

MAR ✓ 2011-17Date Received 10/3/11Pre-Application Date 8/10/11Filing Fee \$ 53000**GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION****1. ADDRESS INFORMATION (Name, Address, City/State/Zip & PHONE NO.)****APPLICANT:**

SRC of Lexington, Inc., 1105 Eastland Drive, Lexington, KY 40505

**OWNER:**

Setzer Investments No. 5, LLC, 858 Contract Street, Lexington, KY 40505

**ATTORNEY:**

Jana Syrcle/Frost Brown Todd LLC, 250 West Main Street, Suite 2800, Lexington, KY 40507

**2. ADDRESS OF APPLICANT'S PROPERTY (Please attach Legal Description)**

1133 Industry Road, Lexington, KY 40505

**3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY (Use attachment, if needed--same format.)**

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
B-4	Commercial	I-1	Light Industrial	3.18	3.82

**4. SURROUNDING PROPERTY, ZONING & USE**

Property	Use	Zoning
North	Warehouse and Railroad	B-4 and I-1
East	Warehouse	B-4
South	Warehouse and Light Industrial	B-4 and I-1
West	Commercial	I-1

**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 checked="" type="checkbox"/> NO N/A Units

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

Roads	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Storm Sewers	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Sanitary Sewers	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Curb/Gutter/Sidewalks	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Refuse Collection	<input type="checkbox"/> LFUCG	<input checked="" type="checkbox"/> Other		
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

**7. DESCRIBE YOUR JUSTIFICATION FOR REQUESTED CHANGE (Please provide attachment.)**This is in... ☒ in agreement with the Comp. Plan ☒ more appropriate than the existing zoning ☐ due to unanticipated changes.**8. APPLICANT/OWNER SIGNS THIS CERTIFICATION**

I do hereby certify that to the best of my knowledge and belief, all application materials are herewith submitted, and the information they contain is true and accurate. I further certify that I am ☒ OWNER or ☐ HOLDER of an agreement to purchase this property since \_\_\_\_\_.

APPLICANT

OWNER

LFUCG EMPLOYEE/OFFICER, if applicable

DATE 9-30-11DATE 9-30-11

DATE \_\_\_\_\_



## **STATEMENT OF JUSTIFICATION**

### **Zone change from B-4 to I-1**

The Applicant, SRC of Lexington, Inc. ("SRC"), proposes a change from Wholesale and Warehouse Business (B-4) Zone to Light Industrial (I-1) Zone on a 3.18-acre (net) parcel with a street address of 1133 Industry Road (the "Property") in Lexington, Kentucky.

The purpose of the zone change is to allow re-furbishing of engines and transmissions and associated work utilized in mining and industrial machinery in a 32,000 square foot building which was constructed in 1963. The existing use of the building is warehousing. The proposed re-furbishing work will be performed solely within the existing building at 1133 Industry Road. The proposed use will not cause nuisances; specifically, the use will cause no nuisance associated with smoke, noise, odor, vibration, heat, light or industrial waste.

The Property is located within Subarea "E" of the Lexington Central Sector Small Area Plan. Subarea "E" recognizes that the range of land uses includes a "mix of light industrial" as one travels from the west to Winchester Road. It also recognizes the "cluster of business/light industrial activities along Eastland ...Drive[]." <sup>1</sup> Although the site is not on Winchester Road or Eastland Drive, it is generally near Winchester Road and is less than 400 feet from Eastland Drive.

The justification for the requested change is that the existing B-4 zone is inappropriate and the proposed I-1 zone is appropriate. The existing zone is inappropriate because the existing B-4 zone does not lend itself to the adaptive re-use of this building. The B-4 zone permits "Adaptive Re-use Projects" only when the criteria of Lexington Zoning Ordinance §88-21(o)(4) are met. The application cannot meet the minimum three (3) requirements of §8.21(o)(4)(c) for adaptive re-use projects. <sup>2</sup>

The proposed zoning is appropriate because it would permit the adaptive re-use of the building at this existing business site. The adaptive re-use of the building would allow the existing structure to be retained, and would enable an economically viable new activity without causing adverse impacts, such as negative visible impacts, increased storm-water impacts or other adverse impacts or nuisances. No increases in traffic will occur as a result of the zone change. There are no residences in the immediate vicinity.

