

- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, May 5, 2016, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Mike Cravens, David Drake, Carolyn Richardson, and Bill Wilson. The Committee members reviewed applications and made recommendations as noted.

A. **PUBLIC HEARING ON ZONE MAP AMENDMENT**

The procedure for these hearings is as follows:

- Staff Reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
  - (a) proponents (10 minute maximum OR 3 minutes each)
  - (b) objectors (30 minute maximum) (3 minutes each)
- Rebuttal & Closing Statements
  - (a) petitioner's comments (5 minute maximum)
  - (b) citizen objectors (5 minute maximum)
  - (c) staff comments (5 minute maximum)
- Hearing closed and Commission votes on zone change petition and related plan(s)

**Note:** Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the hearing. The Chair will announce its decision at the outset of the hearing.

1. **WHAYNE SUPPLY COMPANY ZONING MAP AMENDMENT & WHAYNE SUPPLY ZONING DEVELOPMENT PLAN**

- a. **MAR 2016-15: WHAYNE SUPPLY COMPANY (7/3/16)\*** - petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Light Industrial (I-1) zone, for 1.47 net (2.03 gross) acres, for property located at 2201 Georgetown Road.

**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 Comprehensive Plan identifies the need to protect and provide readily available economic development land to meet the need for jobs (Theme C: Creating Jobs and Prosperity), as well as encouraging development in a compact and contiguous manner (Theme E: Maintaining a Balance Between Planning for Urban Uses and Safeguarding Rural Land).

The petitioner proposes a Light Industrial (I-1) zone in order to develop a 1½-acre lot into a light industrial use, with associated off-street parking.

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

**The Subdivision Committee Recommended: Approval**, for the following reasons:

1. The requested Light Industrial (I-1) zone is appropriate and the existing Agricultural Urban (A-U) zone is no longer appropriate for the subject property, for the following reasons:
  - a. The 2013 Plan's Theme C: "Creating Jobs and Prosperity" identifies the need to protect and provide readily available economic development land to meet the need for jobs. This A-U zone is not appropriate for job creation.
  - b. The proposed I-1 zone is better able to fulfill the goal of increasing opportunities for employment locations within the Urban County.
  - c. The west side of the Georgetown Road corridor is primarily industrial in nature, and a significant portion of the land between Georgetown Road and the Norfolk-Southern railroad line, between New Circle Road and Spurr Road, is prime "jobs land" that is either developed or is in the process of being developed; thus, demand does exist for light industrial zoning and land use in the immediate area.
  - d. The proposed Light Industrial (I-1) zone is appropriate and is compatible with the adjoining zoning and land uses.
  - e. The subject property has been recommended for Light Industrial land use for the past four decades.
2. This recommendation is made subject to the approval and certification of **ZDP 2016-51: Wayne Supply**, 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:
  - a. No lighting may be directed toward any adjacent property located in either an Agricultural or Residential zone.

This restriction is necessary to prevent any intrusion of light from this industrial site to non-industrial locations along US 25.

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

- b. ZDP 2016- 51: WHAYNE SUPPLY (7/3/16)\* - located at 2201 Georgetown Road. (Arnold Consultants)

Note: This plan was postponed by the Commission at its May 28, 2016, meeting.

The Subdivision Committee Recommended: Postponement. There are questions regarding the proposed access to the subject site, and the possible incorporation of this development with the adjoining property.

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

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. Denote: No building permit shall be issued unless and until a final development plan is approved by the Planning Commission.
7. Addition of building coverage and floor area site statistics, as required by Article 21-6(b)(13) of the Zoning Ordinance.
8. Addition of tree inventory and species information, as required by Article 26 of the Zoning Ordinance.
9. Addition of adjoining property owner's information on plan.
10. Denote existing and proposed (requested) zoning in site statistics.
11. Denote that protection measures for the Royal Spring Aquifer shall be determined at the time of the Final Development Plan.
12. Discuss expanding the plan to include the proposed and the approved adjoining development.
13. Discuss access to adjoining development per notes #11 and #12.

Zoning Presentation - Mr. Sallee presented the staff report for this zoning map amendment filed by Whyne Supply Company, and explained that this is a petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Light Industrial (I-1) zone, for 1.47 net (2.03 gross) acres, for property located at 2201 Georgetown Road.

