MINUTES
URBAN COUNTY PLANNING COMMISSION
ZONING ITEMS PUBLIC HEARING

March 24, 2022

I. **CALL TO ORDER** - The meeting will be called to order at 1:30 p.m. **via video teleconference**.

Due to the COVID-19 State of Emergency, this meeting is being held via live video teleconference pursuant to 2021 Senate Bill 25, and in accordance with KRS 61.826.

ATTENDANCE – Members present were: Chair Larry Forester, Vice Chair Frank Penn, Ivy Barksdale, Zach Davis, Anthony de Movellan, Janice Meyer, Robin Michler, and Judy Worth (Headley Bell and Bruce Nicol absent). Planning staff members present were: Jim Duncan, Director; Traci Wade, Tom Martin, Hal Baillie, Cheryl Gallt, Daniel Crum, and Stephanie Cunningham. Other staff members present were: Hillard Newman, Division of Engineering; Stephen Parker, Division of Traffic Engineering; Captain Greg Lengal, Division of Fire and Emergency Services; and Tracy Jones, Department of Law.

II. **APPROVAL OF MINUTES** – A motion was made by Ms. Meyer, seconded by Ms. Worth for the approval of the minutes of the January 27, 2022 public hearing, and carried 7-0 (Barksdale, Bell, Nicol, and Michler absent). A motion was made by Ms. Penn, seconded by Ms. Worth for the approval of the minutes of the February 10, 2022, and carried 8-0 (Barksdale, Bell, and Nicol absent, Meyer and Michler abstained).

Note: Mr. Michler joined the meeting 1:31 p.m.

III. **POSTPONEMENTS AND WITHDRAWALS** - Requests for postponement and withdrawal will be considered at this time.

IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, March 3, 2022, at 8:30 a.m. The meeting was attended by Commission members Ivy Barksdale, Headley Bell, Anthony de Movellan, Janice Meyer, Frank Penn, and Judy Worth. Committee members in attendance were: Vaughan Adkins, Division of Engineering; and Stephen Parker, Division of Traffic Engineering. Staff members in attendance were: Jim Duncan, Traci Wade, Autumn Goderwis, Tom Martin, Hal Baillie, Meghan Jennings, Cheryl Gallt, Samantha Castro, and Stephanie Cunningham; Captain Greg Lengal, Division of Fire and Emergency Services; Doug Burton, Division of Engineering; Jeff Neal, Division of Traffic Engineering; and Tracy Jones, Department of Law

General Notes

The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission:
1. *All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.*
2. *All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.*

A. **NO DISCUSSION ITEMS** – Following requests for postponement or withdrawal, items requiring no discussion will be considered.

Criteria: (1) the Subdivision Committee recommendation is for approval, as listed on this agenda, and
(2) the Petitioner agrees with the Subdivision Committee recommendation and conditions listed on the agenda, and
(3) no discussion of the item is desired by the Commission, and
(4) no person present at this meeting objects to the Commission acting on the matter without discussion, and
(5) the matter does not involve a waiver of the Land Subdivision Regulations.

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

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

V. **ZONING ITEMS** - The Zoning Committee met on Thursday, March 3, 2022, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Larry Forester, Bruce Nicol, and Graham

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

Pohl. Staff members in attendance were: Jim Duncan, Traci Wade, Hal Baillie, Tom Martin, Daniel Crum, Samantha Castro, and Tracy Jones, Department of Law. The Committee members reviewed applications and made recommendations as noted.

A. ABBREVIATED PUBLIC HEARINGS ON ZONING MAP AMENDMENTS

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

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

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

1. HART FAMILY ENTERPRISES, LLC & GREENBRIER ESTATES GOLF COURSE ZONING DEVELOPMENT PLAN

a. **PLN-MAR-22-00002: HART FAMILY ENTERPRISES, LLC** – a petition for a zone map amendment from an Agricultural Rural (A-R) zone to an Expansion Area Residential 1 (EAR-1) zone, for 21.616 net (22.085 gross) acres, for a portion of property at 2179 Bahama Road.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2018 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The applicant is seeking to rezone the subject property to the Expansion Area Residential 1 (EAR-1) zone to allow for the operation of a 14,789 square-foot amenity space or "lifestyle center" as an accessory use to the existing Greenbrier Golf Course at this location. The lifestyle center will include additional amenities for the club members, including a health spa, exercise facilities, children's areas, and electronic golf simulations.

