

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-17-00035: ANDERSON ACQUISITIONS, LLC

DESCRIPTION

Zone Change: From an Agricultural Rural (A-R) zone
To an Economic Development (ED) zone

Acreage: 7.70 net (9.53 gross) acres

Location: 2050 Newtown Pike

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	A-R	Agricultural
To North	E-D	Vacant
To East	E-D	Vacant
To South	R-2	Residential & I-64/75
To West	ED	Vacant

URBAN SERVICES REPORT

Roads – The subject property is bounded by Interstates 64 and 75, a six-lane expressway, immediately to the south. In addition, Aspiration Drive was recently constructed to provide access to portions of the Providence Business Center (East Bridgeford Land & Development Co. and Kingston Hall Subdivisions), including about 130 feet of frontage along the northeast corner of the subject property. Aspiration Drive connects to Providence Place Parkway via Destiny Way. Providence Place Parkway is a two-lane roadway that is intended to be the primary connection between Newtown Pike (KY 922) and Russell Cave Road (KY 57) through the Providence Business Center development. Aspiration Drive will need to be extended along the subject property's frontage in accordance with the Division of Engineering Manuals.

Curb/Gutter/Sidewalks – Aspiration Drive is constructed with curb, gutter and sidewalks. These improvements are expected to continue along the entire frontage of the subject property.

Storm Sewers –The subject property is located within the Can Run watershed and the Royal Spring Wellhead Protection Area. Within Expansion Area 3, stormwater management facilities to control the quantity and quality of stormwater discharge are to be provided on-site in accordance with the adopted Engineering Stormwater Manual.

Sanitary Sewers – The only existing sanitary sewers in this area are those serving businesses near Newtown Pike; therefore, sanitary sewers will need to be extended to the subject property at the time of development. Within Expansion Area 3, a force main and pump station are planned along the Urban Service Area (USA) boundary for the transmission to and treatment of sewage waste at the Town Branch Wastewater Treatment Plant. These regional infrastructure improvements have been designed, and construction bids were solicited during the summer of 2017.

Refuse – Collection to properties is provided by the Urban County Government to this region of the Urban Service Area on Thursday. Supplemental service is often times desired for commercial establishments and/or industrial facilities.

Police – The nearest police station to this location is the West Sector Roll Call Center on Old Frankfort Pike, near its interchange with New Circle Road, approximately four miles southwest of this location.

Fire – The nearest fire station (#8) is located about two miles to the southeast on North Broadway, between New Circle Road and Interstates 64 and 75.

Utilities – Most utilities are available to this area of the Urban Service Area, including electric service, telephone, and public water. Streetlights and cable television service are expected to be provided or extended to the site when the subject property develops.

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 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. The 2013 Comprehensive Plan also encourages creating jobs and prosperity (Theme C) and maintaining a balance between urban uses and safeguarding rural land (Theme E).

The subject property is located within the Expansion Area, more specifically Subarea 3. The Expansion Area Master Plan recommends Economic Development (ED) future land use for the subject property. The petitioner proposes to develop this property with the principal permitted uses allowed in the Economic Development (ED) zone.

CASE REVIEW

The petitioner has requested a zone change from an Agricultural Rural (A-R) zone to an Economic Development (ED) zone for 7.7 acres of property located at 2050 Newtown Pike.

The subject property is located on the north side of Interstates 64 and 75, approximately mid-point between Newtown Pike and Russell Cave Road. The property is a remnant parcel, which was cut-off from the Winburn Subdivision when the interstate was built in the 1960s. The site is located within Expansion Area 3, as identified in the 1996 Expansion Area Master Plan, and is now accessible from Newtown Pike via the constructed Providence Place Parkway and a series of local streets. The site currently has approximately 130 feet of frontage along Aspiration Drive, which is proposed to continue along the length of the property another 490 feet.

The subject property is surrounded on three sides by Economic Development (ED) zoned land, which was rezoned in 2003, all of which remains vacant. A 21-acre site directly to the east is planned for a professional office land use, but has yet to be developed. A commercial area oriented toward the interstate with a combination of restaurants, hotels and gas stations (B-5P zoning) in closer proximity to Newtown Pike. To the south of the subject property, across Interstates 64 and 75, the Winburn Subdivision is comprised of several different housing types, at varied densities (R-1D, R-1T, R-2, R-3 and R-4).

