

ORDINANCE NO. 130 -2016

AN ORDINANCE CHANGING THE ZONE FROM AN AGRICULTURAL RURAL (A-R) ZONE TO A LIGHT INDUSTRIAL (I-1) ZONE, FOR 3.20 NET (6.98 GROSS) ACRES, FOR PROPERTY LOCATED AT 1551 GREENDALE ROAD (LAIL INTERESTS, LLLP; COUNCIL DISTRICT 2).

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WHEREAS, at a Public Hearing held on May 26, 2016 a petition for a zoning ordinance map amendment for property located at 1551 Greendale Road from an Agricultural Rural (A-R) zone to a Light Industrial (I-1) zone for 3.20 net (6.98 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 8-0; 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 1551 Greendale Road from an Agricultural Rural (A-R) zone to a Light Industrial (I-1) zone for 3.20 net (6.98 gross) acres, being 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 following use and buffering restrictions are proposed for the subject property via conditional zoning:

**Prohibited Uses**

- a. Establishments and lots for the display, rental, sale and repair of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles, minibikes, motorcycles, bicycles, boars or supplies for such items.
- b. Tire retreading or recapping.
- c. Truck terminals and freight yards.
- d. Automobile service stations.
- e. Underground storage tanks for materials other than petroleum products.
- f. Billboards, or advertising signs as defined in Article 17-3(b)(1) of the Zoning Ordinance.
- g. Outdoor public address systems.

- h. Grain drying, even when operated in a fully enclosed building.
- i. The above-ground or below-ground storage for resale of any flammable or nonflammable gas or oxidizer in liquid or gaseous form, the storage of any empty container which contained any gas in any form, and the receiving of or dispensing of any gas in any form.
- j. Concrete mixing.
- k. Commercial composting.
- l. Helistops and Heliports.
- m. Mining of metallic and non-metallic minerals.

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

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

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.

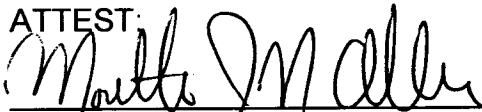
Section 4 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: July 5, 2016



\_\_\_\_\_  
MAYOR

ATTEST:



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

Published: July 14, 2016-1t

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LAIL INTERESTS, LLLP PROPERTY  
ZONE CHANGE FROM A-R TO I-1  
1551 GREENDALE ROAD  
LEXINGTON, FAYETTE COUNTY, KENTUCKY

A TRACT OR PARCEL OF LAND LOCATED AT THE SOUTHEASTERN QUADRANT OF THE SPURR ROAD AND GREENDALE ROAD INTERSECTION IN NORTHERN LEXINGTON, FAYETTE COUNTY, KENTUCKY AND BEING MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

**BEGINNING** at the point of intersection of the centerline of Spurr Road and the projected centerline of the western railroad line of the Norfolk & Southern Railroad; thence with the centerline of Spurr Road for the following three calls -- S 69°20'46" E, a distance of 451.32 feet to a point; thence 118.06 feet along a curve to the left having a radius of 282.60 feet and a chord which bears S 82°13' 16" E, a distance of 117.20 feet to a point; thence N 85°48'39" E, a distance of 90.92 feet to a point being the centerline intersection with Greendale Road; thence with said centerline for the following three calls - S 21°50'47" W, a distance of 359.42 feet to a point; thence S 23°02'41" W, a distance of 346.05 feet to a point; thence S 21°38'24" W, a distance of 285.99 feet to a point being in the centerline of the aforementioned projected railroad line; thence with said centerline N 13°10'57" W, a distance of 1115.69 feet to the **POINT OF BEGINNING** and containing 6.98 acres gross and 3.20 acres net.

