

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-17-00031: SCW NEWTOWN, LLC

DESCRIPTION

Zone Change: From a Highway Service Business (B-3) zone
To a Wholesale & Warehouse Business (B-4) zone

Acreage: 0.438 net (0.591 gross) acres

Location: 757 Newtown Pike

EXISTING ZONING & LAND USE

<u>Property</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	B-3	Vacant Former Car Wash
To North	B-3	Wholesale Gas Company
To East	I-1	Lexmark
To South	B-4	Warehouses
To West	B-4	Warehouses

URBAN SERVICES REPORT

Roads – Newtown Pike (KY 922) is a four-lane major arterial roadway with a raised grass median to the east of the property. The signalized intersection of Freight Boulevard (a new local street on the Lexmark Property) and Newtown Pike is located at the shared entrance for the subject property and the adjacent properties to the south and west of the site (existing Space Center Storage facility). Access to the subject property is through the existing access easement on the adjoining property, which is proposed for extension and/or re-configuration with the proposed redevelopment of the site.

Curb/Gutter/Sidewalks – The west side of Newtown Pike has all of the typical urban roadway improvements, including curb, gutter and sidewalks. The east side of the roadway, along the Lexmark and Bluegrass Community Technical College (BCTC) properties, lacks sidewalks. The Legacy Trail is located on the west side of Newtown Pike in the immediate vicinity of the subject property.

Storm Sewers – The subject property is located within the Cane Run watershed and is within the identified Royal Spring Wellhead Protection Area. Storm sewers exist in this portion of the Urban Service Area; however, the subject property may require additional storm water facilities to adequately contain any water quality impacts or runoff created by the proposed redevelopment. There are no FEMA special flood hazard areas on the subject property, nor are there any known stormwater issues within the immediate vicinity.

Sanitary Sewers – The subject property is located within the Cane Run sewershed, which is served by the Town Branch Wastewater Treatment Facility, located on Lisle Industrial Avenue, inside of New Circle Road. A sanitary sewer collection line currently runs parallel to Newtown Pike, although capacity will need to be evaluated at the time of a final development plan by the Capacity Assurance Program (CAP).

Refuse – The Urban County Government serves this area with refuse collection on Thursdays. Supplemental service may be desired to serve the needs of the warehouse use, which can be accomplished by contracting with private refuse haulers.

Police – The subject property is located within the Central Sector and is served by the Central Sector Roll Call Center, located on Goodwin Drive, near the New Circle Road and Winchester Road interchange. However, the subject property is located in closer proximity to the Police Headquarters, which is located on East Main Street, about 1½ mile to the southeast.

Fire/Ambulance – The nearest fire station (#10) is located less than ½ mile to the northwest on Finney Drive, at the southeast quadrant of the New Circle Road and Georgetown Road interchange.

Utilities – All utilities, including gas, electric, water, phone, and cable TV are available in the area to serve the proposed redevelopment of the subject property.

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.

CASE REVIEW

The petitioner has requested a zone change from a Highway Service Business (B-3) zone to a Wholesale & Warehouse Business (B-4) zone for less than ½ acre of property, located at 757 Newtown Pike.

The subject property is located on the west side of Newtown Pike, adjacent to an existing warehouse and storage facility already owned by the petitioner, which does business as Space Center Storage in Fayette County. The site has most recently been utilized as a self-service car wash that it is now closed. The petitioner proposes rezoning the lot to construct a 12,000 square-foot warehouse and incorporate the site into their existing facility. Access to the subject property is via a shared access easement, and no new access is proposed to Newtown Pike.

