

MAR 2016-7

Date Received 3/7/16

Pre-Application Date 2/19/16

Filing Fee \$ 500.00

### GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION

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

APPLICANT:	Lail Interests, LLLP P.O. Box 16459, Beverly Hills, CA 90209-2459
OWNER:	Lail Interests, LLLP P.O. Box 16459, Beverly Hills, CA 90209-2459
ATTORNEY:	Jacob Walbourn, MMLK 859-231-8780 201 East Main Street, Suite 1000, Lexington, Kentucky 40507

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

1551 Greendale Road
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**3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY (Use attachment, if needed--same format.)**

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
A-R	Vacant Residence	I-1	Warehouse	3.20	6.98

**4. SURROUNDING PROPERTY, ZONING & USE**

Property	Use	Zoning
North	Vacant	R-3
East	UK Property & Proposed Warehouse	I-1
South	Railroad & Single Family	R-3
West	Railroad & Single Family	R-3

**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 checked="" type="checkbox"/> YES <input type="checkbox"/> NO
c. Are these units currently occupied by households earning under ____ % 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 type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input checked="" type="checkbox"/> Other
Sanitary Sewers	<input type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input checked="" type="checkbox"/> Other
Curb/Gutter/Sidewalks	<input type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input checked="" type="checkbox"/> Other
Refuse Collection	<input checked="" type="checkbox"/> LFUCG	<input type="checkbox"/> Other		
Utilities	<input checked="" type="checkbox"/> Electric	<input type="checkbox"/> Gas	<input checked="" type="checkbox"/> Water	<input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable

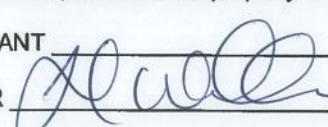
**7. DESCRIBE YOUR JUSTIFICATION FOR REQUESTED CHANGE (Please provide attachment.)**

This is in... <input checked="" type="checkbox"/> in agreement with the Comp. Plan <input checked="" type="checkbox"/> more appropriate than the existing zoning <input type="checkbox"/> due to unanticipated changes.
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**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. I further certify that I am  OWNER or  HOLDER of an agreement to purchase this property since \_\_\_\_\_.

APPLICANT \_\_\_\_\_ DATE \_\_\_\_\_

OWNER  ATTORNEY \_\_\_\_\_ DATE 3/7/16

LFUCG EMPLOYEE/OFFICER, if applicable \_\_\_\_\_ DATE \_\_\_\_\_

March 7, 2016

Mr. Mike Owens, Chairman  
Lexington-Fayette Urban County Planning Commission  
200 East Main Street  
Lexington, Kentucky 40507

RE: Zone Change Application from A-R to I-1  
1551 Greendale Road

Dear Chairman Owens:

Please be advised that we represent Lail Interests LLLP, the limited liability partnership of Robert Lail, who is the recent purchaser of property located at 1551 Greendale Road. My client desires to rezone the above-mentioned parcel from its current agricultural category to the Light Industrial category (I-1) for use as a construction yard. We believe that the existing A-R zoning is inappropriate for the site, and that the site is more appropriately zoned I-1. Further, we believe that such a rezoning request is in accord with the Goals and Objectives of the 2013 Comprehensive Plan, as further explained herein.

Property Information

The parcel we propose to rezone is presently zoned Agricultural-Rural, despite being within the Urban Service Boundary. This parcel is a prime example of the “left behind” parcel, as it has maintained its agricultural zoning as the area around the parcel has developed and/or redeveloped. The parcel currently has three structures located on the site – a residential structure that is boarded up and in substantial disrepair, and two storage/barn structures near the edge of the property. The property was believed to be approximately four (4) acres in size, but a recent survey has reflected it is actually closer to 3.2 acres. It also directly abuts the Norfolk Southern railroad right of way, which is a highly active rail corridor.

The subject property is located at the intersection of Greendale Road and Spurr Road in northwestern Lexington. This is an area that has experienced substantial and diverse redevelopment over the last several years. Nearby to the west, Masterson Station has developed as one of Lexington’s largest neighborhoods, and new single and multi-family homes continue to be constructed in the area. Other smaller, primarily single family residential developments have also developed to the south and west, some that are integrated and connected to Masterson, others that are not, and others that may be in the future. To the east, the Innovation Drive corridor has developed as predominantly light industrial (I-1)

property, with current facilities being operated by Kentucky Eagle, Webatso, Harbor Steel & Supply Corp., Big Ass Solutions, and Kito USA.

*Agricultural-Rural Zoning is Inappropriate; Industrial Zoning is Appropriate*

It is abundantly obvious that this parcel is not appropriately zoned as an agricultural property. As a threshold matter, the intent of the A-R zone is to “preserve the rural character of the agricultural service area.” Zoning Ordinance §8-1(a). This area is neither rural in character, with substantial residential and industrial activity in the area; nor is it within the agricultural service area. Furthermore, the current minimum lot size for A-R zoned property is forty (40) acres, that having been recognized as the necessary acreage for viable agricultural operations. The subject parcel, however, is less than one-tenth (1/10<sup>th</sup>) that size, and would have substantial topographic difficulty in being used as productive agricultural land.

