

ORDINANCE NO. 95 -2017

AN ORDINANCE CHANGING THE ZONE FROM A SINGLE FAMILY RESIDENTIAL (R-1B) ZONE TO A LIGHT INDUSTRIAL (I-1) ZONE, FOR 1.88 NET (2.03 GROSS) ACRES, FOR PROPERTY LOCATED AT 1387 E. NEW CIRCLE ROAD (A PORTION OF). (TURNER PROPERTY 2, LLC; COUNCIL DISTRICT 7).

WHEREAS, at a Public Hearing held on April 27, 2017 a petition for a zoning ordinance map amendment for property located at 1387 E. New Circle Road from a Single Family Residential (R-1B) zone to a Light Industrial (I-1) zone for 1.88 net (2.03 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 10-0; 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 1387 E. New Circle Road from a Single Family Residential (R-1B) zone to a Light Industrial (I-1) zone for 1.88 net (2.03 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 uses shall be prohibited for the subject property via conditional zoning:

- a. Major automobile or truck repair as a principal use.
- b. Tire re-treading and recapping.
- c. Truck terminals and freight yards.
- d. Recycling, sorting, baling and processing of glass or nonferrous metals.
- e. Vehicle storage yards.
- f. Any wholesale or trucking use operating between the

hours of 11 p.m. and 7 a.m.

These restrictions are appropriate and necessary at this location to ensure that the proposed development adequately protects the nearby residential neighborhood.

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: June 15, 2017

MAYOR



ATTEST:


CLERK OF URBAN COUNTY COUNCIL

Published: June 22, 2017-1t

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LEGAL DESCRIPTION
TURNER PROPERTY 2, LLC
TRACT NO. 2 ZONE CHANGE FROM R-1B TO I-1
1387 E. NEW CIRCLE ROAD
LEXINGTON, FAYETTE COUNTY KENTUCKY 40509

A TRACT OF LAND BEING SITUATED IN THE NORTHEASTERLY QUADRANT OF THE INTERSECTION OF NEW CIRCLE ROAD AND THE RJ CORMAN RAILROAD IN LEXINGTON, FAYETTE COUNTY, KENTUCKY AND MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

Beginning at an iron pin (Hill #3928) at the easternmost property corner; thence S 49°32'49" W – 452.10' to a point in the approximate centerline of the RJ Corman Railroad; thence with the approximate centerline of the RJ Corman Railroad, N 48°17'59" W – 185.01' to a point; thence N 47°45'49" E – 472.46' to a point; thence S 41°56'11" E – 198.05' to the point of beginning and containing a gross area of 2.03 acres and a net area of 1.88 acres, more or less.

Rec'd by Bm

Date: 5-12-17

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

IN RE: **PLN-MAR-17-00010: TURNER PROPERTY 2, LLC** – a petition for a zone map amendment from a Single Family Residential (R-1B) zone to a Light Industrial (I-1) zone, for 1.88 net (2.03 gross) acres, for property located at 1387 E. New Circle Road (a portion of). (Council District 7)

Having considered the above matter on **April 27, 2017**, at a Public Hearing, and having voted **10-0** 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. A restricted Light Industrial (I-1) zone is appropriate for the subject property because the site is accessible through the front tract from New Circle Road only, and it is surrounded predominantly by land that is zoned for I-1 and/or compatible commercial uses, including vehicle sales establishments, gas stations, warehousing and other industrial uses.
2. The existing Single Family Residential (R-1B) zone is inappropriate for the subject property for the following reasons:
 - a. The adjoining residential zoning is separated by a steep topographic change, therefore its development potential and access from Wilderness Road is very limited.
 - b. The adjacent residential lot to the southeast is a vacant, 3-acre tract, which allows for a large buffer between the proposed use and existing residences, even with this light industrial expansion.
 - c. Much of the nearby residential land is utilized for other purposes, such as a church, bus parking and a public school.
 - d. Without road frontage, the site has virtually no value or viable residential use.
3. *Chapter 5: Creating Jobs and Prosperity* of the 2013 Comprehensive Plan supports redevelopment of underperforming or underutilized property inside the Urban Service Area.
4. This recommendation is made subject to the approval and certification of **PLN-MJDP-17-00022: Turner Property 2, LLC**, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
5. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions shall apply to the subject property via conditional zoning:

PROHIBITED USES

- a. Major automobile or truck repair as a principal use.
- b. Tire re-treading and recapping.
- c. Truck terminals and freight yards.
- d. Recycling, sorting, baling and processing of glass or nonferrous metals.
- e. Vehicle storage yards.
- f. Any wholesale or trucking use operating between the hours of 11 p.m. and 7 a.m.

