

ORDINANCE NO. 132 -2016

AN ORDINANCE CHANGING THE ZONE FROM AN AGRICULTURAL URBAN (A-U) ZONE TO A LIGHT INDUSTRIAL (I-1) ZONE, FOR 1.47 NET (2.03 GROSS) ACRES, FOR PROPERTY LOCATED AT 2201 GEORGETOWN ROAD. (WHAYNE SUPPLY COMPANY; COUNCIL DISTRICT 2).

WHEREAS, at a Public Hearing held on June 9, 2016 a petition for a zoning ordinance map amendment for property located at 2201 Georgetown Road from an Agricultural Urban (A-U) zone to a Light Industrial (I-1) zone for 1.47 net (2.03 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 11-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone for property located at 2201 Georgetown Road from an Agricultural Urban (A-U) zone to a Light Industrial (I-1) zone for 1.47 net (2.03 gross) acres, being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 - That the granting of this zone change is made subject to the following use restrictions as conditions of granting the zone change:

Under the provisions of Article 6-7 of the Zoning Ordinance, the following use and buffering restrictions are proposed for the subject property via conditional zoning:

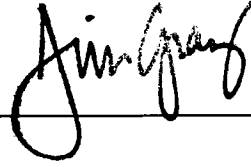
- a. No lighting may be directed toward any adjacent property located in either an Agricultural or Residential zone.

Section 3 - That the Lexington-Fayette Urban County Planning Commission is directed to show the amendment on the official zone map atlas and to make reference to the number of this Ordinance.

Section 4 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: July 7, 2016

MAYOR



ATTEST:



CLERK OF URBAN COUNTY COUNCIL

Published: July 14, 2016-1t

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Legal Description

WHAYNE SUPPLY COMPANY, INC. PROPERTY
ZONE CHANGE FROM A-U TO I-1
2201 GEORGETOWN ROAD
LEXINGTON, FAYETTE COUNTY, KENTUCKY

A certain tract of land lying south of Citation Boulevard in Fayette County, Kentucky, being located in the city of Lexington and being more particularly described as follows:

The basis of the bearings for this legal description is based on grid north as established by Kentucky State Plane Coordinates, North Zone 1601.

Beginning at a point in the centerline of Georgetown Road approximately 695' south of the centerline of Citation Boulevard, said point being in line with the north property line of 2201 Georgetown Road; thence, S 09°16'59" E a distance of 230.48' to a point; thence, N 74°38'54" W a distance of 495.42' to a point; thence, N 11°03'56" E a distance of 176.06' to a point; thence, S 79°21'02" E a distance of 413.90' to the point of **Beginning**, containing a gross area of 88,332 +/- square feet (2.03 acres) and a net area of 64,022 +/- square feet (1.47 acres) as surveyed by Arnold Consulting Engineering Services, Inc., Jeff Arnold PLS 2934 on October 16, 2015.

RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

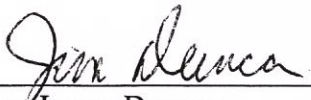
IN RE: MAR 2016-15: WHAYNE SUPPLY COMPANY – a petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Light Industrial (I-1) zone, for 1.47 net (2.03 gross) acres, for property located at 2201 Georgetown Road. (Council District 2)

Having considered the above matter on **June 9, 2016**, at a Public Hearing, and having voted **11-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **CONDITIONAL APPROVAL** of this matter for the following reasons:

1. The requested Light Industrial (I-1) zone is appropriate and the existing Agricultural Urban (A-U) zone is no longer appropriate for the subject property, for the following reasons:
 - a. The 2013 Plan's Theme C: "Creating Jobs and Prosperity" identifies the need to protect and provide readily available economic development land to meet the need for jobs. This A-U zone is not appropriate for job creation.
 - b. The proposed I-1 zone is better able to fulfill the goal of increasing opportunities for employment locations within the Urban County.
 - c. The west side of the Georgetown Road corridor is primarily industrial in nature, and a significant portion of the land between Georgetown Road and the Norfolk-Southern railroad line, between New Circle Road and Spurr Road, is prime "jobs land" that is either developed or is in the process of being developed; thus, demand does exist for light industrial zoning and land use in the immediate area.
 - d. The proposed Light Industrial (I-1) zone is appropriate and is compatible with the adjoining zoning and land uses.
 - e. The subject property has been recommended for Light Industrial land use for the past four decades.
2. This recommendation is made subject to the approval and certification of **ZDP 2016-51: Whayne Supply**, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. **Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restriction(s) should be put into effect for the subject property:**
 - a. No lighting may be directed toward any adjacent property located in either an Agricultural or Residential zone.

