

1. SCW NEWTOWN, LLC ZONING MAP AMENDMENT & LITTLE & POWELL PROPERTY ZONING DEVELOPMENT PLAN

- a. PLN-MAR-17-00031: SCW NEWTOWN, LLC (11/1/17)*- petition for a zone map amendment from a Highway Service Business (B-3) zone to a Wholesale and Warehouse Business (B-4) zone, for 0.44 net (0.60 gross) acres, for property located at 757 Newtown Pike.

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 subject property is also located within the 2009 Central Sector Small Area Plan boundary, an adopted element of the 2013 Comprehensive Plan.

The petitioner proposes to rezone the property in order to construct a 12,000 square-foot warehouse, and incorporate the site into the adjacent warehouse and storage facility.

The Zoning Committee Recommended: Approval.

The Staff Recommends: Approval, for the following reason:

1. The existing Highway Service Business (B-3) zone is inappropriate for the subject property because despite having frontage along Newtown Pike, there is poor vehicular access to the property, which is located entirely on the adjacent Space Center Storage site. Poor vehicular access is not conducive to successful development of a B-3 zoned property.
2. The proposed Wholesale and Warehouse Business (B-4) zone is appropriate for the subject property because the proposed warehouse use is less intense than what could be developed on the property, with no Planning Commission review, in close proximity to an existing elementary school and residential neighborhoods. In addition, a restricted B-4 is compatible and consistent with the surrounding zoning, land use and development pattern along this portion of the Newtown Pike corridor.
3. This recommendation is made subject to the approval and certification of PLN-MJDP-17-00086: Little and Powell Property, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, this property shall be subject to the following use restrictions via conditional zoning:

PROHIBITED USES:

- a. Major automobile and truck repair.
- b. Laundries and dyeing shops, and laundry pick-up stations.
- c. Ice plant.
- d. Tire re-treading and re-capping.
- e. Machine shop.
- f. Establishments and lots for display, rental, repair or sale of farm equipment, automobiles, trucks, mobile homes, recreational vehicles, motorcycles or boats, and supplies for such.
- g. Truck terminals and freight yards.
- h. Automobile service stations.
- i. Establishments for the display and sale of pre-cut, pre-fabricated, or shell homes.
- j. Circuses and carnivals.
- k. Retail sale of building materials, hardware-related items and lumber.
- l. Pawnshops.
- m. Parking lots and structures as principal uses.
- n. Outdoor speakers and public address systems.
- o. Mining of non-metallic minerals.

These land use restrictions are appropriate and necessary at this location to ensure that the proposed commercial development of the subject property will not negatively impact the nearby elementary school and residential neighborhoods in this area, and to be consistent with the restrictions in place for other B-4 sites along the Newtown Pike corridor.

- b. PLN-MJDP-17-00086: LITTLE & POWELL PROPERTY (11/1/17)* - located at 757 Newtown Pike.
(MLH Civil Engineers, PLLC)

The Subdivision Committee Recommended: Approval subject to the following conditions:

1. Provided the Urban County Council rezones the property B-4; otherwise, any Commission action of approval is null and void.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

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 record plat designation.
8. Denote: Review by Royal Springs Aquifer Committee required at the time of final development plan.

Staff Zoning Presentation – Ms. Wade presented the staff report and recommendations for the zone change. She displayed photographs of the subject property and aerial photographs of the general area. She said the subject property is currently occupied with a closed car wash facility and the applicant is proposing to redevelop the property with a warehouse.

Ms. Wade stated that the applicant believes that this rezoning is in agreement with the 2013 Comprehensive Plan and Central Sector Small Area Plan, but the staff couldn't find that this proposal is in agreement with either of them. She said that the applicant also cited that the current zoning is inappropriate and the proposed zone is appropriate at this location and the staff does agree with that justification. She said that the subject property could be incorporated into the adjacent B-4 warehouse facility, which will be consistent with the existing zoning in the area.

Ms. Wade said that the proposed subject property has frontage on Newtown Pike, but not direct access. She said that access is shared on the adjacent warehouse facility. She said that a warehouse at this location is less intense than some of the other uses that are permitted in the B-3 zone. She said the staff is recommending approval and the Zoning Committee also recommended approval.

Development Plan Presentation – Ms. Gallt presented a rendering of the preliminary development plan associated with the zone change. She said that a traffic signal is being installed at the intersection of the subject property. She identified the proposed building and access to the building and parking lot. She said that staff has a few sign-off conditions and the applicant will need to submit a final development plan. She also stated that the applicant needs approval from Royal Springs Aquifer and to denote the conditional use restrictions as approved by the Planning Commission.

Applicant Presentation – Nick Nicholson, attorney representing the petitioner. He said the applicant is in agreement with the staff's recommendations and is available for questions.

Citizen Comment – There were no citizens present to speak to this application.

Zoning Action – A motion was made by Mr. Owens, seconded by Mr. Brewer, and carried 9-0 (Plumlee and Richardson absent) to approve PLN-MAR-17-00031: SCW NEWTOWN, LLC, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Owens, seconded by Mr. Brewer, and carried 8-0 (Penn abstained; Plumlee and Richardson absent) to approve PLN-MJDP-17-00086: LITTLE & POWELL PROPERTY, with the conditions provided by the staff.