

Lexington’s proposed new rules for data centers take another step forward

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Rules and regulations for data center projects across Lexington are one step closer to being set in stone. The Lexington-Fayette Urban County General Government & Planning Committee received more information on an updated zoning ordinance text amendment for data centers and asked questions of the city’s planning staff ahead of a scheduled public comment period and possible legislative action it may take next month. Council members asked Planner Principal Daniel Crum about why the Planning Commission, the body tasked with drafting the amendment, landed on the numbers it did for square footage, noise limits, power capacity and other rules.

A similar presentation that primed the commission earlier this summer was delivered to the committee Tuesday afternoon defining data center uses, providing examples of operational ones around the country and various aspects of keeping the facilities up and running including cooling, ventilation, utility capacity and the use of emergency generators. The presentation also outlined what was included in the amendment.

When the planning commission held an almost six-hour public hearing on a zoning ordinance text amendment where more than 40 people spoke, it approved the language with several changes.

Data center facilities larger than 40,000 square feet are not permitted in any Fayette County zone, and they cannot use more than 25 megawatts of energy.

An American football field, minus its end zones, is equivalent to approximately 40,000 square feet. Roughly 25 megawatts is enough power to simultaneously provide continuous electricity to 20,000 average American homes. Local communities, Lexington included, use 25 megawatts as the power threshold where a data center project goes from being the same as a commercial building to needing more, heavy industrial infrastructure.

Other changes to the zoning amendment included requiring developers submit additional studies and plans for stormwater management,



Mayor Linda Gorton presented her budget proposal for the next fiscal year beginning July 1 to the Urban County Council today in council chambers at the LFUCG Government Center. Photo by Matt Goins

energy efficiency, water quality and utilization and decommissioning. The changes modified spacing requirements by increasing the buffer from 1,000 to 1,500 feet and reduced the allowable noise level at the property line near a residential zone to 30 decibels at all hours of the day.

The commission also agreed to remove size restrictions for its server room definition on the recommendation of Commerce Lexington, the city’s chamber of commerce, that told them in a letter, “Employers across nearly every industry rely on dedicated data infrastructure to securely store, process and transmit the information necessary to conduct their own operations.”

Unlike a data center, a server room is a small, on-site space inside an office that houses a handful of servers that rely on standard building power and has basic battery back-up power instead of a generator.

“The framework that the planning staff and the planning commission evaluated was the conditional use aspect, which staff was in favor of largely because it lets you be site specific,” Crum told the committee Sept. 8. “You’re looking at a very particular piece of property with its own conditions and so that route, versus creating a new zone, we didn’t really evaluate

that in the same sense, and it really reflects that data centers can operate at a variety of scales.”

The zoning ordinance text amendment was initiated in early June after the Herald-Leader reported DartPoints purchased a former Lexmark property in order to repurpose an existing data center on New Circle Road to serve the company’s customers.

When council initiates a zoning ordinance text amendment, the planning commission has 60 days to make changes and send it back to council. But typically, the council has a draft text already written for the planning commission to work with. That was not the case with the data center zoning ordinance.

At the end of the planning commission meeting where the amendment was discussed, changed and then approved, commissioners told residents in the room frustrated with the process that they did they best they could with the deadline and what they were given from council: a request with no text.

Council members during the Thursday committee meeting wanted more information on existing data centers around Lexington and were told the amendment prohibits operational facilities from expanding beyond the rules set by the amendment. Some discussion was had about how to enforce power use and ask facilities to

favor renewable energy sources.

Crum, answering District 1 Council Member Tyler Morton, said there was not much consideration given to where data centers would be allowed to locate in relation to existing communities. Rather, rules are set so, “regardless of what particular community would be in the vicinity, (there are) built in appropriate buffers to ensure that, regardless of what was nearby, if it was within that buffer, it was being protected and considered, but not with a specific geographical consideration.”

Morton, whose district includes portions of downtown north of Main Street including the east end neighborhood and major corridors including Newtown Pike and Limestone, said Lexington’s I-1 and B-4 zones being changed by the amendment are concentrated on the city’s northside in his district, “adjacent to undervalued communities.”

“As we consider to move forward, I believe we have to look at this issue through a historical lens and an equitable lens. And from my understanding, that was not done related to the policy recommendation in front of us,” Morton said. “Most of the areas and communities we are talking about today are often the same communities that, for decades, have experienced disinvestment, been over-

looked and too often have not had their voice meaningfully included in decisions that shape their neighborhoods.

“And this did not happen by accident. Policies such as redlining helped determine where people could live, where investments occur and which communities were pushed towards less desirable areas or places adjacent to industrial uses or other developments that carry significant health, environmental or quality of life impacts,” Morton said. “The consequences of those decisions are still visible today. ... So, when we talk about allowed zoning use for data centers, we cannot treat every neighborhood like it is starting from the same place. A community that has experienced decades of disinvestments does not have the same capacity to absorb additional impacts.”

