

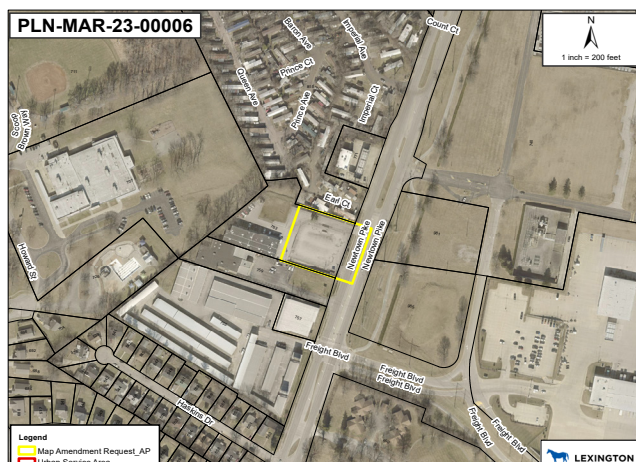
STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-23-00006: 763 NEWTOWN, LLC

DESCRIPTION OF ZONE CHANGE

Zone	From a Highway Service Business (B-3) zone
Change:	To a Wholesale and Warehouse Business (B-4) zone
Acreage:	0.911 net (1.163 gross) acres
Location:	763 Newtown Pike (a portion of)

EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	B-3/ B-4	Warehouse/Office Space
To North	I-1/B-1/B-3/M-1P	Mobile Home Park
To East	I-1	Lexmark Campus
To South	B-3	Shop of Special Trade
To West	A-U	Elementary School



URBAN SERVICE REPORT

Roads - The subject property is located on the west side of Newtown Pike (KY 922). Newtown Pike is a six-lane major arterial road that serves as Lexington's freight route, providing connections to Interstate-64/75. New Circle Road (KY 4), a six-lane major arterial roadway, is located about ½ of a mile to the north. Several local streets intersect Newtown Pike near the property, the closest being Earl Court.

Curb/Gutter/Sidewalks - The western side of Newtown Pike is equipped with, curb, gutter, and sidewalks.

Utilities - All utilities, including natural gas, electric, water, phone, cable television, and internet are available in the area, and are able to serve the proposed development.

Storm Sewers - The property is located within the Cane Run watershed. Storm sewers exist in this portion of the Urban Service Area. No FEMA Special Flood Hazard Area exists on the property, but the subject property is located within the Royal Spring Aquifer Recharge Area, where special care is needed in order to better protect the aquifer.

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 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 Industry Road. 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.

Transit - This area is served by the Newtown and Mercer Road routes (#4 and #22), with a stop near the intersection of Utility Drive and Newtown Pike.

Parks - Douglass Park is located less than 150 feet west of the subject property.

SUMMARY OF REQUEST

The applicant is seeking a zone change from the Highway Service Business (B-3) zone to a restricted Wholesale and Warehouse Business (B-4) zone in order to expand an existing warehouse use.

PLACE-TYPE

INDUSTRY &
PRODUCTION CENTER

The Industry and Production Center Place-Type is where Lexington’s most intense types of economic development and job creation occur. These places should be located near major corridors to facilitate efficient and affordable shipping and transportation of goods throughout the region while minimizing the impact on the traffic infrastructure throughout the rest of the community. Special care should be taken to address the environmental impact of these places as well as their impact on residents.

DEVELOPMENT TYPE

INDUSTRIAL & PRODUCTION
NON-RESIDENTIAL

Primary Land Use, Building Form, & Design

Primarily employment land dedicated to the most intense types of employment-centric development. This is the only category where uses are inherently incompatible and are best separated from adjacent uses.

These uses are best suited in areas where they already exist, collocating to utilize industrial-scale infrastructure to serve the needs of the users. Environmental protection measures should be taken to minimize impacts.

Transit Infrastructure & Connectivity

These uses are also heavy employers and should incorporate mass transit infrastructure, on par with that of other modes, to connect residents to their jobs.

PROPOSED ZONING



The intent of this zone is to provide for wholesaling, warehousing, storage operations and establishments whose activity is of the same general character as the above. Establishments within this zone should focus on supportive uses to both industrial and residential needs and should act as a buffer between more intense and less intense land uses. To a lesser extent and where applicable, this zone is also intended to provide for the mixture of uses that promotes the adaptive reuse and redevelopment of older structures. The reuse of older structures is intended to allow for a more sustainable option for the revitalization of applicable properties, while providing employment, residential, and/or entertainment opportunities for the surrounding neighborhoods. Consideration should be given to the relationship of this zone to the surrounding land uses and the adequacy of the street system to serve the anticipated traffic needs. This zone should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.

