

AN ORDINANCE CHANGING THE ZONE FROM A LIGHT INDUSTRIAL (I-1) ZONE TO A WHOLESALE AND WAREHOUSE (B-4) ZONE, FOR 12.03 NET (15.75 GROSS) ACRES, AND A PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE TO A WHOLESALE AND WAREHOUSE (B-4) ZONE, FOR 2.24 NET (4.0 GROSS) ACRES, FOR PROPERTY LOCATED AT 2551 LEESTOWN ROAD AND (A PORTION OF) 745 GREENDALE ROAD. (RML CONSTRUCTION, LLP; COUNCIL DISTRICT 2).

WHEREAS, at a Public Hearing held on August 25, 2016 a petition for a zoning ordinance map amendment for property located at 2551 Leestown Road and (a portion of) 745 Greendale Road from a Light Industrial (I-1) zone to a Wholesale and Warehouse (B-4) zone for 12.03 net (15.75 gross) acres, and a Planned Neighborhood Residential (R-3) zone to a Wholesale and Warehouse(B-4) zone, for 2.24 net (4.0 gross) acres, 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 2551 Leestown Road and (a portion of) 745 Greendale Road from a Light Industrial (I-1) zone to a Wholesale and Warehouse (B-4) zone for 12.03 net (15.75 gross) acres, and a Planned Neighborhood Residential (R-3) zone to a Wholesale and Warehouse(B-4) zone, for 2.24 net (4.0 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:

1. Shops for major automobile and truck repairing or electroplating.
2. Laundry, clothes cleaning or dyeing shop.

3. Ice plant.
4. Tire and re-treading and recapping.
5. Machine shop.
6. Processor of agricultural products.
7. Establishments and lots for the display, rental, sale and repair of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles, such as mini-bikes, motorcycles, bicycles, boats or supplies for such items.
8. Truck terminal and freight yards.
9. Establishments for the display and sale of precut, prefabricated, or shell homes.
10. Carnivals.
11. Outdoor storage within 200' of Citation Blvd. or within 200' of a residential zone.

Other Use Restrictions

1. Any outdoor lighting shall be shielded and directed away from any residential zones.
2. A fifteen-foot (15") buffer shall be established along the northern property boundary adjacent to a residential zone. One tree every 20 feet of linear distance shall be planted along the boundary selected from Group A or B of the Planting Manual. These trees shall be planted in two rows so that they are staggered within the buffer area.

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: October 13, 2016

MAYOR



ATTEST:


CLERK OF URBAN COUNTY COUNCIL

Published: October 20, 2016-1t

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2551 Leestown Road (a portion of)
RML Construction, LLP Property
Zone Change from R-3 to B-4
Lexington, Fayette County, Kentucky

A TRACT OR PARCEL OF LAND SITUATED EAST OF AND ADJACENT TO CITATION BOULEVARD APPROXIMATELY 0.7 MILES NORTHEAST OF THE INTERSECTION OF CITATION BOULEVARD AND LEESTOWN ROAD IN NORTHWEST LEXINGTON, FAYETTE COUNTY, KENTUCKY AND BEING MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

BEGINNING AT A POINT in the southeastern right of way of Citation Boulevard, said point also lying in the common line of 745 Greendale Road and 2551 Leestown Road; Thence South 60 Degrees 59 Minutes 27 Seconds East, a distance of 365.70 feet to a point; Thence South 22 degrees 10 minutes 11 seconds West, a distance of 117.49 feet to a point; Thence 129.11 feet along a curve to the right having a radius of 500.00 feet and a chord which bears North 65 Degrees 32 Minutes 46 Seconds West, a distance of 128.75 feet to a point; Thence 409.67 feet along a curve to the right having a radius of 1000.00 feet and a chord which bears North 46 degrees 24 minutes 40 seconds West, a distance of 406.81 feet to a point; Thence South 45 Degrees 46 Minutes 58 Seconds West, a distance of 867.72 feet to a point; Thence 724.09 feet along a curve to the right having a radius of 3000.00 feet and a chord which bears North 43 Degrees 23 Minutes 58 seconds East, a distance of 722.33 feet to a point; Thence North 51 Degrees 34 Minutes 43 Seconds East, a distance of 168.51 feet to a point; Thence South 60 Degrees 59 Minutes 27 Seconds East, a distance of 148.60 feet to the **POINT OF BEGINNING** and containing 1.73 acres gross and 0.73 acres net.

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

IN RE: **PLN-MAR-16-00004: RML CONSTRUCTION, LLP** – petition for a zone map amendment from a Light Industrial (I-1) zone to a Wholesale and Warehouse (B-4) zone, for 12.03 net (15.75 gross) acres, and a Planned Neighborhood Residential (R-3) zone to a Wholesale and Warehouse (B-4) zone, for 2.24 net (4.0 gross) acres, for property located at 2551 Leestown Road and (a portion of) 745 Greendale Road. (Council District 2)

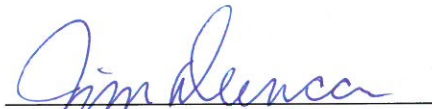
Having considered the above matter on **August 25, 2016**, at a Public Hearing, and having voted **10-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **CONDITIONAL APPROVAL** of this matter for the following reasons:

