

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-22-00004 MILLENNIUM REALTY, LLC

DESCRIPTION OF ZONE CHANGE

Zone Change B-3 to I-1: 7.997 net (8.187 gross) acres
& Acreage: B-6P to I-1: 0.00 net (0.65 gross) acres
Total: 7.997 net (8.837 gross) acres
Location: 2417 Georgetown Road



EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	B-3	Vacant
To North	B-3	Retail/ Motel
To East	B-6P	Vacant/Open Space
To South	I-1	Industrial
To West	I-1	Industrial

URBAN SERVICE REPORT

Roads - The subject property has frontage on Georgetown Road (US 25), a five-lane major arterial roadway. The subject property also has frontage on a narrow service road that runs parallel to portions of Georgetown Road, and serves as access for the adjacent properties at 2429-2509 Georgetown Road.

Curb/Gutter/Sidewalks - Georgetown Road has been constructed without curbs or gutters at this location. The roadway includes a shoulder and drainage swale, allowable for emergency pull off and storm water management.

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 proposed development.

Storm Sewers - The subject property is located within the Cane Run watershed. Storm sewers have been constructed in nearby residential and industrial developments, and will be needed for the subject property. All on-site improvements required for the proposed redevelopment of the subject property will need to be constructed in accordance with the Division of Engineering's Stormwater Manuals. There are no known FEMA designated floodplains on the subject property or in this immediate area. The subject property is also located within the Royal Spring Aquifer Recharge Area, where special care is needed in order to better protect the aquifer, which supplies drinking water for Scott County.

Sanitary Sewers - The subject property is located within the Cane Run sewershed. The property is served by the Town Branch Waste Water Treatment Facility, located on Lisle Industrial Avenue, southeast of New Circle Road. Extension of the sewer systems will need to be made by the developer in accordance with the adopted Engineering Manuals.

Refuse - The Urban County Government serves this area with refuse collection on Thursdays. Supplemental service may be required to serve the needs of the proposed industrial land use. This can be accomplished by contracting with private refuse collectors, if desired.

Police - The nearest police station is the West Sector roll call center on Old Frankfort Pike, located approximately three miles to the southwest, near the New Circle Road interchange.

Fire/Ambulance - The nearest fire station (#24) is located a mile to the west at the intersection of Magnolia Springs Drive and Estrella Drive, within the Masterson Station area.

Transit - This area is served by the Georgetown Route (#2 and #52) with stops on Spurr Road and Innovation Drive. Currently, there is no direct route from the subject property to the established transit stops.

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

SUMMARY OF REQUEST

The applicant is seeking a zone change from the Highway Service Business (B-3) zone to the Light Industrial (I-1) zone for the property located at 2417 Georgetown Road in order to establish a future light industrial use at this location. The applicant is also rezoning a portion of the right-of-way from the Commercial Center (B-6P) zone to the Light Industrial (I-1) zone to better conform to the modern alignment of Georgetown Road.

PLACE-TYPE

INDUSTRY & PRODUCTION CENTER
The Industry and Production Center Place-Type is where Lexington’s most intense types of economic development and job creation occur. These places should be located near major corridors to facilitate efficient and affordable shipping and transportation of goods throughout the region while minimizing the impact on the traffic infrastructure throughout the rest of the community. Special care should be taken to address the environmental impact of these places as well as their impact on residents.

DEVELOPMENT TYPE

INDUSTRIAL & PRODUCTION NON-RESIDENTIAL
Primary Land Use, Building Form, & Design
Primarily employment land dedicated to the most intense types of employment-centric development. This is the only category where uses are inherently incompatible and are best separated from adjacent uses. These uses are best suited in areas where they already exist, collocating to utilize industrial-scale infrastructure to serve the needs of the users. Environmental protection measures should be taken to minimize impacts.
Transit Infrastructure & Connectivity
These uses are also heavy employers and should incorporate mass transit infrastructure, on par with that of other modes, to connect residents to their jobs.

