

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

IN RE: **PLN-MAR-21-00021: URBAN COUNTY COUNCIL** - a petition for a zone map amendment from an Agricultural Rural (A-R) zone for 136.26 net (172.26 gross) acres, an Agricultural Urban (A-U) zone for 56.33 net (63.17 gross) acres, and a University Research Campus (P-2) zone for 7.41 net and gross acres to a restricted Light Industrial (I-1) zone for the properties located at 2850 Georgetown Road and 1490 Bull Lea Road (a portion of). (Council District 2)

Having considered the above matter on **December 16, 2021**, at a Public Hearing, and having voted **11-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **CONDITIONAL APPROVAL** of this matter for the following reasons:

1. A restricted Light Industrial (I-1) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning allows for the procurement and development of publicly-controlled economic development land to meet Fayette County's need for jobs (Theme C, Goal #3).
 - b. The proposed rezoning will promote this area and allow for development that supports and showcases local assets to create a variety of jobs (Theme C, Goal #1).
 - c. The proposed rezoning will attract new business and allow local businesses to expand, encourage entrepreneurial development, and enhance the ability for businesses to recruit and retain a talented and created workforce (Theme C, Goal #2).
 - d. The proposed development will apply environmentally sustainable practices to protect, conserve, and restore landscapes and natural resources (Theme B, Goal #3.b), through the incorporation of green infrastructure (Theme B, Goal #3.c), buffering, and the limitation of uses that would be detrimental to the environment (Theme B, Goal #3.b).
 - e. The proposed rezoning will maximize development on underutilized land with the Urban Service Area (Theme E, Goal #1.d) in an effort to preserve the urban and rural balance (Theme E, Goal #1).
 - f. The proposed development will provide a well-designed community (Theme A, Goal #3) that establishes positive and safe social interactions, which connect neighborhoods with amenities through pedestrian and bike infrastructure (Theme A, Goal #3.b; Theme D, Goal #1.b).
 - g. The proposed development will minimize the disruption of natural features when building (Theme A, Goal #3.c) by preserving and buffering the naturalized area, which will also promote, maintain, and expand the urban forest in Lexington (Theme A, Goal #3.d)
2. The justification and corollary master plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location, as the development will provide cohesive industrial development that includes amenities, provides connectivity for bike and pedestrian mobility, and promotes the preservation and maintenance of the environmental aspects of the site.
 - b. The proposed rezoning meets the criteria for Transportation and Pedestrian, as development will provide pedestrian access throughout the site and connecting into the established trail system. The proposed internal roadway will also allow for proper circulation for the larger, industrial traffic.


- c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will protect and increase tree canopy coverage, and protect the natural features on the site, including the Royal Springs Aquifer.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are recommended via conditional zoning:
- a. Prohibited Uses:
- i. Wholesale establishment, wholesale establishment with warehouses, storage, and warehousing.
 - ii. Laundry (excluding self-service laundry), clothes cleaning or dyeing shop.
 - iii. Ice plant.
 - iv. Tire retreading and recapping.
 - v. Parking lots and structures.
 - vi. Machine shop.
 - vii. Kennels, animal hospitals or clinics.
 - viii. Garden centers.
 - ix. Truck terminals and freight yards.
 - x. Automobile service stations, subject to the conditions of Article 16.
 - xi. Major or minor automobile and truck repair.
 - xii. Establishments for the display and sale of precut, prefabricated, or shell homes.
 - xiii. Carnivals.
 - xiv. Retail sale of building materials and lumber.
 - xv. Pawnshops.
 - xvi. Shredding, sorting and baling of paper scrap and storage of waste paper.
 - xvii. Automobile and vehicle refueling stations.
 - xviii. Indoor recreational activities, including, but not limited to, indoor tennis courts; skating rinks; athletic club facilities and bowling alleys.
 - xix. Mining of non-metallic minerals.
 - xx. Circuses.
 - xxi. Ecotourism activities to include campgrounds; commercial hiking, bicycling, equine and zip line trails; tree canopy trails; canoeing and kayaking launch sites; recreational outfitters; fishing and hunting clubs; botanical gardens; nature preserves; and seasonal activities, including associated gift shops as an accessory use.
 - xxii. Market gardens.
 - xxiii. Billboards.
 - xxiv. Recycling, sorting, baling and processing of glass and nonferrous metals, including copper; brass; aluminum; lead and nickel, but not including automobile wrecking yard; building materials salvage; junk yards or other uses first permitted in the I-2 zone. Recycling, and processing of paper shall be permitted only when wholly conducted in a completely enclosed building.
 - xxv. Commercial wood lots.
 - xxvi. Retail sale of liquid propane.
 - xxvii. Automobile, truck, ATV, motorcycle, bicycle motocross, or other vehicle or bicycle race tracks.
 - xxviii. Public utilities and public service uses and structures.
 - xxix. Penal or correctional institutions
 - xxx. Cable television system facilities, including transmitting towers; antennas; earth stations; microwave dishes; relays; business offices; television studios; and storage facilities.
 - xxxi. Vehicle storage yards.
 - xxxii. Commercial composting.
 - xxxiii. Helistops and heliports.
 - xxxiv. Community Centers.
 - xxxv. Day Shelters.

b. All development sites within the Legacy Business Center shall be governed by a final development plan.

These restrictions are appropriate and necessary for the following reasons:

1. To protect the appearance of the Georgetown corridor as a gateway into Lexington, while promoting employment that is appropriate along Lexington’s freight corridor.
2. The Planning Commission has adopted a Wellhead Protection Plan for the Royal Spring Aquifer, which sets forth a plan to ensure a continual source of potable groundwater from Royal Spring for Georgetown and Scott County, and to preserve the integrity of surface waters. This plan has been adopted by both the Planning Commissions of Fayette and Scott Counties, and has most recently been approved by the Kentucky Division of Water on 8/28/03.
3. The proposed restrictions within the Wellhead Protection Area will better protect the surface and groundwater in the area by prohibiting some uses and requiring “best management practices” for other uses that could potentially be harmful to the wellhead, thus ensuring greater compliance with the Royal Spring Wellhead Protection Plan.

ATTEST: This 13th day of January, 2021.



 Secretary, Jim Duncan

LARRY FORESTER
 CHAIR

K.R.S. 100.211(7) requires that the Council take action on this request by March 16, 2022.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Harold Baillie, Planner Senior, Division of Planning, Planning Services Section.**

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (11) Barksdale, Bell, Davis, de Movellan, Forester, Meyer, Michler, Nicol, Penn, Pohl, and Worth

NAYS: (0)

ABSENT: (0)

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-21-00021** carried.

Enclosures: Application
 Initiation Minutes
 Plat
 Staff Report
 Applicable excerpts of minutes of above meeting

MAP AMENDMENT REQUEST (MAR) APPLICATION

1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)

Applicant: URBAN COUNTY COUNCIL, 200 E MAIN STREET, LEXINGTON, KY 40507
Owner(s): COMMONWEALTH OF KENTUCKY FINANCE CABINET, CAPITOL ANNEX UNIT 383, FRANKFORT, KY 40601 COMMONWEALTH OF KENTUCKY FOBU, CAPITOL ANNEX RM 383, FRANKFORT, KY 40601
Attorney: TRACY JONES, 200 E MAIN STREET SUITE 900, LEXINGTON, KY 40507 PH: 859-4252255

2. ADDRESS OF APPLICANT'S PROPERTY

1490 BULL LEA ROAD, LEXINGTON, KY 40511 2850 GEORGETOWN ROAD, LEXINGTON, KY 40511
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3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY

Zoning	Existing		Requested		Acreage	
		Use	Zoning	Use	Net	Gross
A-R		AGRICULTURAL	I-1	INDUSTRIAL	136.2606	172.2549
A-U		AGRICULTURAL	I-1	INDUSTRIAL	56.3269	63.1667
P-2		VACANT	I-1	INDUSTRIAL	7.4124	7.4124

4. COMPREHENSIVE PLAN

a. Utilizing Placebuilder, what Place-Type is proposed for the subject site?	INDUSTRIAL AND PRODUCTION CENTER
b. Utilizing Placebuilder, what Development Type is proposed for the subject site? If residential, provide the proposed density	INDUSTRIAL AND PRODUCTION NON RESIDENTIAL

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 type="checkbox"/> NO

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

Roads:	LFUCG
Storm Sewers:	LFUCG
Sanity Sewers:	LFUCG
Refuse Collection:	LFUCG
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



RESOLUTION NO. 581-2021

A RESOLUTION INITIATING FOR PLANNING COMMISSION REVIEW AND RECOMMENDATION THE RE-ZONING OF APPROXIMATELY TWO HUNDRED (200) ACRES OF PROPERTY LOCATED AT 2850 GEORGETOWN ROAD AND 1490 BULL LEA ROAD FROM AN AGRICULTURAL URBAN (A-U; 56.33 ACRES NET/63.17 ACRES GROSS) ZONE, AN AGRICULTURAL RURAL (A-R; 136.26 ACRES NET/172.26 ACRES GROSS) ZONE AND A UNIVERSITY RESEARCH CAMPUS (P-2; 7.41 ACRES NET/GROSS) ZONE TO A LIGHT INDUSTRIAL (I-1) ZONE.

BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That the re-zoning of approximately two hundred (200) acres of property located at 2850 Georgetown Road and 1490 Bull Lea Road from an Agricultural Urban (A-U; 56.33 acres net/63.17 acres gross) zone, an Agricultural Rural (A-R; 136.26 acres net/172.26 acres gross) zone and an University Research Campus (P-2; 7.41 acres net/gross) zone to a Light Industrial (I-1) zone is hereby initiated for Planning Commission review and recommendation.

Section 2 – That the area is more fully described and depicted in the attached Exhibit A.

Section 3 – That this Resolution shall become effective upon the date of its passage.

PASSED URBAN COUNTY COUNCIL: October 28, 2021



MAYOR

ATTEST:



CLERK OF URBAN COUNTY COUNCIL

1053-21:TWJ:X:\Cases\PLANNING\21-LE0001\LEG\00741044.DOCX

The Lexington-Fayette Urban County Council has initiated a zone change for the 200 acre Coldstream property located at 2850 Georgetown Road and 1490 Bull Lea Road. This site is currently owned by the University of Kentucky and used for agricultural research, and is scheduled to transfer to the LFUCG by July 2022 per Resolution No. 462-2018, which authorized the execution of a Memorandum of Understanding between the LFUCG and the University of Kentucky. The site is located within the Urban Services Boundary and adjacent to the Coldstream Research Campus, north of the Coventry neighborhood, and east of the Kearney Hills neighborhood.

Goals and Objectives

The proposed zone change will support development that is consistent with the goals of the 2018 Comprehensive Plan. In particular, it is supported by themes and goals targeting creating jobs and prosperity, the urban rural balance, and protecting the environment:

Theme C: Creating Jobs and Prosperity – Goals 1, 2, and 3

Theme E: Urban Rural Balance – Goal 1

Theme B: Protecting the Environment – Goal 3

Engagement

The Lexington-Fayette Urban County Industrial Board (“IAB”) engaged with the community surrounding the property from the early stages of the conceptual development of the project, and there is support for this project from adjacent neighborhoods. Community feedback directly influenced master plan recommendations for the use of open space, buffering between neighborhoods and businesses, the location of streets, and how the adjacent community interacts with the property.

Site Description

This 200 acre site is contiguous to and east of US-25/Georgetown Road and extends to I-75/I-64, which forms the site’s northern border. On the east it is bordered by the University of Kentucky Research Center. To the south it is bordered by the Coventry neighborhood and the LBX manufacturing customer experience center. To the west, on the other side of US-25 is the Kearney Hills neighborhood and the Kentucky Service Parts and Equipment property. To the southwest is Bluegrass Business Park. The site is currently used for agricultural research by the University of Kentucky. Recently it had a large corn crop and poultry research area. There are several tributaries to Cane Run creek and access/farm roads throughout the property. Per an existing agreement, the University of Kentucky will transfer the property to the LFUCG by July 2022 to be used for economic development purposes.

Place Type, Development Type, Requested Zone

Of the seven place types, this property is most suitable for the Industry and Production Center type, where “Lexington’s most intense types of economic development and job creation occur”.

It is located on US 25 with easy Interstate access and in the same corridor as Coldstream Research Park and Bluegrass Business Park. The property is ideal for economic development. Of its 200 acres, 135 are proposed to be developed for light industrial use.

The site is within the inside the Urban Services Boundary and is currently underutilized for agricultural research. The size of the property will allow development to be buffered from the adjacent Coventry neighborhood while maintaining 45 acres of open space for environmental protection and water management. Its present zoning is A-R, A-U, and P-2.

The zone change request is to zone the site I-1 (Light Industrial Zone). It meets all of the Industry and Production place type’s priorities: economic development and job creation, intense industrial uses, substantial buffers from residential uses, environmental protection, and locational priority on major shipping transportation corridors. The proposed use and exhibit also illustrate the proposals alignment with the comp plan’s applicable development criteria as shown below.

Site Design, Building Form & Location	
B-PR9-1	The site makes use of the topography to incorporate sinkholes, waterways, and tree canopy into the open space areas and stream buffers. Development parcels would be accommodated in the clear areas outside the open space.
B-SU11-1	
C-DI1-1	The proposed I-1 zone would allow for a variety of manufacturers light industrial businesses. I-1 is flexible in that it includes B-4 zone uses and is appropriate for high employment density.
C-PS8-1	Converting this area to I-1 will allow for appropriate industry and high paying trade jobs. It fulfills the need for this type of land use in Lexington, as there are limited clear parcels of this size for expanding or new businesses.
D-PL7-1	The nearby neighborhoods, Kearney Hills and Coventry, were consulted for their input and given an in-depth walkthrough of the concepts. Additionally, the real estate and economic development community were consulted.
D-SP3-1	As this site is currently agricultural research, a vast majority of the infrastructure is new and accommodates these criteria. The parcels for development will be created with the infrastructure concepts already in place allowing for new electric, gas, water, sewer, and stormwater to be addressed prior to other construction. Of the 200-acre site, infrastructure would account for 20 acres.

Transportation and Pedestrian Connectivity	
D-CO1-1	Right of ways are designed to accommodate vehicles associated with light industrial users and the I-1 zone uses. The concept proposes a major collector road with two 12’ lanes and a 15’ center lane, a minor collector road, with the same lane configurations but smaller landscape buffers, and a major collector road with multi-use trail.

D-CO2-1/ D-CO2-2	A proposed separated, multiuse trail that connects to Legacy Trail accommodates pedestrians and cyclists, 6' sidewalks are proposed along the roads, and there is room for Lextran to add a stop once the built-out use demands it.
D-CO4-1	The proposed roadways would be built as a loop, with the exception of the road terminus on the east end of the property. That section is intentionally buffered from the adjoining neighborhood to prevent vehicles associated with industrial use cutting through the neighborhood. However, there is a pedestrian connection from the neighborhood through to the proposed multiuse trails and Legacy Trail.

Greenspace and Environmental Health	
A-DS4-3	As seen on the exhibit, waterways, trees, and sinkholes are incorporated into open space, while development sites are buffered away from those areas. The open space is conceptually planned site wide, rather than by individual parcels. This allows for proper emphasis to be put on the existing natural areas, buffers between neighbors, and existing waterways. Approximately 45 acres, 22.5%, of the site would be dedicated to open space.
A-EQ7-3	Community open spaces are accessed through a multiuse trail that may be entered through a public on site trailhead, through the adjacent neighborhood, and connect to Legacy Trail.
B-PR2-1	Open space is proposed to be integrated around the streams and waterways feeding Cane Run. Existing trees are maintained where possible and the vegetative buffers also offer locations for stormwater management, making use of the tributaries.
B-PR7-2	Trees would primarily be grouped within the large open space corridor and around tributaries and stormwater management areas. The open space layouts would allow large healthy trees, and also maintain native flora and fauna associated with the Cane Run tributaries. Currently, very little of the site is covered by trees due to its use as a farm research.

Based on the need for light industrial sites dedicated to economic development within the Urban Services Boundary, the suitability of this site, and the potential to fulfil the goals of the 2018 Comprehensive Plan by properly developing this site, we ask that you positively consider this zone change request.

