

## MAP AMENDMENT REQUEST (MAR) APPLICATION

### 1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)

**Applicant:**

CENTENNIAL AMERICAN PROPERTIES, 935 SOUTH MAIN STREET, STE 201, GREENVILLE, SC 29601

**Owner(s):**

ANDERSON SAND LAKE LLC, 1720 SHARKEY WAY, LEXINGTON, KY 40511

**Attorney:**

RICHARD MURPHY, 250 WEST MAIN STREET, STE 2510, LEXINGTON, KY 40507 PH: 859-233-9811

### 2. ADDRESS OF APPLICANT'S PROPERTY

109 SAND LAKE DRIVE, LEXINGTON, KY 40515

### 3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
B-3	VACANT	B-4	STORAGE	2.02	2.02

### 4. COMPREHENSIVE PLAN

a. Utilizing Placebuilder, what Place-Type is proposed for the subject site?	CORRIDOR
b. Utilizing Placebuilder, what Development Type is proposed for the subject site? If residential, provide the proposed density	MEDIUM DENSITY NON-RESIDENTIAL / MIXED-USE

### 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 type="checkbox"/> YES <input checked="" type="checkbox"/> NO
c. Are these units currently occupied by households earning under 40% 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 type="checkbox"/> NO

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

Roads:	LFUCG
Storm Sewers:	LFUCG
Sanity Sewers:	LFUCG
Refuse Collection:	LFUCG
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



Anderson Sand Lake, LLC  
1720 Sharkey Way, Suite 100  
Lexington, KY 40511

April 1, 2020

Members of the Lexington-Fayette Urban County Planning Commission  
200 East Main Street  
Lexington, KY 40507

Re: 109 Sand Lake Drive


Dear Members of the Planning Commission:

Anderson Sand Lake, LLC is the owner of the property located at 109 Sand Lake Drive. The company hereby gives permission to Centennial American Properties, LLC to apply for a zone change to the B-4 zone for a portion of this property.

Thank you,

Sincerely,

Anderson Sand Lake, LLC

By:   
Dennis Anderson, Manager

# MURPHY & CLENDENEN, PLLC

ATTORNEYS AT LAW

LEXINGTON FINANCIAL CENTER

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RICHARD V. MURPHY

CHRISTOPHER M. CLENDENEN

April 3, 2020

Mr. Michael Owens, Chairman  
and Members of the Lexington-Fayette Urban County Planning Commission  
200 East Main Street  
Lexington, KY 40507

Re: Proposed zone change for a portion of 109 Sand Lake Drive

Dear Chairman Owens and Members of the Planning Commission:

Centennial American Properties, LLC is requesting a zone change from the B-3 (Highway Service) zone to the B-4 (Wholesale and Warehouse Business) zone for about two acres of land, which is a portion of 109 Sand Lake Drive, in order to construct a modern, climate-controlled self-storage facility.

## **Description of Project**

The subject property is located near the intersection of Richmond Road and Man-O'-War Boulevard. It is directly adjacent to the Carmax auto dealership, and is near the Don Franklin Auto Mall. It is located behind a row of restaurants which are adjacent to Richmond Road. To the northwest is Carmax. To the northeast are the restaurants along Richmond Road. To the southeast are townhouses zoned R-3. To the southwest are single family homes zoned R-2 on Lake Wales Court, located at a higher elevation than the proposed development.

The current B-3 zoning allows extensive retail uses, sale of new and used cars, trucks, boats, mobile homes and motorcycles, restaurants and cocktail lounges, hotels, and similar uses. As mentioned above, we are immediately adjacent to a large used car facility and are close to a large auto mall. A number of hotels have looked at the site, and two groups signed letters of intent to purchase the property for hotel use, but declined to proceed further after studying the property. There are a number of restaurant uses immediately adjacent. The proposal to construct a modern self-storage facility on this site is more appropriate than the uses mentioned above. It will still be a commercial use serving both business and residential uses in the area; however, it will generate much less traffic and have much less noise and activity than typical B-3 uses. It will be compatible visually and architecturally with the other commercial uses in the area, but it will be more compatible with the residential uses immediately adjacent due to the low noise, traffic and activity. This use will have the visibility it needs to make its location known, but it will not generate a great

deal of in and out traffic. Its major user will be the large number of apartments, residential units and small businesses in the area.

Unlike older self-storage facilities, our development will have no exterior storage. There will be no exterior storage of boats, recreational vehicles, any other kind of vehicle or any other item outdoors. There will be no exterior access to the individual storage units. All access will be from the interior. A client will drive in the entrance door and remove the item from a vehicle, place it on the elevator, and take it to the storage unit. The units will be climate-controlled. Also, there will be no chain link fence or other security fence around the building, as there will be no exterior storage. This will be a three-story building which will be compatible with the architecture of surrounding uses.

The need for modern self-storage facilities is accentuated by the trend in Lexington and other communities for greater residential density. Greater residential density often means less storage space, either interior or exterior. The need for storage manifests itself in many ways: a natural accumulation of cherished items as we grow older; the need to move a loved one into a dwelling unit and temporarily remove furniture or other items to make space; a similar need for additional space if adult offspring move back in; and a need to store items if a resident moves to assisted living or a nursing home residence.

The availability of storage is also attractive to small business. Many businesses cannot afford to store items on-site due to the high rents for space. So, old documents, files, excess inventory or equipment that is rarely used can be stored offsite, to prevent the need for larger, more expensive office space.

Thus, although storage units do not generate a great number of jobs themselves, they are an essential service use to both families and businesses in the community. About 60% of storage units are rented by families. Currently, about 10% of American families utilize off-site storage facilities. As housing continues to become more dense, it is estimated that in 10 years, 20% of families will use off-site storage space. The other 40% of self-storage is utilized by businesses. The similar factors mentioned above also indicate a growth in the need for that space.

It is essential that storage space be placed conveniently to residential and business communities. Most storage space is rented within three miles of the residence or business.

Thus, this facility will assist business growth and it will assist in the trend toward greater density and attached or multi-family housing. The available of quality, nearby, climate-controlled storage space encourages compact residential and business development.

### **Goals and Objectives of the 2018 Comprehensive Plan.**

This three-story, dense, interior storage facility is in agreement with the Goals and Objectives of the 2018 Comprehensive Plan. It supports Theme A, Growing Successful Neighborhoods, and Goal 1, Expand Housing Choices, and Objective (b), Accommodating the demand for housing in Lexington responsibly, prioritizing higher-density and mixture of housing types. As mentioned above, the availability of quality, secure, nearby, climate-controlled storage

space encourages higher density, attached and multi-family housing, by allowing flexibility to families who encounter changes in their lifestyles or needs. It is in agreement with Theme A, Goal 2, supporting infill and redevelopment throughout the Urban Service Area as a strategic component of growth. Objective (a) calls for redevelopment and infill, as is being done on this parcel. Objective (b) calls for respecting the design features and context of the surrounding development projects. This use is compatible in size and design to the other commercial uses in this area; its low generation of traffic, sound and activities makes it more compatible with residential than B-3.

By making storage uses available to surrounding residential and business users, it promotes Goal B.2., reducing Lexington's carbon footprint, by reducing the distance which users have to travel to access their personal property. By supporting business use, and allowing additional storage space to provide flexibility for expansion, it supports Theme C, creating jobs and prosperity. It promotes the entrepreneurial spirit by allowing flexibility and adaptability for today's rapidly changing small businesses. It promotes employment sectors which need quality, nearby storage space. This dense, three-story storage facility will assist in upholding the Urban Service Area concept (Theme E.1.) by allowing greater density of housing and business use, and it will maximize development on this vacant parcel in a manner that enhances existing urban form (Objective E.1.d). It will assist in the redevelopment of this underutilized property. Similarly, it will assist in maintaining the current boundaries of the Urban Service Area, Goal E.3.

The corridor place-type is designed to offer "substantial flexibility to available land uses." This proposal accommodates both residential and commercial uses in this area.

### **Engagement**

Due to the COVID-19 situation, we have not yet been able to have dialogue with neighboring property owners. We will do that once the situation allows.

### **Place-type, development type and requested zone**

This proposal fits within the Corridor Category, as a place-type under the PlaceBuilder portion of the Comprehensive Plan. This property is located within the commercialized area along Richmond Road. It is near one of the highest traffic intersections in Fayette County, the intersection of Richmond Road and Man-O'-War Boulevard. The Corridor Category, under the Comprehensive Plan, is to accommodate "the shifting retail economic model" by "offering substantial flexibility to available land uses." As we have seen in the last month, the retail economic model is drastically shifting and flexibility is required to accommodate change. This proposal accommodates change. This proposal fits within the Medium Density Non-Residential/Mixed-Use (MDNR-MU) Category.

