

2. IVCP ATHENS, LLC ZONING MAP AMENDMENT & JFG ENTERPRISES, INC. (IVCP ATHENS, LLC) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-18-00028: IVCP ATHENS, LLC (2/24/19)*- a petition for a zone map amendment from an Agricultural Rural (A-R) zone to a Light Industrial (I-1) zone, for 11.52 net (11.82 gross) acres, for property located at 5301 Athens Boonesboro Road.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The Plan's mission statement notes that 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. In addition, the Plan encourages a mix of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

As a component of the 2013 Comprehensive Plan, the 2017 Rural Land Management Plan (RLMP) provides greater guidance regarding our community's needs and desires concerning our agricultural land uses, rural settlements and Rural Activity Centers. The petitioner's proposed rezoning to the Light Industrial (I-1) zone, for approximately 11.5 acres, is consistent with the recommendations of the RLMP for the Blue Sky Rural Activity Center.

The Zoning Committee Recommended: Approval.

The Staff Recommends: Approval, for the following reasons:

1. The requested Light Industrial (I-1) zone is in agreement with the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
 - a. The increase in land available for industrial uses will support and showcase local assets to further the creation of a variety of jobs by strengthening efforts to develop a variety of job opportunities (Theme C, Goal #1.a).
 - b. The availability for greater job opportunities can also foster the success and growth of large employment sectors; protect and provide readily available economic development land to meet the needs for jobs; and potentially enable development that creates jobs near where people live. (Theme C, Goal # 1.d).
 - c. The increase in available industrial land will promote sectors of the economy that will aid in the economic opportunities and help attract young professionals (Theme C, Goal #2.a).
 - d. The proposal promotes the use of underutilized land in a way that enhances the existing urban form (Theme E, Goal #1.a and 1.b).
 - e. The Light Industrial (I-1) zone implements the stated goals and objectives to support employment growth, to provide readily available economic development land, and utilizes vacant land in a compatible manner.
2. The requested Light Industrial (I-1) zone is in agreement with the 2017 Rural Land Management Plan as it emphasizes the maximization of the land use to produce employment opportunities without modifying the current boundaries. The future land use element recommends Light Industrial land use.
3. This recommendation is made subject to approval and certification of PLN-MJDP-18-00102: JFG Enterprises, Inc. (IVCP Athens, LLC), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions shall apply to the subject property via conditional zoning:

Prohibited Uses:

 - a. Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
 - b. Ice Plant.
 - c. Tire re-treading and recapping.
 - d. Truck terminals and freight yards.
 - e. Major or minor automobile and truck repair.
 - f. Establishments for the display and sale of precut, prefabricated, or shell homes.
 - g. Rental Storage yard.
 - h. Commercial wood lots.
 - i. Outdoor material storage and sales as otherwise permitted.
 - j. Advertising signs, also known as billboards, as regulated by Article 17 of the Zoning Ordinance.

These restrictions are necessary and appropriate in order to restrict the most intense land uses on the subject property, which could have a negative impact on the surrounding agricultural zones and Athens Boonesboro Road, a major gateway into the Lexington Fayette Urban County. These restrictions will protect the aesthetic character of the Athens Boonesboro Road gateway, as recommended by the 2017 Rural Land Management Plan (RLMP).

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- b. PLN- MJDP-18- 00102: JFG ENTERPRISES, INC. (IVCP ATHENS, LLC) (2/24/19)* - located at 5191 AND 5301 Athens Boonesboro Road.

The Subdivision Committee Recommended: Postponement. There were some questions regarding the proposal complying with Article 21 requirements and plan status.

Should this plan be approved, the following requirements should be considered:

1. Provided the Urban County Council rezones the property L-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Addition of graphic scale to the face of the plan.
8. Denote and clarify lot coverage and Floor Area Ratio (FAR) per Article 21 of the Zoning Ordinance.
9. Denote: A Final Development Plan shall be required for all lots proposed for Light Industrial zoning.
10. Denote: Timing of the pump station relocation shall be determined at the time of a PSP/Final Development Plan to the approval of the Divisions of Engineering and Water Quality.
11. Denote: Stormwater management shall be resolved at time of a PSP/Final Development Plan.
12. Discuss status and width of proposed street.
13. Discuss potential access to adjoining property.

