

- (4) no person present at this meeting objects to the Commission acting on the matter without discussion, and
- (5) the matter does not involve a waiver of the Land Subdivision Regulations.

B. DISCUSSION ITEMS – Following requests for postponement, withdrawal and no discussion items, the remaining items will be considered.

The procedure for these hearings is as follows:

- Staff Report(s), including subcommittee reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) proponents (10 minute maximum OR 3 minutes each)
 - (b) objectors (30 minute maximum OR 3 minutes each)
- Rebuttal & Closing Statements
 - (a) petitioner's comments (5 minute maximum)
 - (b) citizen objectors (5 minute maximum)
 - (c) staff comments (5 minute maximum)
- Commission discusses and/or votes on the plan.

V. ZONING ITEMS - The Zoning Committee met on Thursday, April 7, 2022, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Zach Davis, Robin Michler, Graham Pohl, and Larry Forester. Staff members in attendance were: Jim Duncan, Traci Wade, Hal Baillie, Tom Martin, Daniel Crum, Samantha Castro, and Tracy Jones, Department of Law. The Committee members reviewed applications and made recommendations as noted.

A. ABBREVIATED PUBLIC HEARINGS ON ZONING MAP AMENDMENTS

The staff will call for objectors to determine which petitions are eligible for abbreviated hearings.

Abbreviated public hearings will be held on petitions meeting the following criteria:

- The staff has recommended approval of the zone change petition and related plan(s)
- The petitioner concurs with the staff recommendations
- Petitioner waives oral presentation, but may submit written evidence for the record
- There are no objections to the petition

1. MILLENNIUM REALTY, LLC ZONING MAP AMENDMENT & CHARLES A. & DARLENE MARTHA PROPERTY ZONING DEVELOPMENT PLAN

- a. **PLN-MAR-22-00004: MILLENNIUM REALTY, LLC** – a petition for a zone map amendment from a Highway Service Business (B-3) zone to a Light Industrial (I-1) zone, for 7.997 net (8.187 gross) acres, and from a Planned Shopping Center (B-6P) zone to a Light Industrial (I-1) zone, for 0.00 net (0.65 gross) acres, for property located at 2417 Georgetown Road.

COMPREHENSIVE PLAN AND PROPOSED USE

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.

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.

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

The 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.

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- 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.
- b. PLN-MJDP-22-00012: CHARLES A. & DARLENE MARTHA PROPERTY (06/05/22)* - located at 2417 GEORGETOWN RD, LEXINGTON, KY.
Project Contact: Thoroughbred Engineering

Note: The purpose of this plan is to depict reuse of the subject property with a 98,900 square foot warehouse and associated off-street parking, in support of the requested zone change from a Highway Service Business (B-3) zone to a Light Industrial (I-1) zone.

The Subdivision Committee Recommended: Approval, subject to the following conditions:

1. Provided the Urban County Council rezones the property I-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.

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5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Correct Note #3.
8. Delete Tree Preservation Plan information intended for Final Development Plan.
9. Delete Note #8.
10. Addition of existing and proposed easements.
11. Clarify Note #11.
12. Discuss connection to Curtsinger Property to the northwest of the subject property.
13. Discuss proposed access along Georgetown Road.
14. Discuss Placebuilder criteria:
 - a. D-CO1-1: Rights-of-way and multi-modal facilities should be designed to reflect and promote the desired Place type.
 - b. D-CO2-1: Safe facilities for all users and modes of transportation should be provided.

Staff Zoning Presentation – Mr. Crum presented the staff report and recommendation for the zone change application. He displayed photographs of the subject property and of the general area. He stated that the applicant was seeking a zone map amendment from a Highway Service Business (B-3) zone and a Commercial Center (B-6P) zone to a Light Industrial (I-1) zone, for 7.997 net (8.837 gross) acres, for future light industrial use, although there is no final tenant at this time. Due to the lack of a final tenant, Mr. Crum notes that much of this request will be speculative. Mr. Crum presented aerial and zoning maps to orient the Commission to the property, pointing out that the subject properties' proximity to arterial roads like Newton Pike and the interstate made it an attractive location for industrial use. The applicant is seeking to bring in a tenant that can provide high paying jobs in the area. Mr. Crum finalized the presentation with a review of the recommended findings for approval, and recommended conditional zoning restrictions that were covered within the staff report. Mr. Crum noted that the zoning committee recommended approval.

Commission Questions – None.

Staff Development Plan Presentation – Ms. Gallt presented the staff report and recommendations for the associated Development Plan. Ms. Gallt presented a colored rendering of the subject property and reviewed the current development. She then presented the proposed conditions of approval. Ms. Gallt noted that there were two discussion questions: the status of the connection to the Curtsinger Property to the northwest of the subject property (#12), and the proposed access along Georgetown Road (#13). Both of these conditions were discussed in the subdivision meeting; Ms. Gallt stated that since this is a preliminary development plan, these conditions should be resolved by the time of the final development plan. Additionally, there was a final discussion question regarding the Placebuilder Development Criteria, but Ms. Gallt indicated that the discussion regarding the Placebuilder Development Criteria could be deleted, as the applicant had addressed these items, as illustrated by Mr. Crum's presentation.

