

AN ORDINANCE CHANGING THE ZONE FROM A PROFESSIONAL OFFICE (P-1) ZONE TO A WHOLESALE AND WAREHOUSE BUSINESS (B-4) ZONE, FOR 5.56 NET (5.65 GROSS) ACRES, FOR PROPERTY LOCATED AT 2472 FORTUNE DRIVE (RON TURNER, AMTEK OF KENTUCKY, INC.; COUNCIL DISTRICT 6).

WHEREAS, at a Public Hearing held on February 23, 2017 a petition for a zoning ordinance map amendment for property located at 2472 Fortune Drive from a Professional Office (P-1) zone to a Wholesale and Warehouse Business (B-4) zone for 5.56 net (5.65 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 8-0; 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 2472 Fortune Drive from a Professional Office (P-1) zone to a Wholesale and Warehouse Business (B-4) zone for 5.56 net (5.65 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 shall apply to the subject property via conditional zoning:

PROHIBITED USES

1. Machine shop.
2. Major or minor automobile or truck repairs.
3. Tire re-treading and recapping.
4. Truck terminals and freight yards.
5. Circuses and carnivals, even on a temporary basis.
6. Any wholesale or trucking use operating between the hours of 11 p.m. and 7 a.m.

LANDSCAPE BUFFER

1. A landscape buffer of fifteen feet (15') shall be established and maintained along any property boundary that is shared with a residentially zoned property. The

landscape buffer shall meet the requirements of Article 18, and may not be reduced in width.


These use restrictions are appropriate and necessary at this location to ensure that the proposed development adequately protects the nearby neighborhood and assisted living facility.

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: March 16, 2017

ATTEST:



CLERK OF URBAN COUNTY COUNCIL

Published: March 23, 2017-1t

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MAYOR

The following description is intended for zoning purposes only. The description represents information depicted on documents of record found in the Fayette County Clerk's office. This description does not represent a boundary survey and should not be used for real estate conveyance or transfer.

**Zone Change from P-1 To B-4
For
2472 Fortune Drive
Lexington, KY 40509**

Beginning at a found Mag-Nail with aluminum washer stamped "WITT LS 2187" on the eastern Right-of-Way line of Fortune Drive as depicted in Plat Cabinet K, Slide 403 and in the Zone B-4 delineation boundary; thence with said B-4 delineation boundary for one (1) call:

1. North 72° 30' 55" East 687.19 feet to a found 3/8" rebar in the Zone R-3 delineation boundary; thence with said R-3 delineation boundary for one (1) call:
2. South 47° 35' 14" East 247.49 feet to a found 3/8" rebar, a corner to the Zone R-4 delineation boundary; thence with said R-4 delineation boundary for one (1) call:
3. South 44° 40' 29" West 568.76 feet to a found 5/8" rebar with cap stamped "WITT LS 2187" thence severing said P-1 delineation boundary for three (3) calls:
4. North 45° 21' 51" West 230.34 feet to a found 5/8" rebar with cap stamped "EAP LS 2115";
5. North 69° 42' 26" West 271.18 feet to a found Mag-Nail with aluminum washer stamped "EAP LS 2115" on the eastern Right-of-Way of said Fortune Drive;
6. South 85° 15' 13" West 35.00 feet to a point on the centerline of said Fortune Drive; thence with said centerline for one (1) call:
7. Along a curve to the left having a Radius of 500.00 feet, a Delta Angle of 11° 53' 26" and a Long Chord of North 10° 23' 17" West 103.58 feet to a point on said Zone B-4 delineation boundary; thence with said B-4 delineation boundary for one (1) call:
8. North 73° 20' 09" East 35.00 feet to the Point of Beginning containing 5.649 Acres Gross and 5.563 Acres Net.

