

2. ANDERSON ACQUISITIONS, LLC ZONING MAP AMENDMENT & WINBURN LAND COMPANY ZONING DEVELOPMENT PLAN

- a. PLN-MAR-17-00035: ANDERSON ACQUISITIONS, LLC (12/30/17)*- 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.

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. The 2013 Comprehensive Plan also encourages creating jobs and prosperity (Theme C) and maintaining a balance between urban uses and safeguarding rural land (Theme E).

The subject property is located within the Expansion Area, more specifically Subarea 3. The Expansion Area Master Plan recommends Economic Development (ED) future land use for the subject property. The petitioner proposes to develop this property with the principal permitted uses allowed in the Economic Development (ED) zone.

The Zoning Committee Recommended: Approval.

The Staff Recommends: Approval, 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 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.

- b. PLN-MJDP-17-00097: WINBURN LAND COMPANY (12/30/17)* - located at 2050 Newtown Pike.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

(EA Partners)

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

1. Provided the Urban County Council rezones the property ED; 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. Denote proposed use of subject property.
8. Resolve timing of completion of frontage along Aspiration Drive.
9. Resolve timing to remove platted 300' building line.
10. Resolve status of sanitary sewer service.

Staff Zoning Presentation – Ms. Wade presented the staff report and recommendations for the zone change. She displayed photographs of the subject property and aerial photographs of the general area. She said the subject property is located in Expansion Area 3 and is currently vacant.

Ms. Wade stated that the applicant believes that this rezoning is in agreement with the 2013 Comprehensive Plan and the Land Use recommendation from the 1996 Expansion Area Master Plan. She said that that subject property is also located in the Royal Springs Aquifer and the staff made a recommendation for condition zoning restrictions due to this environmental condition. She said the staff and the Zoning Committee recommended approval of this zone change.

Development Plan Presentation – Mr. Martin presented a rendering of the preliminary development plan and the preliminary subdivision plan associated with the zone change, and he handed out 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 ED; 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. Department of Environmental Quality's approval of environmentally sensitive areas.
- ~~6. Denote proposed use of subject property.~~
- ~~6.~~ 7. Resolve Denote timing of completion of frontage along Aspiration Drive shall be determined at final development plan.
- ~~7.~~ 8. Resolve Denote timing to remove platted 300' building line shall be determined at final development plan and denote platted building line on property.
- ~~8.~~ 9. Resolve Denote status of sanitary sewer service shall be determined at final development plan.

Mr. Martin said that access to the subject property will be from Aspiration Way. He said that staff has a few sign-off conditions and the applicant will need to submit a final development plan. He added that in an Expansion Area, the applicant will be submitting required compliance reports at the time of the final development plan.

Mr. Martin said that the subject property will be utilizing the existing sanitary sewer pump station located near Newtown Pike until the new regional pump station is completed.

Applicant Presentation – Mr. Murphy, attorney representing the petitioner, said the applicant is in agreement with the staff's recommendations and is available for questions.

Citizen Comment – There were no citizens present to speak to this application.

Zoning Action – A motion was made by Mr. Owens, seconded by Mr. Brewer, and carried 9-0 (Forester and Richardson absent) to approve PLN-MAR-17-00035: ANDERSON ACQUISITIONS, LLC, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Owens, seconded by Mr. Brewer, and carried 9-0 (Forester and Richardson absent) to approve PLN-MJDP-17-00097: WINBURN LAND COMPANY, with the revised conditions provided by the staff.