

AN ORDINANCE CHANGING THE ZONE FROM A PROFESSIONAL OFFICE (P-1) ZONE TO A WHOLESALE AND WAREHOUSE BUSINESS (B-4) ZONE, FOR 3.91 NET (5.18 GROSS) ACRES, FOR PROPERTY LOCATED AT 2300 FORTUNE DRIVE (FORTUNE BUSINESS CENTRE, LLC; COUNCIL DISTRICT 6).

WHEREAS, at a Public Hearing held on November 17, 2016 a petition for a zoning ordinance map amendment for property located at 2300 Fortune Drive from a Professional Office (P-1) zone to a Wholesale and Warehouse Business (B-4) zone for 3.91 net (5.18 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 9-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone for property located at 2300 Fortune Drive from a Professional Office (P-1) zone to a Wholesale and Warehouse Business (B-4) zone for 3.91 net (5.18 gross) acres, being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 - That the granting of this zone change is made subject to the following use restrictions as conditions of granting the zone change:

Under the provisions of Article 6-7 of the Zoning Ordinance, the following use and buffering restrictions are proposed for the subject property via conditional zoning:

- a. Shops for major and minor automobile and truck repairing or electroplating.
- b. Laundry, clothes cleaning or dyeing shop.
- c. Ice plant.
- d. Tire re-treading and recapping.
- e. Machine shop.
- f. Processors of agricultural products

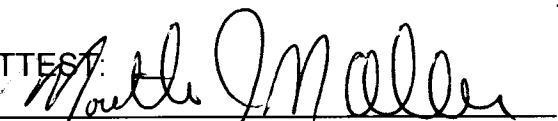
- g. Establishments and lots for the display, rental, sale and repair of farm equipment; contractor equipment; automobiles; trucks; mobile homes; recreational vehicles, such as mini-bikes, motorcycles and bicycles; boats or supplies for such items.
- h. Truck terminals and freight yards.
- i. Automobile service stations, and automobile and vehicle refueling stations.
- j. Establishments for the display and sale of pre-cut, prefabricated or shell homes.
- k. Circuses and carnivals.

Section 3 - That the Lexington-Fayette Urban County Planning Commission is directed to show the amendment on the official zone map atlas and to make reference to the number of this Ordinance.

Section 4 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: January 31, 2017

ATTES:


CLERK OF URBAN COUNTY COUNCIL
Published: February 9, 2017-1t
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MAYOR



Legal Description of the
Fortune Business Centre, Inc. Property
Zone Change From P-1 to B-4
2300 Fortune Drive
Lexington, Fayette County, Kentucky

ALL THAT TRACT OR PARCEL OF LAND SITUATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF WINCHESTER ROAD (US 60) AND FORTUNE DRIVE IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the intersection of the centerline of Winchester Road (US 60) and the centerline of Fortune Drive ; thence with the centerline of Winchester Road south 82 degrees 31 minutes 05 seconds east 625.71 feet to a point; thence leaving Winchester Road south 21 degrees 14 minutes 04 seconds west 411.81 feet to a point; thence north 82 degrees 31 minutes 03 seconds west 480.02 feet to a point in the centerline of Fortune Drive; thence with the centerline of Fortune Drive along a curve to the left having an arc length of 45.73 feet, a radius of 716.20 feet, and a chord bearing north 04 degrees 21 minutes 47 seconds west, a distance of 45.72 feet to a point; thence north 06 degrees 00 minutes 31 seconds west 80.14 feet to a point; thence along a curve to the right having an arc length of 168.89 feet, a radius of 716.20 feet, and a chord bearing north 00 degrees 44 minutes 49 seconds east, a distance of 168.49 feet to a point; thence north 07 degrees 30 minutes 09 seconds east 109.99 feet to the point of beginning and containing 5.18 gross acres and 3.91 net acres.

RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

IN RE: PLN-MAR-16-00008: FORTUNE BUSINESS CENTRE, LLC – a petition for a zone map amendment from a Professional Office (P-1) zone to a Wholesale and Warehouse Business (B-4) zone, for 3.91 net (5.18 gross) acres, for property located at 2300 Fortune Drive. (Council District 6)

Having considered the above matter on **November 17, 2016**, at a Public Hearing, and having voted **9-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **CONDITIONAL APPROVAL** of this matter for the following reasons:

1. The requested Warehouse and Wholesale Business (B-4) zone is appropriate, and the existing Professional Office (P-1) zone is inappropriate at this location, for the following reasons:
 - a. The Fortune Drive corridor is characterized by warehouse and wholesale business land uses, with few stand along office uses. The proposed B-4 zone is compatible and consistent with the existing character of the area.
 - b. The existing transportation and infrastructure improvements that exist on the property will be able to serve the proposed use. A shared access easement, parking and a regional detention basin are in place to serve the subject property.
 - c. Although adjoined by residential zoning to the immediate east, a regional detention basin exists along the shared zoning boundary. This creates a physical boundary that is an appropriate land use buffer and creates a land use transition between the business and residential uses.
2. This recommendation is made subject to the approval and certification of PLN-MJDP-16-00031: Fortune Business Center, Lot 3, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses shall be prohibited on the subject property:
 - a. Shops for major and minor automobile and truck repairing or electroplating.
 - b. Laundry, clothes cleaning or dyeing shop.
 - c. Ice plant.
 - d. Tire re-treading and recapping.
 - e. Machine shop.
 - f. Processors of agricultural products.
 - g. Establishments and lots for the display, rental, sale and repair of farm equipment; contractor equipment; automobiles; trucks; mobile homes; recreational vehicles, such as mini-bikes, motorcycles, and bicycles; boats or supplies for such items.
 - h. Truck terminals and freight yards.
 - i. Automobile service stations, and automobile and vehicle refueling stations.
 - j. Establishments for the display and sale of pre-cut, prefabricated or shell homes.
 - k. Circuses and carnivals.

These restrictions are necessary and appropriate in order to protect the neighborhood from uses that are too intensive or out of character with the existing area.

ATTEST: This 12th day of December, 2016.


Secretary, Jim Duncan

WILLIAM WILSON
CHAIR

Note: The corollary development plan, PLN-MJDP-16-00031: FORTUNE BUSINESS CENTER, LOT 3 (AMD) was approved by the Planning Commission on November 17, 2016 and certified on December 1, 2016.

K.R.S. 100.211(7) requires that the Council take action on this request by February 15, 2017.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Tom Miller, Attorney.**

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (9) Berkley, Cravens, Drake, Mundy, Owens, Plumlee, Richardson, Smith, and Wilson

NAYS: (0)

ABSENT: (2) Brewer and Penn

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **CONDITIONAL APPROVAL** of **PLN-MAR 16-00008** carried.

Enclosures: Application
Plat
Staff Report
Applicable excerpts of minutes of above meeting

MAP AMENDMENT REQUEST (MAR) APPLICATION

1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)

Applicant: Fortune Business Centre, LLC, 900 Beasley Street, Suite 110, Lexington, KY 40509
Owner(s): FORTUNE BUSINESS CENTRE INC 900 BEASLEY ST STE 110 LEXINGTON KY 40509
Attorney: Mike Meuser, 271 W Short St Ste 600, Lexington, KY 40507

2. ADDRESS OF APPLICANT'S PROPERTY

2300 FORTUNE DR LEXINGTON KY

3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY

Zoning	Existing	Zoning	Requested	Acreage	
	Use		Use	Net	Gross
P-1	Vacant Lot	B-4	Wholesale and Warehouse Business	3.91	5.18

4. EXISTING CONDITIONS

a. Are there any existing dwelling units on this property that will be removed if this application is approved?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
b. Have any such dwelling units been present on the subject property in the past 12 months?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
c. Are these units currently occupied by households earning under 40% of the median income? If yes, how many units? If yes, please provide a written statement outlining any efforts to be undertaken to assist those residents in obtaining alternative housing.	<input type="checkbox"/> YES <input type="checkbox"/> NO

5. URBAN SERVICES STATUS (Indicate whether existing, or how to be provided)

Roads:	LFUCG
Storm Sewers:	LFUCG
Sanity Sewers:	LFUCG
Refuse Collection:	LFUCG
Utilities:	<input checked="" type="checkbox"/> Electric <input checked="" type="checkbox"/> Gas <input checked="" type="checkbox"/> Water <input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable



EXHIBIT A

B-4 zoning is in accordance with the goals and objectives of the Comprehensive Plan. The 2013 Comprehensive Plan Theme A aims to Grow Successful Neighborhoods by supporting infill and redevelopment throughout the Urban Service Area. The subject property is located in the Urban Service Area but has remained vacant and unproductive for a number of years because of lack of demand for P-1 property in the area. By rezoning the property, the owner will be able to redevelop the property and put the property toward a more productive use. Theme C of the 2013 Comprehensive Plan aims to Create Jobs and Prosperity in Fayette County. The subject property does not currently support any jobs or contribute to the prosperity of Fayette County. Despite the landowner's best efforts, it has been unable to rent the land to any tenants due to a lack of demand for P-1 zoned property in the area. In contrast, the surrounding land owned by the landowner that is zoned B-4 is approaching full rental capacity. In applying for a Map Amendment, the landowner hopes to rent the subject property to other business owners which would facilitate the creation of jobs and contribute to the prosperity of Fayette County.

If the Commission finds that the proposed map amendment is not in accordance with the goals and objectives of the Comprehensive Plan, K.R.S. § 100.213 permits the Commission to approve a map amendment if the existing zoning classification is inappropriate and that the proposed zoning is appropriate. In this case, the subject property is zoned inappropriately. There are 13 lots in the Fortune Business Centre. All are zoned B-4 with the exception of the subject property and 900 Beasley Street which are both zoned P-1. Despite the landowner's best efforts, it has been unable to rent out or otherwise utilize the subject property due to a lack of demand for P-1 zoned property in the area. In contrast, the landowner's parcels in the area that are zoned B-4 are approaching maximum capacity due to a healthy demand for such property in the area. Because Fortune Business Centre is predominantly zoned B-4 and there is a greater need for B-4 zoned property than for P-1 zoned property in this area, B-4 is a more appropriate zone.

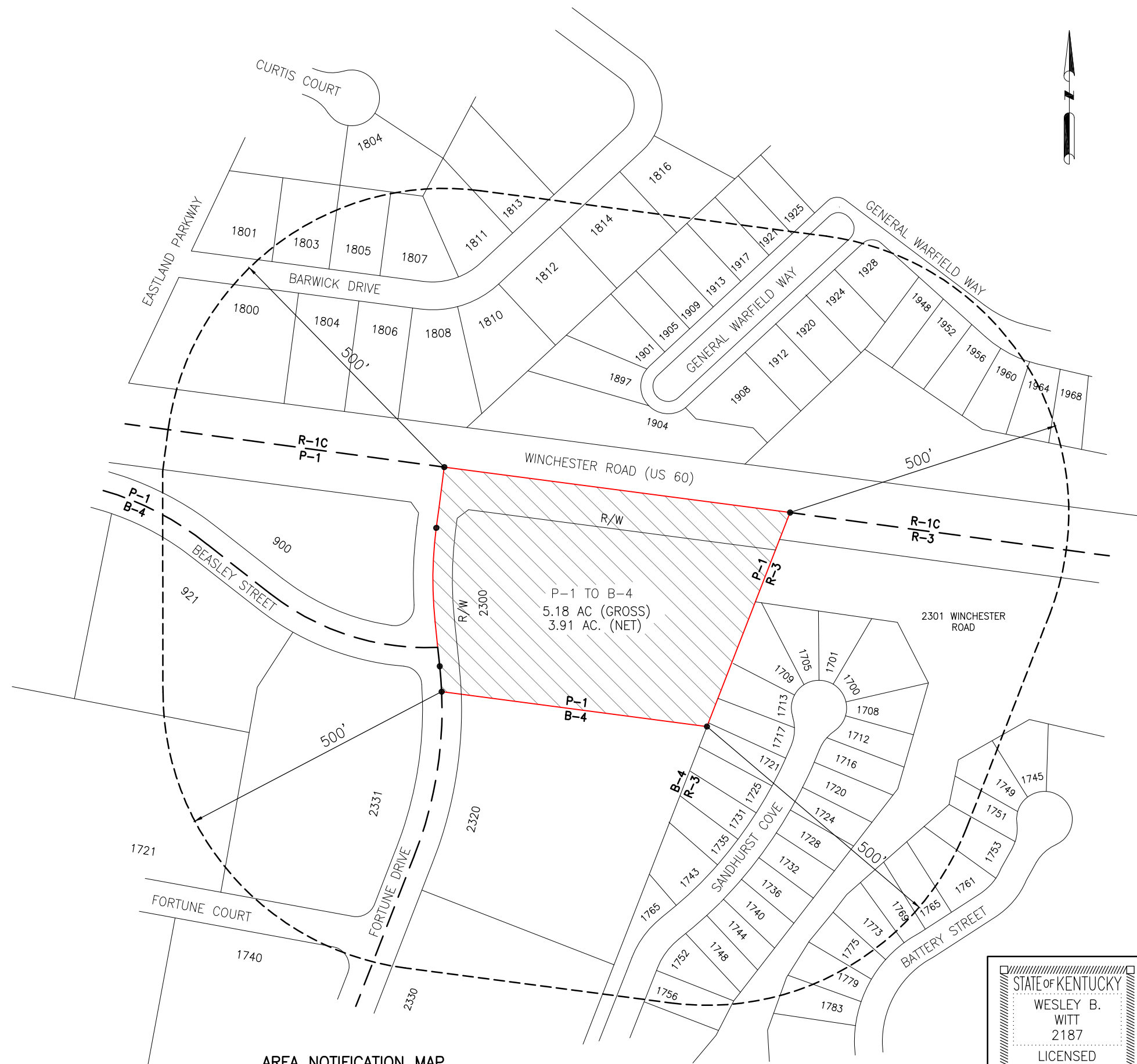
Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses shall be prohibited in any B-4 zoning approved for the subject property:

