

ORDINANCE NO. 032 - 2023

AN ORDINANCE CHANGING THE ZONE FROM A HIGHWAY SERVICE BUSINESS (B-3) ZONE TO A LIGHT INDUSTRIAL (I-1) ZONE FOR 0.823 NET (1.037 GROSS) ACRES, FOR PROPERTY LOCATED AT 1793 ATOMA DRIVE. (GOODWILL INDUSTRIES OF KENTUCKY, INC.; COUNCIL DISTRICT 2).

WHEREAS, at a Public Hearing held on February 23, 2023, a petition for a zoning ordinance map amendment for property located at 1793 Atoma Drive from a Highway Service Business (B-3) zone to a Light Industrial (I-1) zone for 0.823 net (1.037 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 9-0; and

WHEREAS, the Urban County 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 property located at 1793 Atoma Drive from a Highway Service Business (B-3) zone to a Light Industrial (I-1) zone for 0.823 net (1.037 gross) acres, being more fully described in Exhibit “A” which is attached hereto and incorporated herein by reference.

Section 2 – That under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are imposed via conditional zoning:

a. Prohibited Uses:

- i. Self-storage warehousing.
- ii. Billboards.
- iii. Outdoor storage.
- 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.

These restrictions are appropriate and necessary for the following reasons:

1. To protect the appearance of the Georgetown corridor as a gateway into

Lexington, while promoting employment that is appropriate along Lexington's freight corridor.

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.

Section 3 – 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.

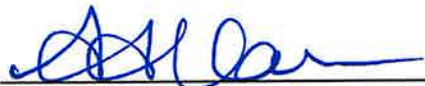
Section 4 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: March 23, 2023



MAYOR

ATTEST:



CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: March 30, 2023-1t

0317-23:TWJ:X:\Cases\PLANNING\23-LE0001\LEG\00777523.DOCX

Rec'd by _____

Date: _____

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

IN RE: **PLN-MAR-22-00029: GOODWILL INDUSTRIES OF KENTUCKY, INC** - a petition for a zone map amendment from a Highway Service Business (B-3) zone to a Light Industrial (I-1) zone, for 0.823 net (1.037 gross) acres, for property located at 1793 Atoma Drive. (Council District 2)

Having considered the above matter on **February 23, 2023**, at a Public Hearing, and having voted **9-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **CONDITIONAL APPROVAL** of this matter for the following reasons:

1. A restricted Light Industrial (I-1) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed project will supply jobs, resources, and services to the most vulnerable of Lexington and will allow for the maximization of Goodwill's reach to geographically underserved areas (Theme A, Goal #4, Theme A, Goal #4.b).
 - b. The proposed facility will also provide jobs for residents, through the development of a warehousing and distribution center, which will also act as a convenient location for residents to donate unneeded items to support Goodwill's mission (Theme C, Goal #1.a; Theme C, Diversity Policy #2).
 - c. The proposed rezoning will allow for the development of community services, in the form of a donation drop-off location and distribution that will provide for the quality of life needs for Lexington's sometimes overlooked citizens (Theme D, Goal #2.c).
2. 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 development will provide a industrial development that provides connectivity for pedestrian mobility, and promotes the preservation and maintenance of the environmental aspects of the site.
 - b. The proposed rezoning meets the criteria for Transportation and Pedestrian, as development will provide pedestrian access along the lot frontage.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will increases tree canopy coverage, and protects the natural features on the site, including the Royal Springs Aquifer.
3. 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. Billboards.
 - iii. Outdoor storage.
 - 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.

These restrictions are appropriate and necessary for the following reasons:

1. To protect the appearance of the Georgetown corridor as a gateway into Lexington, while promoting employment that is appropriate along Lexington's freight corridor.
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.
4. This recommendation is made subject to approval and certification of PLN-MJDP-22-00084: Burke, Hockensmith and Maggard, Lot 1 (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.

ATTEST: This 10th day of March, 2023.


Secretary, Jim Duncan

LARRY FORESTER
CHAIR

Note: The corollary development plan, PLN-MJDP-22-00084: BURKE, HOCKENSMITH, & MAGGARD, LOT 1 (AMD) was approved by the Planning Commission on February 23, 2023 and was certified on March 9, 2023.

K.R.S. 100.211(7) requires that the Council take action on this request by May 24, 2023.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Dick Murphy, attorney.**

OBJECTORS

OBJECTIONS

VOTES WERE AS FOLLOWS:

AYES:	(9)	Barksdale, Bell, Davis, de Movellan, Forester, Michler, Meyer, Nicol, and Worth
NAYS:	(0)	
ABSENT:	(2)	Penn and Pohl
ABSTAINED:	(0)	
DISQUALIFIED:	(0)	

Motion for **APPROVAL** of **PLN-MAR-22-00029** carried.

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

MAP AMENDMENT REQUEST (MAR) APPLICATION

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

Applicant: GOODWILL INDUSTRIES OF KENTUCKY, INC., 1325 SOUTH FOURTH STREET, LOUISVILLE, KY 40208
Owner(s): R & B HOLDINGS LLC, 2201 REGENCY RD, STE 602, LEXINGTON, KY 40503
Attorney: RICHARD MURPHY, 250 W. MAIN STREET #2510, LEXINGTON, KY 40507

2. ADDRESS OF APPLICANT'S PROPERTY

1793 ATOMA DR, LEXINGTON, KY 40511

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

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
B-3	VACANT	I-1	WAREHOUSING	0.823	1.037

4. COMPREHENSIVE PLAN

a. Utilizing Placebuilder, what Place-Type is proposed for the subject site?	INDUSTRY 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:	Private
Storm Sewers:	Private
Sanity Sewers:	Private
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



MURPHY & CLENDENEN, PLLC

ATTORNEYS AT LAW

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Richard@MurphyClendenen.com

Chris@MurphyClendenen.com

RICHARD V. MURPHY

CHRISTOPHER M. CLENDENEN

January 3, 2023

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

Re: Proposed zone change for 1793 Atoma Drive (a/k/a a portion of 1965
Georgetown Road)

Dear Chairman Forrester and Members of the Planning Commission:

This letter is written on behalf of Goodwill Industries of Kentucky, Inc., which is filing a zone change application and development plan for the property at 1793 Atoma Drive (this property has also been identified as a portion of 1965 Georgetown Road). The property is approximately 0.8 net acre and is currently zoned Highway Service Business (B-3). We are requesting a zone change to the Light Industrial (I-1) zone in order to allow construction of a donation receiving building.