PROPOSED USE



This petitioner is proposing a restricted Wholesale and Warehouse Business (B-4) zone in order to construct an additional structure within an existing warehousing project. As proposed, this portion of the development will consist of a new 10,080 square-foot building, divided into four (4) separate bays, along with corresponding parking areas and landscaping.

APPLICANT & COMMUNITY ENGAGEMENT



The letter of justification submitted by the applicant does not indicate whether any public engagement has taken place. The applicant should provide greater information on their community outreach efforts.

PROPERTY & ZONING HISTORY



The subject property has been zoned Highway Service Business (B-3) since before the 1969 comprehensive rezoning of the city and county. Historically, the subject property was utilized for an automobile service station and storage uses, with a single family residence located to the rear of the property. Both structures were demolished at some point between 2002 and 2007.

In 2009, the subject property was included in the study area for the adopted Central Sector Small Area Plan. The property is specifically located in Subarea A, which generally includes the areas north of downtown, and west of Newtown Pike. The plan's approach to this subarea emphasized neighborhood compatible growth, and encouraged utilizing opportunities for redevelopment and reinvestment.

In 2011, the rear portion of the subject property was rezoned from B-3 to a restricted B-4 zone in order to accommodate the site's current warehouse space (2011-1cz). At that time, specific conditional zoning restrictions were implemented to limit certain uses that could negatively impact the surrounding residential and public uses, as well as establish landscaping and screening buffers. The front portion of the property remained Highway Service Business (B-3) zone, and was utilized as a contractor equipment sales use from 2015 to 2018. This portion of the subject property has remained vacant since the contractor equipment sales use was abandoned around 2019.

COMPREHENSIVE PLAN COMPLIANCE



The 2018 Comprehensive Plan, *Imagine Lexington*, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. 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.

GOALS, OBJECTIVES, & POLICIES

The applicant opines that the proposed rezoning is in agreement with the adopted Goals, Objectives, and Policies of the 2018 Comprehensive Plan. By redeveloping an underutilized and vacant portion of the property, the applicant indicates that the proposal meets goals relating to supporting infill and redevelopment (Theme A, Goal #2). The applicant further contends that the proposed warehouse space will strengthen job opportunities (Theme C, Goal #2) by providing space for small businesses and contractors to operate (Theme C, Goal #2.b). Finally, the applicant opines that by redeveloping and intensifying the front portion of the site, the proposal contributes to strengthening of the Newtown Pike corridor (Theme E, Goal 1.c).

While not specifically described by the applicant, the proposal meets several Comprehensive Plan policies, including supporting the enhancement, reuse, and/or redevelopment of underutilized property (Growth Policy #10), and creating development that is sensitive to the surrounding context (Design Policy #4).

The staff agrees with these aspects of the applicant's proposal and that these Goals, Objectives, and Policies of the 2018 Comprehensive can be met with the proposed development.

PLACE-TYPE, DEVELOPMENT TYPE, AND ZONE

In an effort to allow for the greatest contextual development of Lexington's Urban Service Area, a Place-Type based on the location of the subject property is identified. Within each Place-Type there are recommended Development Types based on the form and function of the proposed development. Based on the Place-Type and Development Type there are also several recommended zones that are most appropriate based on the Goals, Objectives, and Policies of the 2018 Comprehensive Plan. While these zones are the ideal zoning categories to develop within a specified area, other zones may be considered, provided there is an appropriate justification addressing the unique situation and provided the development is able to adequately meet the associated Development Criteria.

The applicant indicates that the proposed development is located within the Industry and Production Place-Type and an Industry and Production Non-Residential Development Type. Within this Place-Type and Development Type, the Comprehensive Plan states that special care should be taken to address the



environmental impact of these places, as well as their impact on residents. Typically, the appropriateness of the Industry and Production Place-Type is heavily reliant, not only on the surrounding land use, but the infrastructure that is available to support such a development. The subject property is already zoned B-4 to the rear of the site, and is located along Newtown Pike, the identified freight route for the county. The location of the site is advantageous for the warehousing of goods and their distribution. Based on the location and historical context of this area, Staff agrees that the Industry and Production Place-Type can be appropriate for the subject property and, with appropriate consideration given to the adjacent residential uses and environmentally sensitive areas, the proposed Industry and Production Non-Residential Development Type can be appropriate for the subject property.

