

AN ORDINANCE CHANGING THE ZONE FROM A NEIGHBORHOOD BUSINESS (B-1) ZONE TO A WHOLESALE AND WAREHOUSE BUSINESS (B-4) ZONE FOR 0.75 NET AND GROSS ACRES OF PROPERTY, LOCATED AT 1315 & 1353 WEST MAIN STREET (PORTIONS OF). (1321 W. MAIN, LLC; COUNCIL DISTRICT 2.)

WHEREAS, at a Public Hearing held on October 27, 2016, a petition for a zoning ordinance map amendment for property located at 1315 and 1353 West Main Street from a Neighborhood Business (B-1) zone to a Wholesale and Warehouse Business (B-4) zone, for 0.75 net and gross acres, was presented to the Urban County Planning Commission; said Commission recommending approval of the zone change by a vote of 10-0; 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:

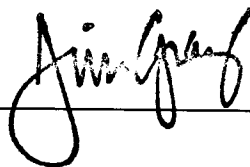
Section 1 - That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone for property located at 1315 and 1353 West Main Street from a Neighborhood Business (B-1) zone to a Wholesale and Warehouse Business (B-4) zone, for 0.75 net and gross acres; being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 - 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 3 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: December 6, 2016

MAYOR



ATTEST:


CLERK OF URBAN COUNTY COUNCIL

Published: December 8, 2016-1t
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LEGAL DESCRIPTION

OFFICE BUILDING PROPERTY
Zone Change from B-1 to B-4
PORTIONS OF 1315 & 1353 West Main Street
Lexington, Fayette County, KY

A TRACT OF LAND SITUATED AT THE CORNER OF BURLEY AVENUE AND STILLWELL AVENUE IN LEXINGTON, FAYETTE COUNTY, KY AND MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE PROPERTY, COMMON CORNER TO TWO STANTEC TRACTS, ADJACENT TO A SIDEWALK;
THENCE S 41°11'55" W A DISTANCE OF 148.54' TO A CORNER;
THENCE N 48°38'03" W A DISTANCE OF 40.87' TO A CORNER;
THENCE N 40°27'47" E A DISTANCE OF 42.08' TO A CORNER;
THENCE N 48°03'34" W A DISTANCE OF 55.80' TO A CORNER;
THENCE N 41°56'26" E A DISTANCE OF 5.03' TO A CORNER;
THENCE N 48°16'20" W A DISTANCE OF 54.85' TO A CORNER;
THENCE N 48°15'32" W A DISTANCE OF 49.33' TO A CORNER;
THENCE N 48°39'49" W A DISTANCE OF 99.97' TO A CORNER;
THENCE N 41°20'11" E A DISTANCE OF 100.22' TO A CORNER;
THENCE S 48°39'49" E A DISTANCE OF 100.00' TO A CORNER;
THENCE S 48°00'44" E A DISTANCE OF 49.01' TO A CORNER;
THENCE S 50°10'12" E A DISTANCE OF 49.03' TO A CORNER;
THENCE S 48°11'37" E A DISTANCE OF 103.01' TO A CORNER;
WHICH IS THE POINT OF BEGINNING,
HAVING AN AREA OF 32572.50 SQUARE FEET, 0.748 ACRES

SAID TRACT TO BE PLATTED IN FUTURE STEPS ALONG WITH REQUIRED ACCESS EASEMENTS TO THIS LANDLOCKED TRACT.

Said description prepared by Abbie Jones, PLS # 3963.