### **Development Criteria**

Here is a discussion of the criteria that were not specifically addressed on the development plan, or which need further discussion:

- A-DS4-2. As this property is adjacent to Richmond Road and close to Man O'War Boulevard, it is at a scale appropriate to the Corridor. It will be finished and attractive on all four sides. The lower traffic, noise and activity will make it a better neighbor to residential uses.
- A-DS5-3 and A-DS5-4. The building will be oriented to the B-3 development planned in the front of the building. There will be pedestrian connections to that property, and through that property to Sand Lake Drive. There will be a ground level office for the project, with attendant onsite during regular business hours, which will activate the ground level.
- A-DS7-1. All parking for loading and unloading will be in the interior of the building. Parking for visitors who do not need to load or unload will be available on the exterior. Our exterior parking will be on the side of the building, not the rear. This is more appropriate for this site, because the placement of the parking will be adjacent to the B-3 Carmax dealership. If the parking were placed in the rear, it would be adjacent to single-family detached dwellings.
- A-DS7-2. Parking, as mentioned above, will be adjacent to B-3 uses, not to residential uses. There will also be a 20-foot landscape buffer and additional screening along the southwestern boundary, and a tree protection area along the southeastern boundary, both adjacent to residential zoning.
- A-DN2-2. The building will be three-story, but it starts at a lower elevation than the residential uses to the southwest or southeast. All four sides of the building will be finished and will not be blank walls. There will be a 20-foot landscape buffer along the southwest, and a tree protection area along the southeast property lines, the two property lines which border residential zoning.
- A-EQ3-1. This use will transition between the highly intense car dealership and restaurant uses along Man O'War Boulevard and Richmond Road, by providing a service business with low traffic, noise and activity, to transition to the residential zoning on two sides.
- B-PR9-1. This lot has had preliminary site work done on it previously, and there are no environmentally sensitive areas.
- B-SU11-1. This development will utilize the infrastructure provided with the adjacent development. In addition, the developer will explore possibilities for green infrastructure.
- C-DI1-1. Although this building will not itself create a large number of new jobs, it provides the flexibility to entrepreneurial and small businesses to have nearby, climate-controlled flexible storage space to accommodate changing needs.
- C-LI7-1. The development will be pedestrian accessible, and will have safe pedestrian access via sidewalks to the other commercial uses in the area.

- C-PS10-3. This project has a low need for parking and has limited exterior parking. There will be no outdoor storage of vehicles, boats, recreational vehicles or trucks.
- D-PL7-1. As mentioned above, the COVID-19 situation has prevented approaching area property owners. We will make that approach as soon as the situation allows.
- E-GR9-4. In contrast to traditional self-storage facilities, this proposal is a dense, interior only storage facility on a vacant and underutilized lot.
- E-GR10-2. Although most traffic will be by vehicle, to bring items to store, it will be available for pedestrians and will have pedestrian connections to the commercial areas in front and adjacent development.
- A-DS1-2 and A-DS4-1. Transit service is available on Richmond Road. As mentioned above, this property will have pedestrian access and vehicular connections to neighboring commercial properties.
- A-EQ3-2. As mentioned above, although this project is a very low traffic generator, the site is walkable and connected to adjacent uses. Transit service is available on Richmond Road.
- C-PS10-1. This use is a low user of parking. Spaces are provided for visitor use.
- D-CO2-2. The building and site will be accessible.
- A-DS4-3. Although this property has had previous development work, we will be providing the landscape buffer and tree protection areas, as mentioned above.
- B-PR7-2, B-PR7-3 and B-RE1-1. Although this project does not have street frontage and will not require street trees, we will have landscape buffers and tree protection areas in the rear. Tree canopy will be improved.

### **Proposed variance**

In addition to the zone change, we are requesting a variance of Section 8-21(o)(1) of the Zoning Ordinance, which requires that in the B-4 zone, all buildings and structures shall be at least 100 feet from any residential zone, unless the portion within that distance has no openings except stationary windows and doors that are designed and intended solely for pedestrian access. We are requesting a variance from 100 feet to 75 feet.

Our development will have limited entrances, unlike traditional self-storage units. There will be two doors that allow entrance and exit. All loading and unloading will be in the interior, thus greatly limiting noise and activity which is the goal of Section 8-21(o)(1). We are requesting a variance in the distance from the R-2 zoning. The single-family houses are at a higher elevation, and there will be a 20-foot landscape buffer along the property line. As mentioned above, in any

case, this property will not be generating a great deal of activity or noise, and all unloading and noise will be interior, not exterior.

We meet the criteria for granting a variance:

1. Granting the variance will not adversely affect the public health, safety or welfare, and will not alter the character of the general vicinity and will not cause a hazard or nuisance to the public, because unlike traditional storage facilities, there will be no access to individual units from the exterior. Loading and unloading will be in the interior of the building, thus reducing activity and noise to surrounding uses. The single-family houses are at a higher elevation, and there will be a 20-foot landscape buffer along the property line.

2. Granting this variance will not allow an unreasonable circumvention of the requirements of the Zoning Ordinance because the purpose of Section 8-21(o)(1) is to minimize sound and activity near residential zones. Unlike traditional storage facilities, in which each user has an individual exterior entrance to a unit, this project has one entry and one exit door for vehicles, and all loading and unloading and access to units will be in the interior. Thus, the design of the building itself meets the goal of this section by reducing noise and visual activity.

3. The special circumstances which apply to this property and which do not generally apply to the land in the general vicinity or in the same zone are that this is a development to serve residential families and businesses in the area. The design of the building and the existence of the buffer area adjacent to the property line will minimize disturbance to the R-2 zone.

4. Strict application of the regulations of the Zoning Ordinance would deprive the applicant of a reasonable use of its land or create an unnecessary hardship because the size of the property would make it unfeasible to use the property for storage purposes without such a variance.

5. The circumstances surrounding the requested variance are not the result of actions this applicant has taken subsequent to the regulation from which the relief is sought. No construction has started.

## **Conclusion**

This proposal provides an essential service for residential and business communities. The building will be appropriate in this high-intensity commercial area along Richmond Road and Man O'War Boulevard. It will provide a use which has lower traffic, sound and activity than the uses allowed in the current B-3 zone. This use fully supports the Comprehensive Plan by making greater density and flexibility possible for both residential and commercial uses.

Thank you for your consideration of this application.

Sincerely,



Richard V. Murphy



## MEDIUM DENSITY NON-RESIDENTIAL / MIXED-USE

### SITE DESIGN, BUILDING FORM, & LOCATION

- A-DS3-1** Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
- A-DS4-2** New construction should be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context in accordance with other Imagine Lexington corridor policies and Placebuilder priorities.
- A-DS5-3** Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
- A-DS5-4** Development should provide a pedestrian-oriented and activated ground level.
- A-DS7-1** Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
- A-DS7-2** Any non-residential or multi-family parking not buffered by a building should be screened from the streetscape view and adjacent properties.
- A-DS7-3** Parking structures should activate the ground level.
- A-DS8-1** At the individual street level, medium density housing types should be interspersed with single-family detached units and should be context sensitive.
- A-DS10-1** Residential units should be within reasonable walking distance to a focal point.
- A-DS11-1** Common public uses that serve as neighborhood focal points, such as parks and schools, should be on single loaded streets.
- A-DN2-1** Infill residential should aim to increase density.
- A-DN2-2** Development should minimize significant contrasts in scale, massing and design, particularly along the edges of historic areas and neighborhoods. (D-PL9, E-GR6)
- A-DN3-1** Pedestrian-oriented commercial opportunities should be incorporated within residential neighborhoods.
- A-DN3-2** Development should incorporate residential units in commercial centers with context sensitive design.
- A-EQ3-1** Development should create context sensitive transitions between intense corridor development and existing neighborhoods.
- A-EQ7-1** School sites should be appropriately sized.
- B-PR9-1** Minimize disturbances to environmentally sensitive areas by utilizing the existing topography to the greatest extent possible.
- B-SU11-1** Green infrastructure should be implemented in new development. (E-GR3)