PROPOSED ZONING



This zone is intended for manufacturing, industrial and related uses not involving a potential nuisance in terms of smoke, noise, odor, vibration, heat, light or industrial waste. In addition, the Comprehensive Plan recognizes that it is important to promote adaptive reuse of older industrial areas and to allow Industrial Mixed-Use projects and Adaptive Reuse Projects. The Comprehensive Plan should be used to determine appropriate locations for this zone and for Industrial Mixed-Use Projects. Consideration should be given to the relationship of this zone to the surrounding land uses and to the adequacy of the street system to serve the anticipated traffic needs.

PROPOSED USE



This petitioner is proposing the Light Industrial (I-1) zone to attract and support future light industrial uses. The applicant has indicated that the submitted preliminary development plan is speculative, and will be altered with a Final Development Plan for the end user of the site. The preliminary development plan for this request details a 98,900 square-foot industrial facility, with accompanying parking and loading areas, an access drive to help facilitate future connectivity to Innovation Drive to the west, and landscaping. As the applicant has indicated that the proposed preliminary plan is subject to change, it is essential that the Final Development Plan comply with all applicable Placebuilder criteria in order to ensure the appropriateness and compatibility of the development.

APPLICANT & COMMUNITY ENGAGEMENT



According to the submitted letter of justification, the applicant states that they have reached out to all property owners within the required notification radius to provide them with information regarding the applicant’s proposal.

PROPERTY & ZONING HISTORY



The subject property has been zoned Highway Service Business (B-3) since before the 1969 comprehensive rezoning of the city and county. During that period, the property was primarily utilized for a motel use. While the subject property was recommended by the Comprehensive Plan for future land use zoning as far back as 1988, due to the existing motel use, the property has remained zoned B-3. As the surrounding area shifted from agricultural in nature to more industrial, there has been a greater emphasis on integrating newer land into the industrial landscape.

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.

The applicant opines that their proposed rezoning is in agreement with several Goals and Objectives of the 2018 Comprehensive Plan. In the following section, the staff describes some of the elements that are in agreement with the Comprehensive Plan.

GOALS & OBJECTIVES

The applicant opines that they are in agreement with the adopted Goals and Objectives of the 2018 Comprehensive Plan. First, the applicant indicates that this is an opportunity to activate a large tract of undeveloped land within the Urban Service Area (Theme E, Goal #1.e) and expand land available for industrial development in Lexington. The subject property is advantageously located along Georgetown Road, near other existing light industrial uses and zoning. The property is also in the vicinity of Citation Boulevard, which provides access to Newtown Pike, Lexington's identified freight route, and connects with Interstate-64/75.

The applicant further opines that the request is in keeping with the Comprehensive Plan's goal for the creation of a variety of job opportunities that will lead to prosperity for all (Theme C, Goal #2.a). The applicant opines that the shift in zoning from B-3 to I-1 will allow the site to accommodate a wider array of more specialized, higher paying jobs than the service jobs that are typical of the B-3 zone.

The staff agrees with these aspects of the applicant's proposal and that these Goals and Objectives of the 2018 Comprehensive can be met with the proposed development.

POLICIES

While the applicant does not directly reference any specific Comprehensive Plan Policies within their letter of justification, staff has identified several policies listed within the 2018 Comprehensive Plan that are being met with this request.

The proposed development can meet Livability Policy #9, which seeks to promote economic development through the preservation of strategically and appropriately located industrial and production zoned land. The applicant emphasizes that the location of the subject property adjacent to existent I-1 zoning, and the ability to connect with a major corridor that supports for the development of light industrial uses will promote economic development if rezoned and developed.