Staff Zoning Presentation – Mr. Baillie presented the staff report and recommendations for the zone change. He displayed photographs of the subject property and aerial photographs of the general area. He said that the petitioner is proposing to develop an industrial complex but has not provided any details regarding the proposed usage. He said that the subject property is not located within the Urban Service Area; the subject property is located within the Blue Sky Rural Activity Center (RAC). He said that there is a pump station located on the subject property, which the applicant is seeking to relocate to create more developable space, which will necessitate another zone change. He said that the site does have topographical issues.

Mr. Baillie said that the Blue Sky RAC is 406 acres; it is the only not publicly owned RAC and it is currently recommended for warehousing; light industrial; or interstate commercial uses. He said that the petitioner is requesting this zone change in an effort to add available land to support the nearby industry in the Blue Sky RAC. He said that the Rural Land Management Plan provided two recommendations for the RAC's: to maximize employment potential within the existing boundaries of the RAC while avoiding impacts to surrounding agriculture, Rural Settlements and viewsheds; and to conduct a small area plan for the Blue Sky RAC in order to evaluate its potential for maximizing jobs and economic development. These focus on utilizing the limited land for the best possible jobs and economic development, which have only been bolstered by the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan. He said that the staff believes that it is best to seek the intensity of the land, which does not impact viewsheds and employs land uses that engage a larger work force at better wages. He said that the location of the subject property has also been identified by the Rural Land Management Plan as a gateway into the City of Lexington and by the state as a Scenic Corridor. Gateways form the first impression for people entering the Rural Service Area and should be developed in a lasting and favorable manner.

Mr. Baillie said that staff distributed the revised recommendations for conditional zoning restrictions to the Planning Commission. The staff is recommending a landscape buffer to protect the viewsheds and restriction of uses to encourage the best possible uses and to reduce the possibility for underutilized land. He added that there will be zone-to-zone buffering as per the Zoning Ordinance along the northern portion of the property. He said that this request is in compliance with the 2013 Comprehensive Plan, the adopted Goals and Objectives of the 2018 Comprehensive Plan, and the 2017 Rural Land Management Plan. Through the increase in land available for industrial uses, the petitioner suggests that the rezoning will support and showcase local assets to further the creation of a variety of jobs and opportunities. The availability for greater job opportunities can also foster the success and growth of large employment sectors; protect and provide readily available economic development land to meet the needs for jobs; and potentially enable development that creates jobs near where people live. Additionally, the petitioner suggests that the increase in available industrial land will promote sectors of the economy that will aid in the economic opportunities and help attract young professionals. He said that the proposed plan would add to the available industrial land within Lexington, while also supporting the maintenance of the Urban Service Boundary and this proposal promotes the use of underutilized land in a way that enhances the existing urban form. Additionally, the 2017 Rural Land Management Plan (RLMP) emphasizes the maximization of the land use to produce employment opportunities, while maintaining the RAC boundaries and minimizing the impacts to the surrounding agriculture, Rural Settlements and viewsheds. He said that the staff agrees and is recommending approval with the revised conditional zoning restrictions.

Commission Questions – Ms. Mundy asked if the landscape buffers would be required on the agriculture zone. Mr. Baillie said that there is some zone-to-zone buffering along agricultural and industrial zones.

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Mr. Berkley asked if the Rural Land Management Plan states how the gateways should be used. Mr. Baillie said that the Rural Land Management Plan states that staff monitor gateways so that uses won't block the viewsheds or impact the agricultural area. Mr. Berkley asked for clarification of the staff's first prohibited use. Mr. Baillie said that this use is being limited because of the close proximity of this use on the other side of the Blue Sky RAC. He added that it isn't a good use for the site and also does not produce much employment.

