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COUNTY DEPARTMENT AGENDA REQUEST

Department/Division: Planning & Zoning

Department Head: Peter A. Frisina

Presenter, if needed: Dennis S. Dutton/Peter A. Frisina

Preferred Meeting Date: Thursday, January 10, 2008

Topic:

Consideration of Petition 1203-07, Situs 85, LLC, Owner, and Jason Walls of Integrated Science & Engineering, Inc., Agent, request to rezone 1.83 acres, Lot 1 of Situs Park Subdivision, fro M-1 to C-H, to develop a convenience store/gas station/retail shops development. This property is located in Land Lot 200 of the 5th District and fronts on SR 85 North and Roberts Road.

Background/History/Details:

On September 14, 1989, the B.O.C. adopted a new zoning district called L-B (Limited Business). The intent of this district was to provide for planned, large-scale, mixed-use development along the major thoroughfares where sewer was planned. Shortly after adopting the L-B zoning district, the Economic Development Authority requested that the B.O.C. consider actually rezoning land along the S.R. 85 North corridor to L-B to allow for a variety of nonresidential uses. On September 28, 1989, the B.O.C. adopted a new Business Park land use category and amended the land use in the S.R. 85 North corridor. On September 13, 1990, the B.O.C. blanket rezoned approximately 830 acres in the S.R. 85 North corridor from A-R (Agricultural-Residential) to L-B (Limited Business). On January 14, 1998, the B.O.C. deleted the L-B from the Fayette County Zoning Ordinance. Therefore, all properties zoned L-B had to be zoned to a valid zoning district. The subject property was part of a blanket rezoning from L-B to M-1 approved by the B.O.C. on April 9, 1998 (Petition No. 974-98).

What action are you seeking from the Board of Commissioners?

Hear petition and vote.

Staff recommended APPROVAL.
The P.C. recommended APPROVAL 4-1.

If this item requires funding, please describe:

Has this issue come before the Commissioners in the past? Yes

If so, when? Thursday, April 9, 1998

Do you need audio-visual for the presentation? No

STAFF USE ONLY

Wording for the Agenda:

Consideration of Petition No. 1203-07, Situs 85, LLC, Owner, and Jason L. Walls of Integrated Science & Engineering, Inc., Agent, request to rezone 1.83 acres, Lot 1 of Situs Park Subdivision, from M-1 to C-H to develop a Convenience Store/Gasoline Station/ Retail Shops. This property is located in Land Lot 200 of the 5th District and fronts on S.R. 85 North and Roberts Road.

● Finance Review Complete ○ Legal Review Complete ● Administrative Staff Review Complete

Administrator's Approval Yes

Confirmed Meeting Date January 10, 2008

○ Recognition/ Presentation ● Public Hearing ○ Old Business ○ New Business ○ Consent ○ Report ○ Other

[redacted]

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PETITION NO. 974-98: Consideration of Petition No. 974-98, Fayette County Board of Commissioners, Agents, request to rezone approximately 1,180 acres from L-B to O-I, M-1, M-2, A-R and R-50 and from R-15 to R-20 and O-I. This property is located in Land Lot 186 of the 4th District and Land Lots 11, 12, 167,186, 199, 200, 201, 216, 217, 231, 232, 233, 248, 249 and 250 of the 5th District.

County Planner Pete Frisina reviewed the proposed blanket rezoning in the area bounded by State Route 85, Kenwood Road, State Route 279 and Helmer Road which encompasses the Wayne Kendall property (Petition 976-98) and an additional 55 acres to the West (Knowles property) Mr. Frisina said his recommendation is that the acreage to the West (Knowles property) be given the same zoning as is given to the Wayne Kendall property. He stated the Planning Commission's recommendation was that the whole area be zoned R-72 which the petitioner did not agree to. He recommended the Commissioners hear Petition No. 976-98 before voting on this portion of the blanket rezoning.

PETITION NO. 976-98: Consideration of Petition No. 976-98, Rosa McKown and Thomas J. Busey, Jr., Owners, and Wayne B. Kendall, Agent, request to rezone 203.464 acres from L-B, A-R, R-40 and R-15 to R-50 to develop a single-family residential subdivision (113 lots). This property is located in Land Lots 249 and 250 of the 5th District and Land Lots 249 and 250 of the 13th District and fronts on Helmer Road and Kenwood Road.

