

ORDINANCE NO. 164 -2016

AN ORDINANCE CHANGING THE ZONE FROM A SINGLE FAMILY RESIDENTIAL (R-1C) ZONE TO A WHOLESALE AND WAREHOUSE (B-4) ZONE, FOR 0.31 NET (0.48 GROSS) ACRES, FOR PROPERTY LOCATED AT 1500 & 1502 N. LIMESTONE. (JAMES CLAY WALLER (AMD.); COUNCIL DISTRICT 1).

WHEREAS, at a Public Hearing held on July 28, 2016 a petition for a zoning ordinance map amendment for property located at 1500 & 1502 N. Limestone from a Single Family Residential (R-1C) zone to a Wholesale and Warehouse (B-4) zone for 0.31 net (0.48 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 9-0; 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 1500 & 1502 N. Limestone from a Single Family Residential (R-1C) zone to a Wholesale and Warehouse (B-4) zone for 0.31 net (0.48 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 are proposed for the subject property via conditional zoning:

PRINCIPAL PERMITTED USES

- a. Wholesale establishments, wholesale establishments with warehouses, storage and warehousing.
- b. Shops of special trade and general contractors such as plumbing; heating; carpentry; painting; plastering; printing; publishing; lithographing; engraving; electrical; sign painting; upholstering; tile, mosaic and terrazzo work; electroplating; and interior decorating.
- c. Parking lots and structures.
- d. Animal hospitals or clinics, provided that such structures or areas used, not including accessory parking areas, shall be at least one hundred (100) feet from any residential zone.

- e. Offices of purchasers, processors and handlers of agricultural products, limited to administrative uses only.
- f. Sales of feed, grain other agricultural supplies.
- g. Garden centers.
- h. Establishments and lots for the sale of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles, such as mini-bikes, motorcycles, boats or supplies for such items.
- i. Establishments for the sale of precut, prefabricated, or shell homes.
- j. Retail sale of building materials and lumber.
- k. Mail order business.
- l. Office uses, limited to a maximum square footage of 60% of the floor area in the building in which the use is located.
- m. Office/warehouse mixed-use project, as further regulated by Article 8-21(o)(3).
- n. Adaptive Reuse Projects, as further regulated in Article 8-21(o)(4).

OTHER RESTRICTIONS

- a. Outdoor music or sound systems and call boxes shall be prohibited.
- b. Lighting shall be shielded and directed downward and away from residentially zoned properties.
- c. The following landscaped and buffering restrictions shall apply:
 - 1. There shall be a 10' open space and landscape buffer along property boundary where it adjoins any residential dwelling. An 8' tall solid wood fence shall be placed along the length of the open space/buffer area. Within this open space/buffer area, the developer shall plant and maintain 8' evergreen trees planted 15' on center.
 - 2. There shall be a 30' setback along the front of the property which shall contain a landscape/open space buffer. Within the landscape/open space buffer, the developer shall plant and maintain 8' tall deciduous trees planted 15' on center, and 3' shrubs interspersed with the trees.

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: September 29, 2016

MAYOR 

ATTEST 
 CLERK OF URBAN COUNTY COUNCIL

Legal Description of the
Waller Property
Zone Change From R-1C B-4
1500 & 1502 North Limestone
Lexington, Fayette County, Kentucky

ALL THAT TRACT OR PARCEL OF LAND SITUATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH LIMESTONE AND ROSEMARY AVENUE IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the intersection of the centerline of North Limestone and the centerline of Rosemary Avenue: thence along the centerline of North Limestone north 48 degrees 36 minutes 32 seconds east 120.46 feet to a point; thence leaving the centerline of North Limestone south 44 degrees 20 minutes 15 seconds east 166.62 feet to a point; thence south 48 degrees 36 minutes 32 seconds west 129.00 feet to the centerline of Rosemary Avenue; thence along the centerline of Rosemary Avenue north 41 degrees 23 minutes 28 seconds west 166.00 feet to the point of beginning and containing 0.48 gross acres and 0.31 net acres.

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

IN RE: MAR 2016-18: JAMES CLAY WALLER (AMD) – an amended petition for a zone map amendment from a Single Family Residential (R-1C) zone to a Wholesale and Warehouse (B-4) zone, for 0.31 net (0.48 gross) acres, for property located at 1500 & 1502 N. Limestone. (Council District 1)

Having considered the above matter on **July 28, 2016**, at a Public Hearing, and having voted **9-0** 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 requested Wholesale and Warehouse (B-4) zone is appropriate and the existing Single Family Residential (R-1C) zone is no longer appropriate for the subject property, for the following reasons:
 - a. The property shares a boundary with the existing warehouse development to the immediate northeast, and the proposed rezoning will enable the façade improvements to continue along the North Limestone corridor to a more appropriate land use transition – the intersection of Rosemary Avenue.
 - b. The proposed warehouse structures with façade improvements will be compatible with the adjoining B-4 development, as well as the commercial development directly across North Limestone from the site. The existing single family residences are no longer as compatible along this portion of the North Limestone corridor.
 - c. The development of small warehouses with accessory offices will enhance the land use transition between the unrestricted B-3 properties to the north and the residential neighborhood to the south. The buffer will provide a less intensive land use in terms of uses, business hours, noise and traffic.
2. This recommendation is made subject to the approval and certification of ZDP 2016-70: Bobbie & Sylvia Waller Property (Shadowlawn Subdivision), 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 restriction(s) should be put into effect for the subject property:

PRINCIPAL PERMITTED USES

- a. Wholesale establishments, wholesale establishments with warehouses, storage and warehousing.
- b. Shops of special trade and general contractors, such as plumbing; heating; carpentry; painting; plastering; printing; publishing; lithographing; engraving; electrical; sign painting; upholstery; tile, mosaic and terrazzo work; electroplating; and interior decorating.
- c. Parking lots and structures.
- d. Animal hospitals or clinics, provided that such structures or areas used, not including accessory parking areas, shall be at least one hundred (100) feet from any residential zone.
- e. Offices of purchasers, processors and handlers of agricultural products, limited to administrative uses only.
- f. Sales of feed, grain or other agricultural supplies.
- g. Garden centers.
- h. Establishments and lots for the sale of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles, such as mini-bikes, motorcycles, boats or supplies for such items.
- i. Establishments for the sale of precut, prefabricated, or shell homes.
- j. Retail sale of building materials and lumber.
- k. Mail order business.

- l. Office uses, limited to a maximum square footage of 60% of the floor area in the building in which the use is located.
- m. Office/warehouse mixed-use project, as further regulated by Article 8-21(o)(3).
- n. Adaptive Reuse Projects, as further regulated in Article 8-21(o)(4).

