

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-18-00028: IVCP ATHENS LLC

DESCRIPTION

Zone Change: From an: Agricultural Rural (A-R) zone
To a: Light Industrial (I-1) zone

Acreage: 11.52 net (11.82 gross) acres

Location: 5305 Athens Boonesboro Road

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	A-R	Vacant
To North	A-R	Agricultural
To East	A-R / B-5P	Vacant
To South	B-5P	Vacant / Gas Station / Restaurant
To West	A-R	Agricultural

URBAN SERVICES REPORT

Roads – The subject property is bound by Interstate 75 along the eastern edge of the property and is located approximately one-quarter of a mile west of the on and off ramps (Exit 104). The subject property is accessible from Athens Boonesboro Road (KY 418), located to the south of the property. It is a major arterial highway with four travel lanes and two dedicated turn lanes along the subject property’s frontage. Public streets will be required to be constructed on the property to serve any proposed commercial use at the time of development. An access roadway (the old Athens Boonesboro Road) borders the subject property along the northern boundary, and serves an existing sanitary sewer pump station, and the proposed light industrial track.

Curb/Gutter/Sidewalks – Athens Boonesboro Road was constructed without gutter, curbing or sidewalks because these facilities are often associated with urban rather than rural roadways. Emergency (pull-off) lanes are located on both sides of the roadway. New streets to serve the proposed development will be required to be constructed with adequate curb, gutter and sidewalks.

Storm Sewers – The property is located within the Boone Creek watershed, which drains to the Kentucky River. Storm sewer facilities do not serve this area. An unnamed tributary of Baughman Fork borders the subject property to the east, which has alluvial soils, indicative of a “soils” floodplain. Despite the presence of historic flood events, there are no known flooding problems or FEMA designated Special Flood Hazard Areas associated with the tributary or within the immediate area; although a detailed stormwater study to determine the extent of a possible floodplain may be required by the Division of Engineering.

Sanitary Sewers – The subject property is located outside of the Urban Service Area, which typically indicates that the area is not serviced by public lines. However, in 2017 a public trunk line was completed that extended sanitary sewer to the Blue Sky Rural Activity Center (RAC). A pump station was constructed on the subject property to provide service to all properties within the Blue Sky RAC. The property is served by the West Hickman Wastewater Treatment Plan located approximately 11 miles southwest of the site.

Refuse – The Urban County Government does not currently service this area with collection. Private refuse collection service will be necessary to serve the subject property at the time of development.

Police – The property is located in Police Sector 3, with the nearest police station located about 5 miles to the northwest of the subject property, at the East Sector Roll Call Center in the Gainesway neighborhood.

Fire/Ambulance – The property is situated equidistant, approximately 3 miles, from Fire Stations #18 and #21. Fire Station #21, located on Mapleleaf Drive just south of Man o’ War Boulevard, has first response responsibilities for the immediate area west of Interstate 75 along Athens Boonesboro Road.

Utilities – Natural gas, electric, water, and telephone service exist in the general vicinity of the proposed zone change.

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 Plan’s 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. In addition, the Plan encourages a mix of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

As a component of the 2013 Comprehensive Plan, the 2017 Rural Land Management Plan (RLMP) provides greater guidance regarding our community’s needs and desires concerning our agricultural land uses, rural settlements and Rural Activity Centers. The petitioner’s proposed rezoning to the Light Industrial (I-1) zone, for approximately 11.5 acres, is consistent with the recommendations of the RLMP for the Blue Sky Rural Activity Center.

CASE REVIEW

The petitioner has requested a zone change from an Agricultural Rural (A-R) zone to a Light Industrial (I-1) zone for 11.52 net (11.82 gross) acres of property.

The subject property is located on the north side of Athens Boonesboro Road, approximately one-third mile northwest of the Athens Boonesboro Road interchange. While not located within the Urban Service Area, the subject property is located within the Blue Sky Rural Activity Center (RAC). Interstate commercial development – including hotels, gas stations and restaurants – exists at the Interstate 75 and the Athens Boonesboro Road interchange inside the boundaries of the RAC; however, this type of development has been more prominent on the east side of the interstate than on the west side (B-5P zoning). Industrial development also exists within the RAC along Blue Sky Parkway to the east of the subject property. Agricultural land borders the subject property to the north (A-R zoning). This tract of land is primarily vacant, with a small sanitary sewer pump station located at the center of the tract, which services the immediate area and the Blue Sky RAC.

The petitioner proposes to develop an industrial complex similar to the industrial land use to the east of Interstate 75. The petitioner has not provided details about the proposed uses, building square footage, parking or other site details.

While this site was not part of the original Blue Sky RAC, as part of the 1996 Comprehensive Plan, a request was made that the subject property be added to the Rural Activity Center. Following considerable community debate about proposed expansions to the Urban Services Area and to more than one Rural Activity Center, the Urban County Council adopted the Goals and Objectives for the Plan, including a goal that stated, “Maintain the Boundaries and Soundly Manage Land Use in the Established Rural Activity Centers.” With that action, the Urban County Council also adopted an objective that stated that the RACs should be limited to their existing boundaries.