Rec'd by Bm
Date: 11-11-16


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

IN RE: PLN-MAR-16-00009: 1321 W. MAIN, LLC – petition for a zone map amendment from a Neighborhood Business (B-1) zone to a Wholesale and Warehouse Business (B-4) zone for 0.75 net and gross acres of property, located at 1315 & 1353 West Main Street (portions of). (Council District 2)

Having considered the above matter on **October 27, 2016**, at a Public Hearing, and having voted **10-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL** of this matter for the following reasons:

1. The requested Wholesale and Warehouse Business (B-4) zone is appropriate for the subject properties, for the following reasons:
 - a. The site has been used for commercial storage for an engineering firm for more than four decades. No retail, restaurant or office uses have supplanted this use during this time period.
 - b. Development of the site for self-storage warehouses will not require the highway visibility that most neighborhood-oriented commercial uses would require.
 - c. This use will provide a complimentary use to those in the established neighborhood of Meadowthorpe.
 - d. The Plan supports improvement of our community through infill development opportunities, such as that proposed.
2. The existing Neighborhood Business (B-1) zone is no longer appropriate for the subject properties since the site is so inaccessible from Leestown Road, unlike most all other commercial properties in Meadowthorpe.
3. This recommendation is made subject to approval and certification of PLN-MJDP-16-00032: Fuller, Et Al & Meadowthorpe Commercial Business Center, Unit 1, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

ATTEST: This 11th day of November, 2016.


Secretary, Jim Duncan

WILLIAM WILSON
CHAIR

Note: The corollary development plan, PLN-MJDP-16-00032: FULLER, ET. AL. PROPERTY & MEADOWTHORPE COMMERCIAL BUSINESS CTR, UNIT 1 was approved by the Planning Commission on October 27, 2016 and certified on November 10, 2016.

K.R.S. 100.211(7) requires that the Council take action on this request by January 25, 2017.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Abbie Jones, PE.**

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (10) Berkley, Cravens, Drake, Mundy, Owens, Penn, Plumlee, Richardson, Smith, and Wilson

NAYS: (0)

ABSENT: (1) Brewer

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR 16-00009** carried.

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

MAP AMENDMENT REQUEST (MAR) APPLICATION

1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)

Applicant: 1321 W MAIN LLC, 1315C W MAIN ST STE C, LEXINGTON, KY 40508 859-389-6976
Owner(s): NCJPM PROPERTIES LLC 1315 W MAIN ST STE C LEXINGTON KY 40508 859-389-6976
Attorney:

2. ADDRESS OF APPLICANT'S PROPERTY

1315 MAIN ST LEXINGTON KY (A PORTION OF) 1353 MAIN ST LEXINGTON KY (A PORTION OF)
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3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY

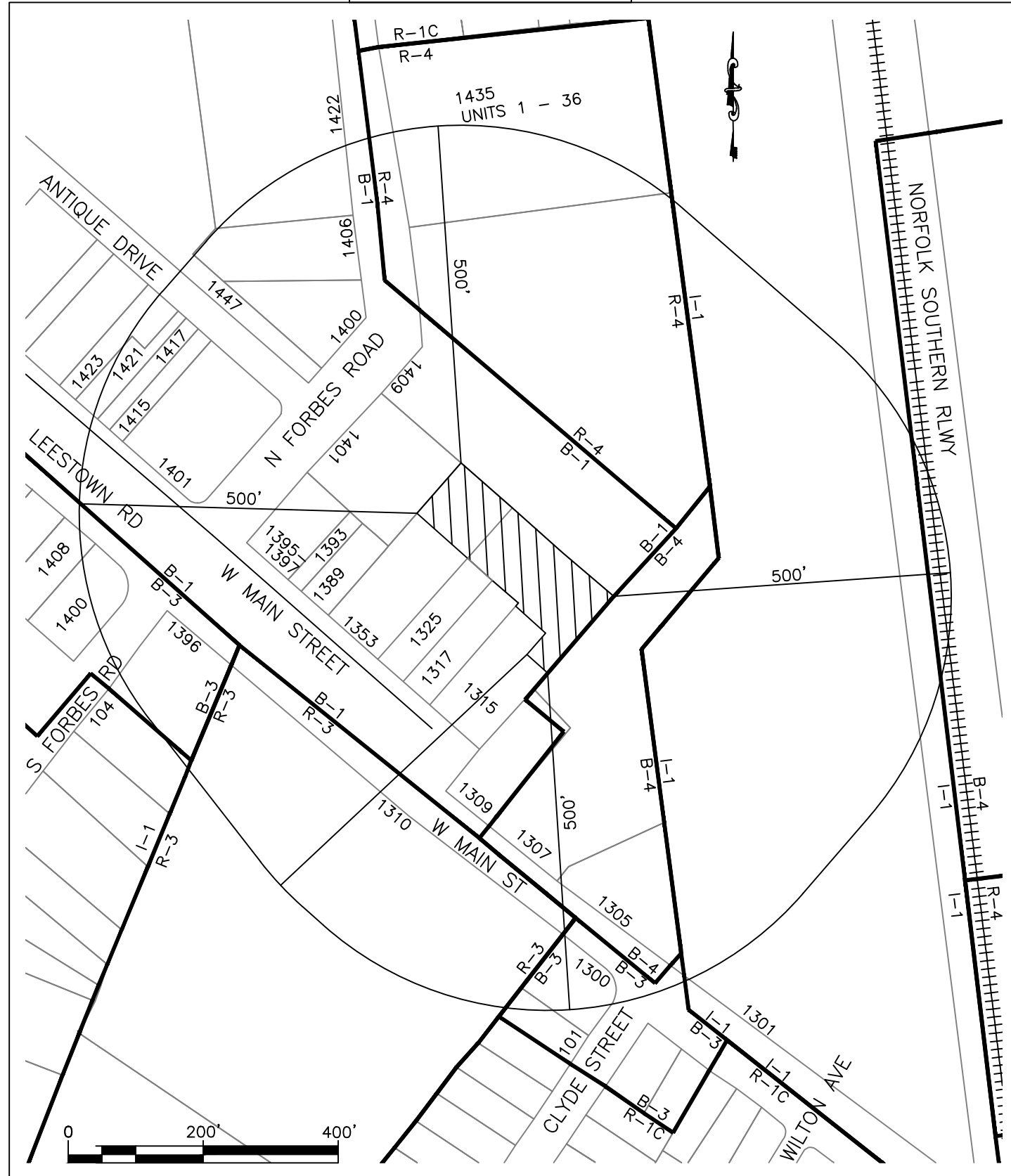
Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
B-1	warehouse	B-4	warehouse	0.518	0.518
B-1	office	B-4	warehouse	0.230	0.230

4. EXISTING CONDITIONS

a. Are there any existing dwelling units on this property that will be removed if this application is approved?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
b. Have any such dwelling units been present on the subject property in the past 12 months?	<input type="checkbox"/> YES <input checked="" 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 type="checkbox"/> NO

