

AN ORDINANCE CHANGING THE ZONE FROM A COMMUNITY CENTER (B-6P) ZONE TO A WHOLESALE AND WAREHOUSE BUSINESS (B-4) ZONE, FOR 3.88 NET (4.10 GROSS) ACRES, FOR PROPERTY LOCATED AT 133 N. LOCUST HILL DRIVE. (CITADEL STORAGE PARTNERS II, LP; COUNCIL DISTRICT 7).

WHEREAS, at a Public Hearing held on September 27, 2018, a petition for a zoning ordinance map amendment for property located at 133 N. Locust Hill Drive from a Community Center (B-6P) zone to a Wholesale and Warehouse Business (B-4) zone, for 3.88 net (4.10 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 7-1; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone for property located at 133 N. Locust Hill Drive from a Community Center (B-6P) zone to a Wholesale and Warehouse Business (B-4) zone, for 3.88 net (4.10 gross) acres, being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 - That the granting of this zone change is made subject to the following use restrictions as conditions of granting the zone change:

Under the provisions of Article 6-7 of the Zoning Ordinance, this property shall be subject to the following use restrictions via conditional zoning:

PROHIBITED USES

- a. Major automobile and truck repair.
- b. Laundries and dyeing shops, and laundry pick-up stations.
- c. Ice plant.
- d. Tire re-treading and recapping.
- e. Machine shop.

- f. Truck terminals and freight yards.
- g. Automobile service stations.
- h. Establishments for the display and sale of pre-cut, pre-fabricated, or shell homes.
- i. Circuses and carnivals.
- j. Retail sale of building materials, hardware-related items and lumber.
- k. Pawnshops.
- l. Parking lots and structures as principal uses.
- m. Outdoor speakers and public address systems.
- n. Mining of non-metallic minerals.
- o. The Principal use of the property as an establishment or lots for the display, sale, or repair of farm equipment, automobiles, trucks, mobile, homes, recreational vehicles, such as mini-bikes, motorcycles, bicycles, boats or supplies for such items.

These land use restrictions are appropriate and necessary at this location to ensure that the proposed commercial development of the subject property will not negatively impact the nearby residential developments in this area.

Section 3 - That the Lexington-Fayette Urban County Planning Commission is directed to show the amendment on the official zone map atlas and to make reference to the number of this Ordinance.

Section 4 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: November 1, 2018

MAYOR



ATTEST:



CLERK OF URBAN COUNTY COUNCIL

Published: November 8, 2018-1t

Legal Description of the
MOW Place, LTD Property
Zone Change From B-6P to B-4
133 North Locust Hill Drive
Lexington, Fayette County, Kentucky

ALL THAT TRACT OR PARCEL OF LAND SITUATED ON THE NORTH SIDE OF NORTH LOCUST HILL DRIVE APPROXIMATELY 818 FEET NORTHEAST OF THE RICHMOND ROAD RIGHT OF WAY IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a point in the centerline of North Locust Hill Drive approximately 818 feet northeast of the east right of Richmond Road as shown on plat recorded in Plat Cabinet "L", Slide 514 in the Fayette County Clerk's Office; thence leaving North Locust Hill Drive north 31 degrees 48 minutes 55 seconds 728.25 feet; thence north 50 degrees 14 minutes 32 seconds east 166.48 feet; thence south 43 degrees 42 minutes 03 seconds east 769.25 feet to the centerline of North Locust Hill Drive; thence with the centerline of North Locust Hill Drive along a curve to the left having an arc length of 164.40 feet, a radius of 500.00 feet, and a chord bearing south 63 degrees 07 minutes 13 seconds west, a distance of 163.65 feet; thence south 53 degrees 42 minutes 04 seconds west 160.75 feet to the point of beginning and containing 4.10 gross acres and 3.88 net acres.

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

IN RE: **PLN-MAR-18-00018: CITADEL STORAGE PARTNERS II, LP** - petition for a zone map amendment from a Community Center (B-6P) zone to a Wholesale and Warehouse Business (B-4) zone, for 3.88 net (4.10 gross) acres, for property located at 133 N. Locust Hill Dr. (Council District 7)

Having considered the above matter on **September 27, 2018**, at a Public Hearing, and having voted **7-1** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **CONDITIONAL APPROVAL** of this matter for the following reasons:

1. The existing Commercial Center (B-6P) zone is inappropriate for the subject property because despite having frontage along N. Locust Hill Drive, there is poor visibility for commercial activities, an irregularly shaped parcel, and other site constraints limiting the commercial attractiveness of the site that has led it to being underutilized. As such, the site is not conducive to successful development of a B-6P zoned property.
2. The proposed Wholesale and Warehouse Business (B-4) zone is appropriate for the subject property because the proposed indoor self-storage use is less intense than what could be developed on the property in close proximity to Senior Living facilities, rehabilitation facility, and multi-family residential complex. In addition, the restricted B-4 zone is compatible and consistent with the surrounding zoning, land use, and development pattern along this portion of the Richmond Road corridor.
3. This recommendation is made subject to the approval and certification of **PLN-MJDP-18-00071: Locust Hill Shopping Center**, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
4. **Under the provisions of Article 6-7 of the Zoning Ordinance, this property shall be subject to the following use restrictions via conditional zoning:**
PROHIBITED USES:
 - a. Major automobile and truck repair.
 - b. Laundries and dyeing shops, and laundry pick-up stations.
 - c. Ice plant.
 - d. Tire re-treading and re-capping.
 - e. Machine shop
 - f. Truck terminals and freight yards.
 - g. Automobile service stations.
 - h. Establishments for the display and sale of pre-cut, pre-fabricated, or shell homes.
 - i. Circuses and carnivals.
 - j. Retail sale of building materials, hardware-related items and lumber.
 - k. Pawnshops.
 - l. Parking lots and structures as principal uses.
 - m. Outdoor speakers and public address systems.
 - n. Mining of non-metallic minerals.
 - o. The Principal use of the property as an establishment or lots for the display, sale, or repair of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles, such as mini-bikes, motorcycles, bicycles, boats or supplies for such items.

These land use restrictions are appropriate and necessary at this location to ensure that the proposed commercial development of the subject property will not negatively impact the nearby residential developments in this area.

ATTEST: This 15th day of October, 2018.


Secretary, Jim Duncan

WILLIAM WILSON
CHAIR

Note: The corollary development plan, PLN-MJDP-18-00071: LOCUST HILL SHOPPING CENTER (AMD) was approved by the Planning Commission on September 27, 2018 and certified on October 10, 2018.

K.R.S. 100.211(7) requires that the Council take action on this request by December 26, 2018.

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

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (7) Bell, Berkley, Forester, Mundy, Nichol, Owens, and Penn

NAYS: (1) Wilson

ABSENT: (2) Brewer and Plumlee

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-18-00018** carried.

