

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

IN RE: **PLN-MAR-20-00002: JUBY, LLC (AMD)** – an amended petition for a zone map amendment from a Planned Neighborhood Residential (R-3) zone to a Light Industrial (I-1) zone, for 37.87 net (40.82 gross) acres, from a Professional Office (P-1) zone to a Highway Service Business (B-3) zone, for 7.98 net (9.12 gross) acres, from an Agricultural Rural (A-R) zone to a Highway Service Business (B-3) zone, for 1.69 gross and net acre, and from a Planned Neighborhood Residential (R-3) zone to a Highway Service Business (B-3) zone, for 0.82 gross and net acre, for properties located at 2501 and 2701 Spurr Road, and 2710 Sullivans Trace. (Council District 12)

Having considered the above matter on **October 22, 2020**, at a Public Hearing, and having voted **11-0** 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:

The requested zone map amendment to the Light Industrial (I-1) and Highway Service Business (B-3) Zones is in compliance with the adopted 2018 Comprehensive Plan for the following reasons:

1. The request meets the provisions of Design Policy #4 - to provide development that is sensitive to the surrounding context. The surrounding context here is a mix of residential and industrial development. It provides a road connection to Spurr Rd for the existing adjacent residential development. It provides a 10-foot intermodal path connection along Spurr Road to the retail and industrial development which ties to the new road connection to the residential. It is sensitive to the adjacent residential neighborhood. After a number of meetings with the residents an agreement was reached to provide additional screening, buffering and land utilization for the adjoining neighbors. The proposed uses are complementary uses in the area providing jobs, retail opportunities and professional service opportunities.
2. The request meets the provisions of Design Policy # 12 - support neighborhood level commercial areas. The proposal is for B-3 zoning but restricted to B-1 uses. The neighborhood is larger in context than simply the adjacent residential area to the north. It includes existing and proposed industrial areas interspersed with neighborhood areas, much the same as requested here. The proposed location and orientation provide encouragement for investment and opportunities for the commercial center to thrive and support the surrounding larger contextual area.
3. The request meets Theme C, the Prosperity Policy and the Livability Policy #9 - creating jobs and prosperity. Industrial/jobs land has been shown to be limited in our community. This zone change to I-1 will increase the availability of jobs land and employment opportunity for the larger neighborhood and community. The B-3 land will also provide additional employment opportunities for those in the larger neighborhood and community.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions in the Light Industrial (I-1) Zone are recommended via conditional zoning:
 - a. Prohibited Uses:
 - i. Columbariums and crematories;
 - ii. Penal or correctional institutions;
 - iii. Refuse dumps, landfills or incinerators;
 - iv. Grain drying;
 - v. Automobile race tracks;
 - vi. Laundry (excluding self-service laundry), clothes cleaning or dyeing shop;
 - vii. Commercial wood lots;

- viii. Below-ground storage of any flammable or nonflammable gas or oxidizer in liquid or gaseous form (except for use with automobile and truck service or refueling station or major or minor automobile and truck repair);
 - ix. Concrete mixing and concrete products production;
 - x. Mining of non-metallic minerals;
 - xi. Outdoor storage;
 - xii. Self-storage warehouse; and
 - xiii. Advertising signs (aka Billboard Signs)
- b. A 30-foot wide landscape buffer shall be established along the residential zoning boundary. A 6-foot berm or fence shall also be required.
- c. These restrictions are appropriate and necessary for the following reasons:
- i. To reduce the potential impact of allowable industrial uses on the adjacent neighborhood.
 - ii. To reduce the potential impact of allowable industrial uses on the Royal Spring Aquifer Wellhead.
5. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions in the Highway Service Business (B-3) are recommended via conditional zoning:
- a. Prohibited Uses:
- i. Establishments and lots for the display, rental, sale, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items;
 - ii. Motel or hotel;
 - iii. Indoor amusements, such as billiard or pool halls, dancing halls, skating rinks, miniature golf or putting courses, theaters or bowling alleys;
 - iv. Garden centers;
 - v. Parking structures;
 - vi. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers;
 - vii. Commissaries for preparation of food for restaurant use; and
 - viii. Advertising signs (aka Billboard Signs).
- b. These restrictions are appropriate and necessary for the following reasons:
- i. To reduce the potential impact of allowable highway service business uses on the adjacent neighborhood.
6. This recommendation is made subject to approval and certification of PLN-MJDP-20-00001: RAMSEY SULLIVAN PROPERTY (FKA BELMONT INDUSTRIAL PARK TRACT 1), 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 6th day of November, 2020.


 Secretary, Jim Duncan

LARRY FORESTER
 CHAIR

Note: The corollary development plan, PLN-MJDP-20-00001: RAMSEY SULLIVAN PROPERTY (FKA BELMONT INDUSTRIAL PARK TRACT 1) was approved by the Planning Commission on October 22, 2020 and certified on November 5, 2020.

K.R.S. 100.211(7) requires that the Council take action on this request by January 20, 2021.

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

OBJECTORS

- Brad Olsen, 2717 Kearney Creek Lane

OBJECTIONS

- Concern with the height of the proposed building and its setbacks.

VOTES WERE AS FOLLOWS:

AYES: (10) Barksdale, Bell, de Movellan, Forester, Meyer, Nicol, Penn, Plumlee, Pohl, and Wilson

NAYS: (0)

ABSENT: (0)

ABSTAINED: (1) Davis

DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-20-00002** carried.

Enclosures: Amended Application
Supplemental Justifications
Plat
Staff Report
Supplemental Staff Reports
Applicable excerpts of minutes of above meeting

MAP AMENDMENT REQUEST (MAR) APPLICATION**1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)****Applicant:**

JUBY, LLC, 1372 LAKEWOOD DRIVE, LEXINGTON, KY 40502

Owner(s):

BARLOW HOMES, LLC, 161 N. EAGLE CREEK, STE 200, LEXINGTON, KY 40509

Attorney:

BRANDON GROSS, 300 WEST VINE STREET, STE 1200, LEXINGTON, KY 40507 PH: (859) 231-8500

2. ADDRESS OF APPLICANT'S PROPERTY

2501 AND 2701 SPURR ROAD, 2710 SULLIVANS TRACE, LEXINGTON, KY 40511

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

| Zoning | Existing Use | Zoning | Requested Use | Acreage | |
|--------|--------------|--------|-----------------------------------|---------|-------|
| | | | | Net | Gross |
| R-3 | VACANT | I-1 | LIGHT | 37.87 | 40.82 |
| P-1 | VACANT | B-3 | INDUSTRIAL/PRODUCTION BUSINESS | 7.98 | 9.12 |
| A-R | ROADWAY | B-3 | ROADWAY | 0.00 | 1.69 |
| R-3 | ROADWAY | B-3 | ROADWAY | 0.00 | 0.82 |

4. COMPREHENSIVE PLAN

| | |
|--|---|
| a. Utilizing Placebuilder, what Place-Type is proposed for the subject site? | INDUSTRY AND PRODUCTION CENTER CORRIDOR |
| b. Utilizing Placebuilder, what Development Type is proposed for the subject site? If residential, provide the proposed density | INDUSTRIAL AND PRODUCTION NON-RESIDENTIAL MEDIUM DENSITY NON-RESIDENTIAL / MIXED USE |

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: | To Be Constructed |
| Storm Sewers: | To Be Constructed |
| Sanity Sewers: | To Be Constructed |
| 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 |



January 6, 2020

Urban County Planning Commission
Division of Planning – Planning Services Section
200 East Main Street
Lexington, Kentucky 40507

Re: Zone Change Request No. 1: 2710 Sullivan Trace, 2701 Spurr Road and 2501 Spurr Road (a portion)

From: Planned Neighborhood Residential (R-3) Zone

To: Light Industrial (I-1) Zone

Zone Change Request No. 2: 2501 Spurr Road (a portion)

From: Professional Office (P-1) Zone

To: Neighborhood Business (B-1) Zone

Dear Members of the Planning Commission:

We submit this justification letter for Juby, LLC's application for two zone map amendment requests for the property located at (1) 2710 Sullivan Trace, 2701 Spurr Road and a portion of 2501 Spurr Road (the "I-1 Property") from Planned Neighborhood Residential (R-3) Zone to Light Industrial (I-1) Zone ("Zone Change Request No. 1") and a portion of 2501 Spurr Road (the "B-1 Property," and collectively, with the I-1 Property, the "Property") from Professional Office (P-1) Zone to Neighborhood Business (B-1) Zone ("Zone Change Request No. 2"). The I-1 Property is 38.97 acres gross and 37.87 acres net in total, and the B-1 Property is 9.46 acres gross and 7.98 acres net¹ in total. The owner (Midsouth Homes, LLC) of 2710 Sullivan Trace and 2701 Spurr Road has consented to the application.

The Property is part of a larger development known as Kearney Ridge located off of Georgetown Road, within but near the border of the Urban Service Boundary ("USB"). The development was proposed to consist of single-family detached houses, townhomes, condominiums/apartments, and small business and professional offices portions. Kearney Ridge is not fully developed at this time; provided, however, a developer has recently announced the proposed development of a 96 unit complex for affordable housing for seniors in Kearney Ridge.

¹ Applicant holds record title to an unconsolidated 0.53 acres remnant between the eastern boundary of the B-1 Property and the right-of-way for Georgetown Road pursuant to a deed dated October 14, 2009. It is the applicant's understanding that that acreage is to be acquired by the Commonwealth of Kentucky as part of the proposed right of way plans for that portion of Georgetown Road. The aforesaid 0.53 acres is included in the gross acreage but not the net acreage.

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The Property is located in a mixed-use area located at Georgetown and Spurr Roads. Georgetown Road borders the Property to the east, and a railway line borders the Property to the west with a proposed residential development located on the other side of the line. Spurr Road borders the south side of the property and there is an industrial park located on the other side of the road.

The development also included land zoned for Professional Office (P-1) Zone (part of this application) and Neighborhood Business (B-1) Zone. There is an industrial park located on Innovation Drive south of the Property (across from Spurr Road). There is minimal vacant land remaining in that industrial park. To the northeast of the Property is approximately 13 acres of industrial zoned property utilized by a trucking business. The developed portion of Kearney Ridge is located to the north of the Property.

Our proposal is to rezone these parcels into a light-industrial and highway business development to blend within the current uses in the area. As you are certainly aware, this area of Lexington has almost developed all of its industrial sites on the Georgetown Road corridor. We believe this site is appropriate for rezoning according to the guidance provided in "Imagine Lexington."

The proposed project is for a highly appropriate development that activates underutilized land along an important corridor (Georgetown Road) in our community. This project provides for additional employment and economic activity near a residential area without negatively impacting the existing neighborhood. It provides for potential major employers and commercial facilities within walking distance of the neighborhood. It is a well-designed industrial and commercial project that integrates into the existing neighborhood.

The applicant consulted with the Kearney Ridge Homeowners Association at its annual meeting last fall. The applicant has had several meetings with Commerce Lexington. The applicant met with Kentucky Department of Highways District 7.

In sum, this project meets numerous goals and objectives of the Comprehensive Plan, and further complies with relevant standards articulated in "Placebuilder" included as part of the Comprehensive Plan.

COMPREHENSIVE PLAN

The project meets the following Goals and Objectives of the Comprehensive Plan:

Zone Change Request No. 1: Light Industrial (I-1) Zone

We believe that our proposed development is in agreement with the 2018 Comprehensive Plan, specifically the Goals and Objectives that encourage appropriately located industrial and production to create employment (Theme B) and creation of trade and manufacturing employment near livable neighborhoods (Theme C). Further, allowing additional employment opportunities and business in the area will relieve some pressure, even if minor, to expand the Urban Service Area in the adjacent area (Theme E). Rezoning this development will allow the owners to further provide Lexington the employment that the Comprehensive Plan encourages.

Zone Change Request No. 2: Neighborhood Business (B-1) Zone

The Property is already the type of development encouraged by the 2018 Comprehensive Plan and is in accord with many of the goals and objectives of the 2018 Goals and Objectives. The site will retail, entertainment and commerce opportunities for the surrounding areas (Theme A and Theme C). The rezone would allow the Property to increase the types of community facilities, retail, entertainment and commerce opportunities in the area (Theme C). Allowing additional retail businesses in the area will assist with expanding community facilities and meeting the quality of life needs of residents and visitors (Theme D). Further, allowing additional retail business in the area will relieve some pressure, even if minor, to expand the Urban Service Area in the adjacent area (Theme E). Rezoning this development will allow the owners to further provide Lexington the facilities that the Comprehensive Plan encourages.

PLACEBUILDER

Zone Change Request No. 1:

Industry & Production Center Place Type // Industrial & Production Non-Residential

We have further evaluated our proposal under the design criteria in Placebuilder. In consultation with planning staff, we submit that this proposal for the I-1 Property should be evaluated as the Industry & Production Center Place Type, and that the proposed development is appropriately classified as Industrial & Production Non-Residential. We submit that this classification is appropriate because the general area already has light industrial uses. I-1 is a suggested zoning category for this place type and development.

Attached hereto is a color-coded reflection of how we have addressed the design criteria listed in that Placebuilder category. Items highlighted in green are represented graphically on our amended preliminary development plan, items in yellow are addressed in this letter, and items highlighted in orange we do not believe are applicable to our proposal.

Standards That Are Applicable for the I-1 Property:

SITE DESIGN, BUILDING FORM, & LOCATION

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- B-PR9-1 The applicant does not intend to disturb any environmentally sensitive, and the plans call for a detention basin to be constructed. The site is within the Royal Spring Aquifer located northern Fayette County and southern Scott County. The site is located outside of the Wellhead Protection Area. The applicant intends to share its proposed plans with Royal Spring Wellhead Protection Committee, and the applicant is willing to meet with said Committee. *See* annotated development plan.
- B-SU11-1 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, green infrastructure will be considered for inclusion.
- C-DI1-1 The requested zone will allow for a wide range of jobs.
- C-PS8-1 The requested zone will allow an increase in opportunities for industry and special trade employment.
- C-PS10-3 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, over-parking of in the development will be avoided
- D-PL7-1 The applicant consulted with the Kearney Ridge Homeowners Association at its annual meeting last fall. The applicant has had several meetings with Commerce Lexington. The applicant met with Kentucky Department of Highways District 7.

TRANSPORTATION & PEDESTRIAN CONNECTIVITY

- C-PS10-1 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the applicant will consider flexible parking and shared parking arrangements.
- D-CO1-1 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, rights-of-way and multimodal facilities will be designed to reflect and promote the desired place-type.
- D-CO2-1 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, safe facilities for all users and modes of transportation will be provided. *See* annotated development plan.

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- D-CO2-2 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the development will create and/or expand a safe, connected multimodal transportation network that satisfies all users' needs, including those with disabilities. *See* annotated development plan.
- D-CO4-1 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the developer does not intend to create any dead-end streets and Cul-de-sacs.
- D-CO4-3 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the development will minimize grading where possible.
- D-CO5-1 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the development will design streets with shorter block lengths, narrower widths, and traffic calming features. The proposed plan is to widen Spurr Road and construct an extension of Sullivans Trace as noted on the preliminary development plan
- D-CO4-2 The proposed plan is to widen Spurr Road and construct an extension of Sullivans Trace as noted on the preliminary development plan.

GREENSPACE & ENVIRONMENTAL HEALTH

- A-DS4-3 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the developer will work with the existing landscape to the greatest extent possible, preserving key natural features.
- B-PR2-1 The applicant does not intend to disturb any environmentally sensitive, and the plans call for a detention basin to be constructed. The site is within the Royal Spring Aquifer located northern Fayette County and southern Scott County. The site is located outside of the Wellhead Protection Area. The applicant intends to share its proposed plans with Royal Spring Wellhead Protection Committee, and the applicant is willing to meet with said Committee. *See* annotated development plan.
- B-PR7-2 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the developer intends to incorporate trees into development plans and will consider the grouping of trees

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to increase survivability.

- B-PR7-3 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the developer will consider improving the tree canopy above the minimum requirements.
- B-RE1-1 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the developer will consider incorporating street trees to create a walkable streetscape above the minimum requirements. *See* annotated development plan.

Standards Not Applicable for I-1 Property:

SITE DESIGN, BUILDING FORM, & LOCATION

- C-DI5-1 The site is not located in an Opportunity Zone.
- C-PS3-1 The site is not located in a Rural Activity Center.
- C-PS10-2 There are no parking lots located on the Property.
- D-PL9-1 There are no structures located on the Property.
- D-SP3-1 There are no proposed cellular tower antennae to be located on the Property.
- D-SP3-2 There are no proposed cellular tower antennae to be located on the Property.
- E-GR4-1 There are no structures located on the Property.
- E-GR5-1 There are no structures located on the Property.

TRANSPORTATION & PEDESTRIAN CONNECTIVITY

- E-ST3-1 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the developer will consider ride sharing pick up and drop off locations along Georgetown Road with considerations for any needed or proposed park and ride functions of the area.

GREENSPACE & ENVIRONMENTAL HEALTH

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- A-EQ7-3 There are no proposed community open spaces.
- B-PR2-2 No portion of the site is in a floodplain.
- B-PR2-3 No portion of the site is in a floodplain.
- B-PR7-1 No portion of the site has a greenway, tree stand, or stream corridors. Most of the existing tree stands will likely be removed with the proposed infrastructure on Spurr Road.
- B-RE2-1 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the developer will consider incorporating green infrastructure to be used to connect to a future the greenspace network.
- E-ST5-1 The site is not located in a Rural Activity Center.
- E-GR3-1 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the developer will consider incorporating physical and visual connections to a future greenway network.
- E-GR3-2 There are no unique geographic features on the site.

Zone Change Request No. 2: Corridor Place Type // Medium Density Non-Residential / Mixed Use Density

We have further evaluated our proposal under the design criteria in Placebuilder. In consultation with planning staff, we submit that this proposal for the B-1 Property should be evaluated as the Corridor Place Type, and that the proposed development is appropriately classified as Medium Density Non-Residential / Mixed Use Density. We submit that this classification is appropriate because the general area already has residential uses, and is providing new entertainment, retail and commercial uses. B-1 is a suggested zoning category for this place type and development.

Attached hereto is a color-coded reflection of how we have addressed the design criteria listed in that Placebuilder category. Items highlighted in green are represented graphically on our amended preliminary development plan, items in yellow are addressed in this letter, and items highlighted in orange we do not believe are applicable to our proposal.

Standards That Are Applicable for the B-1 Property:

SITE DESIGN, BUILDING FORM, & LOCATION

- A-DS4-2 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the buildings will at an appropriate scale to respect the context of neighboring structures.
- A-DS5-3 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the buildings will be oriented towards the internal parking, and further, the applicant hopes to provide a pedestrian connection to the adjacent residential neighborhood to create a more pedestrian friendly environment in addition to the sidewalks on Spurr Road.
- A-DS5-4 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the development will provide a pedestrian-oriented and activated ground level.
- A-DS7-1 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, parking will be oriented to the interior or rear of the property for nonresidential developments. The applicant does not expect to have any multi-family units on the site.
- A-DS7-2 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, any non-residential or multi-family parking not buffered by a building will be screened from the streetscape view and adjacent properties.
- A-DN2-2 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the development will minimize significant contrasts in scale, massing and design. There are no historic areas and neighborhoods.
- A-DN3-1 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, pedestrian-oriented commercial opportunities should be incorporated within residential neighborhoods. The applicant hopes to provide a pedestrian connection to the adjacent residential neighborhood to create a more pedestrian friendly environment in addition to the sidewalks on Spurr Road.

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- A-EQ3-1 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, development will create context sensitive transitions between intense corridor development and existing neighborhoods.
- B-PR9-1 The applicant does not intend to disturb any environmentally sensitive, and the plans call for detention basin to be constructed. The site is within the Royal Spring Aquifer located northern Fayette County and southern Scott County. The site is located outside of the Wellhead Protection Area. The applicant intends to share its proposed plans with Royal Spring Wellhead Protection Committee, and the applicant is willing to meet with said Committee. *See* annotated development plan.
- B-SU11-1 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, Green infrastructure will be implemented in new development.
- C-DI1-1 The requested zone will allow for a wide range of jobs.
- C-LI6-1 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the development will incorporate multi-family housing and walkable commercial uses into development along arterials/corridors. The applicant hopes to provide a pedestrian connection to the adjacent residential neighborhood to create a more pedestrian friendly environment in addition to the sidewalks on Spurr Road.
- C-LI7-1 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the developments will create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment. The applicant hopes to provide a pedestrian connection to the adjacent residential neighborhood to create a more pedestrian friendly environment in addition to the sidewalks on Spurr Road. *See* annotated development plan.
- C-PS10-3 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, over-parking of in the development will be avoided.
- D-PL7-1 The applicant consulted with the Kearney Ridge Homeowners Association at its annual meeting last fall. The applicant has had several meetings with Commerce

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Lexington. The applicant met with Kentucky Department of Highways District 7.

- D-PL10-1 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, applicant will consider activate the streetscape by designating public art easements in prominent locations.
- D-SP3-2 The applicant is not considering any cellular towers in the development.
- E-GR9-1 The development should allow live/work units to be incorporated into the existing residential neighborhood.
- E-GR9-4 The site is currently vacant.
- E-GR10-2 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the development will walkable service and amenity-oriented commercial spaces. The applicant hopes to provide a pedestrian connection to the adjacent residential neighborhood to create a more pedestrian friendly environment in addition to the sidewalks on Spurr Road. *See* annotated development plan.
- E-GR10-3 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the applicant will consider shared common space in commercial developments to be provided to encourage experiential retail programming.

TRANSPORTATION & PEDESTRIAN CONNECTIVITY

- A-DS1-1 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the applicant will consider the inclusion of mass transit infrastructure such as seating and shelters along transit routes.
- A-DS1-2 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the development will include direct pedestrian linkages to transit should be provided.
- A-DS4-1 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the development will include a connected multi-modal network to adjacent neighborhoods,

greenspaces, developments and complementary uses should be provided.

- A-DS5-1 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the development will include adequate multi-modal infrastructure should be provided to ensure vehicular separation from other modes of transport. *See* annotated development plan.
- A-DS5-2 The proposed plan is to widen Spurr Road and construct an extension of Sullivans Trace as noted on the preliminary development plan.
- A-DS10-2 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the development will be designed with multi-modal connections to the neighborhood. The applicant hopes to provide a pedestrian connection to the adjacent residential neighborhood to create a more pedestrian friendly environment in addition to the sidewalks on Spurr Road.
- A-DS13-1 There are no proposed stub streets, and the development is proposed to connect Sullivans Trace to Spurr Road. *See* the annotated development plant.
- A-EQ3-2 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the development will be internally walkable, connected to adjacent neighborhoods, and to providing transit infrastructure & facilities. *See* annotated development plan.
- A-EQ7-2 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the development multi-modal transportation options for healthcare and social services facilities.
- B-SU4-1 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the applicant will consider greenspace/community centers.
- C-PS10-1 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the applicant will consider flexible parking and shared parking arrangements.
- D-CO1-1 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, rights-of-way and

multimodal facilities will be designed to reflect and promote the desired place-type.

- D-CO2-1 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, safe facilities for all users and modes of transportation will be provided. *See* annotated development plan.
- D-CO2-2 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the development will create and/or expand a safe, connected multimodal transportation network that satisfies all users' needs, including those with disabilities. *See* annotated development plan.
- D-CO4-2 The proposed plan is to widen Spurr Road and construct an extension of Sullivans Trace as noted on the preliminary development plan.
- D-CO5-1 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the development will design streets with shorter block lengths, narrower widths, and traffic calming features. The proposed plan is to widen Spurr Road and construct an extension of Sullivans Trace as noted on the preliminary development plan.
- D-SP3-1 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the development will include rights-of-way, lease areas and easements for infrastructure.
- E-ST3-1 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the developer will consider ride sharing pick up and drop off locations along Georgetown Road with considerations for any needed or proposed park and ride functions of the area.

GREENSPACE & ENVIRONMENTAL HEALTH

- A-DS4-3 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the developer will work with the existing landscape to the greatest extent possible, preserving key natural features.

BINGHAM GREENEBAUM DOLL LLP

Juby, LLC
January 6, 2020
Page 13

- B-PR2-1 The applicant does not intend to disturb any environmentally sensitive, and the plans call for a detention basin to be constructed. The site is within the Royal Spring Aquifer located northern Fayette County and southern Scott County. The site is located outside of the Wellhead Protection Area. The applicant intends to share its proposed plans with Royal Spring Wellhead Protection Committee, and the applicant is willing to meet with said Committee. *See* annotated development plan.
- B-PR7-2 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the developer intends to incorporate trees into development plans and will consider the grouping of trees to increase survivability.
- B-PR7-3 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the developer will consider improving the tree canopy above the minimum requirements.
- B-RE1-1 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the developer will consider incorporating street trees to create a walkable streetscape above the minimum requirements. *See* annotated development plan.
- B-RE2-1 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the developer will consider incorporating green infrastructure to be used to connect to a future the greenspace network.
- E-GR3-1 To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the developer will consider incorporating physical and visual connections to a future greenway network.

Standards Not Applicable for B-1 Property:

SITE DESIGN, BUILDING FORM, & LOCATION

- A-DS3-1 There is no proposed multi-family residential development for this site.

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Juby, LLC
January 6, 2020
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- A-DS7-3 There are no proposed parking structures for this site.
- A-DS8-1 There is no proposed medium density housing for this site.
- A-DS10-1 There are no proposed residential units for this site.
- A-DS11-1 There are no proposed common public uses for this site.
- A-DN2-1 There are no proposed infill residential units for this site.
- A-DN3-2 There are no proposed residential units for this site.
- A-EQ7-1 There are no proposed schools for this site.
- C-DI5-1 The site is not in an Opportunity Zone.
- C-LI2-2 There are no known potential or existing gateways on the site.
- C-LI2-3 There are no known potential or existing gateways on the site.
- C-LI2-4 There are no historic turnpikes, scenic byways, turnpikes, and other scenic roads adjacent to this site.
- C-PS9-2 There is no current office space on this site.
- C-PS10-2 There is currently no underutilized parking lot on this site.
- D-PL9-1 There are no historically significant structures on the site.
- D-SP9-1 There are no proposed housing units on this site.
- E-GR4-1 There are no existing structures on this site.
- E-GR5-1 There are no structures with demonstrated historic significance on this site.

