

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2011-19: WHAYNE SUPPLY COMPANY

DESCRIPTION

Zone Change: From a Light Industrial (I-1) zone
To a Heavy Industrial (I-2) zone

Acreeage: 10.59 net and gross acres

Location: 195 Lisle Industrial Avenue (a portion of)

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	I-1	Outdoor Storage and Vehicle Parking
To North	R-3 & B-1	Multi-Family Residential & Shopping Center
To East	B-1 & I-2	Shopping Center, Manufacturing & Equipment Rental
To South	I-2	Industrial Vehicle Remanufacturing & Rebuilding
To West	I-1 & I-2	Manufacturing & Wastewater Treatment Plant

URBAN SERVICES REPORT

Roads – Lisle Industrial Avenue is a local commercial roadway that is sub-standard. Its two-lanes comprise approximately 23 feet of pavement within a right-of-way approximately 53 feet wide. Lisle Industrial Avenue intersects Leestown Road (US 421) to the northeast of the site, and S. Forbes Road (KY 1723) to the southeast of the subject property. This roadway handles mostly industrial traffic and some vehicles accessing a nearby cemetery. The portion of the parcel proposed for re-zoning has no street frontage, although access currently exists through the remainder of the Wayne Supply property that has frontage along Lisle Industrial Avenue.

Curb/Gutter/Sidewalks – There are no curb, gutter, or sidewalk improvements in this general area.

Storm Sewers – The subject property is located within the Town Branch watershed. There are existing storm sewer facilities in this area, although none on the subject property. A tributary of Town Branch Creek is partially open to the surface on the subject property, flowing west toward the Town Branch Sanitary Sewer Treatment Facility. A FEMA special flood hazard area has not been designated on the 2008 D-FIRM floodplain maps, but a soils floodplain does exist along this creek according to historical topographic and soils mapping. This tributary may need further water quality protection and storm water quantity control prior to intensification of the use of the site in accordance with the adopted Engineering Manuals.

Sanitary Sewers – The sanitary sewer system, if determined to be necessary, will need to be improved by the applicant in accordance with the adopted Engineering Manuals. The change of use proposed in this instance may not require any additional sanitary sewer service.

Refuse – The Urban County Government services this area with collection on Mondays. Industrial and commercial properties often supplement the government's service with private refuse collection.

Police – The nearest police station is at the West Sector roll call center on Old Frankfort Pike, located ¾ mile to the northwest, near the New Circle Road interchange (Exit 6).

Fire/Ambulance – The nearest fire station (#13) is located at the intersection of S. Forbes Road and Leestown Road, less than ¼ mile directly east of the subject property.

Utilities – Streetlights, phone, cable TV, electric, and water are all available in the area, and currently serve the subject property.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan recommends Light Industrial land use for the subject property. The petitioner proposes a restricted Heavy Industrial (I-2) zone in order to allow for the expansion of the existing facility.

CASE REVIEW

The applicant has requested a zone change from a Light Industrial (I-1) zone to a restricted Heavy Industrial (I-2) zone for the rear portion of property located at 195 Lisle Industrial Avenue.

The subject property is slightly more than 10.5 acres, and is located just to the east of the LFUCG's Town Branch Sanitary Sewer Treatment Facility. Lisle Industrial Avenue is a local connector street between Leestown Road and S. Forbes Road, southwest of the interchange of New Circle Road and Leestown Road. The subject property has been proposed for re-zoning without a corollary zoning development plan, as is permitted by Article 21-3(c) of the Zoning Ordinance.

The surrounding area has a mixture of zoning and land use. This property is within an older industrial area, but is very near the Meadowthorpe neighborhood; commercial and office development along Leestown Road; a Kroger Shopping Center; the Townley Park mixed-use development; a cemetery; the Bluegrass Stockyards, and various other industrial uses. From Lisle Industrial Avenue to Old Frankfort Pike and beyond to the west, the area is mostly zoned I-2. A swath of I-1 zoning borders the Townley Park development and Kroger Shopping Center, with a width that varies from 275 feet to over 800 feet. This swath of land includes the subject property, and appears to be a transition area between the non-industrial zoning to the north and the I-2 zoning to the south and west.

The overall parcel is currently occupied by the applicant, Whayne Supply Company – a Caterpillar sales dealership, equipment rental and heavy equipment rebuilder that serves Eastern Kentucky and the Bluegrass region. The primary land use of the overall parcel is for industrial vehicle/equipment rebuilding and reconditioning, but there are several related, accessory heavy industrial uses such as a metal workshop; re-fabricating bolts and screws; iron storage and baling (including scrap metal re-sale); and storage of cloth and rags. The rental and sales portion of Whayne Supply Company's business occurs at 181 Lisle Industrial Avenue, to the east of this location. However, the rear portion of this parcel, the subject of the proposed rezoning to I-2, is used solely for vehicle/equipment parking and outdoor storage, since it is not zoned for the more intense uses.

Generally, the area proposed for rezoning has no improvements or structures – only compacted dirt or gravel used for vehicle parking and storage. The applicant is requesting a restricted Heavy Industrial (I-2) zone because they desire to expand their facility, but are currently limited by the split zoning on their parcel. With the requested I-2 zone, the applicant would be able to expand their business (rebuilding Caterpillar equipment) to serve the construction and mining industries in the region and the state. The applicant has proposed limiting the subject property by eliminating 26 principal uses (41%), mostly manufacturing uses dissimilar to the work currently being performed on the property or in the vicinity.