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

MAP AMENDMENT REQUEST (MAR) APPLICATION

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

Applicant:

Citadel Storage Partners II, LP, c/o Dan Kunau, 333 E. Main Street, Suite 300, Louisville, KY 40502

Owner(s):

M O W PLACE, LTD, c/o Equity Management Group, Inc., 840 E HIGH ST, LEXINGTON, KY 40502

Attorney:

Nick Nicholson, Stoll Keenon Ogden PLLC, 300 W Vine Street, Suite 2100, Lexington, KY 40507 PH: 859-231-3000

2. ADDRESS OF APPLICANT'S PROPERTY

133 LOCUST HILL DR, LEXINGTON, KY

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

Zoning	Existing		Requested		Acreage	
		Use	Zoning	Use	Net	Gross
B-6P		Vacant Theatre	B-4	Self-Storage	3.88	4.10

4. 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

5. 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





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

September 14, 2018

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

Re: Application for B-4 Zoning for 1033 N. Locust Hill Drive

Dear Members of the Planning Commission:

We represent Citadel Storage Partners II LP and on its behalf have filed a zone change request for the property located at 133 N. Locust Hill Drive (the "Property"). The Property is 3.88 net (4.10 gross) acres and is currently zoned Planned Shopping Center (B-6P) zone. The request is to rezone to Wholesale and Warehouse Business (B-4) zone in order to accommodate a 2-story, 872 unit storage facility, with a majority of the units being entirely indoor.

Citadel Storage may be a new name, but its sister organization Andover Management Group should not be a stranger to Lexingtonians. Andover and Citadel are both owned by John Knapp and Allen Schubert, who have been developing real estate all over Lexington since the 1980's. Andover's development experience covers all types of uses. While examples of its multi-family complexes and condominiums can be found here in town at locations like Beaumont Farms, Lakewood Park, and Shadeland; it also is heavily involved in student housing, retail, self-storage, and office space throughout the country, with Citadel Storage operating its warehousing and self-storage branch. Andover's involvement in Lexington continues today as they expect to begin work soon on Phase 2 of The Harbour at Lakewood condominiums.

Citadel is proposing a 2-story indoor storage complex featuring approximately 128,400 square feet of indoor self-storage and 1,600 square feet of office and retail use. Citadel's well-designed facilities have proven very successful in Louisville, Nashville, and Cincinnati. With this proven track record, this Lexington company is looking to bring its model home. Multi-story, indoor storage is not an entirely new concept in Lexington. There is an existing three-story facility on Bryant Road that is also adjacent to residential developments. Citadel's proposed project will allow for the redevelopment of a vacant business parcel with a different business use all while respecting its neighbors with landscaping buffers and stepdown in intensity as a B-4 zoned property with the proposed use is a better transition between the surrounding B-6P property along Locust Hill Drive and the adjacent Stoney Brooke and Raintree apartment complexes to the north and east of the Property.

This request is in agreement with the Comprehensive Plan as the proposed project meets the Goals and Objectives of the Comprehensive Plan as outlined below:

THEME A: GROWING SUCCESSFUL NEIGHBORHOODS

Goal 2: Support Infill and Redevelopment Throughout the Urban Services Area as a Strategic Component Of Growth.

Objectives:

a. Identify areas of opportunity for infill, redevelopment and adaptive reuse that respect the area's context and design features whenever possible.

Goal 3: Provide Well Designed Neighborhoods and Communities.

Objectives:

b. Strive for positive and safe interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians and various modes of transportation.

THEME E: MAINTAINING A BALANCE BETWEEN PLANNING FOR URBAN USES AND SAFEGUARDING RURAL LAND

Goal 1: Uphold the Urban Services Area Concept.

Objectives:

a. Continue to monitor the absorption of vacant and underutilized land within the Urban Services Area.

b. Encourage compact, contiguous, and/or mixed-use sustainable development within the Urban Services Area, as guided by market demand, to accommodate future growth needs.

Goal 3: Maintain the Current Boundaries of the Boundaries of the Urban Services Area and Rural Activity Centers; and Create No New Rural Activity Centers.

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

1. The change will address a community need...
2. The proposed land use enhances, and is compatible with, adjacent land uses.
8. The existing utility and transportation networks will accommodate the new land use.
9. Underutilized land should be promoted for greater utility, function and/or residential density.
13. The land use should maximize opportunities to accommodate future growth within the Urban Services Area, include land that is underutilized, vacant or planned for a reuse.

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

1. A greater intensity of land use should be concentrated along minor and major arterial roadways, and to appropriate quadrants of collector street intersections.
2. Where residential density, and existing infrastructure are adequate to support the use, and the adjacent uses are compatible, the development should create more walkable neighborhoods, neighborhood-oriented businesses and neighborhood amenities.
4. An effective buffer or transition between different intensities of adjacent land uses should be provided.
5. The use shall provide a service deemed beneficial for the immediate area.
6. Developments that improve the livability of existing neighborhoods by adding compatible uses and compatible urban design should be encouraged.
8. Underutilized business land uses should be considered for a possible change to alternative business use...or other neighborhood needs.

This last point gets at the heart of our justification. This site has been underutilized for a long time. Even when the latest tenant, Movie Tavern, was in business – most of the site was vacant parking area. We are proposing a business that is designed to enhance the lives of its neighbors through providing additional space to store items that are not needed on a daily basis. With the significant amount of multi-family and senior living facilities in the immediate vicinity (approximately 2,000,000 square feet of just apartment space is within 2 miles of the Property), self-storage is a clear neighborhood need. While it may not be the use that one thinks about when contemplating ‘neighborhood-oriented businesses,’ this is exactly what the use is at its core: Providing space for the surrounding residents to store possessions that will increase their livable space at home. This is especially true with the senior living facility just down the street. With the recent change in the B-6P ordinance to allow for residential development, it is quite possible that this section Richmond Road corridor will only see an increase in multi-family residential that will increase the demand for this very use. Self-storage will also aid local businesses in addition to the residential users as a typical facility leases around 20-40% of space to local small businesses.

The Applicant also submits that this zone change is justified as the existing B-6P zone for this particular parcel is inappropriate and the proposed B-4 zone is appropriate, especially considering the proposed use and proposed restriction of prohibited uses. The Richmond Road corridor between New Circle and Man o’War is loaded with B-6P and B-3 zones with great visibility and substantial access. These corridor sites primarily target big-box and small-box retail, out-parcels restaurants, and some limited office space. The current owners of the Property, MOW Place, LLC which is operated by Steve and Bret Caller, also own the adjacent Locust Hill shopping center, the Kroger-anchored shopping center across N. Locust Hill, and the adjacent Burlington Coat factory-anchored shopping center. On behalf of the Callers, Equity Management Group indicated that there simply isn’t demand for additional B-6P uses such as retail, entertainment, or office space square footage in the surrounding market – especially on this parcel. The Kroger shopping center has 45,000 square feet of vacant space available to lease. Walmart is about to vacate an additional 125,000 square feet of retail space directly across

Richmond Road on S Locust Hill, with many of the connected small-box tenants expected to follow suit. The reality is that the nearby Hamburg area dominates any and all retail and especially entertainment uses looking to enter the market. Combine this with the fact that there is approximately 300,000 square feet of existing vacant office space just across Man o'War – it is no wonder that the only new development of the surrounding Richmond Road corridor is single tenant out-parcel restaurants & some small box retail beside a strong anchor. These uses are simply not a feasible use for this parcel.