Mr. Owens asked for more information regarding the land swap that happened in 1996. Mr. Baillie said the original property owner sought to incorporate it into the Rural Activity Center, but during the Comprehensive Plan process it became known that there wasn't any desire to expand the Rural Activity Centers. He said that after that process there was a verbal agreement that some of the southern property would be swapped out for a portion on the northern side of the Blue Sky RAC, which was part of the B-5P zone area. Ms. Wade said that the previous property owner agreed to remove a portion of the Blue Sky RAC, on the southern boundary, in order to add part to the northern boundary, and in 1996, the Planning Commission agreed to this swap. She pointed to those areas on the aerial photo. She said that in 2008, the property owner applied for two zone changes, simultaneously, to change the northern boundary from A-R zone to B-5P zone, which was approved. They also asked to change the southern boundary from B-5P zone to A-R zone. The applicant then said that the circumstances had changed and asked the Planning Commission to disapprove the application. The Planning Commission did recommend disapproval and the application was withdrawn. Mr. Owens then asked if the B-5P zone is part of this zone change. Ms. Wade said that it is depicted on the development plan to provide access to the subject property. Mr. Owens also asked if the B-5P zone is active. Ms. Wade said that it is currently vacant and that the preliminary development plan had expired, so the applicant is also asking for re-approval of that portion of the plan.

Ms. Plumlee said that in the 1996 Comprehensive Plan, it was stated that Rural Activity Centers were to maintain their boundaries. Ms. Wade said that the Comprehensive Plan's Goals and Objectives recommend maintaining the Rural Activity boundaries. Ms. Plumlee then asked if these boundaries have been maintained within this Rural Activity Center. Ms. Wade stated that during the process of the 1996 Comprehensive Plan, the map was updated to depict the land swap. She said that the acreage remained the same and the uses should have remained the same also. She added that in 2001, a property was added to the Rural Activity Center on the east side.

Ms. Mundy asked for clarification of a private Rural Activity Center. Mr. Baillie said that the Blue Sky RAC is owned and operated by private owners, not owned by the city or state, similar to the Bluegrass Airport and Spindletop. Ms. Mundy asked how the Planning Commission sets the limitations on a private Rural Activity Center. Mr. Baillie said that they are currently proceeding with the zone change process, like all other properties, the staff and Planning Commission has the opportunity to establish conditional zoning restrictions.

Development Plan Presentation – Mr. Martin presented a rendering of the revised combination preliminary subdivision plan and development plan, and he distributed an updated staff report to the Commission with revised conditions, as follows:

The Staff Recommends: Approval, subject to the following conditions:

1. Provided the Urban County Council rezones the property L-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
- ~~7. Addition of graphic scale to the face of the plan.~~
7. 8. Denote and clarify lot coverage and Floor Area Ratio (FAR) per Article 21 of the Zoning Ordinance.
8. 9. Denote: A Final Development Plan shall be required for all lots proposed for Light Industrial zoning Conditional Zoning Restrictions.
9. 40. Denote: Timing of the pump station relocation shall be determined at the time of a PSP/Final Development Plan to the approval of the Divisions of Engineering and Water Quality and delete existing note.
11. ~~Denote: Stormwater management shall be resolved at time of a PSP/Final Development Plan.~~
10. 42. Discuss status and width of Revise proposed street right-of-way to meet the requirements of the Land Subdivision Regulations and delete cross-sections "C-C" and "D-D".
13. ~~Discuss potential access to adjoining property.~~

Mr. Martin pointed out the B-5P zone and said that it has a physical and functional relationship with this Rural Activity Center. He said that the uses were previously approved on the preliminary development plan, which include a restaurant and a three-story hotel. He said staff was concerned with the topography of this property, which include streams, detention areas and steep slopes that will require a tremendous amount of fill in order for it to serve their purpose. He said that there is a pump and indicated on the map the proposed location, should the applicant chose to relocate it. He added that this revised plan has met the concerns of the staff regarding that a note was made to the final development plan. He said that the Subdivision Regulations state that the right-of-way is to be 60 feet, but the applicant has a transition of 60-40-50 feet. He said that condition #10 regarding the right-of-way will serve the neighboring property in the future, which is not currently in the Urban Service Area. Regarding

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the pump station, condition #9, should it be relocated the staff is recommending that they delete the current note on the plan and that it be to the approval of the Divisions of Engineering and Water Quality. He said the staff is recommending approval of this plan.