- C-DI1-1** Consider flexible zoning options that will allow for a wide range of jobs.
- C-DI5-1** In Opportunity Zones with a clearly defined local context, consider adaptive reuse to enhance the existing context.
- C-LI2-2** Non-agricultural uses at or near potential and existing gateways, as mapped in the Rural Land Management Plan, should be buffered.
- C-LI2-3** Design should create a positive gateway character at existing and proposed gateways as identified in the Rural Land Management Plan.
- C-LI2-4** Setbacks, signage, and screening should complement the iconic Bluegrass landscape along Historic Turnpikes, Scenic Byways, Turnpikes, and other scenic roads listed in the RLMP.
- C-LI6-1** Developments should incorporate multi-family housing and walkable commercial uses into development along arterials/corridors.
- C-LI7-1** Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.
- C-PS9-2** Modify current office space to include complementary uses.
- C-PS10-2** Developments should explore options for shared and flexible parking arrangements for currently underutilized parking lots.
- C-PS10-3** Over-parking of new developments should be avoided. (B-SU5)
- D-PL7-1** Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
- D-PL9-1** Historically significant structures should be preserved.
- D-PL10-1** Activate the streetscape by designating public art easements in prominent locations.
- D-SP3-1** Adequate right-of-way, lease areas and easements for infrastructure, with emphasis on wireless communication networks should be provided to create reliable service throughout Lexington.
- D-SP3-2** Cellular tower antennae should be located to minimize intrusion and negative aesthetic impacts, and stealth towers and landscaping should be used to improve the visual impact from the roadway and residential areas.
- D-SP9-1** Encourage co-housing, shared housing environments, planned communities and accessory dwelling units for flexibility and affordability for senior adults and people with disabilities.
- E-GR4-1** Developments should incorporate reuse of viable existing structures.
- E-GR5-1** Structures with demonstrated historic significance should be preserved or adapted.
- E-GR9-1** Live/work units should be incorporated into residential developments.

Theme Letter - Pillar Abbreviation & Policy Number - Criteria Number  
Ex: from Theme A - Design Pillar & Policy #1 - Criteria #1 = A-DS1-1. Full decoder on page ###

Criteria that include additional policy items in parentheses refer to companion policies that will provide additional context to the related criteria.

# MEDIUM DENSITY NON-RESIDENTIAL / MIXED-USE

## SITE DESIGN, BUILDING FORM, & LOCATION (CONT.)

- E-GR9-4** Development should intensify underutilized properties and develop vacant and underutilized gaps within neighborhoods. (E-GR6)
- E-GR10-2** Developments should provide walkable service and amenity-oriented commercial spaces.
- E-GR10-3** Shared common space in commercial developments should be provided to encourage experiential retail programming.

## TRANSPORTATION & PEDESTRIAN CONNECTIVITY

- A-DS1-1** Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7).
- A-DS1-2** Direct pedestrian linkages to transit should be provided.
- A-DS4-1** A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided. (A-DS2, A-DN1, B-SU1, B-SU2, C-LI7, E-AC5)
- A-DS5-1** Adequate multi-modal infrastructure should be provided to ensure vehicular separation from other modes of transport.
- A-DS5-2** Roadways should provide a vertical edge, such as trees and buildings.
- A-DS10-2** New focal points should be designed with multi-modal connections to the neighborhood.
- A-DS13-1** Stub streets should be connected. (D-CO4)
- A-EQ3-2** Development on corridors should be transit-oriented (dense & intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure & facilities). (B-SU3)
- A-EQ7-2** Multi-modal transportation options for healthcare and social services facilities should be provided. (E-ST3)
- B-SU4-1** Where greenspace/community centers are not located within walking distance of a new development, applicants should attempt to incorporate those amenities. (A-DS9)
- C-PS10-1** Flexible parking and shared parking arrangements should be utilized.
- D-CO1-1** Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place-type.
- D-CO2-1** Safe facilities for all users and modes of transportation should be provided.
- D-CO2-2** Development should create and/or expand a safe, connected multimodal transportation network that satisfies all users' needs, including those with disabilities.

- D-CO4-2** Roadway capacity should be increased by providing multiple parallel streets, which alleviate traffic and provide multiple route options, in lieu of additional lanes.
- D-CO5-1** Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.
- D-SP1-3** Developments should provide multi-modal transportation infrastructure to school sites, including sidewalks, shared-use paths, and roadways that can accommodate the bus and vehicle traffic associated with the site.
- E-ST3-1** Development along major corridors should provide for ride sharing pick up and drop off locations along with considerations for any needed or proposed park and ride functions of the area. (E-GR10, E-GR7)

## GREENSPACE & ENVIRONMENTAL HEALTH

- A-DS4-3** Development should work with the existing landscape to the greatest extent possible, preserving key natural features.
- A-EQ7-3** Community open spaces should be easily accessible and clearly delineated from private open spaces.
- B-PR2-1** Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.
- B-PR2-2** Dividing floodplains into privately owned parcels with flood insurance should be avoided.
- B-PR2-3** Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them.
- B-PR7-1** Connections to greenways, tree stands, and stream corridors should be provided.
- B-PR7-2** Trees should be incorporated into development plans, prioritize grouping of trees to increase survivability.
- B-PR7-3** Developments should improve the tree canopy.
- B-RE1-1** Developments should incorporate street trees to create a walkable streetscape.
- B-RE2-1** Green infrastructure should be used to connect the greenspace network.
- D-SP2-1** Visible, usable greenspace and other natural components should be incorporated into school sites.
- D-SP2-2** Active and passive recreation opportunities should be provided on school sites.
- E-GR3-1** Physical and visual connections should be provided to existing greenway networks.
- E-GR3-2** New focal points should emphasize geographic features unique to the site.

Theme Letter - Pillar Abbreviation & Policy Number - Criteria Number  
 Ex: from Theme A, Design Pillar, Policy #1, Criteria #1: A-DS1-1. Full decoder on page ###

Criteria that include additional policy items in parentheses refer to companion policies that will provide additional context to the related criteria.

# MURPHY & CLENDENEN, PLLC

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RICHARD V. MURPHY

CHRISTOPHER M. CLENDENEN

July 20, 2020

Via Email

Mr. Hal Baillie  
Division of Planning  
Lexington-Fayette Urban County Government  
101 East Vine Street, 7<sup>th</sup> Floor  
Lexington, KY 40507

Re: PLN-MAR-20-00008: Centennial American Properties  
109 Sand Lake Drive (portion)

Dear Mr. Baillie,

In light of the amendments we have made to the development plan, this is to supplement the letter of justification dated April 3, 2020.

There is no longer a need for a variance, as the development plan has been amended to make all vehicular doors at least 100 feet from any residential zone.

Here is a further discussion of PlaceBuilder criteria in light of our amendments:

- A-DS4-2: The size of the building is appropriate to the corridor and the area. This is close to new and used car establishments which have large buildings. The current development plan approved a three-story hotel on this site. The current zone, B-3, allows a building height of 75 feet. The proposed zone, B-4, has the same height limitation, 75 feet. We are proposing a building 40 feet tall, just over half the allowed height in both the current zone and the proposed zone. Also, our proposed use has a much smaller parking footprint than the nearby auto sales facilities at Carmax and Don Franklin Auto Mall, resulting in a more


compact, dense development with lesser water runoff impact. It will be finished on all four sides. It is compatible with the other commercial uses in the immediate area.

Also, although this building is a three-story building, due to the elevation change from the front to the rear, it will present as a two-story structure to the single-family homes on Lake Wells Court, immediately behind the building. There is a landscape buffer area along our boundaries with residentially zoned land. In addition, the parking behind the townhomes along South Eagle Creek Drive will provide additional separation. As you know, this is a very quiet use which will have internal loading and unloading.

- A-DS5-4: The ground level will be pedestrian activated by the office/customer area which will be at the north corner of the building.
- B-SU11-1: As set forth in Note 20 on the plan, green infrastructure practices such as rain gardens or bio-swales shall be incorporated into the stormwater management plan for the property. Also, as mentioned above, this use has a much smaller parking and paving footprint than many other nearby uses in the B-3 zone, including automobile sales establishments.
- E-GR10-2, A-EQ3-2, D-CO1-1, and D-CO2-1: These criteria relate to walkability, especially walkability to Richmond Road, where there is transit service. This development will be built in phases. The first phase will be the construction of the storage facility. Initial pedestrian access will be via a five-foot sidewalk from the private access easement, which is an extension of Sand Lake Drive. This will bring pedestrians directly to the office of the building. After the retail area in front is constructed, it is anticipated that the pedestrian access will be via the sidewalk in front of the 13,900 square foot building. This will also put customers at the front office, which will have windows to establish its location. Pedestrian access will also be available in front of the adjacent 10,800 retail building. These sidewalks will connect via Sand Lake Drive and South Eagle Creek Drive to Richmond Road, where there is a transit line.
- B-PR7-2 and B-PR7-3: These criteria relate to trees. Our revised plan shows the landscape buffer areas along the two sides where our property is adjacent to residentially zoned property. We also show groupings of trees on the premises, landscape buffer areas, and landscaping for the parking area. Thus, grouping of trees will be achieved, the tree canopy will be improved, and the trees will provide a more walkable streetscape.