Finally, the applicant has requested the rezoning of the property to a restricted Wholesale and Warehouse Business (B-4) zone, which is a not recommended zone for the Industry and Production Place-Type and Industry and Production Non-Residential Development Type. While the B-4 zone is not a recommended zone, an applicant can seek any zone, providing the applicant's justification addresses the criteria of the Place-Type and Development Type, while also addressing the intent of the Place-Type and Development Type. The applicant argues that B-4 is appropriate in this instance, as the proposed zoning is similar to the recommended Light Industrial (I-1) and Heavy Industrial (I-2) zones in that it facilitates economic development, job creation, and benefits from being located along arterial roadways. Staff agrees that a restricted B-4 zone can be appropriate at this location, especially given the fact that the rear portion of the lot is already located in a B-4 zone.

DEVELOPMENT CRITERIA

The development criteria for a zone change are the distillation of the adopted Goals and Objectives, as well as the policies put forth in the 2018 Comprehensive Plan. The development criteria represent the needs and desires of the Lexington-Fayette Urban County community in hopes of developing a better built environment. The applicable criteria are defined based on the proposed Industry and Production Place-Type and is seeking to create an Industry and Production Non-Residential Development Type.

1. Site Design, Building Form and Location

The proposed rezoning meets many of the criteria for Site Design, Building Form and Location, as the proposal expands employment opportunities for shops of special trade, minimizes the impact on environmentally sensitive areas, and avoids over parking.

2. Transportation and Pedestrian Connectivity

As a whole, the proposed rezoning meets many of the criteria for Transportation and Pedestrian Connectivity, as the development will provide pedestrian connectivity throughout the entire development, and will connect into the existing pedestrian networks along Newtown Pike. Pedestrian connectivity in this area could be enhanced by upgrading the existing sub-standard sidewalk along Newtown Pike.

3. Greenspace and Environmental Health

The proposed rezoning meets the criteria for Greenspace and Environmental Health as it reduces the amount of impervious surface on-site, increases tree canopy coverage, and protects the natural features on the site, including the Royal Springs Aquifer Recharge Area.



PARKING DEMAND MITIGATION STUDY

Under the requirements of the newly adopted Parking and Landscaping Zoning Ordinance Text Amendment, all "Significant Developments," or developments with over 5,000 square-feet of building coverage that require a Zoning Map Amendment, shall provide a Parking Demand Mitigation Study for the project that details the following information:

1. Review of national best practices for parking calculations for the project, including the current ITE Manual Parking ranges or the ranges produced by the ITEParkGen Report;
2. The anticipated parking demand for the project;
3. How the anticipated parking demand will be satisfied on-site or off-site;
4. The methods and strategies to be implemented in order to reduce vehicle trips by site users;

5. The methods and strategies to be implemented in order to promote transportation options by site users;
6. The projected mode share by site users from the utilization of the study's strategies.

Within the applicant's most recent review of the parking demand, they have provided specific numbers regarding the ITE manual for a warehouse use. Based on the provided square footage, the ITE manuals indicate that the development as a whole would require 44 spaces. The applicant's plan shows a total of 49 spaces, spread between the existing and proposed development. The applicant further notes that existing pedestrian facilities along Newtown Pike and the two nearby transit routes would further reduce vehicular trips to the site.



CONDITIONAL ZONING RESTRICTIONS

In an effort to alleviate some of the potential adverse impacts on the adjoining residential uses, while also preserving the integrity of the Royal Springs Aquifer Recharge Area, the following uses are proposed by the applicant to be prohibited via conditional zoning:

Prohibited Uses:

- i. *Ice Plants.*
- ii. *Tire re-treading and re-capping.*
- iii. *Outdoor storage and display of equipment and inventory associated with establishments and lots for rental, repair or sale of automobiles, trucks, mobile homes, recreational vehicles, motorcycles or boats.*
- iv. *Truck terminals and freight yards.*
- v. *Automobile service stations.*
- vi. *Establishments for the display and sale of pre-cut, pre-fabricated, or shell homes.*
- vii. *Circuses and carnivals.*
- viii. *Pawn shops.*
- ix. *Mining.*
- x. *Kennels and animal hospitals.*
- xi. *The northernmost unit of Building B shall not have major or minor automobile and truck repair.*
- xii. *Parking lots and structures as principal uses.*

The restricted uses proposed by the applicant are identical to the existing conditional zoning use restrictions that were established when the rear portion of the property was rezoned in 2011. Staff does recommend making several modifications to the proposed use list. As pawn shops are already prohibited by the zone, use #8 can be removed. Additionally, due to the closer proximity of the proposed structure to the mobile home park, staff recommends amending use #11 to prohibit minor or major automobile and truck repair on the entirety of this portion of the site. Finally, due to the location of the property within the Royal Springs Aquifer Recharge Area, staff recommends prohibiting all above ground and underground storage tanks.