1. A restricted Warehouse and Wholesale Business (B-4) zone is in agreement with the general concepts, policies and guiding principles of the 2013 Comprehensive for the following reasons:
 - a. The site has been an underutilized/vacant site after more than a decade. The property should be considered for a possible change to an alternative zone for greater utility and function in order to better serve the needs of the community and the immediate neighborhood within the Urban Service Area.
 - b. The proposed zoning and land use are generally compatible with the nearby industrial land uses to the south and would be less intense near the planned residential land use to the north. Conditional zoning restrictions to limit lighting and the most intense uses that may disturb residents are appropriate for the subject property north of Sandersville Road in order 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 uses, including Citation Boulevard, along with the future connection of Sandersville Road through the site. The proposed B-4 zone can accommodate a number of small businesses that would provide important services within a neighborhood node, which is desirable near residential areas. These are consistent with the guiding principles of the Comprehensive Plan, specifically Chapter 6: "Improving a Desirable Community."
 - d. 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."
 - e. The proposed B-4 zone would be a step down from the existing I-1 zone to the south, and would eliminate the possibility of the most intense land uses being located along Sandersville Road across from a new neighborhood.
2. This recommendation is made subject to approval and certification of **PLN-MJDP-16-00007: RML-Citation (Hillenmeyer Interest, Ltd.)**, 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 shall apply to the portion of the subject property adjacent to residential zoning:**
 - a. **Prohibited Uses:**
 1. Shops for major automobile and truck repairing or electroplating.
 2. Laundry, clothes cleaning or dyeing shop.
 3. Ice plant.
 4. Tire re-treading and recapping.
 5. Machine shop.
 6. Processors of agricultural products.
 7. Establishments and lots for the display, rental, sale and repair of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles such as mini-bikes, motorcycles, bicycles, boats or supplies for such items.

8. Truck terminals and freight yards.
 9. Establishments for the display and sale of precut, prefabricated or shell homes.
 10. Carnivals.
 11. Outdoor storage within 200' of Citation Blvd. or within 200' of a residential zone.
- b. Other Use Restrictions:
1. Any outdoor lighting shall be shielded and directed away from any residential zones.
 2. A fifteen-foot (15') landscape buffer shall be established along the northern property boundary, where adjacent to a residential zone. One tree every 20 feet of linear distance shall be planted along the boundary selected from Group A or B of the Planting Manual. These trees shall be planted in two rows so that they are staggered within the buffer area.

These restrictions are necessary and appropriate in order to ensure compatibility of the proposed development with the proposed residential neighborhood to the north of this location.

ATTEST: This 14th day of September, 2016.


 Secretary, Jim Duncan

WILLIAM WILSON
 CHAIR

Note: The corollary development plan, PLN-MJDP-16-00007: RML-CITATION (HILLENMEYER INTEREST, LTD.) was approved by the Planning Commission on August 25, 2016 and certified on September 8, 2016.

K.R.S. 100.211(7) requires that the Council take action on this request by November 23, 2016.

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

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (10) Berkley, Brewer, Cravens, Mundy, Owens, Penn, Plumlee, Richardson, Smith
 Wilson

NAYS: (0)

ABSENT: (1) Drake

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for CONDITIONAL APPROVAL of PLN-MAR 16-00004 carried.

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

GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION

1. ADDRESS INFORMATION (Name, Address, City/State/Zip, & PHONE NUMBER)

APPLICANT **RML Construction LLP 3609 Walden Dr Lexington, KY 40517**

OWNER: **Ball Homes, LLC and RML Construction LLP 3609 Walden Dr Lexington, KY 40517**

ATTORNEY: **Nick Nicholson, Stoll Keenon Ogden PLLC, 300 W. Vine St, Ste. 2100, Lexington, KY 40507, (859) 231-3000**

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

2551 Leestown Road & (a portion of) 745 Greendale Road

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

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
I-1	Vacant	B-4	Commercial	12.03	15.75
R-3	Vacant	B-4	Commercial	2.24	4.00

4. SURROUNDING PROPERTY, ZONING & USE

Property	Use	Zoning
North	Residential (Vacant)	R-3
East	Industrial and Residential (Vacant)	I-1 and R-3
South	Industrial	I-1
West	Residential	R-3

5. EXISTING CONDITIONS

a. Are there any existing dwelling units on this property that will be removed if this application is approved? YES NO

b. Have any such dwelling units been present on the subject property in the past 12 months? YES NO

c. Are these units currently occupied by households earning under 40% of the median income?
If yes, how many units? YES NO
If yes, please provide a written statement outlining any efforts to be undertaken to assist those residents in obtaining alternative housing. _____ Units

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

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

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

This is in agreement with the Comp. Plan more appropriate than the existing zoning due to unanticipated changes.

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 2007.

APPLICANT OWNER *Nick Nicholson* Attorney for RML's Ball Homes DATE 7/1/16
 LFUCG EMPLOYEE/OFFICER, if applicable _____ DATE _____



**STOLL
KEENON
OGDEN**

PLLC

300 WEST VINE STREET
SUITE 2100
LEXINGTON, KY 40507-1801
MAIN: (859) 231-3000
FAX: (859) 253-1093

NICK NICHOLSON
DIRECT DIAL: (859) 231-3950
DIRECT FAX: (859) 246-3649
Nick.Nicholson@skofirm.com

July 1, 2016

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

Re: Application for B-4 Zoning for Commercial Development –
2551 Leestown Road and a portion of 745 Greendale Road

Dear Members of the Planning Commission:

We represent RML Construction, LLP ("RML") and on its behalf have filed a zone change request for the properties located at 2551 Leestown Road and part of 745 Greendale Drive (the "Zone Change Property") at the future intersection of Citation Boulevard and Sandersville Road. The Zone Change Property contains 14.27 net (19.75 gross) acres and is currently zoned Light Industrial (I-1) and Planned Neighborhood Residential (R-3) and the request is to rezone to Wholesale and Warehouse Business (B-4) in order to accommodate five parcels of commercial use at the proposed future intersection. The property adjoins and will be a part of the Hillenmeyer Property - East residential development which is owned by the applicant.