TRANSPORTATION & PEDESTRIAN CONNECTIVITY

- D-SP1-3 There are no school sites; provided, To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, the developments will provide multi-modal transportation infrastructure to school sites, including sidewalks, shared-use paths, and roadways that can accommodate the bus and vehicle traffic associated with the

BINGHAM GREENEBAUM DOLL LLP

Juby, LLC
January 6, 2020
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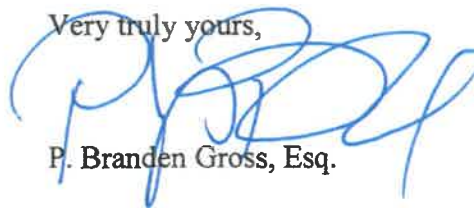
site.

GREENSPACE & ENVIRONMENTAL HEALTH

- A-EQ7-3 There are no proposed community open spaces.
- B-PR2-2 No portion of the site is in a floodplain.
- B-PR2-3 No portion of the site is in a floodplain.
- B-PR7-1 No portion of the site has a greenway, tree stand, or stream corridors. Most of the existing tree stands will likely be removed with the proposed infrastructure on Spurr Road.
- D-SP2-1 There are no school sites.
- D-SP2-2 There are no school sites.
- E-GR3-2 There are no unique geographic features on the site.

As discussed more fully above, we submit that this proposal is in accord with the recently adopted "Imagine Lexington" Comprehensive Plan, and request your approval of these map amendment requests.

Very truly yours,



P. Branden Gross, Esq.

cc: Midsouth Homes, LLC
Juby, LLC

July 20, 2020

Urban County Planning Commission
Division of Planning – Planning Services Section
101 E Vine Street, Floor 7
Lexington, KY 40507

Re: Supplemental Justification Letter - PLN-MAR-20-00002 JUBY LLC
2710 Sullivan Trace, 2701 Spurr Road and 2501 Spurr Road (a portion)
From: Planned Neighborhood Residential (R-3) Zone
To: Light Industrial (I-1) Zone

Dear Members of the Planning Commission:

We submit this supplemental justification letter for Juby, LLC's application ("Applicant") for its zone map amendment request in relation to the Light Industrial (I-1) Zone, and the Applicant hereby incorporates herein its original justification letter dated January 6, 2020. This letter addresses the concerns raised during the subcommittee meetings and planning staff's reports. A separate justification letter will address the balance of the property at 2501 Spurr Road (a portion) and the request for a rezone to highway business land.

The subject property is part of a larger development known as Kearney Hall Subdivision (a/k/a "Kearney Ridge Subdivision") located off of Georgetown Road, within, but near the border of, the Urban Service Boundary, consisting of 163+ acres. Originally, the development was to consist of neighborhood businesses, professional offices, single-family detached houses, townhomes, condominiums and apartments. Recently, a 96 unit complex for affordable housing for seniors was approved for Kearney Hall Subdivision. The Applicant proposes to convert 37+ acres of residential land to light-industrial land to provide for additional employment and economic activity near a residential area without negatively impacting Kearney Hall Subdivision. As shown on Schedule 1 hereto, industrial land already predominates this area of Lexington. The Applicant intends for this project to be a job centric industrial park modeled on the Blue Grass Industrial Park located on the south side of Spurr Road.

NEIGHBORHOOD MEETINGS

In December, 2019, the Applicant met with neighbors of the Kearney Hall Subdivision ("Neighborhood Members") at the annual meeting of the Kearney Ridge Homeowners Association to present its initial plans. Approximately 15 Neighborhood Members attended that meeting. The Applicant has held a number of subsequent meetings with Neighborhood Members, including on

June 4, 6, 18, and 24¹. Those meetings ranged from 15 – 40 neighbors at a time and were held both in the Kearney Hall Subdivision and at Master Station Park. This included walking the boundary of the subject properties with Neighborhood Members. The Applicant's latest development plan adopted many of the requests of the Neighborhood Members, and the Neighborhood Members are supportive of the zone change.

S-CURVE ON SPURR ROAD

The Applicant also met with KYTC, District 7, related to improvements and access points on Georgetown and Spurr Roads prior to its filing. The Applicant has continued to consult with KYTC, District 7, in relation to those improvements and access points. KYTC, District 7, has informed the Applicant that it will not require the Applicant to rebuild Spurr Road to straighten the reverse curve ("S-Curve"). The initial estimated cost to rebuild the S-Curve on Spurr Road is \$880,000, which would increase the cost of the industrial land by \$24,784 per acre.² The Planning Commission has not obligated any other developer along Spurr Road to contribute to the cost to rebuild that portion of the road, and the Applicant is not aware of any developer being required to rebuild a state controlled roadway in Fayette County. The Applicant proposes to mitigate the S-Curve through (a) construction of widening curves to increase the width of lanes at the S-Curve (See Curve Widening Detail of Development Plan (hereafter, "D.P."), (b) continuance of a building set back line to reserve land (the "Reservation Area") for a possible future straightening of the S-Curve by KYTC, District 7, or other governmental agency, (c) grade the Reservation Area to improve sight lines and prohibit tall vegetation therein, and (d) upgrade its half of Spurr Road to an industrial collector standard in this area (collectively, the "S-Curve Improvements").

COMPREHENSIVE PLAN

This property is best suited for use as industrial land, and the map amendment request is in agreement with the Comprehensive Plan. The Comprehensive Plan states that industrial land is "inherently incompatible" from other non-industrial uses on adjacent land, and "these uses are best suited in areas where they already exist." Comprehensive Plan at Page 272. As shown on Schedule 1 hereto, industrial land predominates this area of Lexington, and therefore, there is ample existing infrastructure to serve the needs of the future employers for the project. There is industrial land on the south side of Spurr Road and on adjacent property located on Georgetown Road. The project is near Georgetown Road, Innovation Drive and Citation Boulevard which will "facilitate efficient and affordable shipping of goods throughout the region." Comprehensive Plan at Page 281. The Applicant will upgrade its half of Spurr Road to an industrial collector standard from Sullivans Trace to Georgetown Road to access those corridors. As discussed below, the Applicant also proposes other improvements and buffering to minimize any perceived negative impacts on the residents of Kearney Hall Subdivision and to further reduce any incompatibility therewith.

Kearney Hall Subdivision already has a mix of housing choices, and this project would provide access to job opportunities for the neighborhood (Theme C, Goal 2, Objective a.). "A

¹ COVID-19 delayed original meetings to be held in March.

² By way of comparison, as shown on Schedule 2 hereto, the Georgetown Industrial Park has shovel ready land listed for \$85,000 per acre.

complete community is one that meets people's needs for everyday living, to include a mix of housing (with regard to type and affordability), local services, community infrastructure, jobs, schools, and recreation/open space for the residents." Comprehensive Plan at Page 39 (emphasis added). In many large cities in the United States, and even historic portions of Lexington, industrial mixed land uses evolved as a common pattern, creating diverse and lively neighborhoods, in many ways the heart and soul of the neighborhoods. The industrial engines in those neighborhoods brought steady and secure jobs to the residents in the surrounding areas. Many of the workers were able to reside within walking distance of their jobs. Unfortunately, over the last several decades, many of these employment opportunities were moved further and further from the homes of workers.

Due to the lack of available land and the cost thereof in Lexington³, industrial employers were pushed into surrounding suburban and exurban counties, causing workers to commute to work and/or move outside of Lexington. The opportunity for new industrial businesses in Lexington are limited, and therefore, those employment opportunities are limited. According to the attached letter of support from Commerce Lexington (Schedule 3):

Currently, there are less than 10 reasonable sites of at least 10 acres located in Lexington. Plus, there are 50 acres available in UK's Coldstream Research Campus. The 200 acres in the "turkey neck" is still several years out due to relocation of the dairy research facility and costs of infrastructure implementation. Lexington needs more shovel-ready, light industrial land to attract those types of companies.

This project would add 37+ acres of desperately needed industrial land in Fayette County and within the Urban Service Boundary and corresponding high-paying jobs. The proposed project is for a highly appropriate development that activates a large undeveloped and underutilized land along an important corridor (Georgetown Road) in our community (Theme E, Goal 1, Objective c. and e.). Further, allowing additional employment opportunities in the area will relieve some pressure, even if minor, to expand the Urban Service Area in the adjacent area (Theme E, Goal 1, Objective d.). According to Commerce Lexington, the 97 acres at Blue Grass Industrial Park generated up to 1,688 jobs, which had an average annual salary of \$44,264. See Schedule 3. This project will create job opportunities with higher compensation and benefits than retail jobs but with the need of less education than professional jobs (Theme C, Goal 1, Objective a.; Theme C, Goal 2, Objective a.).

This project would allow major employers to bring those job opportunities within walking distance of an existing neighborhood, allowing the workers the opportunity to obtain housing in Kearney Hall Subdivision and the other residential neighborhoods along Spurr Road (Theme C, Goal 2, Objective a.). Currently, LexTran has a service route on Spurr Road, and the project may instigate LexTran expanding service through Spurr Road with additional stop locations. Upon completion, these industrial businesses will create job opportunities for trade and manufacturing

³ During the pendency of this application, the Planning Commission has recommended zoning the Spring Valley Golf Course for a residential neighborhood. That golf course consists of 138 acres that is adjacent to industrial land and would further reduce the area for industrial land in Lexington.

workers in the surrounding areas. Further, the workers (and other residents) would have transportation options to access others amenities and destinations in the community, including, the Applicants proposed businesses at Georgetown Road and other the industrial facilities located at the Blue Grass Industrial Park (Theme B, Goal 3, Objective c.; Theme D, Goal 1, Objective b.).

The Applicant proposes to connect Kearney Ridge to Spurr Road by extending Sullivans Trace. That extension will allow a decrease in emergency response times and give the neighborhood a second access point (Theme A, Goal 4, Objective c.). The Applicant will construct a multi-use path as a part of the extension of Sullivans Trace and along Spurr Road from the railroad crossing to Georgetown Road. The applicant has proposed a green design concept for stormwater management along Spurr Road (Theme B, Goal 3, Objective c.). The wider sidewalks and bicycle facilities will provide a travel area for bicyclists, pedestrians, skaters, wheelchair users, joggers, and other users and will allow connection to the trails in the greenspace network (Theme B, Goal 3, Objective c.; Theme D, Goal 1, Objective b.). The Applicant proposes a pocket park area that could be utilized for a future bus stop if LexTran extends the route on Spurr Road. The multi-use path will allow connections to blend the different land uses in the area.

As discussed below, the Applicant also proposes other plans to minimize any perceived negative impacts on the residents of Kearney Hall Subdivision and to further reduce any incompatibility therewith:

Restrictive Zoning: The Zoning Ordinance already prohibits most potential nuisances “in terms of smoke, noise, odor, vibration, heat, light or industrial waste,” in the light-industrial zone, but the Applicant proposes to further restrictive the following uses in the industrial park:

Residential or trailer courts or parks; columbariums and crematories; penal or correctional institutions; refuse dumps, landfills or incinerators; grain drying; automobile race tracks; laundry (excluding self-service laundry), clothes cleaning or dyeing shop; commercial wood lots; below-ground storage of any flammable or nonflammable gas or oxidizer in liquid or gaseous form (except for use with automobile and truck service or refueling station or major or minor automobile and truck repair); septic systems; concrete mixing and concrete products production; stockyards or housing of livestock; mining of non-metallic minerals; any principal, accessory or conditional use for which a zoning classification of I-2 (Heavy Industrial Zone) is required, as set forth in the Zoning Ordinance-Resolution in effect as of this date for Lexington, Fayette County, Kentucky.

“Enhanced Buffering”. The Applicant proposes an *enhanced* buffer beyond the minimum buffering required by the Zoning Ordinance to further the step-down. The Zoning Ordinance requires 1/tree 40’ and 6’ double hedge or fence as a barrier; and, with the fence, the standard 15’ landscape buffer area (LBA) may be reduced to 5’. Based on the Applicant’s meetings with the Neighborhood Members, the Applicant proposes an enhanced LBA of 25’ with a 6 to 8’ wooden privacy fence along most of the boundary and

6' double hedge for the balance.⁴ The Applicant proposes berms for the two lots adjoining the industrial land at Sullivans Trace. In addition to any new 1/tree 40', the Applicant has agreed to work with the neighbors to retain current healthy trees in the LBA. The Applicant proposes a 50' building set back line along the boundary with the residential zone.

"Traffic Calming and Other Improvements". The Applicant proposes traffic calming and other improvements on Sullivans Trace, which adopt many requests for the Neighborhood Members. Applicants proposes installing speed tables, "No Thru Truck", a gateway feature (designated as "Brick Columns" on the development plan) to distinguish the adjacent neighborhood, and berms at the boundary of the residential and industrial lands. The Applicant proposes street trees and multi-purpose path along Sullivans Trace to further calm traffic. The Applicant proposes a pocket park area at the intersection of Sullivans Tract and Spurr Road.

The Applicants plans will more than adequately provide for the intensity step-down to ensure compatibility between the industrial and residential lands.

In conclusion, this project meets numerous goals and objectives of the Comprehensive Plan, and the map amendment request is in agreement with the Comprehensive Plan.

DEVELOPMENT CRITERIA / THE PLACEBUILDER

The Applicant is working with planning staff to further address Development Criteria under The Placebuilder. The Placebuilder "is not a mandatory list to be met on all developments." Comprehensive Plan at page 261. While the Applicant continues to assert that many of the concerns raised by planning staff cannot be addressed this early in the development process, and those concerns are more appropriately addressed with the final development plan. Below are Applicant's responses to planning staff's request for more information for Development Criteria under The Placebuilder.

The following applicable Development Criteria are discussed below, and some are also set forth on the revised annotated development plan being submitted herewith:

- The project will have a multi-use path as a part of the extension of Sullivans Trace and along Spurr Road to allow the connection to trails in the greenspace network (the "Multi-Use Path") (Cross-Sections "A-A", "C-C", "D-D" and "E-E" of D.P.). The Multi-Use Path will have wider sidewalks and bicycle facilities will provide a travel area for bicyclists, pedestrians, skaters, wheelchair users, joggers, and other users and will allow connection to the trails in the greenspace network. The Applicant is proposing a pocket park at Spurr and Greendale Roads. Pedestrian access shall be provided to both Georgetown and Spurr Roads, and all pedestrian access will be ADA compliant (Note #18 of D.P.).

⁴ The Applicant intends to designate the LBA as an industrial owner's area for the Industrial Park Association (similar to a HOA area), and it is working on a plan with the Neighborhood Members to have limited access thereto under an agreement between the Industrial Park Association and Kearney Ridge Homeowners Association and/or individual homeowners.

- In addition to any new 1/tree 40', the Applicant has agreed to work with the neighbors to retain current healthy trees in the LBA. Most of the site is scrub, small trees and honeysuckle bushes. The Applicant will submit a Tree Preservation Plan (TPP) as a part of its final development plan. The TPP is the appropriate vehicle to address trees. The Applicant suggests that this issue be addressed as part of the final development plan. The Applicant proposes street trees along the extension of Sullivans Trace and along Spurr Road.
- The Applicant proposes the Traffic Calming and Other Improvements and S-Curve Improvements (each as defined above).
- A bus stop could be installed at the pocket park in the future.
- The Ramsey-Sullivan Property Industrial/Commercial Development Traffic Impact Study dated January 2020 (the "Traffic Study") recommends that all-way stop-controls and partial stop-controls for the industrial lots with access points on Spurr Road. Those control stops would act as a traffic calming measure for west/east bound traffic to the S-Curve. The Applicant is agreeable to make those improvements.
- The project will include construction of the extension of Sullivans Trace to Spurr Road. The Applicant will upgrade its one-half of Spurr Road to industrial collector standards from Sullivans Trace to Georgetown Road, and its one-half of Spurr Road to residential collector standards from the railroad crossing to Sullivans Trace. No other streets are proposed for this project.

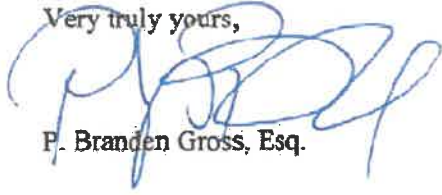
The below Development Criteria are not applicable as set forth below, those criteria may need to be address during the process for the final development plan:

C-PS10-2; C-PS10-3; E-ST3-1: It is the intent of the Applicant to not over-park this project. Parking requirements for industrial users are tied to the number of employees, and the Applicant does not know the number of employees who may be employed at this project. Generally, industrial users generate minimal parking, and each industrial user will have a parking pattern related to its particular operations. Further, the Zoning Ordinance prohibits parking spaces from being more than 700 feet from the building, which makes such arrangements more challenging. Only one propose lot is on a current bus line, and so, so a ride share facility may not be practical. The Applicant suggests that this issue be addressed as part of the final development plan.

D-CO4-3; D-CO5-1: Other than construction of the extension of Sullivans Trace to Spurr Road and construction of its one-half of roads under the Subdivision Regulation, no new roads are being constructed.

A-DS4-3: There are no key natural feature at this property.

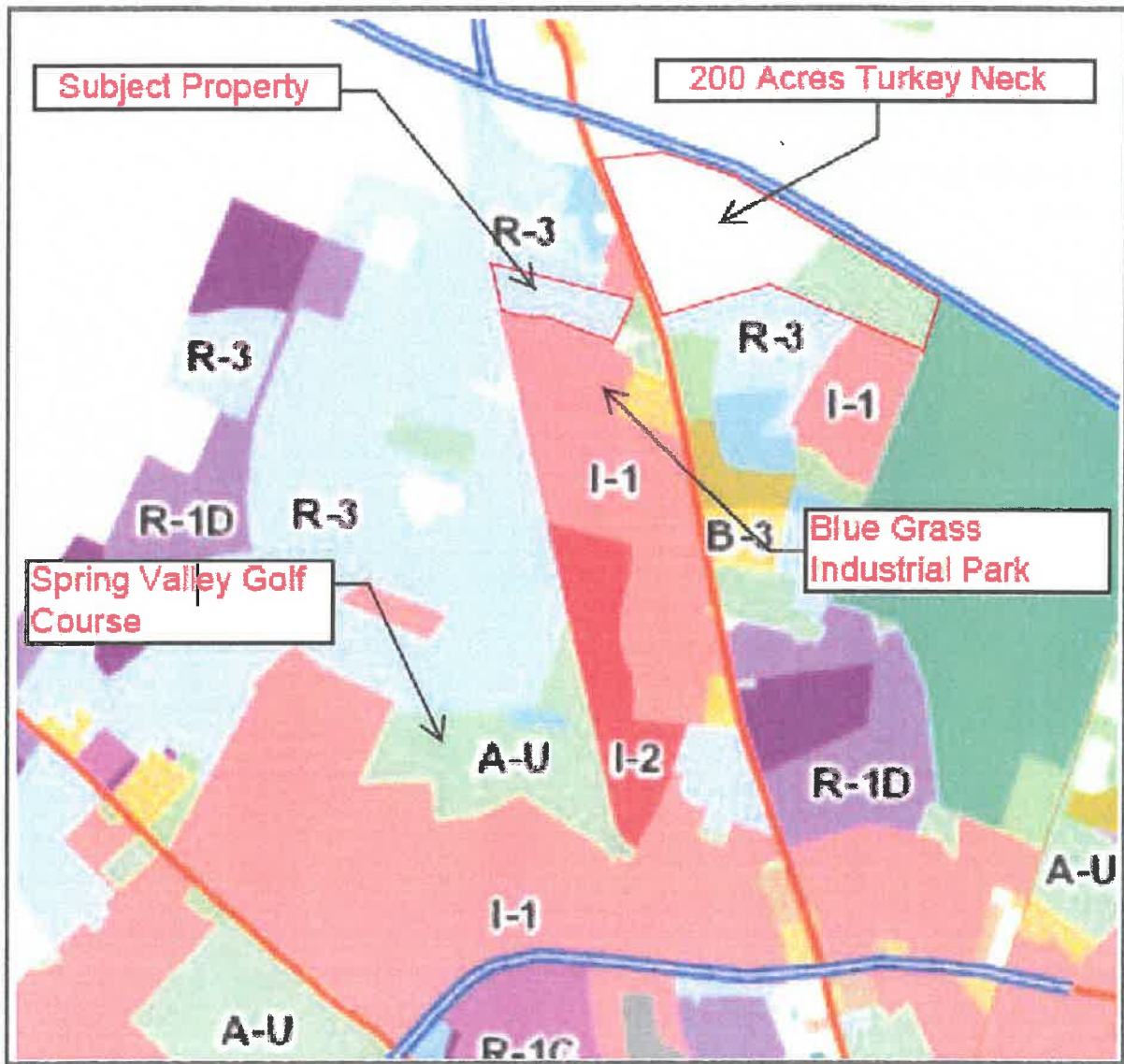
Very truly yours,

A handwritten signature in blue ink, appearing to read 'F. Branden Gross', written over the typed name.

F. Branden Gross, Esq.

cc: Midsouth Homes, LLC
Juby, LLC

Schedule 1



Schedule 2

Commerce Lexington

ECONOMIC DEVELOPMENT

2 of 2

Georgetown Industrial Park

130 Carley Drive, Georgetown, KY 40324

| | |
|----------------------|------------|
| Property Type | Site |
| Site Size | 190 |
| City | Georgetown |
| County | Scott |
| Lot Size | 190 |

DESCRIPTION

Price is \$85,000 per acre.

Broker Contact**Jack Conner**

Georgetown/Scott County Chamber of Commerce

jack@lexington.com

802.862.8828

BUILDING INFORMATION

| | |
|---|----------------------|
| Status | Available |
| Shovel Ready | Yes |
| Divisible | Yes |
| Site Size (Acres) | 190 |
| Contiguous Space | No |
| Maximum Contiguous | 40 |
| Zoning | I-1 Light Industrial |
| Capacity of Largest Bridge Crane | undefined |
| Ownership | Whitaker Land Trust |

PRICING TERMS

| | |
|-------------------------|--------|
| For Sale | Yes |
| Sale Price (\$) | \$5000 |
| For Lease | No |
| Sale Price Units | acre |

Commerce Lexington

ECONOMIC DEVELOPMENT

2 of 2

Georgetown Industrial Park

130 Carley Drive, Georgetown, KY 40324

| | | |
|----------------------|------------|--|
| Property Type | Site | DESCRIPTION |
| Site Size | 190 | Price is \$85,000 per acre. |
| City | Georgetown | Broker Contact |
| County | Scott | Jack Conner |
| Lot Size | 190 | Georgetown/Scott County Chamber of Commerce |
| | | JackConner.com |
| | | 502 863 6434 |

BUILDING INFORMATION

| | |
|---|----------------------|
| Status | Available |
| Shovel Ready | Yes |
| Divisible | Yes |
| Site Size (Acres) | 190 |
| Contiguous Space | No |
| Maximum Contiguous | 40 |
| Zoning | I-1 Light Industrial |
| Capacity of Largest Bridge Crane | undefined |
| Ownership | Whitaker Land Trust |

PRICING TERMS

| | |
|-------------------------|-------|
| For Sale | Yes |
| Sale Price (\$) | 85000 |
| For Lease | No |
| Sale Price Units | acre |

Schedule 3

February 4, 2020

Urban County Planning Commission
Division of Planning - Planning Services Section
202 East Main Street
Lexington, Kentucky 40507

Dear Members of the UCPCC Planning Commission:

I am the Executive Vice President of Commerce Lexington Economic Development. We work collaboratively with many strategic partners: city and state governments; workforce and minority development organizations; officials in surrounding counties; representatives from our signature equine industry; and the University of Kentucky (our area's largest single employer), an active and remarkable resource partner for our efforts. Our mission is to create new primary jobs that pay more than the prevailing wage, increase the amount of income coming into our community from outside its market area, and create greater capital investment in our community. The strategy is to achieve this in several diversified industries, thereby diversifying our overall economy.

As part of this mission, Commerce Lexington developed the Blue Grass Business Park located at Citation Boulevard and Spurr Road. The park consists of 97 acres and includes some of Lexington's best companies: Big Ass Fans; Birtley Industrial Equipment Co.; Harbor Steel and Supply; Kiro USA; Tiffany & Co.; and Webasto Roof Systems. These companies announced 1,688 jobs, which had an average annual salary of \$44,264, and invested \$175,050,000 into Lexington. The Blue Grass Business Park demonstrates how light industrial land brings good jobs and capital investment to Lexington.

As demonstrated by the Blue Grass Business Park, light industrial zoned land for strategic economic development projects is as essential to the site selection process as finding a skilled workforce. Unfortunately, the availability of light industrial land has not kept pace with Lexington's growth.

Currently, there are less than 10 reasonable sites of at least 10 acres located in Lexington. Plus, there are 80 acres available in UK's Coldstream Research Campus. The 200 acres in the "Turkey neck" is still several years out due to relocation of the dairy research facility and costs of infrastructure implementation. Lexington needs more shovel-ready, light industrial land to attract those types of companies.

As noted in the 2018 Comprehensive Plan, "One of the primary purposes for moving away from the map, however, was to provide opportunities for innovation and creativity through flexibility and that spirit still remains." John Barlow's proposal on Spurr Road will create light industrial land needed in Lexington. The site's location adjacent to the Blue Grass Business Park is a natural fit. I have already had requests from companies for information related to their location at the site. I knew that this project can work as evidenced by the success of the Blue Grass Business Park.