Thank you for your consideration of these matters.

Sincerely,



Richard V. Murphy,  
Attorney for Centennial American  
Properties

RVM/prb

# Centennial American Properties (PLN-MAR-20-00008)

109 SAND LAKE DRIVE (A PORTION OF)

Internal self-storage warehouse development on a portion of a vacant lot.

## Applicant

Centennial American Properties  
935 South Main Street, Suite 201  
Greenville, SC 29601  
jasont@capllc.com



## Owner

Anderson Sand Lake LLC  
1720 Sharkey Way  
Lexington, KY 40511



## Application Details

### Acreage:

2.02 net and gross acres

### Current Zoning:

Highway Service Business (B-3) Zone

### Proposed Zoning:

Warehouse/Wholesale Business (B-4) Zone

### Place-type / Development Type:

Corridor\* /

Medium Density Non-Residential/Mixed Use

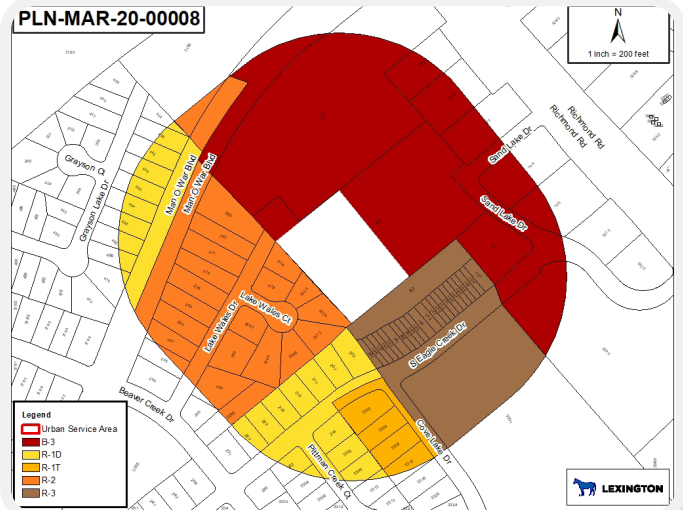
For more information about the Corridor Place-Type see *Imagine Lexington* pages 303-314.

### Description:

The proposed development includes the construction of a three-story climate controlled self-storage facility and associated parking. The applicant is proposing to have an internal roadway system that will access the building for loading and unloading items to be stored.

## Public Engagement

- Due to the COVID-19 outbreak the applicant has not yet conducted a meeting.

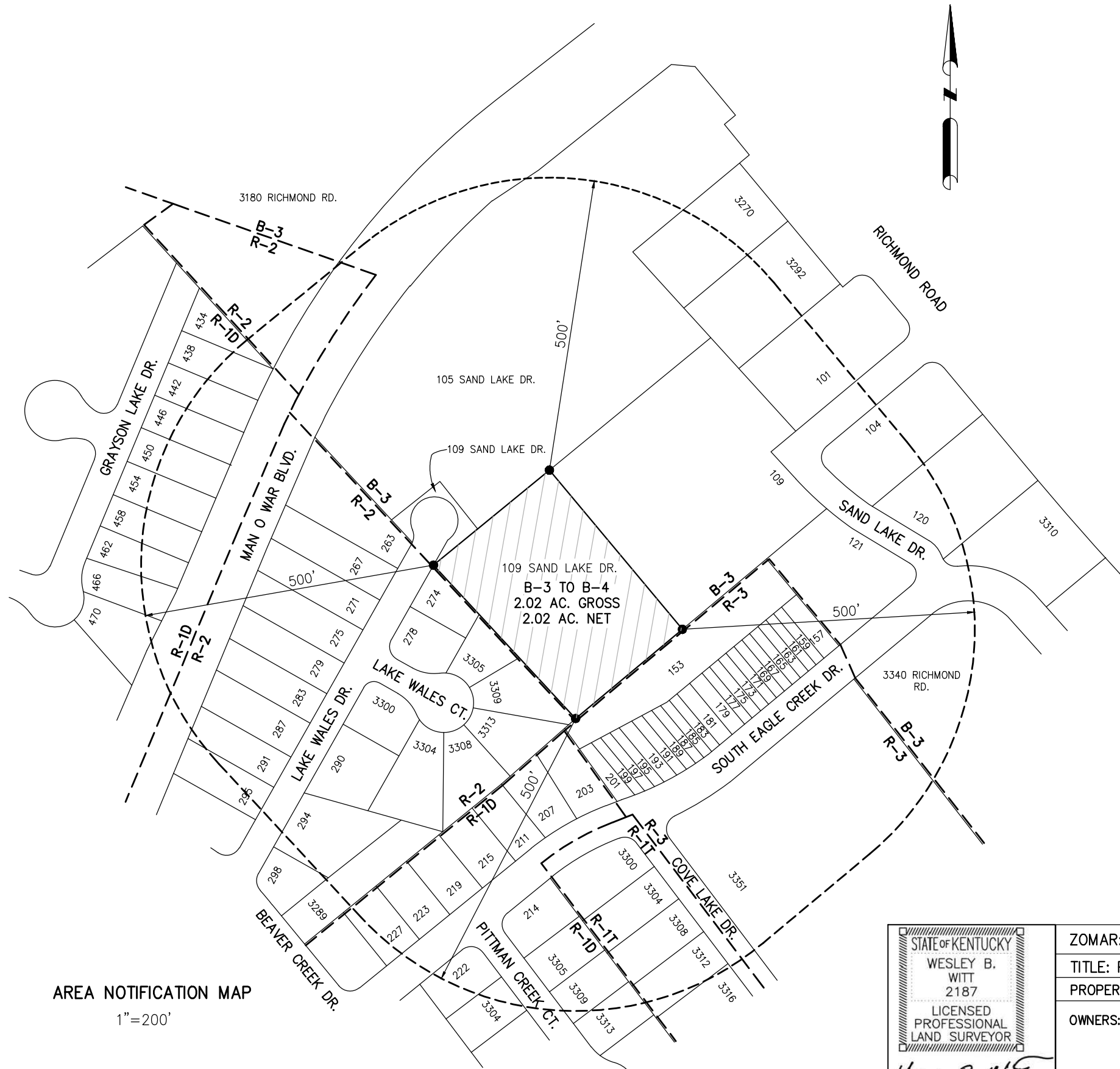


## Status

- Public Engagement
- Pre-Application Meeting
- Application Review
- Planning Staff Review
- Technical Review Committee
- Zoning/Subdivision Committee Meetings
- Planning Commission Hearing
- Urban County Council Meeting

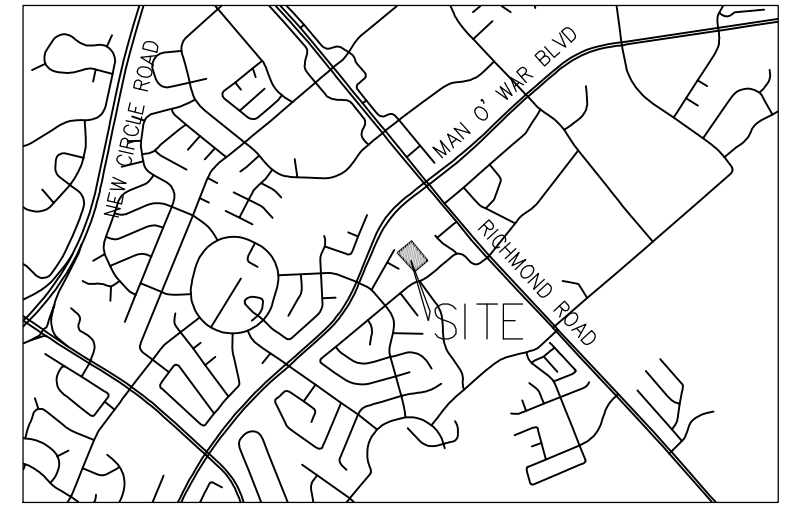
DISCLAIMER: Plans are subject to change. Visit the Accela Citizen Portal ([lexingtonky.gov/plans](http://lexingtonky.gov/plans)) or contact Planning for the latest information.