This abundance of alternative locations with vacancies highlights the inappropriateness of B-6P with this particular parcel. It is an incredibly deep parcel with limited visibility, flanked with utility easements, and only a small amount of road frontage – especially in comparison to the other retail focused business zones in the vicinity. This likely is one of the main reasons that Equity Management has only received three calls (one of which was the Applicant) inquiring about the Property in the 5 years that the Property has been available for lease. While the Movie Tavern vacated in the Property in 2015, it had indicated previously that it would not be renewing the 25 year ground lease at its expiration. As such, the Property has been actively marketed for at least 5 years with no response. To contrast the lack of demand for the B-6P uses, the Applicant determined that there is a need for 250,000-300,000 additional square feet of demand for storage space that is unmet by the current market offerings.

Finally, self-storage is an excellent neighbor for residential neighborhoods. There is a very low traffic generation associated with storage. Typically, facilities of this size only have around 20-30 total car trips a day, which represents a significant reduction from the average B-6P use. There is also a noted reduction in noise pollution with indoor storage units. There are no late night deliver trucks or a mass exodus of cars after a late movie lets out. This low intensity is likely why many of the existing self-storage uses, such as the nearby Stor-All facility, are adjacent to or in very close proximity to residential uses. After all, convenience for the customer is always a top priority for any new business. The facilities proposed by the Applicant also enhance the neighborhood friendly nature of this use. The multi-story, indoor storage eliminates any noises associated with outdoor storage, is able to provide a significant amount of the demand for this use without requiring a substantial amount of acreage. Simply put, self-storage is one of the few uses that can work on this site-restricted parcel to successfully impact needed density in this small of acreage with little to no detrimental impact on the surrounding residential uses.

While some uses in the Wholesale and Warehouse zone can be difficult neighbors, indoor self-storage is an ideal use in this location. The Applicant is proposing to conditionally restrict the types of uses on the Property similar to other B-4 zone changes driven by self-storage operations to prevent any uses allowed in the B-4 zone that might be ill suited for the Property due to the proximity to the adjacent residential uses. I've attached a proposed list to this letter.

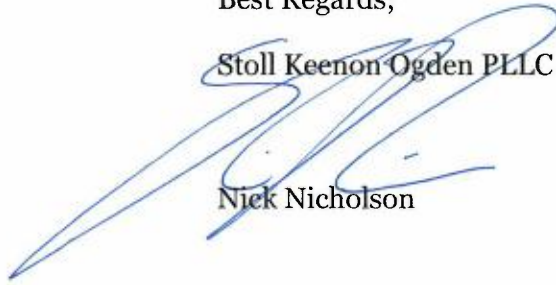
We will be at the September public hearing in order to make a complete presentation of this application and request your favorable consideration.

Lexington Fayette Urban County Planning Commission
September 14, 2018
Page 5

Best Regards;

Stoll Keenon Ogden PLLC

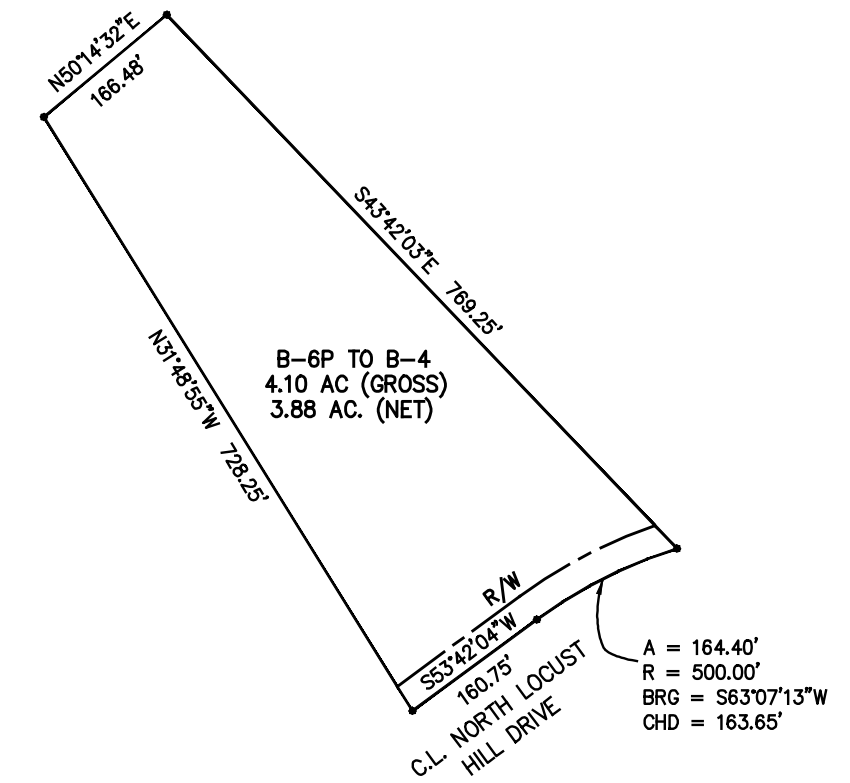
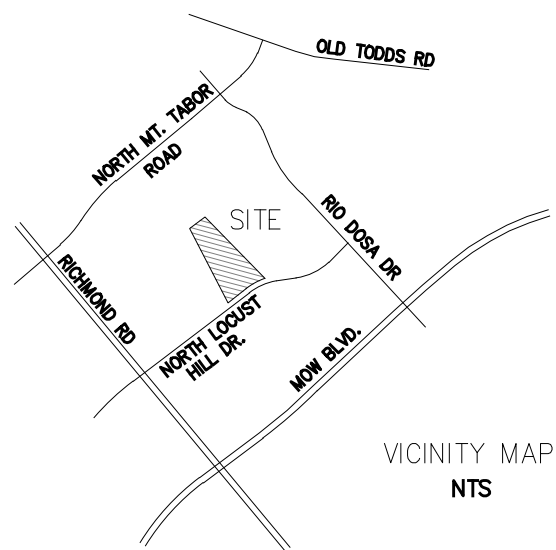
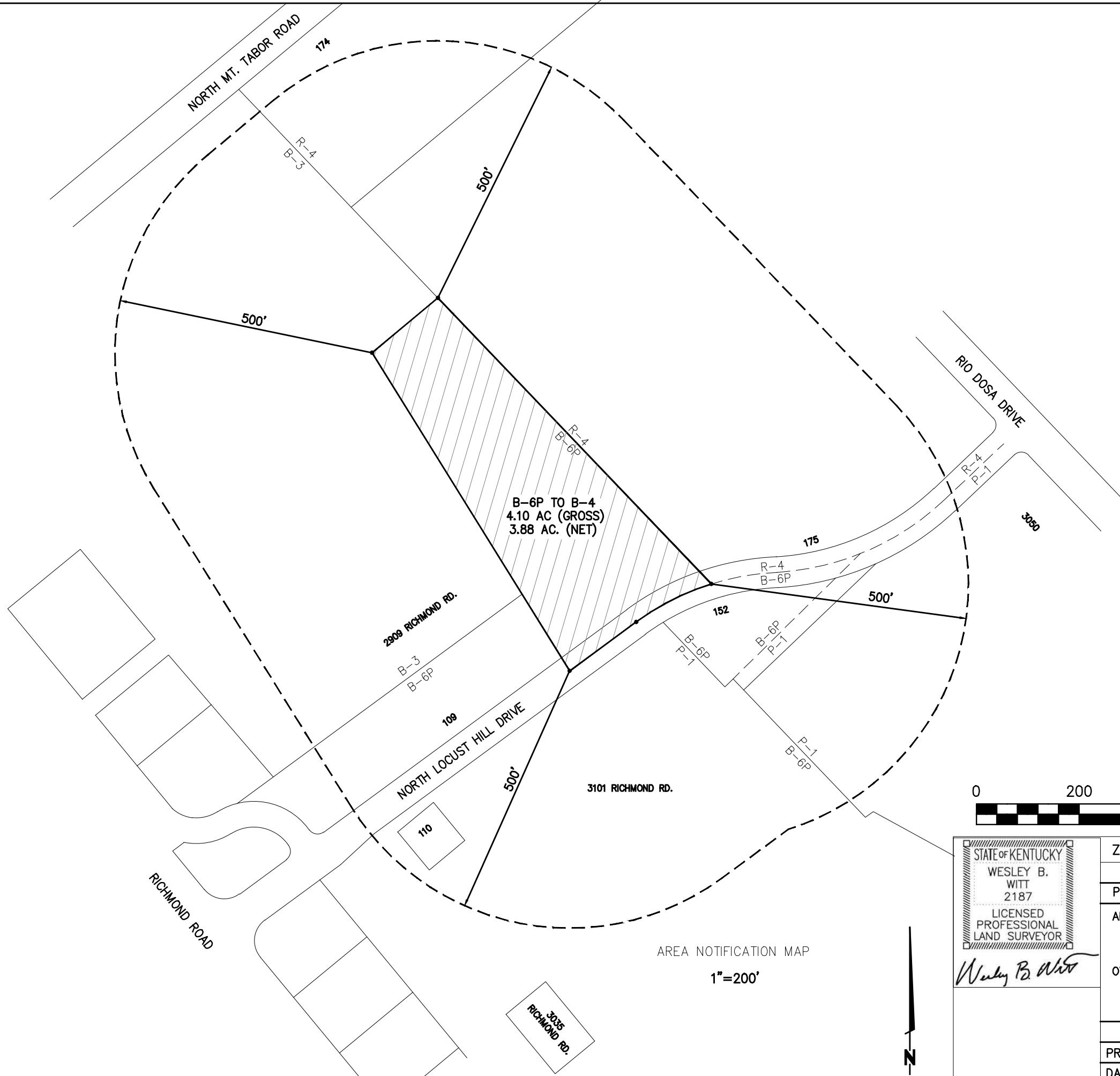
Nick Nicholson

