

ORDINANCE NO. 70 - 2020

AN ORDINANCE CHANGING THE ZONE FROM A NEIGHBORHOOD BUSINESS (B-1) ZONE TO A WHOLESALE AND WAREHOUSE BUSINESS (B-4) ZONE, FOR 0.6 NET (0.69 GROSS) ACRE, FROM A LIGHT INDUSTRIAL (I-1) ZONE TO A WHOLESALE AND WAREHOUSE BUSINESS (B-4) ZONE, FOR 0.466 NET (0.482 GROSS) ACRE, AND FROM A PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE TO A WHOLESALE AND WAREHOUSE BUSINESS (B-4) ZONE (ROW) FOR 0.038 GROSS ACRE, FOR PROPERTIES LOCATED AT 132 AND 148 LOUIE PLACE. (CENTENNIAL AMERICAN PROPERTIES; COUNCIL DISTRICT 2).

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WHEREAS, at a Public Hearing held on June 25, 2020, a petition for a zoning ordinance map amendment for properties located at 132 and 148 Louie Place from a Neighborhood Business (B-1) zone to a Wholesale and Warehouse Business (B-4) zone, for 0.6 net (0.69 gross) acre, from a Light Industrial (I-1) zone to a Wholesale and Warehouse Business (B-4) zone, for 0.466 net (0.482 gross) acre, and from a Planned Neighborhood Residential (R-3) zone to a Wholesale and Warehouse Business (B-4) zone (ROW) for 0.038 gross acre, was presented to the Urban County Planning Commission; said Commission recommending conditional 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 132 and 148 Louie Place from a Neighborhood Business (B-1) zone to a Wholesale and Warehouse Business (B-4) zone, for 0.6 net (0.69 gross) acre, from a Light Industrial (I-1) zone to a Wholesale and Warehouse Business (B-4) zone, for 0.466 net (0.482 gross) acre, and from a Planned Neighborhood Residential (R-3) zone to a Wholesale and Warehouse Business (B-4) zone (ROW) for 0.038 gross acre, more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 - That the granting of this zone change is made subject to the following use restrictions as conditions of granting the zone change:

Under the provisions of Article 6-7 of the Zoning Ordinance, the property shall be subject to the following use and buffering restrictions via conditional zoning:

- a. The following uses are prohibited:
  1. Laundry, clothes, cleaning or dyeing shops.
  2. Ice plant.
  3. Machine shop.
  4. Kennels, animal hospitals or clinics.
  5. Establishments and lots for the display, rental, sale and repair of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles, motorcycles or boats or supplies for such items.
  6. Truck terminals and freight yards.
  7. Establishment for the display and sale of precut, prefabricated or shell homes.
  8. Carnivals.
  9. Retail sale of building materials and lumber.
  10. Pawnshops.
  11. Shredding, sorting and baling of paper scrap and storage of waste paper.
- b. In addition, any self-storage facility on the premises shall not have outdoor storage, and shall not have direct access to the outdoors from individual units.
- c. There shall be no exterior lighting along the southwest portion of the building that abuts the residential zoning.
- d. There shall be a 10-foot landscaping buffer between the Wholesale and warehouse Business (B-4) zone and the southwest portion of the property that abuts the residential zoning.

Section 3 - 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 4 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: August 27, 2020



\_\_\_\_\_  
MAYOR

ATTEST:



\_\_\_\_\_  
CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: September 3, 2020-1t

Rec'd by \_\_\_\_\_

Date: \_\_\_\_\_

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

IN RE: **PLN-MAR-20-00004: CENTENNIAL AMERICAN PROPERTIES** – a petition for a zone map amendment from a Neighborhood Business (B-1) zone to a Wholesale and Warehouse Business (B-4) zone, for 0.6 net (0.69 gross) acre, from a Light Industrial (I-1) zone to a Wholesale and Warehouse Business (B-4) zone, for 0.466 net (0.482 gross) acre, and from an Planned Neighborhood Residential (R-3) zone to a Wholesale and Warehouse Business (B-4) zone (ROW), for 0.038 gross acre, for properties located at 132 and 148 Louie Place. (Council District 2)

Having considered the above matter on **June 25, 2020**, 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 **CONDITIONAL APPROVAL** of this matter for the following reasons:

1. The requested Wholesale and Warehouse Business Zone (B-4) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
  - a. The proposed rezoning allows for the development of vacant parcels (Theme A, Goal #2.a), while also decreasing the intensity of uses from an unrestricted I-1 zone, to a restricted B-4 zone.
  - b. The proposed development provides a well-designed neighborhood (Theme A, Goal #3) by providing safe connections to the surrounding businesses, preferencing pedestrian safety along Louie Place, and activating the street frontage.
  - c. The proposed development will promote, maintain, and expand the urban forest (Theme A, Goal #3.d) by increasing the canopy coverage, while also maintaining the established tree line along the rear of the subject properties.
  - d. The proposed rezoning will assist in the maintenance of the Urban Service Area concept (Theme E, Goal #1) by allowing greater density of business use, and by maximizing development on a vacant parcel and redevelopment of the other parcel in a manner that enhances existing urban form (Theme E, Goal #1.d).
2. The justification and corollary plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
  - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the site creates a business development that supports pedestrian mobility, while also providing cross access between businesses.
  - b. The proposed rezoning includes safe facilities for the potential users, as well as the residents located at the southern portion of the Townley Development by prioritizing multi-modal connections and increasing pedestrian facilities. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
  - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, and limits the impacts on the surrounding environment.

3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use and buffering restrictions are recommended via conditional zoning:
- a. The following uses would be prohibited:
    1. Laundry, clothes cleaning or dyeing shops.
    2. Ice plant.
    3. Machine shop.
    4. Kennels, animal hospitals or clinics.
    5. Establishments and lots for the display, rental, sale and repair of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles, motorcycles or boats or supplies for such items.
    6. Truck terminals and freight yards.
    7. Establishments for the display and sale of precut, prefabricated or shell homes.
    8. Carnivals.
    9. Retail sale of building materials and lumber.
    10. Pawnshops.
    11. Shredding, sorting and baling of paper scrap and storage of waste paper.
  - b. In addition, any self-storage facility on the premises shall not have outdoor storage, and shall not have direct access to the outdoors from individual units.
  - c. There shall be no exterior lighting along the southwest portion of the building that abuts the residential zoning.
  - d. There shall be a 10-foot landscaping buffer between the Wholesale and Warehouse Business (B-4) zone and the southwest portion of the property that abuts the residential zoning.
4. This recommendation is made subject to approval and certification of PLN-MJDP-20-00007: Sharkey Property, Unit 1, Lot 10A and a Portion of Unit 4, Sec 2 (AMD), 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 28<sup>th</sup> day of July, 2020.

  
 Secretary, Jim Duncan

MIKE OWENS  
 CHAIR

Note: The corollary development plan, PLN-MJDP-20-00007: SHARKEY PROPERTY UNIT 1 LOT 10A & A PORTION OF UNIT 4 SEC 2 (AMD) was approved by the Planning Commission on June 25, 2020 and certified on July 9, 2020.

K.R.S. 100.211(7) requires that the Council take action on this request by September 23, 2020.

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

**OBJECTORS**

- None

**OBJECTIONS**

- None

VOTES WERE AS FOLLOWS:

AYES: (10) Bell, Brewer, deMovellan, Forester, Mundy, Nicol, Owens, Penn, Plumlee, and  
Wilson

NAYS: (0)

ABSENT: (1) Pohl

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for APPROVAL of PLN-MAR-20-00004 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.)

<b>Applicant:</b> CENTENNIAL AMERICAN PROPERTIES, 935 SOUTH MAIN STREET, STE 201, GREENVILLE, SC 29601
<b>Owner(s):</b> DENNIS ANDERSON INV. 1700 LLC, 1720 SHARKEY WALK, LEXINGTON, KY 40511
<b>Attorney:</b> RICHARD MURPHY, 250 WEST MAIN STREET, STE 2510, LEXINGTON, KY 40507 PH: (859) 233-9811

### 2. ADDRESS OF APPLICANT'S PROPERTY

132 AND 148 LOUIE PLACE, LEXINGTON, KY 40511
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### 3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY

Zoning	Existing		Zoning	Requested		Acreage	
		Use			Use	Net	Gross
I-1		Maintenance Building	B-4		Storage	0.466	0.482
R-3		ROW	B-4		ROW	0.000	0.038
B-1		Vacant	B-4		Storage	0.6	0.69

### 4. COMPREHENSIVE PLAN

a. Utilizing Placebuilder, what Place-Type is proposed for the subject site?	ENHANCED NEIGHBORHOOD
b. Utilizing Placebuilder, what Development Type is proposed for the subject site? If residential, provide the proposed density	LOW DENSITY NON-RESIDENTIAL / MIXED-USE

### 5. 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

### 6. URBAN SERVICES STATUS (Indicate whether existing, or how to be provided)

Roads:	LFUCG
Storm Sewers:	LFUCG
Sanity Sewers:	LFUCG
Refuse Collection:	LFUCG
Utilities:	<input checked="" type="checkbox"/> Electric <input checked="" type="checkbox"/> Gas <input checked="" type="checkbox"/> Water <input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable



Dennis Anderson INV 1700 LLC  
And  
Anderson Homes for Rent LLC  
1720 Sharkey Way  
Lexington, Kentucky 40511

January 30, 2020

Members of the Lexington-Fayette Urban County Planning Commission  
200 East Main Street  
Lexington, Kentucky 40507

Re: 132 and 148 Louie Place

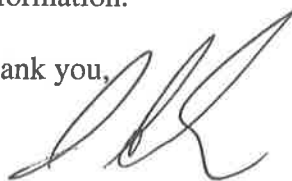
Dear Members of the Planning Commission:

Dennis Anderson INV 1700 LLC is the owner of the property located at 132 Louie Place.  
Anderson Homes for Rent LLC is the owner of the property located at 148 Louie Place.

Both companies hereby give permission to Centennial American Properties to request a  
zone change on these properties to the B-4 zone.

Please contact me if you need further information.

Thank you,

A handwritten signature in black ink, appearing to be 'DA', written over a light blue horizontal line.

