

ORDINANCE NO. 15 -2016

AN ORDINANCE CHANGING THE ZONE FROM A LIGHT INDUSTRIAL (I-1) ZONE TO A HIGHWAY SERVICE BUSINESS (B-3) ZONE, FOR 7.5 NET (10.25 GROSS) ACRES, FOR PROPERTY LOCATED AT 1803 GEORGETOWN ROAD. (KENTUCKY HILL PROPERTIES, LLC; COUNCIL DISTRICT 2).

WHEREAS, at a Public Hearing held on December 17, 2015 a petition for a zoning ordinance map amendment for property located at 1803 Georgetown Road from a Light Industrial (I-1) zone to a Highway Service Business (B-3) zone for 7.5 net (10.25 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 5-3; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone for property located at 1803 Georgetown Road from a Light Industrial (I-1) zone to a Highway Service Business (B-3) zone for 7.5 net (10.25 gross) acres, being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 - That the granting of this zone change is made subject to the following use restrictions as conditions of granting the zone change:

Under the provisions of Article 6-7 of the Zoning Ordinance, the following use and buffering restrictions are proposed for the subject property via conditional zoning:

Prohibited Uses

- a. Free-standing cocktail lounges or bars; that is, sale of alcoholic beverages by the drink shall be limited to establishments in which sales of food account for 50% or more of gross receipts.
- b. Carnivals or circuses on a temporary or permanent basis.
- c. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
- d. Billboards.
- e. Drive-in restaurants.

Section 3 - That the Lexington-Fayette Urban County Planning Commission is directed to show the amendment on the official zone map atlas and to make reference to the number of this Ordinance.

Section 4 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: February 11, 2016



MAYOR

ATTEST:



CLERK OF URBAN COUNTY COUNCIL

Published: February 25, 2016-1t

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Legal Description of the
Westhampton Distribution Center Property
Zone Change From I-1 to B-3
1803 Georgetown Road
Lexington, Fayette County, Kentucky

ALL THAT TRACT OR PARCEL OF LAND SITUATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF SANDERSVILLE ROAD AND GEORGETOWN ROAD IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the intersection of the centerline of Georgetown Road and Sandersville Road; thence along the centerline of Sandersville Road north 88 degrees 18 minutes 10 seconds west 670.33 feet to the intersection of the centerline of Sandersville Road and the centerline of Atoma Drive; thence along the centerline of Atoma Drive north 03 degrees 52 minutes 15 seconds east 608.76 feet to a point; thence along a curve to the left having an arc length of 138.53 feet, a radius of 500.00 feet, and a chord bearing of north 04 degrees 03 minutes 59 seconds west a distance of 138.09 feet to a point; thence leaving the centerline of Atoma Drive north 03 degrees 52 minutes 15 seconds east 74.33 feet to a point; thence along a curve to the right having an arc length of 68.31 feet, a radius of 75.00 feet, and a chord bearing of south 59 degrees 41 minutes 02 seconds east a distance of 65.97 feet to a point; thence north 03 degrees 52 minutes 15 seconds east 164.70 feet to a point; thence south 72 degrees 44 minutes 24 seconds east 309.11 feet to the centerline of Georgetown Road; thence along the centerline of Georgetown Road south 14 degrees 51 minutes 42 seconds east 9.56 feet to a point; thence along a curve to the left having an arc length of 909.82 feet, a radius of 11459.16 feet, and a chord bearing of south 17 degrees 08 minutes 11 seconds east a distance of 909.58 feet to the point of beginning and containing 10.25 gross acres and 7.50 net acres.

Rec'd by KST
Date: 1/6/16

RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

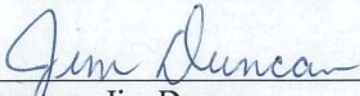
IN RE: **MAR 2015-23: KENTUCKY HILL PROPERTIES, LLC** - petition for a zone map amendment from a Light Industrial (I-1) zone to a Highway Service Business (B-3) zone, for 7.5 net (10.25 gross) acres, for property located at 1803 Georgetown Road. (Council District 2)

Having considered the above matter on **December 17, 2015**, at a Public Hearing, and having voted **5-3** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **CONDITIONAL APPROVAL** of this matter for the following reason:

1. The existing Light Industrial (I-1) zone is no longer appropriate for this property and the proposed B-3 zoning is appropriate for the following reasons:
 - a. This is a parcel which is not well-suited for industrial use. It was purchased, then passed over in the past by an industrial use, and it has remained vacant for all the time it has been zoned I-1, about 17 years.
 - b. There is a population of about 62,000 residents living within three miles of this property. There are also around 20,000 jobs in that radius. There is a lack of commercial and service business, which this zone change would provide to the area.
 - c. Retail and service industries are needed in this corridor to serve the employment and manufacturing facilities in addition to the residential.
 - d. The intersection of Georgetown Road and Sandersville Road is fully signalized. A traffic impact study was performed which indicated that the rate of traffic accidents on Georgetown Road is one-half of other highways in Kentucky. The developer will construct the deceleration lanes which are indicated in the traffic study, and the developer will construct improvements to Sandersville Road.
2. This recommendation is made subject to approval and certification of **ZDP 2015-102: Burke, Hockensmith & Maggard (Georgetown Road Development)**, 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 uses shall be restricted via conditional zoning:**
Prohibited Uses
 - a. Free-standing cocktail lounges or bars; that is, sale of alcoholic beverages by the drink shall be limited to establishments in which sales of food account for 50% or more of gross receipts.
 - b. Carnivals or circuses on a temporary or permanent basis.
 - c. Adult arcades, massage parlors, adult book stores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
 - d. Billboards.
 - e. Drive-in restaurants.

These restrictions are necessary and appropriate in order to restrict the most intense land uses on the subject property.

ATTEST: This 6th day of January, 2016.


Secretary, Jim Duncan

MIKE OWENS
CHAIR

Note: The corollary development plan, ZDP 2015-102: Burke, Hockensmith & Maggard (Georgetown Road Development), was approved by the Planning Commission on December 17, 2015 and certified on December 30, 2015.

K.R.S. 100.211(7) requires that the Council take action on this request by March 17, 2016.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Richard Murphy, attorney.**

OBJECTORS

- Cheryl Butala, 1988 Sandersville Road
- Lametta Johnson, 1992 Arbor Station Way

OBJECTIONS

- Concerned about additional traffic from the proposed development, and the speed limit on Georgetown Road, which she believes should be lowered from 55 miles per hour to 45.
- Concerned about the speed limit on Georgetown Road, and the number of accidents at the Georgetown/Sandersville Road intersection.

VOTES WERE AS FOLLOWS:

AYES: (5) Berkley, Cravens, Drake, Mundy, Wilson

NAYS: (3) Penn, Plumlee, Smith

ABSENT: (3) Brewer, Owens, Richardson

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for CONDITIONAL APPROVAL of MAR 2015-23 carried.

Enclosures: Application
Plat
Staff Report
Applicable excerpts of minutes of above meeting

GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION

(REVISED)

1. ADDRESS INFORMATION (Name, Address, City/State/Zip & PHONE NO.)

APPLICANT:	Kentucky Hill Properties, LLC, 227 Queensway Dr., Lexington, KY 40502
OWNER:	Westhampton Distribution Center, 1061 Turkeyfoot Road, Lexington, KY 40502
ATTORNEY:	Richard V. Murphy, Murphy & Clendenen, PLLC, 250 West Main Street, Suite 2510, Lexington, KY 40507

2. ADDRESS OF APPLICANT'S PROPERTY (Please attach Legal Description)

1803 Georgetown Road

3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY (Use attachment, if needed--same format.)