Commission Question – Ms. Plumlee asked if the pump station is city owned. Mr. Martin said that the LFUCG does own the pump station.

Mr. Owens asked what the applicant is going to do with the easements on this property. Mr. Martin said they cannot build off of this plan and they will need address those easements. Mr. Owens said that there isn't annotation on the plan that nothing can be done until the time of the final development plan. Mr. Martin said that there is a note currently on the plan and that this a revised plan.

Applicant Presentation – Mr. Nathan Billings, attorney representing the petitioner, said that the applicant is in agreement with most of the staff's recommendations. He said that they disagree with the types of the conditional uses that should be placed on the property. He said that in regards to Mr. Owens comment about the land swap, he said that his client purchased this property in August 2018 and knew that the land swap had happened. He presented a PowerPoint presentation to the Planning Commission and the audience members and said that this area is important to the City of Lexington because it is one of four corners to the gateway into the city and because it is one the largest acreage areas in the Blue Sky RAC that can be developed. He said that this property is vacant, has significant topographical issues, a stream and utility easements.

Mr. Billings said that he believes that this will support employment growth in the Blue Sky RAC, supports the Urban Service Area boundary and hopes that it will lead to job growth in the area. He said that this is agreement with the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan and the existing classification is inappropriate. He said that the zone change is only for 5301 Athens Boonesboro Road, the rear piece of the property whereas the preliminary development plan is for 5191 Athens Boonesboro Road and the preliminary subdivision plan is only for the proposed zone change area. He said that the preliminary development plan is amended because it has expired. He added that the development for the front property is only for access because the subject property is land locked. He then said that the light industrial zone has recommended in the Comprehensive Plan ever since 1980. He said that many of the Comprehensive Plan's recommended a Small Area Plan for the Blue sky area, which have not been completed. He said that there are two components that there isn't any guidance for development in the area: how to promote economic growth in the Blue Sky area and the recommendation from the 2017 Rural Land Management Plan that this should be a gateway, but there are no guidelines for that definition.

Mr. Billings said that there are twelve parcels in the Blue sky RAC that are B-5P and they are all vacant and underutilized, which shows that they can't find end users for those parcels. He said that restaurants and hotels are not the desired use at this time in this area. He believes that continued industrial and light warehousing uses are in the foreseeable future. He added that the more restrictive the uses are on the property, the more there will be underutilized parcels. He said that there are two conceptual ideas of a gateway. He said that this entrance is the second in Fayette County from the south and it is vacant of any development. The proposed development will be between 10-15 feet below the grade of the roadway. He said that as gateway into the city this entire interchange needs to revamped, so that travelers would be proud to enter the City of Lexington. He also said that this is the last business interchange if you're exiting the city and it looks abandoned. He said that there will economic activity at this interchange. He said that this request will create jobs and prosperity and provide goods and services to other businesses in Lexington, will be a desirable community that will improve this interchange and will continue to maintain the Urban Service Area boundary.

Mr. Billings displayed photos and said that they don't agree with all of the staff's restricted uses. He said that the proposed development would be approximately between 25-40 feet tall and only the top of the building will be visible. He said that the staff has recommended the landscape buffering be to create a 25-foot wide landscape buffer along I-75, which they are in agreement to, but he said that there is already a 50-foot building setback and believes that a 25-foot landscape buffer will be appropriate. He also said that they would to adjust the buffer to narrow as the property narrows down along the eastern boundary. He said that there is a pump station in the center of the property and a powerline easement that runs through the property and then over the interstate. He said that they want the development to be visible for marketing reasons.

Mr. Billings said that the staff also recommended ten conditional zoning restrictions, and he believes that they are restricting a third of the uses that are allowed in the I-1 zone. He said that he believes there some conditional uses that are appropriate, as follows: the auto and truck repair, tire re-treading and recapping, advertising signs, commercial wood lots, prefabricated homes, and ice plants. They are in agreement with the 25-foot landscape buffer, but requested that they can narrow it at the southern point of the property. He asked that the tree buffer not be required because of visibility and cost. He distributed a motion to the Planning Commission. He added that they are in agreement with the concerns of the property owner to the north, which include the access to the property, the right-of-way, and if the pump station gets relocated they would like an easement into it.