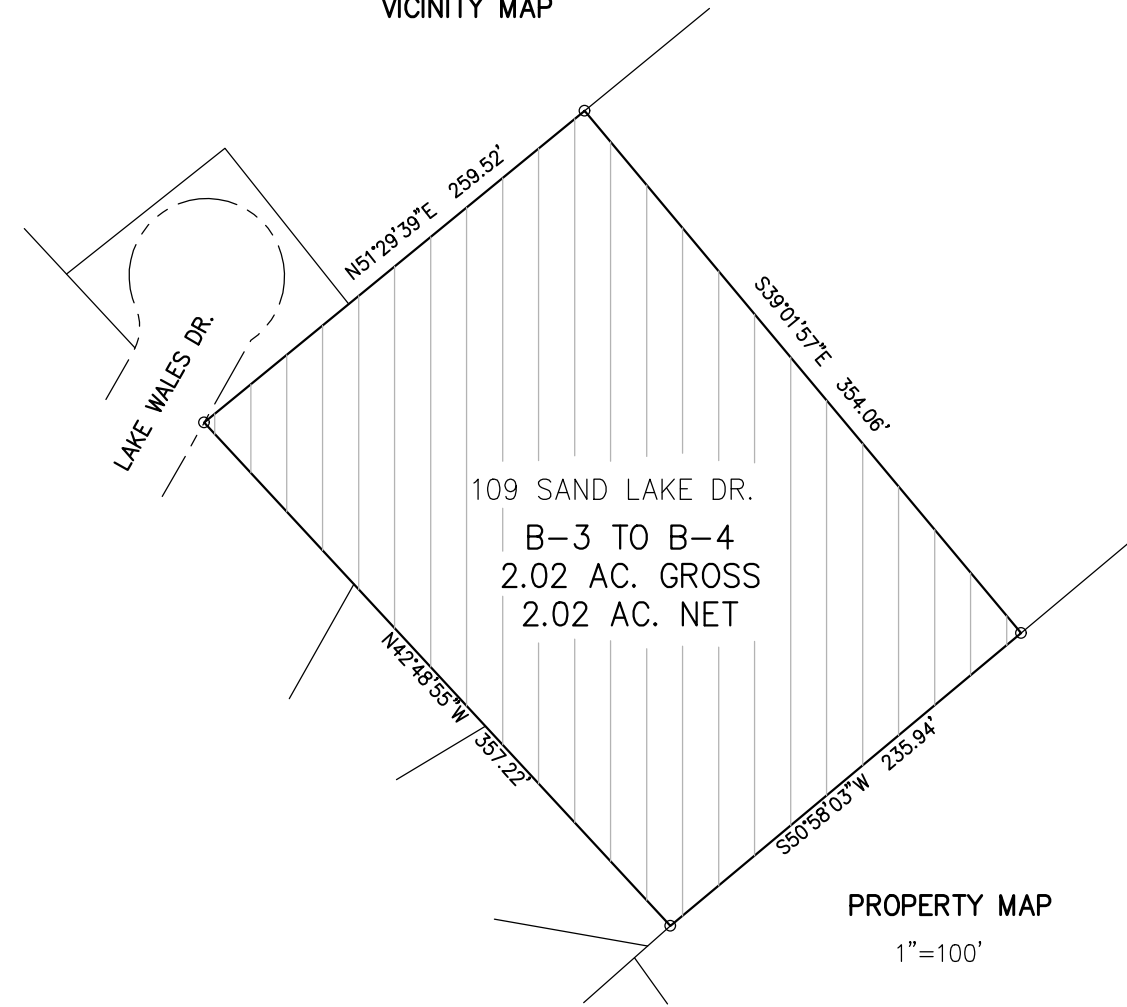


AREA NOTIFICATION MAP

1"=200'



VICINITY MAP



PROPERTY MAP

1"=100'

STATE OF KENTUCKY  
 WESLEY B. WITT  
 2187  
 LICENSED PROFESSIONAL LAND SURVEYOR

*Wesley B. Witt*

ZOMAR: B-3 TO B-4						
TITLE: PLN-MAR-20-000 CENTENNIAL AMERICAN PROPERTIES						
PROPERTY ADDRESS: 109 SAND LAKE DRIVE (A [PORTION OF])						
OWNERS: ANDERSON SAND LAKE, LLC 1720 SHARKEY WAY LEXINGTON, KENTUCKY 40511			FROM	TO	GROSS	NET
			R-3	B-4	2.02 AC.	2.02 AC.
			TOTAL		2.02 AC.	2.02 AC.
APPLICANT: CENTENNIAL AMERICAN PROPERTIES, LLC 935 S MAIN STREET, SUITE 201 GREENVILLE, SOUTH CAROLINA 29601						
PREPARED BY: WESLEY B WITT, INC.						
DATE PREPARED: APRIL 6, 2020						



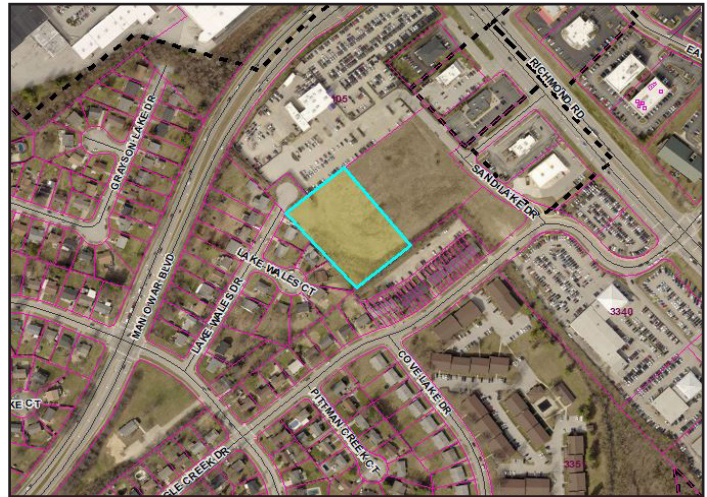
# STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-20-00008: CENTENNIAL AMERICAN PROPERTIES

## DESCRIPTION OF ZONE CHANGE

Zone Change: From a Highway Service Business (B-3) zone  
To a Wholesale and Warehousing Business (B-4) zone

Acreage: 2.02 net (2.02 gross) acres

Location: 109 Sand Lake Drive (a portion of)



## EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	B-3	Vacant
To North	B-3	Vacant
To East	R-3	Townhouses
To South	R-2	Single Family Dwellings
To West	B-3	Vehicle Sales

## URBAN SERVICE REPORT

**Roads** - The subject property is bordered to the north by Sand Lake Drive, a local road that provides access to the highway serving businesses located along Richmond Road (US 25). Sand Lake was constructed in 2009 as this portion along Richmond Road developed. There is also access to the subject property from the south through a cul-de-sac termination of Lake Wales Drive, which serves the residential neighborhood.

**Curb/Gutter/Sidewalks** - Sand Lake Drive is currently constructed with a curb and gutter, but without sidewalk facilities. These facilities will need to be added in accord with the LFUCG Land Subdivision Regulations as this property develops.

**Utilities** - All utilities, including natural gas, electric, water, phone, cable television, and internet are available in the area, and are available to serve the proposed development.

**Storm Sewers** - The subject property is located within the East Hickman watershed. A small creek that once ran near the front of the subject property has since been engineered, channelized and buried in a culvert to facilitate the development of the surrounding properties. This area is part of a larger drainage system that flows into the Jacobson Park reservoir. Storm sewers do not currently exist to serve the subject property. Any such improvements shall be designed and constructed in accordance with the LFUCG Engineering Manuals. There are no FEMA Special Flood Hazard Areas or known flooding issues along these properties.

**Sanitary Sewers** - The subject property is located within the East Hickman sewershed and will be serviced by the sewage treatment facility in northern Jessamine County. Sanitary sewer capacity will need to be verified by the Capacity Assurance Program (CAP) prior to certification of the final development plan.

**Refuse** - The Urban County Government serves this area with refuse collection on Fridays.

**Police** - The closest police station to the subject property is the East Sector Roll Call Center, located off Centre Parkway in the Gainesway area, approximately three miles to the southwest of the property.

**Fire/Ambulance** - Fire Station #21 is the nearest station to the subject property, as it is located on Mapleleaf Drive, outside of Man o' War Boulevard, approximately 1¼ miles to the northeast. Additionally, Fire Station #9 is located approximately 1 ½ miles to the northwest along Richmond Road, inside New Circle Road.

**Transit** - LexTran service is available nearby the subject properties along Richmond Road only during the evening hours. Inbound and outbound service is available on Night-Woodhill Drive Route (#51). The nearby stops do not include benches or shelters.

**Parks** - Mount Tabor Park is located less than ½ mile northwest of the subject property.

## SUMMARY OF REQUEST

The applicant is seeking a zone change from a Highway Service Business (B-3) zone to a Wholesale and Warehouse Business (B-4) zone for a portion of the property located at 109 Sand Lake Drive. The zone change application is seeking to allow for the development of a three (3) story, climate controlled self-storage warehouse.

