.
(2020 Land Surveying)

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.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Building Inspection's approval of landscaping and landscape buffers.
5. Addressing Office's approval of street names and addresses.
6. Urban Forester's approval of tree protection plan.
7. Division of Fire's approval of emergency access and fire hydrant locations.
8. Division of Waste Management's approval of refuse collection.
9. Correct note #1.
10. Correct plan title.
11. Addition of developer's information.
12. Denote subject property plat information.
13. Addition of all existing easements.
14. Discuss zone-to-zone screening details.
15. Discuss possible need for detention at rear of property.

Zoning Presentation: Ms. Wade presented the staff report, briefly orienting the Commission to the location of the subject property on Lane Allen Road. She said that Lane Allen Road connects to Harrodsburg Road to the southeast of the subject property. The subject property is bordered on its east and west sides by B-1 zoning, with B-6P zoning across Lane Allen Road on the former Turfland Mall property, which is now occupied by the Home Depot. Along Harrodsburg Road in this vicinity, most of the properties are zoned either B-1 or B-6P, as are all but one of the parcels on Lane Allen Road between the subject property and the Lane Allen/Garden Springs Drive intersection. To the rear of the subject property, all of the properties on Allendale Drive are zoned R-1C. Ms. Wade said that the subject property has an existing but vacant duplex on it. She displayed several photographs of the subject property and the immediate vicinity.

Ms. Wade stated that the 2007 Comprehensive Plan recommends Retail Trade & Personal Services land use for the subject property, the surrounding parcels on Lane Allen Road, and the Turfland Mall property. Therefore, the proposed B-1 zone is in agreement with the recommendation of the Comprehensive Plan. Ms. Wade said that the staff noted in their report that, given the configuration of the subject property and its small size, the use of the property could be limited in the future, particularly with regard to office or restaurant uses. The staff does believe, however, that the site could possibly accommodate a larger building and/or more parking, if improvements were reconfigured. Ms. Wade stated that the Zoning Committee recommended approval of this request. The staff recommended approval of this zoning change.

Commission Question: Ms. Roche-Phillips asked how the parcels located between the subject property and Harrodsburg Road are zoned. Ms. Wade answered that all of those properties are zoned B-1 or P-1. Ms. Roche-Phillips said that it appears that the subject property and a nearby parcel are the only residential properties in that vicinity.

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

Ms. Wade responded that that is correct, and noted that both of those properties are currently occupied by non-conforming duplexes.

Development Plan Presentation: Mr. Martin presented the corollary final development plan, using a rendered copy of the plan, which depicts the existing duplex on the property. He said that the first floor is just over 1,800 square feet in size, and the basement is approximately 1,700 square feet. The petitioner is not proposing any physical changes to the building, but is proposing to construct eight parking spaces to the rear of the building, with one handicap space. The original plan depicted the handicap space closer to the rear of the property, but the petitioner relocated it at the request of the Divisions of Traffic Engineering and Building Inspection, in order to be ADA compliant.

Mr. Martin said that, with this revised plan submission, the petitioner has addressed two of the conditions that were originally listed as discussion items. The plan now includes an area for stormwater detention, should it be necessary, located at the lowest point of the property. Mr. Martin explained that, until improvement plans and grading permits have been submitted, the petitioner will not be able to determine if that detention will be necessary. He added that the staff was also concerned about screening along the rear property boundary abutting the residential uses on Allendale Drive, and they recommended a condition that would require enhancement of the Article 18 buffer requirements. Only two trees would normally be required in that area, as the distance is only 68 feet, along with a fence or hedge. Mr. Martin noted that the petitioner is proposing to plant 11 trees along the rear property boundary, which would be an improvement over the basic Article 18 requirements. He said that the Subdivision Committee recommended approval of this plan, subject to the first 13 conditions as listed on the agenda; conditions 14 and 15 could now be deleted.

Commission Questions: Mr. Owens asked if this plan was filed as a final development plan. Mr. Martin answered that the petitioner did choose to file it as a final development plan, since very few physical changes to the property are proposed.

Mr. Penn asked if the staff is recommending additional screening at the rear of the subject property due to the grade change between it and the properties along Allendale Drive. Mr. Martin responded that the staff is recommending enhanced screening due to that grade change and the residential nature of the properties on Allendale.