OTHER RESTRICTIONS

- a. Outdoor music or sound systems and call boxes shall be prohibited.
- b. Lighting shall be shielded and directed downward and away from residentially zoned properties.
- c. The following landscape and buffering restrictions shall apply:
 - 1. There shall be a 10' open space and landscape buffer along property boundary where it adjoins any residential dwelling unit. An 8' tall solid wood fence shall be placed along the length of the open space/buffer area. Within this open space/buffer area, the developer shall plant and maintain 8' evergreen trees planted 15' on center.
 - 2. There shall be a 30' setback along the front of the property which shall contain a landscape/open space buffer. Within the landscape/open space buffer, the developer shall plant and maintain 8' tall deciduous trees planted 15' on center, and 3' shrubs interspersed with the trees.

These restrictions are necessary and appropriate to provide an aesthetically pleasing gateway feature to the North Limestone corridor, and to protect the adjoining residential neighborhood from the potential negative effects of more intensive uses that could occur in the B-4 zone without restriction.

ATTEST: This 17th day of August, 2016.



 Secretary, James Duncan

WILLIAM WILSON
 CHAIR

Note: The corollary development plan, ZDP 2016-70: BOBBIE & SYLVIA WALLER PROPERTY (SHADOWLAWN SUBDIVISION), was approved by the Planning Commission on July 28, 2016, and certified on August 11, 2016.

K.R.S. 100.211(7) requires that the Council take action on this request by October 26, 2016.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Steve Baker, engineer**.

OBJECTORS

 • None

OBJECTIONS

 • None

VOTES WERE AS FOLLOWS:

- AYES: (9) Berkley, Brewer, Cravens, Drake, Mundy, Owens, Plumlee, Smith, Wilson
- NAYS: (0)
- ABSENT: (2) Penn, Richardson
- ABSTAINED: (0)
- DISQUALIFIED: (0)

Motion for **CONDITIONAL APPROVAL** of **MAR 2016-18** carried.

Enclosures: Application
 Plat
 Staff Report
 Applicable excerpts of minutes of above meeting

MAR 2016-18

Date Received 6/6/16

Pre-Application Date 5/2/16

Filing Fee \$ 500.

GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION

1. ADDRESS INFORMATION (Name, Address, City/State/Zip & PHONE NO.)

APPLICANT: James Clay Waller, 309 Ball Park Dr, Unit 104, Lexington, KY 40505
OWNER: Bobbie & Sylvia Waller, 1099 Taborlake Dr, Lexington, KY 40502 James Clay Waller, 309 Ball Park Dr, Unit 104, Lexington, KY 40505
ATTORNEY:

2. ADDRESS OF APPLICANT'S PROPERTY (Please attach Legal Description)

101 Rosemary Ave; 1500 & 1502 N. Limestone
--

3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY (Use attachment, if needed--same format.)

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
R-1C	Single Family Residential	B-4	small warehouse w/ offices	0.88	1.26

4. SURROUNDING PROPERTY, ZONING & USE

Property	Use	Zoning
North	small warehouse w/ offices	B-4
East	Commercial	B-1
South	Residential	R-1C
West	Residential	R-1C

5. EXISTING CONDITIONS

a. Are there any existing dwelling units on this property that will be removed if this application is approved?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
b. Have any such dwelling units been present on the subject property in the past 12 months?	<input checked="" type="checkbox"/> YES <input 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 checked="" type="checkbox"/> YES <input type="checkbox"/> NO <u>3</u> Units

6. URBAN SERVICES STATUS (Indicate whether existing, or how to be provided.)

Roads	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Storm Sewers	<input type="checkbox"/> Existing	<input checked="" type="checkbox"/> To be constructed by	<input checked="" type="checkbox"/> Developer	<input type="checkbox"/> Other
Sanitary Sewers	<input type="checkbox"/> Existing	<input checked="" type="checkbox"/> To be constructed by	<input checked="" type="checkbox"/> Developer	<input type="checkbox"/> Other
Curb/Gutter/Sidewalks	<input type="checkbox"/> Existing	<input checked="" type="checkbox"/> To be constructed by	<input checked="" type="checkbox"/> Developer	<input type="checkbox"/> Other
Refuse Collection	<input type="checkbox"/> LFUCG	<input type="checkbox"/> Other		
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

7. DESCRIBE YOUR JUSTIFICATION FOR REQUESTED CHANGE (Please provide attachment.)

This is in... <input checked="" type="checkbox"/> in agreement with the Comp. Plan <input type="checkbox"/> more appropriate than the existing zoning <input type="checkbox"/> due to unanticipated changes.
--

8. APPLICANT/OWNER SIGNS THIS CERTIFICATION

I do hereby certify that to the best of my knowledge and belief, all application materials are herewith submitted, and the information they contain is true and accurate. I further certify that I am <input type="checkbox"/> OWNER or <input type="checkbox"/> HOLDER of an agreement to purchase this property since _____	
APPLICANT <u>[Signature]</u>	DATE <u>6-3-16</u>
OWNER <u>Bobbie Ed Waller Sylvia H Waller</u>	DATE <u>6-3-16</u>
LFUCG EMPLOYEE/OFFICER, if applicable _____	DATE _____

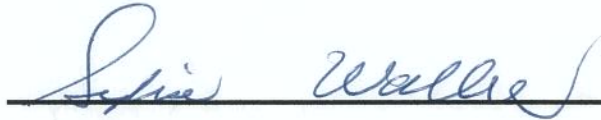
June 6, 2016

To Whom It May Concern:

We are the owners of 1500 & 1502 N. Limestone. We consent to James Clay Waller filing an application on our behalf to rezone the property to B-4.



Bobbie Ed Waller



Sylvia Waller

7101 Main St
Lexington KY 40502

E: steve@midwestengineering.net
OFFICE MAIN (859) 575-2924

June 6, 2016

Mr. L. Michael Owens, Chairman
Lexington-Fayette Urban County Planning Commission
Phoenix Building
101 E. Vine Street, 7th Floor
Lexington, KY 40507

RE: Zone Change Application, R-1C to B-4
101 Rosemary Ave; 1500 & 1502 N. Limestone
Bobbie & Sylvia Waller
James Clay Waller

Dear Mr. Owens:

The above referenced properties are owned by Bobbie and Sylvia Waller, and their grandson James Clay Waller. James Clay Waller is requesting a zone change from the existing R-1C to B-4. The owners intend to consolidate these three (3) parcels with an adjacent B-4 zoned property located at 1532 N. Limestone, and to develop the property for an office/warehouse mixed use building.

The property ("Property") consists of three single family residential lots near the intersection of N. Limestone and Rosemary Ave. The Property was developed prior to World War II, and thus prior to the construction of New Circle Road. The Property is joined to the north by a B-4 mixed use development, and is directly across from multiple commercial properties along the west side of N. Limestone. The adjacent property at 1532 N. Limestone was successfully rezoned from R-1C to B-4 in 2010. Since that time the property has been fully developed and all buildings are occupied.