These use restrictions are appropriate and necessary at this location to ensure that the proposed development adequately protects the nearby residential neighborhood.

ATTEST: This 12th day of May, 2017.


Secretary, Jim Duncan

WILLIAM WILSON
CHAIR

Note: The corollary development plan, PLN-MJDP-17-00022: Turner Property 2, LLC was approved by the Planning Commission on April 27, 2017 and certified on May 11, 2017.

K.R.S. 100.211(7) requires that the Council take action on this request by July 26, 2017.

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

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (10) Brewer, Berkley, Cravens, Mundy, Owens, Penn, Plumlee, Richardson, Smith, and Wilson

NAYS: (0)

ABSENT: (1) Drake

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **CONDITIONAL APPROVAL** of **PLN-MAR-17-00010** carried.

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

MAP AMENDMENT REQUEST (MAR) APPLICATION

1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)

Applicant: TURNER PROPERTY 2 LLC, PO BOX 55194, LEXINGTON, KY 40555
Owner(s): TURNER PROPERTY 2 LLC, PO BOX 55194, LEXINGTON, KY 40555
Attorney: Jacob Michul, Morgan & Pottinger, PSC, 175 E. Main Street, Suite 200, Lexington, KY 40507

2. ADDRESS OF APPLICANT'S PROPERTY

1387 NEW CIRCLE RD, LEXINGTON, KY (a portion of)
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3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY

Zoning	Existing		Requested		Acreage	
	Zoning	Use	Zoning	Use	Net	Gross
R-1B		Vacant	I-1	Warehouse, Trade Training	1.88	2.03

4. EXISTING CONDITIONS

a. Are there any existing dwelling units on this property that will be removed if this application is approved?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
b. Have any such dwelling units been present on the subject property in the past 12 months?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
c. Are these units currently occupied by households earning under 40% of the median income? If yes, how many units? If yes, please provide a written statement outlining any efforts to be undertaken to assist those residents in obtaining alternative housing.	<input type="checkbox"/> YES <input type="checkbox"/> NO

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

Roads:	LFUCG
Storm Sewers:	LFUCG
Sanity Sewers:	LFUCG
Refuse Collection:	LFUCG
Utilities:	<input checked="" type="checkbox"/> Electric <input checked="" type="checkbox"/> Gas <input checked="" type="checkbox"/> Water <input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable





Morgan & Pottinger
ATTORNEYS

Morgan & Pottinger, P.S.C.
175 East Main Street, Suite 200
Lexington, Kentucky 40507
(859) 253-1900
Fax (859) 255-2038

With Offices In
Louisville, Kentucky
Bowling Green, Kentucky
New Albany, Indiana

www.morganandpottinger.com

Direct Dial: (859) 226-5296
E-mail: jkm@morganandpottinger.com

March 6, 2017

Lexington-Fayette Urban County Planning Commission
101 E. Vine Street
Lexington, KY 40507

Re: Zone Map Amendment Request for 1387 E. New Circle Road (a portion of)

Dear Members of the Lexington-Fayette Urban County Planning Commission,

We represent Turner Property 2, LLC, which owns two tracts of land at 1387 E. New Circle Road, Lexington, Kentucky 40507 ("Property"). One of those tracts is zoned Light Industrial (I-1) ("I-1 Tract") and the other is Single Family Residential (R-1B) ("R-1B Tract"). Our client has applied to change the zoning of the R-1B Tract to I-1.

Background

While technically separate tracts, the Fayette County Property Valuation Administrator shows the two tracts as having a single address. They are taxed and treated for all practical purposes as a single parcel. The I-1 Tract abuts New Circle Road, but the R-1B Tract has no direct road access and can only be reached by crossing the I-1 Tract. Improvements on the Property consist of a building built in 1969. The building is located primarily on the I-1 Tract. However, a corner of the building and some of the parking are located on the R-1B Tract, which therefore constitutes a nonconforming use. The proposed zone change will remove the nonconforming use and make the zoning of the tracts consistent with each other and the area as a whole.

Following the zone change, the property is slated to be the corporate headquarters of Amteck of Kentucky, LLC, which is an electrical construction, engineering, and fabrication company founded by Ron Turner in 1977. Amteck's plans include an interior and exterior renovation and enlargement of the existing building. The building will ultimately consist of offices (approximately 34% of floor space) and warehouse and fabrication space (approximately 66% of the floor space). The Turner family is known for attractive, high quality developments and this project will be no exception.