## PLACE-TYPE

CORRIDOR

The Corridor Place-Type is Lexington's major roadways focused on commerce and transportation. The overriding emphasis of Imagine Lexington is significantly overhauling the intensity of the major corridors. The future of Lexington's corridors lies in accommodating the shifting retail economic model by incorporating high density residential and offering substantial flexibility to available land uses.

## DEVELOPMENT TYPE

MEDIUM DENSITY NON-RESIDENTIAL / MIXED-USE

### Primary Land Use, Building Form, & Design

Primarily community-serving commercial uses, services, places of employment, and/or a mix of uses within mid-rise structures with a higher Floor Area Ratio. Mixed-use structures typically include more multi-family residential units and places of employment, and retail and commercial options generally draw from a larger geographic area. An activated and pedestrian-scale ground level should be provided. These developments may include more employment space for professional office and can include some larger entertainment spaces.

### Transit Infrastructure & Connectivity

Though they draw more external users, they should still include multi-modal connections allowing for easy neighborhood access. Mass transit infrastructure is to be provided on par with that of other modes, and the higher-density housing types should be located in close proximity.

### Parking

The buildings should be oriented to the street, and developments should avoid over-parking, with provided parking located internally.

## PROPOSED ZONING



This zone is intended primarily for wholesaling, warehousing, storage operations and establishments whose activity is of the same general character as the above. To a lesser extent, this zone is also intended to provide for the mixture of professional offices and warehouses that promote reuse and redevelopment of older warehouses, allowing businesses to combine their entire operation in one building, as recommended for the Office/Warehouse land use category in the Comprehensive Plan. This zone is also intended to encourage the adaptive reuse of older structures in or adjoining the Infill and Redevelopment Area to promote revitalization of these buildings, and the flexible use of sites outside of the Infill and Redevelopment Area. The Comprehensive Plan should be used to determine the appropriate locations for this zone. Consideration should be given to the relationship of this zone to the surrounding land uses and the adequacy of the street system to serve the anticipated traffic needs.

## PROPOSED USE



The applicant is seeking to develop a three (3) story, climate controlled self-storage warehouse and associated office and retail space. The applicant proposes no exterior storage and no exterior access to the individual storage units. All access will be from the interior. Users will access the building through a drive-in entrance door and access individual units via elevators and hallways. The applicant has indicated that they are not proposing security fencing and that they are seeking to match the architecture of the surrounding uses.

## APPLICANT & COMMUNITY ENGAGEMENT



Due to the COVID-19 outbreak, the applicant has not yet conducted a meeting.

## PROPERTY & ZONING HISTORY



The subject property was historically agricultural in nature prior to be rezoned to the Highway Service Business (B-3) zone in 2005. Prior to that rezoning the subject property and the surrounding area was considered by the Planning Commission various times between the 1980s and 2000s. The property was also reviewed in the 1988, 1996, and 2001 Comprehensive Plan updates. The 1988 Comprehensive Plan altered the future land use recommendation for the subject property slightly, expanding the Professional Services (PS) area from Richmond Road up to the previously sunlit creek, and revised the recommendation for the remainder of the property behind the creek from High Density Residential (HD) to Medium Density Residential (MD). This recommended future land use was carried forward by the Planning Commission until the rezoning in 2005.

The initial recommendations of the 1988 Comprehensive are apparent in the land uses and zoning located to the southwest and southeast of the subject property. The current zoning of the property represents the early 2000 shift from a blend of higher density residential and office uses, to a business corridor that is focused on the traveling public. While the other portions of the B-3 zoned property have developed, both 109 and 121 Sand Lake have remained vacant.

## COMPREHENSIVE PLAN COMPLIANCE



### GOALS & OBJECTIVES

The 2018 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. 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 applicant opines that the zone change request is in agreement with several of the Goals and Objectives of the 2018 Comprehensive Plan. They state that the proposed development supports Theme A, Growing Successful Neighborhoods, specifically focusing on expanding housing choices (Theme A, Goal #1) by accommodating the demand for housing in Lexington responsibly, prioritizing higher-density and mixture of housing types (Theme A, Goal #1.b). The applicant suggests that the availability of quality, secure, nearby, climate-controlled storage space encourages higher density, attached and multi-family housing, by allowing flexibility to families who encounter changes in their lifestyles or needs. However, the applicant is not supplying dwelling units for the community, therefore this particular objective does not apply.

Furthermore, while staff agrees that the inclusion of supportive services is helpful to some individuals in our community, the staff cannot agree with the applicant's suggestion that the inclusion of self-storage will allow for increased housing opportunities. A reactionary or "if you build it, they will come" approach that suggests that with a greater amount of self-storage, we will achieve a greater amount of housing options is incorrect. Self-storage is a byproduct of individuals accumulating or having a greater amount of things, no matter the type of housing they live in, not a causal element that leads to the outgrowth of new higher-density housing types. The lack of connection between the type of household and the rental of self-storage has been studied and supports staff's position. A 2005 survey of self-storage users indicated that the majority of users live in single family homes (71%), with lesser amounts in apartments and condos (18%), and the remaining residing in other types of units (11%) (McKinley 2006). Furthermore, the majority of self-storage users were homeowners (62%). These data suggest that self-storage does not prioritize higher-density housing types, but low-density single family residential.

The applicant further indicates, that they are supporting infill and redevelopment throughout the Urban Service Area as a strategic component of growth (Theme A, Goal #2), by redevelopment of underutilized parcels and infilling vacant parcels (Theme A, Goal #2.a). Additionally, the applicant states that they are respecting the design features and context of the surrounding development projects (Theme A, Goal #2.b), by building a structure that is compatible in size and design to the structures in this area.

When judging whether the proposed project is fitting the current context of an area, staff must review how the development might impact both the built environment and the zoning and associated land uses. The review of the built environment includes the heights, building square footage, and floor area ratio (FAR) of the surrounding properties compared to the proposed development, as well as the environmental and topographic situation of



each of the structures.

The neighboring properties located to the west and north of the subject property are commercial in nature and are zoned B-3. There is not a minimum lot size for the B-3 zone. The minimum lot frontage is 40 feet and the zone requires a front yard of 20 feet. There are no minimum side or rear yard requirements, other than what is provided in Section 8-20(o) of the Zoning Ordinance, nor are their minimum requirements for open space, or lot coverage. The maximum height of a building is 75', except where a side or rear yard abuts a Professional Office or a Residential zone, then a 3:1 height-to-yard ratio applies. The lot restrictions for the proposed B-4 zoning for the subject property are only different from the B-3 zone in that it does not have a minimum required front yard or lot frontage. As such, the construction of the proposed structure would not differ in any substantial way from structures that would be permitted in those properties that are zoned B-3.

In addition to the review of the built environment, it is important to understand the land uses of the area and how a zone change would enhance or change that context. The construction on the surrounding properties, since the 2005 rezoning, has been focused on the traveling public. Staff considers the inclusion of self-storage to be the continuation of an auto-centric form of development. Furthermore, the surrounding land uses, including the sale of automobiles and veterinary clinics, are either allowable in the B-4 zone or are overlapping with the types of land uses permitted in the B-4 zone. The fast food restaurants with drive-thru facilities, while not allowable in the B-4 zone, are high intensity uses, that produce potential nuisance impacts on the surrounding residential development and rely on the traveling public. However, the uses allowable in the B-4 zone have the potential to do the same.

The neighboring properties located to the east and south of the subject property are residential in nature and are zoned R-2 and R-3. These residential zones allow for the construction of buildings that are less than or equal to 35 feet at mid-gable and have no restriction in lot coverage or F.A.R. Both zones have front, rear, and side yard setbacks. The greatest difference between the residential zoning and commercial zoning is the potential for nuisance uses. Residential zoning is considered to be the lowest intensity urban zoning, whereas the B-4 zone uses have the potential to be higher intensity and higher nuisance producing land uses. The applicant should describe how their application would respect the design features and context of the surrounding development projects, specifically in regards to the adjacent residential uses.

Finally, the applicant suggests that a dense, multi-story storage facility will assist in the maintenance of the Urban Service Area concept (Theme E, Goal #1) by allowing greater density of housing and business use, and by maximizing development on a vacant parcel and redevelopment of the other parcel in a manner that enhances existing urban form (Theme E, Goal #1.d). Staff agrees that a greater intensity can maintain the Urban Service Area by stacking warehouses rather than traditional sprawling warehousing, that density and intensity must be done in a way that is compatible with the surrounding development. In this case and at this location, the applicant is proposing a development that fits within the context of the current development and does not destabilize the surrounding land uses. Furthermore, it is important to stress that the proposed is not adding density to the residential development of the Urban Service Area.