The justification to rezone the Property is based on substantial agreement with the 2013 Comprehensive Plan. Theme C, Goal 2, Objective (b) calls for "improve(ing) opportunities for small business development and workers who rely on personal technology." The adjacent B-4 development is currently home to multiple thriving small businesses that have facilitated the creation of more than 50 jobs. This application would foster additional small business growth and employment. The proposed development would support the "Complete Streets concept" by eliminating a gap in the sidewalk between 1532 N. Limestone and

7101 Main St
Lexington, KY 40502

E: steve@midwestengineering.net
OFFICE MAIN: (859) 575-2924

Rosemary Avenue. Since a bus stop is situated nearby, this improvement would be a substantial benefit to employees of nearby businesses as well as the residents of the adjacent neighborhood.

In conclusion, we respectfully request consideration and approval of this request.

Very Truly Yours,

Steve Baker, P.E.
MIDWEST ENGINEERING, INC.

FROM THE DESK OF CLAY WALLER

309 ballpark drive Lexington Kentucky 40505

Claywaller1@gmail.com 859-230-4305

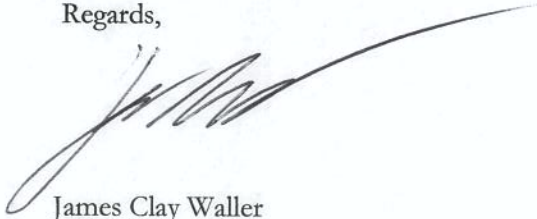
.....

May 1 2016

TO: LFUCG Planning Commission,

The purpose of this letter is to state that the residents at 1502 N. Limestone, 1500 N. Limestone, and 101 Rosemary will be relocated to new housing in the neighborhood.

Regards,



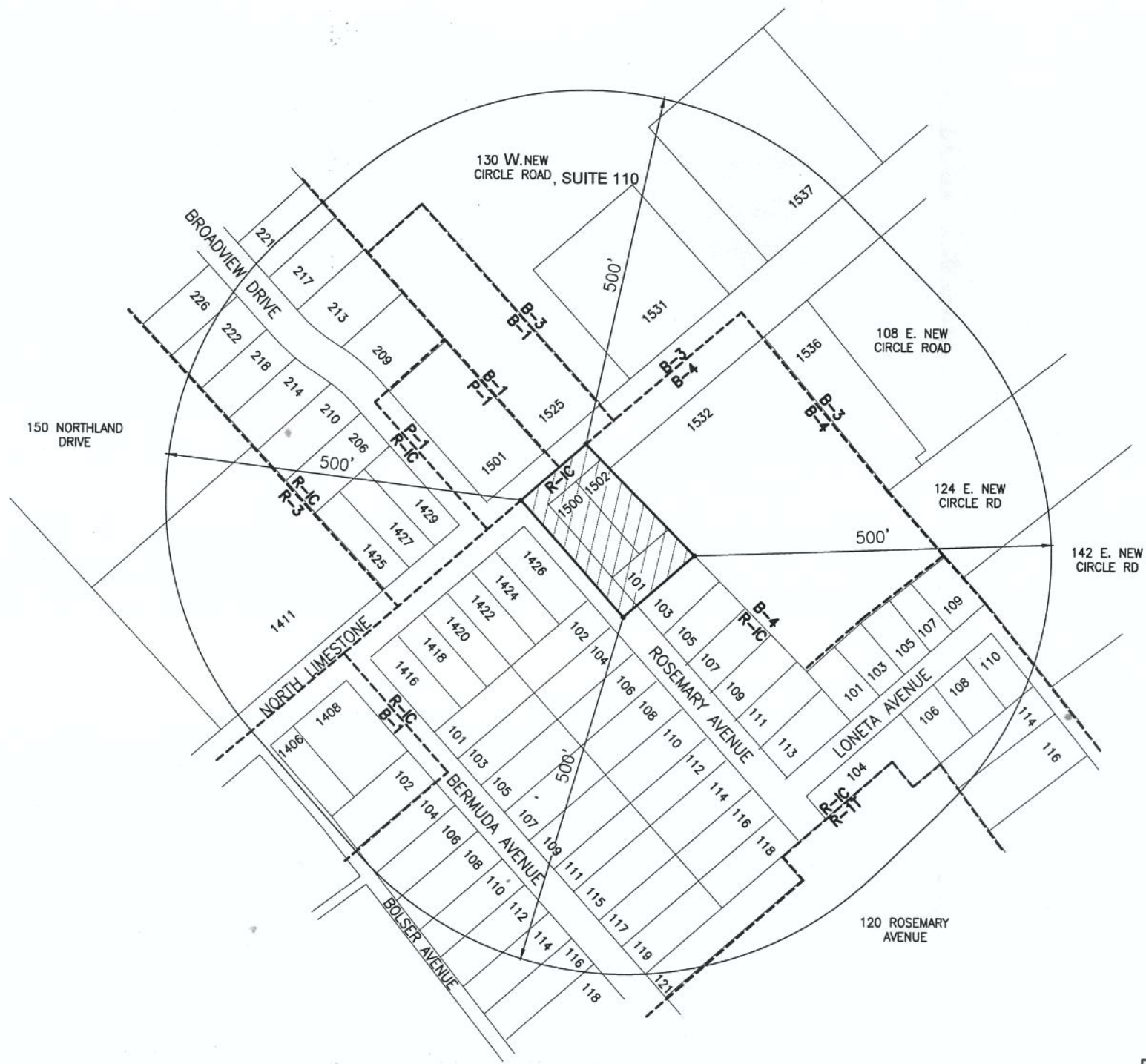
James Clay Waller

Developer

Legal Description of the
Waller Property
Zone Change From R-1C B-4
1500 & 1502 North Limestone &
101 Rosemary Avenue
Lexington, Fayette County, Kentucky

ALL THAT TRACT OR PARCEL OF LAND SITUATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH LIMESTONE AND ROSEMARY AVENUE IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

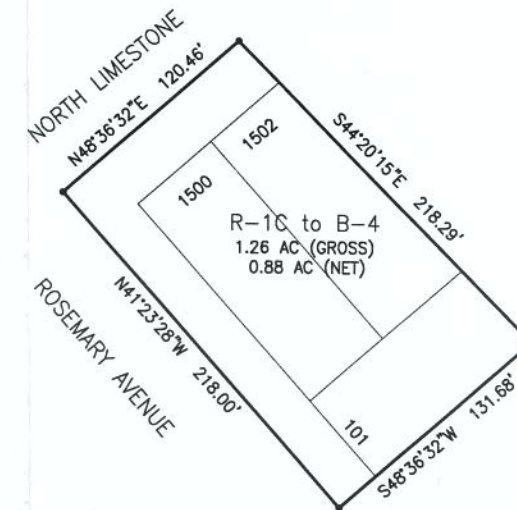
Beginning at the intersection of the centerline of North Limestone and the centerline of Rosemary Avenue: thence along the centerline of North Limestone north 48 degrees 36 minutes 32 seconds east 120.46 feet to a point; thence leaving the centerline of North Limestone south 44 degrees 20 minutes 15 seconds east 218.29 feet to a point; thence south 48 degrees 36 minutes 32 seconds west 131.68 feet to the centerline of Rosemary Avenue; thence along the centerline of Rosemary Avenue north 41 degrees 23 minutes 28 seconds west 218.00 feet to the point of beginning and containing 1.26 gross acres and 0.88 net acres.