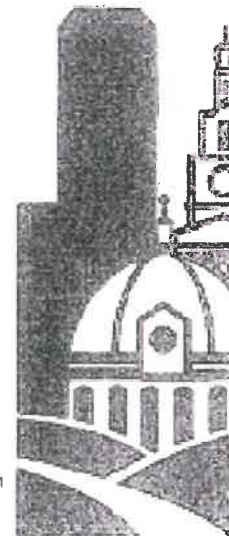
Commerce Lexington Economic Development strongly recommends that you approve this proposal. This proposal provides much needed "jobs" land, and I urge your favorable consideration.

Thank you for your consideration of my comments.



Gina Greathouse
Executive Vice President
Commerce Lexington Inc. – Economic Development Division

CC: Robert L. Quick, President and CEO
Ray Daniels, 2020 Chairman – Commerce Lexington Inc.



July 20, 2020

Urban County Planning Commission
Division of Planning – Planning Services Section
101 E Vine Street, Floor 7
Lexington, KY 40507

Re: Supplemental Justification Letter - PLN-MAR-20-00002 JUBY LLC
2501 Spurr Road (a portion) (Parcel 2); and 2 Right-of-Way Parcels (Parcels 3 and 4)
From: Professional Office (P-1) Zone; and Agricultural Rural (A-R) Zone / Planned
Neighborhood Residential (R-3) Zone
To: Highway Service Business (B-3) Zone

Dear Members of the Planning Commission:

Juby, LLC (“Applicant”) hereby amends its original zone change application as to Parcels 2, 3 and 4 from requesting a Neighborhood Business (B-1) Zone to now requesting Parcels 2, 3 and 4 be zoned Highway Service Business (B-3) Zone. We submit this supplemental justification letter for the Applicant’s zone map amendment request in relation to the Highway Service Business (B-3) Zone, and the Applicant hereby incorporates herein its original justification letter dated January 6, 2020, as to certain Development Criteria under Placebuilder. The Applicant hereby incorporates the information in its supplement letter for the industrial land related to the neighborhood meetings and reverse-S curve. This letter addresses the concerns raised during the subcommittee meetings and planning staff’s reports.

Originally, the Applicant proposed that this property be zoned to Neighborhood Business (B-1) Zone. The Zoning Ordinance requires that the B-1 Zone be oriented to a residential neighborhood. However, this property will be surrounded by industrial land. And, the residents of Kearney Hall Subdivision are opposed to constructing a trail on their boundary to access the retail center. Further, there are no vacant lots at the southeast corner of Kearney Hall Subdivision, which would allow a direct connection from the neighborhood to the retail center. Given those impediments, planning staff and the Applicant felt that it may be difficult to satisfy the neighborhood orientation requirement of the B-1 Zone. The Applicant feels that a B-3 Zone, with appropriate zoning restrictions, would allow its project to proceed and satisfy the same retail needs of the area.

The subject property is part of a larger development known as Kearney Hall Subdivision (a/k/a “Kearney Ridge Subdivision”) located off of Georgetown Road, within, but near the border of, the Urban Service Boundary, consisting of 163+ acres. Originally, the development was to consist of neighborhood businesses, professional offices, single-family detached houses,

townhomes, condominiums and apartments. Recently, a 96 unit complex for affordable housing for seniors was approved for Kearney Hall Subdivision. The Applicant proposes to convert 8+/- acres of professional office land to highway business to provide for a retail center to serve the needs of the residents and industrial users in the area, along with people traveling from Georgetown, Kentucky to Lexington. As part of this application, portions of rights-of-way will also be rezoned. The Applicant's latest development plan adopted many of the requests of the Neighborhood Members, and the Neighborhood Members are supportive of the zone change. The Applicant intends for this project to be a first-class retail center.

COMPREHENSIVE PLAN

This property is best suited for use as a retail center. The map amendment request is in agreement with the Comprehensive Plan. The Comprehensive Plan encourages redevelopment of Lexington's corridors and recognizes that increasing destinations along the corridors will bring services to surrounding neighborhoods and commuters and encourage mass transit to those destinations. The Georgetown Road corridor already has a mix of housing choices in this area, but it lacks many of the amenities that residents desire for a complete community. "A complete community is one that meets people's needs for everyday living, to include a mix of housing (with regard to type and affordability), local services, community infrastructure, jobs, schools, and recreation/open space for the residents." Comprehensive Plan at Page 39 (emphasis added). This project will assist with bringing many of the amenities needed in this area.

This area of the community has become another retail and service desert in which residents in the surrounding neighborhoods (and commuters outside the Urban Service Boundary and in Scott County) must utilize vehicles to access retail centers. There are no commercial services in close vicinity; the closest grocery and retail development is over a mile away, a restaurant almost two miles, from the entrance of Kearney Hall Subdivision. With this zone change, the Applicant will have the opportunity to bring healthcare services (Theme A, Goal 4, Objective b), retail establishments and restaurants to an underserved portion of the corridor and community (Theme A, Goal 2, Objective c.). This project will lead to achieving a mixed-use development on a community-wide scale.

This project will create opportunities for the community to interact with each other through better transportation and multi-modal infrastructure for their neighborhoods and an important corridor. Currently, there is a LexTran bus stop at this property, and riders will have the opportunity to utilize the current route to reach the retail center (Theme D, Goal 1, Objective c.). The Applicant will construct a multi-use path from Kearney Hall Subdivision and its portion of Spurr Road creating new modes of transportation to the retail center and Georgetown Road (Theme A, Goal 3, Objective b.). The wider sidewalks and bicycle facilities will provide a travel area for bicyclists, pedestrians, skaters, wheelchair users, joggers, and other users and will allow connection to the trails in the greenspace network (Theme B, Goal 3, Objective c.; Theme D, Goal 1, Objective b.) (the applicant has proposed a green design concept for stormwater management along Spurr Road (Theme B, Goal 3, Objective c.)). These connections will also allow safe pedestrian and bicycle routes from the campus at Linlee Elementary School, employment opportunities in Blue Grass Industrial Park and all of the neighborhoods being developed along

Spurr Road to the retail center (Theme A, Goal 4, Objective a.; Theme A, Goal 3, Objective b.). Once the proposed multi-use path is connected to the larger trail system, the users of those trails will have the opportunity to use the amenities in the retail center. These connections will build a more desirable community for this area of the corridor.

This project meets our community's desire to strike the correct balance between urban growth and rural protection and preservation. This project will activate underutilized and vacant land along an important corridor (Theme D, Goal 1, Objective c.; Theme E, Goal 1, Objective c.). The retail center will create additional employment opportunities and services for the neighborhoods being constructed along Georgetown and Spurr Roads (Theme C, Goal 2, Objective a.). Commuters from outside the Urban Service Area and Scott County will have access to services, which will relieve pressure to create those opportunities outside the Urban Service Area along the corridor (Theme E, Goal 1, Objective d.). Activating this site with a retail center will relieve pressure to expand the Urban Services Boundary on this corridor.

In conclusion, this project meets numerous goals and objectives of the Comprehensive Plan, and the map amendment request is in agreement with the Comprehensive Plan.

RESTRICTIVE ZONING

The Applicant proposes the following restrictive zoning to make the development similar to a neighborhood business development:

Except as permitted in Neighborhood Business (B-1) Zone, the following uses are prohibited: (1) establishments and lots for the display, rental, sale, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items; (2) motel or hotel; (3) indoor amusements, such as billiard or pool halls, dancing halls, skating rinks, miniature golf or putting courses, theaters or bowling alleys; (4) garden centers; (5) parking structures; and (6) adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers; commissaries for preparation of food for restaurant use.

DEVELOPMENT CRITERIA / THE PLACEBUILDER

The Applicant is working with planning staff to further address Development Criteria under The Placebuilder. The Placebuilder "is not a mandatory list to be met on all developments." Comprehensive Plan at page 261. While the Applicant continues to assert that many of the concerns raised by planning staff cannot be addressed this early in the development process, and those concerns are more appropriately addressed with the final development plan. Below are Applicant's responses to planning staff's request for more information for Development Criteria under The Placebuilder.

The following applicable Development Criteria are discussed below, and some are also set forth on the revised annotated development plan being submitted herewith:

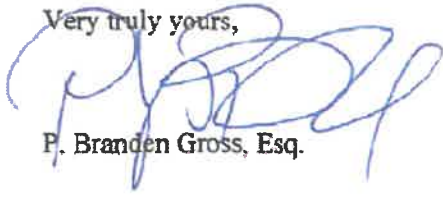
- There are no neighboring structures to make the scale of this development inappropriate, and the proposed development is in scale with the balance of the retail centers along the corridor. **A-DS4-2**
- The Multi-Use Path will have wider sidewalks and bicycle facilities will provide a travel area for bicyclists, pedestrians, skaters, wheelchair users, joggers, and other users and will allow connection to the trails in the greenspace network (Cross-Sections “A-A”, “C-C”, “D-D” and “E-E” of the Development Plan (hereafter, “D.P.”)). Pedestrian access shall be provided to both Georgetown and Spurr Roads, and all pedestrian access will be ADA compliant (Note #18 of D.P.). The Applicant is proposing 6’ sidewalks in the development. All the proposed buildings are one level, providing pedestrian-oriented and activated ground level access. The Applicant is proposing a raised walkway through the parking lot. The Applicant will be able to provide more detail for pedestrian access during the final development plan process, along with the submission of its multi-modal plan. **A-DS5-3; A-DS5-4; C-LI7-1; E-GR10-2; A-DS4-1**
- Vacant and low density uses surround this property, and the immediate properties will be industrial users. This is a small development of under 8 acres, and a detention basin will occupy a significant portion thereof. There is no significant contrasts in scale, massing or design. There are no historic areas or neighborhoods adjacent to the property. There are no existing neighborhoods that need context sensitive transitions. **A-DN2-2; A-EQ3-1**
- The B-3 Zone is a flexible zoning option given this sites location and relative small size. Some healthcare and social services are allowed in that zone. **C-DI1-1; A-EQ7-2**
- The Applicant believes that active streetscapes are possible along Spurr Road, and it is installing the multi-use path. The Applicant has proposed a “pocket park” on the industrial land, but it does not believe that there is not enough space along Spurr Road for public art easements. The Applicant is open to constructing seating and shelter to act as public art. **D-PL10-1; E-GR3-1**
- There is a bus stop at the property, and the Applicant is open to constructing seating and shelter, which could be designed to be public art (similar to Southland Drive). The Applicant agrees that pedestrian linkage to transit needs to be provided. The Applicant will provide more details with its multi-modal plan. All of these issues are more appropriate during the final development process. **A-DS1-1; ADS1-2; E-ST3-1**
- The development will have adequate easements for infrastructure. **D-SP3-1**
- This project will utilize vacant and underutilized land to bring retail services to the area. **E-GR9-4**
- The Ramsey-Sullivan Property Industrial/Commercial Development Traffic Impact Study dated January 2020 (the “Traffic Study”) recommends that all-way stop-control and partial stop-controls for the industrial lots, and an all-way stop-control at the retail center, with access points on Spurr Road. Those control stops would act as a traffic calming measure for west/east bound traffic to the S-Curve. As detailed in the Traffic Study, access to the B-3 area situated opposite of the entrance to Linlee Elementary anticipates a future all-way stop controlled intersection at Spurr Road. This intersection control will allow for safe left

turn movements into the school property while adequately supporting ingress/egress needs for the B-3 area. Full implementation of the all-way stop control intersection configuration would occur as warrants necessitate and to the approval of KYTC. The Applicant is submitting a detail of such configuration with this letter. The Applicant is agreeable to make those improvements. **D-CO2-1; D-CO2-2.**

The below Development Criteria are not applicable as set forth below, those criteria may need to be address during the process for the final development plan:

- **A-DS3-1:** There is no multi-family component proposed for this project.
- **A-DS7-3:** There are no parking structures proposed for this project.
- **A-DS8-1; A-DS10-1; A-DN2-1:** No housing is proposed for this project.
- **A-D11-1; D-C04-2; D-CO5-1; A-DS13-1:** No new streets are being proposed for this project.
- **ADN3-1:** The project will be surrounded by industrial users; provided, however, the Applicant is connecting the retail center to the area residential neighborhoods through a multi-use path.
- **A-DN3-2; C-LI6-1; D-SP9-1; E-GR9-1:** Given the relative size of this development, residential units or multi-family are not practical or economical viable.
- **A-EQ7-1; D-SP2-1; D-SP2-2:** There are no proposed schools on this project.
- **B-PR9-1; A-DS4-3; B-PR2-1:** There are no key natural features on the property; however, the property is within the Royal Springs Aquifer, and the Applicant attends to seeks input from the Royal Springs Water Supply Protection Committee (Note #12 of D.P.).
- **C-D15-1:** The project is not located in an opportunity zone.
- **C-LI2-2:** The project is not adjacent to agricultural uses.
- **C-LI2-4:** The project is not located on a scenic road.
- **C-PS9-2:** There is no existing office space in this project.
- **D-PL9-1; E-GR4-1; E-GR5-1:** There are no structures on this property.
- **C-PS10-3:** The Applicant is open to reducing parking if planning staff determines that it is over-parked.
- **D-SP3-2:** There are no cellular towers proposed for this project.
- **E-GR10-3:** The retail building is too small for a formal shared common space.
- **C-PS10-2- E-ST3-1:** Given the relative small size and the location of this development, flexible and shared parking is not practical.
- **B-SU4-1:** There is a large greenspace located at Linlee Elementary School.
- **A-EQ7-3:** There is no community open space proposed in this project at this time.
- **B-PR2-2; B-PR2-3:** There are no flood plains on the site.
- **E-GR3-2:** There are no unique geographic features on the site.

Very truly yours,



F. Branden Gross, Esq.

cc: Midsouth Homes, LLC
Juby, LLC

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.
- E-SU11-1** *Green infrastructure should be prioritized in new development. (E-GR7)*
- C-DI1-1** Consider flexible zoning options that will allow for a wide range of jobs.
- C-DI5-1** 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-PS8-1** 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.

ENHANCED NEIGHBORHOOD

TRANSPORTATION & PEDESTRIAN CONNECTIVITY

- C-PS10-1** Flexible parking and shared parking arrangements should be utilized.
- D-CO1-1** *Right-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, promote groupings of trees to increase suitability.*
- 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.

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.

MEDIUM DENSITY NON-RESIDENTIAL / MIXED-USE

SITE DESIGN, BUILDING FORM, & LOCATION

- A-DS3-1** Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
- A-DS4-2** New construction should be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context in accordance with other Imagine Lexington corridor policies and Placebuilder priorities.
- A-DS5-3** Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
- A-DS5-4** Development should provide a pedestrian-oriented and activated ground level.
- A-DS7-1** Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
- A-DS7-2** Any non-residential or multi-family parking not buffered by a building should be screened from the streetscape view and adjacent properties.
- A-DS7-3** Parking structures should activate the ground level.
- A-DS8-1** At the individual street level, medium density housing types should be interspersed with single-family detached units and should be context sensitive.
- A-DS10-1** Residential units should be within reasonable walking distance to a focal point.
- A-DS11-1** Common public uses that serve as neighborhood focal points, such as parks and schools, should be on single loaded streets.
- A-DN2-1** Infill residential should aim to increase density.
- A-DN2-2** Development should minimize significant contrasts in scale, massing and design, particularly along the edges of historic areas and neighborhoods. (D-PL9, E-GR6)
- A-DN3-1** Pedestrian-oriented commercial opportunities should be incorporated within residential neighborhoods.
- A-DN3-2** Development should incorporate residential units in commercial centers with context sensitive design.
- A-EQ3-1** Development should create context sensitive transitions between intense corridor development and existing neighborhoods.
- A-EO7-1** School sites should be appropriately sized.
- B-PR9-1** Minimize disturbances to environmentally sensitive areas by utilizing the existing topography to the greatest extent possible.
- B-SU1-1** Green infrastructure should be implemented in new developments. (E-GR3)

CORRIDOR

- C-DI1-1** Consider flexible zoning options that will allow for a wide range of jobs.
- C-DI5-1** In Opportunity Zones with a clearly defined local context, consider adaptive reuse to enhance the existing context.
- C-LI2-2** Non-agricultural uses at or near potential and existing gateways, as mapped in the Rural Land Management Plan, should be buffered.
- C-LI2-3** Design should create a positive gateway character at existing and proposed gateways as identified in the Rural Land Management Plan.
- C-LI2-4** Setbacks, signage, and screening should complement the iconic Bluegrass landscape along Historic Turnpikes, Scenic Byways, Turnpikes, and other scenic roads listed in the RLMP.
- C-LI6-1** Developments should incorporate multi-family housing and walkable commercial uses into development along arterials/corridors.
- C-LI7-1** Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.
- C-PS9-2** Modify current office space to include complementary uses.
- 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-PL10-1** Activate the streetscape by designating public art easements in prominent locations.
- 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.
- D-SP9-1** Encourage co-housing, shared housing environments, planned communities and accessory dwelling units for flexibility and affordability for senior adults and people with disabilities.
- E-GR4-1** Developments should incorporate reuse of viable existing structures.
- E-GR5-1** Structures with demonstrated historic significance should be preserved or adapted.
- E-GR9-1** Live/work units should be incorporated into residential developments.

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.

MEDIUM DENSITY NON-RESIDENTIAL / MIXED-USE

SITE DESIGN, BUILDING FORM, & LOCATION (CONT.)

- E-GR9-4** Development should intensify underutilized properties and develop vacant and underutilized gaps within neighborhoods. (E-GR6)
- E-GR10-2** Developments should provide walkable services and amenity-oriented commercial spaces.
- E-GR10-3** Shared common space in commercial developments should be provided to encourage experiential retail programming.

TRANSPORTATION & PEDESTRIAN CONNECTIVITY

- A-DS1-1** Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7)
- A-DS1-2** Direct pedestrian linkages to transit should be provided.
- A-DS4-1** A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided. (A-DS2, A-DN1, B-SU1, B-SU2, C-U7, E-AC5)
- A-DS5-1** Adequate multi-modal infrastructure should be provided to ensure vehicular separation from other modes of transport.
- A-DS5-2** Roadways should provide a vertical edge, such as trees and buildings.
- A-DS10-2** New focal points should be designed with multi-modal connections to the neighborhood.
- A-DS13-1** Stub streets should be connected. (D-CO4)
- A-EQ3-2** Development on corridors should be transit-oriented (dense & intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure & facilities). (B-SU3)
- A-EQ7-2** Multi-modal transportation options for healthcare and social services facilities should be provided. (E-ST3)
- B-SU4-1** Where greenspace/community centers are not located within walking distance of a new development, applicants should attempt to incorporate those amenities. (A-DS9)
- 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.

CORRIDOR

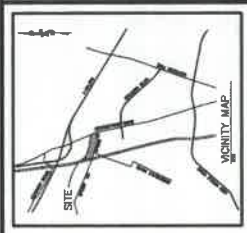
- D-CO4-2** Roadway capacity should be increased by providing multiple parallel streets, which alleviate traffic and provide multiple route options, in lieu of additional lanes.
- D-CO5-1** Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.
- D-SP1-3** Developments should provide multimodal transportation infrastructure to school sites, including sidewalks, shared-use paths, and roadways that can accommodate the bus and vehicle traffic associated with the site.
- 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

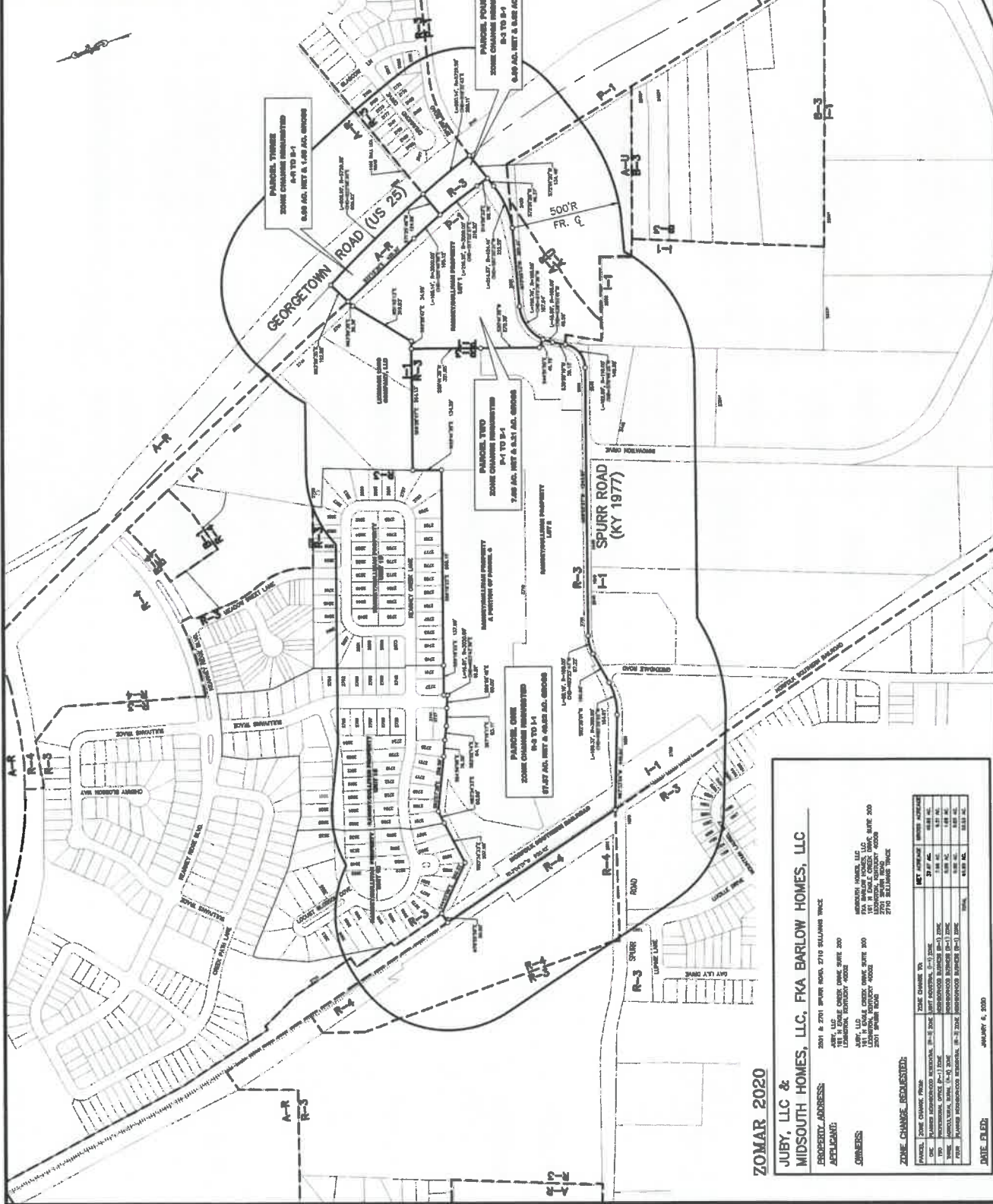
- A-DS4-3** Development should work with the existing landscape to the greatest extent possible, preserving key natural features.
- A-EQ7-3** Community open spaces should be easily accessible and clearly delineated from private open spaces.
- B-PR2-1** Impact on environmentally sensitive areas should 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, pursuant to planting 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 format the greenspace network.
- D-SP2-1** Visible, usable greenspace and other natural components should be incorporated into school sites.
- D-SP2-2** Active and passive recreation opportunities should be provided on school sites.
- 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.

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.



NOTE:
 THE PURPOSE OF THIS MAP IS TO SHOW THE PROPOSED ZONING AND TO SHOW THE BOUNDARY OF THE PROPERTY. THE INFORMATION ON THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY AND SHALL NOT BE USED AS THE BASIS FOR LAND TRANSFER.



ZOMAR_2020

JUBY, LLC & MIDSOUTH HOMES, LLC, FKA BARLOW HOMES, LLC

PROPERTY ADDRESS: 2601 E. 2701 SPURR ROAD, 2710 SALLIANS TRACE, LEXINGTON, KY 40517

APPLICANT: JUBY, LLC, 181 N. ERIK CREEK DRIVE, SUITE 200, LEXINGTON, KY 40517

OWNERS: MIDSOUTH HOMES, LLC, 181 N. ERIK CREEK DRIVE, SUITE 200, LEXINGTON, KY 40517

ZONE CHANGE REQUESTED:

| PARCEL | ZONE CHANGE FROM | ZONE CHANGE TO | NET ACRES | GROSS ACRES |
|--------------|------------------|----------------|--------------|--------------|
| ONE | R-3 | R-4 | 17.87 | 17.87 |
| TWO | R-3 | R-4 | 7.89 | 7.89 |
| THREE | R-3 | R-4 | 8.00 | 8.00 |
| FOUR | R-3 | R-4 | 4.00 | 4.00 |
| TOTAL | | | 37.76 | 37.76 |

DATE PREP: JANUARY 4, 2020

APPLICANT/OWNER: JUBY, LLC, 181 N. ERIK CREEK DRIVE, SUITE 200, LEXINGTON, KY 40517

OWNER: MIDSOUTH HOMES, LLC, 181 N. ERIK CREEK DRIVE, SUITE 200, LEXINGTON, KY 40517

ZONE CHANGE MAP

RAMSLEY / SULLIVAN PROPERTY

501 & 2701 SPURR ROAD

2710 SALLIANS TRACE

LEXINGTON, KY 40517

JANUARY 2020

STRAND ASSOCIATES

601 PERMETER DRIVE

SUITE 220

LEXINGTON, KY 40517

(502) 223-8000

WWW.STRAND.COM

PLAN-NR-20-00002

DATE

SCALE

JOB NO.

