

ORDINANCE NO. 10 - 2019

AN ORDINANCE CHANGING THE ZONE FROM AN AGRICULTURAL RURAL (A-R) ZONE TO A LIGHT INDUSTRIAL (I-1) ZONE, FOR 11.52 NET (11.82 GROSS) ACRES, FOR PROPERTY LOCATED AT 5301 ATHENS BOONESBORO ROAD. (IVCP ATHENS, LLC; COUNCIL DISTRICT 7).

WHEREAS, at a Public Hearing held on January 24, 2019, a petition for a zoning ordinance map amendment for property located at 5301 Athens Boonesboro Road from an Agricultural Rural (A-R) zone to a Light Industrial (I-1) zone, for 11.52 net (11.82 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 6-1; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone for property located at 5301 Athens Boonesboro Road from an Agricultural Rural (A-R) zone to a Light Industrial (I-1) zone, for 11.52 net (11.82 gross) acres, being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

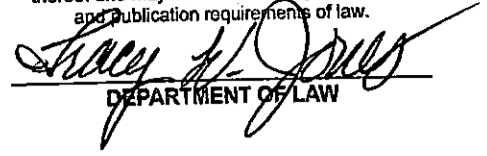
Section 2 - That the granting of this zone change is made subject to the following use restrictions as conditions of granting the zone change:

Under the provisions of Article 6-7 of the Zoning Ordinance, the following landscape buffers and prohibited uses shall apply to the subject property via conditional zoning:

- a. Landscape Buffers (in addition to the requirements of Article 18 of the Zoning Ordinance)
 1. Along the eastern boundary of the subject property, adjacent to Interstate 75, a 25-foot wide landscape buffer shall be provided.
 2. Included in the landscape buffer shall be evergreen trees planted every 20 feet, staggered on center in two rows.
- b. Prohibited Uses:
 1. Establishments and lots for the display, rental, sale, service and minor repair of mobile homes.

CERTIFICATE

I do hereby certify that the title to this enactment contains an accurate synopsis of the contents thereof and may be used to satisfy the reading and publication requirements of law.


DEPARTMENT OF LAW

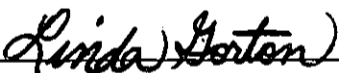
2. Ice Plant.
3. Tire re-treading and re-capping.
4. Truck terminals and fright yards.
5. Major or minor automobile and truck repair.
6. Establishments for the display and sale of precut, prefabricated or shell homes.
7. Rental Storage yard.
8. Commercial wood lots.
9. Outdoor material storage and sales as otherwise permitted.
10. Advertising signs, also known as billboards, as regulated by Article 17 of the zoning ordinance.

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

Section 3 - That the Lexington-Fayette Urban County Planning Commission is directed to show the amendment on the official zone map atlas and to make reference to the number of this Ordinance.

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

PASSED URBAN COUNTY COUNCIL: March 7, 2019



MAYOR

ATTEST:



CLERK OF URBAN COUNTY COUNCIL

Published: March 14, 2019-1t

LEGAL DESCRIPTION

IVCP Athens LLC
Zone Change from A-R to I-1
5301 Athens Boonesboro Road
Lexington, Fayette County, Kentucky

A TRACT OF LAND SITUATED NORTHWEST OF THE INTERSECTION OF INTERSTATE 75 AND ATHENS BOONESBORO ROAD WITH AN ADDRESS OF 5301 ATHENS BOONESBORO ROAD IN LEXINGTON, FAYETTE COUNTY, KENTUCKY AND MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

Beginning at the southern most property corner, said point being in the westerly right of way of Interstate 75, said point also being common to the northeast corner of 5365 Athens Boonesboro Road; thence leaving the right-of-way of Interstate Highway 75 and along the line of 5365 and 5355 Athens Boonesboro Road, N 60° 07' 15" W 642.78' feet to a point, said point being a common property corner to 5355 and 5191 Athens Boonesboro Road; thence leaving the common line with 5355 Athens Boonesboro Road and with the common line of 5191 Athens Boonesboro Road for two calls: S 19° 46' 49" E 160.42' feet to a point; thence N 37°33'48" W 266.41' feet to a point, said point monumented with an iron pin and cap found (#3252), said point being common to the south property line of 5085 Athens Boonesboro Road; thence leaving the common line with 5191 Athens Boonesboro Road and with the common line of 5085 Athens Boonesboro Road, N 69°31'12" E 948.06 feet to a point, said point being monumented by an iron pin and cap found (#3252), said point being in the westerly right-of-way of Interstate 75; thence along the westerly right-of-way of Interstate Highway 75 for four calls: S 07°02'49" W 380.42 feet to a point; thence S 13°13'44" E 206.42 feet to a point; thence S 09°17'46" W 392.34 feet to a point; thence S 46° 00' 09" W 68.82 feet to the point of beginning and containing 11.82 acres.

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

IN RE: **PLN- MAR-18-00028: IVCP ATHENS, LLC** - petition for a zone map amendment from an Agricultural Rural (A-R) zone to a Light Industrial (I-1) zone, for 11.52 net (11.82 gross) acres, for property located at 5301 Athens Boonesboro Road. (Council District 7)

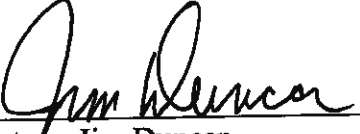
Having considered the above matter on **January 24, 2019**, at a Public Hearing, and having voted **6-1** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **CONDITIONAL APPROVAL** of this matter for the following reasons:

1. The requested Light Industrial (I-1) zone is in agreement with the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
 - a. The increase in land available for industrial uses will support and showcase local assets to further the creation of a variety of jobs by strengthening efforts to develop a variety of job opportunities (Theme C, Goal #1.a).
 - b. The availability for greater job opportunities can also foster the success and growth of large employment sectors; protect and provide readily available economic development land to meet the needs for jobs; and potentially enable development that creates jobs near where people live. (Theme C, Goal # 1.d).
 - c. The increase in available industrial land will promote sectors of the economy that will aid in the economic opportunities and help attract young professionals (Theme C, Goal #2.a).
 - d. The proposal promotes the use of underutilized land in a way that enhances the existing urban form (Theme E, Goal #1.a and 1.b).
 - e. The Light Industrial (I-1) zone implements the stated goals and objectives to support employment growth, to provide readily available economic development land, and utilizes vacant land in a compatible manner.
2. The requested Light Industrial (I-1) zone is in agreement with the 2017 Rural Land Management Plan as it emphasizes the maximization of the land use to produce employment opportunities without modifying the current boundaries. The future land use element recommends Light Industrial land use.
3. This recommendation is made subject to approval and certification of **PLN-MJDP-18-00102: JFG Enterprises, Inc. (IVCP Athens, LLC)**, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
4. **Under the provisions of Article 6-7 of the Zoning Ordinance, the following prohibited uses and landscape buffers shall apply to the subject property via conditional zoning:**
 - a. **Landscape Buffers (in addition to the requirements of Article 18 of the Zoning Ordinance)**
 - 1) **Along the eastern boundary of the subject property, adjacent to Interstate 75, a 25-foot wide landscape buffer shall be provided.**
 - 2) **Included in the landscape buffer shall be evergreen trees planted every 20 feet, staggered on center in two rows.**
 - b. **Prohibited Uses:**
 - 1) Establishments and lots for the display, rental, sale, service, and minor repair of mobile homes.
 - 2) Ice Plant.
 - 3) Tire re-treading and re-capping.
 - 4) Truck terminals and freight yards.
 - 5) Major or minor automobile and truck.
 - 6) Establishments for the display and sale of precut, prefabricated, or shell homes.
 - 7) Rental Storage yard.

- 8) Commercial wood lots.
- 9) Outdoor material storage and sales as otherwise permitted.
- 10) Advertising signs, also known as billboards, as regulated by Article 17 of the Zoning Ordinance.