AREA NOTIFICATION MAP
1"=200'



VICINITY MAP
NTS



PROPERTY MAP
1"= 100'



STATE OF KENTUCKY
WESLEY B. WITT
2187
LICENSED PROFESSIONAL LAND SURVEYOR
Wesley B Witt

ZOMAR: R-1C TO B-4				
PROPERTY ADDRESS:	FROM	TO	GROSS	NET
1500 & 1502 N. LIMESTONE, & 101 ROSEMARY AVE.	R-1C	B-4	1.26 AC	0.88 AC
APPLICANT: JAMES CLAY WALLER				
PREPARED BY: MIDWEST ENGINEERING, INC.				
DATE PREPARED: June 15, 2016			TOTAL	1.26 AC 0.88 AC

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2016-18: JAMES CLAY WALLER

DESCRIPTION

Zone Change: From a Single Family Residential (R-1C) zone
To a Wholesale & Warehouse Business (B-4) zone

Acreage: 0.88 net (1.26 gross) acre

Location: 1500 and 1502 North Limestone, and 101 Rosemary Avenue

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Properties	R-1C	Single Family Residential
To North	B-1 & B-3	Commercial & Insurance Office
To East	B-4	Wholesale & Warehouse Businesses
To South	R-1C	Single Family Residential
To West	P-1 & R-1C	Office & Single Family Residential

URBAN SERVICES REPORT

Roads – North Limestone/Old Paris Road is a four-lane minor arterial roadway at its signalized intersection with New Circle Road (KY 4), but it narrows to a two-lane roadway along the frontage of two of the subject properties, which are located approximately 700 feet to the south. New Circle Road (KY 4) is a six-lane major arterial roadway in this vicinity and approximately 39,000 vehicles travel along this roadway daily. Rosemary Avenue is a local residential street that intersects North Limestone about 900 feet south of New Circle Road. The existing residential driveways on the subject properties are proposed for removal, and one commercial access point is proposed along Rosemary Avenue, which will provide a connection to the existing warehouse development to the northeast of the subject site.

Curb/Gutter/Sidewalks – North Limestone and Rosemary Avenue are both lacking curbs and gutters or along the frontage of the subject properties. Sidewalks are present along the Rosemary Avenue parcel, and continue around the corner on to North Limestone; however, they are not clearly delineated or adequately separated from the paved roadway or from available on-street parking areas. These facilities have previously been constructed along the North Limestone corridor intermittently.

Storm Sewers – The subject properties are located within the Cane Run watershed. Storm sewers exist in this portion of the Urban Service Area; however, the subject property may require additional storm water facilities to adequately contain any water quality impacts or runoff created by the proposed redevelopment for commercial uses. There are no FEMA special flood hazard areas on the subject property, although one exists along the north side of New Circle Road in this vicinity associated with the Cane Run Creek. Localized stormwater issues were documented at the intersection of North Limestone and New Circle Road as well as along Loneta Street during the September 2006 storm event.

Sanitary Sewers – The subject properties are located within the Cane Run sewershed, which is served by the Town Branch Wastewater Treatment Facility, located on Lisle Industrial Avenue, east of New Circle Road. Existing sanitary sewer facilities may need to be upgraded to serve the proposed redevelopment of the subject property. A sanitary sewer line currently crosses the Rosemary Avenue subject property, providing service to residential properties along Rosemary Avenue. That sewer line continues across the adjoining warehouse project to the northeast of the subject property.

Refuse – The Urban County Government serves this area with refuse collection on Tuesdays. Supplemental service may be required to serve the needs of the proposed business use, which can be accomplished by contracting with private refuse haulers, if desired.

Police – The subject properties are located within the Central Sector and are served by the Central Sector Roll Call Center, located near the intersection of Eastland Parkway and Winchester Road, approximately 2½ miles to the south of the subject properties. The subject properties are also approximately 2½ miles to the northeast of the Police Headquarters, located in downtown.

Fire/Ambulance – Fire Station #8 is located less than one mile to the northeast on North Broadway, between New Circle Road and Interstates 64/75.

Utilities – All utilities, including gas, electric, water, phone, and cable TV are available in the area to serve the proposed redevelopment of 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 subject properties are located within the Central Sector Small Area Plan boundary, an adopted element of the Comprehensive Plan. More specifically, it is located within Sub-Area D, where the North Limestone corridor was designated a “focus area” and its intersection with New Circle Road was designated a major gateway into the Central Sector.

The petitioner proposes a Neighborhood Business (B-1) zone for the subject property in order to construct a small commercial building of approximately 6,000 square feet in size, and associated off-street parking.

CASE REVIEW

The petitioner has requested a zone change from a Single Family Residential (R-1C) zone to a Wholesale & Warehouse Business (B-4) zone for less than an acre of property located at 1500 and 1502 North Limestone, and 101 Rosemary Avenue.

The subject property is comprised of three adjacent single-family residential lots located at the eastern corner of the intersection of North Limestone and Rosemary Avenue. The three residential lots are occupied by single-family residential homes, dating back to the late 1930s. The subject properties are collectively bordered by warehouse and wholesale business zoning to the northeast, residential zoning to the southeast and southwest, and by professional office zoning across North Limestone.

The immediate area is characterized by commercial development of varying types and intensities, as well as some existing residential uses to the south of this location. Commercial uses in the area include automobile repair, a new CVS pharmacy store, a furniture store, restaurants, an insurance agency, offices, a church, retail stores, a car wash establishment, Goodwill Industries offices and retail store, warehouse space, an indoor athletic facility, as well as a Windstream service facility (for the local telephone company). Single family residences are present along North Limestone, Rosemary Avenue, and Loneta Street.

The applicant proposes the rezoning in order to redevelop the site with a one-story warehouse structure, similar to those constructed to the immediate northeast of the subject properties since 2010. The B-4 zone permits warehouses and wholesale businesses, shops of special trade (which include business locations for general contractors, plumbers, electricians, painters, and major auto and truck repair, among others), vehicles rental and sales, vehicle repair, automobile service stations and offices for such uses. The proposed structure would total 7,280 square feet of gross floor area.

The previously adopted Comprehensive Plan from 2007 recommended that the subject properties (and the adjoining B-4 area that has already been redeveloped) remain as a residential land use. However, the Plan also depicted an asterisk near this area, which denotes an “area of special consideration” and further recommended that “mixed use with office and limited neighborhood retail should be considered as part of the Central Sector Small Area Plan.”