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

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

1. The requested Expansion Area Residential 1 (EAR-1) zone is in agreement with the 2018 Comprehensive Plan, the 1996 Expansion Area Master Plan (EAMP), and the 2003 Greenbrier Small Area Plan for the following reasons:
   a. The proposed project is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
      i. The proposed rezoning will respect the design features of areas surrounding development to ensure compatibility with the existing form (Theme A, Goal #2.b.). The proposed lifestyle center will be consistent with the design and scale of the existing golf course facilities at this location.
      ii. The proposed development will improve an existing neighborhood amenity (Theme A, Goal 3) by expanding the services provided to its members, allowing for additional activities to take place during the off-season.
      iii. The proposed development will preserve the character of the existing neighborhood (Theme A, Goal #3.a.). The Greenbrier Golf and Country Club has been an integral part of the character of this neighborhood since its inception in 1971, and applicant's proposal will help ensure the future success of this neighborhood feature.
      iv. The proposed development will retain the site's open and green space (Theme A, Goal #2.c.), limiting new construction to previously developed areas of the site.
   b. The EAMP recommends Expansion Area Residential 1 (EAR-1) future land use for the subject property. The applicant has requested the EAR-1 zoning for the subject property, and is in agreement with the Plan's recommendation.
   c. The Greenbrier Small Area Plan seeks to ensure the vitality and growth of the existing golf course use. The proposed rezoning will allow the Greenbrier Golf Course to increase the size and utility of the on-site facilities to ensure that the use can meet the community demand and continue to be an amenity for the neighborhood.
2. This recommendation is made subject to approval and certification of PLN-MJDP-22-00005: Greenbrier Estates Golf Course, Unit 2J, 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-22-00005: GREENBRIER ESTATES GOLF COURSE, UNIT 2-J (05/01/22)* - located at 2179 BAHAMA RD., LEXINGTON, KY.
Project Contact: Carman

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

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

1. Provided the Urban County Council rezones the property EAR-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.
8. Depict property boundaries with solid dark line.
9. Addition of record plat designation D-332.
10. Clarify area of amendment on vicinity map.
11. Dimension existing and proposed driveways, walkways, parking spaces, and drive aisles.
12. Depict location of access point for construction vehicles.
13. Denote: Landscape and vehicular use areas will be screened as per Article 18 of the Zoning Ordinance.
14. Dimension all buildings and pools.
15. Denote height of buildings in feet.
16. Addition of proposed and existing easements.
17. Label canopy height dimension.
18. Addition of building line setback.
19. Orient vicinity map to match plan layout.
20. Delete Note #9.
21. Denote property is located in a Neighborhood Design Character (ND-1) overlay zone.
22. Discuss plan type preliminary vs. amended final development plan.
23. Discuss Placebuilder criteria.

Staff Zoning Presentation – Mr. Crum presented the staff report and recommendations for the zone change application. He displayed photographs of the subject property and of the general area. He stated that the applicant was seeking a zone map amendment from an Agricultural Rural (A-R) zone to an Expansion Area Residential 1 (EAR-1) zone, for 21.616 net (22.085 gross) acres, for a portion of property at 2179 Bahama Road. He indicated that the proposed rezoning would allow for the operation of a 14,789 square-foot amenity space or "lifestyle center" as an accessory use to the existing Greenbrier Golf Course. The lifestyle center will include additional amenities for the club members, including a health spa, exercise facilities, children's areas, and electronic golf simulations. Mr. Crum indicated that the property is a large, 163.66 acre parcel that is zoned Agricultural Rural (A-R), and has been the location of Greenbrier Golf Course and Country Club since 1971. Prior to 1971, the subject property had been a large tract of undeveloped farmland. Over time, the Greenbrier Golf Course and Country Club has expanded, receiving conditional use permits in 1996 and 2021 to allow facility expansions which include a driving range, swimming pool, golf pro shop, and storage buildings.

Mr. Crum said that the Greenbrier ND-1 Overlay Zone was created in 2004, which established additional zoning restrictions and development criteria for the subject property and the adjacent Greenbrier Neighborhood. While no restrictions were recommended for the Greenbrier Country Club, the property was included to maintain the neighborhood character should the golf course redevelop in the future.

Mr. Crum clarified that under the property's current A-R zoning, the Greenbrier Golf Course is restricted to a total of 10,000 square-feet of additional structure space. Due to the prior development at this location, this restriction would require the applicant to remove existing storage buildings in order to accommodate the proposed lifestyle center expansion. However, this restriction is not present in the Expansion Area Residential 1 (EAR-1) zone, which permits a golf course as a principal use. The applicant is seeking to rezone a portion of the subject property to the EAR-1 zone in order to allow for the operation of the lifestyle center while retaining all existing structures.

Mr. Crum finalized the presentation of the proposed application with the review of the recommended findings for approval that were enumerated in the staff report, and reported that the Zoning Committee had recommended approval of the zone change.