**Proposed Turkeyneck Farm on the
Commonwealth of Kentucky Property**

Deed Book 2121, Page 575

(Portions of Tracts 1, 3 and 4)

Deed Book 913, Page 31

2850 Georgetown Road and 1490 Bull Lea Road

Lexington, Fayette County, Kentucky

Being a parcel of land located in Lexington, Fayette County, Kentucky and being located at the southeasterly corner of the intersection of Georgetown Road - US Highway 25 and I 64 - I 75, and being more particularly described as follows:

BEGINNING at a 24"-long, 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350) in the northeasterly right-of-way line of Georgetown Road - US Highway 25, said point being the northwest corner of Coventry (Belmont Farm) Subdivision, Unit 1-A (Plat Cabinet "M", Slide 132), said point being witnessed by a 5/8" diameter rebar with plastic surveyor's cap (PLS 2115) found at North 72°00'14" East a distance of 1.91 feet from the corner, and said point having Kentucky State Plane Coordinates of N(Y) = 220,548.12 feet, E (X) = 1,564,162.11 feet (NAD 83, KY North Zone, US survey feet); thence with the northeasterly right-of-way line of said Georgetown Road - US Highway 25, for seven (7) calls:

North 17°55'50" West a distance of 18.74 feet to a 24"-long, 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350), said point being witnessed by a concrete right-of-way monument found at South 11°15'29" West a distance of 1.25 feet from the corner; thence

North 18°52'22" West a distance of 563.68 feet to a 24"-long, 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350); thence

North 29°17'54" West a distance of 902.55 feet to a 24"-long, 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350); thence

North 29°56'53" West a distance of 150.33 feet to a 24"-long, 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350); thence

North 21°41'12" West a distance of 451.36 feet to a 24"-long, 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350); thence

North 40°30'49" West a distance of 132.32 feet to a 24"-long, 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350), said point being witnessed by a concrete right-of-way monument found at South 05°08'39" West a distance of 0.68 feet from the corner; thence

North 09°05'38" West a distance of 389.82 feet to a 24"-long, 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350), said point being the intersection of the northeasterly right-of-way line of said Georgetown Road - US Highway 25 and the southwesterly right-of-way line of I 64 - I 75; thence with the southwesterly right-of-way line of I 64 - I 75, for twenty-two (22) calls:

North 47°00'39" East a distance of 260.99 feet to a 24"-long, 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350); thence

North 77°35'07" East a distance of 17.06 feet to a 24"-long, 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350); thence

South 87°04'24" East a distance of 203.96 feet to a 24"-long, 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350); thence

North 77°48'10" East a distance of 150.33 feet to a 24"-long, 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350); thence

North 74°07'39" East a distance of 150.57 feet to a 24"-long, 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350); thence

South 87°41'53" East a distance of 197.09 feet to a 24"-long, 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350); thence

North 87°44'06" East a distance of 285.58 feet to a 24"-long, 5/8" diameter rebar with aluminum

surveyor's cap (set, PLS 3350); thence

South 79°41'31" East a distance of 428.42 feet to a 24"-long, 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350); thence

South 70°09'19" East a distance of 408.25 feet to a 24"-long, 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350); thence

South 63°42'18" East a distance of 344.46 feet to a 24"-long, 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350); thence

South 68°23'24" East a distance of 99.37 feet to a 24"-long, 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350); thence

South 61°59'22" East a distance of 148.36 feet to a 24"-long, 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350); thence

South 59°50'44" East a distance of 444.99 feet to a 24"-long, 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350); thence

South 48°51'36" East a distance of 95.38 feet to a 24"-long, 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350); thence

South 58°42'37" East a distance of 252.01 feet to a 24"-long, 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350); thence

South 60°59'16" East a distance of 350.57 feet to a 24"-long, 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350); thence

South 57°43'03" East a distance of 450.00 feet to a 24"-long, 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350); thence

South 46°24'27" East a distance of 152.97 feet to a 24"-long, 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350); thence

South 57°43'03" East a distance of 650.00 feet to a 24"-long, 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350); thence

South 58°40'20" East a distance of 600.08 feet to a 24"-long, 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350); thence

South 57°43'03" East a distance of 350.00 feet to a 24"-long, 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350); thence

South 62°36'59" East a distance of 139.92 feet to a 24"-long, 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350), said point being the northwest corner of Lexington-Fayette Urban County Government (Deed Book 1744, Page 630); thence leaving said I 64 - I 75, and with the westerly line of said Lexington-Fayette Urban County Government, for three (3) calls:

South 12°42'14" West a distance of 151.91 feet to a 1/2" diameter rebar with plastic surveyor's cap (found, PLS 3185); thence

South 15°23'29" East a distance of 947.64 feet to a 1/2" diameter rebar with plastic surveyor's cap (found, PLS 3185); thence

South 31°25'49" East a distance of 353.50 feet to a 5/8" diameter rebar (found); thence leaving said Lexington-Fayette Urban County Government (Deed Book 1744, Page 630) and with a new line across the land of Commonwealth of Kentucky (Deed Book 2121, Page 575, portions of Tract 1 and Tract 3),

North 73°49'39" West a distance of 728.83 feet to a 24"-long, 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350) on the southeasterly line of LBX Company, LLC (Deed Book 3565, Page 671; Plat Cabinet "R", Slide 780); thence with the southeasterly said LBX Company, LLC,

North 19°27'12" East a distance of 271.17 feet to a 5/8" diameter rebar with plastic surveyor's cap (found, PLS 2115); thence with the northeasterly line of the same LBX Company, LLC, and then the

northeasterly line of Haymaker Development Co, LLC (Deed Book 2561, Page 1; Plat Cabinet "S", Slide 73),

North 65°52'24" West a distance of 1075.91 feet to a 24"-long, 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350); thence with the northeasterly line of said Haymaker Development Co, LLC, and then the northeasterly line of Coventry (Belmont Farm) Subdivision, Unit 4-D (Plat Cabinet "R", Slide 693),

North 66°01'33" West a distance of 605.98 feet to a 24"-long, 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350); thence with the northeasterly line of said Coventry (Belmont Farm) Subdivision, Unit 4-D, and then the northeasterly line of Coventry (Belmont Farm) Subdivision, Unit 4-D, Section 2 (Plat Cabinet "R", Slide 692), Unit 4-D, Section 1 (Plat Cabinet "R", Slide 699), Unit 1-E (Plat Cabinet "M", Slide 136),

North 65°56'43" West a distance of 1149.57 feet to a 24"-long, 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350); thence with the northwesterly line of said Coventry (Belmont Farm) Subdivision, Unit 1-E (Plat Cabinet "M", Slide 136),

South 71°14'55" West a distance of 427.14 feet to a 5/8" rebar with plastic surveyor's cap (found, PLS 2115), said point being the northeast corner of Coventry (Belmont Farm) Subdivision, Unit 1-C (Plat Cabinet "M", Slide 134); thence with the northwesterly line of said Coventry (Belmont Farm) Subdivision, Unit 1-C, and then the northwesterly line of the aforementioned Unit 1-A (Plat Cabinet "M", Slide 132),


South 71°27'41" West a distance of 701.82 feet 24"-long, 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350); thence with the northwesterly line of said Coventry (Belmont Farm) Subdivision, Unit 1-A,

South 72°00'14" West a distance of 623.93 feet to a 24"-long, 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350); which is the Point of Beginning, having an area of 8,712,000.0 square feet or 200.0000 acres.

The bearings and coordinates used in the description above are based on Kentucky State Plane Grid North, North American Datum (NAD) 83. Particularly, the bearings are based on a GPS survey commencing at National Geodetic Survey (NGS) Monument "HZ2644" located on the north side of this property, having a point designation of "LFUCG GPS STA 0084" and having geographic coordinates of N 38° 06' 44.32876", W 084° 30' 46.78897".

The description above being based on a ground survey conducted under the direct supervision of Kevin Phillips (PLS 3350), of Endris Engineering, 771 Enterprise Drive, Lexington, Kentucky concluding on June 16, 2021.




Kevin M. Phillips, PLS 3350
Endris Engineering, PSC
771 Enterprise Drive
Lexington, KY 40510
Phone: 859-253-1425
Email: kevin@endris.com

06-22-2021

Date

URBAN COUNTY COUNCIL

(PLN-MAR-21-00021)

2850 GEORGETOWN ROAD & 1490 BULL LEA ROAD

Rezoning the properties to allow for the construction of the Legacy Business Park.