Dennis Anderson

# MURPHY & CLENDENEN, PLLC

ATTORNEYS AT LAW

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THOMAS V. MURPHY  
CHRISTOPHER M. CLENDENEN

February 3, 2020

Mr. Michael Owens, Chairman  
and Members of the Lexington-Fayette Urban County Planning Commission  
200 East Main Street  
Lexington, Kentucky 40507

Re: Proposed zone change for 132 and 148 Louie Place

Dear Chairman Owens and Members of the Planning Commission:

This letter is written on behalf of Centennial American Properties, LLC, which is filing a zone change application and preliminary development plan for 132 and 148 Louie Place. 148 Louie Place is currently zoned Light Industrial (I-1). 132 Louie Place is currently zoned Neighborhood Business (B-1). A very small portion (a portion of the right-of-way of Louie Place) is zoned R-3. We are requesting a zone change to the Wholesale and Warehouse Business (B-4) zone in order to construct a self-storage facility.

## **Description of project.**

This site consists of approximately 1.1 acres. 148 Louie Place is currently the site of the Anderson Communities maintenance building and storage. The current building on the property will be removed as part of this project. 132 Louie Place is currently vacant.

Although our proposed building is an allowed principal use in the I-1 zone, we are requesting the more limited B-4 zone to limit industrial uses on the site.

We are proposing a self-storage building on the site. The applicant has constructed a number of similar facilities in other localities and specializes in interior only, architecturally compatible buildings.

Unlike older self-storage facilities, our development will have no exterior storage. There will be no exterior storage of boats, recreational vehicles, any other kind of vehicle or any other item outdoors. There will be no exterior access to the individual storage units. All access will be from the interior. A client will drive in the entrance door and remove the item from a vehicle,



place it on the elevator, and take it to the storage unit. The units will be climate-controlled. Also, there will be no chain link fence or other security fence around the building, as there will be no exterior storage. This will be a multi-story building which will be compatible with the architecture of surrounding uses, which include the Staybridge Suites, Ken Towery Tire Store, credit unit and Townley Apartments.

The need for modern self-storage facilities is accentuated by the trend in Lexington and other communities for greater residential density. Greater residential density often means less storage space, either interior or exterior. The need for storage manifests itself in many ways: a natural accumulation of cherished items as we grow older; the need to move a loved one into a dwelling unit and temporarily remove furniture or other items to make space; a similar need for additional space if adult offspring move back in; and a need to store items if a resident moves to assisted living or nursing home residence.

The availability of storage is also attractive to small business. Many businesses cannot afford to store items on-site due to the high rents for space. So, old records, excess inventory or equipment that is rarely used but can be stored offsite, to prevent the need for larger, more expensive office space.

Thus, although storage units do not generate a great number of jobs themselves, they are an essential service use to both families and businesses in the community. About 60% of storage units are rented by families. Currently, about 10% of American families utilize off-site storage facilities. As housing continues to become more dense, it is estimated that in 10 years, 20% of families will use off-site storage space. The other 40% of self-storage is utilized by businesses. The similar factors mentioned above also indicate a growth in the need for that space.

It is essential that storage space be placed conveniently to residential and business communities. Most storage space is rented within three miles of the residence or business.

Thus, this facility will assist business growth and it will assist in the trend toward greater density and attached or multi-family housing. The available of quality, nearby, climate-controlled storage space encourages compact residential and business development.

### **Goals and objectives of the 2018 Comprehensive Plan**

As mentioned above, one of these two lots is already zoned I-1, which allows self-storage as a principal permitted use. The other lot is zoned B-1, which allows storage, but only accessory to a business. We are requesting B-4 zoning, which will allow this proposed use, but will prevent many higher intensity industrial and business uses.

The proposed rezoning to the B-4 zone is in agreement with the Goals and Objectives of the 2018 Comprehensive Plan. It supports Theme A, Growing Successful Neighborhoods, and Goal 1, Expand Housing Choices, and Objective (b), Accommodating the demand for housing in Lexington responsibly, prioritizing higher-density and mixture of housing types. As mentioned above, the availability of quality, secure, nearby, climate-controlled storage space encourages higher density, attached and multi-family housing, by allowing flexibility to families who

encounter changes in their lifestyles or needs. It is in agreement with Theme A, Goal 2, supporting infill and redevelopment throughout the Urban Service Area as a strategic component of growth. Objective (a) calls for redevelopment and infill, as is being done on these parcels. Objective (b) calls for respecting the design features and context of the surrounding development projects. This use is compatible in size and design to the Staybridge Suites, immediately across the street, and other uses in this area. By supporting business use, and allowing additional storage space to provide flexibility for expansion, it supports Theme C, creating jobs and prosperity. It promotes the entrepreneurial spirit by allowing flexibility and adaptability for today's rapidly changing small businesses.

This dense, multi-story storage facility will assist in upholding the Urban Service Area concept (Theme E.1.) by allowing greater density of housing and business use, and it will maximize development on this vacant parcel and redevelopment of the other parcel in a manner that enhances existing urban form (Objective E.1.d). Similarly, it will assist in maintaining the current boundaries of the Urban Service Area, Goal E.3.

### **Engagement**

The owner and a representative of the developer have held meetings with presidents of three neighborhood associations: the Townley Park Neighborhood Association, Townley Homeowners Association, and the Meadowthorpe Neighborhood Association. Many positive characteristics of the development were noted, including very low traffic generation and low noise. Discussions were held about the architectural appearance of the building, size of the building, and desire for no exterior storage (none is planned).

Continued discussion will be held after the filing of the application.

### **Place-type, development type and requested zone.**

This proposal fits within the Enhanced Neighborhood category, as a place-type under the PlaceBuilder portion of the Comprehensive Plan. This property is located within the successful mixed-use area of Townley. The addition of this building would fit in the LNR-MU (low density, non-residential/mixed-use) category.

### **Development criteria.**

Here is the discussion of the some of the criteria that were not specially addressed on the development plan, or which need further discussion:

- A-DS4-2. This criterion addresses the scale and context of new construction. This proposed building will be at or lower than the height of the Staybridge Suites building, across the street. It will be an attractively designed commercial building, not a sprawling one-story storage development.
- A-DS5-3. This building will be oriented to Louie Place, as are the neighboring credit unit and tire store. There is limited traffic to the facility. It will be pedestrian-friendly for

persons who choose to walk who may not need to be transporting items. There will no security fencing which would create a barrier to walking.

- A-DS5-4. As mentioned above, there will be limited traffic to the site. Most will be by vehicle. There will be a ground level office for the project.
- A-DS7-1. All parking for loading and unloading will be in the interior of the building. There will be a small number of visitor parking spaces on the exterior.
- A-DN2-2. Please see the response to criteria A-DS4-2 and A-DS5-3 above.
- A-DN3-1. Please see discussion on criteria A-DS5-4 above.
- B-PR9-1. This is a generally flat lot.
- B-SU11-1. This project will use the existing systems in the Townley development.
- C-DI1-1. Although this building will not itself create a large number of new jobs, it provides the flexibility to entrepreneurial and small businesses to have nearby, climate-controlled, flexible storage space to accommodate changing needs.
- C-LI7-1. This project is located in and complimentary to the existing mixed-use community in Townley. It compliments the residential and business uses already present.
- C-PS10-3. This proposal has a minimum of parking.
- D-PL2-1. This proposal provides a neighborhood-serving use that does not already exist in the vicinity, and fills a specific need for families and small business.
- D-PL7-1. See discussion above regarding meetings with neighborhood stakeholders.
- D-SP9-1. This proposal encourages co-housing, shared housing environments, planned communities and accessory dwelling units by allowing people to combine households without being required to dispose of important personal property. This is particularly important in encouraging people to make “trial runs” of combining households, while retaining flexibility to terminate the arrangement, if it does not work out, without having disposed of significant personal items.
- E-GR9-2. This proposal is a low intensity business use that will provide neighborhood amenities to the area.
- E-GR10-2. By removing fences and barriers, this building will be walkable.
- A-DS4-1. Criteria relating to transportation and pedestrian connectivity is generally marked as not applicable, because this will be one lot within the Townley development. The Townley development itself provides greater connectivity, both to Leestown Road, with its multi-modal transportation, and to walking trails in the community. This lot will

be connected by sidewalk to the other facilities within Townley. They are marked not applicable because they have already been constructed.

- A-DS4-3 and A-EQ7-3. As mentioned above, the property is part of the Townley development, which includes linkages to greenspace, walking and open areas and an array of commercial and residential uses. Most of the linkages are provided offsite and are marked as not applicable on the chart. However, this property is part of the integrated Townley neighborhood and has the benefit of those facilities.

### **Proposed variance.**

In addition to the zone change, we are requesting a variance of Section 8-21(o)(1) of the Zoning Ordinance, which requires that in the B-4 zone, all buildings and structures shall be at least 100 feet from any residential zone, unless the portion within that distance has no openings except stationary windows and doors that are designed and intended solely for pedestrian access. We are requesting a variance to 28 feet.

Our development will have limited openings, unlike traditional self-storage units. There will be two doors that allow entrance and exit. All loading and unloading will be the interior, thus greatly limiting noise and activity which is the goal of Section 8-21(o)(1). We are requesting a variance in the distance from the R-3 zoning. The apartment complex is already screened from this property by a solid row of garages which serve as both a visual and sound buffer from this property. As mentioned above, in any case, this property will not be generating a great deal of activity or noise, and all unloading and noise will be interior, not exterior.

We meet the criteria for granting a variance:

1. Granting the variance will not adversely affect the public health, safety or welfare, and will not alter the character of the general vicinity and will not cause a hazard or nuisance to the public, because unlike traditional storage facilities, there will be no access to individual units from the exterior. Loading and unloading will be in the interior of the building, thus reducing activity and noise to surrounding uses. In addition, the apartments next door are already screened by a solid row of garages which also provide sound and visual buffering.

2. Granting this variance will not allow an unreasonable circumvention of the requirements of the Zoning Ordinance because the purpose of Section 8-21(o)(1) is to minimize sound and activity near residential zones. Unlike traditional storage facilities, in which each user has an individual exterior entrance to a unit, this project has one entry and one exit door for vehicles, and all loading and unloading and access to units will be in the interior. Thus, the design of the building itself meets the goal of this section by reducing noise and visual activity.

3. The special circumstances which apply to this property and which do not generally apply to the land in the general vicinity or in the same zone are that this is a development to serve residential families and businesses in the area. The design of the building, and the existence of the residential garages adjacent to the property line, will minimize disturbance to the apartments.

4. Strict application of the regulations of the Zoning Ordinance would deprive the applicant of a reasonable use of its land or create an unnecessary hardship because the size of the property would make it unfeasible to use the property for storage purposes without such a variance. In addition, the property closest to the apartments is already zoned I-1.