Agent Wayne B. Kendall stated his petition had been tabled from the April 9 meeting and at that time he indicated there was an access that the petitioner would like to have the opportunity to acquire. He said since the last meeting he had met with the land owner and was successful in negotiating an acquisition of 3.82 acres which would allow the petitioner to have the access he desires off Highway 279. He added his party had signed a contract to acquire the acreage. He pointed out that the entrance to the subdivision would come off of Highway 279 and adjoin the McKown property. He added this entrance would allow the petitioner to handle traffic the subdivision would provide. He remarked this subdivision was a part and parcel of a much larger development that his party has on the north side of Helmer Road involving a golf course and an additional subdivision located to the north of the golf course. He added overall, the entire project comprises approximately 450 acres of which he has approximately 172 lots out of the 450 acres with a density of approximately 2.5 or 2.6 acres per lot. He stated this project was done with conservation in mind. He said this project took 150 plus acres out of an R-40 zoning and put it into an A-R zoning

in order to preserve the quality of life for the residents in that area. Mr. Kendall said he lives in Northridge and would like to continue to live in that area. He commented the minimum square footage for these homes would be 3,500 square feet with a minimum home price in the low $400,000 range. He stated he had met with the neighbors in the area and tried to address each and every concern which primarily had to do with traffic flow onto Kenwood Road. He added the petitioner completely eliminated the entrance onto Kenwood Road and instead directed that traffic out onto Highway 279. He said he felt he had addressed all concerns made known to him.

Because public comment was held at the meeting on April 9, there was no public comment held this evening for this petition. Chairman Sprayberry brought the petition back to the Board for discussion and a vote.

Commissioner Gosa asked the County Attorney if he had seen evidence of the contract being completed and the attorney said he had not at this point.

Commissioner Burrell asked Jim Friday with the Fayette Youth Protection Home to address the issue of the contract negotiations.

Mr. Friday confirmed that the contract had been signed and said he felt everything was in order.

Mr. Kendall presented a copy of the contract to Attorney McNally. Mr. McNally suggested that if the Board wished to proceed with this petition that it do so on the condition that this subdivision have County approved entrances on Highway 279 and Helmer Road.

Commissioner Burrell applauded Mr. Kendall for the work he had done as this was the type of conservation subdivision the Board was looking for.

Commissioner Bost made a motion to approve Petition 976-87 with R-72 zoning with the condition that the entrance to Helmer Road and Highway 279 be secured. Commissioner Burrell seconded the motion for discussion.

Commissioner Gosa asked if R-72 was the classification finally decided on.

Mr. Kendall said his petition was for R-50 but he was willing to go to R-55. He added the difference between R-50 and R-55 would be the minimum square footage. He said the minimum square footage for R-50 was 2,100 and minimum square footage for R-55 was 2,500. He said if the Board voted to approve R-72 in a 2-acre zoning, that, in essence, would be a denial of his petition.

Commissioner Burrell withdrew his second based on information by Mr. Kendall.

The motion died for lack of a second.

On motion made by Commiss oner Burrell, seconded by Commissioner Frady to approve Petition 976-98 as R-55 with the conditions that this subdivision have County approved entrances on Highway 279 and Helmer Road and that there is no access to Kenwood Road as well as the condition recommended by staff. The motion carried 4-1 with Commissioner Bost opposing. A copy of staff's investigation, analysis and recommend condition identified as "Attachment No. 5" follows these minutes and is made an official part hereof. A copy of the Ordinance and Resolution approving Petition No. 976-98 identified as "Attachment No. 6" follows these minutes and is made an official part hereof.

Mr. Kendall agreed to all conditions as stated above.

PETITION NO. 974-98-A: Consideration of Petition No. 974-98, A/K/A Petition No. 974-98-A, Fayette County Board of Commissioners, Agents, request to rezone approximately 1,180 acres from L-B to O-I, M-1, M-2, A-R and R-50 and from R-15 to R-20 and O-I. This property is located in Land Lot 186 of the 4th District and Land Lots 11, 12, 167,186, 199, 200, 201, 216, 217, 231, 232, 233, 248, 249 and 250 of the 5th District.

County Planner Pete Frisina said his recommendation was that whatever the Board decided to rezone Mr. Kendall's petition to, that it rezone the 55 acres to the West (Knowles property) the same.

On motion made by Commissioner Gosa, seconded by Commissioner Burrell to approve (Petition No. 974-98-A) the rezoning of approximately 55 acres (Knowles property) from L-B to R-55. The motion carried 4-1 with Commissioner Bost opposing. A copy of the Ordinance and Resolution, identified as "Attachment No. 7" follows these minutes and is made an official part hereof.

[redacted]