

Date: 12/21/11

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

IN RE: MAR 2011-19: WHAYNE SUPPLY COMPANY – petition for a zone map amendment from a Light Industrial (I-1) zone to a Heavy Industrial (I-2) zone, for 10.59 net and gross acres, for property at 195 Lisle Industrial Avenue (a portion of). (Council District 2)

Having considered the above matter on **December 15, 2011**, 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. A restricted Heavy Industrial (I-2) zone is appropriate and the existing Light Industrial (I-1) zone is inappropriate for the following reasons:
 - a. The change of zoning proposed for the subject property will make it consistent with the rest of the applicant's parcel, as well as property zoned to the southwest and southeast of this location.
 - b. The proposed expansion of the existing facility and land use onto the rear portion of the property should not create any additional nuisance in the immediate area if appropriate conditional zoning restrictions are established for the land closest to the existing residential development to the northwest.
 - c. The proposed land use and the existing dealership and equipment rebuilding facility are unique to the community and cannot be fully realized in the existing I-1 zone.
 - d. Although a 50-foot extension of the proposed land use into the rear portion of the split-zoned parcel could be granted by the Board of Adjustment (as a conditional use), that would still severally restrict the subject property and not meet the true needs of the applicant's business.
2. Several Objectives to Goal 11 of the adopted 2007 Comprehensive Plan would be advanced by the proposed use of the subject property for the manner proposed by the applicant, instead of outdoor storage under the current zoning of the property.
3. 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:
 - A. Within 200 feet of any residential zone:
 - i. The use of the property shall be restricted to only those uses permitted in the Light Industrial (I-1) zone.
 - B. Prohibited Uses:
 - i. Bottle making
 - ii. Brewery, winery or distillery
 - iii. Correctional institutions
 - iv. Nitrating processes
 - v. Railroad roundhouse or yards
 - vi. Stadium
 - vii. Manufacturing of any of the following: acid (non-erosive); asbestos; briquettes (from previously prepared charcoal); candle or sperm oil; canvas; carpet or rug; coke (coal bi-product); disinfectant, insecticide or poison; dye (or dyestuff) or printing; fertilizer; glass fiber; glucose; hair; leaf mold and similar plant processing; matches; paper or pulp; perfume; starch or sugar refining; and textiles.

landscape Buffer:

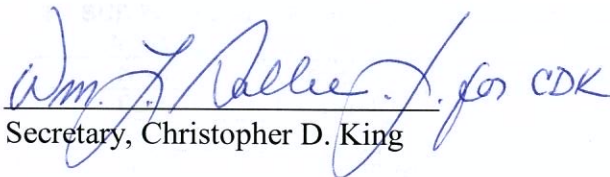
- i. A twenty-five foot (25') landscape buffer shall be established and maintained along the northwestern property lines, adjacent to the Planned Neighborhood Residential (R-3) zone. The established tree line shall be maintained in this buffer area along this property boundary, and the required property perimeter (zone-to-zone) screening per Article 18 shall be provided parallel to the established tree line. Dead or disease trees may be removed as necessary, with the prior approval of the Urban Forester.

D. Open Space Buffer:

- i. A twenty-five foot (25') buffer shall be established from the edge of the stormwater drainage area, shall be measured from the top of the banks of this channelized drainage area, and shall be devoid of overnight parking, outdoor storage of fluid or liquids, and permanent structures.

These restrictions are appropriate and necessary for the subject property to limit uses of the subject property to those more closely recommended by the 2007 Comprehensive Plan for this location, to protect the existing Townley Park development to the northwest from the most intensive and nuisance-creating I-2 land uses, and to protect the existing environmentally sensitive areas on the site.

ATTEST: This 21st day of December, 2011.


Secretary, Christopher D. King

MIKE CRAVENS
CHAIR

K.R.S. 100.211(7) requires that the Council take action on this request by March 14, 2012.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Mr. Steve Ruschell, attorney.**

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (9) Berkley, Blanton, Copeland, Cravens, Owens, Paulsen, Penn, Roche-Phillips, Wilson

NAYS: (0)

ABSENT: (2) Beatty, Brewer

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **CONDITIONAL APPROVAL** of **MAR 2011-19** carried.

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