

2. TURNER PROPERTY 2, LLC ZONING MAP AMENDMENT & TURNER PROPERTY 2, LLC SUBDIVISION ZONING DEVELOPMENT PLAN

- a. PLN-MAR-17-00010: TURNER PROPERTY 2, LLC (6/4/17)*- petition for a zone map amendment from a Single Family Residential (R-1B) zone to a Light Industrial (I-1) zone, for 1.88 net (2.03 gross) acres, for property located at 1387 E. New Circle Road (a portion of).

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. The 2013 Comprehensive Plan, in *Chapter 5: Creating Jobs and Prosperity*, discusses redevelopment opportunities of the community's employment-generating land and encourages reuse or redevelopment of underperforming or underutilized land.

The petitioner proposes to rezone a tract of land located to the rear of an existing light industrial tract in order to expand an existing structure for the headquarters of an electrical construction, engineering and fabrication company. The proposed addition is approximately 15,000 square feet in size. Additional off-street parking and service/loading areas are also proposed.

The Zoning Committee made no recommendation, due to lack of a quorum.

The Staff Recommends: Approval, for the following reason:

- 1. A restricted Light Industrial (I-1) zone is appropriate for the subject property because the site is accessible through the front tract from New Circle Road only, and it is surrounded predominantly by land that is zoned for I-1 and/or compatible commercial uses, including vehicle sales establishments, gas stations, warehousing and other industrial uses.
- 2. The existing Single Family Residential (R-1B) zone is inappropriate for the subject property for the following reasons:
 - a. The adjoining residential zoning is separated by a steep topographic change, therefore its development potential and access from Wilderness Road is very limited.
 - b. The adjacent residential lot to the southeast is a vacant, 3-acre tract, which allows for a large buffer between the proposed use and existing residences, even with this light industrial expansion.
 - c. Much of the nearby residential land is utilized for other purposes, such as a church, bus parking and a public school.
 - d. Without road frontage, the site has virtually no value or viable residential use.
- 3. *Chapter 5: Creating Jobs and Prosperity* of the 2013 Comprehensive Plan supports redevelopment of underperforming or underutilized property inside the Urban Service Area.
- 4. This recommendation is made subject to the approval and certification of PLN-MJDP-17-00022: Turner Property 2, LLC, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
- 5. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions shall apply to the subject property via conditional zoning:

PROHIBITED USES

- 1. Major automobile or truck repair as a principal use.
- 2. Tire re-treading and recapping.
- 3. Truck terminals and freight yards.
- 4. Recycling, sorting, baling and processing of glass or nonferrous metals.
- 5. Vehicle storage yards.
- 6. Any wholesale or trucking use operating between the hours of 11 p.m. and 7 a.m.

These use restrictions are appropriate and necessary at this location to ensure that the proposed development adequately protects the nearby residential neighborhood.

- b. PLN-MJDP-17-00022: TURNER PROPERTY 2, LLC (6/4/17)* - located at 1387 E. New Circle Road (a portion of).
(Banks Engineering)

The Subdivision Committee Recommended: Approval, subject to the following conditions:

- 1. Provided the Urban County Council rezones the property I-1; 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. Replace Tree Protection Plan with Tree Inventory Map per Article 26 of the Zoning Ordinance.

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

7. Addition of street frontage in site statistics.
8. Delete notes #5 & #12.
9. Correct note #9.
10. Remove copyright information from plan.
11. Increase font size for all notes and certifications on plan.
12. Dimension all buildings identified on plan.
13. Dimension parking spaces, aisles and entrances on plan.
14. Denote existing and proposed easements on plan.
15. Complete existing tree information (common names) in Note #13 in Tree Preservation notes.
16. Discuss timing of consolidation of properties.
17. Discuss access to pump station.

Petitioner Representation – Jacob Michul, attorney, said that he had spoken with the objector that was present earlier and resolved her concerns and questions. He said that this application can now be considered as an abbreviated hearing.

Staff Zoning Presentation – Ms. Wade presented and summarized the staff report and recommendations for this zone change. She said the subject property, which is to the rear, doesn't have frontage but the entire parcel has frontage on New Circle Road. She said that the parcel has an existing warehouse/office on the site (Halloween Express) and only a portion of the property is requesting this zone change, which is to the rear of the building. She displayed several photographs of the subject property and the general area.

She said that the applicant is contending that this application is in agreement with 2013 Comprehensive Plan; although, the staff believes the existing zone is inappropriate and the proposed zone is appropriate, as listed in the staff report. She said that staff also recommends six prohibited uses at this location, via conditional zoning restrictions.

Development Plan Presentation – Mr. Martin presented the staff report on the Preliminary Development Plan associated with this zone change. Mr. Martin identified the property's location off of New Circle Road, and described the location of the proposed addition to the existing building. He said there is a sanitary sewer pump station on the parcel and the property will need to be consolidated. It and the creation of an access to the pump station can be accomplished with a minor plat.

Petitioner Presentation – Jacob Michul, attorney, was present representing the petitioner. He said the applicant is in agreement with the staff's recommendations. He clarified that the parcel in front of the subject property is already zoned I-1 and the application is only for the rear portion of this lot. He also said that the applicant had concerns with prohibited use #6 in regards to a trucking use on the site. He said that it doesn't mean that a truck could never pull onto that subject property during those hours but it shouldn't be a primary use on the site. He also said that the applicant has recently submitted a revised preliminary development plan that addresses the staff's concerns.

Commission Question – Mr. Penn asked for clarification regarding access to the pump station. Mr. Michul replied that it will be added to the consolidation plat and it is also on the revised preliminary development plan that was just submitted to the staff.

Mr. Owens asked if the building is currently occupied. Mr. Michul said that it is not currently occupied. He said that it will serve as the AMTEK headquarters.

Mr. Wilson said that the applicant asked for clarification regarding prohibited use #6, that trucking hours are different from business hours and that this prohibition does not exclude all trucks on the property. Mr. Michul said that his interpretation was that it excludes any types of trucking businesses. Ms. Wade said that the intent is to permit wholesale and distribution uses, but not to operate that type of use during the noise ordinance restricted hours, which is 11:00 p.m. to 7:00 a.m. Mr. Owens asked how the noise ordinance restricted hours would be enforced. Ms. Wade replied the Zoning Compliance section would enforce any complaints to this restriction.

Citizen Comment – There were no citizens present to speak to this application.

Zoning Action – A motion was made by Mr. Berkley, seconded by Mr. Cravens, and carried 10-0 (Drake absent) to approve PLN-MAR-17-00010: TURNER PROPERTY 2, LLC, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Berkley, seconded by Mr. Cravens, carried 10-0 (Drake absent) to approve PLN-MJDP-17-00022: TURNER PROPERTY 2, LLC, for the reasons provided by the staff.