MINUTES FOR THE BOARD OF ADJUSTMENT
SPECIAL MEETING
June 28, 2022

I. **CALL TO ORDER** - Chair Glover called the meeting to order at 1:34 p.m. in the Council Chambers, 200 East Main Street, Lexington, Kentucky.

II. **ATTENDANCE** – Board members present were: Raquel Carter, Harry Clarke, Thomas Glover, Branden Gross, Chad Needham, Chad Walker and Joan Whitman. Others present were: Tracy Jones, Department of Law; Stephen Parker, Division of Traffic Engineering and Josh Dezarn, Division of Engineering. Planning staff members present were: Jim Duncan, Meghan Jennings, Hal Baillie, Daniel Crum, Stephanie Cunningham and Donna Lewis.

III. **PUBLIC HEARING ON ZONING APPEALS**

A. **Swearing of Witnesses** – Mr. Glover announced that anyone who planned to speak would be sworn in at this time.

The oath was administered to the individuals in the audience and Staff who planned to speak.

B. **Conditional Use Appeal (continued)**

1. **PLN-BOA-22-00026: ANDERSON COMMUNITIES, INC** – requested a conditional use permit for outdoor recreational facilities (soccer fields) on property located in an Agricultural Rural (A-R) zone, on property located at 2501 Russell Cave Rd. (Council District 12)

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

a. In order to preserve the integrity of the Urban Service Boundary, the proposed recreational athletic fields within the Agriculture Rural (A-R) zone should generally operate independently of the higher intensity uses associated with a soccer stadium elsewhere in the community. The proposed outdoor athletic facility (soccer fields) should not adversely affect the remainder of the subject or surrounding properties, provided the activities are in accordance with the recommended conditions herein. The inclusion of significant screening and landscape buffers; prohibitions against lighting, restaurants or food service, loudspeakers and the like; limitations of on-site operations and durations; and restrictions on large-scale tournaments should minimize the impact of the use on properties within the general vicinity.
b. The proposed facility is supported by the 2018 Comprehensive Plan which calls for the creation of a regional sports complex. The facility will provide a centralized location for local youth and future professional soccer teams to practice, as well as for youth tournaments. The site has convenient access to Newtown Pike and interstates I-75 and I-64, which will benefit local and regional soccer teams traveling to and from Lexington.
c. The proposed use should not have an adverse impact on traffic in the immediate vicinity as the facility will be easily accessible from the interstate and accessed only from Newtown Pike via Providence Place Parkway. There will be no direct vehicular access to Russell Cave Road.

Subject to the following conditions:

1. The use shall be conducted in accordance with the submitted application materials and a revised site plan reflecting the conditions herein.
2. All necessary permits shall be obtained from the Divisions of Building Inspection and Engineering prior to construction.
3. A stormwater management plan shall be implemented in accordance with the requirements of the adopted Engineering Manuals, subject to acceptance by the Division of Engineering.
4. A sewage treatment system shall be installed in accordance with the requirements of the Department of Health.
5. The design of the off-street parking, internal circulation, and access to the site shall be subject to review and approval by the Division of Traffic Engineering.
6. There shall be no direct vehicular access from the recreational facilities to Russell Cave Road, except a gated access for emergency vehicles only.
7. Access into the property via Providence Place Parkway shall be provided and will necessitate an amendment to the Development Plan and Final Record Plat for the adjacent property in the Economic Development (ED) zone to depict the access.
8. The off-street parking lot and access drive shall be designed in accordance with Royal Spring Aquifer Committee recommendations, Division of Traffic Engineering best practices, and Zoning Ordinance requirements.
9. The applicant shall submit a landscape plan for review and approval by the Division of Environmental Services reflecting the landscaping required in conditions #10 and #11.

