

STAFF REPORT ON AMENDED PETITION FOR ZONE MAP AMENDMENT

MAR 2014-23: MARK SAUNIER (AMD.)

DESCRIPTION

Zone Change:	<u>REQUEST</u>		<u>ACREAGE</u>	
	<u>FROM</u>	<u>TO</u>	<u>NET</u>	<u>GROSS</u>
	I-1	B-4	0.032	0.085
	B-6P	B-4	<u>2.180</u>	<u>2.790</u>
	TOTAL.....		2.212	2.875

Location: 2380 Fortune Drive

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	B-6P	Commercial
To North	B-4	Columbia Gas Transmission Facility
To East	R-3	Single Family Residential & Vacant
To South	B-4	Warehouse & Wholesale Businesses
To West	B-4	Warehouse & Wholesale Businesses

URBAN SERVICES REPORT

Roads – The subject property fronts along Fortune Drive, a collector street that runs parallel to New Circle Road, between Liberty Road (KY 1927) and Winchester Road (US 60). Trade Center Drive intersects Fortune Drive, and borders the subject property to the south. Trade Center Drive currently stubs into the residential development to the east and is expected to continue. No change to the existing access points to Fortune Drive are expected with the proposed change of zone and use.

Curb/Gutter/Sidewalks – Curbs, gutters and sidewalks exist along Fortune Drive and Trade Center Drive at this location.

Storm Sewers – The subject property is located within the North Elkhorn Creek watershed. The property was recently developed in accordance with the LFUCG Division of Engineering Stormwater Manual, but no stormwater basins are located on the property. Detention basins have been constructed to the north and northwest, associated with other development along Fortune Drive and Beasley Street. Nearby subdivisions have 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 its rear property line.

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 or occupancy for the proposed change of land use 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 about one mile northwest of the subject property near the Eastland Shopping Center, just off 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 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.

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 Wholesale and Warehouse Business (B-4) zone in order to permit land uses more in keeping with the character of the area, and better suited to the existing building style. This petition has been amended since its original filing to include rezoning of the entire lot at 2380 Fortune Drive.

CASE REVIEW

The petitioner has requested a zone change from a Light Industrial (I-1) zone and a Planned Shopping Center (B-6P) zone to a Wholesale and Warehouse Business (B-4) zone for slightly more than two acres of property at 2380 Fortune Drive.

The subject property is located at the northeast corner of Fortune Drive and Trade Center Drive, which is an unsignalized intersection. The site is bordered to the north by a Columbia Gas transmission facility, to the west by the Herald-Leader's off-site print and distribution facility, and to the south by a uniform laundry and sales establishment, all located within a B-4 zone. Bordering the property to the east are single-family homes within the Summerfield portion of the Tuscany development (zoned R-3). Trade Center Drive is currently a stub street into the Tuscany development, and is expected to continue to an intersection with Meeting Street (another collector street) near the new public high school site.

This portion of the Fortune Drive corridor is characterized by warehouses, distribution facilities, wholesale and contractor supply establishments, and some offices. The existing structure is 24,000 square feet in size, and is partially occupied by land uses that are permitted by both the existing and proposed zoning categories. The unoccupied space is proposed for a major automobile repair business (auto glass), which is not permitted in the existing B-6P zone.

The petitioner proposes a B-4 zone for an office/warehouse mixed-use project, which allows land uses more in keeping with the character of the area, and well suited to the existing building style. The 24,000-foot structure was constructed within the past 18 months. It is partially occupied office and warehouse facilities. The unoccupied space is proposed for a major automobile repair business. The petitioner recently amended this application, at the staff's suggestion, to include the entire property in this zone change, rather than half of the existing structure, as initially proposed.

The property was originally zoned B-3 until it was rezoned to B-4 in 1978. In 1990, along with the Sam's Club property closer to New Circle Road, the property was rezoned again to the existing B-6P zoning that covers a majority of the site. Only a small triangle-shaped part of the property, north of the Columbia Gas facility, is currently zoned I-1.

The petitioner contends that the existing I-1 and B-6P zoning is inappropriate, and the proposed B-4 zoning is appropriate for the subject property. The property currently fronts on Fortune Drive, but it was originally part of a much larger tract of land that fronted along New Circle Road, and was planned for a shopping center in the 1990s. Since the development of the Sam's Club Warehouse to the west, Fortune Drive was extended; that roadway connection cut off the subject property from the rest of the B-6P zoned area to the west. The Fortune Drive area is primarily developed with offices, warehouses and wholesale businesses, so the proposed zoning and the existing building are compatible and

consistent with the development character of the area. Additionally, the subject property is separated from the residential development occurring on the adjacent property to the east by a significant grade change, but more notably, by two high pressure gas mains located in substantial easements. These two gas mains and their respective easements will ensure that a significant width of undeveloped property will remain between the subject property and any future development to the east.

Few additional jobs will result from this zone change, so it is difficult to conclude that this change is in agreement with the 2013 Comprehensive Plan. However, the staff agrees with the petitioner's justification. It should be noted that with the zone change a portion of the building will become non-conforming with respect to the special provisions of the B-4 zone for a 100-foot setback from residentially-zoned property. The vacant lot adjacent to the subject property has zone-to-zone screening in place, which will serve to adequately buffer an future development from those overhead doors.

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

1. The requested Warehouse and Wholesale Business (B-4) zone is appropriate, and the existing mixture of Light Industrial (I-1) and Planned Shopping Center (B-6P) zoning is inappropriate at this location, for the following reasons:
 - a. The Fortune Drive corridor is characterized by warehouse and wholesale business land uses, with little retail, restaurant, or industrial uses that would be typical in either a B-6P or an I-1 zone. The proposed B-4 zone is compatible and consistent with the existing character of the area.
 - b. The existing structure and site can accommodate the proposed office/warehouse mixed-use project.
 - c. Although adjoined by residential zoning, residential dwelling units or other land uses permitted in the R-3 zone will need to be located a greater distance from the property due to two high pressure gas mains. This factor, along with a grade change have, ensured that a significant width of undeveloped property will remain between the subject property and any future development to the east.
2. This recommendation is made subject to the approval and certification of ZDP 2014-105: Brock McVey & Barry Dotson Property, Unit 2A, Lot 7, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

TLW/BJR/WLS

12/4/14

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