This restriction is necessary to prevent any intrusion of light from this industrial site to non-industrial locations along US 25.

ATTEST: This 24th day of June, 2016.



Secretary, James Duncan

MIKE OWENS
CHAIR

Note: The corollary development plan, ZDP 2016-51: WHAYNE SUPPLY, was approved by the Planning Commission on June 9, 2016, and certified on June 23, 2016.

K.R.S. 100.211(7) requires that the Council take action on this request by September 7, 2016.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Steve Ruschell, attorney.**

OBJECTORS _____

- None

OBJECTIONS _____

- None

VOTES WERE AS FOLLOWS:

AYES: (11) Berkley, Brewer, Cravens, Drake, Mundy, Owens, Penn, Plumlee, Richardson, Smith, Wilson

NAYS: (0)

ABSENT: (0)

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for CONDITIONAL APPROVAL of MAR 2016-15 carried.

Enclosures: Application
Plat
Staff Report
Applicable excerpts of minutes of above meeting

GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION

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

APPLICANT:	Wayne Supply Company, 10001 Linn Station Road, Louisville, KY 40223 (502) 423-1474
OWNER:	Same
ATTORNEY:	Stephen M. Ruschell, Stites & Harbison, PLLC, 250 W. Main, Suite 2300, Lexington, KY 40507 (859) 226-2317

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

2201 Georgetown Road

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

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
A-U	Vacant	I-1	Industrial	1.47	2.03

4. SURROUNDING PROPERTY, ZONING & USE

Property	Use	Zoning
North	Light Industrial/Vacant-Applicant	I-1
East	Vacant	B-3
South	Light Industrial - Applicant	I-1
West	Light Industrial/Vacant - Applicant	I-1

5. EXISTING CONDITIONS

a. Are there any existing dwelling units on this property that will be removed if this application is approved?	<input checked="" type="checkbox"/> YES <input 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 40 % 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 checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Sanitary Sewers	<input type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Curb/Gutter/Sidewalks	<input type="checkbox"/> Existing	<input checked="" type="checkbox"/> To be constructed by	<input checked="" type="checkbox"/> Developer	<input type="checkbox"/> Other
Refuse Collection	<input checked="" type="checkbox"/> LFUCG	<input type="checkbox"/> Other		
Utilities	<input checked="" type="checkbox"/> Electric	<input checked="" type="checkbox"/> Gas	<input checked="" type="checkbox"/> Water	<input checked="" type="checkbox"/> Phone <input type="checkbox"/> Cable

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

This is in... in agreement with the Comp. Plan more appropriate than the existing zoning due to unanticipated changes.

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 *[Signature]* DATE 02/21/16

OWNER Same DATE _____

LFUCG EMPLOYEE/OFFICER, if applicable _____ DATE _____

**STATEMENT OF APPLICANT'S JUSTIFICATION
2201 GEORGETOWN ROAD**

The applicant, Wayne Supply Company, is requesting a zone change from Agricultural Urban [A-U] to a Light Industrial [I-1] zone for 1.47 acres located at 2201 Georgetown Road.

The subject property is surrounded by light industrial zoning all of which is owned [and partially being developed] by the applicant. Additionally, the southwest side the Georgetown Road corridor beginning at Sandersville Road through Citation Boulevard and continuing to the Bluegrass Industrial Park is zoned light industrial as well. The property located across Georgetown Road is zoned B-3 and is undeveloped.

The current A-U zoning is inappropriate as it is too small to be operated as an agricultural enterprise. The Zoning Ordinance provides the A-U zone "is intended to control the development of rural land within the Urban Service Area over a period of time to manage growth of the community". In this instance, the subject property is surrounded by light industrial uses with existing public facilities and services adequate to serve a light industrial use. It's time to be zoned A-U has passed.

This request is in furtherance of the 2013 Comprehensive Plan as it will provide a viable use of a vacant parcel well located in the Urban Service Area, employment opportunities and continued economic vitality for the community. This small parcel surrounded by light industrial zoning on three sides and Georgetown Road on the other has virtually no use as it is currently zoned . However, with a zoning classification to match the surrounding light industrial zoning this parcel will become a viable parcel which will fit into its light industrial neighborhood and further the goals of the Comprehensive Plan.