10. The parking lot shall be screened in accordance with the requirements of Article 18 of the Zoning Ordinance.
11. The applicant shall provide a 50-foot wide landscape buffer adjacent to the eastern, northern, and western property boundaries consisting of the following: a double row of evergreen trees planted 30-feet on center; a row of large or medium species deciduous trees planted 60-feet on center; and 6-foot tall fencing along the interior and exterior of the buffer.
12. The proposed operation, maintenance and restroom facilities building shall be moved to be located adjacent to the parking lot in order to facilitate handicap accessibility of all participants and guests.
13. Outdoor lighting, loudspeakers, and restaurants or food service are prohibited.
14. The proposed outdoor recreational facilities shall be limited to use for athletic-related activities only and shall not be used for non-athletic commercial events or gatherings, including concerts, festivals, fireworks, off-site parking and the like.
15. Hours of operation shall be limited to 9 a.m. to 9 p.m., daily.
16. There shall be no more than two tournaments per month and tournaments shall be limited to the months of April, May, June, September, and October.
17. Tournaments during the month of October shall be coordinated with Fasig Tipton to avoid traffic conflicts and operational impacts. No tournaments shall occur during horse sale events or for three days prior to the first sale date of the event.
18. Traffic management services shall be provided at the intersection of Providence Place Parkway and Newtown Pike whenever tournaments are hosted, until the intersection is signalized.
19. Should Lexington Sporting Club no longer operate the soccer facility, the conditional use shall be considered null and void.

Board comments – Mr. Glover announced that anyone who was standing in the audience would need to leave Council Chambers and find a seat in the overflow section on the Mezzanine. He also asked that anyone who wished to speak, to please sign in. Mr. Glover informed those in the audience that, as this is a Special Meeting to hear the continuation of **PLN-BOA-22-00026: ANDERSON COMMUNITIES, INC**, there would not be a repeat of information that was heard at the last meeting. He added that the difference between this meeting and the previous meeting on June 13, 2022 was that Staff had then recommended postponement of this application. However, it was not postponed and testimony was heard. Staff had received a revised plan with new information; therefore, the Board would hear from the applicant and opposition concerning the new information that is on the revised staff report. Mr. Glover explained the time limits that would be set for those who wished to speak, and the general rules for the meeting, regarding audience behavior.

Staff presentation – Mr. Crum directed the Board's attention to the overhead screen on which he displayed a PowerPoint presentation, showing aerial views and a zoning map of the subject property and immediate vicinity. Mr. Crum gave a brief explanation of the Agricultural Rural (A-R) Zone, as the subject property is within that zone as well as the Economic Development (E-D) Zone. He explained the changes that the applicant had made to the revised site plan, including changes to the location of the proposed parking lot, access to the site, the addition of pedestrian walkways, and a landscape buffer of 35 feet in width along the western and northern property boundaries. Mr. Crum concluded his presentation by noting that the Staff was recommending approval of the requested conditional use for 12 soccer fields and associated parking, and presented the conditions that are recommended by the Staff, in order to ensure that the outdoor recreation facility remains compatible in the A-R zone with the adjoining properties. Mr. Crum outlined the typical conditions associated with a conditional use permit in the A-R zone, and discussed the remaining conditions, which included an enhanced landscape buffer of 50 feet in width with fences along both sides to be located adjacent to any A-R zoned land, lighting and noise restrictions, hours of operation and number of tournament limitations, and traffic management.

Board questions and comments – Mr. Glover asked if the hours of operation were suggested by the applicant. Mr. Crum stated they were derived by Staff due to when the use would be available without lighting.

Mr. Gross asked Mr. Crum if Staff had discussed those conditions with the applicant and whether the applicant was in agreement with the conditions. Mr. Crum replied that the applicant had reached out to Staff and indicated they were in agreement with the majority of the conditions, with the exception of not using this particular site for off-site parking in relation to potential stadium use. Mr. Gross asked if there had been discussion with counsel for the opponents. Mr. Crum stated that discussion had not occurred, to his knowledge.

Ms. Carter asked which condition referred to the parking that Mr. Crum had mentioned. Mr. Crum responded that Condition #14 limits prohibits use of the parking lot for off-site parking.

Mr. Walker asked for clarification regarding food service. Ms. Jennings responded that the wording was taken directly from the conditions in the Zoning Ordinance concerning this particular conditional use.

Mr. Needham asked where Condition #6 was derived from, regarding the access to Russell Cave Road. Mr. Crum replied that Staff generated that condition, as the applicant's proposal did not show any direct connectivity to Russell Cave Road.