PROJECT

August 5, 2020

Urban County Planning Commission
Division of Planning – Planning Services Section
101 E Vine Street, Floor 7
Lexington, KY 40507

Re: Second Supplemental Justification Letter - PLN-MAR-20-00002 JUBY LLC
2501 Spurr Road (a portion) (Parcel 2); and 2 Right-of-Way Parcels (Parcels 3 and 4)
From: Professional Office (P-1) Zone; and Agricultural Rural (A-R) Zone / Planned
Neighborhood Residential (R-3) Zone
To: Highway Service Business (B-3) Zone

Dear Members of the Planning Commission:

Juby, LLC (“Applicant”) hereby submits this second supplemental letter to address concerns raised by planning staff related to Development Criteria under The Placebuilder. The Applicant hereby incorporates the information in its previous letters for this application.

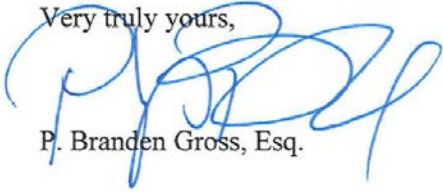
The following applicable Development Criteria are discussed below, and some are also set forth on the revised annotated development plan being submitted herewith:

A-DS7-1: Applicant’s revised Development Plan (hereafter, “D.P.”) has deleted the parking spaces oriented toward Georgetown Road on Lot 8. Applicant suggests that concerns with parking space orientation be addressed during the final development process.

C-LI2-3: This property is located within Georgetown Road corridor, and as stated in Note 14 of the D.P. will be in conformance with the Georgetown Road Landscape Ordinance (the “Ordinance”). The Ordinance provides for landscaping and beautification along Georgetown Road, which landscaping will create a positive gateway character for the development.

B-SU11-1: Applicant has proposed “a drainage system along Spurr Road is intended to convey roadway water from the curb line through a green stormwater solution” (Note 23 of the D.P.) Further, as stated in Note 16 of the D.P., Applicant plans to utilize native grasses in the detention basins. The feasibility and implementation extents of these approaches will be evaluated at the time of a final development plan. There is also an opportunity to include planter boxes and other controls as part of the proposed pocket park on the industrial land.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'P. Branden Gross', written over the typed name below.

P. Branden Gross, Esq.

cc: Midsouth Homes, LLC
Juby, LLC

September 10, 2020

Urban County Planning Commission
Division of Planning – Planning Services Section
101 E Vine Street, Floor 7
Lexington, KY 40507

Re: Third Supplemental Justification Letter - PLN-MAR-20-00002 JUBY LLC

Dear Members of the Planning Commission:

Juby, LLC (“Applicant”) hereby submits this letter to address concerns raised by planning staff. The Applicant hereby incorporates the information in its previous letters for this application.

COMPREHENSIVE PLAN

Supplemental Information

The Applicant hereby provides some supplemental materials to address planning staff’s report dated August 6, 2020 (“8/6/20 Report”) related to the Applicant’s compliance with the 2018 Comprehensive Plan:

Theme A, Goal #4.b.: Planning staff is correct that the current Professional Office (P-1) zone allows for healthcare services, but the P-1 zone does not allow for other commercial services that are demanded in the community. The Applicant’s point was that the Highways Service Business (B-3) zone would allow commercial services in addition to healthcare services. None of the Neighbor Members bemoaned the lack of professional office space in the area, but they were all supportive of more commercial services in the area. Further, there are no healthcare services in the immediate area, and the B-3 zone will continue to allow an opportunity to bring some healthcare services to the area. The B-3 zone is a more appropriate zone for this site in that it allows for flexibility to have both commercial and healthcare services located in the area. The convenience afforded by these land uses also serves to reduce unnecessary extended trips to similar destinations closer to the downtown urban core of the city.

Theme D, Goal #1.c.: The Applicant is committed to install bus stop facilities as part of this development. There are several areas that may be appropriate locations for the bus stop facilities. The Applicant has spoken with Lexington Area Metropolitan Planning Organization and LexTran related to the latter’s current (and possible new) transit route, and it was agreed that a final determination for the location of the bus stop facilities is premature until it is known whether the retail center or Sullivans Trace is constructed first. Plus, LexTran needs to determine its ridership potential to determine the most appropriate bus stop facilities. Based upon that

conversation, the stakeholders agreed the appropriate solution is to determine the location for the bus stop facilities during the final development process. See Note 24 of the latest proposed development Plan (hereafter, the “D.P.”).

Theme A, Goal #2.a.¹: This project is an opportunity for infill on a major corridor and to bring new uses to the area. This area is underserved by commercial services. There are no commercial services in close vicinity; the closest grocery and retail development is over a mile away, a restaurant almost two miles, from the entrance of Kearney Hall Subdivision. Coventry Subdivision is located on the other side of Georgetown Road. The multi-use path will allow pedestrian and bicycle connections from the retail center to those subdivisions. The Applicant has revised the development plan to show sidewalk access from Spurr Road through the retail center to Georgetown Road. That sidewalk will allow additional internal pedestrian movement and could be used as a future connection to the property to the north (if it is ever developed).

The Applicant has demonstrated that its application satisfies the 2018 Comprehensive Plan through the Goals and Objectives cited herein and in its previous letters.

Response to Staffs’ Objections

The Applicant strongly disagrees with planning staff’s assertion the Applicant has not demonstrated that its application satisfies the 2018 Comprehensive Plan (through the Goals and Objectives cited herein and in its previous letters) because of the condition of the S-Curve. There is no legal requirement that an applicant satisfy every goal and objective listed in a comprehensive plan. As discussed below, the Applicant has attempted to find common ground with planning staff and staff for Lexington Area Metropolitan Planning Organization (“MPO staff”) without success for this issue.

Everyone is in agreement that the ideal solution is for the realignment of the S-Curve². However, the Applicant’s proposal resolves safety concerns without that realignment. The Applicant’s Development Traffic Impact Study dated January 6, 2020, as amended on August 14, 2020 (as so amended, “Traffic Impact Study”) indicates that its proposed intersections and use along Spurr Road will operate within acceptable limits. The Applicant has agreed to make the recommended improvements in the Traffic Impact Study. The Applicant is also proposing turn lanes along the corridor and introducing a stop condition at Greendale Road both of which will help promote traffic movement and safety along the corridor in addition to the widening at the S-curve. With those improvements, the Traffic Impact Study concludes that the area will operate within acceptable limits, will mitigate projected increased queueing and decreased movement, and will provide acceptable access at the site. At this time, planning staff and MPO staff have rejected a substantial portion of the recommendations of the Traffic Impact Study.

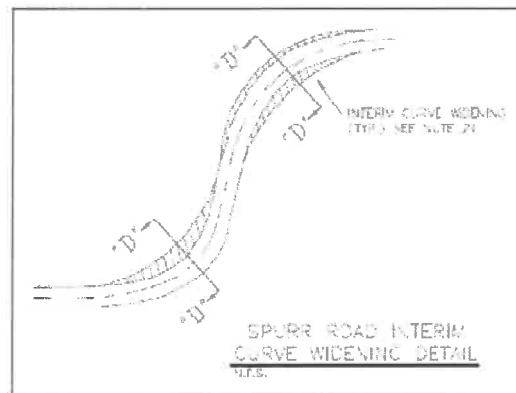
¹ The Applicant erroneously referenced Theme A, Goal #2.c. in the letter for the retail center.

² To clarify the record, the Applicant disputes planning staff’s assertion, in the 8/6/20 Report, that the Applicant agrees that the reverse curve is “both dangerous and inadequate to support their proposed uses.” The Applicant has made no such agreement or statement, and no evidence has been presented to the Planning Commission to substantiate the claim that the S-Curve is such a danger to the public that a realignment is required.

The Applicant has discussed this development plan and its proposed Spurr Road improvements to mitigate the S-Curve with District 7 of the Kentucky Department of Transportation (“KYTC”). KYTC indicated that a realignment of the S-Curve would be ideal, but KYTC does not object to the Applicant’s development moving forward without it. KYTC also specifically indicted that the S-Curve does not represent a dangerous condition that requires realignment by the Applicant. Eventually, KYTC plans to upgrade this area of Georgetown Road and the intersection of Spurr Road, but at this time, KYTC is not planning to realign the S-Curve with that upgrade. If the S-Curve was as dangerous as staff reports, then KYTC would include a realignment with its upgrade. The Applicant’s upgrades in this area will need to be coordinated with KYTC. The Applicant is committed to work with KYTC and LFUCG at each phase of the development in relation to the improvements on Spurr Road (see Note 9 of the D.P.).

Out of an abundance of caution, the Applicant hereby provides responses to address the Goals and Objectives that planning staff have raised as concerns:

Theme A, Goal 3.b: The Applicant has strived to make the development positive and safe. In addition to agreeing to make the recommended improvements from the Traffic Impact Study, the Applicant has agreed to make additional improvements along Spurr Road. The Applicant agreed to upgrade its one-half of Spurr Road to industrial collector standards from Sullivans Trace to Georgetown Road. The Applicant is already widening Spurr Road with its upgrade. The Applicant has proposed to further widen the S-Curve on both its site and the off-site portion of the road (the latter is not required under the Land Subdivision Regulations) beyond the industrial collector standards:



Even though large trucks are currently using Spurr Road, the Applicant is proposing that extra widening to further allow large trucks facing each other to more easily pass on the S-Curve. The Applicant has proposed to grade a portion of the site at the S-Curve to improve sight lines and reserve such portion of the site for a possible future realignment. The Applicant is also proposing turn lanes along the corridor and introducing a stop condition at Greendale Road, both of which will help promote traffic movement and safety along the corridor in addition to the widening at the S-curve. The Applicant has proposed to include additional enhanced signage and pavement markings to the S-Curve and to augment the posted advisory speed limits that are now currently in-place. The Applicant has proposed a 10’ wide multi-use path and to separate that path from

Spurr Road with a 9.5' wide drainage swale to separate pedestrians and bicyclists from Spurr Road. The Applicant's proposals will make Spurr Road safer.

At this time, planning staff and MPO staff have rejected most of these proposals and continue to insist that only the total realignment and reconstruction of the entire section of the S-Curve by the Applicant will be acceptable.

Theme D, Goal 1: We strongly disagree that the Applicant's plan fails the entirety of Theme D, Goal 1. The Applicant's development does not cause the failure of an effective and comprehensive transportation system. The S-Curve is a system-wide public improvement issue that has existed for .

As discussed above in Theme A, Goal 3.b, the Applicant is going above and beyond the recommendations of the Traffic Impact Study, and requirements of the Zoning Ordinance and Land Subdivision Regulations, to make Spurr Road safer. The S-Curve is a public improvement that was built by the state government. Kentucky Department of Highways has maintained Spurr Road since prior to 1941, and as shown on the General Highway Map Fayette County Kentucky dated 1941 (attached hereto as Exhibit A), the S-Curve has been in its present location since that time with only slight widening. The planning staff asserts that it has raised concerns about the S-curve since 2004. However, the local government has continued to approve residential developments along Spurr Road without requiring those developers to contribute or otherwise provide any relief related to the S-Curve. The S-Curve is a system-wide public improvement issue that requires a system-wide solution.

The S-Curve is an existing condition that has been maintained and slightly widened by the state during such maintenance, but it was not considered problematic with previous land use approvals along Spurr Road. It was also not considered highly problematic with the most recently completed KYTC funded 4-lane improvement along Georgetown Road, which included a partial realignment of the Spurr Road approach to Georgetown Road to improve the geometrics of this intersection. This project included acquisition of a portion of the Applicant's property to support the new intersection geometry. The Applicant is committed to continuing its work and cooperation with KYTC and LFUCG at each phase of the development in relation to the improvements on Spurr Road (see Note 9 of the D.P.), but the Applicant should not be solely saddled with realigning the S-Curve.

The Applicant can readily mitigate any increase in traffic on Spurr Road attributable to the Applicant's uses without realigning the S-Curve. There is no direct correlation, much less any direct evidence, that Applicant's uses will create concerns with the S-Curve that cannot be mitigated. The Applicant has offered the following mitigation to help mitigate safety concerns related to the S-Curve: (i) extra widening to further allow large trucks facing each other to more easily pass on the S-Curve; (ii) grade a portion of the site at the S-Curve to improve sight lines and reserve such portion of the site for a possible future realignment; (iii) turn lanes along the corridor and introducing a stop condition at Greendale Road; (iv) enhanced signage and pavement markings to the S-Curve and to augment the posted advisory speed limits that are now currently in-place;

and (v) a 10' wide multi-use path and to separate that path from Spurr Road with a 9.5' wide drainage swale to separate pedestrians and bicyclists from Spurr Road.

Theme D, Goal #1.d.: Planning staff asserts that the Applicant's plan fails to "improve traffic operation strategies." There is no explanation or specificity related to the failure in the 8/6/20 Report, but it appears to relate to the S-Curve. As stated more fully above, the S-Curve is a condition created decades ago. The S-Curve and was not considered problematic with previous land use approvals along Spurr Road. The Applicant has proposed improvements to help mitigate safety concerns related to the S-Curve. The Applicant is also proposing turn lanes along the corridor and introducing a stop condition at Greendale Road, both of which will help promote efficient traffic movement and safety along the corridor in addition to the widening at the S-curve. In addition, KYTC plans to upgrade this area of Georgetown Road and the intersection of Spurr Road, and the Applicant's upgrades in this area will need to be coordinated with KYTC. The Applicant is committed to work with KYTC and LFUCG at each phase of the development in relation to the improvements on Spurr Road (see Note 9 of the D.P.), but the Applicant should not be solely saddled with realigning the S-Curve.

The Applicant has demonstrated that its application satisfies the 2018 Comprehensive Plan through the Goals and Objectives cited herein and in its previous letters, and that staff's objections are not sufficient reason to deny the Applicant's application for a zone change.

DEVELOPMENT CRITERIA

The Applicant hereby provides some supplemental materials related to the following applicable Development Criteria raised in the 8/6/20 Report:

Planned Neighborhood Residential (R-3) zone to Light Industrial (I-1) zone:

B-SU11-1: The Applicant is proposing green infrastructure for both the business and industrial lands. The Applicant has proposed a drainage system along Spurr Road to convey roadway water from the curb line through a green stormwater solution (See Note 23 the D.P.). The Applicant intends to study the feasibility of vegetated swales, tree box filters and other similar infrastructure to both implement green infrastructure practices and enhance the aesthetics of the shared-use path. Further, as stated in Note 16 of the D.P., Applicant plans to utilize native grasses in the detention basins on both the business and industrial lands. There is also an opportunity to include planter boxes, impervious pavers and other controls as part of the proposed "enhanced public space" on the industrial land at the corner of Sullivans Trace and Spurr Road (the Applicant intends for the approximate 25' x 50' "enhanced public space" to be designed similar to rest areas on Fourth Street and Southland Drive). The proposed green infrastructure along Spurr Road is intended to connect with the shared-use path and the greenspace network (Note 23 of the D.P.). All of these green infrastructure proposals (together with any other future proposals in other areas) need further study and engineering evaluations, which will be addressed during the final development process.

D-CO1-1: The Applicant has proposed to upgrade its one-half of Spurr Road to industrial collector standards from Sullivans Trace to Georgetown Road which will widen its one-half of the

S-Curve. Plus, the Applicant has proposed to further widen the S-Curve (see Theme A, Goal 3.b). As more fully described above, the Applicant has proposed a number of improvements along Spurr Road. Even though no other developer along Spurr Road has done so, the Applicant agreed to install a multi-use path along Spurr Road. The multi-use path is 10' wide and a 9.5' drainage swale is proposed to separate that path from the roadway. Those improvements are designed to reflect and promote the desired place-type and adequately minimize negative impacts of its development.

The Applicant is willing to install bus stop facilities as part of this development. There are several areas that may be appropriate locations for the bus stop facilities. The Applicant has spoken with Lexington Area Metropolitan Planning Organization and LexTran related to the latter's current (and possible new) transit route, and it was agreed that a final determination is premature. Based upon that conversation, the stakeholders agreed the appropriate solution is to determine the location for the bus stop facilities during the final development process. See Note 24 of D.P.

The Applicant is committed to work with KYTC and LFUCG at each phase of the development in relation to the improvements on Spurr Road (see Note 9 of the D.P.).

D-CO2-1: See answer set forth in D-CO1-1. The Traffic Impact Study evidences that the Applicant's proposal, together with its agreed improvements along Spurr Road, will not negatively impact the health, safety and welfare of the traveling public or the users of the multi-use path. This area will be safer with the Applicant's proposed improvements to Spurr Road.

B-PR7-2: The Applicant has proposed to plant 1 tree/40' center to center along the boundary in common with the adjoining residential development. At the request of the Neighborhood Members, the Applicant has agreed to work with them to maintain healthy trees within the proposed 25' Landscape Screening and Buffering Easement. The Applicant intends to plant street trees along Sullivan Trace and Spurr Road. The Applicant has shown conceptual tree clusters on the development plan. Many of the current trees on the site are scrub or unhealthy, and upon full development of the site, there will be more healthy trees. As discussed in A-EQ3-1, there is also an opportunity to plant trees along Georgetown Road. This is to be more specifically addressed during the final development process.

B-PR7-3: See answer in B-PR7-2.

E-ST3-1: The Applicant is not proposing any ride sharing or other public use parking on the industrial land. Unlike professional and retail businesses that directly cater to the public, industrial users often restrict visitors for safety and security reasons. Only one industrial lot currently abuts a transit route. It is not practical to have public use parking on the industrial land.

Professional Office (P-1) zone to Highway Service Business (B-3) zone:

A-DS5-4: The Applicant has revised the development plan to provide for pedestrian infrastructure within the site and to provide for sidewalks to connect to the multi-use path. The Applicant has proposed a multi-use path that is 10' wide with a 9.5' drainage swale to separate that path from the roadway. That multi-use path will connect Spurr Road from the railroad crossing to Georgetown Road. The multi-use path will give the residents of Kearney Ridge Subdivision,

Coventry Subdivision, and other subdivisions along Spurr Road a connection to the retail center. This area will have the most pedestrian friendly system on Spurr Road and has the capacity to connect to other portions of the existing trail network.

A-DS7-1: The Applicant has revised the development plan to remove the parking along Georgetown Road.

A-EQ3-1: This property is located within Georgetown Road corridor, and as stated in Note 14 of the D.P., will be in conformance with the Georgetown Road Landscape Ordinance (the "Ordinance"). The Ordinance provides for landscaping and beautification along Georgetown Road, which landscaping will create a positive gateway character for the development, which is applicable whether this land is P-1 or B-3. The Applicant has proposed a 10' wide multi-use path and to separate that path from Spurr Road with a 9.5' wide drainage swale to separate pedestrians and bicyclists from Spurr Road, and the landscaping at this area will be incorporated into that improvement. An example of options is the landscaping at the Coventry Subdivision (across the Georgetown Road), or due to the existing overhead utilities, the Applicant may need the open field design at Linlee Elementary School (across Spurr Road). The Applicant is committed to transitioning such landscaping along Georgetown Road onto Spurr Road. See revised Note 14 of the D.P. In addition, KYTC plans to upgrade this area of Georgetown Road and the intersection of Spurr Road, and the Applicant's upgrades in this area will need to be coordinated with KYTC. The Applicant suggests that discussing the specific compliance with the landscaping and beautification along Georgetown Road (and blending into Spurr Road), and any "gateway" features, is appropriate during the final development process.

The Applicant intends to install a 6' wood fence (and possibly a hedge) along the boundary between the retail center and the industrial lot north of the center, but the Applicant cannot finalize those plans until the detention basin is designed. The Applicant has not decided the type of zone to zone screening to request for between the retail center and the proposed industrial land; the Applicant may install traditional screening or seek a waiver to create a more open space. The Applicant suggests that these design decisions are more appropriate for the final development process.

B-SU11-1: See answer in B-SU11-1 provided in the Planned Neighborhood Residential (R-3) zone to Light Industrial (I-1) zone above.

D-C01-1: The Applicant has proposed a multi-use path that is 10' wide with a 9.5' drainage swale to separate that path from the roadway. That multi-use path will connect Spurr Road from the railroad crossing to Georgetown Road. The multi-use path will give the residents of Kearney Ridge Subdivision, Coventry Subdivision, and other subdivisions along Spurr Road a connection to the retail center. The Applicant is also proposing a sidewalk from Spurr Road through the retail center to Georgetown Road. This area will have the most pedestrian friendly system on Spurr Road and has the capacity to connect to other portions of the existing trail network. As discussed above in Theme D, Goal #1.c., the Applicant is willing to install bus stop facilities as part of this development (See Note 24 of the D.P.).

CONDITIONAL ZONING RESTRICTIONS

At the request of planning staff, the Applicant submits the following revised restrictive zoning for the industrial land:

Columbariums and crematories; penal or correctional institutions; refuse dumps, landfills or incinerators; grain drying; automobile race tracks; laundry (excluding self-service laundry), clothes cleaning or dyeing shop; commercial wood lots; below-ground storage of any flammable or nonflammable gas or oxidizer in liquid or gaseous form (except for use with automobile and truck service or refueling station or major or minor automobile and truck repair); concrete mixing and concrete products production; mining of non-metallic minerals.

Thank you for your consideration.

Very truly yours,



P. Branden Gross, Esq.

cc: Midsouth Homes, LLC
Juby, LLC

Juby, LLC (AMD)

(PLN-MAR-20-00002)

2501 AND 2701 SPURR RD & 2710 SULLIVANS TR.

Light industrial and highway business development on vacant land planned for residential and professional offices.

Applicant

JUBY, LLC

161 N. Eagle Creek STE 200

Lexington, KY 40509

bgross@bgdlegal.com



Owner

BARLOW HOMES LLC

161 N. Eagle Creek STE 200

Lexington, KY 40509



Application Details

Acresage:

45.85 net (52.45 gross) acres

Current Zoning:

Planned Neighborhood Residential (R-3) zone

Professional Office (P-1) zone

Proposed Zoning:

Light Industrial (I-1) zone

Highway Service Business (B-3) zone

Place-type / Development Type:

New Complete Neighborhood & Corridor /
Medium Density Non-Residential/Mixed Use

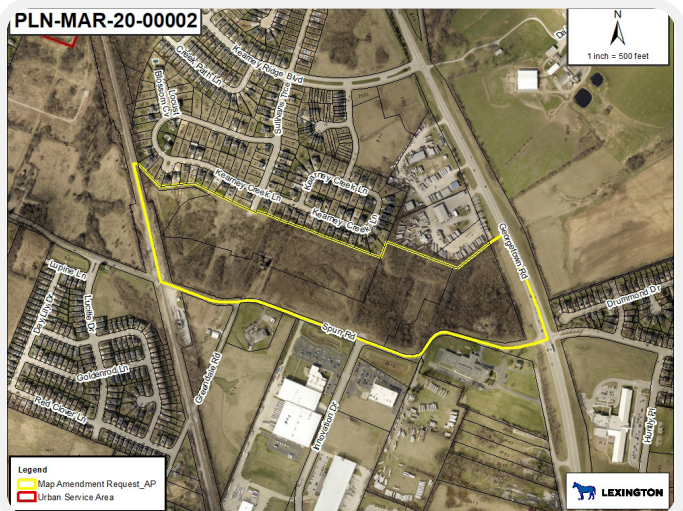
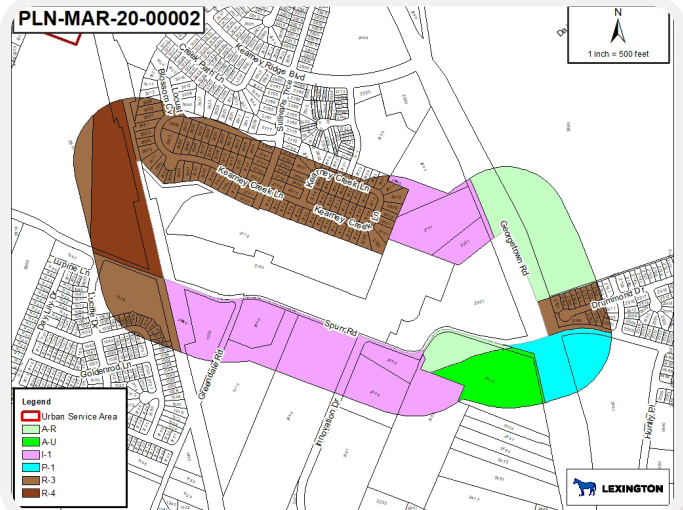
For more information about the New Complete Neighborhood and Corridor Place-Types see Imagine Lexington.

Description:

The proposed development includes the creation of four (4) industrial lots, with an associated neighborhood business area that includes a retail center and three (3) associated out-lots with unspecified businesses.