Commission Questions – None.

Staff Development Plan Presentation – Ms. Gallt presented the staff report and recommendations for the associated Development Plan. Ms. Gallt presented a colored rendering of the subject property and reviewed the current development. She then presented the proposed conditions of approval. Ms. Gallt noted that there were two discussion questions: the status of the plan as either a preliminary development plan or a final development plan (#22), and the review of the Placebuilder development criteria (#23). Ms. Gallt indicated that the discussion regarding the Placebuilder criteria could be deleted, as the applicant had addressed these items, as illustrated by Mr. Crum's presentation.

Commission Questions – None.

Applicant Presentation – Mr. Cliff Ashburner, attorney for the applicant, indicated the applicant was in agreement with the conditions of the staff and that they were seeking to have the development plan designated as Final Development Plan, which would satisfy conditions #7 and #22 of the staff report for the development plan. He then requested approval of the rezoning and plan in accordance with the staff recommendations.

Commission Questions – Mr. Penn asked if the buildings would be available to members only or available to the public. Mr. Ashburner stated that the facilities would only be available to the members of the Greenbrier Country Club.

Zoning Action – A motion was made by Mr. Pohl, seconded by Mr. DeMovellan, and carried 8-0 (Barksdale, Nicol, and Bell absent) to approve PLN-MAR-22-00002: HART FAMILY ENTERPRISES, LLC, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Pohl, seconded by Ms. Penn, and carried 8-0 (Barksdale, Nicol, and Bell absent) to approve PLN-MJDP-22-00005: GREENBRIER ESTATES GOLF COURSE, UNIT 2-J removing conditions #7, #22, and #23.

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.

Note: Ms. Barksdale joined the meeting at 1:45 p.m.

1. TOWN BRANCH PARK, INC. & TOWN BRANCH PARK ZONING DEVELOPMENT PLAN

a. **PLN-MAR-22-00001: TOWN BRANCH PARK, INC.** – a petition for a zone map amendment from a Light Industrial (I-1) zone to a Lexington Center Business (B-2B) zone, for 9.23 net (12.73 gross) acres, from a Two-Family Residential (R-2) zone to a Lexington Center Business (B-2B) zone, for 0.00 net (0.08 gross) acres, and from a Light Industrial (I-1) zone to a Two-Family Residential (R-2) zone, for 0.00 net (0.13 gross) acres, for a portion of properties at 131 and 150 Tucker Street.

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.

The applicant is seeking to rezone the subject property to the Lexington Center Business (B-2B) zone in an effort to develop the Town Branch Park, with amenities to include a cafe, amphitheater, playground, bike/pedestrian facilities, and a dog park. The proposed park will work in tandem with the Town Branch Commons, and will serve as an import aspect of the transportation system.

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

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

1. A Lexington Center Business (B-2B) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
   a. The proposed rezoning will protect the environment by reducing the carbon context of the area (Theme B, Goal #2) by replacing a large impervious parking lot with a park that will be primarily comprised of greenspace.
   b. The proposed park will conserve, protect, and improve the area in an environmentally sustainable manner by preserving and enhancing the portion of Town Branch Creek located along the southwest boundary of the Park (Theme B, Goal #3).
   c. The proposed rezoning will create jobs in the operation, maintenance, and management of the park, but will be a major asset in attracting tourists, promoting added conventions to the adjacent expanded Convention Center and enhancing the experience of the convention attendees (Theme C, Goal #1).
   d. The proposed park will encourage and embrace activities, performances, festivals, and events of a recreational, educational, artistic, musical, theatrical and social nature for children and adults (Theme C, Goal #2).
   e. The proposed rezoning of the property and the construction of the park will allow for the improvement of a desirable community by including facilities that are people first in design and provide a healthy and safe place for social interaction (Theme D, Goal #2). The facilities will include walking and bike trails; benches; a cafe restaurant for indoor and outdoor dining; open greenspace areas for picnics, play, gatherings; a children's play area with water and other active play features; a dog park; an entertainment stage and amphitheater accommodating up to 5,000 attendees for festivals and performances; and public restroom facilities.
   f. The proposed development will protect and enhance the natural and cultural landscapes of Lexington by restoring a portion of the Town Branch Creek, while also enhancing the established built environment and bridging the gap in Lexington's trail system (Theme D, Goal #3).
2. A Lexington Center Business (B-2B) zone is in agreement with the 2018 Comprehensive Plan's Policies, for the following reasons:
   a. The proposed park will serve as an important connection point of the Town Branch Commons, and is integral to the implementation of the Town Branch Commons Master Plan (Placemaking Policy #1).
   b. The proposed development would play an important role in the growth of Lexington's regional park system (Placemaking Policy #4).
3. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
   a. The proposed rezoning meets the criteria for Site Design, Building Form and Location, as the development will provide an urban park that includes amenities, provides connectivity for bike and pedestrian mobility, and promotes the preservation and maintenance of natural features.
   b. The proposed rezoning meets the criteria for Transportation and Pedestrian, as development will provide pedestrian and bicycle access throughout the site and connecting into the established trail system.
   c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will protect and increase tree canopy coverage, and protect the natural features, specifically the Town Branch Creek on the site.
4. Slight adjustments to the zoning categories within the right-of-way to the B-2B zone and the R-2 zone are nominal and do not have an impact on the subject property or the adjacent land uses. These changes are appropriate as they match the adjacent and surrounding zoning, whereas the current zoning is incongruent with the proposed land use.
5. This recommendation is made subject to approval and certification of PLN-MJDP-22-00007: Town Branch Park, 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-22-00007: TOWN BRANCH PARK (05/01/22)* - located at 131 AND 150 TUCKER ST., LEXINGTON, KY. Project Contact: Carman