INTRODUCTION

Goodwill Industries of Kentucky, Inc. is a 501(c)(3) non-profit organization which is celebrating 100 years of serving the underserved and creating pathways out of poverty for those in need. Goodwill Industries may be best known for its retail stores which sell donated items. Goodwill has 67 stores in Kentucky which re-purpose or recycle more than 50 million pounds of used goods annually. Most of the 1,300 retail employees have a disability or other challenge. Goodwill assists them to resolve barriers that have kept them from working.

Goodwill's program is much larger than its retail operations, however. The retail operations help to finance its other social service operations which offer free, life-enhancing

programs and services to Kentucky's most underserved communities and populations. It sponsors statewide Opportunity Centers, including one in Lexington, which offer addiction treatment, housing and transportation assistance, legal and expungement services, behavioral, mental and spiritual health support, financial and digital support and much more. It also partners with other like-minded agencies to place 2,000-plus individuals into jobs each year and assists 10,000-plus more with their resources.

DESCRIPTION OF PROJECT

This property is located at the corner of Atoma Drive and Georgetown Road, one lot away from the McDonald's. Because this lot is smaller than most Goodwill locations, it will be a donation drop-off building only. Donations will be received, sorted, then sent to other Goodwill stores in the area. There will be no retail sales at this site.

The existing B-3 zoning requires retail sales. Because there will be no retail sales, we need to change the zone to I-1, which allows drop-off and sorting, but does not require retail sales.

The appearance of the building will be very similar to Goodwill stores in this area. People can drive or walk up to donate items. Items can be brought into the building, or an employee of Goodwill will come out to the car to pick up the items and take them into the building. Some preliminary sorting will be performed in the building, then the items will be delivered to other Goodwill stores in the area.

The use is consistent with other uses in this area. Because the building will appear much like Goodwill's stores, it will transition well between the commercial uses to the south (IGA Crossroads Market and McDonald's), and the industrial uses to the north (American Mini-Storage and the Advance Auto distribution center).

This property has good access for people who want to drop off donated items and for employees. Georgetown Road has recently been widened. Atoma Drive connects Georgetown Road to the internal street, Grambo Way, and to Sandersville Road. Although the Commonwealth of Kentucky did not construct sidewalks when it recently widened Georgetown Road, there are sidewalks internal to this development, and along Atoma Drive and Sandersville Road. Also, sidewalks will be completed along the frontage of this lot which will connect the Atoma Drive sidewalk to the building. LexTran routes 2 and 52 service both Georgetown Road and Sandersville Road. Bus stops are located immediately across Georgetown Road and nearby on Sandersville Road.

GOALS AND OBJECTIVES OF THE 2018 COMPREHENSIVE PLAN

This proposal is in agreement with the Goals and Objectives of the 2018 Comprehensive Plan. This project will supply jobs and resources to the most vulnerable of our citizens. Goal 4 under Theme A, Growing Successful Neighborhoods, calls for addressing community facilities at a neighborhood scale. Objective A.4.b. calls for equitable and accessible social services that

address the needs of all residents, maximizing the opportunity to reach geographically underserved areas throughout the community. This facility will provide jobs for residents and will provide a convenient location for residents to donate unneeded items to support Goodwill's mission. Its location on transit routes helps to prioritize multi-modal options that de-emphasize single-occupancy vehicle dependence, as called for in Objective B.2.d.

Most important, this proposal agrees with Theme C, creating jobs and prosperity. As pointed out in Objective C.1.a., the Comprehensive Plan calls for strengthening efforts to develop a variety of job opportunities that lead to prosperity for all. This should apply to all, regardless of their situation in life. It also complies with Objective C.1.e., which encourages developers of government-funded or subsidized projects to employ residents in the vicinity. Similarly, Theme D is improving a desirable community. Goal D.2. supports a model of development that focuses on people-first to provide accessible community facilities and services to meet the health, safety and quality of life needs of Lexington-Fayette residents and visitors. Goodwill's mission is to provide for the quality of life needs for Lexington's sometimes overlooked citizens. Objective B.2.b. calls for collaboration with educational and healthcare entities (and hopefully non-profit organizations) to meet the needs of Lexington-Fayette County's residents and visitors.

Also, the development of this vacant parcel complies with Theme E., Urban and Rural Bounds, by upholding the Urban Service Area concept, as called for in Goal 1. This proposal is economically and socially sustainable to accommodate future growth needs of citizens while safeguarding rural land (Objective E.1.b.). It assists in the redevelopment of an underutilized corridor (Objective E.1.c.) and it maximizes development on vacant land within the Urban Service Area (Objective E.1.d.). It thus assists in maintaining boundaries of the current Urban Service Area (Goal E.3.).

Also, this proposal complies with the Policies of the 2018 Comprehensive Plan. This proposal precisely complies with Diversity Policy 2 and Diversity Policy 4 (Pages 127 and 129). Diversity Policy 2 is to "encourage a diverse economic base to provide a variety of job opportunities, allowing upper mobility for lower-income residents of Fayette County." Diversity Policy 4 is "encourage training, programs and workforce inclusion opportunities for people with disabilities or judicial records, or who have undergone rehabilitation from addiction." This is exactly what Goodwill Industries does. In addition, Prosperity Policy 11 is to "expand job opportunities through education and training to retain existing businesses and attract new ones." We comply with Support Policy 5, which is to "provide equity in social services by ensuring those in need are served by social service community facilities that address homelessness, substance abuse, mental health and other significant issues."

ENGAGEMENT

We have sent letters to the Oakwood Neighborhood Association, Highlands Neighborhood Association, and Coldstream Station Homeowners Association to inquire if they would like us to meet with or present further information about this zone change application.

PLACE-TYPE, DEVELOPMENT TYPE AND REQUESTED ZONE

This proposal fits within the Industry & Production Center place-type, and within the Industrial & Production Non-Residential (INR) development type. We are requesting the Light Industrial (I-1) zone, which is a recommended zone for this place-type and development-type.