The addition to the building will be located in large part on the R-1B Tract. Because that is an enlargement of the nonconforming use, it is not permitted without the proposed zone change. The applicant believes that the I-1 zoning for the entire property is more appropriate than the current zoning and is consistent with the Comprehensive Plan.

The I-1 Zone is More Appropriate for this Property than the Current Zone

The Property is located in a busy area of New Circle Road and is surrounded predominantly by land that is zoned and used for I-1 and compatible commercial uses, including wholesale and warehouse business (B-4) and highway service business (B-3).

The R-1B Tract is rectangular in shape. It is bounded on the two sides closest to New Circle Road by property that is already zoned I-1. It is bounded on its other two sides by residential (R-1B) land. However, the residential lot along the southeast boundary of the R-1B Tract is vacant. That lot is over 3 acres and thus provides a substantial buffer between the R-1B Tract and the house on the opposite side of that lot.

Given the traffic and light industrial/commercial uses that dominate the area, there would seem to be little chance that the 3 acre parcel will ever be developed for residential purposes even if this zone change is denied. It appears there has been virtually no residential development in the immediate area for many years. Of the 9 houses in the notification area, the newest was built in 1981—36 years ago; the rest were built in the 1930s, 40s, and 50s. None of the residential land in the notification area abuts New Circle Road, and the majority is not used for residential purposes. At least one parcel is home to a church, and nearly 50 acres are used by the Fayette County Public Schools for school bus parking. All of the homes in the area are on different street than the R-1B Tract and most are not within sight.

Notably, the R-1B Tract has no road access and virtually no value or viable use as currently zoned. Without a zone change to allow a more suitable use, this nearly two acre tract, in a prime infill/redevelopment location, will likely remain vacant/underutilized and limit potential for the I-1 Tract.

The Zone Change is Consistent with the themes and objectives of the Comprehensive Plan

The Comprehensive Plan recognizes that “it is important to promote adaptive reuse of older industrial areas.” Zoning Ordinance, 8-22(a). Consideration “should be given to the relationship of [the I-1] zone to the surrounding land uses and the adequacy of the street system to serve the anticipated traffic needs.” *Id.*

One of the objectives of Theme A is to “identify areas of opportunity for infill, redevelopment and adaptive reuse that respect the area’s context and design features whenever possible.” Theme B calls to “identify and protect natural resources and landscapes before development occurs.” Theme C encourages “infill and redevelopment that creates jobs where people live.” Under Theme F, effort should be made to avoid encroaching on the Urban Service

Zone Map Amendment Request for 1387 E. New Circle Road (a portion of)
March 6, 2017
Page 2

Area boundary. “[U]nderperforming or underutilized lands may be victim of changing economic models, technology, or public taste, or failures of earlier planning efforts.” “Urban infill and redevelopment strategies that accommodate growth responsibly, preserve vibrant neighborhoods, and encourage job creation in turn provide safeguards to rural land.”

The proposed zone change readily meets these and other directives of the 2013 Comprehensive Plan. It will involve converting an underutilized building in a central commercial location to a modern and attractive work place for approximately 75 employees, and it will do so well within the existing footprint of the Urban Service Area. The proposed use is consistent with the current character and use of the area, and the existing local infrastructure, including roads, are sufficient to support the new zone.

Tor the foregoing reasons, the applicant respectfully requests that the zoning of the R-1B Tract be changed to I-1