In addition, the request also meets Diversity Policy #2, to encourage a diverse economic base to provide a variety of job opportunities, allowing upward mobility for lower income residents of Fayette County. While the proposed end user of the property is not known at this time, the applicant opines that the proposed I-1 zone and associated land uses will allow a wider range of jobs for the area rather than the service-oriented uses that generally comprise B-3 zoned areas. In order to help achieve the applicant's goal of meeting this policy, staff recommends including conditional zoning restrictions to promote the development of higher employment uses that are described by the applicant.



PLACE TYPE, DEVELOPMENT TYPE, AND ZONE

In an effort to allow for the greatest contextual development of Lexington's Urban Service Area, applicants are asked to identify a Place-Type based on the location of the subject property. Within each Place-Type there are recommended Development Types based on the form and function of the proposed development. Based on the Place-Type and Development Type there are also several recommended zones that are most appropriate based on the Goals, Objectives, and Policies of the 2018 Comprehensive Plan. While these zones are the ideal zoning categories to develop within a specified area, other zones may be considered, provided there is an appropriate justification addressing the unique situation and provided the development is able to adequately meet the associated Development Criteria.

The applicant has indicated that the site is located within the Industry and Production Place-Type and is seeking to create an Industry and Production Non-Residential Development Type. Within this Place-Type and Development Type, the Comprehensive Plan states that special care should be taken to address the environmental impact of these places, as well as their impact on residents. Typically, the appropriateness of the Industry and Production Place-Type is heavily reliant, not only on the surrounding land use, but the infrastructure that is available to support such a development. **The proposed site is located along Georgetown Road, a major arterial roadway. Staff agrees that the Industry and Production Place-Type can be appropriate for the subject property and, with appropriate consideration given to environmentally sensitive areas, the proposed Industry and Production Non-Residential Development Type can be appropriate for the subject property.**

DEVELOPMENT CRITERIA

The development criteria for a zone change are the distillation of the adopted Goals and Objectives, as well as the policies put forth in the 2018 Comprehensive Plan. The development criteria for development represent the needs and desires of the Lexington-Fayette Urban County community in hopes of developing a better built environment. The applicable criteria are defined based on the proposed Place-Type and Development Type.

The staff finds it important to address some of Development Criteria due to the type of development.

1. Site Design, Building Form and Location

The proposed rezoning meets the criteria for Site Design, Building Form and Location, as the development will utilize a vacant, undeveloped parcel for a light industrial use, while allowing for potential for future connectivity to Innovation Drive, and promoting the preservation and maintenance of natural features.

2. Transportation and Pedestrian

Despite compliance with some of the criteria for Transportation and Pedestrian, there is still an area of concern. The applicant should expand upon the following development criterion and staff comments.

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

The development plan depicts a direct access point to Georgetown Road. The staff is concerned with this access point, due to the proposed shift in the land use of the subject property and the potential negative impact that a full access point can have on an arterial roadway. While the staff is understanding that the proposed development plan is speculative in nature and the substandard nature of the associated service road, the potential negative impacts on the Georgetown Road caused by large truck movements necessitates further discussion by the applicant.

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

While the development plan submitted with the request details internal sidewalks connecting pedestrians from the parking areas to the principal structure, sidewalk connectivity should be expanded to allow safe pedestrian circulation to the rear portions of the building and site. In addition, the plan does not detail any pedestrian facilities or access along Georgetown Road. The applicant should review strategies to establish a safe pedestrian experience in this area such as inclusion of sidewalks along the Georgetown Road frontage or an expansion of the roadway shoulder.



3. Greenspace and Environmental Health

The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, preserves existing significant trees, limits the impacts on the surrounding environment, and maintains existing drainage patterns.



CONDITIONAL ZONING RESTRICTIONS

In an effort to alleviate some of the potential adverse impacts on nearby residents, while also promoting the employment factors for the proposed development and protecting a major gateway into Lexington, staff recommends the restriction of some uses that would otherwise be available in the I-1 zone. Staff recommends prohibiting self-storage warehousing, outdoor storage, and billboards. These uses are typically low employment generators and are not consistent with the applicant's stated goals of creating a project that is seeking to promote economic development through the creation of high paying jobs.