A handwritten signature in blue ink, appearing to read 'Nick Nicholson', is written over the typed name. The signature is stylized and fluid.

Legal Description of the
MOW Place, LTD Property
Zone Change From B-6P to B-4
133 North Locust Hill Drive
Lexington, Fayette County, Kentucky

ALL THAT TRACT OR PARCEL OF LAND SITUATED ON THE NORTH SIDE OF NORTH LOCUST HILL DRIVE APPROXIMATELY 818 FEET NORTHEAST OF THE RICHMOND ROAD RIGHT OF WAY IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a point in the centerline of North Locust Hill Drive approximately 818 feet northeast of the east right of Richmond Road as shown on plat recorded in Plat Cabinet "L", Slide 514 in the Fayette County Clerk's Office; thence leaving North Locust Hill Drive north 31 degrees 48 minutes 55 seconds 728.25 feet; thence north 50 degrees 14 minutes 32 seconds east 166.48 feet; thence south 43 degrees 42 minutes 03 seconds east 769.25 feet to the centerline of North Locust Hill Drive; thence with the centerline of North Locust Hill Drive along a curve to the left having an arc length of 164.40 feet, a radius of 500.00 feet, and a chord bearing south 63 degrees 07 minutes 13 seconds west, a distance of 163.65 feet; thence south 53 degrees 42 minutes 04 seconds west 160.75 feet to the point of beginning and containing 4.10 gross acres and 3.88 net acres.



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

Wesley B. Witt

ZOMAR: FROM B-6P TO B-4				
PROPERTY ADDRESS: 133 NORTH LOCUST HILL DRIVE	FROM B-6P	TO B-4	GROSS 4.10 AC	NET 3.88 AC
APPLICANT: CITADEL STORAGE PARTNERS II LP DAN KUNAU 333 E MAIN STREET, SUITE 300 LOUISVILLE, KENTUCKY 40202				
OWNER: MOW PLACE LTD C/O EQUITY MANAGEMENT GROUP INC. 840 E HIGH STREET LEXINGTON, KENTUCKY 40502				
PREPARED BY: WESLEY B WITT, INC.				
DATE PREPARED: AUGUST 6, 2018			TOTAL 4.10 AC	3.88 AC

AREA NOTIFICATION MAP
 1"=200'

PROPERTY MAP
 1"=200'

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-18-00018: CITADEL STORAGE PARTNERS II, LLC

DESCRIPTION

Zone Change: From a Commercial Center (B-6P) zone
To a Wholesale and Warehouse Business (B-4) zone

Acreage: 3.88 net (4.10 gross) acres

Location: 133 N. Locust Hill Drive

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	B-6P	Vacant (formerly a movie theater)
To North	R-4	Multi-family Residential
To East	R-4	Multi-family Residential
To South	B-6P	Commercial Shopping Center
To West	B-3	Commercial Shopping Center

URBAN SERVICES REPORT

Roads – North Locust Hill Drive is a two-lane collector street that connects Richmond Road (US 25/US 421) to Rio Dosa Drive, also a collector street, to the northeast of the subject property. Locust Hill Drive continues across Richmond Road to the south and connects to Mt. Tabor Road. The subject property is less than 1,000 feet from the signalized intersection of Richmond Road and N. Locust Hill Drive. One access point exists for the development, which the petitioner proposed to maintain. Access to the warehouse facility is proposed to be gated.

Curb/Gutter/Sidewalks – Curb, gutter and sidewalks do exist along the subject property’s frontage along N. Locust Hill Drive. Additional pedestrian accommodations will be required into the site from the public right-of-way.

Storm Sewers – The subject property is located within the East Hickman Creek watershed. Currently, a detention basin exists at the rear of the property to accommodate the site’s stormwater. Additional assessment will be necessary to verify that the existing basin is adequate to serve the proposed development and to address water quality requirements of the LFUCG Stormwater Manuals. No FEMA special flood hazard area exists on the property or in its general vicinity.