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

IN RE: **PLN-MAR-17-00003: RON TURNER, AMTEK OF KENTUCKY, INC.** – a petition for a zone map amendment from Professional Office (P-1) zone to a Wholesale and Warehouse Business (B-4) zone, for 5.56 net (5.65 gross) acres, for property located at 2472 Fortune Drive. (Council District 6)

Having considered the above matter on **February 23, 2017**, at a Public Hearing, and having voted **8-0** 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 existing Professional Office (P-1) zoning is inappropriate, and the proposed Wholesale and Warehouse Business (B-4) zoning is appropriate at this location for the following reasons:
 - a. The B-4 zone requested would be compatible with adjacent commercial development and will not adversely affect the surrounding area.
 - b. The subject property would function well as a part of the existing business park development along Fortune Drive, and the requested zone change will allow it to function in this manner.
 - c. The subject property is separated from the adjacent P-1 zoned property to the south by an existing tree stand and from the residentially zoned property to the northeast by a detention basin. The tree stand and detention basin are more appropriate and recognizable land use buffers between the office and residential uses and the proposed wholesale/warehouse use in this instance.
2. This recommendation is made subject to approval and certification of **PLN-MJDP-17-00005: Eastwood Unit 6, Sec. 2, Lot 6**, 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 use restrictions shall apply to the property via conditional zoning:**

PROHIBITED USES

1. Machine shop.
2. Major or minor automobile or truck repair.
3. Tire re-treading and recapping.
4. Truck terminals and freight yards.
5. Circuses and carnivals, even on a temporary basis.
6. Any wholesale or trucking use operating between the hours of 11 p.m. and 7 a.m.

LANDSCAPE BUFFER

1. A landscape buffer of fifteen feet (15') shall be established and maintained along any property boundary that is shared with a residentially zoned property. The landscape buffer shall meet the requirements of Article 18, and may not be reduced in width.

These use restrictions are appropriate and necessary at this location to ensure that the proposed development adequately protects the nearby neighborhood and assisted living facility.

ATTEST: This 10th day of March, 2017.


Secretary, Jim Duncan

WILLIAM WILSON
CHAIR

Note: The corollary development plan, PLN-MJDP-17-00005: Eastwood Unit 6, Sec. 2, Lot 6 was approved by the Planning Commission on February 23, 2017 and certified on March 9, 2017.

K.R.S. 100.211(7) requires that the Council take action on this request by May 25, 2017.

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

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (8) Cravens, Drake, Mundy, Owens, Plumlee, Richardson, Smith, and Wilson

NAYS: (0)

ABSENT: (3) Berkley, Brewer, and Penn

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-17-00003** 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: Ron Turner, Amtek of Kentucky, LLC, 2421 Fortune Dr., Lexington, KY 40509
Owner(s): FORTUNE OFFICES, LLC, 200 W VINE ST FL 6TH, LEXINGTON, KY 40507
Attorney: Bruce Simpson, Stoll Keenon Ogden, PLLC, 300 West Vine Street, Suite 2100, Lexington, KY 40507

2. ADDRESS OF APPLICANT'S PROPERTY

2472 FORTUNE DR, LEXINGTON KY

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

Zoning	Existing		Requested		Acreage	
	Zoning	Use	Zoning	Use	Net	Gross
P-1		Vacant	B-4	Office Warehouse	5.563	5.649

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





300 WEST VINE STREET
SUITE 2100
LEXINGTON, KY 40507-1801
MAIN: (859) 231-3000
FAX: (859) 253-1093

T. BRUCE SIMPSON, JR.
DIRECT DIAL: (859) 231-3621
DIRECT FAX: (859) 259-3521
bruce.simpson@skofirm.com

January 12, 2017

Mr. William Wilson, Chairperson
Lexington Fayette Urban County Planning Commission
200 East Main Street
Lexington, Kentucky 40507

Re: Zone Map Amendment Application for
2472 Fortune Drive from P-1 to B-4

Dear Chairperson Wilson,

I represent Twenty-Four Seventy-Two, LLC for its application for a zone map amendment request for the property located at 2472 Fortune Drive. The subject property is currently zoned P-1 (Professional Offices) and the applicant is seeking to rezone the property to the B-4 zone (Wholesale and Warehouse Business). Ron Turner is the principal in Twenty-Four Seventy-Two, LLC which also owns, under different corporate entities, property located to the north, 2464, 2456, 2432 and 2408 Fortune Drive, all of which are zoned B-4. The applicant also owns the property, 2480 Fortune Drive, which is contiguous to the subject property to the southwest and which is zoned P-1.