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
I-1	Vacant	B-3	Retail	7.5	10.25

4. SURROUNDING PROPERTY, ZONING & USE

Property	Use	Zoning
North	Light Industrial	I-1
East	Single family residential	R-1D, R-1E, A-U
South	Single family residential	R-3
West	Self-storage and light industrial	I-1

5. EXISTING CONDITIONS

a. Are there any existing dwelling units on this property that will be removed if this application is approved?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
b. Have any such dwelling units been present on the subject property in the past 12 months?	<input type="checkbox"/> YES <input type="checkbox"/> NO
c. Are these units currently occupied by households earning under 40 % of the median income? If yes, how many units? If yes, please provide a written statement outlining any efforts to be undertaken to assist those residents in obtaining alternative housing.	<input type="checkbox"/> YES <input type="checkbox"/> NO _____ Units

6. URBAN SERVICES STATUS (Indicate whether existing, or how to be provided.)

Roads	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Storm Sewers	<input checked="" type="checkbox"/> Existing	<input checked="" type="checkbox"/> To be constructed by	<input checked="" type="checkbox"/> Developer	<input type="checkbox"/> Other
Sanitary Sewers	<input checked="" type="checkbox"/> Existing	<input checked="" type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Curb/Gutter/Sidewalks	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Refuse Collection	<input checked="" type="checkbox"/> LFUCG	<input type="checkbox"/> Other		
Utilities	<input checked="" type="checkbox"/> Electric	<input checked="" type="checkbox"/> Gas	<input checked="" type="checkbox"/> Water	<input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable

7. DESCRIBE YOUR JUSTIFICATION FOR REQUESTED CHANGE (Please provide attachment.)

This is in... <input checked="" type="checkbox"/> in agreement with the Comp. Plan <input checked="" type="checkbox"/> more appropriate than the existing zoning <input checked="" type="checkbox"/> due to unanticipated changes.
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8. APPLICANT/OWNER SIGNS THIS CERTIFICATION

I do hereby certify that to the best of my knowledge and belief, all application materials are herewith submitted, and the information they contain is true and accurate. I further certify that I am OWNER or HOLDER of an agreement to purchase this property since September, 2015.

APPLICANT Richard V. Murphy, Atty. for applicant DATE 10/15/15

OWNER _____ DATE _____

7. Justification for Requested Rezoning

The applicant, Kentucky Hill Properties, LLC, is requesting a zone change from the I-1 zone to the B-3 zone for approximately 7.5 net acres on property at the northwest corner of Georgetown Road and Sandersville Road.

This property has been zoned light industrial for seventeen years. It has remained vacant. During that time, there have been major changes in the area. The corridor had in general been planned to be light industrial. Instead, the area is developing with a good mixture of residential and industrial users. It has become an area where it is possible to live close to work, which reduces the length and time of commuter trips and also reduces this community's carbon footprint.

Portions of the land which had been originally designated industrial have been rezoned and developed as residential. The Konner Woods development, directly south of this property is one example. The nearby Imani Baptist Church is another example. At the same time, the Coldstream Station neighborhood has continued to grow, and the Oakwood and Highlands neighborhoods, on either side of Coldstream Station, have remained vibrant residential neighborhoods. In addition, the area to the west of the railroad tracks along Sandersville Road has been planned for a large residential community.

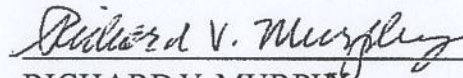
Both the residential and the employment facilities are underserved by retail uses. The subject property, which consists of about 7.5 net acres, is appropriately sized to provide commercial facilities which will serve the growing neighborhoods and the jobs in this area. We anticipate retail uses and restaurant uses, among others. (We understand that some B-3 uses may not be appropriate and are agreeable to appropriate conditional zoning restrictions). There are properties at the intersection of Citation Boulevard and Georgetown Road which are zoned B-3 and B-6P. These properties are approximately twenty-five acres each and will be the home of more regionally oriented commercial uses. Our smaller area will relate to the nearby residences and the people who work in the employment centers.

For reasons mentioned above, we feel that the existing I-I zoning is inappropriate and the proposed B-3 zoning is appropriate for this property. The smaller size of this property makes it less suitable for manufacturing use, and makes it appropriate for neighborhood oriented business use. With the traffic signal at the intersection of Georgetown Road and Sandersville Road, the property is easily accessible from residences on both sides of Georgetown Road.

This proposal also is in agreement with the 2013 Comprehensive Plan. Goal D.2. calls for providing accessible community facilities and services to meet the health, safety and quality of life needs of Lexington-Fayette County's residents and visitors. As mentioned above, this will supply needed commercial uses near the growing residential and employment facilities in this area along Georgetown Road. It will support Objective E.1.b., by encouraging compact, contiguous development as guided by market demand, to accommodate future growth needs. In addition, it will reduce driving times by providing commercial services close to the residential

and employment areas. Also, this proposal encourages economic investment in established communities in Lexington, as called for on Page 98 of the Comprehensive Plan.

Thank you for your consideration of this zone change request.



RICHARD V. MURPHY,

Attorney for Applicant

Statement of Justification I0-1-15.doCJC

Westhampton Distribution Center
1061 Turkeyfoot Road
Lexington, KY 40502

October 7, 2015

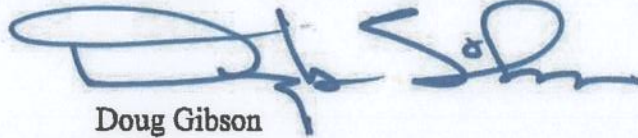
Lexington-Fayette Urban County Planning Commission
200 East Main Street
Lexington, KY 40507

Re: 1803 Georgetown Road
Lexington, KY 40511

Dear Members of the Planning Commission:

Westhampton Distribution Center, a Kentucky general partnership, is the owner of the property at 1803 Georgetown Road. The company hereby gives its permission to Kentucky Hill Properties, LLC to apply for a zone change to a business zone on this property.

Sincerely,

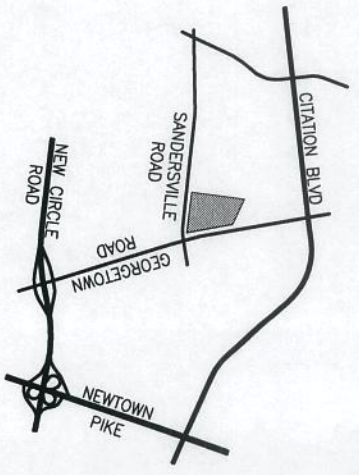
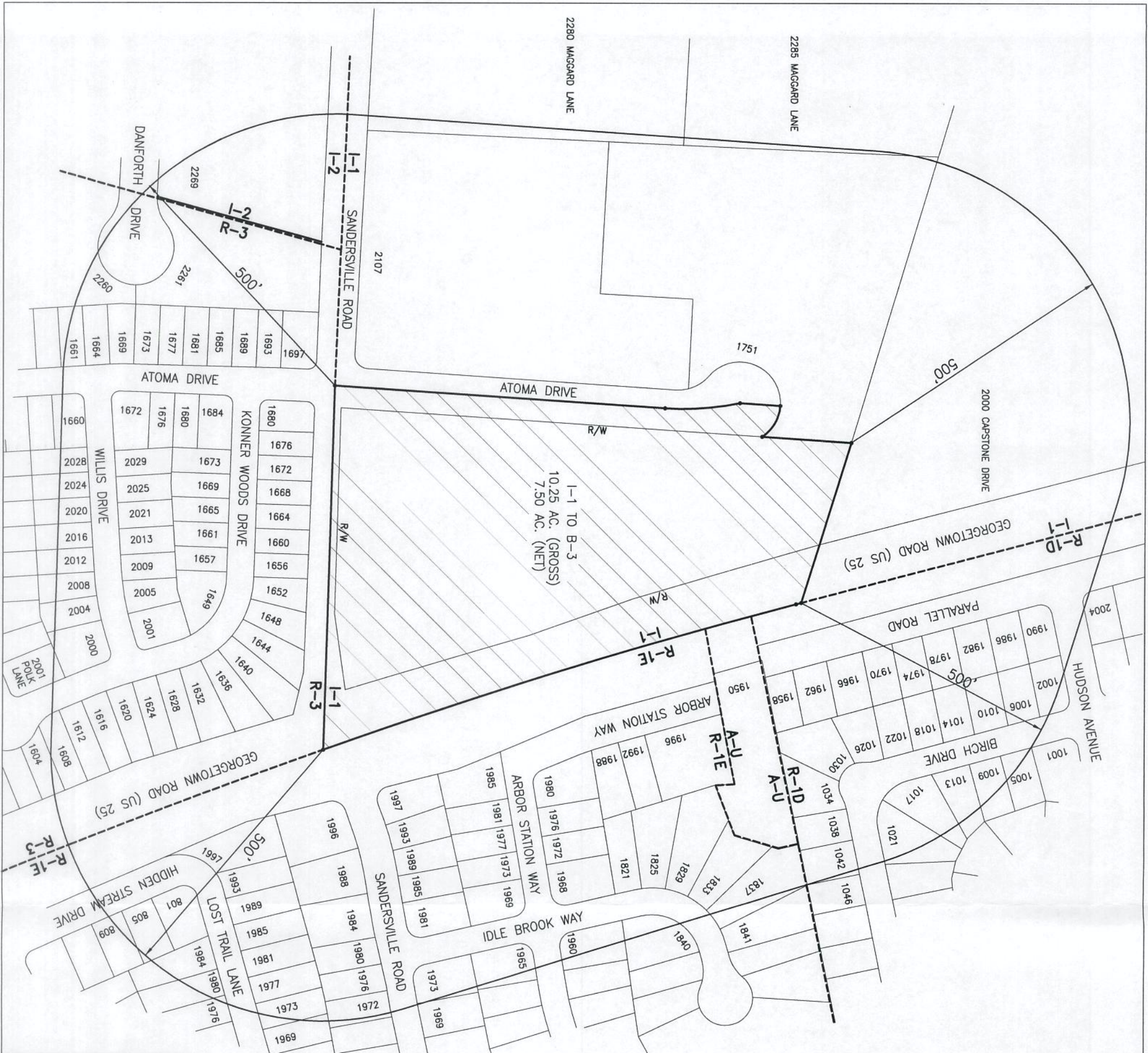
A handwritten signature in blue ink, appearing to read "Doug Gibson". The signature is stylized and cursive.

