

**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**

<b><u>Properties</u></b>	<b><u>Zoning</u></b>	<b><u>Existing Land Use</u></b>
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.