Public Engagement

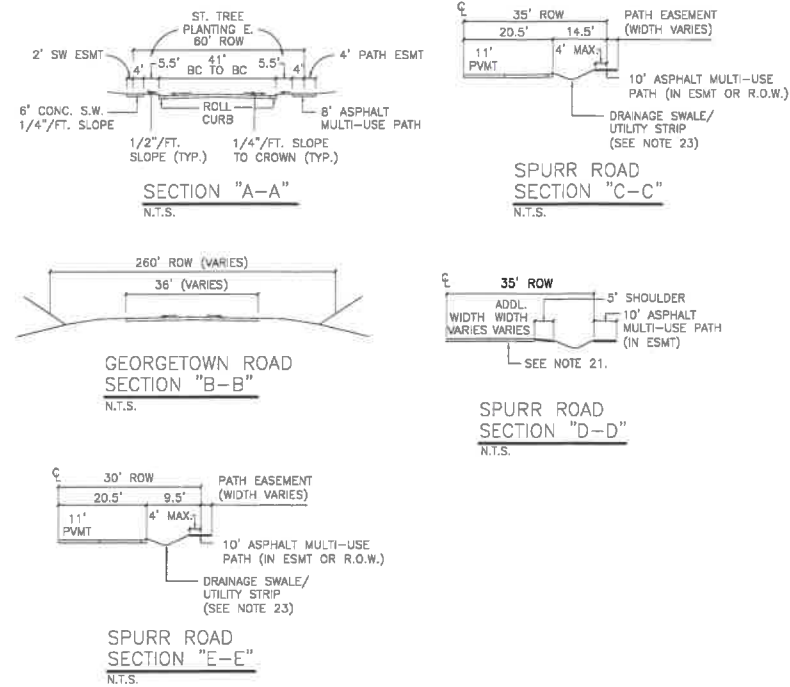
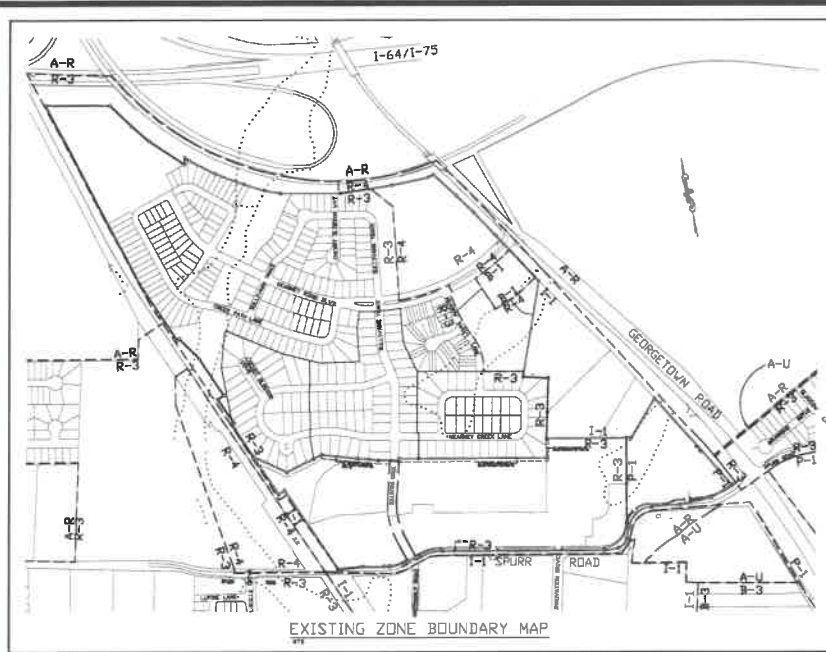
- The applicant has held several meetings with the property owners from the established neighborhood located to the north.



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.



PLANNING COMMISSION CERTIFICATION
I DO HEREBY CERTIFY THAT THIS DEVELOPMENT PLAN WAS APPROVED BY THE URBAN COUNTY PLANNING COMMISSION AT ITS MEETING HELD ON AUGUST 27, 2020.

SECRETARY _____ DATE _____

OWNER'S CERTIFICATION
I (WE) DO HEREBY CERTIFY THAT I AM (WE ARE) THE ONLY OWNER(S) OF THE PROPERTY SHOWN HEREON, DO FULLY AGREE TO ALL GRAPHIC AND TEXTUAL REPRESENTATIONS SHOWN HEREON, AND DO ADOPT THIS AS MY (OUR) DEVELOPMENT PLAN FOR THE PROPERTY.

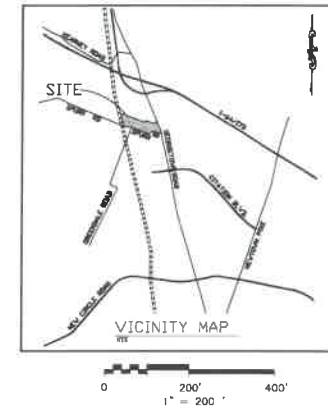
OWNER: JUBY, LLC BY: _____

WITNESS _____

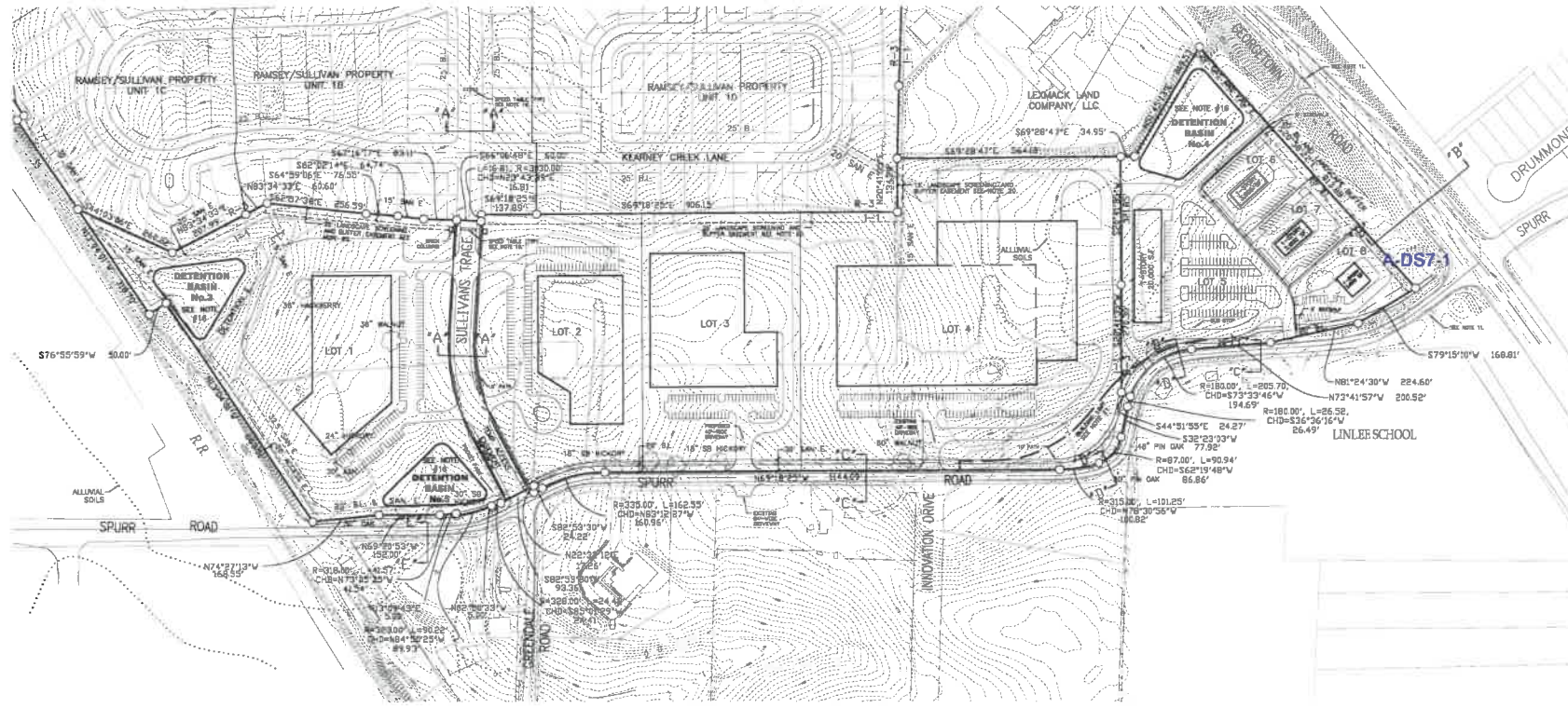
OWNER: MIDSOUTH HOMES, LLC BY: JOHN BARLOW

WITNESS _____

PURPOSE OF AMENDMENT:
1. TO REQUEST A ZONE CHANGE FOR 2710 SULLIVAN'S TRACE, 2701 SPURR ROAD, AND A PORTION OF 2501 SPURR ROAD FROM R-3 TO I-1.
2. TO REQUEST A ZONE CHANGE FOR A PORTION 2501 SPURR ROAD FROM P-1 TO B-3.



- GENERAL NOTES:**
- THIS DEVELOPMENT PLAN MAY BE AMENDED WITH THE APPROVAL OF THE URBAN COUNTY PLANNING COMMISSION.
 - IF ANY PART OF THIS DEVELOPMENT PLAN SHOULD BE JUDGED TO BE INVALID, SUCH JUDGEMENT SHALL NOT INVALIDATE THE REMAINDER OF THE PLAN.
 - THIS DEVELOPMENT PLAN SHALL NOT BE USED AS A BASIS FOR SALE OF THIS PROPERTY. ANY SALE OF LAND IN THIS PARCEL SHALL BE BASED UPON A RECORDED PLAT AND NOT THIS DEVELOPMENT PLAN.
 - STORMWATER MANAGEMENT, SANITARY SEWERS AND PUBLIC STREET IMPROVEMENTS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE L.F.U.C.G. ENGINEERING MANUALS.
 - ACCESS SHALL BE LIMITED AS SHOWN ON THE PLAN.
 - LANDSCAPE IMPROVEMENTS AND SCREENING SHALL CONFORM TO ARTICLE 18 OF THE URBAN COUNTY ZONING ORDINANCE.
 - NO GRADING, STRIPPING, EXCAVATION, FILLING, OR OTHER DISTURBANCE OF THE NATURAL GROUND COVER SHALL TAKE PLACE PRIOR TO APPROVAL OF AN EROSION CONTROL PLAN. SUCH PLAN MUST BE SUBMITTED IN ACCORDANCE WITH CHAPTER 18 OF THE CODE OF ORDINANCES.
 - ALL AREAS THAT HAVE BEEN DISTURBED BY GRADING SHALL HAVE A TEMPORARY VEGETATIVE COVER PROVIDED. SUCH COVER WILL CONSIST OF ANNUAL GRASSES, OR SMALL GRAINS, SLOPES EXCEEDING 4:1 WILL HAVE ADDITIONAL PROTECTION OF MULCHING OR SODDING IN ORDER TO PREVENT EROSION.
 - TIMING OF SPURR ROAD IMPROVEMENTS MAY BE DISCUSSED WITH EACH PHASE OF DEVELOPMENT. IMPROVEMENTS & ACCESS TO SPURR ROAD SHALL MEET THE REQUIREMENTS OF KY DOT AND LFUCG.
 - ADDITIONAL BIKE LANES OR SIDEWALKS TO BE RESOLVED AT TIME OF PRELIMINARY SUBDIVISION PLAN OR FINAL DEVELOPMENT PLAN.
 - KYTC APPROVAL OF ACCESS AND IMPROVEMENTS TO GEORGETOWN ROAD WILL BE REQUIRED PRIOR TO ANY DEVELOPMENT OF THE B-1 PROPERTY.
 - IT IS RECOGNIZED THAT THIS PROPERTY LIES WITHIN THE ROYAL SPRINGS ACQUIFER WATERSHED. NO LARGE QUANTITIES OF HAZARDOUS MATERIALS OR UNDERGROUND STORAGE TANKS SHALL BE PERMITTED WITHOUT PRIOR APPROVAL OF THE L.F.U.C.G. A MEETING WITH THE ROYAL SPRINGS WATER SUPPLY PROTECTION COMMITTEE WILL BE REQUESTED FOR REVIEW AND COMMENT PRIOR TO PLAN CERTIFICATION.
 - STREET TREES TO BE IN CONFORMANCE WITH ARTICLE 6-10 OF THE SUBDIVISION REGULATIONS.
 - THIS PLAN TO BE IN CONFORMANCE WITH GEORGETOWN ROAD LANDSCAPE ORDINANCE.
 - THERE SHALL BE NO DEVELOPMENT OF THE PROPERTY AND NO BUILDING PERMIT WILL BE ISSUED UNLESS AND UNTIL THE URBAN PLANNING COMMISSION APPROVES A FINAL DEVELOPMENT PLAN OR PRELIMINARY SUBDIVISION PLAN, AS APPROPRIATE.
 - AREAS DESIGNATED AS DETENTION SHALL BE MAINTAINED AND OWNED BY THE DEVELOPER UNTIL SUCH TIME THAT A DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS IS RECORDED FOR THIS DEVELOPMENT. TO THE EXTENT PRACTICABLE, NATIVE PLANTS (RATHER THAN PRIMARILY TURF GRASS) SHALL BE USED AT THE BOTTOM OF THE DETENTION BASINS FOR THE PROPERTY AND THE PROPOSED DETENTION BASINS ON THE B-3 PROPERTY AND FRONTING SPURR ROAD SHALL INCORPORATE RAIN GARDENS OR BIO-SWALES INTO THEIR DESIGN.
 - THE LOCATION OF THE FIRE HYDRANTS, FIRE DEPARTMENT OR FIRE SERVICE FEATURES, IF REQUIRED, SHALL BE APPROVED BY THE DIVISION OF FIRE, WATER CONTROL OFFICE.
 - PEDESTRIAN ACCESS SHALL BE PROVIDED IN ACCORDANCE WITH THE APPLICABLE STANDARDS FOR ADA COMPLIANCE.
 - TRAFFIC CALMING MEASURES FOR SULLIVANS TRACE SUCH AS SPEED TABLES, CURB EXTENSIONS, AND/OR INTERSECTION STOP SIGNS SHALL BE INSTALLED TO THE APPROVAL OF THE DIVISION OF TRAFFIC ENGINEERING.
 - A 25-FOOT LANDSCAPE SCREENING AND BUFFER AREA SHALL BE ESTABLISHED ADJACENT TO THE R-3 SINGLE FAMILY AREA SHOWN ON THIS PLAN. THIS AREA WILL INCLUDE A COMBINATION OF 8-FOOT WOOD PRIVACY FENCE, UNDULATING 4-FOOT BERMS, DOUBLE HEDGE ROW, AND/OR TREES PLANTED AT 40-FOOT CENTER TO CENTER BASED ON CONVERSATIONS WITH ADJACENT PROPERTY OWNERS. THE LOCATION OF THE ZONE TO ZONE SCREENING FOR THE LOTS ADJACENT TO THE DETENTION BASIN WILL BE DISCUSSED AT THE TIME OF THE FINAL DEVELOPMENT PLAN.
 - IMPROVEMENTS TO THE SPURR ROAD REVERSE CURVE FROM LINLEE SCHOOL TO INNOVATION DRIVE SHALL INCLUDE INTERIM CURVE WIDENING TO THE APPROVAL OF KYTC. THE BUILDING LIMIT SHOWN ON LOTS 4 AND 5 IS FOR PURPOSES OF POSSIBLE FUTURE REALIGNMENT OF SPURR ROAD BY OTHERS.
 - THE TEMPORARY ACCESS EASEMENT CREATED BY THE NON-BUILDING MINOR PLAT OF RAMSEY SULLIVAN PROPERTY, (CAB. M. SL. B24), WILL BECOME NULL AND VOID UPON DEDICATION OF RIGHT-OF-WAY FOR SULLIVANS TRACE.
 - THE PROPOSED DRAINAGE SYSTEM ALONG SPURR ROAD IS INTENDED TO CONVEY ROADWAY WATER FROM THE CURB LINE THROUGH A GREEN STORMWATER SOLUTION. THE FEASIBILITY AND IMPLEMENTATION EXTENTS OF THIS APPROACH WILL BE EVALUATED AT THE TIME OF A FINAL DEVELOPMENT PLAN.



SITE STATISTICS:

SITE AREA: 45.85 ACRES NET
PROPOSED ZONE: I-1 & B-3
LOTS: 8

B-3 AREA

SITE AREA: 7.98 ACRES NET
FLOOR AREA SHOWN: 30,800 S.F.
PARKING FLOOR AREA @85%: 26,180 S.F.
REQUIRED PARKING: 1:400 (10,000) = 25 SPACES
1:200 (REMAINDER) = 81 SPACES
TOTAL = 106 SPACES
PARKING SHOWN: 187 SPACES

I-1 AREA

SITE AREA: 37.87 ACRES NET

TREE INVENTORY MAP:

FENCE ROWS AND TREE STANDS ARE COMPRISED MAINLY OF SMALL (LESS THAN 8" CALIPER) VOLUNTEER GROWTH SUCH AS WILD CHERRY, HACKBERRY AND HONEYSUCKLE. SIGNIFICANT TREES ARE NOTED ON THE PLAN AS SHOWN.

SOIL TYPES:

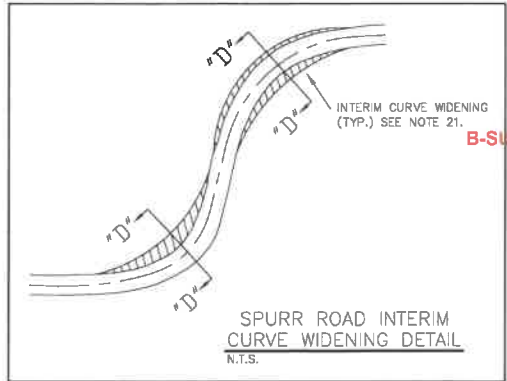
| | | |
|------------|-----------|---------|
| HUNTINGTON | ARMOUR | FAYWOOD |
| MAURY | DONERAIL | MERCER |
| McAFEE | BLUEGRASS | LOWELL |

TREE COVERAGE

SITE AREA: 45.85 ACRES NET (1,997,226 S.F.)
LOTS: 8
TOTAL EXIST. CANOPY : 499,877 S.F.
I-1 EXIST. CANOPY : 420,118 S.F.
B-3 EXIST. CANOPY : 79,758 S.F.

ALLUVIAL SOIL:
SOIL TYPE FLOOD PLAIN INFORMATION TAKEN FROM USA MAPPING

EASEMENT NOTE:
EASEMENTS SHOWN HEREON ARE BASED ON THE RECORD INSTRUMENT(S) LISTED BELOW.
RAMSEY SULLIVAN PROPERTY, PC "N", SL 72



Legend

A-DS7-2 - Medium Density Non-Residential/Mixed Use Only

B-PR9-1 - Industrial & Production Non-Residential Only (Not Used)

B-PR2-1 - Related to Both

APPLICANT/OWNER:
JUBY, LLC
181 N EAGLE CREEK DRIVE, SUITE 200
LEXINGTON, KENTUCKY 40509

OWNER:
MIDSOUTH HOMES, LLC
PVA BARLOW HOUSES, LLC
181 N EAGLE CREEK DRIVE, SUITE 200
LEXINGTON, KENTUCKY 40509

AMENDED PRELIMINARY DEVELOPMENT PLAN
RAMSEY / SULLIVAN PROPERTY
2710 SULLIVANS TRACE #601 &
2701 SPURR ROAD
JANUARY 2020
LEXINGTON, FAYETTE COUNTY, KENTUCKY

651 PERIMETER DRIVE
SUITE 220
LEXINGTON, KY 40517
(859) 225-8500
WWW.STRAND.COM



JOB NO.
2293.206
CASE

ZDP 2020

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-20-00002: JUBY, LLC (AMD)

DESCRIPTION OF ZONE CHANGE

| | |
|------------------------|---|
| Zone Change & Acreage: | R-3 to I-1: 37.87 net (40.82 gross) acres |
| | P-1 to B-3 : 7.98 net (9.12 gross) acres |
| | A-R to B-3 : 0.00 net (1.69 gross) acres |
| | R-3 to B-3 : 0.00 net (0.82 gross) acres |
| | Total: 45.85 net (52.45 gross) acres |
| Location: | 2501 and 2701 Spurr Rd. and 2710 Sullivans Tr. |

EXISTING ZONING & LAND USE

| PROPERTIES | ZONING | EXISTING LAND USE |
|------------------|-----------------|--|
| Subject Property | R-3 / P-1 | Vacant |
| To North | R-3 / I-1 | Single Family Dwellings Truck Parts and Sales |
| To East | A-R / R-3 / P-1 | Farm Single Family Dwellings Elementary School |
| To South | I-1 / A-R | Manufacturing School |
| To West | R-4 | Vacant |



URBAN SERVICE REPORT

Roads - Georgetown Road (US 25) is a major arterial road that transitions from a five-lane road (including the center turning lane) south of the subject property at Spurr Road to a two-lane rural highway as it crosses I-64 and I-75 just north of the subject site. To the west of Georgetown Road, Spurr Road (KY 1977) is a narrow, rural highway, connecting Georgetown Road to N. Yarnalton Pike. Some improvements to Spurr Road have occurred west of its crossing of the Norfolk-Southern Railroad. East of Georgetown Road, as residential development has progressed, that roadway has been extended as a collector street. The applicant is proposing a right-in/right-out along Georgetown Road for access into the proposed business uses. Additionally, the applicant is proposing a total of four access points along Spurr Road, including the continuation of Sullivans Trace, which would oppose Greendale Road.

Curb/Gutter/Sidewalks - Neither Georgetown Road nor the rural portion of Spurr Road has curb, gutter or sidewalks. New streets proposed are to be constructed to full urban street standards, including curb, gutter and sidewalks.

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 subject property is located within the Cane Run watershed. Storm sewers do not exist in this portion of the Urban Service Area. Additional facilities will be required for the development in this general area to address water quality and quantity. Any such improvements shall be designed and constructed in accordance with the LFUCG Engineering Manuals. There are no FEMA Special Flood Hazard Areas or known flooding issues along these properties. 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.

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 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 and commercial land uses. 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 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 - Currently, this area is served by the Georgetown Route (#2 and #52) with a stop located on the 2501 Spurr Road property.

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

SUMMARY OF REQUEST

With this amended application, the petitioner has requested two zone changes for the properties located at 2710 Sullivan Trace, 2701 Spurr Road and 2501 Spurr Road. The first zone change remains the same and is seeking to rezone 2710 Sullivan Trace, 2701 Spurr Road and a portion of 2501 Spurr Road from a Planned Neighborhood Residential (R-3) zone to a Light Industrial (I-1) zone. The proposed development includes the creation of four (4) industrial lots. The petitioner has amended their request for the second area of rezoning and is now seeking to rezone the remaining portion of 2501 Spurr Road from a Professional Office (P-1) zone to a Highway Service Business (B-3) zone. The proposed development includes the creation of a retail center and three (3) associated outlots with unspecified businesses. As the application involves two disparate development types and the petitioner has indicated different Place-Types, the review of the application will include a separate discussion of each of the zone changes, followed by a review of how they integrate to the area. A Traffic Impact Study was submitted with the requested zone changes.

APPLICANT & COMMUNITY ENGAGEMENT



In December, 2019, the Applicant met with neighbors of the Kearney Hall Subdivision (“Neighborhood Members”) at the annual meeting of the Kearney Ridge Homeowners Association to present its initial plans. Approximately 15 Neighborhood Members attended that meeting. The Applicant has held a number of subsequent meetings with Neighborhood Members, including on June 4, 6, 18, and 24. Those meetings ranged from 15 – 40 neighbors at a time and were held both in the Kearney Hall Subdivision and at Master Station Park. This included walking the boundary of the subject properties with Neighborhood Members. The Applicant’s latest development plan adopted many of the requests of the Neighborhood Members, and the Neighborhood Members are supportive of the zone change.

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 allow for the creation of four (4) lots of “shovel ready land” to meet the job creation goals of the community. The applicant is showing a temporary access easement between the established neighborhood located to the north, but is not proposing other large scale improvements of the sites as the application is speculative in nature.

PLACE-TYPE

CORRIDOR

A Corridor is Lexington’s major roadways focused on commerce and transportation. The overriding emphasis of Imagine Lexington is significantly overhauling the intensity of the major corridors. The future of Lexington’s corridors lies in accommodating the shifting retail economic model by incorporating high density residential and offering substantial flexibility to available land uses. Adding a mix of land uses to support the existing retail will provide a built-in customer base, create a more desirable retail experience, and allow a greater return on investment for landholders. Additional focus is on increasing the viability of enhanced mass transit, thereby reducing the reliance on single-occupancy vehicles and improving Lexington’s overall transportation efficiency.

DEVELOPMENT TYPE

MEDIUM DENSITY NON-RESIDENTIAL / MIXED USE

Primary Land Use, Building Form, & Design

Primarily community-serving commercial uses, services, places of employment, and/or a mix of uses within mid-rise structures with a higher Floor Area Ratio. Mixed-use structures typically include more multi-family residential units and places of employment, and retail and commercial options generally draw from a larger geographic area. An activated and pedestrian-scale ground level should be provided. These developments may include more employment space for professional office and can include some larger entertainment spaces.

Transit Infrastructure & Connectivity

Though they draw more external users, they should still include multi-modal connections allowing for easy neighborhood access. Mass transit infrastructure is to be provided on par with that of other modes, and the higher-density housing types should be located in close proximity.

Parking

The buildings should be oriented to the street, and developments should avoid over-parking, with provided parking located internally.

PROPOSED ZONING



This zone is intended to provide for retail and other uses, which are necessary to the economic vitality of the community but may be inappropriate in other zones. The Comprehensive Plan should be used to determine the locations for this zone. Special consideration should be given to the relationship of the uses in the zone to the surrounding land uses and to the adequacy of the street system to serve the traffic needs.

PROPOSED USE



The proposed development includes the creation of a retail center and three (3) associated outlots with unspecified businesses. The associated traffic impact study indicates that the applicant is interested in developing a bank and two drive-through restaurants on the outlots. While the applicant stresses the connection to the neighborhood, there is also a focus on the traveling public and providing uses to those utilizing Georgetown Road.

PROPERTY & ZONING HISTORY



The subject properties have been the focus of four different zone change applications over the course of the last 40 years. The first zone change request (MAR 82-25) occurred in 1982 and sought to rezone 165.02 net acres located west of Georgetown Road and north of Spurr Road from an Agricultural Rural (A-R) zone to a Light Industrial (I-1) zone, which was in agreement with the 1980 Comprehensive Plan’s Future Land Use Map. The application was postponed prior to a recommendation from the Planning Commission due to a lack of sewer capability in the area. The application was restarted five years later and was approved as the proposed industrial zoning met the Future Land Use Map of the 1980 Comprehensive Plan.