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

ATTEST: This 8th day of February, 2019.


Secretary, Jim Duncan

WILLIAM WILSON
CHAIR

Note: The corollary development plan, PLN- MJDP-18- 00102: JFG ENTERPRISES, INC. (IVCP ATHENS, LLC) was approved by the Planning Commission on January 24, 2019 and certified on February 7, 2019.

K.R.S. 100.211(7) requires that the Council take action on this request by April 24, 2019.

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

OBJECTORS

- Fred Eastridge, ECSI, LLC; 340 South Broadway, representing JFG Enterprises
- Bub Crutcher, 284 Blue Sky Pkwy
- Mr. Dick Murphy, attorney present on behalf of adjoining property owners, Encore Partners

OBJECTIONS

- Distributed copy of resolution for the pump station. Concerned about the pump station being moved.
- Concerned about the increased use of the pump station.
- Concerned about entrance roadway, access to his clients property and maintaining a sanitary sewer easement.

VOTES WERE AS FOLLOWS:

AYES: (6) Berkley, Forester, Mundy, Nicol, Owens, and Wilson

NAYS: (1) Plumlee

ABSENT: (4) Bell, Brewer, Penn, and Pohl

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-18-00028** carried.

Enclosures: Application
Plat
Staff Report
Applicable excerpts of minutes of above meeting

MAP AMENDMENT REQUEST (MAR) APPLICATION

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

Applicant: IVCP ATHENS LLC, 810 BULL LEA RUN FL 3, LEXINGTON, KY 40511
Owner(s): IVCP ATHENS LLC, 810 BULL LEA RUN FL 3, LEXINGTON, KY 40511
Attorney: NATHAN BILLINGS, 111 CHURCH ST, STE 300, LEXINGTON, KY 40507

2. ADDRESS OF APPLICANT'S PROPERTY

5301 ATHENS BOONESBORO RD., LEXINGTON, KY

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

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
A-R	Pump Station / Vacant	I-1	Warehousing	11.52	11.82

4. 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 checked="" type="checkbox"/> NO

5. URBAN SERVICES STATUS (Indicate whether existing, or how to be provided)

Roads:	To Be Constructed
Storm Sewers:	Not Applicable
Sanity Sewers:	To Be Constructed
Refuse Collection:	Private
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



BILLINGS LAW FIRM^{PLLC}
COUNSELORS-AT-LAW

JOHN N. BILLINGS, ESQ.
nbillings@blfky.com

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Lexington, Kentucky 40507
(o) (859) 225-5240
(f) (859) 225-5241

November 26, 2018

Lexington-Fayette Urban County Planning Commission
Lexington-Fayette Urban County Government
101 East Vine Street
Lexington, KY 40507

Re: Zone change request for 5301 and 5305 Athens Boonesboro Road (the "Property")

Dear Members of the Planning Commission:

I represent IVCP Athens LLC ("IVCP" or "Applicant"). I filed a zone change request for properties located at 5301 and 5305 Athens Boonesboro Road. I filed the following documents in support of the zone change request:

1. Zone change application (Accela)
2. Legal Description
3. Property Information
4. Notification Map
5. Notification List of Surrounding Property Owners
6. Notification Letter
7. Stamped and Addressed Envelopes for Notification Letters
8. Property Deed
9. Preliminary Subdivision Plan for the Property

The Property consists of 11.52 acres. IVCP's request is to rezone Agricultural Rural (A-R) zone to Light Industrial (I-1) zone. The Property is currently vacant, except for a small pump station located at 5305 Athens Boonesboro which will be relocated as part of the development plan. The zone change request is for a project to develop light industrial uses—specifically, warehousing—near the I-75 corridor and Blue Sky Rural Activity Center ("Blue Sky") to support current nearby industry and future development. Pursuant to the Rural Land Management Plan, Blue Sky is recommended primarily for warehousing, light industrial, and interstate commercial development. The Property is situated in the northwest quadrant of the Athens Boonesboro Road/I-75 intersection. Its eastern border is I-75, and the southern border is two parcels fronting Athens Boonesboro Road which are already zoned B-5P. Just across I-75 is another small B-5P zone and, importantly, Blue Sky, which contains 113 parcels of I-1 Light

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November 26, 2018
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Industrial zoning. Currently, the Property is one of the few remaining parcels immediately surrounding this Blue Sky/I-75 area which is restricted to A-R zoning. Granting the zone change request will support the nearby existing industry and be consistent with surrounding uses without changing the overall appearance, accessibility, and character of the area.

This request is in full compliance with the 2013 Comprehensive Plan, the Goals and Objectives of the 2018 Comprehensive Plan, and the 2017 Rural Land Management Plan. First, the project will support, develop, and enhance economic growth in the I-75 corridor. Second, the zoning request will place the Property into a zone class typically found at or near interstate interchanges. Third, the request will allow the Property—currently vacant—to have a more productive and beneficial use for the good of surrounding businesses and residents. Fourth, the zone change will allow needed light industrial uses to occur near the I-75 corridor, which has the capacity for increased traffic. Further, by placing this light industrial zone near the I-75 corridor and Blue Sky, Lexington-Fayette County will benefit from increased economic and employment opportunities without adding to traffic congestion within the Urban Service Area where most residents live and work.

2013 & 2018 COMPREHENSIVE PLANS¹

THEME A: GROWING SUCCESSFUL NEIGHBORHOODS

GOAL 3: Provide well-designed neighborhoods and communities.

Objectives:

- a. Enable existing and new neighborhoods to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment to expand options for mixed-use and mixed-type housing throughout Lexington-Fayette County.
- c. Minimize disruption of natural features when building new communities.

The requested zone change will not fundamentally alter the existing character of the surrounding area. No natural features will be disrupted.

¹ The applicable and referenced themes, goals, and objectives are found in substantially identical forms in both the 2013 Comprehensive Plan and the Goals and Objectives approved to be included in the soon-finalized 2018 Comprehensive Plan.

THEME C: CREATING JOBS AND PROSPERITY

GOAL 1: Support and showcase local assets to further the creation of a variety of jobs.

Objectives:

- a. Strengthen efforts to develop a variety of job opportunities that lead to prosperity for all.
- d. Foster the success and growth of large employment sectors; protect and provide readily available economic development land to meet the needs for jobs; and enable infill and redevelopment that creates jobs where people live.

The requested zone change will provide new employment and economic opportunities for its part of Lexington-Fayette County. The Property is located near a high-capacity roadway (I-75) that can easily serve the new zoning and proposed uses without further congesting the Urban Service Area.

GOAL 2: Attract the world's finest jobs, encourage entrepreneurial spirit, and enhance our ability to recruit and retain a talented, creative workforce by establishing opportunities that embrace diversity with inclusion in our community.

Objectives:

- a. Identify and promote sectors of the economy that will flourish in Lexington-Fayette County.
- d. Provide entertainment and other quality of life opportunities that attract young professionals and a workforce of all ages and talents to Lexington.

The proposed warehousing use will add needed economic infrastructure and employment opportunities in an area which has already been successful in serving these purposes.

THEME D: IMPROVING A DESIRABLE COMMUNITY

GOAL 1: Work to achieve an effective and comprehensive transportation system.

Objectives:

- c. Improve traffic operation strategies.

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By locating this use nearby Blue Sky and with easy access to two major roadways, there should be little if any net addition to traffic in Lexington-Fayette County.

**THEME E: MAINTAINING A BALANCE BETWEEN PLANNING FOR URBAN USES
AND SAFEGUARDING RURAL LAND**

GOAL 2: Support the agricultural economy, horse farms, general agricultural, and the character of the Rural Service Area.