Doug Gibson
Partner

Legal Description of the
Westhampton Distribution Center Property
Zone Change From I-1 to B-3
1803 Georgetown Road
Lexington, Fayette County, Kentucky

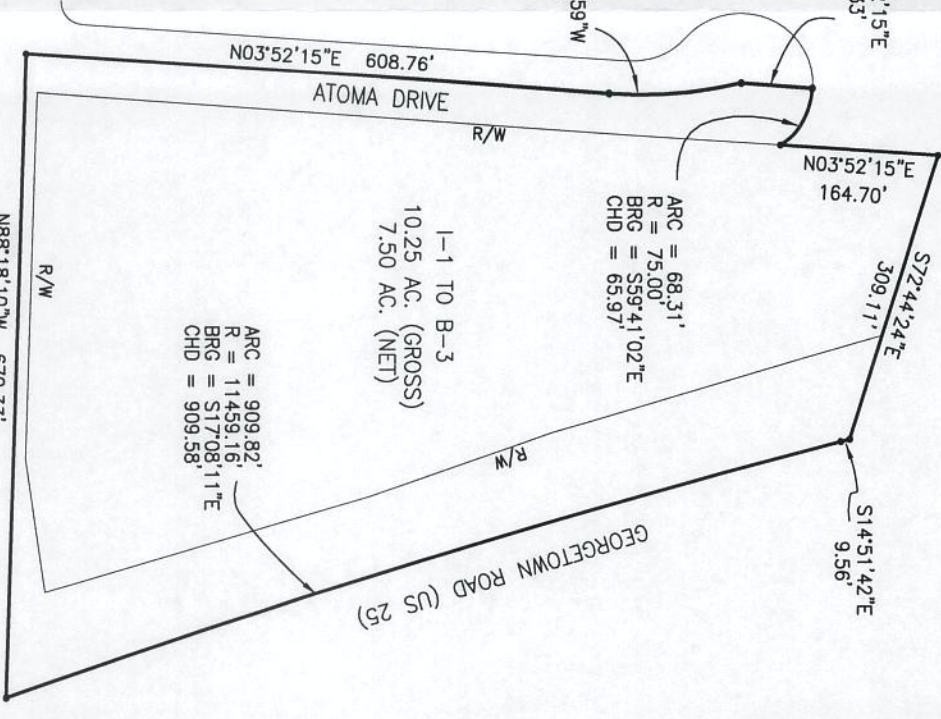
ALL THAT TRACT OR PARCEL OF LAND SITUATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF SANDERSVILLE ROAD AND GEORGETOWN ROAD IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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AREA NOTIFICATION MAP
1" = 200'

PROPERTY MAP
1" = 200'



STATE OF KENTUCKY
 WESLEY B. WITT
 2187
 LICENSED PROFESSIONAL LAND SURVEYOR

Wesley B. Witt

ZOMAR: I-1 TO B-3	FROM	TO	GROSS	NET
PROPERTY ADDRESS: 1803 GEORGETOWN ROAD	I-1	B-3	10.25 AC	7.50 AC
APPLICANT: KENTUCKY HILL PROPERTIES, LLC				
OWNER: WESTHAMPTON DISTRIBUTION CENTER				
PREPARED BY: MIDWEST ENGINEERING, INC.				
DATE PREPARED: OCTOBER 5, 2015				
TOTAL			10.25 AC	7.50 AC

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2015-23: KENTUCKY HILL PROPERTIES, LLC

DESCRIPTION

Zone Change: From a Light Industrial (I-1) zone
To a Highway Service Business (B-3) zone

Acreage: 7.50 net (10.25 gross) acres

Location: 1803 Georgetown Road

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	I-1	Vacant
To North	I-1	Light Industrial
To East	R-1E	Single-Family Residential
To South	R-3	Single-Family Residential
To West	I-1	Light Industrial

URBAN SERVICES REPORT

Roads – Georgetown Road (US 25) is a five-lane highway that currently has a dedicated center (left) turning lane in the vicinity of the subject property. Sandersville Road is a major collector street that currently connects Greendale Road to Georgetown Road. Portions of this collector street have also been built within the Masterson Station subdivision, and eventually the roadway is planned to continue to the northwest, toward Spurr Road. Atoma Drive is a local street that serves the subject property as well as other industrial users. Roadway improvements may be required along the Sandersville Road property frontage, and subject to the concurrence of the Kentucky Transportation Cabinet. The petitioner is proposing two access points along Georgetown Road, as well as a new access (each) to Sandersville Road and Atoma Drive in order to serve vehicular traffic to the subject property.

Curb/Gutter/Sidewalks – Curb, gutter and sidewalks have not been constructed along Georgetown Road or Sandersville Road, although such facilities do exist along Atoma Drive. Curb, gutter and sidewalk improvements may be required if roadway improvements occur along Sandersville Road, again subject to KTC approval. Such improvements along Georgetown Road are not typical since the state made roadway widening improvements a few years ago along this portion of the corridor.

Storm Sewers – No storm sewers currently exist on the site, but will be necessary to address stormwater drainage on the subject property. The property is split between two watersheds--the Cane Run Creek watershed to the north and east, and the Town Branch watershed to the south and west sides of the property. No existing FEMA Special Flood Hazard Area (100-year floodplain) exists on the property, but the site is partially located within the Royal Spring Aquifer. This Aquifer is protected because it supplies a portion of the City of Georgetown's water supply. Water quality treatment of any new storm water basins is an issue for this site for that reason.

Sanitary Sewers – Sanitary sewers will serve all new development on this property and in this portion of the Urban Service Area. The property will be served by the Town Branch Wastewater Treatment Facility, approximately 2½ miles to the southwest of the property, between Old Frankfort Pike and Leestown Road. The Town Branch Wastewater Treatment bank does have existing capacity available, according to the Capacity Assurance Program.

