

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

IN RE: **PLN-MAR-17-00035: ANDERSON ACQUISITIONS, LLC** – a petition for a zone map amendment from an Agricultural Rural (A-R) zone to an Economic Development (ED) zone, for 7.70 net (9.53 gross) acres, for property located at 2050 Newtown Pike. (Council District 12)

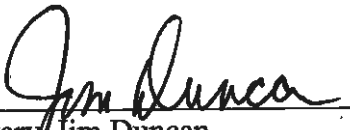
Having considered the above matter on **October 26, 2017**, at a Public Hearing, and having voted **9-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **CONDITIONAL APPROVAL** of this matter for the following reasons:

1. The requested Economic Development (ED) zone is in agreement with the 2013 Comprehensive Plan, and the 1996 Expansion Area Master Plan, for the following reasons:
 - a. The 1996 Expansion Area Master Plan recommends Economic Development (ED) future land use for the subject property, which is the primary employment land use in the Expansion Area. The applicant has requested Economic Development (ED) zoning for the subject property, in agreement with the Plan's recommendation.
 - b. The 2013 Comprehensive Plan's Goals and Objectives recommend creating prosperity and jobs (Theme C), and more specifically, to "foster the success and growth of large employment sectors; protect and provide readily available economic development land to meet the needs for jobs; and enable infill and redevelopment that creates jobs where people live" (Goal #2d.). The subject property will allow for a consistent and compatible use of the land between the Urban Service Area boundary and the interstate corridor for potential economic development opportunities within the community.
 - c. The proposed rezoning will create "shovel ready" economic development land. Infrastructure is either constructed or currently being constructed to serve the immediate area, and the land is generally flat; therefore, minimal grading would be needed.
 - d. The proposed rezoning maintains the current Urban Service Area boundary (Theme E, Goal #3), and encourages development of underutilized and/or vacant property within the current boundary (Theme E, Goal #1).
 - e. The 2013 Comprehensive Plan also recommends that there be a supply of "jobs infrastructure" ready for development in a variety of manners (pg. 72), including office, industrial and healthcare, all of which can be accommodated by the proposed Economic Development (ED) zone.
2. This recommendation is made subject to the approval and certification of **PLN-MJDP-17-00097: Winburn Land Company (Kingston Hall, Unit 3)**, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. **Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions within the Royal Spring Aquifer and Wellhead Protection Area are recommended via conditional zoning:**
 - a. All above ground and underground storage tanks shall be designed to have spill containment facilities.
 - b. All establishments and facilities that store, or transport hazardous materials shall be designed to provide spill containment facilities and shall have emergency response plans approved by the appropriate Hazmat regulator (DEEM, Fire Department, or EPA, as necessary).
 - c. On-site disposal of any hazardous waste materials shall be prohibited.
 - d. Mining of non-metallic minerals and/or radium extraction shall be prohibited.

These use restrictions are both appropriate and necessary for the subject property for the following reasons:

1. 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 been approved by the Kentucky Division of Water.
2. 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 10th day of November, 2017.


Secretary Jim Duncan

WILLIAM WILSON
CHAIR

Note: The corollary development plan, PLN-MJDP-17-00097: WINBURN LAND COMPANY was approved by the Planning Commission on October 26, 2017 and certified on November 9, 2017.

K.R.S. 100.211(7) requires that the Council take action on this request by January 24, 2018.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by Dick Murphy, Attorney.

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (9) Bell, Berkley, Brewer, Cravens, Mundy, Owens, Penn, Plumlee, and Wilson

NAYS: (0)

ABSENT: (2) Forester and Richardson

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for APPROVAL of PLN-MAR-17-00035 carried.

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