The application is in agreement with the Comprehensive Plan. In addition, there has been substantial social, economic, and physical change to the surrounding area that makes the existing I-1 and R-3 zoning inappropriate and the proposed B-4 zoning appropriate. The Zone Change Property is part of approved Subdivision Plan 2010-131P. This plan was first approved in March 2011 and shows a hypothetical development for when Citation Boulevard and Sandersville Road were extended to create an intersection. It was reapproved in October 2014. This plan shows a similar proposed commercial lot scheme as the Applicant is requesting with this application in spite of the Residential zoning on a portion of the proposed commercial lots.

The zoning scheme of the surrounding properties and the vacant status of the Zone Change Property demonstrate that the R-3/I-1 zoning is no longer appropriate as currently designed. The zoning for the different parcels within the Zone Change Property occurred at different times, with the industrial section developing prior to the residential. Indeed the different zones were both part of larger zone changes that encompassed large sections of land in the general vicinity (MAR 94-7 CZ & MAR 2005-30, respectively). As a result, the current zoning scheme that has developed over time has resulted in I-1 property directly abutting R-3 property. This conflict in intensity of zones results in an inappropriate scheme. Likely because of this conflict, the residential and industrial lots directly bordering each other remain the only undeveloped lots between Greendale and Citation. Altering the zoning at R-3/I-1 border will help eliminate the conflict and lead to the development of the vacant parcels.

The Applicant submits that it is far more appropriate to buffer the surrounding residential properties with a less intense zone (B-4), while still ensuring that the existing industrial uses are not adversely impacted. This will be achieved through development at the intersection of Citation Boulevard and Sandersville Road that is friendly towards the residential uses in the area and slightly more intense than traditional neighborhood or highway service businesses. Further, a significant portion of the Zone Change Property is restricted due to a large flood plain which limits any possible industrial uses on the property. Given these factors, the existing zoning is inappropriate and the proposed B-4 zone is appropriate.

The proposal is also consistent with the Comprehensive Plan's Land Use Change Consideration:

2. The proposed land use enhances, and is compatible with, adjacent land uses.
4. The land use will enable the development of critical vehicular...connections.
7. The land use will not impair existing environmental conditions of the site.
8. The existing utility and transportation networks will accommodate the new land use.
9. Underutilized land should be promoted for greater utility (and) function...
12. The use will ...provide neighborhood-oriented commercial centers...
13. The land use should maximize opportunities to accommodate future growth within the Urban Services Area, include land that is underutilized, vacant or planned for a reuse.

Further, the proposal meets several of the key additional considerations for land located outside of the downtown area in the Urban Service Area:

1. A greater intensity of land use should be concentrated along minor and major arterial roadways, and to appropriate quadrants of collector street intersections.
2. Where residential density, and existing infrastructure are adequate to support the use, and the adjacent uses are compatible, the development should create more walkable neighborhoods, neighborhood-oriented businesses and neighborhood amenities.
4. An effective buffer or transition between different intensities of adjacent land uses should be provided.
7. Underutilized business land uses should be considered for a possible change to alternative business use...

The last two points regarding buffering/transitioning zones and changing between business zones highlights the Applicant's position.

Members of the Planning Commission

July 1, 2016

Page 3

Finally, it is the Applicant's position that the construction of Citation Boulevard and the proposed completion of Sandersville Road constitute a major change of an economic, physical, or social nature within the area involved which was not anticipated when the I-1/R-3 zoning was originally put into place in the early 1990s. Since this time, the immediate area has developed into a more residentially-dominated area. Further, this proposed intersection provides a logical location for commercial use to service the neighborhood and industrial properties while also helping to buffer these two typically incompatible uses in an aesthetically pleasing manner

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

Best Regards;

Stoll Keenon Ogden PLLC



Nick Nicholson

NN:NN

006771.154966/4538955.1

2551 Leestown Road (a portion of)
RML Construction, LLP Property
Zone Change from R-3 to B-4
Lexington, Fayette County, Kentucky

A TRACT OR PARCEL OF LAND SITUATED EAST OF AND ADJACENT TO CITATION BOULEVARD APPROXIMATELY 0.7 MILES NORTHEAST OF THE INTERSECTION OF CITATION BOULEVARD AND LEESTOWN ROAD IN NORTHWEST LEXINGTON, FAYETTE COUNTY, KENTUCKY AND BEING MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

BEGINNING AT A POINT in the southeastern right of way of Citation Boulevard, said point also lying in the common line of 745 Greendale Road and 2551 Leestown Road; Thence South 60 Degrees 59 Minutes 27 Seconds East, a distance of 365.70 feet to a point; Thence South 22 degrees 10 minutes 11 seconds West, a distance of 117.49 feet to a point; Thence 129.11 feet along a curve to the right having a radius of 500.00 feet and a chord which bears North 65 Degrees 32 Minutes 46 Seconds West, a distance of 128.75 feet to a point; Thence 409.67 feet along a curve to the right having a radius of 1000.00 feet and a chord which bears North 46 degrees 24 minutes 40 seconds West, a distance of 406.81 feet to a point; Thence South 45 Degrees 46 Minutes 58 Seconds West, a distance of 867.72 feet to a point; Thence 724.09 feet along a curve to the right having a radius of 3000.00 feet and a chord which bears North 43 Degrees 23 Minutes 58 seconds East, a distance of 722.33 feet to a point; Thence North 51 Degrees 34 Minutes 43 Seconds East, a distance of 168.51 feet to a point; Thence South 60 Degrees 59 Minutes 27 Seconds East, a distance of 148.60 feet to the **POINT OF BEGINNING** and containing 1.73 acres gross and 0.73 acres net.

