

**2. URBAN COUNTY COUNCIL ZONING MAP AMENDMENT**

- a. MAR 2013-17: URBAN COUNTY COUNCIL (12/14/13)\* – petition for a zone map amendment from a Planned Neighborhood Residential (R-3) zone to an Office, Industry & Research Park (P-2) zone, for 15.91 net (16.99 gross) acres, for property located at 920 Citation Boulevard.

**LAND USE PLAN AND PROPOSED USE**

The 2007 Comprehensive Plan (Sector 7) recommends Medium Density Residential (MD) future land use for the subject property, defined as 5–10 dwelling units per acre. The Urban County Council initiated a zone change for the subject property in order to permit its development in a similar style and use as the rest of the Coldstream Research Campus. A distribution and warehouse facility is currently under consideration for approximately half of the subject property.

The Zoning Committee Recommended: **Approval**, for the reasons provided by staff.

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

1. The existing Planned Neighborhood Residential (R-3) zoning is inappropriate, and the proposed Office, Industry and Research Park (P-2) zoning is appropriate for the following reasons:
  - a. No street connectivity exists between either of the adjoining established neighborhoods and the subject property; when combined with the extensive tree line and landscaping in place along these property lines, the result is an isolated parcel.
  - b. A less than favorable market in this portion of the community exists for multi-family residential, evidenced by another multi-family condominium development in the immediate vicinity that has been sold/occupied at a slow rate over the past decade.
  - c. Property frontage along Citation Boulevard (one of the community's major connector roadways), and easy access to Georgetown Road and Newtown Pike, are preferred for warehousing and distribution of goods, as is proposed for a significant portion of the subject property.
  - d. The property is already a part of the Coldstream Research Campus development, which is zoned P-2 in whole.
  - e. The proposed warehouse and distribution facility land use is similar in terms of intensity and traffic to previous uses planned for the site, but never accomplished, such as a public school and the LFUCG Emergency Operations and Security Center.
2. Under the provisions of Article 6-7 of the Zoning Ordinance, the use of the subject property shall be restricted as follows:
  - a. A 50-foot landscape buffer shall be established along the western and southern property boundaries. Any trees greater than 4" DBH shall be maintained, unless dead or diseased. The Urban Forester shall be consulted prior to removal of any dead or diseased trees on this portion of the subject property.  
This restriction is appropriate and necessary in order to maintain a significant landscape buffer along the established residential neighborhoods immediately adjoining the subject property.

Staff Presentation: Ms. Wade presented the staff report, noting that this rezoning request was initiated by the Urban County Council in October. She briefly oriented the Commission to the location of the approximately 16-acre property on Citation Boulevard. The subject property is located near McGrathiana Parkway, to the west of Newtown Pike, and it borders the Highland Park and Belmont Farm neighborhoods, as well as the remainder of the Coldstream Research Campus. Ms. Wade noted that the subject property is part of the Coldstream Research Campus; it was indicated as "Lot 1" when the entire campus was rezoned.

Referring to a rendered copy of the previously approved preliminary development plan for the property, Ms. Wade explained that, because this rezoning was initiated by the Urban County Council, there is no accompanying development plan. When the Coldstream campus was rezoned in 1991, the subject property was the only parcel that was not rezoned to a P-2 zone. It was originally planned to be a public school site, with residential use as a second option, but Fayette County Public Schools was not interested in purchasing the property. Ms. Wade said that, in 2009, Lexington-Fayette Urban County Government purchased a 99-year lease for the property, in order to construct an emergency operations and security center ahead of the 2010 World Equestrian Games. The operations center was never constructed on the site, which remains in the ownership of the Commonwealth of Kentucky. It is the staff's understanding that the site is being proposed for rezoning now because there has been some interest from a company in constructing a warehouse facility on the property, which would then be sub-leased.