Refuse – Collection to individual properties is provided by the Urban County Government on Thursdays in this portion of the Urban Service Area. Private haulers often provide additional service to commercial developments, as well.

Police – The nearest police station is the West Roll Call Center facility, located on Old Frankfort Pike inside of New Circle Road, approximately 2¼ miles to the southwest.

Fire/Ambulance – Fire Station #10 is located one mile to the southeast of the property, along Finney Drive near the Georgetown Road and New Circle Road interchange.

Utilities – Natural gas, telephone service, electric, water, streetlights, and cable television are all available to serve this area, and can be extended into the subject site as it 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 Comprehensive Plan identifies the need to protect and provide readily available economic development land to meet the need for jobs (Theme C: Creating Jobs and Prosperity), as well as encouraging development in a compact and contiguous manner (Theme E: Maintaining a Balance Between Planning for Urban Uses and Safeguarding Rural Land).

The petitioner proposes a Highway Service Business (B-3) zone in order to develop approximately 46,500 square feet of retail and restaurant space, and associated off-street parking.

CASE REVIEW

The petitioner has requested a zone change from a Light Industrial (I-1) zone to a Highway Services Business (B-3) zone for a 7.5-acre site.

The subject property is located in the northwest corner of the signalized Georgetown Road and Sandersville Road intersection. The property, which is currently vacant, is also bordered by Atoma Drive to the west.

The area is characterized by industrial land use along the west side of Georgetown Road (with the exception of the Konner Woods neighborhood and Imani Baptist Church), and several residential neighborhoods along the east side of the corridor. Such neighborhoods include Coldstream Station, Oakwood and Highlands. The significant portion of the land between Georgetown Road and the CSX railroad line (to the west) and between New Circle Road and Spurr Road is prime "jobs land" that is either developed or is in the process of being developed. At the intersection of Georgetown Road and Citation Boulevard, to the north of this location, two large vacant commercial properties are available for development. Both have been zoned (B-6P and B-3) since 1997. Extensive areas of commercial zoning exist near the New Circle Road and Georgetown Road interchange.

This property was the subject of a zone change in 1998 from the Agricultural Urban (A-U) zone to the Light Industrial (I-1) zone. It was approved with conditional zoning restrictions prohibiting numerous uses because of its location across Georgetown Road from existing and planned single-family residential uses. A portion of the property lies within the Royal Spring Aquifer recharge area (for the City of Georgetown's water supply), and other I-1 zoned property within the immediate area has been similarly restricted.

The 2013 Comprehensive Plan no longer focuses on specific, map-based land use recommendations, but utilizes a policy-based approach which provides considerably more flexibility. From 1976 – 2007, the previous comprehensive plans have recommended light industrial future land use for the subject property, which is clearly reflective of the available infrastructure and compatibility with the surrounding development and character.

The 2013 Comprehensive Plan suggests that more "jobs land" is needed, meaning that, additional land that will permit employment opportunities should be seriously considered by the Planning Commission and the Council (Theme C: Creating Jobs and Prosperity). According to the Comprehensive Plan, since the 1990s, the inventory of jobs land has been depleted by over 500 acres (page 57). Included in that total are several tracts of land that were rezoned along Georgetown Road, such as the land immediately south of the subject property where the Konner Woods neighborhood and Imani Baptist Church area now located.

The 2013 Comprehensive Plan also encourages compact and contiguous development, as guided by market demand, to accommodate future growth needs (Theme E, Goal #1b.). The petitioner contends that the market for this 7.5-acre site, after 17 years of vacancy, is pointing in a new direction. The Goals and

Objectives and policy statements of the Plan also encourage the consideration of how proposals relate to existing development in the immediate vicinity, and focus on protecting neighborhoods and residential areas from incompatible land uses. Based on this information, the staff cannot conclude that the proposed zone change is in agreement with the Comprehensive Plan.

This zone change will remove "shovel-ready" land from the existing inventory in order to provide neighborhood and/or highway-oriented commercial development. The petitioner contends that the Georgetown Road corridor, both the industrial users and the residential neighborhoods, would benefit from having services and commercial businesses in closer proximity. Their corollary development plan depicts numerous small businesses on individual lots (such as a pharmacy, restaurants, and retail shops), all lining Georgetown Road. For this primary reason, they argue that the B-3 zone is appropriate at this location. However, the petitioner does not provide any evidence as to why the 7.5-acre site is inappropriate for light industrial zoning and have therefore failed to meet the KRS 100 requirement for a zone change finding in this regard.

While the nearby neighborhoods and industrial employees could benefit from neighborhood commercial uses, such uses are most appropriately located at the intersection of Georgetown Road and Citation Boulevard, a short distance north of the subject property. These properties are already zoned and are ready for such development. In addition, the petitioner has requested one of the most intense zoning categories, while other less intense categories could accommodate the proposed uses. This causes the staff to wonder about what changes might be proposed to the final development plan, if the zoning were approved. Lastly, while B-3 zoning does exist within the corridor, it is generally located near only one (relatively small) residential neighborhood. In this case, B-3 zoning is proposed very near three large, established neighborhoods that could be significantly impacted. For these reasons, the staff cannot support the requested rezoning.

The petitioner has submitted a Traffic Impact Study, on which the Transportation Planning/Metropolitan Planning Organization (MPO) will provide a separate report to the Planning Commission. This report was not filed at the time of the zone change, as required, but is now being reviewed.

The Staff Recommends: Disapproval, for the following reasons:

1. The requested Highway Service Business (B-3) zone is not in agreement with the 2013 Comprehensive Plan for the following reasons:
 - a. Theme C: "Creating Jobs and Prosperity" identifies the need to protect and provide readily available economic development land to meet the need for jobs. The B-3 zone is not considered an appropriate zone for job creation.
 - b. Goal #1b. of Theme E encourages compact and contiguous development as guided by market demand to accommodate future growth needs. The west side of Georgetown Road corridor is primarily industrial in nature, and such markets typically develop at a slower pace. A significant portion of the land between Georgetown Road and the CSX railroad line (to the west), and between New Circle Road and Spurr Road, is prime "jobs land" that is either developed or is in the process of being developed; thus, demand does exist for industrial land use in the immediate area.
 - c. The Goals and Objectives and policy statements of the Plan encourage the consideration of how proposals relate to existing development in the immediate vicinity, and focus on protecting neighborhoods and residential areas from incompatible land uses. The proposed B-3 zone would introduce incompatible land uses to this area, while two larger tracts are already available for neighborhood-oriented business at the intersection of Georgetown Road and Citation Boulevard.
2. The existing restricted Light Industrial (I-1) zone remains appropriate at this location because it is compatible with the adjoining land uses. The subject property has been recommended for Light Industrial land use for four decades and, in addition, the I-1 zone is able to fulfill the goal of increasing opportunities for employment locations within the urban county.
3. There have been no unanticipated changes of a physical, social or economic nature within the immediate area since the Comprehensive Plan was adopted in 2013 that would support B-3 zoning for the subject property.

TLW/BJR/WLS

12/2/2015

Planning Services/Staff Reports/MAR/2015/MAR 2015-23.doc

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:

- 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.

1. KENTUCKY HILL PROPERTIES, LLC, ZONING MAP AMENDMENT & BURKE, HOCKENSMITH & MAGGARD (GEORGETOWN ROAD) ZONING DEVELOPMENT PLAN

- a. **MAR 2015-23: KENTUCKY HILL PROPERTIES, LLC (1/3/16)*** - petition for a zone map amendment from a Light Industrial (I-1) zone to a Highway Service Business (B-3) zone, for 7.5 net (10.25 gross) acres, for property located at 1803 Georgetown Road.

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 Comprehensive Plan identifies the need to protect and provide readily available economic development land to meet the need for jobs (Theme C: Creating Jobs and Prosperity), as well as encouraging development in a compact and contiguous manner (Theme E: Maintaining a Balance Between Planning for Urban Uses and Safeguarding Rural Land).