In 1997, a small agriculturally zoned tract of land on the north side of Spurr Road, across from the intersection with Greendale Road, was rezoned from A-R to I-1 (MAR 97-26). The petitioner sought to include the 2 acre parcel of land into the Belmont Industrial development that was approved in 1987. This tract represented the last portion of land between Spurr Road and I-75/I-64, and the Norfolk Southern Railroad and Georgetown Road that had remained agriculturally zoned.

While the property was proposed to be a large scale industrial development, it remained agricultural in



character and use. In 2004, an application was submitted proposing a rezoning of the whole of the industrial land to develop a 951-unit residential subdivision (MAR 2004-46). The proposal sought to develop a combination of single family residential homes, apartment/condominiums and townhouse units. A two-acre retail center was proposed for the corner of Georgetown Road and a new collector street opposite of the existing entrance to the UK Research Farm, just south of the I-75 overpass. A professional office area was also proposed for approximately 9 acres located at the corner of Spurr Road and Georgetown Road. The Planning Commission recommended disapproval of the zone change; however, the Urban County Council approved the zone change following a public hearing (Ord. No. 78-2005). To decrease the impacts on the noise on the subject properties, to ensure adequate side yards for the single family dwellings, and to provide recreation opportunities for the residential neighborhood and preserve the integrity and character of the area, the council imposed conditional zoning restrictions. These included:

1. An 8-foot solid fence or wall designed to mitigate noise shall be constructed along the property line where the railroad runs adjacent to the property except in areas of open space and such fence or wall shall be screened from view from the developed portion of the property by trees, foliage, or other suitable plants.
2. Side yards on lots developed as single family dwellings shall be not less than six (6) feet.
3. A two (2) acre tract within the subject property shall be dedicated to the Lexington Fayette Urban County Government for use as a park or play area.

Most recently, the petitioner requested a zone change from a Planned Neighborhood Residential (R-3) zone with 3 conditional zoning restrictions to a Planned Neighborhood Residential (R-3) zone that removes conditions #1 & #2 of the conditional zoning restrictions (MAR 2006-17). The Planning Commission recommended the removal of condition #1 due to the irregular topography and the ineffectiveness of a fence or wall. The Planning Commission recommended maintaining condition #2, as there had been no major change of an economic, physical, or social nature on the subject property or within the area, which was not anticipated, and which had altered the basic character of the area. The Council agreed with the recommendation of the Planning Commission.

Since the 2006 modification of the conditional zoning restrictions, the area has experienced a large amount of residential growth, including the construction of single family detached and attached dwelling units. The area has also been approved for the construction of multi-family residential structures that are seeking to provide affordable units for potential residents. Whereas the overarching zoning of the area between Norfolk Southern Railroad and Georgetown Road was industrial in nature prior to 2004, the inclusion of residential development by the applicant since 2004 has created an area of concentrated residential zoning and land use north of Spurr Road.



One of the greatest challenges to the proposed zone change is the adequacy of infrastructure to support the industrial traffic that has been proposed by the applicant. Spurr Road (KY 1977) is a narrow, rural highway, connecting Georgetown Road to N. Yarnalton Pike. Located between the Norfolk Southern Railroad and Georgetown Road, there are two sharp curves, which has created a reverse curve or “S-Curve” in the roadway. This section of the roadway has proved to be both narrow and dangerous. The staff has voiced their concerns regarding the curve since the 2004 rezoning and stated that the curve would need to be straightened in coordination with the then proposed residential development.

With this application, the petitioner is seeking to both increase the intensity and frequency of use along the curve, bringing large and heavy truck traffic. While there has been industrial development in the area, the majority of the traffic generated by Kentucky Eagle Distributors, Big Ass Fans, Tiffany and Co., and Harbor Steel and Supply utilizes Innovation Drive to access Georgetown Road and the associated freight corridors. Innovation Drive, which is an industrial collector, was constructed in coordination with the development of the industrial land south of Spurr Road and was not a public project.

While the applicant agrees that the curve is both dangerous and inadequate to support their proposed uses, they have not agreed to straighten the curve to bring the roadway into compliance with both the LFUCG and KYTC standards. The applicant cites the cost associated with the modification and references that no other developer has been required to modify the curve in the past. Instead, the applicant proposes construction



of widening curves to increase the width of lanes, continuance of a building setback line to reserve land (the “Reservation Area”) for a possible future straightening of the S-Curve by KYTC, District 7, or other governmental agency, grading the Reservation Area to improve sight lines and prohibit tall vegetation therein, and upgrading the half-section of Spurr Road to an industrial collector standard along the frontage of the subject properties.

While staff is understanding of the applicant’s desires, the current proposal does not adequately meet the health, safety, and welfare needs of the Lexington community. The applicant is suggesting a short-term solution for a problem that they are proposing, which will negatively impact the safety of the roadway and can have negative impacts on the surrounding residential users that utilize Spurr Road to access Georgetown Road. At this time the staff would like the applicant to continue to work with both the MPO and the KYTC to find a safer solution that does not affect the health, safety, and welfare of the Lexington community, both residential and industrial land uses, and the traveling public.

COMPREHENSIVE PLAN COMPLIANCE



GOALS & OBJECTIVES

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 makes two separate arguments for agreement with the Comprehensive Plan: one for the B-3 zone and one for the I-1 zone. This amended application opines that the Highway Service Business (B-3) zone is in agreement with the Comprehensive Plan, as it adds commercial services within an area that has minimal services available. The applicant opines that the proposed rezoning will have the opportunity to bring healthcare services to an area that is currently under-served (Theme A, Goal #4.b). While the applicant is proposing a zone that would allow for the inclusion of healthcare services, the current Professional Office (P-1) zone allows for the same, if not more medical services to be provided in this area. Staff cannot agree that the Highways Service Business (B-3) zone is a more appropriate zone then the current zoning for the purposes of providing equitable and accessible social services and healthcare facilities that address the needs of all residents, maximizing the opportunity to reach geographically under-served areas throughout the community.

Next, the applicant opines that they are seeking to provide establishments and restaurants to an undeserved portion of the corridor and community, referencing Theme A, Goal #2.c. Unfortunately, Theme A, Goal #2.c references the incorporation of adequate greenspace and open space into all development projects, which serve the needs of the intended population. The B-3 zone requires no open space and the applicant is not currently showing greenspace or open space that is intentionally created for the proposed users.

The applicant goes further to opine that the proposed rezoning will take advantage of the LexTran bus stop on the properties, which will allow for the opportunity to utilize the current route to reach the retail center (Theme D, Goal #1.c). While the applicant indicates that they are “open to constructing seating and a shelter, which could be designed to be public art,” staff would like the applicant to reach out to LexTran to discuss these elements or commit to these elements at this time. The inclusion of an enhanced transit stop at this location is important to the viability of the subject property and the designation of the proposed Corridor Place-Type. Furthermore, the applicant’s focus on providing greater connectivity to the school and proposed industrial land uses would necessitate the increase of transit infrastructure, which they are interested in providing.

In addition to the proposed development of the enhanced transit stop, the applicant delves deeper into the other alternative modes of mobility at the proposed site. The applicant opines that the multi-use path that will extend from Kearney Hill Subdivision and its portion of the Spurr Road frontage will create new modes of transportation to the retail center and connect to Georgetown Road (Theme A, Goal #3.b). The applicant stresses that the wider sidewalks and increased bicycle facilities will provide a travel area for all users and will



connect with trails in the greenspace network (Theme D, Goal #1.b). Additionally the applicant is seeking to provide a green design concept for stormwater management along Spurr Road, working with the proposed shared-use trails.

Finally, the applicant opines that the proposed rezoning will strike a balance between urban growth and rural protection and preservation. The applicant indicates that the proposed project will activate underutilized and vacant land along an important corridor (Theme E, Goal #1.c). The proposed retail center is meant to create additional employment opportunities and services for the neighborhoods being constructed along Georgetown and Spurr Roads (Theme C, Goal #2.a). The applicant stresses that the proposed project will provide services to commuters from outside the Urban Service Area in Lexington, as well as commuters traveling to and from Scott County, which will relieve pressure to create those opportunities outside the Urban Service Area along the corridor (Theme E, Goal 1.d).

Next, within the amended information submitted with this application, the petitioner expands upon Themes described within the original justification letter for the proposed rezoning of the portion of the properties from the to Planned Neighborhood Residential (R-3) zone to the Light Industrial (I-1) zone. The applicant opines that the proposed rezoning will provide a mix of uses in the area, prioritizing access to job opportunities for the neighborhood (Theme C, Goal #2.a). The applicant stresses that this proposed rezoning is focused on the development of jobs. The applicant opines that the proposed project is for a highly appropriate development that activates a large undeveloped and underutilized land along the Georgetown Road corridor (Theme E, Goal #1.c and e). Additionally, the petitioner indicates that the proposed rezoning will allow additional employment opportunities in the area will relieve some pressure, the Urban Service Area in the adjacent area (Theme E, Goal #1.d.). The petitioner also opines that the project will create job opportunities with higher compensation and benefits than retail jobs, and less educational requirements than professional jobs (Theme C, Goal #1.a.; Theme C, Goal #2.a).

In addition to the applicant's focus on jobs, they also stress the improvements that are proposed. They state that by connecting Kearney Ridge to Spurr Road by extending Sullivans Trace, the proposed development will decrease emergency response times and give the neighborhood a second access point (Theme A, Goal #4.c). Additionally, the applicant is proposing a shared-use path as a part of the extension of Sullivans Trace and along the Spurr Road frontage. The applicant stresses that the wider sidewalks and increased bicycle facilities will provide a travel area for all users and will connect with trails in the greenspace network (Theme D, Goal #1.b). Additionally the applicant is seeking to provide a green design concept for stormwater management along Spurr Road, working with the proposed shared-use trails.

While the applicant's discussion of the aforementioned Goals and Objectives could show agreement with the Comprehensive Plan, the issue regarding the reverse curve or "S-Curve" along Spurr Road creates potential safety conflicts. There are several Goals and Objectives that call for safe roadway development, including: Theme A, Goal #3.b seeks to Strive for positive & safe social interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians & various modes of transportation; Theme D, Goal #1 stress the need to work to achieve an effective and comprehensive transportation system; and Theme D, Goal #1.d focuses on the need to improve traffic operation strategies. Without a proper and safe roadway at that this location, there is a greater potential for negative impacts on shared-use facilities proposed by the applicant. The applicant should seek to reconcile the potential safety concerns along Spurr Road to show that these facilities are safe and add to the urban fabric.



CRITERIA

The 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 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.

Planned Neighborhood Residential (R-3) zone to Light Industrial (I-1) zone

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 for 2710 Sullivan



Trace, 2701 Spurr Road and a portion of 2501 Spurr Road. 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. As such, there must be an emphasis on how a proposed development is situated within the immediate area. In this case the applicant has indicated that many of the criteria should be discussed at the time of the final development plan, but have recently added greater information regarding compliance with the Comprehensive Plan. While the applicant has addressed some of the Development Criteria, there are areas of concern as to how the applicant has applied or not applied the development criteria, specifically with the Industrial and Production Non-Residential Development Type. The following criteria should be further described by the applicant to demonstrate how they are in agreement with the Comprehensive Plan.

1. Site Design, Building Form and Location

B-SU11-1: Green infrastructure should be implemented in new development.

While the applicant has indicated that there will be green stormwater management along the frontage of Spurr Road, they should provide detail as to what types of infrastructure they are seeking to implement.

2. Transportation and Pedestrian

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

The applicant is proposing an industrial development and the need for an industrial collector roadway to carry the potential traffic. The current reverse curve or “S-curve” improvements do not reflect and promote the desired place-type.

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

Due to the potential safety impacts of the reverse curve or “S-curve” and the solution that has been proposed by the applicant, there is a high potential that this change would negatively impact the health, safety and welfare of the traveling public and could negatively impact the shared-use facilities that are being proposed by the applicant.

3. Greenspace and Environmental Health

B-PR7-2: Trees should be incorporated into development plans; prioritize grouping of trees to increase survivability.

The applicant solely references that they will meet Article 18 of the LFUCG Zoning Ordinance. This criteria is meant to focus on the protection and establishment of new treed areas. The applicant should discuss how they are enhancing the trees, prioritizing groupings. The applicant should expand upon the proposed buffer requirements and their work with the neighbors.

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

The applicant should described how they will improve tree canopy or describe why they cannot do so. Currently, the notation on the associated development plan notes the areas of potential buffer, but does not provide information as to how this is being achieved.

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.

The applicant should show ride sharing pick up and drop off location or describe why they cannot do so.

Professional Office (P-1) zone to Highways Service Business (B-3) zone

The applicant has indicated that the site is located within the Corridor Place-Type and is seeking to create a Medium Density Non-Residential / Mixed-Use Development Type for the remaining portion of 2501 Spurr Road. Within this Place-Type and Development Type, the Comprehensive Plan states that adding a mix of land uses to support the existing retail will provide a built-in customer base, create a more desirable retail experience, and allow a greater return on investment for landholders. While staff understands that not all elements of a plan are finalized during the time of rezoning, there is needed discussion regarding how



the proposed development is integrating with the proposed industrial land use, as well as intended users. While the applicant has addressed some of the Development Criteria, there are areas of concern as to how the applicant has applied or not applied the development criteria, specifically with the Medium Density Non-Residential Development Type. The following criteria should be further described by the applicant to demonstrate how they are in agreement with the Comprehensive Plan.

1. Site Design, Building Form and Location

A-DS5-4: Development should provide a pedestrian-oriented and activated ground level.

The applicant is not showing adequate pedestrian infrastructure within the site itself nor how that would connect with the shared-use trail, the proposed transit infrastructure, or the connection with the school.

A-DS7-1: Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.

The current parking along Georgetown Road includes parking along frontage of the outlots.

A-EQ3-1: Development should create context sensitive transitions between intense corridor development and existing neighborhoods.

The applicant should briefly discuss their compliance with the Georgetown Road Landscape Ordinance and how that will transition onto Spurr Road.

B-SU11-1: Green infrastructure should be implemented in new development.

While the applicant has indicated that there will be green stormwater management along the frontage of Spurr Road, they should provide detail as to what types of infrastructure they are seeking to implement.

2. Transportation and Pedestrian

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

The applicant stresses in the review of the Goals and Objectives the pedestrian friendly movement of the proposed development; however, the internal pedestrian movement through this section of the site is missing. Since this portion is meant to create an integrated shopping and service area, adequate pedestrian facilities that connect to the proposed shared-use trail and enhanced transit facilities are necessary.



CONDITIONAL ZONING RESTRICTIONS

Following consultation with the neighborhood located to the north, the petitioner is recommending the use of conditional zoning restrictions minimize any perceived negative impacts on the residents of Kearney Hill Subdivision and to further reduce any incompatibility. These proposed restrictions include the prohibiting of uses, and enhanced buffering. The Zoning Ordinance prohibits most potential nuisances “in terms of smoke, noise, odor, vibration, heat, light or industrial waste,” in the light-industrial zone. The applicant proposes to further restrict the area for the proposed I-1 zone, including residential or trailer courts or parks; columbariums and crematories; penal or correctional institutions; refuse dumps, landfills or incinerators; grain drying; automobile race tracks; laundry (excluding self-service laundry), clothes cleaning or dyeing shop; commercial wood lots; below-ground storage of any flammable or nonflammable gas or oxidizer in liquid or gaseous form (except for use with automobile and truck service or refueling station or major or minor automobile and truck repair); septic systems; concrete mixing and concrete products production; stockyards or housing of livestock; mining of non-metallic minerals; any principal, accessory or conditional use for which a zoning classification of I-2 (Heavy Industrial Zone) is required, as set forth in the Zoning Ordinance-Resolution in effect as of this date for Lexington, Fayette County, Kentucky.

It is important to delve into the various uses that have been proposed to be restricted by the applicant, but are not applicable to this application. There are several examples in which the proposed restricted use is not allowable as a principle permitted use, accessory use, or conditional use within the I-1 zone. These include, residential or trailer courts or parks (only allowable in the M-1P zone), stockyards or housing of livestock (allowable in the A-R zone under the AM-1 Overlay zone, and in the I-2 zone as a conditional use), and septic systems (an infrastructural element that is not categorized within the Zoning Ordinance as a use and thus cannot be restricted). The petitioner’s proposed restriction of any principal, accessory or conditional use for which a zoning classification of I-2 (Heavy Industrial Zone) is required is also somewhat perplexing to staff. The applicant is requesting a zone change to the I-1 zone and thus the available principle permitted uses, accessory uses, and conditional uses that are exclusive to the I-2 zone are not allowable within the I-1 zone. The use of conditional zoning restrictions for these uses is unnecessary.

Next, the applicant has proposed an enhanced buffer beyond the minimum buffering required by the Zoning Ordinance to further the step-down. The applicant opines that the Zoning Ordinance requires one buffer area of fifteen feet with one tree per every 40 feet and a six (6) foot double hedge or fence as a barrier. This can be reduced to five (5) feet with the establishment of a fence. Based on the applicant’s meetings with the neighborhood members, the applicant proposes an enhanced landscape buffer area of 25 feet with a six (6) to eight (8) foot wooden privacy fence along most of the boundary and a six (6) foot double hedge for the balance. The Applicant proposes berms for the two lots adjoining the industrial land at Sullivans Trace. In addition to any new tree, the applicant has agreed to work with the neighbors to retain current healthy trees in the landscape buffer area. The applicant also proposes a 50 foot building set back line along the boundary with the residential zone.

Finally, the applicant has recommended certain traffic calming devices and improvements to roadways that would reduce potential conflicts between industrial uses and the neighboring residential uses. The primary focus of these improvements would be located along Sullivans Trace. The applicant proposes installing speed tables, and a “No Thru Truck” a gateway feature, designated utilizing brick columns, to distinguish the adjacent neighborhood. The applicant also proposes berms at the boundary of the residential and industrial lands. The applicant proposes street trees and multi-purpose path along Sullivans Trace to further calm traffic and a pocket park area at the intersection of Sullivans Trace and Spurr Road.

STAFF RECOMMENDS: **POSTPONEMENT, FOR THE FOLLOWING REASONS:**



1. The zone change application for the subject property, as proposed, does not completely address the Goals and Objectives of the 2018 Comprehensive Plan. The following Goals and Objectives require further discussion by the applicant to address compliance with the Comprehensive Plan:
 - a. Theme A, Goal 3.b: Strive for positive & safe social interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians & various modes of transportation.
 - b. Theme D, Goal #1: Work to achieve an effective and comprehensive transportation system
 - c. Theme D, Goal #1.c: Concentrate efforts to enhance mass transit along our corridors in order to facilitate better service for our growing population, as well as efficiencies in our transit system.
 - d. Theme D, Goal #1.d: Improve traffic operation strategies
2. The zone change application for the subject property, as proposed, does not completely address the development criteria for a zone change within the Industrial and Production Place-Type, specifically the Industrial and Production Non-Residential Development Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
 - a. B-SU11-1: Green infrastructure should be implemented in new development.
 - b. D-CO1-1: Rights-of-way and multi-modal facilities should be designed to reflect and promote the desired place-type.
 - c. D-CO2-1: Safe facilities for all users and modes of transportation should be provided.
 - d. B-PR7-2: Trees should be incorporated into development plans; prioritize grouping of trees to increase survivability.
 - e. B-PR7-3: Developments should improve the tree canopy.
 - f. 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.
3. The zone change application for the subject property, as proposed, does not completely address the development criteria for a zone change within the Corridor Place-Type, specifically the Medium Density Non-Residential / Mixed Use Development Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
 - a. A-DS5-4: Development should provide a pedestrian-oriented and activated ground level.
 - b. A-DS7-1: Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
 - c. A-EQ3-1: Development should create context sensitive transitions between intense corridor development and existing neighborhoods.
 - d. B-SU11-1: Green infrastructure should be implemented in new development.
 - e. D-CO1-1: Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place-type.

SUPPLEMENTAL STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-20-00002: JUBY, LLC (AMD)



STAFF REVIEW

Over the course of the review of this application there have been three primary concerns: the location of industrial land uses abutting residential land uses, the integration of new development with historical development, and the adequacy of infrastructure to support the increased intensity that is associated with industrial land uses. While the applicant has done much to supplement their application, these concerns remain and result in the associated recommendation.

With the submission of a zone change application, it is important for staff to review the compatibility of the proposed change with the historical development in an area. Since the 2004 zone change, there has been significant modification of the area north of Spurr Road (KY 1977) and between the Norfolk Southern Railroad and Georgetown Road (US 25). Design Policy #4 states that new development should be sensitive to the surrounding context. Context-sensitive development is compatible and complementary to adjacent neighborhoods and communities. It enhances the existing neighborhoods through land uses and development patterns that are sensitive to the nearby built and natural environments and connected to existing neighborhoods in a meaningful way that brings a higher quality of life to all residents by creating a sense of place. These connections can be made by providing complementary uses, as well as physical multi-modal connections. The connection of uses should be done through an appropriate scale that makes them accessible and not out of place or intrusive. A focus on the intensity step-downs and buffers are meant to ensure compatibility.

In this case, the applicant is proposing to increase the intensity of the land use, from what was planned for the continuation of single family residential, to one of the more intense land use within the Zoning Ordinance. Additionally, by proposing an industrial land use rather than one that is more compatible with the surrounding development, including single family residential, multi-family residential, or neighborhood servicing business, the ability to integrate the new development into the established development is lost. The result is a separated development that turns its back on the neighborhood rather than merging with the existing neighborhood. For the subject application, both the proposed industrial area and the highway service area are not integrating with the established development, but are creating two new separate developments that are only tangentially connected. In this case, while the applicant is providing a roadway to access Spurr Road from the neighborhood, there is no true integration. Whereas in other instances in Lexington, residential development has replaced industrial development or has abutted industrial development, there is no clear ability or accessibility to tie the new development into the old. This forces that development to be separated due to historical circumstances.

Throughout the petitioner's application, there is a stress on the need for land that is available for jobs. This is an important element of any community and can work with the context of a neighborhood. However, in this case, the applicant has not shown integration for a live/work situation, and has not indicated the types of uses they are seeking to promote. While the applicant has recommended restricting those uses that can be noxious or produce greater nuisances, they have not restricted the site for uses that are low employment generators, like self-storage warehousing. Furthermore, this area has had extensive industrial development south of Spurr Road, with a clear buffer between the intensity of uses, and is currently planning for the expansion of economic development land east of Georgetown Road within the Coldstream Campus. The Urban County Government swapped land with the University of Kentucky to gain control of over 200 acres of economic development land (Theme C, Goal #3). Currently, the staff and a consultant have been tasked with working with the Mayor's office to create a long-range plan for the publicly-controlled Coldstream Campus located near the interstate and is ideal for attracting high-wage jobs, creating employment options for Lexington and revenue for the city (Prosperity Policy #12).



The need for neighborhood integration is further supported by Design Policy #12, which states that new development should support neighborhood-level commercial areas. In many neighborhoods developed decades ago, commercial areas were designated to serve as neighborhood focal points. The development of focal points is an element that is regularly supported within the Comprehensive Plan. Within the initial application, the petitioner indicated that they were not interested in directly connecting or integrating the neighborhood with the proposed commercial areas, resulting in the amendment of the application to the Highway Service Business (B-3) zone. The applicant has suggested that this portion of the development will be available for both the traveling public and the neighborhood, stressing the connection to the school and the trail system that will extend down Sullivans Trace to Spurr Road, and along Spurr Road to Georgetown Road. This provides a route for access; however, it is not focused on the neighborhood and is focused more heavily on the traveling public.

The integration of the site and the movement of individuals along Spurr Road, via all modes of transportation, is also a major issue regarding this application. Over the course of the discussion during the 1995 zone change the adequacy of the roadway regarding the proposed industrial land use was questioned. The applicant indicated that it was not the proper time to discuss the roadway and it would be considered during the final development plan for this section of the property. During the 2004 zone change, this question was asked regarding the proposed residential land use, and again the applicant indicated that it was not the proper time to discuss the roadway and it would be considered during the final development plan for this section of the property. No final development plan was submitted for either zone change for this section of the property, and now the applicant is seeking to shift away from the residential land use that they established in the area, which changed the context of the area north of Spurr Road, to a more intense zone that requires more intense infrastructural development. The greater intensity of infrastructural development is directly correlated to the one essential question of zoning: is this safe?

With new development, there are clear regulations that guide the construction of infrastructure that protects the health, safety and welfare of our community. In this case, the applicant is seeking to apply those standards and in some cases exceed those standards to protect the current residents of the area and the proposed industrial users, except in the area in which there is currently the greatest danger. The “S-curve” (or reverse curve) has been and remains a dangerous situation, which would be exacerbated with the inclusion of heavy truck traffic. The applicant has stated that “KYTC, District 7, has informed the applicant that it will not require the applicant to rebuild Spurr Road to straighten the reverse curve (“S-Curve”).” While the state has stated to the applicant that they will not require them to build the roadway, the state has provided the Division of Planning an initial infrastructure design, which shows the straightening of the area.

The perspective of safe infrastructural development is further reflected in the Comprehensive Plan. Theme A, Goal #3.b encourages the Lexington Community to strive for positive & safe social interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians & various modes of transportation; Theme D, Goal #1 stresses the need to work to achieve an effective and comprehensive transportation system, one that is safe for all users; and Theme D, Goal #1.d focuses on the need to improve traffic operation strategies that at the base are reflected in the Land Subdivision Regulations. Without a proper and safe roadway at that this location, there is a greater potential for negative impacts on shared-use facilities proposed by the applicant. These facilities are what the petitioner is currently proposing for the connection between the established residential neighborhood and the commercial facilities. The applicant has not reconciled the potential safety concerns along their frontage of Spurr Road to show that the proposed facilities are safe for the proposed uses (D-CO2-1).