DEVELOPMENT CRITERIA

Here is a discussion of the criteria that were not specifically addressed on the development plan, or which need further discussion:

- B-PR9-1. This 0.8-acre tract is already developed. It is vacant and largely flat. It is not located within an environmentally sensitive area.
- C-DI1-1. The Light Industrial (I-1) zone is the most flexible zoning option for our proposed use and employment.
- C-PS8-1. This project is designed to increase special trade employment.
- D-PL7-1. See above for discussion of engagement.
- C-PS10-1, D-CO1-1, D-CO2-1 and D-CO2-2. As this zone change is for a single lot which has already been platted, rights-of-way and other multi-modal facilities have already been designed or considered for this area. We will provide a sidewalk along the full frontage of Atoma Drive, connecting Grambo Way with the perpendicular portion of Atoma Drive and Georgetown Road. Our internal sidewalks will lead into the building, and a bike rack will be provided. Although we do not wish to share parking with nearby fast food and retail establishments, the amount of parking is minimized due to the lack of retail use on the property.
- A-DS4-3. As mentioned above, this single lot is part of a developed subdivision. The building will fit in with the designed use of the property.
- B-PR7-2 and B-RE1-1. This is a highway commercial/industrial area. Additional trees are shown on our development plan.

CONCLUSION

Our proposal will allow Goodwill Industries of Kentucky to provide jobs on this property for those who face limited employment prospects, and also it will allow Goodwill to fund its social service programs in other locations. Because of the retail appearance of the building, it will be consistent with the existing development of this commercial subdivision. It will serve as a transition between the restaurant and retail establishments to the south, and the storage and distribution facilities to the west and north.

Thank you for your consideration of this zone change request.

Sincerely,

A handwritten signature in blue ink that reads "Richard V. Murphy". The signature is written in a cursive style with a large, prominent "M".

Richard V. Murphy,
Attorney for Goodwill Industries of
Kentucky, Inc.

RVM/prb

INDUSTRY & PRODUCTION CENTER DEVELOPMENT CRITERIA



INDUSTRIAL & PRODUCTION NON-RESIDENTIAL

SITE DESIGN, BUILDING FORM, & LOCATION

- B-PR9-1** Minimize disturbances to environmentally sensitive areas by utilizing the existing topography to the greatest extent possible.
- B-SU11-1** Green infrastructure should be implemented in new development. (E-GR3)
- C-D11-1** Consider flexible zoning options that will allow for a wide range of jobs.
- C-D15-1** In Opportunity Zones with a clearly defined local context, consider adaptive reuse to enhance the existing context.
- C-PS3-1** Development potential in the Rural Activity Centers should be maximized. (E-ST5)
- C-PSB-1** Opportunities for industry and special trade employment should be increased.
- C-PS10-2** Developments should explore options for shared and flexible parking arrangements for currently underutilized parking lots.
- C-PS10-3** Over-parking of new developments should be avoided. (B-SU5)
- D-PL7-1** Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
- D-PL9-1** Historically significant structures should be preserved.
- D-SP3-1** Adequate right-of-way, lease areas and easements for infrastructure, with emphasis on wireless communication networks should be provided to create reliable service throughout Lexington.
- D-SP3-2** Cellular tower antennae should be located to minimize intrusion and negative aesthetic impacts, and stealth towers and landscaping should be used to improve the visual impact from the roadway and residential areas.
- E-GR4-1** Developments should incorporate reuse of viable existing structures.
- E-GR5-1** Structures with demonstrated historic significance should be preserved or adapted.

TRANSPORTATION & PEDESTRIAN CONNECTIVITY

- C-PS10-1** Flexible parking and shared parking arrangements should be utilized.
- D-CO1-1** Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place-type.
- D-CO2-1** Safe facilities for all users and modes of transportation should be provided.
- D-CO2-2** Development should create and/or expand a safe, connected multimodal transportation network that satisfies all users' needs, including those with disabilities.

D-CO4-1

Dead-end streets and Cul-de-sacs should be discouraged except where connections are not topographically or environmentally feasible.

D-CO4-2

Roadway capacity should be increased by providing multiple parallel streets, which alleviate traffic and provide multiple route options, in lieu of additional lanes.

D-CO4-3

Street pattern and design should consider site topography and minimize grading where possible.

D-CO5-1

Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.

E-ST3-1

Development along major corridors should provide for ride sharing pick up and drop off locations along with considerations for any needed or proposed park and ride functions of the area. (E-GR10, E-GR7)

GREENSPACE & ENVIRONMENTAL HEALTH

A-DS4-3

Development should work with the existing landscape to the greatest extent possible, preserving key natural features.

A-EQ7-3

Community open spaces should be easily accessible and clearly delineated from private open spaces.

B-PR2-1

Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.

B-PR2-2

Dividing floodplains into privately owned parcels with flood insurance should be avoided.

B-PR2-3

Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them.

B-PR7-1

Connections to greenways, tree stands, and stream corridors should be provided.

B-PR7-2

Trees should be incorporated into development plans, prioritize grouping of trees to increase survivability.

B-PR7-3

Developments should improve the tree canopy.

B-RE1-1

Developments should incorporate street trees to create a walkable streetscape.

B-RE2-1

Green infrastructure should be used to connect the greenspace network.

E-ST5-1

Increased intensity in the Rural Activity Centers should not negatively impact surrounding rural areas.

E-GR3-1

Physical and visual connections should be provided to existing greenway networks.

E-GR3-2

New focal points should emphasize geographic features unique to the site.

ENHANCED NEIGHBORHOOD

Theme Letter - Pillar Abbreviation & Policy Number - Criteria Number
Ex: from Theme A - Design Pillar & Policy #1 - Criteria #1 = A-DS1-1. Full decoder on page ##

Criteria that include additional policy items in parentheses refer to companion policies that will provide additional context to the related criteria.

THE FOLLOWING DESCRIPTION IS INTENDED FOR ZONING PURPOSES ONLY. THE DESCRIPTION REPRESENTS INFORMATION DEPICTED ON DOCUMENTS OF RECORD FOUND IN THE FAYETTE COUNTY CLERK'S OFFICE. THIS DESCRIPTION DOES NOT REPRESENT A BOUNDARY SURVEY AND SHOULD NOT BE USED FOR REAL ESTATE CONVEYANCE OR TRANSFER.

