

# STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-22-00029: GOODWILL INDUSTRIES OF KENTUCKY, INC.

## DESCRIPTION OF ZONE CHANGE

Zone	From a Highway Service Business (B-3) zone
Change:	To a Light Industrial (I-1) zone
Acreage:	0.823 net (1.037 gross) acres
Location:	1793 Atoma Drive

## EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	B-3	Vacant
To North	I-1	Warehousing
To East	R-1D	Single Family Residential
To South	B-3	Vacant
To West	I-1	Self Storage Warehousing



## URBAN SERVICE REPORT

**Roads** - The subject property is located at the intersection of Atoma Drive and Georgetown Road (US 25). Atoma Drive is a local road that connects Sandersville Road and Georgetown Road. Georgetown Road is a five-lane major arterial road that provides access between Fayette County and Scott County.

**Curb/Gutter/Sidewalks** - Georgetown Road does not have curb, gutter or sidewalks. Atoma Drive has been constructed with curb and gutter improvements. Sidewalks will be completed with the development of the property.

**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 property is split between two watersheds, the Cane Run Creek watershed to the north and east, and the Town Branch watershed to the south and west sides of the property. Storm sewers exist in this portion of the Urban Service Area. No FEMA Special Flood Hazard Area exists on the property, but the subject property is partially located within the Royal Spring Aquifer Recharge Area, where special care is needed in order to better protect the aquifer.

**Sanitary Sewers** - The subject property is located within the Town Branch sewershed. The property is 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 2¼ miles to the southwest, near the New Circle Road interchange.

**Fire/Ambulance** - Fire Station #10 is located one mile to the southeast of the property, along Finney Drive near the Georgetown Road and New Circle Road interchange.

**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 property is located within a ½ mile of Highlands Park.

### SUMMARY OF REQUEST

The applicant is seeking a zone change from the Highway Service Business (B-3) zone to the Light Industrial (I-1) zone in order to construct a warehousing and distribution center for the donations to support their retail establishments. There will not be retail at this location.

### 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



This petitioner is proposing the Light Industrial (I-1) zone in order to construct a donation and distribution center. As proposed, the development will include a single building where individuals will be able to donate goods, which will then be sorted and distributed to the various retail establishments in the area. No retail is proposed on site.

### APPLICANT & COMMUNITY ENGAGEMENT



The applicant indicated that they have sent letters to the Oakwood Neighborhood Association, Highlands Neighborhood Association, and Coldstream Station Homeowners Association to inquire if they would like to meet regarding the proposed development. They should provide greater information if they have had such a meeting and what was discussed.

## PROPERTY & ZONING HISTORY



The subject property was initially zoned Agricultural District (A-1) until 1969 when it was reclassified to the Agricultural Urban (A-U) zone during the comprehensive rezoning of the city and county. The property was rezoned in 1998 to the Light Industrial (I-1) zone, in agreement with the recommendations of the 1996 Comprehensive Plan (Ord. No. 97-98; MAR 98-06 CZ). The property was subsequently rezoned from the I-1 zone to a restricted Highway Service Business (B-3) zone in 2015 despite concerns from staff regarding the agreement with the 2013 Comprehensive Plan and the shift from industrial land uses in an area that was predominantly industrial in nature (Ord. No. 15-2016; MAR 2015-23).

Since the 2015 zone change, the owner has subdivided the property and constructed the infrastructure to support highway service business land uses. Development along Georgetown Road is accessed via a private roadway system and currently includes a fast food restaurant and a gas station with a neighborhood grocery/convenience store.

## 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 applicant opines that the proposed rezoning is in agreement with the adopted Goals, Objectives, and Policies of the 2018 Comprehensive Plan. They indicate that the proposed project will supply jobs, resources, and services to the most vulnerable of Lexington and will allow for the maximization of Goodwill's reach to geographically underserved areas (Theme A, Goal #4, Theme A, Goal #4.b). The proposed facility will also provide jobs for residents, through the development of a warehousing and distribution center, which will also act as a convenient location for nearby residents to donate unneeded items to support Goodwill's mission (Theme C, Goal #1.a; Theme C, Diversity Policy #2). The applicant also indicates that the proposed rezoning will allow for the development of community services, in the form of a donation drop-off location and distribution, that will provide for the quality of life needs for Lexington's sometimes overlooked citizens (Theme D, Goal #2.c).

The staff agrees with these aspects of the applicant's proposal and that these Goals and Objectives of the 2018 Comprehensive can be met with the proposed development.

### 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 applicant indicates that the proposed development 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 adjacent to established I-1 zoning and is located along Georgetown Road, 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. The location of the site is advantageous for the warehousing of goods and their distribution.

Due to the location of the proposed development and the potential environmental impact on the Royal Springs Aquifer, staff believes 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 many of the criteria for Site Design, Building Form and Location; however, staff would like the applicant to clarify some of the referenced development criteria depicted on the associated development plan.

*B-SU11-1: Green infrastructure should be implemented in new development. (E-GR3)*

The applicant is currently depicting a potential water detention/quality basin. Staff would like the applicant to discuss how this would be achieved on the property.

#### 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.

*D-CO2-1 Safe facilities for all users and modes of transportation should be provided.*

The applicant is not currently depicting a safe, delineated access point to the structure on the property. While staff understands that those donating goods to the location will likely be driving, those working at the proposed facility may access the property by other modes of transportation. The applicant should depict safe and delineated pedestrian access to the structure.

#### 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 Recharge Area.

*B-PR7-3 Developments should improve the tree canopy.*

The applicant is currently depicting two trees in the vehicular use area as adding or improving the tree canopy. While staff agrees that the current standards of Article 18 require greater tree canopy, the plan as depicted does not meet the requirements of Article 18 regarding the minimum buffer surrounding a vehicular use area. The applicant should review the regulations and depict the required trees to demonstrate how they are adding canopy to the area.

### **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. Self-storage warehousing.
2. Billboards.
3. Outdoor storage
4. All above ground and underground storage tanks.
5. On-site disposal of any hazardous waste materials.
6. Mining of non-metallic minerals and/or radium extraction.

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 the Royal Spring Aquifer 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.

**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 project will supply jobs, resources, and services to the most vulnerable of Lexington and will allow for the maximization of Goodwill's reach to geographically underserved areas (Theme A, Goal #4, Theme A, Goal #4.b).
  - b. The proposed facility will also provide jobs for residents, through the development of a warehousing and distribution center, which will also act as a convenient location for residents to donate unneeded items to support Goodwill's mission (Theme C, Goal #1.a; Theme C, Diversity Policy #2).
  - c. The proposed rezoning will allow for the development of community services, in the form of a donation drop-off location and distribution, that will provide for the quality of life needs for Lexington's sometimes overlooked citizens (Theme D, Goal #2.c).
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 a industrial development that provides connectivity for 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 along the lot frontage.
  - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will increase 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. Self-storage warehousing.
    - ii. Billboards.
    - iii. Outdoor storage
    - iv. All above ground and underground storage tanks.
    - v. On-site disposal of any hazardous waste materials.
    - vi. Mining of non-metallic minerals and/or radium extraction.

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.
4. This recommendation is made subject to approval and certification of PLN-MJDP-22-00084: Burke, Hockensmith and Maggard, Lot 1 (AMD), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

HBB/TW  
02/01/2023

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