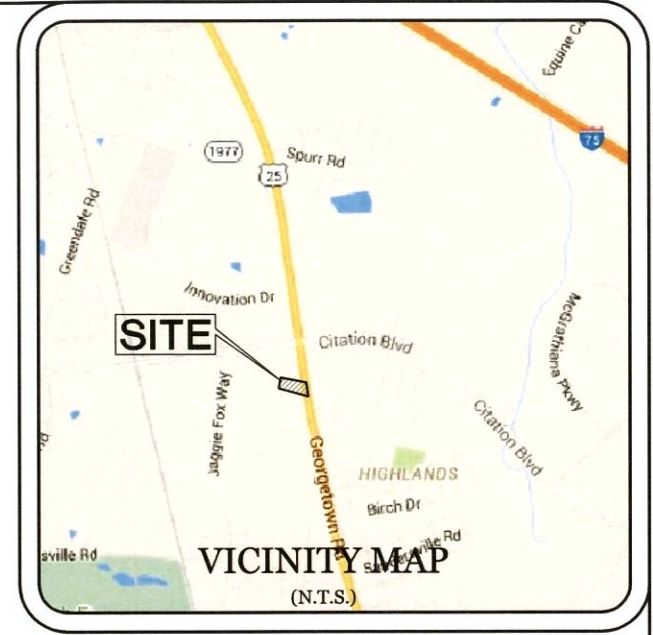
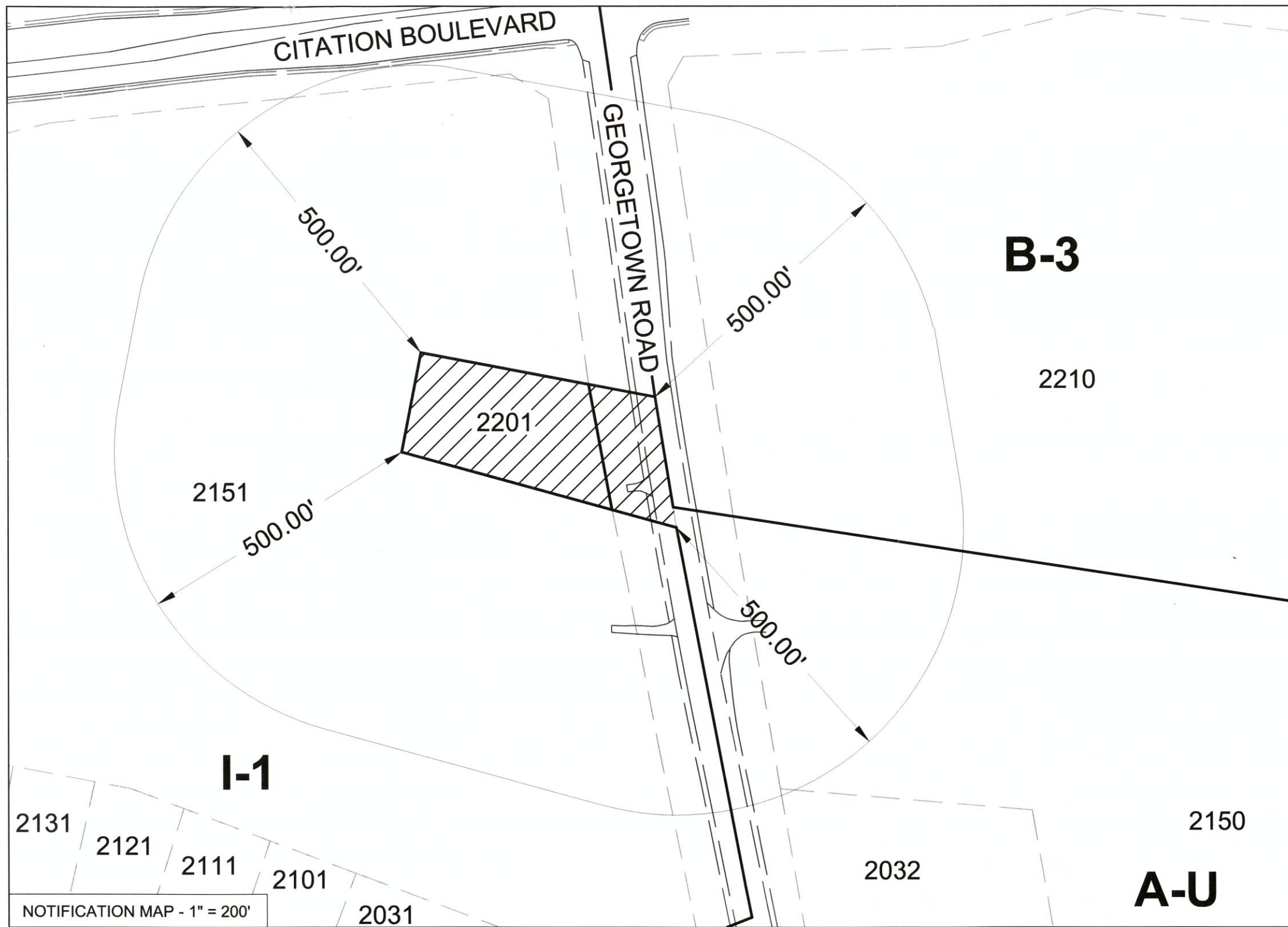
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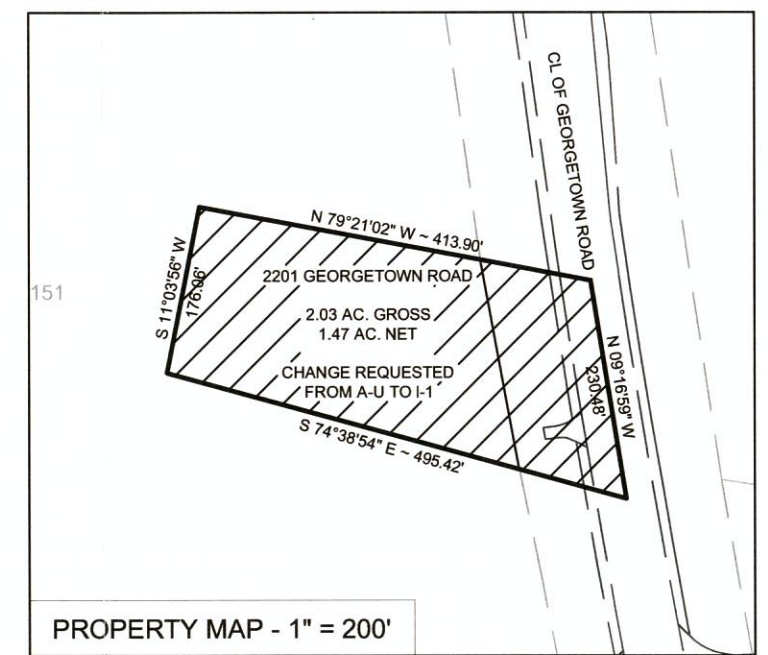
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LEXINGTON - FAYETTE CO., KY