By far, the vast majority of the properties located on Fortune Drive from Winchester Rd. to the subject property are zoned B-4. The subject property has been vacant and available for sale for many years under the P-1 zone but there has been little to no interest in any purchaser developing it for professional offices. This is because most professional office users want to locate where other professional office buildings are concentrated. The P-1 zoned property located at 2480 Fortune Drive has had difficulty in attracting professional office tenants for this reason.

The applicant intends to develop the subject property in the same manner with the similar uses and architectural features as its existing B-4 properties to the north. Developing the subject property in this fashion will be a complement to the existing neighborhood and provide a much needed opportunity to use the subject property for job creation. Thus, it is our contention that the P-1 zone for the subject property is inappropriate and the proposed B-4 zone is more appropriate. Allowing the property to be developed under the B-4 zone will provide employment opportunities. Keeping the subject property zoned P-1 and vacant provides no opportunities for jobs nor is the long vacant lot complimentary or compatible with all of the established business uses.

This application is also consistent with the following Goals and Objectives of the Comprehensive Plan:

Theme A: Growing Successful Neighborhoods

Goal 2: Support infill and redevelopment throughout the Urban Services Area as a strategic component of growth.

Objectives:

- a. Identify areas of opportunity for infill, redevelopment and adaptive reuse that respect the area's context and design features whenever possible.

Theme C: Creating Jobs and Prosperity

Goal 1: Support and showcase local assets to further the creation of a variety of jobs.

Objectives:

- a. Strengthen efforts to develop a variety of job opportunities that lead to prosperity for all.

Goal 2: Attract the world's finest jobs, encourage entrepreneurial spirit and enhance our ability to recruit and retain a talented, creative workforce by establishing opportunities that embrace diversity, with inclusion in our community.

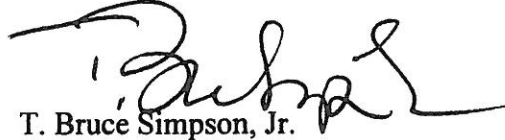
Objectives:

- a. Identify and promote sectors of the economy that will flourish in Lexington.
- b. Improve opportunities for small business development and workers who rely on personal technology.