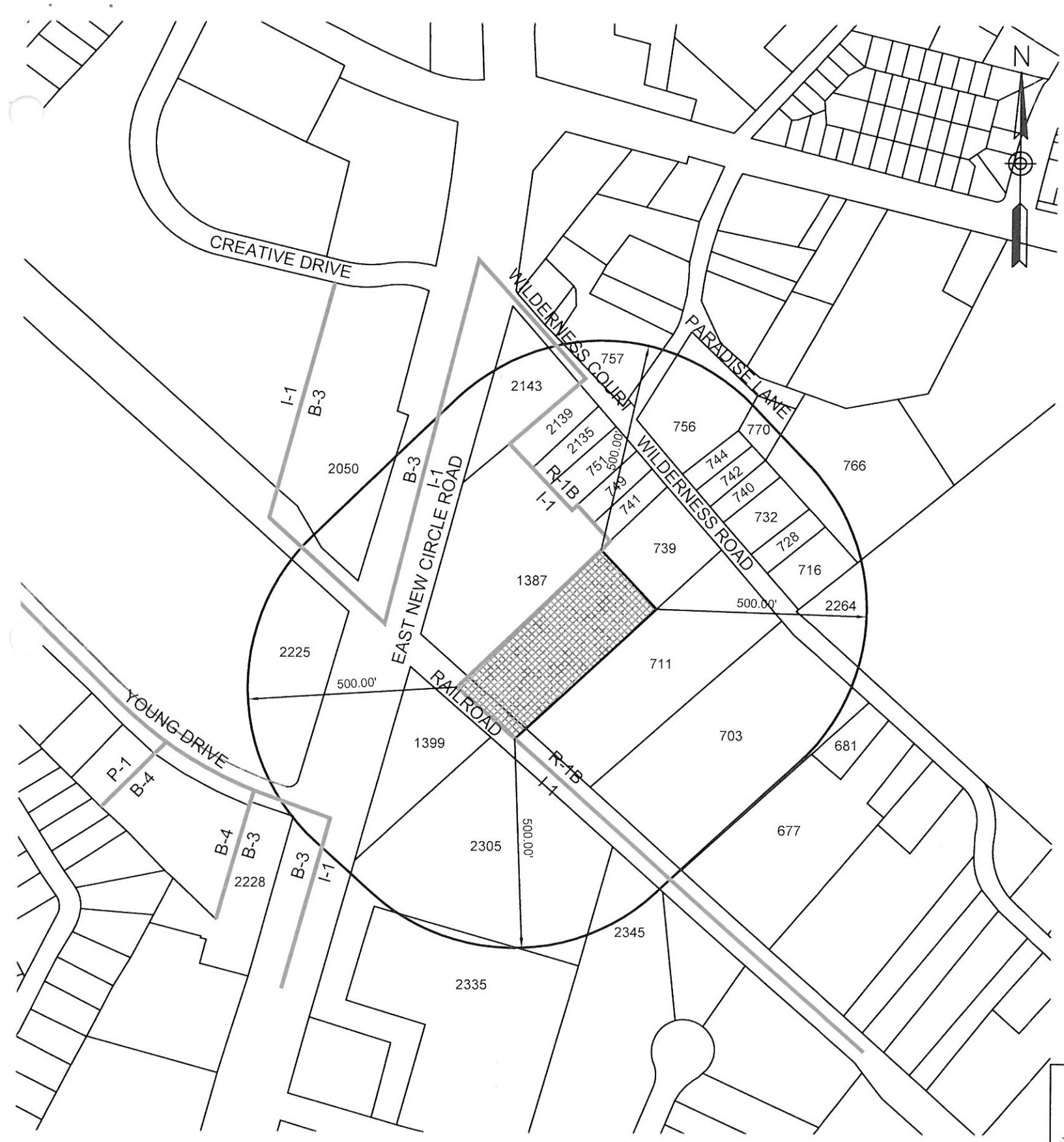
Sincerely,

MORGAN & POTTINGER, P.S.C.