NOTIFICATION MAP - 1" = 200'

PROPERTY MAP - 1" = 200'



TITLE: WHAYNE SUPPLY COMPANY, INC. PROPERTY	FROM	TO	NET	GROSS
PROPERTY ADDRESS: 2201 GEORGETOWN ROAD	A-U	I-1	1.47	2.03
APPLICANT NAME/ADDRESS: WHAYNE SUPPLY COMPANY, INC. 10001 LINN STATION ROAD LOUISVILLE, KY 40223				
OWNER: SAME				
PREPARED BY: ARNOLD CONSULTING ENGINEERING SERVICES				
DATE FILED OR AMENDED: APRIL 15, 2016	TOTAL		1.47	2.03

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2016-15: WHAYNE SUPPLY COMPANY

DESCRIPTION

Zone Change: From an Agricultural Urban (A-U) zone
To a Light Industrial (I-1) zone

Acreage: 1.47 net (2.03 gross) acres

Location: 2201 Georgetown Road

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	A-U	Vacant
To North	I-1	Vacant
To East	A-U & B-3	Equine Hospital & Vacant
To South	I-1	Vacant & Light Industrial
To West	I-1	Vacant

URBAN SERVICES REPORT

Roads – Georgetown Road (US 25) is a five-lane highway that currently has a dedicated center (left) turning lane south of Citation Boulevard. Citation Boulevard connects Newtown Pike to Leestown Road in the northwest area of the city. These are the only two public streets in the vicinity of the subject property, with the exception of Jaggie Fox Way, which is a local industrial street that serves other property owned by this applicant, as well as other industrial users.

Curb/Gutter/Sidewalks – Curb, gutter and sidewalks have not been constructed along Georgetown Road, although such facilities do exist along Citation Boulevard and Jaggie Fox Way. Such improvements along Georgetown Road were not made by the state in widening this roadway several years ago along this portion of the US 25 corridor.

Storm Sewers – No storm sewers currently exist on the site, but will be necessary to address stormwater drainage on the subject property. Such improvements are currently being constructed on the surrounding industrial property. There are two watersheds in the general vicinity – the Cane Run Creek watershed to the north and east, and the Town Branch watershed to the south and west sides of the property. The subject site is just outside of the Royal Spring Aquifer, which is protected because it supplies a portion of the City of Georgetown’s water supply.

Sanitary Sewers – Sanitary sewers will serve all new development on this property and in this portion of the Urban Service Area. The property will be served by the Town Branch Wastewater Treatment Facility, approximately 2½ miles to the southwest of the property, between Old Frankfort Pike and Leestown Road. The Town Branch Wastewater Treatment bank does have some limited capacity available, according to the Capacity Assurance Program web-site.