Sanitary Sewers – The subject property is located in the East Hickman sewershed and is served by the West Hickman Sewage Treatment Facility, located in northern Jessamine County. Since the use of the property is proposed for a major redevelopment, the petitioner will need to secure Capacity Assurance Program approval prior to the final development plan being certified.

Refuse – The Urban County Government serves this residential area with refuse collection on Fridays; however, commercial developments often contract with a private collection service to address their specific needs.

Police – The subject property is located within the Division of Police’s East Sector. The East Sector Roll Call Center is the closest police station to the subject property; it is located approximately 2 ½ miles southwest of the site on Centre Parkway in the Gainesway neighborhood.

Fire/Ambulance – Fire Station #21 is located approximately 1¼ miles southeast of the subject property, at the intersection of Mapleleaf and Dabney Drives.

Utilities – All utilities, including gas, electric, water, phone, and cable TV currently serve the site and could be reconfigured to serve the proposed warehouse use of the subject property.

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 petitioner proposes to construct a two-story self-storage facility, and associated off-street parking. The proposed facility will be approximately 130,000 square feet of space, with 872 units available for rent.

CASE REVIEW

The petitioner has requested a zone change from a Commercial Center (B-6P) zone to a Wholesale and Warehouse Business (B-4) zone for just under four acres of property. The site is located on the north side of N. Locust Hill Drive, between the intersections of Richmond Road (US 25/US 421) and Rio Dosa Drive.

The subject property is the former location of the Movie Tavern theater complex, which moved to Jessamine County about three years ago. The immediate area along Locust Hill Drive is characterized by retail sales, restaurants, professional offices and services (B-3 and B-6P zoning), and multi-family residential (R-4 zoning). A behavioral health and rehabilitation facility is also located within the immediate area, but is accessible from Rio Dosa Drive.

The petitioner requests a rezoning to the B-4 zone in order to locate a self-storage (aka mini-warehouse) facility of almost 130,000 square feet in size. The proposal is for a two-story building of 30 feet in height, with restricted access at the front of the property.

The property was originally rezoned in 1981 from an Agricultural Urban (A-U) and a Low Density Apartment (R-3) zones to the current B-6P zone in order to develop a shopping center, including numerous outlots.

The 2013 Comprehensive Plan no longer includes a parcel-based land use element; rather, it encourages land use decisions to be made based upon small area plan recommendations, policy statements and the Goals and Objectives of the Plan. The petitioner opines that this request is in agreement with the policies, goals and objectives of the 2013 Plan.

The Planning Commission must look to the Comprehensive Plan for guidance as to whether the proposed B-4 zone is supported by the Plan at this location. The 2013 Comprehensive Plan encourages the consideration of how proposals relate to existing development in the immediate vicinity, as well as protecting neighborhoods and residential areas from incompatible land uses. The Goals and Objectives encourage creating jobs and prosperity (Theme C) by supporting local assets to further the creation of a variety of jobs and job opportunities that lead to prosperity for all (Theme C, Goals #1 & #1.a.). Furthermore, the plan also seeks to enable infill and redevelopment that creates jobs where people live (Theme C, Goal #1.d.). The plan also supports infill and redevelopment if it is respectful of the area's context and design features (Theme A, Goal #2.a.), and encourages compact, contiguous and mixed-use sustainable development within the Urban Service Area to accommodate future growth needs. Beyond the goals and objectives, policy statements in the Plan focus on the need for the development of land in the most appropriate relationships, compatibility of land uses and creating neighborhood nodes of commercial development or a focal point.

The Locust Hill Shopping Center and other adjoining commercial development has created an activity node at the intersection of Man o' War Boulevard and Richmond Road to provide the necessary goods and services to the nearby residential developments and neighborhoods in this immediate vicinity. A self-storage facility generates very few jobs, is generally highly impermeable (with very little open or

greenspace), is an inefficient use of highly limited Urban Service Area property, and is not a neighborhood-oriented land use. Although the petitioner contends that the proposed use is a “better transition” between the B-6P and R-4 zones, and that a 5-foot buffer respects its neighbors in the adjacent residential developments, there is no need to create a transition at all because the B-6P and R-4 zones are already compatible. The recent updates to the B-6P zone reduce barriers to potential redevelopment.

The petitioner also contends that the proposed self-storage facility addresses a “vital neighborhood need;” however, there is no evidence that self-storage is necessary or desired by the residents of the neighborhood. Neighborhood-oriented businesses are those that furnish the ordinary or daily necessities for the surrounding residential areas. They are businesses that are used by pedestrians (walkable) and which do not interfere with pedestrian movement. The Comprehensive Plan does call for community facilities and services, although this is not the type of facility that is discussed in the text of the Plan, which calls for healthcare services and hospitals, schools, libraries, and parks and recreation that the community truly needs. Self-storage facilities provide a convenience to local citizens, but are not walkable nor do they furnish daily necessities. The staff cannot agree with the applicant that the requested rezoning is in agreement with the 2013 Comprehensive Plan.

Additionally, the staff finds that the proposed B-4 zoning and land use are inappropriate for the subject property because they are not compatible with the adjoining land uses or consistent with any of the nearby zoning in this immediate area. The staff would note that, of 20 self-storage facilities currently located in Lexington-Fayette County, twelve (60%) are located outside of New Circle Road, what is considered an suburban environment. This is a higher percentage than the national average, which breaks down as follows: urban – 32%, suburban – 52% and rural – 16% (“2015-2016 Self Storage Industry Fact Sheet” by Self Storage Association International). The statistics would indicate that our community already has the right amount (or more than the right amount) of self-storage facilities, especially given the knowledge that three additional facilities of similar characteristics are planned/proposed for completion in the near future. There is an existing self-storage facility along Palumbo Drive that is in the process of expanding (building permit issued on August 28, 2018 for a site on Blake James Drive for climate control storage), and there are planned facilities on Manchester Street and W. Main Street that have been approved by the Planning Commission. Additional storage options in the immediate area are not needed as the existing facilities have available space.

Again, no other B-4 zoning currently exists in the immediate vicinity or anywhere along the Locust Hill Drive, Richmond Road or Rio Dosa Drive corridors. The area is characterized by neighborhood-oriented commercial development. Demand for the existing, abandoned building is clearly lacking, but potential redevelopment opportunities with the existing zoning have improved over the past six months with the revisions to the B-6P zone. The existing zoning offers many land uses that would be considered compatible within the character of the commercial activity node and the adjoining neighborhood. Ultimately, the staff finds that the existing B-6P zone is not inappropriate for the subject property as it is in keeping with the commercial zoning in the immediate area.

Lastly, the staff is not aware of any unanticipated changes of a physical, social or economic nature within the immediate area since the Comprehensive Plan was adopted in 2013 that would support B-4 zoning for the subject property.