Applicant

URBAN COUNTY COUNCIL

200 E. Main Street

Lexington, KY 40507

planningmailbox@lexingtonky.gov



Owner

COMMONWEALTH OF KENTUCKY

FINANCE CABINET & FOBU

Capital Annex Unit 383

Frankfort, KY 40601



Application Details

Acreage:

Parcel 1: 136.26 net (172.26 gross) acres

Parcel 2: 56.33 net (63.17 gross) acres

Parcel 3: 7.41 net and gross acres

Current Zoning:

Parcel 1: Agricultural Rural (A-R) zone

Parcel 2: Agricultural Urban (A-U) zone

Parcel 3: University Research Campus (P-2) zone

Proposed Zoning:

Parcel 1, 2, & 3: Restricted Light Industrial (I-1) zone

Place-type / Development Type:

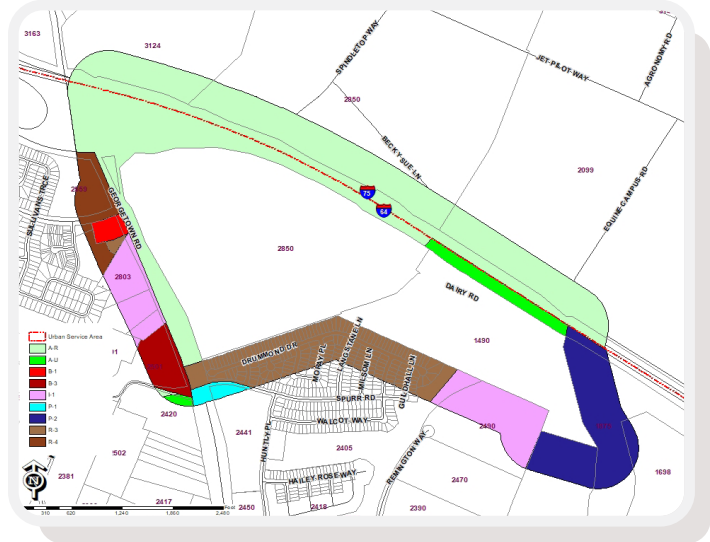
Industrial and Production Center

Industrial and Production Non-Residential

For more information about the Corridor Place-Type see *Imagine Lexington* pages 337-339. For more information about the Industrial and Production Non-Residential Development Type see page 272.

Description:

The Urban County Council is seeking to rezone the subject property in an effort to develop the Legacy Business Park, which will allow for the development of businesses focused on light industrial, production and manufacturing.



Status

- Public Engagement
- Pre-Application Meeting
- Application Review
- Planning Staff Review
- Technical Review Committee
- Zoning/Subdivision Committee Meetings
- Planning Commission Hearing
- Urban County Council Meeting

Public Engagement

- Representatives of the design team held various public meetings during the development of the master plan for the Legacy Business Park.

DISCLAIMER: Plans are subject to change. Visit the Accela Citizen Portal (lexingtonky.gov/plans) or contact Planning for the latest information.

Master Plan



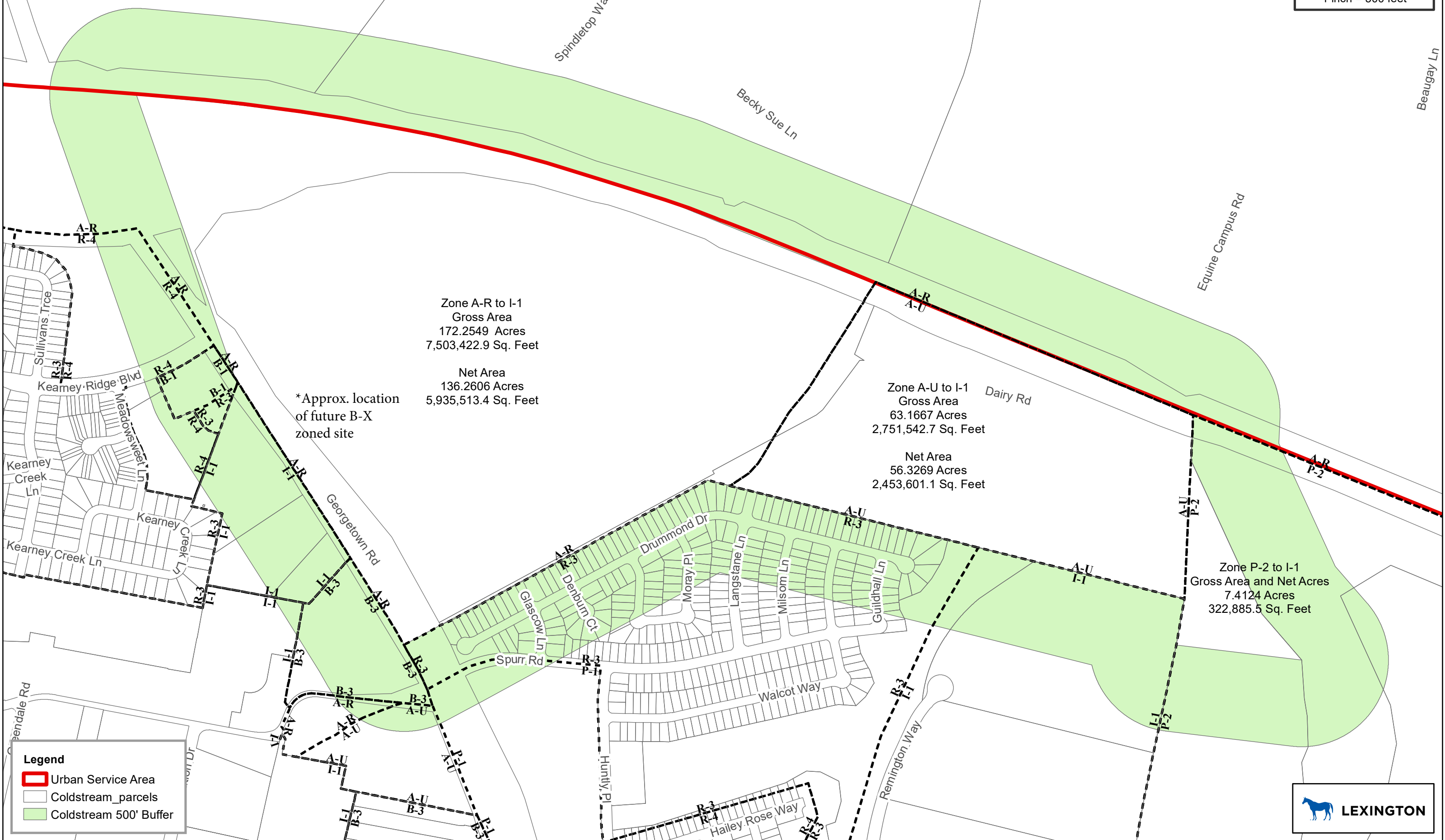
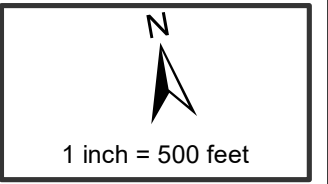
Exhibit A



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PLN-MAR-21-000xx Notification Map

2850 Georgetown Road and 1490 Bull Lea Road



Zone A-R to I-1
 Gross Area
 172.2549 Acres
 7,503,422.9 Sq. Feet

Net Area
 136.2606 Acres
 5,935,513.4 Sq. Feet

* Approx. location
 of future B-X
 zoned site

Zone A-U to I-1
 Gross Area
 63.1667 Acres
 2,751,542.7 Sq. Feet

Net Area
 56.3269 Acres
 2,453,601.1 Sq. Feet

Zone P-2 to I-1
 Gross Area and Net Acres
 7.4124 Acres
 322,885.5 Sq. Feet

Legend

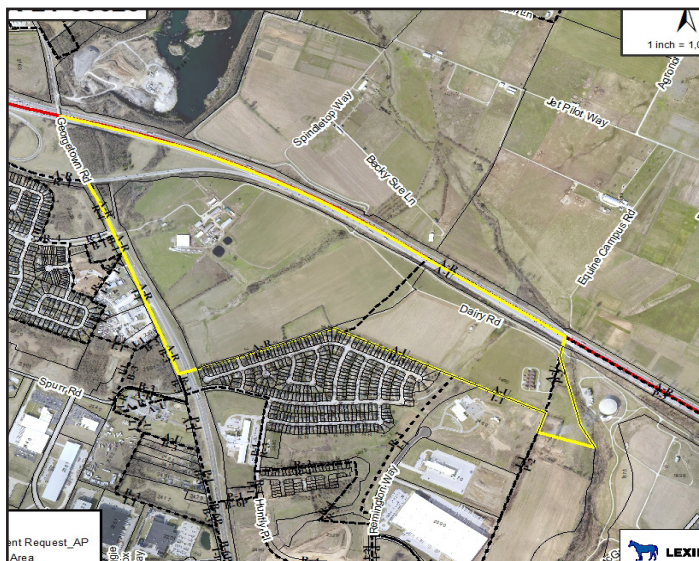
- Urban Service Area
- Coldstream parcels
- Coldstream 500' Buffer



STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-21-00021: URBAN COUNTY COUNCIL

DESCRIPTION OF ZONE CHANGE

Zone Change	A-R to I-1: 136.26 net (172.26 gross) acres
& Acreage:	A-U to I-1: 56.33 net (63.17 gross) acres
	P-2 to I-1: <u>7.41 net and gross acres</u>
	Total: 200.00 net (242.834 gross) acres
Location:	2850 Georgetown Road & 1490 Bull Lea Road (a portion of)



EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Properties	A-R/ A-U/ P-2	UK Dairy Farm
To North	A-R	Agricultural
To East	P-2	UK Research Campus
To South	I-1 / R-3	Industrial/ Single Family Residential
To West	R-3 / R-4 / B-1 / B-3 / I-1	Vacant / Vacant / Vacant / Vacant / Truck Terminal

URBAN SERVICE REPORT

Roads - Georgetown Road (US 25) is a major arterial road that transitions from a five-lane road (including the center turning lane) at Spurr Road, to a three-lane highway (including the center turning lane) along the frontage of the subject site, to a two-lane rural highway as it crosses I-64 and I-75 just north of the subject site. A roadway system is planned to extend into the site from two access points off of Georgetown Road, to serve the future development.

Curb/Gutter/Sidewalks - Georgetown Road does not have curb, gutter or sidewalks. The proposed new streets will be constructed to full urban street standards, including curb, gutter and sidewalks.

Utilities - All utilities, including natural gas, electric, water, phone, cable television, and internet are available in the area, and are available to serve the proposed development.

Storm Sewers - The subject properties are located within the Cane Run watershed. Storm sewers do not exist in this portion of the Urban Service Area. Additional facilities will be required for the development in this general area to address water quality and quantity. Any such improvements shall be designed and constructed in accordance with the LFUCG Engineering Manuals. While there are no identified FEMA Special Flood Hazard Areas or known flooding issues along these properties, there are two streams cutting through the property and two man-made ponds. The subject properties are also located within the Royal Spring Aquifer Recharge Area, where special care is needed in order to better protect the aquifer.

Sanitary Sewers - The subject properties are located within the Cane Run sewershed. The properties are served by the Town Branch Waste Water Treatment Facility, located on Lisle Industrial Avenue, southeast of New Circle Road. Extension of the sewer will need to be constructed in accordance with the adopted Engineering Manuals.

Refuse - The Urban County Government serves this area with refuse collection on Thursdays. Supplemental service may be required to serve the needs of the proposed industrial land uses.

Police - The nearest police station is the West Sector roll call center on Old Frankfort Pike, located three miles to the southwest, near the New Circle Road interchange.

Fire/Ambulance - The nearest fire station (#24) is located a mile and a half to the west at the intersection of Magnolia Springs Drive and Estrella Drive, within the Masterson Station area.

Transit - The Georgetown Road Route (#1) and the Georgetown Road Night Route (#52) run south of the subject properties, extending to Spurr Road and providing both outbound and inbound service.

Parks - The subject properties abut Coldstream Park. Access to the park and the Legacy Trail are proposed for the development, which will also connect through the proposed development to the surrounding residential developments.

SUMMARY OF REQUEST

The Urban County Council is seeking to rezone the subject properties from the Agricultural Rural (A-R), Agricultural Urban (A-U), and University Research Campus (P-2) zone to a restricted Light Industrial (I-1) zone to allow for the development of the Legacy Business Park.

PLACE-TYPE

INDUSTRY &
PRODUCTION CENTER

The Industry and Production Center Place-Type is where Lexington’s most intense types of economic development and job creation occur. These places should be located near major corridors to facilitate efficient and affordable shipping and transportation of goods throughout the region while minimizing the impact on the traffic infrastructure throughout the rest of the community. Special care should be taken to address the environmental impact of these places as well as their impact on residents.

DEVELOPMENT TYPE

INDUSTRIAL & PRODUCTION
NON-RESIDENTIAL

Primary Land Use, Building Form, & Design

Primarily employment land dedicated to the most intense types of employment-centric development. This is the only category where uses are inherently incompatible and are best separated from adjacent uses.

These uses are best suited in areas where they already exist, collocating to utilize industrial-scale infrastructure to serve the needs of the users. Environmental protection measures should be taken to minimize impacts.

Transit Infrastructure & Connectivity

These uses are also heavy employers and should incorporate mass transit infrastructure, on par with that of other modes, to connect residents to their jobs.

PROPOSED ZONING



This zone is intended for manufacturing, industrial and related uses not involving a potential nuisance in terms of smoke, noise, odor, vibration, heat, light or industrial waste. In addition, the Comprehensive Plan recognizes that it is important to promote adaptive reuse of older industrial areas and to allow Industrial Mixed-Use projects and Adaptive Reuse Projects. The Comprehensive Plan should be used to determine appropriate locations for this zone and for Industrial Mixed-Use Projects. Consideration should be given to the relationship of this zone to the surrounding land uses and to the adequacy of the street system to serve the anticipated traffic needs.

PROPOSED USE



The Urban County Council is proposing a restricted Light Industrial (I-1) zone for the subject properties to allow for the development of the Legacy Business Park. The area is proposed to include various areas for the economic and industrial development, while also continuing the pedestrian and bike facilities that have been established in the Coldstream Research Campus. The LFUCG Industrial Authority Board (IAB) will act as the developer of the site on behalf of the Urban County Government.

APPLICANT & COMMUNITY ENGAGEMENT



The Lexington-Fayette Urban County Industrial Authority Board (IAB) engaged with the community surrounding the subject properties from the early stages of the conceptual development of the project and have continued to take input from stakeholders throughout the review of the project. The outreach included numerous virtual meetings, as well as the establishment of a website to both inform and engage members of the community (<https://courbanize.com/projects/coldstream/information>).

There has been vocal support for the project from the broader Lexington community, as well as the adjacent neighborhoods, which will have bike and pedestrian connections into the site. Community feedback has directly influenced the recommendations made within the Master Plan developed for the site. Specific recommendation from nearby neighborhoods have lead to the location of the of open space, buffering between neighborhoods and businesses, the location of streets, and how the adjacent community interacts with the property.

PROPERTY & ZONING HISTORY



The subject property was initially zoned Agricultural District (A-1) until 1969 when it was reclassified to the Agricultural Rural (A-R) and Agricultural Urban (A-U) zone during the comprehensive rezoning of the city and county. The portion of the proposed project located on 1490 Bull Lea Road was part of the 1991 rezoning of the Coldstream Research Campus, which resulted in the rezoning of the property to the Office, Industry, and Research Park (P-2) zone, which was renamed to the University Research Campus (P-2) zone in 2016. The P-2 was established following significant public outreach and involvement, which also led to the development of the Coldstream Small Area Plan (1991). Since the development of the Small Area Plan, the University of Kentucky has also produced a Master Plan for the Campus.

The properties have been engaged in agricultural land uses since their establishment. The properties were in private operation until they were obtained by the University of Kentucky in beginning in 1991. Since that time the site has been the University of Kentucky's Coldstream Dairy Research Farm.

COMPREHENSIVE PLAN COMPLIANCE



The 2018 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The applicant opines that the proposed rezoning for the subject property is in agreement with the 2018 Comprehensive Plan.

GOALS & OBJECTIVES

The Urban County Council opines that the proposed rezoning is in agreement with the adopted Goals, Objectives, and Policies of the 2018 Comprehensive Plan. The rezoning of the property is specifically supported by Theme C, Goal #3 of the Comprehensive Plan, which is focused on the identification and procurement of publicly-controlled economic development land to meet Fayette County's need for jobs. The rezoning will also allow the creation of jobs and prosperity within the Urban County (Theme C), utilizing a zone that is often connected with the highest employment factor. The proposed rezoning seeks to promote this area and allow for development that supports and showcases local assets to create a variety of jobs (Theme C, Goal #1). Furthermore, the rezoning of the land will attract new business and allow local businesses to expand, encourage entrepreneurial development, and enhance the ability for businesses to recruit and retain a talented and created workforce (Theme C, Goal #2).