745 Greendale Road (a portion of)
Ball Homes, LLC Property
Zone Change from R-3 to B-4
Lexington, Fayette County, Kentucky

A TRACT OR PARCEL OF LAND SITUATED EAST OF AND ADJACENT TO CITATION BOULEVARD APPROXIMATELY 0.7 MILES NORTHEAST OF THE INTERSECTION OF CITATION BOULEVARD AND LEESTOWN ROAD IN NORTHWEST LEXINGTON, FAYETTE COUNTY, KENTUCKY AND BEING MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

BEGINNING AT A POINT in the southeastern right of way of Citation Boulevard, said point also lying in the common line of 745 Greendale Road and 2551 Leestown Road; Thence North 60 Degrees 59 Minutes 27 Seconds West, a distance of 148.60 feet to a point; Thence North 52 degrees 53 minutes 11 seconds East, a distance of 238.61 feet to a point; Thence South 45 Degrees 43 Minutes 18 Seconds East, a distance of 524.18 feet to a point; Thence South 11 Degrees 59 Minutes 22 Seconds West, a distance of 161.34 feet to a point; Thence 128.80 feet along a curve to the right having a radius of 500.00 feet and a chord which bears North 80 Degrees 19 Minutes 20 seconds West, a distance of 128.44 feet to a point; Thence North 22 Degrees 10 Minutes 11 Seconds East, a distance of 117.49 feet to a point; Thence North 60 Degrees 59 Minutes 27 Seconds West, a distance of 365.70 feet to the **POINT OF BEGINNING** and containing 2.27 acres gross and 1.51 acres net.

2551 Leestown Road (a portion of)
RML Construction, LLP Property
Zone Change from I-1 to B-4
Lexington, Fayette County, Kentucky

A TRACT OR PARCEL OF LAND SITUATED EAST OF AND ADJACENT TO CITATION BOULEVARD APPROXIMATELY 0.7 MILES NORTHEAST OF THE INTERSECTION OF CITATION BOULEVARD AND LEESTOWN ROAD IN NORTHWEST LEXINGTON, FAYETTE COUNTY, KENTUCKY AND BEING MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

COMMENCING AT A POINT in the southeastern right of way of Citation Boulevard, said point also lying in the common line of 745 Greendale Road and 2551 Leestown Road; Thence North 70 degrees 44 minutes 43 seconds West, a distance of 144.46 feet to the **TRUE POINT OF BEGINNING**; Thence 409.67 feet along a curve to the left having a radius of 1000.00 feet and a chord which bears South 46 Degrees 24 Minutes 40 Seconds East, a distance of 406.81 feet to a point; Thence 129.11 feet along a curve to the left having a radius of 500.00 feet and a chord which bears South 65 Degrees 32 Minutes 46 Seconds East, a distance of 128.75 feet to a point; Thence South 22 degrees 10 minutes 11 seconds West, a distance of 53.51 feet to a point; Thence South 24 Degrees 44 Minutes 54 Seconds West, a distance of 636.42 feet to a point; Thence South 24 degrees 22 minutes 31 seconds West, a distance of 231.81 feet to a point; Thence North 62 degrees 33 minutes 17 seconds West, a distance of 873.89 feet to a point; Thence North 31 Degrees 47 Minutes 04 Seconds East, a distance of 129.85 feet to a point; Thence North 45 Degrees 46 Minutes 58 Seconds East, a distance of 945.40 feet to the **POINT OF BEGINNING** and containing 15.75 acres gross and 12.03 acres net.

