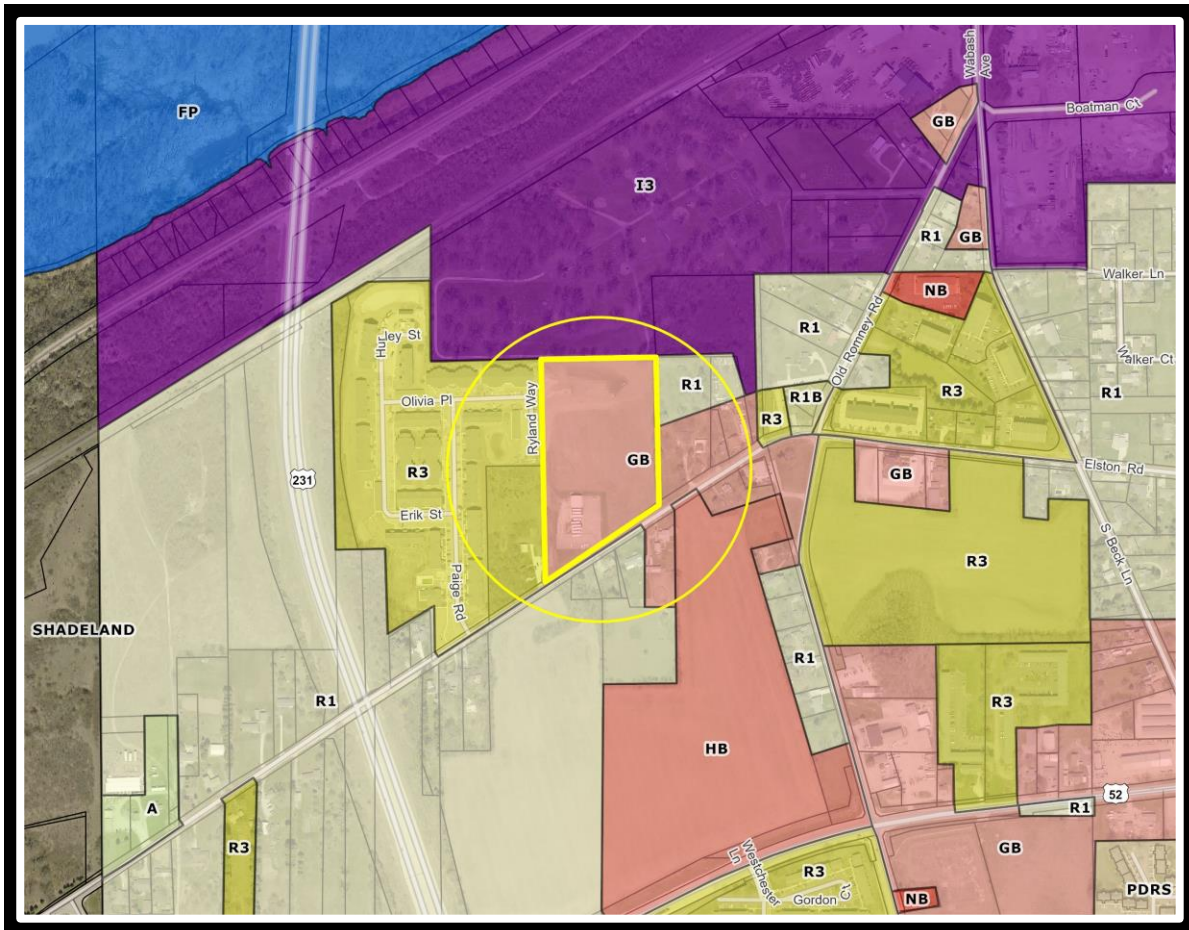

**Z-2845
JETBOY, LLC
(GB to I3)**

**REVISED STAFF REPORT
February 10, 2022**



**Z-2845
JETBOY, LLC
(GB to I3)
WITH COMMITMENT**

**Revised Staff Report
February 10, 2022**

A commitment was filed on January 31, 2022 after the original filing on December 13, 2021. This staff report was revised per the addition of said commitment. The italicized text indicates staff's revisions.

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner and owner, Jetboy, LLC (represented by Kevin Riley of Reiling, Teder & Schrier, LLC), is requesting the rezoning of a 7.8-acre tract with commitment. The site is located on the north side of Elston Road, between the US 231 bridge and Old Romney Road, specifically, 600 Elston Road, in Lafayette, Fairfield 31 (SW) 23-4.

An airport shuttle service called Express Air Coach, Inc. (EAC) operates and stores its vehicles in the tract's front quarter. The non-binding site plan indicates the proposed use of the remaining area is the outdoor storage of boats and recreational vehicles.

ZONING HISTORY AND AREA ZONING PATTERNS:

The site is zoned GB (General Business), as is a portion of the lot adjoining to the east. The remaining adjoining property to the east is zoned R1. To the west is an R3-zoned area. A large area of R1 exists to the south across Elston Road and a mix of HB, GB, and R3 zones at the intersection of Elston and Old Romney Roads can be found. Adjacent to the north is I3 (Industrial) zoning.

Petitioner attempted to rezone this same property in 2020 (Z-2807 Jetboy, LLC). That I3 rezoning received a recommendation of approval from the APC in November 2020 only after a commitment was filed limiting the future uses on site; however, the request was denied by Lafayette City Council in January 2021. Petitioner has returned with the same request, this time with a less restrictive commitment, close to 14 months later.