The immediate area is characterized by commercial development of varying types and intensities, as well as several residential neighborhoods along Newtown Pike. The Arbors Subdivision (R-4 zoning), and the Haskins Club neighborhood (R-1C zoning) exist to the south, while the Imperial Mobile Home Park is located to the north of the subject property (I-1 and M-1P zoning). Commercial uses in the area include a wholesale gas distributor (Scott Gross), the adjacent warehouse and storage facility, a gas station, the Lexmark campus, and Bluegrass Community and Technical College (BCTC) campus. This commercial area has multiple zoning categories, including B-1, B-3, B-4, and I-1. West of the existing storage and warehouse facility is Douglass Park, which includes the Booker T. Washington Elementary School, and one of the community’s public swimming pools. The park and school are located in an Agricultural-Urban (A-U) zone.

The 2013 Comprehensive Plan no longer includes a parcel-based land use element; rather, it encourages land use decisions to be made based upon small area plan recommendations, policy statements and the Goals and Objectives of the Plan. The petitioner opines that this request is both in agreement with the policies, goals and objectives of the Plan, and also that the proposed Wholesale and Warehouse Business (B-4) zone is appropriate and that the Highway Service Business (B-3) zone is inappropriate at this this location.

The Planning Commission must look to the Comprehensive Plan for guidance as to whether the proposed B-4 zone is supported by the Plan at this location. The 2013 Comprehensive Plan encourages the consideration of how proposals relate to existing development in the immediate vicinity, as well as protecting neighborhoods and residential areas from incompatible land uses. The Goals and Objectives encourage creating jobs and prosperity (Theme C) by creating new jobs, fostering the growth and

success of large employment sectors, and improving opportunities for small businesses. The Goals and Objectives also support infill and redevelopment if it is respectful of the area's context and design features (Theme A, Goal #2.a.) and encourage the absorption of vacant and underutilized parcels (Theme E, Goal #1a.).

The petitioner provides no data in their justification regarding the creation of jobs at this location, that warehousing is a "large employment sector" or how the re-zoning would improve opportunities for a small business. Storage and warehousing facilities generates very few jobs, and in this case, the site is being incorporated into an existing facility operated by a successful local business. Although the site may be considered underutilized as a car wash, the petitioner provides no evidence that the warehouse would be of a greater intensity along this arterial roadway as is encouraged by the Comprehensive Plan. The staff cannot agree with the applicant that the requested rezoning is in agreement with the 2013 Comprehensive Plan.

The property is also located within the boundary of the Central Sector Small Area Plan (SAP), which was adopted by the Planning Commission in April 2009, and is incorporated into the 2013 Comprehensive Plan. Its adoption followed months of meetings and considerable neighborhood involvement. This Small Area Plan covers land within the following boundary: Georgetown Road, Winchester Road, New Circle Road and Second Street.

The subject property is located within Sub-Area A of the Central Sector Plan, which lies just north of downtown and west of Newtown Pike. The Central Sector Plan identifies four guiding principles for the area, which include: (1) enhance the urban fabric; (2) promote and prepare for redevelopment and investment; (3) provide adequate and equitable housing; and (4) preserve the cultural and historic heritage. The petitioner's justification does not adequately address the Small Area Plan, but the staff does not believe the proposed warehouse land use meets any of the four principles established by the Plan.

Lastly, the petitioner does contend that the proposed B-4 zoning is appropriate and the existing B-3 zoning is inappropriate for the subject property. The staff agrees with their assessment due to the fact that despite having frontage along Newtown Pike, there is poor vehicular access on the property because the site must utilize a driveway that is located entirely on the adjacent Space Center Storage site, which is already located within a B-4 zone. The subject property is bordered to the west and south by existing B-4 zoning, to the north by a wholesale business operating in a B-3 zone, and to the east by the Lexmark campus, where additional light industrial uses are being developed. For this reason, the petitioner contends that the B-4 zone is compatible and consistent with the surrounding area. Additionally, the proposed warehouse use is less intense than some of the potential (and possibly undesirable) uses in the B-3 zone nearby a school and residential neighborhoods.

In considering the current proposal for redevelopment of the subject property, the staff assessed the need for conditional zoning restrictions and would suggest restricting the use of the property consistent with the adjacent storage and warehouse facility.

The Staff Recommends: Approval, for the following reasons:

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.