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

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

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

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

Having considered the above matter on **May 26, 2016**, at a Public Hearing, and having voted **8-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **CONDITIONAL APPROVAL** of this matter for the following reasons:

1. A restricted Light Industrial (I-1) zone is appropriate, and the existing Agricultural Rural (A-R) is inappropriate for the subject location, for the following reasons:
  - a. The proposed rezoning of the subject property is compatible with the existing light industrial character of the immediate area, specifically land between the Norfolk Southern railroad to the west and the Georgetown Road corridor to the east, and between Spurr Road to the north and New Circle Road to the south.
  - b. From 1980 through 2007, the land use element of the Comprehensive Plan, specifically the land use map, has recommended light industrial future land use for the subject property. The proposal is in keeping with this historic recommendation for this location.
  - c. The property is adjacent to a very active railroad line that extends from the Tennessee state border to the Ohio River, and is bounded to the north by Spurr Road and to the east by Greendale Road. Because the site is bounded by right-of-way on all of its three sides, it is not able to be incorporated into any other surrounding development. Thus, the existing railroad serves as a strong land use buffer to the residential areas to the west.
  - d. The proposed light industrial use is a relatively low traffic generator for Greendale and Spurr Roads, which have received sporadic improvements since the area was brought into the Urban Service Area in 1980. Additional right-of-way or roadway improvements will facilitate truck traffic to and from this location.
  - e. The existing agricultural zoning is not appropriate because the site is no longer recommended for rural or agricultural protection; and the property is less than four acres in size, which is less than one-tenth the required lot size for the existing zone. These characteristics make the property undesirable for an agricultural use in the future.
2. This recommendation is made subject to the approval and certification of **ZDP 2016-42: Lail Property**, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are recommended via conditional zoning for the subject property:

**PROHIBITED USES:**

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

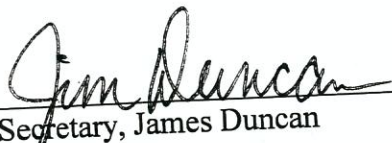


- b. Tire retreading or recapping.
- c. Truck terminals and freight yards.
- d. Automobile service stations.
- e. Underground storage tanks for materials other than petroleum products.
- f. Billboards, or advertising signs as defined in Article 17-3(b)(1) of the Zoning Ordinance.
- g. Outdoor public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

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

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

ATTEST: This 10<sup>th</sup> day of June.

  
Secretary, James Duncan

MIKE OWENS  
CHAIR

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

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

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

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

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

NAYS: (0)

ABSENT: (3) Brewer, Penn, Plumlee

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for CONDITIONAL APPROVAL of MAR 2016-7 carried.

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





MAR 2016-7

Date Received 3/7/16

Pre-Application Date 2/19/16

Filing Fee \$ 500.00

### GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION

**1. ADDRESS INFORMATION (Name, Address, City/State/Zip & PHONE NO.)**

APPLICANT:	Lail Interests, LLLP P.O. Box 16459, Beverly Hills, CA 90209-2459
OWNER:	Lail Interests, LLLP P.O. Box 16459, Beverly Hills, CA 90209-2459
ATTORNEY:	Jacob Walbourn, MMLK 859-231-8780 201 East Main Street, Suite 1000, Lexington, Kentucky 40507

**2. ADDRESS OF APPLICANT'S PROPERTY (Please attach Legal Description)**

1551 Greendale Road
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**3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY (Use attachment, if needed--same format.)**

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
A-R	Vacant Residence	I-1	Warehouse	3.20	6.98

**4. SURROUNDING PROPERTY, ZONING & USE**

Property	Use	Zoning
North	Vacant	R-3
East	UK Property & Proposed Warehouse	I-1
South	Railroad & Single Family	R-3
West	Railroad & Single Family	R-3

**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 checked="" type="checkbox"/> YES <input type="checkbox"/> NO
c. Are these units currently occupied by households earning under ____ % 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 checked="" type="checkbox"/> NO ____ Units

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

Roads	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Storm Sewers	<input type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input checked="" type="checkbox"/> Other
Sanitary Sewers	<input type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input checked="" type="checkbox"/> Other
Curb/Gutter/Sidewalks	<input type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input checked="" type="checkbox"/> Other
Refuse Collection	<input checked="" type="checkbox"/> LFUCG	<input type="checkbox"/> Other		
Utilities	<input checked="" type="checkbox"/> Electric	<input type="checkbox"/> Gas	<input checked="" type="checkbox"/> Water	<input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable

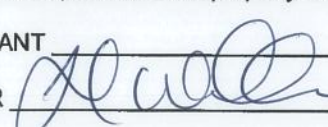
**7. DESCRIBE YOUR JUSTIFICATION FOR REQUESTED CHANGE (Please provide attachment.)**

This is in... <input checked="" type="checkbox"/> in agreement with the Comp. Plan <input checked="" type="checkbox"/> more appropriate than the existing zoning <input type="checkbox"/> due to unanticipated changes.
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**8. APPLICANT/OWNER SIGNS THIS CERTIFICATION**

I do hereby certify that to the best of my knowledge and belief, all application materials are herewith submitted, and the information they contain is true and accurate. I further certify that I am  OWNER or  HOLDER of an agreement to purchase this property since \_\_\_\_\_.

APPLICANT \_\_\_\_\_ DATE \_\_\_\_\_

OWNER  ATTORNEY \_\_\_\_\_ DATE 3/7/16

LFUCG EMPLOYEE/OFFICER, if applicable \_\_\_\_\_ DATE \_\_\_\_\_



March 7, 2016

Mr. Mike Owens, Chairman  
Lexington-Fayette Urban County Planning Commission  
200 East Main Street  
Lexington, Kentucky 40507

RE: Zone Change Application from A-R to I-1  
1551 Greendale Road

Dear Chairman Owens:

Please be advised that we represent Lail Interests LLLP, the limited liability partnership of Robert Lail, who is the recent purchaser of property located at 1551 Greendale Road. My client desires to rezone the above-mentioned parcel from its current agricultural category to the Light Industrial category (I-1) for use as a construction yard. We believe that the existing A-R zoning is inappropriate for the site, and that the site is more appropriately zoned I-1. Further, we believe that such a rezoning request is in accord with the Goals and Objectives of the 2013 Comprehensive Plan, as further explained herein.

Property Information

The parcel we propose to rezone is presently zoned Agricultural-Rural, despite being within the Urban Service Boundary. This parcel is a prime example of the “left behind” parcel, as it has maintained its agricultural zoning as the area around the parcel has developed and/or redeveloped. The parcel currently has three structures located on the site – a residential structure that is boarded up and in substantial disrepair, and two storage/barn structures near the edge of the property. The property was believed to be approximately four (4) acres in size, but a recent survey has reflected it is actually closer to 3.2 acres. It also directly abuts the Norfolk Southern railroad right of way, which is a highly active rail corridor.

The subject property is located at the intersection of Greendale Road and Spurr Road in northwestern Lexington. This is an area that has experienced substantial and diverse redevelopment over the last several years. Nearby to the west, Masterson Station has developed as one of Lexington’s largest neighborhoods, and new single and multi-family homes continue to be constructed in the area. Other smaller, primarily single family residential developments have also developed to the south and west, some that are integrated and connected to Masterson, others that are not, and others that may be in the future. To the east, the Innovation Drive corridor has developed as predominantly light industrial (I-1)



property, with current facilities being operated by Kentucky Eagle, Webatso, Harbor Steel & Supply Corp., Big Ass Solutions, and Kito USA.

*Agricultural-Rural Zoning is Inappropriate; Industrial Zoning is Appropriate*

It is abundantly obvious that this parcel is not appropriately zoned as an agricultural property. As a threshold matter, the intent of the A-R zone is to “preserve the rural character of the agricultural service area.” Zoning Ordinance §8-1(a). This area is neither rural in character, with substantial residential and industrial activity in the area; nor is it within the agricultural service area. Furthermore, the current minimum lot size for A-R zoned property is forty (40) acres, that having been recognized as the necessary acreage for viable agricultural operations. The subject parcel, however, is less than one-tenth (1/10<sup>th</sup>) that size, and would have substantial topographic difficulty in being used as productive agricultural land.

Having determined the inappropriateness of agricultural zoning, it is then appropriate to determine what an appropriate zoning category would be for this parcel. Based on the surrounding area, the most logical categories would be Light Industrial (I-1), or Planned Neighborhood Residential (R-3). However, a closer inspection reveals that this property would be most appropriately zoned I-1.