Having determined the inappropriateness of agricultural zoning, it is then appropriate to determine what an appropriate zoning category would be for this parcel. Based on the surrounding area, the most logical categories would be Light Industrial (I-1), or Planned Neighborhood Residential (R-3). However, a closer inspection reveals that this property would be most appropriately zoned I-1.

Light Industrial (I-1) zoning is the most appropriate zone for several reasons. Perhaps the most compelling reason is the location of the aforementioned Norfolk Southern railway line. Norfolk Southern is a Class I railroad as classified by the Interstate Commerce Commission, and is one of only three Class I carriers with active tracks in Kentucky. The track immediately adjacent to the property extends from the Kentucky-Tennessee border in McCreary County through Lexington and continues to the Ohio River in Kenton County, ultimately crossing in to Cincinnati. It enters Fayette County near the Waveland State Historic Site, and exits near the Kentucky Horse Park, and serves the Old Georgetown Yard, the Toyota Intermodal Yard, and the Delaplain Yard in Scott County. Because of the central location of the line in Fayette County, development has occurred on both sides of the railway. From the line’s intersection with Main Street in central Lexington, with only a few minor exceptions, residential development has occurred on the west side of the line, and industrial development (I-1 or I-2) on the east, as the line moves northward.<sup>1</sup> The subject parcel sits on the east side of the tracks, an area that is almost exclusively industrial land.

Furthermore, this property does not appear to be appropriate for residential development. The small size of the parcel, coupled with its topography, would make development of single family housing on the property extremely challenging, if not

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<sup>1</sup> These minor exceptions include an area near New Circle Road, which has industrial zoning on both sides of the railway; the Suburban Mobile Home Park (M-1P zoning) on the east side of the line, south of New Circle; pockets of B-4 zoning near Main Street; and the Lorillard Lofts development near Main Street, which is zoned R-4.

impossible. Additionally, because of the proximity of the railroad track, as well as the property being bounded by right of way on all three sides, integration with existing residential development would not be feasible. Further, while R-3 zoning could allow for denser residential development, this would be out of character with the immediate area, as the residential character of the area is dominated by single family and townhome style developments.

Based on the foregoing, we submit that the current zoning on the subject parcel is inappropriate, and, that based on the development pattern that has occurred in the area, that light industrial zoning would be the most appropriate zoning category.

Proposal in Agreement with 2013 Comprehensive Plan

The proposal to rezone the subject parcel is also in accord with several of the goals and objectives of the 2013 Comprehensive Plan. Our conclusion that this rezoning request is in agreement with the 2013 Comprehensive Plan (hereinafter “Comp Plan”) is based on the following:

Growing Successful Neighborhoods

Theme A of the Comp Plan embraces several goals regarding residential life in Fayette County. We believe this redevelopment proposal embraces Goal 2 as articulated in Theme A of the Comp Plan.

*Support infill and redevelopment throughout the Urban Service Area as a strategic component of growth.* This goal is accomplished by identifying areas of opportunity for infill, redevelopment and adaptive reuse that respect the area’s context and design features whenever possible. This project would allow development on a parcel that is zoned agriculturally, but could likely support few, if any, agricultural uses. As you are no doubt aware, 95% of Fayette County’s population resides within the Urban Services Area (“USA”), and this number is expected to rise by nearly 35,000 people by 2020 (Comp Plan, p. 13). It is anticipated that the USA will reach its capacity within the next 12 to 17 years. Thus, redevelopment is needed to provide services, including land for employment, to the ever increasing population within the USA. Further, allowing this parcel to develop as a light industrial application would integrate well with the already existing light industrial uses in the area, and would respect the area’s context and development pattern. Additionally

Creating Jobs and Prosperity

Theme C of the Comp Plan embraces goals related to continued economic prosperity in Fayette County. We submit this redevelopment proposal embraces elements of Theme C of the Comp Plan.

*Support and showcase local assets to further the creation of a variety of jobs.* The Comp Plan notes that a variety of employment is necessary to lead to prosperity for all Lexington

residents. Further, the Comp Plan emphasizes the importance of living near your workplace (Comp Plan, p. 74). This proposal will allow new employment opportunities for neighborhood residents that could enable them to walk or ride to work. In fact, the Comp Plan includes the following passage:

“Adaptive reuse, infill, and redevelopment are not only about preserving farms and important buildings and making better use of existing infrastructure. They are also about putting jobs where people live. Many of Lexington’s businesses – large and small – can thrive as *neighbors* in and near neighborhoods. Land use regulations should enable opportunities to live where you work” (Comp Plan, p. 74).