## CRITERIA

The criteria for a zone change are the distillation of the adopted Goals and Objectives, as well as the policies put forth in the 2018 Comprehensive Plan. The criteria for development represent the needs and desires of the Lexington-Fayette Urban County community in hopes of developing a better built environment. The applicable criteria are defined based on the proposed place-type and development type. The applicant has indicated that the site is located within the Corridor Place-Type and is seeking to redevelop a portion of a lot to allow for a Medium Density Non-Residential / Mixed-Use Development Type. Staff concurs with the applicant's assessment of the Place-Type and agrees that a Medium Density Non-Residential / Mixed-Use development can be appropriate for the subject property. Staff agrees with the applicant's assessment that the Warehouse and Wholesale Business (B-4) zone can be appropriate for this location.

While the applicant has addressed some of the Development Criteria, there are areas of concern as to how the applicant has applied or not applied the development criteria. The following criteria should be further described by the applicant to demonstrate how they are in agreement with the Comprehensive Plan.



### 1. Site Design, Building Form and Location

*A-DS4-2: New construction should be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context in accordance with other Imagine Lexington corridor policies and Placebuilder priorities.*

The applicant has indicated that the proposed structure will be “finished and attractive on all four sides.” As the site is located at the intersection of Richmond Road and Man O’ War Boulevard, staff would like more information as to how the applicant will be addressing these frontages.

*A-DS5-4: Development should provide a pedestrian-oriented and activated ground level.*

The proposed development is focused on the driving public and has emphasized the vehicular movement throughout the site, which is anticipated by the proposed use. Staff would like the applicant to further describe the activation of the structure and indicate the location of the associated office/retail. Additionally, the applicant should show adequate pedestrian infrastructure surrounding the building and along Sand Lake Drive.

*B-SU11-1: Green infrastructure should be implemented in new development. (E-GR3)*

Development Criteria are focused on implementation with new development. As this development is proposed, there will be an impact on stormwater management, the applicant should show how they are seeking to provide green infrastructure on-site, enhancing green infrastructure off-site, or cannot meet this criteria.

*E-GR10-2: Developments should provide walkable service and amenity-oriented commercial spaces.*

The applicant should discuss how they are maintaining the walkability of the area and how the office/retail space is an amenity to the neighborhood. Furthermore, with the access easement connection that is being proposed, the applicant should include adequate pedestrian facilities.

### 2. Transportation and Pedestrian

*A-EQ3-2: Development on corridors should be transit-oriented (dense & intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure & facilities). (B-SU3)*

While the applicant is providing an auto-oriented development, they should still seek to promote various means of mobility for both the potential users and the potential workforce. The location of transit service along Richmond Road allows for users to access the site via transit. However the applicant has not shown adequate pedestrian connectivity to the site.

*D-CO2-1: Safe facilities for all users and modes of transportation should be provided.*

The applicant should provide safe facilities for all users and modes of transportation or describe how this cannot be met.

### 3. Greenspace and Environmental Health

*B-PR7-2: Trees should be incorporated into development plans; prioritize grouping of trees to increase survivability.*

The applicant has not shown how they are incorporating trees into their development.

*B-PR7-3: Developments should improve the tree canopy.*

The applicant has not shown the location of trees with their development.

The staff is seeking greater information regarding how the applicant is meeting or can not meet these development criteria for the Corridor Place-Type and Medium Density Non-Residential / Mixed-Use Development Type. These criteria represent specific needs that address the site design, building form and location layout, transportation and pedestrian facilities, and greenspace and environmental health described in the 2018 Comprehensive Plan. The staff is recommending postponement of this application until this information has been provided by the applicant.

**STAFF RECOMMENDS: POSTPONEMENT, FOR THE FOLLOWING REASONS:**



1. The zone change application should describe in greater detail how they meet the Goals and Objectives, specifically those regarding the context of the area.
  - a. Respect the context & design features of areas surrounding development projects & develop design standards & guidelines to ensure compatibility with existing urban form (Theme A, Goal #2.b).
2. The zone change application for the subject property, as proposed, does not completely address the development criteria for a zone change within the Corridor Place-Type, and the Medium Density Non-Residential / Mixed-Use Development Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
  - a. A-DS4-2: New construction should be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context in accordance with other Imagine Lexington corridor policies and Placebuilder priorities.
  - b. A-DS5-4: Development should provide a pedestrian-oriented and activated ground level.
  - c. B-SU11-1: Green infrastructure should be implemented in new development. (E-GR3)
  - d. E-GR10-2: Developments should provide walkable service and amenity-oriented commercial spaces.
  - e. A-EQ3-2: Development on corridors should be transit-oriented (dense & intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure & facilities). (B-SU3)
  - f. D-CO1-1: Rights-of-way and multi-modal facilities should be designed to reflect and promote the desired place-type.
  - g. D-CO2-1: Safe facilities for all users and modes of transportation should be provided.
  - h. B-PR7-2: Trees should be incorporated into development plans; prioritize grouping of trees to increase survivability.
  - i. B-PR7-3: Developments should improve the tree canopy.

## VARIANCE REQUEST



As part of their application, the petitioner is seeking a dimensional variance of the distance between the B-4 zone structures and adjacent residential zoning. Section 8-21(o)(1) of the Zoning Ordinance requires that all structures located within the B-4 zone be at least 100 feet from any residential zone, unless the portion within that distance has no openings except stationary windows and doors that are designed and intended solely for pedestrian access. The applicant is seeking to reduce the required distance from 100 feet to 28 feet.

Before any variance is granted, the Planning Commission must find the following:

- a. The granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the Planning Commission shall consider whether:
  1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone.
  2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
  3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
- b. The Planning Commission shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

### ZONING ORDINANCE

Article 6-4(c) states that the Planning Commission may hear and act upon requested variances associated with a zone change. In such cases, they may assume all of the powers and responsibilities of the Board of Adjustment, as defined in Article 7-6(b) of the Zoning Ordinance.

Article 8-21(o)(1) states that “All buildings and structures shall be at least 100 feet from any residential zone, unless the portion within that distance has no opening except stationary windows and doors that are designed and intended solely for pedestrian access.”

### CASE REVIEW

The applicant states that the proposed development will have limited openings, unlike traditional self-storage units. There will be two vehicular doors that allow entrance and exit. The entrance door will be situated along the southern facing side of the structure, directly opposing the single family residences located on Lake Wales Court, and the exit will be located along the northern facing side of the structure, facing Richmond Road and the remaining vacant land. The applicant is requesting the variance due to the proximity of the R-2 zoning. The applicant states that all loading and unloading will be done interior to the structure, which will limit noise and activity.

The applicant makes five arguments for the granting of the variance. First, the applicant indicates that the variance will not adversely affect the public health, safety or welfare, and will not alter the character of the general vicinity and will not cause a hazard or nuisance to the public, because unlike traditional storage facilities, there will be no access to individual units from the exterior. Further, the applicant states that the proposed exterior door facing the residential zoning is already buffered by a change in the elevation and landscaping will be required in a 20 foot buffer. Due to the fact that the single family residences are located higher up than the proposed storage unit, staff would need a greater understanding as to what will be planted that would reduce the impact of the sound of the door opening and closing.

Additionally, the applicant’s assertion that one door of movement for all users compared to multiple doors reduces the impact on the surrounding residential land use is incorrect. While the number of entryways is reduced at this location the intensity of use will increase for that one door. The potential noise generated by the opening and closing of the door, as well as the activities within the structure would most readily impact those residents occupying the single family household located at 3305 Lake Wales Court.

Next, the applicant suggests that the proposed variance does not allow an unreasonable circumvention of the requirements of the Zoning Ordinance because the purpose of Section 8-21(o)(1) is to minimize sound and activity near residential zones for the same reasons previously states. Staff disagrees since the applicant is only seeking to rezone a portion of a fully vacant property. The applicant is not constrained by established



development; rather they are choosing to limit the size of the development themselves. If the applicant were seeking a variance for the eastern portion of the property there would be cause as there is development on either side.

Thirdly, the applicant indicates that the need for the variance arises from special circumstances, which apply to this property and which do not generally apply to the land in the general vicinity or in the same zone that the development seeks to utilize. They stress that the design of the building, and the existence of the grade change along the rear of the property, will minimize disturbance to the single family houses and provide a unique circumstance. Staff disagrees with such an assertion. In a recent rezoning, located on North Locust Hill Drive (PLN-MAR-18-00018), the applicant was similarly located between residential zoning and business zoning and sought to provide internal, climate-controlled storage. The applicant was able to design their structure to meet the zoning ordinance and reduce the noise and use nuisances on the neighboring residential land use.