Mr. Sallee directed the Commission's attention to a rendering of the zoning map of the area in order to orient them to the location of the subject property and the nearby street system. He indicated that the subject property is located on the west side of Georgetown Road, south of Citation Boulevard. He indicated that, with the exception of the subject property, the area is characterized by Light Industrial (I-1) zoning. He said that the subject property is located caddy corner to the Rood & Riddle Equine Hospital, which is also zoned A-U, and that this site is directly across from a 20-acre vacant parcel that is zoned B-3.

Mr. Sallee said that the applicant is requesting the zone change from A-U to I-1 in order for the single parcel to match the zoning on its three sides. He explained that the applicant, not only owns the subject property, but also owns the three parcels adjacent to the subject property, as well as property to the west that fronts on Jaggie Fox Way. He noted that Jaggie Fox Way is an industrial collector street that will tie into Citation Boulevard; it will connect to Innovation Drive and Sandersville Road.

Mr. Sallee said that the 2013 Comprehensive Plan no longer has a detailed land use element, but in the applicant application, they had stated that this zone change asserts that this proposal is in furtherance of the 2013 Comprehensive Plan. The staff concurs with that and Mr. Sallee explained that from 1976-2007 the previous Comprehensive Plan had recommends light industrial land use for this area on the west side of Georgetown Road. He said that the applicant's justification stated that the existing A-U zone is no longer appropriate and the requested I-1 zone is appropriate at this location. The staff agrees with the applicant's justification for the requested zone change. He said that the subject property is surrounded on three sides by I-1 zoning and should the Commission approve this request, the zoning in this area would match, exactly. Also the size of the property being about 1½ acre makes it infeasible for a viable agricultural use, unlike the equine hospital that is directly across Georgetown Road.

Mr. Sallee said that the Zoning Committee and the staff are recommending approval of this zone change, for the following reasons:

1. The requested Light Industrial (I-1) zone is appropriate and the existing Agricultural Urban (A-U) zone is no longer appropriate for the subject property, for the following reasons:
  - a. The 2013 Plan's Theme C: "Creating Jobs and Prosperity" identifies the need to protect and provide readily available economic development land to meet the need for jobs. This A-U zone is not appropriate for job creation.
  - b. The proposed I-1 zone is better able to fulfill the goal of increasing opportunities for employment locations within the Urban County.
  - c. The west side of Georgetown Road corridor is primarily industrial in nature, and a significant portion of the land between Georgetown Road and the Norfolk-Southern railroad line, between New Circle Road and Spurr Road, is prime "jobs land" that is either developed or is in the process of being developed; thus, demand does exist for light industrial zoning and land use in the immediate area.

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

- d. The proposed Light Industrial (I-1) zone is appropriate and is compatible with the adjoining zoning and land uses.
- e. The subject property has been recommended for Light Industrial land use for the past four decades.
2. This recommendation is made subject to the approval and certification of ZDP 2016-51: Wayne Supply, 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:
  - a. No lighting may be directed toward any adjacent property located in either an Agricultural or Residential zone.

Mr. Sallee said that this recommendation is made subject to the Commission's approval and certification of the preliminary development plan that was submitted for the site. He noted that the staff is also recommending one conditional zoning restriction, which would prevent any intrusion of light from this industrial site to non-industrial locations along US 25.

Development Plan Presentation - Mr. Martin presented the preliminary development plan for property located at 2201 Georgetown Road. He oriented the Commission to a rendering of the plan the subject property, and explained the layout of the site includes a single building with the associated parking. He said that the subject property is 1.47 acres in size and the applicant is proposing a 9,000 sq. ft. building. He then said that there is an existing driveway access into this site off Georgetown Road.

Mr. Martin said that the request itself is fairly simple, but there is a larger issue with that has been impacting this plan from the beginning and that is access off Georgetown Road. He explained that the Division(s) of Planning and Traffic Engineering were concerned with the access off Georgetown Road. He said that the staff wanted to incorporate the site access into what had already been approved to see how access for the overall area would work. He then said that the key to this is transportation and an appropriate street or easement system to serve this area. Mr. Martin said that the applicant submitted a revised version of this zoning development plan, and it shows easements running through the subject site from Georgetown Road to the back of the property, which would serve the subject site and the adjacent property. He noted that, with the exception of having access off an approved street intersection, there are plat restrictions preventing access off Georgetown Road, Citation Boulevard. He said that the staff wants access to be appropriately spaced and lined up on Georgetown Road. He added that the proposed access into the site does line up.