The proposed zoning is additionally appropriate because Goal 11, Objectives C. and O. of the Comprehensive Plan <sup>3</sup> state as follows:

- C. Encourage retention and expansion of existing local industries and businesses.

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<sup>1</sup> The Central Sector Small Area Plan, p. 20.

<sup>2</sup> The building is existing; it is not listed on the National Register of Historic Places and is not eligible to be so listed; nor is it individually listed on a state inventory of historic places, or located within a historic overlay zone, and it is not over 50 years old. It does not provide residential housing, nor is it in an area specified by the Comprehensive Plan for adaptive reuse or revitalization. The site is not a brownfields site. There is no public art on site.

<sup>3</sup> The 2007 Comprehensive Plan for Lexington-Fayette County, Kentucky, p. 23.

- O. Analyze manufacturing and light industrial areas for availability and appropriateness and address future land use needs for high quality manufacturing and light industrial jobs in accessible locations.

The Property is conveniently located on Industry Road near New Circle Road and Eastland Drive. Industry Road is a Lex-Tran transit route.

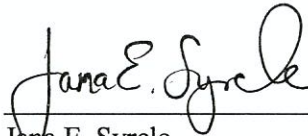
**Variance to reduce the §18-3(a) perimeter landscape buffer requirement  
from 15-feet to 0-feet (I-1 to B-4)**

In addition to the requested zone change, the Applicant respectfully requests a variance, which is to reduce the perimeter landscape buffer specified in Lexington Zoning Ordinance §18-3(a).

The variance is necessary due to the existing condition of the building overhang hanging over the property line. Granting the variance will not adversely affect the public health, safety and welfare, nor will it alter the character of the area or allow an unreasonable circumvention of the requirements of the regulations. Granting the variance will result in no physical change of the property, but will allow the existing landscaping, parking and other characteristics of the property to remain in place.

The strict application of the requirements of the zoning regulation would deprive the Applicant of the reasonable use of the property because it would entail the removal of the building.

Respectfully submitted,



Jana E. Syrcle

Glenn A. Price, Jr.

Frost Brown Todd LLC

250 West Main Street, Suite 2800

Lexington, Kentucky 40507-1749

(859) 231-0000

# 1133 INDUSTRY DRIVE

ADDRESS: 1133 INDUSTRY ROAD

APPLICANT: SRC OF LEXINGTON, INC.  
1105 EASTLAND DRIVE  
LEXINGTON, KY 40505

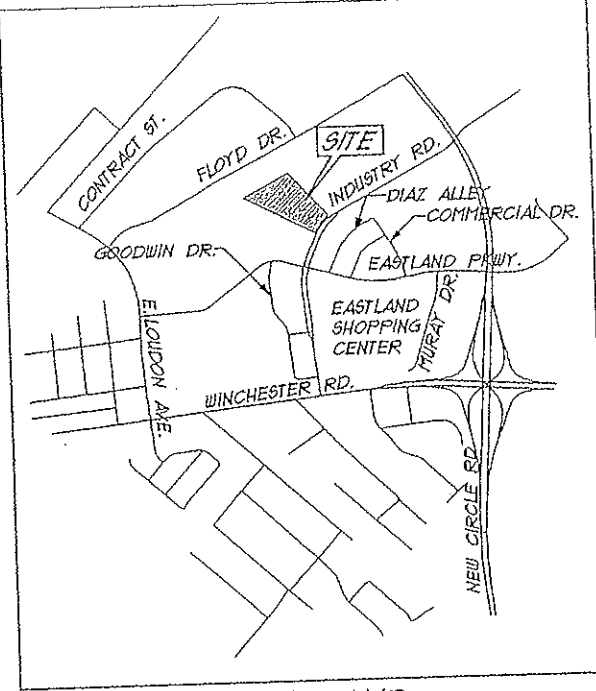
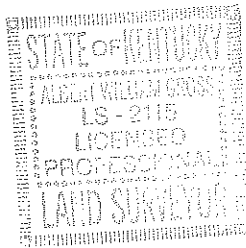
OWNER: SETZER INVESTMENTS NO.5, LLC  
858 CONTRACT STREET  
LEXINGTON, KY 40505