In April 2009, the Planning Commission adopted the Central Sector Small Area Plan as an element of the Comprehensive Plan, following months of meetings and neighborhood involvement. The Central Sector Plan was anticipated and recommended through the 2007 Comprehensive Plan update process to enable the Planning Commission to more closely study the area bounded by Georgetown Road, Winchester Road, New Circle Road and Second Street.

The subject properties are located within Sub-Area D of the SAP, and North Limestone has been designated as a “neighborhood connector” corridor within this area. In fact, the North Limestone corridor between New Circle Road and Loudon Avenue has also been designated as a “focus area,” with emphasis on the intersection of North Limestone and New Circle Road being a major gateway into the Central Sector. The Plan identifies six Sub-Area priorities, one of which is to “retain unique character of North Limestone as a traditional neighborhood retail corridor” and also indicates a need to upgrade the North Limestone streetscape and building façades. The Goals and Objectives section of the Central Sector SAP does provide some guidance for the Planning Commission in considering a zone change and provides more detailed information than the more generalized Comprehensive Plan for this vicinity.

The Central Sector SAP identifies four guiding principles for the area. They include: (1) enhance the urban fabric; (2) promote and prepare for redevelopment and investment; (3) provide adequate and equitable housing; and (4) preserve the area’s cultural and historic heritage. Specifically, the SAP encourages a neighborhood economic development approach that utilizes existing assets. The petitioner contends that the subject properties have the opportunity for re-use that can spur further investment in the neighborhood.

The 2013 Comprehensive Plan does not include a specific future land use element related to individual sites within the Urban-County. Rather, policy statements with goals and objectives are utilized to evaluate proposed land use changes within the community. The petitioner opines that the requested rezoning is in substantial compliance with the 2013 Comprehensive Plan. They cite Theme C, Goal #2b, which calls for improving opportunities for small business development and workers who rely on personal technology. The adjoining warehouse development was approved in 2010, and the petitioner states that all structures are occupied, bringing 50 jobs to this area of the community. They also contend that the proposed expansion would foster additional small business growth along the North Limestone corridor. Additionally, the petitioner believes that the proposed development would support the “Complete Streets” concept (Theme D, Goal #1a.) by eliminating a gap in the existing sidewalks along North Limestone Street.

Thus, the Central Sector Small Area Plan recommendations, including the four guiding principles from the SAP and the statements about Sub-Area D, and the 2013 Comprehensive Plan should be utilized to guide the Planning Commission in evaluating the proposed zone change.

The staff cannot definitively state that the proposed zone change is in agreement with the 2013 Comprehensive Plan and the Central Sector Small Area Plan. Rather, the staff finds that the proposed B-4 zone along North Limestone is appropriate and the existing R-1C zoning is inappropriate, and that an expansion of the B-4 zone along Rosemary Avenue would be an inappropriate encroachment into a residential neighborhood. It would be contrary to several of the Goals and Objectives of the 2013 comprehensive Plan which encourages the protection of established residential neighborhoods and increasing affordable housing in the community (and not reducing it).

When the B-4 zone was approved in 2010 for the adjoining property, the developer proposed certain enhancements to the North Limestone corridor and conditional zoning restrictions to limit the impact of the B-4 zone on adjoining residential area – a 50-foot setback along North Limestone with landscape improvements, a 50-foot landscape and buffer adjoining any lots which front along Rosemary and Loneta Avenues, and façade improvements to the structures facing the corridor. These were proposed, in part, in order to demonstrate compliance with the recommendations of the adopted Small Area Plan. Part of the record of the public hearing in 2010 shows that the staff was concerned then, and remains concerned, about the impact or encroachment into the established residential neighborhood of more a more intense land use. The staff stated then that “the B-4 zone is generally not considered an adequate buffer between single family and other business uses, and this case is no exception.”

When considering the proposed zone change, the staff finds that continuing the building façade and landscape buffer along this side of North Limestone, opposite of commercial development across the street, will carry the improvements to the Rosemary Avenue intersection, which can be considered a more appropriate land use transition than the stormwater and utility easement that currently exists. The conditional zoning restrictions and façade improvements previously proposed by the developer should be applied to the requested B-4 zone along North Limestone. In this regard, the single family residential zoning is no longer appropriate along North Limestone, and a restricted B-4 zone would be compatible with the adjoining development.

However, concern remains about the encroachment of B-4 zoning along Rosemary Avenue, where the rear of the warehouse building and a parking lot are proposed to replace a single-family residence. This existing residence is located across from another single-family residence and is at the entrance to a residential neighborhood comprised of affordable dwelling units. The staff does not believe it is appropriate to “turn the corner” and begin the encroachment of business zoning into this neighborhood, and therefore, cannot support the proposed rezoning of 101 Rosemary Avenue to the B-4 zone.

The Staff Recommends: Approval of a B-4 zone for 1500 & 1502 N. Limestone, for the following reasons:

1. The existing Single Family Residential (R-1C) zoning is inappropriate, and the proposed Warehouse and Wholesale Business (B-4) zoning is appropriate for the following reasons:
 - a. The property shares a boundary with the existing warehouse development to the immediate northeast, and the proposed rezoning will enable the façade improvements to continue along the North Limestone corridor to a more appropriate land use transition – the intersection of Rosemary Avenue.
 - b. The proposed warehouse structures with façade improvements will be compatible with the adjoining B-4 development, as well as the commercial development directly across North Limestone from the site. The existing single family residences are no longer as compatible along this portion of the North Limestone corridor.
 - c. The development of small warehouses with accessory offices will enhance the land use transition between the unrestricted B-3 properties to the north and the residential neighborhood to the south. The buffer will provide a less intensive land use in terms of uses, business hours, noise and traffic.
2. This recommendation is made subject to approval and certification of ZDP 2016-70: Bobbie & Sylvia Waller Property (Shadowlawn Subdivision) 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 restriction(s) should be applied to the subject properties:

PRINCIPAL PERMITTED USES

- a. Wholesale establishments, wholesale establishments with warehouses, storage and warehousing.

- b. Shops of special trade and general contractors, such as plumbing; heating; carpentry; painting; plastering; printing; publishing; lithographing; engraving; electrical; sign painting; upholstery; tile, mosaic and terrazzo work; electroplating; and interior decorating.
- c. Parking lots and structures.
- d. Animal hospitals or clinics, provided that such structures or areas used, not including accessory parking areas, shall be at least one hundred (100) feet from any residential zone.
- e. Offices of purchasers, processors and handlers of agricultural products, limited to administrative uses only.
- f. Sales of feed, grain or other agricultural supplies.
- g. Garden centers.
- h. Establishments and lots for the sale of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles, such as mini-bikes, motorcycles, boats or supplies for such items.
- i. Establishments for the sale of precut, prefabricated, or shell homes.
- j. Retail sale of building materials and lumber.
- k. Mail order business.
- l. Office uses, limited to a maximum square footage of 60% of the floor area in the building in which the use is located.
- m. Office/warehouse mixed-use project, as further regulated by Article 8-21(o)(3).
- n. Adaptive Reuse Projects, as further regulated in Article 8-21(o)(4).

