

AN ORDINANCE CHANGING THE ZONE 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. (JUSTICE PLAZA, LLC (AMD); COUNCIL DISTRICT 6).

WHEREAS, at a Public Hearing held on February 28, 2019, a petition for a zoning ordinance map amendment for property located at 1916 Justice Drive and 1750 Pleasant Ridge Drive from an Interchange Service Business (B-5P) zone to a Commercial Center (B-6P) zone for 4.050 net (4.939 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending approval of the zone change by a vote of 11-0; 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.

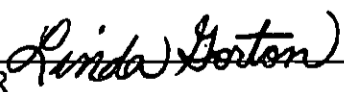
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

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 1916 Justice Drive and 1750 Pleasant Ridge Drive from an Interchange Service Business (B-5P) zone to a Commercial Center (B-6P) zone for 4.050 net (4.939 gross) acres, being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 - 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.

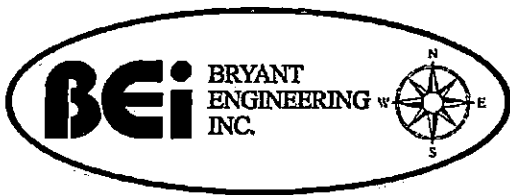
Section 3 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: April 11, 2019


MAYOR

ATTEST:


CLERK OF URBAN COUNTY COUNCIL



1535 Frederica Street
Owensboro, KY 42301
P.O. Box 21382
www.bryant-eng.com
Phone: (270) 685-2811
Fax: (270) 683-4991

PROPERTY DESCRIPTION

4.839 ACRES

1916 Justice Drive and 1750 Pleasant Ridge Drive

Beginning at a calculated point being in the north right-of-way line of Pleasant Ridge Drive, said north right-of-way line being 30.00 feet from its centerline and being the westernmost corner of Parcel A-16, Man O' War, Unit 2A, Section 1, as recorded in Plat Cabinet N, at Sleeve 418 in the office of the Fayette County Clerk; thence severing the right-of-way of said Pleasant Ridge Drive South 38 degrees 03 minutes 05 seconds West, a distance of 35.08 feet to a calculated point being in the centerline of said Pleasant Ridge Drive; thence with the centerline of said Pleasant Ridge Drive for the following three (3) calls:

1. in a curve to the left being subtended by a chord of North 83 degrees 51 minutes 10 seconds West, a chord distance of 246.00 feet and having a radius of 595.12 feet, in all an arc distance of 247.79 feet to a calculated point;
2. South 84 degrees 20 minutes 07 seconds West, a distance of 147.22 feet to a calculated point;
3. in a curve to the right being subtended by a chord of South 87 degrees 11 minutes 14 seconds West, a chord distance of 88.71 feet and having a radius of 888.94 feet, in all an arc distance of 88.75 feet to a calculated point being the intersection of the centerlines of Pleasant Ridge Drive and Justice Drive; thence with the centerline of said Justice Drive for the following three (3) calls:
 1. North 06 degrees 36 minutes 02 seconds East, a distance of 146.73 feet to a calculated point;
 2. in a curve to the right being subtended by a chord of North 24 degrees 08 minutes 56 seconds East, a chord distance of 177.61 feet and having a radius of 300.00 feet, in all an arc distance of 180.31 feet to a calculated point;
 3. North 41 degrees 22 minutes 02 seconds East, a distance of 133.98 feet to a calculated point; thence severing the right-of-way of said Justice Drive South 45 degrees 26 minutes 10 seconds East, a distance of 30.05 feet to a calculated point being the westernmost corner of Parcel 3, Man O' War, Unit 2A, Section 2, as recorded in Plat Cabinet R, at Sleeve 389 in said clerk's office; thence with said Parcel 3 for the following five (5) calls:
 1. South 45 degrees 26 minutes 10 seconds East, a distance of 190.30 feet to a calculated point;
 2. North 41 degrees 22 minutes 02 seconds East, a distance of 185.02 feet to a calculated point;
 3. South 47 degrees 27 minutes 39 seconds East, a distance of 84.39 feet to a calculated point;
 4. North 87 degrees 32 minutes 21 seconds East, a distance of 42.83 feet to a calculated point;
 5. North 42 degrees 32 minutes 21 seconds East, a distance of 143.81 feet to a calculated point