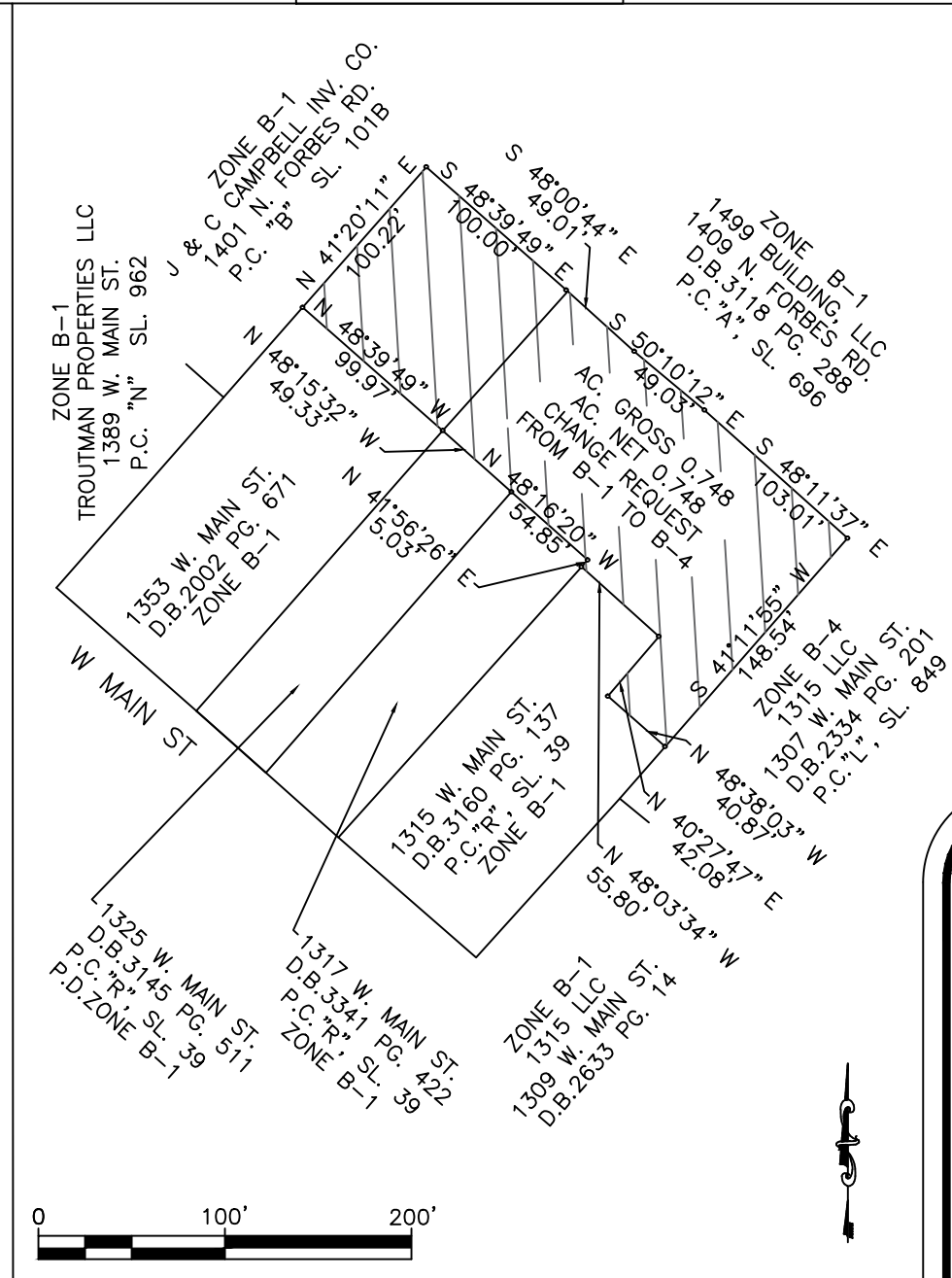


NOTIFICATION MAP
SCALE: 1" = 200'



		FROM	TO	NET	GROSS
ADDRESS	1315 W. MAIN (REAR)	B-1	B-4	0.518 AC.	0.518 AC.
ADDRESS	1353 W. MAIN (REAR)	B-1	B-4	0.230 AC.	0.230 AC.
DATE FILED	SEPTEMBER 1, 2016	TOTAL		0.748 AC.	0.748 AC.

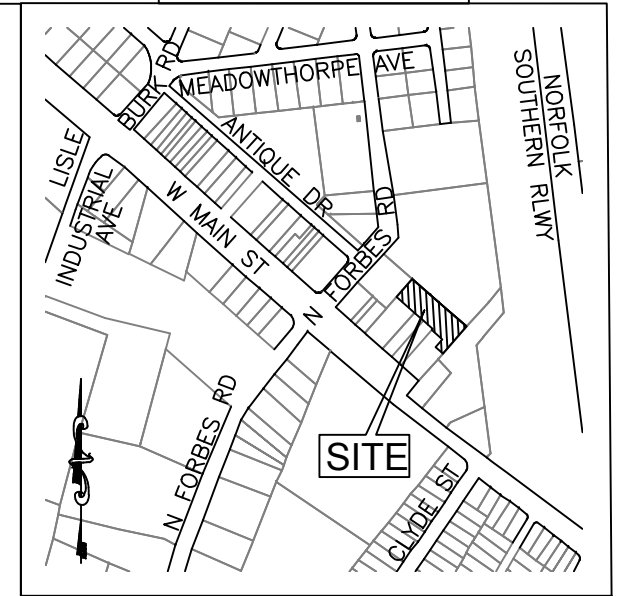
PROPERTY MAP
SCALE: 1" = 100'



Abbie Jones
consulting

ABBIE JONES CONSULTING
1022 FONTAINE RD
LEXINGTON, KY 40502
WWW.ABBIE-JONES.COM
859.559.3443

VICINITY MAP
N.T.S.