OTHER RESTRICTIONS

- 1. Outdoor music or sound systems and call boxes shall be prohibited.
- 2. Lighting shall be shielded and directed downward and away from residentially zoned properties.
- 3. The following landscape and buffering restrictions shall apply:
 - a. There shall be a 20' open space and landscape buffer along property boundary where it adjoins any residential dwelling unit. An 8' tall solid wood fence shall be placed along the length of the open space/buffer area. Within this open space/buffer area, the developer shall plant and maintain 8' evergreen trees planted 15' on center.
 - b. There shall be a 50' setback along the front of the property which shall contain a landscape/open space buffer. Within the landscape/open space buffer, the developer shall plant and maintain 8' tall deciduous trees planted 15' on center, and 3' shrubs interspersed with the trees.

These restrictions are necessary and appropriate to provide an aesthetically pleasing gateway feature to the North Limestone corridor, and to protect the adjoining residential neighborhood from the potential negative effects of more intensive uses that could occur in the B-4 zone without restriction.

The Staff Recommends: **Disapproval of a B-4 zone for 101 Rosemary Avenue**, for the following reasons:

- 1. The requested rezoning to a Wholesale and Warehouse Business (B-4) zone cannot be found to be in agreement with the 2013 Comprehensive Plan, or the Central Sector Small Area Plan (an adopted element of the 2013 Comprehensive Plan) for the following reasons:
 - a. The Goals and Objectives of the 2013 Comprehensive Plan recommend protection of existing neighborhoods (Theme D, Goal #3c.). The Plan also encourages the consideration of how proposals relate to existing development in the immediate vicinity, as well as protecting neighborhoods and residential areas from incompatible land uses. Policy statements in the Plan focus on the need for the development of land in the most appropriate relationships, and compatibility of land uses. The proposed rezoning along Rosemary Avenue is not compatible with these specific recommendations, which are overarching ideas of the Plan.
 - b. The Central Sector Small Area Plan recommends as one of its four guiding principles to "provide adequate and equitable housing" for the area. The Rosemary Avenue neighborhood should continue to provide convenient, and affordable housing for residents, as it has done for decades.

2. The proposed Wholesale and Warehouse Business (B-4) zone is inappropriate for 101 Rosemary Avenue because:
 - a. The type of truck traffic associated with warehouses and shops of special trade (i.e. general contractors, plumbers, painters, major auto and truck repair) is too intense for a local residential street.
 - b. Encroachment of B-4 zoning along Rosemary Avenue is not compatible with the existing single-family residential character of the area and could negatively impact the residents that live in the area, both along Rosemary Avenue and other local streets within the neighborhood.
3. The existing Single Family Residential (R-1C) zone remains appropriate at this location, as the existing residence is located at the entrance to an affordable neighborhood and should not be unduly impacted.
4. There have been no unanticipated changes of a physical, social or economic nature within the immediate area since the Comprehensive Plan was adopted in 2013 that would support an argument for B-4 zoning for property along Rosemary Avenue.

TLW/WLS

7/7/2016

Planning Services/Staff Reports/MAR/2016/MAR 2016-18.doc

2. **JAMES CLAY WALLER ZONING MAP AMENDMENT & BOBBIE & SYLVIA WALLER PROPERTY (SHADOWLAWN SUB-DIVISION) ZONING DEVELOPMENT PLAN**

- a. MAR 2016-18: JAMES CLAY WALLER (9/4/16)* – petition for a zone map amendment from a Single Family Residential (R-1C) zone to a Wholesale and Warehouse (B-4) zone, for 0.88 net (1.26 gross) acres, for property located at 1500 & 1502 N. Limestone and 101 Rosemary Avenue.

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 subject properties are located within the Central Sector Small Area Plan boundary, an adopted element of the Comprehensive Plan. More specifically, it is located within Sub-Area D, where the North Limestone corridor was designated a "focus area" and its intersection with New Circle Road was designated a major gateway into the Central Sector.

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

The Staff Recommends: **Approval of a B-4 zone for 1500 & 1502 N. Limestone**, for the following reasons:

1. The existing Single Family Residential (R-1C) zoning is inappropriate, and the proposed Warehouse and Wholesale Business (B-4) zoning is appropriate for the following reasons:
 - a. The property shares a boundary with the existing warehouse development to the immediate northeast, and the proposed rezoning will enable the façade improvements to continue along the North Limestone corridor to a more appropriate land use transition – the intersection of Rosemary Avenue.
 - b. The proposed warehouse structures with façade improvements will be compatible with the adjoining B-4 development, as well as the commercial development directly across North Limestone from the site. The existing single family residences are no longer as compatible along this portion of the North Limestone corridor.
 - c. The development of small warehouses with accessory offices will enhance the land use transition between the unrestricted B-3 properties to the north and the residential neighborhood to the south. The buffer will provide a less intensive land use in terms of uses, business hours, noise and traffic.
2. This recommendation is made subject to approval and certification of ZDP 2016-70: Bobbie & Sylvia Waller Property (Shadowlawn Subdivision) 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 restriction(s) should be applied to the subject properties:

PRINCIPAL PERMITTED USES

- a. Wholesale establishments, wholesale establishments with warehouses, storage and warehousing.
- b. Shops of special trade and general contractors, such as plumbing; heating; carpentry; painting; plastering; printing; publishing; lithographing; engraving; electrical; sign painting; upholstering; tile, mosaic and terrazzo work; electroplating; and interior decorating.
- c. Parking lots and structures.
- d. Animal hospitals or clinics, provided that such structures or areas used, not including accessory parking areas, shall be at least one hundred (100) feet from any residential zone.
- e. Offices of purchasers, processors and handlers of agricultural products, limited to administrative uses only.
- f. Sales of feed, grain or other agricultural supplies.
- g. Garden centers.
- h. Establishments and lots for the sale of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles, such as mini-bikes, motorcycles, boats or supplies for such items.
- i. Establishments for the sale of precut, prefabricated, or shell homes.
- j. Retail sale of building materials and lumber.
- k. Mail order business.
- l. Office uses, limited to a maximum square footage of 60% of the floor area in the building in which the use is located.
- m. Office/warehouse mixed-use project, as further regulated by Article 8-21(o)(3).
- n. Adaptive Reuse Projects, as further regulated in Article 8-21(o)(4).

OTHER RESTRICTIONS

1. Outdoor music or sound systems and call boxes shall be prohibited.
2. Lighting shall be shielded and directed downward and away from residentially zoned properties.
3. The following landscape and buffering restrictions shall apply:

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

- a. There shall be a 20' open space and landscape buffer along property boundary where it adjoins any residential dwelling unit. An 8' tall solid wood fence shall be placed along the length of the open space/buffer area. Within this open space/buffer area, the developer shall plant and maintain 8' evergreen trees planted 15' on center.
- b. There shall be a 50' setback along the front of the property which shall contain a landscape/open space buffer. Within the landscape/open space buffer, the developer shall plant and maintain 8' tall deciduous trees planted 15' on center, and 3' shrubs interspersed with the trees.

