

GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION

1. ADDRESS INFORMATION (Name, Address, City/State/Zip & PHONE NO.)

APPLICANT:	Urban County Planning Commission, 200 E. Main Street, Lexington, KY 40507 859-258-3160
OWNER:	Newtown Springs, LLC, 343 Waller Avenue, Unit 1, Lexington, KY 40504
ATTORNEY:	LFUCG Department of Law, 200 E. Main Street, Lexington, KY 40507 859-258-3500

2. ADDRESS OF APPLICANT'S PROPERTY (Please attach Legal Description)

760 & 789 Newtown Springs Drive; and 1433 & 1445 Newtown Center Way

3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY (Use attachment, if needed--same format.)

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
A-U, B-1 & B-6P with Conditional Zoning Restrictions	Legacy Trail and Vacant	A-U, B-1 & B-6P with Modified Conditional Zoning Restrictions	Legacy Trail and future Commercial	26.96	30.77

4. SURROUNDING PROPERTY, ZONING & USE

Property	Use	Zoning
North	Professional office and business	P-1
East	Residential and vacant	B-1, P-1, R-3, & R-1D
South	Vacant and recreation	A-U
West	Professional offices	P-2

5. 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 checked="" type="checkbox"/> NO ____ Units

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

Roads	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Storm Sewers	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Sanitary Sewers	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Curb/Gutter/Sidewalks	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Refuse Collection	<input checked="" type="checkbox"/> LFUCG	<input type="checkbox"/> Other		
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

7. DESCRIBE YOUR JUSTIFICATION FOR REQUESTED CHANGE (Please provide attachment.)

This is in... in agreement with the Comp. Plan more appropriate than the existing zoning change since restriction applied

8. APPLICANT/OWNER SIGNS THIS CERTIFICATION

I do hereby certify that to the best of my knowledge and belief, all application materials are herewith submitted, and the information they contain is true and accurate.

APPLICANT U.C. Planning Commission by *Christy D. G...*, Sec. DATE 10/13/2013

OWNER _____ DATE _____

LFUCG EMPLOYEE/OFFICER, if applicable _____ DATE _____

asked the Commission members to "not forget the people who lived there before."

Todd Strecker, 1404 Parterre Court, stated that he was also concerned about that property that had been proposed for rezoning by the Pull-A-Part company. He said that he is not opposed to the proposed text amendment, but he is concerned about the loss of Light Industrial property, as well as the possibility of Heavy Industrial uses "creeping" into the Light Industrial zone. Mr. Strecker submitted a written statement for the record, and asked that the Commission not allow the lines between Light Industrial and Heavy Industrial uses to become blurred, which could allow a facility such as Pull-A-Part to locate in an I-1 zone.

Petitioner Rebuttal: Mr. Murphy stated that the petitioner is not proposing to change the zones in which vehicle storage yards are permitted, but is merely "tweaking" the definition of the use. He said that the petitioner understands the citizens' concerns about the possibility of the proposed text amendment altering the I-1 zone such that an automobile salvage yard could be located there. Mr. Murphy said that the applicant and the staff believe that the proposed text has been drafted in such a way that that would not occur.

Staff Rebuttal: Ms. Wade stated that the staff had discussed with the petitioner the necessity to secure a conditional use permit for their vehicle storage yard if they choose to locate in an I-1 zone. That would require a filing to the Board of Adjustment, with required mailed notice and a public meeting. She said that, should the petitioner choose to locate in an I-2 zone, the vehicle storage yard would be permitted as a principal use.

Action: A motion was made by Ms. Plumlee, seconded by Ms. Mundy, and carried 8-0 (Blanton, Brewer, and Penn absent) to approve ZOTA 2013-8, for the reasons provided by staff, with the staff alternative text.

VI. COMMISSION ITEMS

- A. **REQUEST FOR INITIATION OF A CHANGE TO CONDITIONAL ZONING RESTRICTIONS** – Rosenstein Development has requested Planning Commission initiation of a Zoning Map Amendment to change conditional zoning restrictions on private property located at 760 & 789 Newtown Springs Drive and 1433 & 1445 Newtown Center Way to:
- i. Change the required 4-plank fence to a 3-plank fence along the Newtown Pike frontage, and
 - ii. Allow the existing landscaping planted along the Legacy Trail to replace the previous tree planting requirements.