The applicant is requesting an Economic Development (ED) zone for the subject property, located in the center of an approved industrial and office business center. The Economic Development (ED) zone was created in 1996 to implement the Expansion Area Master Plan's future land use recommendations, and is intended to "provide land within the Expansion Area for employment opportunities compatible with the overall character of development as provided in the Expansion Area Master Plan."

The Economic Development zone was recently updated to remove some of the barriers to development that have been in place since Article 23 was adopted to implement the EAMP in 1996 (ZOTA 2016-4: Amendments to the Economic Development Zone). The principal permitted uses in this zone include offices, research centers, manufacturing, and healthcare that typically yield a high rate of employment opportunities. Limited supportive uses such as restaurants,

hotels and dwelling units are now also permitted to help create a more desirable employment center. The maximum building height and maximum floor area ratio were also relaxed to permit a higher intensity of development.

The 1996 Expansion Area Master Plan recommends that the subject property be used for Economic Development (ED) purposes, and emphasizes the importance of ED land use near the interstate highway system (pg 42). Further, the 2013 Comprehensive Plan's Goals and Objectives recommend creating prosperity and jobs (Theme C), and more specifically, in Goal #2, Objective d. to "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 subject property will allow for a consistent and compatible use of the land between the Urban Service Area boundary and the interstate corridor for economic development within the community. Although no particular business is currently interested in the site, the rezoning will allow for the property to be "shovel ready" within the next 6 months, because infrastructure is either constructed or currently being constructed to serve the immediate area, and the land is generally flat, therefore, minimal grading would be needed. The proposed rezoning also maintains the current USA boundary and (Theme E, Goal #3), and encourages development of underutilized and/or vacant property within the current boundary (Theme E, Goal #1). The Comprehensive Plan also recommends there be a supply of "jobs infrastructure" ready for development in a variety of manners (pg 72), including office, industrial and healthcare, all of which can be accommodated by the proposed Economic Development zone.

For these reasons, the staff agrees that the requested Economic Development (ED) zone is in agreement with the 2013 Comprehensive Plan's Goals and Objectives, as well as the adopted 1996 Expansion Area Master Plan for the subject property.

The subject property lies within the Royal Spring Aquifer Wellhead Protection Area as well. Royal Spring supplies parts of Scott County and the city of Georgetown with their water supply. Most of the subject property lies within the secondary recharge area, an area where ground water and surface water will make its way into the Royal Spring Aquifer. The Wellhead Protection Plan has been adopted by the Planning Commissions in both Scott and Fayette Counties. In order to protect the Wellhead Protection Area, some uses, such as hazardous materials storage, should be restricted through the use of conditional zoning.

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

1. The requested Economic Development (ED) zone is in agreement with the 2013 Comprehensive Plan, and the 1996 Expansion Area Master Plan, for the following reasons:
 - a. The 1996 Expansion Area Master Plan recommends Economic Development (ED) future land use for the subject property, which is the primary employment land use in the Expansion Area. The applicant has requested Economic Development (ED) zoning for the subject property, in agreement with the Plan's recommendation.
 - b. The 2013 Comprehensive Plan's Goals and Objectives recommend creating prosperity and jobs (Theme C), and more specifically, to "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" (Goal #2d.). The subject property will allow for a consistent and compatible use of the land between the Urban Service Area boundary and the interstate corridor for potential economic development opportunities within the community.
 - c. The proposed rezoning will create "shovel ready" economic development land. Infrastructure is either constructed or currently being constructed to serve the immediate area, and the land is generally flat; therefore, minimal grading would be needed.

- d. The proposed rezoning maintains the current Urban Service Area boundary (Theme E, Goal #3), and encourages development of underutilized and/or vacant property within the current boundary (Theme E, Goal #1).
 - e. The 2013 Comprehensive Plan also recommends that there be a supply of “jobs infrastructure” ready for development in a variety of manners (pg 72), including office, industrial and healthcare, all of which can be accommodated by the proposed Economic Development (ED) zone.
2. This recommendation is made subject to approval and certification of PLN-MJDP-17-00097: Winburn Land Company (Kingston Hall, Unit 3), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
 3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions within the Royal Spring Aquifer and Wellhead Protection Area are recommended via conditional zoning:
 - a. All above ground and underground storage tanks shall be designed to have spill containment facilities.
 - 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).
 - c. On-site disposal of any hazardous waste materials shall be prohibited.
 - d. Mining of non-metallic minerals and/or radium extraction shall be prohibited.

These use restrictions are both appropriate and necessary for the subject property for the following reasons:

1. 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 been approved by the Kentucky Division of Water.
2. 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.