OWNERS
1315 W MAIN ST
1321 W MAIN ST LLC
1315C W MAIN ST,
LEXINGTON, KY 40508

1353 W MAIN ST (REAR)
LEESTOWN RD INSURANCE CENTER
1353 W. MAIN
LEXINGTON, KY 40508

Project: 2016-53 Scale: AS SHOWN Date: 09/16/2016

PROPERTY INFORMATION MAP

LOCATED AT:
1315 & 1353 W MAIN ST,
LEXINGTON, KY 40508
FAYETTE COUNTY

APPLICANT:
1321 W MAIN ST LLC
1315C W MAIN ST,
LEXINGTON, KY 40508

7. Justification

This underused land is proposed for infill/redevelopment. This rezoning to utilize currently vacant land inside the city center (increasing density) is appropriate because the property is within 1300 feet of the line Infill and Redevelopment limits and because the general concept of increased density is desired by the Comp. Plan.

The 1315 contractor's space has had materials warehoused continually since 1976 and the 1307 address has had warehouse space since 1952 according to city planning records, including an expansion in 1995. 1315 was originally home to the Stantec engineering offices before the space was outgrown and the office moved to the rear adjoiner, facing Forbes. Both the 1315 and 1307 property were part of the predecessor to Stantec, Fuller Mossbarger (FMSM) beginning in 1977. Both addresses would have stored materials and supplies as they were part of the same business. The existing Neighborhood Business (B-1) zoning is inappropriate since this property has been used continually for business and storage since 1976 and the adjoining B-4 property since 1952. The chain of users for this property have had warehouse uses for a long history.

A market demand exists for warehouse space of the 10'x10' unit configuration. The additional warehouse spaces are aimed at both residential and professional contractor use. From city staff suggestion, the configuration design has been proposed as a rear lot with access easements in two places which will make for easy in and out access. Staff also suggested the split zoning was the more ideal configuration, which is how the proposed request is submitted.

This zone change is appropriate since it is requested to provide expanded warehouse space which is not possible under the existing zone. Rezoning this new lot from B-1 to B-4 is consistent with the surrounding land uses which are office, parking lot, warehouse, and car repair.

This approval will require certification of a related ZDP.

The items requested are:

1. Zoning change from B-1 to B-4
2. Zoning Development Plan approval

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-16-00009: 1321 W. MAIN, LLC

DESCRIPTION

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

Acreage: 0.748 net and gross acres

Location: 1315 & 1353 West Main Street (portions of)

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	B-1	Vacant
To North	B-1	Offices & Accessory Parking
To East	B-4	Indoor and Outdoor Storage
To South	B-1	Offices & Retail Uses
To West	B-1	Shopping Center & Single Family

URBAN SERVICES REPORT

Roads – West Main Street/Leestown Road (US 421), is a major arterial that serves this portion of the community. It carries a large amount of traffic, as it is the primary route for the area’s industrial traffic and some large residential subdivisions such as Meadowthorpe and Masterson Station. Along the frontage of the subject properties, there is a service road that parallels West Main Street, which has two bays of off-street parking alongside of it. Access is proposed to this service road for this development. North Forbes Road has a signalized intersection with West Main Street & Leestown Road a short distance to the west of the subject property.

Curb/Gutter/Sidewalks – West Main Street does not have a curb, gutter, or sidewalks along its frontage between North Forbes Road and the subject site.

Storm Sewers – This site is within the Town Branch watershed. Some type of stormwater detention may be required, so as not to allow any increase in the rate of stormwater runoff onto surrounding properties, since the property currently has no impervious surface area. However, the subject site is less than an acre in size.

