

1. **GOODWILL INDUSTRIES OF KENTUCKY, INC ZONING MAP AMENDMENT & BURKE, HOCKENSMITH & MAGGARD LOT 1 (AMD) ZONING DEVELOPMENT PLAN**

- a. **PLN-MAR-22-00029: GOODWILL INDUSTRIES OF KENTUCKY, INC** – a petition for a zone map amendment from a Highway Service Business (B-3) zone to a Light Industrial (I-1) zone, for 0.823 net (1.037 gross) acres, for property located at 1793 Atoma Drive.

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 in order to construct a donation and distribution center. As proposed, the development will include a single building where individuals will be able to donate goods, which will then be sorted and distributed to the various retail establishments in the area. No retail is proposed on site.

The Zoning Committee Recommended: Approval with the addition of conditional zoning restrictions.

The Staff Recommends: Approval, for the following reasons:

1. A restricted Light Industrial (I-1) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed project will supply jobs, resources, and services to the most vulnerable of Lexington and will allow for the maximization of Goodwill's reach to geographically underserved areas (Theme A, Goal #4, Theme A, Goal #4.b).
 - b. The proposed facility will also provide jobs for residents, through the development of a warehousing and distribution center, which will also act as a convenient location for residents to donate unneeded items to support Goodwill's mission (Theme C, Goal #1.a; Theme C, Diversity Policy #2).
 - c. The proposed rezoning will allow for the development of community services, in the form of a donation drop-off location and distribution that will provide for the quality of life needs for Lexington's sometimes overlooked citizens (Theme D, Goal #2.c).
2. 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 development will provide a industrial development that provides connectivity for pedestrian mobility, and promotes the preservation and maintenance of the environmental aspects of the site.
 - b. The proposed rezoning meets the criteria for Transportation and Pedestrian, as development will provide pedestrian access along the lot frontage.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will increase tree canopy coverage, and protects the natural features on the site, including the Royal Springs Aquifer.
3. **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. Billboards.
 - iii. Outdoor storage
 - 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.

These restrictions are appropriate and necessary for the following reasons:

1. To protect the appearance of the Georgetown corridor as a gateway into Lexington, while promoting employment that is appropriate along Lexington's freight corridor.
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.
4. This recommendation is made subject to approval and certification of PLN-MJDP-22-00084: Burke, Hockensmith and Maggard, Lot 1 (AMD), 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-22-00084: BURKE, HOCKENSMITH, & MAGGARD, LOT 1 (AMD)** (2/26/2023)* - located at 1793 ATOMA DRIVE, LEXINGTON, KY
Council District: 2
Project Contact: Vision Engineering

Note: The purpose of this amendment is to depict the size and location of the proposed stadium and training facility, in support of the requested zone change from Interchange Service Business (B-5P) zone to Highway Service Business (B-3) zone.

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

1. Provided the Urban County Council approves the zone change to I-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Urban Forester's approval of tree preservation plan.
5. Department of Environmental Quality's approval if environmentally sensitive areas.
6. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Division.
7. United States Postal Service Office's approval of kiosk locations or easement.
8. Revise typical parking space dimensions.
9. Dimension loading and compactor areas.
10. Denote canopy height.
11. Discuss access to Atoma Drive.
12. Discuss Placebuilder criteria.

Staff Presentation – Mr. Hal Baillie presented the staff report and recommendations for the zone change application. He displayed photographs of the subject property and the general area. He stated that the applicant was seeking a zone map amendment from a Highway Service Business (B-3) zone to a Light Industrial (I-1) zone, for 0.823 net (1.037 gross) acres, for property located at 1793 Atoma Drive. The applicant is proposing a donation and distribution center, which will sort and distribute donated goods to various retail establishments in the area. Mr. Baillie indicated that no retail was being proposed on the site.

Mr. Baillie concluded his presentation stating that Staff is recommending approval because the requested zone, justification and development plan are all in agreement with the Comprehensive Plan.

Staff Development Plan Presentation – Mr. Tom Martin oriented the Planning Commission to the location of the subject property, and reiterated Mr. Baillie's statement that this Goodwill would not have a retail element. Mr. Martin stated that the applicant addressed numerous conditions including adding pedestrian access to the front of the building and denoting canopy height in the front.

Mr. Martin concluded his presentation by stating that Staff is recommending approval of the development plan and could answer any questions.

Applicant Comment – Dick Murphy, attorney for the applicant, stated that they are in agreement with the revised conditions and are happy to answer any questions.

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

Action – A motion was made by Mr. Bell and seconded by Mr. de Movellan and carried 9-0 (Penn and Pohl absent) to approve PLN-MAR-22-00029: GOODWILL INDUSTRIES OF KENTUCKY, INC for reasons provided by Staff.

Action – A motion was made by Mr. Bell and seconded by Mr. Nicol and carried 9-0 (Penn and Pohl absent) to approve PLN-MJDP-22-00084: BURKE, HOCKENSMITH, & MAGGARD, LOT 1 (AMD) with the revised conditions presented by the conditions by the staff.