

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-22-00023: IVCP ATHENS SOUTH, LLC

DESCRIPTION OF ZONE CHANGE

Zone Change:	From a Interchange Service Business (B-5P) zone To a Highway Service Business (B-3) zone
Acreage:	30.24 net (37.36 gross) acres
Location:	5380 & 5354 (a portion of) Athens-Boonesboro Rd



EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Properties	B-5P	Vacant
To North	B-5P	Gas Station / Restaurant
To East	B-5P	Interstate 75
To South	A-U	Vacant
To West	B-5P	Vacant

URBAN SERVICE REPORT

Roads - The subject properties are bound by Interstate 75, along the eastern edge of the proposed development and Athens-Boonesboro Road (KY 418) along the northern edge of the proposed development. Access to the site is available via Doe Run Trail, located approximately 500 feet west of the on and off ramps (Exit 104). Athens-Boonesboro Road 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.

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 sidewalk facilities.

Utilities - All utilities, including natural gas, electric, water, phone, cable television, and internet are available in the area, and are able to be extended to serve the site.

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 sanitary. 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 across Athens Boonesboro Road 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 solid waste collection. Private refuse collection service will be necessary to serve the subject property at the time of development.

Police - The properties are located in East Sector Roll Call Center, with the nearest police station located about 5 miles to the northwest in the Gainesway neighborhood.

Fire/Ambulance - The properties are 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.

Transit - LexTran service is not available within the immediate area of the subject properties.

Parks - There are no public parks within the immediate area of the subject properties.

SUMMARY OF REQUEST

The applicant is seeking to rezone the subject properties from the Interchange Service Business (B-5P) zone to the Highway Service Business (B-3) zone to allow for the construction of a stadium, a medical treatment facility, and associated infrastructure.

RURAL DEVELOPMENT



Development within the Rural Service Area (RSA) should consider the unique assets and opportunities offered by Lexington's agricultural landscape. For this reason, the 2017 Rural Land Management Plan (RLMP), in tandem with applicable policies from Imagine Lexington listed below, should act as the primary guide for all rural development endeavors and should be directly addressed in development proposals within the RSA.

Due to the distinct difference between urban place-types and rural area considerations, the RLMP is better suited to guide the limited development within the RSA than the criteria set out in the Placebuilder. Additionally, the numerous policies, goals, and objectives within Imagine Lexington focusing on rural development link directly to the goals and objectives laid out by the RLMP. These provide additional support for defining the intended nature of rural development and its impacts on areas outside of the Urban Service Area.

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 applicant is seeking to rezone the subject property to the Highway Service Business (B-3) zone to allow for the construction of a 6,500 seat soccer stadium, training facility, and a medical treatment facility. To allow for the construction of the stadium, the applicant is also requesting a conditional use permit. The proposed development would be accessed from Doe Run Trail and a proposed access point a 1,000 feet west of the current access point.

APPLICANT & COMMUNITY ENGAGEMENT



The applicant has indicated that they have contacted some surrounding property owners and the Old Richmond Road neighborhood association. The applicant should provide greater information regarding those communications and any meetings that took place.

PROPERTY & ZONING HISTORY



The subject properties are located on the south side of Athens Boonesboro Road, approximately one-fourth of a mile northwest of the Athens Boonesboro Road interchange. While not located within the Urban Service Area, the subject properties are located within the Blue Sky Rural Activity Center (RAC). The concept of the Rural Activity Center was initially developed within the 1980 Comprehensive Plan. The four RACs, Blue Sky, Avon (Blue Grass Station), Spindletop, and the Airport, were areas of existing employment that were located outside the Urban Service Area (USA) and were in operation or had prior zoning/development commitments prior to the comprehensive rezoning of the City and County in 1969 or the merger of the City and County Governments in 1974. The 1980 Comprehensive Plan stressed that these areas were planned for non-residential development and were meant for commercial, warehousing, manufacturing, or office land uses. The Blue Sky RAC was specifically meant to allow for warehousing, manufacturing, and highway commercial land uses.