In addition to the Goals and Objectives, Livability Policy #9 states that Lexington should promote economic development through the preservation of strategically and appropriately located industrial and production zoned land. This policy states that it is still critical to provide a base of industrial zoned land, in strategic locations, well-served by appropriately scaled infrastructure. However, it goes further to state that many of the problems identified with industrial zone land have their origins in the initial site design and location of the industrial corridor in which they are located. While this application is not an existing site, it is reflective of the



issues that are old in nature. Without adequate infrastructural development at the forefront of development, the Urban County is left holding the bag and dealing with impacts, which have no clear or identifiable solution, other than the County or State fixing a problem created by a developer. The applicant has indicated several times that there is a proposed state project that may happen, which is focused on enhancing Georgetown Road and some of the intersections nearby. While the staff would not be adverse to the State fixing the issues at this location, plans for this modification are not recommended to occur for a significant amount of time and are not specifically planned to address the “s-curve”.

The Comprehensive Plan goes further to described the Industrial and Production Place-Type as areas 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. The site priorities for this Place-Type include: economic development and job creation, intense industrial uses, substantial buffers from residential uses, environmental protection, and locational priority on major shipping transportation corridors. The associated Industrial and Production Non-Residential / Mixed-Use Development Type stresses that the associated developments are best suited in areas where the infrastructure already exists, collocating to utilize industrial-scale infrastructure to serve the needs of the users, and that environmental protection measures should be taken to minimize impacts. Both the Place-Type and the Development Type stress the importance of adequate infrastructure, which is currently not available at this location, nor is it being proposed by the applicant.

The staff agrees that our current economic situation with the nation, state, and county are dire. However, the proposed rezoning is not in agreement with the Comprehensive Plan and staff cannot currently recommend of approval of the application.

STAFF RECOMMENDS: DISAPPROVAL, FOR THE FOLLOWING REASON:



1. The requested Light Industrial (I-1) and Highway Service Business (B-3) zones are not in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed development does not provide a context sensitive development (Design Policy #4) that integrates into the established residential character of the area north of Spurr Road.
 - b. The proposed development does not support the integration of neighborhood serving business, and separates itself from the existing development rather than connecting residential uses to commercial uses (Design Policy #12).
 - c. The proposed development does not adequately create positive & safe social interactions in neighborhoods (Theme A, Goal #3.b), including, but not limited to, neighborhoods that are connected for pedestrians & various modes of transportation; Theme D, Goal #1 stresses the need to work to achieve an effective and comprehensive transportation system, one that is safe for all users; and Theme D, Goal #1.d focuses on the need to improve traffic operation strategies.
 - d. The applicant has not reconciled the potential safety concerns along their frontage of Spurr Road to show that the proposed facilities are safe for the proposed uses (D-CO2-1).
2. There have been no major changes of an economic, physical or social nature within the immediate area, which were not anticipated in the Comprehensive Plan adopted by the Commission and which have substantially altered the basic character of the immediate area.
3. The applicant has not put forth a justification for why the current zoning is inappropriate and the proposed zoning is appropriate for the subject property. The current Planned Neighborhood Residential (R-3) zone remains appropriate, as it provides needed dwelling units within the Urban Service Area and maintains the residential character of the area north of Spurr Road and between the Norfolk Southern Railroad and Georgetown Road. It has been documented within 2017 Fayette County Housing Demand Study that we are in need of additional housing units on vacant land inside the Urban Service Area.

SECOND SUPPLEMENTAL STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-20-00002: JUBY, LLC (AMD)



STAFF REVIEW

Over the course of the review of this application there have been three primary concerns: the location of industrial land uses abutting residential land uses, the integration of new development with historical development, and the adequacy of infrastructure to support the increased intensity that is associated with industrial land uses. Before the October 1st, 2020 Zoning Subcommittee meeting, the applicant adjusted their development plan to include proposed improvements along the property's road frontage that partially meet the Subdivision Regulations. While the applicant has done much to supplement their application, the two other concerns remain and result in the associated recommendation.

With the submission of a zone change application, it is important for the Planning Commission to consider the compatibility of the proposed change with the historical development in an area. Since the 2004 zone change, there has been significant modification of the area north of Spurr Road (KY 1977) and between the Norfolk Southern Railroad and Georgetown Road (US 25). Design Policy #4 states that new development should be sensitive to the surrounding context. Context-sensitive development is compatible and complementary to adjacent neighborhoods and communities. It enhances the existing neighborhoods through land uses and development patterns that are sensitive to the nearby built and natural environments and connected to existing neighborhoods in a meaningful way that brings a higher quality of life to all residents by creating a sense of place. These connections can be made by providing complementary uses, as well as physical multi-modal connections. The connection of uses should be done through an appropriate scale that makes them accessible and not out of place or intrusive. A focus on the intensity step-downs and buffers are meant to ensure compatibility.

In this case, the applicant is proposing to increase the intensity of the land use, from what was planned for the continuation of single family residential, to one of the more intense land use within the Zoning Ordinance. Additionally, by proposing an industrial land use rather than one that is more compatible with the surrounding development, including single family residential, multi-family residential, or neighborhood servicing business, the ability to integrate the new development into the established development is lost. The result is a separated development that turns its back on the neighborhood rather than merging with the existing neighborhood. For the subject application, both the proposed industrial area and the highway service area are not integrating with the established development, but are creating two new separate developments that are only tangentially connected. In this case, while the applicant is providing a roadway to access Spurr Road from the neighborhood, there is no true integration. Whereas in other instances in Lexington, residential development has replaced industrial development or has abutted industrial development, there is no clear ability or accessibility to tie the new development into the old. This forces that development to be separated due to historical circumstances.

Throughout the petitioner's application, there is a stress on the need for land that is available for jobs. This is an important element of any community and can work with the context of a neighborhood. However, in this case, the applicant has not shown integration for a live/work situation, and has not indicated the types of uses they are seeking to promote. While the applicant has proposed restricting those uses that can be noxious or produce greater nuisances, they have not restricted the site for uses that are low employment generators, like self-storage warehousing. Furthermore, this area has had extensive industrial development south of Spurr Road, with a clear land use transition between the intensity of uses. In addition, industrial land uses are currently planning for the land east of Georgetown Road within the Coldstream Campus. The Urban County Government swapped land with the University of Kentucky to gain control of over 200 acres of economic development land (Theme C, Goal #3). Currently, the staff and a consultant have been tasked with working with the Mayor's office to create a long-range plan for the publicly-controlled Coldstream Campus located near the interstate. This area that is located across Georgetown Road is ideal for attracting high-wage jobs,



creating employment options for Lexington and revenue for the city (Prosperity Policy #12).

The need for neighborhood integration is further supported by Design Policy #12, which states that new development should support neighborhood-level commercial areas. In many neighborhoods developed decades ago, commercial areas were designated to serve as neighborhood focal points. The development of focal points is an element that is regularly supported within the Comprehensive Plan. Within the initial application, the petitioner indicated that they were not interested in directly connecting or integrating the neighborhood with the proposed commercial areas, resulting in the amendment of the application to the Highway Service Business (B-3) zone. The applicant has suggested that this portion of the development will be available for both the traveling public and the neighborhood, stressing the connection to the school and the trail system that will extend down Sullivans Trace to Spurr Road, and along Spurr Road to Georgetown Road. This provides a route for access; however, it is not focused on the neighborhood and is focused more heavily on the traveling public.

While the applicant has focused on the potential gains proposed with their development, there is a significant loss with the proposed shift away from the established residential zoning. The current Planned Neighborhood Residential (R-3) zone not only maintains the residential character of the area north of Spurr Road and between the Norfolk Southern Railroad and Georgetown Road, but also allows for the construction of needed dwelling units within the Urban Service Area. It has been documented within the 2017 Fayette County Housing Demand Study that the community is in need of additional housing units on vacant land inside the Urban Service Area. While this area was planned for industrial uses decades ago, the applicant requested a shift in land use in 2004, which led to the development of residential dwelling units. This also necessitated the expansion of industrial uses elsewhere, like Coldstream Park. To shift again would take away some of the residential gains made with the 2004 zone change and required changes elsewhere. Our community has a consistent demand for residential land to support local economic activity.

The staff agrees that our current economic situation with the nation, state, and county are difficult. However, the proposed rezoning is not in agreement with the Comprehensive Plan and staff cannot currently recommend of approval of the application.

STAFF RECOMMENDS: **DISAPPROVAL**, FOR THE FOLLOWING REASONS:



1. The requested Light Industrial (I-1) and Highway Service Business (B-3) zones are not in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed development does not provide a context sensitive development (Design Policy #4) that integrates into the established residential character of the area north of Spurr Road.
 - b. The proposed development does not support the integration of neighborhood serving business, and separates itself from the existing development rather than connecting residential uses to commercial uses (Design Policy #12).
2. There have been no major changes of an economic, physical or social nature within the immediate area, which were not anticipated in the Comprehensive Plan adopted by the Commission and which have substantially altered the basic character of the immediate area.
3. The applicant has not put forth a justification for why the current zoning is inappropriate and the proposed zoning is appropriate for the subject property. The current Planned Neighborhood Residential (R-3) zone remains appropriate, as it provides the opportunity to construct needed dwelling units within the Urban Service Area and maintains the residential character of the area north of Spurr Road and between the Norfolk Southern Railroad and Georgetown Road. It has been documented within 2017 Fayette County Housing Demand Study that we are in need of additional housing units on vacant land inside the Urban Service Area.

Basic Information

TIS Name: JUBY LLC / Ramsey Sullivan
 TIS Preparer: Strand Engineering
 TIS Prep Date: Jan 2020, Aug 2020 rev
 TIS Prop. Address: 1016 S. Broadway

MAR #: PLN-MAR-20-00002 ZDP #: PLN-MJDP-20-00001

Full Development Year: 2025

Existing Conditions

Georgetown Road, US 25, is a four-lane major arterial that transitions to a rural arterial north of the Spurr Road intersection. It had an AADT of 23,523 in 2018. Spurr Road, KY 1977, is a two-lane rural collector with an AADT of 3,747 in 2019.

Development Overview

The developer is proposing a 450K+ sf industrial development on about 45 acres and a 30K+ sf shopping center with out-lots at the corner of Georgetown and Spurr Roads.

Assumptions

The applicant's traffic impact study does account for all the known residential developments to the north that are still under development and has updated the proposed traffic counts to the proposed full development year.

In general, staff believes that the proposed traffic has been assessed at the lowest possible rates using the ITE manuals, including a "linked-trip reduction" to the new trips generated by the shopping center (which the staff vehemently disagrees with), but will concede that the reductions in traffic would be unlikely to have a significant impact on the LOS analysis in the study.

Total Average Daily Traffic for the proposed uses, as calculated by staff:

ADT of the Industrial Park Uses: 2,068
 (using the fitted curve ITE code 130 10th edition)

ADT of the Shopping Center Uses: 5,762
 (using ITE codes 820, 912, 934 10th edition)

Total new AM and PM peak trips:

| AM total | AM in | AM out | PM total | PM in | PM out |
|----------|-------|--------|----------|-------|--------|
| 512 | 320 | 192 | 552 | 226 | 326 |

Location Map



Intersections Studied

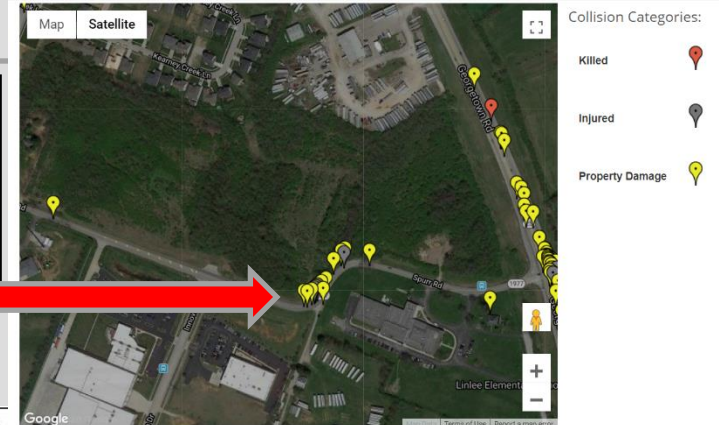


Concern

Concern

Acceptable

Safety Concern – A five year analysis of the KY State Police crash data indicates a grouping of incidents in the S-curve. This was not addressed at all in the Traffic Impact Study. In fact, the study recognized (pg 2-6) that the majority of traffic would utilize the S-curve for access to the individual sites, yet no analysis of this safety hazard was given.



★ = Study Intersection

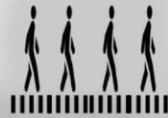
Exhibit 2-2 Proposed Development Site Plan

Transit/Peds/Bicycles

LexTran has transit coverage in this area, which is expected to gain ridership as the area increases in both residents and jobs. This site is predominately served by Routes 2 & 52 – where 2 primarily serves as a corridor route along Georgetown Road between this area and downtown and 52 shares a similar route but with different timing and also utilizes Nandino Blvd to reach the Leestown Rd area.



LexTran and Planning staff has met with the developer's team and worked on transit solutions for the proposed development. We identified two distinct possibilities to improve transit ridership, not only for this development but for the area in general. However, the identified needs are highly dependent upon the timing of the completion of Sullivans Trace to Spurr Road. In short, investment in option A negates option B and vice versa. Staff recommends that the applicant, LexTran, and appropriate government entities work together at the final development plan to determine the best improvements to achieve a functional and accessible new bus pull-off and shelter for this area.



The pedestrian and bicycle infrastructure is in need of improvement. Compliance with the minimum Subdivision Regulations would be a major improvement, however, staff supports efforts to create viable user-friendly multi-modal alternatives. If a major bus stop is built as recommended above, the pedestrian and bike system to get to it becomes all the more important.



Consultant's Recommendations

Conclusions from the study:

The traffic operations analysis indicates that all study area intersections will operate acceptably with the recommended improvements. The improvements are needed to mitigate projected increases in queue lengths and projected decreases in movement LOS results. The proposed improvements will also provide acceptable access to and from the development site.

Note that during final intersection design, stopping sight distance should be evaluated at all the study area intersections. Spurr Road has notable horizontal and vertical curvature and there also trees and objects that potentially impact line of sight at intersections. Additionally, any potential changes in speed limit within the study area should be made as a result of a separate speed study.

Recommended improvements:

*See revised TIS Aug 2020 for details

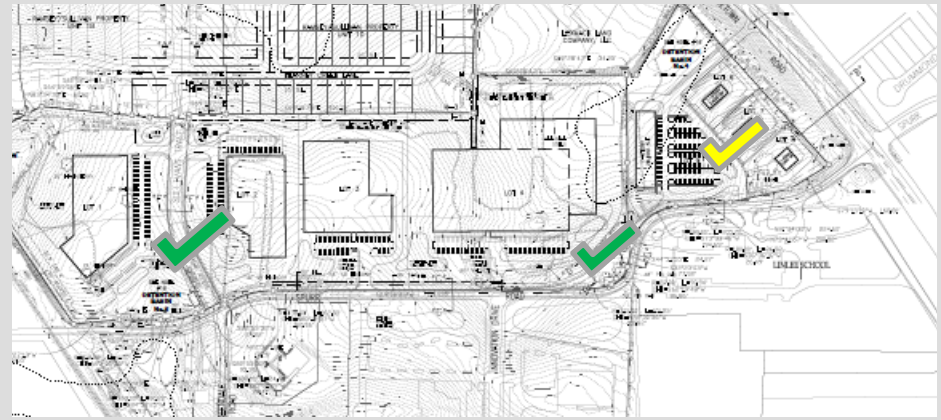
The revised TIS recommends several turn lanes (and associated widenings) and some stop control measures at each of the studied intersections. There are too many specific recommendations to add to this report.

Staff Recommendations

Transportation Planning staff does not have any further recommendations to add to the staff recommendation on the development plan or the applicant's proposed improvements, both in the Aug 2020 Traffic Impact Study and on the currently submitted preliminary development plan.

Staff would like to point out that the proposed transportation improvements, although recommended as adequate for the requested uses, will likely require some waivers to the LFUCG Land Subdivision Regulations at the time of development. Furthermore, the amount and types of development in the shopping center should be cautiously reviewed at the time of the final development plan, as the access spacing standards proposed for the shopping center do not appear to meet the spacing standards for the proposed development.

Key Map



Final Thoughts

Staff is cautiously optimistic that the transportation infrastructure will be adequate for the proposed uses at the time of development should the property be rezoned as requested. However, many of the proposed solutions to improve the existing infrastructure including the RI/RO on Georgetown Road and the ½ section improvements to the reverse S-Curve are “outside the box” solutions and will require further detailed engineering studies, which ultimately must be permitted by the KYTC District 7 office. Should there be problems with the proposed improvements at the next stage of development, staff would caution the Planning Commission to consider development limitations at that time until all the necessary infrastructure is in place.

1. JUBY, LLC (AMD) ZONING MAP AMENDMENT & RAMSEY SULLIVAN PROPERTY (FKA BELMONT INDUSTRIAL PARK TRACT 1) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-20-00002: JUBY, LLC (AMD) (10/22/20)*- an amended petition for a zone map amendment from a Planned Neighborhood Residential (R-3) zone to a Light Industrial (I-1) zone, for 37.87 net (40.82 gross) acres, from a Professional Office (P-1) zone to a Highway Service Business (B-3) zone, for 7.98 net (9.12 gross) acres, from an Agricultural Rural (A-R) zone to a Highway Service Business (B-3) zone, for 1.69 gross and net acre, and from a Planned Neighborhood Residential (R-3) zone to a Highway Service Business (B-3) zone, for 0.82 gross and net acre, for properties located at 2501 and 2701 Spurr Road, and 2710 Sullivans Trace.

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.

With this amended application, the petitioner has requested two zone changes for the properties located at 2710 Sullivan Trace, 2701 Spurr Road and 2501 Spurr Road. The first zone change remains the same and is seeking to rezone 2710 Sullivan Trace, 2701 Spurr Road and a portion of 2501 Spurr Road from a Planned Neighborhood Residential (R-3) zone to a Light Industrial (I-1) zone. The proposed development includes the creation of four (4) industrial lots. The petitioner has amended their request for the second area of rezoning and is now seeking to rezone the remaining portion of 2501 Spurr Road from a Professional Office (P-1) zone to a Highway Service Business (B-3) zone. The proposed development includes the creation of a retail center and three (3) associated outlots with unspecified businesses. As the application involves two disparate development types and the petitioner has indicated different Place-Types, the review of the application will include a separate discussion of each of the zone changes, followed by a review of how they integrate to the area. A Traffic Impact Study was submitted with the requested zone changes.

The Zoning Committee Recommended: Referred to the full Commission.

The Staff Recommends: Disapproval, for the following reasons:

1. The requested Light Industrial (I-1) and Highway Service Business (B-3) zones are not in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed development does not provide a context sensitive development (Design Policy #4) that integrates into the established residential character of the area north of Spurr Road.
 - b. The proposed development does not support the integration of neighborhood serving business, and separates itself from the existing development rather than connecting residential uses to commercial uses (Design Policy #12).
 - c. The proposed development does not adequately create positive & safe social interactions in neighborhoods (Theme A, Goal #3.b), including, but not limited to, neighborhoods that are connected for pedestrians & various modes of transportation; Theme D, Goal #1 stresses the need to work to achieve an effective and comprehensive transportation system, one that is safe for all users; and Theme D, Goal #1.d focuses on the need to improve traffic operation strategies.
 - d. The applicant has not reconciled the potential safety concerns along their frontage of Spurr Road to show that the proposed facilities are safe for the proposed uses (D-CO2-1).
 2. There have been no major changes of an economic, physical or social nature within the immediate area, which were not anticipated in the Comprehensive Plan adopted by the Commission and which have substantially altered the basic character of the immediate area.
 3. The applicant has not put forth a justification for why the current zoning is inappropriate and the proposed zoning is appropriate for the subject property. The current Planned Neighborhood Residential (R-3) zone remains appropriate, as it provides needed dwelling units within the Urban Service Area and maintains the residential character of the area north of Spurr Road and between the Norfolk Southern Railroad and Georgetown Road. It has been documented within 2017 Fayette County Housing Demand Study that we are in need of additional housing units on vacant land inside the Urban Service Area.
- b. PLN-MJDP-20-00001: RAMSEY SULLIVAN PROPERTY (FKA BELMONT INDUSTRIAL PARK TRACT 1) (10/22/20)* - 2501 & 2701 SPURR RD AND 2710 SULLIVANS TRACE, LEXINGTON, KY.
Project Contact: Strand Associates

Note: The purpose of this development plan is to rezone the property.

Note: The applicant has submitted several plan revisions and met with staff on numerous occasions since the initial recommendation of postponement. Based on those meetings and the newest plan revision received on September 29, 2020, staff offers the following recommendation.

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

1. Provided the Urban County Council rezones the property B-3 and 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.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. United States Postal Service Office's approval of kiosk locations or easement.
8. Complete site statistics per Article 21 requirements.
9. Dimension buildings.
10. Denote proposed access to Spurr Road shall be determined at the time of a Preliminary Subdivision Plan and/or Final Development Plan.
11. Denote proposed access to Georgetown Road shall be determined at the time of a Preliminary Subdivision Plan and/or Final Development Plan.
12. Remove proposed access to Spurr Road from B-3 lot at proposed ½ section improvements.
13. Discuss Placebuilder criteria.

Staff Zoning Presentation – Mr. Baillie presented the staff report and recommendations for the amended zone change application. He displayed photographs of the subject property and aerial photographs of the general area. He said the applicant is proposing two zone changes to develop a four industrial lots with a retail center and three outlots. The other zone changes are for the right-of-way (ROW) area. He said that the subject property is located at the intersection of Georgetown Road and Spurr Road. He said that the subject property is surrounded by various zone, including Agricultural Rural (A-R), Light Industrial (I-1), Planned Neighborhood Residential (R-3), High Density Apartment (R-4), and Professional Office (P-1) zones. He said that there was much discussion among the staff regarding the S-curve along Spurr Road. He said that there have been many accidents at this section over the years and pointed to a berm that had built to protect the school. He said that Mr. Martin will discuss the applicant's proposal for this portion of the roadway in further detail.

Mr. Baillie gave a brief history of the area and said that 165 acres was rezoned from Agricultural Rural (A-R) zone to Light Industrial (I-1) zone in 1982. In 2004, it was rezoned from the Light Industrial (I-1) zone to Planned Neighborhood Residential (R-3), Neighborhood Business (B-1) and Professional Office (P-1) zones. In 2006, there was another zone change application to remove some of the conditional zoning restrictions, including a sound wall along the Norfolk Southern Railroad.

He said there has been three primary concerns over the course of this application, which are: 1) the location of the industrial land uses abutting residential land uses; 2) the integration of new development with historical development; and 3) the adequacy of infrastructure to support the increase of intensity associated with industrial land uses. He said that the applicant revised their development prior to the October 1, 2020 Committee meetings, to include proposed improvements along the properties road frontage, which partially met the Land Use Subdivision Regulations. He said that the applicant had proposed to separate the west bound traffic at the S-curve.

Mr. Baillie said that for the portion of the subject property, which is proposed to be changed to the Light Industrial, the applicant is seeking to develop under the Industrial and Production Center Place-Type and the Industrial and Production Non-Residential Development Type, which they are associated with the proposed zone. However, the concern is how this proposed zone fits into the existing context of the area. There has been significant modification of the area north of Spurr Road since the zone change in 2004. He said that the focus is the step-down of intensity and the need for buffering to ensure the compatibility of new development. He displayed the proposed development plan, and said that the applicant is proposing to increase the intensity of the land use, and will restrict the ability to integrate that development into the established development. This will not allow integration with the established development, and will create a new separate development. This proposal also does not support the integration of neighborhood serving business, and separates itself from the existing development rather than connecting residential uses to commercial uses.

Mr. Baillie said that the applicant had also stressed the need for land that is available for jobs. However, the applicant has not indicated the types of uses they are seeking to promote. While the applicant has proposed restricting those uses that can be noxious or produce greater nuisances, they have not restricted the site for uses that are low employment generators, like self-storage warehousing or outdoor storage. Furthermore, this area has had extensive industrial development south of Spurr Road, with a clear land use transition between the intensity south of Spurr Road and the residential area north of Spurr Road. There is also a buffer between the intensity that is being proposed at Coldstream Campus, with Georgetown Road.

Mr. Baillie said that the other proposed zone change is for the Corridor Place-Type and the Medium Density Non-Residential/Mixed Use Development Type in a zone that is not recommended for the area. He said that the applicant must meet certain aspects of the Comprehensive Plan to make it fit this Place-Type. He said that the applicant is proposing the Highway Service Business (B-

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3) zone, which is intended to provide for retail and other uses. He added that special consideration should be given to the relationship of the uses in the zone to the surrounding land uses and to the adequacy of the street system to serve the traffic needs. He said that staff is concerned with the aspect of this integrating into the already established area. The need for neighborhood integration is further supported by Design Policy #12, which states that new development should support neighborhood-level commercial areas. In many neighborhoods developed decades ago, commercial areas were designated to serve as neighborhood focal points. The development of focal points is an element that is regularly supported within the Comprehensive Plan. Within the initial application, the petitioner indicated that they were not able to directly connect or integrate with the neighborhood, which is why the applicant has focused on the traveling public.

Mr. Baillie said that the proposed B-3 zone will increase the availability of retail in the area, but it reduces the availability of it to integrate into the established residential area and removes the ability to add residential development along the corridor. The B-3 and the P-1 zones increase the intensity of vehicular movement throughout the day. However, the P-1 zone allows for a greater mix of commercial, office, and residential uses. He said that the P-1 zone is intended to act as a transition from less intense land uses to more intense land uses.