The applicant also argues that the strict application of the regulations of the Zoning Ordinance would deprive the applicant of a reasonable use of its land or create an unnecessary hardship because the size of the property would make it unfeasible to use the property for storage purposes without such a variance. In this case, the applicant is making an active choice to rezone only a specific portion of the property for a specific use, with a particular design, and with the knowledge that placing a vehicular doorway at this location is not permitted by the Zoning Ordinance within this distance. The inability to meet the requirement of the Zoning Ordinance suggests that the proposed design may be inappropriate at this location.

Finally, the applicant states that the circumstances surrounding the requested variance are not the result of actions that this applicant has taken subsequent to the regulation from which the relief is sought. The applicant indicates that no construction has started. Whether the applicant has started construction or not, the chosen parcel of land requires the applicant to meet the requirements set out by the Zoning Ordinance. Should the applicant receive the associated zone change, they would be able to conform with Article 8-21(0)(1); however, are choosing to seek relief. Within their application, staff cannot find that there is any hardship or special circumstances that would lead to the approval of the requested variance.

### STAFF RECOMMENDS: **DISAPPROVAL**, FOR THE FOLLOWING REASONS:



1. Granting the requested variance would adversely affect the public health, safety, or welfare by creating noise nuisances for the nearby single family residential units located on Lake Wales Court.
2. The applicant has not provided adequate information as to how they will reduce the sounds and activity produced by the proposed development and have chosen to only develop a small portion of a vacant tract. Therefore, the allowance of the variance would be a willful circumvention of the Zoning Ordinance.
3. The need for the variance does not arise from the special circumstances of the proposed development, as similar developments in similarly zoned areas have been able to meet the distance requirement.
4. The strict application of the distance requirement does not create an unnecessary hardship on the proposed development as it is meant to protect the nearby residential land uses.
5. The request would result in willful violation of the Zoning Ordinance. The applicant has chosen this portion of the subject property, which are currently complying with the Zoning Ordinance. The applicant has the ability to comply with the Ordinance without the need of the variance.

HBB/TLW  
6/1/2020

Planning Services/Staff Reports/MAR/2019/PLN-MAR-20-00008 Centennial American Properties.pdf





# SUPPLEMENTAL STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-20-00008: CENTENNIAL AMERICAN PROPERTIES



## STAFF REVIEW

In the period following the June Subdivision and Zoning Committee meetings, the applicant communicated with staff to review the proposed rezoning. Following those discussions, the applicant reviewed staff's previous comments, and modified their application regarding the proposed development and its agreement with the 2018 Comprehensive Plan. The new information provided by the applicant addresses the majority of staff's concerns. The materials submitted specifically focused on the Goal and Objective, and Development Criteria that were deficient within the original application.

One of staff's primary concerns was how the proposed development was going to fit into the established highway service development and transition from those land uses to the residential land uses located to the south and east (Theme A, Goal #2.b). New construction in our community is meant to be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context in accordance with other Imagine Lexington corridor policies and Placebuilder priorities (A-DS4-2). With the supplemental material submitted to staff, the applicant indicated that the property will be developed in two phases, beginning with the storage facility, and followed by the inclusion of a small shopping center, located on the front portion of the property. The applicant is proposing a slightly more densely utilized development in comparison to the neighboring commercial development, which is focused on vehicle sales and restaurants.

While the applicant has sought to develop this parcel of land as a Corridor Place Type, focused on the relationship with Richmond Road, and is seeking to fit with in an area that is and has historically been associated with the traveling public, it is equally important to make sure that the proposed rezoning and associated development of the subject property does not overpower the surrounding residential land uses. While the proposed development is seeking to develop a three-story building, the unique topographical situation results in the subject property being approximately one-story below the single-family residences on Lake Wales Drive and Lake Wales Court. Furthermore, the applicant is indicating a larger setback than what is required, in an effort to lessen the impact on the surrounding residential development. Finally, the applicant has shifted their proposed access point for interior circulation to be adjacent to an established parking lot associated with the townhomes to the south, rather than the area directly adjacent to the single family detached homes. By situating the access point here, the applicant is orienting vehicular movement next to vehicular movement, while also maintaining the existing landscape buffer, to reduce the impact of sound.

Additionally, while the proposed development is still focused on the traveling public, the described increase in pedestrian facilities will allow for safe access to transit and the established pedestrian facilities located along Eagle Creek Drive (A-DS5-4, E-GR10-2, A-EQ3-2, and D-CO2-1). While the applicant has described these facilities, the associated development plan does not adequately show pedestrian facilities, for either the first phase or second phase of development. These elements should be included on the development plan prior to certification.

Within the supplemental material, the applicant also indicated that green infrastructure practices, such as rain gardens or bio-swales, shall be incorporated into the stormwater management plan for the property to help with stormwater runoff (B-SU11-1). Additionally, the applicant has indicated that they will include a greater amount of trees along the boundaries with the residential land uses and internal access easement, and that they will seek to group those trees to promote survivability (B-PR7-2, B-PR7-3). Finally, the applicant also withdrew their request for the variance for the distance between any residential zone and a non-pedestrian doorway.



With these changes to the development plan, staff recommends approval of the proposed zone change from a Highway Service Business (B-3) zone to the Wholesale and Warehouse Business (B-4) zone for the property located at 109 Sand Lake Drive (a portion of), as the proposal is in agreement with the 2018 Comprehensive Plan, including the applicable Goals and Objectives, Policies, and Development Criteria.

While staff finds that the proposed rezoning is in agreement with the Comprehensive Plan, it is important to note the unique nature of the application and the location of the subject property. The topographical situation of the subject property, as well as the established tree lines that will remain, allow for a more intense zoning on the subject property with less impact on the surrounding residential land uses. However, there is a need to further reduce the impact caused by this use or any future use. The staff is recommending both buffering restrictions and use restrictions for the subject property. The buffering requirements include a 20-foot landscaping buffer adjacent to the existing residential zones and a limit for lighting to a maximum of 10 feet in height and directed downward for those portions of the building that is adjacent to residential zoning. Additionally, there shall be no outdoor storage, and no direct access to the outdoors from individual units. Finally, the following uses will be prohibited: Laundry, clothes cleaning or dyeing shops, Ice plant, Machine shop, Kennels, animal hospitals or clinics, Establishments and lots for the display, rental, sale and repair of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles, motorcycles or boats or supplies for such items, Truck terminals and freight yards, Establishments for the display and sale of precut, prefabricated or shell homes, Carnivals, Retail sale of building materials and lumber, Pawnshops, and Shredding, sorting and baling of paper scrap and storage of waste paper.

**STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASON:**



1. The requested Wholesale and Warehouse Business Zone (B-4) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
  - a. The proposed rezoning allows for the development of vacant parcels (Theme A, Goal #2.a) at a higher intensity.
  - b. The proposed development provides a well-designed neighborhood (Theme A, Goal #3) by providing safe connections to the surrounding businesses, and activating the street frontage.
  - c. The proposed development will promote, maintain, and expand the urban forest (Theme A, Goal #3.d) by increasing the tree canopy coverage, while also maintaining the established tree line along the rear and side of the subject property.
  - d. The proposed rezoning will assist in the maintenance of the Urban Service Area concept (Theme E, Goal #1) by allowing greater density of business use, and by maximizing development on a vacant parcel in a manner that enhances existing urban form (Theme E, Goal #1.d).
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
  - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the site creates a business development that supports pedestrian mobility, while also providing cross access between businesses.
  - b. The proposed rezoning includes safe facilities for the potential users, by prioritizing multi-modal connections and increasing pedestrian facilities. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
  - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, and limits the impacts on the surrounding environment.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use and buffering restrictions are recommended via conditional zoning:
  - a. The following uses shall be prohibited:
    1. Laundry, clothes cleaning or dyeing shops.
    2. Ice plant.
    3. Machine shop.
    4. Kennels, animal hospitals or clinics.
    5. Establishments and lots for the display, rental, sale and repair of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles, motorcycles or boats or supplies for such items.
    6. Truck terminals and freight yards.
    7. Establishments for the display and sale of precut, prefabricated or shell homes.
    8. Carnivals.
    9. Retail sale of building materials and lumber.
    10. Pawnshops.
    11. Shredding, sorting and baling of paper scrap and storage of waste paper.
  - b. Any self-storage facility on the premises shall not have outdoor storage, and shall not have direct access to the outdoors from individual units.
  - c. There shall be no exterior lighting greater than 10 feet in height along the building that is adjacent to residential zoning.
  - d. There shall be a 20-foot landscape buffer adjacent to the residential zoning.
4. This recommendation is made subject to approval and certification of PLN-MJDP-20-00021: Sand Lake & Estes Properties, Lot 2, Section 2 (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.