Sanitary Sewers – This property is in fairly close proximity to the Town Branch Wastewater Treatment Facility, operated by the Urban County Government. There are no known sanitary sewer problems between this location and the treatment plant.

Refuse – This area is served by the Urban County Government with collection on Thursdays. Commercial developments often contract with private companies to provide additional refuse collection, as needed.

Police – The nearest police station is the West Sector Roll Call Center, located on Old Frankfort Pike, approximately one mile to the southwest of the subject property.

Fire/Ambulance – The nearest fire station is Station #13, located on Leestown Road, one block to the west of the subject property.

Utilities – Natural gas, electric, streetlights, phone, water, and cable are all available to this area, and can be upgraded and extended to serve the proposed development.

LAND USE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan no longer makes a specific land use recommendation for each and every parcel in Lexington-Fayette County, but *Chapter 1: Goals and Objectives* does recommend “supporting infill opportunities as a strategic component of growth.”

The applicant is requesting this rezoning in order to develop a self-storage warehouse facility on the subject properties.

CASE REVIEW

The petitioner has requested a zone change from a Neighborhood Business (B-1) zone to a Wholesale and Warehouse Business (B-4) zone for a site about ¾ acre in size.

The subject properties are a rectangular shaped piece of land located to the rear of 1315 and 1353 West Main Street, two narrow but deep commercial lots immediately to the east of the Meadowthorpe Shopping Center. The site is vacant and, due to several office and commercial buildings along the frontage of W. Main Street, has very little visibility from that highway, although a parking lot on the 1353 West Main Street property does allow a view into the subject site. This is really the only visibility the subject properties possess, unless one looks southward from the adjoining Stantec office property and their parking lot. Ironically, according to the applicant, a portion of the subject properties was previously utilized by Stantec's predecessor, Fuller Mossbarger Scott & May, beginning in 1977. The site is about 500 feet east of North Forbes Road, and is separated from view of that street by a commercial building.

To the north and southeast of this site are mostly professional office uses, while restaurants, convenience stores and commercial uses are situated to the west and southwest of the subject site. To the immediate east of the subject site, an engineering firm has equipment and vehicle storage use of a property that used to be adjacent to the former Haney's Tavern property, which closed years ago. That adjacent site was rezoned to B-4 about 20 years ago, and is immediately adjacent to a Light Industrial (I-1) zone where several tobacco warehouses were located along the Norfolk-Southern railroad line. Those warehouses have been removed, and the timbers of those structures have been repurposed for other new construction uses. Except for these B-4 and I-1 properties immediately east of the subject property, the predominant zone along the north side of West Main/Leestown Road is the Neighborhood Business (B-1) zone.

This zone change has been filed by the applicant to allow a small self-storage warehouse development. Storage units 10' by 10' in size are proposed, along with a small number of off-street parking spaces to accompany this use. The commercial buildings and parking lots on the front of these properties (the portion that is not part of the zone change) are not proposed for alteration.

The applicant has cited only one Goal of the 2013 Comprehensive Plan in support of their application. Specifically, that citation is that the Plan does recommend "supporting infill opportunities as a strategic component of growth." Thus, while this is a commercial infill proposal, the staff believes there is no justification that this zone change is in agreement with the 2013 Comprehensive Plan.

The bulk of the appellant's justification is that their zone change to a B-4 zone is appropriate, and B-1 is not appropriate for the subject site. Although B-1 is consistent with the majority of the zoning that exists in this vicinity, the subject site has very poor visibility, which is usually a prerequisite for a successful commercial business location. The staff agrees with the applicant that the proposed use is one of the few that would be well suited to such a poorly visible site. The applicant also cites the fact that commercial storage uses have located on the subject property continually since 1976, and on the adjoining B-4 property since 1952. The continuation of this use for such a long period of time confirms that it can be a successful use of the subject site, while other businesses that need more visibility and accessibility have not been interested in locating at the rear of other active businesses.

The staff agrees that this use and this zone change to B-4, are appropriate at this location.