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

1. Provided the Urban County Council rezones the property B-2B/R-2; 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. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.
8. Addition of bearings and distances on all property lines.
9. Show location of street cross-sections on plan face.
10. Addition of dimensions on pedestrian bridges.
11. Dimension all buildings.
12. Denote 25' floodplain setback and vegetative buffer per Article 19 of the Zoning Ordinance.

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13. Denote any proposed retaining walls and their height in feet.
14. Denote West Jefferson Street right-of-way to be closed at time of Final Development Plan.
15. Denote any environmental assessment and/or remediation plan to be submitted to the Divisions of Environmental Services and Planning at time of a Final Development Plan.
16. Discuss parking.
17. Discuss access to Main Street via West Jefferson Street.
18. Discuss Placebuilder criteria.

Staff Zoning Presentation – Mr. Baillie presented the staff report and recommendations for the zone change application. He displayed photographs of the subject property and of the immediate area. He said that the applicant is seeking to rezone the subject properties from the Light Industrial (I-1), and Two-Family Residential (R-2) zones to the Lexington Center Business (B-2B) zone to allow for the development of the Town Branch Park. He stated that the applicant is also seeking to rezone a portion of Ty Court to the R-2 zone, removing remnant portions of I-1 zoning from the right-of-way. The applicant is seeking to develop the Town Branch Park, with amenities to include a cafe, amphitheater, playground, bike/pedestrian facilities, and a dog park. The proposed park will work in tandem with the Town Branch Commons, and will serve as an import aspect of the transportation system.

Mr. Baillie indicated that the proposed rezoning identified the area as a Downtown Place-Type, and a High Density Non-Residential / Mixed-Use (HNR/MR) Development Type. He explained that the HNR/MR Development Type is typically associated with the construction of buildings that have a greater floor area ratio (FAR) and utilize the limited land to its fullest extent. He indicated that while the proposed development would not be adding greater FAR, it would be encouraging large scale activity, and invite more people to the downtown area. He stated that staff was in agreement with the Place-Type and Development Type.

Mr. Baillie stated that over the course of the review of the proposed rezoning and the associated development plan, there were two primary concerns: 24-hour access to the portions of the Town Branch Commons that traverse the property, and the proposed termination of the remaining portions of Jefferson Street (also referred to as Manchester Street) that connect with W. High Street. The importance of the trail connection being maintained and available 24-hours a day was reiterated due to the importance of bridging the current portions of the trail and the operation of the trail as a major component of the transportation system. During the Zoning Committee Meeting, the applicant stated that they would be keeping that portion of the park open at all times. Staff found that the road connection between the proposed park and W. High Street was also an important element not only of the transportation system, but was important to the visibility of the property and the availability of natural surveillance of the area. Mr. Baillie indicated that the Comprehensive Plan supports maintaining connections with roadways and that the current roadway system not only provides access to the subject properties, but also to the business and residences located along Ty Court. Mr. Baillie stated that the Division of Planning staff met with the development team and they believe that there can be a solution that allows for the entryway into the park, while maintaining road connectivity. This aspect of the project can be finalized at the time of the Final Development Plan.

Mr. Baillie finalized the presentation of the proposed application with the review of the recommended findings for approval that were enumerated in the staff report and stated that the Zoning Committee recommended approval of the rezoning.

