

**STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT**

**MARC 2013-8: MMA MANAGEMENT, LLC**

**DESCRIPTION**

**Zone Change:** From a Light Industrial (I-1) zone  
To a Heavy Industrial (I-2) zone (with restrictions)

**Acreeage:** 20.00 net (22.72 gross) acres

**Location:** 1100 Alexandria Drive (a portion of)

**EXISTING ZONING & LAND USE**

<b><u>Properties</u></b>	<b><u>Zoning</u></b>	<b><u>Existing Land Use</u></b>
Subject Property	I-1	Agricultural
To North	I-1	Light Industrial & Railroad ROW
To East	I-1	Agricultural, Mini-warehouses & Cellular Tower
To South	I-1 & A-U	Vacant & Agricultural
To West	I-1	Light Industrial & Railroad ROW

**URBAN SERVICES REPORT**

**Roads** – Alexandria Drive, which bounds the southern portion of the subject property that is not subject to the zone change, is classified as a collector street. At this location, which is outside of New Circle Road, Alexandria Drive forms the boundary between the Urban Service Area and the Rural Service Area. New Circle Road, which bounds the eastern portion of the property that is not subject to the zone change, is considered an expressway. The proposed development is to be accessed via a future extension of Enterprise Court into the subject property.

**Curb/Gutter/Sidewalks** – There are no curbs, gutters or sidewalks on either Alexandria Drive or New Circle Road. Enterprise Court, which will be extended at the time that light industrial land uses are proposed to the south of the subject property, is proposed as a public street with a 60-foot right-of-way, and should include full improvements of curbs, gutters and sidewalks on one side of the street.

**Storm Sewers** – The subject property lies within the upper reaches of the Wolf Run watershed. There is a FEMA flood hazard area associated with Wolf Run Creek less than 1,000 feet to the east of the area proposed for re-zoning. Although there may not be storm water issues associated with the property itself, the developer will need to address any potential issues on the property in order to comply with the Division of Engineering Storm Water Manual. This is to ensure that the flooding associated with the designated flood hazard area will not be exacerbated, as there are several properties that are currently affected by it. A small detention area is proposed for the northeastern end of the property, which should help to deter any storm water runoff; and storm sewers will be constructed by the developer. A spring has recently been identified to the west of the subject property, and is located near the existing railroad line.

**Sanitary Sewers** – Sanitary sewers exist in the area and are planned to be extended to serve the subject property. This area is served by the Town Branch Wastewater Treatment Facility, located between Old Frankfort Pike and Leestown Road. The small number of personnel that will be employed by the vehicle recycling facility will not likely place any additional burden on the existing sanitary sewer system.

**Refuse** – This area is served by the LFUCG with collection on Thursdays. Businesses will often contract for additional service with private refuse collection companies, if necessary. According to information contained on the application, trash collection will be privately provided to this site, rather than provided by the Urban County Government.

**Police** – The nearest police station is the West Sector Roll Call Center, located on Old Frankfort Pike, approximately one mile to the northeast of the subject property.

**Fire/Ambulance** – Station #14, which is located on Roanoke Road, off of Alexandria Drive, a little over a mile to the southeast, is the nearest fire station that would be available to serve the subject property. Station #13 is located on Leestown Road near Lisle Industrial Road, and is about 1.5 miles east of this location.

**Utilities** – Natural gas, telephone service, electric, water, streetlights, and cable television are all available to surrounding properties and can easily be extended to serve the proposed development, if not already existing on the property.

**LAND USE PLAN AND PROPOSED USE**

The 2007 Comprehensive Plan recommends Light Industrial (LI) future land use for the subject property. The petitioner has requested a Heavy Industrial (I-2) zone, with conditional zoning restrictions, in order to establish a vehicle recycling facility. A conditional use permit has also been requested as part of this zone change.

## **CASE REVIEW**

The applicant has requested a zone change from a Light Industrial (I-1) zone to a restricted Heavy Industrial (I-2) zone for the westerly half of property located at the end of Enterprise Court.

The 20-acre subject property is located between Alexandria Drive and the terminus of Enterprise Court, a short distance west of New Circle Road. The property is about half of a tract that has been proposed for re-zoning several times, but its current I-1 zoning (requested in 2007) is the only non-agricultural zone that has been approved at this location. The surrounding area has homogeneous zoning (also I-1), except for an adjacent agricultural tract that is vacant and Calumet Farm, a short distance across Alexandria Drive to the southwest of the subject site.

The subject property is adjacent to and accessed from, the Enterprise Business Park, which has its main access from Old Frankfort Pike via Enterprise Drive. There is a traffic signal at that intersection, and access to the LFUCG correctional facility and other facilities are located to the north of the intersection.

The applicant is requesting a restricted Heavy Industrial (I-2) zone because they desire to operate an automobile recycling business at this location. Cars are to be brought to the site, drained of their fluids, and stored there for up to three months. During this time, customers may visit the site, and “pull a part” off these vehicles for purchase. The cars are then crushed, and removed from the site for shredding.