being in the south right-of-way line of Bryant Road, said south right-of-way line being 30.00 feet from its centerline; thence severing the right-of-way of said Bryant Road North 42 degrees 32 minutes 21 seconds East, a distance of 30.00 feet to a calculated point being in the centerline of said Bryant Road; thence with the centerline of said Bryant Road South 47 degrees 27 minutes 39 seconds East, a distance of 133.98 feet to a calculated point; thence severing said right-of-way South 38 degrees 03 minutes 05 seconds West, a distance of 30.09 feet to a calculated point being the northernmost corner

of said Parcel A-16; thence with the west line of said Parcel A-16 South 38 degrees 03 minutes 05 seconds West, a distance of 423.89 feet to the point of beginning and containing 4.839 acres. This description is to be used for a Rezoning ONLY and is NOT to be used for the transfer of real property.

Rec'd by _____

Date: _____

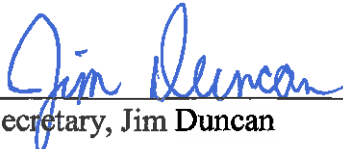
RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

IN RE: **PLN-MAR-18-00015: JUSTICE PLAZA, LLC (AMD)** - 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. (Council District 6)

Having considered the above matter on **February 28, 2019**, at a Public Hearing, and having voted **11-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL** of this matter 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.

ATTEST: This 8th day of March, 2019.


Secretary, Jim Duncan

WILLIAM WILSON
CHAIR

Note: The corollary development plan, **PLN-MJDP-18-00060: MAN O' WAR DEVELOPMENT, UNIT 2A, LOT 10 (AMD)** was approved by the Planning Commission on February 28, 2019 and certified on March 7, 2019.

K.R.S. 100.211(7) requires that the Council take action on this request by May 29, 2019.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Brandon Gross, attorney.**

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (11) Bell, Berkley, Brewer, Forester, Mundy, Nicol, Owens, Penn, Plumlee, Pohl, and Wilson

NAYS: (0)

ABSENT: (0)

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-18-00015** 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:**

JUSTICE PLAZA, LLC, 2960 FAIRVIEW DR, OWENSBORO, KY 42303

Owner(s):

JUSTICE PLAZA, LLC, 2960 FAIRVIEW DR, OWENSBORO, KY 42303

KENTUCKY NICKEL INVESTMENTS, LLC, 601 S FLOYD ST, STE 407, LOUISVILLE, KY 40202

Attorney:

J. Darby Turner/P. Branden Gross, Bingham Greenbaum Doll, LLP, 300 Vine Street, Suite 1200, Lexington, KY 40507 PH: 859-231-8500

2. ADDRESS OF APPLICANT'S PROPERTY

1750 PLEASANT RIDGE DR, LEXINGTON, KY

1916 JUSTICE DR, LEXINGTON, KY

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

Zoning	Existing Use	Zoning	Requested Use	Acreage	
				Net	Gross
B-5P	Restaurants & Vacant	B-6P	Neighborhood Business & Hotel	4.050	4.939

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:	Not Applicable
Storm Sewers:	Private
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



January 10, 2019

Urban County Planning Commission
Division of Planning – Planning Services Section
c/o Mr. William Wilson, Chairperson
200 East Main Street
Lexington, Kentucky 40507

Re: Amended Application
Justice Plaza LLC / PLN-MAR-18-00015
1916 Justice Drive from B-5P to B-6P
1750 Pleasant Ridge Drive from B-5P to B-6P

Dear Members of the Planning Commission:

We represent Justice Plaza LLC for its amended application for a zone map amendment request for the property located at 1916 Justice Drive and, which now also includes, 1750 Pleasant Ridge Drive (collectively, “Property”). The Property is 4.939 acres gross (4.050 acres net). The applicant owns 1916 Justice Drive, and the owner of 1750 Pleasant Ridge Drive, Kentucky Nickel Investments LLC, has consented to the application, as amended. The Property is currently zoned Interchange Service Business (B-5P) Zone. The applicant is seeking to rezone the Property from the B-5P Zone to the Commercial Center (B-6P) Zone.