The petitioner proposes a Highway Service Business (B-3) zone in order to develop approximately 46,500 square feet of retail and restaurant space, and associated off-street parking.

The Zoning Committee Recommended: **Referral to the full Commission.**

The Staff Recommended: **Disapproval**, for the following reasons:

1. The requested Highway Service Business (B-3) zone is not in agreement with the 2013 Comprehensive Plan for the following reasons:
 - a. Theme C: "Creating Jobs and Prosperity" identifies the need to protect and provide readily available economic development land to meet the need for jobs. The B-3 zone is not considered an appropriate zone for job creation.
 - b. Goal #1b. of Theme E encourages compact and contiguous development as guided by market demand to accommodate future growth needs. The west side of the Georgetown Road corridor is primarily industrial in nature, and such markets typically develop at a slower pace. A significant portion of the land between Georgetown Road and the CSX railroad line (to the west), and between New Circle Road and Spurr Road, is prime "jobs land" that is either developed or is in the process of being developed; thus, demand does exist for industrial land use in the immediate area.
 - c. The Goals and Objectives and policy statements of the Plan encourage the consideration of how proposals relate to existing development in the immediate vicinity, and focus on protecting neighborhoods and residential areas from incompatible land uses. The proposed B-3 zone would introduce incompatible land uses to this area, while two larger tracts are already available for neighborhood-oriented business at the intersection of Georgetown Road and Citation Boulevard.
2. The existing restricted Light Industrial (I-1) zone remains appropriate at this location because it is compatible with the adjoining land uses. The subject property has been recommended for Light Industrial land use for four decades and, in addition, the I-1 zone is able to fulfill the goal of increasing opportunities for employment locations within the urban county.
3. There have been no unanticipated changes of a physical, social or economic nature within the immediate area since the Comprehensive Plan was adopted in 2013 that would support B-3 zoning for the subject property.

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- b. ZDP 2015-102: BURKE, HOCKENSMITH & MAGGARD (GEORGETOWN ROAD DEVELOPMENT) (1/3/16)*- located at 1803 Georgetown Road. **(Vision Engineering)**

The Subdivision Committee Recommended: Postponement. There were some questions regarding the proposed access to Georgetown Road complying with the required spacing on an arterial roadway.

Should this plan be approved, the following requirements should be considered:

1. Provided the Urban County Council rezones the property B-3; 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.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. ~~Dimension buildings Denote floor area ratio per Article 21.~~
7. ~~Denote height of building, in feet.~~
8. ~~Dimension sidewalks.~~
- 7.9. ~~Delete Correct notes #5 #10, #12 and #13.~~
10. ~~Clarify Atoma cul-de-sac right-of-way and property's lot line.~~
11. ~~Correct parking statistics to denote required and provided numbers.~~
12. ~~Denote area of site included in Royal Spring Aquifer recharge area.~~
- 8.13. ~~Denote Division of Water Quality's approval of the Capacity Assurance Program.~~
14. ~~Clarify proposed uses in each structure, and revise parking statistics accordingly.~~
15. ~~Denote 20' building line on plan.~~
- 8.16. Discuss existing tree canopy relative to no TPAs proposed.
- 9.17. Discuss proposed access to Georgetown Road ~~and compliance with Article 6 8(q)(3) of the Land Subdivision Regulations.~~
- 10.18. Discuss improvements and/or right-of-way dedication to Sandersville Road.
- 11.19. Discuss pedestrian access, both internal and to the public right-of-way.

Zoning Presentation: Ms. Wade presented the staff report on this rezoning request, noting that the petitioner had provided two letters of support at the Zoning Committee meeting two weeks ago. She circulated those letters to the Commission members for their review, along with one letter of opposition received by the staff.

Ms. Wade briefly oriented the Commission to the location of the subject property at the northwest corner of the Georgetown Road/Sandersville Road intersection. Adjoining land uses include Light Industrial to the north and west; the Konner Woods subdivision and Imani Baptist Church, which are zoned R-3, to the south; and three single-family residential subdivisions across Georgetown Road. The area bordered by Spurr Road, New Circle Road, Georgetown Road, and the Norfolk Southern railroad line is primarily industrial, with a small pocket of residential use in the Konner Woods subdivision.

Ms. Wade stated that the petitioner is proposing to rezone the subject property to B-3 in order to develop approximately 50,000 square feet of retail and restaurant space, with associated off-street parking. The property was rezoned from Agricultural Urban (A-U) to Light Industrial (I-1) in 1998. Conditional zoning restrictions were placed on that property along with that rezoning, due to the location of a portion of the property within the Royal Spring Aquifer, which supplies water to the city of Georgetown. The conditional zoning restrictions also limited the use of the property in order to reduce the impact on the nearby residential developments.

Ms. Wade displayed the following photographs of the subject property and surrounding area: 1) an aerial view, noting that much of the area is built out; 2) an aerial view, noting the surrounding industrial uses; 3) a view toward the west, noting the single-family neighborhoods across Georgetown Road, and Konner Woods to the south; 4) a view toward downtown, indicating the location of vacant industrial land to the south, which includes a historic house.

With regard to the 2013 Comprehensive Plan, Ms. Wade said that it utilizes policy recommendations rather than relying on a specific land use map. She noted that previous Comprehensive Plans from 1976 to 2007 all recommended Light Industrial use for the property, which the staff believes is clearly reflective of the available infrastructure in the area and the compatibility of the land use. The 2013 Comprehensive Plan includes a chapter titled "Creating Jobs and Prosperity," which notes that the focus is to preserve jobs land and be more flexible in its use. "Jobs land" is typically defined as I-1, where things are manufactured or produced; P-1, where offices are located; P-2, which serves as a combination of industrial and professional; and ED, which is located in the Expansion Area. Ms. Wade quoted the following from the 2013 Comprehensive Plan:

"The community now carefully guards its urban jobs land, just as it does its rural farms."

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Ms. Wade reported that the staff contends that the subject property is prime jobs land, located within an industrial corridor, and designated for the creation of jobs. Economic development groups in Lexington-Fayette County have repeatedly emphasized the need to maintain "shovel-ready" jobs land, including a joint project with the Mayor of Louisville to create an initiative for advanced manufacturing. The Comprehensive Plan notes that, since the 1990s, the inventory of jobs land has been depleted by over 500 acres, some of which was lost within the Georgetown Road corridor, as it was developed as the Konner Woods subdivision and Imani Baptist Church. Ms. Wade explained that the 2013 Comprehensive Plan also encourages compact and contiguous development as guided by market demand. The petitioner contends that the 7.5-acre subject property does not meet the needs of industrial land users. The staff did some research, however, and found that the average Light Industrial lot size is slightly less than three acres; lots range in size from less than an acre to almost 300 acres. Based on that research, the subject property could accommodate up to two "average" size industrial uses.

Ms. Wade stated that the Comprehensive Plan Goals & Objectives also encourage consideration of how proposals relate to development within the immediate vicinity, as well as protection of neighborhoods and residential areas from incompatible development. The proposed zone change would remove shovel-ready land from the existing inventory in order to provide neighborhood and/or highway-oriented business development. The petitioner contends that the Georgetown Road area is in need of commercial areas in close proximity to the existing industrial users, as well as the single-family residential neighborhoods. In considering the Georgetown Road corridor, the staff identified several pockets of existing business zoning, some of which have been developed, and some undeveloped. The New Circle Road/Georgetown Road intersection includes adjacent land with B-3 and B-1 zoning; there are two large sites to the north of the subject property which are vacant, and zoned B-3 and B-6P; there is also another B-3 site to the north along Georgetown Road, as well as a B-1 site at the intersection of Citation Boulevard and Greendale Road. Ms. Wade noted that it is the staff's belief that Georgetown Road serves as a buffer between commercial/industrial development on the west side, and a mix of uses, including residential, on the east side. This land is available and, in many cases, "shovel-ready," for the same type of development that the petitioner is proposing. The staff is concerned that, by allowing the proposed development on the subject property, an opportunity could be eliminated for a project that is already zoned on one of those other properties. The Gatton Trust owns 26 acres less than one mile to the north of the subject property; Meijer Stores owns 25 acres less than half a mile to the north; and Greendale Properties has 10 acres a mile to the west of the subject property.