This proposal will embrace the idea that good businesses with employment opportunities can and will make good neighbors.

*Attract the world’s finest jobs, encourage entrepreneurial spirit, and enhance our ability to recruit and retain a talented, creative workforce by establishing opportunities that embrace diversity with inclusion in our community.* The applicant is the owner of a small, family-owned business, Delong Concrete, which has been in operation (in some form) for more than forty (40) years. Approval of this rezoning proposal will allow Delong Concrete to work more efficiently, and hopefully, expand operations, thus creating more jobs. At the minimum, approval of this facility will allow the business to operate more efficiently. As Delong Concrete’s focus is on repair of aging transportation infrastructure, a desperately needed service, it is likely that this industry will only continue to grow.

#### Maintaining a Balance Between Planning for Urban Uses and Safeguarding Rural Land

Theme E of the Comp Plan embraces goals related to preserving rural land while encouraging growth. We submit that this redevelopment proposal embraces elements of Theme E of the Comp Plan.

*Uphold the Urban Services Area concept.* This goal requires close monitoring of the absorption of vacant or under-utilized land in the Urban Service Area as well as encouraging the compact, contiguous, and/or mixed-use sustainable development within the Urban Service Area to accommodate future growth needs. This project will allow an underutilized parcel to find new life within the USA, thus reducing the demand for new industrial properties beyond the USA’s boundaries.

The Comp Plan also encourages maintenance of this balance by encouraging infill, redevelopment, and adaptive reuse. The project discussed here would involve both infill and redevelopment concepts. The Comp Plan provides guidelines in what it calls “context-sensitive design.” This allows for a project to approach the development with an eye towards the exterior and architectural features that reflect, relate to, or are in proportion to

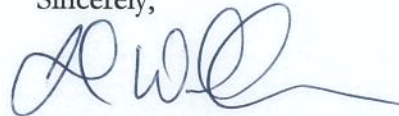
the surrounding neighborhood (Comp Plan, p. 98). Context-sensitive design can quell many of the fears expressed by neighborhood residence when presented with an infill project (Comp Plan, p. 101). Infill and redevelopment are geared towards improvement, reinvigoration, and development of the quality neighborhoods that create compact development, livable neighborhoods, and viable neighborhood commercial centers (Comp Plan, p. 98). The Comp Plan admits that to successfully achieve infill and redevelopment, regulatory change to the Zoning Ordinance must be reviewed on a regular basis (Comp Plan, p. 99). Of course, we are committed to a context-sensitive industrial development, and will craft a development plan that will allow the necessary activities to occur on the property, while respecting existing development in the area.

### Conclusion

As you can see, this proposal comports with many of the applicable goals and objectives of the Comp Plan. It is abundantly clear that the existing agricultural zoning is inappropriate for this site. We believe this project will allow a reasonable expansion of the present industrial area, and could allow Lexingtonians to live in closer proximity to their work, thus decreasing our community's reliance on personal automobiles and increasing pedestrian and bike friendly development. This will, in turn, make Lexington a more desirable location to live. This type of infill project is vitally important to preserving the USA boundary at its current location. In short, the present zoning category is inappropriate, industrial zoning is appropriate, and we submit that this project complies with the goals and objectives of the 2013 Comprehensive Plan.

Based on the foregoing, we respectfully request approval of our application as submitted.

Sincerely,



Jacob C. Walbourn

JCW/klm  
Enclosures

LAIL INTERESTS, LLLP PROPERTY  
ZONE CHANGE FROM A-R TO I-1  
1551 GREENDALE ROAD  
LEXINGTON, FAYETTE COUNTY, KENTUCKY

A TRACT OR PARCEL OF LAND LOCATED AT THE SOUTHEWESTERN QUADRANT OF THE SPURR ROAD AND GREENDALE ROAD INTERSECTION IN NORTHERN LEXINGTON, FAYETTE COUNTY, KENTUCKY AND BEING MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

**BEGINNING** at the point of intersection of the centerline of Spurr Road and the projected centerline of the western railroad line of the Norfolk & Southern Railroad; thence with the centerline of Spurr Road for the following three calls -- S 69°20'46" E, a distance of 451.32 feet to a point; thence 118.06 feet along a curve to the left having a radius of 282.60 feet and a chord which bears S 82°13' 16" E, a distance of 117.20 feet to a point; thence N 85°48'39" E, a distance of 90.92 feet to a point being the centerline intersection with Greendale Road; thence with said centerline for the following three calls - S 21°50'47" W, a distance of 359.42 feet to a point; thence S 23°02'41" W, a distance of 346.05 feet to a point; thence S 21°38'24" W, a distance of 285.99 feet to a point being in the centerline of the aforementioned projected railroad line; thence with said centerline N 13°10'57" W, a distance of 1115.69 feet to the **POINT OF BEGINNING** and containing 6.98 acres gross and 3.20 acres net.