

2. GULFSTREAM ENTERPRISES, LLC, ZONING MAP AMENDMENT & MAN O' WAR, UNIT 2A (AMD) ZONING DEVELOPMENT PLAN

- a. MAR 2015-14: GULFSTREAM ENTERPRISES, LCC (9/4/15)* - petition for a zone map amendment from a Planned Shopping Center (B-6P) zone to an Interchange Service Business (B-5P) zone, for 4.66 net (5.41 gross) acres, for property located at 1750 Pleasant Ridge Drive; 2008 and 2024 Bryant Road; and 1976 Justice 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 proposes an Interchange Service Business (B-5P) zone in order to develop two hotels on the subject properties. The hotels are planned to have 125 and 100 rooms, respectively, and associated off-street parking.

The Staff Recommends: Approval, for the following reason:

1. The requested Interchange Service Business (B-5P) zone is appropriate, and the existing Planned Neighborhood Shopping Center (B-6P) zone is inappropriate, for the following reasons:
 - a. The existing B-6P zoning is no longer appropriate at this location because the demand for general commercial is being met on alternate sites within the general area, but neither of these two developments has successfully incorporated hotels to serve the traveling public.
 - b. The site remains an underutilized site after a decade of B-6P zoning, and should be considered for a possible change to an alternative business zone (and use) in order to better serve the needs of the community and infill vacant lands within the Urban Service Area.
 - c. The B-5P zone is appropriate at this location because it is compatible with adjoining land uses and zoning, and because it meets the intent of Article 11 of the Zoning Ordinance, which states that limited commercial facilities that conveniently provide transient type services should be located at limited access highway interchanges.
2. This recommendation is made subject to approval and certification of ZDP 2015-65: Man O' War, Unit 2A (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 2015-65: MAN O' WAR, UNIT 2A (AMD) (9/4/15)*- located at 1750 Pleasant Ridge Drive, 1976 Justice Drive and 2008 and 2024 Bryant Road. **(Bryant Engr., Inc.)**

Note: The purpose of this amendment is to change the development concept from retail uses to hotel and/or restaurant(s).

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

1. Provided the Urban County Council rezones the property B-5P; 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. Clarify purpose of amendment note (delete "zoning").
6. Addition of topography source.
7. Dimension sidewalk widths.
8. Clarify street cross-sections for Justice Drive.
9. Denote that there will not be any outdoor swimming pools.
10. Clarify canopies with solid lines (similar to those for buildings).
11. Addition of a note restricting high rise pole signs for the southern half of the property on plan.
12. Discuss applicable design guidelines from previous preliminary development plan.
13. Denote that there will be a future Consolidation Plat for the parking spaces on the western boundary of the property.

Zoning Presentation: Ms. Wade presented this rezoning request from B-6P to B-5P, orienting the Commission to the location of the subject properties in the southwest quadrant of the Interstate 75/Man O' War Boulevard interchange. She said that the Hamburg commercial center is located to the northwest, and the Timber Creek subdivision is to the south of the subject properties. There is other, interstate-related commercial development located along Man O' War Boulevard and the interstate. Bryant Road loops around the subject properties, bordering them to the north; Justice Drive borders the properties to the west; and Pleasant Ridge Drive borders them to the south. Also included in that block are a car wash (zoned B-5P), and a detention basin; and tire store (zoned B-6P).

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

Ms. Wade displayed an aerial photograph of the subject properties, noting that most of the area around the site is developed with restaurants, commercial uses, hotels, and a residential subdivision located nearby. The petitioner is proposing to rezone the subject properties in order to construct two hotels on the site. The properties were originally rezoned in 1989 from an agricultural zone to the B-5P zone. No development has occurred on the properties since that time. In 2004, a previous owner rezoned the properties to B-6P, with the intent of developing retail businesses, similar to those in the Hamburg development. After a decade without development, the new owner of the properties is requesting rezoning back to the B-5P zone. The requested hotel use is permitted in the B-5P zone, but not in the existing B-6P zone.

Ms. Wade said that although the petitioner contends that the requested rezoning to B-5P is in agreement with the 2013 Comprehensive Plan, the staff does not believe that the Plan directly addresses minor changes between different commercial land uses. Rather, the staff finds that the B-6P zone is inappropriate at this location, and the B-5P zone is appropriate, for the reasons as listed in the staff report and on the agenda.

Development Plan Presentation: Ms. Gallt presented the zoning development plan, explaining that the petitioner is proposing to construct two hotels on the subject properties. The petitioner is currently working with one hotel client who has expressed an interest in the development, while the other hotel tenant has yet to be decided upon.

Ms. Gallt said that, following the Subdivision Committee meeting three weeks ago, the staff received a revised version of the plan. The staff is recommending approval, subject to the following revised conditions:

1. Provided the Urban County Council rezones the property B-5P; 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. ~~Clarify purpose of amendment note (delete "zoning").~~
6. ~~Addition of topography source.~~
7. ~~Dimension sidewalk widths.~~
8. ~~Clarify street cross sections for Justice Drive.~~
9. ~~Denote that there will not be any outdoor swimming pools for "Hotel A."~~
10. ~~Clarify canopies with solid lines (similar to those for buildings) for "Hotel A."~~
11. ~~Addition of a note restricting high rise pole signs for the southern half of the property on plan.~~
12. ~~Denote that there will be a future Consolidation Plat for the parking spaces on the western boundary of the property.~~
13. ~~Discuss applicable design guidelines from previous preliminary development plan.~~
8. Clarify note #17.

Ms. Gallt stated that condition #8 should read: "Clarify note #11." She said that that plan note refers to the provision that prohibits the issuance of building permits pending the certification of a final development plan for the property.

Petitioner Representation: Darby Turner, attorney, was present representing the petitioner. He stated that the petitioner is in agreement with the staff's recommendations, including the revised development plan conditions.

Citizen Comment: There were no citizens present to comment on this request.

Zoning Action: A motion was made by Mr. Penn, seconded by Ms. Richardson, and carried 9-0 (Berkley and Wilson absent) to approve MAR 2015-14, for the reasons provided by staff.

Development Plan Action: A motion was made by Mr. Penn, seconded by Mr. Cravens, and carried 9-0 (Berkley and Wilson absent) to approve ZDP 2015-65, including the eight revised conditions as listed.