Ms. Wade said that the staff cannot conclude that the proposed rezoning is in agreement with the 2013 Comprehensive Plan. In addition, the petitioner has not provided any evidence as to why the subject property would not be appropriate for industrial land use, other than the fact that it remains undeveloped. The staff is recommending disapproval of this request, because they cannot support the rezoning of the subject property to the B-3 zone, for the reasons as listed in the staff report and on the agenda.

Ms. Wade noted that the petitioner did submit the required traffic study with this request, which would be reviewed later in the staff's presentation.

Commission Questions: Mr. Drake asked if any of the other properties Ms. Wade mentioned were available for purchase. Ms. Wade answered that the Meijer property is not currently available for purchase; however, based on the letter of opposition from Greendale Properties, owner of the parcel at the intersection of Citation and Greendale, that property is currently available for development.

Mr. Wilson asked how many jobs should be created on a property in order to meet the Comprehensive Plan recommendation for "jobs land." Ms. Wade answered that Commerce Lexington had created a formula based on number of jobs per acre; the goal of their development on Innovation Drive was 60-70 jobs per acre. She added that not only the number of jobs, but also the rate of pay, figures into the calculations. Retail jobs would not typically be considered high-paying. Mr. Wilson said that the Lexington-Fayette County area has an existing high salary base, so it might be best to provide more lower-paying jobs.

Mr. Berkley said that he does not agree with the staff's assertion that the B-3 zone is not considered an appropriate zone for job creation. He asked Ms. Wade to explain the staff's position. Ms. Wade responded that the uses in the B-3 zone include retail, restaurants, car lots, hotels, and other uses that do not generate higher-paying jobs. Industry, advanced manufacturing, and other higher-paying jobs are the focus of groups like Commerce Lexington in making recommendations for jobs land. This community has a large number of existing retail and restaurant-type jobs available currently.

Development Plan Presentation: Mr. Martin noted that, in his past experience when designing industrial parks, they were not designed for retail or restaurant uses; rather they were intended as locations for better-paying jobs.

Mr. Martin presented the corollary zoning development plan, and stated that the petitioner is proposing several lots for the subject property, with various types of retail development totaling over 46,000 square feet of floor area, and nearly 300 parking spaces. One access is proposed to Sandersville Road, with two accesses each proposed for

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Georgetown Road and Atoma Drive. The Georgetown Road access furthest from the Sandersville Road intersection is proposed to have a deceleration lane; the nearest to the intersection is proposed to be right-in/right-out. Mr. Martin noted that there are no median controls in place on Georgetown Road, so the proposed right-in/right-out would require the cooperation of the Kentucky Transportation Cabinet (KYTC). The appropriate controls would be necessary to ensure that the intersection functions correctly. The petitioner has added a note to the plan, requesting that that issue be resolved at the time of a Final Development Plan for the property. In addition, the proposed right-in/right-out access would not meet the spacing requirements, so a waiver would be necessary.

Mr. Martin added, referring to the rendered development plan, that a portion of the subject property lies within the Royal Spring Aquifer. He said that higher development standards for runoff are in place to protect the aquifer in that area.

Mr. Martin stated that the staff is recommending approval of this development plan, subject to the following revised conditions:

1. Provided the Urban County Council rezones the property B-3; 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.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. ~~Dimension buildings~~ Denote floor area ratio in site statistics per Article 21-6 requirements.
7. ~~Denote height of building, in feet.~~
8. ~~Dimension sidewalks.~~
- 7.9. ~~Delete Correct notes #5 #10, #12 and #13.~~
10. Clarify Atoma cul-de-sac right-of-way and property's lot line.
11. ~~Correct parking statistics to denote required and provided numbers.~~
12. ~~Denote area of site included in Royal Spring Aquifer recharge area.~~
- 8.13. ~~Denote Division of Water Quality's approval of the Capacity Assurance Program.~~
14. ~~Clarify proposed uses in each structure, and revise parking statistics accordingly.~~
15. ~~Denote 20' building line on plan.~~
- 8.16. ~~Discuss existing tree canopy relative to no TPAs proposed.~~
- 8.9.17. ~~Discuss Resolve proposed access to Georgetown Road at time of Final Development Plan and compliance with Article 6-8(q)(3) of the Land Subdivision Regulations.~~
- 8.40. ~~18.~~ Discuss Denote that improvements and/or right-of-way dedication to Sandersville Road will be resolved at time of the Final Development Plan.
- 11.19. ~~Discuss pedestrian access, both internal and to the public right-of-way.~~

Mr. Martin stated, with regard to the revised conditions, that #8 refers to the considerable discussion that took place at the Subdivision Committee meeting two weeks ago about the need for dedication of right-of-way on Sandersville Road. He said that there was a great deal of concern about the Sandersville Road/Georgetown Road intersection, particularly with regard to appropriate vehicle stacking and turn lane depth. The staff does believe those issues can be successfully resolved at the time of a Final Development Plan for the property.

Traffic Impact Study Presentation: Max Conyers, Transportation Planning, presented the staff report on the required Traffic Impact Study (TIS). The staff reviewed the submitted TIS, and found that it met all the requirements of Article 6 of the Zoning Ordinance.

Mr. Conyers asked that the Planning Commission defer to the staff of the Division of Traffic Engineering and KYTC with regard to the previously expressed concerns about the proposed development plan. He noted that it will be important to maintain the integrity of Georgetown Road, which is a major arterial connecting Georgetown and Lexington-Fayette County. As accesses are added to arterials, their function often degrades; in some cases, service roads can be constructed to provide for additional access to individual lots.

Petitioner Presentation: Richard Murphy, attorney, was present representing the petitioner, who contends that the existing I-1 zoning is no longer appropriate in the vicinity of the subject property, and the B-3 is appropriate. The petitioner is requesting the B-3 zone, rather than B-1, because the updated B-1 standards require that the building be located within 10 – 20 feet of the edge of the right-of-way. The petitioner did not believe that type of development would be appropriate on the subject property, due to its location on a five-lane, major arterial highway. The petitioner has proposed conditional zoning restrictions that would eliminate some of the more intense B-3 uses, based on discussions with residents in some of the nearby neighborhoods.

Mr. Murphy displayed an exhibit depicting existing industrial uses in the vicinity of the subject property. He said that the population within three miles of the property is 62,000, which is larger than the population of some cities in Ken-

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tucky. Also within three miles are approximately 15,000 jobs; however, there are very few retail and/or service businesses in the area to support those residents and employees. The petitioner conducted a survey to determine the nearest "meaningful" retail opportunity, which is Townley Center, 2.5 miles away on Leestown Road. Mr. Murphy said that, as part of a zone change in the area he worked on several years ago, he met with area residents who indicated that they would like to have a church and/or retail and service uses nearby to add to their neighborhood. The petitioner contends that the Konner Woods subdivision and Imani Baptist Church strengthened the area, and that the proposed development will as well.

Mr. Murphy said that the proposed development would include uses such as a pharmacy, bank, dry cleaner, beauty shop, and restaurants. Those businesses will support not only the residents of nearby neighborhoods, but the employees of the industrial uses in the vicinity as well. Companies in the area, including Big Ass Fans, which submitted a letter of support, have indicated that it would be helpful to have retail and service businesses on the subject property in order to serve their employees. Crown Lift Trucks and Kentucky Eagle Beer, which, combined with Big Ass Fans, have approximately 1,000 employees, also submitted letters in support of this request.

