

10/29/1992

Ordinance

190-92

ORDINANCE NO. 190-92

AN ORDINANCE AMENDING ARTICLE 8-21 OF THE ZONING ORDINANCE AS TO PERMIT AN INDOOR ATHLETIC FACILITY, SUCH AS A GYMNASTIC FACILITY, AS A CONDITIONAL USE IN THE HEAVY INDUSTRIAL (I-2) ZONE.

WHEREAS, the Lexington-Fayette Urban County Planning Commission has considered a text amendment proposed to it so as to permit an indoor athletic facility, such a gymnastic facility, as a conditional use in the heavy industrial (I-2) zone; and

WHEREAS, the Planning Commission held a public hearing on this proposed text amendment on September 24, 1992; and

WHEREAS, the Planning Commission recommended approval of this proposed text amendment by a vote of 10-0; 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 by reference herein.

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

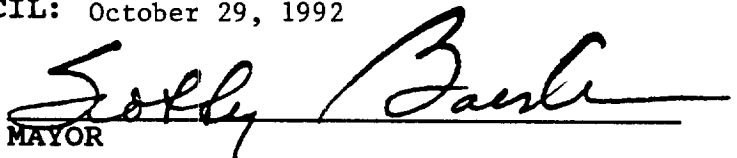
Section 1 - That Article 8-21(d)(33) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby created to read as follows:

8-21(d) Conditional uses (I-2)

33. Indoor athletic facilities which require buildings which as a result of their size and design are not compatible with residential and business zones, but would be compatible in the heavy industrial (I-2) zone, including indoor tennis courts, skating rinks, bowling alleys and gymnastic facilities.

Section 2 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: October 29, 1992

  
MAYOR

ATTEST:

  
CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: November 4, 1992-lt

CW\45.ord

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Urban County Planning Commission  
200 East Main St., Lexington, KY

Office of Director  
Planning Commission Meeting

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

**IN RE:** ZOTA 92-7: INDOOR ATHLETIC FACILITY IN A HEAVY INDUSTRIAL (I-2) ZONE - a Zoning Ordinance text amendment which would permit an indoor athletic facility, such as a gymnastic facility, as a conditional use in a heavy industrial (I-2) zone.

Having considered the above matter on 9/24/92 at a Public Hearing and having voted 10-0 that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL** of this matter for the following reason:

1. The Board of Adjustment can adequately examine and determine the appropriateness of heavy industrial (I-2) locations for indoor athletic facilities, and can condition the use of proposed locations accordingly.

**ATTEST:** This 8th day of October, 1992.

Dale B. Thoma  
Secretary, Dale B. Thoma  
*by wls*

W. RUSH MATHEWS  
CHAIRMAN

K.R.S. 100.211(7) requires that the Council take action by 12/23/92.

Enclosures: Staff Report w/proposed text  
Applicable Excerpts of minutes of above meeting

At the Public Hearing before the Urban County Planning Commission, this Petition was represented by Mr. Shelton Barley, applicant.

**OBJECTIONS**

None

**OBJECTORS**

None

**VOTES WERE AS FOLLOWS:**

AYES: (10) Boone, Cooper, Flynn, Logan, Lucas, Madden,  
Mason, May, Vose, Walton

NAYS: (0)

ABSENT: (1) Mathews

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for APPROVAL of ZOTA 92-7: INDOOR ATHLETIC FACILITY IN A HEAVY INDUSTRIAL (I-2) ZONE carried.

GENERAL INFORMATION

1. APPLICANT INFORMATION (Name, Address, Zip, Phone No.)	3. DESCRIBE YOUR JUSTIFICATION FOR REQUESTED AMENDMENT
APPLICANT: Shelton Barley	The Applicant has operated such a
1019 Claiborne Way, Lex., Ky.	facility at 210 Big Run Rd. in an
40517 606-273-1924	I-2 Zone one street south of the
ATTORNEY:	proposed site for 12 years. Wishing
	to stay in this area and needing
	to expand, the larger building on
	Gold Rush Rd. became available.
2. DESCRIBE YOUR REQUESTED CHANGE (Use attachment if needed)	However, in Oct. 1980 the text of
ARTICLE #	the I-2 Zone was modified not
Reference Article 8-21 Heavy	allowing these facilities any more
Industrial (I-2) Zone, Section	The Applicant wishes to regain
8-21(d) - Conditional Uses:	this once permitted conditional
The Purpose of this text amend.	use thus being allowed to remain
request is to incorporate the	in business in this area.
text to permit an indoor athletic	
facility such as a gymnastic	
facility as a conditional use in	4. APPLICANT AND/OR ATTORNEY SIGN THIS CERTIFICATION
Heavy Industrial I-2 Zone.	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.
	Signature Date
	APPLICANT <u>Shelton Barley</u> <u>8/14/92</u>
	ATTORNEY _____
	(LFUCG EMPLOYEE/OFFICER, if applicable)
	_____

STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT

ZOTA 92-7: AMENDMENT TO ARTICLE 8-21(D).  
INDOOR ATHLETIC FACILITIES IN THE HEAVY INDUSTRIAL (I-2) ZONE

INITIATED BY: Shelton Barley

PROPOSED TEXT: (Text underlined indicates an addition to the Zoning Ordinance.)