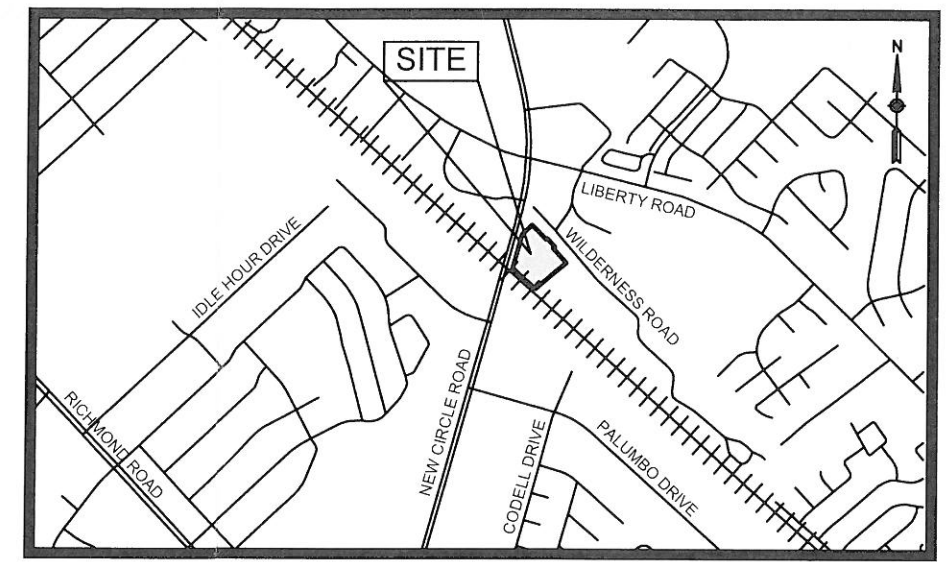


Jacob (Jake) K. Michul

cc: Turner Property 2, LLC

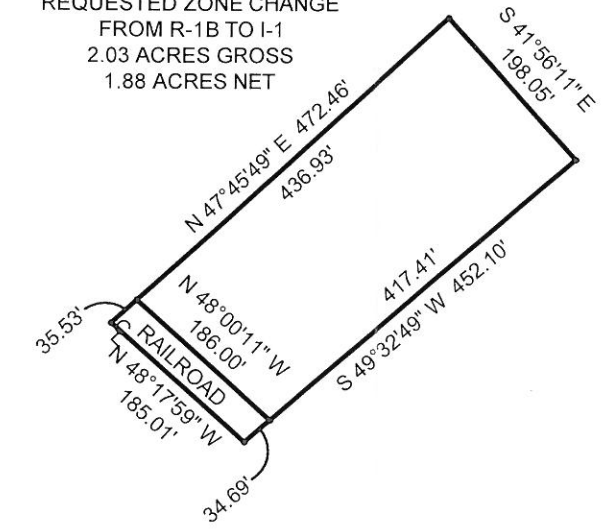


NOTIFICATION MAP
SCALE: 1" = 300'



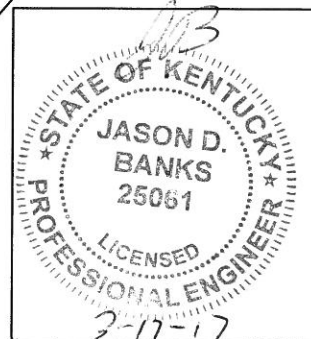
VICINITY MAP
SCALE: 1" = 2000'

TURNER PROPERTY 2, LLC
1387 EAST NEW CIRCLE ROAD
REQUESTED ZONE CHANGE
FROM R-1B TO I-1
2.03 ACRES GROSS
1.88 ACRES NET



PROPERTY MAP
SCALE: 1" = 200'

PROJECT: 16122
DRAWN BY: CBS
DATE: March, 2017
DRAWING: 16122_Notification Map.dwg



TITLE: TURNER PROPERTY 2, LLC	From	To	Net	Gross
Property Address: 1387 EAST NEW CIRCLE ROAD	R-1B	I-1	1.88	2.03
Applicant Name/Address: TURNER PROPERTY 2, LLC PO BOX 55194, LEXINGTON, KY. 40505				
Owner: TURNER PROPERTY 2, LLC PO BOX 55194, LEXINGTON, KY. 40505				
Prepared by: BANKS ENGINEERING INC.				
Date Filed or Amended: MARCH 6, 2017			TOTAL	1.88 2.03

STAFF REPORT ON AMENDED PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-17-00010: TURNER PROPERTY 2, LLC

DESCRIPTION

Zone Change: From a Single Family Residential (R-1B) Zone
To a Light Industrial (I-1) Zone

Acreage: 1.88 net (2.03 gross) acres

Location: 1387 E. New Circle Road

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	R-1B	Parking, Loading & Service Area behind Retail/Office
To North	I-1	Light Industrial
To East	R-1B	Single-Family Residences
To South	I-1	Light Industrial
To West	B-3	Professional Office

URBAN SERVICES REPORT

Roads – The site fronts along E. New Circle Road (KY 4) between Liberty Road (KY 1927) and the Young Drive intersections with New Circle Road. East New Circle Road is a four-lane, major arterial roadway at this location, therefore direct access to New Circle Road is permitted by the Land Subdivision Regulations and is planned to continue at the existing location.

Curb/Gutter/Sidewalks – No curbs, gutters, or sidewalks exist along this section of E. New Circle Road. The typical cross-sections approved in this vicinity do not include these improvements.

Storm Sewers – The subject property is located within the upper reaches of the West Hickman Creek watershed. Currently, stormwater facilities are not located anywhere on the subject property for the existing commercial use, although, there are existing drainage swales within the right-of-way for New Circle Road. Since the change proposed in impervious area is limited, the applicant will need to work with the Division of Environmental Quality to determine the extent of stormwater improvements that will be required for the site, per the adopted Engineering Manuals. No FEMA floodplain or major flooding problems exist on the site.