Mr. Billings's motion is as follows:

1. For the reasons stated in the Applicant's justification letter and the Staff Report, the requested Light Industrial (I-1) zone is in agreement with the 2013 Comprehensive Plan and adopted Goals and Objectives of the 2018 Comprehensive Plan.

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2. The requested Light Industrial (I-1) zone is in agreement with the 2017 Rural Land Management Plan as it emphasizes the maximization of the land use to produce employment opportunities without modifying the current boundaries. The future land use element recommends Light Industrial land use.
3. This approval is made subject to approval and certification of PLN-MJDP-18-00102: JFG Enterprises, Inc. (IVCP Athens, LLC) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions shall apply to the subject property via conditional zoning:
 - a. Landscape Buffers (In addition to the requirements of Article 18 of the Zoning Ordinance)
 - 1) Along the eastern boundary of the subject property, adjacent to Interstate 75, a 25-foot wide landscape buffer shall be provided.
 - b. Prohibited Uses:
 - 1) Principle use for outdoor automobile and truck repair;
 - 2) Outdoor tire re-treading and recapping;
 - 3) Advertising signs, also known as billboards, as regulated by Article 17 of the Zoning Ordinance;
 - 4) Commercial wood lots;
 - 5) Establishments for the display and sale of precut, prefabricated, or shell homes; and
 - 6) Ice plants.

These conditions and restrictions are necessary and appropriate in order to restrict the most intense land uses on the subject property, which could have a negative impact on the surrounding agricultural zones and Athens Boonesboro Road, a major gateway into Lexington-Fayette County. These restrictions will protect the aesthetic character of the Athens Boonesboro Road gateway, as recommended by the 2017 Rural Land Management Plan (RLMP).

Commission Questions – Mr. Nicol asked what 2007 Future Land Use map depicted this property as on the map. Mr. Billings said that the Future Land Use map from the 1988, 1996, 2001, and 2007 Comprehensive Plan's identified the subject property as Light Industrial. Mr. Nicol said that this property was not included in the Rural Activity Center, it was still shown as Light Industrial. Mr. Billings said that 2007 is depicting both the Blue Sky RAC and the recommended classifications within that area. Ms. Wade clarified that the piece of property that was swapped is not the subject property.

Note: Mr. Pohl left the meeting at 3:50 p.m.

Note: Planning Commission took a recess at 3:50 p.m. until 3:55 p.m.

Citizen Comment – Fred Eastridge, ECSI, LLC; 340 South Broadway, representing JFG Enterprises, distributed a resolution, a letter from Charlie Martin, and an agreement for the pump station to the Planning Commission. He said the property owner is in agreement with this zone change. He said that they have a very strong interest in the pump station since they built it. He said that it was built to service the property in the Rural Activity Center and they want to be sure that if it is relocated that it be designed and built to the requirements by LFUCG. He added that the applicant has rights to the pump station that it service their property.

Bub Crutcher, 284 Blue Sky Pkwy, said that growth in this area will be a significant change. He said that the sewer issue has been the most concern with this property. He said that he would like to see more development in this area, but doesn't believe that this proposed zone is appropriate.

Mr. Dick Murphy, attorney present on behalf of adjoining property owners, Encore Partners, distributed proposed notes to the Planning Commission, as follows:

PROPOSED ADDITIONAL NOTES FOR AMENDED PRELIMINARY DEVELOPMENT PLAN/PRELIMINARY SUBDIVISION PLAN FOR JFG ENTERPRISES, INC. (IVCP ATHENS, LLC)

1. Show northern edge of right-of-way as the northern property line adjacent to the property to the north.
2. Show sanitary sewer easement from property to the north to the proposed relocation site of new pump station.