These restrictions are necessary and appropriate to provide an aesthetically pleasing gateway feature to the North Limestone corridor, and to protect the adjoining residential neighborhood from the potential negative effects of more intensive uses that could occur in the B-4 zone without restriction.

The Staff Recommends: **Disapproval of a B-4 zone for 101 Rosemary Avenue**, for the following reasons:

1. The requested rezoning to a Wholesale and Warehouse Business (B-4) zone cannot be found to be in agreement with the 2013 Comprehensive Plan, or the Central Sector Small Area Plan (an adopted element of the 2013 Comprehensive Plan) for the following reasons:
 - a. The Goals and Objectives of the 2013 Comprehensive Plan recommend protection of existing neighborhoods (Theme D, Goal #3c.). The Plan also encourages the consideration of how proposals relate to existing development in the immediate vicinity, as well as protecting neighborhoods and residential areas from incompatible land uses. Policy statements in the Plan focus on the need for the development of land in the most appropriate relationships, and compatibility of land uses. The proposed rezoning along Rosemary Avenue is not compatible with these specific recommendations, which are overarching ideas of the Plan.
 - b. The Central Sector Small Area Plan recommends as one of its four guiding principles to "provide adequate and equitable housing" for the area. The Rosemary Avenue neighborhood should continue to provide convenient and affordable housing for residents, as it has done for decades.
 2. The proposed Wholesale and Warehouse Business (B-4) zone is inappropriate for 101 Rosemary Avenue because:
 - a. The type of truck traffic associated with warehouses and shops of special trade (i.e. general contractors, plumbers, painters, major auto and truck repair) is too intense for a local residential street.
 - b. Encroachment of B-4 zoning along Rosemary Avenue is not compatible with the existing single-family residential character of the area and could negatively impact the residents that live in the area, both along Rosemary Avenue and other local streets within the neighborhood.
 3. The existing Single Family Residential (R-1C) zone remains appropriate at this location, as the existing residence is located at the entrance to an affordable neighborhood and should not be unduly impacted.
 4. There have been no unanticipated changes of a physical, social or economic nature within the immediate area since the Comprehensive Plan was adopted in 2013 that would support an argument for B-4 zoning for property along Rosemary Avenue.
- b. ZDP 2016-70: BOBBIE & SYLVIA WALLER PROPERTY (SHADOWLAWN SUBDIVISION) (9/4/16)* - located at 1500 and 1502 North Limestone and 101 Rosemary Avenue. **(Midwest Engineering)**

The Subdivision Committee Recommended: **Postponement**. There are questions regarding the impact of the existing conditional zoning restrictions on the proposed plan.

Should this plan be approved, the following requirements should be considered:

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. Denote: No building permit shall be issued unless and until a final development plan is approved by the Planning Commission.
6. Denote construction entrance location on plan.
7. Denote building coverage and floor area ratio site statistics, per Art. 21-6(a)(13) requirements.
8. Correct owner's certification.
9. Denote building height on plan, per Art. 21-6(a)(7) requirements.
10. Relocate graphic scale on plan.
11. Denote that all approved and certified information for 1532 N. Limestone shall be added at the time of the Final Development Plan.
12. Depict existing tree locations on plan (for subject property).
13. Discuss building conflict with conditional zoning limitations.
14. Discuss timing of street improvements proposed to N. Limestone.
15. Discuss alteration of existing detention areas.
16. Discuss whether existing trees along N. Limestone will be retained/preserved.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

17. Discuss whether sidewalk in front of adjacent buildings will extend to Rosemary Avenue.
18. Discuss need for front building restrictions, per those approved on adjacent buildings.
19. Discuss status of conditional zoning relative to this proposed plan.

Applicant – Steve Baker, engineer, stated that he would like to withdraw 101 Rosemary Avenue from the application, and continue consideration of rezoning the other two parcels.

Zoning Action – A motion was made by Mr. Cravens, seconded by Ms. Plumlee, and carried 9-0 (Penn and Richardson absent) to accept withdrawal of 101 Rosemary Avenue from the application.

Staff Zoning Presentation – Ms. Wade presented the staff report on this amended zone change for 1500 and 1502 N. Limestone and stated that this application is for a rezoning from R-1C to B-4 zone. The subject properties are located at the intersection of Rosemary Avenue and N. Limestone, which is approximately 1½ block from New Circle Road, which is to the north-east of the properties. Broadview Drive is across from the properties and Loneta Avenue has properties that border the warehouse area to the southeast of this location. The subject properties are currently single-family residential homes that are occupied. The area along N. Limestone is a mixture of commercial and residential uses. The business area is characterized by the warehouses that are located to the northeast of the subject property. Also nearby are a CVS Pharmacy, a daycare, a carwash, and restaurants at the corner of New Circle and N. Limestone.

Ms. Wade stated that the applicant is proposing the rezoning to the Wholesale and Warehouse Business zone for these two lots in order to expand the warehouse area along this frontage. Mr. Waller owns the warehouses to the northeast, which are currently occupied with shops of special trade and an indoor athletic facility. In 2010, he stated in their justification that they wanted to bring 50 jobs to this location and believe they have accomplished that goal.

Ms. Wade displayed an aerial view of the subject properties, the two residential structures. She displayed a photo of the properties showing two large pin oak trees in the front yards. Tim Queary, Urban Forester, did visit the site and determined that the tree on the left in the exhibit is not in good condition, but the tree on the right, (nearest the intersection) is still fairly healthy. She also displayed a photo of the existing warehouses to the northeast of the subject properties and said that they are setback about 50 feet from N. Limestone, which is what the applicant had agreed to in the 2010 zone change, and there is landscaping along the frontage, which is in agreement with the Central Sector Small Area Plan for this area.

Ms. Wade said that the 2007 Comprehensive Plan made a recommendation for residential land use at this location, but it was also marked for “special consideration” through the Small Area Plan for the Central Sector. N. Limestone was designated as a primary commercial corridor in this area, and the intersection of New Circle and N. Limestone was identified as the major entrance into this central sector. Through the Small Area Plan process, several principles were identified for redevelopment and investment within the area and the applicant believes that their project will encourage re-use of the property and additional jobs for the area.

Ms. Wade said that the applicant believes that they are in compliance with the 2013 Comprehensive Plan. They mentioned in their justification agreement with three goals; the first being to encourage small businesses; the second being complete streets (to complete sidewalk connectivity for one of the properties on N. Limestone); and the third goal was to complete façade improvements along the frontage of N. Limestone. The staff does not believe that their request agrees with the Comprehensive Plan, but they did find that the B-4 zone would be appropriate along N. Limestone and the R-1C would be inappropriate at this location. When the B-4 zone was requested in 2010, on the adjacent property, the developer proposed enhancements to the N. Limestone corridor, which included a 50-foot setback for their frontage and landscape improvements and a conditional zoning restriction around the exterior perimeter of the property (a 50-foot landscape buffer that is along any residential property that fronted onto Rosemary Avenue or Loneta Avenue). The 50-foot buffer does not impact the two residential properties that front onto N. Limestone.