Refuse – Collection to individual properties is provided by the Urban County Government on Thursdays in this portion of the Urban Service Area. Private haulers often provide additional service to commercial developments.

Police – The nearest police station is the West Roll Call Center facility, located on Old Frankfort Pike inside of New Circle Road, approximately 2½ miles to the southwest of the subject property.

Fire/Ambulance – Fire Station #10 is located about one mile to the southeast of the property, along Finney Drive near the Georgetown Road and New Circle Road interchange.

Utilities – Natural gas, telephone service, electric, water, streetlights, and cable television are all available to serve this area, and can be extended into the subject site as it develops.

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 Comprehensive Plan identifies the need to protect and provide readily available economic development land to meet the need for jobs (Theme C: Creating Jobs and Prosperity), as well as encouraging development in a compact and contiguous manner (Theme E: Maintaining a Balance Between Planning for Urban Uses and Safeguarding Rural Land).

The petitioner proposes a Light Industrial (I-1) zone in order to develop a 1½-acre lot into a light industrial use, with associated off-street parking.

CASE REVIEW

The petitioner requests a zone change from an Agricultural Urban (A-U) zone to a Light Industrial (I-1) zone.

The subject property is located just to the southwest of the signalized Georgetown Road intersection with Citation Boulevard. The subject property, which is currently vacant, is also bordered by property owned by the petitioner. The area is generally characterized by light industrial land use along the west side of Georgetown Road, with the exception of the Konner Woods subdivision and the Imani Baptist Church a short distance to the south, south of Sandersville Road. The Rood & Riddle Equine Hospital and a vacant B-3 zoned parcel are located across Georgetown Road from this location. Also, several residential neighborhoods are located along the east side of the corridor, including Coldstream Station, Oakwood and Highlands – all south of the subject site.

Almost all of the land between Georgetown Road and the Norfolk-southern railroad line (to the west) located between New Circle Road and Spurr Road is prime “jobs land” that is either already developed or is in the process of being developed. In fact, this applicant is currently constructing a large sales and service facility for construction equipment a short distance west of the subject property, which will be accessed from Jaggie Fox Way, and have easy access to both Georgetown Road and Citation Boulevard. Their land, and other nearby land, is located in either a Heavy Industrial (I-2) zone or a Light Industrial (I-1) zone. A portion of the applicant’s other property (to the west) lies within the Royal Spring Aquifer recharge area for the City of Georgetown’s water supply, and other I-1 zoned property within the immediate area has been restricted with conditional zoning restrictions.

The 2013 Comprehensive Plan no longer focuses on specific, land use recommendations, but utilizes a policy-based document to provide considerably more flexibility. From 1976–2007, previous Comprehensive Plans have recommended light industrial future land use for the subject property, which is clearly reflective of the available infrastructure and compatibility with the surrounding development and character. The 2013 Comprehensive Plan suggests that more “jobs land” is needed, meaning additional land permitting employment opportunities should be seriously considered (Theme C: Creating Jobs and Prosperity). This is contrary to the past history since the 1990s, where several tracts of land have been rezoned along Georgetown Road, including land south of the subject site near Konner Woods and Imani Baptist Church.

The applicant asserts that this proposal is in furtherance of the 2013 Comprehensive Plan, and the staff concurs. Their justification is that the existing Agricultural Urban (A-U) zone for the subject site is inappropriate and the proposed Light Industrial (I-1) zone is appropriate. This small parcel is surrounded by either Georgetown Road or I-1 zoning, and all public facilities and utilities are now available to the subject site. Unlike the equine hospital across Georgetown Road, the subject site has no future utility in an A-U zone, as it is too small to be operated for a viable agricultural use. An I-1 zone will permit it to fit into its light industrial neighborhood, and also further the Goals and Objectives of the 2013 Plan.

The Staff Recommends: Approval, for the following reasons:

1. The requested Light Industrial (I-1) zone is appropriate and the existing Agricultural Urban (A-U) zone is no longer appropriate for the subject property, for the following reasons:
 - a. The 2013 Plan’s Theme C: “Creating Jobs and Prosperity” identifies the need to protect and provide readily available economic development land to meet the need for jobs. This A-U zone is not appropriate for job creation.
 - b. The proposed I-1 zone is better able to fulfill the goal of increasing opportunities for employment locations within the Urban County.
 - c. The west side of Georgetown Road corridor is primarily industrial in nature, and a significant portion of the land between Georgetown Road and the Norfolk-Southern railroad line, between New Circle Road and Spurr Road, is prime “jobs land” that is either developed or is in the process of being developed; thus, demand does exist for light industrial zoning and land use in the immediate area.
 - d. The proposed Light Industrial (I-1) zone is appropriate and is compatible with the adjoining zoning and land uses.
 - e. The subject property has been recommended for Light Industrial land use for the past four decades.
2. This recommendation is made subject to the approval and certification of ZDP 2016-51: Wayne Supply, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission’s approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restriction(s) should be put into effect for the subject property:
 - a. No lighting may be directed toward any adjacent property located in either an Agricultural or Residential zone.