The applicant desires to rezone the Property to bring them in conformity with the majority of other the properties in the immediate area and allow greater flexibility for uses in this commercial area. The immediate area consists of many commercial uses, comprising two blocks of properties, bordered by Pleasant Ridge Drive and Bryant Road. All of those properties are currently zoned either B-5P Zone or B-6P Zone, with the majority of the properties being the latter. Currently, the properties in the B-6P Zone exceed 12.50 acres. With approval of the zone change for the Property, those two blocks will have almost 17 acres located in the B-6P Zone.

Within the last few years, the current owners have developed the Property into its current layout. 1916 Justice Drive is used as a retail center (constructed in 2017) with two casual dining restaurants. The owner of 1750 Pleasant Ridge Drive is constructing a hotel on the Property, and the B-6P Zone was recently amended to allow hotels so long as located within a commercial center zone with a minimum of ten acres. The Property already complies with the current design standards of the B-6P Zone, including, without limitation, the maximum required parking and the minimum Lot Coverage and Floor Area Ratio.

BINGHAM GREENEBAUM DOLL LLP

Justice Plaza LLC / PLN-MAR-18-00015

January 10, 2019

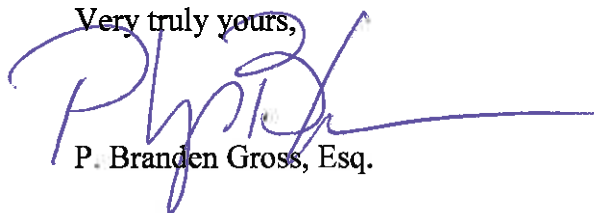
Page 2

The zone change would allow the owners a wider range of business and professional uses for the Property. The retail center, and even the hotel, would have the flexibility to offer new uses to complement current and future uses of the area. With the B-6P Zone, the Property (like most other properties in the immediate area) would have the flexibility to offer more retail business uses, office uses, and other uses that create centers of activity to promote commerce and retail. The B-5P Zone prohibits most retail uses and professional uses.

The Property is already the type of development encouraged by the 2013 Comprehensive Plan and is in accord with many of the goals and objectives of both the 2013 Comprehensive Plan and the adopted 2018 Goals and Objectives. The Property includes a hotel to accommodate the demand for higher density housing and a mixture of housing types, and the hotel gives tourists, temporary business workers and other visitors access to areas with abundant community facilities, retail, entertainment and commerce opportunities (Theme A and Theme C). The rezone would allow the Property to increase the types of community facilities, retail, entertainment and commerce opportunities in the area (Theme C). Allowing additional retail and professional businesses in the area will assist with expanding community facilities and meeting the quality of life needs of residents and visitors (Theme D of the 2013 Comprehensive Plan). Further, allowing additional retail business in the area will relieve some pressure, even if minor, to expand the Urban Service Area in the adjacent area (Theme E). Rezoning this development will allow the owners to further provide Lexington the facilities that the Comprehensive Plan encourages.

We look forward with working with you on this amended application.