Additionally, due to the location of the subject property within the Royal Springs Aquifer Recharge Area, staff recommends prohibiting all above ground and underground storage tanks, on-site disposal of any hazardous waste materials, and mining of non-metallic minerals and/or radium extraction. Furthermore, all establishments and facilities that store, or transport hazardous materials shall be designed to provide spill containment facilities and shall have emergency response plans approved by the appropriate Hazmat regulator (DEEM, Fire Department, or EPA, as necessary).

The Planning Commission adopted a Wellhead Protection Plan for the Royal Spring Aquifer, which sets forth a plan to ensure a continual source of potable groundwater from Royal Spring for Georgetown and Scott County, and to preserve the integrity of surface waters. This plan has been adopted by both the Planning Commissions of Fayette and Scott Counties, and has most recently been approved by the Kentucky Division of Water on 8/28/03. The proposed restrictions within the Wellhead Protection Area will better protect the surface and groundwater in the area by prohibiting some uses and requiring "best management practices" for other uses that could potentially be harmful to the wellhead, thus ensuring greater compliance with the Royal Spring Wellhead Protection Plan.

STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASONS:



1. The requested Light Industrial (I-1) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed development will activate a large tract of undeveloped land within the Urban Service Area (Theme E, Goal #1.d) and expand industrial land in Lexington.
 - b. The proposed rezoning will help with the creation of a variety of jobs (Theme C, Goal #1.a) by opening the subject property up to future light industrial uses employers.
2. The requested Light Industrial (I-1) zone is in agreement with the 2018 Comprehensive Plan's Policies, for the following reasons:
 - a. The proposed development meets Livability Policy #9, as the request seeks to promote economic development through the preservation of strategically and appropriately located industrial and production zoned land.
 - b. The proposed development meets Diversity Policy #2, as the request seeks to encourage a diverse economic base through the wider array of employment opportunities, which may be provided by the I-1 zoning
3. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the request creates an appropriately sized industrial development that will allow for the zoning flexibility to generate a wider range of jobs.
 - b. These proposed rezoning addresses the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan, as the proposal will include safe facilities for the potential users of the site and will include designated pedestrian facilities.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it calls for preservation of existing vegetation and significant trees, maintains existing drainage patterns, and limits development to cleared portions of the site.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are recommended via conditional zoning:
 - a. Prohibited Uses:
 - i. Self-storage warehousing
 - ii. Outdoor storage
 - iii. Billboards
 - iv. All above ground and underground storage tanks.
 - v. On-site disposal of any hazardous waste materials.
 - vi. Mining of non-metallic minerals and/or radium extraction.
 - b. All establishments and facilities that store, or transport hazardous materials shall be designed to provide spill containment facilities and shall have emergency response plans approved by the appropriate Hazmat regulator (DEEM, Fire Department, or EPA, as necessary).

These restrictions are appropriate and necessary for the following reasons:

1. These restrictions support both the applicant's and the 2018 Comprehensive Plan's goals of enhancing the economic development of the area through the addition of a large number of well-paying light industrial jobs.
2. The Planning Commission has adopted a Wellhead Protection Plan for the Royal Spring Aquifer, which sets forth a plan to ensure a continual source of potable groundwater from Royal Spring for Georgetown and Scott County, and to preserve the integrity of surface waters. This plan has been adopted by both the Planning Commissions of Fayette and Scott Counties, and has most recently been approved by the Kentucky Division of Water on 8/28/03.
3. The proposed restrictions within the Wellhead Protection Area will better protect the surface and groundwater in the area by prohibiting some uses and requiring "best management



practices” for other uses that could potentially be harmful to the wellhead, thus ensuring greater compliance with the Royal Spring Wellhead Protection Plan.

5. This recommendation is made subject to approval and certification of PLN-MJDP-22-00012: Charles A & Darlene Martha Property, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission’s approval.