Light Industrial (I-1) zoning is the most appropriate zone for several reasons. Perhaps the most compelling reason is the location of the aforementioned Norfolk Southern railway line. Norfolk Southern is a Class I railroad as classified by the Interstate Commerce Commission, and is one of only three Class I carriers with active tracks in Kentucky. The track immediately adjacent to the property extends from the Kentucky-Tennessee border in McCreary County through Lexington and continues to the Ohio River in Kenton County, ultimately crossing in to Cincinnati. It enters Fayette County near the Waveland State Historic Site, and exits near the Kentucky Horse Park, and serves the Old Georgetown Yard, the Toyota Intermodal Yard, and the Delaplain Yard in Scott County. Because of the central location of the line in Fayette County, development has occurred on both sides of the railway. From the line’s intersection with Main Street in central Lexington, with only a few minor exceptions, residential development has occurred on the west side of the line, and industrial development (I-1 or I-2) on the east, as the line moves northward.<sup>1</sup> The subject parcel sits on the east side of the tracks, an area that is almost exclusively industrial land.

Furthermore, this property does not appear to be appropriate for residential development. The small size of the parcel, coupled with its topography, would make development of single family housing on the property extremely challenging, if not

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<sup>1</sup> These minor exceptions include an area near New Circle Road, which has industrial zoning on both sides of the railway; the Suburban Mobile Home Park (M-1P zoning) on the east side of the line, south of New Circle; pockets of B-4 zoning near Main Street; and the Lorillard Lofts development near Main Street, which is zoned R-4.



impossible. Additionally, because of the proximity of the railroad track, as well as the property being bounded by right of way on all three sides, integration with existing residential development would not be feasible. Further, while R-3 zoning could allow for denser residential development, this would be out of character with the immediate area, as the residential character of the area is dominated by single family and townhome style developments.

Based on the foregoing, we submit that the current zoning on the subject parcel is inappropriate, and, that based on the development pattern that has occurred in the area, that light industrial zoning would be the most appropriate zoning category.

Proposal in Agreement with 2013 Comprehensive Plan

The proposal to rezone the subject parcel is also in accord with several of the goals and objectives of the 2013 Comprehensive Plan. Our conclusion that this rezoning request is in agreement with the 2013 Comprehensive Plan (hereinafter “Comp Plan”) is based on the following:

Growing Successful Neighborhoods

Theme A of the Comp Plan embraces several goals regarding residential life in Fayette County. We believe this redevelopment proposal embraces Goal 2 as articulated in Theme A of the Comp Plan.

*Support infill and redevelopment throughout the Urban Service Area as a strategic component of growth.* This goal is accomplished by identifying areas of opportunity for infill, redevelopment and adaptive reuse that respect the area’s context and design features whenever possible. This project would allow development on a parcel that is zoned agriculturally, but could likely support few, if any, agricultural uses. As you are no doubt aware, 95% of Fayette County’s population resides within the Urban Services Area (“USA”), and this number is expected to rise by nearly 35,000 people by 2020 (Comp Plan, p. 13). It is anticipated that the USA will reach its capacity within the next 12 to 17 years. Thus, redevelopment is needed to provide services, including land for employment, to the ever increasing population within the USA. Further, allowing this parcel to develop as a light industrial application would integrate well with the already existing light industrial uses in the area, and would respect the area’s context and development pattern. Additionally

Creating Jobs and Prosperity

Theme C of the Comp Plan embraces goals related to continued economic prosperity in Fayette County. We submit this redevelopment proposal embraces elements of Theme C of the Comp Plan.

*Support and showcase local assets to further the creation of a variety of jobs.* The Comp Plan notes that a variety of employment is necessary to lead to prosperity for all Lexington



residents. Further, the Comp Plan emphasizes the importance of living near your workplace (Comp Plan, p. 74). This proposal will allow new employment opportunities for neighborhood residents that could enable them to walk or ride to work. In fact, the Comp Plan includes the following passage:

“Adaptive reuse, infill, and redevelopment are not only about preserving farms and important buildings and making better use of existing infrastructure. They are also about putting jobs where people live. Many of Lexington’s businesses – large and small – can thrive as *neighbors* in and near neighborhoods. Land use regulations should enable opportunities to live where you work” (Comp Plan, p. 74).

