

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2016-7: LAIL INTERESTS, LLLP

DESCRIPTION

Zone Change: From an Agricultural Rural (A-R) zone
To a Light Industrial (I-1) zone

Acreage: 3.20 net (6.98 gross) acres

Location: 1551 Greendale Road

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	A-R	Vacant Residence
To North	R-3	Vacant
To East	I-1	UK Property & Proposed Warehouse
To South	A-R	Railroad ROW & Single-Family Residential
To West	A-R	Natural Gas Company

URBAN SERVICES REPORT

Roads – The subject property, which is triangular in shape, is bordered by two state roads; Greendale Road (KY 1978) bounds the property along its eastern edge, and Spurr Road (KY 1977) bounds the property to the north. The Norfolk Southern rail line is just to the west, and the railroad right-of-way forms the property's western boundary. Greendale and Spurr Roads, both of which are narrow two-lane roads, are classified as collectors in this portion of the Urban Service Area. Greendale provides a north-south connection from Leestown Road (to the south) to Spurr Road (to the north), whereas Spurr Road extends eastward from North Yarnallton Pike to just beyond Georgetown Road, into the Coventry residential development.

Curb/Gutter/Sidewalks – Curbs, gutters and sidewalks currently do not exist along either the Greendale Road or Spurr Road frontages. According to the application, they will be provided; however, it does not indicate that any of the three will be provided by the developer. Road improvement requirements will be determined in consultation with the Division of Traffic Engineering and the Kentucky Transportation Cabinet (District 7 Office), and may include some combination of curbs, gutters and sidewalks. If required, these improvements should occur at the time the property is developed.

Storm Sewers – The property is within the Cane Run Watershed, as well as the Royal Spring Wellhead Protection Area. Although a tributary of Cane Run Creek crosses the property, there is no FEMA floodplain associated with the creek in this location. In addition, the pond located on the site has been identified as a wetland that will need review by the Kentucky Division of Water. It provides drainage from St. Claire Spring, located on the site across Greendale Road. Additionally, the Division of Engineering will need to evaluate the applicant's final plans to determine compliance with the details of the LFUCG Stormwater Manual. This is particularly important because of the Wellhead Protection Area, as the Royal Spring Aquifer is the primary source of Scott County's water supply.

Sanitary Sewers – The subject property, as well as much of the surrounding area, is within the Cane Run sewershed. The Town Branch Wastewater Treatment Plant is located approximately three miles to the south of the site (off of Lisle Industrial Road along the Town Branch Creek). There is a pump station just to the west of the subject property that serves the Garden Meadows residential subdivision (part of the Dotson Property development), which indicates that sewer service is available in the area. It does not appear that the subject property is connected to any sewer line at this time, which will need to be done prior to actual development of the property.

Refuse – Refuse collection is provided by the Urban County Government on Thursdays in this part of the Urban Service Area. Oftentimes, commercial properties contract with private companies for more frequent service; however, that may not be necessary for the proposed development.

Police – The subject site is within Police Sector 1 and is served by the West Sector Roll Call Center, which is located on Old Frankfort Pike, a little over two miles to the southwest of the site.

Fire/Ambulance – The nearest fire station (Station #10) is located on Finney Drive, about two miles to the southeast of the property. A new station is planned near the intersection of Citation Boulevard and Magnolia Spring Drive, less than one mile to the southwest of the site.

Utilities – Electric, water, telephone and cable service are all available to surrounding properties, and should be able to be easily extended to serve the subject site, if not already providing such service.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that 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. In addition, the Plan encourages a mix of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; support of infill and redevelopment opportunities; and provision of land for a diverse workforce.

The petitioner proposes a Light Industrial (I-1) zone in order to develop a "construction yard," which will consist of a small office and outdoor storage of construction materials. The site is currently occupied by a single-family residence and two accessory structures, but the structures are not occupied.

CASE REVIEW

The subject property is located in the southwest corner of the intersection of Spurr and Greendale Roads. It is a triangle-shaped parcel that is also bounded by the Norfolk Southern railroad right-of-way to the west.

The area is characterized by residential development to the north and west of the subject property, and industrial development to the east and south. Generally, industrial land uses and zoning (both I-1 and I-2) occupy the area between the Norfolk Southern railroad line and the Georgetown Road corridor from New Circle Road to Spurr Road. The residential neighborhoods in the area are comprised primarily of single-family dwelling units. The existing subdivisions in the immediate area include Masterson Station, Garden Meadows (Dotson Property), Kearney Ridge (Ramsey-Sullivan Property), Coventry (Belmont Farm), and the Woodward-Lander and Pappert Properties. All of these residential subdivisions are located within R-3 zones.

The petitioner proposes a redevelopment of the site as a construction yard, which is considered a principal use in the Light Industrial (I-1) zone. The petitioner plans to locate a small office on the site, with a fenced yard and a storage building to contain construction supplies.

The petitioner contends that this request is both in agreement with the 2013 Comprehensive Plan and that the existing zoning is inappropriate and that the proposed zoning is appropriate at this location. The 2013 Comprehensive Plan no longer focuses on specific, map-based land use recommendations, but utilizes a policy-based approach, which provides considerably more flexibility. From 1980 through 2007, the previous Comprehensive Plans have recommended light industrial future land use for the subject property, and for those east of the railroad line, which is reflective of the available railroad infrastructure and compatibility with the surrounding development and character.

Although the petitioner mentions a few goals and objectives of the Comprehensive Plan related to maintaining the urban service boundary concept; creating jobs; and supporting infill and redevelopment, their primary justification (and most effective in the staff's opinion) for the proposed zone change is that the existing Agricultural Rural zone is no longer appropriate and the proposed Light Industrial zone is appropriate. They contend that an agricultural use would be difficult here because of the property's small size of less than 4 acres (less than a tenth of the required lot size for the zone), and it is not recommended to remain due to its location inside the Urban Service Area. The intent of the A-R zone, as stated by the Zoning Ordinance, is to "preserve the rural character of the agricultural service area;" but the land has been located inside of the Urban Service Area for over three decades, and the character of this segment of the Spurr Road corridor is no longer rural in nature.

The petitioner opines that light industrial land use is appropriate at this location, and land use elements from previous Comprehensive Plans support this contention, as mentioned previously. The property is adjacent to a very active railroad line that extends from the Tennessee state border to the Ohio River, and is contiguous with other light industrial zoning to the east. Because the site is bounded by right-of-way on all of its three sides, it would not be able to be incorporated into any other surrounding development; thus, the existing railroad serves as an appropriate and reasonable land use buffer to the residential areas to the west. Lastly, the proposed light industrial use is a relatively low traffic generator for Greendale and Spurr Roads, which have received only sporadic improvements since the area was brought into the Urban Service Area in 1980.

The staff agrees, in part, with the petitioner's justification for the requested zone change. Further, conditional zoning restrictions are recommended based on the property's location within the Royal Spring Aquifer recharge area, which is consistent with other light industrial land in this environmentally sensitive area.

The Staff Recommends: **Approval**, for the following reason(s):

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, and 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 and concrete products.
 - k. Commercial composting.
 - l. Helistops and heliports.
 - m. Mining of metallic and non-metallic minerals.

Prohibition of these uses in the I-1 zone are 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.