Ms. Wade displayed the following photographs of the subject property: 1) an aerial view, noting that it that the property is divided by an existing treeline into two pastures; 2) a view of the eastern pasture, noting the trees at the rear, which adjoin the Highland Park neighborhood; 3) a view of the western side of the property, noting the evidence that it had been used for agricultural purposes during the summer, as well as the existing treeline along the Belmont Farm neighborhood; 4) a closer view of the treeline, noting the location of the Cane Run Creek watershed and the existing Legacy Trail, which runs north toward the Horse Park; 5) a closer view of the riparian area near the creek; 6) a view of

\* - Denotes date by which Commission must either approve or disapprove request.

Citation Boulevard, noting the condominium development to the northwest; 6) a view across Citation Boulevard, depicting some of the existing development in the Coldstream Research Campus.

Ms. Wade stated that the 2007 Comprehensive Plan recommends Medium Density Residential land use, or 5-10 dwelling units per net acre, for the subject property. Based on the acreage of the property, the Plan suggests a range of between 80 and 159 dwelling units. The proposed rezoning from R-3 to P-2, therefore, cannot be found to be in agreement with the recommendation in the Land Use element of the Comprehensive Plan.

Ms. Wade said that, in reviewing the appropriateness of the proposed P-2 zone, the staff found that the property is bordered by two residential neighborhoods; but no connectivity exists with either of them, so it is relatively isolated. Even though it is isolated, the subject property could possibly be considered as a good location for a multifamily development; however, the staff is aware that the existing condominium development nearby (to the northwest) has had a slow rate of occupancy, which indicates that the market might be less than favorable for that land use in that portion of the community. In addition, the fact that the subject property is part of a land agreement with the Commonwealth of Kentucky could make it more difficult to develop for residential uses. The property has over 900 feet of frontage on Citation Boulevard, which is one of Lexington-Fayette County's major connector roadways. It provides excellent access to the local roadway network, as well as Interstate 75, which is located nearby with an interchange at Newtown Pike. This type of access is preferred for warehouses and distribution of goods, and it would benefit the use that is currently proposed for the subject property.

Ms. Wade stated that the remainder of the Coldstream Research Campus is already zoned P-2. In addition, the proposed warehouse and distribution land use is similar in terms of intensity and traffic to the school and emergency management center that were previously proposed for the site. The existing property boundary already provides some buffering to the two existing adjoining residential developments; the staff would suggest that that buffering be maintained, in order to provide screening from the proposed warehouse and distribution facility. Ms. Wade stated that the staff and the Zoning Committee are recommending approval of this request, for the reasons as listed in the staff report and on the agenda.

Commission Questions: Mr. Penn asked if this rezoning request was brought forward without a development plan because the subject property is leased by LFUCG. Ms. Wade responded that the property is currently leased by LFUCG. Mr. Penn asked if LFUCG intended to sublease the property to a private entity, to which Ms. Wade responded affirmatively. She added that the private entity would be required to file a final development plan for the property for Planning Commission consideration.

Mr. Owens asked if the potential tenant on the subject property would be required to meet all of the existing standards of the Coldstream Research Campus. Ms. Wade answered that the standard P-2 zone requirements would apply to this property as well.

Citizen Objection: Stacy May, 2372 Prescott Lane, stated that her property adjoins the subject property. She said that the existing treeline along the property boundary does not offer a great deal of sound buffering, and she asked if additional landscaping would be required. Ms. Wade answered that the P-2 zone requires a certain number of trees per acre, on average. She said that, when the Planning Commission considers a final development plan for the site, they could direct that the landscaping be more fully developed along the boundaries. In addition, the Commission could also require fencing at that time.

