

ORDINANCE NO. 044 - 2022

AN ORDINANCE CHANGING THE ZONE 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) ACRE, FOR A PROPERTY LOCATED AT 2417 GEORGETOWN ROAD. (MILLENIUUM REALTY, LLC; COUNCIL DISTRICT 2).

WHEREAS, at a Public Hearing held on April 28, 2022, a petition for a zoning ordinance map amendment for a property located at 2417 Georgetown Road 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) acre, was presented to the Urban County Planning Commission; said Commission recommending approval of the zone change by a vote of 8-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone for a portion of properties located at 2417 Georgetown Road 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) acre, being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 - That the Lexington-Fayette Urban County Planning Commission is directed to show the amendment on the official zone map atlas and to make reference to the number of this Ordinance.

Section 3 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: June 9, 2022



MAYOR

ATTEST:

A handwritten signature in black ink, appearing to read "Allan", written over a horizontal line.

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: June 16, 2022-1t

490-22:TWJ:X:\Cases\PLANNING\22-LE0003\LEG\00757433.DOCX

Rec'd by _____

Date: _____

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

MAP AMENDMENT REQUEST (MAR) APPLICATION

1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)

Applicant: MILLENNIUM REALTY, LLC, 1510 BEACON HILL ROAD, LEXINGTON, KY 40544
Owner(s): MILLENNIUM REALTY, LLC, 12 BARBARA COURT, NORTH DARTMOUTH, MA 02747
Attorney: EDWARD L. YANCY, 1510 BEACON HILL ROAD, LEXINGTON, KY 40504

2. ADDRESS OF APPLICANT'S PROPERTY

2417 GEORGETOWN ROAD, LEXINGTON, KY 40511

3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY

Zoning	Existing Use	Requested		Acreage	
		Zoning	Use	Net	Gross
B-3	VACANT	I-1	LIGHT INDUSTRIAL	7.997	8.187
B-6P	VACANT	I-1	RIGHT-OF-WAY	0.00	0.65

4. COMPREHENSIVE PLAN

a. Utilizing Placebuilder, what Place-Type is proposed for the subject site?	INDUSTRIAL AND PRODUCTION CENTER
b. Utilizing Placebuilder, what Development Type is proposed for the subject site? If residential, provide the proposed density	INDUSTRIAL AND PRODUCTION NON RESIDENTIAL

5. EXISTING CONDITIONS

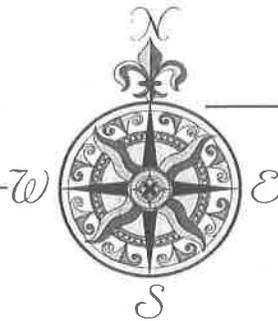
a. Are there any existing dwelling units on this property that will be removed if this application is approved?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
b. Have any such dwelling units been present on the subject property in the past 12 months?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
c. Are these units currently occupied by households earning under 40% of the median income? If yes, how many units? If yes, please provide a written statement outlining any efforts to be undertaken to assist those residents in obtaining alternative housing.	<input type="checkbox"/> YES <input type="checkbox"/> NO

6. URBAN SERVICES STATUS (Indicate whether existing, or how to be provided)

Roads:	LFUCG
Storm Sewers:	LFUCG
Sanity Sewers:	LFUCG
Refuse Collection:	LFUCG
Utilities:	<input checked="" type="checkbox"/> Electric <input checked="" type="checkbox"/> Gas <input checked="" type="checkbox"/> Water <input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable



Edward L. Yancy, Esq.



1510 Beacon Hill Road
Lexington, Kentucky 40504

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E-mail: yancy@elawyancy.com

'Truth lies within a little and certain compass, but error is immense.' Author Unknown

March 7, 2022

Mr. Larry Forester, Chairman
and Members of the Lexington-Fayette Urban County Planning Commission
200 East Main Street
Lexington, KY 40507

Re: Proposed zone change for 2417 Georgetown Road

Dear Chairman Forester and Members of the Planning Commission:

This letter is written on behalf of Millennium Realty, LLC, which owns the property located at 2417 Georgetown Road. We are requesting a zone change from Highway Service Business (B3) zone to the Light Industrial (I1) zone for the property at 2417 Georgetown Road.

Description of Property:

The property at 2417 Georgetown Road is currently vacant land. As far back as 1988 the parcel was recommended for Light Industrial (I1) zoning according to the LFUCG 1988 Comprehensive Plan Land Use Map and that zoning recommendation was also evidenced in the 1996 LFUCG Comprehensive Plan Land Use Map. Notwithstanding the recommended zoning and because of the uses that existed at the time of the I1 (Light Industrial) recommendation, the subject property was ultimately zoned Highway Service Business (B3). 2417 Georgetown Road has remained undeveloped since being designated Highway Service Business (B3) and the old motel that was on the property was demolished many years ago. Therefore, this parcel no longer has a use consistent with the reason it was zoned B3 instead of I1. The property has direct and indirect access (Old Georgetown Road) on its eastern border to a four lane road (Highway 25/ Georgetown Road). The subject property is bordered to the south and west by two parcels designated Light Industrial (I1) zoning (Webasto Sunroofs, Inc. at 2201 Innovation Drive and Curtsinger Trailer and Truck Sales, Inc. at 2502 Spur Road respectively). The majority of the northern bordering property is owned by Jimalou Inc. at 2461 Georgetown Road (operator of Jim & Rose's Bar and Grill and a residency motel). On the north east corner of the subject property is a 0.767 acre parcel that was subdivided from the dominant parcel in 1996; designated as 2429 Georgetown Road, zoned B3 and currently being utilized under a land contract by Rainwater Excavation LLC to store heavy equipment and excavation materials (e.g. rock and dirt). The only building located on the 2417 Georgetown Road property is an old barn that dates back to when the property was a farm. Any future development would contemplate removing this structure.