Objectives:

- b. Protect and enhance the natural, cultural, historic, and environmental resources of Lexington-Fayette County's Rural Service Area and Bluegrass farmland to help promote the general agricultural brand and ensure Lexington-Fayette County remains the Horse Capital of the World.

The proposed change is in an area which is already developed. The Property is adjacent to existing interstate commercial uses and a proposed hotel, and is within a short distance from Blue Sky. In short, the area is already commercially developed and the proposed zoning and use will not fundamentally alter the character of the Rural Service Area.

GOAL 3: Maintain the current boundaries of the Urban Service Area and Rural Activity Centers; and create no new Rural Activities Centers.

While the project is designed to take advantage of the proximity to I-75 and Blue Sky, the project is not an expansion of Blue Sky, which is on the opposite side of the highway. The proposed uses would be consistent with nearby interstate commercial, business, and light industrial zoning, but would not expand Blue Sky or alter the Urban Service Area boundary.

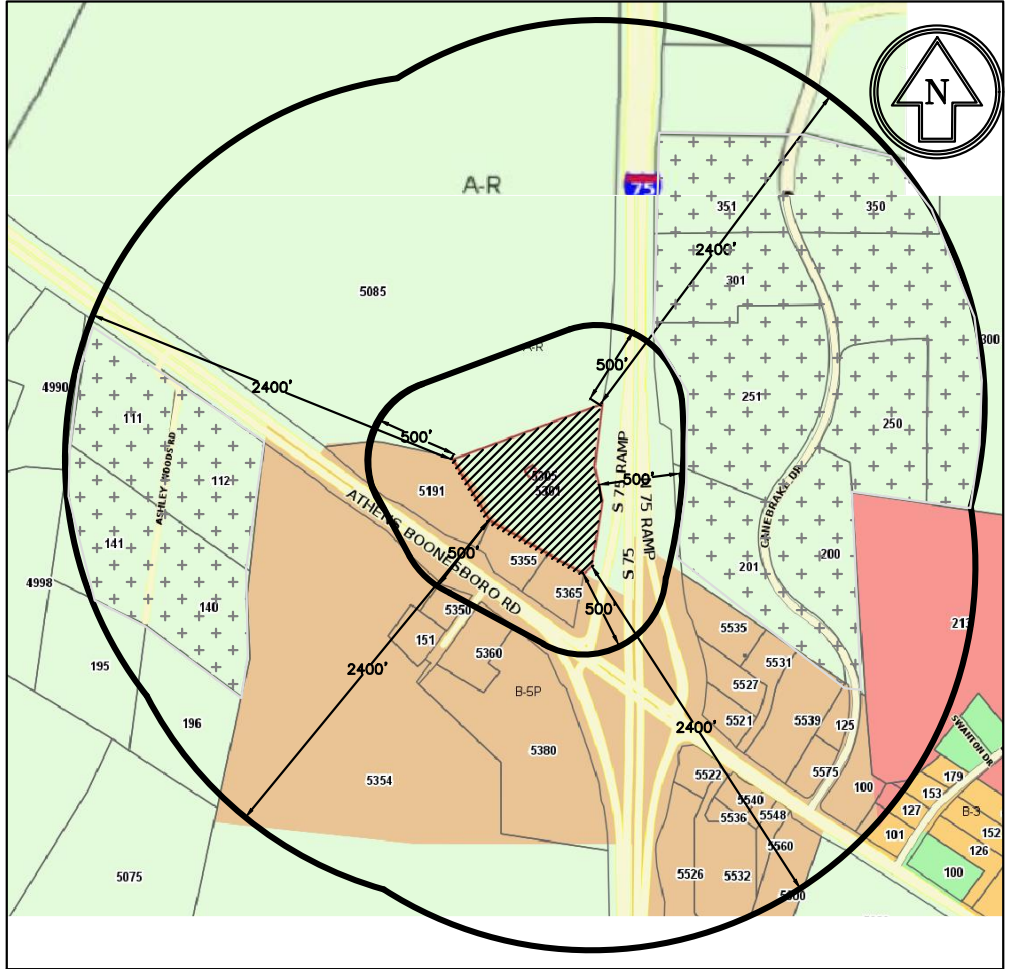
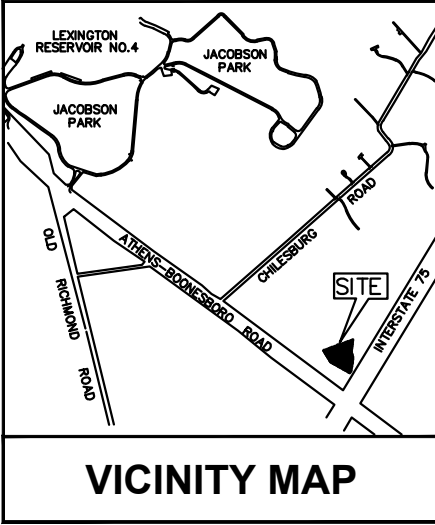
The existing A-R zoning is inappropriate because the parcel is adjacent to a major interchange and is among the only such parcels not zoned for an appropriate interstate commercial use. I-1 zoning will allow the area to be better served and supported, and will put now-vacant agricultural land to a more productive, beneficial use without a significant change to the character of the area.

I appreciate your time and attention to this zone change request, and I look forward to fully presenting the project to you soon.

Sincerely,

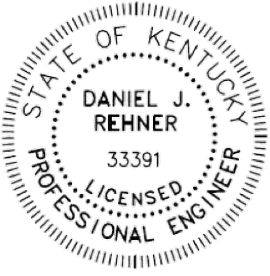
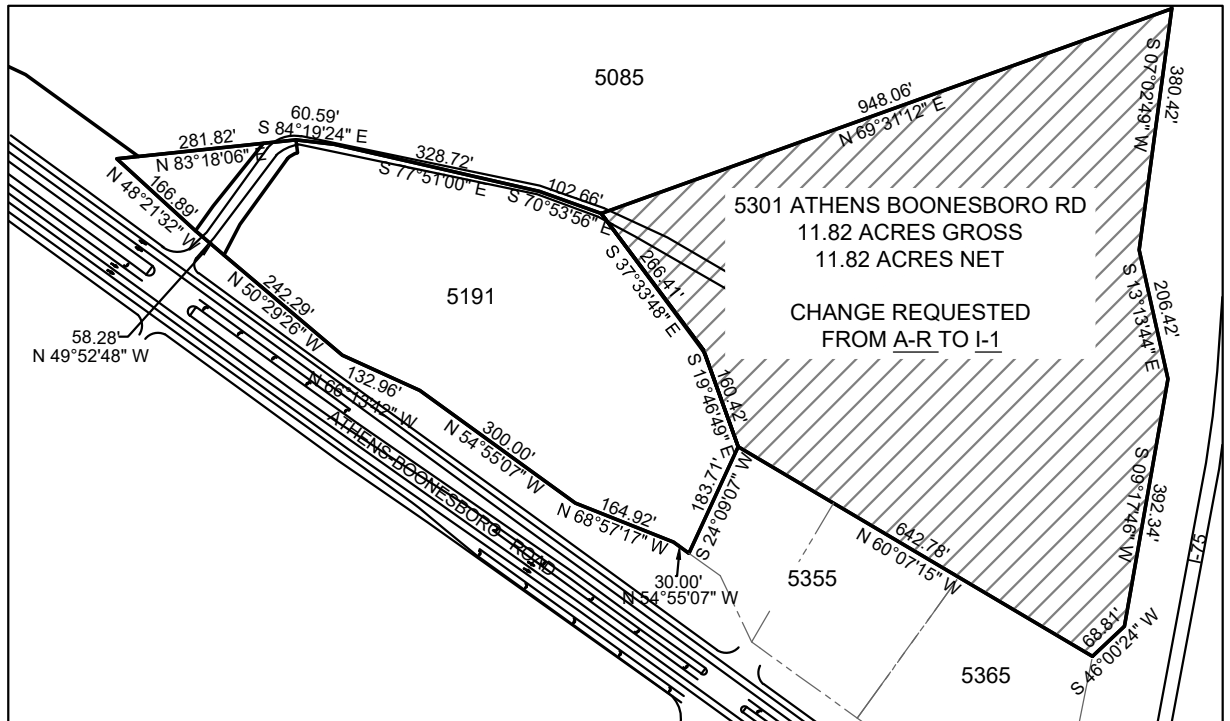