PREPARED BY: EA PARTNERS, PLC

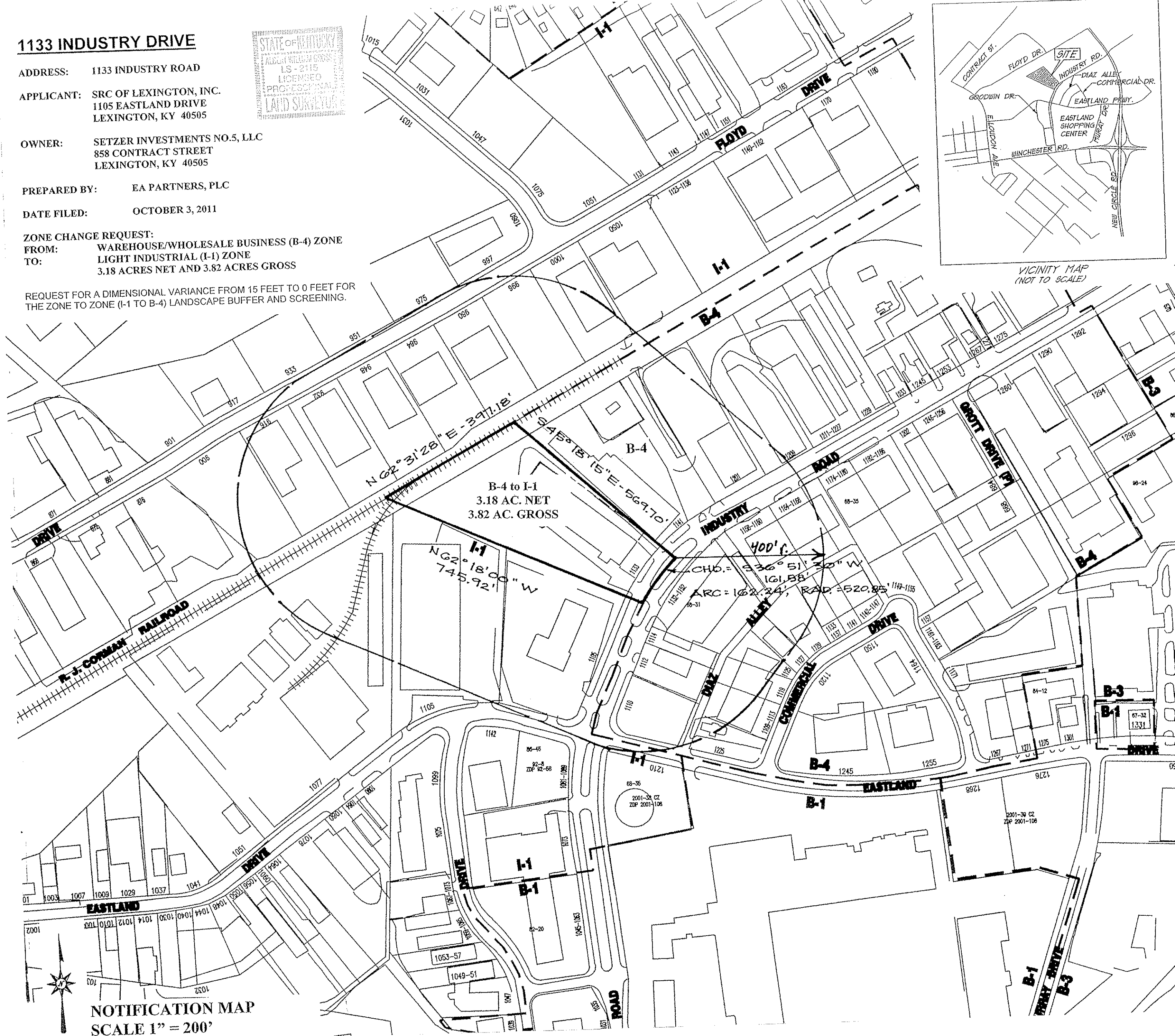
DATE FILED: OCTOBER 3, 2011

ZONE CHANGE REQUEST:  
FROM: WAREHOUSE/WHOLESALE BUSINESS (B-4) ZONE  
TO: LIGHT INDUSTRIAL (I-1) ZONE  
3.18 ACRES NET AND 3.82 ACRES GROSS

REQUEST FOR A DIMENSIONAL VARIANCE FROM 15 FEET TO 0 FEET FOR  
THE ZONE TO ZONE (I-1 TO B-4) LANDSCAPE BUFFER AND SCREENING.



VICINITY MAP  
(NOT TO SCALE)



NOTIFICATION MAP  
SCALE 1" = 200'