

2. **MARK SAUNIER (AMD.) ZONING MAP AMENDMENT & BROCK McVEY & BARRY DOTSON PROPERTY, UNIT 2A, LOT 7 ZONING DEVELOPMENT PLAN**

- a. **MAR 2014-23: MARK SAUNIER (AMD.) (2/1/15)*** - an amended petition for a zone map amendment from a Light Industrial (I-1) zone to a Wholesale & Warehouse Business (B-4) zone, for 0.032 net (0.085 gross) acre; and from a Planned Shopping Center (B-6P) zone to a Wholesale & Warehouse Business (B-4) zone, for 2.18 net (2.79 gross) acres, for property located at 2380 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 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.

The Zoning Committee Recommended: Approval, for the reasons provided by staff.

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.

- b. **ZDP 2014-105: BROCK MCVEY & BARRY DOTSON PROPERTY, UNIT 2A, LOT 7 (AMD) (2/1/15)*** - located at 2380 Fortune Drive. **(Midwest Engineering)**

Note: The purpose of this amendment is to rezone the existing property.

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. Building Inspection's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree inventory map.
6. Denote height of building on plan, in feet.
7. Denote developer's information on plan.
8. Denote final record plat information on plat.
9. Discuss B-6P 50' setback.

Zoning Presentation: Ms. Wade presented the staff report, briefly orienting the Commission to the location of the subject property, which is at the intersection of Fortune Drive and Trade Center Drive, east of New Circle Road. She said that most of the property on Fortune Drive is zoned B-4, but there are also a few I-1 parcels nearby. The subject property is primarily zoned B-6P, with a small triangle of I-1 zoning at the northern tip of the property. The property was previously part of a larger tract with its only frontage on New Circle Road; it was rezoned several times, the last of which was in the 1990s. The property on which the Sam's Club store is currently located was part of that parcel as well, but the subject property was not utilized as part of that development. Following the development of the Sam's Club store, Fortune Drive was extended and connected, severing the subject B-6P parcel from the remainder of the B-6P zoning in the area.

* - Denotes date by which Commission must either approve or disapprove request.

Ms. Wade stated that the petitioner constructed a building on the subject property last year, and has been able to find some tenants; he has found recently, however, that many current and prospective tenants are more interested in uses that would typically be found in the B-4 zone. The petitioner is proposing to rezone the entire parcel to B-4, which is consistent and compatible with the rest of the properties along Fortune Drive.

Ms. Wade displayed an aerial photograph of the subject property, noting that, at the time it was taken in March of 2013, the building on the property was under construction. She also noted the location of Patchen Wilkes Drive, where residential structures are currently being constructed near the rear of the subject property in the Tuscany development. The existing building on the property has a warehouse/wholesale-style appearance, rather than that of a typical retail building, and it does have rear overhead doors. Referring to the aerial photograph, Ms. Wade also noted the location of an existing significant Columbia Gas line and easement to the rear of the property, which will create some distance between it and the adjoining residential development. Trade Center Drive is proposed to be extended in order to eventually connect to Meeting Street within the Tuscany development, but, in the opinion of the staff, the residential development will not be close enough to the subject property to create an issue with the overhead doors.

Ms. Wade stated that the staff and the Zoning Committee recommended approval of this amended rezoning request, for the reasons as listed in the staff report and on the agenda.

Development Plan Presentation: Mr. Martin presented the corollary final development plan, noting that the existing structure on the property is 24,000 square feet in size. The site has two access points to Fortune Drive, with traffic circulation and parking located around the perimeter of the lot. Referring to a rendered plan, Mr. Martin also noted the location of the 50' Columbia Gas easement on the property. He added that the large easement would provide an additional buffer for the properties in the adjoining Tuscany residential development.

Mr. Martin stated that condition #9 referred to the original plan submitted by the petitioner, which proposed to split-zone the property through the middle of the building. The staff has several concerns about split-zoning the property, so the petitioner revised his application and development plan in order to rezone the entirety of the property to B-4. Since the B-6P setback is no longer an issue, the listed condition #9 could now be deleted. Mr. Martin stated that the staff and the Subdivision Committee recommended this plan for approval, subject to the remaining eight conditions as listed on the agenda.

Petitioner Representation: Andy Holmes, Midwest Engineering, was present representing the petitioner. He made no formal comments, but nodded that the petitioner was in agreement with the staff's recommendations, when asked by the Chair.

Citizen Comments: There were no citizens present to comment on this request.

Zoning Action: A motion was made by Mr. Penn, seconded by Mr. Smith, and carried 11-0 to approve MAR 2014-23, for the reasons provided by staff.

Development Plan Action: A motion was made by Mr. Penn, seconded by Mr. Smith, and carried 11-0 to approve ZDP 2014-105, subject to the first eight conditions, deleting condition #9.