The Staff Recommends: Disapproval, for the following reasons:

1. The requested rezoning to a Wholesale and Warehouse Business (B-4) zone is not in agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. The Goals and Objectives and policy statements of the Plan encourage the consideration of how proposals relate to existing development in the immediate vicinity, and focus on protecting neighborhoods and residential areas from incompatible land uses. No B-4 zoning exists along the Locust Hill Drive, Richmond Road or Rio Dosa Drive, and a self-storage facility is not a neighborhood-oriented land use.

- b. The Goals and Objectives encourage creating jobs and prosperity (Theme C), but the proposed self-storage facility will generate very few jobs in support of this policy.
 - c. Policy statements in the Plan focus on the need for the development (or redevelopment) of land in the most appropriate relationships, compatibility of land uses and creating neighborhood nodes of commercial development or a focal point. The Locust Hill Shopping Center has been that neighborhood node that provides necessary goods and services to the adjoining neighborhoods in this immediate vicinity.
 - d. The Comprehensive Plan supports infill and redevelopment that it is respectful of the area's context and design features. In this case, the context of the area is neighborhood businesses and high density residential. Incorporating a warehouse facility within the neighborhood is out of character.
 - e. Self-storage facilities do not address a "vital neighborhood need" nor are they "community facilities and services" as recommended by the Comprehensive Plan. Neighborhoods should be served by neighborhood-oriented businesses that furnish the ordinary or daily necessities for the surrounding residential areas, and that are used by pedestrians (walkable) and which do not interfere with pedestrian movement. Self-storage facilities provide a convenience to local citizens, but are not walkable nor do they furnish daily necessities.
2. The proposed B-4 zone is not appropriate for the subject property, for the following reasons:
 - a. Statistical information would indicate that our community already has the right amount (more than the national average of 52% for suburban facilities) of self-storage facilities outside New Circle Road, especially given the knowledge that three additional facilities of similar characteristics are planned/proposed for completion in the near future.
 - b. There is no other B-4 zoning or land uses compatible with B-4 uses in the immediate vicinity, including the neighborhood business, professional office, medical and multi-family residential uses.
 - c. Additional storage options in the immediate area are not needed as the existing facilities have available space.
 3. The existing Commercial Center (B-6P) zone remains appropriate at this location because it offers many land uses that would be considered compatible within the character of the immediate area and the adjoining residential neighborhood. Recent changes to the B-6P allow compatible redevelopment options for the site that have not yet been explored.
 4. There have been no unanticipated changes of a physical, social or economic nature within the immediate area since the Comprehensive Plan was adopted in 2013 that would justify a B-4 zone for the subject property.

2. CITADEL STORAGE PARTNERS II, LP ZONING MAP AMENDMENT & LOCUST HILL SHOPPING CENTER (AMD) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-18-00018: CITADEL STORAGE PARTNERS II, LP (11/4/18)*- petition for a zone map amendment from a Commercial Center (B-6P) zone to a Wholesale and Warehouse Business (B-4) zone, for 3.88 net (4.10 gross) acres, for property located at 133 N. Locust Hill Dr.

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 petitioner proposes to construct a two-story self-storage facility, and associated off-street parking. The proposed facility will be approximately 130,000 square feet of space, with 872 units available for rent.

The Zoning Committee Recommended: **Postponement** to the full Commission.

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

1. The requested rezoning to a Wholesale and Warehouse Business (B-4) zone is not in agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. The Goals and Objectives and policy statements of the Plan encourage the consideration of how proposals relate to existing development in the immediate vicinity, and focus on protecting neighborhoods and residential areas from incompatible land uses. No B-4 zoning exists along the Locust Hill Drive, Richmond Road or Rio Dosa Drive, and a self-storage facility is not a neighborhood-oriented land use.
 - b. The Goals and Objectives encourage creating jobs and prosperity (Theme C), but the proposed self-storage facility will generate very few jobs in support of this policy.
 - c. Policy statements in the Plan focus on the need for the development (or redevelopment) of land in the most appropriate relationships, compatibility of land uses and creating neighborhood nodes of commercial development or a focal point. The Locust Hill Shopping Center has been that neighborhood node that provides necessary goods and services to the adjoining neighborhoods in this immediate vicinity.
 - d. The Comprehensive Plan supports infill and redevelopment that is respectful of the area's context and design features. In this case, the context of the area is neighborhood businesses and high density residential. Incorporating a warehouse facility within the neighborhood is out of character.
 - e. Self-storage facilities do not address a "vital neighborhood need" nor are they "community facilities and services" as recommended by the Comprehensive Plan. Neighborhoods should be served by neighborhood-oriented businesses that furnish the ordinary or daily necessities for the surrounding residential areas, and that are used by pedestrians (walkable) and which do not interfere with pedestrian movement. Self-storage facilities provide a convenience to local citizens, but are not walkable nor do they furnish daily necessities.
 2. The proposed B-4 zone is not appropriate for the subject property, for the following reasons:
 - a. Statistical information would indicate that our community already has the right amount (more than the national average of 52% for suburban facilities) of self-storage facilities outside New Circle Road, especially given the knowledge that three additional facilities of similar characteristics are planned/proposed for completion in the near future.
 - b. There is no other B-4 zoning or land uses compatible with B-4 uses in the immediate vicinity, including the neighborhood business, professional office, medical and multi-family residential uses.
 - c. Additional storage options in the immediate area are not needed as the existing facilities have available space.
 3. The existing Commercial Center (B-6P) zone remains appropriate at this location because it offers many land uses that would be considered compatible within the character of the immediate area and the adjoining residential neighborhood. Recent changes to the B-6P allow compatible redevelopment options for the site that have not yet been explored.
 4. There have been no unanticipated changes of a physical, social or economic nature within the immediate area since the Comprehensive Plan was adopted in 2013 that would justify a B-4 zone for the subject property.
- b. PLN-MJDP-18-00071: LOCUST HILL SHOPPING CENTER (AMD) (11/4/18)* - located at 133 N. LOCUST HILL. (Barrett Partners)

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

1. Provided the Urban County Council rezones the property B-4; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.

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

5. Denote canopy size and height in feet.
6. Dimension office area in feet.
7. Denote compliance with Article 8-21(o)(1) of the Zoning Ordinance.
8. Resolve landscape buffer along R-4 zone.

Staff Zoning Presentation – Ms. Wade presented the staff report and recommendations for the zone change. She displayed photographs of the subject property and aerial photographs of the general area. She said that the applicant is proposing to remove the existing structure and construct a 130,000 square foot, two-story climate controlled self-storage facility. She said that the subject property was rezoned in 1981 from the Agricultural Urban (A-U) zone to the Commercial Center (B-6P) zone. She displayed photographs of the movie theater that is currently on the subject property, but is vacant.

Ms. Wade said that the applicant has opined their request is in agreement with the 2013 Comprehensive Plan's Goals and Objectives. Specifically, creating jobs, infill and redevelopment, and encouraging compact, contiguous and mixed-use sustainable development within the Urban Service Area. She said the intent is to have an activity node for commercial development in this location. She said that self-storage is not usually a use that generates many jobs; which is not in agreement with that goal of the Comprehensive Plan. She said that self-storage is an inefficient use of highly valuable Urban Service Area land and it's also not a neighborhood-oriented land use. She said that the applicant stated in their justification that self-storage is a vital neighborhood need, however the staff does not agree. She said that the applicant believes that this proposed zone request would be a better transition between the B-6P and R-4 zones. She said that those neighboring zones are already compatible with each other and that the B-4 zone is incompatible with the immediate area.

