

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MARV 2011-17: SRC OF LEXINGTON, LLC

DESCRIPTION

Zone Change: From a Wholesale and Warehouse Business (B-4) zone
To a Light Industrial (I-1) zone

Acreage: 3.18 net (3.82 gross) acres

Location: 1133 Industry Road

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	B-4	Warehouse & Parking Lot
To North	B-4	Wholesale Businesses & Electric Substation
To East	B-4	Wholesale Businesses
To South	I-1	Light Industrial & Indoor Recreational Facility
To West	I-1	Light Industrial & Railroad Spur

URBAN SERVICES REPORT

Roads – The subject property is located on Industry Road, a local commercial street connecting Eastland Drive to New Circle Road (KY 4). Industry Road is about 100' wide and has a 31' wide median at this location. The nearest signalized intersection is at New Circle and Industry Road. Eastland Drive generally parallels Winchester Road (US 60).

Curb/Gutter/Sidewalks – Industry Road was constructed years ago under County road standards, which did not include curb, gutter or sidewalk improvements. At this time, no further improvements to Industry Road are anticipated to be necessary to serve the change of use proposed for the subject property.

Storm Sewers – The subject property is located at the western edge of the North Elkhorn watershed. Storm sewer facilities were not generally constructed for this property at the time it was initially developed for the warehouse use. However, there is a natural drainage area between the subject property and the adjacent railroad spur. There are no known flooding or drainage problems in the immediate area of the subject property (although some have been documented ¼ mile south of this site), and it is not located within a Special Flood Hazard Area, as defined by FEMA.

Sanitary Sewers – The subject property is served by the Town Branch Wastewater Treatment Plant. The existing sanitary sewer system, which already serves this site, will be utilized to allow the use now proposed for the subject property.

Refuse – The Urban County Government serves this portion of the Urban Service Area with collection on Tuesdays. The proposed commercial use may also contract for additional private collection to supplement services, as necessary.

Police – The nearest police station is the Central Sector Roll Call Center, located near the Eastland Shopping Center, ¼ mile to the south of the subject property.

Fire/Ambulance – The nearest fire station (No. 2) is about one mile to the north of the subject property, on New Circle Road near Meadow Lane.

Utilities – All utilities, including gas, electric, water, phone, and cable TV are available in the area, and can be extended to serve the new business use on the subject property.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan recommends Wholesale and Warehouse (WW) land use for the subject property. The Central Sector Small Area Plan, an adopted amendment to the 2007 Plan, recommends the same land use for this location, but also (in Subarea "E") identifies the subject property as in a "mix of light industrial" uses as one travels west of Winchester Road. The existing building on the subject property is proposed to permit rebuilding and refurbishment of engines and transmissions for large mining and industrial machinery.

CASE REVIEW

The petitioner has requested a zone change from a Wholesale and Warehouse Business (B-4) zone to a Light Industrial (I-1) zone for slightly more than three acres located at 1133 Industry Road.

The subject property is comprised of a large parcel located on the northwest side of Industry Road, just to the north of Eastland Drive. It is adjacent to a rail spur to the rear, and the large building on the subject property is currently used as a warehouse. The nearest residential zone is almost 1,000 feet due north of the subject property.

The applicant operates at a slightly larger facility immediately to the west of the subject property (at 1105 Eastland Parkway). They propose to expand their operation to this site to permit refurbishing and rebuilding of engines and transmissions for mining and industrial machinery within the existing building constructed in the early 1960s. The building currently contains approximately 32,000 square feet, and the site can accommodate about 40 off-street parking spaces. There are also covered (outdoor) storage areas on the site, and ample space on the site for maneuvering and temporary storage areas for tractor-trailer trucks.

The Division of Building Inspection has determined that this expansion requires a zone change, as the refurbishment proposed exceeds the scale and scope of that normally permitted in the existing B-4 zone. Although major auto repair is a permitted B-4 use, the size and scale of the proposed engines and transmissions used in mining and earth-moving equipment far exceed that of most passenger vehicles and trucks—even those for tractor-trailers.