In addition to providing land for the development of jobs in the Urban County, the proposed development will apply environmentally sustainable practices to protect, conserve, and restore landscapes and natural resources (Theme B, Goal #3.b), through the incorporation of green infrastructure (Theme B, Goal #3.c), buffering, and the limitation of uses that would be detrimental to the environment (Theme B, Goal #3.b).

The proposed rezoning also seeks to maximize development on underutilized land within the Urban Service Area (Theme E, Goal #1.d) in an effort to preserve the urban and rural balance (Theme E, Goal #1).

While not described in the letter of justification, the proposed rezoning and development, as represented by the illustrative documents submitted by the IAB, will provide a well-designed community (Theme A, Goal #3) that establishes positive and safe social interactions, which connect neighborhoods with amenities through pedestrian and bike infrastructure (Theme A, Goal #3.b; Theme D, Goal #1.b). The Master Plan for the site also seeks to minimize the disruption of natural features when building (Theme A, Goal #3.c) by preserving and buffering the naturalized area, which will also promote, maintain, and expand the urban forest in Lexington (Theme A, Goal #3.d).

PLACE-TYPE, DEVELOPMENT TYPE, AND ZONE

In an effort to allow for the greatest contextual development of Lexington's Urban Service Area, a Place-Type based on the location of the subject property is identified. Within each Place-Type there are recommended Development Types based on the form and function of the proposed development. Based on the Place-Type and Development Type there are also several recommended zones that are most appropriate based on the



Goals, Objectives, and Policies of the 2018 Comprehensive Plan. While these zones are the ideal zoning categories to develop within a specified area, other zones may be considered, provided there is an appropriate justification addressing the unique situation and provided the development is able to adequately meet the associated Development Criteria.

The site is located within the Industry and Production Place-Type and an Industry and Production Non-Residential Development Type. Within this Place-Type and Development Type, the Comprehensive Plan states that special care should be taken to address the environmental impact of these places, as well as their impact on residents. Typically, the appropriateness of the Industry and Production Place-Type is heavily reliant, not only on the surrounding land use, but the infrastructure that is available to support such a development. The proposed site is located along Georgetown Road Pike, which is a major arterial roadway within the Urban County that connects Fayette County with Scott County. Georgetown Road has access to Newtown Pike, the identified freight route for the county, via Citation Boulevard, and has access to Interstate 75 via Iron Works Pike approximately four (4) miles north of the subject site. The IAB proposed the limitation of uses on the site that would lessen the potential environmental impact on the Royal Springs Aquifer, as well as the surrounding residential neighborhood. Staff agrees that the Industry and Production Place-Type and Industry and Production Non-Residential Development Type can be appropriate for the subject property with appropriate buffers and consideration given to environmentally sensitive areas.

Finally, the applicant has requested the rezoning of the property to a restricted Light Industrial (I-1) zone for the subject property, which is a recommended zone within the Industry and Production Place-Type and Industry and Production Non-Residential Development Type.

DEVELOPMENT CRITERIA

The development criteria for a zone change are the distillation of the adopted Goals and Objectives, as well as the policies put forth in the 2018 Comprehensive Plan. The development criteria represent the needs and desires of the Lexington-Fayette Urban County community in hopes of developing a better built environment. The applicable criteria are defined based on the proposed Industry and Production Place-Type and is seeking to create an Industry and Production Non-Residential Development Type.

1. Site Design, Building Form and Location

The proposed rezoning meets the criteria for Site Design, Building Form and Location, as the development will provide a cohesive industrial development that includes amenities, provides connectivity for bike and pedestrian mobility, and promotes the preservation and maintenance of the established natural features. In addition, when a preliminary subdivision plan and/or final development plans are submitted, further review will be conducted to assess consistency with the Comprehensive Plan's Policies.

2. Transportation and Pedestrian

The proposed rezoning meets the criteria for Transportation and Pedestrian, as development will provide pedestrian access throughout the site and connecting into the established trail system. The proposed internal roadway will also allow for proper circulation for larger industrial traffic.

3. Greenspace and Environmental Health

The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will protect and increase tree canopy coverage, and protect the natural features on the site, including the Royal Springs Aquifer.

CONDITIONAL ZONING RESTRICTIONS

In an effort to alleviate some of the potential adverse impacts on the environment, while also promoting the employment factors for the proposed development and protecting a major gateway into Lexington, a list of restricted uses are proposed. The following uses are to be prohibited:

1. Wholesale establishment, wholesale establishment with warehouses, storage, and warehousing.
2. Laundry (excluding self-service laundry), clothes cleaning or dyeing shop.
3. Ice plant.
4. Tire retreading and recapping.
5. Parking lots and structures.
6. Machine shop.



7. Kennels, animal hospitals or clinics.
8. Garden centers.
9. Truck terminals and freight yards.
10. Automobile service stations, subject to the conditions of Article 16.
11. Major or minor automobile and truck repair.
12. Establishments for the display and sale of precut, prefabricated, or shell homes.
13. Carnivals.
14. Retail sale of building materials and lumber.
15. Pawnshops.
16. Shredding, sorting and baling of paper scrap and storage of waste paper.
17. Automobile and vehicle refueling stations.
18. Indoor recreational activities, including, but not limited to, indoor tennis courts; skating rinks; athletic club facilities and bowling alleys.
19. Mining of non-metallic minerals.
20. Circuses.
21. Ecotourism activities to include campgrounds; commercial hiking, bicycling, equine and zip line trails; tree canopy trails; canoeing and kayaking launch sites; recreational outfitters; fishing and hunting clubs; botanical gardens; nature preserves; and seasonal activities, including associated gift shops as an accessory use.
22. Market gardens.
23. Billboards.
24. Recycling, sorting, baling and processing of glass and nonferrous metals, including copper; brass; aluminum; lead and nickel, but not including automobile wrecking yard; building materials salvage; junk yards or other uses first permitted in the I-2 zone. Recycling, and processing of paper shall be permitted only when wholly conducted in a completely enclosed building.
25. Commercial wood lots.
26. Retail sale of liquid propane.
27. Automobile, truck, ATV, motorcycle, bicycle motocross, or other vehicle or bicycle race tracks.
28. Public utilities and public service uses and structures.
29. Penal or correctional institutions
30. Cable television system facilities, including transmitting towers; antennas; earth stations; microwave dishes; relays; business offices; television studios; and storage facilities.
31. Vehicle storage yards.
32. Commercial composting.
33. Helistops and heliports.
34. Community Centers.
35. Day Shelters.

Staff finds that these restrictions are appropriate and necessary to protect the appearance of the Georgetown Road corridor as a gateway into Lexington, while promoting employment that is appropriate along Lexington's freight corridor. Furthermore, the proposed restrictions will better protect the surface and groundwater in the area by prohibiting some uses and requiring "best management practices" for other uses that could potentially be harmful to the wellhead, thus ensuring greater compliance with the Royal Spring Wellhead Protection Plan. The Planning Commission has adopted a Wellhead Protection Plan for the Royal Spring Aquifer, which sets forth a plan to ensure a continual source of potable groundwater from Royal Spring for Georgetown and Scott County, and to preserve the integrity of surface waters. This plan has been adopted by both the Planning Commissions of Fayette and Scott Counties, and has most recently been approved by the Kentucky Division of Water on 8/28/03.

While the review of the rezoning for the subject property has been tied to the illustrative documents submitted with the application, it will be important to maintain substantial compliance with those documents and the Comprehensive Plan as site-specific development is proposed. Staff recommends that all development be required to submit a final development plan so that the Planning Commission can review new submissions for consistency with the submitted materials which do illustrate agreement with the Comprehensive Plan.

STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASONS:



1. A restricted Light Industrial (I-1) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning allows for the procurement and development of publicly-controlled economic development land to meet Fayette County's need for jobs (Theme C, Goal #3).
 - b. The proposed rezoning will promote this area and allow for development that supports and showcases local assets to create a variety of jobs (Theme C, Goal #1).
 - c. The proposed rezoning will attract new business and allow local businesses to expand, encourage entrepreneurial development, and enhance the ability for businesses to recruit and retain a talented and created workforce (Theme C, Goal #2).
 - d. The proposed development will apply environmentally sustainable practices to protect, conserve, and restore landscapes and natural resources (Theme B, Goal #3.b), through the incorporation of green infrastructure (Theme B, Goal #3.c), buffering, and the limitation of uses that would be detrimental to the environment (Theme B, Goal #3.b).
 - e. The proposed rezoning will maximize development on underutilized land with the Urban Service Area (Theme E, Goal #1.d) in an effort to preserve the urban and rural balance (Theme E, Goal #1).
 - f. The proposed development will provide a well-designed community (Theme A, Goal #3) that establishes positive and safe social interactions, which connect neighborhoods with amenities through pedestrian and bike infrastructure (Theme A, Goal #3.b; Theme D, Goal #1.b).
 - g. The proposed development will minimize the disruption of natural features when building (Theme A, Goal #3.c) by preserving and buffering the naturalized area, which will also promote, maintain, and expand the urban forest in Lexington (Theme A, Goal #3.d)
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location, as the development will provide cohesive industrial development that includes amenities, provides connectivity for bike and pedestrian mobility, and promotes the preservation and maintenance of the environmental aspects of the site.
 - b. The proposed rezoning meets the criteria for Transportation and Pedestrian, as development will provide pedestrian access throughout the site and connecting into the established trail system. The proposed internal roadway will also allow for proper circulation for the larger, industrial traffic.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will protect and increases tree canopy coverage, and protects the natural features on the site, including the Royal Springs Aquifer.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are recommended via conditional zoning:
 - a. Prohibited Uses:
 - i. Wholesale establishment, wholesale establishment with warehouses, storage, and warehousing.
 - ii. Laundry (excluding self-service laundry), clothes cleaning or dyeing shop.
 - iii. Ice plant.
 - iv. Tire retreading and recapping.
 - v. Parking lots and structures.
 - vi. Machine shop.
 - vii. Kennels, animal hospitals or clinics.
 - viii. Garden centers.
 - ix. Truck terminals and freight yards.
 - x. Automobile service stations, subject to the conditions of Article 16.
 - xi. Major or minor automobile and truck repair.
 - xii. Establishments for the display and sale of precut, prefabricated, or shell homes.
 - xiii. Carnivals.
 - xiv. Retail sale of building materials and lumber.
 - xv. Pawnshops.

STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASONS:



- xvi. Shredding, sorting and baling of paper scrap and storage of waste paper.
 - xvii. Automobile and vehicle refueling stations.
 - xviii. Indoor recreational activities, including, but not limited to, indoor tennis courts; skating rinks; athletic club facilities and bowling alleys.
 - xix. Mining of non-metallic minerals.
 - xx. Circuses.
 - xxi. Ecotourism activities to include campgrounds; commercial hiking, bicycling, equine and zip line trails; tree canopy trails; canoeing and kayaking launch sites; recreational outfitters; fishing and hunting clubs; botanical gardens; nature preserves; and seasonal activities, including associated gift shops as an accessory use.
 - xxii. Market gardens.
 - xxiii. Billboards.
 - xxiv. Recycling, sorting, baling and processing of glass and nonferrous metals, including copper; brass; aluminum; lead and nickel, but not including automobile wrecking yard; building materials salvage; junk yards or other uses first permitted in the I-2 zone. Recycling, and processing of paper shall be permitted only when wholly conducted in a completely enclosed building.
 - xxv. Commercial wood lots.
 - xxvi. Retail sale of liquid propane.
 - xxvii. Automobile, truck, ATV, motorcycle, bicycle motocross, or other vehicle or bicycle race tracks.
 - xxviii. Public utilities and public service uses and structures.
 - xxix. Penal or correctional institutions
 - xxx. Cable television system facilities, including transmitting towers; antennas; earth stations; microwave dishes; relays; business offices; television studios; and storage facilities.
 - xxxi. Vehicle storage yards.
 - xxxii. Commercial composting.
 - xxxiii. Helistops and heliports.
 - xxxiv. Community Centers.
 - xxxv. Day Shelters.
- b. All development sites within the Legacy Business Center shall be governed by a final development plan.

These restrictions are appropriate and necessary for the following reasons:

1. To protect the appearance of the Georgetown corridor as a gateway into Lexington, while promoting employment that is appropriate along Lexington's freight corridor.
2. The Planning Commission has adopted a Wellhead Protection Plan for the Royal Spring Aquifer, which sets forth a plan to ensure a continual source of potable groundwater from Royal Spring for Georgetown and Scott County, and to preserve the integrity of surface waters. This plan has been adopted by both the Planning Commissions of Fayette and Scott Counties, and has most recently been approved by the Kentucky Division of Water on 8/28/03.
3. The proposed restrictions within the Wellhead Protection Area will better protect the surface and groundwater in the area by prohibiting some uses and requiring "best management practices" for other uses that could potentially be harmful to the wellhead, thus ensuring greater compliance with the Royal Spring Wellhead Protection Plan.

2. URBAN COUNTY COUNCIL ZONING MAP AMENDMENT

- a. PLN-MAR-21-00021: URBAN COUNTY COUNCIL (01/30/22)*- a petition for a zone map amendment from an Agricultural Rural (A-R) zone for 136.26 net (172.26 gross) acres, an Agricultural Urban (A-U) zone for 56.33 net (63.17 gross) acres, and a University Research Campus (P-2) zone for 7.41 net and gross acres to a restricted Light Industrial (I-1) zone for the properties located at 2850 Georgetown Road and 1490 Bull Lea Road (a portion of).

COMPREHENSIVE PLAN AND PROPOSED USE

The 2018 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The Urban County Council is seeking to rezone the subject properties from the Agricultural Rural (A-R), Agricultural Urban (A-U), and University Research Campus (P-2) zone to a restricted Light Industrial (I-1) zone to allow for the development of the Legacy Business Center.

The Zoning Committee Recommended: **Approval**.

The Staff Recommends: **Approval**, for the following reasons:

1. A restricted Light Industrial (I-1) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning allows for the procurement and development of publicly-controlled economic development land to meet Fayette County's need for jobs (Theme C, Goal #3).
 - b. The proposed rezoning will promote this area and allow for development that supports and showcases local assets to create a variety of jobs (Theme C, Goal #1).
 - c. The proposed rezoning will attract new business and allow local businesses to expand, encourage entrepreneurial development, and enhance the ability for businesses to recruit and retain a talented and created workforce (Theme C, Goal #2).
 - d. The proposed development will apply environmentally sustainable practices to protect, conserve, and restore landscapes and natural resources (Theme B, Goal #3.b), through the incorporation of green infrastructure (Theme B, Goal #3.c), buffering, and the limitation of uses that would be detrimental to the environment (Theme B, Goal #3.b).
 - e. The proposed rezoning will maximize development on underutilized land with the Urban Service Area (Theme E, Goal #1.d) in an effort to preserve the urban and rural balance (Theme E, Goal #1).
 - f. The proposed development will provide a well-designed community (Theme A, Goal #3) that establishes positive and safe social interactions, which connect neighborhoods with amenities through pedestrian and bike infrastructure (Theme A, Goal #3.b; Theme D, Goal #1.b).
 - g. The proposed development will minimize the disruption of natural features when building (Theme A, Goal #3.c) by preserving and buffering the naturalized area, which will also promote, maintain, and expand the urban forest in Lexington (Theme A, Goal #3.d)
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location, as the development will provide cohesive industrial development that includes amenities, provides connectivity for bike and pedestrian mobility, and promotes the preservation and maintenance of the environmental aspects of the site.
 - b. The proposed rezoning meets the criteria for Transportation and Pedestrian, as development will provide pedestrian access throughout the site and connecting into the established trail system. The proposed internal roadway will also allow for proper circulation for the larger, industrial traffic.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will protect and increases tree canopy coverage, and protects the natural features on the site, including the Royal Springs Aquifer.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are recommended via conditional zoning:
 - a. Prohibited Uses:
 - i. Wholesale establishment, wholesale establishment with warehouses, storage, and warehousing.
 - ii. Laundry (excluding self-service laundry), clothes cleaning or dyeing shop.
Ice plant.
 - iv. Tire retreading and recapping.
 - v. Parking lots and structures.
 - vi. Machine shop.
 - vii. Kennels, animal hospitals or clinics.
 - viii. Garden centers.
 - ix. Truck terminals and freight yards.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