Morton also questioned why the proposed language requires demonstrating appropriate utility capacity at the facility, but does not require written verification that electricity, wastewater and related infrastructure can serve the facility without adversely affecting availability, reliability, quality, cost and safety for existing customers.

That kind of written document is part of the standards included in an executive order Kentucky Gov. Andy Beshear signed in early August.

At the same Lexington

council meeting where the amendment process was initiated, the body passed a local moratorium on data center development, which paused permitting, development plan approval and acceptance of zone change requests until at least Oct. 31.

Council will host a special meeting Oct. 6 to receive public comment and discuss zoning rules and regulations related to data centers.

A committee of the whole meeting includes all 15 members of council where they meet as a group to discuss major issues. Special meetings must be voted on to be scheduled and focus on specific, high-priority topics. The full council could vote at the meeting to adopt a zoning ordinance text amendment, with or without changes.

In a release about the special meeting, Fifth District Council Member Liz Sheehan, who chairs the General Government & Planning Committee and sponsored the two data center-related ordinances, said the special meeting was proposed to hear directly from residents.

“We have been working diligently to craft rules for data centers that fit Lexington’s needs, and we want the public to offer us in-person feedback on these regulations at a more accessible time of day than our typical afternoon meetings,” she said.

KY woman charged with cruelty after dogs found locked up without food or water

BY KARLA WARD
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A Laurel County woman is facing 23 counts of animal cruelty, along with other charges, after Ken-

tucky State Police say they found dogs living in deplorable conditions over the weekend.

State police found “dogs in dilapidated living conditions, without food and/or water, and in various

states of declining health” at a home on Rydell Road in Corbin, according to a news release.

When they got a warrant to search several closed buildings on the property, state police said

they found “more animals locked inside cages in extreme heat with no access to food or water.”

Guardians of Rescue, a nonprofit animal welfare organization, contacted state police about the

property Saturday and assisted at the scene, state police said in the release.

While state police were at the home, they said the owner, Ginger C. Smith, 59, arrived in a vehicle and, while driving care-

lessly, nearly hit several people who were helping remove the animals.

Smith is charged with five counts of second-degree wanton endangerment, 23 counts of second-degree cruelty to animals, 23 counts of dogs to be vaccinated and one count of second-degree disorderly conduct.

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whether Liggins has completed all required retirement paperwork and to confirm his official retirement date.

“We will need to know this information as soon as possible, as it is needed to determine his retirement eligibility and whether a sick leave payout will need to be processed,” Stevens wrote.

Hill had asked Shamari Redd, of the Kentucky Teachers’ Retirement System, if she had any

information or dates on Liggins’ retirement, according to documents provided by the school district.

Redd emailed Hill Aug. 17 and said, “He isn’t eligible to retire. He only has 4.97 years of service and age 49. To be eligible he will need to be age 55 with 10 years of service or age 60 with 5 years of service,” the email stated.

Murphy emailed Liggins Aug. 20 saying the board had voted to accept his retirement on Aug. 17.

Murphy told Liggins if he had any claims for unused sick days the district needed proof he was eligible to receive a KTRS retirement allowance.

On Sept. 1, Liggins emailed Interim Chief Financial Officer Kyna Koch, and wrote: “Although I am now retired, my retirement is not through KTRS. Therefore, I am not expecting or seeking any kind of payout for my unused sick days.”

It’s not clear why Liggins said he retired when he also called his departure “a constructive discharge,” in a retirement letter to the district.

Liggins’ attorney, Amos

Jones, did not immediately comment Wednesday.

The records the Herald-Leader received included a redacted version of Liggins’ Aug. 14 retirement letter, in which he said: “This is not the conclusion I envisioned for my service to FCPS, nor is it a decision I reached lightly. I am retiring because the Board’s actions have stripped me of the authority, access, duties, public standing, and working conditions necessary to serve as Superintendent, leaving me Superintendent in title only while making actual continued service objectively impossible and professionally

destructive.”

“This retirement is therefore involuntary in the legal and practical sense: it is the reasonably foreseeable result of FCPS’s actions and should be treated as a constructive discharge, not as a voluntary abandonment of my contract, rights, benefits, or claims,” he said.

Liggins also said his retirement shouldn’t be taken as an “acceptance of the false narratives or conclusions that have been advanced regarding my leadership.”

The last several months of Liggins’ tenure were marked by financial trou-

bles and controversy. On Aug. 20, FCPS released a report from a law firm hired to review Liggins’ employment and found he spread a fake email that said any criticism of him may be considered defamation around the office. Liggins intentionally placed copies of the email in various locations, including under the office door of FCPS employee and state Rep. Adrielle Camuel, D-Lexington, the review from the VanAntwerp law firm found. The VanAntwerp review came on the same day Liggins submitted his retirement letter.