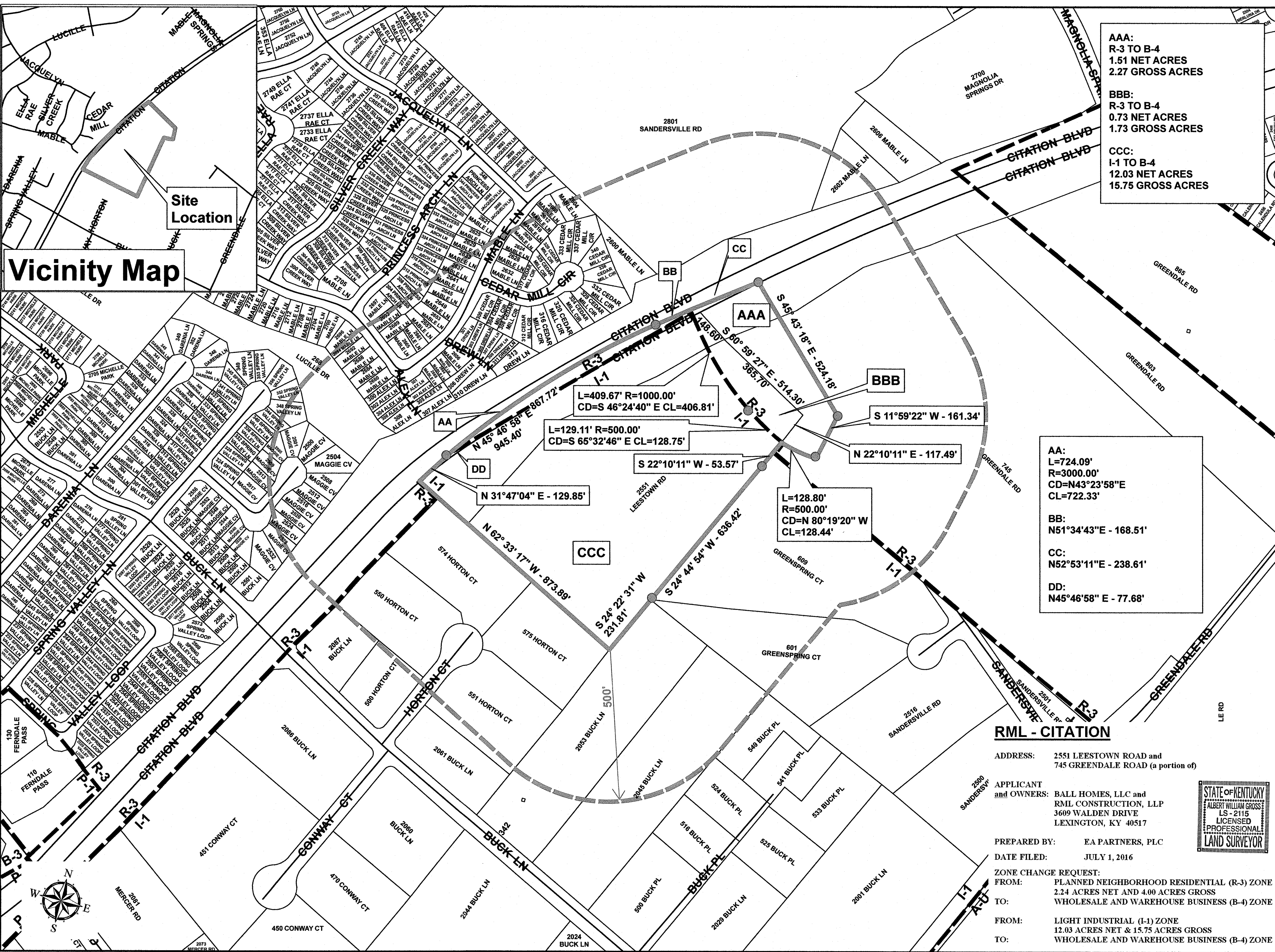
Vicinity Map

Site Location

AAA:
R-3 TO B-4
1.51 NET ACRES
2.27 GROSS ACRES

BBB:
R-3 TO B-4
0.73 NET ACRES
1.73 GROSS ACRES

CCC:
I-1 TO B-4
12.03 NET ACRES
15.75 GROSS ACRES



AA:
L=724.09'
R=3000.00'
CD=N43°23'58"E
CL=722.33'

BB:
N51°34'43"E - 168.51'

CC:
N52°53'11"E - 238.61'

DD:
N45°46'58" E - 77.68'

L=409.67' R=1000.00'
CD=S 46°24'40" E CL=406.81'

L=129.11' R=500.00'
CD=S 65°32'46" E CL=128.75'

L=128.80'
R=500.00'
CD=N 80°19'20" W
CL=128.44'

N 31°47'04" E - 129.85'

S 22°10'11" W - 53.57'

S 11°59'22" W - 161.34'

S 60°59'27" E - 514.30'

S 45°43'18" E - 524.18'

N 62°33'17" W - 873.89'

S 24°22'31" W
231.81'

S 24°44'54" W - 636.42'

RML - CITATION

ADDRESS: 2551 LEESTOWN ROAD and 745 GREENDALE ROAD (a portion of)

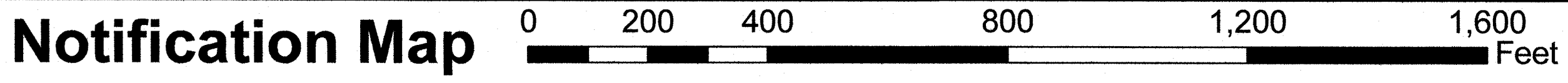
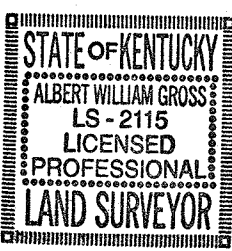
APPLICANT and OWNERS: BALL HOMES, LLC and RML CONSTRUCTION, LLP
3609 WALDEN DRIVE
LEXINGTON, KY 40517

PREPARED BY: EA PARTNERS, PLC

DATE FILED: JULY 1, 2016

ZONE CHANGE REQUEST:
FROM: PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE
2.24 ACRES NET AND 4.00 ACRES GROSS
TO: WHOLESALE AND WAREHOUSE BUSINESS (B-4) ZONE

FROM: LIGHT INDUSTRIAL (I-1) ZONE
12.03 ACRES NET & 15.75 ACRES GROSS
TO: WHOLESALE AND WAREHOUSE BUSINESS (B-4) ZONE



Notification Map

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-16-00004: RML CONSTRUCTION, LLP

DESCRIPTION

Zone Change:	<u>REQUEST</u>	<u>ACREAGE</u>		
	<u>FROM</u>	<u>TO</u>	<u>NET</u>	<u>GROSS</u>
	I-1	B-4	12.03	15.75
	R-3	B-4	2.24	4.00
	Total		14.27	19.75

Location: 2551 Leestown Road and 745 Greendale Road (a portion of)

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	R-3 & I-1	Agricultural/Vacant
To North	R-3	Vacant
To East	R-3 & I-1	Tree Service & Vacant
To South	I-1	Industrial
To West	R-3	Single Family Residential

URBAN SERVICES REPORT

Roads – Citation Boulevard is a four-lane minor arterial roadway, which was recently constructed in this vicinity, and is now a major connector roadway between Leestown Road (US 421) and Newtown Pike (KY 922). Sandersville Road is a local collector street that is planned to continue from its current terminus to the east of the subject property to a constructed intersection with Citation Boulevard, and on to Spurr Road to the north. Sandersville Road will bisect the subject property once completed. Access to both portions of the site is proposed via Sandersville Road, because access along Citation Boulevard is restricted. New local streets will be provided by the developer as residential development occurs in this vicinity.

Curb/Gutter/Sidewalks – Sidewalks, curb and gutter have been constructed along the new Citation Boulevard and will be required to be constructed by the developer along the new section of Sandersville Road. Additionally, a shared-use trail was constructed along Citation Boulevard, and runs parallel to the subject property's frontage.