Commission Questions – None

Staff Development Plan Presentation – Mr. Martin presented the staff report and recommendations for the associated Preliminary Development Plan. Mr. Martin presented the colored rendering of the site and reviewed the proposed development, noting that there were still cleanup conditions that needed to be addressed prior to the certification of the plan. He described the importance of the connections to be made into the site, focusing on the trail system. Mr. Martin described the "daylighting" of the Town Branch Creek and the importance of some of the modifications the applicant wanted to make on site. He noted the location of the various proposed elements of the site include the café, amphitheater, playground, bike/pedestrian facilities, and a dog park. He emphasized the orientation of the amphitheater was meant to reduce the noise impacts on the neighboring residential developments.

Mr. Martin described in more detail the bike and pedestrian access into the site, moving from the public right-of-way, through the tunnel, and over the bridge. He then reiterated the importance of pedestrian and vehicular connections. He stated that the park will be a very active public park and due to the ongoing negotiations with the Main Street Baptist Church, the access along Main Street (Condition #17) was no long an aspect of the plan. However, the removal of access along Main Street resulted in a more robust access point along W. High Street. Mr. Martin stated that Planning staff recommends that there be a connected frontage along Manchester Street that provides visibility and activity along the frontage. He noted that staff supports the "grand entrance" that has been proposed by the applicant, but believes that the importance of the vehicular and pedestrian access is important to the development and that there is adequate space for all aspects.

Mr. Martin also stated that there has been significant discussion regarding the parking for the proposed uses. He indicated that the applicant is seeking to allow for on street parking along Manchester Street. He also noted that there were various lots within the downtown area and that the Lexington Convention Center was in the process of reviewing new development that would include the construction of new structured parking. He stated that at the time of the Final Development Plan, the applicant will need to provide greater information regarding the management of parking.

Mr. Martin finished his presentation by discussing the proposed conditions of approval. Mr. Martin suggested the modification of Conditional #14, changing the language to “Resolve the access on W. High Street at the time of the final development plan.” Additionally, he stated that at the time of the final development plan, the applicant will need to submit an environmental study regarding any potential impacts on the site from the historic industrial land use.

<u>Commission Questions</u> – Mr. Penn asked who owns the land that the proposed park will be built on. Mr. Martin indicated that it is owned by the Lexington Convention Center (LCC) and would be leased to the applicant. Mr. Penn then asked how the tunnel located on the south side of the site, along the W. High Street access, would be made safe. Mr. Martin indicated that the design that they are proposing will be as open and short as possible. He stated that the tunnel would be well lit and that at the time of the final development plan, there could be further discussion regarding the safety of the site and greater measures to ensure safety of the public. Mr. Penn indicated that he has heard from many individuals who support the project, and understands that the north access point along Main Street is still in process.

Mr. Pohl stated that he is glad that there are discussions being held regarding the access point on Main Street. He added that there is also the access point under the bridge that is like a tunnel and that should be looked at.

Mr. Michler inquired as to how the community could ensure that the Town Branch Commons would remain open 24-hours a day, whether it would be a conditional zoning restriction or a note on the development plan. Mr. Martin indicated that it would be a note on the development plan. He added that the plan shows this and the applicant has committed to keeping it open. Mr. Michler indicated that he wanted it on the record due to some experiences that he has had with entities closing access to different areas, which such closures would not serve the transportation needs of the community.

<u>Applicant Presentation</u> – Mr. Mike Ades, attorney for the applicant, introduced himself and the development team, which included the Mr. John Carman, Ms. Sarah Maas, and Ms. Allison Lankford. Mr. Ades discussed the historical development of the proposed park and the amount of public outreach and fundraising that went into this project. He indicated that it would be an iconic and landmark park that will benefit the community for decades. He stated that they were in agreement with the recommendation of the staff and indicated that the application was in support of the Goals and Objectives, Policies, and Development Criteria of the 2018 Comprehensive Plan. He added that the park is actually 25 feet below the level of W. Main Street and W. High Street. He reiterated that there were topographic and physical challenges to the development of the site, and that the applicant has sought to utilize those topographic changes to create the best possible landscape. He indicated that there have been numerous meetings with the Urban County Government and that they plan to continue those meetings in the future, leading to the final development plan. He state that clearly the current industrial zoning is inappropriate and that the proposed zoning was more appropriate and utilized the land as a benefit to the community. He reiterated that the park would be programmed and would be open to everyone in the community, stressing that the park is a not-for-profit organization. He committed to the condition that the Town Branch Commons would remain open at all times. He also committed to continue discussions to reach a solution regarding the vehicular connection between Manchester Street and W. High Street.