Mr. Murphy said that they are not objecting to the zone change, but they have concerns with the development plan. He said that Encore Partners owns the property to the north of the subject property and will have the greatest impact from this development. He said that many of their concerns on the development have been addressed, and he is requesting some notes to confirm. He said that one of their concerns was the configuration of the roadway off of Athens Boonesboro Road, which has been addressed and they approve. He said that their second concern was the access to the entrance roadway. He said that Mr. Billings stated the right-of-way was designed to touch their property line so that there wouldn't be a strip to prevent one owner from accessing the road. He requested that the development plan depict that strip. He added that staff and Mr. Billings has seen this and is agreeable. They are also requesting the sanitary sewer easement be shown from the property to the north to the proposed relocation site of the new pump stations. He said that there currently is an easement from their property into

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the pump station and they are seeking to preserve the statue status quo into whatever happens to that pump station. He added that they would like a potential easement into the pump station on the development plan.

Mr. Murphy said that the resolution that was distributed by Mr. Eastridge, on behalf of the Wilson brothers, limits the pumps station to a capacity in gallons not to certain properties. He said that if this property is going to be used as warehousing type, it would generate a small usage on the pump station, unlike a hospital.

Mr. Murphy said that there is a third note, that isn't noted on the handout, it is as follow:

3. The adjoining property owner will be notified upon filing of final or amended development plans or plats. He added that all the parties have agreed on that, as well.

Petitioner Rebuttal – Mr. Billings said that they are in agreement with the resolution that was distributed. He said that the capacity of the pump station is there to be reserved, there are upgrades that could be completed. He said that they a private agreement with the property owners and they are in support of this zone change. He said that they are in agreement with Mr. Murphy's notes. He clarified that as of now they don't where the pump station will be relocated to and where the easement will be.

Staff Rebuttal – Mr. Baillie said that their concern is the conditional zoning on this site. There isn't a proposed use, there are no buildings, nor a site design for this property. He said that conditional zoning is required to protect this area as a gateway into the city, as well as protecting it from some of the nuisance uses, such as condition #8, commercial wood lots, which are typically located in the I-1 zone and condition #9, outdoor material storage and sales, which is an accessory use in the I-1 zone. He said that rest are carried over from the B-4 zone. He added that staff is making these suggestions from what has been done in the past in the I-1 zone and they are seeking to promote a greater I-1 use at this location. He said that any modifications of the landscape need to be monitored so that they don't impact the viewshed of the area.

Commission Questions – Mr. Wilson asked if the staff has reviewed the three additional conditions proposed by Mr. Murphy. Mr. Baillie said that they have and they are in agreement.

Mr. Owens asked for clarification of the approval of the development plan on the B-5P zone. Mr. Baillie said that it is part of this request as a whole. Mr. Martin added that the petitioner has incorporated the previous plan with this request, so that this action will also be a re-approval of that existing plan. Mr. Owens also asked Mr. Billings if the B-5P has also been purchased. Mr. Billings said that is correct and added that there hasn't been any development on that parcel. Mr. Owens asked for clarification of relocating the pump station, since it is on the plan to be relocated. Mr. Billings said at this time, they are unsure of relocating it because it will be very complicated and costly and will be done so as per the Division of Engineering and Water Quality's requirements.

Mr. Nicol said that staff stated a fulfillment center is allowed in the I-1 zone and asked Mr. Billings if they are in agreement of keeping condition #4 of the prohibited uses. Mr. Billings said that they are not in agreement to that condition. He said that he believes there are potential uses of that and they want as little restrictions as possible on this property.

Commission Discussion – Ms. Plumlee said that the Comprehensive Plan has been neglected regarding the Small Area Plan for the Rural Activity Centers.

Mr. Owens said that he is concerned with the preliminary subdivision plan without a preliminary development plan. He said that there are many problematic situations with this plan because there is no proposed building or layout. He said that he would like to see more on the development plan.

Mr. Berkley said that he believes the applicant is not at that point to create a layout. He said agrees that they need the zone change first. He said that some of the prohibited uses that are permitted at other interchanges along I-75. He agrees with most of the conditions, but would like to strike condition #1. He asked for clarification of the staff's reasoning for all of the prohibited uses. Mr. Baillie reviewed all of the conditional zoning restrictions. Mr. Berkley said that the property in the Blue Sky RAC is underutilized.