Mr. William Wilson, Chairperson
January 12, 2017
Page 3

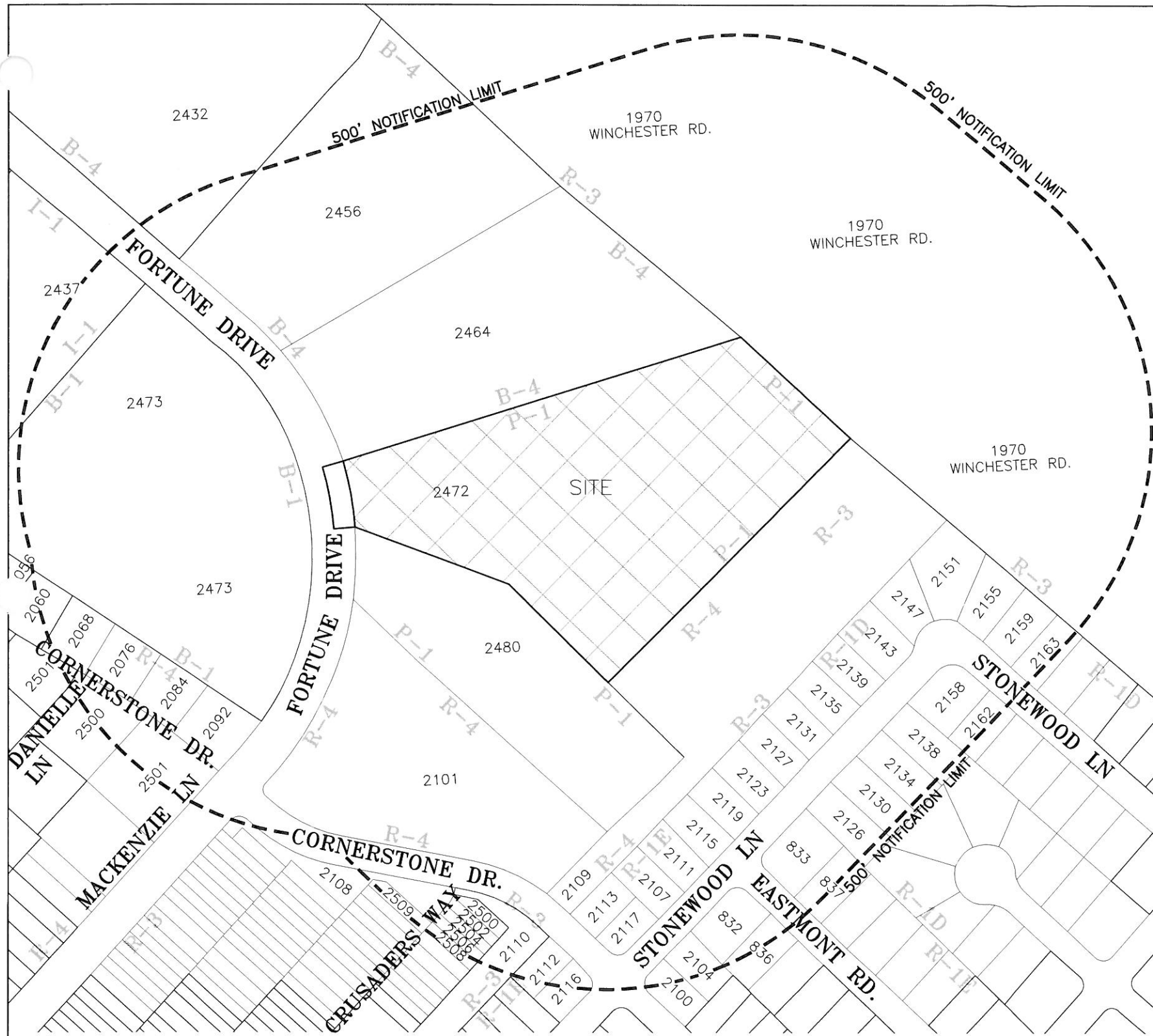
This application is consistent with all of these themes, goals and objectives. Ron Turner, through his affiliated companies, has designed and maintained some of the highest quality, if not the highest quality B-4 developments, in Fayette County. The subject property has been majorly under-utilized for more than 20 years. Now, with the reviving economy and this applicant, the time is ripe for this property to be developed but it needs the B-4 zoning to move forward. I look forward to presenting this application to the full Planning Commission.

Very truly yours,

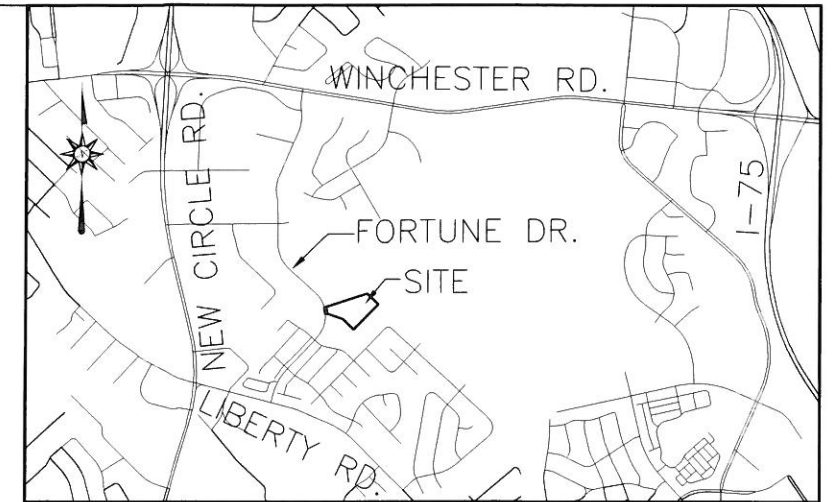
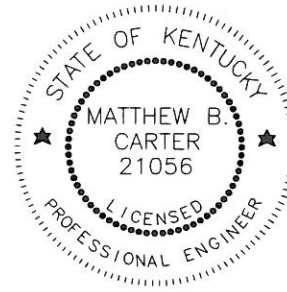
A handwritten signature in black ink, appearing to read 'T. Bruce Simpson, Jr.', written in a cursive style.