Each RAC was further outlined in the 1999 Rural Service Area Land Management Plan and again within the 2017 Rural Land Management Plan. Within the 1999 Rural Service Area Land Management Plan there was greater concern with the Blue Sky RAC due to the inadequacy of the Blue Sky Treatment Plant and the

PROPERTY & ZONING HISTORY



potential expansion of the RAC. Due to the 2011 EPA Consent Decree, the Treatment Plant was closed and the area was connected with municipal sanitary sewer that was specifically sized for the RAC. It is important to note that 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.

Over the course of the last 40 years, the Blue Sky RAC has continued the operation and development of light industrial land uses and interstate and highway commercial services. The majority of the development in the Blue Sky RAC is comprised of light industrial land uses, primarily vehicle sale lots, located east of Interstate 75. Interstate and highway service land uses, including hotels, gas stations and restaurants, have been established throughout the Blue Sky Rural Activity Center, with the vast majority located east of Interstate 75 and being in operation since the 1980s. The majority of the area is zoned Light Industrial (I-1), with lesser quantities of Interstate Service Business (B-5P) and Highway Service Business (B-3) zones, and a singular property zoned Professional Office (P-1).

The subject properties were rezoned to the Interstate Service Business (B-5P) zone in 1968. At this time the applicant was seeking to develop a resort complex that was focused on capturing tourism interest that was traveling along Interstate 75. The proposed facility included a motel, swimming pool, restaurant, fishing area, picnic areas, golf course, stable with bridle paths, and a 15-acre over-night camping trailer park with restrooms, grocery store, and residence for the manager. Since the approval of the 1968 zone change, there have been numerous plans submitted showing the development of the resort complex, as well as the establishment of various interstate and highway service business land uses along Athens Boonesboro Road.

COMPREHENSIVE PLAN COMPLIANCE



The 2018 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

As a component of the 2018 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 Highway Service Business (B-3) zone, for approximately 37.36 acres, must be reviewed against the recommendations of the RLMP for the Blue Sky Rural Activity Center (RAC).

GOALS, OBJECTIVES & POLICIES

Within their letter of justification the applicant opines that they are in agreement with the adopted Goals and Objectives of the 2018 Comprehensive Plan. They indicate that the proposed development supports infill opportunities (Theme A, Goal #2) by developing in an area that is meant for commercial or industrial development with a commercial development focused on economic development. They further state that the proposed development will create jobs and prosperity by showcasing local assets, which will be specifically focused on the promotion and enhancement of tourism, entertainment and other quality of life opportunities that attract young, and culturally diverse professionals and a work force of all ages and talents (Theme C, Goal #1 and #2). The applicant adds that the proposed training facility and soccer stadium is also consistent with the Theme C, Livability Policy #3 of the Comprehensive Plan, which seeks to enhance Lexington's ability to host regional athletic tournaments. Finally, the applicant suggests that the rezoning will maintain the urban rural balance (Theme E).

In association with Theme C, Goals #1 and #2, the applicant indicates that the proposed training facility and the stadium will require an expected investment of \$25 to \$40 million and is expected to generate approximately 275 new construction jobs. The facilities will serve as the employment location for the 30 full time staff, executives, and coaches of the Lexington Sporting Club, which have an average annual salary range of \$70,000 - \$80,000, as well as for 80-100 part-time coaches, trainers and staff. The completed project



is expected to employ additional staff for security, maintenance, food and beverage concessions, parking and events.

Additionally, the applicant indicates that the proposed development will have a further economic impact for the community specifically tied to the sports tourism industry. They state that the facilities will allow Lexington to host regional and national events that will draw significant out-of-town visitors to the community, who will bring and spend money at local hotels, restaurants and shops. The applicant should provide greater information regarding the impact factor for the proposed development, as well as the other uses that they plan for the proposed project that capture some of the economic development.

