

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2013-15: C & R ASPHALT LAND ACQUISITION CO., LLC

DESCRIPTION

Zone Change: From a Light Industrial (I-1) zone
To a Highway Service Business (B-3) zone

Acreeage: 1.4911 net (1.9291 gross) acres

Location: 2601 and 2617 Regency Road

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	I-1	Retail Sales - Furniture and Auto Parts
To North	I-1	Commercial, Wholesale Business
To East	B-4	Retail Sales – Paint, Consignment, Sporting Goods
To South	B-3	Office Building
To West	I-2	Railroad & Vehicle Storage Yard

URBAN SERVICES REPORT

Roads – Regency Road is a local street designed to serve truck traffic for area stores and businesses. Although it carries a significant number of cars each day, the portion providing frontage to the subject site (south of the intersection of Moore Drive) is far less traveled. Regency Road extends to the north as far as Southland Drive. Moore Drive provides direct access from this immediate area to Nicholasville Road (US 27), with New Circle Road (KY 4), located just to the south.

Curb/Gutter/Sidewalks – Regency Road does have curb, gutter and sidewalks on this portion of the roadway.

Storm Sewers – The area was developed prior to the adopted Engineering Manuals, but limited stormwater detention was constructed years ago in this area to handle stormwater runoff produced by developments in this area.

Sanitary Sewers – This property is located within the West Hickman sewershed, and is served by the West Hickman Treatment Plant, several miles to the southeast of this location. Although no changes are requested to the existing buildings on the site at this time, sanitary sewer capacity will need to be reviewed if the developer proposes any changes in the occupancy of these buildings.

Refuse – This portion of the Urban Service Area is served by the Lexington-Fayette Urban County Government for refuse collection, with collection days on Mondays. Commercial users often contract with private refuse collection service providers for additional service.

Police – The nearest police station is the East Sector Roll Call Center located off Centre Parkway, near Gainesway, about three miles to the southeast of the subject property.

Fire/Ambulance – The nearest fire station is located about 1 mile to the southwest of the subject property on Reynolds Road near the entrance to Shillito Park. About a mile to the north, a fire station is located on Southland Drive near Cherrybark Drive.

Utilities – All utilities, including water, natural gas, telephone, electricity, and cable television service are available to serve the subject property.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 4) recommends Warehouse & Wholesale land use for the subject property. The petitioner proposes to re-zone two existing buildings, with no proposed change of use or physical changes to the properties at this time.

CASE REVIEW

The petitioner has requested a zone change from a Light Industrial (I-1) zone to a Highway Service Business (B-3) zone for properties at 2601 and 2617 Regency Road.

The subject property is comprised of two adjacent parcels located on the west side of Regency Road at its intersection with Moore Drive. There are currently two structures on the subject property, one on each parcel with a driveway between the two structures to provide access to the rear of the buildings. Two driveway access points also exist along Regency Road. The current tenants are an auto parts retail store and a furniture store that also offers accessory interior design services, both of which are principal permitted uses in both the B-3 and I-1 zones.

The property is surrounded by numerous businesses in this area, including Lexington Coffee & Tea Co., the Don Jacobs Auto Body Shop, Porter Paints, Re-Kid (a consignment shop and warehouse), and The Cats' Pause (a local sports publication), and Horizon's Scuba Dive Center. This area of Regency Road and Moore Drive is truly a mixture of various retail and wholesale business uses. The zoning within this area is also a mixture, but is primarily B-3, B-4 and I-1.

The petitioner now desires to re-zone the property in order to have a boarder range of allowable uses that are similar in character to the existing land uses in the area.

The 2007 Comprehensive Plan recommends Warehouse & Wholesale land use at this location, as it does for properties to the north and south of this location along Regency Road. The B-3 and I-1 zoning in much of this area is not in strict agreement with this recommendation, although the B-4 zone directly across Moore Drive is in complete agreement with the Plan. Therefore, the requested B-3 zone is not technically in agreement with the Comprehensive Plan, although this zoning designation is common in this immediate area. In the immediate vicinity, two properties were successfully re-zoned to B-3, one adjacent to the subject property, within the past decade.

The petitioner has cited the retail nature of the land uses in the Regency Road and Moore Drive corridors, which are different from the recommended land use in this area as a justification for the proposed zone change; in essence, stating that a B-3 zone at this location is more appropriate than the existing I-1 zone. Business uses in the vicinity have continued to have a retail slant or focus, even if they remain in an I-1 or B-4 zone. For instance, the Lexington Coffee & Tea Company, which is a wholesale business that roasts coffee on-site, but also has about 30% of the their total floor space dedicated to the retail sale of their products. In addition to their appropriateness argument, the applicant contends that the proposed zone change is consistent with the Goals and Objectives of the 2007 and 2012 Comprehensive Plan. Since the 2012 Goals and Objectives have been adopted by the Planning Commission and the Urban County Council, they are the most relevant to this request.

The staff believes that this area of the community is one that supports small business development (Goal C.2.b.), as most of the businesses along these corridors utilize less than 10,000 square feet of space and occupy multi-use buildings. This area houses many specialty stores and businesses that are unique to the community, and the proposed B-3 zoning would permit expansion of such uses beyond what the existing zoning would permit, provided that off-street parking requirements can be met for those uses.

Although the proposed use will further the mixture of uses in this area, some conditional zoning restrictions are still appropriate at this location, and will keep the proposed B-3 zoning consistent with other B-3 zones that have been more recently approved in the area. Additionally, the Comprehensive Plan's recommendation for wholesale and warehouse land use suggests a lower traffic generation than a typical B-3 zone might permit. High traffic generator uses should be restricted at this location, such as medical and dental offices and gas stations, since on-site parking is limited here.

The Staff Recommends: Approval, for the following reasons:

1. The existing Light Industrial (I-1) zone is no longer appropriate since it is unrestricted, and a restricted Highway Service Business (B-3) zone is appropriate for the subject property for the following reasons:
 - a. The character of Regency Road and Moore Drive, near the intersection of Nicholasville Road and New Circle Road, has evolved over the years and has become occupied predominantly by businesses that have a retail focus in addition to a warehouse or wholesale function, or are specialty stores and businesses that are unique to this area of the community.
 - b. No light industrial uses exist along this portion of Regency Road or Moore Drive.
 - c. A restricted B-3 zone at this location would be compatible with the existing B-3 zoning along Regency Road , which is immediately adjacent to the south of the subject property.

2. This area of the community is one that supports small business development, which is part of the recommendations of the 2012 Goals and Objectives of the Comprehensive Plan (Goal C.2.b.), as most of the businesses along this corridor utilize less than 10,000 square feet of space and occupy multi-use buildings. This area houses many specialty stores and businesses that are unique to the community, and the proposed B-3 zoning would permit expansion of such uses beyond what the existing zoning would permit.
3. This recommendation is made subject to approval and certification of the associated development plan ZDP 2013-75: Miller-Bird Commercial Park, Unit 1-B, Block C, 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, the subject property shall be subject to the following use restrictions via conditional zoning:
PROHIBITED USES:
 - a. Restaurants.
 - b. The sale of gasoline, gasoline pumps and automobile service stations.
 - c. All adult bookstores and adult entertainment uses.
 - d. Indoor theaters.
 - e. Rental or repair of equipment and/or trucks.
 - f. Car washes.
 - g. Medical and dental offices.

These restrictions are appropriate and necessary for the subject property to partially implement the 2007 Comprehensive Plan, which recommends a limited mixture of commercial land uses in the area of Moore Drive and Regency Road.