Sanitary Sewers – The subject property is located in the West Hickman 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 for the proposed industrial expansion at this location.

Refuse – The Urban County Government serves this portion of the Urban Service Area with refuse collection on Tuesdays. Commercial and industrial developments often contract for more frequent service.

Police – The nearest police station is located near the Eastland Shopping Center at the Central Sector Roll Call Center. The Roll Call Center is on Goodwin Drive just off Winchester Road, about 1½ miles northwest of the subject property.

Fire/Ambulance – The nearest fire station (#9) is located less than one mile southwest of the subject property on Richmond Road, near the Kentucky American Water Company offices. LFUCG is also in the process of constructing a new Fire Station #2 at the intersection of Eastland and Murray Drives, which is located about 1½ miles to the north of the subject property.

Utilities – Utilities, including natural gas; electric; water; cable television; and telephone service are all readily available in the area.

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 2013 Comprehensive Plan, in *Chapter 5: Creating Jobs and Prosperity*, discusses redevelopment opportunities of the community's employment-generating land and encourages reuse or redevelopment of underperforming or underutilized land.

The petitioner proposes to rezone a tract of land located to the rear of an existing light industrial tract in order to expand an existing structure for the headquarters of an electrical construction, engineering and fabrication company. The proposed addition is approximately 15,000 square feet in size. Additional off-street parking and service/loading areas are also proposed.

CASE REVIEW

The petitioner has requested a zone change from a Single Family Residential (R-1B) zone to a Light Industrial (I-1) zone for approximately two acres of property, located at 1387 E New Circle Road.

The subject property is a tract of land that is situated behind an existing office and warehouse structure along E. New Circle Road. The property can only be accessed from the front tract of land that has frontage along this major arterial roadway. The site adjoins an RJ Corman Railroad spur line that terminates to the east of this site, near the Link Belt Corporation site on Palumbo Drive.

The property is bounded to the north and south by Light Industrial (I-1) zoning, to the west by Highway Services Business (B-3) zoning, and to the north and east by Single Family Residential (R-1B) zoning along Wilderness Road (which is not accessible from New Circle Road). The subject property has been the location of a Halloween Express Warehouse for some time. This portion of E. New Circle Road is characterized by a mixture of highway-oriented commercial, flex-space and light industrial land uses, including vehicle sales establishments, gas stations, retail sales establishments, restaurants, warehouses and shops of special trade.

The petitioner proposes to expand the light industrial zoning on the rear of the subject site to accommodate the headquarters of an electrical construction, engineering and fabrication company, Amtek of Kentucky, LLC. The petitioner proposes to add approximately 15,000 square feet of space for office and warehouse use, as well as additional off-street parking and service/loading areas to the rear of the existing building. A significant open space area separates the site from nearby homes along Wilderness Road currently, and although reduced, this condition is proposed to remain.

The 2013 Comprehensive Plan no longer includes a parcel-based land use element; rather, it encourages land use decisions to be made based upon various small area plan recommendations, policy statements and the Goals and Objectives of the Plan. The petitioner contends that the requested rezoning is consistent with the concepts of the 2013 Comprehensive Plan, specifically Theme A (*Growing Successful Neighborhoods*), Theme C (*Creating Jobs and Prosperity*) and Theme F (*Implementing the Plan for Lexington-Fayette County and the Bluegrass*).

The petitioner also contends that the expansion of I-1 zoning at this location is appropriate and that the existing R-1B zoning is inappropriate for several reasons, including the fact that the property is only accessible through the front tract from New Circle Road, and is surrounded predominantly by land that is zoned for I-1 and/or compatible commercial uses. In addition, the adjoining residential zoning is

separated by a steep topographic change; the adjacent residential lot to the southeast is a vacant, 3-acre tract, which allows for a large buffer between the proposed use and existing residences; and much of the nearby residential land is utilized for other purposes, such as a church, bus parking and a public school. Finally, the petitioner contends that the vacant portion of the subject property, as situated with no road frontage, has virtually no value or viable use as currently zoned, and this change would allow for a redevelopment of a underutilized tract if approved for rezoning.