John N. Billings

NOTIFICATION MAP



SUPPLEMENTAL NOTIFICATION AREAS

NOTIFICATION MAP - 1"=1200'
PROPERTY MAP - 1"=300'
VICINITY MAP - NTS

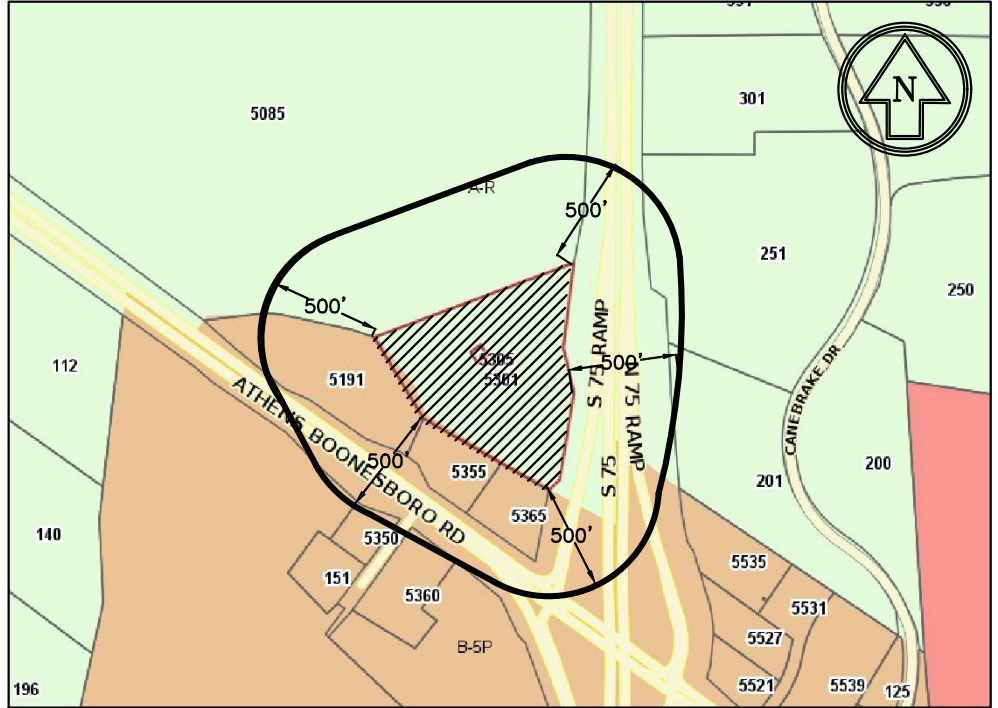
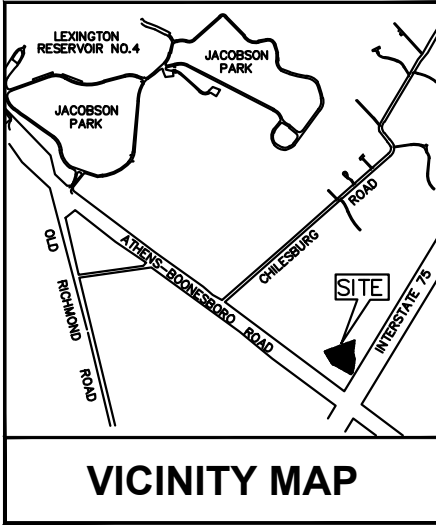


THOROUGHbred ENGINEERING
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 (502) 863-1756
 CIVIL DESIGN, LAND SURVEYING,
 GEOTECHNICAL ENGINEERING, DRILLING SERVICES,
 IBC SPECIAL INSPECTIONS, MATERIAL TESTING,
 CM-CEI-CONSTRUCTION SERVICES

PROPERTY INFORMATION MAP
 5301 ATHENS-BOONESBORO RD, LEXINGTON, KENTUCKY
 APPLICANT: IVCP ATHENS LLC
 OWNER: IVCP ATHENS LLC
 ADDRESS: 810 BULL LEA RUN FL3, LEXINGTON, KENTUCKY 40511
 PREPARED BY: THOROUGHbred ENGINEERING
 DATE SUBMITTED: NOVEMBER 26TH, 2018

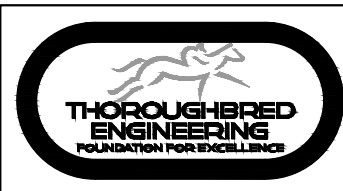
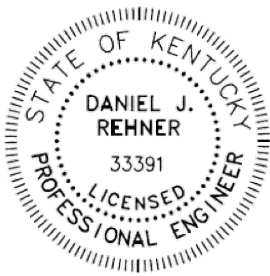
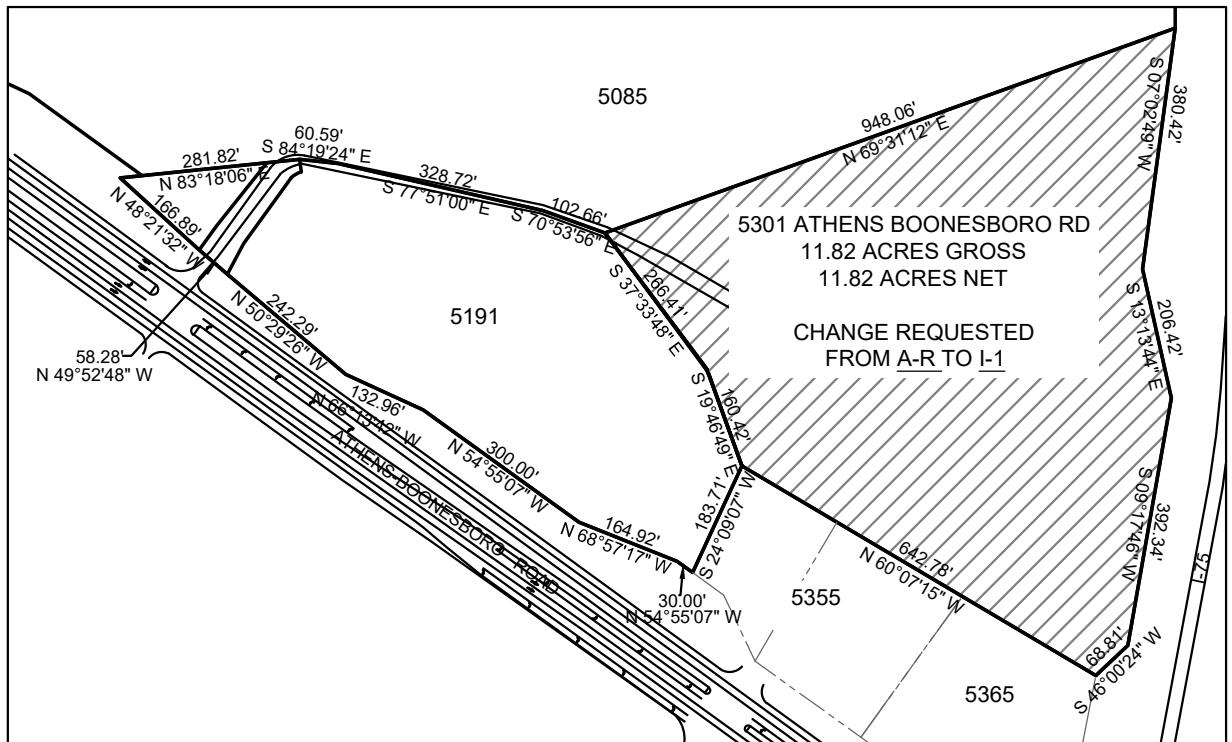
DATE: 11/21/2018
 SCALE: 1" = 1200'
 DRAWN BY: AND
 CHECKED: DJR
 SHEET:

NOTIFICATION MAP



NOTIFICATION MAP - 1"=900'
 PROPERTY MAP - 1"=300'
 VICINITY MAP - NTS

PROPERTY MAP



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 CM-CEI-CONSTRUCTION SERVICES

PROPERTY INFORMATION MAP
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 APPLICANT: IVCP ATHENS LLC
 OWNER: IVCP ATHENS LLC
 ADDRESS: 810 BULL LEA RUN FL3, LEXINGTON, KENTUCKY 40511
 PREPARED BY: THOROUGHBRD ENGINEERING
 DATE SUBMITTED: NOVEMBER 26TH, 2018

DATE: 11/21/2018
 SCALE: 1" = 900'
 DRAWN BY: AND
 CHECKED: DJR
 SHEET: 1

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-18-00028: IVCP ATHENS LLC

DESCRIPTION

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

Acreage: 11.52 net (11.82 gross) acres

Location: 5305 Athens Boonesboro Road

EXISTING ZONING & LAND USE

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

URBAN SERVICES REPORT

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

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

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

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

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

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

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

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

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan’s mission statement is to “provide flexible planning guidance to ensure that development of our community’s resources and infrastructure preserves our quality of life, and fosters regional

planning and economic development.” The Plan’s mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World. In addition, the Plan encourages a mix of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

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

CASE REVIEW

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

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

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

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

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

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

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

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

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

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

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

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

1. The requested Light Industrial (I-1) zone is in agreement with the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
 - a. The increase in land available for industrial uses will support and showcase local assets to further the creation of a variety of jobs by strengthening efforts to develop a variety of job opportunities (Theme C, Goal #1.a).
 - b. The availability for greater job opportunities can also foster the success and growth of large employment sectors; protect and provide readily available economic development land to meet the needs for jobs; and potentially enable development that creates jobs near where people live. (Theme C, Goal # 1.d).
 - c. The increase in available industrial land will promote sectors of the economy that will aid in the economic opportunities and help attract young professionals (Theme C, Goal #2.a).
 - d. The proposal promotes the use of underutilized land in a way that enhances the existing urban form (Theme E, Goal #1.a and 1.b)
 - e. The Light Industrial (I-1) zone implements the stated goals and objectives to support employment growth, to provide readily available economic development land, and utilizes vacant land in a compatible manner.
2. The requested Light Industrial (I-1) zone is in agreement with the 2017 Rural Land Management Plan as it emphasizes the maximization of the land use to produce employment opportunities without modifying the current boundaries. The future land use element recommends Light Industrial land use.
3. This recommendation is made subject to approval and certification of PLN-MJDP-18-00102: JFG Enterprises, Inc. (IVCP Athens, LLC), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions shall apply to the subject property via conditional zoning:

Prohibited Uses:

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

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

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

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REVISED RECOMMENDATION FOR CONDITIONAL ZONING RESTRICTION

PLN-MAR-18-00028: IVCP ATHENS, LLC

4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following **prohibited uses and landscape buffers** shall apply to the subject property via conditional zoning:
- a. **Landscape Buffers (in addition to the requirements of Article 18 of the Zoning Ordinance)**
 - 1) **Along the eastern boundary of the subject property, adjacent to Interstate 75, a 25-foot wide landscape buffer shall be provided.**
 - 2) **Included in the landscape buffer shall be evergreen trees planted every 20 feet, staggered on center in two rows.**
 - b. **Prohibited Uses:**
 - 1) Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
 - 2) Ice Plant.
 - 3) Tire re-treading and recapping.
 - 4) Truck terminals and freight yards.
 - 5) Major or minor automobile and truck repair.
 - 6) Establishments for the display and sale of precut, prefabricated, or shell homes.
 - 7) Rental Storage yard.
 - 8) Commercial wood lots.
 - 9) Outdoor material storage and sales as otherwise permitted.
 - 10) Advertising signs, also known as billboards, as regulated by Article 17 of the Zoning Ordinance.

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

HBB/TLW/DW

1/2/2019. 1/23/2019 Revised CZ

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2. IVCP ATHENS, LLC ZONING MAP AMENDMENT & JFG ENTERPRISES, INC. (IVCP ATHENS, LLC) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-18-00028: IVCP ATHENS, LLC (2/24/19)*- a petition for a zone map amendment from an Agricultural Rural (A-R) zone to a Light Industrial (I-1) zone, for 11.52 net (11.82 gross) acres, for property located at 5301 Athens Boonesboro Road.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The Plan's mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World. In addition, the Plan encourages a mix of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

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

The Zoning Committee Recommended: Approval.

The Staff Recommends: Approval, for the following reasons:

1. The requested Light Industrial (I-1) zone is in agreement with the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
 - a. The increase in land available for industrial uses will support and showcase local assets to further the creation of a variety of jobs by strengthening efforts to develop a variety of job opportunities (Theme C, Goal #1.a).
 - b. The availability for greater job opportunities can also foster the success and growth of large employment sectors; protect and provide readily available economic development land to meet the needs for jobs; and potentially enable development that creates jobs near where people live. (Theme C, Goal # 1.d).
 - c. The increase in available industrial land will promote sectors of the economy that will aid in the economic opportunities and help attract young professionals (Theme C, Goal #2.a).
 - d. The proposal promotes the use of underutilized land in a way that enhances the existing urban form (Theme E, Goal #1.a and 1.b).
 - e. The Light Industrial (I-1) zone implements the stated goals and objectives to support employment growth, to provide readily available economic development land, and utilizes vacant land in a compatible manner.
2. The requested Light Industrial (I-1) zone is in agreement with the 2017 Rural Land Management Plan as it emphasizes the maximization of the land use to produce employment opportunities without modifying the current boundaries. The future land use element recommends Light Industrial land use.
3. This recommendation is made subject to approval and certification of PLN-MJDP-18-00102: JFG Enterprises, Inc. (IVCP Athens, LLC), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions shall apply to the subject property via conditional zoning:

Prohibited Uses:

 - a. Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
 - b. Ice Plant.
 - c. Tire re-treading and recapping.
 - d. Truck terminals and freight yards.
 - e. Major or minor automobile and truck repair.
 - f. Establishments for the display and sale of precut, prefabricated, or shell homes.
 - g. Rental Storage yard.
 - h. Commercial wood lots.
 - i. Outdoor material storage and sales as otherwise permitted.
 - j. Advertising signs, also known as billboards, as regulated by Article 17 of the Zoning Ordinance.

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

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- b. PLN- MJDP-18- 00102: JFG ENTERPRISES, INC. (IVCP ATHENS, LLC) (2/24/19)* - located at 5191 AND 5301 Athens Boonesboro Road.

The Subdivision Committee Recommended: Postponement. There were some questions regarding the proposal complying with Article 21 requirements and plan status.

Should this plan be approved, the following requirements should be considered:

1. Provided the Urban County Council rezones the property L-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. Addition of graphic scale to the face of the plan.
8. Denote and clarify lot coverage and Floor Area Ratio (FAR) per Article 21 of the Zoning Ordinance.
9. Denote: A Final Development Plan shall be required for all lots proposed for Light Industrial zoning.
10. Denote: Timing of the pump station relocation shall be determined at the time of a PSP/Final Development Plan to the approval of the Divisions of Engineering and Water Quality.
11. Denote: Stormwater management shall be resolved at time of a PSP/Final Development Plan.
12. Discuss status and width of proposed street.
13. Discuss potential access to adjoining property.