5. The circumstances surrounding the requested variance are not the result of actions this applicant has taken subsequent to the regulation from which the relief is sought. No construction has started. A company affiliated with the owner is the owner of both the subject property, and the adjoining apartment units.

**Conclusion.**

This proposal provides an essential service for residential and business communities. It is appropriate in a mixed-use community of both residential and business uses, that there be appropriate storage which accommodates both. This use fully supports the Comprehensive Plan by making greater residential density and flexibility possible for both residential and commercial uses.

Thank you for your consideration of this application.

Sincerely,



Richard V. Murphy

RVM/prb

# LOW DENSITY NON-RESIDENTIAL / MIXED-USE

## SITE DESIGN, BUILDING FORM, & LOCATION

- A-DS4-2** New construction should be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context in accordance with other Imagine Lexington corridor policies and Placebuilder priorities.
- A-DS5-3** Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
- A-DS5-4** Development should provide a pedestrian-oriented and activated ground level.
- A-DS7-1** Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
- A-DS7-2** Any non-residential or multi-family parking not buffered by a building should be screened from the streetscape view and adjacent properties.
- A-DS10-1** Residential units should be within reasonable walking distance to a focal point.
- A-DS11-1** Common public uses that serve as neighborhood focal points, such as parks and schools, should be on single loaded streets.
- A-DS12-1** Medium-high density development should be located nearest to neighborhood-serving commercial areas.
- A-DN2-1** Infill residential should aim to increase density.
- A-DN2-2** Development should minimize significant contrasts in scale, massing and design, particularly along the edges of historic areas and neighborhoods. (D-PL9, E-GR6)
- A-DN3-1** Pedestrian-oriented commercial opportunities should be incorporated within residential neighborhoods.
- A-DN3-2** Development should incorporate residential units in commercial centers with context sensitive design.
- A-EQ7-1** School sites should be appropriately sized.
- B-PR9-1** Minimize disturbances to environmentally sensitive areas by utilizing the existing topography to the greatest extent possible.
- B-SU11-1** Green infrastructure should be implemented in new development. (E-GR3)
- C-DI1-1** Consider flexible zoning options that will allow for a wide range of jobs.
- C-DI5-1** In Opportunity Zones with a clearly defined local context, consider adaptive reuse to enhance the existing context.
- C-LI6-2** ADUs and/or affordable housing options should be incorporated into existing and new single-family residential development. (A-DN5)

- C-LI7-1** Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.
- C-PS9-2** Modify current office space to include complementary uses.
- C-PS10-2** Developments should explore options for shared and flexible parking arrangements for currently underutilized parking lots.
- C-PS10-3** Over-parking of new developments should be avoided. (B-SU5)
- D-PL2-1** Developments should aim to provide a neighborhood-serving use that does not already exist in the vicinity, or that fills a specific need.
- D-PL7-1** Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
- D-PL9-1** Historically significant structures should be preserved.
- D-PL10-1** Activate the streetscape by designating public art easements in prominent locations.
- D-SP1-1** Elementary and middle schools should be located within residential neighborhoods, and high schools primarily along collector streets. (A-EQ7)
- D-SP1-2** An open and inviting school campus/locale should utilize frontage on single-loaded streets (also true for other support facilities, like parks, community centers, social services, healthcare).
- D-SP3-1** Adequate right-of-way, lease areas and easements for infrastructure, with emphasis on wireless communication networks should be provided to create reliable service throughout Lexington.
- D-SP3-2** Cellular tower antennae should be located to minimize intrusion and negative aesthetic impacts, and stealth towers and landscaping should be used to improve the visual impact from the roadway and residential areas.
- D-SP9-1** Encourage co-housing, shared housing environments, planned communities and accessory dwelling units for flexibility and affordability for senior adults and people with disabilities.
- E-GR4-1** Developments should incorporate reuse of viable existing structures.
- E-GR5-1** Structures with demonstrated historic significance should be preserved or adapted.
- E-GR9-1** Live/work units should be incorporated into residential developments.
- E-GR9-2** Low-intensity business uses that will provide neighborhood amenities should be incorporated into existing neighborhoods.
- E-GR9-3** Less intense multi-family residence types (duplexes, four-plexes, courtyard apartments, etc.) should be incorporated into primarily single-family areas.

NEIGHBORHOOD

Theme Letter - Pillar Abbreviation & Policy Number - Criteria Number  
 Ex: from Theme A - Design Pillar & Policy #1 - Criteria #1 = A-DS1-1. Full decoder on page ###

Criteria that include additional policy items in parentheses refer to companion policies that will provide additional context to the related criteria.

## LOW DENSITY NON-RESIDENTIAL / MIXED-USE

### SITE DESIGN, BUILDING FORM, & LOCATION (CONT.)

- E-GR9-4** Development should intensify underutilized properties and develop vacant and underutilized gaps within neighborhoods. (E-GR6)
- E-GR10-2** Developments should provide walkable service and amenity-oriented commercial spaces.
- E-GR10-3** Shared common space in commercial developments should be provided to encourage experiential retail programming.

### TRANSPORTATION & PEDESTRIAN CONNECTIVITY

- A-DS1-1** Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7).
- A-DS1-2** Direct pedestrian linkages to transit should be provided.
- A-DS4-1** A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided. (A-DS2, A-DN1, B-SU1, B-SU2, C-L17, E-AC5)
- A-DS5-1** Adequate multi-modal infrastructure should be provided to ensure vehicular separation from other modes of transport.
- A-DS5-2** Roadways should provide a vertical edge, such as trees and buildings.
- A-DS10-2** New focal points should be designed with multi-modal connections to the neighborhood.
- A-DS13-1** Stub streets should be connected. (D-CO4)
- B-SU4-1** Where greenspace/community centers are not located within walking distance of a new development, applicants should attempt to incorporate those amenities. (A-DS9)
- C-PS10-1** Flexible parking and shared parking arrangements should be utilized.
- D-CO1-1** Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place-type.
- D-CO2-1** Safe facilities for all users and modes of transportation should be provided.
- D-CO2-2** Development should create and/or expand a safe, connected multimodal transportation network that satisfies all users' needs, including those with disabilities.
- D-CO4-1** Dead-end streets and Cul-de-sacs should be discouraged except where connections are not topographically or environmentally feasible.
- D-CO4-2** Roadway capacity should be increased by providing multiple parallel streets, which alleviate traffic and provide multiple route options, in lieu of additional lanes.

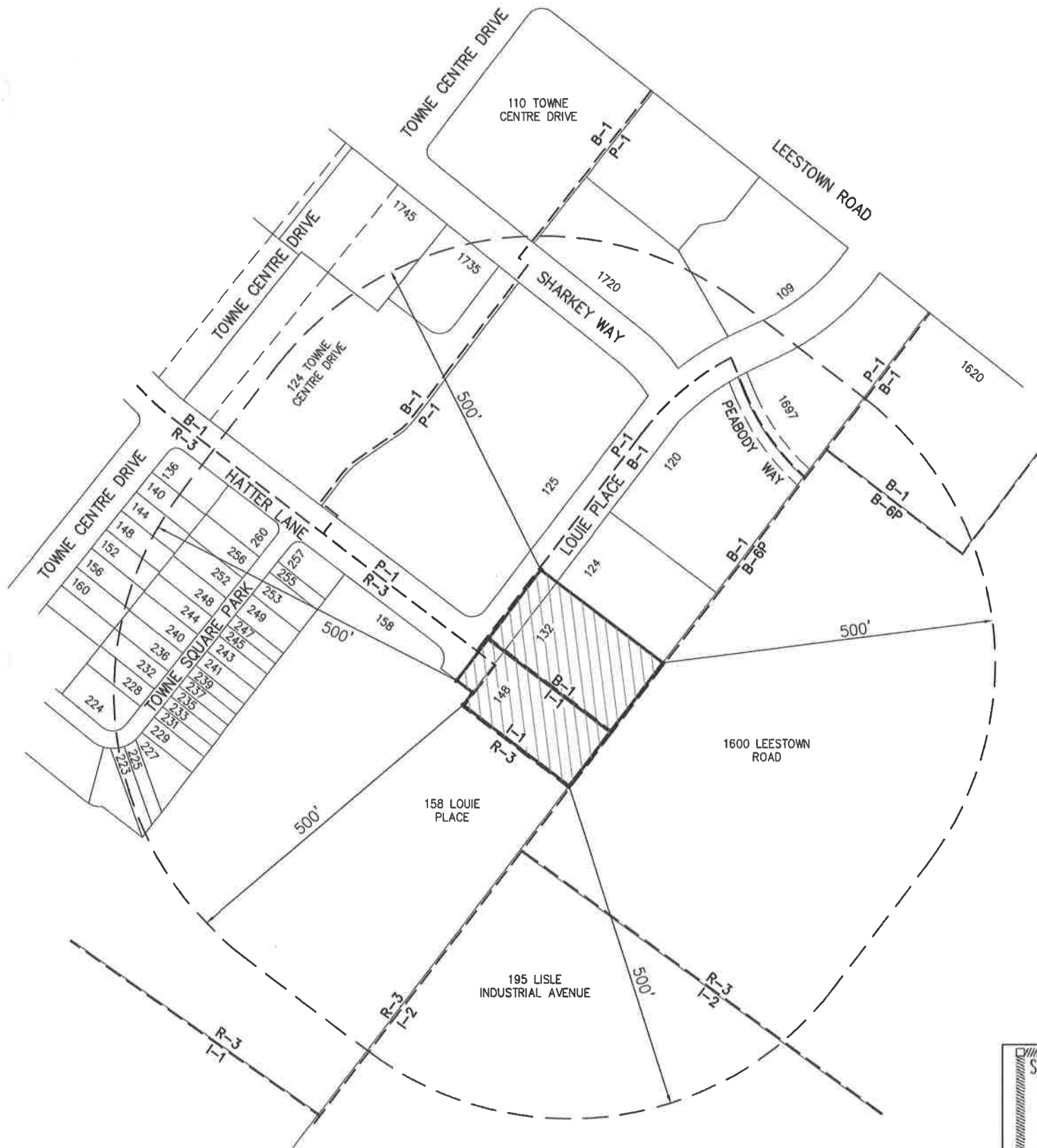
- D-CO4-3** Street pattern and design should consider site topography and minimize grading where possible.
- D-CO5-1** Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.
- D-SP1-3** Developments should provide multi-modal transportation infrastructure to school sites, including sidewalks, shared-use paths, and roadways that can accommodate the bus and vehicle traffic associated with the site.
- D-SP6-1** Social services and community facilities should be accessible via mass transit, bicycle and pedestrian transportation modes. (A-EQ7)

