

2. JUSTICE PLAZA, LLC (AMD) ZONING MAP AMENDMENT & MAN O' WAR DEVELOPMENT, UNIT 2A, LOT 10 (AMD) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-18-00015: JUSTICE PLAZA, LLC (AMD) (2/28/19)\*- an amended petition for a zone map amendment from an Interchange Service Business (B-5P) zone to a Commercial Center (B-6P) zone, for 4.050 net (4.939 gross) acres, for property located at 1916 Justice Drive and 1750 Pleasant Ridge Drive.

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. In addition, the Plan encourages a mix of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

The petitioner has amended their zone change request and now proposes a Commercial Center (B-6P) zone in order to permit a wider range of business uses on the subject properties. One of the existing lots is currently occupied by two restaurants, but a third space within an existing building (constructed in 2017) remains vacant. The second lot is currently under construction with a 107-room hotel and associated off-street parking.

The Zoning Committee Recommended: Approval to the full Commission.

The Staff Recommends: Approval, for the following reasons

1. The proposed Commercial Center (B-6P) zone is in substantial agreement with the 2013 Comprehensive Plan and the Goals and Objectives of the 2018 Comprehensive Plan for the following reasons:
  - a. The proposed B-6P zone is compatible with the existing zoning and land use currently established within the Bryant Road and Pleasant Ridge Drive immediate area. The area is a mixture of commercial uses that support the nearby residential neighborhoods, as well as the traveling public along Interstate 75.
  - b. Historically, future land use recommendations within the immediate area supported the mixture of commercial uses. The land use recommendation have been implemented with a mixture of B-5P and B-6P zoning. These two zones permit a wide range of commercial uses such as offices, restaurants, retail sales, and hotels.
  - c. The character established by the B-6P zone is in keeping and consistent with the existing context and design features of the immediate area as recommended by Theme A, Goal #2 of the 2013 and 2018 Comprehensive Plans.
  - d. The B-6P zone also includes requirements for transit and multi-modal accommodations, consistent with the recommendations of Theme D, Goal #1 of the 2013 and 2018 Comprehensive Plans to achieve an effective and comprehensive transportation network, including accessible transportation alternatives.
  - e. The subject site is less than ten (10) acres in size; however, it will be incorporated into the existing B-6P development within the immediate area in order to meet the requirements of Article 12-2 of the Zoning Ordinance for a minimum development size of ten (10) acres for a community commercial center along a collector street.
2. This recommendation is made subject to approval and certification of PLN-MJDP-18-00060: Man O' War, Unit 2-A (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. PLN-MJDP-18-00060: MAN O' WAR DEVELOPMENT, UNIT 2A, LOT 10 (AMD) (2/28/19)\* - located at 1916 JUSTICE DRIVE AND 1750 PLEASANT RIDGE DRIVE.

The Subdivision Committee Recommended: Postponement until a revised plan is submitted demonstrating compliance with the B-6P zone.

Should this plan be approved, the following requirements should be considered:

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 Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Include the entire B-6P area on the plan in compliance with Article 21 of the Zoning Ordinance and to demonstrate the site is a minimum of 10 acres.
6. Provide the required multimodal plan per Article 12-8(h) of the Zoning Ordinance.
7. Denote required transit facilities per Article 12-8(i) of the Zoning Ordinance.

Staff Zoning Presentation – Ms. Wade presented the staff report and recommendations for the amended zone change. She displayed photographs of the subject properties and aerial photographs of the general area. She said that the applicant has already redeveloped the site at the corner of Pleasant Ridge Drive and Justice Drive and is seeking to broaden the

\* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

allowable uses at that location and they are currently constructing a hotel at the second site. She said that recent changes to the B-6P zone, added hotels as a principal permitted use, which allows for this second site to be incorporated into the zone change area and the broader commercial area. She said that the B-6P zone is compatible with the area and the applicant is proposing uses that are also compatible with the design features of the area.

Ms. Wade said that this zone change is in agreement with Comprehensive Plan because the B-6P zone is compatible with the existing zoning and land use currently established within the Bryant Road and Pleasant Ridge Drive area; the historic future land use map has recommended a mixture of commercial zones in this area; the character established by the B-6P zone is in keeping and consistent with context of the area; the zoning category includes requirements for transit and multi-modal accommodations; within the B-6P zone and the subject property is less than ten acres in size is being incorporated into larger B-6P development that is more than ten acres. She said that the staff is recommending approval of this zone change.

Development Plan Presentation – Mr. Martin presented a rendering of the final development plan associated with this zone change. He pointed out the area that is under development with the hotels and commercial structure that generated this zone change. He also pointed out the preliminary development area that has been added so that the applicant can meet the new requirements of the B-6P zone. He said that the entire area will need to be evaluated to meet the new requirements for the Floor Area Ratio (FAR). He said that there are also new transportation requirements that need to be met to assist with the development. He said that transit facilities are required to be depicted on the plan (condition #7).

Mr. Martin said that the staff's and the applicant's math is different regarding the lot coverage, but the plan can still meet the requirements; therefore, it is just a matter of reconciling those numbers. He said that the applicant submitted a multi-modal plan to the transportation staff for review. He said that staff is recommending that a note regarding the transit facilities be added for a location along Pleasant Ridge Drive. He added that these transit stops are to be approved by LexTran. He concluded by saying that the staff is recommending approval and that the Subdivision Committee recommended postponement because at that time the applicant didn't include the entire area on the plan.

Applicant Presentation – Mr. Brandon Gross, attorney representing the petitioner, said that the property that is proposed for rezoning will not have any physical changes made to it. He said that the hotel to the north of the subject property has already been constructed and the one located to the east should be completed within a few months and the retail space is already in place. He said that he is available for any questions.

Zoning Action – A motion was made by Mr. Nicol, seconded by Mr. Forester, and carried 11-0 to approve PLN-MAR-18-00015: JUSTICE PLAZA, LLC (AMD), for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Owens, seconded by Mr. Forester, and carried 11-0 to approve PLN-MJDP-18-00060: MAN O' WAR DEVELOPMENT, UNIT 2A, LOT 10 (AMD), as presented by the staff.