The applicant's current proposal does not include the additional landscaping and buffering restrictions that were also implemented during the 2011 rezoning in order to protect the adjoining mobile home park and school properties. Some of these buffering and landscaping requirements were specifically tailored to particular areas of the site that would not apply to the portion of the property being rezoned with this request, thus are unnecessary. The following is a revised list of buffering and landscaping requirements that are consistent with the earlier requirements placed on the rear of the property in 2011, but adapted to this portion of the site:

Landscaping and Buffering

1. *A 50-foot building setback shall be established from any mobile home (at their present locations; excluding any porches, stairs or attached accessory structures) located within the mobile home park to the north of the subject property.*
2. *A 10-foot land use buffer shall be provided along the property line adjoining the mobile home park, consisting of a 6-foot tall privacy fence, with one tree per 20 feet, planted on center.*
3. *There shall be no outside loudspeakers.*
4. *Exterior lighting shall be designed to prevent light shining directly from the source to the adjoining mobile home park to the north.*



Staff finds that these restrictions are appropriate and necessary to protect the adjoining residential uses, to preserve the Royal Springs Aquifer Recharge Area, to maintain consistency with other conditional zoning restrictions in this area, and to promote employment that is appropriate along Lexington's designated freight corridor.

STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASONS:



1. A restricted Wholesale and Warehouse Business (B-4) zone is in agreement with the 2018 Comprehensive Plan's Goals, Objectives, and Policies for the following reasons:
 - a. The proposed project will support infill and redevelopment by intensifying a vacant and underutilized portion of the property within the Urban Service Boundary (Theme A, Goal #2).
 - b. The proposed facility strengthen job opportunities (Theme C, Goal #2) by providing additional warehouse space for small businesses and contractors to operate (Theme C, Goal #2.b), similar to the existing units on the site.
 - c. The proposal strengthens the Newtown corridor by redeveloping the vacant portion of the property closest to the roadway. (Theme E, Goal 1.c).(Theme D, Goal #2.c).
 - d. The proposal supports the redevelopment of underutilized property (Growth Policy #10).
 - e. The request creates a development that is sensitive to the surrounding context (Design Policy #4).
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location, as the proposal expands employment opportunities for shops of special trade, minimizes the impact on environmentally sensitive areas, and avoids overparking.
 - b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity, as the proposal will provide pedestrian connectivity throughout the entire development, and will connect into the existing pedestrian networks along Newtown Pike.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will decrease the overall amount of impervious surface, increase tree canopy coverage, and protects the natural features on the site, including the Royal Springs Aquifer.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are recommended via conditional zoning:

Prohibited Uses:

 - i. Ice Plants.
 - ii. Tire re-treading and re-capping.
 - iii. Outdoor storage and display of equipment and inventory associated with establishments and lots for rental, repair or sale of automobiles, trucks, mobile homes, recreational vehicles, motorcycles or boats.
 - iv. Truck terminals and freight yards.
 - v. Automobile service stations.
 - vi. Establishments for the display and sale of pre-cut, pre-fabricated, or shell homes.
 - vii. Circuses and carnivals.
 - viii. Mining.
 - ix. Kennels and animal hospitals.
 - x. Major or minor automobile and truck repair.
 - xi. Parking lots and structures as principal uses.
 - xii. All above ground and underground storage tanks.



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2. *A 10-foot land use buffer shall be provided along the property line adjoining the mobile home park, consisting of a 6-foot tall privacy fence, with one tree per 20 feet, planted on center.*
3. *There shall be no outside loudspeakers.*
4. *Exterior lighting shall be designed to prevent light shining directly from the source to the adjoining mobile home park to the north.*

These restrictions are appropriate and necessary for the following reasons:

1. The restrictions help protect and buffer the adjoining residential and public uses from potentially incompatible land uses and development.
 2. These restrictions help preserve the integrity of the Royal Springs Aquifer Recharge Area,
 3. The modification of the permitted uses maintains consistency with existing conditional use restrictions in this area, and helps promote employment that is appropriate along Lexington's designated freight corridor.
4. This recommendation is made subject to approval and certification of PLN-MJDP-23-00026: A-1 Service and Edster Property (AMD), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.