### GREENSPACE & ENVIRONMENTAL HEALTH

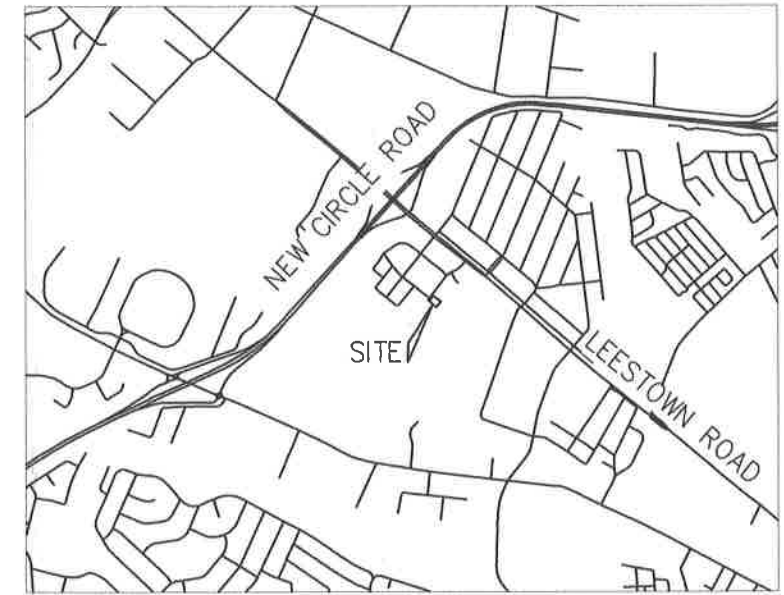
- A-DS4-3** Development should work with the existing landscape to the greatest extent possible, preserving key natural features.
- A-EQ7-3** Community open spaces should be easily accessible and clearly delineated from private open spaces.
- B-PR2-1** Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.
- B-PR2-2** Dividing floodplains into privately owned parcels with flood insurance should be avoided.
- B-PR2-3** Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them.
- B-PR7-1** Connections to greenways, tree stands, and stream corridors should be provided.
- B-PR7-2** Trees should be incorporated into development plans, prioritize grouping of trees to increase survivability.
- B-PR7-3** Developments should improve the tree canopy.
- B-RE1-1** Developments should incorporate street trees to create a walkable streetscape.
- B-RE2-1** Green infrastructure should be used to connect the greenspace network.
- D-SP2-1** Visible, usable greenspace and other natural components should be incorporated into school sites.
- D-SP2-2** Active and passive recreation opportunities should be provided on school sites.
- E-GR3-1** Physical and visual connections should be provided to existing greenway networks.
- E-GR3-2** New focal points should emphasize geographic features unique to the site.

Theme Letter - Pillar Abbreviation & Policy Number – Criteria Number  
 Ex: from Theme A, Design Pillar, Policy #1, Criteria #1: A-DS1-1. Full decoder on page ###

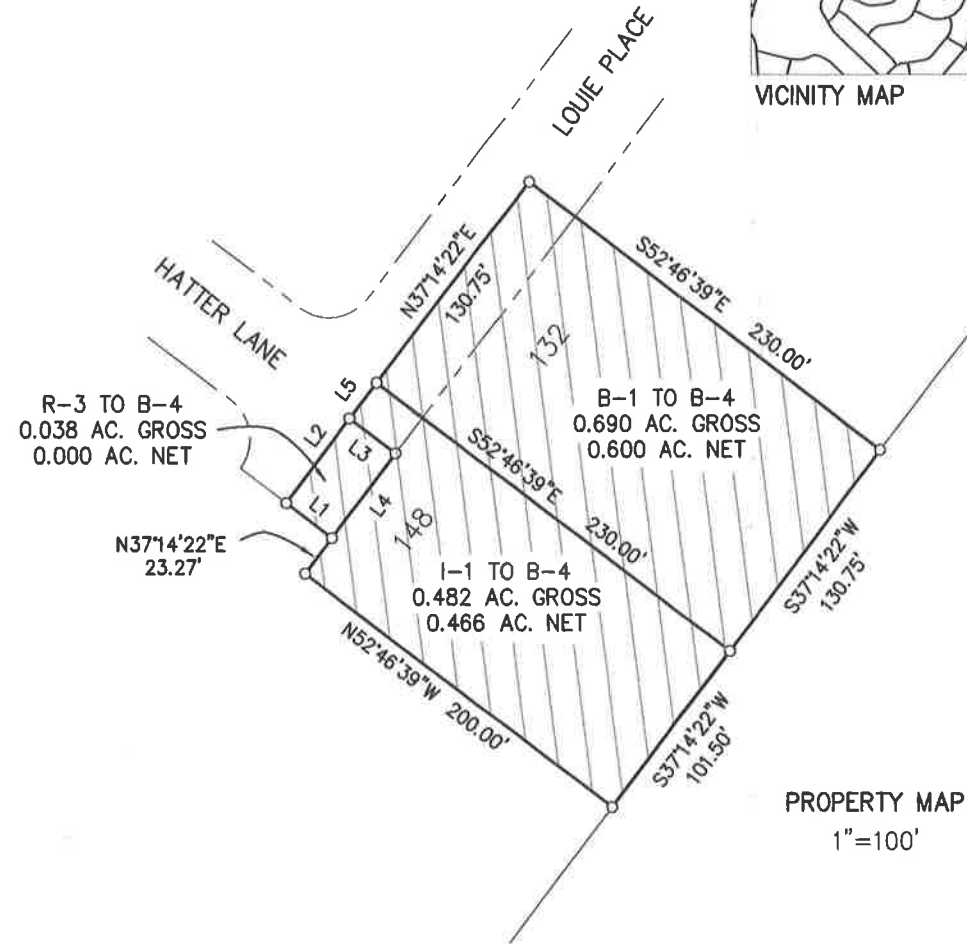
Criteria that include additional policy items in parentheses refer to companion policies that will provide additional context to the related criteria.



AREA NOTIFICATION MAP  
1"=200'



VICINITY MAP



PROPERTY MAP  
1"=100'

LINE	BEARING	DISTANCE
L1	N52°45'38"W	30.00'
L2	N37°14'22"E	55.00'
L3	S52°45'38"E	30.00'
L4	S37°14'22"W	55.00'
L5	N37°14'22"E	23.22'

STATE OF KENTUCKY  
WESLEY B. WITT  
2187  
LICENSED PROFESSIONAL LAND SURVEYOR

*Wesley B Witt*

ZOMAR: R-1C TO P-1

TITLE: PLN-MAR-20-00004

PROPERTY ADDRESS: 132 & 148 LOUIE PLACE

OWNERS: DENNIS ANDERSON INV 1700, LLC ANDERSON HOMES FOR RENT, LLC  
1720 SHARKEY WAY 1720 SHARKEY WAY  
LEXINGTON, KENTUCKY 40511 LEXINGTON, KENTUCKY 40511

APPLICANT: CENTENNIAL AMERICAN PROPERTIES, LLC  
935 S MAIN STREET, SUITE 201  
GREENVILLE, SOUTH CAROLINA 29601

PREPARED BY: WESLEY B WITT, INC.

DATE PREPARED: FEBRUARY 3, 2020

	FROM	TO	GROSS	NET
	R-3	B-4	0.038 AC.	0.000 AC.
	B-1	B-4	0.690 AC.	0.600 AC.
	I-1	B-4	0.482 AC.	0.466 AC.
	TOTAL		1.2101 AC.	1.066 AC.



# STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-20-00004: CENTENNIAL AMERICAN PROPERTIES

## DESCRIPTION OF ZONE CHANGE

Zone Change	I-1 to B-4: 0.466 net (0.482 gross) acres
& Acreage:	B-1 to B-4: 0.600 net (0.690 gross) acres
	R-3 to B-4: <u>0.000 net (0.038 gross) acres</u>
	Total: 1.066 net (1.210 gross) acres
Location:	132 and 148 Louie Place



## EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	I-1 / B-1	Maintenance Building / Vacant
To North	B-1	Bank
To East	B-6P	Shopping Center
To South	R-3	Multi-Family Housing
To West	P-1	Extended Stay Hotel

## URBAN SERVICE REPORT

**Roads** - The subject properties are located along Louie Place, a local road within the Sharkey Property development. The area was constructed with an internal system of collector and local streets, with the main access located along Townley Center Drive, opposing Taylor Drive, which is an entrance into the Meadowthorpe Subdivision. The subject properties are located situated on the western side of the Sharkey Property, across from the intersection of Louie Place and Hatter Lane. Louie Place extends from the multi-family housing to the right-in/right-out intersection with Leestown Road (US 421).

**Curb/Gutter/Sidewalks** - Louie Place has been constructed to full urban standards with curb, gutter, and sidewalks.

**Utilities** - All utilities, including natural gas, electric, water, phone, cable television, and internet are available in the area, and are available to serve the proposed development.

**Storm Sewers** - The properties are located within the Town Branch watershed. Town Branch flows a short distance to the southwest of this location, although no known flooding problems exist in the immediate vicinity. Stormwater detention has been required for the Sharkey Property development as a whole to prohibit any additional stormwater runoff onto surrounding properties. The detention basins are located off-site related to this proposed re-zoning location, and one is currently being improved to the southwest of the subject site. All stormwater management for the Sharkey Property will need to meet all LFUCG Engineering Manual requirements.

**Sanitary Sewers** - The properties are adjacent to and will be served by the Town Branch Wastewater Treatment Facility, operated by the Urban County Government. To serve this area, collection pipes and a force main connect to a pump station at the southwestern edge of the Sharkey Property.

**Refuse** - The Urban County Government serves this area with refuse collection on Thursdays. Supplemental service may be required to serve the needs of the proposed commercial land use. This can be accomplished by contracting with private refuse collectors, if desired.

**Police** - The nearest police station is the West Sector Roll Call Center, located on Old Frankfort Pike at its interchange with New Circle Road, less than one mile to the southwest of the subject properties.

**Fire/Ambulance** - The nearest fire station (#13) is located on Leestown Road, less than ½ mile southeast of the subject properties.

**Transit** - LexTran service is available nearby the subject properties along Leestown Road. Inbound and outbound service is available on Route #12 within a half mile of the subject property. The inbound route transit stop is enhanced with an art-in-motion shelter and seating.