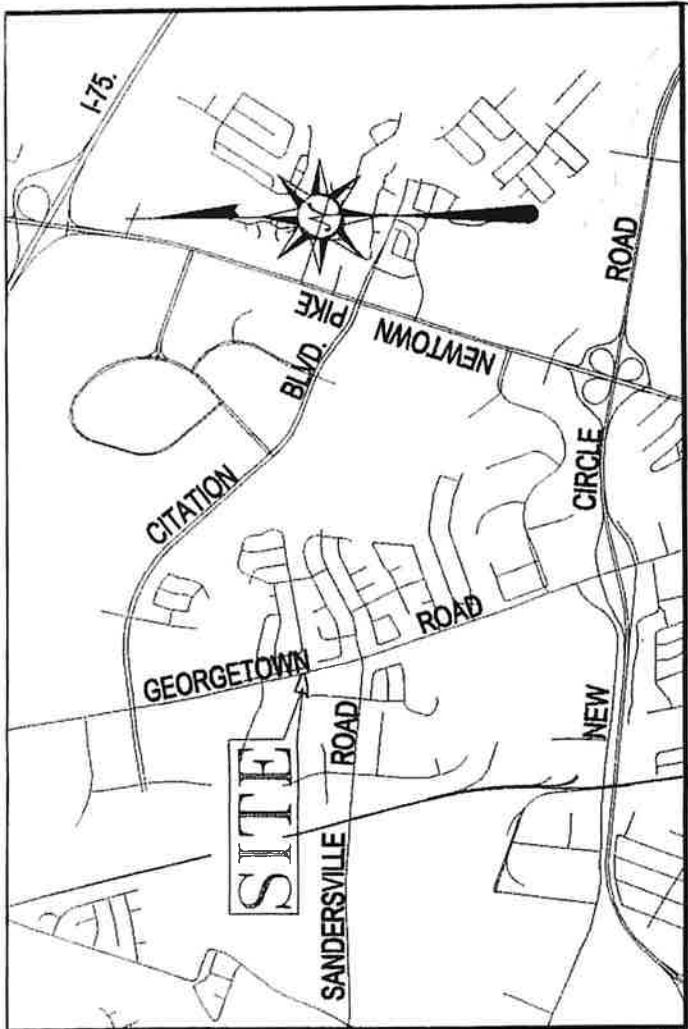
**R & B HOLDINGS, LLC
ZONE CHANGE FROM B-3 TO I-1
1793 ATOMA DR.
LEXINGTON, KY 40511**

A TRACT OF LAND LYING NEAR THE INTERSECTION OF SANDERSVILLE ROAD AND GEORGETOWN ROAD, WITHIN THE CITY OF LEXINGTON, COUNTY OF FAYETTE, COMMONWEALTH OF KENTUCKY AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

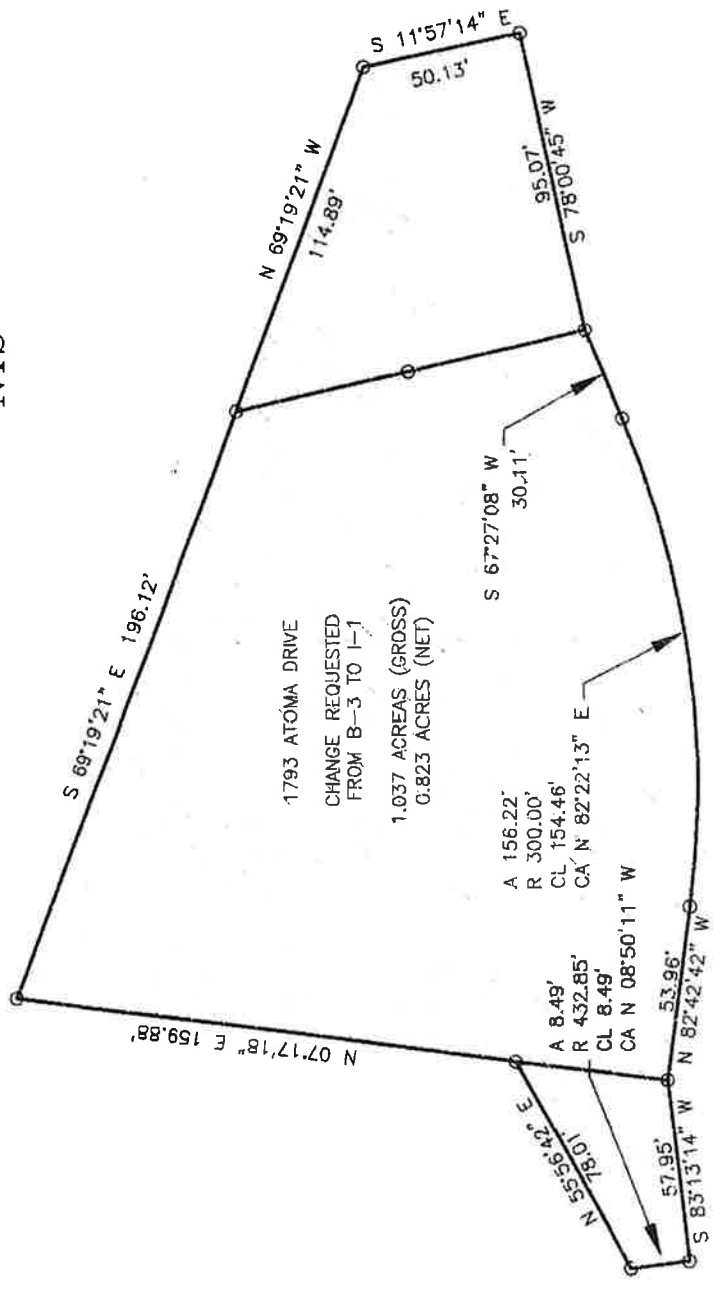
BEGINNING AT A FOUND 5/8" REBAR WITH CAP STAMPED "VISION PLS 3674" (FOUND REBAR) ON THE WESTERN RIGHT OF WAY LINE OF GEORGETOWN ROAD, THE SOUTHEAST CORNER OF NORTH HAMPTON TRADE CENTER-UNIT 1, LOT 1 AS CONVEYED TO CQ LANDLORD MULTI, LLC IN DEED BOOK 2984, PAGE 564 OF THE FAYETTE COUNTY CLERK'S RECORDS AND DEPICTED IN PLAT CABINET J, SLIDE 816, SAID FOUND REBAR BEING ON THE EXISTING I-1 ZONE DELINEATION; THENCE THE EXISTING I-1 ZONE DELINEATION FOR ONE (1):