This proposal will embrace the idea that good businesses with employment opportunities can and will make good neighbors.

*Attract the world’s finest jobs, encourage entrepreneurial spirit, and enhance our ability to recruit and retain a talented, creative workforce by establishing opportunities that embrace diversity with inclusion in our community.* The applicant is the owner of a small, family-owned business, Delong Concrete, which has been in operation (in some form) for more than forty (40) years. Approval of this rezoning proposal will allow Delong Concrete to work more efficiently, and hopefully, expand operations, thus creating more jobs. At the minimum, approval of this facility will allow the business to operate more efficiently. As Delong Concrete’s focus is on repair of aging transportation infrastructure, a desperately needed service, it is likely that this industry will only continue to grow.

#### Maintaining a Balance Between Planning for Urban Uses and Safeguarding Rural Land

Theme E of the Comp Plan embraces goals related to preserving rural land while encouraging growth. We submit that this redevelopment proposal embraces elements of Theme E of the Comp Plan.

*Uphold the Urban Services Area concept.* This goal requires close monitoring of the absorption of vacant or under-utilized land in the Urban Service Area as well as encouraging the compact, contiguous, and/or mixed-use sustainable development within the Urban Service Area to accommodate future growth needs. This project will allow an underutilized parcel to find new life within the USA, thus reducing the demand for new industrial properties beyond the USA’s boundaries.

The Comp Plan also encourages maintenance of this balance by encouraging infill, redevelopment, and adaptive reuse. The project discussed here would involve both infill and redevelopment concepts. The Comp Plan provides guidelines in what it calls “context-sensitive design.” This allows for a project to approach the development with an eye towards the exterior and architectural features that reflect, relate to, or are in proportion to



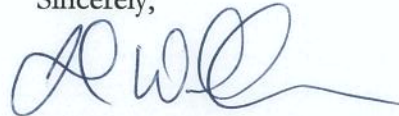
the surrounding neighborhood (Comp Plan, p. 98). Context-sensitive design can quell many of the fears expressed by neighborhood residence when presented with an infill project (Comp Plan, p. 101). Infill and redevelopment are geared towards improvement, reinvigoration, and development of the quality neighborhoods that create compact development, livable neighborhoods, and viable neighborhood commercial centers (Comp Plan, p. 98). The Comp Plan admits that to successfully achieve infill and redevelopment, regulatory change to the Zoning Ordinance must be reviewed on a regular basis (Comp Plan, p. 99). Of course, we are committed to a context-sensitive industrial development, and will craft a development plan that will allow the necessary activities to occur on the property, while respecting existing development in the area.

### Conclusion

As you can see, this proposal comports with many of the applicable goals and objectives of the Comp Plan. It is abundantly clear that the existing agricultural zoning is inappropriate for this site. We believe this project will allow a reasonable expansion of the present industrial area, and could allow Lexingtonians to live in closer proximity to their work, thus decreasing our community's reliance on personal automobiles and increasing pedestrian and bike friendly development. This will, in turn, make Lexington a more desirable location to live. This type of infill project is vitally important to preserving the USA boundary at its current location. In short, the present zoning category is inappropriate, industrial zoning is appropriate, and we submit that this project complies with the goals and objectives of the 2013 Comprehensive Plan.

Based on the foregoing, we respectfully request approval of our application as submitted.