Mr. Murphy stated that the petitioner had conducted a neighborhood meeting, after notifying the three nearest neighborhood associations as well as the Councilmember's office. Only four residents, who live nearest the proposed development across Georgetown Road, attended the meeting. They expressed their concerns to the petitioner, who attempted to address some of those issues via the proposed conditional zoning restrictions for the property. The petitioner has agreed to construct improvements on the north side of Sandersville Road, from Atoma Drive to Georgetown Road, including additional right-of-way and pavement, a right turn lane into the proposed development, and curbs, gutters, and sidewalks. The petitioner also agreed to provide additional screening for the property, and to limit all freestanding signage to 20 feet in height. Conditional zoning restrictions proposed include a prohibition of freestanding cocktail lounges and bars; under that restriction, only restaurants that derive more than 50% of their receipts from food would be permitted to serve alcohol. Carnivals and circuses, adult entertainment uses, billboards, and drive-in restaurants, such as Sonic Drive-in, would also be prohibited. Mr. Murphy noted that the petitioner also met with representatives of Imani Baptist Church, and that some of the conditional zoning restrictions were proposed to meet their concerns. Mr. Murphy said that the petitioner had also met with representatives of Commerce Lexington, who indicated that the subject property is too small to accommodate the types of uses they are targeting as part of their economic development efforts.

With regard to the history of the subject property, Mr. Murphy explained that it was purchased in 1998 by Magna International, a Canadian auto parts manufacturer. Following that purchase, the company decided to locate on a larger nearby parcel instead, so the property was sold to the Gibson Company, a local real estate firm. The subject property has remained vacant for the past 17 years, which, the petitioner contends, is an indicator of its inappropriateness for industrial use. The petitioner believes that the small size of the property, as well as the existing conditional zoning restrictions, might have contributed to its lack of development over the years.

Mr. Murphy said that storage, which is one of the permitted uses in the existing I-1 zone, would not be appropriate on the subject property. A storage facility is already located on an adjacent property, and would not be a desirable use to locate at a signalized intersection on one of the major arterials in Lexington-Fayette County. Shops of special trade would also be allowed in the I-1 zone, but the petitioner contends that would also be a "gross underuse" of the property. The proposed retail development could generate approximately 200 jobs, but a storage facility would generate very few.

With regard to the other available commercial properties in the vicinity of the subject property, Mr. Murphy stated that Meijer Stores has owned the large property at the intersection of Georgetown Road and Citation Boulevard since January of 2000, but it has not yet developed. That property and the parcel owned by the Gatton Trust, are not currently on the market. Even if those properties were currently for sale, there would still be a need for a smaller retail development, such as the petitioner is proposing. Those properties are intended to serve as large, 25+-acre regional shopping centers; the petitioner's goal is to serve nearby workers and residents, and the 30,000 drivers who pass the property on Georgetown Road each day. With regard to the property at the intersection of Citation Boulevard and Greendale Road, Mr. Murphy said that it is not located on a major arterial, and it will not have the same amount of traffic. He noted that, when the subject property was rezoned to I-1, the parcel across Sandersville Road, currently developed as the Konner Woods subdivision, was rezoned as well. Since that property has developed for residential use, the petitioner contends that the subject property would no longer be viable for industrial use.

Mr. Murphy stated that the 2013 Comprehensive Plan calls for "accessible facilities and services to meet the health, safety, and quality of life needs of Lexington's residents and visitors." The petitioner contends that the area around the subject property is vastly underserved by commercial service uses. In Objective E.1.b., the Comprehensive Plan "encourages compact, contiguous development, as guided by market demand." The petitioner believes that they have carefully studied the market, and that there is clearly a demand for the type of development proposed. Theme B, Goal 2, refers to reducing Lexington's carbon footprint; the proposed development could help to do so, by reducing the number and distance of car trips to reach retail services.

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Mr. Murphy added, with regard to the required TIS, that all Levels of Service (LOS) in the area were projected to remain at Level "C" or better. Georgetown Road has a lower accident rate than other arterials in Lexington-Fayette County; and the petitioner contends that the proposed improvements to Sandersville Road could help to improve that situation, since most accidents in the area are at that intersection. The petitioner is requesting to defer the decision about the proposed right-in/right-out access to Georgetown Road until the filing of a Final Development Plan for the property, since KYTC will not review that access until that time.

Mr. Murphy noted that all of the floor area in the proposed development would be less than half the size of a typical Kroger store. He said that service and retail sector uses have developed on pace with the residential and industrial uses in the northern end of the county, and the petitioner contends that the proposed development will be beneficial to local residents and employees.

Commission Questions: Mr. Wilson asked how many jobs were estimated to be created by the proposed development. Mr. Murphy answered that the petitioner estimated that approximately 150 – 200 jobs could be created. Mr. Wilson said that he understood the staff's reasons for their recommendation of disapproval of this request, but he thought the proposed development could be beneficial for the area. He added that he was very familiar with the Georgetown Road corridor, and was aware that retail developments in the area in the past had become havens for drug and criminal activities. Mr. Wilson asked if the petitioner had any commitments from prospective tenants for the property. Mr. Murphy responded that tenants do not typically commit to locate on a site until a property has been rezoned, although there have already been some discussions with potential tenants. He added that the petitioner intends to retain ownership of most of the proposed development, in order to "ground lease" the land and retain control of it. The petitioner made a private agreement with the neighbors to incorporate statements into each lease to discourage loitering and similar activities.

Citizen Support: Craig Johnson, owner of American Mini-Storage, stated that he supports the proposed development, since there are few retail services nearby for residents and employees in the area. He said that the intersection at Georgetown Road and Sandersville Road will need improvements, since the two ends of Sandersville are offset, and the intersection does not function very well.

Citizen Objection: Cheryl Butala, 1988 Sandersville Road, stated that her home is located diagonally across from the subject property, at the intersection of Georgetown and Sandersville Roads. She and her neighbors have had several discussions with Mr. Murphy, in order to inform the petitioner about their needs and concerns should the proposed development be approved.

Ms. Butala stated that she and many of her neighbors are concerned about traffic, particularly the speed limit on Georgetown Road, which is 55 miles per hour at the Sandersville Road intersection. She opined that the design of the intersection is poor, and its deficiencies are exacerbated by the lack of improvements on the other side of Sandersville Road. There have been many accidents at the intersection, to the extent that Ms. Butala contacted KYTC in 2010 in an attempt to have the speed limit reduced. Ms. Butala stated that the Planning Commission had just approved three new subdivisions on Sandersville Road, and she was concerned about the additional traffic those developments might generate, in addition to the proposed development. She asked that the Planning Commission initiate discussions with KYTC to re-evaluate the speed limit on Georgetown Road, and reduce it to 45 miles per hour in this location.

Lametta Johnson, 1992 Arbor Station Way, stated that there is a need for retail services in the area, but she is not sure that the proposed development will have enough retail space to meet those needs. She said that the area needs hospital and other medical services as well.

Ms. Johnson stated that she is also concerned about the increased traffic from the proposed development, noting that she agreed with Ms. Butala that the speed limit on Georgetown Road is too high. There is a great deal of truck traffic that serves the industrial uses in the area as well, which serve to exacerbate the existing dangerous situation. Ms. Johnson said that she would like the proposed development to be functional, and to serve the neighborhood well.

Petitioner Rebuttal: Mr. Murphy stated, with regard to the concerns about speeding on Georgetown Road, that the petitioner has agreed to serve as an advocate for reducing the speed limit from 55 miles per hour to 45. He opined that there is no reason for the speed limit to be 55 miles per hour at this location, and the petitioner will pursue reduction of it with KYTC, should the Planning Commission approve the requested rezoning. The petitioner will also commit to making improvements to Sandersville Road, which should help to mitigate the existing situation at its intersection with Georgetown Road.

Staff Rebuttal: Ms. Wade stated that the citizen comments regarding the proposed rezoning indicate that there is a demand for commercial development in the area, but the staff does not believe that the subject property is the appropriate location for that land use. There are multiple, planned locations for business uses in the area that have better

access and will not need waivers to meet the access requirements. The Citation Boulevard/Georgetown Road intersection has been planned for years to be a significant commercial node, so the staff believes that the focus should be on encouraging quality development at that location, rather than possibly undermining it by locating small outlot type of developments in other areas along Georgetown Road.