Commission Questions – Mr. Pohl asked who would be responsible for the access road along Georgetown Road. Mr. Fred Eastridge, Thoroughbred Engineering, stated that at this time, the plan is for it to be a private access road that would be maintained by the property owner. Mr. Eastridge said that might change to a public access road, but the plan right now is for it to be private. Mr. Ed Yancy, attorney for Millennium Realty, gave additional detail regarding the service road, saying that the service road at the moment is owned by the State of Kentucky. They have attempted to buy the road, but the Transportation Cabinet would not sell it.

Commission Questions – Mr. Penn asked Ms. Gallt to clarify if staff was looking to resolve condition #12 and #13 and eliminate #14. Ms. Gallt indicated that that was correct.

Applicant Presentation – Mr. Eastridge and Mr. Yancy acknowledged acceptance of the zone change and associated development plan.

Zoning Action – A motion was made by Mr. Penn, seconded by Mr. Pohl, and carried 8-0 (Barksdale, de Movellan, and Bell absent) to approve PLN-MAR-22-00004: MILLENIUM REALTY, LLC, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Penn, seconded by Mr. Pohl and carried 8-0 (Barksdale, de Movellan, and Bell absent) to approve PLN-MJDP-22-00012: CHARLES A. & DARLENE MARTHA PROPERTY removing condition #14, and resolving conditions #12 and #13 by the time of the final development plan.

- B. FULL PUBLIC HEARINGS ON ZONE MAP AMENDMENTS** - Following abbreviated hearings, the remaining petitions will be considered.

The procedure for these hearings is as follows:

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

- Staff Reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) Proponents (10 minute maximum OR 3 minutes each)
 - (b) Objectors (30 minute maximum) (3 minutes each)
- Rebuttal & Closing Statements
 - (a) Petitioner's comments (5 minute maximum)
 - (b) Citizen objectors (5 minute maximum)
 - (c) Staff comments (5 minute maximum)
- Hearing closed and Commission votes on zone change petition and related plan(s).

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the hearing. The Chair will announce its decision at the outset of the hearing.

2. COWGILL DEVELOPMENT, LLC ZONING MAP AMENDMENT & MARGARET W. CAMIC PROPERTY (W.E. SAVAGE PROPERTY) ZONING PRELIMINARY PLAN SUBDIVISION PLAN

- a. **PLN-MAR-22-00005: COWGILL DEVELOPMENT, LLC** – a petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 14.773 net (15.519 gross) acres, for property located at 4630 Old Schoolhouse Lane.

COMPREHENSIVE PLAN AND PROPOSED USE

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The petitioner proposes the rezoning of the subject property to the Planned Neighborhood Residential (R-3) zone to allow for the construction of single family dwelling units and associated infrastructure. The applicant is seeking to develop a total of eighty-eight (88) single family lots, at a residential density of approximately 5.9 dwelling units per net acre.

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

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

1. A Planned Neighborhood Residential (R-3) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning will allow for the development of an vacant and underutilized property located within the Urban Service Area for a residential use (Theme E, Goal #1.d and #1.e).
 - b. The proposed rezoning will support infill and redevelopment (Theme A, Goal #2), by establishing a single family residential area within context of the surrounding development and tying into the established roadway and trail networks (Theme A, Goal#2.b; Theme D, Goal#1.a).
 - c. The proposed development will respect the design features of the area, while providing varied housing choices with the proposed lot layout, which differs slightly from the general area, but retains a similar lot size (Theme A, Goal #1.c; Theme A, Goal #3.a).
 - d. The proposed development will connect with the greenway and nearby park system to provide a safe and well-designed pedestrian and bike system (Theme A, Goal #3.b) and will not impact the floodplain area (Theme B, Goal #3.b).
 - e. The proposed rezoning will uphold the Urban Service Area preservation strategy by providing an appropriate and sustainable development of a long-underutilized parcel (Theme E, Goal #1.b).
2. A Planned Neighborhood Residential (R-3) zone is in agreement with the 2018 Comprehensive Plan's Policies, for the following reasons:
 - a. The proposed project will connect to the future trail network through a dedicated 15-foot easement, integrating pedestrian and bicycle access to established open space amenities within close proximity for residents (Design Policy #9 and #10).
 - b. The proposed project will provide a connected street system that will enhance emergency service accessibility while creating inviting streetscapes (Design Policy #2).
 - c. The proposed rezoning is sensitive to the surrounding context of the adjacent neighborhoods, as it is proposing a similar built form as the adjacent developments (Design Policy #4).
3. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.