Very truly yours,



P. Branden Gross, Esq.

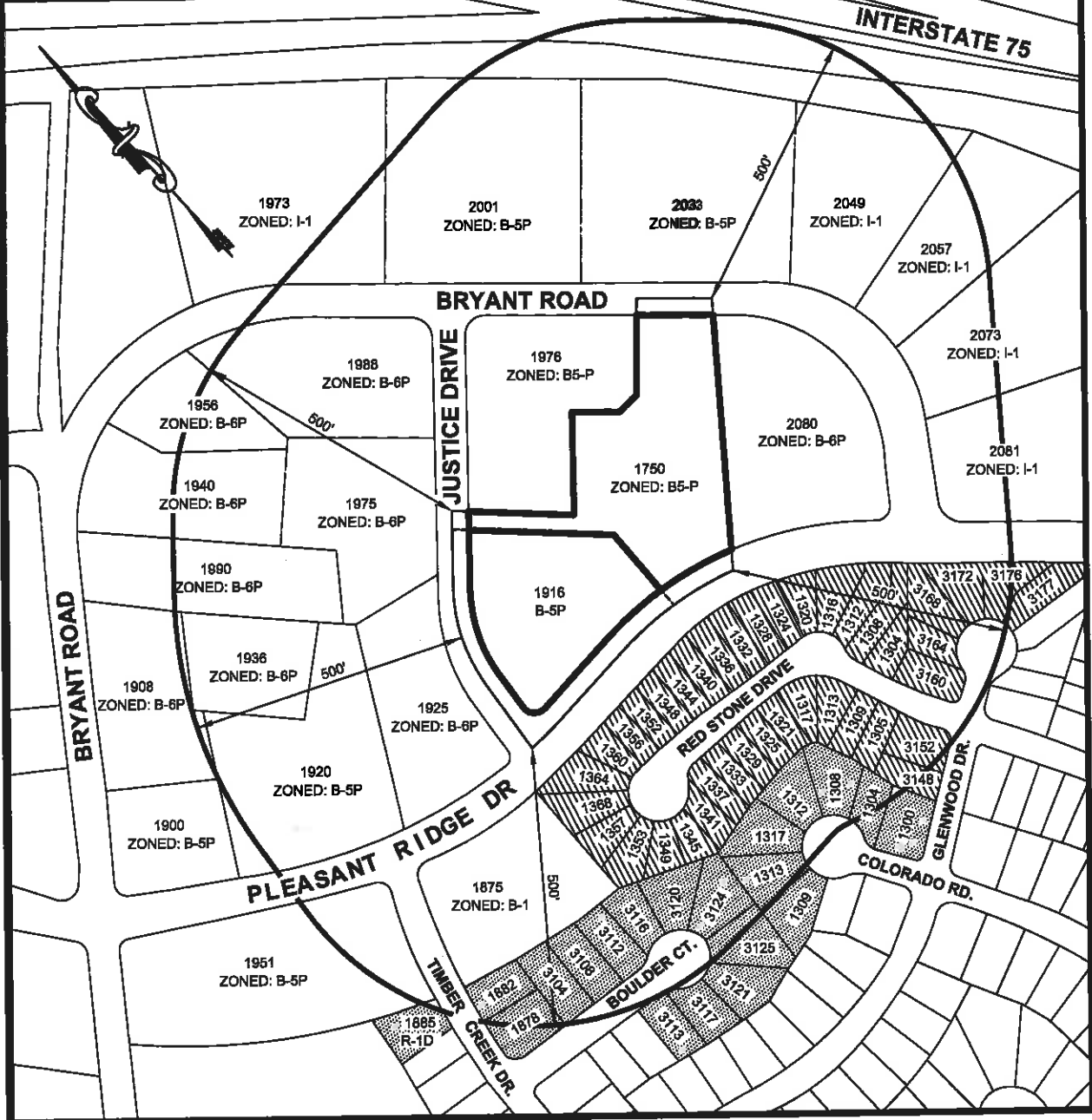
cc: Justice Plaza LLC
Kentucky Nickel Investments LLC