The Zoning Committee Recommended: Approval of this request.

Staff Presentation: Mr. Sallee began the staff's presentation by orienting the Planning Commission to the location of the subject property, just off Newtown Pike at the southeast corner of that roadway's intersection with Citation Boulevard. He displayed on the overhead projector an exhibit that was presented to the Commission over a decade ago, when the property was initially rezoned. The subject property has not been developed, with the exception of the street system, which is mostly in place; some single-family homes; and an assisted living facility approved by the Commission within the past few years.

Mr. Sallee explained that this request involves the frontage of the subject properties, along Newtown Pike. Referring to the exhibit from the rezoning hearing, he said that it depicted the landscape plan that was approved at that time. Along the Newtown Pike frontage is a buffer area, 75 feet in width. At that rezoning hearing, which was the third attempt to rezone the property, the Planning Commission imposed two conditional zoning restrictions: first, that there be a four-plank, horse farm fence installed along the property's frontage; and, second, that trees be planted in that buffer area, as was depicted at the meetings involving this rezoning request.

Mr. Sallee said that the petitioner is now requesting that the conditional zoning restrictions be changed to allow a three-plank fence to be constructed, and to allow a substitute landscaping plan to be used along the Newtown Pike frontage. He explained that, since the subject property was rezoned, the Legacy Trail has been installed in the 75' buffer area. Along with that construction, a landscaping plan was created to site the location of the trees to be planted along the trail. Referring to an exhibit depicting the layout of the Legacy Trail, Mr. Sallee noted that the landscape plan depicted approximately 25 trees, but by the staff's count, approximately 30 have been planted along the subject property's frontage.

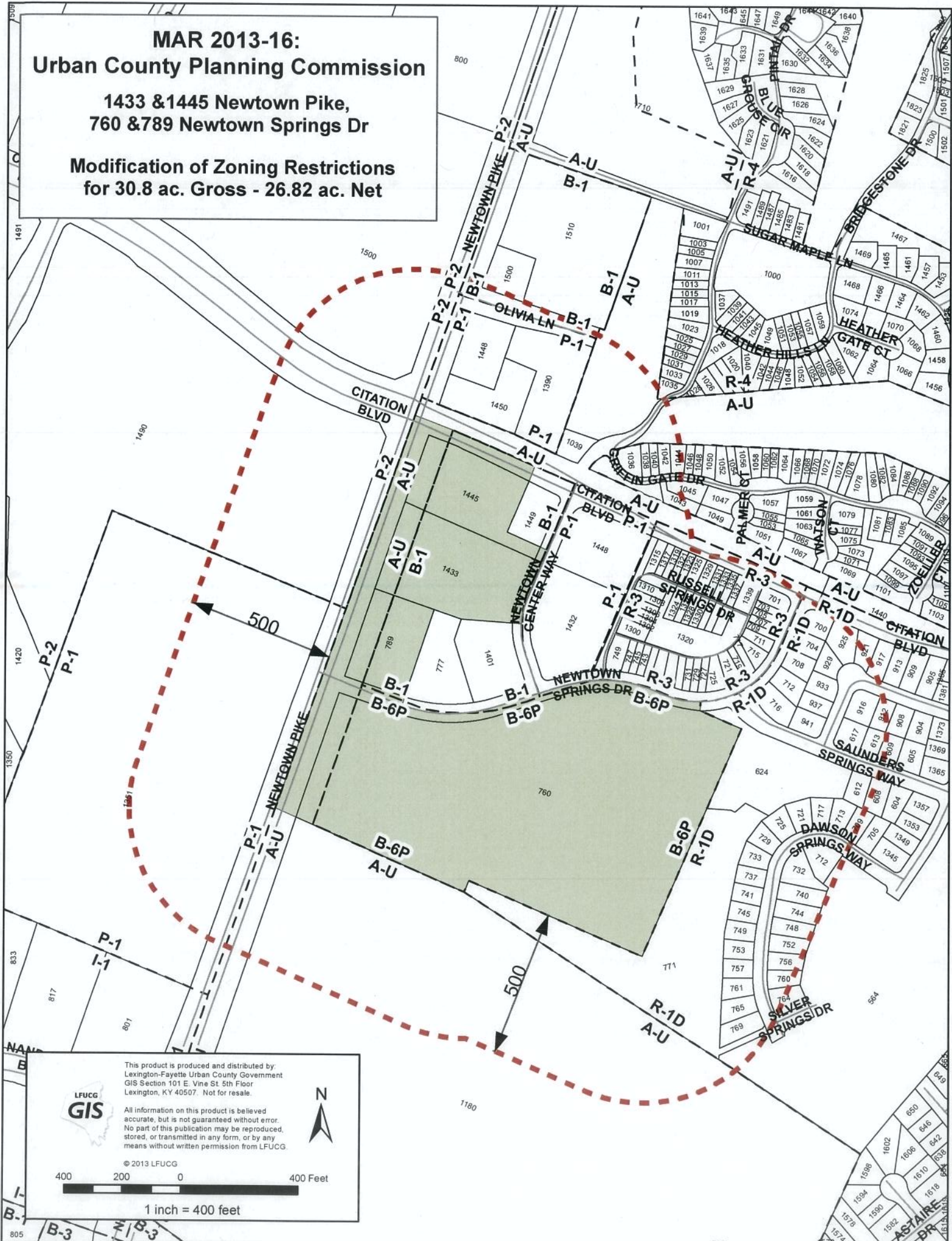
Mr. Sallee said that the petitioner negotiated the location of the Legacy Trail in the buffer area on the subject property, along with the landscaping. This initiation request will essentially finalize the negotiations between the private property owner and LFUCG, thus completing the Legacy Trail project in this area. Mr. Sallee stated that the purpose of this initiation request is to begin the process of changing the zoning to revise the two requested conditional zoning restrictions, so that the Legacy Trail landscaping could be substituted for what was originally proposed at the time of the rezoning of the subject property in 2000.