T. Bruce Simpson, Jr.

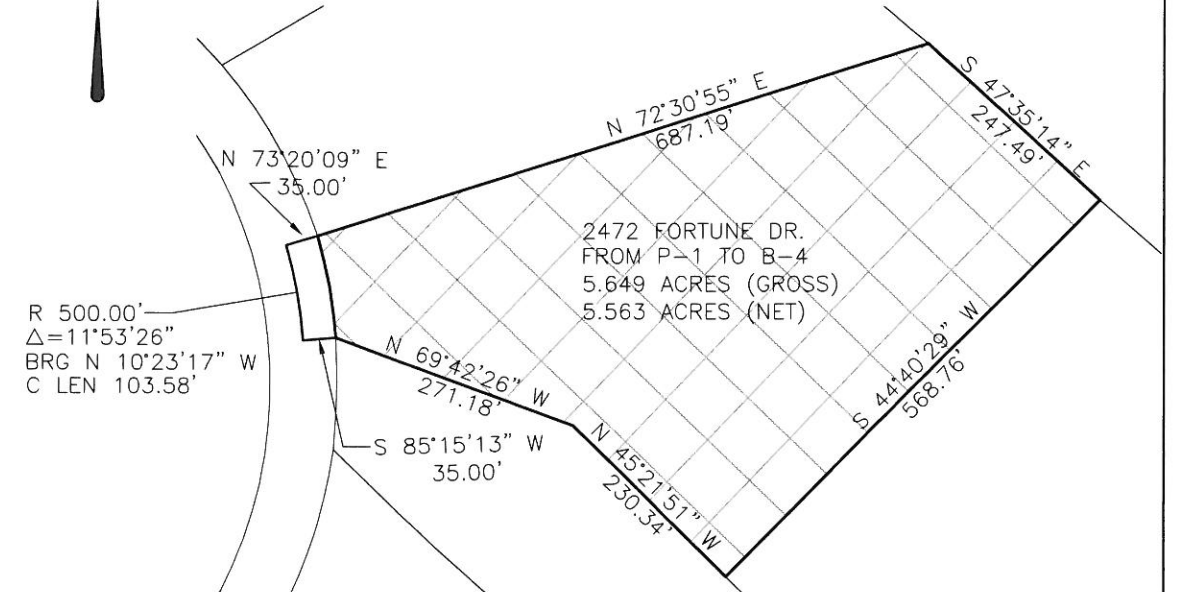
cc: Ron Turner



NOTIFICATION MAP
SCALE: 1" = 200'



PROPERTY MAP
SCALE: 1" = 3000'



PROPERTY MAP
SCALE: 1" = 200'

ZOMAR:	TITLE: 2472 FORTUNE DRIVE			
PROPERTY ADDRESS:	FROM	TO	GROSS	NET
2472 FORTUNE DRIVE	P-1	B-4	5.649	5.563
OWNER: FORTUNE OFFICES LLC				
200 W VINE ST FLOOR 6TH				
LEXINGTON, KENTUCKY 40507				
APPLICANT NAME / ADDRESS:				
RON TURNER; AMTECK OF KENTUCKY INC				
2421 FORTUNE DRIVE				
LEXINGTON, KENTUCKY 40509				
PREPARED BY: VISION ENGINEERING, LLC				
DATE FILED OR AMENDED: JANUARY 3, 2017	TOTAL		5.649	5.563

5. **RON TURNER, AMTEK OF KENTUCKY, INC. ZONING MAP AMENDMENT & EASTWOOD UNIT 6, SEC. 2, LOT 6 ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-17-00003: RON TURNER, AMTEK OF KENTUCKY, INC. (4/6/17)* - petition for a zone map amendment from Professional Office (P-1) zone to a Wholesale and Warehouse Business (B-4) zone, for 5.56 net (5.65 gross) acres, for property located at 2472 Fortune 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.

The petitioner proposes construction of a two-story building with 52,500 square feet of office/warehouse space, as well as off-street parking and loading areas.

The Zoning Committee Recommended: Approval.