8-21(d) Conditional Uses (I-2)

34  
33.

Indoor athletic facilities which require buildings which as a result of their size and design are not compatible with residential and business zones, but would be compatible in the heavy industrial (I-2) zone, including indoor tennis courts, skating rinks, bowling alleys and gymnastic facilities.

STAFF REVIEW

Mr. Shelton Barley has filed a zoning ordinance text amendment to Article 8-21(d) in order to permit gymnastic facilities and related recreational buildings as a conditional use in the I-2 zone. These are currently prohibited uses in the I-2 zone, but conditional uses in the B-4 and I-1 zones.

The applicant has operated such a facility for some time in an I-2 zone in the Big Run Industrial Park off of Stone Road. In 1980, the staff went on record as stating that the intent of the I-2 zone was not meant to exclude indoor recreational facilities. In 1983, these facilities were removed from the list of possible conditional uses with the update to the Zoning Ordinance, wherein before they had been allowed.

The applicant's gymnastic business which relocated within the Industrial Park this year has recently received a zoning violation notice from the Division of Building Inspection, and has filed this text amendment as a result. The applicant was encouraged to file this request by the Board of Adjustment in July, after they agreed with the decision of the Division of Building Inspection that his use was not currently permitted in the I-2 zone.

Approval of this zoning ordinance text amendment would expand the possible locations for indoor athletic facilities. Approval of this change to the zoning text should be inconsequential. As the applicant has shown over the years, there are appropriate locations for this type of business activity in the I-2 zone.

The Staff Recommended: Approval, for the following reason:

1. The Board of Adjustment can adequately examine and determine the appropriateness of heavy industrial (I-2) locations for indoor athletic facilities, and can condition the use of proposed locations accordingly.

WLS/FT/ejh  
9/1/92  
September cases

C. ZONING ORDINANCE TEXT AMENDMENT

1. ZOTA 92-7: INDOOR ATHLETIC FACILITY IN A HEAVY INDUSTRIAL (I-2) ZONE - a Zoning Ordinance text amendment which would permit an indoor athletic facility, such as a gymnastic facility, as a conditional use in a heavy industrial (I-2) zone.

PROPOSED TEXT: (Text underlined indicates an addition to the Zoning Ordinance.)

8-21(d) Conditional Uses (I-2)

~~34~~

- ~~33.~~ Indoor athletic facilities which require buildings which as a result of their size and design are not compatible with residential and business zones, but would be compatible in the heavy industrial (I-2) zone, including indoor tennis courts, skating rinks, bowling alleys and gymnastic facilities.

The Zoning Committee and Staff Recommended: Approval, for the following reason:

1. The Board of Adjustment can adequately examine and determine the appropriateness of heavy industrial (I-2) locations for indoor athletic facilities, and can condition the use of proposed locations accordingly.

Representation - Mr. Shelton Barley, applicant.

Staff/Committee Reports - The report on this zoning ordinance text amendment was presented by Mr. Sallee. (A copy of the staff report is attached as an appendix to these minutes.) He noted that the request was filed by Mr. Shelton Barley who has operated an indoor athletic facility devoted to gymnastics for some time. The facility is located in the Big Run Industrial Park in an I-2 zone off of Stone Road.

Mr. Sallee noted that the uses allowed in the I-2 zone had changed over the years, and at one time an indoor athletic facility was allowed in this zone. He stated that in 1983, the Zoning Ordinance was updated and this use was removed from the I-2 zone. Mr. Barley requested a clarification from the Board of Adjustment this past summer to determine whether an indoor athletic facility would be allowable in the I-2 zone. The BOA upheld the Building Inspection interpretation that this use would not be allowed, but encouraged Mr. Barley to file a text amendment.

Mr. Sallee stated that approving the text amendment would expand the possible locations for an indoor athletic facility, but the staff did not believe that this would have a detrimental impact to the community or to the I-2 zone. He stated that the Big Run Industrial Park, where this business has been located since 1980, is one example of an appropriate location where such facilities can operate.

Petitioner's Presentation - Mr. Barley agreed with the reasons listed by the staff.

Objections - There were no objections.

Action on Zoning - A motion was made by Dr. Cooper, seconded by Mr. Mason, and carried 10-0 (Mathews absent), to approve ZOTA 92-7: Indoor Athletic Facility in a Heavy Industrial (I-2) Zone for the reasons listed by the staff.

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

\*\* - Denotes at least a portion of the property contains an environmentally sensitive area.