Through the comprehensive planning process, the Planning Commission reviewed the petitioner’s request for the subject property to be added to the RAC, which at the time was 6.6 acres of a larger 23-acre tract. In order to accommodate the petitioner’s request to add acreage to the Blue Sky RAC, which seemed contrary to the adopted goals and objectives of the 1996 Plan, the staff suggested that the petitioner remove a similar amount of land from the RAC that they owned/leased on the south side of Athens Boonesboro Road. The petitioner agreed to the staff’s suggested adjustment to the boundaries of the RAC, and the Planning Commission approved the land use change “swap,” with the understanding and agreement of the petitioner that they would simultaneously downzone the property at the southwest edge of the RAC to an Agricultural Rural (A-R) zone at the time they requested the subject property be rezoned to the more intense B-5P zone.

The proposed zone change is located in the northern portion of the land use “swap” area and represents the remaining A-R zoned land north of Athens Boonesboro Road. The petitioner proposes a rezoning to the I-1 zone in an effort to add available land to support the nearby industry in the Blue Sky RAC, while also being consistent with surrounding uses, and without changing the overall appearance, accessibility, and character of the area.

The petitioner opines that the request is in full compliance with the 2013 Comprehensive Plan, the adopted Goals and Objectives of the 2018 Comprehensive Plan, and the 2017 Rural Land Management Plan. Through the increase in land available for industrial uses, the petitioner suggests that the rezoning will support and showcase local assets to further the creation of a variety of jobs by strengthening efforts to develop a variety of job opportunities (Theme C, Goal #1.a). The availability for greater job opportunities can also foster the success and growth of large employment sectors; protect and provide readily available economic development land to meet the needs for jobs; and potentially enable development that creates jobs near where people live. (Theme C, Goal # 1.d). Additionally, the petitioner suggest that the increase in available industrial land will promote sectors of the economy that will aid in the economic

opportunities and help attract young professionals (Theme C, Goal #2.a). Staff agrees with these elements of the petitioner's application as the light industrial zone is one of several zones within the community that supports employment growth.

Furthermore, while not indicated by the applicant, the proposed plan would add to the available industrial land within Lexington, while also supporting the maintenance of the Urban Service Boundary. This proposal promotes the use of underutilized land in a way that enhances the existing urban form (Theme E, Goal #1.a and 1.b).

Additionally, the 2017 Rural Land Management Plan (RLMP) emphasizes the maximization of the land use to produce employment opportunities, while maintaining the RAC boundaries and minimizing the impacts to the surrounding agriculture, Rural Settlements and viewsheds. The petitioner proposes the I-1 zone, which can support land uses that often yield significant job growth, and is consistent with the historical land uses in the Blue Sky RAC.

While the potential land uses within the RAC are in compliance, the 2017 RLMP also indicates a need to protect rural resources from the adverse effects associated with urban development (Goal D, Objective #2). This is especially important along our gateways, which extend from the Rural Service Area into the Urban Service Area. Within the RLMP, Athens Boonesboro Road was identified as both a gateway and a scenic corridor (page 89). Additionally, the roadway is also one of the few remaining four-lane arterials with a grassed median. The importance of Athens Boonesboro Road bridging the connection between Interstate 75 and the Urban Service Boundary, for both our community and visitors, necessitates the reduction of incompatible or potentially harmful impacts caused by new development and more intense land use. As such, staff recommends the use of conditional zoning restrictions to prohibit a number of uses that would impact the area negatively, but are otherwise permitted in the B-4 or I-1 zones.

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

1. The requested Light Industrial (I-1) zone is in agreement with the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
 - a. The increase in land available for industrial uses will support and showcase local assets to further the creation of a variety of jobs by strengthening efforts to develop a variety of job opportunities (Theme C, Goal #1.a).
 - b. The availability for greater job opportunities can also foster the success and growth of large employment sectors; protect and provide readily available economic development land to meet the needs for jobs; and potentially enable development that creates jobs near where people live. (Theme C, Goal # 1.d).
 - c. The increase in available industrial land will promote sectors of the economy that will aid in the economic opportunities and help attract young professionals (Theme C, Goal #2.a).
 - d. The proposal promotes the use of underutilized land in a way that enhances the existing urban form (Theme E, Goal #1.a and 1.b)
 - e. The Light Industrial (I-1) zone implements the stated goals and objectives to support employment growth, to provide readily available economic development land, and utilizes vacant land in a compatible manner.
2. The requested Light Industrial (I-1) zone is in agreement with the 2017 Rural Land Management Plan as it emphasizes the maximization of the land use to produce employment opportunities without modifying the current boundaries. The future land use element recommends Light Industrial land use.
3. This recommendation is made subject to approval and certification of PLN-MJDP-18-00102: JFG Enterprises, Inc. (IVCP Athens, LLC), 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 use restrictions shall apply to the subject property via conditional zoning:

Prohibited Uses:

- a. Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
- b. Ice Plant.
- c. Tire re-treading and recapping.
- d. Truck terminals and freight yards.
- e. Major or minor automobile and truck repair.
- f. Establishments for the display and sale of precut, prefabricated, or shell homes.
- g. Rental Storage yard.
- h. Commercial wood lots.

- i. Outdoor material storage and sales as otherwise permitted.
- j. Advertising signs, also known as billboards, as regulated by Article 17 of the Zoning Ordinance.

These restrictions are necessary and appropriate in order to restrict the most intense land uses on the subject property, which could have a negative impact on the surrounding agricultural zones and Athens Boonesboror Road, a major gateway into the Lexington Fayette Urban County. These restrictions will protect the aesthetic character of the Athens Boonesboro Road gateway, as recommended by the 2017 Rural Land Management Plan (RLMP).

HBB/TLW/dw

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