Ms. Allison Lankford discussed the history of the project and the outreach that was conducted prior to the submission of the application for rezoning. Ms. Lankford stated that there were various aspects of the site that are difficult, including the environmental and the topography. By recognizing the difficulties early on in the process and working with a strong professional team, they believe that construction will begin this upcoming fall. She stressed the community influence in the development of the site, stating that approximately 16,000 people were engaged in the development of the project. She then showed some of the earliest designs of the site and stated that there has always been a strong emphasis on programed space including the amphitheater, the playgrounds, and the dog park. She stated that the development is meant to be open to all and is designed for all abilities. Ms. Lankford finalized her comments by stating that the park would be an economic driver for the surrounding businesses and would be complementary to the other community and tourist destinations downtown.

Ms. Sarah Maas, Sasaki Associates Inc., the landscape architect for the project, reviewed the rendering of the proposed project and described some of the specific elements of the programmed space and the connectivity of the site. Ms. Maas described the High Street entrance and the need to provide safe pedestrian and bicycle connections to the site. She indicated that due to the changes in topography and the needed roadway systems for the Lexington Convention Center, the use of a tunnel and a bridge are necessary. This can be done in a safe way, by keeping the tunnel as short and open as possible, as well as activating the tunnel through proper signage and the incorporation of art. Ms. Maas then displayed graphic representations as to how the park might look from an on the ground perspective.

Mr. Ades completed the applicant’s presentation by stating that they would continue to work with staff to resolve all issues that remain at the time of the final development plan, so to create the best project possible for Lexington.

Commission Questions – Mr. Michler stated that he appreciated the presentation and that the park was people-oriented and that there was little in the way of parking.

Mr. Pohl agreed with Mr. Michler and asked if anyone had dealt with the artwork panels under the Oliver Lewis Way. Mr. Ades indicated that he did not think so and that it was owned by the State. He described some of the complications with Cox Street, which acts as an access point to the railroad operations to the west. Ms. Lankford indicated that the University of Kentucky had done some work on how to better utilize the space under Oliver Lewis Way, but they have not finalized any changes to that area due to ongoing conversations with the State. Mr. Pohl stated that he knows that the area under the bridge was setup to have artwork in the area and wanted to have everyone thinking about what can be done in the area. Mr. Ades indicated that he would follow-up on this information.

Mr. Penn asked about what water would be used for the splash areas, and stated that he hoped that it was not from the Town Branch Creek. He also stated that he was concerned with the unintended consequences of the development, specifically the access into the area. He said that he will be looking at the final development plan to be more critical of the decisions made because of the importance of the project to the redevelopment of Manchester Street. Mr. Ades indicated that they would be working with staff on those potential issues.

Public Comment – Ms. Helene Steene, president of the Historic Woodward Heights Neighborhood Association, indicated that she was excited about the development, but was concerned with the potential impacts of traffic caused by the development. She discussed the current issues along W. High Street and would like the applicant to better review the impacts of traffic and parking.

Zoning Action – A motion was made by Ms. Worth, seconded by Mr. Pohl, and carried 9-0 (Nicol and Bell absent) to approve PLN-MAR-22-00001: TOWN BRANCH PARK, INC., for the reasons provided by the staff.

Development Plan Action – A motion was made by Ms. Worth, seconded by Mr. Penn, and carried 9-0 (Nicol and Bell absent) to approve PLN-MJDP-22-00007: TOWN BRANCH PARK with the revised 17 conditions, removing #18, modifying #17 to add "resolve at the time of Final Development Plan," and modifying Condition #14 to "Resolve the termination of Manchester Street and the connection with W. High Street at the time of the Final Development Plan."

2. PROPCO NORTH BROADWAY, LEXINGTON, KY, LLC & HOSPITALITY MOTOR INNS ZONING DEVELOPMENT PLAN

a. **PLN-MAR-22-00003: PROPCO NORTH BROADWAY, LEXINGTON, KY, LLC** – a petition for a zone map amendment from an Interchange Service Business (B-5P) zone to a Planned Neighborhood Residential (R-3) zone, for 6.022 net (15.204 gross) acres, for a portion of property at 2143 North Broadway. A conditional use for an assisted living facility has also been requested with this zone change.

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.

The petitioner proposes the rezoning of a portion of the subject property to the Planned Neighborhood Residential (R-3) zone to allow for the adaptive reuse of the established hotel as an assisted living facility. The proposed facility will retain the indoor pool, while enhancing outdoor recreation space and eliminate impervious area. The proposed development seeks to include 139 one-bedroom dwelling units at a residential density of approximately 20 dwelling units per net acre.