The staff concurs with the petitioner's justification that the existing zone is inappropriate and the proposed zone is appropriate. The petitioner is expanding employment-generating land, more recently referred as "jobs land," plans to renovate and expand the existing structure on the site, and to improve the site's aesthetic to house the headquarters' of a local business. This is consistent with the Comprehensive Plan, but not completely in agreement. Because the I-1 zone will border existing low density residential uses and land available for future development, several of the most intense uses should be restricted at this location via conditional zoning restrictions.

The Staff Recommends: **Approval**, for the following reasons:

1. A restricted Light Industrial (I-1) zone is appropriate for the subject property because the site is accessible through the front tract from New Circle Road only, and it is surrounded predominantly by land that is zoned for I-1 and/or compatible commercial uses, including vehicle sales establishments, gas stations, warehousing and other industrial uses.
2. The existing Single Family Residential (R-1B) zone is inappropriate for the subject property for the following reasons:
 - a. The adjoining residential zoning is separated by a steep topographic change, therefore its development potential and access from Wilderness Road is very limited.
 - b. The adjacent residential lot to the southeast is a vacant, 3-acre tract, which allows for a large buffer between the proposed use and existing residences, even with this light industrial expansion.
 - c. Much of the nearby residential land is utilized for other purposes, such as a church, bus parking and a public school.
 - d. Without road frontage, the site has virtually no value or viable residential use.
3. *Chapter 5: Creating Jobs and Prosperity* of the 2013 Comprehensive Plan supports redevelopment of underperforming or underutilized property inside the Urban Service Area.
4. This recommendation is made subject to the approval and certification of PLN-MJDP-17-00022: Turner Property 2, LLC, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
5. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions shall apply to the subject property via conditional zoning:

PROHIBITED USES

1. Major automobile or truck repair as a principal use.
2. Tire re-treading and recapping.
3. Truck terminals and freight yards.
4. Recycling, sorting, baling and processing of glass or nonferrous metals.
5. Vehicle storage yards.
6. Any wholesale or trucking use operating between the hours of 11 p.m. and 7 a.m.

These use restrictions are appropriate and necessary at this location to ensure that the proposed development adequately protects the nearby residential neighborhood.

2. TURNER PROPERTY 2, LLC ZONING MAP AMENDMENT & TURNER PROPERTY 2, LLC SUBDIVISION ZONING DEVELOPMENT PLAN

- a. PLN-MAR-17-00010: TURNER PROPERTY 2, LLC (6/4/17)*- petition for a zone map amendment from a Single Family Residential (R-1B) zone to a Light Industrial (I-1) zone, for 1.88 net (2.03 gross) acres, for property located at 1387 E. New Circle Road (a portion of).

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 2013 Comprehensive Plan, in *Chapter 5: Creating Jobs and Prosperity*, discusses redevelopment opportunities of the community's employment-generating land and encourages reuse or redevelopment of underperforming or underutilized land.

The petitioner proposes to rezone a tract of land located to the rear of an existing light industrial tract in order to expand an existing structure for the headquarters of an electrical construction, engineering and fabrication company. The proposed addition is approximately 15,000 square feet in size. Additional off-street parking and service/loading areas are also proposed.

The Zoning Committee made no recommendation, due to lack of a quorum.

The Staff Recommends: Approval, for the following reason:

- 1. A restricted Light Industrial (I-1) zone is appropriate for the subject property because the site is accessible through the front tract from New Circle Road only, and it is surrounded predominantly by land that is zoned for I-1 and/or compatible commercial uses, including vehicle sales establishments, gas stations, warehousing and other industrial uses.
- 2. The existing Single Family Residential (R-1B) zone is inappropriate for the subject property for the following reasons:
 - a. The adjoining residential zoning is separated by a steep topographic change, therefore its development potential and access from Wilderness Road is very limited.
 - b. The adjacent residential lot to the southeast is a vacant, 3-acre tract, which allows for a large buffer between the proposed use and existing residences, even with this light industrial expansion.
 - c. Much of the nearby residential land is utilized for other purposes, such as a church, bus parking and a public school.
 - d. Without road frontage, the site has virtually no value or viable residential use.
- 3. *Chapter 5: Creating Jobs and Prosperity* of the 2013 Comprehensive Plan supports redevelopment of underperforming or underutilized property inside the Urban Service Area.
- 4. This recommendation is made subject to the approval and certification of PLN-MJDP-17-00022: Turner Property 2, LLC, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
- 5. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions shall apply to the subject property via conditional zoning:

PROHIBITED USES

- 1. Major automobile or truck repair as a principal use.
- 2. Tire re-treading and recapping.
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- 4. Recycling, sorting, baling and processing of glass or nonferrous metals.
- 5. Vehicle storage yards.
- 6. Any wholesale or trucking use operating between the hours of 11 p.m. and 7 a.m.