Ms. Wade displayed a map of the business, residential, professional office and industrial zones in the area. She said that there is a natural drainage area or a roadway which acts as a buffer between the zones. She said that the applicant believes that a self-storage center is neighborhood oriented. She said that the Comprehensive Plan states that businesses that furnish ordinary and daily needs for the surrounding residential areas are neighborhood-oriented. She said that the self-storage facility does not provide for local needs and it is not a walkable facility. She said that the staff evaluated if the proposed zone is appropriate. The current zone is inappropriate and the staff concluded that the B-4 zone is not appropriate at this location. She said that the B-4 zone is not consistent with the zoning of the immediate area.

Ms. Wade said that the applicant contends that there is a need in our community for 250,000 to 300,000 square feet of storage space. She said that the staff discovered that all existing self-storage facilities in the community have available space. She said the staff finds that the need for storage space is going to be met with existing and planned facilities. She also said that the staff offered the applicant to assist them with seeking a different location within the community. She displayed a list of the current storage facilities, whether they have climate-control unit availability, and also a map of the current and future storage facilities.

Ms. Wade said that the staff recommends disapproval of this zone change request because it is not in agreement with the Comprehensive Plan in terms of creating a vital neighborhood need, for creating jobs. She said that the existing B-6P zone remains appropriate at this location. She said that there have not been any unanticipated changes in the immediate area. Lastly, she said that the Zoning Committee recommended postponement of this zone change on September 6, 2018.

Development Plan Presentation – Mr. Martin presented a rendering of the preliminary development plan associated with this zone change. He reminded the Planning Commission that the staff reviews the plan as if the zoning is already in place. He said that the applicant is proposing to construct a thirty-foot tall, two-story building with 65,000 square feet on each floor. He said that access will be from N. Locust Hill Drive. He said there are a few clean up conditions. He said that condition #7 is to denote compliance with Article 8-21(o)(1), which is a requirement in the B-4 zone that limits opening to pedestrian doors on walls that are within 100 feet of residentially zoned property. He said that condition #8 regarding the buffer along the R-4 zone could be resolved at the time of a Final Development Plan, if this zone change is approved. He said that the Subdivision Committee recommended approval of this development plan.

Commission Question – Mr. Nicol asked if this property were not to be used as a climate-control, self-storage facility, would the existing building meet the B-6P zone requirements. Mr. Martin said that it would require more parking, and possibly more landscaping because of the residential/commercial relationship.

Applicant Presentation – Mr. Nick Nicholson, attorney representing the petitioner, along with Allen Shubert were present for Citadel Storage. He presented photographs of other Citadel storage facilities in other areas of the region, including Louisville, Nashville, and Cincinnati. He also displayed photographs of the existing building located on the subject property. He said the applicant believes this proposal is in agreement with the Comprehensive Plan, but it is difficult to justify based that basis alone. He said the owner of this property also owns neighboring commercial properties, and has a vested interest in ensuring that this property be well developed and is a vital use to this neighborhood.

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Mr. Nicholson said this is a proposed demolition and redevelopment of this property. He said that the current building is a movie theater so reuse of the structure is difficult, and he opined that a new building will need to be constructed for any other use. He said that the rear of the building is very close to the property line and wouldn't allow for any kind of delivery services at this location. He also displayed an aerial photo of the subject property. He said that at least 85% of the parcel is entirely landlocked and that cannot be changed. He said that the property has limited frontage, access and visibility. He said that the main access is off of N. Locust Hill Drive, which will not be accessible for delivery trucks. He said that there are currently 254 parking spaces on the property for a 31,000 square foot building.

Mr. Nicholson questioned if this property remains as B-6P zone, what will become of it. He displayed a chart of the nearby vacant office and retail spaces. He also stated that Walmart had left this corridor recently, which is a major economic change. He said that all national retailers pay attention to what Walmart does. He said that there is a total of 228,204 square feet of vacant office and retail space within this area. He said that multi-family apartments do not make economic sense and also do not comply with the Comprehensive Plan. He believes that self-storage does work with these type of existing constraints, (ie: the long and narrow parcel.) He said that a self-storage facility is the perfect example of what can be done with these types of restraints, limited access and limited visibility. He displayed a chart of the current self-storage facilities, and opined that most of them are near residential zones.

Mr. Nicholson said that a demand study was completed in this area, based on the typical national, state, and local averages of the amount of residences and small businesses within a ten minute drive of this parcel. He said the study concluded that there is 300,000 square feet of unmet demand for self-storage, and 400,000 square feet, if climate-controlled self-storage.

Mr. Nicholson said that they are in agreement with the discussion of the buffer at the time of the Final Development Plan and submitted Proposed Findings of Approval with zoning restrictions, as follows:

**PROPOSED FINDINGS OF APPROVAL
FOR A ZONE CHANGE FROM COMMERCIAL CENTER (B-6P) ZONE
TO WHOLESALE AND WAREHOUSE BUSINESS (B-4) ZONE
CITADEL STORAGE PARTNERS II, LP**

Based on the evidence and testimony presented, the Planning Commission recommends that the application to rezone the property located at 133 N. Locust Hill Drive from Commercial Center (B-6P) zone to Wholesale and Warehouse Business (B-4) zone for 3.88 net (4.10 gross) acres be APPROVED because:

1. The existing Commercial Center (B-6P) zone is inappropriate for the subject property because despite having frontage along N. Locust Hill Drive, there is poor visibility for commercial activities, an irregularly shaped parcel, and other site constraints limiting the commercial attractiveness of the site that has led it to being underutilized. As such, the site is not conducive to successful development of a B-6P zoned property.
2. The proposed Wholesale and Warehouse Business (B-4) zone is appropriate for the subject property because the proposed indoor self-storage use is less intense than what could be developed on the property in close proximity to senior living facilities, rehabilitation facility, and multi-family residential complex. In addition, the restricted B-4 zone is compatible and consistent with the surrounding zoning, land use, and development pattern along this portion of the Richmond Road corridor.
3. This recommendation is made subject to the approval and certification of PLN-MJDP-18-00071: Locust Hill Shopping Center, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, this property shall be subject to the following use restrictions via conditional zoning:

PROHIBITED USES:

- a. Major automobile and truck repair.
- b. Laundries and dying shops, and laundry pick-up stations.
- c. Ice plant.
- d. Tire re-treading and re-capping.
- e. Machine shop
- f. Truck terminals and freight yards.
- g. Automobile service stations.
- h. Establishments for the display and sale of pre-cut, pre-fabricated, or shell homes.
- i. Circuses and carnivals.
- j. Retail sale of building materials, hardware-related items and lumber.
- k. Pawnshops.
- l. Parking lots and structures as principal uses.
- m. Outdoor speakers and public address systems.
- n. Mining of non-metallic minerals.