The 2007 Comprehensive Plan recommends Wholesale and Warehouse (WW) land use for the subject property, as it generally recognizes the existing areas of B-4 zoning. This portion of the Urban Service Area is also in Subarea “E” of the Central Sector Small Area Plan, adopted as an amendment to the Comprehensive Plan in 2009, which did not change the specific land use recommendation for the subject property. However, this Small Area Plan did recognize a “cluster of business and light industrial activities” and a “mix of light industrial” uses generally along Eastland and Floyd Drives, which border Industry Road to the northwest and southeast. There were no specific recommendations provided by the Small Area Plan for the Industry Road vicinity. Of significance is that the basic use proposed by the applicant is generally a permitted use in the Wholesale and Warehouse Business (B-4) zone AND in the requested Light Industrial (I-1) zone. A restricted I-1 zone for the subject property, given the extensive prevalence of I-1 zoning in three directions from the subject site, can be in agreement with the mixture of uses identified in the recent Small Area Plan AND with the WW land use recommendation of the 2007 Comprehensive Plan.

By doing so, several Objectives to Goal 11 of the current Comprehensive Plan can also be furthered. Goal 11 is to, “Provide diverse business and employment opportunities for Lexington-Fayette County.” Since several objectives of the adopted Plan can also be advanced by the proposed use of the subject property; therefore the staff can conclude that, on the whole, the requested rezoning to a Light Industrial zone is in substantial agreement with the current Comprehensive Plan and its Small Area Plan amendment.

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

1. In this instance, a restricted Light Industrial (I-1) zone for the subject property is in substantial agreement with the 2007 Comprehensive Plan, and with the Central Sector Small Area Plan, which is an adopted amendment to that Plan, for the following reasons:
 - a. The use proposed for the subject property is generally permitted (except for the size of the machinery) in the B-4 zone, and is located in a “cluster of business/light industrial activities” more recently identified by the adopted Small Area Plan. The applicant’s proposed use closely aligns with the Wholesale and Warehouse (WW) land use category recommended at this location by the Plan.
 - b. Wholesale and Warehouse land use anticipates dealerships (and their corollary repair facilities) for trucks, airplanes, ships, boats and “goods which are extremely large, noisy, or inappropriate to

other business zones.” The engines and transmissions to be serviced and refurbished at this location are similar in size and in operation to this description, and would be clearly inappropriate to be located in any business zone.

- c. Several objectives to Goal 11 of the adopted Comprehensive Plan would be advanced by the proposed use of the subject property for the manner proposed by the applicant, instead of as a warehouse under the current zoning of the property.
2. This recommendation is made subject to the approval and certification of ZDP 2011-93: Eastland Subdivision, Block “A” prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of any Planning Commission approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are proposed for the subject property via conditional zoning:

ALLOWABLE USES:

- a. Principal permitted uses in the B-4 zone.
- b. Establishments and lots for the display, rental, sale, service or repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, tractor-trailer trucks, travel trailers, mobile homes, or supplies for such items.
- c. Car and truck washing establishments.
- d. Major or minor automobile and truck repair, including the repair, refurbishment and rebuilding of engines and transmissions of all sizes, provided that is conducted within completely enclosed buildings.
- e. The manufacturing, compounding, assembling, processing, packaging and similar treatment of sheet metal, ceramics, electrical parts, electronic instruments, radios, rubber and metal stamps, rubber products, clocks, engine parts, wire and materials ordinarily used in internal combustion engines.
- f. Other industrial and manufacturing uses, such as auto parts rebuilding, battery manufacturing, box and crate assembly, carpet cleaning, heating equipment manufacturing, and tool manufacturing.
- g. Conditional uses in the I-1 zone (provided the necessary permit is approved by the Board of Adjustment).

These restrictions are appropriate and necessary for the subject property to limit uses of the subject property to those more closely recommended by the Comprehensive Plan and/or the adopted Small Area Plan for this location and vicinity.