ZONING LEGEND

	R-1E
	R-1D

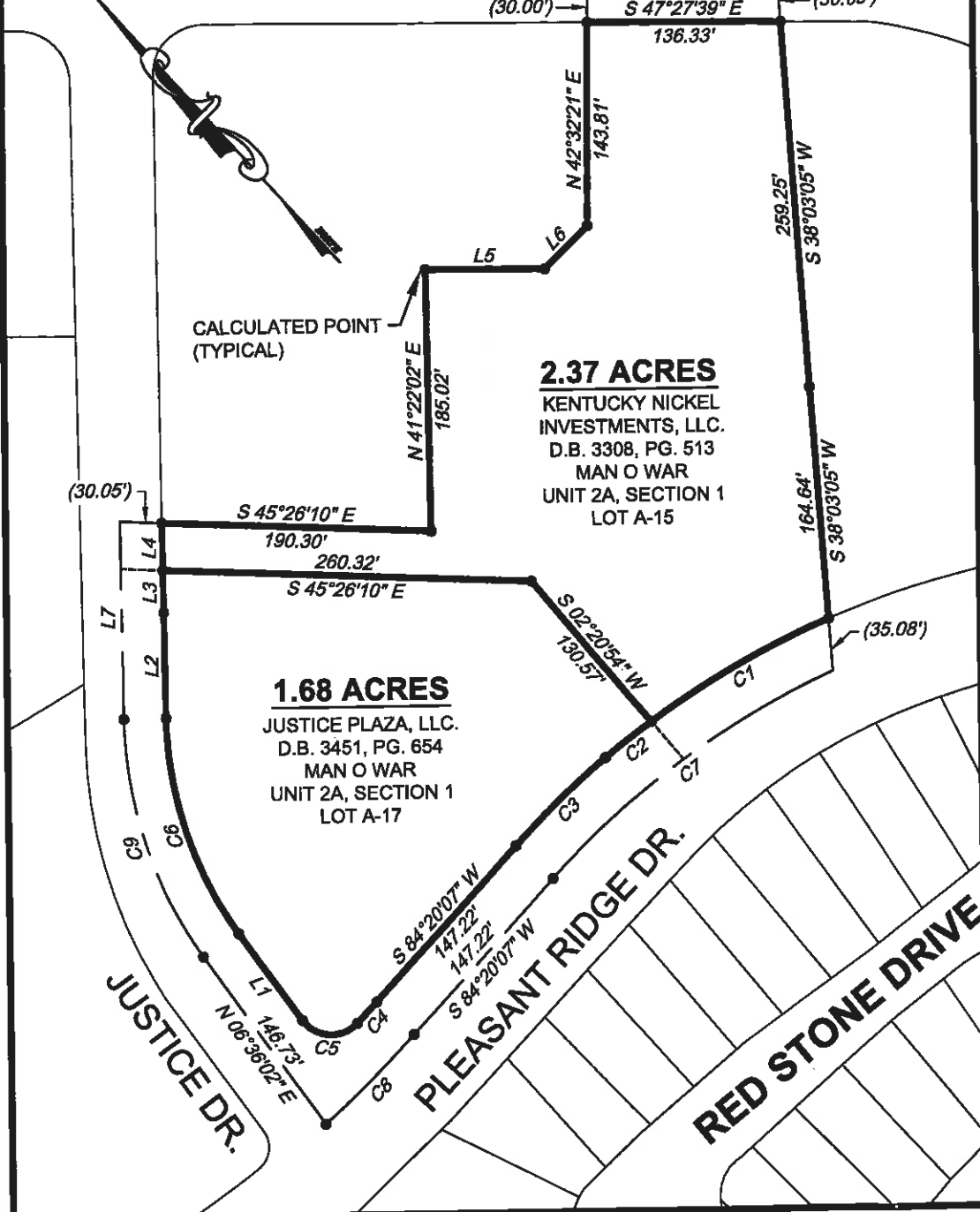
NOTIFICATION AREA MAP LN.

SCALE: 1"=300'

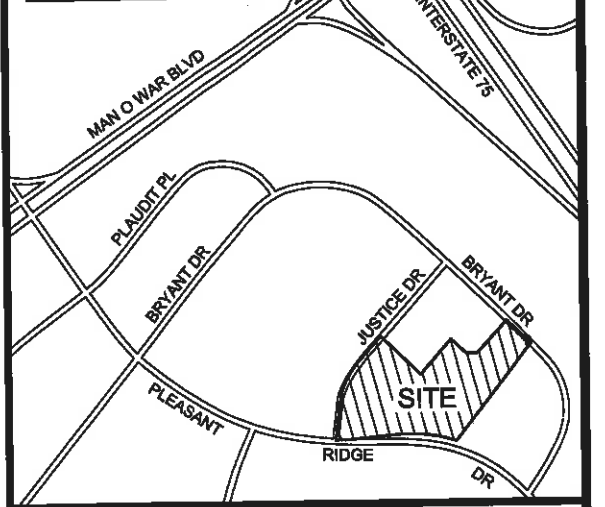


PROPERTY MAP

SCALE: 1"=120'