Mr. Martin stated that with the applicant addressing the access concerns, the staff can now offer the Planning Commission a revised recommendation for consideration with this Zoning Development Plan. He then said that the staff is recommending 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. Denote: No building permit shall be issued unless and until a final development plan is approved by the Planning Commission.
7. Addition of building coverage and floor area site statistics, as required by Article 21-6(b)(13) of the Zoning Ordinance.
8. Addition of tree inventory and species information, as required by Article 26 of the Zoning Ordinance.
9. Addition of adjoining property owner's information on plan.
10. Denote existing and proposed (requested) zoning in site statistics.
11. Denote: that Protection measures for the Royal Spring Aquifer shall be determined at the time of the Final Development Plan.
12. ~~Discuss~~ Denote: Expanding the plan to include the proposed and the approved adjoining development may be required at the time of the Final Development Plan.
13. ~~Discuss access to adjoining development per~~ Revise notes #11 and #12 to state that access to 2201 Georgetown Road shall be determined at the time of Final Development Plan.

Mr. Martin briefly explained that conditions #1-5 are typical sign-off requirements from the different Divisions of the LFUCG; and the remaining conditions are "cleanup" items that will be addressed prior to the final record plat being certified. He then said that he would try to answer any questions regarding the zone change request listed on today's agenda.

Commission Questions - Ms. Mundy asked if the applicant would be consolidating this property. Mr. Martin indicated that the applicant may consolidate the property, but they also may be creating lots for additional users. He said that this is why seeing how the street or easement system functions is important.

Representation - Steve Ruschell, attorney, was present representing the applicant. He said that the applicant wants to have a comprehensive plan for the development of this property. He then said that they want to provide safe

travels down Georgetown Road, as well as provide the most efficient movement of trucks, for his clients. He added that for those who have visited this site the construction of this area is well under way. This request will give this property a uniform zoning in order to move its development forward.

Mr. Ruschell said that his client does intend to subdivide those lots along Georgetown Road. He said that those lots may be for sale or used for ancillary purposes. The important thing is that this property would be developed to be safe and efficient to Georgetown Road.

Mr. Ruschell said that they are in agreement with the conditions as recommended by the staff, and requested approval of the MAR 2016-15 and ZDP 2016-51.

Commission Questions – Mr. Penn asked if the applicant intends to have access off Jaggie Fox Way. Mr. Ruschell replied affirmatively. Mr. Penn then asked if the internal street system would end up serving the outlots that would be created. Mr. Ruschell said that there may be a connection to the existing primary lot where the building is being constructed. He said that one of the lots may be used as an ancillary service for the sales department, so they need that connectivity through the development. He noted that they want the flexibility to open or close the access when needed.

Mr. Penn said that he wanted to know if the street system would be used throughout the development and what type of uses will be on the site. He then said that before the applicant submits their final development plan, he would like some understanding as to what will develop on that property. Mr. Ruschell indicated that that can be done, and explained that the building now under construction would be oriented toward Jaggie Fox Way, as would the primary entrance into that site.

Ms. Mundy said that the Commission would be hearing a text amendment concerning the environmentally sensitive areas and asked if that text amendment would impact this request. Mr. Sallee indicated that the staff did not believe the text amendment would impact the proposed zone change or the preliminary development plan now under consideration. He said that the text amendment concerns conditional uses and what the applicant is depicting on the development plan is not a conditional use. He then said that should the applicant propose a conditional use for any of the area's I-1 land, it is possible that those text amendment provisions would come into play. He added that it would be of interest to the Planning Commission at such time a Final Development Plan was submitted, but more importantly, it would be an issue for the Board of Adjustment as to whether or not that proposed use would be approved here.

Citizen Comments – There were no citizens present to comment on this proposal.

Action - A motion was made by Mr. Berkley, seconded by Mr. Smith, and carried 11-0 to approve MAR 2016-15: WHAYNE SUPPLY COMPANY, for the reasons provided by staff, subject to the conditional zoning restrictions as recommended by staff.

Action - A motion was made by Mr. Berkley, seconded by Ms. Mundy, and carried 11-0 to approve ZDP 2016- 51: WHAYNE SUPPLY, as recommended by the staff.