- a. Shops for major or minor automobile and truck repairing or electroplating.
- b. Cocktail lounges and nightclubs, or the serving of alcoholic beverages.
- c. Laundry, clothes cleaning or dyeing shop.
- d. Ice plant.
- e. Tire re-treading and recapping.
- f. Machine shop.
- g. Processors of agricultural products.
- h. Establishments and lots for the display, rental, sale and repair of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles such as mini-bikes, motorcycles, bicycles, boats or supplies for such items.
- i. Truck terminals and freight yards.
- j. Automobile service stations.
- k. Establishments for the display and sale of precut, prefabricated or shell homes.
- l. Circuses and carnivals.

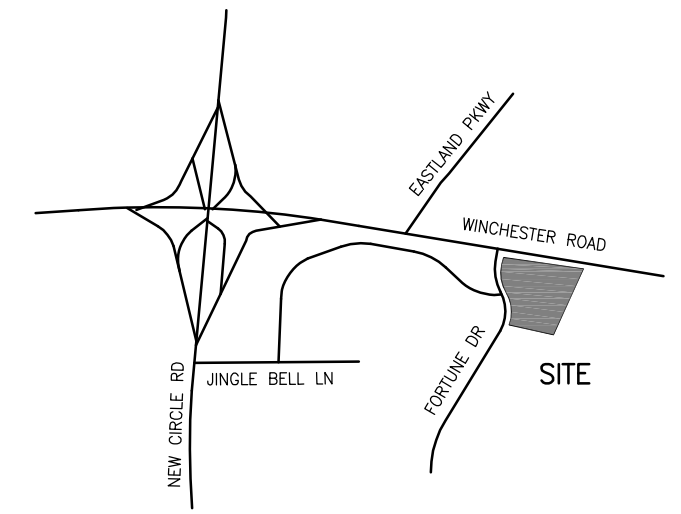
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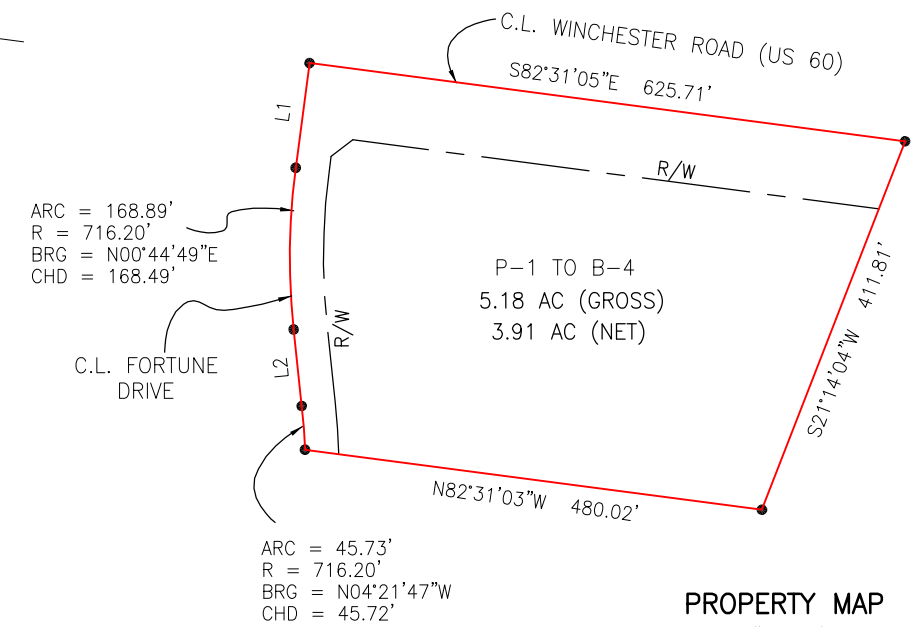