Staff Zoning Presentation – Mr. Baillie presented the staff report and recommendations for the zone change. He displayed photographs of the subject property and aerial photographs of the general area. He said that the petitioner is proposing to develop an industrial complex but has not provided any details regarding the proposed usage. He said that the subject property is not located within the Urban Service Area; the subject property is located within the Blue Sky Rural Activity Center (RAC). He said that there is a pump station located on the subject property, which the applicant is seeking to relocate to create more developable space, which will necessitate another zone change. He said that the site does have topographical issues.

Mr. Baillie said that the Blue Sky RAC is 406 acres; it is the only not publicly owned RAC and it is currently recommended for warehousing; light industrial; or interstate commercial uses. He said that the petitioner is requesting this zone change in an effort to add available land to support the nearby industry in the Blue Sky RAC. He said that the Rural Land Management Plan provided two recommendations for the RAC's: to maximize employment potential within the existing boundaries of the RAC while avoiding impacts to surrounding agriculture, Rural Settlements and viewsheds; and to conduct a small area plan for the Blue Sky RAC in order to evaluate its potential for maximizing jobs and economic development. These focus on utilizing the limited land for the best possible jobs and economic development, which have only been bolstered by the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan. He said that the staff believes that it is best to seek the intensity of the land, which does not impact viewsheds and employs land uses that engage a larger work force at better wages. He said that the location of the subject property has also been identified by the Rural Land Management Plan as a gateway into the City of Lexington and by the state as a Scenic Corridor. Gateways form the first impression for people entering the Rural Service Area and should be developed in a lasting and favorable manner.

Mr. Baillie said that staff distributed the revised recommendations for conditional zoning restrictions to the Planning Commission. The staff is recommending a landscape buffer to protect the viewsheds and restriction of uses to encourage the best possible uses and to reduce the possibility for underutilized land. He added that there will be zone-to-zone buffering as per the Zoning Ordinance along the northern portion of the property. He said that this request is in compliance with the 2013 Comprehensive Plan, the adopted Goals and Objectives of the 2018 Comprehensive Plan, and the 2017 Rural Land Management Plan. Through the increase in land available for industrial uses, the petitioner suggests that the rezoning will support and showcase local assets to further the creation of a variety of jobs and opportunities. The availability for greater job opportunities can also foster the success and growth of large employment sectors; protect and provide readily available economic development land to meet the needs for jobs; and potentially enable development that creates jobs near where people live. Additionally, the petitioner suggests that the increase in available industrial land will promote sectors of the economy that will aid in the economic opportunities and help attract young professionals. He said that the proposed plan would add to the available industrial land within Lexington, while also supporting the maintenance of the Urban Service Boundary and this proposal promotes the use of underutilized land in a way that enhances the existing urban form. Additionally, the 2017 Rural Land Management Plan (RLMP) emphasizes the maximization of the land use to produce employment opportunities, while maintaining the RAC boundaries and minimizing the impacts to the surrounding agriculture, Rural Settlements and viewsheds. He said that the staff agrees and is recommending approval with the revised conditional zoning restrictions.

Commission Questions – Ms. Mundy asked if the landscape buffers would be required on the agriculture zone. Mr. Baillie said that there is some zone-to-zone buffering along agricultural and industrial zones.

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Mr. Berkley asked if the Rural Land Management Plan states how the gateways should be used. Mr. Baillie said that the Rural Land Management Plan states that staff monitor gateways so that uses won't block the viewsheds or impact the agricultural area. Mr. Berkley asked for clarification of the staff's first prohibited use. Mr. Baillie said that this use is being limited because of the close proximity of this use on the other side of the Blue Sky RAC. He added that it isn't a good use for the site and also does not produce much employment.

Mr. Owens asked for more information regarding the land swap that happened in 1996. Mr. Baillie said the original property owner sought to incorporate it into the Rural Activity Center, but during the Comprehensive Plan process it became known that there wasn't any desire to expand the Rural Activity Centers. He said that after that process there was a verbal agreement that some of the southern property would be swapped out for a portion on the northern side of the Blue Sky RAC, which was part of the B-5P zone area. Ms. Wade said that the previous property owner agreed to remove a portion of the Blue Sky RAC, on the southern boundary, in order to add part to the northern boundary, and in 1996, the Planning Commission agreed to this swap. She pointed to those areas on the aerial photo. She said that in 2008, the property owner applied for two zone changes, simultaneously, to change the northern boundary from A-R zone to B-5P zone, which was approved. They also asked to change the southern boundary from B-5P zone to A-R zone. The applicant then said that the circumstances had changed and asked the Planning Commission to disapprove the application. The Planning Commission did recommend disapproval and the application was withdrawn. Mr. Owens then asked if the B-5P zone is part of this zone change. Ms. Wade said that it is depicted on the development plan to provide access to the subject property. Mr. Owens also asked if the B-5P zone is active. Ms. Wade said that it is currently vacant and that the preliminary development plan had expired, so the applicant is also asking for re-approval of that portion of the plan.

Ms. Plumlee said that in the 1996 Comprehensive Plan, it was stated that Rural Activity Centers were to maintain their boundaries. Ms. Wade said that the Comprehensive Plan's Goals and Objectives recommend maintaining the Rural Activity boundaries. Ms. Plumlee then asked if these boundaries have been maintained within this Rural Activity Center. Ms. Wade stated that during the process of the 1996 Comprehensive Plan, the map was updated to depict the land swap. She said that the acreage remained the same and the uses should have remained the same also. She added that in 2001, a property was added to the Rural Activity Center on the east side.

Ms. Mundy asked for clarification of a private Rural Activity Center. Mr. Baillie said that the Blue Sky RAC is owned and operated by private owners, not owned by the city or state, similar to the Bluegrass Airport and Spindletop. Ms. Mundy asked how the Planning Commission sets the limitations on a private Rural Activity Center. Mr. Baillie said that they are currently proceeding with the zone change process, like all other properties, the staff and Planning Commission has the opportunity to establish conditional zoning restrictions.

Development Plan Presentation – Mr. Martin presented a rendering of the revised combination preliminary subdivision plan and development plan, and he distributed an updated staff report to the Commission with revised conditions, as follows:

The Staff Recommends: Approval, subject to the following conditions:

1. Provided the Urban County Council rezones the property L-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. ~~Addition of graphic scale to the face of the plan.~~
8. Denote and clarify lot coverage and Floor Area Ratio (FAR) per Article 21 of the Zoning Ordinance.
9. ~~Denote: A Final Development Plan shall be required for all lots proposed for Light Industrial zoning.~~ Conditional Zoning Restrictions.
10. ~~40. Denote: Timing of the pump station relocation shall be determined at the time of a PSP/Final Development Plan to the approval of the Divisions of Engineering and Water Quality and delete existing note.~~
11. ~~Denote: Stormwater management shall be resolved at time of a PSP/Final Development Plan.~~
12. Discuss status and width of Revise proposed street right-of-way to meet the requirements of the Land Subdivision Regulations and delete cross-sections "C-C" and "D-D".
13. ~~Discuss potential access to adjoining property.~~

Mr. Martin pointed out the B-5P zone and said that it has a physical and functional relationship with this Rural Activity Center. He said that the uses were previously approved on the preliminary development plan, which include a restaurant and a three-story hotel. He said staff was concerned with the topography of this property, which include streams, detention areas and steep slopes that will require a tremendous amount of fill in order for it to serve their purpose. He said that there is a pump and indicated on the map the proposed location, should the applicant chose to relocate it. He added that this revised plan has met the concerns of the staff regarding that a note was made to the final development plan. He said that the Subdivision Regulations state that the right-of-way is to be 60 feet, but the applicant has a transition of 60-40-50 feet. He said that condition #10 regarding the right-of-way will serve the neighboring property in the future, which is not currently in the Urban Service Area. Regarding

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the pump station, condition #9, should it be relocated the staff is recommending that they delete the current note on the plan and that it be to the approval of the Divisions of Engineering and Water Quality. He said the staff is recommending approval of this plan.