The applicant has been approached by several potential purchasers seeking property zoned Light Industrial (I1). Clearly the demand for I1 zoned property within the urban service

area has outpaced the supply of such land. In addition to this factor prompting this zone change request, recent developments on the 2502 Spurr Road property (Curtsinger Trailer and Truck Sales, Inc. property) that is already zoned Light Industrial (I1) have added incentive to file this zone change request. The 2502 Spurr Road property currently has only one point of ingress and egress, specifically the undesirable "S" curve situated immediately behind what used to be Linlee Elementary School with the address of 2420 Spurr Road. The Planning Commission has sought without success to devise some way to make that section of road safer for traffic as well as the occupants of 2502 Spurr Road. One contingency that has not been constructed was the granting of a driveway easement running from the 2502 Spurr Road property across the parcel designated as 2381 Innovation Drive providing the 2502 Spurr Road property an alternative access directly to Innovation Drive. Another situation to consider is that Curtsinger Trailer and Truck Sales, Inc. has recently closed its business and the 11.14 acres parcel is available for new business development within the Light Industrial (I1) zoning parameters. It would be advantageous to the applicant and the Estate of Tony Curtsinger if a single development utilizing the combined 19+ acres could access the combined parcels via the existing Georgetown Road entrance and cut a second access over the granted easement to Innovation Drive, thus eliminating the dangerous "S" curve driveway at 2502 Spurr Road.

We feel the Light Industrial (I1) zoning would contribute to better development opportunities that would provide more employment and better paying jobs for the community than the existing B3 (Highway Service Business). This zone request would not alter the landscape of this area. This is an industrial area as evidenced by the fact this parcel is bordered by two large parcels already zoned Light Industrial (I1) and almost all of the development bounded by Citation Blvd. and Innovation Drive is Light Industry (I1) development. The transportation routes have been specifically designed and constructed as freight corridors leading to the Newtown Pike corridor and Interstate 64/75 exchange and to the Ironworks Pike/I-75 junction. This parcel is situated far enough north of the Citation Blvd/Hwy 25 lighted intersection to not cause any traffic concerns and there is a turning lane between the north and south bound lanes providing additional safety for access to the existing driveway leading directly to and from Hwy 25/ Georgetown Road. Please note that the land is currently bordered on the south side boundary with the Webasto property by a drainage ditch that would continue to be part of any development. There would be very little disturbance of the natural land slope running the entire width and depth of the property. In addition, any development would require the prior construction of both storm and sanitary drainage infrastructure for which the applicant has maintained bonding throughout its ownership.

Goals and Objective of the 2018 Comprehensive Plan:

The proposed Light Industrial (I1) zoning is in agreement with the specific recommendations of the 1988 and 1996 Comprehensive Plans for the subject property and the I1 zoning is supported by the goals and objectives of the current 2018 Comprehensive Plan. One of the most important goals of the current plan this proposal accomplishes is the utilization of vacant land within the urban service boundary versus any attempt to expand that boundary. The vast majority of the general public support maintaining the boundary and it's no secret that for the past half century the struggle has been to accommodate urban growth while preserving the unique equine and agricultural nature of the Bluegrass region. By "re-purposing" the 2417 Georgetown Road parcel we accomplish the vision that was created for this parcel over thirty

years ago. We maintain the service boundary and in so doing help maintain the balance between urban and rural land use that has been a critical element of this community for decades. The I1 (Light Industrial) zoning change facilitates Theme C of the 2018 Comprehensive Plan regarding the creation of jobs and prosperity. It will further the goal of economic diversity and variation in job opportunities that provide more upward mobility for our community's employees. Manufacturing facilities not permitted in the B3 zone would be available in the I1 zone. These types of employers often provide higher paying jobs and benefits than the service industry jobs accommodated by B3 zoning. The best reason to make the zone change is because it has been the recommended zoning designation for decades and the use that resulted in the B3 zoning no longer exists. Light Industrial (I1) is exactly what the Planning Commission and the Comprehensive Plans since at least 1988 have recommended for this location.