Mr. Glover asked about Condition #16, which limited the use to two tournaments per month. Mr. Crum responded that condition was derived from the supplemental justification letter from the applicant, in which they indicated that was the approximate number of events they expected to hold. Mr. Glover questioned the justification for limiting the tournaments to April, May, June, September and October. Mr. Crum replied that too, was taken from the applicants' supplemental justification. Mr. Glover asked if there was a need for the applicant to confer with Fasig Tipton for other reasons, given the fact that Condition #18 covered traffic. Mr. Crum explained that this would allow the two entities to work out an agreement to stagger any operational impact, as there are certain days later in the year when Fasig Tipton does the bulk of their sales. Mr. Glover asked if Condition #17 was due to expected traffic going in and out of Fasig Tipton. Mr. Crum stated that prior to those events, horses are being brought on site, so Staff felt it important to reduce any impact to the adjacent property owner during those significant periods.

Applicant presentation – Mr. Richard Murphy, attorney on behalf of the applicant, distributed handouts to the Board members. He introduced the applicant, Mr. Dennis Anderson, Anderson Communities, stating they are working in conjunction with Lexington Sporting Club for approval of the outdoor recreational facility. Mr. Murphy mentioned that Mr. Vince Gabbert, with Lexington Sporting Club could not be present at today's meeting. He introduced Mr. Steven Dawahare, Mr. Carter Carnegie and Mr. Bill Shively, co-owners of Lexington Sporting Club, and Mr. Al Gross and Mr. Rory Kahly, EA Partners, who were also in the audience. Mr. Murphy mentioned several participants of the soccer program who were present in the audience and asked that they stand.

Mr. Murphy directed the Board's attention to the overhead screen on which was displayed the revised site plan for the proposed project. He explained the changes that had been made since the last meeting on June 13, 2022. Mr. Murphy mentioned that the applicant has obtained their first approval through the Royal Springs Aquifer Committee. He added the Committee reviewed the plan and sent it forward with no further recommendations. Mr. Murphy continued with the presentation.

Mr. Murphy commented that the applicant had concerns with three of the conditions on the staff report. He stated that the applicant would like more flexibility in the hours of operation, regarding Condition #15. Mr. Murphy explained that some teams like to practice early in the morning and that some tournaments can go later in the evening; therefore, they would like to operate from 7:30 a.m. to 9:30 p.m. daily. He also requested more flexibility in Condition #16 to eliminate the months of usage or at least to add the month of March to that as a month of usage. Mr. Murphy added that the applicant would like to use the parking on the subject property as overflow parking for the stadium parking lot, which appears to conflict with the recommended Condition #14.

Board question – Mr. Glover asked Mr. Murphy why the applicant wanted to build soccer fields in the A-R zone. Mr. Murphy replied that the Lexington Sporting Club had looked at a number of places throughout Fayette County and felt that this was the best place. He added that they needed 60 acres for this project, and that is hard to find in Lexington. Mr. Murphy stated that recreational uses such as the proposed project are allowed in the A-R zone as conditional uses. He continued with his presentation.

Support – Mr. Kenny Nusbacher, 924 Witthuhn Way, Lexington soccer coach, spoke on soccer becoming increasingly popular over the past several years, and how there is a need for a project like this.

Mr. Richard Shadwick, 5421 Jacks Creek Pike, expressed his support of the proposed project.

Mr. Barry Saturday, 3416 Laredo Drive, expressed his support of the proposed project.

*Note – At this point in the meeting, Mr. Glover announced that Council would need the Chambers beginning at 3:00 p.m. for their Work Session. Therefore, the Board of Adjustment meeting would take a recess to allow for the Council meeting. As there would not be sufficient time for Mr. Simpson's entire presentation to be heard prior to the break, Mr. Glover announced that the Board would hear from members of the audience who wished to speak in opposition.

Audience Opposition – Ms. Sarah MacHarg, 2470 Russell Cave Road, spoke in opposition of the proposed project.

Ms. Melva Holt, 1528 Player Drive, representing Griffin Gate Community Association, spoke in opposition of the proposed project, mainly due to traffic impacts to Newtown Pike.

Ms. Reva Russell English, spoke in opposition, stating environmental issues.