Commission Question – Ms. Plumlee asked if the pump station is city owned. Mr. Martin said that the LFUCG does own the pump station.

Mr. Owens asked what the applicant is going to do with the easements on this property. Mr. Martin said they cannot build off of this plan and they will need address those easements. Mr. Owens said that there isn't annotation on the plan that nothing can be done until the time of the final development plan. Mr. Martin said that there is a note currently on the plan and that this a revised plan.

Applicant Presentation – Mr. Nathan Billings, attorney representing the petitioner, said that the applicant is in agreement with most of the staff's recommendations. He said that they disagree with the types of the conditional uses that should be placed on the property. He said that in regards to Mr. Owens comment about the land swap, he said that his client purchased this property in August 2018 and knew that the land swap had happened. He presented a PowerPoint presentation to the Planning Commission and the audience members and said that this area is important to the City of Lexington because it is one of four corners to the gateway into the city and because it is one the largest acreage areas in the Blue Sky RAC that can be developed. He said that this property is vacant, has significant topographical issues, a stream and utility easements.

Mr. Billings said that he believes that this will support employment growth in the Blue Sky RAC, supports the Urban Service Area boundary and hopes that it will lead to job growth in the area. He said that this is agreement with the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan and the existing classification is inappropriate. He said that the zone change is only for 5301 Athens Boonesboro Road, the rear piece of the property whereas the preliminary development plan is for 5191 Athens Boonesboro Road and the preliminary subdivision plan is only for the proposed zone change area. He said that the preliminary development plan is amended because it has expired. He added that the development for the front property is only for access because the subject property is land locked. He then said that the light industrial zone has recommended in the Comprehensive Plan ever since 1980. He said that many of the Comprehensive Plan's recommended a Small Area Plan for the Blue sky area, which have not been completed. He said that there are two components that there isn't any guidance for development in the area: how to promote economic growth in the Blue Sky area and the recommendation from the 2017 Rural Land Management Plan that this should be a gateway, but there are no guidelines for that definition.

Mr. Billings said that there are twelve parcels in the Blue sky RAC that are B-5P and they are all vacant and underutilized, which shows that they can't find end users for those parcels. He said that restaurants and hotels are not the desired use at this time in this area. He believes that continued industrial and light warehousing uses are in the foreseeable future. He added that the more restrictive the uses are on the property, the more there will be underutilized parcels. He said that there are two conceptual ideas of a gateway. He said that this entrance is the second in Fayette County from the south and it is vacant of any development. The proposed development will be between 10-15 feet below the grade of the roadway. He said that as gateway into the city this entire interchange needs to revamped, so that travelers would be proud to enter the City of Lexington. He also said that this is the last business interchange if you're exiting the city and it looks abandoned. He said that there will economic activity at this interchange. He said that this request will create jobs and prosperity and provide goods and services to other businesses in Lexington, will be a desirable community that will improve this interchange and will continue to maintain the Urban Service Area boundary.

Mr. Billings displayed photos and said that they don't agree with all of the staff's restricted uses. He said that the proposed development would be approximately between 25-40 feet tall and only the top of the building will be visible. He said that the staff has recommended the landscape buffering be to create a 25-foot wide landscape buffer along I-75, which they are in agreement to, but he said that there is already a 50-foot building setback and believes that a 25-foot landscape buffer will be appropriate. He also said that they would to adjust the buffer to narrow as the property narrows down along the eastern boundary. He said that there is a pump station in the center of the property and a powerline easement that runs through the property and then over the interstate. He said that they want the development to be visible for marketing reasons.

Mr. Billings said that the staff also recommended ten conditional zoning restrictions, and he believes that they are restricting a third of the uses that are allowed in the I-1 zone. He said that he believes there some conditional uses that are appropriate, as follows: the auto and truck repair, tire re-treading and recapping, advertising signs, commercial wood lots, prefabricated homes, and ice plants. They are in agreement with the 25-foot landscape buffer, but requested that they can narrow it at the southern point of the property. He asked that the tree buffer not be required because of visibility and cost. He distributed a motion to the Planning Commission. He added that they are in agreement with the concerns of the property owner to the north, which include the access to the property, the right-of-way, and if the pump station gets relocated they would like an easement into it.

Mr. Billings's motion is as follows:

1. For the reasons stated in the Applicant's justification letter and the Staff Report, the requested Light Industrial (I-1) zone is in agreement with the 2013 Comprehensive Plan and adopted Goals and Objectives of the 2018 Comprehensive Plan.

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2. The requested Light Industrial (I-1) zone is in agreement with the 2017 Rural Land Management Plan as it emphasizes the maximization of the land use to produce employment opportunities without modifying the current boundaries. The future land use element recommends Light Industrial land use.
3. This approval is made subject to approval and certification of PLN-MJDP-18-00102: JFG Enterprises, Inc. (IVCP Athens, LLC) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions shall apply to the subject property via conditional zoning:
 - a. Landscape Buffers (In addition to the requirements of Article 18 of the Zoning Ordinance)
 - 1) Along the eastern boundary of the subject property, adjacent to Interstate 75, a 25-foot wide landscape buffer shall be provided.
 - b. Prohibited Uses:
 - 1) Principle use for outdoor automobile and truck repair;
 - 2) Outdoor tire re-treading and recapping;
 - 3) Advertising signs, also known as billboards, as regulated by Article 17 of the Zoning Ordinance;
 - 4) Commercial wood lots;
 - 5) Establishments for the display and sale of precut, prefabricated, or shell homes; and
 - 6) Ice plants.

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

Commission Questions – Mr. Nicol asked what 2007 Future Land Use map depicted this property as on the map. Mr. Billings said that the Future Land Use map from the 1988, 1996, 2001, and 2007 Comprehensive Plan's identified the subject property as Light Industrial. Mr. Nicol said that this property was not included in the Rural Activity Center, it was still shown as Light Industrial. Mr. Billings said that 2007 is depicting both the Blue Sky RAC and the recommended classifications within that area. Ms. Wade clarified that the piece of property that was swapped is not the subject property.

Note: Mr. Pohl left the meeting at 3:50 p.m.

Note: Planning Commission took a recess at 3:50 p.m. until 3:55 p.m.

Citizen Comment – Fred Eastridge, ECSI, LLC; 340 South Broadway, representing JFG Enterprises, distributed a resolution, a letter from Charlie Martin, and an agreement for the pump station to the Planning Commission. He said the property owner is in agreement with this zone change. He said that they have a very strong interest in the pump station since they built it. He said that it was built to service the property in the Rural Activity Center and they want to be sure that if it is relocated that it be designed and built to the requirements by LFUCG. He added that the applicant has rights to the pump station that it service their property.

Bub Crutcher, 284 Blue Sky Pkwy, said that growth in this area will be a significant change. He said that the sewer issue has been the most concern with this property. He said that he would like to see more development in this area, but doesn't believe that this proposed zone in appropriate.

Mr. Dick Murphy, attorney present on behalf of adjoining property owners, Encore Partners, distributed proposed notes to the Planning Commission, as follows:

PROPOSED ADDITIONAL NOTES FOR AMENDED PRELIMINARY DEVELOPMENT PLAN/PRELIMINARY SUBDIVISION PLAN FOR JFG ENTERPRISES, INC. (IVCP ATHENS, LLC)

1. Show northern edge of right-of-way as the northern property line adjacent to the property to the north.
2. Show sanitary sewer easement from property to the north to the proposed relocation site of new pump station.