Engagement:

Counsel for the applicant has made efforts to contact every property owner or their representative within the 500 foot notice radius of the applicant's location. Over the past 18 months, counsel representing the applicant has reached out to the owners of all adjacent parcels. In person and telephone conversations were conducted with Jimalou Bayes (owner of Jimalou, Inc.), Tim Curtsinger (Co-executor of the Estate of Tony Curtsinger), Rick Rainwater (land contract holder of 2429 Georgetown Road parcel and owner of Rainwater Excavation LLC) and Charlie Martha (the actually owner of 2429 Georgetown Road). All of those individual owners or representatives voiced no objection to this zoning change application and the Curtsinger property owner was very encouraging of the request. Multiple telephone messages have been left in efforts to contact Webasto's general manager (Marty Bryant) and no reply communication has been received in response to counsel's efforts. Patrick Malone (Birtley Industrial Equipment Corp.) agreed it was a good idea to seek rezoning on the applicants parcel. The offices of Dennis Anderson have been contacted and a detailed message conveyed to Mr. Anderson's assistant. As of this date, Mr. Anderson has not returned the call. Mike Weis (president of Harbor Steel) has not yet replied to an email communication. Counsel for applicant spoke with Sherry Price (Fayette County Public Schools) and she took contact information in the event anyone in the Fayette County School District Finance Corporation had further questions. A voicemail message was left with Bret Courtney (Delta L, LLC) and he has not returned the call.

There has been no voiced opposition to the proposed zone change from the individuals who counsel has communicated with either in person, by phone or via email. If the persons who have not responded to counsel's efforts have any questions or concerns, they will have an opportunity in the future to engage in that process and applicant stands ready to address their questions and comments.

Place-Type , Development Type and Requested Zoning:

The 2018 Comprehensive Plan has constructed the "Placebuilder" tool as a guide to both the Commission and the public to evaluate whether a proposal fits the "vision" of our future. This zone change request from B3 (Highway Service Business) to I1 (Light Industrial) falls squarely within Theme C of the Place-Type designations: "Creating Jobs and Prosperity".

The Development Type as labeled by the Plan is Industrial & Production Non-Residential (INR).

The applicant is requesting Light Industrial (I1) zoning for the 2417 Georgetown Road property.

Development Criteria:

A-DS4-3 Development should work with the existing landscape to the greatest extent possible. As mentioned above the natural slope and drainage would be part of any development plan. Also, as advocated in the variance request below, the natural vegetation on the north border would be maintained, especially the large trees that sit on the property line. Larger trees on the south border could also be maintained.

C-DI1-1 This criteria relates to flexible zoning options that will allow for a wide range of jobs. That is exactly the goal of this zone change.

C-PS8-1 This zone change from B3 (Highway Service Business) to I1 (Light Industrial) increases opportunities for industry and special trade employment.

D-CO1-1 and D-CO4-2 Industrial development is exactly what was contemplated by the transportation corridor in which this parcel is located. Furthermore, as discussed above, the potential for a joint development with the 2502 Spurr Road parcel could help alleviate a transportation safety hazard currently existing on the Spurr Road "S" curve discussed above.

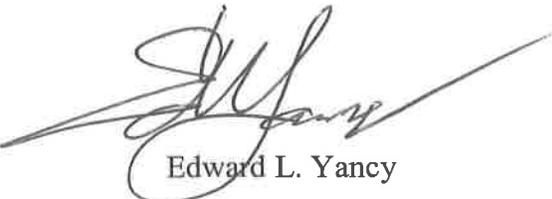
D-PL7-1 As discussed above, existing businesses have been consulted and are either supportive or do not object to the zone change request.

Conclusion

This proposed zoning change simply accomplishes what has been the recommendation of the Planning Commission and the Comprehensive Plan for this parcel for many decades.

Thank you for your consideration of this zone application.

Sincerely,



Edward L. Yancy

ELY:mmi

UPDATED 03.07.2022

MILLENNIUM REALTY, LLC (PLN-MAR-22-00004)

2417 GEORGETOWN ROAD

Rezone the property to allow the development of future industrial land uses.

Applicant/Owner

MILLENNIUM REALTY, LLC
1510 Beacon Hill Road
Lexington, KY 40504
yancy@elawyancy.com



Application Details

Acreage:

Parcel 1: 7.997 net (8.187 gross) acres
Parcel 2: 0.000 net (0.650 gross) acres
Total: 7.997 net (8.837 gross) acres

Current Zoning:

Parcel 1: Highway Service Business (B-3) zone
Parcel 2: Commercial Center (B-6P) zone

Proposed Zoning:

Parcel 1 and 2: Light Industrial (I-1) zone

Place-type / Development Type:

Industrial and Production Center*
Industrial and Production Non-Residential
* For more information about the Industrial and Production Center Place-Type see *Imagine Lexington* pages 337-339.

Description:

The applicant is seeking to rezone the subject property to the Light Industrial (I-1) zone to allow industrial land uses and future development.



Public Engagement

- The applicant has met with the owners and operators of the neighboring industrial and highway service developments to discuss the proposed zone change and the impact on the area.

Status

- Public Engagement
- Pre-Application Meeting
- Application Review
- Planning Staff Review
- Technical Review Committee
- Zoning/Subdivision Committee Meetings
- Planning Commission Hearing
- Urban County Council Meeting

DISCLAIMER: Plans are subject to change. Visit the Accela Citizen Portal (lexingtonky.gov/plaus) or contact Planning for the latest information.

BOUNDARY DESCRIPTION

MILLENNIUM, INC.