1. S69°19'21"E A DISTANCE OF 114.89 FEET TO A POINT ON THE CENTERLINE OF GEORGETOWN ROAD AND BEING ON THE EXISTING R-1D ZONE DELINEATION; THENCE WITH SAID CENTERLINE AND ZONE DELINEATION FOR ONE (1) CALL:
2. S11°57'14"E A DISTANCE OF 50.13 FEET; THENCE SEVERING THE EXISTING B-3 ZONE FOR FIVE (5) CALLS:
3. S78°00'45"W A DISTANCE OF 95.07 FEET;
4. S67°27'08"W A DISTANCE OF 30.11 FEET;
5. ALONG A CURVE TURNING TO THE RIGHT HAVING AN ARC LENGTH OF 156.22', A RADIUS OF 300.00', A CHORD BEARING OF S82°22'13"W, AND A CHORD LENGTH OF 154.46';
6. N82°42'42"W A DISTANCE OF 53.96 FEET;
7. S83°13'14"W A DISTANCE OF 57.95 FEET TO A POINT ON THE CENTERLINE OF ATOMA DRIVE AND BEING ON THE EXISTING I-1 DELINEATION; THENCE WITH SAID CENTERLINE AND ZONE DELINEATION FOR ONE (1) CALL:
8. ALONG A CURVE TURNING TO THE LEFT HAVING AN ARC LENGTH OF 8.49', A RADIUS OF 432.85', A CHORD BEARING OF N08°50'11"W, AND A CHORD LENGTH OF 8.49'; THENCE LEAVING CENTERLINE AND CONTINUING WITH SAID ZONE DELINEATION FOR ONE (1) CALL:
9. N55°56'42"E A DISTANCE OF 78.01 FEET TO A FOUND REBAR, THE SOUTHEAST CORNER OF JTC PROPERTY-TRACT 2, LOT 1-B AS CONVEYED TO AMERICAN MINI STORAGE OF KENTUCKY, INC. IN DEED BOOK 2434, PAGE 480 AND DEPICTED IN PLAT CABINET M, SLIDE 365; THENCE WITH THE LINE OF SAID AMERICAN MINI STORAGE OF KENTUCKY, INC. AND CONTINUING WITH I-1 ZONE DELINEATION FOR ONE (1) CALL:
10. N07°17'18"E A DISTANCE OF 159.88 FEET TO A FOUND REBAR ON THE LINE OF SAID CQ LANDLORD MULTI, LLC; THENCE WITH SAID LINE AND CONTINUING WITH I-1 DELINEATION FOR ONE (1) CALL:
11. S69°19'21"E A DISTANCE OF 196.12 FEET TO THE POINT OF BEGINNING, CONTAINING 1.037 ACRES (GROSS), 0.823 ACRES (NET).





VICINITY MAP
NTS



SCALE: 1"=60'



NOTIFICATION MAP
SCALE: 1"=200'

ZOMAR:	TITLE: 1794 ATOMA DRIVE		
PROPERTY ADDRESS:	FROM	TO	GROSS NET
1794 ATOMA DRIVE	B-3	I-1	1.037 0.823
APPLICANT NAME / ADDRESS:			
GOODWILL INDUSTRIES OF KENTUCKY, INC.			
1325 SOUTH FOURTH STREET			
LOUISVILLE, KY 40208			
OWNER: R & B HOLDINGS LLC			
PREPARED BY: VISION ENGINEERING, LLC			
DATE FILED OR AMENDED: JANUARY 3, 2023	TOTAL	1.037	0.823

GOODWILL INDUSTRIES OF KENTUCKY, INC.
(PLN-MAR-22-00029)

1793 ATOMA DRIVE

Rezone the property to establish a donation center.

Applicant

GOODWILL INDUSTRIES OF KENTUCKY, INC.
1325 South Fourth Street
Louisville, KY 40208
richard@murphyclendenen.com

Owner

R & B HOLDINGS LLC
2201 Regency Road, Ste. 602
Lexington, KY 40503

Application Details

Acres:
0.823 (1.037 gross) acres

Current Zoning:
Highway Service Business (B-3) zone

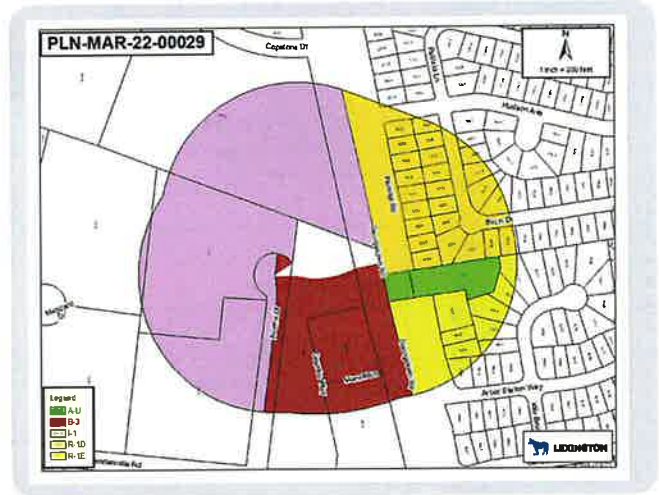
Proposed Zoning:
Light Industrial (I-1) zone

Place-type / Development Type:
Industry & Production Center
Industrial & Production
For more information about the Industrial and Production Center Place-Type see Imagine Lexington pages 337-338. For more information on Industrial & Production Development Type see page 272.

Description:
The applicant is seeking to construct a distribution warehouse that allow for donations to be received, sorted and sent to other Goodwill stores in the area. No retail sales will be conducted at the proposed structure.