Commission Questions: Mr. Owens asked if the 31 existing trees are distributed evenly over the four addresses that comprise the subject property. Mr. Sallee answered that the Newtown Pike frontage was originally one property; it was divided into four properties following the construction of the new street.

**MAR 2013-16:
Urban County Planning Commission**

1433 & 1445 Newtown Pike,
760 & 789 Newtown Springs Dr

Modification of Zoning Restrictions
for 30.8 ac. Gross - 26.82 ac. Net



This product is produced and distributed by:
Lexington-Fayette Urban County Government
GIS Section 101 E. Vine St. 5th Floor
Lexington, KY 40507. Not for resale.

All information on this product is believed
accurate, but is not guaranteed without error.
No part of this publication may be reproduced,
stored, or transmitted in any form, or by any
means without written permission from LFUGG.

© 2013 LFUGG

400 200 0 400 Feet

1 inch = 400 feet



Mr. Sallee noted that, if the Commission chooses to initiate this request, the staff would begin preparing the application, and there would be a public hearing on the request at some point in the near future.

Petitioner Representation: Ike Fleming, attorney for Dinsmore & Shoal, was present representing the petitioner. He stated that the proposed modification to the conditional zoning restrictions is part of the contractual obligation undertaken by LFUCG during the development of the Legacy Trail. He said that this is the first step toward fulfilling that contractual obligation.

Action: A motion was made by Mr. Berkley, seconded by Ms. Mundy, and carried 8-0 (Blanton, Brewer, and Penn absent) to initiate a change to the conditional zoning restrictions as proposed.