Jon Nicholas, 2416 Prescott Lane, stated that his property also adjoins the subject parcel. He asked if the Belmont Farms residents would be notified well in advance of the Planning Commission's consideration of a development plan for the property. Ms. Wade answered that there is a notice requirement for zone changes, but not for development plans. She explained that the neighborhood could request to be notified, however, and the Commission could require that notification as part of their action on the development plan. Since there was no development plan in this case, the staff could add a note to the file indicating that the neighbors would like to be notified about the filing of a development plan for the property; but it would not be the standard mailed notice that is sent for a rezoning request. Mr. Sallee added that, if the Commission chose, they could add a motion to their action requiring the staff to notify the neighbors present at this meeting at the time of the filing of a development plan for the site. He noted that the citizens would need to provide their addresses to the staff, on the record, so that the staff would have that information for the notification.

Chris Jones, 2372 Prescott Lane, stated that he was concerned about the lack of a development plan for the property. He said that he was concerned about the proposed locations of the buildings; the potential for noise; and the possibility of outdoor intercom systems on the property. Mr. Jones asked that the Planning Commission consider withholding their action on this rezoning request until they have the opportunity to review the development plan. Mr. Owens stated that all of those items could be addressed along with the development plan.

Commission Question: Mr. Berkley asked if the proposed tenant would use the entire 16-acre site, or if there would be any further subdivisions of the tract. Ms. Wade responded that the staff received a communication from Kevin Atkins, from the Mayor's staff, indicating that the proposed user prefers to remain anonymous; but they are proposing to

distribute veterinary medications and supplies on the site. In response to a request from the neighborhood, Mr. Atkins indicated that the facility would be a modern distribution center, with no expected noise or air pollution. The facility would receive minimal truck traffic, which would cease each day at noon. Mr. Sallee added that it might be possible, when the development plan is filed, that it would be for only a portion of the site. Ms. Wade said that the early indication was that the user was not interested in occupying the entire 16 acres, but that could change as the details are finalized with the Council. Mr. Owens added that any such subdivision would be brought before the Planning Commission for their review. Ms. Wade said that the staff does not anticipate any additional access to the subject property would be requested along Citation Boulevard.

Citizen Objection: Darryl Strode, 2356 Prescott Lane, stated that he was concerned about the number of unknowns in this situation, particularly the size of the proposed facility, the number and size of trucks that would travel to and from it, and the possible fumes from trucks on the site. He requested that the neighbors be allowed to review the development plan and offer comments on it at some point. Mr. Strode also asked if other portions of the Coldstream campus were considered as possible sites for this use, since the subject property is located near two existing residential developments. Mr. Owens opined that the Council likely worked with Commerce Lexington and other entities to determine that the subject property would be a suitable site for the proposed use.

Commission Discussion: Ms. Plumlee suggested that, should the Commission choose to approve this request, they add a new conditional zoning restriction to require notification of the neighbors of record prior to the review of the development plan. Mr. Sallee stated that the staff would be glad to do so based on the record of this hearing, but added that he did not believe that that requirement should be a conditional zoning restriction. Ms. Wade added that the Zoning Ordinance would not permit that type of conditional zoning restriction, but the staff could facilitate the notification of the residents once the development plan is filed.

Mr. Owens asked if a separate motion could be put forth to require the notification of the neighbors; and, if so, whether the neighbors should provide their addresses directly to the staff at this hearing. Mr. Sallee answered that the staff has a list of the addresses to which the original notification was mailed, and they could use that to notify the residents appearing today of the filing of a development plan.

Ms. Mundy stated, with regard to the staff's assertion that the market for multifamily housing in the vicinity of the subject property might be weak, that she had assisted several of the condominium owners in selling their property. Many of those individuals indicated that the area was a "food desert," and it was very difficult to obtain goods or services with no shopping facilities nearby. Ms. Mundy opined that the Planning Commission needed to keep that need in mind.

Motion: A motion was made by Mr. Penn, seconded by Mr. Brewer, and carried 10-0 (Beatty absent) to approve MAR 2013-17, for the reasons provided by staff.

Motion: A motion was made by Mr. Penn, seconded by Mr. Brewer, and carried 10-0 (Beatty absent) to require that notification of the neighborhood residents who were present at this meeting be sent prior to the public meeting for the final development plan.