

1. HAYMAKER DEVELOPMENT CO., LLC, & COVENTRY (BELMONT FARM) (AMD.) ZONING DEVELOPMENT PLAN

- a. MAR 2014-3: HAYMAKER DEVELOPMENT CO., LLC (4/7/14)\* - petition for a zone map amendment from a Planned Neighborhood Residential (R-3) zone to a Light Industrial (I-1) zone, for 81.22 net and gross acres; from a High Density Apartment (R-4) zone to a Light Industrial (I-1) zone, for 3.77 net and gross acres; from a Planned Neighborhood Residential (R-3) zone to a Professional Office (P-1) zone, for 4.49 net and gross acres; and from a High Density Apartment (R-4) zone to a Professional Office (P-1) zone, for 9.32 net and gross acres, for property located at 2250 Spurr Road and 2350, 2400, & 2550 Georgetown Road (a portion of each).

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 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. Theme C: "Creating Jobs and Prosperity," identifies the need to protect and provide readily available economic development land to meet the need for jobs. The petitioner proposes professional office (about 14 acres) and industrial land use (about 85 acres) for the 99-acre subject property in hopes of attracting new business to the region.

The Zoning Committee Recommended: **Approval**, for the reasons provided by staff.

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

1. The existing Planned Neighborhood Residential (R-3) and High Density Apartment (R-4) zones are inappropriate, and the proposed Professional Office (P-1) and Light Industrial (I-1) zones are appropriate for the following reasons:
  - a. Land that is currently zoned P-1 is being utilized by Fayette County Public Schools for a new elementary School along Spurr Road. Thus, the proposed 14 acres of P-1 zoning will offset that loss of "jobs land" within the immediate vicinity.
  - b. The proposed P-1 zoning is located adjacent to a multi-family residential land use, which will create a logical step-down in intensity of land use to the proposed industrial use further to the north.
  - c. The proposed I-1 zoning and land are compatible and complementary to the Coldstream Research Campus to the east.
  - d. The existing greenway to the west provides a physical boundary that can be utilized as a logical land use boundary as well. This land use boundary will separate residential development to the west of the location, and provide employment generating land to the east of the greenway.
  - e. A less than favorable market in this portion of the community exists for multi-family residential, evidenced by another multi-family condominium development in the immediate vicinity that has been sold/occupied at a slow rate over the past decade.
2. The 2013 Comprehensive Plan, Theme C "Creating Jobs and Prosperity" identifies the need to protect and provide readily available economic development land to meet the need for jobs. The petitioner proposes professional office (about 14 acres) and industrial land use (about 85 acres) for the 99-acre subject property in hopes of attracting new business to the region. The P-1 and I-1 zones are able to fulfill the goal of increasing opportunities for employment locations within the urban county.
3. This recommendation is made subject to approval and certification of ZDP 2014-7: Coventry (Belmont Farm) (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.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses are recommended to be prohibited on all portions of the subject property:
  - a. Underground storage tanks for materials other than petroleum products.
  - b. Mining of non-metallic minerals.
  - c. Establishments or facilities for hazardous waste transporters.
  - d. Any type of facility for hazardous waste storage, treatment and/or disposal.

These use prohibitions are appropriate and necessary since all of the subject property is located within the Royal Spring Aquifer Recharge Area, defined in the Land Subdivision Regulations as an environmentally sensitive area, and since these restrictions are currently in place on the subject property and should continue.

- b. ZDP 2014-7: COVENTRY (BELMONT FARM) (AMD) (4/7/14)\* - located at 2250 Spurr Road and 2350, 2400, 2450 and 2550 Georgetown Road.  
(EA Partners)

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Provided the Urban County Council rezones the property I-1 & P-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.

\* - Denotes date by which Commission must either approve or disapprove request.



4. Building Inspection's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree inventory map.
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Department of Environmental Quality's approval of environmentally sensitive areas.
8. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.
9. Addition of all required necessary information per Article 21 of the Zoning Ordinance.
10. Addition of cross-section for Remington Way extension.
11. Provided the Planning Commission grants a waiver to Article 6-8(f) of the Land Subdivision Regulations.
12. Resolve the need for pedestrian connection from this development to Spurr Road.
13. Resolve the landscape buffer for residential uses from industrial street (Remington Way ext.)

Zoning Presentation: Ms. Wade began the staff's presentation of the zoning report by noting that the staff had received one letter in support of this request, from Commerce Lexington. She said that the petitioner is requesting a zone change that is divided into four parts, and the subject property is a portion of the former Belmont Farm. A piece of that property has been developed for single family residential use as the Coventry subdivision, along Spurr Road, which ends as a stub. A portion of the property along Remington Way, which is also a stub street, was developed for multi-family residential use. Ms. Wade stated that another portion of the subject property was developed as a small park for the Coventry subdivision. A parcel was also recently sold to Fayette County Public Schools as the site of a future elementary school, to be located at the intersection of Georgetown Road and Spurr Road at the entrance to the Coventry subdivision. Also in the vicinity of the subject property is vacant land at the intersection of Georgetown Road and Citation Boulevard, which is proposed for commercial development in a B-6P zone; the Belmont Farm single family residential neighborhood to the south; the Coldstream Research Park, to the east; and the University of Kentucky dairy farm, to the north.

