

STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT

**ZOTA 2012-5: RETAIL SALE OF AUTO PARTS WITH STORAGE
AND DISTRIBUTION IN THE B-3 ZONE**

REQUESTED BY: TriStar Ventures, LLC

PROPOSED TEXT: (Note: Text underlined is an addition to the current Zoning Ordinance.)

**ARTICLE 8
8-20 HIGHWAY SERVICE BUSINESS (B-3) ZONE**

8-20(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
27. Retail sale of automotive parts with storage and distribution of inventory to other local establishments under the same ownership.

8-20(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Wholesale, warehouse and storage facilities.

STAFF REVIEW:

TriStar Ventures, LLC, has requested a text amendment to Article 8-20(b) of the Zoning Ordinance in order to permit a new type of auto parts store in the Lexington area. While auto parts stores are located throughout our B-3 zones, the specific use they currently propose is technically not permitted in that zone at the present time.

The sale of auto parts is a listed principal permitted use in both the B-3 and B-4 zones. Establishments “for the display, rental, sale...of farm equipment, contractor equipment, automobiles...or supplies for such items” is a principal permitted use in both zones, as well as in the I-1 and I-2 zones. The applicant proposes a facility with about 8,000 square feet devoted to storage of parts, and about 4,500 square feet available for display of supplies such as filters, fluids, batteries and the like where customers can “shop” for their merchandise. While a zone change to a B-4 zone would allow 65% of the structure to be devoted to storage and 35% devoted to retail sales, the appellant’s location is on New Circle Road, where few warehouses exist, and few locations are recommended by the 2007 Comprehensive Plan for Warehouse and Wholesale land uses. Thus, they have chosen to seek an amendment to the Zoning Ordinance to permit their planned use.

What is unusual about auto parts stores, compared to most other retail uses, is the fact that a clerk often must leave a store’s customer at a service counter, go into a restricted area where parts are stored on shelves, secure the part and return to service the customer. The storage of auto parts in restricted areas where the average customer is not permitted is considered “storage” for purposes of enforcing the Zoning Ordinance.

Storage uses in the B-3 zone are to be less than 50% of the floor area in an establishment, as this is only an accessory use in that zone. They desire a single location where a single tractor trailer can deliver supplies for their local stores. Parts can then be delivered and distributed to their other area stores from that location. Employees from those stores can also travel to this store to obtain specific auto parts, on-demand. Again, while this can be conducted in a B-4 zone, those zones are seldom found on high volume roadways where retail stores prefer to locate.

The applicant opines that this combination of auto parts store and storage use will reduce large delivery truck traffic throughout the urban area. Since their preferred location is on New Circle Road, nearer to the Interstate highways, there is some likelihood that there would be fewer vehicle miles travelled and less traffic congestion at other local parts store locations in this chain. This new B-3 use will clarify that storage and local distribution of auto parts is allowed with the principal use of an auto parts store in the B-3 zone.

Still, this new use, with its increased truck and delivery traffic, would not be as appropriate in close proximity to residential uses, and there are several residential neighborhoods located adjacent to B-3 zones. As the petitioner's site is not so located, the staff would offer an alternative text amendment with the addition of a necessary spacing requirement for this use.

Staff Alternative Text:

ARTICLE 8

8-21 WHOLESALE AND WAREHOUSE BUSINESS (B-4) ZONE

8-21(b)Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

27. Retail sale of automotive parts with storage and distribution of inventory to other local establishments under the same ownership, when such use is at least two hundred (200) feet from a residential zone.

The Staff Recommends: **Approval of the Staff Alternative Text**, for the following reasons:

1. The specific use the applicant proposes is technically not permitted in the B-3 zone at the present time. Since the applicant's intended use is appropriate in some B-3 locations, this is a timely update to the Zoning Ordinance.
2. This combination of retail and storage uses at a single location has the potential to reduce total vehicle miles travelled and traffic congestion at other store locations in the community.
3. Spacing requirements for this new use are necessary as large truck traffic in close proximity to residential uses should be avoided, and since there are several residential neighborhoods adjacent to B-3 zones where this new use would be permitted.