

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


IN RE: PLN-MAR-22-00004: MILLENIUM REALTY, LLC – a petition for a zone map amendment from a Highway Service Business (B-3) zone to a Light Industrial (I-1) zone, for 7.997 net (8.187 gross) acres, and from a Planned Shopping Center (B-6P) zone to a Light Industrial (I-1) zone, for 0.00 net (0.65 gross) acres, for property located at 2417 Georgetown Road. (Council District 2)

Having considered the above matter on April 28, 2022, at a Public Hearing, and having voted 8-0 that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend APPROVAL of this matter for the following reasons:

1. The requested Light Industrial (I-1) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed development will activate a large tract of undeveloped land within the Urban Service Area (Theme E, Goal #1.d) and expand industrial land in Lexington.
 - b. The proposed rezoning will help with the creation of a variety of jobs (Theme C, Goal #1.a) by opening the subject property up to future light industrial uses employers.
2. The requested Light Industrial (I-1) zone is in agreement with the 2018 Comprehensive Plan's Policies, for the following reasons:
 - a. The proposed development meets Livability Policy #9, as the request seeks to promote economic development through the preservation of strategically and appropriately located industrial and production zoned land.
 - b. The proposed development meets Diversity Policy #2, as the request seeks to encourage a diverse economic base through the wider array of employment opportunities, which may be provided by the I-1 zoning
3. 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 request creates an appropriately sized industrial development that will allow for the zoning flexibility to generate a wider range of jobs.
 - b. These proposed rezoning addresses the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan, as the proposal will include safe facilities for the potential users of the site and will include designated pedestrian facilities.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it calls for preservation of existing vegetation and significant trees, maintains existing drainage patterns, and limits development to cleared portions of the site.
4. 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. Outdoor storage

- iii. Billboards
 - 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.
- 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).
- 1. These restrictions are appropriate and necessary for the following reasons:
 - These restrictions support both the applicant's and the 2018 Comprehensive Plan's goals of enhancing the economic development of the area through the addition of a large number of well-paying light industrial jobs.
 - 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.
5. This recommendation is made subject to approval and certification of PLN-MJDP-22-00012: Charles A & Darlene Martha Property, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

ATTEST: This 13th day of May, 2022.


 Secretary, Jim Duncan

LARRY FORESTER
 CHAIR

Note: The corollary development plan, PLN-MJDP-22-00012: Charles A & Darlene Martha Property as was approved by the Planning Commission on April 28, 2022 and certified on May 12, 2022.

Note: A conditional use was approved to allow an assisted living facility, by the Planning Commission at this hearing.

K.R.S. 100.211(7) requires that the Council take action on this request by July 27, 2022.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Fred Eastridge, Thoroughbred Engineering and Ed Yancy, attorney.**

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (8) Davis, Forester, Meyer, Michler, Penn, Pohl, Nicol, and Worth

NAYS: (0)

ABSENT: (3) Bell, de Movellan, Barksdale

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-22-00004** carried.

Enclosures: Application
Justification
Legal Description
Plat
Staff Report
Development Snapshot
Applicable excerpts of minutes of above meeting