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

The Staff Recommends: Approval, for the following reasons:
1. A Planned Neighborhood Residential (R-3) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
   a. The proposed project will encourage the expansion of housing choices (Theme A, Goal #1) by converting the existing hotel into an assisted living facility that will accommodate the demand for housing in Lexington responsibly, prioritizing higher-density residential and a mixture of housing types (Theme A, Goal #1.b and 1.c and Theme A, Goal #2.a and #2.c).
   b. The proposed rezoning will support infill and redevelopment (Theme A, Goal #2), through the reuse of a property that will provide for well-designed neighborhoods (Theme A, Goal #3).
   c. The proposed rezoning minimizes the disruption of the natural features on the property, reduces impervious surfaces, and increases tree canopy coverage (Theme A, Goal #3.c). Numerous parking spaces are proposed to be converted to vegetated open space.

d. The proposed project will incorporate greenspace and open space into the development project (Theme A, Goal #2.c), while promoting positive and safe social interactions with the surrounding neighborhood. These interactions will be achieved by providing pedestrian facilities through the site and connecting neighborhood for pedestrians and other modes of transportation and the removal of the current fence line along Judy Lane (Theme A, Goal #3.b).
e. The proposed rezoning will also allow for the creation of jobs and prosperity (Theme C, Goal #2), as an assisted living facility will generate more jobs than the current hotel.

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 re-utilize an older hotel property for a residential use, while providing amenities, increasing internal connectivity, and promoting the preservation and maintenance of natural features.
   b. The proposed rezoning includes safe facilities for the potential users of the site by prioritizing the inclusion of safe pedestrian facilities and connecting the neighboring local street system. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
   c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will increase tree canopy coverage, decrease impervious surfaces, and increase the vegetative coverage on the site.
3. This recommendation is made subject to approval and certification of PLN-MJDP-22-00010: Hospitality Motor Inns, Inc. (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. **CONDITIONAL USE REQUEST -** The applicant is requesting to utilize of the property as an assisted living facility within the Planned Neighborhood Residential (R-3) zone.

The Planning Commission shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the planning area of uses which are specifically named in this Zoning Ordinance, which may be suitable only in specific locations in the zone only if certain conditions are met and which would not have an adverse influence on existing or future development of the subject property or its surrounding neighborhood**.**

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

The Staff Recommends: **Approval**, for the following reasons:
1. The proposed assisted living facility of greater than eight individuals will provide a needed facility in the area and should not adversely affect the subject or adjoining/nearby properties.

This recommendation of Approval is made subject to the following conditions:
a. Provided the Urban County Council approves the requested zone change to the R-3 zone, otherwise the requested conditional use shall be null and void.
b. The development shall be constructed in accordance with the approved Final Development Plan, or as amended by the Planning Commission.
c. All necessary permits shall be obtained from the Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.
d. Action of the Planning Commission shall be noted on the Development Plan for the subject property.

c. PLN-MJDP-22-00010: HOSPITALITY MOTOR INNS, INC. (AMD) - located at 2143 NORTH BROADWAY, LEXINGTON, KY.
Project Contact: Earthcycle Design LLC

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

1. Provided the Urban County Council rezones the property R-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. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Provided the Planning Commission approves a conditional use permit for an assisted living facility.
8. Discuss Placebuilder criteria.
   a. D-CO2-1 Safe facilities for all users and modes of transportation should be provided.
   b. D-CO2-2 Development should create and/or expand a safe, connected multi-modal transportation network that satisfies all users' needs, including those with disabilities.

Staff Zoning Presentation – Mr. Baillie presented the staff report and recommendations for the zone change application. He displayed photographs of the subject property and of the general area. He said that the petitioner proposes the rezoning of a portion of the subject property to the Planned Neighborhood Residential (R-3) zone to allow for the reuse of the established hotel as an assisted living facility. The proposed facility will retain the indoor pool, while enhancing outdoor recreation space and eliminate impervious area. The proposed development seeks to include 139 one-bedroom dwelling units at a residential density of approximately 20 dwelling units per net acre. Mr. Baillie indicated that the assisted living facility is a conditional use within the R-3 zone, which will be discussed following the staff review of the development plan.

Mr. Baillie indicated that the staff agreed with the applicants that the project is located within the Enhanced Neighborhood Place-Type and is a Medium Density Residential Development Type. He stated that prior to the Zoning Committee the staff had one primary concern regarding the integration of the site with the established pedestrian system. He indicated that in the time between the Zoning Committee and the hearing, the applicant had worked with staff from the Division of Planning to create a connected pedestrian system along Judy Lane, which will help to integrate the development with the established residential neighborhood. Mr. Baillie finalized the presentation of the proposed application with the review of the recommended findings for approval that were enumerated in the staff report and indicated that the rezoning was recommended for approval by the Zoning Committee.

Commission Questions – None.