Zone Change from B-6P to I-1

2417 Georgetown Road

(Right -of-Way)

Lexington, Fayette County, Kentucky

All that tract of land situated on the west side of Georgetown Road and being the area between the center line of Old Georgetown Road and the relocated center line of Georgetown Road in Lexington, Fayette County, Kentucky and being more described and bounded as follows, to-wit;

Beginning at a point in the center line of old Georgetown Road and being in the line of the of the existing B-6P (Commercial Center) Zone; thence leaving the center line of Old Georgetown Road and being a new line to the existing B-6P (Commercial Center) Zone $N82^{\circ}37'43''E$ 107.44 more or less to the center line of Old Georgetown Road; thence with the center line of Georgetown Road and being a new line with the B-6P (Commercial Center) Zone $S07^{\circ}22'14''E$ 289.49 feet more or less to a point; thence leaving the center line of Georgetown Road and being a new line with the B-6P (Commercial Center) Zone $S82^{\circ}37'52''W$ 89.18 feet more or less to a point in center line of the Old Georgetown Road; thence with the center line of Old Georgetown Road $N10^{\circ}58'45''W$ 290.06 feet more or less to the beginning and containing 0.00 acres net and 0.65 acres gross.



BOUNDARY DESCRIPTION

MILLENNIUM, INC.

Zone Change from B-3 to I-1

2417 Georgetown Road

Lexington, Fayette County, Kentucky

All that tract of land situated on the west side of Georgetown Road in Lexington, Fayette County, Kentucky and being more described and bounded as follows, to-wit;

Beginning at a point in the center line of old Georgetown Road and being in the line of the of the existing B-6P (Commercial Center) Zone; thence with the center line of the Old Georgetown Road and being with the B-6P (Commercial Center) Zone $S10^{\circ}58'45''E$ 290.06 feet more or less to a point; thence leaving the center line of Old Georgetown Road $S82^{\circ}37'52''W$ 28.41 feet more or less to a point in the west right-of-way of Georgetown Road and being corner to 2201 Innovation Drive (Webasto Sunroofs, Inc. D.B. 1946, Page 195) and being in line of the existing I-1 (Light Industrial) Zone; thence with 2201 Innovation Drive (Webasto Sunroofs, Inc. D.B. 1946, Page 195) and being with the existing I-1 (Light Industrial) Zone and continuing with 2251 Innovation Drive (Delta T, Inc., D.B. 3550, Page 220) $N69^{\circ}29'21''W$ 1,271.89 feet to a point corner to 2502 Spurr Road (Tony Curtsinge, D.B. 2078, Page 456); thence with 2502 Spurr Road (Tony Curtsinge, D.B. 2078, Page 456) and with the existing I-1 (Light Industrial) Zone $N22^{\circ}09'25''E$ 285.00 feet to a point corner to 2461 Georgetown Road (Jimalou, Inc., D.B. 2778, Page 214) and corner to the existing B-3 Highway Services Business) Zone; thence with 2461 Georgetown Road (Jimalou, Inc., D.B. 2778, Page 214) and being a new line with the existing B-3 Highway Services Business) Zone $S74^{\circ}07'39''E$ 811.89 feet to a point corner to 2429 Georgetown Road (Charles Martha D.B. 1446, Page 689); thence with 2429 Georgetown Road (Charles Martha D.B. 1446, Page 689) and continuing with a new line with the B-3 Highway Services Business) Zone for two (2) calls $S17^{\circ}32'24''W$ 127.71 feet and $S74^{\circ}05'13''E$ 296.16 feet to a point in the west right-of-way of Georgetown Road; thence leaving the west right-of-way of Georgetown Road $N82^{\circ}37'43''E$ 29.69 feet more or less to the beginning and containing 7.997 acres net and 8.187 acres gross.



STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-22-00004 MILLENNIUM REALTY, LLC

DESCRIPTION OF ZONE CHANGE

Zone Change B-3 to I-1: 7.997 net (8.187 gross) acres
& Acreage: B-6P to I-1: 0.00 net (0.65 gross) acres
Total: 7.997 net (8.837 gross) acres
Location: 2417 Georgetown Road



EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	B-3	Vacant
To North	B-3	Retail/ Motel
To East	B-6P	Vacant/Open Space
To South	I-1	Industrial
To West	I-1	Industrial

URBAN SERVICE REPORT

Roads - The subject property has frontage on Georgetown Road (US 25), a five-lane major arterial roadway. The subject property also has frontage on a narrow service road that runs parallel to portions of Georgetown Road, and serves as access for the adjacent properties at 2429-2509 Georgetown Road.

Curb/Gutter/Sidewalks - Georgetown Road has been constructed without curbs or gutters at this location. The roadway includes a shoulder and drainage swale, allowable for emergency pull off and storm water management.

Utilities - All utilities, including natural gas, electric, water, phone, cable television, and internet are available in the area, and are able to be extended to serve the proposed development.

Storm Sewers - The subject property is located within the Cane Run watershed. Storm sewers have been constructed in nearby residential and industrial developments, and will be needed for the subject property. All on-site improvements required for the proposed redevelopment of the subject property will need to be constructed in accordance with the Division of Engineering's Stormwater Manuals. There are no known FEMA designated floodplains on the subject property or in this immediate area. The subject property is also located within the Royal Spring Aquifer Recharge Area, where special care is needed in order to better protect the aquifer, which supplies drinking water for Scott County.

