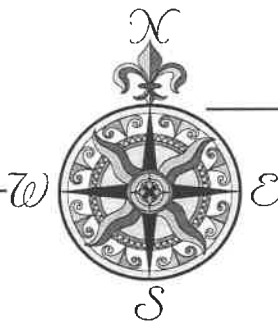


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'Truth lies within a little and certain compass, but error is immense.' Author Unknown

March 7, 2022

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

Re: Proposed zone change for 2417 Georgetown Road

Dear Chairman Forester and Members of the Planning Commission:

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

Description of Property:

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

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

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

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

Goals and Objective of the 2018 Comprehensive Plan:

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

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

Engagement:

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

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

Place-Type , Development Type and Requested Zoning:

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

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

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

Development Criteria:

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

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

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

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

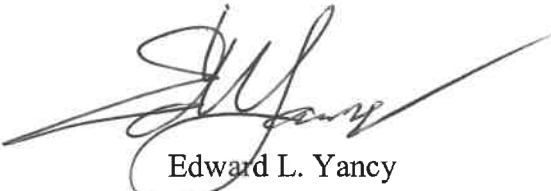
D-PL7-1 As discussed above, existing businesses have been consulted and are either supportive or do not object to the zone change request.

Conclusion

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

Thank you for your consideration of this zone application.

Sincerely,



Edward L. Yancy

ELY:mmi