

**STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT****PLN-ZOTA-24-00001: AMENDMENT TO ARTICLE 8-1 TRUCK AND TRAILER RENTAL IN THE B-1 ZONE**

APPLICANT: U-Haul Company of Louisville, Kentucky

PROPOSED TEXT: SEE ATTACHED (Note: Red text indicates an addition to the existing Zoning Ordinance; text ~~stricken through~~ indicates a deletion.)

**STAFF REVIEW:**

U-Haul Company of Louisville, Kentucky is requesting a text amendment to the Zoning Ordinance to allow truck and trailer rental and leasing businesses to operate as a principally permitted use in the Neighborhood Business (B-1) zone.

The intent behind the B-1 zone is to accommodate neighborhood shopping facilities to serve the needs of the surrounding residential area. This zone should be located in areas of the community where services and facilities are/will be adequate to serve the anticipated population. This zone should be oriented to support and enhance a residential neighborhood. Further, this zone should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.

Within the Neighborhood Business (B-1) zone, truck and trailer rental is currently allowed as a conditional use under the following specific conditions:

- 1. The rental of trucks (single rear axle: Twenty-eight (28) feet maximum overall length), trailers and related items in conjunction with the operation of an automobile service station, provided that the service station abuts a state or federal highway. No more than five (5) trucks shall be stored for longer than forty-eight (48) hours on any service station. A site plan shall be submitted for the approval of the Board of Adjustment for the continued control of such activity and shall show the entire property, buildings, signs, parking and location of the proposed storage area*

This language allowing for truck rental in the B-1 zone was tailored to reduce any negative impact of truck rental uses by requiring them to operate at sites that were already experienced higher volumes of vehicular use, and were located on higher intensity roadways that could more easily handle the traffic volume and vehicle size. Due to the intensity of the use, truck rental is not permitted in the B-1 zone outside of this limited Conditional Use. Truck and trailer rental is first permitted as a principal use in the downtown business (B-2 and B-2A) zones and the Highway Service Business (B-3) zone, which are significantly more intense than the B-1 zone, and are located in contexts that can better handle higher levels and intensity of traffic.

The applicant's request arose out of enforcement action regarding a number of truck and trailer rental businesses that had been illegally operating within the B-1 and Commercial Center (B-6P) zones. These uses predominantly had been operating at smaller existing retail or commercial businesses, who had available parking to store trucks and trailers. A complaint letter was submitted to Zoning Enforcement that detailed a number of truck rental uses that were operating in the B-1 zone. Further



investigations found that the majority of the sites detailed in the complaint were operating illegally. In response to the civil citations from the complaint, U-Haul filed a Zoning Ordinance text amendment (ZOTA) to allow the use under certain conditions in the B-1 zone, which would also allow the use in the B-6P zone by reference. The applicant's language would allow for truck and trailer uses to operate as a principal use in the zone, without any additional review required, as long as the following criteria are met:

1. *The property shall be entirely surrounded and contiguous to properties having either a commercial or industrial zoning designation.*
2. *The storage area for the placement of rental trucks and associated truck rental equipment shall be set back at least 10 feet from roadways.*
3. *The vehicular storage area shall be paved.*
4. *All rental trucks stored on-site shall be in sound operating condition and shall possess current valid license plates and registration.*
5. *Truck and trailer rentals shall not be located in vehicular traffic aisles, pedestrian sidewalks or access points to buildings.*
6. *No more than 10 rental trucks and trailers may be stored or displayed at any given time.*

The applicant opines that these provisions will mitigate the impact of the proposed use. Staff disagrees. The applicant contends that they have created a buffer that protects residential uses; however, the separation requirement only addresses residential zones, and does not address residential uses that are permitted to operate in a variety of non-residential or mixed-use zones. Even within purely commercial areas, the outdoor storage, and consistent turnover and traffic associated with truck and trailer rental uses makes for an inhospitable pedestrian environment, and limits the ability to provide well-integrated and connected developments. The proposed language does not include any screening or buffer from these display areas, and would not prohibit them from being located within the front yard area. As a principal use, there would be no mechanisms to review each site on a case-by-case basis, or impose additional conditions on a site to ensure compatibility with the surrounding area.

The applicant opines that the use is appropriate as a principal use in the B-1 zone because it provides a service that is supportive of residential uses. Staff agrees that truck and trailer rental does provide a necessary service for the community; however, that does not make the use appropriate to locate in a neighborhood context. Other uses, such as self-storage units, also support residential uses but would be ill-suited to fostering the conditions for a safe, connected, and thriving neighborhood. These uses are best located in areas where there is adequate road infrastructure, and where walkability is less of a key consideration.

The applicant also opines that the request is in agreement with Comprehensive Plan, but does not address any specific Goals, Objectives, Policies, or Development Criteria that support their claim, other than a broad statement that the request generates additional revenue. Staff disagrees with the applicant's claim that the proposed change is in alignment with the adopted Comprehensive Plan. Introducing truck and trailer rental uses into a neighborhood context does not promote safe social interactions within neighborhoods (Theme A, Goal #3.b), does not respect the scale and intensity of B-1 development (Theme A, Goal #2.b), weakens the pedestrian and multi-modal experience (Theme D, Goal #1.a), and reduces the safety of these areas (Theme A, Goal #2.a).



The applicant's request also runs counter to several initiatives that are currently in process to improve the Neighborhood Business (B-1) zone. In early January, the Planning Commission recommended approval of the Urban Growth Management Zoning Ordinance Text Amendment (ZOTA-23-0004), which among other changes, removes the conditional use for truck rental, and prohibits the establishment of new automobile service stations and drive-through facilities in the B-1 zone. Driving these changes was a desire to refine the regulations to make the Neighborhood Business zone more walkable, and better able to integrate into residential areas. While this language has not yet been adopted by the Urban County Council, the applicant's request represents a shift in the opposite direction, expanding the ability for more intense and vehicular-centric uses to operate in the B-1 zone.

The text as proposed creates some inconsistency between similar land uses. When allowed as a principal use elsewhere in the Zoning Ordinance, the rental of trucks and trailers is grouped under the following use category:

*Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.*

These uses are grouped together due to their similarity in land use impacts, intensity, traffic patterns, and their use of outdoor display areas. If approved, the applicant's proposal would create an exception for truck or trailer rental businesses, but would continue prohibiting the other listed similar uses. Less intense uses than the proposed use, such as car rental uses, would still be excluded from operating in the zone despite operating nearly identically. The applicant does not address why truck and trailer rental uses are appropriate in the B-1 zone, but the other grouped uses are not.

At this time, staff does not find the proposed changes to the Zoning Ordinance to be appropriate. The applicant has not provided any information that demonstrates that the proposed use is appropriate in a neighborhood context, or how the proposal is meeting the intent of the Neighborhood Business zone. The proposal is not supported by the Goals, Objectives, Policies, or Placebuilder Element of the 2045 Comprehensive Plan. Finally, the proposal creates arbitrary inconsistencies between the proposed use and similar equipment and vehicle rental/ sales uses.

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

1. The applicant has not provided any information that demonstrates that the proposed use is appropriate as a principal use in a neighborhood context.
2. The request does not meet the intent of the Neighborhood Business (B-1) zone.
3. The proposal is not supported by the Goals, Objectives, Policies, or Placebuilder Element of the 2045 Comprehensive Plan.
4. The proposal creates inconsistency within the Zoning Ordinance by making an arbitrary distinction between the proposed use and similar vehicular or equipment rental uses that would remain prohibited in the B-1 zone.