The 2007 Comprehensive Plan recommends Light Industrial (LI) land use for the subject property, as well as for the front half of the parcel. This land use category is defined in the Plan to include "those establishments that assemble finished or semi-finished materials, food preparation, publishing, communication, construction materials, or any establishment or repair services that may present a moderate nuisance to adjacent properties." Thus, the current zoning would be in complete agreement with the Plan's land use recommendation.

The difference between the Light Industrial and Heavy Industrial (HI) land use category in the Comprehensive Plan text is that heavy industrial uses have a high (rather than moderate) potential for nuisance factors such as noise, odor, vibrations, etc.; they are more likely to manufacture something from its raw form into a finished or semi-finished product; or they are somewhat unique or rare, such as a mining establishment, power production facility, a stadium, or a waste disposal facility.

The Planning Commission should consider the appropriateness of the proposed land use and the inappropriateness of the existing land use in this case. Although the Zoning Ordinance does allow for a property owner to request a 50-foot extension of a land use into another zone from the Board of Adjustment under certain circumstances (under Article 2-5 of the Zoning Ordinance), in this case the 50 feet would only encompass a small fraction of the 10+ acres of land that is currently zoned I-1. Thus, that solution would be short-term and would not fulfill the applicant's needs.

In this case, the applicant's proposal to expand their existing use onto the rear portion of their property does not create any additional nuisance in the immediate area if appropriate conditional zoning restrictions are also established for the portion of the subject property nearest the new residential development underway in Townley Park. The portion of the subject property within 200 feet of the residential zone should be limited to those land uses currently permitted in the I-1 zone in order to protect the new residents in this area. Establishing a 25-foot landscape buffer along the shared property boundary (as also exists in Townley Park) will also protect the residential area from the visual impact of new development on the subject property. Additionally, the requested zoning is the most prominent in the area, making it generally compatible. A restricted I-2 zone, as offered by the applicant, is appropriate for the remainder of the subject property and can prohibit the most intense, nuisance-creating land uses from locating near residential development and the sewer treatment plant.

The alluvial soils area (commonly referred to as a “soils floodplain”) on the subject property constitutes an environmentally sensitive area. Although no FEMA special flood hazard area exists on the property, this area should be not be adversely impacted by any future development of the subject property. Since the applicant was not required to file a corollary zoning development plan with their rezoning request, an additional conditional zoning restriction will help to ensure its protection.

Lastly, the Goals and Objectives of the 2007 Comprehensive Plan support the proposed rezoning, namely, Goal 11, which states that the community should provide diverse business and employment opportunities for Lexington-Fayette County. Within that Goal, several Objectives are also supportive, including: retain and expand existing local industries, allow greater flexibility within industrial areas, and encourage employment opportunities for all Fayette County citizens.

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

1. A restricted Heavy Industrial (I-2) zone is appropriate and the existing Light Industrial (I-1) zone is inappropriate for the following reasons:
 - a. The change of zoning proposed for the subject property will make it consistent with the rest of the applicant's parcel, as well as property zoned to the southwest and southeast of this location.
 - b. The proposed expansion of the existing facility and land use onto the rear portion of the property should not create any additional nuisance in the immediate area if appropriate conditional zoning restrictions are established for the land closest to the existing residential development to the northwest.
 - c. The proposed land use and the existing dealership and equipment rebuilding facility are unique to the community and cannot be fully realized in the existing I-1 zone.
 - d. Although a 50-foot extension of the proposed land use into the rear portion of the split-zoned parcel could be granted by the Board of Adjustment (as a conditional use), that would still severely restrict the subject property and not meet the true needs of the applicant's business.
2. Several Objectives to Goal 11 of the adopted 2007 Comprehensive Plan would be advanced by the proposed use of the subject property for the manner proposed by the applicant, instead of outdoor storage under the current zoning of the property.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use and buffering restrictions are proposed for the subject property via conditional zoning:
 - A. Within 200 feet of any residential zone:**
 - i. The use of the property shall be restricted to only those uses permitted in the Light Industrial (I-1) zone.
 - B. Prohibited Uses:**
 - i. Bottle making
 - ii. Brewery, winery or distillery
 - iii. Correctional institutions
 - iv. Nitrating processes
 - v. Railroad roundhouse or yards
 - vi. Stadium
 - vii. Manufacturing of any of the following: acid (non-erosive); asbestos; briquettes (from previously prepared charcoal); candle or sperm oil; canvas; carpet or rug; coke (coal bi-product); disinfectant, insecticide or poison; dye (or dyestuff) or printing; fertilizer; glass fiber; glucose; hair; leaf mold and similar plant processing; matches; paper or pulp; perfume; starch or sugar refining; and textiles.
 - C. Landscape Buffer:**
 - i. A twenty-five foot (25') landscape buffer shall be established and maintained along the northwestern property lines, adjacent to the Planned Neighborhood Residential (R-3) zone. The established tree line shall be maintained in this buffer area along this property boundary, and the required property perimeter (zone-to-zone) screening per Article 18 shall be provided parallel to the established tree line. Dead or disease trees may be removed as necessary, with the prior approval of the Urban Forester.
 - D. Open Space Buffer:**
 - i. A twenty-five foot (25') buffer shall be established along the alluvial soils area as designated by the topographic and soils floodplain mapping in the Division of Planning. This buffer area shall be devoid of parking, outdoor storage, and permanent structures.

These restrictions are appropriate and necessary for the subject property to limit uses of the subject property to those more closely recommended by the 2007 Comprehensive Plan for this location, to protect the existing Townley Park development to the northwest from the most intensive and nuisance-creating I-2 land uses, and to protect the existing environmentally sensitive areas on the site.