Ms. Roche-Phillips asked why the petitioner does not know if stormwater detention will be required on the subject property. Mr. Martin answered that, on lots of less than one acre in size, the Division of Engineering does not automatically require detention, as they review those development plans on a case-by-case basis. He explained that Engineering would make a determination once the appropriate drainage study is completed. Mr. Martin also noted that, in some situations where a property is near a creek, the Engineering staff determines that stormwater should be moved quickly toward the creek, while in others they opt to require that the rate of flow be controlled. Those determinations are based on flow calculations. Ms. Roche-Phillips asked if that determination could not be made at this time because the petitioner is unsure how much parking will be required for the subject property. Mr. Martin responded that that determination is normally done at the improvement plan stage, and that this plan depicts the location of a detention basin, should it be required. Ms. Roche-Phillips asked if the area proposed for detention would contain the volume. She said that she believes that it is important to have these issues resolved early in the process, since this is a final development plan. Mr. Martin responded that Article 21 requires that detention areas be depicted on site plans, but volume calculations are not necessary at this point in the development process.

Ms. Blanton stated that there had been some discussion at the Zoning Committee meeting about the possibility of connecting the subject property to a drainage pipe that currently exists in the area. Mr. Martin replied that the petitioner had mentioned that possibility, but the staff has not seen any data to support it.

Staff Comment: Ms. Wade said that she had indicated in her presentation that the Zoning Committee recommended approval of this item; however, they were unable to make a recommendation, as they had no quorum at that meeting.

Petitioner Representation: Justin Drury, 2020 Land Surveying, was present on behalf of the petitioner. He stated that the petitioner is in agreement with the staff's recommendations, and that the petitioner had made changes to the development plan to address the two discussion items.

Commission Questions: Ms. Copeland asked, with regard to the required zone-to-zone screening, if the Urban Forester had reviewed the trees along the rear property boundary. Mr. Queary answered that he had visited the site. Ms. Copeland asked if there are any significant trees on the property. Mr. Queary responded that most of the trees are "volunteers." He added that the petitioner will be able to fulfill the canopy requirements through their tree plantings. Ms. Copeland stated that she did not believe that it would be appropriate to require a fence along the rear property boundary. Since the subject property lines do not "match up" with the boundaries of the properties along Allendale, it could result in several different fence heights, which could look unattractive. Ms. Copeland said that she believes that a hedge, such as a burning bush, would provide a much more attractive means of meeting the zone-to-zone

screening requirement. She asked if Mr. Queary would be agreeable with the provision of a hedge, rather than a fence. Mr. Queary answered that the Division of Building Inspection would provide that sign-off on the plan. The petitioner would need to work with them to meet the requirements of Article 18. Ms. Copeland asked if it would be appropriate for the Commission to request a hedge of deciduous material, of no more than six feet in height, along the rear property line. Mr. Martin responded that the Commission could place such a requirement on the development plan. He explained that, in this case, Article 18 requires one tree per every 40 feet, and allows a double row of a six-foot hedge to meet the remaining requirements. The Commission could require the substitution of a taller hedge, if they so chose. Mr. Martin added that the trees must be selected from either Group A or Group B of the Planting Manual. Ms. Copeland said that she believes that zone-to-zone screening is necessary in this case, but it is not fair to the property owners on Allendale Drive to require the petitioner to construct a fence that might not match their fences. Mr. Martin answered that such a condition would be acceptable to the staff, provided that the petitioner is agreeable. Mr. Sallee suggested that, rather than deleting condition #14, the Commission could modify it to read: "Zone-to-zone screening detail shall include a hedge." Mr. Drury indicated that the petitioner is agreeable to such a change.

Zoning Action: A motion was made by Ms. Copeland, seconded by Mr. Berkley, and carried 9-0 (Brewer absent) to approve MAR 2012-7, for the reasons provided by staff.

Development Plan Action: A motion was made by Ms. Copeland, seconded by Mr. Berkley, and carried 9-0 (Brewer absent) to approve ZDP 2012-21, changing condition #14 offered by the staff, and deleting condition #15.