Staff Development Plan Presentation – Mr. Martin presented the staff report and recommendations for the associated Final Development Plan. He presented the colored rendering of the subject property and reviewed the current development. He stressed that this was a final development plan due to the minimal changes to the site. He stated that this was a reuse of a hotel and would remove a significant level of impervious surface and reduce the amount of parking. Mr. Martin noted that there was one discussion item focused on the Placebuilder criteria, which can be removed, as the applicant has added the pedestrian facility along Judy Lane.

Commission Questions – None.

Staff Conditional Use Presentation – Mr. Baillie presented the applicant's request to utilize the property as an assisted living facility within the proposed Planned Neighborhood Residential (R-3) zone. He reviewed the information that was submitted by the applicant that described the demand for assisted living facilities within the Lexington market and specifically in the northeast section of the city. Mr. Baillie finalized the presentation of the proposed application for a conditional use with the review of the recommended findings and associated conditions for approval, as enumerated in the staff report, and indicated that the conditional use request was recommended for approval by the Zoning Committee.

Applicant Presentation – Mr. Scott Southall, EarthCycle Design and representative for the applicant, indicated the applicant was in agreement with the conditions of the staff. He reviewed some of the fenced areas for the memory care unit and the proposed additions to the development. He stressed that many of the existing facilities onsite will be incorporated into the assisted living facility, including the pool that will be utilized for the residents of the facility. He then requested approval of the rezoning, conditional use permit and development plan, in accordance with the staff recommendations.

Commission Questions – None.

Public Comment – None.

Commission Discussion – Ms. Worth asked about the access points and the impact of traffic on Judy Lane. Mr. Baillie discussed the historical development of the site and indicated that the current roadway systems would be able to handle the proposed traffic. Mr. Martin described the historic modifications of North Broadway that does cause slowdowns in traffic, but that this site would not worsen those issues.

Zoning Action – A motion was made by Mr. Penn, seconded by Mr. Pohl, and carried 9-0 (Nicol and Bell absent) to approve PLN-MAR-22-00003: PROPCO NORTH BROADWAY, LEXINGTON, KY, LLC, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Penn, seconded by Ms. Meyer, and carried 9-0 (Nicol and Bell absent) to approve PLN-MJDP-22-00010: HOSPITALITY MOTOR INNS, INC. (AMD) removing Condition #8.

Conditional Use Action – A motion was made by Mr. Penn, seconded by Ms. Worth, and carried 9-0 (Nicol and Bell absent) to approve the conditional use of an assisted living facility with the findings and conditions provided by staff.

VI. **COMMISSION ITEMS** - The Chair will announce that any item a Commission member would like to present will be heard at this time.

A. **CANCELLATION OF UPCOMING MEETING** – Chair Forester stated that the staff has requested that the Planning Commission cancel the March 31, 2022, work session, as there are no items to be reviewed at that time.

A motion was made Mr. Penn, seconded by Mr. Michler, and carried 9-0 (Nicol and Bell absent) to cancel the March 31, 2022, work session meeting.

Mr. Davis added that he would like to hear from entities within the government to give updates to the Planning Commission. He requested that the PDR Program and Ms. Gloria Martin be invited to a work session to discuss their activities. Mr. Duncan indicated that staff will reach out to groups within the government and other members of the community to provide updates.

VII. **STAFF ITEMS** – The staff will report at the meeting.

VIII. **AUDIENCE ITEMS** – Citizens may bring a planning related matter before the Commission at this time for general discussion or future action. Items that will NOT be heard are those requiring the Commission's formal action, such as zoning items for early rehearing, map or text amendments; subdivision or development plans, etc. These last mentioned items must be filed in advance of this meeting in conformance with the adopted filing schedule.

IX. **MEETING DATES FOR MARCH AND APRIL 2022**

Work Session, Thursday, 1:30 p.m. .... March 31, 2022
Subdivision Committee, Thursday, 8:30 a.m., 3rd Floor Conference Room, Phoenix Building .... April 7, 2022
Zoning Committee, Thursday, 1:30 p.m., 3rd Floor Conference Room, Phoenix Building .... April 7, 2022
Subdivision Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers, Government Center .... **April 14, 2022**
Work Session, Thursday, 1:30 p.m., 3rd Floor Conference Room, Phoenix Building .... April 21, 2022
Technical Committee, Wednesday, 8:30 a.m., 3rd Floor Conference Room, Phoenix Building .... April 27, 2022
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers, Government Center .... **April 28, 2022**

X. **ADJOURNMENT** – There being no further business, Chairman Forester declared the meeting adjourned at 4:01 p.m.

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Larry Forester, Chair

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Janice Meyer, Secretary

HB/TLW

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