Public Engagement

- The applicant indicates that they have sent letters to the Oakwood Neighborhood Association, Highlands Neighborhood Association, and Coldstream Station Homeowners Association to inquire if they would like us to meet with or present further information about this zone change application.



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/plans) or contact Planning for the latest information.

Development Plan

PRIVATE STREET

PROVIDING PRIVATE ACCESS TO THE PROPERTY FROM THE ADJACENT PRIVATE STREET, THE DEVELOPER SHALL PROVIDE A PRIVATE DRIVEWAY WITH A 10' WIDE CONCRETED DRIVEWAY AND A 10' WIDE CONCRETED DRIVEWAY WITH A 10' WIDE CONCRETED DRIVEWAY TO THE PROPERTY FROM THE ADJACENT PRIVATE STREET. THE DRIVEWAY SHALL BE 10' WIDE AND 10' HIGH AND SHALL BE CONCRETED TO THE CURB. THE DRIVEWAY SHALL BE 10' WIDE AND 10' HIGH AND SHALL BE CONCRETED TO THE CURB. THE DRIVEWAY SHALL BE 10' WIDE AND 10' HIGH AND SHALL BE CONCRETED TO THE CURB.

GENERAL NOTES

1. ALL DIMENSIONS SHALL BE IN FEET AND INCHES. DIMENSIONS SHALL BE GIVEN TO THE CENTERLINE OF THE DRIVEWAY UNLESS OTHERWISE NOTED.

2. ALL DIMENSIONS SHALL BE TO THE CENTERLINE OF THE DRIVEWAY UNLESS OTHERWISE NOTED.

3. ALL DIMENSIONS SHALL BE TO THE CENTERLINE OF THE DRIVEWAY UNLESS OTHERWISE NOTED.

DOUBLE ENCLOSURE WITH GATES DETAIL

DOUBLE ENCLOSURE WITH GATES DETAIL

TRUCK ENCLOSURE WITH GATES DETAIL

TRUCK ENCLOSURE WITH GATES DETAIL

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3. ALL DIMENSIONS SHALL BE TO THE CENTERLINE OF THE DRIVEWAY UNLESS OTHERWISE NOTED.

TYPICAL SECTIONS

AMENDED

PRELIMINARY DEVELOPMENT PLAN

ZDP

BURKE, HOCKENSMITH & MAGGARD

LOT 1 - 1793 ATOMA DRIVE

1805 GEORGETOWN ROAD

LEXINGTON FAYETTE COUNTY, KENTUCKY

PRELIMINARY DEVELOPMENT PLAN

PROPERTY OWNER:

B & B HOLDINGS, LLC

1805 GEORGETOWN ROAD

LEXINGTON, KY 40511

APPLICANT:

COOPER INDUSTRIES OF KENTUCKY, INC.

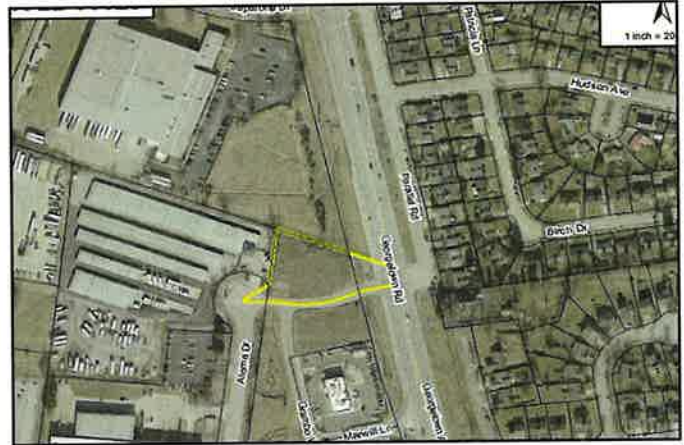
1183 FRENCHMAN ROAD

LEXINGTON, KY 40511

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-22-00029: GOODWILL INDUSTRIES OF KENTUCKY, INC.

DESCRIPTION OF ZONE CHANGE

Zone	From a Highway Service Business (B-3) zone
Change:	To a Light Industrial (I-1) zone
Acreage:	0.823 net (1.037 gross) acres
Location:	1793 Atoma Drive



EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	B-3	Vacant
To North	I-1	Warehousing
To East	R-1D	Single Family Residential
To South	B-3	Vacant
To West	I-1	Self Storage Warehousing

URBAN SERVICE REPORT

Roads - The subject property is located at the intersection of Atoma Drive and Georgetown Road (US 25). Atoma Drive is a local road that connects Sandersville Road and Georgetown Road. Georgetown Road is a five-lane major arterial road that provides access between Fayette County and Scott County.

Curb/Gutter/Sidewalks - Georgetown Road does not have curb, gutter or sidewalks. Atoma Drive has been constructed with curb and gutter improvements. Sidewalks will be completed with the development of the property.

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

Storm Sewers - The property is split between two watersheds, the Cane Run Creek watershed to the north and east, and the Town Branch watershed to the south and west sides of the property. Storm sewers exist in this portion of the Urban Service Area. No FEMA Special Flood Hazard Area exists on the property, but the subject property is partially located within the Royal Spring Aquifer Recharge Area, where special care is needed in order to better protect the aquifer.

Sanitary Sewers - The subject property is located within the Town Branch 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 will need to be constructed 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 uses.

Police - The nearest police station is the West Sector roll call center on Old Frankfort Pike, located 2¼ miles to the southwest, near the New Circle Road interchange.

Fire/Ambulance - Fire Station #10 is located one mile to the southeast of the property, along Finney Drive near the Georgetown Road and New Circle Road interchange.

Transit - The Georgetown Road Route (#1) and the Georgetown Road Night Route (#52) run south of the subject properties, extending to Spurr Road and providing both outbound and inbound service.

Parks - The subject property is located within a ½ mile of Highlands Park.

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 in order to construct a warehousing and distribution center for the donations to support their retail establishments. There will not be retail at this location.

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 in order to construct a donation and distribution center. As proposed, the development will include a single building where individuals will be able to donate goods, which will then be sorted and distributed to the various retail establishments in the area. No retail is proposed on site.