Mr. Baillie said that while the applicant has focused on the potential gains proposed with their development, there is a significant loss with the proposed shift away from the established residential zoning. The current R-3 zone not only maintains the residential character of the area north of Spurr Road and between the Norfolk Southern Railroad and Georgetown Road, but also allows for the construction of needed dwelling units within the Urban Service Area. It has been documented within the 2017 Fayette County Housing Demand Study that the community is in need of additional housing units on the vacant land inside the Urban Service Area. While this area was planned for industrial uses decades ago, the applicant requested a shift in land use in 2004, which led to the development of residential dwelling units. This also necessitated the expansion of industrial uses elsewhere, like Coldstream Park. To shift again would take away some of the residential gains made with the 2004 zone change and required changes elsewhere. Our community has a consistent demand for residential land to support local economic activity.

Mr. Baillie said that the staff agrees that our current economic situation with the nation, state, and county are difficult. However, the proposed rezoning is not in agreement with the Comprehensive Plan and staff cannot currently recommend approval of the application. He said the staff is recommending disapproval of this rezoning for the following reasons:

1. The requested Light Industrial (I-1) and Highway Service Business (B-3) zones are not in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed development does not provide a context sensitive development (Design Policy #4) that integrates into the established residential character of the area north of Spurr Road.
 - b. The proposed development does not support the integration of neighborhood serving business, and separates itself from the existing development rather than connecting residential uses to commercial uses (Design Policy #12).
2. There have been no major changes of an economic, physical or social nature within the immediate area, which were not anticipated in the Comprehensive Plan adopted by the Commission and which have substantially altered the basic character of the immediate area.
3. The applicant has not put forth a justification for why the current zoning is inappropriate and the proposed zoning is appropriate for the subject property. The current Planned Neighborhood Residential (R-3) zone remains appropriate, as it provides the opportunity to construct needed dwelling units within the Urban Service Area and maintains the residential character of the area north of Spurr Road and between the Norfolk Southern Railroad and Georgetown Road. It has been documented within 2017 Fayette County Housing Demand Study that we are in need of additional housing units on vacant land inside the Urban Service Area.

Development Plan Presentation – Mr. Martin presented the preliminary development plan associated with this zone change. He pointed to the Spurr Road area and the extension of Sullivans Trace that will connect with the residential development on the north and will align with Greendale Road to the south. He said that the applicant is proposing various structures on the development plan. He pointed to the proposed B-3 zone and said that the applicant is proposing a 20,000 square foot commercial building and three outlot buildings. He said that the proposed buildings in the I-1 zones are over 456,000 total square feet with 343 parking spaces. He said that there could be some changes to this preliminary development plan, depending upon the end users.

Mr. Martin said that the staff had concern with the residential boundary to the north of the proposed development. He said the applicant is proposing a 25-foot setback with landscaping, and the buildings will be setback 100 feet or more, which does comply with the Zoning Ordinance requirements. He said that there was also concern with the street infrastructure, including improvements to Spurr Road. He said that the applicant is proposing to complete half-street improvements along their entire frontage along Spurr Road. He said that Sullivans Trace will be constructed to the required Land Subdivision Regulation standards, including traffic calming and signage to discourage industrial traffic from utilizing the local street system. He said that the applicant is proposing detention areas along the western portion of the development and a public space area. He said that parking is proposed along Spurr Road along with a landscape buffer. He then pointed to the S-curve along Spurr Road, which is an inadequate roadway for this type of land use. He said that the applicant is proposing to construct the half-section on their property that will separate the traffic traveling west-bound, which will reduce the number of potential conflicts.

Mr. Martin pointed to the proposed B-3 zone and the location of the buildings, the parking areas, and a detention basin on the north side. He said the applicant is proposing a right-in/right-out from Georgetown Road. This will be contingent upon the State's approval and will be subject to a waiver in the future, because of the spacing between the access point and the Spurr Road intersection. There may be another waiver request for the proposed access onto Spurr Road near the location of the outlots. He added that staff is concerned with the number of drive-through facilities that can be approved on the site because of the traffic impact on the road system and on the intersection of Georgetown Road and Spurr Road.

Mr. Martin said that the staff is recommending the access points to Spurr Road and to Georgetown Road be determined at the time of the Final Development Plan or a Preliminary Subdivision Plan. He said that both of these plans address infrastructure and the timing of the adequate infrastructure is imperative as the property develops. He added that the staff would like the access point located on the S-curve to be removed from the plan, because of its location and potential safety concerns. He said that the Subdivision Committee did recommend approval of this development plan.

Commission Questions – Mr. Pohl asked if there were any discussions regarding the relationship and possible impacts this improvement may have on the Linlee School. Mr. Martin said that the applicant is proposing to align the access point with the school entrance.

Traffic Impact Study – Mr. Emmons summarized the traffic impact study and said that Transportation Planning staff reviews the roadway infrastructure as if the proposed zoning were in place. He said that previously, the Transportation Planning staff recommended disapproval of the proposed uses because the roadway infrastructure was inadequate. The applicant submitted a revised application and development plan and now the Transportation Planning staff is cautiously optimistic that the transportation infrastructure will be adequate for the proposed uses at this time. He said that the proposed right-in/right-out from Georgetown Road and the half-section improvements of the S-curve on Spurr Road will require much further detailed engineering designs at the time of the Final Development Plan. He added that Georgetown Road and Spurr Road are both state roadways and will need to be permitted and approved by the Kentucky Transportation Cabinet. He said that the Transportation Planning staff doesn't have any further recommendations to add to the development plan.

Mr. Baillie said that within the Google Drive, there were three letters of support submitted for this application.

Commission Questions – Mr. de Movellan asked Mr. Emmons for his opinion on the change of traffic impact from the current zone to the proposed zone. Mr. Emmons said that the amount of traffic is a consideration with large industrial users, but mostly it's the type of traffic that is generated. With any industrial park, there will be an increase of semi-trucks and the concern of them not being able to maneuver through the S-curve. He said that residential and retail have more of an impact on traffic during the peak hours, whereas industrial users have more impact during the day, especially during lunch time and early evenings.

Mr. Pohl asked why only the westbound traffic of Spurr Road is being realigned at the S-curve and not both directions. Mr. Emmons said that the applicant is building their half-section and sometime in the future, the government would build the eastbound direction of Spurr Road.

Applicant Presentation – Mr. Darby Turner and Branden Gross, attorneys; Mike Woolum John Barlow, Julie Barlow, Reese Miller, and Daniel Miller, were present representing the applicant. He thanked the staff for the discussions and the work that has been involved with this proposal. He said that he is pleased with their willingness to formulate creative solutions to difficult problems, with the exception of the final recommendation. In regards to the preliminary development plan, they understand that there is a great deal of work to go. They are in agreement with the staff's recommendations and conditions for the development plan.

Mr. Turner displayed the development plan and said that there is a ten-foot multi-use path that has been created from the Norfolk Southern Railroad to the commercial area, along Spurr Road, which they believe is a significant feature of this proposal. He said that there is an 8-foot path traveling south along Sullivans Trace, which connects to the 10-foot path. This pathway and Sullivans Trace creates the connectivity between the residential and the industrial zones.

Mr. Turner believes that this proposal is in agreement with the 2018 Comprehensive Plan for many of the reasons that staff says that it isn't. He displayed an aerial photo of the subject property and said that there is currently industrial uses located on three sides of the property. He said that the issue is where the boundary line goes for the separation of industrial and the residential uses: where they have it proposed or on Spurr Road, which is a very active collector street. He said that having the two uses abut each other, with buffering, is a significant aspect to this proposal.

Mr. Turner said that they had multiple meetings with the residents, which have resulted in an agreement with the proposed buffering and traffic calming devices and are opposed to further residential development. He added that they have received three letters from neighborhood residents, which consists of 17 properties. He said that these residents are also looking forward to the retail uses. He said that if residential were to be built on this location, there wouldn't be much more connectivity other than Sullivans Trace and the proposed pathway. The residents were adamant that they do not want any integrated connection between them and the industrial property. He said they believe that have satisfied the neighbors, as well as some of the significant infrastructure

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concerns of the staff. He said they believe that Spurr Road is an industrial corridor and is difficult to blend with a residential corridor in this area. He said that this is a way for particular uses to co-exist with little impact on each other.

Mr. Turner displayed a map of zones and said in regards to the staff's concern of the location of industrial land use abutting a residential land use that there is currently an industrial use to the north of the subject property, which abuts a residential zone. He then pointed to several other areas that also abut residential zones and said that some have minimal buffering or a 4-foot stone wall. He added that this is not an unusual situation and that it has worked very well for these other areas. He said that the context of this property is larger than a sliver of land from Sandersville Road to the Kearney Hills residential area. He said that that the context is the Georgetown Road corridor and includes some retail and some B-3 uses, but there are not any commercial services along this corridor to serve residents and employees.

Mr. Turner said in regards to the staff's other concern of integration of new development with historical development, he said that the historical area does not only apply to the residential area to the north, but also to the industrial area to the south and to the east of the subject property. He believes that the integration is already there. He said that Mr. Baillie commented on Design Policy #12, that new development should support neighborhood level commercial uses. Mr. Turner said they disagree and that the Design Policy #12 states to support neighborhood level commercial areas. He continued that "in many neighborhoods developed decades ago, the commercial areas were designated to serve as neighborhood focal points but become poorly utilized or have slowly deteriorated and need additional investment." He added that this is focused on centers in an economically viable location where they can survive, function and thrive. He doesn't believe that a neighborhood business can be supported by the residential area to the north of this property. He said that it needs to be supported by a larger neighborhood area.

Mr. Turner then said in regards to Design Policy #4, they believe that something should be complimentary to adjacent neighborhoods and communities. There should be a connection, which there is a road extending through the two uses and a multi-modal path for bicycles and pedestrians. He believes that they are in compliance with this design policy.

Mr. Turner said in response to Mr. Pohl's question pertaining to the S-curve on Spurr Road; that the obligation of the developer is to bring the roadway along their property up to standards, which they have always been in agreement with. He said that the concern is who will complete the other side of the S-curve.

Mr. Turner said that Ray Daniels is on the teleconference to speak about the concern of jobs.

Commission Questions – Ms. Plumlee asked if a sidewalk will be constructed along Spurr Road and what the total acreage of the B-3 zone is. Mr. Baillie said that the total acreage of the B-3 zone is 7.98 net and 9.12 gross acres. Mr. Turner said that a 10-foot multi-use path will be constructed instead of a sidewalk.

Mr. Wilson asked if the applicant had any communication with the Oakwood Neighborhood. Mr. Turner said they did not, because it is not very close to the subject property. He only used that neighborhood as an example of residential and industrial zones co-existing next to each other.

Citizens in Support - Mr. Ray Daniels, Chair of Commerce Lexington, highlighted the letter received from Gina Greathouse. He said "Commerce Lexington works collaboratively with many strategic partners: city and state governments; workforce and minority development organizations; officials in surrounding counties; representatives from our signature equine industry; and the University of Kentucky. Their primary mission is to create new jobs that pay more than prevailing wage, increase the amount of income coming into our community from outside its market area, and create greater capital investment in our community. The strategy is to achieve this in several diversified industries, thereby strengthening our overall economy." He said that the Blue Grass Business Park has 1,688 jobs and demonstrates how light industrial land brings good jobs and capital investment to the City of Lexington. They believe they have demonstrated the Blue Grass Business Park, a light industrial zoned land for strategic economic purposes and demonstrated how essential the site selection process is in finding and keeping skilled workforce. He said that the City of Lexington needs more shovel-ready, light industrial land for the expansion of our existing businesses. He added that currently there are businesses that are looking outside of Lexington, because of the lack of options available to them. He also read that "one of the primary purposes for moving away from the Land Use map was to provide opportunities for innovation and creativity through flexibility and that spirit still remains." They believe that this location is a natural fit and will work as Commerce Lexington has already had requests from companies for information related to their location at this site. He added that Commerce Lexington asked the Planning Commission to address this need, to enable our community to continue to attract new large job creating projects and accommodate the needs of our existing businesses that wish to expand within the Urban Service Area boundary.

Brad Olsen, 2717 Kearney Creek Lane, said that his property abuts the subject property. He said that there had been five neighborhood meetings with the applicant where the buffer and landscape had been negotiated. He asked what was going to be located in his back yard, what the height of the building will be and the setbacks be, how will this impact the privacy of his single-family home, and how will this affect the value of my home. He said that they have worked out many of these concerns with the applicant and he understand what could be built there under the R-3 zone. He said that there were concerns regarding creating a cohesive community and development, which he believes is important. He added that there are still vacant plots in his neighborhood, as well as many other opportunities for single-family and multi-family homes to be built within this subdivision. He said that proposed

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businesses in the B-3 zone will be convenient and the jobs from the industries are speculative until it is determined what will be there.

Mr. Turner concluded by stating that jobs are extremely important within Fayette County for revenue in the County. He then presented Findings of Fact in favor of the zone changes, as follows:

The requested zone map amendment to the Light Industrial (I-1) and Highway Service Business (B-3) Zones is in compliance with the adopted 2018 Comprehensive Plan for the following reasons.

1. The request meets the provisions of Design Policy #4 - to provide development that is sensitive to the surrounding context. The surrounding context here is a mix of residential and industrial development. It provides a road connection to Spurr Rd for the existing adjacent residential development. It provides a 10-foot intermodal path connection along Spurr Road to the retail and industrial development which ties to the new road connection to the residential. It is sensitive to the adjacent residential neighborhood. After a number of meetings with the residents an agreement was reached to provide additional screening, buffering and land utilization for the adjoining neighbors. The proposed uses are complementary uses in the area providing jobs, retail opportunities and professional service opportunities.
2. The request meets the provisions of Design Policy # 12 - support neighborhood level commercial areas. The proposal is for B-3 zoning but restricted to B-1 uses. The neighborhood is larger in context than simply the adjacent residential area to the north. It includes existing and proposed industrial areas interspersed with neighborhood areas, much the same as requested here. The proposed location and orientation provide encouragement for investment and opportunities for the commercial center to thrive and support the surrounding larger contextual area.
3. The request meets Theme C, the Prosperity Policy and the Livability Policy #9 - creating jobs and prosperity. Industrial/jobs land has been shown to be limited in our community. This zone change to I-1 will increase the availability of jobs land and employment opportunity for the larger neighborhood and community. The B-3 land will also provide additional employment opportunities for those in the larger neighborhood and community.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions in the Light Industrial (I-1) Zone are recommended via conditional zoning:
 - a. Prohibited Uses:
 - i. Columbariums and crematories;
 - ii. Penal or correctional institutions;
 - iii. Refuse dumps, landfills or incinerators;
 - iv. Grain drying;
 - v. Automobile race tracks;
 - vi. Laundry (excluding self-service laundry), clothes cleaning or dyeing shop;
 - vii. Commercial wood lots;
 - viii. Below-ground storage of any flammable or nonflammable gas or oxidizer in liquid or gaseous form (except for use with automobile and truck service or refueling station or major or minor automobile and truck repair);
 - ix. Concrete mixing and concrete products production; and
 - x. Mining of non-metallic minerals
 - b. These restrictions are appropriate and necessary for the following reasons:
 - i. To reduce the potential impact of allowable industrial uses on the adjacent neighborhood.
 - ii. To reduce the potential impact of allowable industrial uses on the Royal Spring Aquifer Wellhead.
5. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions in the Highway Service Business (B-3) are recommended via conditional zoning:
 - a. Prohibited Uses:
 - i. Establishments and lots for the display, rental, sale, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items;
 - ii. Motel or hotel;
 - iii. Indoor amusements, such as billiard or pool halls, dancing halls, skating rinks, miniature golf or putting courses, theaters or bowling alleys;
 - iv. Garden centers;
 - v. Parking structures;
 - vi. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers; and
 - vii. Commissaries for preparation of food for restaurant use.
 - b. These restrictions are appropriate and necessary for the following reasons:
 - i. To reduce the potential impact of allowable highway service business uses on the adjacent neighborhood.

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6. This recommendation is made subject to approval and certification of PLN-MJDP-20-00001: RAMSEY SULLIVAN PROPERTY (FKA BELMONT INDUSTRIAL PARK TRACT 1), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

Mr. Turner said that he is available for any questions.

Commission Questions – Mr. Forester asked Mr. Turner if he had submitted the proposed findings to Ms. Jones for her review. Mr. Baillie added that Ms. Jones has received them and is available for discussion.

Ms. Plumlee asked what type of buffering and screening there will be between the neighborhood and this site. Mr. Turner said landscape buffering is being tailored to the individual lots. He displayed a drawing that depicted a 25-foot buffer along most of the single-family homes, a 30-foot buffer near the railroad. He said that depending upon the landowner's desire, there will be a combination of fencing and hedges placed on the south side of the buffer zone.

Mr. Pohl asked for clarification of why the current zoning is inappropriate. Mr. Turner said the statute to support a zone change is to find that it is in compliance with Comprehensive Plan. In the absence of that finding the applicant must find that the current zoning is inappropriate and the proposed zone is appropriate, or the applicant can find that there have been changes in the economic and social nature that were not an option of the Comprehensive Plan. He said that they believe this proposal is in compliance with the Comprehensive Plan and these are all alternative routes that can be taken. He said that they had submitted a justification for approval based on the Comprehensive Plan.

Mr. Bell asked for clarification of the access to the property that is located on the S-curve. Mr. Turner said that is a condition from the staff and they agree to remove it from the development plan.

Mr. Penn asked if this land is now needed for industrial uses and no longer as residential. Mr. Turner said that there is need for large track industrial land. Mr. Penn then said that he is concerned for the residential community to the north. They purchased their properties with the assumption that this land would be residential and now it's going to be industrial. Mr. Turner said that had at least five meetings with those neighbors and went over their proposal and addressed the neighbors' concerns. Mr. Penn said that the issue now is how to create buffering between residential zones and industrial zones. Mr. Turner added that those uses have already been mixed along this corridor and it seems to be working.

Mr. de Movellan asked if there were any citizens opposed to this proposal. Mr. Forester said that he asked and no one came forward.

Staff Rebuttal – Mr. Baillie said that the applicant has worked with the neighborhood in regards to the buffering, and the staff recommends that it be done in a non-variable situation. It is problematic to screen every property differently and buffering should be the same in all areas. He added that if the Planning Commission adds the conditional zoning restrictions that the applicant has submitted, they should not be variable across the site. There can be variation with hedges or fencing. He said that currently there are not any conditional zoning restrictions that have been proposed to lower the height of any industrial structure in this area. He said the maximum height is 75 feet with a 3-to-1 height to yard ratio.

Mr. Baillie said in regards to Mr. Turner's presentation, that he is correct. This is a focus as to where the boundary line should be located for the separation of industrial and the residential zone. He said that staff's perspective is that, a 70-foot right-of-way is a proper buffer between an industrial land use and a residential land use. When these zones abut each other setbacks and buffers become necessary. He said that the current industrial park has a significant setback with a large portion of greenspace in between any parking, building, and the right-of-way.

Mr. Baillie said that the applicant is displaying a lack of cross connectivity to the east-west, on their development plan. There is a separation across the site to the P-1 zoned area. He said the staff agrees that the industrial areas are typically job producing areas; however, it is not a guarantee with no end-user noted.

Commission Discussion – Ms. Plumlee commended the staff for stating their concerns regarding the connectivity issues and the effect on the neighborhood.

Mr. Bell said that he would like for the applicant and the staff to meet to work out the concerns of the buffer.

Mr. de Movellan asked for comments from the Zoning Committee members as to why they referred this to the full Planning Commission.

Mr. Forester said that he was undecided and that both parties had made a good presentation with their reasons.

Mr. Nicol said that there were good arguments on both sides and the vote was split at the time. He added that this is going to be a difficult decision, which they are asked to do. He said that employment and residential are both needed for our community.

Mr. Pohl said that the argument for jobs depends on certain facilities being created here.

Mr. Penn said that he also has heard good arguments on both sides. He said that the decision is what the best is for our community at this time. He believes that housing is not needed in this area, at this time, but he is undecided as well. He added that this not the Final Development Plan.

Mr. Forester asked if more prohibited uses should be added.

Mr. Wilson said that the intent of the referral recommendation to the Planning Commission was that the applicant and the staff could come to some general concession. He said that he is also undecided.

Ms. Barksdale asked what the applicant said to the neighborhood to make them feel comfortable that a 70-foot building could be constructed on this property. Mr. Turner said height was discussed with the neighbors. He said that typically industrial use buildings are not multi-story and are as high as they need to be in order for their equipment to be utilized. He added that this issue can be discussed further at the time of the Final Development Plan.

Mr. Baillie said that the average height for industrial use buildings is typically between 45 feet and 60 feet.

Mr. Nicol asked Mr. Baillie if they placed a conditional zoning restriction not allowing self storage units, warehouses, and billboards would that help diminish their concern. Mr. Baillie said that it would help with the low-generating employment sectors, but would not diminish the concern regarding the land uses.

Mr. Bell asked for clarification of the buffering between the industrial and the residential zones. Mr. Baillie referred Mr. Bell to Ms. Jones for legal advice. He then said that the staff would recommend that if the Planning Commission were to apply conditional zoning restrictions that relate to the buffering, to make the buffering distance the same throughout the entire property boundary. Also to state their preference of either a fence, hedge or berm between certain height limits.

Mr. Nicol asked for clarification of the setback of a 75-foot building. Mr. Baillie said that the proposed building would need to be 25 feet away for a building the height of 75 feet. He added that the applicant is exceeding that setback. They are proposing 25 feet for the majority of the boundary and 30 feet for another area, which is including a parking area. Mr. Nicol then asked if they do place buffering requirements on this property will it be associated with the development plan. Mr. Baillie said that it could be added as conditional zoning restrictions, as a development plan note, or as a depiction on the development plan. He added that conditional zoning restrictions are preferred because it requires a zone change process and is recorded on the Certification of Land Use Restriction and is noted within the Ordinance for the zone changes.

Applicant Rebuttal - Mr. Turner said in response to Mr. Nicol's comment that they agree to add self-storage, outdoor storage, and billboards to the restricted uses on the subject property. He also said that they agree to a 25-foot buffer surrounding the entire property.

Commission Discussion - Mr. de Movellan asked the applicant to clarify the buffering distance near the private homes, which would be in response to the citizens' letters. Mr. Turner said that a 25-foot buffer is from Sullivans Trace to Georgetown Road and a 30-foot buffer is on the west side of the property, near the detention basin. Mr. de Movellan than asked the staff to clarify their recommendation of 30 feet for the entire boundary. Mr. Baillie said that staff is recommending 30 feet for all of the neighbors along the northern boundary.

Ms. Plumlee said that she is concerned about the type of jobs this area will offer.

Zoning Action – A motion was made by Ms. Plumlee, seconded by Ms. Meyer, and failed 3-8 (Meyer, Plumlee and Wilson in favor; Barksdale, Bell, de Movellan, Forester, Nicol, Penn, and Pohl opposed; Davis abstained) to disapprove PLN-MAR-20-00002: JUBY, LLC (AMD), for the reasons provided by the staff.

A motion was made by Mr. Penn, seconded by Mr. Bell, and carried 11-0 (Davis abstained) to approve PLN-MAR-20-00002: JUBY, LLC (AMD), for the reasons provided by the applicant, with the following conditional zoning restrictions:

4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions in the Light Industrial (I-1) Zone are recommended via conditional zoning:
 - a. Prohibited Uses:
 - i. Columbariums and crematories;
 - ii. Penal or correctional institutions;
 - iii. Refuse dumps, landfills or incinerators;
 - iv. Grain drying;
 - v. Automobile race tracks;

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

- vi. Laundry (excluding self-service laundry), clothes cleaning or dyeing shop;
 - vii. Commercial wood lots;
 - viii. Below-ground storage of any flammable or nonflammable gas or oxidizer in liquid or gaseous form (except for use with automobile and truck service or refueling station or major or minor automobile and truck repair);
 - ix. Concrete mixing and concrete products production; and
 - x. Mining of non-metallic minerals
 - xi. Outdoor storage
 - xii. Self-storage warehouse
 - xiii. Advertising signs (aka Billboard Signs)
- b. A 30-foot wide landscape buffer shall be established along the residential zoning boundary. A 6-foot berm or fence shall also be required.
- c. These restrictions are appropriate and necessary for the following reasons:
- i. To reduce the potential impact of allowable industrial uses on the adjacent neighborhood.
 - ii. To reduce the potential impact of allowable industrial uses on the Royal Spring Aquifer Wellhead.
5. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions in the Highway Service Business (B-3) are recommended via conditional zoning:
- a. Prohibited Uses:
- i. Establishments and lots for the display, rental, sale, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items;
 - ii. Motel or hotel;
 - iii. Indoor amusements, such as billiard or pool halls, dancing halls, skating rinks, miniature golf or putting courses, theaters or bowling alleys;
 - iv. Garden centers;
 - v. Parking structures;
 - vi. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers; and
 - vii. Commissaries for preparation of food for restaurant use.
 - viii. Advertising signs (aka Billboard Signs).
- b. These restrictions are appropriate and necessary for the following reasons:
- i. To reduce the potential impact of allowable highway service business uses on the adjacent neighborhood.

Development Plan Action – A motion was made by Mr. Penn, seconded by Mr. de Movellan, and carried 11-0 (Davis abstained) to approve PLN-MJDP-20-00001: RAMSEY SULLIVAN PROPERTY (FKA BELMONT INDUSTRIAL PARK TRACT 1), with the conditions presented by the staff, as follows:

1. Provided the Urban County Council rezones the property B-3 and 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.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. United States Postal Service Office's approval of kiosk locations or easement.
8. Complete site statistics per Article 21 requirements.
9. Dimension buildings.
10. Denote proposed access to Spurr Road shall be determined at the time of a Preliminary Subdivision Plan and/or Final Development Plan.
11. Denote proposed access to Georgetown Road shall be determined at the time of a Preliminary Subdivision Plan and/or Final Development Plan.
12. Remove proposed access to Spurr Road from B-3 lot at proposed ½ section improvements.
- ~~13. Discuss Placebuilder criteria.~~