

STAFF REPORT ON AMENDED PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-17-00010: TURNER PROPERTY 2, LLC

DESCRIPTION

Zone Change: From a Single Family Residential (R-1B) Zone
To a Light Industrial (I-1) Zone

Acreage: 1.88 net (2.03 gross) acres

Location: 1387 E. New Circle Road

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	R-1B	Parking, Loading & Service Area behind Retail/Office
To North	I-1	Light Industrial
To East	R-1B	Single-Family Residences
To South	I-1	Light Industrial
To West	B-3	Professional Office

URBAN SERVICES REPORT

Roads – The site fronts along E. New Circle Road (KY 4) between Liberty Road (KY 1927) and the Young Drive intersections with New Circle Road. East New Circle Road is a four-lane, major arterial roadway at this location, therefore direct access to New Circle Road is permitted by the Land Subdivision Regulations and is planned to continue at the existing location.

Curb/Gutter/Sidewalks – No curbs, gutters, or sidewalks exist along this section of E. New Circle Road. The typical cross-sections approved in this vicinity do not include these improvements.

Storm Sewers – The subject property is located within the upper reaches of the West Hickman Creek watershed. Currently, stormwater facilities are not located anywhere on the subject property for the existing commercial use, although, there are existing drainage swales within the right-of-way for New Circle Road. Since the change proposed in impervious area is limited, the applicant will need to work with the Division of Environmental Quality to determine the extent of stormwater improvements that will be required for the site, per the adopted Engineering Manuals. No FEMA floodplain or major flooding problems exist on the site.

Sanitary Sewers – The subject property is located in the West Hickman sewer shed, which is served by the West Hickman Wastewater Treatment Plant in northern Jessamine County. Sanitary sewer capacity will need to be verified prior to certification of a final development plan for the proposed industrial expansion at this location.

Refuse – The Urban County Government serves this portion of the Urban Service Area with refuse collection on Tuesdays. Commercial and industrial developments often contract for more frequent service.

Police – The nearest police station is located near the Eastland Shopping Center at the Central Sector Roll Call Center. The Roll Call Center is on Goodwin Drive just off Winchester Road, about 1½ miles northwest of the subject property.

Fire/Ambulance – The nearest fire station (#9) is located less than one mile southwest of the subject property on Richmond Road, near the Kentucky American Water Company offices. LFUCG is also in the process of constructing a new Fire Station #2 at the intersection of Eastland and Murray Drives, which is located about 1½ miles to the north of the subject property.

Utilities – Utilities, including natural gas; electric; water; cable television; and telephone service are all readily available in the area.

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 2013 Comprehensive Plan, in *Chapter 5: Creating Jobs and Prosperity*, discusses redevelopment opportunities of the community’s employment-generating land and encourages reuse or redevelopment of underperforming or underutilized land.

The petitioner proposes to rezone a tract of land located to the rear of an existing light industrial tract in order to expand an existing structure for the headquarters of an electrical construction, engineering and fabrication company. The proposed addition is approximately 15,000 square feet in size. Additional off-street parking and service/loading areas are also proposed.

CASE REVIEW

The petitioner has requested a zone change from a Single Family Residential (R-1B) zone to a Light Industrial (I-1) zone for approximately two acres of property, located at 1387 E New Circle Road.

The subject property is a tract of land that is situated behind an existing office and warehouse structure along E. New Circle Road. The property can only be accessed from the front tract of land that has frontage along this major arterial roadway. The site adjoins an RJ Corman Railroad spur line that terminates to the east of this site, near the Link Belt Corporation site on Palumbo Drive.

The property is bounded to the north and south by Light Industrial (I-1) zoning, to the west by Highway Services Business (B-3) zoning, and to the north and east by Single Family Residential (R-1B) zoning along Wilderness Road (which is not accessible from New Circle Road). The subject property has been the location of a Halloween Express Warehouse for some time. This portion of E. New Circle Road is characterized by a mixture of highway-oriented commercial, flex-space and light industrial land uses, including vehicle sales establishments, gas stations, retail sales establishments, restaurants, warehouses and shops of special trade.