Storm Sewers – The subject property is located within the Town Branch watershed. Storm drainage facilities are expected to be constructed when improvements to the overall site occur. A FEMA Special Flood Hazard Area (100-year floodplain) does run along the southern property boundary of the subject site. The floodplain is shown on the associated development plan, and the area nearest the floodplain is depicted as an area of "future development."

Sanitary Sewers – The subject site is located within the Town Branch sewershed. Sanitary sewer treatment is provided by the Town Branch Wastewater Treatment Plant for properties within this portion of the Urban Service Area, which is located approximately three miles to the southeast. Prior to any construction on the site, the Division of the Water Quality's Capacity Assurance Program will evaluate the available capacity of the system compared to their specific request for sanitary sewer demand.

Refuse – The Urban County Government provides waste collection to this area on Thursdays.

Police – The site is located in Police Sector 1. The nearest police Roll Call Center is located on Old Frankfort Pike near New Circle Road, approximately two miles from the subject property to the southeast.

Fire/Ambulance – The subject property is approximately two miles from Fire Station 13, which is located on Leestown Road, approximately ½ mile southeast of the Leestown Road/New Circle Road interchange. A new fire station is proposed in the very near vicinity of the subject property at the intersection of Magnolia Springs Drive and Mable Lane, which is located about one-third of a mile to the north of the subject property.

Utilities – Private utilities, including natural gas, cable television, electric, telephone and water service are to be extended into the site by the developer.

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 Plan's 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 rezoning to a Wholesale and Warehouse Business (B-4) zone in order to construct an automobile service station and three office/warehouses buildings for a total of 33,200 square feet of space, and associated off-street parking areas.

CASE REVIEW

The petitioner has requested a zone change from a Light Industrial (I-1) zone and a Planned Neighborhood Residential (R-3) zone to a Wholesale and Warehouse Business (B-4) zone for approximately 14 acres, located at the future intersection of Citation Boulevard and Sandersville Road.

The subject property is comprised of one property intended for light industrial land use and a portion of a tract that has been planned to be a single family residential subdivision. Citation Boulevard was recently completed in this portion of the Urban Service Area. It now provides a vital access for residents and businesses in the northern portion of the Urban County – connecting Leestown Road to Newtown Pike. The immediate area is characterized by industrial land uses to the south of the Sandersville corridor and planned residential uses to the north.

The subject property is situated on the east side of Citation Boulevard at the future intersection of that roadway with Sandersville Road. The associated development plan depicts two developable lots on the north side of future Sandersville Road, and three lots to the south. The industrially zoned portion of the property was rezoned in 1994, although it has remained vacant because it was not accessible by any public streets. The residentially zoned portion of the site was rezoned in 2004 after Ball Homes purchased the property from the Hillenmeyer family. That site has also remained vacant for the past decade.

The petitioner proposes a Wholesale and Warehouse Business (B-4) zone in order to construct an automobile service station and three office/warehouses buildings for a total of 33,200 square feet of space, and associated off-street parking areas, on four lots that would have frontage along the future Sandersville Road. A fifth lot is also shown as a site of “future development,” closer to the known environmentally sensitive areas on the property.

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, specifically the “Land Use Change Considerations” developed by the staff following the adoption of the Plan. The petitioner also states that the existing combination of I-1 and R-3 zoning is inappropriate and that the B-4 zone would be appropriate at this location.

In terms of the Comprehensive Plan, they opine that the proposed zone is compatible with and enhances adjoining land uses, will enable the development of a critical vehicular connection (Sandersville Road), 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 now that Citation Boulevard is open), the proposed land use will not impair existing environmental conditions on the site, and the use will provide neighborhood-oriented businesses and amenities in this area. The petitioner also states that the proposed development will be appropriately sited along a minor arterial roadway and will provide an effective transition between different intensities of land uses.

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 recommendations of the 2013 Comprehensive Plan.

The site remains vacant even though it has been zoned for redevelopment for between 12 and 22 years, and now that access has improved, so have the options for development at Citation Boulevard and Sandersville Road. The B-4 zone can accommodate a number of compatible small businesses that would provide wholesale and business services for the neighborhood, a few professional offices, office/warehouse projects (including medical offices), animal hospitals or clinics, garden centers, and even automobile service centers, as proposed by the petitioner. The B-4 zone would be a step down in intensity from the I-1 zone to the south and would eliminate the possibility of the most intense land uses being located along Sandersville Road across the street from a new neighborhood. 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. The new proposed land uses will not impair existing environmental conditions on the subject site and the redevelopment should create a more neighborhood-friendly entrance near the adjoining neighborhood.

Conditional zoning restrictions should be considered for the north side of Sandersville Road in order to ensure compatibility of the development with the proposed residential neighborhood to the north. An unrestricted Professional Office (P-1) or Neighborhood Business (B-1) zone could also meet the suggested purpose of creating a transition between different land use intensities. For these reasons, the staff is in support of the proposed zone change, if restricted.

The Staff Recommends: Approval, for the following reasons:

1. A restricted Warehouse and Wholesale Business (B-4) zone is in agreement with the policies general concepts, policies and guiding principles of the 2013 Comprehensive for the following reasons:
 - a. The site has been an underutilized/vacant site after more than a decade. The property should be considered for a possible change to an alternative zone for great utility and function in order to better serve the needs of the community and the immediate neighborhood within the Urban Service Area.
 - b. The proposed zoning and land use are generally compatible with the nearby industrial land uses to the south and would be less intense near the planned residential land use to the north. Conditional zoning restrictions to limit lighting and the most intense uses that may disturb residents are appropriate for the subject property north of Sandersville Road in order 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 uses, including Citation Boulevard, along with the future connection of Sandersville Road through the site. The proposed B-4 zone can accommodate a number of small businesses that would provide important services within a neighborhood node, which is desirable near residential areas. These are consistent with the guiding principles of the Comprehensive Plan, specifically Chapter 6: "Improving a Desirable Community."
 - d. 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."
 - e. The proposed B-4 zone would be a step down from the existing I-1 zone to the south, and would eliminate the possibility of the most intense land uses being located along Sandersville Road across from a new neighborhood.
2. This recommendation is made subject to approval and certification of PLN-MJDP-16-00007: RML-Citation (Hillenmeyer Interest, Ltd.), 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 shall apply to the portion of the subject property adjacent to residential zoning:
 - a. Prohibited Uses:
 1. Shops for major automobile and truck repairing or electroplating.
 2. Laundry, clothes cleaning or dyeing shop.
 3. Ice plant.
 4. Tire re-treading and recapping.
 5. Machine shop.
 6. Processors of agricultural products.
 7. Establishments and lots for the display, rental, sale and repair of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles such as mini-bikes, motorcycles, bicycles, boats or supplies for such items.
 8. Truck terminals and freight yards.
 9. Establishments for the display and sale of precut, prefabricated or shell homes.
 10. Carnivals.
 11. Outdoor storage within 200' of Citation Blvd. or within 200' of a residential zone..
 - b. Other Use Restrictions:
 1. Any outdoor lighting shall be shielded and directed away from any residential zones.
 2. A fifteen-foot (15') landscape buffer shall be established along the northern property boundary, where adjacent to a residential zone. One tree every 20 feet of linear distance shall be planted along the boundary selected from Group A or B of the Planting Manual. These trees shall be planted in two rows so that they are staggered within the buffer area.

These restrictions are necessary and appropriate in order to ensure compatibility of the proposed development with the proposed residential neighborhood to the north of this location.

TLW/WLS

8/4/16

Planning Services/Staff Reports/MAR/2016/PLN-MAR-16-00004.doc

2. **RML CONSTRUCTION, LLP, ZONING MAP AMENDMENT RML-CITATION (HILLENMEYER INTEREST, LTD.) ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-16-00004: RML CONSTRUCTION, LLP – petition for a zone map amendment from a Light Industrial (I-1) zone to a Wholesale and Warehouse (B-4) zone, for 12.03 net (15.75 gross) acres, and a Planned Neighborhood Residential (R-3) zone to a Wholesale and Warehouse (B-4) zone, for 2.24 net (4.0 gross) acres, for property located at 2551 Leestown Road and (a portion of) 745 Greendale Road.

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 Plan's 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 rezoning to a Wholesale and Warehouse Business (B-4) zone in order to construct an automobile service station and three office/warehouses buildings for a total of 33,200 square feet of space, and associated off-street parking areas.

The Zoning Committee Recommended: **Approval.**

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

1. A restricted Warehouse and Wholesale Business (B-4) zone is in agreement with the policies general concepts, policies and guiding principles of the 2013 Comprehensive for the following reasons:
 - a. The site has been an underutilized/vacant site after more than a decade. The property should be considered for a possible change to an alternative zone for great utility and function in order to better serve the needs of the community and the immediate neighborhood within the Urban Service Area.
 - b. The proposed zoning and land use are generally compatible with the nearby industrial land uses to the south and would be less intense near the planned residential land use to the north. Conditional zoning restrictions to limit lighting and the most intense uses that may disturb residents are appropriate for the subject property north of Sandersville Road in order 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 uses, including Citation Boulevard, along with the future connection of Sandersville Road through the site. The proposed B-4 zone can accommodate a number of small businesses that would provide important services within a neighborhood node, which is desirable near residential areas. These are consistent with the guiding principles of the Comprehensive Plan, specifically Chapter 6: "Improving a Desirable Community."
 - d. 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."
 - e. The proposed B-4 zone would be a step down from the existing I-1 zone to the south, and would eliminate the possibility of the most intense land uses being located along Sandersville Road across from a new neighborhood.
2. This recommendation is made subject to approval and certification of PLN-MJDP-16-00007: RML-Citation (Hillmeyer Interest, Ltd.), 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 shall apply to the portion of the subject property adjacent to residential zoning:
 - a. Prohibited Uses:
 1. Shops for major automobile and truck repairing or electroplating.
 2. Laundry, clothes cleaning or dyeing shop.
 3. Ice plant.
 4. Tire re-treading and recapping.
 5. Machine shop.
 6. Processors of agricultural products.
 7. Establishments and lots for the display, rental, sale and repair of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles such as mini-bikes, motorcycles, bicycles, boats or supplies for such items.
 8. Truck terminals and freight yards.
 9. Establishments for the display and sale of precut, prefabricated or shell homes.
 10. Carnivals.
 11. Outdoor storage within 200' of Citation Blvd. or within 200' of a residential zone.
 - b. Other Use Restrictions:
 1. Any outdoor lighting shall be shielded and directed away from any residential zones.

2. A fifteen-foot (15') landscape buffer shall be established along the northern property boundary, where adjacent to a residential zone. One tree every 20 feet of linear distance shall be planted along the boundary selected from Group A or B of the Planting Manual. These trees shall be planted in two rows so that they are staggered within the buffer area.

These restrictions are necessary and appropriate in order to ensure compatibility of the proposed development with the proposed residential neighborhood to the north of this location.

- b. PLN-MJDP-16-00007: RML-CITATION (HILLENMEYER INTEREST, LTD.) (9/29/16)* - located at 2551 Leestown Road and 745 Greendale Road. **(EA Partners)**

Note: This purpose of this amendment is to revise the zoning and development for the property.

The Subdivision Committee and Staff Recommended: Postponement. There were some questions regarding the proposed development on Lot 5.