Sanitary Sewers - The subject property is located within the Cane Run sewershed. The property is served by the Town Branch Waste Water Treatment Facility, located on Lisle Industrial Avenue, southeast of New Circle Road. Extension of the sewer systems will need to be made by the developer in accordance with the adopted Engineering Manuals.

Refuse - The Urban County Government serves this area with refuse collection on Thursdays. Supplemental service may be required to serve the needs of the proposed industrial land use. This can be accomplished by contracting with private refuse collectors, if desired.

Police - The nearest police station is the West Sector roll call center on Old Frankfort Pike, located approximately three miles to the southwest, near the New Circle Road interchange.

Fire/Ambulance - The nearest fire station (#24) is located a mile to the west at the intersection of Magnolia Springs Drive and Estrella Drive, within the Masterson Station area.

Transit - This area is served by the Georgetown Route (#2 and #52) with stops on Spurr Road and Innovation Drive. Currently, there is no direct route from the subject property to the established transit stops.

Parks - Currently, there are no parks within walking distance of the subject property.

SUMMARY OF REQUEST

The applicant is seeking a zone change from the Highway Service Business (B-3) zone to the Light Industrial (I-1) zone for the property located at 2417 Georgetown Road in order to establish a future light industrial use at this location. The applicant is also rezoning a portion of the right-of-way from the Commercial Center (B-6P) zone to the Light Industrial (I-1) zone to better conform to the modern alignment of Georgetown Road.

PLACE-TYPE

INDUSTRY &
PRODUCTION CENTER

The Industry and Production Center Place-Type is where Lexington's most intense types of economic development and job creation occur. These places should be located near major corridors to facilitate efficient and affordable shipping and transportation of goods throughout the region while minimizing the impact on the traffic infrastructure throughout the rest of the community. Special care should be taken to address the environmental impact of these places as well as their impact on residents.

DEVELOPMENT TYPE

INDUSTRIAL & PRODUCTION
NON-RESIDENTIAL

Primary Land Use, Building Form, & Design

Primarily employment land dedicated to the most intense types of employment-centric development. This is the only category where uses are inherently incompatible and are best separated from adjacent uses. These uses are best suited in areas where they already exist, collocating to utilize industrial-scale infrastructure to serve the needs of the users. Environmental protection measures should be taken to minimize impacts.

Transit Infrastructure & Connectivity

These uses are also heavy employers and should incorporate mass transit infrastructure, on par with that of other modes, to connect residents to their jobs.

PROPOSED ZONING



This zone is intended for manufacturing, industrial and related uses not involving a potential nuisance in terms of smoke, noise, odor, vibration, heat, light or industrial waste. In addition, the Comprehensive Plan recognizes that it is important to promote adaptive reuse of older industrial areas and to allow Industrial Mixed-Use projects and Adaptive Reuse Projects. The Comprehensive Plan should be used to determine appropriate locations for this zone and for Industrial Mixed-Use Projects. Consideration should be given to the relationship of this zone to the surrounding land uses and to the adequacy of the street system to serve the anticipated traffic needs.

PROPOSED USE



This petitioner is proposing the Light Industrial (I-1) zone to attract and support future light industrial uses. The applicant has indicated that the submitted preliminary development plan is speculative, and will be altered with a Final Development Plan for the end user of the site. The preliminary development plan for this request details a 98,900 square-foot industrial facility, with accompanying parking and loading areas, an access drive to help facilitate future connectivity to Innovation Drive to the west, and landscaping. As the applicant has indicated that the proposed preliminary plan is subject to change, it is essential that the Final Development Plan comply with all applicable Placebuilder criteria in order to ensure the appropriateness and compatibility of the development.

APPLICANT & COMMUNITY ENGAGEMENT



According to the submitted letter of justification, the applicant states that they have reached out to all property owners within the required notification radius to provide them with information regarding the applicant's proposal.

PROPERTY & ZONING HISTORY



The subject property has been zoned Highway Service Business (B-3) since before the 1969 comprehensive rezoning of the city and county. During that period, the property was primarily utilized for a motel use. While the subject property was recommended by the Comprehensive Plan for future land use zoning as far back as 1988, due to the existing motel use, the property has remained zoned B-3. As the surrounding area shifted from agricultural in nature to more industrial, there has been a greater emphasis on integrating newer land into the industrial landscape.

COMPREHENSIVE PLAN COMPLIANCE



The 2018 Comprehensive Plan, *Imagine Lexington*, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. 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 applicant opines that their proposed rezoning is in agreement with several Goals and Objectives of the 2018 Comprehensive Plan. In the following section, the staff describes some of the elements that are in agreement with the Comprehensive Plan.

GOALS & OBJECTIVES

The applicant opines that they are in agreement with the adopted Goals and Objectives of the 2018 Comprehensive Plan. First, the applicant indicates that this is an opportunity to activate a large tract of undeveloped land within the Urban Service Area (Theme E, Goal #1.e) and expand land available for industrial development in Lexington. The subject property is advantageously located along Georgetown Road, near other existing light industrial uses and zoning. The property is also in the vicinity of Citation Boulevard, which provides access to Newtown Pike, Lexington's identified freight route, and connects with Interstate-64/75.