The Staff Recommends: Approval, for the following reason:

1. The existing Professional Office (P-1) zoning is inappropriate, and the proposed Wholesale and Warehouse Business (B-4) zoning is appropriate at this location for the following reasons:
 - a. The B-4 zone requested would be compatible with adjacent commercial development and will not adversely affect the surrounding area.
 - b. The subject property would function well as a part of the existing business park development along Fortune Drive, and the requested zone change will allow it to function in this manner.
 - c. The subject property is separated from the adjacent P-1 zoned property to the south by an existing tree stand and from the residentially zoned property to the northeast by a detention basin. The tree stand and detention basin are more appropriate and recognizable land use buffers between the office and residential uses and the proposed wholesale/warehouse use in this instance.
2. This recommendation is made subject to approval and certification of PLN-MJDP-17-00005: Eastwood Unit 6, Sec. 2, Lot 6, 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 use restrictions shall apply to the property via conditional zoning:

PROHIBITED USES

1. Machine shop.
2. Major or minor automobile or truck repair.
3. Tire re-treading and recapping.
4. Truck terminals and freight yards.
5. Circuses and carnivals, even on a temporary basis.
6. Any wholesale or trucking use operating between the hours of 11 p.m. and 7 a.m.

LANDSCAPE BUFFER

1. A landscape buffer of fifteen feet (15') shall be established and maintained along any property boundary that is shared with a residentially zoned property. The landscape buffer shall meet the requirements of Article 18, and may not be reduced in width.

These use restrictions are appropriate and necessary at this location to ensure that the proposed development adequately protects the nearby neighborhood and assisted living facility.

- b. PLN-MJDP-17-00005: EASTWOOD UNIT 6, SEC. 2, LOT 6 (LIBERTY WOODS) (4/6/17)* - located at 2472 Fortune Drive.
(Vision Engineering)

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

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. Complete tree inventory information for all trees 12" or larger in diameter (per Art. 26 of the Zoning Ordinance).
6. Denote that office/laboratory/data processing center floor areas will not exceed 75% of the total floor area ~~and denote~~ in site statistics.
7. Denote zoning of adjacent property on plan.
8. Resolve access to adjacent properties.
9. Resolve additional screening adjacent to residential facility.

* - 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 for this zone change. She reviewed the past zoning history for this site, and the applicable recommendations of the 2013 Comprehensive Plan. She displayed several photographs of the subject property and the general area. She reviewed the applicant's justification for this zone change and identified a detention basin that will act as a buffer between the subject property and the residential boundary.

Ms. Wade said that the staff is recommending conditional zoning restrictions for the subject property for some of the loud uses that are permitted in the B-4 zone, as well as one for the landscape buffer to remain at a width of 15'.

Development Plan Presentation – Mr. Bronczyk presented the staff report on the Preliminary Development Plan associated with this zone change. Mr. Bronczyk identified the property's location off of Fortune Drive, and described the location of the proposed building. He said the applicant was proposing a 52,000 square feet, two-story mixed use office building.

Commission Question – Ms. Richardson asked if condition #8 could be deleted. Mr. Bronczyk replied that this is a Preliminary Development Plan and that it could be deleted. Mr. Owens asked if the space between the proposed property and the residential zone is buildable. Mr. Sallee replied that is the open space for the assisted living facility on the neighboring property.

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

Citizen Comment – There were no citizens present to speak to this application.

Zoning Action – A motion was made by Mr. Owens, seconded by Ms. Plumlee, and carried 8-0 (Berkley, Brewer, and Penn absent) to approve PLN-MAR-17-00003: RON TURNER, AMTEK OF KENTUCKY, INC., for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Owens, seconded by Ms. Plumlee, carried 8-0 (Berkley, Brewer, and Penn absent) to approve PLN-MJDP-17-00005: EASTWOOD UNIT 6, SEC. 2, LOT 6 (LIBERTY WOODS), for the reasons provided by the staff with the deletion of condition #9 as follows:

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. Complete tree inventory information for all trees 12" or larger in diameter (per Art. 26 of the Zoning Ordinance).
6. Denote that office/laboratory/data processing center floor areas will not exceed 75% of the total floor area and denote in site statistics.
7. Denote zoning of adjacent property on plan.
- ~~8. Resolve access to adjacent properties.~~
8. 9. Resolve additional screening adjacent to residential facility.