- x. Automobile service stations, subject to the conditions of Article 16.
- xi. Major or minor automobile and truck repair.
- xii. Establishments for the display and sale of precut, prefabricated, or shell homes.
- xiii. Carnivals.
- xiv. Retail sale of building materials and lumber.
- xv. Pawnshops.
- xvi. Shredding, sorting and baling of paper scrap and storage of waste paper.
- xvii. Automobile and vehicle refueling stations.
- xviii. Indoor recreational activities, including, but not limited to, indoor tennis courts; skating rinks; athletic club facilities and bowling alleys.
- xix. Mining of non-metallic minerals.
- xx. Circuses.
- xxi. Ecotourism activities to include campgrounds; commercial hiking, bicycling, equine and zip line trails; tree canopy trails; canoeing and kayaking launch sites; recreational outfitters; fishing and hunting clubs; botanical gardens; nature preserves; and seasonal activities, including associated gift shops as an accessory use.
- xxii. Market gardens.
- xxiii. Billboards.
- xxiv. Recycling, sorting, baling and processing of glass and nonferrous metals, including copper; brass; aluminum; lead and nickel, but not including automobile wrecking yard; building materials salvage; junk yards or other uses first permitted in the I-2 zone. Recycling, and processing of paper shall be permitted only when wholly conducted in a completely enclosed building.
- xxv. Commercial wood lots.
- xxvi. Retail sale of liquid propane.
- xxvii. Automobile, truck, ATV, motorcycle, bicycle motocross, or other vehicle or bicycle race tracks.
- xxviii. Public utilities and public service uses and structures.
- xxix. Penal or correctional institutions
- xxx. Cable television system facilities, including transmitting towers; antennas; earth stations; microwave dishes; relays; business offices; television studios; and storage facilities.
- xxxi. Vehicle storage yards.
- xxxii. Commercial composting.
- xxxiii. Helistops and heliports.
- xxxiv. Community Centers.
- xxxv. Day Shelters.

- b. All development sites within the Legacy Business Center shall be governed by a final development plan.

These restrictions are appropriate and necessary for the following reasons:

1. To protect the appearance of the Georgetown corridor as a gateway into Lexington, while promoting employment that is appropriate along Lexington's freight corridor.
2. The Planning Commission has adopted a Wellhead Protection Plan for the Royal Spring Aquifer, which sets forth a plan to ensure a continual source of potable groundwater from Royal Spring for Georgetown and Scott County, and to preserve the integrity of surface waters. This plan has been adopted by both the Planning Commissions of Fayette and Scott Counties, and has most recently been approved by the Kentucky Division of Water on 8/28/03.
3. The proposed restrictions within the Wellhead Protection Area will better protect the surface and groundwater in the area by prohibiting some uses and requiring "best management practices" for other uses that could potentially be harmful to the wellhead, thus ensuring greater compliance with the Royal Spring Wellhead Protection Plan.

Staff Zoning Presentation – Mr. Baillie said that this will be presented as an abbreviated hearing, since no opposition is present. He then presented the staff report and recommendations for the zone change application. He displayed photographs of the subject property and aerial photographs of the general area. He said the applicant is seeking to place this property into the Industry and Production Center Place-Type and the Industrial and Production Non-Residential Development Type. He said that the subject property is part of a greater project to provide a greater amount of industrial land, which is owned by the Lexington Fayette Urban County Government (LFUCG), and will be developed and operated by the Industrial Authority Board (IAB). This land will be parceled out when new businesses purchase land. The focus on economic and industrial development within our community is discussed within the 2018 Comprehensive Plan. He said that the subject property is located along the Urban Service Area boundary, with several different zone types surrounding the site. Along the southeast boundary there is the University Research Campus (P-2) zone, which is associated with the Coldstream Research Campus. There is Light Industrial (I-1), Agricultural Urban (A-U), and Agricultural Rural (A-R) zoning along the south boundary; and Highway Service Business (B-3), Light Industrial (I-1), and Agricultural Rural (A-R) zoning along the west boundary. On the aerial photograph, he indicated

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that some of the area has developed over time and also that there are environmentally sensitive areas, such as streams and a floodplain. He added that the applicant has focused on providing buffers to protect these environmentally sensitive areas.

Mr. Baillie said that the applicant is seeking a restricted Light Industrial (I-1) zone. He said that there was a significant amount of meaningful community outreach and engagement. He said that there was a website created for comments and concerns, as well as updates to the project as it is being developed. He said that there isn't a development plan associated with this zone change, because there is a Master Plan associated with this site. The staff is recommending the use of conditional zoning restrictions, which would include that all development sites within the Legacy Business Center I be governed by a Final Development Plan. This will make sure that as new development is being proposed on this site that it is complying with the Master Plan, and it will also allow for the Planning Commission to review those sites.

Mr. Baillie then displayed a map from the Master Plan, and he identified where the road will connect into the subject property at two different locations. He said that the intersection of Georgetown Road and Kearney Ridge Blvd. will be signalized. The other connection will be located across from an existing industrial development. He said that the applicant is seeking to continue the Legacy Trail, which is located along the northern edge of the subject property and then travels underneath Interstate 64/75 and continues toward the Horse Park. He said that the Master Plan depicts a significant amount of buffering along the two small creeks, which will protect the environmentally sensitive areas, as well as the stormwater runoff.

Mr. Baillie said that there are a significant amount of conditional zoning restrictions that the Industrial Authority Board requested for this site. These include many restrictions for the Wholesale and Warehouse Business (B-4) zone and the Light Industrial (I-1) zone. He said these conditional zoning restrictions were suggested by the applicant and recommended by the staff, because of the impact that this development might have on the economy in terms of creating jobs, and the location of this site, within the Royal Spring Aquifer, which is an environmentally sensitive area and serves as the water source for Scott County. He said that the staff is recommending approval of this restricted Light Industrial (I-1) zone, as it is in agreement with the 2018 Comprehensive Plan. He also said that he and Mr. Craig Benz are available to answer any questions.

Commission Questions – Mr. Penn asked for verification that these lots will be sold. Mr. Baillie said that they will be sold with the review of the Industrial Authority Board. Mr. Penn then asked how the stormwater runoff will be handled since the property is located within the Royal Spring Aquifer. Mr. Baillie said that with all development plans, concerns about stormwater runoff or any type of design of a project in terms of the health, safety, and welfare aspect, since the Royal Spring Aquifer is a health, safety, and welfare aspect to our community, and Scott County, the Planning Commission would be able to make recommendations for the development of that site at the time of a Final Development Plan. Mr. Benz added that as of this time, conceptual discussions have not taken place, but that will be part of the development planning. Mr. Penn said that these restrictions will be managed and this site can be utilized as light industrial. Mr. Benz said that the restrictions proposed were to create high quality, higher paying jobs, and to create the most jobs possible across the site. Mr. Martin added that these properties are subject to the requirements of the Stormwater Manual and will be reviewed by the Royal Spring Aquifer Committee for their recommendations, which will then be incorporated into any stormwater plans for this site.

Mr. Michler said that a high intensity land use with a high number of employees with one vehicular access point is concerning. Many of the proposed uses will have synergy with businesses located in Coldstream, which is located adjacent to this property, but to access Coldstream, the vehicles would need to travel back to Georgetown Road and along Citation Boulevard. He asked why a single access point was planned for this site. Mr. Benz said that the Master Plan process focused on the part of the property that would be controlled. He said that there will be an opportunity in the future to connect. There will be more discussions with adjacent property owners as the site goes through the development planning process to have an additional access on the east side of the property. Mr. Michler then asked if the southern easement along the residential neighborhood will be expiring. Mr. Baillie said that there is a 10-foot easement that was initially discussed as a possibility, and will need to continue to be reviewed. He also said the University of Kentucky has future development plans to create a roadway on an adjacent property and as this proposed site moves forward, there may be the ability to make connections to the property to the south.

Mr. Michler also asked if the list of conditional zoning restrictions is needed if the sale of these properties will be guided by the Industrial Authority Board (IAB). Mr. Baillie said that once the property is sold, the intent is for any new users to continue the more intensive use of the land. The restrictions provide greater consistency to control uses for the second or third owner of the property. He added that many of these restrictions were negotiated with the adjacent neighborhood. Mr. Michler said that this development could be a long process and some of the restrictions, such as market gardens are often only temporary and wouldn't be a long-term use. Mr. Baillie said that the restrictions are intended to encourage the creation of more industrial jobs, rather than short-term jobs. Mr. Michler then asked what will be the short-term use of the land before businesses purchase the property. Mr. Benz said that the property will remain as is, until it transfers, then there will be cut and fill and infrastructure installation to make the site development ready. He said that the intent is to sell lots to the end-users and that there will not be a transitional use.

Citizen Comment – There were no citizens present to speak to this application.

Zoning Action – A motion was made by Mr. Bell, seconded by Mr. de Movellan, and carried 11-0 to approve PLN-MAR-21-00021: URBAN COUNTY COUNCIL, for the reasons provided by the staff.

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