**Parks** - The closest park to the subject properties is Meadowthorpe Park, located less than 1 mile to the northeast.

## SUMMARY OF REQUEST

The applicant is seeking a zone change from a Light Industrial (I-1), Neighborhood Business (B-1) and Planned Neighborhood Residential (R-3) zone to the Wholesale and Warehouse Business (B-4) zone for the properties located at 132 and 148 Louie Place. The zone change application is seeking to allow for the development of a five (5) story, climate controlled self-storage warehouse.

## PLACE-TYPE

ENHANCED  
NEIGHBORHOOD

The Enhanced Neighborhood Place-Type is an existing residential area to be enhanced with additional amenities, housing types, and neighborhood-serving retail, services, and employment options. Development should be context-sensitive to surrounding areas and should add to the sense of place. Incorporating multi-modal connections is crucial to neighborhood success and viability.

## DEVELOPMENT TYPE

LOW DENSITY NON-RESIDENTIAL /  
MIXED-USE

### Primary Land Use, Building Form, & Design

Primarily neighborhood-serving commercial uses, services, places of employment, and/or a mix of uses within low to mid-rise structures appropriately scaled to the surrounding neighborhood. Mixed-use structures can include a mix of residential, commercial, services, and/or employment uses, and an activated and pedestrian-scale ground level should be provided. Developments with a residential component are generally non-residential on the ground-floor with units above, providing opportunities for live/work arrangements. The retail/service options typically include boutique-type establishments, neighborhood restaurants or pubs, and/or neighborhood-serving services like dentists, daycares, etc., and the places of employment are small offices.

### Transit Infrastructure & Connectivity

Bicycle and pedestrian connections to adjoining neighborhoods, and buildings oriented to the street are required to ensure the non-residential enhances nearby neighborhoods by creating a truly walkable environment.

### Parking

Parking should be minimized and where necessary, located internally.

## PROPOSED ZONING



This zone is intended primarily for wholesaling, warehousing, storage operations and establishments whose activity is of the same general character as the above. To a lesser extent, this zone is also intended to provide for the mixture of professional offices and warehouses that promote reuse and redevelopment of older warehouses, allowing businesses to combine their entire operation in one building, as recommended for the Office/ Warehouse land use category in the Comprehensive Plan. This zone is also intended to encourage the adaptive reuse of older structures in or adjoining the Infill and Redevelopment Area to promote revitalization of these buildings, and the flexible use of sites outside of the Infill and Redevelopment Area. The Comprehensive Plan should be used to determine the appropriate locations for this zone. Consideration should be given to the relationship of this zone to the surrounding land uses and the adequacy of the street system to serve the anticipated traffic needs.

## PROPOSED USE



The applicant is seeking to develop a five (5) story, climate controlled self-storage warehouse and associated office and retail space. The applicant proposes no exterior storage and no exterior access to the individual storage units. All access will be from the interior. Users will access the building through a drive-in entrance door and access individual units via elevators and hallways. To construct the development in the current layout, the applicant is also seeking a variance of Article 8-21(o)(1) of the LFUCG Zoning Ordinance to allow for overhead doors within 100 ft of a residential zone. The applicant has indicated that they are not proposing security fencing and that they are seeking to match the architecture of the surrounding uses, including the Staybridge Suites, credit union, Ken Towery Tire Store, and the Townley Apartments.

## APPLICANT & COMMUNITY ENGAGEMENT



The owner and a representative of the developer have held meetings with presidents of three neighborhood associations within the area: the Townley Park Neighborhood Association, Townley Homeowners Association, and the Meadowthorpe Neighborhood Association. The applicant reported that the positive characteristics of the development were noted, including very low traffic generation and low noise. Discussions were held about the architectural appearance of the building, size of the building, and desire for no exterior storage. Staff did not attend the meetings and no further documentation has been provided.

## PROPERTY & ZONING HISTORY



Although less than ten years old, the Sharkey Property has a history of several zone changes and development plan amendments since the first zone change was approved in 2002 (MAR 2002-14 CZ). When it was initially rezoned from a Single Family Residential (R-1C) zone and a Light Industrial (I-1) zone, the 2001 Comprehensive Plan had only recently been updated and it recommended a mixture of Medium Density Residential, Warehouse and Wholesale, and Professional Service with two acres of Retail Trade (to be determined at the time of rezoning). The Council approved the requested zone change at that time to create Townley Park, a mixed-use town center with Highway Service Business (B-3) zoning along the northwestern portion of the site, Neighborhood Business (B-1) zoning along the center of the site and abutting the shopping center east of the site, Professional Office (P-1) zoning along the center of the site and abutting Leestown Road on the northeastern portion of the site, and Planned Neighborhood Residential (R-3) zoning along the southern half of the site. A portion of existing I-1 zoning was retained along the southeastern portion of the site office/warehouses.

Over the past decade as Townley Park has developed, several small re-zonings have been approved to change approximately 1½ acres from P-1 to B-1 for a Walgreens Pharmacy (MAR 2004-44 CZ), to update zoning boundaries internal to the development to match the actual street construction, to alter conditional zoning restrictions (MAR 2006-31), and to reduce the I-1 zoning in favor of additional R-3 zoning for multi-family residential development (MAR 2009-08). The most recent rezoning occurred in 2011 and resulted in a swap of P-1 and B-1 zoning within the Sharkey Property, which allowed for the establishment of the Staybridge Extended Stay Hotel.

While the changes that have occurred in the area have resulted in the modification of the original layout and plan for the site, the primary goal of a mixed use development has been a success. There is a horizontal mixing of land use that has allowed for the creation of a walkable community that is linked to public services and businesses.

## COMPREHENSIVE PLAN COMPLIANCE



### GOALS & OBJECTIVES

The 2018 Comprehensive Plan, *Imagine Lexington*, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. 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.

The applicant indicates that the proposed rezoning and the associated development are in agreement with the Goals and Objectives of the 2018 Comprehensive Plan. They state that the proposed development supports Theme A, *Growing Successful Neighborhoods*, specifically focusing on expanding housing choices (Theme A, Goal #1) by accommodating the demand for housing in Lexington responsibly, prioritizing higher-density and mixture of housing types (Theme A, Goal #1.b). The applicant suggests that the availability of quality, secure, nearby, climate-controlled storage space encourages higher density, attached and multi-family housing, by allowing flexibility to families who encounter changes in their lifestyles or needs.



While staff agrees that the inclusion of supportive services is helpful to some individuals in our community, the staff cannot agree with the applicant's suggestion that the inclusion of self-storage will allow for increased housing opportunities. A reactionary or "if you build it, they will come" approach that suggests that with a greater amount of self-storage, we will achieve a greater amount of housing options is incorrect. Self-storage is a byproduct of individuals accumulating or having a greater amount of things, no matter the type of housing they live in, not a causal element that leads to the outgrowth of new higher-density housing types.

The applicant further indicates, that they are supporting infill and redevelopment throughout the Urban Service Area as a strategic component of growth (Theme A, Goal #2), by redevelopment of underutilized parcels and infilling vacant parcels (Theme A, Goal #2.a). Additionally, the applicant states that they are respecting the design features and context of the surrounding development projects (Theme A, Goal #2.b), by building a structure that is compatible in size and design to the Staybridge Suites, immediately across the street, and other uses in this area.


When judging whether the proposed project is fitting the current context of an area, staff must review how the development might impact both the built environment and the zoning and associated land uses. The review of the built environment includes the heights, building square footage, and floor area ratio (FAR) of the surrounding properties compared to the proposed development, as well as the environmental and topographic situation of each of the structures. Within the Sharkey Property, the Staybridge Suites is a currently the tallest structure, topping out at 50 feet, the gross square footage of the structure is 85,000 square feet, and the FAR is 0.72 (DP 2011-77). The credit union located at 124 Louie Place is 30 feet in height, has a gross square footage of 3,000 square feet, and an FAR of 0.11 (PLN-MJDP-17-00064). Ken Towery's Tire and Auto Service establishment is 38 feet in height, which was allowed in the B-1 zone due to a variance granted by the Planning Commission (ZDP 2011-54), has a gross square footage of 7,400 square feet, and an FAR of 0.15 (DP 2011-60). The apartment structures located to the south of the subject properties are a maximum of 35 feet in height, the building gross area, including the garages is 115,000 square feet, and the FAR is .38 (DP 2010-9). It is important to note that due to a drop in the topography the apartment structures sit approximately five (5) feet below the grade of the proposed development.

The proposed height for the storage structure is 60 feet, with a gross building area of 105,600 square feet, and an FAR of 2.07. The proposed development therefore would be the tallest structure by 10 feet and almost double the height of the height of the residential structures. It would have the second largest gross building area in the Sharkey Property, and nearly triples the next highest FAR. Staff cannot agree with the applicant that the proposed development is meeting the built context of the surrounding development.

In addition to the review of the built environment, it is important to understand the zoning and land uses of the area and how any new zone would enhance or change that context. The Sharkey Property was developed to provide a transition from the highway service land uses associated with Leestown Road and New Circle Road to less intense zoning categories and land uses within the development area. This reflects a traditional development model, where more intense uses exist along our arterial corridors.

The applicant also suggests that the proposed development supports business uses, by allowing additional storage space to provide flexibility for business expansion (Theme C). Through the inclusion of the self-storage the applicant indicates that they promote entrepreneurial spirit by allowing flexibility and adaptability for today's rapidly changing small businesses. Staff disagrees with the applicant's perspective that such developments promote entrepreneurial spirit; however, agrees that this use is often an accessory element to small businesses. To build upon some of these discussion of jobs by the applicant, Theme C of the Comprehensive Plan focuses on attracting jobs, prioritizing employment sectors like healthcare, education, high-tech, advanced manufacturing, agribusiness, and agritourism (Theme C, Goal #2a). These positions are traditionally higher paying positions and support larger populations. The proposed development would utilize land that is currently zoned to allow for greater job creation for a use that generates very few jobs.

Finally, the applicant suggests that dense, multi-story storage facility will assist in the maintenance of the Urban Service Area concept (Theme E, Goal #1) by allowing greater density of housing and business use, and by maximizing development on a vacant parcel and redevelopment of the other parcel in a manner



that enhances existing urban form (Theme E, Goal #1.d). While staff agrees that a greater density can maintain the Urban Service Area, that density and intensity must be done in a way that is compatible with the surrounding development, rather than dominating the landscape and altering the character of the immediate area.