Under their application, the only allowable principal permitted uses for the subject property would be for these activities:

- The principal permitted uses in the I-1 zone, provided that all provisions outlined therein shall apply for said uses in this zone.
- Automobile assembling, rebuilding, and reconditioning.
- Gas storage: Above- or below-ground storage for resale of flammable or non-flammable gas or oxidizer in liquid or gaseous form, the storage of any empty container which contained any gas in any form, and the receiving of or dispensing of any gas in any form unless the method of distribution is first permitted as a conditional use in this zone; and provided such operations conform to the standards prescribed by the National Fire Protection Association, the Kentucky Occupational Safety and Health Standards for General Industry, and any requirements of the Fire Marshall.
- Vehicle storage yards.
- Adaptive Reuse Projects, as set out in Section 8-21(b)3 and Section 8-21(o)4 of the Zoning Ordinance.

Under these restrictions, allowable conditional uses in the I-2 zone would still be able to be requested for this location, and some of those accompany this zone change. Except for the off-street parking lot, the area proposed for rezoning will have few improvements or structures – but most of the twenty acres will have gravel utilized for vehicle parking and storage. Some 15-20 employees are proposed to staff this facility – a resulting rate of  $\leq 1$  job/acre.

The 2007 Comprehensive Plan recommends Light Industrial (LI) land use for the subject property, as well as for the remaining half of the parcel. This land use category is defined in the Plan to include “those establishments that assemble finished or semi-finished materials, food preparation, publishing, communication, construction materials, or any establishment or repair services that may present a moderate nuisance to adjacent properties.” Thus, the current zoning would permit future uses in agreement with the Plan’s future land use recommendation. The differences between the Light Industrial and Heavy Industrial land use categories in the 2007 Comprehensive Plan, according to the text of the Plan, are that:

- 1) heavy industrial uses have a high (rather than moderate) potential for nuisance factors such as noise, odors or vibrations;
- 2) they are more likely to manufacture items from their raw form into finished or semi-finished products; or
- 3) they are somewhat unique or rare, such as a mining establishment, power production facility, a stadium, or a waste disposal facility.

The proposed use is somewhat unique, as the staff only knows of one similar facility located in Lexington (believed to be a non-conforming use on 7<sup>th</sup> Street dating back more than 50 years); and according to the submitted application, only about 25 are operated in the United States by this applicant. The requested I-2 zone, although greatly restricted, is not in agreement with the 2007 Comprehensive Plan’s land use recommendation for the subject property. Thus, there is a difference of opinion between the applicant and the staff on this issue.

The staff can not find that the existing Light Industrial (I-1) zoning is somehow inappropriate for the subject property, or for this general area. The low employment rate proposed for this location ( $\leq 1$  job/acre) speaks more to the inappropriateness of the requested I-2 zone. With a limited supply of industrial land inside the Urban Service Area, and periodic demands for more by members of the community, the staff believes that additional job creation associated with this limited resource would be more appropriate. Therefore, the I-1 zone is more appropriate for the subject site.

Finally, the staff knows of no unanticipated change of an economic, social or physical nature in this area that has occurred since the 2007 Plan was adopted. Thus, there does not appear to be a reliable justification for the proposed rezoning of the subject property to I-2.

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

1. Although proposed to be significantly restricted, the requested Heavy Industrial (I-2) zone is not in agreement with the 2007 Comprehensive Plan, for the following reasons:
  - a. The Land Use Element of the Comprehensive Plan recommends Light Industrial (LI) future land use for the subject property. According to the text of the Plan, this is defined as “those establishments that assemble finished or semi-finished materials, food preparation, publishing, communication, construction materials, or any establishment or repair services that may present a moderate nuisance to adjacent properties.”
  - b. No assembly of finished or semi-finished materials, food preparation, publishing, communications industry, construction materials or repair service is proposed for the subject property.
  - c. Heavy Industrial (HI) uses, according to the text of the Plan, have a high (rather than moderate) potential for nuisance factors such as noise, odors or vibrations, and are for uses that are somewhat unique or rare, such as “a mining establishment, power production facility, a stadium, or a waste disposal facility.” The proposed use is unique; and, except for a similar facility located on 7<sup>th</sup> Street (an apparent non-conforming use dating back at least 50 years), only 25 or so are operated in the United States by the applicant.
2. The existing I-1 zone is appropriate for the subject property. It is the same as that found in the rest of the area and would permit uses in keeping with the 2007 Plan’s future land use recommendation. Such uses would likely result in more employment (on a per acre basis) than that proposed by the applicant for the subject parcel.
3. There have been no unanticipated changes of an economic, social or physical nature that have occurred in this area since the 2007 Plan was adopted.

WLS/JWE/BJR

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