This restriction is necessary to prevent any intrusion of light from this industrial site to non-industrial locations along US 25.

- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, May 5, 2016, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Mike Cravens, David Drake, Carolyn Richardson, and Bill Wilson. The Committee members reviewed applications and made recommendations as noted.

A. **PUBLIC HEARING ON ZONE MAP AMENDMENT**

The procedure for these hearings is as follows:

- Staff Reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) proponents (10 minute maximum OR 3 minutes each)
 - (b) objectors (30 minute maximum) (3 minutes each)
- Rebuttal & Closing Statements
 - (a) petitioner's comments (5 minute maximum)
 - (b) citizen objectors (5 minute maximum)
 - (c) staff comments (5 minute maximum)
- Hearing closed and Commission votes on zone change petition and related plan(s)

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the hearing. The Chair will announce its decision at the outset of the hearing.

1. **WHAYNE SUPPLY COMPANY ZONING MAP AMENDMENT & WHAYNE SUPPLY ZONING DEVELOPMENT PLAN**

- a. **MAR 2016-15: WHAYNE SUPPLY COMPANY (7/3/16)*** - petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Light Industrial (I-1) zone, for 1.47 net (2.03 gross) acres, for property located at 2201 Georgetown Road.

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 Comprehensive Plan identifies the need to protect and provide readily available economic development land to meet the need for jobs (Theme C: Creating Jobs and Prosperity), as well as encouraging development in a compact and contiguous manner (Theme E: Maintaining a Balance Between Planning for Urban Uses and Safeguarding Rural Land).

The petitioner proposes a Light Industrial (I-1) zone in order to develop a 1½-acre lot into a light industrial use, with associated off-street parking.

The Zoning Committee Recommended: **Approval**, for the reasons provided by the staff.

The Subdivision Committee Recommended: **Approval**, for the following reasons:

1. The requested Light Industrial (I-1) zone is appropriate and the existing Agricultural Urban (A-U) zone is no longer appropriate for the subject property, for the following reasons:
 - a. The 2013 Plan's Theme C: "Creating Jobs and Prosperity" identifies the need to protect and provide readily available economic development land to meet the need for jobs. This A-U zone is not appropriate for job creation.
 - b. The proposed I-1 zone is better able to fulfill the goal of increasing opportunities for employment locations within the Urban County.
 - c. The west side of the Georgetown Road corridor is primarily industrial in nature, and a significant portion of the land between Georgetown Road and the Norfolk-Southern railroad line, between New Circle Road and Spurr Road, is prime "jobs land" that is either developed or is in the process of being developed; thus, demand does exist for light industrial zoning and land use in the immediate area.
 - d. The proposed Light Industrial (I-1) zone is appropriate and is compatible with the adjoining zoning and land uses.
 - e. The subject property has been recommended for Light Industrial land use for the past four decades.
2. This recommendation is made subject to the approval and certification of ZDP 2016-51: Whayne Supply, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restriction(s) should be put into effect for the subject property:
 - a. No lighting may be directed toward any adjacent property located in either an Agricultural or Residential zone.

This restriction is necessary to prevent any intrusion of light from this industrial site to non-industrial locations along US 25.

* - Denotes date by which Commission must either approve or disapprove request.

- b. ZDP 2016- 51: WHAYNE SUPPLY (7/3/16)* - located at 2201 Georgetown Road. (Arnold Consultants)

Note: This plan was postponed by the Commission at its May 28, 2016, meeting.

The Subdivision Committee Recommended: Postponement. There are questions regarding the proposed access to the subject site, and the possible incorporation of this development with the adjoining property.

Should this plan be approved, the following requirements should be considered:

1. Provided the Urban County Council rezones the property I-1; otherwise, any Commission action of approval is null and void.
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 building coverage and floor area site statistics, as required by Article 21-6(b)(13) of the Zoning Ordinance.
8. Addition of tree inventory and species information, as required by Article 26 of the Zoning Ordinance.
9. Addition of adjoining property owner's information on plan.
10. Denote existing and proposed (requested) zoning in site statistics.
11. Denote that protection measures for the Royal Spring Aquifer shall be determined at the time of the Final Development Plan.
12. Discuss expanding the plan to include the proposed and the approved adjoining development.
13. Discuss access to adjoining development per notes #11 and #12.