AREA LAND USE PATTERNS:

1.5 acres of the 7.8-acre site currently supports Express Air Coach, Inc., whereas the remaining 6.3 acres is undeveloped. To the west are buildings in the Overlook Pointe Apartments subdivision. To the north is the I3-zoned St. Mary's Cemetery and single-family homes exist on both sides of this stretch of Elston Road.

TRAFFIC AND TRANSPORTATION:

The *Thoroughfare Plan* classifies Elston Road as an urban secondary arterial. The existing entrance will remain as-is and continue to service EAC. A second, 30' wide entrance drive is proposed in the non-binding site plan to serve the new outdoor storage area and will need to be reviewed and approved by the City Engineer.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

City sewer and water serve the site. An existing septic field is shown on the site plan that is to be abandoned. If the rezoning request is approved, a 30-foot wide type C bufferyard along the western property line (where it abuts an R3 zone) and a portion of the eastern property line (where it abuts an R1 zone) are required. A 20-foot wide type A bufferyard is needed along the eastern property line where it abuts GB zoning.

STAFF COMMENTS:

This rezone request has been submitted with an intent to house a new business along with the existing use. The current use on 1.5 acres, leased by EAC is classified as local and suburban transit and interurban highway passenger transportation (SIC 41). The remaining area's proposed use is classified as motor freight transportation and warehousing (SIC 42). Both uses are permitted in GB zones only on lots up to 2 acres in area. Because the new use would be on a tract of land larger than 2 acres and have outdoor storage, the rezone to I3 is required.

The UZO and USO require that each principle use building be located on a separate lot requiring a subdivision process. However, the petitioner has confirmed that no additional building is being proposed at the site. No land division would be required if offices for both land uses operate from the existing building.

Petitioner filed the same request previously which was heard at the November 18th, 2020 APC hearing. However, there was previously a commitment filed with the petition that stated "the use of the real estate by petitioner shall be for SIC 41- Local passenger transportation and SIC 42 motor freight transportation and warehousing. Petitioner shall not use the real estate for mining, excavating or any other purpose except outside storage and transportation."

This new filing has *a less strict commitment compared to what was filed previously with Z-2807 in 2020* and the proposed site plan is non-binding, hence not enforceable. While the location is suitable for the proposed use, staff is concerned about other potential heavy industrial uses allowed in an I3 zone by right that *are still permitted with the commitment. Staff has attached a list of uses that would still be permitted with the commitment for further clarity (Exhibit A).*

STAFF RECOMMENDATION:

Denial

Exhibit A: Staff's List of Permitted Uses based on the current UZO.

SIC	USES	With Special Exception
01	<i>Agricultural production -crops</i>	
	<i>"Commerical Greenhouses"</i>	
02	<i>Agricultural production - livestock</i>	
07	<i>Agricultural services</i>	
0721	<i>Aerial dusting and spraying</i>	w/ SE
0752	<i>Boarding, and/or training horses</i>	
	<i>Showing of pets & other animal specialties</i>	
	<i>Training of pets & other animal specialties</i>	
078	<i>Landscape and horticultural services</i>	
08	<i>Forestry</i>	
15	<i>Building construction - general contractors and operative builders</i>	
17	<i>Construction-special trade contractors</i>	
37	<i>Transportation equipment</i>	
40	<i>Railroad transportation</i>	
4013	<i>Stations operated by or for railway companies</i>	
41	<i>Local and suburban transit and interurban highway passenger transportation</i>	
4121	<i>Taxicabs</i>	
	<i>Stations operated by or for local and intercity bus companies</i>	
42	<i>Motor freight transportation & warehousing</i>	
4215	<i>Courier services, except by air</i>	
4221	<i>Farm product warehousing and storage</i>	
4225	<i>"Self-storage warehouse business"</i>	
43	<i>US Postal Service</i>	
44	<i>Water transportation</i>	
45	<i>Transportation by air</i>	w/ SE
46	<i>Pipelines, except natural gas</i>	
47	<i>Transportation services</i>	
48	<i>Communications</i>	
	<i>"Primary communications towers"</i>	
4813	<i>Local telephone communications</i>	
49	<i>Electrical, gas and sanitary service</i>	
4911	<i>Electrical power transmission</i>	
	<i>"Meteorological Tower"</i>	w/ SE
	<i>"Large-scale Solar Energy System"</i>	
	<i>"Community-scale Solar Energy Systems"</i>	
4922	<i>Natural gas transmission</i>	

4941	Water supply systems	
4952	Sewerage systems	
4953	Refuse systems	w/SE
521	Lumber and other building materials dealers	
554	"Card lock systems for commercial fleets"	
598	Fuel dealers	
5984	Liquefied petroleum gas (bottled gas) dealers	
721	Laundry, cleaning and garment services	
731	Advertising	
7312	Outdoor advertising services	
	"Outdoor advertising signs"	
733	Mailing, reproduction, commercial art and photography and stenographic services	
734	Services to dwellings and other buildings	
7342	Disinfecting and pest control services	
735	Miscellaneous equipment rental and leasing	
736	Personnel supply services	
754	"Truck tire mobile sales and service"	
76	Miscellaneous repair shops	
7629	Medical equipment repair, electrical	
7699	Medical equipment repair, except electrical	
7699	Farm machinery and - equipment service and repair	
7997	Tennis Clubs	w/SE
7999	Amusement and recreation services, not elsewhere classified (indoor)	w/ SE
	Amusement and recreation services, not elsewhere classified (outdoor)	w/ SE
8322	Adult day care centers	
833	Job training and vocational rehabilitation services	
8331	"Sheltered workshop and rehabilitation centers"	
842	"Public parks"	
9221	Police protection	
9222	Correctional institutions	w/ SE
9224	Fire protection	
971	National security	w/ SE