## CRITERIA

The criteria for a zone change are the distillation of the adopted Goals and Objectives, as well as the policies put forth in the 2018 Comprehensive Plan. The criteria for development represent the needs and desires of the Lexington-Fayette Urban County community in hopes of developing a better built environment. The applicable criteria are defined based on the proposed place-type and development type. The applicant has indicated that the site is located within the Enhanced Neighborhood Place-Type and is seeking to redevelop the two parcels to allow for a Low Density Non-Residential / Mixed-Use Development Type. Staff concurs with the applicant's assessment of the Place-Type and agrees that a low density non-residential / mixed-use development can be appropriate for the subject property. However, staff does not agree with the applicant's assessment that the Warehouse and Wholesale Business (B-4) zone is appropriate at this location.

While the applicant has addressed some of the Development Criteria, there are areas of concern as to how the applicant has applied or not applied the development criteria. The following criteria should be further described by the applicant show they are in agreement with the Comprehensive Plan.

### 1. Site Design, Building Form and Location

*A-DS4-2: New construction should be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context in accordance with other Imagine Lexington corridor policies and Placebuilder priorities.*

As described in the review of the review of the Goals and Objectives, the proposed development would be the tallest structure by 10 feet and almost double the height of the height of the residential structures. It would have the second largest gross building area in the Sharkey Property, and nearly triples the next highest FAR. Staff cannot agree with the applicant that the proposed development is meeting the built context of the surrounding development. Furthermore, the proposed development is not along a major corridor and the Sharkey Property has recently been constructed, resulting in the setting of a new context.

*A-DS5-3: Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.*

The proposed development breaks a connection with the stub access street located to the north on the tract of property utilized by the credit union.

*A-DS5-4: Development should provide a pedestrian-oriented and activated ground level.*

The proposed development is focused on the driving public and has emphasized the vehicular movement throughout the site, which is anticipated by the proposed use. Staff would like the applicant to further describe the activation of the structure.

*A-DS7-1: Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.*

The applicant has not sufficiently described why their parking must be located along the front of the structure and along the pedestrian walkway.

*A-DN2-2: Development should minimize significant contrasts in scale, massing and design, particularly along the edges of historic areas and neighborhoods. (D-PL9, E-GR6)*

The proposed development far exceeds the scale and massing of the surrounding development and the applicant has not described the proposed design of the structure.

*B-SU11-1: Green infrastructure should be implemented in new development. (E-GR3)*



Development Criteria are focused on implementation with new development. As this development is proposed and will be an impact on stormwater management, the applicant should show how they are seeking to provide green infrastructure on-site, enhancing green infrastructure off-site, or cannot meet this criteria.

*D-PL2-1: Developments should aim to provide a neighborhood-serving use that does not already exist in the vicinity, or that fills a specific need.*

Over the course of the last 10 years, there has been an increase in the amount of interior, climate controlled self-storage facilities in Lexington. While there is a projected need for such a use, there are ample opportunities for their development within the community that meets the zoning ordinance and are situated in appropriate areas of land use intensity.

*E-GR9-2: Low-intensity business uses that will provide neighborhood amenities should be incorporated into existing neighborhoods.*

The existing development and zoning already allow for low-intensity business uses to meet the needs of the neighborhood. Furthermore, the staff and the Planning Commission must review the uses in connection with the proposed zoning. The B-4 zone is meant to be the bridge between our industrial zoning and our less intense business zoning. In this case, the applicant is seeking to increase the potential land use between a low intensity credit union and a medium density residential complex, where a transition is not necessary. Additionally, the applicant is seeking to incorporate a low intensity use, but at a very high density.

*E-GR10-2: Developments should provide walkable service and amenity-oriented commercial spaces.*

The applicant should discuss how they are maintaining the walkability of the area and how the office/retail space is an amenity to the neighborhood.

## 2. Transportation and Pedestrian

*D-CO1-1: Rights-of-way and multi-modal facilities should be designed to reflect and promote the desired place-type.*

While the applicant is providing an auto-oriented development, they should still seek to promote various means of mobility for both the potential users and the potential workforce.

*D-CO2-1: Safe facilities for all users and modes of transportation should be provided.*

The applicant should provide safe facilities for all users and modes of transportation or describe how this cannot be met.

## 3. Greenspace and Environmental Health

*B-PR7-2: Trees should be incorporated into development plans; prioritize grouping of trees to increase survivability.*

The applicant has not shown how they are incorporating trees into their development. In addition, an appropriate landscape buffer should be provided adjacent to residential land uses.

*B-RE1-1: Developments should incorporate street trees to create a walkable streetscape.*

The applicant has not shown the location of street trees with their development.

In conclusion, staff cannot find that the applicant is in agreement with the Development Criteria of the 2018 Comprehensive Plan.

**STAFF RECOMMENDS: DISAPPROVAL, FOR THE FOLLOWING REASONS:**



1. The requested rezoning to Wholesale and Warehouse Business (B-4) zone is not in agreement with the 2018 Comprehensive Plan for the following reasons:
  - a. The requested rezoning is not in agreement with the following Goals and Objectives of the 2018 Comprehensive Plan:
    - i. Theme A, Goal #1
    - ii. Theme A, Goal #1.b
    - iii. Theme A, Goal #2
    - iv. Theme A, Goal #2.a
    - v. Theme A, Goal #2.b
    - vi. Theme A, Goal #3.d
    - vii. Theme C
    - viii. Theme C, Goal #2.a
  - b. The requested rezoning is not in agreement with the following Development Criteria of the 2018 Comprehensive Plan:
    - i. A-DS4-2: New construction should be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context in accordance with other Imagine Lexington corridor policies and Placebuilder priorities.
    - ii. A-DS5-3: Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
    - iii. A-DS5-4: Development should provide a pedestrian-oriented and activated ground level.
    - iv. A-DS7-1: Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
    - v. A-DN2-2: Development should minimize significant contrasts in scale, massing and design, particularly along the edges of historic areas and neighborhoods. (D-PL9, E-GR6)
    - vi. B-SU11-1: Green infrastructure should be implemented in new development. (E-GR3)
    - vii. D-PL2-1: Developments should aim to provide a neighborhood-serving use that does not already exist in the vicinity, or that fills a specific need.
    - viii. E-GR9-2: Low-intensity business uses that will provide neighborhood amenities should be incorporated into existing neighborhoods.
    - ix. E-GR10-2: Developments should provide walkable service and amenity-oriented commercial spaces.
    - x. D-CO1-1: Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place-type.
    - xi. D-CO2-1: Safe facilities for all users and modes of transportation should be provided.
    - xii. B-PR7-2: Trees should be incorporated into development plans; prioritize grouping of trees to increase survivability.
    - xiii. B-RE1-1: Developments should incorporate street trees to create a walkable streetscape.
2. There have been no major unanticipated changes of an economic, social or physical nature in the area of the subject property since the adoption of the 2018 Comprehensive Plan.
3. The existing B-1 and I-1 zones remain appropriate for the following reasons:
  - a. The uses associated with the B-1 zone are neighborhood focused and provide an appropriate level of intensity for the subject property.
  - b. The existing landuse and zoning are compatible with adjacent land uses.
  - c. A complete neighborhood can be accomplished via the existing landuse and zoning configurations
  - d. The I-1 zoning and development is utilized to support residential development by operating as an office and maintenance facility.
  - e. The existing zoning allows for small business and job creation.

HBB/TLW  
3/3/2020

Planning Services/Staff Reports/MAR/2020/PLN-MAR-20-00004 Centennial American Properties.pdf

## VARIANCE REQUEST



As part of their application, the petitioner is seeking a dimensional variance of the distance between the B-4 zone structures and residential zoning. Section 8-21(0)(1) of the Zoning Ordinance requires that all structures located within the B-4 zone be at least 100 feet from any residential zone, unless the portion within that distance has no openings except stationary windows and doors that are designed and intended solely for pedestrian access. The applicant is seeking to reduce the required distance from 100 feet to 28 feet.

Before any variance is granted, the Planning Commission must find the following:

- a. The granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the Planning Commission shall consider whether:
  1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone.
  2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
  3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
- b. The Planning Commission shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

### ZONING ORDINANCE

Article 6-4(c) states that the Planning Commission may hear and act upon requested variances associated with a zone change. In such cases, they may assume all of the powers and responsibilities of the Board of Adjustment, as defined in Article 7-6(b) of the Zoning Ordinance.

Article 8-21(o)(1) states that "All buildings and structures shall be at least 100 feet from any residential zone, unless the portion within that distance has no opening except stationary windows and doors that are designed and intended solely for pedestrian access."

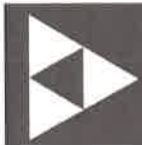
### CASE REVIEW

The applicant states that the proposed development will have limited openings, unlike traditional self-storage units. There will be two doors that allow entrance and exit. The entrance door will be situated along the southern facing side of the structure, directly opposing the apartment complex, and the exit will be located along the northern facing side of the structure, directly opposing a credit union. The applicant is requesting the variance due to the proximity of the R-3 zoning. The applicant states that all loading and unloading will be done interior to the structure, which will limiting noise and activity. The applicant contents that the apartment complex is already screened from this property by a solid row of garages, which serve as both a visual and sound buffer from this property.

The applicant makes five arguments for the granting of the variance. First, the applicant indicates that the variance will not adversely affect the public health, safety or welfare, and will not alter the character of the general vicinity and will not cause a hazard or nuisance to the public, because unlike traditional storage facilities, there will be no access to individual units from the exterior. Further, the applicant states that the apartments adjacent to the proposed exterior door are already screened by a solid row of garages, which provide sound and visual buffering.

The applicant's assertion that one door of movement for all users compared to multiple doors reduces the impact on the surrounding residential land use is incorrect. While the density of entryways is reduced at this location the intensity of use will increase. The opening and closing of the entryway into the storage warehouse would be directly facing the apartment building. Furthermore, the garages that the applicant suggests would block the apartments, sits approximately five (5) feet below the grade of the proposed storage warehouse. The potential noise generated by the opening and closing of the door, as well as the activities within the structure would most readily impact those residents occupying the second and third story of the adjacent apartment building. Additionally, due to the size of the parcel and the proposed layout of the structure, there is little room for additional buffering between the proposed storage warehouse and the apartments that could reduce the impact of the nuisance sounds and activity generated by the use.





Next the applicant suggests that the proposed variance does not allow an unreasonable circumvention of the requirements of the Zoning Ordinance because the purpose of Section 8-21(0)(1) is to minimize sound and activity near residential zones for the same reasons previously states. Staff disagrees as the applicant has not provided adequate information as to how they will reduce the sounds and activity produced by the proposed development, just that the majority of the activity will be internal. Further, due to the applicant's layout of the site, they have not provided space to allow for any increased buffering.