Zoning Presentation - Mr. Sallee presented the staff report for this zoning map amendment filed by Whyne Supply Company, and explained that this is a petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Light Industrial (I-1) zone, for 1.47 net (2.03 gross) acres, for property located at 2201 Georgetown Road.

Mr. Sallee directed the Commission's attention to a rendering of the zoning map of the area in order to orient them to the location of the subject property and the nearby street system. He indicated that the subject property is located on the west side of Georgetown Road, south of Citation Boulevard. He indicated that, with the exception of the subject property, the area is characterized by Light Industrial (I-1) zoning. He said that the subject property is located caddy corner to the Rood & Riddle Equine Hospital, which is also zoned A-U, and that this site is directly across from a 20-acre vacant parcel that is zoned B-3.

Mr. Sallee said that the applicant is requesting the zone change from A-U to I-1 in order for the single parcel to match the zoning on its three sides. He explained that the applicant, not only owns the subject property, but also owns the three parcels adjacent to the subject property, as well as property to the west that fronts on Jaggie Fox Way. He noted that Jaggie Fox Way is an industrial collector street that will tie into Citation Boulevard; it will connect to Innovation Drive and Sandersville Road.

Mr. Sallee said that the 2013 Comprehensive Plan no longer has a detailed land use element, but in the applicant application, they had stated that this zone change asserts that this proposal is in furtherance of the 2013 Comprehensive Plan. The staff concurs with that and Mr. Sallee explained that from 1976-2007 the previous Comprehensive Plan had recommends light industrial land use for this area on the west side of Georgetown Road. He said that the applicant's justification stated that the existing A-U zone is no longer appropriate and the requested I-1 zone is appropriate at this location. The staff agrees with the applicant's justification for the requested zone change. He said that the subject property is surrounded on three sides by I-1 zoning and should the Commission approve this request, the zoning in this area would match, exactly. Also the size of the property being about 1½ acre makes it infeasible for a viable agricultural use, unlike the equine hospital that is directly across Georgetown Road.

Mr. Sallee said that the Zoning Committee and the staff are recommending approval of this zone change, for the following reasons:

1. The requested Light Industrial (I-1) zone is appropriate and the existing Agricultural Urban (A-U) zone is no longer appropriate for the subject property, for the following reasons:
 - a. The 2013 Plan's Theme C: "Creating Jobs and Prosperity" identifies the need to protect and provide readily available economic development land to meet the need for jobs. This A-U zone is not appropriate for job creation.
 - b. The proposed I-1 zone is better able to fulfill the goal of increasing opportunities for employment locations within the Urban County.
 - c. The west side of Georgetown Road corridor is primarily industrial in nature, and a significant portion of the land between Georgetown Road and the Norfolk-Southern railroad line, between New Circle Road and Spurr Road, is prime "jobs land" that is either developed or is in the process of being developed; thus, demand does exist for light industrial zoning and land use in the immediate area.

* - Denotes date by which Commission must either approve or disapprove request.

- d. The proposed Light Industrial (I-1) zone is appropriate and is compatible with the adjoining zoning and land uses.
- e. The subject property has been recommended for Light Industrial land use for the past four decades.
2. This recommendation is made subject to the approval and certification of ZDP 2016-51: Whyne Supply, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restriction(s) should be put into effect for the subject property:
 - a. No lighting may be directed toward any adjacent property located in either an Agricultural or Residential zone.

Mr. Sallee said that this recommendation is made subject to the Commission's approval and certification of the preliminary development plan that was submitted for the site. He noted that the staff is also recommending one conditional zoning restriction, which would prevent any intrusion of light from this industrial site to non-industrial locations along US 25.

Development Plan Presentation - Mr. Martin presented the preliminary development plan for property located at 2201 Georgetown Road. He oriented the Commission to a rendering of the plan the subject property, and explained the layout of the site includes a single building with the associated parking. He said that the subject property is 1.47 acres in size and the applicant is proposing a 9,000 sq. ft. building. He then said that there is an existing driveway access into this site off Georgetown Road.

