

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENT REQUESTS

3. **ZOTA 2012-17: AUTOMOBILE & REFUELING STATIONS FOR THE DISPENSING OF COMPRESSED NATURAL GAS OR LIQUEFIED PETROLEUM** (12/21/12)* - petition for a Zoning Ordinance text amendment to define "automobile and refueling stations" and allow for the dispensing of compressed natural gas and any liquefied petroleum in business and industrial zones, either as a principal use or as a conditional use.

INITIATED BY: Urban County Council

PROPOSED TEXT: *(Copies of the proposed text are available upon request)*

Staff Alternative Text:

16-8(c)REQUIRED DISTANCES BETWEEN AUTOMOBILE & VEHICLE REFUELING STATIONS DISPENSING COMPRESSED NATURAL GAS AND / OR LIQUID NATURAL GAS AND OTHER USES – In addition to the requirements of this section (above), no stationary dispensing equipment for compressed natural gas or liquid natural gas associated with an automobile & vehicle refueling station may be located within:

- (1) ten (10) feet of any sidewalk, walkway, parking lot and or property line;
- (2) fifteen (15) feet of any electrical source and or any overhead electric utility line;
- (3) fifty (50) feet of a right-of-way line, a building on another lot, and or the nearest rail of any railroad line;
- (4) sixty-five (65) feet of a residential zone;
- (5) not less than fifty (50) feet of a fire hydrant.

The Zoning Committee Recommended: Approval of the Staff Alternative Text, for the reason provided by staff.

The Staff Recommends: Approval, of the Staff Alternative Text, for the following reason:

1. The proposed text amendment to Articles 1, 8 and 16 of the Zoning Ordinance will define and permit (either as a principal or conditional use) compressed natural gas (CNG) or liquefied petroleum (LNG) dispensing and refueling stations, which are currently not permitted in Lexington-Fayette County. CNG and LNG are more efficient and cleaner fuel options for personal or fleet vehicles, and providing for such dispensing stations for a broader range of fuel is environmentally friendly.

Staff Presentation: Ms. Wade presented the staff report, noting that this request was initiated by the Urban County Council in October; so the Planning Commission must act on it prior to the end of December, and send their recommendation back to the Council.

Ms. Wade stated that the Council's Planning and Public Works Committee met and expressed a desire to permit the dispensing of compressed natural gas or liquefied petroleum in the community because it is a more efficient and cleaner-burning fuel for large trucks, busses, fleet vehicles, and personal automobiles. These dispensing locations could be beneficial to over-the-road truck drivers traveling through the state, as well as local companies who could share fueling stations for their vehicle fleets.

Ms. Wade stated that the Zoning Ordinance currently defines "automobile service station," by a broad definition that permits dispensing of fuel in most of the business zones. However, the Ordinance also prohibits above-ground storage of flammable materials, specifying compressed natural gas as one of those materials; so the regulations are working against one another. For that reason, the Planning and Public Works Committee asked the Council to initiate a text amendment to regulate a dispensing location as a principal use in the B-3, B-4, I-1, I-2, and B-5P zones, and as a conditional use in the B-1, B-2, B-2A, and B-6P zones. The zones that would allow these dispensing locations as a principal use are linked to major corridors or arterials, interstates, and industrial areas, and would allow alternative fuel dispensing to be co-located with traditional service stations, or to serve businesses with fleet vehicles in industrial areas. The zones where dispensing locations are proposed to be regulated as conditional uses were selected because they are typically located closer to residential areas; requiring Board of Adjustment approval will allow those situations to be evaluated on a case-by-case basis.

Ms. Wade said that additional restrictions are proposed to Article 16 to provide for setbacks from the dispensing equipment: a 10' setback from sidewalks, walkways, parking lots and property lines; a 15' setback from electrical sources or overhead electrical lines; an additional 50' setback from a right-of-way line, building on another lot, or railroad line; and a 65' setback from a residential zone. A restriction is also proposed to require that a fire hydrant must be located within 50 feet of the dispensing equipment. Based on research published by the American Planning Association, these setbacks are common throughout the country, and they allow for some spacing and buffering between incompatible uses. Ms. Wade displayed a diagram of a natural gas dispenser, noting that it is similar in appearance to a typical gasoline pump, with the exception of the compressor, dryer, and storage tanks, which must all be located above ground. The location of that equipment above ground does create more of a hazard than typical underground gasoline storage tanks.

* - Denotes date by which Commission must either approve or disapprove plan.

Ms. Wade stated that the staff had one proposed modification to the text that was initiated by the Council. They are recommending to change the wording of Article 16-8(c) from "and" to "or" in order to indicate that the list is inclusive, rather than exclusive. Ms. Wade said that the staff and the Zoning Committee both recommended approval of this proposed text amendment with the alternative text, for the reasons as listed in the staff report and on the agenda.

Commission Questions: Mr. Penn said that, with the low cost of natural gas, it is likely to become more useful in agricultural areas as a means to operate grain dryers more efficiently. He asked if dispensing stations would be permitted in the B-1 zones in rural areas, and as conditional uses in the A-R zone. In addition, Mr. Penn questioned whether the equipment, if allowed in rural areas, would be above ground or underground. Ms. Wade responded that, regardless of the location, the equipment would need to be above ground. She added that a dispensing system for the use of a private owner, with no commercial aspect, would not need to be regulated; such a use in the B-1 zone would be conditional. A representative of Columbia Gas Company attended the Zoning Committee meeting and provided additional information about the use of compressed natural gas, noting that those systems are currently available for use in heating private homes.

Ms. Mundy asked if there is a provision in the Zoning Ordinance for electric fueling stations as well. Ms. Wade answered that there are currently no such provisions in the Ordinance. Although the APA recommends locating electric stations in parking garages and other similar areas, the staff is not aware of any demand in Lexington-Fayette County at this time. Mr. Saltee added that, in a parking garage, such a station would likely be considered an accessory use. He said that regulating the stations located "out in the open" would be more questionable. Ms. Wade noted that the community should encourage such stations as an alternative energy source.

Citizen Comment: There were no citizens present to comment on this request.

Action: A motion was made by Ms. Plumlee, seconded by Ms. Mundy, and carried 9-0 (Brewer and Berkley absent) to approve ZOTA 2012-17, with the staff alternative text.