VICINITY MAP



LINE TABLE

LINE	LENGTH	BEARING
L1	75.90'	N 06°35'49" E
L2	74.81'	N 41°22'02" E
L3	29.84'	N 41°22'02" E
L4	33.47'	N 41°22'02" E
L5	84.39'	S 47°27'39" E
L6	42.83'	N 87°32'21" E
L7	139.80'	N 41°22'02" E
L8	133.98'	S 47°27'39" E

PROPERTY INFORMATION MAP

MAN O WAR
UNIT 2A, PARCEL 10 & 7

1-03-2019

PREPARED BY:



1535 FEDERICA STREET - P.O. BOX 21352
OWENSBORO, KENTUCKY 42304
(270) 685-2811

CURVE TABLE

CURVE	BEARING	CHORD	RADIUS	LENGTH
C1	N 77°22'00" W	144.74'	630.12'	145.06'
C2	N 85°49'34" W	41.00'	630.12'	41.01'
C3	S 88°16'04" W	88.83'	630.12'	88.90'
C4	S 85°01'28" W	20.78'	853.94'	20.78'
C5	N 43°50'27" W	38.55'	25.00'	44.02'
C6	N 23°58'55" E	161.35'	270.00'	163.85'
C7	N 83°51'10" W	246.00'	595.12'	247.79'
C8	S 87°11'14" W	88.71'	888.94'	88.75'
C9	N 24°08'56" E	177.61'	300.00'	180.31'



MAN O WAR UNIT 2A, SECT. 1, LOT A-15 & A-17		FROM	TO	NET	GROSS
PROPERTY ADDRESS:	JUSTICE DRIVE # 1916	B-5P	B-6P	1.68 AC.	2.24 AC.
	PLEASANT RIDGE DRIVE # 1750	B-5P	B-6P	2.37 AC.	2.60 AC.
OWNERS:	1750 PLEASANT RIDGE DR. JUSTICE PLAZA, LLC. 2960 FAIRVIEW DRIVE OWENSBORO, KY 42303	1916 JUSTICE DR. KENTUCKY NICKEL INVESTMENTS, LLC. 601 S. FLOYD ST., STE. 407 LOUISVILLE, KY 40202			
APPLICANT:	JUSTICE PLAZA, LLC. 2960 FAIRVIEW DRIVE OWENSBORO, KY 42303				
PREPARED BY:	BRYANT ENGINEERING, INC.				

STAFF REPORT ON AN AMENDED PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-18-00015: JUSTICE PLAZA, LLC (AMD)

DESCRIPTION

Zone Change: From an Interchange Service Business (B-5P) zone
To a Commercial Center (B-6P) zone

Acreage: 4.05 net (4.94 gross) acres

Location: 1916 Justice Drive and 1750 Pleasant Ridge Drive

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Properties	B-5P	Vacant & Restaurants
To North	B-5P & B-6P	Hotel & Vacant
To East	B-5P & B-6P	Hotel & Auto Service Center
To South	R-1E	Single-Family Residential
To West	B-6P	Restaurants

URBAN SERVICES REPORT

Roads – The subject properties are located at the northeast corner of the intersection of Pleasant Ridge Drive (a collector roadway) and Justice Drive (a local street), and extend to Bryant Road (also a local street). These roadways serve only commercial and industrial properties in this portion of the Urban Service Area, which is bound by Man o' War Boulevard and the Interstate 75 corridor. Pleasant Ridge Drive, Justice Drive and Bryant Road (in this immediate area) were built to full urban standards, and no improvements appear to be needed at this time.

Curb/Gutter/Sidewalks – Pleasant Ridge Drive, Justice Drive and Bryant Road have been built with curb, gutter and sidewalks as required by the Subdivision Regulations, and no improvements are anticipated.

Storm Sewers – The subject properties are located within the North Elkhorn Creek watershed, and stormwater improvements have been completed within this commercial area. A stormwater basin, which will handle stormwater for the subject property, is located to the east of the site, between the automobile service center and the hotel site. No FEMA special flood hazard area or known flooding issues exist within the immediate area.

Sanitary Sewers – The subject properties are located within the East Hickman sewershed, and will be serviced by the West Hickman Wastewater Treatment Facility in northern Jessamine County. Sanitary sewers have been constructed within the area, and capacity was assessed in 2016 when the final development plan was approved for the commercial and hotel structures by the Planning Commission. Additional sanitary sewer improvements are not anticipated for the proposed change of land use and zone.