The petitioner proposes to expand the light industrial zoning on the rear of the subject site to accommodate the headquarters of an electrical construction, engineering and fabrication company, Amtek of Kentucky, LLC. The petitioner proposes to add approximately 15,000 square feet of space for office and warehouse use, as well as additional off-street parking and service/loading areas to the rear of the existing building. A significant open space area separates the site from nearby homes along Wilderness Road currently, and although reduced, this condition is proposed to remain.

The 2013 Comprehensive Plan no longer includes a parcel-based land use element; rather, it encourages land use decisions to be made based upon various small area plan recommendations, policy statements and the Goals and Objectives of the Plan. The petitioner contends that the requested rezoning is consistent with the concepts of the 2013 Comprehensive Plan, specifically Theme A (*Growing Successful Neighborhoods*), Theme C (*Creating Jobs and Prosperity*) and Theme F (*Implementing the Plan for Lexington-Fayette County and the Bluegrass*).

The petitioner also contends that the expansion of I-1 zoning at this location is appropriate and that the existing R-1B zoning is inappropriate for several reasons, including the fact that the property is only accessible through the front tract from New Circle Road, and is surrounded predominantly by land that is zoned for I-1 and/or compatible commercial uses. In addition, the adjoining residential zoning is

separated by a steep topographic change; the adjacent residential lot to the southeast is a vacant, 3-acre tract, which allows for a large buffer between the proposed use and existing residences; and much of the nearby residential land is utilized for other purposes, such as a church, bus parking and a public school. Finally, the petitioner contends that the vacant portion of the subject property, as situated with no road frontage, has virtually no value or viable use as currently zoned, and this change would allow for a redevelopment of a underutilized tract if approved for rezoning.

The staff concurs with the petitioner's justification that the existing zone is inappropriate and the proposed zone is appropriate. The petitioner is expanding employment-generating land, more recently referred as "jobs land," plans to renovate and expand the existing structure on the site, and to improve the site's aesthetic to house the headquarters' of a local business. This is consistent with the Comprehensive Plan, but not completely in agreement. Because the I-1 zone will border existing low density residential uses and land available for future development, several of the most intense uses should be restricted at this location via conditional zoning restrictions.

The Staff Recommends: **Approval**, for the following reasons:

1. A restricted Light Industrial (I-1) zone is appropriate for the subject property because the site is accessible through the front tract from New Circle Road only, and it is surrounded predominantly by land that is zoned for I-1 and/or compatible commercial uses, including vehicle sales establishments, gas stations, warehousing and other industrial uses.
2. The existing Single Family Residential (R-1B) zone is inappropriate for the subject property for the following reasons:
 - a. The adjoining residential zoning is separated by a steep topographic change, therefore its development potential and access from Wilderness Road is very limited.
 - b. The adjacent residential lot to the southeast is a vacant, 3-acre tract, which allows for a large buffer between the proposed use and existing residences, even with this light industrial expansion.
 - c. Much of the nearby residential land is utilized for other purposes, such as a church, bus parking and a public school.
 - d. Without road frontage, the site has virtually no value or viable residential use.
3. *Chapter 5: Creating Jobs and Prosperity* of the 2013 Comprehensive Plan supports redevelopment of underperforming or underutilized property inside the Urban Service Area.
4. This recommendation is made subject to the approval and certification of PLN-MJDP-17-00022: Turner Property 2, LLC, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
5. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions shall apply to the subject property via conditional zoning:

PROHIBITED USES

1. Major automobile or truck repair as a principal use.
2. Tire re-treading and recapping.
3. Truck terminals and freight yards.
4. Recycling, sorting, baling and processing of glass or nonferrous metals.
5. Vehicle storage yards.
6. Any wholesale or trucking use operating between the hours of 11 p.m. and 7 a.m.

These use restrictions are appropriate and necessary at this location to ensure that the proposed development adequately protects the nearby residential neighborhood.