AREA NOTIFICATION MAP
1"=200'



VICINITY MAP
NTS

LINE	BEARING	DISTANCE
L1	N07°30'09"E	109.99'
L2	N06°00'31"W	80.14'



PROPERTY MAP
1"=200'

STATE OF KENTUCKY
WESLEY B. WITT
2187
LICENSED PROFESSIONAL LAND SURVEYOR
Wesley B Witt

ZOMAR: P-1 TO B-4				
PROPERTY ADDRESS: 2300 FORTUNE DRIVE	FROM	TO	GROSS	NET
APPLICANT: FORTUNE BUSINESS CENTRE, INC. 900 BEASLEY STREET, LEXINGTON, KY 40509	P-1	B-4	5.18 AC	3.91 AC
PREPARED BY: MIDWEST ENGINEERING, INC.				
DATE PREPARED: SEPTEMBER 2, 2016			TOTAL	5.18 AC 3.91 AC

STAFF REPORT ON AMENDED PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-16-00008: FORTUNE BUSINESS CENTRE, LLC

DESCRIPTION

Zone Change: From a Professional Office (P-1) zone
To a Wholesale and Warehouse Business (B-4) zone

Acreage: 3.91 net (5.18 gross) acres

Location: 2300 Fortune Drive

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	P-1	Vacant
To North	R-1C	Single Family Residential
To East	R-3	Single Family Residential
To South	B-4	Wholesale and Shops of Special Trade
To West	P-1	Professional Office

URBAN SERVICES REPORT

Roads – The subject property fronts along Winchester Road (US 60), a major arterial roadway, and Fortune Drive, a collector street that runs parallel to New Circle Road, between Liberty Road (KY 1927) and Winchester Road. Eastland Parkway intersects Winchester Road to the west of this location and shares signal timing with the signal at Fortune Drive and Winchester Road, directly adjacent to the subject property. Trade Center Drive intersects Fortune Drive, and borders the subject property to the south. Access to the subject property is proposed along a shared access easement with the adjoining parcel to the south and no access to Winchester is requested. This is consistent with previously approved access management for the subject site.

Curb/Gutter/Sidewalks – Curbs, gutters and sidewalks exist along Fortune Drive. Winchester Road does not have any of these typical urban improvements and such improvements were not constructed in this location when the roadway was last widened in 2015. Sidewalk improvements should be considered along the edge of this right-of-way by the Planning Commission.

Storm Sewers – The subject property is located within the North Elkhorn Creek watershed. The property is part of the larger Fortune Business Centre development, which shares a stormwater system for the entire development. One of the shared detention basins is located on the subject property next to Summerfield Subdivision, and others exist to the west of the site. Nearby subdivisions have also been developed with storm sewers. No FEMA floodplain or major flooding problems exist on the subject property, although an unnamed tributary of North Elkhorn Creek does run along Winchester Road to the east of the subject site.

Sanitary Sewers – The subject property is located in the North Elkhorn sewershed, which is served by the West Hickman Wastewater treatment Plant in northern Jessamine County. Sanitary sewer capacity will need to be verified prior to certification of a final development plan at this location.

Refuse – The Urban County Government serves this portion of the Urban Service Area with refuse collection on Tuesdays.

