

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

**IN RE: PLN-MAR-22-00023: IVCP ATHENS SOUTH LLC** - a petition for a zone map amendment from an Interchange Service Business (B-5P) zone, to a Highway Service Business (B-3) zone, for 30.24 net (37.36 gross) acres, for property located at 5380 and 5354 (a portion of) Athens-Boonesboro Road. (Council District 12)

Having considered the above matter on **January 26, 2023**, 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. A restricted Highway Service Business (B-3) zone is in agreement with the 2018 Comprehensive Plan's Goals, Objectives, and Policies, for the following reasons:
  - a. The proposed development supports infill opportunities (Theme A, Goal #2) by developing in an area that is meant for commercial or industrial development with a commercial development focused on economic development.
  - b. The proposed development will create jobs and prosperity by showcasing local assets, which will be specifically focused on the promotion and enhancement of sports tourism, entertainment and other quality of life opportunities that attract young, and culturally diverse professionals and a work force of all ages and talents (Theme C, Goal #1 and #2).
  - c. The proposed development will enhance Lexington's ability to host regional athletic tournaments through the inclusion of the soccer stadium and training facility (Theme C, Livability Policy #3 of the Comprehensive Plan).
2. The justification and corollary development plan are in agreement with the 2017 Rural Land Management Plan, for the following reasons:
  - a. The proposed rezoning will allow for greater utilization of property within the Blue Sky Rural Activity Center that support highway and interstate service commerce, while also allowing for greater flexibility for job production, which would target the production of employment at higher wages.
  - b. The proposed development is situated along the portion of the property that is most heavily impacted by light, air and sound impacts that are caused by Interstate 75 and is adequately buffered from the westernmost Agricultural Rural (A-R) zoning that abuts 5354 Athens Boonesboro Road.
  - c. The proposed development does not negatively impact the viewshed along Athens Boonesboro Road as the area is buffered by topographic variations and the established development along the roadway.

3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are recommended via conditional zoning:
- a. The following uses shall be prohibited:
- i. 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.
  - ii. Minor or major automobile and truck repair.
  - iii. Pawnshops.
  - iv. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
  - v. Retail sale of automotive parts with storage and distribution of inventory to other local establishments under the same ownership.

The restrictions are necessary and appropriate in order to restrict those land uses that could have a negative impact on the surrounding agricultural zones and Athens Boonesboro 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).

4. This recommendation is made subject to approval and certification of PLN-MJDP-22-00073: Boonesboro Manor (Interstate Park Property)(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 24<sup>th</sup> day of February, 2023.

  
Secretary, Jim Duncan

LARRY FORESTER  
CHAIR

Note: The corollary development plan, PLN-MJDP-22-00073: BOONESBORO MANOR (INTERSTATE PARK) (AMD) was approved by the Planning Commission on January 26, 2023 and was certified on February 9, 2023.

Note: A conditional use was approved by the Planning Commission on January 26, 2023

K.R.S. 100.211(7) requires that the Council take action on this request by May 26, 2023.

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

**OBJECTORS**

- Gloria Martin, 7416 Grimes Mill
- Julie Goodman, 4998 Athens Boonesboro
- Tom Miller, 271 W Short Street
- Ed Hastie, 141 Ashley Woods Road
- Don Todd, 153 Market Street
- Andy Pearson, 111 Ashley Woods Road
- Dennis Yalkut, 4990 Athens Boonesboro
- Melissa Brown, 7211 Grimes Mill Road
- James Hodge, 6050 Old Richmond Road

**OBJECTIONS**

- B-3 zoning is not appropriate near a Rural Activity Center
- Application is not in compliance with the law or the Comprehensive Plan.
- Not in compliance with the Comprehensive Plan.
- Concerned with increased traffic.
- Existing zone is appropriate and does not need to change.
- Concerned that this is a “bait and switch.”
- Concerned with increased traffic.
- An Environmental Impact Study should have been submitted in association with the request.
- Applicant has not met the burden of proof for a zone change.

**VOTES WERE AS FOLLOWS:**

AYES: (8) Barksdale, Bell, Davis, de Movellan, Forester, Michler, Penn, and Worth  
 NAYS: (0)  
 ABSENT: (3) Meyer, Nicol, and Pohl  
 ABSTAINED: (0)  
 DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-22-00023** carried.

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