The applicant states that due to the proximity to 1-75, the proposed site is advantageous as it allows for easy access from other areas of the city and from multiple surrounding communities. Its location next to the planned soccer fields located south of the proposed project would also allow for greater amenities located in the B-3 zone. The applicant posits that the location directly next to Athens Boonesboro Road and 1-75, helps alleviate the impact of sound or light that may be caused by the proposed development. Finally, the applicant indicates that the proposed project will allow for the utilization of vacant land that is already zoned for commercial use.

Within the applicant's supplemental justification letter, they delve further into the incorporation of the medical clinic that is proposed for the easternmost portion of the area of rezoning. The applicant indicates that the Rural Activity Centers is to maximize their potential for jobs while maintaining their boundaries and minimizing impacts to the rural area. In addition to the already stated Goals and Objectives, the applicant indicates that the B-3 zone will allow for greater utilization of the properties that support highway and interstate service commerce, while also allowing for greater flexibility for job production which would target the production of employment at higher wages than those allowable within the B-5P zone.

While staff sees merit with some of the references made to the goals and objectives for the proposed development, the applicant should provide greater information as to the economic impact of the soccer stadium, training facility, and the other commercial uses that have been added to the associated development plan since the Technical Review Committee. These are important aspects of both the Comprehensive Plan and the Rural Land Management Plan. Additionally, the applicant discusses the various overlap between the B-5P and B-3 zones. The Rural Land Management Plan discusses the need to minimizing the impacts to the surrounding agriculture, Rural Settlements and viewsheds. The applicant should discuss how they propose to limit the impact of the proposed zone and subsequent development on surrounding agricultural areas, as well as promote the viewshed along AthensBoonesboro Road, which is an identified gateway into Lexington.



PARKING DEMAND MITIGATION STUDY

Under the requirements of the newly adopted Parking and Landscaping Zoning Ordinance Text Amendment, all "Significant Developments," or developments with over 5,000 square-foot of building coverage that require a Zoning Map Amendment, shall provide a Parking Demand Mitigation Study for the project that details the following information:

1. Review of national best practices for parking calculations for the project, including the current ITE Manual Parking ranges or the ranges produced by the ITEParkGen Report;
2. The anticipated parking demand for the project;
3. How the anticipated parking demand will be satisfied on-site or off-site;
4. The methods and strategies to be implemented in order to reduce vehicle trips by site users;
5. The methods and strategies to be implemented in order to promote transportation options by site users; and
6. The projected mode share by site users from the utilization of the study's strategies.

Within the applicant's most recent review of the parking demand, they have provided specific numbers regarding the ITE manual for the stadium, athletic club, and medical office building. They have not provided a baseline set of numbers for the other commercial structures that have been added to the plan. Additionally, the applicant has indicated variable numbers for the demand for their commercial buildings, but have provided no clear rationale for the differences in the parking demand. The applicant should clarify



the proposed parking for the outlots. The applicant also states that there will be share parking between the proposed outlots and the proposed stadium. The applicant should provide greater information regarding the shared nature of the parking (anticipated hours of operation, anticipated uses, etc.) and provide clear pedestrian connectivity between the areas. Should the proposed outlots be restaurants or hotels, they would have a clear overlap with the proposed stadium use. Finally, the applicant should include more information regarding the alternative modes of transportation (ride-share, mass transit, bike). They anticipate drop off/pick up areas, but none are clearly represented on the associated development plan.

STAFF RECOMMENDS: POSTPONEMENT, FOR THE FOLLOWING REASONS:



1. The applicant should provide information regarding the broader impact factor on the Lexington community and how the proposed stadium complements the established conditional use located to the south of the proposed development.
2. The applicant should review impact of the allowable land uses within the B-3 zone and the potential impacts to the surrounding agriculture, Rural Settlements and viewsheds.
3. The applicant should provide greater information as to how the proposed development will promote the Blue Sky Rural Activity Center's goals, while protecting the viewshed along Athens Boonesboro Road, which is an identified gateway into Lexington.
4. The Parking Demand Mitigation Study must be clarified regarding the shared nature of the parking lot and the proposed outlot uses.