Ms. Wade stated that the subject property has previously been the subject of two zone changes. In 1992, it was rezoned to R-3, P-1, and P-2, to implement a part of the Coldstream Small Area Plan. In 2001, the property was rezoned to its existing configuration, with a mixture of residential, professional office, and retail zoning. The proposed mixed-use development has yet to be completed. The petitioner is currently proposing Professional Office parcels to border the existing multi-family residential uses along Remington Way, with Light Industrial uses proposed further to the north. Ms. Wade displayed two photographs of the subject property, noting that it is currently vacant.

Ms. Wade said that the 2013 Comprehensive Plan no longer focuses on specific map-based land uses, but utilizes a policy-based approach, which provides more flexibility for the Planning Commission and the applicants in rezoning requests. She stated that previous Comprehensive Plans recommended several different land uses for the subject property, which was reflective of the multiple zone changes, but also of the appropriateness of the area for an array of possible uses. The 2013 Comprehensive Plan suggests that more land should be developed that will permit employment opportunities within Lexington-Fayette County. The Comprehensive Plan identifies that 500 acres of land that was recommended for job creation have been depleted since the 1990s. Ms. Wade said that the proposed zone change will restore nearly 100 acres of that lost acreage, with the goal of providing "shovel-ready" land to be marketed by local economic development professionals, including Commerce Lexington. She stated that the staff also believes that the existing zoning is inappropriate at this location, and the proposed zoning is appropriate.

Ms. Wade stated that the staff and the Zoning Committee recommend approval of this request, for the reasons listed in the staff report and on the agenda. She said that the staff is recommending conditional zoning restrictions for the subject property. There are existing restrictions on the property, and the staff believes that they should be maintained, primarily in order to protect the Royal Spring Aquifer Recharge Area, which provides drinking water for the city of Georgetown.

Development Plan Presentation: Mr. Martin presented the corollary zoning development plan, which was filed as a preliminary development plan and subdivision plan. He further oriented the Commission to the location of the subject property, noting that it is located near the proposed school site, for which the Commission recently reviewed a plat.

Mr. Martin stated that the petitioner is proposing to extend Remington Way to serve the industrial lots as depicted on the plan, with open space and greenway areas. He said that the staff is recommending approval of this plan, subject to the conditions as listed on the agenda. With regard to condition #12, he explained that the staff is concerned with the proposed termination of Spurr Road, which is now configured to prevent industrial traffic from cutting through the existing residential neighborhood to the west. The staff believed that it was important to still maintain a pedestrian connection at that location, to provide access for any residents of the neighborhood who might work on the subject property. Mr. Martin stated that that condition had been satisfied with the submission of the revised plan. He said, with regard to condition #13, that the petitioner intends to place the landscape buffer closer to the residential neighborhood, which will allow it to be more visually effective.

With regard to condition #11, Mr. Martin stated that the Commission is being asked to approve a waiver to the required length of the cul-de-sac. He said that the Subdivision Regulations require that a cul-de-sac should not be

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more than 1,000 feet in length, due to concerns about fire safety. The cul-de-sac proposed on this plan is well over 2,000 feet in length; however, only a few, very large lots are proposed. In addition, the petitioner has agreed to restrict the development of the subject property so that Final Development Plans are required for each lot. That will provide the Commission with the opportunity to review each parcel on a Final Development Plan, and to evaluate and ensure that public safety and environmental issues have been addressed adequately. Mr. Martin stated that the staff is recommending approval of the requested waiver.

Mr. Martin said that, after meeting with the petitioner, the staff recommended that they "blend" this plan, which was originally filed as a preliminary development plan, instead making it a preliminary subdivision plan as well. That grants the petitioner the desired flexibility in the industrial area, so they can determine how much acreage is needed for each potential project. Because of that change to the status of the plan, the following two conditions should be added to the conditions for approval:

14. Add the words "Preliminary Development Plan" back into the plan title.
15. Addition of Owner's and Planning Commission's Certifications to plan.

Mr. Martin said that, with the addition of those conditions, the staff and the Subdivision Committee are recommending approval of this plan.

Traffic Impact Study Presentation: Mr. Sallee presented the staff review memo on the petitioner's Traffic Impact Study. He said that full development on the subject property is expected in 2019. The petitioner is proposing to construct only one access to the proposed development, at the intersection of Citation Boulevard and Remington Way. Following full build-out of the development, the TIS predicts approximately 883 new trips in the morning peak hour, with 649 new evening peak-hour trips estimated.

Mr. Sallee stated that there were three critical intersections reviewed as part of the TIS: Georgetown Road and Citation Boulevard; Remington Way and Citation Boulevard; and McGrathiana Parkway and Citation Boulevard. All of those intersections currently operate at level of service "C," and all are anticipated to have the same level of service at full build-out of the proposed development in 2019. Mr. Sallee noted that an additional four seconds of delay is anticipated at the Citation Boulevard/Remington Way intersection at full build-out. He said that the staff's conclusions were that the TIS met the requirements of the Zoning Ordinance.

Petitioner Representation: Glenn Hoskins, attorney, was present representing the petitioner. He stated that the petitioner is in agreement with all the staff's recommendations, and he requested approval of the rezoning and the requested waiver.

Zoning Action: A motion was made by Mr. Brewer, seconded by Mr. Drake, and carried 9-0 (Cravens absent) to approve MAR 2014-3, including the recommended conditional zoning restrictions.

Development Plan Action: A motion was made by Mr. Brewer, seconded by Mr. Drake, and carried 9-0 (Cravens absent) to approve ZDP 2014-7, subject to the 15 conditions as listed, including the requested waiver to the Land Subdivision Regulations.