

1. **ZOTA 2012-5: ADD RETAIL SALES OF AUTOMOBILE PARTS WITH STORAGE AND DISTRIBUTION OF INVENTORY IN THE B-3 ZONE** (10/2/12)* – petition for a Zoning Ordinance text amendment to add retail sales of automotive parts with storage and distribution of inventory to other local establishments under same ownership in the Highway Service Business (B-3) zone.

REQUESTED BY: TriStar Ventures, LLC

PROPOSED TEXT: (Note: Text underlined is an addition to the current Zoning Ordinance.)

**ARTICLE 8
8-20 HIGHWAY SERVICE BUSINESS (B-3) ZONE**

8-20(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
27. Retail sale of automotive parts with storage and distribution of inventory to other local establishments under the same ownership.

8-20(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Wholesale, warehouse and storage facilities.

Staff Alternative Text:

**ARTICLE 8
8-21 WHOLESALE AND WAREHOUSE BUSINESS (B-4) ZONE**

8-21(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

27. Retail sale of automotive parts with storage and distribution of inventory to other local establishments under the same ownership, when such use is at least two hundred (200) feet from a residential zone.

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

The Staff Recommends: Approval of the Staff Alternative Text, for the following reasons:

1. The specific use the applicant proposes is technically not permitted in the B-3 zone at the present time. Since the applicant's intended use is appropriate in some B-3 locations, this is a timely update to the Zoning Ordinance.
2. This combination of retail and storage uses at a single location has the potential to reduce total vehicle miles travelled and traffic congestion at other store locations in the community.
3. Spacing requirements for this new use are necessary, as large truck traffic in close proximity to residential uses should be avoided, and since there are several residential neighborhoods adjacent to B-3 zones where this new use would be permitted.

Staff Presentation: Mr. Sallee presented the staff report, explaining that the petitioner is requesting this text amendment to the Zoning Ordinance in order to clarify the retail sale of auto parts, and to allow it with storage and distribution components in the B-3 zone. The petitioner's company operates several auto stores in Kentucky.

Mr. Sallee said that the proposed text, which is listed in the staff report and on the agenda, would add a 27th listed principal permitted use in the B-3 zone. Specifically, that text would allow retail sale of automobile parts with storage and distribution of inventory permitted to other local establishments under the same ownership. The petitioner has an existing facility in Lexington that they would like to expand in order to have storage and distribution activities as part of the auto parts store. Storage is listed in the B-3 zone as an accessory use, meaning that it must be incidental and subordinate to the principal use of the property. Mr. Sallee explained that most auto parts stores have two areas of storage: an area behind the counter that is restricted for employee access, where employees retrieve auto parts and bring them to the customer at the counter; and a warehouse-type storage area that is not visible or accessible by the public. He displayed an example of the proposed facility on the overhead projector, noting that the petitioner proposes an addition to an existing auto parts store, which would have more square footage devoted to storage than to retail areas where customers can shop on their own for auto supplies such as windshield wiper blades. The petitioner would like to use one of their stores located near Interstate 75 as a "mini-distribution facility." That facility would be served by large tractor-trailer trucks, and would then act as a hub for their other local retail stores. Distribution from the hub would be managed via vans or small trucks, which would be more efficient for their operation. Mr. Sallee stated that the staff sees this proposal as a benefit to the community, in that truck traffic will be limited to one location only, so that type of traffic can be reduced on local arterials and collector streets.

Mr. Sallee said that the petitioner could have opted to rezone the store proposed for the hub facility to the B-4 zone, which does allow auto parts stores as permitted uses. The B-4 zone would allow for much more square footage devoted to storage, in comparison to the area in which customers would be allowed to shop for auto parts. However, the staff found that there are very few locations on New Circle Road or other commercial arteries that are recommended for Wholesale & Warehouse use; most of the properties in those areas are recommended for Highway Commercial or Retail Trade uses.

Mr. Sallee stated that the proposed text amendment will help to clarify the unique nature of an auto parts store, which is dominated more by storage uses than other types of retail stores. The only comparable type of store the staff could find was a shoe store. He said that, although the staff believes that the reduction in truck and delivery traffic will be beneficial to the community, they are concerned about heavy truck traffic in close proximity to residential zones. At the Zoning Committee meeting three weeks ago, the staff proposed an alternative to this text amendment wherein this use would be allowed in the B-3 zone, but only when it is located at least 200' from an existing residential zone. This would provide a land use separation and buffer to the nearest residential neighborhoods. Mr. Sallee stated that the staff and the Zoning Committee recommended approval of the staff alternative text, for the reasons as listed in the staff report and on the agenda.

Petitioner Representation: Trey Guyton, Prism Engineering, stated that the petitioner is in agreement with the staff's recommendations, including the proposed staff alternative text.

Citizen Comment: There were no citizens present to comment on this proposal.

Action: A motion was made by Mr. Brewer, seconded by Mr. Wilson, and carried 8-0 (Blanton, Penn, and Plumlee absent) to approve the staff alternative text for ZOTA 2012-5, for the reasons provided by staff.