The applicant further opines that the request is in keeping with the Comprehensive Plan's goal for the creation of a variety of job opportunities that will lead to prosperity for all (Theme C, Goal #2.a). The applicant opines that the shift in zoning from B-3 to I-1 will allow the site to accommodate a wider array of more specialized, higher paying jobs than the service jobs that are typical of the B-3 zone.

The staff agrees with these aspects of the applicant's proposal and that these Goals and Objectives of the 2018 Comprehensive Plan can be met with the proposed development.

POLICIES

While the applicant does not directly reference any specific Comprehensive Plan Policies within their letter of justification, staff has identified several policies listed within the 2018 Comprehensive Plan that are being met with this request.

The proposed development can meet Livability Policy #9, which seeks to promote economic development through the preservation of strategically and appropriately located industrial and production zoned land. The applicant emphasizes that the location of the subject property adjacent to existent I-1 zoning, and the ability to connect with a major corridor that supports for the development of light industrial uses will promote economic development if rezoned and developed.

In addition, the request also meets Diversity Policy #2, to encourage a diverse economic base to provide a variety of job opportunities, allowing upward mobility for lower income residents of Fayette County. While the proposed end user of the property is not known at this time, the applicant opines that the proposed I-1 zone and associated land uses will allow a wider range of jobs for the area rather than the service-oriented uses that generally comprise B-3 zoned areas. In order to help achieve the applicant's goal of meeting this policy, staff recommends including conditional zoning restrictions to promote the development of higher employment uses that are described by the applicant.



PLACE TYPE, DEVELOPMENT TYPE, AND ZONE

In an effort to allow for the greatest contextual development of Lexington's Urban Service Area, applicants are asked to identify a Place-Type based on the location of the subject property. Within each Place-Type there are recommended Development Types based on the form and function of the proposed development. Based on the Place-Type and Development Type there are also several recommended zones that are most appropriate based on the Goals, Objectives, and Policies of the 2018 Comprehensive Plan. While these zones are the ideal zoning categories to develop within a specified area, other zones may be considered, provided there is an appropriate justification addressing the unique situation and provided the development is able to adequately meet the associated Development Criteria.

The applicant has indicated that the site is located within the Industry and Production Place-Type and is seeking to create an Industry and Production Non-Residential Development Type. Within this Place-Type and Development Type, the Comprehensive Plan states that special care should be taken to address the environmental impact of these places, as well as their impact on residents. Typically, the appropriateness of the Industry and Production Place-Type is heavily reliant, not only on the surrounding land use, but the infrastructure that is available to support such a development. **The proposed site is located along Georgetown Road, a major arterial roadway.** Staff agrees that the Industry and Production Place-Type can be appropriate for the subject property and, with appropriate consideration given to environmentally sensitive areas, the proposed Industry and Production Non-Residential Development Type can be appropriate for the subject property.

DEVELOPMENT CRITERIA

The development criteria for a zone change are the distillation of the adopted Goals and Objectives, as well as the policies put forth in the 2018 Comprehensive Plan. The development criteria for development represent the needs and desires of the Lexington-Fayette Urban County community in hopes of developing a better built environment. The applicable criteria are defined based on the proposed Place-Type and Development Type.

The staff finds it important to address some of Development Criteria due to the type of development.

1. Site Design, Building Form and Location

The proposed rezoning meets the criteria for Site Design, Building Form and Location, as the development will utilize a vacant, undeveloped parcel for a light industrial use, while allowing for potential for future connectivity to Innovation Drive, and promoting the preservation and maintenance of natural features.

2. Transportation and Pedestrian

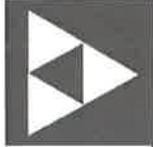
Despite compliance with some of the criteria for Transportation and Pedestrian, there is still an area of concern. The applicant should expand upon the following development criterion and staff comments.

D-CO1-1 Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place-type.

The development plan depicts a direct access point to Georgetown Road. The staff is concerned with this access point, due to the proposed shift in the land use of the subject property and the potential negative impact that a full access point can have on an arterial roadway. While the staff is understanding that the proposed development plan is speculative in nature and the substandard nature of the associated service road, the potential negative impacts on the Georgetown Road caused by large truck movements necessitates further discussion by the applicant.

D-CO2-1 Safe facilities for all users and modes of transportation should be provided.

While the development plan submitted with the request details internal sidewalks connecting pedestrians from the parking areas to the principal structure, sidewalk connectivity should be expanded to allow safe pedestrian circulation to the rear portions of the building and site. In addition, the plan does not detail any pedestrian facilities or access along Georgetown Road. The applicant should review strategies to establish a safe pedestrian experience in this area such as inclusion of sidewalks along the Georgetown Road frontage or an expansion of the roadway shoulder.



3. Greenspace and Environmental Health

The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, preserves existing significant trees, limits the impacts on the surrounding environment, and maintains existing drainage patterns.



CONDITIONAL ZONING RESTRICTIONS

In an effort to alleviate some of the potential adverse impacts on nearby residents, while also promoting the employment factors for the proposed development and protecting a major gateway into Lexington, staff recommends the restriction of some uses that would otherwise be available in the I-1 zone. Staff recommends prohibiting self-storage warehousing, outdoor storage, and billboards. These uses are typically low employment generators and are not consistent with the applicant's stated goals of creating a project that is seeking to promote economic development through the creation of high paying jobs.