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

1. The requested Wholesale and Warehouse Business (B-4) zone is appropriate for the subject properties, for the following reasons:
 - a. The site has been used for commercial storage for an engineering firm for more than four decades. No retail, restaurant or office uses have supplanted this use during this time period.
 - b. Development of the site for self-storage warehouses will not require the highway visibility that most neighborhood-oriented commercial uses would require.
 - c. This use will provide a complimentary use to those in the established neighborhood of Meadowthorpe.
 - d. The Plan supports improvement of our community through infill development opportunities, such as that proposed.
2. The existing Neighborhood Business (B-1) zone is no longer appropriate for the subject properties since the site is so inaccessible from Leestown Road, unlike most all other commercial properties in Meadowthorpe.
3. This recommendation is made subject to approval and certification of PLN-MJDP-16-00032: Fuller, Et Al & Meadowthorpe Commercial Business Center, Unit 1, 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. 1321 W. MAIN, LLC, ZONING MAP AMENDMENT & FULLER ET. AL. PROPERTY & MEADOWTHORPE COMMERCIAL BUSINESS CTR., UNIT 1

- a. PLN-MAR-16-00009: 1321 W MAIN, LLC – petition for a zone map amendment from a Neighborhood Business (B-1) zone to a Wholesale and Warehouse Business (B-4) zone, for 0.75 net and gross acres, for property located at 1315 and 1353 W. Main.

LAND USE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan no longer makes a specific land use recommendation for each and every parcel in Lexington-Fayette County, but *Chapter 1: Goals and Objectives* does recommend "supporting infill opportunities as a strategic component of growth."

The applicant is requesting this rezoning in order to develop a self-storage warehouse facility on the subject properties.

The Zoning Committee Recommended: **Approval**.

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

1. The requested Wholesale and Warehouse Business (B-4) zone is appropriate for the subject properties, for the following reasons:
 - a. The site has been used for commercial storage for an engineering firm for more than four decades. No retail, restaurant or office uses have supplanted this use during this time period.
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- b. PLN-MJDP-16-00032: FULLER, ET. AL. PROPERTY & MEADOWTHORPE COMMERCIAL BUSINESS CTR, UNIT 1 (12/01/16)* - located at 1315 and 1353 W. Main Street. **(Abbie Jones, PE)**

The Subdivision Committee Recommends: **Approval**, subject to the following requirements:

1. Provided the Urban County Council rezones the property B-4; 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. Clarify use behind 1315 W. Main Street building (B-1) zone (grass, paving etc.).
6. Clarify proposed lot coverage in site statistics (B-4 zone).
7. Resolve "apparent" easement and purpose of same to the approval of Division of Law.

Staff Zoning Presentation – Mr. Sallee presented an aerial photograph of the subject property from 1977, and one from 2016. He summarized the staff report and recommendations of the proposed zone change. He stated that this parcel is not visible from Main Street. The staff agrees that this will be a difficult area to conceive of a viable retail or restaurant type of use because of the very limited visibility of this site.

Development Plan Presentation – Ms. Gallt presented the staff report on the development plan and said that the applicant has cleaned up many of the conditions of the plan as reviewed by the subdivision committee. She stated that this is a preliminary developments plan.

Ms. Gallt passed out a copy of an email from the property owners stating that the access between the two properties is no longer being used; thus condition #7 can be changed to a "resolve" condition.

Petitioner Presentation – Abbie Jones, PE, was present representing the petitioner. She said that the applicant is in agreement with the staff's recommendations.

Citizen Comments – There were no citizens present to comments on this application.

Zoning Action – A motion was made by Mr. Owens, seconded by Ms. Richardson, and carried 10-0 (Brewer absent) to approve PLN-MAR-16-00009: 1321 W MAIN, LLC, for the reasons provided by the staff.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Development Plan Action – A motion was made by Mr. Owens, seconded by Ms. Richardson, carried 10-0 (Brewer absent) to approve PLN-MJDP-16-00032: FULLER, ET. AL. PROPERTY & MEADOWTHORPE COMMERCIAL BUSINESS CTR, UNIT 1, for the reasons provided by the staff.