Thirdly, the applicant indicates that the need for the variance arises from special circumstances, which apply to this property and which do not generally apply to the land in the general vicinity or in the same zone that the development seeks utilize. They stress that the design of the building, and the existence of the residential garages adjacent to the property line, will minimize disturbance to the apartments and provide a unique circumstance. Staff disagrees with such an assertion. In a recent rezoning, located on North Locust Hill Drive (PLN-MAR-18-00018), the applicant was similarly located between residential zoning and business zoning and sought to provide internal, climate-controlled storage. The applicant was able to design their structure to meet the zoning ordinance and reduce the noise and use nuisances on the neighboring housing.

The applicant also argues that the strict application of the regulations of the Zoning Ordinance would deprive the applicant of a reasonable use of its land or create an unnecessary hardship because the size of the property would make it unfeasible to use the property for storage purposes without such a variance. In addition, the property closest to the apartments is already zoned I-1. Staff argues that the applicant cannot claim that they are being deprived by the Zoning Ordinance for a use that is currently not allowable. The I-1 zoning that is located on site is a remnant piece of land that was left purposefully by the owner of the subject properties. As such, the owner of the property has willfully restricted the use of the subject property, as the zoning regulations regarding the location of the doorway have not changed. Furthermore, the applicant is making an active choice to rezone the property for a specific use, with a particular design, and with the knowledge that placing a vehicular doorway at this location is not permitted by the zoning ordinance within this distance. The inability to meet the requirement of the Zoning Ordinance suggests that the proposed zoning is inappropriate at this location.

Finally, the applicant states that the circumstances surrounding the requested variance are not the result of actions that this applicant has taken subsequent to the regulation from which the relief is sought. The applicant indicates that no construction has started and the company affiliated with the owner currently owns both the subject property, and the adjoining apartment units. Whether the applicant has started construction or not, the chosen parcels of land require the applicant to meet the requirements set out by the Zoning Ordinance. Should the applicant receive the associated zone change, they would be able to conform with Article 8-21(0)(1); however, are choosing to seek relief. Within their application staff cannot find that there is any hardship or special circumstances that would lead to the approval of the requested variance.

### STAFF RECOMMENDS: **DISAPPROVAL**, FOR THE FOLLOWING REASONS:



1. Granting the requested variance would adversely affect the public health, safety, or welfare by creating noise nuisances for the nearby multi-family residential units; and would affect the character of the general vicinity.
2. The applicant has not provided adequate information as to how they will reduce the sounds and activity produced by the proposed development. Therefore, the allowance of the variance would be a willful circumvention of the Zoning Ordinance.
3. The need for the variance does not a rise from the special circumstances of the proposed development, as similar developments in similarly zoned areas have been able to meet the distance requirement.
4. The strict application of the distance requirement would does not create an unnecessary hardship on the proposed development as it is meant to protect the nearby residential land uses and the I-1 zoned remnant was purposely left out from previous rezonings.
5. The request would result in willful violation of the Zoning Ordinance. The applicant has chosen these parcels of land, which are currently complying with the Zoning Ordinance. The applicant has the ability to comply with the Ordinance without the need of the variance.

HBB/TLW  
1/6/2020

Planning Services/Staff Reports/MAR/2019/PLN-MAR-19-00017 LEXINGTON HABITAT FOR HUMANITY.pdf

# SUPPLEMENTAL STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-20-00004: CENTENNIAL AMERICAN PROPERTIES

## STAFF REVIEW

In the period following the March Subdivision and Zoning Committee meetings, the applicant met with staff to discuss the proposed rezoning. Following those meetings, the applicant conducted a review of the context of the area, and modified their application regarding the proposed development and its agreement with the 2018 Comprehensive Plan. The new information provided by the applicant addresses the height of the structure by bringing the structure down one story, which is more in line with the extended-stay hotel across Louie Place from the subject property. Furthermore, the revised proposal activates the primary street plane through the increase of windows and adhering to the B-1 zone setbacks. The elevation provided by the applicant should be substantially followed as construction occurs. The plan seeks to increase the tree canopy, while also restricting the proposed intensity of the allowable uses. The materials submitted specifically focused on those Goals and Objectives that were deficient within the original application, including how the proposed development would respect the context and design features of areas surrounding development (Theme A, Goal #2.b), and how the development would promote, maintain, and expand the urban forest throughout the Urban Service Area (Theme A, Goal #3.d). The applicant provided greater information as to how the proposed intensity of the allowable uses would transition from the residential neighborhood located at the rear of the Townley development, into the neighborhood serving businesses. Finally, through the submission of an updated development plan, elevation drawings, comparative height drawings, and proposed conditional zoning restrictions, the applicant has addressed many of staffs concerns regarding the Development Criteria.

Staff can now recommend approval of the proposed zone change from a from a Light Industrial (I-1), Neighborhood Business (B-1) and Planned Neighborhood Residential (R-3) zone to the Wholesale and Warehouse Business (B-4) zone for the properties located at 132 and 148 Louie Place, as the proposal is in agreement with the 2018 Comprehensive Plan, including the applicable Goals and Objectives, Policies, and Development Criteria.

While that the proposed rezoning is in agreement with the Comprehensive Plan, it is important to note the unique nature of the application and the subject properties. The property located at 148 Louie Place represents a high intensity, high nuisance zone that will be decreased with the proposed rezoning. Further, the applicant has further restricted the potential uses, as represented by the Conditional Zoning Restrictions, while also making an effort to conform with the existing development and adjacent B-1 zoning. Staff still disagrees with the applicant's assertion that a climate controlled self-storage warehouse promotes entrepreneurial spirit, or promotes denser housing opportunities in Lexington. The applicant has not provided any evidence to support these statement.

## STAFF RECOMMENDS: **APPROVAL**, FOR THE FOLLOWING REASON:



1. The requested Wholesale and Warehouse Business Zone (B-4) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
  - a. The proposed rezoning allows for the development of vacant parcels (Theme A, Goal #2.a), while also decreasing the intensity of uses from an unrestricted I-1 zone, to a restricted B-4 zone.
  - b. The proposed development provides a well-designed neighborhood (Theme A, Goal #3) by providing safe connections to the surrounding businesses, preferencing pedestrian safety along Louie Place, and activating the street frontage.
  - c. The proposed development will promote, maintain, and expand the urban forest (Theme A, Goal #3.d) by increasing the canopy coverage, while also maintaining the established tree line along the rear of the subject properties.



- d. The proposed rezoning will assist in the maintenance of the Urban Service Area concept (Theme E, Goal #1) by allowing greater density of business use, and by maximizing development on a vacant parcel and redevelopment of the other parcel in a manner that enhances existing urban form (Theme E, Goal #1.d).
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
    - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the site creates a business development that supports pedestrian mobility, while also providing cross access between businesses. Need something about activation of the streetscape.
    - b. The proposed rezoning includes safe facilities for the potential users, as well as the residents located at the southern portion of the Townley Development by prioritizing multi-modal connections and increasing pedestrian facilities. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
    - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, and limits the impacts on the surrounding environment.
  3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use and buffering restrictions are recommended via conditional zoning:
    - a. The following uses would be prohibited:
      1. Laundry, clothes cleaning or dyeing shops.
      2. Ice plant.
      3. Machine shop.
      4. Kennels, animal hospitals or clinics.
      5. Establishments and lots for the display, rental, sale and repair of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles, motorcycles or boats or supplies for such items.
      6. Truck terminals and freight yards.
      7. Establishments for the display and sale of precut, prefabricated or shell homes.
      8. Carnivals.
      9. Retail sale of building materials and lumber.
      10. Pawnshops.
      11. Shredding, sorting and baling of paper scrap and storage of waste paper.
    - b. In addition, any self-storage facility on the premises shall not have outdoor storage, and shall not have direct access to the outdoors from individual units.
    - c. There shall be no exterior lighting along the southwest portion of the building that abuts the residential zoning.
    - d. There shall be a 10-foot landscaping buffer between the Wholesale and Warehouse Business (B-4) zone and the southwest portion of the property that abuts the residential zoning.
  4. This recommendation is made subject to approval and certification of PLN-MJDP-20-00007: Sharkey Property, Unit 1, Lot 10A and a Portion of Unit 4, Sec 2 (AMD), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

1. CENTENNIAL AMERICAN PROPERTIES ZONING MAP AMENDMENT & SHARKEY PROPERTY UNIT 1 LOT 10A & A PORTION OF UNIT 4 SEC 2 (AMD) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-20-00004: CENTENNIAL AMERICAN PROPERTIES (6/25/20)\*- a petition for a zone map amendment from a Neighborhood Business (B-1) zone to a Wholesale and Warehouse Business (B-4) zone, for 0.6 net (0.69 gross) acre, from a Light Industrial (I-1) zone to a Wholesale and Warehouse Business (B-4) zone, for 0.466 net (0.482 gross) acre, and from an Planned Neighborhood Residential (R-3) zone to a Wholesale and Warehouse Business (B-4) zone (ROW), for 0.038 gross acre, for properties located at 132 and 148 Louie Place.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2018 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. 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.

The applicant is seeking a zone change from a Light Industrial (I-1), Neighborhood Business (B-1) and Planned Neighborhood Residential (R-3) zone to the Wholesale and Warehouse Business (B-4) zone for the properties located at 132 and 148 Louie Place. The zone change application is seeking to allow for the development of a five (5) story, climate controlled self-storage warehouse.

The Zoning Committee Recommended: Approval to the full Commission.

The Staff Recommends: Approval, for the following reasons:

1. The requested Wholesale and Warehouse Business Zone (B-4) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
  - a. The proposed rezoning allows for the development of vacant parcels (Theme A, Goal #2.a), while also decreasing the intensity of uses from an unrestricted I-1 zone, to a restricted B-4 zone.
  - b. The proposed development provides a well-designed neighborhood (Theme A, Goal #3) by providing safe connections to the surrounding businesses, preferencing pedestrian safety along Louie Place, and activating the street frontage.
  - c. The proposed development will promote, maintain, and expand the urban forest (Theme A, Goal #3.d) by increasing the canopy coverage, while also maintaining the established tree line along the rear of the subject properties.
  - d. The proposed rezoning will assist in the maintenance of the Urban Service Area concept (Theme E, Goal #1) by allowing greater density of business use, and by maximizing development on a vacant parcel and redevelopment of the other parcel in a manner that enhances existing urban form (Theme E, Goal #1.d).
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
  - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the site creates a business development that supports pedestrian mobility, while also providing cross access between businesses.
  - b. The proposed rezoning includes safe facilities for the potential users, as well as the residents located at the southern portion of the Townley Development by prioritizing multi-modal connections and increasing pedestrian facilities. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
  - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, and limits the impacts on the surrounding environment.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use and buffering restrictions are recommended via conditional zoning:
  - a. The following uses would be prohibited:
    1. Laundry, clothes cleaning or dyeing shops.
    2. Ice plant.
    3. Machine shop.
    4. Kennels, animal hospitals or clinics.
    5. Establishments and lots for the display, rental, sale and repair of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles, motorcycles or boats or supplies for such items.
    6. Truck terminals and freight yards.
    7. Establishments for the display and sale of precut, prefabricated or shell homes.
    8. Carnivals.
    9. Retail sale of building materials and lumber.
    10. Pawnshops.
    11. Shredding, sorting and baling of paper scrap and storage of waste paper.