Mr. Owens said that he believes that condition #3, tire re-treading and recapping will be good if it is located within a building. He doesn't want any outside storage.

Ms. Plumlee said that she in favor of the staff's recommendations. She believes that this area should be as attractive as possible and have as high employment as possible.

Mr. Nicol, said that this property has been marketed as a gateway to the City of Lexington, which it can be. He agrees with the staff is removing the nuisance uses in the zone. He also believes that the market should be able to determine what businesses could be successful in the area.

Mr. Wilson said that he would also like to see some design on the development plan. He said that the zone change should be approved with the staff's recommendations and err on side of caution.

Zoning Action – A motion was made by Mr. Berkley, seconded by Ms. Mundy, to approve PLN-MAR-18-00028: IVCP ATHENS, LLC, for the reasons provided by the staff, with the removal of #4.b.1.

Mr. Nicol asked to leave condition #4.b.1, but only strike mobile homes. Mr. Berkley said that he agrees with that modification, as follows:

4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following prohibited uses and landscape buffers shall apply to the subject property via conditional zoning:
 - a. Landscape Buffers (in addition to the requirements of Article 18 of the Zoning Ordinance)
 - 1) Along the eastern boundary of the subject property, adjacent to Interstate 75, a 25-foot wide landscape buffer shall be provided.
 - 2) Included in the landscape buffer shall be evergreen trees planted every 20 feet, staggered on center in two rows.
 - b. Prohibited Uses:
 - 1) Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
 - 2) Ice Plant.
 - 3) Tire re-treading and recapping.
 - 4) Truck terminals and freight yards.
 - 5) Major or minor automobile and truck repair.
 - 6) Establishments for the display and sale of precut, prefabricated, or shell homes.
 - 7) Rental Storage yard.
 - 8) Commercial wood lots.
 - 9) Outdoor material storage and sales as otherwise permitted.
 - 10) Advertising signs, also known as billboards, as regulated by Article 17 of the Zoning Ordinance.

These restrictions are necessary and appropriate in order to restrict the most intense land uses on the subject property, which could have a negative impact on the surrounding agricultural zones and Athens Boonesboro Road, a major gateway into the Lexington Fayette Urban County. These restrictions will protect the aesthetic character of the Athens Boonesboro Road gateway, as recommended by the 2017 Rural Land Management Plan (RLMP).

Action – Motion carried 6-1 (Plumlee opposed: Bell, Brewer, Penn and Pohl absent).

Development Plan Action – A motion was made Mr. Berkley, seconded by Ms. Mundy, and carried 5-2 (Owens and Plumlee opposed: Bell, Brewer, Penn and Pohl absent) to approve PLN- MJDP-18- 00102: JFG ENTERPRISES, INC. (IVCP ATHENS, LLC), with the revised conditions provided by the staff and the proposed additional notes provided by Mr. Murphy, as follows:

1. Provided the Urban County Council rezones the property 1-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
- ~~7. Addition of graphic scale to the face of the plan.~~
7. 8. Denote and clarify lot coverage and Floor Area Ratio (FAR) per Article 21 of the Zoning Ordinance.
8. 9. Denote: A Final Development Plan shall be required for all lots proposed for Light Industrial zoning Conditional Zoning Restrictions.
9. 40. Denote: Timing of the pump station relocation shall be determined at the time of a PSP/Final Development Plan to the approval of the Divisions of Engineering and Water Quality and delete existing note.
14. Denote: Stormwater management shall be resolved at time of a PSP/Final Development Plan.
10. 42. Discuss status and width of Revise proposed street right-of-way to meet the requirements of the Land Subdivision Regulations and delete cross-sections "C-C" and "D-D".
- ~~13. Discuss potential access to adjoining property.~~
11. Show northern edge of right-of-way as the northern property line adjacent to the property to the north.
12. Show sanitary sewer easement from property to the north to the proposed relocation site of new pump station.
13. The adjoining property owner will be notified upon filing of final or amended development plans or plats.