These use restrictions are appropriate and necessary at this location to ensure that the proposed development adequately protects the nearby residential neighborhood.

- b. PLN-MJDP-17-00022: TURNER PROPERTY 2, LLC (6/4/17)* - located at 1387 E. New Circle Road (a portion of).
(Banks Engineering)

The Subdivision Committee Recommended: Approval, subject to the following conditions:

- 1. Provided the Urban County Council rezones the property I-1; 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. Department of Environmental Quality's approval of environmentally sensitive areas.
- 6. Replace Tree Protection Plan with Tree Inventory Map per Article 26 of the Zoning Ordinance.

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

7. Addition of street frontage in site statistics.
8. Delete notes #5 & #12.
9. Correct note #9.
10. Remove copyright information from plan.
11. Increase font size for all notes and certifications on plan.
12. Dimension all buildings identified on plan.
13. Dimension parking spaces, aisles and entrances on plan.
14. Denote existing and proposed easements on plan.
15. Complete existing tree information (common names) in Note #13 in Tree Preservation notes.
16. Discuss timing of consolidation of properties.
17. Discuss access to pump station.

Petitioner Representation – Jacob Michul, attorney, said that he had spoken with the objector that was present earlier and resolved her concerns and questions. He said that this application can now be considered as an abbreviated hearing.

Staff Zoning Presentation – Ms. Wade presented and summarized the staff report and recommendations for this zone change. She said the subject property, which is to the rear, doesn't have frontage but the entire parcel has frontage on New Circle Road. She said that the parcel has an existing warehouse/office on the site (Halloween Express) and only a portion of the property is requesting this zone change, which is to the rear of the building. She displayed several photographs of the subject property and the general area.

She said that the applicant is contending that this application is in agreement with 2013 Comprehensive Plan; although, the staff believes the existing zone is inappropriate and the proposed zone is appropriate, as listed in the staff report. She said that staff also recommends six prohibited uses at this location, via conditional zoning restrictions.

Development Plan Presentation – Mr. Martin presented the staff report on the Preliminary Development Plan associated with this zone change. Mr. Martin identified the property's location off of New Circle Road, and described the location of the proposed addition to the existing building. He said there is a sanitary sewer pump station on the parcel and the property will need to be consolidated. It and the creation of an access to the pump station can be accomplished with a minor plat.

Petitioner Presentation – Jacob Michul, attorney, was present representing the petitioner. He said the applicant is in agreement with the staff's recommendations. He clarified that the parcel in front of the subject property is already zoned I-1 and the application is only for the rear portion of this lot. He also said that the applicant had concerns with prohibited use #6 in regards to a trucking use on the site. He said that it doesn't mean that a truck could never pull onto that subject property during those hours but it shouldn't be a primary use on the site. He also said that the applicant has recently submitted a revised preliminary development plan that addresses the staff's concerns.

Commission Question – Mr. Penn asked for clarification regarding access to the pump station. Mr. Michul replied that it will be added to the consolidation plat and it is also on the revised preliminary development plan that was just submitted to the staff.

Mr. Owens asked if the building is currently occupied. Mr. Michul said that it is not currently occupied. He said that it will serve as the AMTEK headquarters.

Mr. Wilson said that the applicant asked for clarification regarding prohibited use #6, that trucking hours are different from business hours and that this prohibition does not exclude all trucks on the property. Mr. Michul said that his interpretation was that it excludes any types of trucking businesses. Ms. Wade said that the intent is to permit wholesale and distribution uses, but not to operate that type of use during the noise ordinance restricted hours, which is 11:00 p.m. to 7:00 a.m. Mr. Owens asked how the noise ordinance restricted hours would be enforced. Ms. Wade replied the Zoning Compliance section would enforce any complaints to this restriction.

Citizen Comment – There were no citizens present to speak to this application.

Zoning Action – A motion was made by Mr. Berkley, seconded by Mr. Cravens, and carried 10-0 (Drake absent) to approve PLN-MAR-17-00010: TURNER PROPERTY 2, LLC, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Berkley, seconded by Mr. Cravens, carried 10-0 (Drake absent) to approve PLN-MJDP-17-00022: TURNER PROPERTY 2, LLC, for the reasons provided by the staff.