Mr. Murphy said that they are not objecting to the zone change, but they have concerns with the development plan. He said that Encore Partners owns the property to the north of the subject property and will have the greatest impact from this development. He said that many of their concerns on the development have been addressed, and he is requesting some notes to confirm. He said that one of their concerns was the configuration of the roadway off of Athens Boonesboro Road, which has been addressed and they approve. He said that their second concern was the access to the entrance roadway. He said that Mr. Billings stated the right-of-way was designed to touch their property line so that there wouldn't be a strip to prevent one owner from accessing the road. He requested that the development plan depict that strip. He added that staff and Mr. Billings has seen this and is agreeable. They are also requesting the sanitary sewer easement be shown from the property to the north to the proposed relocation site of the new pump stations. He said that there currently is an easement from their property into

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

the pump station and they are seeking to preserve the statue status quo into whatever happens to that pump station. He added that they would like a potential easement into the pump station on the development plan.

Mr. Murphy said that the resolution that was distributed by Mr. Eastridge, on behalf of the Wilson brothers, limits the pumps station to a capacity in gallons not to certain properties. He said that if this property is going to be used as warehousing type, it would generate a small usage on the pump station, unlike a hospital.

Mr. Murphy said that there is a third note, that isn't noted on the handout, it is as follow:

3. The adjoining property owner will be notified upon filing of final or amended development plans or plats. He added that all the parties have agreed on that, as well.

Petitioner Rebuttal – Mr. Billings said that they are in agreement with the resolution that was distributed. He said that the capacity of the pump station is there to be reserved, there are upgrades that could be completed. He said that they a private agreement with the property owners and they are in support of this zone change. He said that they are in agreement with Mr. Murphy's notes. He clarified that as of now they don't where the pump station will be relocated to and where the easement will be.

Staff Rebuttal – Mr. Baillie said that their concern is the conditional zoning on this site. There isn't a proposed use, there are no buildings, nor a site design for this property. He said that conditional zoning is required to protect this area as a gateway into the city, as well as protecting it from some of the nuisance uses, such as condition #8, commercial wood lots, which are typically located in the I-1 zone and condition #9, outdoor material storage and sales, which is an accessory use in the I-1 zone. He said that rest are carried over from the B-4 zone. He added that staff is making these suggestions from what has been done in the past in the I-1 zone and they are seeking to promote a greater I-1 use at this location. He said that any modifications of the landscape need to be monitored so that they don't impact the viewshed of the area.

Commission Questions – Mr. Wilson asked if the staff has reviewed the three additional conditions proposed by Mr. Murphy. Mr. Baillie said that they have and they are in agreement.

Mr. Owens asked for clarification of the approval of the development plan on the B-5P zone. Mr. Baillie said that it is part of this request as a whole. Mr. Martin added that the petitioner has incorporated the previous plan with this request, so that this action will also be a re-approval of that existing plan. Mr. Owens also asked Mr. Billings if the B-5P has also been purchased. Mr. Billings said that is correct and added that there hasn't been any development on that parcel. Mr. Owens asked for clarification of relocating the pump station, since it is on the plan to be relocated. Mr. Billings said at this time, they are unsure of relocating it because it will be very complicated and costly and will be done so as per the Division of Engineering and Water Quality's requirements.

Mr. Nicol said that staff stated a fulfillment center is allowed in the I-1 zone and asked Mr. Billings if they are in agreement of keeping condition #4 of the prohibited uses. Mr. Billings said that they are not in agreement to that condition. He said that he believes there are potential uses of that and they want as little restrictions as possible on this property.

Commission Discussion – Ms. Plumlee said that the Comprehensive Plan has been neglected regarding the Small Area Plan for the Rural Activity Centers.

Mr. Owens said that he is concerned with the preliminary subdivision plan without a preliminary development plan. He said that there are many problematic situations with this plan because there is no proposed building or layout. He said that he would like to see more on the development plan.

Mr. Berkley said that he believes the applicant is not at that point to create a layout. He said agrees that they need the zone change first. He said that some of the prohibited uses that are permitted at other interchanges along I-75. He agrees with most of the conditions, but would like to strike condition #1. He asked for clarification of the staff's reasoning for all of the prohibited uses. Mr. Baillie reviewed all of the conditional zoning restrictions. Mr. Berkley said that the property in the Blue Sky RAC is underutilized.

Mr. Owens said that he believes that condition #3, tire re-treading and recapping will be good if it is located within a building. He doesn't want any outside storage.

Ms. Plumlee said that she in favor of the staff's recommendations. She believes that this area should be as attractive as possible and have as high employment as possible.

Mr. Nicol, said that this property has been marketed as a gateway to the City of Lexington, which it can be. He agrees with the staff is removing the nuisance uses in the zone. He also believes that the market should be able to determine what businesses could be successful in the area.

Mr. Wilson said that he would also like to see some design on the development plan. He said that the zone change should be approved with the staff's recommendations and err on side of caution.

Zoning Action – A motion was made by Mr. Berkley, seconded by Ms. Mundy, to approve PLN-MAR-18-00028: IVCP ATHENS, LLC, for the reasons provided by the staff, with the removal of #4.b.1.

Mr. Nicol asked to leave condition #4.b.1, but only strike mobile homes. Mr. Berkley said that he agrees with that modification, as follows:

4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following prohibited uses and landscape buffers shall apply to the subject property via conditional zoning:
 - a. Landscape Buffers (in addition to the requirements of Article 18 of the Zoning Ordinance)
 - 1) Along the eastern boundary of the subject property, adjacent to Interstate 75, a 25-foot wide landscape buffer shall be provided.
 - 2) Included in the landscape buffer shall be evergreen trees planted every 20 feet, staggered on center in two rows.
 - b. Prohibited Uses:
 - 1) Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
 - 2) Ice Plant.
 - 3) Tire re-treading and recapping.
 - 4) Truck terminals and freight yards.
 - 5) Major or minor automobile and truck repair.
 - 6) Establishments for the display and sale of precut, prefabricated, or shell homes.
 - 7) Rental Storage yard.
 - 8) Commercial wood lots.
 - 9) Outdoor material storage and sales as otherwise permitted.
 - 10) Advertising signs, also known as billboards, as regulated by Article 17 of the Zoning Ordinance.

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

Action – Motion carried 6-1 (Plumlee opposed: Bell, Brewer, Penn and Pohl absent).

Development Plan Action – A motion was made Mr. Berkley, seconded by Ms. Mundy, and carried 5-2 (Owens and Plumlee opposed: Bell, Brewer, Penn and Pohl absent) to approve PLN- MJDP-18- 00102: JFG ENTERPRISES, INC. (IVCP ATHENS, LLC), with the revised conditions provided by the staff and the proposed additional notes provided by Mr. Murphy, as follows:

1. Provided the Urban County Council rezones the property ~~1~~-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.~~ Addition of graphic scale to the face of the plan.
7. Denote and clarify lot coverage and Floor Area Ratio (FAR) per Article 21 of the Zoning Ordinance.
- ~~8.~~ Denote: A Final Development Plan shall be required for all lots proposed for Light Industrial zoning Conditional Zoning Restrictions.
9. Denote: Timing of the pump station relocation shall be determined at the time of a PSP/Final Development Plan to the approval of the Divisions of Engineering and Water Quality and delete existing note.
- ~~14.~~ Denote: Stormwater management shall be resolved at time of a PSP/Final Development Plan.
10. Discuss status and width of Revise proposed street right-of-way to meet the requirements of the Land Subdivision Regulations and delete cross-sections "C-C" and "D-D".
- ~~13.~~ Discuss potential access to adjoining property.
11. Show northern edge of right-of-way as the northern property line adjacent to the property to the north.
12. Show sanitary sewer easement from property to the north to the proposed relocation site of new pump station.
13. The adjoining property owner will be notified upon filing of final or amended development plans or plats.