Additionally, due to the location of the subject property within the Royal Springs Aquifer Recharge Area, staff recommends prohibiting all above ground and underground storage tanks, on-site disposal of any hazardous waste materials, and mining of non-metallic minerals and/or radium extraction. Furthermore, 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).

The Planning Commission 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. 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.

STAFF RECOMMENDS: APPROVAL, 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).

These restrictions are appropriate and necessary for the following reasons:

1. 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.

- (4) no person present at this meeting objects to the Commission acting on the matter without discussion, and
- (5) the matter does not involve a waiver of the Land Subdivision Regulations.

B. DISCUSSION ITEMS – Following requests for postponement, withdrawal and no discussion items, the remaining items will be considered.

The procedure for these hearings is as follows:

- Staff Report(s), including subcommittee reports (30 minute maximum)
- Petitioner’s report(s) (30 minute maximum)
- Citizen Comments
 - (a) proponents (10 minute maximum OR 3 minutes each)
 - (b) objectors (30 minute maximum OR 3 minutes each)
- Rebuttal & Closing Statements
 - (a) petitioner’s comments (5 minute maximum)
 - (b) citizen objectors (5 minute maximum)
 - (c) staff comments (5 minute maximum)
- Commission discusses and/or votes on the plan.

V. ZONING ITEMS - The Zoning Committee met on Thursday, April 7, 2022, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Zach Davis, Robin Michler, Graham Pohl, and Larry Forester. Staff members in attendance were: Jim Duncan, Traci Wade, Hal Baillie, Tom Martin, Daniel Crum, Samantha Castro, and Tracy Jones, Department of Law. The Committee members reviewed applications and made recommendations as noted.

A. ABBREVIATED PUBLIC HEARINGS ON ZONING MAP AMENDMENTS

The staff will call for objectors to determine which petitions are eligible for abbreviated hearings.

Abbreviated public hearings will be held on petitions meeting the following criteria:

- The staff has recommended approval of the zone change petition and related plan(s)
- The petitioner concurs with the staff recommendations
- Petitioner waives oral presentation, but may submit written evidence for the record
- There are no objections to the petition

1. MILLENNIUM REALTY, LLC ZONING MAP AMENDMENT & CHARLES A. & DARLENE MARTHA PROPERTY ZONING DEVELOPMENT PLAN

- a. **PLN-MAR-22-00004: MILLENNIUM 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.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2018 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community’s resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. 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.

This petitioner is proposing the Light Industrial (I-1) zone to attract and support future light industrial uses. The applicant has indicated that the submitted preliminary development plan is speculative, and will be altered with a Final Development Plan for the end user of the site. The preliminary development plan for this request details a 98,900 square-foot industrial facility, with accompanying parking and loading areas, an access drive to help facilitate future connectivity to Innovation Drive to the west, and landscaping. As the applicant has indicated that the proposed preliminary plan is subject to change, it is essential that the Final Development Plan comply with all applicable Placebuilder criteria in order to ensure the appropriateness and compatibility of the development.

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

The Staff Recommends: Approval, 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.

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

- 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).
These restrictions are appropriate and necessary for the following reasons:
 - 1. 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.
- b. PLN-MJDP-22-00012: CHARLES A. & DARLENE MARTHA PROPERTY (06/05/22)* - located at 2417 GEORGETOWN RD, LEXINGTON, KY.
Project Contact: Thoroughbred Engineering

Note: The purpose of this plan is to depict reuse of the subject property with a 98,900 square foot warehouse and associated off-street parking, in support of the requested zone change from a Highway Service Business (B-3) zone to a Light Industrial (I-1) zone.

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

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

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

5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Correct Note #3.
8. Delete Tree Preservation Plan information intended for Final Development Plan.
9. Delete Note #8.
10. Addition of existing and proposed easements.
11. Clarify Note #11.
12. Discuss connection to Curtsinger Property to the northwest of the subject property.
13. Discuss proposed access along Georgetown Road.
14. Discuss Placebuilder criteria:
 - a. D-CO1-1: Rights-of-way and multi-modal facilities should be designed to reflect and promote the desired Place type.
 - b. D-CO2-1: Safe facilities for all users and modes of transportation should be provided.

Staff Zoning Presentation – Mr. Crum presented the staff report and recommendation for the zone change application. He displayed photographs of the subject property and of the general area. He stated that the applicant was seeking a zone map amendment from a Highway Service Business (B-3) zone and a Commercial Center (B-6P) zone to a Light Industrial (I-1) zone, for 7.997 net (8.837 gross) acres, for future light industrial use, although there is no final tenant at this time. Due to the lack of a final tenant, Mr. Crum notes that much of this request will be speculative. Mr. Crum presented aerial and zoning maps to orient the Commission to the property, pointing out that the subject properties' proximity to arterial roads like Newton Pike and the interstate made it an attractive location for industrial use. The applicant is seeking to bring in a tenant that can provide high paying jobs in the area. Mr. Crum finalized the presentation with a review of the recommended findings for approval, and recommended conditional zoning restrictions that were covered within the staff report. Mr. Crum noted that the zoning committee recommended approval.

Commission Questions – None.