Police – The Central Sector Roll Call Center is the nearest police station. It is located less than one mile west of the subject property near the Eastland Shopping Center, just north of Winchester Road.

Fire/Ambulance – The nearest fire station (#2) is located approximately 1½ miles northwest of the subject property on East New Circle Road, near Meadow Lane. The future site of Station #2 will be

even closer (3/4 mile) to the subject property once relocated to corner of Eastland Drive and Murray Drive.

Utilities – Utilities, including natural gas; electric; water; cable television; street lights and telephone are available to serve the subject property at the time of development.

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 a restricted Wholesale and Warehouse Business (B-4) zone in order to permit land uses more in keeping with the character of the area.

CASE REVIEW

The petitioner has requested a zone change from a Professional Office (P-1) zone to a Wholesale and Warehouse Business (B-4) zone for about 3½ acres of property at 2300 Fortune Drive.

The subject property is located at the southeast corner of Fortune Drive and Winchester Road, at the entrance to the Fortune Business Centre. The site is bordered to the west and south by the existing business park, and by residential development to the east (Summerfield – a part of the Tuscany Subdivision) and north (Eastland and Patchen Wilkes across Winchester Road). The site is bordered by four different zoning categories including the following: Single Family Residential (R-1C), Planned Neighborhood Residential (R-3), Professional Office (P-1) and Wholesale and Warehouse Business (B-4) zoning.

The northern portion of the Fortune Drive corridor is characterized by warehouses, distribution facilities, wholesale and contractor supply establishments, and some offices. Generally, the area of the New Circle Road and Winchester Road interchange is bound on all sides by commercial development, including the southeastern quadrant, up to the Fortune Drive intersection. The petitioner proposes a B-4 zone to construct a 33,000 square-foot warehouse building, and associated off-street parking, similar to the adjoining land uses.

The property was originally rezoned in 1981 from an Agricultural Urban (A-U) zone to a Wholesale and Warehouse (B-4) zone. In 1991, the petitioner sought to re-zone the two corners at the Winchester Road and Fortune Drive intersection (including the subject property) to incorporate professional offices at the entrance to the Fortune Business Centre. While the one corner developed in 2004, the subject property has remained vacant for more than a decade.

The 2013 Comprehensive Plan focuses on general land use policies, such as land use compatibility; well-designed neighborhoods; improving a desirable community; and making the best use of land inside the Urban Service Boundary for the protection of the surrounding rural areas. The Plan no longer relies upon a future land use map. The petitioner contends that the proposal is in agreement with Theme A: Growing Successful Neighborhoods and Theme C: Creating Jobs and Prosperity. The petitioner also states that the existing P-1 zoning is inappropriate and that the proposed B-4 zone would be appropriate at this location.

In terms of the Comprehensive Plan, the petitioner opines that the rezoning will allow an underutilized parcel to be productive by creating jobs, which contribute to the prosperity of Fayette County. In addition, they state that development of the parcel will support the community's infill and redevelopment policies. While the staff does not disagree with these statements, we cannot find that the proposal is in agreement with the 2013 Comprehensive Plan, because both the existing and

proposed zones could create additional jobs for Fayette County, and it is difficult to determine how many more could result solely from this zone change. However, the staff agrees with the petitioner's justification as it relates to the proposal's appropriateness at this location.

The site remains vacant even though it has been zoned to permit its development for 35 years. Although no development occurred when the lot was previously zoned B-4 between 1981 and 1991, the B-4 zone is compatible and consistent with the rest of the Fortune Business Centre, of which it is a part. Additionally, the existing detention basin at the eastern edge of the property does create a physical boundary and transition between the subject site and the residential land uses to the east. In addition, the development will be able to use the existing infrastructure and transportation networks, which are adequate to serve both the traveling public and the proposed use.

Conditional zoning restrictions have been offered by the petitioner to ensure compatibility of the development with the proposed residential neighborhoods to the north and east. The staff agrees that they should be adopted in conjunction with the rezoning of this property.