Refuse – Refuse collection to residential properties is provided by the Urban County Government to this portion of the Urban Service Area on Tuesdays. However, commercial uses often contract for more frequent service with private refuse haulers.

Police – The Central Sector Roll Call Center is the nearest police station to the subject property. It is located on Industry Road, near the interchange of Winchester Road and New Circle Road, about 3½ miles to the northwest of the subject properties.

Fire/Ambulance – The subject properties are located in closest proximity to Fire Station #21, which is on Mapleleaf Drive, south of Man o' War Boulevard, approximately 1½ miles to the southwest. In addition, a new fire station is planned for the Hamburg area, but a site has not yet been identified. This proposed fire station would most likely be less than one mile from the subject site, once it is constructed and operational.

Utilities – All utilities, including electric, gas, water, telephone, and cable are all available to serve the subject properties.

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.

CASE REVIEW

The petitioner has amended the requested a zone change both in term of the zone requested and has added acreage to the request as well. The petitioner has now requested a zone change from an Interchange Service Business (B-5P) zone to a Commercial Center (B-6P) zone for 4.05 acres of land located at the northeast corner of the intersection of Pleasant Ridge Drive and Justice Drive. With the inclusion of a second parcel, the area of the rezoning extended to Bryant Road. More generally, the subject properties are located within the southeast quadrant of the Man o' War Boulevard and Interstate 75 interchange.

The immediate area is characterized by commercial land uses that are developed mostly for patronage by the traveling public along the interstate. Many restaurants, gas stations and hotels occupy this quadrant of the Man o' War Boulevard and I-75 interchange, and there is primarily a mix of B-6P and B-5P zoning in this area. In addition, several light industrial properties exist to the north and east of the subject property, which are occupied by motor-based land uses. When considering all four quadrants of the Man o' War Boulevard and I-75 interchange, the area is predominantly commercial in nature as well, offering a variety of restaurants, retail space, athletic facilities, and professional offices. The two quadrants on the east side of I-75 are located within the Expansion Area, of which the northern quadrant is zoned Community Center (CC) primarily for commercial development and the eastern quadrant is zoned for residential development (EAR-2 zone). In addition, the Hamburg Pavilion shopping center and office park are located in the western quadrant of the interchange.

In 1989, the subject properties was part of a zone change from an Agricultural Rural (A-R) zone to the B-5P zone in order to develop a sizeable area for interstate-oriented commercial businesses, including hotels and other service businesses. In 2003, the corner lot was developed for a carwash, which operated for about a decade, and the second lot remained vacant.

In 2015, the vacant lot was proposed for rezoning to the B-5P zone, along with an adjoining property, in order to construct a hotel to serve the community and traveling public. The zone change was approved by the Urban County Council at that time. In 2016, the carwash site was proposed for redevelopment. In January of that year, a plan for a sit-down restaurant was approved by the Planning Commission; and then in August, a 12,400 square-foot structure with three restaurants (about 4,000 square feet each) was approved. Collectively, these major development plans met the B-5P zoning requirements.

The petitioner now proposes to rezone the subject properties in order to increase the number of allowable business uses on the site, which will increase the flexibility of the site to address the needs of the nearby residents as well as the traveling public. The Commercial Center (B-6P) zone was recently amended to permit hotels when a development is at least ten (10) acres in size. With this amendment to the Zoning Ordinance text, the applicant believes the B-6P zone is now the most appropriate zone for the site and they also opine that the zone change is supported by the Comprehensive Plan.

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 2013 Comprehensive Plan also does not address modest or minor changes in commercial land use that have a negligible impact on job creation or tourism. Historically, the area bound by Bryant Road and Pleasant Ridge Drive has been recommended for a mixture of commercial uses, include retail trade, personal services, hotels and restaurants. This zone change is substantially in agreement with the land use recommendations for the area, while remaining consistent with the area's context and design features. In addition, the B-6P zone provides for commercial businesses that serve the nearby residential neighborhoods, as well as the traveling public, and provides for improved transit and multi-modal accommodations for the community. The staff can now support the amended zone change application.

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.

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.

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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.