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

- b. In addition, any self-storage facility on the premises shall not have outdoor storage, and shall not have direct access to the outdoors from individual units.
  - c. There shall be no exterior lighting along the southwest portion of the building that abuts the residential zoning.
  - d. There shall be a 10-foot landscaping buffer between the Wholesale and Warehouse Business (B-4) zone and the southwest portion of the property that abuts the residential zoning.
4. This recommendation is made subject to approval and certification of PLN-MJDP-20-00007: Sharkey Property, Unit 1, Lot 10A and a Portion of Unit 4, Sec 2 (AMD), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
- b. PLN-MJDP-20-00007: SHARKEY PROPERTY UNIT 1 LOT 10A & A PORTION OF UNIT 4 SEC 2 (AMD) (6/25/20)\* - located at 132 AND 148 LOUIE PL., LEXINGTON, KY.  
Project Contact: Barrett Partners

Note: The purpose of this amendment is to rezone the property.

The Subdivision Committee Recommended: Approval, subject to the following revised conditions:

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. Discuss Placebuilder criteria:
  - a. A-DS5-4: Development should provide a pedestrian-oriented and activated ground level.
  - b. A-DS7-1: Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
  - c. B-SU11-1: Green infrastructure should be implemented in new development. (E-GR3).
  - d. D-CO1-1: Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place type.

Staff Zoning Presentation – Mr. Baillie presented the staff report and recommendations for the zone change application. He displayed photographs of the subject property and aerial photographs of the general area. He said the applicant is proposing this zone change to develop a four-story, climate controlled self-storage warehouse and associated retail space. The applicant proposes that there will not be any exterior storage or access to the individual storage units. There will a drive-in entrance door to allow users to drop off their goods and then access their individual unit via elevators and hallways.

Mr. Baillie said that the subject property is located within the Townley Center, known as the Sharkey Property, which is within a mixed type development. The immediate vicinity includes Professional Office (P-1) zoning, Neighborhood Business (B-1), Commercial Center (B-6P) zoning, Light and Heavy Industrial zoning, and residential zoning. He said that the B-1 portion of the subject property is currently vacant, while the I-1 portion has been maintained and utilized as a central maintenance facility by the property owner.

Mr. Baillie said that the applicant submitted a landscape plan depicting their tree plantings. He said that the staff had concerns with how the applicant would be able to transitioning a residential area and the proposed landuse between the neighborhood serving businesses. He said that the applicant has met with the staff to organize this site so that it connects with the existing development and has access to the public right-of-way. He added that the applicant has agreed to staff's recommendation of developing this facility as a four-story building instead of five-story structure, which was originally proposed. This will be a similar height to the neighboring extended-stay hotel. They have also activated the ground level plane, which include windows, street trees and interior trees, as well as some landscaping between the different zones.

Mr. Baillie said that the staff still had concerns with the intensity of the potential uses for this site. He said that the applicant had provided staff with proposed conditional zoning restrictions that they believed would lessen the intensity of uses. He said that with these changes, the staff is now recommending approval of this application, because the proposed zoning allows the development of vacant parcels, while also decreasing the intensity of uses from an unrestricted I-1 zone, to a restricted B-4 zone. The proposed development provides a well-designed neighborhood by providing safe connections to the surrounding businesses, preferencing pedestrian safety along Louie Place, and activating the street frontage. The proposed development will promote, maintain, and expand the urban forest by increasing the canopy coverage, while also maintaining the established tree line along the rear of the subject properties. The proposed rezoning also will assist in the maintenance of the Urban Service Area concept by allowing greater density of business use, and by maximizing development on a vacant parcel and redevelopment of the other parcel in a manner that enhances existing urban form.

Mr. Baillie said that the justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan by meeting the development criteria for Site Design, Building Form and Location; Transportation and Pedestrian Connectivity and Greenspace and Environmental Health.

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

Mr. Baillie said that the staff had incorporated the conditional zoning restrictions provided by the applicant, as well as recommending some additional ones. All of the conditional zoning restrictions are as follows:

- a. The following uses would be prohibited:
  1. Laundry, clothes cleaning or dyeing shops.
  2. Ice plant.
  3. Machine shop.
  4. Kennels, animal hospitals or clinics.
  5. Establishments and lots for the display, rental, sale and repair of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles, motorcycles or boats or supplies for such items.
  6. Truck terminals and freight yards.
  7. Establishments for the display and sale of precut, prefabricated or shell homes.
  8. Carnivals.
  9. Retail sale of building materials and lumber.
  10. Pawnshops.
  11. Shredding, sorting and baling of paper scrap and storage of waste paper.
- b. Any self-storage facility on the premises shall not have outdoor storage, and shall not have direct access to the outdoors from individual units.
- c. There shall be no exterior lighting along the southwest portion of the building that abuts the residential zoning.
- d. There shall be a 10-foot landscape buffer between the Wholesale and Warehouse Business (B-4) zone and the southwest portion of the property that abuts the residential zoning.

Commission Questions – Mr. Owens asked if the applicant is in agreement with the additional staff's recommended conditional zoning restrictions. Mr. Baillie said that the applicant is in agreement after having some concern regarding the lighting, which they may comment on.

Development Plan Presentation – Ms. Gallt presented the major development plan associated with this zone change. She displayed a rendering of the proposed development. She pointed to the access points, which will also connect to the adjacent property. She stated that there are a few conditions, which include the Division of Engineering, Division of Traffic Engineering, and also the Urban Forester. There is a discussion item for the Placebuilder criteria, which Mr. Baillie has discussed and this item can be changed to "resolve."

Applicant Presentation – Mr. Dick Murphy, attorney representing the petitioner. He said they are in agreement with the staff's recommendations. He said that the development that has been presented at today's hearing is different from the original at the time of filing. This revision is a result of the process of meetings with the neighborhood associations and the staff.

Commission Question – Mr. Owens thanked the applicant for working together with all of the neighbors and the staff.

Zoning Action – A motion was made by Mr. Forester, seconded by Mr. Brewer, and carried 10-0 (Pohl absent) to approve PLN-MAR-20-00004: CENTENNIAL AMERICAN PROPERTIES, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Forester, seconded by Mr. Brewer, and carried 10-0 (Brewer absent) to approve PLN-MJDP-20-00007: SHARKEY PROPERTY UNIT 1 LOT 10A & A PORTION OF UNIT 4 SEC 2 (AMD), for the recommendations presented by the staff and changing condition #5 to the following:

5. Resolve Discuss Placebuilder criteria:
  - a. A-DS5-4: Development should provide a pedestrian-oriented and activated ground level.
  - b. A-DS7-1: Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
  - c. B-SU11-1: Green infrastructure should be implemented in new development. (E-GR3).
  - d. D-CO1-1: Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place type..

Legal Description  
Dennis Anderson (applicant)  
Zone Change From R-3 to B-4  
At 148 Louie Place  
Lexington, Fayette County, Kentucky

ALL THAT TRACT OR PARCEL OF LAND SITUATED NEAR THE INTERSECTION OF LOUIE PLACE AND HATTER DRIVE IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the intersection point of the centerline of Hatter Drive and the centerline of Louie Place; thence leaving Louie Place south 52 degrees 45 minutes 38 seconds east 30.00 feet to a point in the east right of way of Louie Place; thence with the east right of way south 37 degrees 14 minutes 22 seconds west 55.00 feet to a point; thence north 52 degrees 45 minutes 38 seconds west 30.00 feet to a point in the centerline of Louie Place; thence with the centerline of Louie Place north 37 degrees 14 minutes 22 seconds east 55.00 feet to the point of beginning and containing 0.038 gross acres and 0.038 net acres.

Legal Description  
Dennis Anderson (applicant)  
Zone Change From I-1 to B-4  
At 148 Louie Place  
Lexington, Fayette County, Kentucky

ALL THAT TRACT OR PARCEL OF LAND SITUATED NEAR THE INTERSECTION OF LOUIE PLACE AND HATTER DRIVE IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a point in the centerline of Louie Place located 30.00 feet northeast of the intersection of the centerline of Hatter Drive and the centerline of Louie Place; thence leaving Louie Place south 52 degrees 46 minutes 39 seconds east 230.00 feet to a point; thence south 37 degrees 14 minutes 22 seconds west 101.50 feet to a point; thence north 52 degrees 46 minutes 39 seconds west 200.00 feet to a point in the east right of way of Louie Place; then along the east right of way north 37 degrees 14 minutes 22 seconds east 78.27 feet to a point; thence leaving the east right of way north 52 degrees 45 minutes 38 seconds west 30.00 feet to a point in the centerline of Louie Place; thence with the centerline of Louie Place north 37 degrees 14 minutes 22 seconds east 23.22 feet to the point of beginning and containing 0.482 gross acres and 0.466 net acres.



Legal Description  
Dennis Anderson (applicant)  
Zone Change From B-1 to B-4  
At 132 Louie Place  
Lexington, Fayette County, Kentucky

ALL THAT TRACT OR PARCEL OF LAND SITUATED NEAR THE INTERSECTION OF LOUIE PLACE AND HATTER DRIVE IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a point in the centerline of Louie Place located 153.97 feet northeast of the intersection of the centerline of Hatter Drive and the centerline of Louie Place; thence leaving Louie Place south 52 degrees 46 minutes 39 seconds east 230.00 feet to a point; thence south 37 degrees 14 minutes 22 seconds west 130.75 feet to a point; thence north 52 degrees 46 minutes 39 seconds west 230.00 feet to a point in the centerline of Louie Place; thence with the centerline of Louie Place north 37 degrees 14 minutes 22 seconds east 130.75 feet to the point of beginning and containing 0.690 gross acres and 0.600 net acres.