The Staff Recommends: Approval, for the following reasons:

1. The requested Warehouse and Wholesale Business (B-4) zone is appropriate, and the existing Professional Office (P-1) zone is inappropriate at this location, for the following reasons:
 - a. The Fortune Drive corridor is characterized by warehouse and wholesale business land uses, with few stand along office uses. The proposed B-4 zone is compatible and consistent with the existing character of the area.
 - b. The existing transportation and infrastructure improvements that exist on the property will be able to serve the proposed use. A shared access easement, parking and a regional detention basin are in place to serve the subject property.
 - c. Although adjoined by residential zoning to the immediate east, a regional detention basin exists along the shared zoning boundary. This creates a physical boundary that is an appropriate land use buffer and creates a land use transition between the business and residential uses.
2. This recommendation is made subject to the approval and certification of PLN-MJDP-16-00031: Fortune Business Center, Lot 3, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses shall be prohibited on the subject property:
 - a. Shops for major and minor automobile and truck repairing or electroplating.
 - b. Laundry, clothes cleaning or dyeing shop.
 - c. Ice plant.
 - d. Tire re-treading and recapping.
 - e. Machine shop.
 - f. Processors of agricultural products.
 - g. Establishments and lots for the display, rental, sale and repair of farm equipment; contractor equipment; automobiles; trucks; mobile homes; recreational vehicles, such as mini-bikes, motorcycles, and bicycles; boats or supplies for such items.
 - h. Truck terminals and freight yards.
 - i. Automobile service stations, and automobile and vehicle refueling stations.
 - j. Establishments for the display and sale of pre-cut, prefabricated or shell homes.
 - k. Circuses and carnivals.

These restrictions are necessary and appropriate in order to ensure compatibility of the proposed development with the adjoining residential neighborhoods to the north and east of this location.

4. FORTUNE BUSINESS CENTRE, LLC ZONING MAP AMENDMENT & FORTUNE BUSINESS CENTER, LOT 3

- a. PLN-MAR-16-00008: FORTUNE BUSINESS CENTRE, LLC (12/1/16)* - a petition for a zone map amendment from a Professional Office (P-1) zone to a Wholesale and Warehouse Business (B-4) zone, for 3.91 net (5.18 gross) acres, for property located at 2300 Fortune Drive.

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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 a restricted Wholesale and Warehouse Business (B-4) zone in order to permit land uses more in keeping with the character of the area.

The Zoning Committee Recommended: **Approval**.

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

1. The requested Warehouse and Wholesale Business (B-4) zone is appropriate, and the existing Professional Office (P-1) zone is inappropriate at this location, for the following reasons:
 - a. The Fortune Drive corridor is characterized by warehouse and wholesale business land uses, with few stand along office uses. The proposed B-4 zone is compatible and consistent with the existing character of the area.
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 - c. Although adjoined by residential zoning to the immediate east, a regional detention basin exists along the shared zoning boundary. This creates a physical boundary that is an appropriate land use buffer and creates a land use transition between the business and residential uses.
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 - j. Establishments for the display and sale of pre-cut, prefabricated or shell homes.
 - k. Circuses and carnivals.
- b. PLN-MJDP-16-00031: FORTUNE BUSINESS CENTER, LOT 3 (AMD) (12/01/16)* - located at 2300 Fortune Drive.
(Midwest Engineering)

The Subdivision Committee Recommended: **Approval**, subject to the conditions listed on today's agenda.

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

1. Provided the Urban County Council rezones the property B-4; 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. Improve legibility of cross-sections.
7. Denote adjacent property information.
8. Denote location of existing trees, on plan.

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

Staff Zoning Presentation – Ms. Wade presented and summarized the staff report and recommendations on the proposed zone change. She displayed some photographs of the subject property.

Development Plan Presentation – Ms. Gallt presented the staff report on the corollary zoning development plan.

Petitioner Presentation – Tom Miller, attorney, was present representing the petitioner. He said that the applicant is in agreement with the staff's recommendations.

Citizen Comments – There were no citizens present to comments on this application.

Zoning Action – A motion was made by Mr. Owens, seconded by Ms. Plumlee, and carried 9-0 (Brewer and Penn absent) to approve PLN-MAR-16-00008: FORTUNE BUSINESS CENTRE, LLC, for the reasons provided by the staff with the conditional zoning restrictions.

Development Plan Action – A motion was made by Mr. Owens, seconded by Ms. Richardson, carried 9-0 (Brewer and Penn absent) to approve PLN-MJDP-16-00031: FORTUNE BUSINESS CENTER, LOT 3 (AMD), for the reasons provided by the staff.