STAFF REPORT ON CONDITIONAL USE PERMIT REQUEST



In association with the zone change request for the property, the applicant is seeking a Conditional Use Permit within the Highway Service Business (B-3) zone to operate a stadium on property located at 5380 Athens Boonesboro Road and associated parking which extends into 5354 Athens Boonesboro Road. With any zone change the Planning Commission shall have the power to hear and decide applications for conditional use permits. These permits are to allow the proper integration into the planning area of uses which are specifically named in the Zoning Ordinance, which may be suitable only in specific locations in the zone, only if certain conditions are met, and which would not have an adverse influence on existing or future development of the subject property or its surrounding neighborhood.

ZONING ORDINANCE

Article 6-4(c) states that the Planning Commission may hear and act upon requested conditional uses and variances associated with a zone change. If the Planning Commission should choose to hear a conditional use or variance request, the Planning Commission shall have all of the powers and responsibilities of the Board of Adjustment, as defined in Sections 7-6(a) and 7-6(b) of the Zoning Ordinance. All conditional use and variance applications shall be acted upon by the Planning Commission within ninety (90) days from the date of the application, unless postponed further by the applicant.

Article 8-20(d) states that for any conditional use permitted within the Highway Service Business (B-3) zone they shall be as follows: located, in relationship to the arterial roadway system, so that the conditional use has a minimal effect on the adjoining streets and the surrounding uses, any outdoor theater screen or illuminated scoreboard or other similar surface shall not be visible from any street for a distance of one thousand (1,000) feet from said structure, and entrances of ingress or egress, acceleration lanes, and deceleration lanes shall be provided in conformance with requirements as established by the Urban County Traffic Engineer.

Article 8-20(d)(1) states that outdoor athletic facilities that would be compatible in a Highway Service Business (B-3) zone, such as a football stadium; tennis courts; a soccer or polo field, and a baseball field are conditional uses within the Highway Service Business (B-3) zone.

CASE REVIEW

The applicant is requesting a conditional use permit to construct a stadium within the Highway Service Business (B-3) zone. The applicant states that the stadium will be used to host games for the Lexington Sporting Club's men and women professional soccer teams, and as a site for semi-professional, college, high-school, and youth league soccer tournaments and championship games. It will be constructed as a multi-purpose venue capable of hosting concerts, corporate and community events, and multiple other sports, including lacrosse and field hockey. Initial construction would be for an up to 6,500 seat venue. The anticipated use of the stadium will be approximately 35-45 days per year, with professional soccer team games and other events. The men's professional soccer season runs from April to October and the women's professional season runs from August to May.

With all conditional use permits located in the Highway Service Business (B-3) zone, there are three threshold criteria that must be met: the association with an arterial roadway system, the location of any outdoor theater screen or illuminated scoreboard, and the entrances of ingress and egress, to the proposed stadium. While staff agrees that the location of the property along an arterial roadway is met with this application, there are still concerns regarding the location of any scoreboard or outdoor theater screen, as well as the configuration of the access/egress. Additionally, there is an added concern with the location of the subject property and agreement with the 2017 Rural Land Management Plan. The applicant should review potential impacts on the viewshed along Athens Booneboro Road and the negative impacts that can be caused on the adjacent agricultural land uses that may be caused by the proposed stadium. The Planning Commission may also want additional information regarding proposed lighting, hours of operation, noise and mitigation of environmentally sensitive areas.

STAFF RECOMMENDS: POSTPONEMENT, FOR THE FOLLOWING REASONS:



1. The applicant must provide additional information regarding the location and visibility of any outdoor theater screens or illuminated scoreboards.
2. The applicant must resolve the access and egress concerns with the Division of Traffic Engineering and the Division of Planning. The KYTC will also need to be involved, as Athens Boonesboro Road is a state route with near term improvement plans.
3. The applicant should provide greater detail regarding the proposed stadium and ways to alleviate negative impacts as outlined within the Rural Land Management Plan, including lighting, noise, and environmentally sensitive areas.