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

- o. The Principal use of the property as an establishment or lots for the display, sale, or repair of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles, such as mini-bikes, motorcycles, bicycles, boats or supplies for such items.

These land use restrictions are appropriate and necessary at this location to ensure that the proposed commercial development of the subject property will not negatively impact the nearby residential developments in this area.

Commission Question – Mr. Wilson asked if Mr. Nicholson had met with the neighborhoods near the current self-storage facilities. He asked if they wanted them there or not. Mr. Nicholson said he didn't know how many of them were submitted as zone changes. He said that the facility at 755 & 757 Newtown Pike was a zone change and there was no objection from the community. He said that the facility at 536 Stone Road is new and had no objections either. He said that this is a neighborhood business because the public won't drive to the other side of town to store their belongings. Mr. Wilson said that the community that is the closest to the Newtown Pike site did have concerns about the buffer. Mr. Nicholson said that was part of the conditional zoning restriction and that all of the adjacent properties are either multi-family or commercial development, in this instance, and not single-family homes.

Mr. Nichol asked why the B-4 zone was chosen for this property. Mr. Nicholson said that the applicant had chosen a restricted B-4 zone so that it would fit in better with the adjacent properties. Mr. Nichol also for an explanation of the different types of storage facilities. Mr. Nicholson said that typically communities don't like the outdoor storage facilities with overhead doors that can be noisy and no security. He said that this is a two-story, indoor facility with access through manned doors. He said that there are six units that have overhead doors because those units are larger. Mr. Nicholson said that self-storage units are not all eye-sores, this is going to be one building with the overhead doors being indoor, away from the public.

Mr. Bell asked if this building will have a twenty or thirty year life. Mr. Allen Schubert, managing partner of Citadel Storage, said that these are high-end units and he believes that a sixty or seventy year life would be more accurate. He said that he is happy to work on buffering with the staff.

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

Staff Rebuttal - Ms. Wade said that Mr. Nicholson pointed out residential land use near the B-4 and I-1 zones. She displayed an aerial photo of The Lexington Mini-storage on Bryant Road., which is near residential zoning. She said that the industrial zone preceded the residential zoning in this situation, but Pleasant Ridge Drive and a natural feature, such as a waterway exists to create a buffer between the land uses. She said that the applicant hasn't offered to create a buffer between the zones. She said that staff based their conclusion on the existing conditions of the site. She said that applicant stated that retail will not work at this location; however, the staff believes that retail could work along the frontage with mixed-use to the rear of the property. She said that with the new Zoning Ordinance text amendment for the B-6P zone, that a hotel could also be an option for this site in the future. She said that remodeling could be difficult for this site, but redevelopment is clearly an option. She said that the lack of maintenance and/or activity on this property do not create a reason that the zone is inappropriate. She said that it could have been poor marketing on the owner's behalf. She said that the applicant has not provided the appropriate justification for this request. She reiterated that the staff recommended disapproval for this zone change.

Applicant Rebuttal – Mr. Nicholson said that the property owner has been actively marketing this site for the past five years. He said that in the past five year, there were three calls; one was Citadel; second was for a different storage facility; and the third was someone who possibly saw this property as a B-6P use and determined that it wouldn't work. He agrees that the B-6P zone is changing, but he believes that the time is now for the site to redevelop. He said that he has distributed their proposed conditional zoning restrictions, which he also shared with the staff, and asked if there were any other restrictions they wished to add to the list. He said that he would be happy to add to the list of conditional zoning restrictions and buffers.

Commission Comments – Ms. Mundy said that she believes this request fits the area, because the Peninsula development was just approved and there is more infill on the way. She said she thinks these new residential developments will desire self-storage nearby.

Mr. Berkley said that he believes the applicant has made good efforts to market the site and are the most vested in this area.

Mr. Penn said that he believes that this will be an out lot, which is a parcel that does not lend itself to anything else because of its size, width, or length. He said that he can't find another use that could be done in the current zone. He said that he would to discuss as a Commission what other options there are other than the B-4 zone, and questioned if this an appropriate zone change.

Mr. Wilson reminded the Planning Commission that if they are in favor of the applicant's proposal, to make the motion in favor with findings. Likewise, if the Commission agrees with the staff, to make the motion in favor of the staff recommendation.

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

Zoning Action – A motion was made by Mr. Berkley, seconded by Mr. Bell, and carried 7-1 (Mr. Wilson opposed; Brewer and Plumlee absent) to approve PLN-MAR-18-00018: CITADEL STORAGE PARTNERS II, LP, for the reasons provided by the applicant, as follows:

1. The existing Planning Shopping Center (B-6P) zone is inappropriate for the subject property because despite having frontage along N. Locust Drive, there is poor visibility for commercial activities, an irregularly shaped parcel, and other site constraints limiting the commercial attractiveness of the site that has led it to being underutilized. As such, the site is not conducive to successful development of a B-6P zoned property.
2. The proposed Wholesale and Warehouse Business (B-4) zone is appropriate for the subject property because the proposed indoor self-storage use is less intense than what could be developed on the property in close proximity to Senior Living facilities, rehabilitation facility, and multi-family residential complex. In addition, the restricted B-4 zone is compatible and consistent with the surrounding zoning, land use, and development pattern along this portion of the Richmond Road corridor.
3. This recommendation is made subject to the approval and certification of PLN-MJDP-18-00071: Locust Hill Shopping Center, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, this property shall be subject to the following use restrictions via conditional zoning:

PROHIBITED USES:

- a. Major automobile and truck repair.
- b. Laundries and dyeing shops, and laundry pick-up stations.
- c. Ice plant.
- d. Tire re-treading and re-capping.
- e. Machine shop
- f. Truck terminals and freight yards.
- g. Automobile service stations.
- h. Establishments for the display and sale of pre-cut, pre-fabricated, or shell homes.
- i. Circuses and carnivals.
- j. Retail sale of building materials, hardware-related items and lumber.
- k. Pawnshops.
- l. Parking lots and structures as principal uses.
- m. Outdoor speakers and public address systems.
- n. Mining of non-metallic minerals.
- o. The Principal use of the property as an establishment or lots for the display, sale, or repair of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles, such as mini-bikes, motorcycles, bicycles, boats or supplies for such items.

These land use restrictions are appropriate and necessary at this location to ensure that the proposed commercial development of the subject property will not negatively impact the nearby residential developments in this area.

Development Plan Action – A motion was made by Mr. Berkley, seconded by Mr. Bell, and carried 8-0 (Brewer and Plumlee absent) to approve PLN-MJDP-18-00071: LOCUST HILL SHOPPING CENTER (AMD), with the revised conditions provided by the staff as follows:

1. Provided the Urban County Council rezones the property B-4; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Denote canopy size and height in feet.
6. Dimension office area in feet.
7. Denote compliance with Article 8-21(o)(1) of the Zoning Ordinance.
8. Resolve landscape buffer along R-4 zone at the time of the Final Development Plan.

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