Staff Development Plan Presentation – Ms. Gallt presented the staff report and recommendations for the associated Development Plan. Ms. Gallt presented a colored rendering of the subject property and reviewed the current development. She then presented the proposed conditions of approval. Ms. Gallt noted that there were two discussion questions: the status of the connection to the Curtsinger Property to the northwest of the subject property (#12), and the proposed access along Georgetown Road (#13). Both of these conditions were discussed in the subdivision meeting; Ms. Gallt stated that since this is a preliminary development plan, these conditions should be resolved by the time of the final development plan. Additionally, there was a final discussion question regarding the Placebuilder Development Criteria, but Ms. Gallt indicated that the discussion regarding the Placebuilder Development Criteria could be deleted, as the applicant had addressed these items, as illustrated by Mr. Crum's presentation.

Commission Questions – Mr. Pohl asked who would be responsible for the access road along Georgetown Road. Mr. Fred Eastridge, Thoroughbred Engineering, stated that at this time, the plan is for it to be a private access road that would be maintained by the property owner. Mr. Eastridge said that might change to a public access road, but the plan right now is for it to be private. Mr. Ed Yancy, attorney for Millennium Realty, gave additional detail regarding the service road, saying that the service road at the moment is owned by the State of Kentucky. They have attempted to buy the road, but the Transportation Cabinet would not sell it.

Commission Questions – Mr. Penn asked Ms. Gallt to clarify if staff was looking to resolve condition #12 and #13 and eliminate #14. Ms. Gallt indicated that that was correct.

Applicant Presentation – Mr. Eastridge and Mr. Yancy acknowledged acceptance of the zone change and associated development plan.

Zoning Action – A motion was made by Mr. Penn, seconded by Mr. Pohl, and carried 8-0 (Barksdale, de Movellan, and Bell absent) to approve PLN-MAR-22-00004: MILLENNIUM REALTY, LLC, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Penn, seconded by Mr. Pohl and carried 8-0 (Barksdale, de Movellan, and Bell absent) to approve PLN-MJDP-22-00012: CHARLES A. & DARLENE MARTHA PROPERTY removing condition #14, and resolving conditions #12 and #13 by the time of the final development plan.

- B. FULL PUBLIC HEARINGS ON ZONE MAP AMENDMENTS** - Following abbreviated hearings, the remaining petitions will be considered.

The procedure for these hearings is as follows:

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

- Staff Reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) Proponents (10 minute maximum OR 3 minutes each)
 - (b) Objectors (30 minute maximum) (3 minutes each)
- Rebuttal & Closing Statements
 - (a) Petitioner's comments (5 minute maximum)
 - (b) Citizen objectors (5 minute maximum)
 - (c) Staff comments (5 minute maximum)
- Hearing closed and Commission votes on zone change petition and related plan(s).

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the hearing. The Chair will announce its decision at the outset of the hearing.

2. COWGILL DEVELOPMENT, LLC ZONING MAP AMENDMENT & MARGARET W. CAMIC PROPERTY (W.E. SAVAGE PROPERTY) ZONING PRELIMINARY PLAN SUBDIVISION PLAN

- a. PLN-MAR-22-00005: COWGILL DEVELOPMENT, LLC – a petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 14.773 net (15.519 gross) acres, for property located at 4630 Old Schoolhouse Lane.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2018 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. 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 petitioner proposes the rezoning of the subject property to the Planned Neighborhood Residential (R-3) zone to allow for the construction of single family dwelling units and associated infrastructure. The applicant is seeking to develop a total of eighty-eight (88) single family lots, at a residential density of approximately 5.9 dwelling units per net acre.

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

The Staff Recommends: Approval, for the following reasons:

1. A Planned Neighborhood Residential (R-3) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning will allow for the development of an vacant and underutilized property located within the Urban Service Area for a residential use (Theme E, Goal #1.d and #1.e).
 - b. The proposed rezoning will support infill and redevelopment (Theme A, Goal #2), by establishing a single family residential area within context of the surrounding development and tying into the established roadway and trail networks (Theme A, Goal#2.b; Theme D, Goal#1.a).
 - c. The proposed development will respect the design features of the area, while providing varied housing choices with the proposed lot layout, which differs slightly from the general area, but retains a similar lot size (Theme A, Goal #1.c; Theme A, Goal #3.a).
 - d. The proposed development will connect with the greenway and nearby park system to provide a safe and well-designed pedestrian and bike system (Theme A, Goal #3.b) and will not impact the floodplain area (Theme B, Goal #3.b).
 - e. The proposed rezoning will uphold the Urban Service Area preservation strategy by providing an appropriate and sustainable development of a long-underutilized parcel (Theme E, Goal #1.b).
2. A Planned Neighborhood Residential (R-3) zone is in agreement with the 2018 Comprehensive Plan's Policies, for the following reasons:
 - a. The proposed project will connect to the future trail network through a dedicated 15-foot easement, integrating pedestrian and bicycle access to established open space amenities within close proximity for residents (Design Policy #9 and #10).
 - b. The proposed project will provide a connected street system that will enhance emergency service accessibility while creating inviting streetscapes (Design Policy #2).
 - c. The proposed rezoning is sensitive to the surrounding context of the adjacent neighborhoods, as it is proposing a similar built form as the adjacent developments (Design Policy #4).
3. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.

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