B. PFR 2013-5: LEXINGTON-FAYETTE COUNTY AIRPORT BOARD – A Public Facility Review of new construction of airport hangars and a fueling & washing facility, at 4444 - 4484 Gumbert Road (off Versailles Road) (Council District 12)

SUMMARY FINDINGS: The Land Use Element, the text and the Goals and Objectives of the 2007 Comprehensive Plan, as well as the Goals and Objectives of the 2012/2013 Plan, clearly support the proposed improvements to the Blue Grass Airport property. Although not totally in agreement with the Land Use Element (because a portion of the development will not be within the Rural Activity Center), the proposal is in substantial agreement, as most of the new construction and expanded use will be located within the RAC boundary. The Goals, Objectives and text that reference environmental stewardship and protection, as well as those that reference economic development, will be enhanced by the proposed additional use of the property, provided Best Management Practices are used during construction of the proposed buildings; and the character of the Versailles Road corridor will not change as a result of the new construction, as the hangars will be architecturally enhanced to blend with surrounding properties, including the Keeneland Race Track.

STAFF RECOMMENDATION: Approval, as requested. Although exempt from zoning regulations, safety, health and environmental health issues must be considered when doing any type of construction, particularly when it is for the purpose of human habitation/use. It is therefore recommended that any permits that would generally be applicable to construction, including a building (and any other applicable) permit from the State, and an inspection by Lexington-Fayette County's Fire Marshall, be obtained prior to construction and/or occupancy of the building.

Staff Presentation: Ms. Rackers presented the staff report, briefly orienting the Commission to the location of the subject property on Gumbert Road, within the airport property off of Versailles Road. Ms. Rackers stated that the petitioner is proposing to use approximately 25 acres of the airport property to construct multiple T-hangars and box hangars on an existing concrete apron for the use of private and corporate aircraft operators. The petitioner is also proposing to construct a fueling and washing facility in the same area at some point in the future.

Ms. Rackers stated that the 2007 Comprehensive Plan recommends approximately 2/3 of the airport property, which comprises the Rural Activity Center, for Other Public Uses. The remainder of the property is recommended for Core Agricultural and Rural Land use. Other Public Uses include large, prominent facilities that benefit the public, such as universities, hospitals, government offices, or airports. Ms. Rackers noted that the existing concrete apron and runway extend over the Rural Activity Center boundary, which is part of the reason why this request is not in total compliance with the Comprehensive Plan. She explained, however, that most of the project will be in compliance; there are seven Goals and 28 Objectives, which were listed in the staff report, that generally support this project. There are also three Goals and four Objectives of the 2013 Comprehensive Plan that support this request, and two Goals and several Objectives that relate to Rural Activity Centers in general, and the airport in particular.

Ms. Rackers said that the Comprehensive Plan Mission Statement notes that part of the mission of Lexington-Fayette County is to "provide a vision for physical development that will allow Lexington-Fayette County to grow and prosper, promoting economic development and viable job development, while preserving the quality of life that makes it a desirable place to work and live; and protecting and enhancing existing neighborhoods, downtown and in the rural, Bluegrass cultural landscape." She said that the airport contributes to employment with approximately 3,500 jobs. The total economic output of the airport is approximately \$370 million, which affects both rural and urban areas. The airport plays a significant role in Lexington-Fayette County's economy as a major support facility for the equine industry, healthcare facilities, and colleges and universities.

Ms. Rackers stated that the proposed project, which is known as the Westside General Aviation Development Area, was a recommendation of the airport's master planning consultant, whose findings are contained in the airport's November 2012 master plan update. The development area adjoins Runway 9-27, which was constructed in 2010 to replace an older, shorter runway. The project is proposed to ultimately include 11 hangars and nested T-hangar buildings of varying sizes, with a pre-engineering metal building system. Upon completion, the total project is proposed to be approximately 100,000 square feet in size, with an asphalt parking area to accommodate 60 vehicles. The buildings are proposed to be constructed with exterior architectural features to allow them to blend in and reflect the rural nature of the airport's location in the Versailles Road corridor across from Keeneland. Ms. Rackers noted that a significant amount of sitework and infrastructure improvements were included in the 2010 runway construction, in anticipation of this project, including improving the quality of stormwater runoff; constructing detention basins to contain and control runoff; installing a storm drain system; installing sanitary sewer mains and manholes, a pump station, force main, potable water main, fire hydrants, electric main, fiber optics, access security and fencing, and communication mains for operational support and services. She said that one of the basic principles of the Comprehensive Plan is the protection