

Rec'd by _____

Date: _____

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

IN RE: **MAR 2016-7: LAIL INTERESTS, LLLP** – petition for a zone map amendment from an Agricultural Rural (A-R) zone to a Light Industrial (I-1) zone, for 3.20 net (6.98 gross) acres, for property located at 1551 Greendale Road. (Council District 2)

Having considered the above matter on **May 26, 2016**, at a Public Hearing, and having voted **8-0** 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. A restricted Light Industrial (I-1) zone is appropriate, and the existing Agricultural Rural (A-R) is inappropriate for the subject location, for the following reasons:
 - a. The proposed rezoning of the subject property is compatible with the existing light industrial character of the immediate area, specifically land between the Norfolk Southern railroad to the west and the Georgetown Road corridor to the east, and between Spurr Road to the north and New Circle Road to the south.
 - b. From 1980 through 2007, the land use element of the Comprehensive Plan, specifically the land use map, has recommended light industrial future land use for the subject property. The proposal is in keeping with this historic recommendation for this location.
 - c. The property is adjacent to a very active railroad line that extends from the Tennessee state border to the Ohio River, and is bounded to the north by Spurr Road and to the east by Greendale Road. Because the site is bounded by right-of-way on all of its three sides, it is not able to be incorporated into any other surrounding development. Thus, the existing railroad serves as a strong land use buffer to the residential areas to the west.
 - d. The proposed light industrial use is a relatively low traffic generator for Greendale and Spurr Roads, which have received sporadic improvements since the area was brought into the Urban Service Area in 1980. Additional right-of-way or roadway improvements will facilitate truck traffic to and from this location.
 - e. The existing agricultural zoning is not appropriate because the site is no longer recommended for rural or agricultural protection; and the property is less than four acres in size, which is less than one-tenth the required lot size for the existing zone. These characteristics make the property undesirable for an agricultural use in the future.
2. This recommendation is made subject to the approval and certification of **ZDP 2016-42: Lail Property**, 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 restrictions are recommended via conditional zoning for the subject property:

PROHIBITED USES:

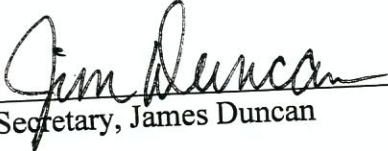
- a. Establishments and lots for the display, rental, sale and repair of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles, minibikes, motorcycles, bicycles, boats or supplies for such items.

- b. Tire retreading or recapping.
- c. Truck terminals and freight yards.
- d. Automobile service stations.
- e. Underground storage tanks for materials other than petroleum products.
- f. Billboards, or advertising signs as defined in Article 17-3(b)(1) of the Zoning Ordinance.
- g. Outdoor public address systems.
- h. Grain drying, even when operated in a fully enclosed building.
- i. The above-ground or below-ground storage for resale of any flammable or nonflammable gas or oxidizer in liquid or gaseous form, the storage of any empty container which contained any gas in any form, and the receiving of or dispensing of any gas in any form.
- j. Concrete mixing.
- k. Commercial composting.
- l. Helistops and heliports.
- m. Mining of metallic and non-metallic minerals.

Prohibition of these uses in the I-1 zone is appropriate and necessary for the subject property for the following reasons:

1. The subject site is located near planned and existing residential uses.
2. The site lies within the confines of the Royal Spring Aquifer recharge area, which is defined as an environmentally sensitive area.
3. Light industrial zones have been similarly restricted in this immediate area by the Planning Commission in the past.

ATTEST: This 10th day of June.


Secretary, James Duncan

MIKE OWENS
CHAIR

Note: The corollary development plan, ZDP 2016-42: LAIL PROPERTY, was approved by the Planning Commission on May 26, 2016, and certified on June 9, 2016.

K.R.S. 100.211(7) requires that the Council take action on this request by August 24, 2016.

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

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (8) Berkley, Cravens, Drake, Mundy, Owens, Richardson, Smith, Wilson

NAYS: (0)

ABSENT: (3) Brewer, Penn, Plumlee

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for CONDITIONAL APPROVAL of MAR 2016-7 carried.

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

