

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MARV 2015-28: STRONGBOX, LLC

DESCRIPTION

Zone Change: From an Interchange Service Business (B-5P) zone
To a Light Industrial (I-1) zone

Acreage: 3.08 net (6.35 gross) acres

Location: 1973 Bryant Road

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	B-5P	Vacant Restaurant
To North	EAR-2	Interstate 75 & Residential
To East	B-5P	Interstate 75 & Hotels
To South	B-6P & B-5P	Vacant, Restaurants & Hotels
To West	B-5P	Restaurant & Hotel

URBAN SERVICES REPORT

Roads – The subject property is bounded to the northeast by Interstate 75 (southbound on-ramp at the Man o’ War Boulevard/I-75 interchange), and to the southwest by Bryant Road. Bryant Road is a collector street that serves only commercial and industrial properties in this portion of the Urban Service Area. Bryant Road was built to full urban standards, and no improvements appear to be needed at this time.

Curb/Gutter/Sidewalks – Bryant Road is built with curb, gutter and sidewalks as required by the Subdivision Regulations, and no improvements are anticipated.

Storm Sewers – The subject property is located within the North Elkhorn Creek watershed, and stormwater improvements have been completed within this commercial area. A stormwater basin, which will handle stormwater for the subject property, is located to the rear of the property, along the I-75 on-ramp. No FEMA special flood hazard area or known flooding issues exist within the immediate area.

Sanitary Sewers – The subject properties are located within the East Hickman sewershed, and will be serviced by the West Hickman Wastewater Treatment Facility in northern Jessamine County. Sanitary sewers have been constructed within the area; however, capacity of the sewer system will need to be verified prior to construction and/or change of land use. The North Elkhorn Pump Station bank, under the Capacity Assurance Program, currently indicates that there is available sanitary sewer capacity in this area.

Refuse – Refuse collection to residential properties is provided by the Urban County Government to this portion of the Urban Service Area on Tuesdays. However, commercial uses often contract for more frequent service with private refuse haulers.

Police – The Central Sector Roll Call Center is the nearest police station to this location. It is located on Industry Road, near the interchange of Winchester Road and New Circle Road, about 3½ miles to the northwest of the subject property.

Fire/Ambulance – The subject property is located nearest Fire Station #21, which is on Mapleleaf Drive, south of Man o’ War Boulevard, approximately 1½ miles to the southwest. In addition, a new fire station is planned for the Hamburg area near the intersection of Winchester Road and Man o’ War Boulevard, but a site has not yet been identified. This proposed fire station would most likely be less than one mile from the site, once it is constructed and operational.

Utilities – All utilities, including electric, gas, water, telephone, and cable are available to serve the subject property.

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; and provision of land for a diverse workforce.

The petitioner proposes a Light Industrial (I-1) zone in order to operate an establishment for the display, sale, service and minor repair of all-terrain vehicles (ATVs) and motorcycles on the subject property. The site is currently vacant, and would require only minor modifications in order for the proposed use to occupy the site.

CASE REVIEW

The petitioner has requested a zone change from an Interchange Service Business (B-5P) zone to a Light Industrial (I-1) zone for just over three acres of land located on Bryant Road. The subject property is generally located within the southeast quadrant of the Man o' War Boulevard and Interstate 75 interchange, and lies adjacent to the I-75 south on-ramp.

The area is characterized by commercial land uses that are developed mostly for patronage by the traveling public along the interstate. Many restaurants, gas stations and hotels occupy this quadrant of the Man o' War Boulevard and I-75 interchange, and there is mostly a mix of B-6P and B-5P zoning in this area. In addition, several light industrial properties exist to the south of the subject property, which are occupied by motor-based land uses, similar to that proposed for the site (approximately 15 acres total). The two quadrants on the east side of I-75 are located within the Expansion Area, which does not currently permit establishments for the display, sale, service or repair of vehicles in any of its zoning categories.

The petitioner proposes to renovate the existing building in order to operate an establishment for the display, sale, service and minor repair of all-terrain vehicles (ATVs) and motorcycles. The site is currently vacant, and would require minor modifications in order for the proposed use to occupy the site. A dimensional variance to eliminate the property perimeter screening requirements has also been requested in association with the zone change.

In 1989, the subject property was part of a zone change from an A-R zone to the B-5P zone in order to develop a sizeable area for interstate-oriented commercial businesses. In 2004, the subject site was developed for a restaurant. Three different restaurant chains have occupied the site, but with limited success in the 11 years since it was constructed. The site is once again vacant, now that 2015 is coming to a close.