Sincerely,



Jacob C. Walbourn

JCW/klm  
Enclosures

LAIL INTERESTS, LLLP PROPERTY  
ZONE CHANGE FROM A-R TO I-1  
1551 GREENDALE ROAD  
LEXINGTON, FAYETTE COUNTY, KENTUCKY

A TRACT OR PARCEL OF LAND LOCATED AT THE SOUTHEWESTERN QUADRANT OF THE SPURR ROAD AND GREENDALE ROAD INTERSECTION IN NORTHERN LEXINGTON, FAYETTE COUNTY, KENTUCKY AND BEING MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

**BEGINNING** at the point of intersection of the centerline of Spurr Road and the projected centerline of the western railroad line of the Norfolk & Southern Railroad; thence with the centerline of Spurr Road for the following three calls -- S 69°20'46" E, a distance of 451.32 feet to a point; thence 118.06 feet along a curve to the left having a radius of 282.60 feet and a chord which bears S 82°13' 16" E, a distance of 117.20 feet to a point; thence N 85°48'39" E, a distance of 90.92 feet to a point being the centerline intersection with Greendale Road; thence with said centerline for the following three calls - S 21°50'47" W, a distance of 359.42 feet to a point; thence S 23°02'41" W, a distance of 346.05 feet to a point; thence S 21°38'24" W, a distance of 285.99 feet to a point being in the centerline of the aforementioned projected railroad line; thence with said centerline N 13°10'57" W, a distance of 1115.69 feet to the **POINT OF BEGINNING** and containing 6.98 acres gross and 3.20 acres net.

**STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT**

**MAR 2016-7: LAIL INTERESTS, LLLP**

**DESCRIPTION**

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

**Acreage:** 3.20 net (6.98 gross) acres

**Location:** 1551 Greendale Road

**EXISTING ZONING & LAND USE**

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

**URBAN SERVICES REPORT**

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

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

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

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

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

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

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

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

## **COMPREHENSIVE PLAN AND PROPOSED USE**

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World. In addition, the Plan encourages a mix of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; support of infill and redevelopment opportunities; and provision of land for a diverse workforce.

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

## **CASE REVIEW**

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

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

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

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

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

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

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



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

1. A restricted Light Industrial (I-1) zone is appropriate, and the existing Agricultural Rural (A-R) is inappropriate for the subject location, for the following reasons:
  - a. The proposed rezoning of the subject property is compatible with the existing light industrial character of the immediate area, specifically land between the Norfolk Southern railroad to the west and the Georgetown Road corridor to the east, and between Spurr Road to the north and New Circle Road to the south.
  - b. From 1980 through 2007, the land use element of the Comprehensive Plan, specifically the land use map, has recommended light industrial future land use for the subject property. The proposal is in keeping with this historic recommendation for this location.
  - c. The property is adjacent to a very active railroad line that extends from the Tennessee state border to the Ohio River, and is bounded to the north by Spurr Road and to the east by Greendale Road. Because the site is bounded by right-of-way on all of its three sides, it is not able to be incorporated into any other surrounding development. Thus, the existing railroad serves as a strong land use buffer to the residential areas to the west.
  - d. The proposed light industrial use is a relatively low traffic generator for Greendale and Spurr Roads, which have received sporadic improvements since the area was brought into the Urban Service Area in 1980. Additional right-of-way or roadway improvements will facilitate truck traffic to and from this location.
  - e. The existing agricultural zoning is not appropriate because the site is no longer recommended for rural or agricultural protection; and the property is less than four acres in size, which is less than one-tenth the required lot size for the existing zone. These characteristics make the property undesirable for an agricultural use in the future.
2. This recommendation is made subject to the approval and certification of ZDP 2016-42: Lail Property, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are recommended via conditional zoning for the subject property:  
PROHIBITED USES:
  - a. Establishments and lots for the display, rental, sale and repair of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles, minibikes, motorcycles, bicycles, boats or supplies for such items.
  - b. Tire retreading or recapping.
  - c. Truck terminals and freight yards.
  - d. Automobile service stations.
  - e. Underground storage tanks for materials other than petroleum products.
  - f. Billboards, or advertising signs as defined in Article 17-3(b)(1) of the Zoning Ordinance.
  - g. Outdoor public address systems.
  - h. Grain drying, even when operated in a fully enclosed building.
  - i. The above-ground or below-ground storage for resale of any flammable or nonflammable gas or oxidizer in liquid or gaseous, and the storage of any empty container which contained any gas in any form, and the receiving of or dispensing of any gas in any form.
  - j. Concrete mixing and concrete products.
  - k. Commercial composting.
  - l. Helistops and heliports.
  - m. Mining of metallic and non-metallic minerals.

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

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