Ms. Wade reported that the staff believes that the rezoning is appropriate because it continues the B-4 zone to a better land use transition at Rosemary Avenue rather than midblock. When considering this zone change, the staff believes that the building façade should be continued along N. Limestone, which is also supported by the Small Area Plan. Staff also believes that the 50-foot setbacks should be continued.

Ms. Wade said there was a lengthy discussion at the Zoning Committee meeting regarding the property on Rosemary Avenue, and the staff's recommendation of disapproval for that parcel and the possibility of re-working the two lots on N. Limestone so that they don't encroach into the residential area that is Rosemary Avenue. The applicant revisited that and withdrew the Rosemary Avenue parcel. The staff's recommendation for the conditional zoning restrictions remained the same, but the staff would like to suggest to the Planning Commission a revision based on the applicant's revised plan. Staff originally proposed a 50-foot setback along the frontage and a 20-foot landscape buffer along any residential boundary.

Ms. Wade said that at this time staff is willing to make an adjustment to the conditional zoning restrictions so that there is a 30-foot setback along N. Limestone and at least a 10-foot landscape buffer along the adjoining residential property on Rosemary

Avenue. More specifically, to change number 3.a. to a 10-foot landscape buffer along a boundary that adjoins any residential dwelling unit and an 8-foot fence, and a 30-foot setback along N. Limestone.

3. The following landscape and buffering restrictions shall apply:
 - a. There shall be a ~~20'~~ 10' open space and landscape buffer along property boundary where it adjoins any residential dwelling unit. An 8' tall solid wood fence shall be placed along the length of the open space/buffer area. Within this open space/buffer area, the developer shall plant and maintain 8' evergreen trees planted 15' on center.
 - b. There shall be a ~~50'~~ 30' setback along the front of the property which shall contain a landscape/open space buffer. Within the landscape/open space buffer, the developer shall plant and maintain 8' tall deciduous trees planted 15' on center, and 3' shrubs interspersed with the trees.

The staff is recommending approval of the two properties along N. Limestone to be rezoned because the B-4 zone is more appropriate and the R-1C is no longer appropriate at this location. The property already shares a boundary with a B-4 development to the northeast. These improvements are supported by the Small Area Plan and are similar to the adjoining property and a development with warehouse and office uses will enhance the land use transition between the unrestricted B-3, which is at New Circle Road and the residential neighborhood to the south.

Development Plan Presentation - Mr. Martin presented the staff report on this development plan. He said that this plan is a revised plan based on the withdrawal of the property on Rosemary Avenue. On the plan, he displayed the area for development, the trees that will remain and the location of the parking access off of Rosemary Avenue into the parking area. He said that there was a staff exhibit handout with the revised conditions showing that many are standard conditions for a preliminary plan. One important condition is that some verbiage had been added to the conditional zoning that is not included in the zone change, which will need to be removed.

Mr. Martin said that the condition of the 50-foot setback along N. Limestone frontage is extremely important from a practical aspect to the development of this property. On the original plan, the applicant could meet that setback, but it pushed the parking back on the site. In order for their parking to function properly, they needed to adjust the setback closer to N. Limestone and the staff supported this shift. This becomes even more important with the existing conditional zoning restriction, because the paved area in the middle of the plan will need to be removed because it cannot meet the requirement for a landscape buffer in this area. The parking area will have to function on its own to serve this building, which will be even more carefully reviewed at the Final Development Plan stage.

Mr. Martin said that there are also some clean up items listed in the staff handout; the improvements to N. Limestone, the alteration of the existing detention area, extension of a sidewalk, preserving trees in the front, which are design elements that will be determined through improvement plans at the time of the Final Development Plan. In the past, there had been some stormwater problems in this area that have been identified. There is a lot of detention provided on the property, which will need to be addressed to make sure that it continues to function properly and is adequate. The applicant is also claiming a reduction in their parking, which is important to them, with the loss of some spaces; they are claiming the benefit of being located within 300 feet of a transit stop which needs to be identified on the plan to claim that credit. (He said that the handout states "shot" should be "stop".)

10. 44. ~~Denote that all approved and certified information for 1532 N. Limestone shall be added at the time of the Final Development Plan. Denote location of transit stop on the plan.~~

Mr. Martin said the Small Area Plan and the Gateway concept that Ms. Wade had mentioned; the applicant also agreed to architectural detail. There is a building design note on the plan, the staff wants to be sure and have it denoted that the architectural details will match the neighboring building.

Commission Comments – Mr. Wilson commented that condition number 16 should be deleted.

Mr. Owens would like to have condition number 15 removed. Mr. Martin said that staff will agree to keep "Denote" in place of "Discuss", that the applicant will meet the architectural details as previously approved. Mr. Wilson said that it would remain with "Denote" and be referred to the Final Development Plan. Mr. Martin said that will be appropriate, when the applicant gets the final permit.

15. 48. ~~Discuss~~ Resolve the need for front building restrictions, per those approved on adjacent buildings.

Mr. Drake asked for clarification that the two parking lots could not be linked. Mr. Martin replied that due to the conditional zoning restrictions that were placed on the adjoining property; the center connection can't be made, so the lot for the subject property will need to function independently. Mr. Drake asked what the conditional zoning restrictions were. Mr. Martin said that it was a 50-foot landscape buffer that was imposed to protect the adjacent residential neighborhood from the warehouse development.

Mr. Owens clarified that in order to make vehicular traffic connection between the two lots,, the applicant would have to amend the conditional zoning restrictions. Mr. Martin confirmed that the applicant would need to request a zone change to modify the conditional zoning restrictions.

Petitioner Presentation - Steve Baker, Midwest Engineering, said that they agree with all of the staff's conditions as well as the revised zoning restrictions. He said that the applicant would like to connect the two parking lots but they feel that they can make them work independently as needed.

Mr. Clay Waller, developer, said that he was available for any questions that the Planning Commission may have.

Citizen Comments – There were no citizens present wishing to comments on the proposal.

Chairman's Comments – Chairman Wilson stated that the hearing was now "closed," and he opened the floor for discussion.

Zoning Action – A motion was made by Mr. Cravens, seconded by Mr. Smith, and carried 9-0 (Penn and Richardson absent) to approve MAR 2016-18: JAMES CLAY WALLER., for the reasons provided by the staff with the amendments to the restrictions.

Development Plan Action – A motion was made by Mr. Cravens, seconded by Mr. Smith, and carried 9-0 (Penn and Richardson absent) to approve ZDP 2016-70: BOBBIE & SYLVIA WALLER PROPERTY, for the reasons provided by the staff with the revised staff recommendations.