The 2013 Comprehensive Plan focuses on general land use policies, such as land use compatibility; well-designed neighborhoods; improving a desirable community; and making the best use of land inside the Urban Service Boundary for the protection of the surrounding rural areas. The Plan no longer relies upon a future land use map. The petitioner contends that the proposal is in substantial compliance with the 2013 Comprehensive Plan and that there has been an unanticipated change in the immediate area. It is the intent of the petitioner for the proposed redevelopment to complement the existing motorsport land uses nearby.

In terms of the Comprehensive Plan, they opine that the proposed zone is compatible with adjoining land uses, will redevelop underutilized land for a greater utility or function, will utilize the existing infrastructure and transportation networks (which are adequate to serve the use), and the proposed land use will not impair existing environmental conditions on the site. The petitioner also claims that the proposed

rezoning will address a community need, such as significant employment opportunities, and will attract or retain a skilled work force and/or will further economic prosperity; however, they provide these opinions without evidence or statistics to substantiate the claims. Secondary to their justification related to the Comprehensive Plan, the petitioner also contends that there has been an unanticipated change in the immediate area due to a recent zone change from B-6P to B-5P. The staff cannot find that there has been a major unanticipated change in this area, since no physical, social or economic change has yet occurred on the nearby properties, and no building permits have been sought for new construction.

The 2013 Comprehensive Plan does not specifically address modest or minor changes in commercial land use that have a negligible impact on job creation or tourism. However, the general concepts, policies and guiding principles of the Plan should always be considered. As referenced in the petitioner's justification, the staff can agree that the request, if restricted, is in substantial compliance with the 2013 Comprehensive Plan. As mentioned in the previous rezoning in this immediate area, it is likely that Hamburg Pavilion and now Hamburg East (across the interstate), have met the area's general business zoning demands; but neither of these two developments has successfully incorporated the proposed use, whereas the Bryant Road corridor has created a "motorsport node" of sorts. The site remains an underutilized site, and should be considered for a possible change to an alternative business use in order to better serve the needs of the community and permit one underutilized site to be re-purposed within the Urban Service Area. In addition, the development will be able to use the existing infrastructure and transportation networks (which are adequate to serve both the traveling public and the proposed use), and this new land use will not impair existing environmental conditions on the site.

A restricted I-1 zone is appropriate at this location because it is generally compatible with the nearby I-1 zoning, which includes a number of other motorsport uses within the immediate area (e.g. Harley Davidson, S&S Tire Center, and the Lexington Motorsports Complex, featuring several well-known recreational vehicle brands). However, several hotels also exist or are planned within the immediate area; therefore, not all allowable light industrial uses would be appropriate for this location. For these reasons, the staff is in support of the proposed zone change, if restricted.

The Staff Recommends: **Approval**, for the following reason:

1. A restricted Light Industrial (I-1) zone is in substantial compliance with the 2013 Comprehensive Plan, for the following reasons:
 - a. The site has been an underutilized site after more than two decades of B-5P zoning and a decade of failed restaurants. The property should be considered for a possible change to an alternative business zone (and use) in order to better serve the needs of the community within the Urban Service Area.
 - b. The proposed zoning and land use are generally compatible with the nearby "motorsports node" that has developed along Bryant Road. Conditional zoning restrictions to limit uses that may disturb visitors and guests in the adjacent hotels would be appropriate for the subject property to ensure land use compatibility.
 - c. The proposed redevelopment will be able to use the existing infrastructure and transportation networks (which are adequate to serve the use), and the proposed land use will not impair existing environmental conditions on the site. This is consistent with the guiding principles of the Comprehensive Plan, specifically Chapter 4: "Protecting the Environment," and Chapter 6: "Improving a Desirable Community."
2. This recommendation is made subject to approval and certification of ZDP 2015-120: Man O' War Development, Unit 2A, Sec. 2, Lots A-2 & A-3 (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.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the subject property shall be restricted in the following manner, via conditional zoning:

Prohibited Uses

- a. Ice plant.
- b. Tire re-treading and recapping.

- c. Machine shop.
- d. Outdoor kennels.
- e. Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment; contractor equipment; travel trailers; mobile homes; and/or precut, prefabricated or shell homes.
- f. Outdoor storage of supplies or materials.
- g. Auto-parts rebuilding; battery manufacturing; dextrine and starch manufacturing; enameling, lacquering and japanning; electric foundry; radium extraction; and tool manufacturing.
- h. Vehicle storage yards.
- i. Truck terminals.
- j. Advertising signs, also known as billboards, as regulated and defined by Article 17.

These restrictions are necessary and appropriate in order to restrict the most intense land uses on the subject property. Such uses could have a negative impact on the nearby hotels related to noise and their hours of operation.

TLW/BJR/WLS
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