Mr. Martin said that the request itself is fairly simple, but there is a larger issue with that has been impacting this plan from the beginning and that is access off Georgetown Road. He explained that the Division(s) of Planning and Traffic Engineering were concerned with the access off Georgetown Road. He said that the staff wanted to incorporate the site access into what had already been approved to see how access for the overall area would work. He then said that the key to this is transportation and an appropriate street or easement system to serve this area. Mr. Martin said that the applicant submitted a revised version of this zoning development plan, and it shows easements running through the subject site from Georgetown Road to the back of the property, which would serve the subject site and the adjacent property. He noted that, with the exception of having access off an approved street intersection, there are plat restrictions preventing access off Georgetown Road, Citation Boulevard. He said that the staff wants access to be appropriately spaced and lined up on Georgetown Road. He added that the proposed access into the site does line up.

Mr. Martin stated that with the applicant addressing the access concerns, the staff can now offer the Planning Commission a revised recommendation for consideration with this Zoning Development Plan. He then said that the staff is recommending approval, subject to the following conditions:

1. Provided the Urban County Council rezones the property I-1; otherwise, any Commission action of approval is null and void.
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 building coverage and floor area site statistics, as required by Article 21-6(b)(13) of the Zoning Ordinance.
8. Addition of tree inventory and species information, as required by Article 26 of the Zoning Ordinance.
9. Addition of adjoining property owner's information on plan.
10. Denote existing and proposed (requested) zoning in site statistics.
11. Denote: that Protection measures for the Royal Spring Aquifer shall be determined at the time of the Final Development Plan.
12. ~~Discuss~~ Denote: ~~Expanding the plan to include the proposed and the approved adjoining development may be required at the time of the Final Development Plan.~~
13. ~~Discuss access to adjoining development per~~ Revise notes #11 and #12 to state that access to 2201 Georgetown Road shall be determined at the time of Final Development Plan.

Mr. Martin briefly explained that conditions #1-5 are typical sign-off requirements from the different Divisions of the LFUCG; and the remaining conditions are "cleanup" items that will be addressed prior to the final record plat being certified. He then said that he would try to answer any questions regarding the zone change request listed on today's agenda.

Commission Questions – Ms. Mundy asked if the applicant would be consolidating this property. Mr. Martin indicated that the applicant may consolidate the property, but they also may be creating lots for additional users. He said that this is why seeing how the street or easement system functions is important.

Representation – Steve Ruschell, attorney, was present representing the applicant. He said that the applicant wants to have a comprehensive plan for the development of this property. He then said that they want to provide safe

travels down Georgetown Road, as well as provide the most efficient movement of trucks, for his clients. He added that for those who have visited this site the construction of this area is well under way. This request will give this property a uniform zoning in order to move its development forward.

Mr. Ruschell said that his client does intend to subdivide those lots along Georgetown Road. He said that those lots may be for sale or used for ancillary purposes. The important thing is that this property would be developed to be safe and efficient to Georgetown Road.

Mr. Ruschell said that they are in agreement with the conditions as recommended by the staff, and requested approval of the MAR 2016-15 and ZDP 2016-51.

Commission Questions – Mr. Penn asked if the applicant intends to have access off Jaggie Fox Way. Mr. Ruschell replied affirmatively. Mr. Penn then asked if the internal street system would end up serving the outlots that would be created. Mr. Ruschell said that there may be a connection to the existing primary lot where the building is being constructed. He said that one of the lots may be used as an ancillary service for the sales department, so they need that connectivity through the development. He noted that they want the flexibility to open or close the access when needed.

Mr. Penn said that he wanted to know if the street system would be used throughout the development and what type of uses will be on the site. He then said that before the applicant submits their final development plan, he would like some understanding as to what will develop on that property. Mr. Ruschell indicated that that can be done, and explained that the building now under construction would be oriented toward Jaggie Fox Way, as would the primary entrance into that site.

Ms. Mundy said that the Commission would be hearing a text amendment concerning the environmentally sensitive areas and asked if that text amendment would impact this request. Mr. Sallee indicated that the staff did not believe the text amendment would impact the proposed zone change or the preliminary development plan now under consideration. He said that the text amendment concerns conditional uses and what the applicant is depicting on the development plan is not a conditional use. He then said that should the applicant propose a conditional use for any of the area's I-1 land, it is possible that those text amendment provisions would come into play. He added that it would be of interest to the Planning Commission at such time a Final Development Plan was submitted, but more importantly, it would be an issue for the Board of Adjustment as to whether or not that proposed use would be approved here.

Citizen Comments – There were no citizens present to comment on this proposal.

Action - A motion was made by Mr. Berkley, seconded by Mr. Smith, and carried 11-0 to approve MAR 2016-15: WHAYNE SUPPLY COMPANY, for the reasons provided by staff, subject to the conditional zoning restrictions as recommended by staff.

Action - A motion was made by Mr. Berkley, seconded by Ms. Mundy, and carried 11-0 to approve ZDP 2016- 51: WHAYNE SUPPLY, as recommended by the staff.