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Planning Commission
Lexington-Fayette Urban County Government
101 East Vine Street
Lexington, KY 40507

Dear Members of the Planning Commission:

On behalf of Clay-Ingels Company, Inc., (“Clay-Ingels” or “Applicant”) we have filed a zone change application to Light Industrial (I-1), for the property located at 910-912 Delaware Avenue (the “Property”). The Property consists of approximately 0.24 net (0.28 gross) acres. While it is presently zoned Two-Family Residential (R-2), the site is vacant, as the two residential structures previously on the site were demolished after remaining unoccupied for a lengthy period of time. The Applicant requests approval of the proposed zone change as the existing R-2 zoning classification is inappropriate and the I-1 zoning classification is appropriate as discussed below.

The Applicant proposes to use a portion of the Property to improve the entrance by widening and realigning the existing narrow access point with poor sightlines to better handle the traffic from Winchester Road. These improvements will only benefit the area. This request is not to introduce a new use or a new business to the area. It will not lead to greater traffic or noise. What this change will do is ensure that the trucks already accessing the existing site can do so in a more appropriate and safe manner.

The Property is almost completely surrounding by either Industrial (I-1) land or Wholesale and Warehouse Business (B-4) land in an area that is predominantly industrial in nature. In fact, a majority of the properties on Delaware Avenue are zoned either I-1 or B-4 with only a small area of R-2 zoned property between Winchester Road and Dallas Avenue – especially on the southern side of Delaware Avenue. The Applicant proposes to incorporate the site into its building material distribution facility at 958 Delaware Avenue, which is a 10+ acre Light Industrial (I-1) site surrounding the Property to the south and east that has been in this location since 1965. The Property adjoins the entrance to the Clay-Ingels facility and the proposed zone change will allow for the design of a more formal and improved entrance into the facility. The primary reason that the residential zoning is inappropriate and that the industrial zoning is appropriate are essentially the same. The location of the vacant parcel is just not suited for residential use as it is almost completely surrounded by either warehousing or industrial use. And, due to this proximity to I-1 and B-4 properties, it is appropriate to add on a small vacant parcel to the existing adjacent industrial user to help remedy a known access issue. As such, we submit that the requested zone change is appropriate.

Another reason why residential zoning is inappropriate on this parcel is that there is no existing landscape buffer between the industrial and residential zones. As such, any new residential structure must comply with Article 18's landscaping requirements between industrial and residential uses with a 15 foot landscaping buffer with trees, a fence, and double row of hedges all the way around the side and rear yards. 910 and 912 Delaware have been consolidated into a single lot. As such, Applicant could only build a single family house or a duplex if the existing zoning remained in place. While there may be technically enough room on the .24 acre site for such a structure, the buffer area creates a very narrow buildable area that is just not suited for a new residential structure. The former residential structures had been vacant for quite some time before being torn down as there simply wasn't a demand to live wedged in between the neighboring warehouse, the major industrial user to the rear, and at the corner of a substandard access road for industrial traffic. Simply put, there is no logical reason to rebuild a residential structure that no one wants to live in due to the location and surrounding uses.

In contrast to the above scenario, the Applicant is proposing to improve the existing access drive, which is a clear need for the user and the neighborhood. This improvement can only occur with this zone change and it makes industrial zoning very appropriate at this location. The proposed realigned access drive will fit in seamlessly with the neighborhood and the operations of the longstanding existing industrial user resulting in improved existing conditions for all of Delaware Avenue – especially the residential uses. Finally, this will not have any type of adverse impact to the surrounding neighbors as the proposed development plan does not introduce a new access point or new industrial traffic onto Delaware. This zone change merely aids in the property owner's efforts to address a known issue in a manner that does not add any additional stress onto the surrounding residential houses and allows a local business to function in a more efficient manner.

While we are not justifying the zone change request on compliance with the Comprehensive Plan, the Applicant firmly believes that this proposal is not adverse to the Goals and Objectives of the Comprehensive Plan. Simply put, as a policy document for the entire community, the Plan doesn't really lay out goals and objectives relating to this small of a change to benefit an existing business. This request is simply a 0.24 net acre site being absorbed by the larger adjacent use of the area – not something that is typically addressed in a community policy document. While small in nature, this change will allow for the betterment of the surrounding area and help make a local business a more efficient property. These types of concepts are certainly encouraged by our Plan.

The Applicant commits to working with Staff to develop appropriate buffering and landscaping requirements around the proposed access aisle and appropriate conditional zoning restrictions to limit the types of industrial uses for the Property due to the proximity to the existing residential use along Delaware.

We will be at the April public hearing in order to make a complete presentation of this application and request your favorable consideration.

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Best Regards;

Stoff Keenon Ogden PLLC



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