Ms. Wade said that the Zoning Committee, at their meeting two weeks ago, had several questions about the necessity of the B-3 zone. Mr. Murphy's presentation spoke to the petitioner's reasons for not requesting a B-1 zone, but he did not address the staff's suggestion of the possibility for a B-6P zone for the subject property.

Ms. Wade reiterated that access to the proposed development does not meet spacing requirements. She said that the staff of the Division of Traffic Engineering has indicated that they will not endorse the access configuration as proposed, so it will need significant revisions.

Petitioner Comments: Mr. Murphy said, with regard to Ms. Wade's comments about the B-6P zone, that the proposed conditional zoning restrictions were intended to make the B-3 zone similar to the requirements of the B-6P. He noted that the staff was asked, at the Zoning Committee, if their recommendation of disapproval would be different if the requested zone was B-6P, and the staff indicated that they would still recommend disapproval.

Ms. Wade stated that the uses in the B-6P zone mimic those in the B-1 and P-1 zones, which are more neighborhood-oriented than the proposed B-3 zone. Besides cocktail lounges, other uses in the B-3 zone that could be problematic for surrounding residents include establishments for the sale of cars, farm equipment, and contractor equipment; and hotels and motels.

Commission Discussion: Mr. Cravens stated that the hearing was now closed, and he opened the floor for Commission discussion or questions.

Mr. Penn stated that he has observed development along Georgetown Road for 12 years, and many of the zone changes there have eliminated industrial zoning in favor of the B-3 zone. He said that the intersection of Citation Boulevard and Georgetown Road had been developed specifically to accommodate the types of uses proposed on the subject property, in a comprehensive fashion. He opined that providing 46,000 square feet of retail space on a 7.5-acre property is not a good use of industrial land.

Mr. Penn said that, if a grocery store intended to locate in the vicinity of the subject property, it would already have developed. He indicated that he did not support the development of a "strip mall" on the subject property, since he believed that the Georgetown Road corridor was intended to be used for job creation. Mr. Penn opined that the proposed development will not be beneficial for the community, and he would not vote in favor of it.

Ms. Plumlee stated that, if all of the I-1 land is "given away," there will be no land left to accommodate industrial uses. She said that our community needs to decide if it is going to focus on residential developments and service businesses, rather than the type of manufacturing and industrial uses that could support economic development. Ms. Plumlee stated that she would support the staff's recommendation of disapproval.

Mr. Drake asked if the property at the intersection of Citation Boulevard and Georgetown Road was Bluegrass Business Park. Ms. Wade referred to the rendered zoning map, noting the location of Bluegrass Business Park (to the north) on Innovation Drive. Mr. Drake asked how that development is zoned, to which Ms. Wade responded that it is all zoned I-1. She noted that only one parcel of that development was vacant as of July, 2015. That parcel is owned by Big Ass Fans, and the staff is aware that the company intends to expand their operation to include it.

Mr. Drake said that he began his career in economic development, and he believes that there is merit in the staff's argument. He noted, however, that, over the years, the character of general manufacturing has changed. He researched data for Bluegrass Business Park, and found that it produces approximately 15 jobs per acre; the petitioner has indicated that the proposed development could generate approximately 21 jobs per acre. The Bluegrass Business Park information indicates that average salary in that development is just under \$40,000 per year, while the proposed development could have a mix of higher and lower-paying jobs. Mr. Drake opined that the intensity of employment is as strong an argument in this instance as it could be in other circumstances. He said that there have been some compelling arguments made about the necessity of some of the services that could be provided in the proposed development, so he is conflicted about how to proceed.

Mr. Smith stated that he, too, was conflicted about this rezoning. He said that he is very familiar with Georgetown Road and the adjoining residential subdivisions, and there is a lack of services for the residents of the area, but he is not sure if the proposed development is the answer. Mr. Smith opined that there are a number of existing issues in the Georgetown Road area that should not be allowed to impact an area that is in a growth pattern.

Ms. Mundy echoed her fellow commissioners' comments, noting that she, too, believes that the area around the subject property is underserved with regard to retail uses. There is a need for pharmacies and other medical uses in the

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vicinity, which could choose to locate there if other facilities are provided. Ms. Mundy said that the area is, however, very congested, and she does not believe that the situation should be exacerbated.

Mr. Cravens stated that it would be difficult to "make land stay I-1 if it doesn't want to be I-1." He said that the subject property is small, and might not accommodate much of an industrial use. He said that he would be willing to vote in favor of this request, because it could provide a number of useful services to the community.

Zoning Action: A motion was made by Mr. Drake, seconded by Mr. Wilson, and carried 5-3 (Penn, Plumlee, and Smith opposed; Brewer, Owens, and Richardson absent) to approve MAR 2015-23, for the following reasons:

1. The existing Light Industrial (I-1) zone is no longer appropriate for this property and the proposed B-3 zoning is appropriate for the following reasons:
 - a. This is a parcel which is not well-suited for industrial use. It was purchased, then passed over in the past by an industrial use, and it has remained vacant for all the time it has been zoned I-1, about 17 years.
 - b. There is a population of about 62,000 residents living within three miles of this property. There are also around 20,000 jobs in that radius. There is a lack of commercial and service business, which this zone change would provide to the area.
 - c. Retail and service industries are needed in this corridor to serve the employment and manufacturing facilities in addition to the residential.
 - d. The intersection of Georgetown Road and Sandersville Road is fully signalized. A traffic impact study was performed, which indicated that the rate of traffic accidents on Georgetown Road is one-half of other highways in Kentucky. The developer will construct the deceleration lanes which are indicated in the traffic study, and the developer will construct improvements to Sandersville Road.

Mr. Drake's motion for approval included the proposed conditional zoning restrictions, as provided by the petitioner: The following uses shall be prohibited from the subject property under conditional zoning restrictions:

- a. Free-standing cocktail lounges or bars; that is, sale of alcoholic beverages by the drink shall be limited to establishments in which sales of food account for 50% or more of gross receipts.
- b. Carnivals or circuses on a temporary or permanent basis.
- c. Adult arcades, massage parlors, adult book stores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
- d. Billboards.
- e. Drive-in restaurants.

Development Plan Action: A motion was made by Mr. Drake, seconded by Mr. Wilson, and carried 5-3 (Penn, Plumlee, and Smith opposed; Brewer, Owens, and Richardson absent) to approve ZDP 2015-102, subject to the revised conditions as recommended by staff, adding the development plan conditions recommended by the petitioner.

Note: Vice-Chairman Cravens declared a brief recess at 3:54 p.m. The meeting reconvened at 3:59 p.m.

2. JEFFREY STUART MORGAN ZONING MAP AMENDMENT & THE TOWNHOMES AT JEFFERSON STREET (PRESTON SUBDIVISION)

- a. MARV 2015-26: JEFFREY STUART MORGAN (1/31/16)* - petition for a zone map amendment from a High Density Apartment (R-4) zone to a Neighborhood Business (B-1) zone, for 0.355 net (0.542 gross) acre, for property located at 500-506 Maryland Avenue (a portion of). Dimensional variances are also being requested.

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's Goals and Objectives recommend identifying opportunities for infill, redevelopment and adaptive reuse that are respectful of an area's context and design features (Theme A, Goal #2a.); providing for well-designed neighborhoods and communities (Theme A, Goal #3); providing entertainment and other quality of life opportunities that will attract young professionals and a workforce of all ages and talents to Lexington (Theme C, Goal #2d.); and encouraging mixed-use sustainable development within the Urban Service Area (Theme E, Goal #1b.). The subject property is located within the *Downtown Master Plan* boundary, a 2005 planning effort of the Lexington Downtown Development Authority (DDA).

The petitioner proposes to rezone the property to the B-1 zone in order to construct one or more restaurants at the corner, with parking to the rear of the lot. The corollary development plan depicts an associated 16-unit townhouse

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