APPLICANT & COMMUNITY ENGAGEMENT



The applicant indicated that they have sent letters to the Oakwood Neighborhood Association, Highlands Neighborhood Association, and Coldstream Station Homeowners Association to inquire if they would like to meet regarding the proposed development. They should provide greater information if they have had such a meeting and what was discussed.

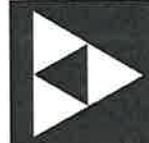
PROPERTY & ZONING HISTORY



The subject property was initially zoned Agricultural District (A-1) until 1969 when it was reclassified to the Agricultural Urban (A-U) zone during the comprehensive rezoning of the city and county. The property was rezoned in 1998 to the Light Industrial (I-1) zone, in agreement with the recommendations of the 1996 Comprehensive Plan (Ord. No. 97-98; MAR 98-06 CZ). The property was subsequently rezoned from the I-1 zone to a restricted Highway Service Business (B-3) zone in 2015 despite concerns from staff regarding the agreement with the 2013 Comprehensive Plan and the shift from industrial land uses in an area that was predominantly industrial in nature (Ord. No. 15-2016; MAR 2015-23).

Since the 2015 zone change, the owner has subdivided the property and constructed the infrastructure to support highway service business land uses. Development along Georgetown Road is accessed via a private roadway system and currently includes a fast food restaurant and a gas station with a neighborhood grocery/convenience store.

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 the proposed rezoning for the subject property is in agreement with the 2018 Comprehensive Plan.

GOALS & OBJECTIVES

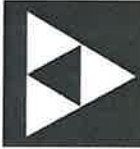
The applicant opines that the proposed rezoning is in agreement with the adopted Goals, Objectives, and Policies of the 2018 Comprehensive Plan. They indicate that the proposed project will supply jobs, resources, and services to the most vulnerable of Lexington and will allow for the maximization of Goodwill's reach to geographically underserved areas (Theme A, Goal #4, Theme A, Goal #4.b). The proposed facility will also provide jobs for residents, through the development of a warehousing and distribution center, which will also act as a convenient location for nearby residents to donate unneeded items to support Goodwill's mission (Theme C, Goal #1.a; Theme C, Diversity Policy #2). The applicant also indicates that the proposed rezoning will allow for the development of community services, in the form of a donation drop-off location and distribution, that will provide for the quality of life needs for Lexington's sometimes overlooked citizens (Theme D, Goal #2.c).

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

PLACE-TYPE, DEVELOPMENT TYPE, AND ZONE

In an effort to allow for the greatest contextual development of Lexington's Urban Service Area, a Place-Type based on the location of the subject property is identified. 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 indicates that the proposed development is located within the Industry and Production Place-Type and 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 adjacent to established I-1 zoning and is located along Georgetown Road, which is a major arterial roadway within the Urban



County that connects Fayette County with Scott County. Georgetown Road has access to Newtown Pike, the identified freight route for the county, via Citation Boulevard, and has access to Interstate 75 via Iron Works Pike. The location of the site is advantageous for the warehousing of goods and their distribution.

Due to the location of the proposed development and the potential environmental impact on the Royal Springs Aquifer, staff believes that the Industry and Production Place-Type and Industry and Production Non-Residential Development Type can be appropriate for the subject property with appropriate buffers and consideration given to environmentally sensitive areas.

Finally, the applicant has requested the rezoning of the property to a restricted Light Industrial (I-1) zone for the subject property, which is a recommended zone within the Industry and Production Place-Type and Industry and Production Non-Residential Development Type.

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 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 Industry and Production Place-Type and is seeking to create an Industry and Production Non-Residential Development Type.

1. Site Design, Building Form and Location

The proposed rezoning meets many of the criteria for Site Design, Building Form and Location; however, staff would like the applicant to clarify some of the referenced development criteria depicted on the associated development plan.

B-SU11-1: Green infrastructure should be implemented in new development. (E-GR3)

The applicant is currently depicting a potential water detention/quality basin. Staff would like the applicant to discuss how this would be achieved on the property.

2. Transportation and Pedestrian

The proposed rezoning meets the criteria for Transportation and Pedestrian, as development will provide pedestrian access throughout the site and connecting into the established trail system. The proposed internal roadway will also allow for proper circulation for larger industrial traffic.

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

The applicant is not currently depicting a safe, delineated access point to the structure on the property. While staff understands that those donating goods to the location will likely be driving, those working at the proposed facility may access the property by other modes of transportation. The applicant should depict safe and delineated pedestrian access to the structure.

3. Greenspace and Environmental Health

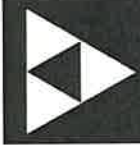
The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will protect and increase tree canopy coverage, and protect the natural features on the site, including the Royal Springs Aquifer Recharge Area.

B-PR7-3 Developments should improve the tree canopy.

The applicant is currently depicting two trees in the vehicular use area as adding or improving the tree canopy. While staff agrees that the current standards of Article 18 require greater tree canopy, the plan as depicted does not meet the requirements of Article 18 regarding the minimum buffer surrounding a vehicular use area. The applicant should review the regulations and depict the required trees to demonstrate how they are adding canopy to the area.

CONDITIONAL ZONING RESTRICTIONS

In an effort to alleviate some of the potential adverse impacts on the environment, while also promoting the employment factors for the proposed development and protecting a major gateway into Lexington, a list of restricted uses are proposed. The following uses are to be prohibited:



1. Self-storage warehousing.
2. Billboards.
3. Outdoor storage
4. All above ground and underground storage tanks.
5. On-site disposal of any hazardous waste materials.
6. Mining of non-metallic minerals and/or radium extraction.

Staff finds that these restrictions are appropriate and necessary to protect the appearance of the Georgetown Road corridor as a gateway into Lexington, while promoting employment that is appropriate along Lexington's freight corridor. Furthermore, the proposed restrictions 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. 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 the Royal Spring Aquifer 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.

STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASONS:



1. A restricted Light Industrial (I-1) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed project will supply jobs, resources, and services to the most vulnerable of Lexington and will allow for the maximization of Goodwill's reach to geographically underserved areas (Theme A, Goal #4, Theme A, Goal #4.b).
 - b. The proposed facility will also provide jobs for residents, through the development of a warehousing and distribution center, which will also act as a convenient location for residents to donate unneeded items to support Goodwill's mission (Theme C, Goal #1.a; Theme C, Diversity Policy #2).
 - c. The proposed rezoning will allow for the development of community services, in the form of a donation drop-off location and distribution, that will provide for the quality of life needs for Lexington's sometimes overlooked citizens (Theme D, Goal #2.c).
2. 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 development will provide a industrial development that provides connectivity for pedestrian mobility, and promotes the preservation and maintenance of the environmental aspects of the site.
 - b. The proposed rezoning meets the criteria for Transportation and Pedestrian, as development will provide pedestrian access along the lot frontage.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will increase tree canopy coverage, and protects the natural features on the site, including the Royal Springs Aquifer.
3. 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. Billboards.
 - iii. Outdoor storage
 - 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.

These restrictions are appropriate and necessary for the following reasons:

 1. To protect the appearance of the Georgetown corridor as a gateway into Lexington, while promoting employment that is appropriate along Lexington's freight corridor.
 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.
4. This recommendation is made subject to approval and certification of PLN-MJDP-22-00084: Burke, Hockensmith and Maggard, Lot 1 (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.

1. **GOODWILL INDUSTRIES OF KENTUCKY, INC ZONING MAP AMENDMENT & BURKE, HOCKENSMITH & MAGGARD LOT 1 (AMD) ZONING DEVELOPMENT PLAN**

- a. **PLN-MAR-22-00029: GOODWILL INDUSTRIES OF KENTUCKY, INC** – a petition for a zone map amendment from a Highway Service Business (B-3) zone to a Light Industrial (I-1) zone, for 0.823 net (1.037 gross) acres, for property located at 1793 Atoma Drive.

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 in order to construct a donation and distribution center. As proposed, the development will include a single building where individuals will be able to donate goods, which will then be sorted and distributed to the various retail establishments in the area. No retail is proposed on site.

The Zoning Committee Recommended: Approval with the addition of conditional zoning restrictions.

The Staff Recommends: Approval, for the following reasons:

1. A restricted Light Industrial (I-1) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed project will supply jobs, resources, and services to the most vulnerable of Lexington and will allow for the maximization of Goodwill's reach to geographically underserved areas (Theme A, Goal #4, Theme A, Goal #4.b).
 - b. The proposed facility will also provide jobs for residents, through the development of a warehousing and distribution center, which will also act as a convenient location for residents to donate unneeded items to support Goodwill's mission (Theme C, Goal #1.a; Theme C, Diversity Policy #2).
 - c. The proposed rezoning will allow for the development of community services, in the form of a donation drop-off location and distribution that will provide for the quality of life needs for Lexington's sometimes overlooked citizens (Theme D, Goal #2.c).
2. 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 development will provide a industrial development that provides connectivity for pedestrian mobility, and promotes the preservation and maintenance of the environmental aspects of the site.
 - b. The proposed rezoning meets the criteria for Transportation and Pedestrian, as development will provide pedestrian access along the lot frontage.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will increase tree canopy coverage, and protects the natural features on the site, including the Royal Springs Aquifer.
3. **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. Billboards.
 - iii. Outdoor storage
 - 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.

These restrictions are appropriate and necessary for the following reasons:

1. To protect the appearance of the Georgetown corridor as a gateway into Lexington, while promoting employment that is appropriate along Lexington's freight corridor.
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.
4. This recommendation is made subject to approval and certification of PLN-MJDP-22-00084: Burke, Hockensmith and Maggard, Lot 1 (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.

- b. **PLN-MJDP-22-00084: BURKE, HOCKENSMITH, & MAGGARD, LOT 1 (AMD)** (2/26/2023)* - located at 1793 ATOMA DRIVE, LEXINGTON, KY
Council District: 2
Project Contact: Vision Engineering

Note: The purpose of this amendment is to depict the size and location of the proposed stadium and training facility, in support of the requested zone change from Interchange Service Business (B-5P) zone to Highway Service Business (B-3) zone.

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

1. Provided the Urban County Council approves the zone change to I-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Urban Forester's approval of tree preservation plan.
5. Department of Environmental Quality's approval if environmentally sensitive areas.
6. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Division.
7. United States Postal Service Office's approval of kiosk locations or easement.
8. Revise typical parking space dimensions.
9. Dimension loading and compactor areas.
10. Denote canopy height.
11. Discuss access to Atoma Drive.
12. Discuss Placebuilder criteria.

Staff Presentation – Mr. Hal Baillie presented the staff report and recommendations for the zone change application. He displayed photographs of the subject property and the general area. He stated that the applicant was seeking a zone map amendment from a Highway Service Business (B-3) zone to a Light Industrial (I-1) zone, for 0.823 net (1.037 gross) acres, for property located at 1793 Atoma Drive. The applicant is proposing a donation and distribution center, which will sort and distribute donated goods to various retail establishments in the area. Mr. Baillie indicated that no retail was being proposed on the site.

Mr. Baillie concluded his presentation stating that Staff is recommending approval because the requested zone, justification and development plan are all in agreement with the Comprehensive Plan.

Staff Development Plan Presentation – Mr. Tom Martin oriented the Planning Commission to the location of the subject property, and reiterated Mr. Baillie's statement that this Goodwill would not have a retail element. Mr. Martin stated that the applicant addressed numerous conditions including adding pedestrian access to the front of the building and denoting canopy height in the front.

Mr. Martin concluded his presentation by stating that Staff is recommending approval of the development plan and could answer any questions.

Applicant Comment – Dick Murphy, attorney for the applicant, stated that they are in agreement with the revised conditions and are happy to answer any questions.

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

Action – A motion was made by Mr. Bell and seconded by Mr. de Movellan and carried 9-0 (Penn and Pohl absent) to approve PLN-MAR-22-00029: GOODWILL INDUSTRIES OF KENTUCKY, INC for reasons provided by Staff.

Action – A motion was made by Mr. Bell and seconded by Mr. Nicol and carried 9-0 (Penn and Pohl absent) to approve PLN-MJDP-22-00084: BURKE, HOCKENSMITH, & MAGGARD, LOT 1 (AMD) with the revised conditions presented by the conditions by the staff.