

Date: 12-21-11

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

IN RE: MARV 2011-17: SRC OF LEXINGTON, INC. – petition for a zone map amendment from a Wholesale & Warehouse Business (B-4) zone to a Light Industrial (I-1) zone, for 3.18 net (3.82 gross) acres, for property located at 1133 Industry Road. A dimensional variance has also been requested with this zone change. (Council District 5)

Having considered the above matter on **November 17, 2011**, at a Public Hearing, and having voted **7-0** 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. In this instance, a restricted Light Industrial (I-1) zone for the subject property is in substantial agreement with the 2007 Comprehensive Plan, and with the Central Sector Small Area Plan, which is an adopted amendment to that Plan, for the following reasons:
 - a. The use proposed for the subject property is generally permitted (except for the size of the machinery) in the B-4 zone, and is located in a “cluster of business/light industrial activities” more recently identified by the adopted Small Area Plan. The applicant’s proposed use closely aligns with the Wholesale and Warehouse (WW) land use category recommended at this location by the Plan.
 - b. Wholesale and Warehouse land use anticipates dealerships (and their corollary repair facilities) for trucks, airplanes, ships, boats and “goods which are extremely large, noisy, or inappropriate to other business zones.” The engines and transmissions to be serviced and refurbished at this location are similar in size and in operation to this description, and would be clearly inappropriate to be located in any business zone.
 - c. Several objectives to Goal 11 of the adopted Comprehensive Plan would be advanced by the proposed use of the subject property for the manner proposed by the applicant, instead of as a warehouse under the current zoning of the property.
2. This recommendation is made subject to the approval and certification of ZDP 2011-93: Eastland Subdivision, Block “A” prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of any Planning Commission approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are proposed for the subject property via conditional zoning:

ALLOWABLE USES:

- a. Principal permitted uses in the B-4 zone.
- b. Establishments and lots for the display, rental, sale, service or repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, tractor-trailer trucks, travel trailers, mobile homes, or supplies for such items.
- c. Car and truck washing establishments.
- d. Major or minor automobile and truck repair, including the repair, refurbishment and rebuilding of engines and transmissions of all sizes, provided that is conducted within completely enclosed buildings.

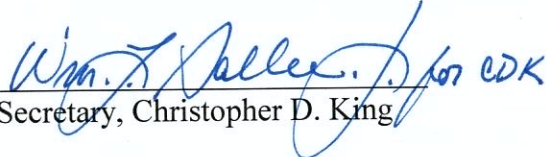
- e. The manufacturing, compounding, assembling, processing, packaging and similar treatment of sheet metal, ceramics, electrical parts, electronic instruments, radios, rubber and metal stamps, rubber products, clocks, engine parts, wire and materials ordinarily used in internal combustion engines.
- f. Other industrial and manufacturing uses, such as auto parts rebuilding, battery manufacturing, box and crate assembly, carpet cleaning, heating equipment manufacturing, and tool manufacturing.
- g. Conditional uses in the I-1 zone (provided the necessary permit is approved by the Board of Adjustment).

These restrictions are appropriate and necessary for the subject property to limit uses of the subject property to those more closely recommended by the Comprehensive Plan and/or the adopted Small Area Plan for this location and vicinity.

Note: The corollary development plan, ZDP 2011-93: Eastland Subdivision, Block "A", was approved by the Planning Commission on November 17, 2011, and certified on December 1, 2011.

Note: A landscape variance was approved by the Planning Commission for this property, subject to the rezoning being granted.

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 February 15, 2012.

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

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (7) Berkley, Blanton, Copeland, Cravens, Owens, Penn, Roche-Phillips

NAYS: (0)

ABSENT: (4) Beatty, Brewer, Paulsen, Wilson

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for CONDITIONAL APPROVAL of MARV 2011-17 carried.

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