Should this plan be approved, the following requirements should be considered:

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. Department of Environmental Quality's approval of environmentally sensitive areas.
6. Dimension exterior walls of all buildings, and C-store canopy.
8. Denote that conflict between lot line and easement will be resolved at time of Final Development Plan.
8. Denote access apron dimensions.
9. Denote 25' floodplain setback line, on plan.
10. Clarify parking generator by use per Article 8-21(n) of the Zoning Ordinance for warehouse and C-store uses.
11. Remove "no limitation" notations from site statistics.
12. Denote subdivision name in Plan Title.
13. Discuss landscaping and lighting restrictions adjacent to R-3 zone.
14. Discuss private street vs. access easement for access to Lot 5.
15. Discuss proposed uses for Lot 5.
16. Discuss stormwater detention location for this development, and its timing.
17. Discuss provision of vehicular access and use for the area south of the floodplain on Lot 5.
18. Discuss access into warehouse portion of proposed buildings.

Staff Zoning Presentation – Ms. Wade presented the staff report on this zone change for 2551 Leestown Road and a portion of 745 Greendale Road and stated that this application is for a rezoning from Light Industrial (I-1) zone and a Planned Neighborhood Residential (R-3) zone to a Wholesale and Warehouse Business (B-4) zone. The subject property is actually located along the new Citation Blvd. A majority of its frontage is on Citation Blvd. and the planned continuation of Sandersville Road is planned through the subject property, which will continue across Citation Blvd. She displayed an aerial view of the subject property.

Ms. Wade said that the I-1 parcel was rezoned in 1994 and the R-3 parcel was rezoned by Ball Homes in 2004. Both of these parcels have remained vacant for more than a decade. She said that now that Citation Blvd. is complete and has provided access between Leestown Road and Newtown Pike, that there has been some interest by landowners in the area and in offering other services that are not directly available to the residential areas in this vicinity. She said that the areas to the south and the east of the subject property are already zoned as I-1 and the property to the west and north are zoned as R-3. She said that residential is planned across Citation Blvd. and to the north of Sandersville Road.

Ms. Wade said that the applicant is proposing the rezoning to the B-4 zone in order to construct approximately 64,000 square feet of both office/warehouse space and an automobile service station. The applicant contends that this proposal is in agreement with the 2013 Comprehensive Plan based on land use change considerations developed by the staff following the adoption of the Comprehensive Plan. The applicant believes that the existing combination of I-1 and R-3 zones are inappropriate at this intersection and that B-4 zone will be more appropriate at this location along a minor arterial and a collector street. The applicant believes that the proposed zone will be compatible with and enhance adjoining land uses, enable the development of a critical vehicular connection, Sandersville Road, will redevelop under-utilized land for greater utility or function, and will utilize the existing infrastructure. She said that the applicant also believes that the proposed zone change will not impair any existing environmental conditions of this site and it will provide for neighborhood oriented business and amenities in the area.

Ms. Wade said that the staff agrees with the applicant's contention that it is in agreement with the Comprehensive Plan at this location. She said that the staff noted in the staff report that the B-4 zone can accommodate some neighborhood-oriented businesses, like an animal clinic, garden centers, automobile service centers, and also the office/warehouse projects. She said that the B-4 zone would act as a step down between the Light Industrial and the residential. She said that the staff had con-

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

cerns, when reviewing this application, about the buffer between the B-4 zone and the residential to the north of Sandersville Road, where it will be adjacent to single-family residential. The staff suggested conditional zoning restrictions at the Zoning Committee meeting, which made a recommendation of approval for this proposed zone change. She said that the findings and the conditional zoning restrictions are listed on the staff report, with a number of prohibited uses.

Development Plan Presentation - Mr. Martin presented the staff report on the preliminary development plan and said that there was a staff exhibit (pink handout) with the revised recommendations for this plan. On a rendering of the revised plan, he oriented the Planning Commission of the area for development. He said that the two office buildings will have parking in the rear of the building with a 15 foot buffer area between the subject property and the adjacent R-3 zone. The applicant is proposing a gas station along with an office/warehouse building behind it, with the parking to the rear, on the location. He said that originally, the staff had some concerns with the property including the fact that the applicant didn't have any development proposed on the remaining lot. He said that there is a sink hole in that location, which will be addressed at the Final Development Stage, with a study to determine the extent of the sink hole. He said that it may or may not have a significant impact on the development of the site. He pointed out the 100-year FEMA flood plain that runs through the rear portion of the property.

Mr. Martin said that the revised conditions are mostly typical, with a few clean up conditions. He clarified condition number 8, the parking generator. The office/warehouse has a 60/40 square footage breakdown and that parking generator has to reflect that difference in use, one is 1/200 and the other is 1/600 square feet. He said that the convenience store will have its own generator. He said that there is a slight math discrepancy with this plan and that resulted in the condition to clarify or add 17 parking spaces. There is plenty of room to do so if they want to adjust the plan. He said that the staff is recommending approval of this revision.

Commission Comments – Mr. Penn asked if there is any consideration being given to the direction the buildings will face, and asked if they will they face Citation Blvd. Mr. Martin replied that at the Final Development Plan stage the plan will be reviewed for the building articulation and the appearance that it will present to Citation Blvd.

Petitioner Presentation – Bruce Simpson, attorney, was present representing the petitioner. He said that the applicant agrees with the staff's recommendations on the zone change and the development plan's revised conditions with the provision to clarify and denote the issues that Mr. Martin had mentioned, at the Final Development stage.

Zoning Action – A motion was made by Mr. Berkley, seconded by Ms. Cravens, and carried 10-0 (Drake absent) to approve PLN-MAR-16-00004: RML CONSTRUCTION, LLP, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Berkley, seconded by Mr. Smith, carried 10-0 (Drake absent) to approve PLN-MJDP-16-00007: RML-CITATION (HILLENMEYER INTEREST, LTD.), subject to the 10 conditions provided by the staff.