Mr. Will Glasscock, 815 Sunset Drive, Kentucky Equine Education Program (KEEP), spoke in opposition to this proposed project, stating his opinion that the proposed use would have negative impacts on the horse industry of Kentucky.

Chairman Glover announced the need to recess the public hearing in order for the Urban County Council to hold their schedule Work Session. He stated that those in the audience could remain in the Council Chambers during the Work Session if they chose to do so. Mr. Glover stated the Board would hear one last audience member who had been standing in line to speak prior to the recess.

Ms. Martha Jane Mulholland, 2245 Iron Works Pike, Mulholland Springs Farm, spoke on the quality of the unique soil in the portion of Fayette County near the subject property.

*Note At 2:50 p.m., Mr. Glover called a recess of the Board of Adjustment Meeting.

*Note: The Board meeting reconvened at 3:50 p.m.

Opposition Representation – Mr. Bruce Simpson, attorney, spoke in opposition of the proposed project, on behalf of Fayette Alliance and other property owners in the Agricultural Rural zone. He referred to information contained in a handout that had been distributed to the Board members prior to the recess. Mr. Simpson gave a brief history of the development of Fayette Alliance, the Rural Land Use Management Plan, the Rural Land Use Management Board, and the Purchase of Development Rights program. He expressed his concerns and those of the individuals he represented, regarding the proposed project and any projects in the future that could result if this project is approved.

Mr. Simpson introduced Mr. Ed (Bo) Fisher, Project Manager, Shield Environmental Associates, 948 Floyd Drive, Lexington, KY 40505. Mr. Fisher stated he has been with Shield Environmental Associates for eleven years and his primary focus is stormwater and waste water compliance. Mr. Simpson asked Mr. Fisher to summarize his findings from an assessment he conducted on the stormwater impact of the proposed conditional use, if any, at the subject property. Mr. Fisher directed the Board's attention to the overhead screen on which he displayed a PowerPoint presentation depicting the subject property as being located in the Cane Run Watershed and also sitting on top of the Royal Springs Aquafer. Mr. Fisher explained his findings for the Board.

Opposition Representation – Mr. Jay Ingle, attorney on behalf of Fasig Tipton, introduced Mr. Boyd Browning, President and CEO of Fasig Tipton. Mr. Browning expressed his concerns over the number of people who would attend tournaments that would be held at the soccer fields, if the project were to be approved. He added that he was not in support of the proposed project at the proposed location.

*Note – At this time, Mr. Glover administered the oath to audience members who wished to speak, but had not been sworn in previously.

Audience Opposition – Mr. Adam Klier, 985 Star Shoot Parkway, stated he felt there were many other appropriate locations for the proposed project. He expressed his concerns with the impacts of this use on the subject property and the surroundings.

Mr. Frank Penn, 4741 Mt. Horeb Pike, Planning Commission member, spoke in opposition of the proposed project, stating it was a commercial use and not appropriate for the proposed location.

Ms. Gina Hogan, Hogan Farms LLC 1625 Ferguson Rd., expressed her concerns with the proposed project, stating the value of grass and soil on the subject property.

Dr. Barbara Pool, 2300 Newtown Pike, spoke in opposition of the proposed project, expressing concerns over the traffic on Newtown Pike.

Ms. Catherine Perkins, 258 Swigert Ave., expressed her concerns regarding access to the proposed soccer fields. She also asked if RV's or campers would be allowed on the subject property.

Mr. Don Robinson, 4153 Military Pike, former Planning Commission member, urged the Board not to approve the proposed project.

Mr. Chauncey Morris, Kentucky Thoroughbred Association, 4074 Iron Works Pike, spoke on behalf of the horse industry and the impact the proposed project would have on that industry, should the application be approved.

Dr. Jan Guy, 276 Swigert Ave., spoke in opposition, stating that those who live in closest proximity to the subject property would be the ones having to deal with the traffic, the noise and the lights. She cited statistics of individuals who play soccer as a child, or in a club, or at the college level, who actually continue on to play professionally.

Ms. Elizabeth Woodward, 282 Swigert Ave., shared her concerns with Condition #6 in the staff report. She also stated that she and her husband did not anticipate the proposed use, which she referred to as a high-volume commercial use, when they decided to remain in Fayette County in the A-R zone, versus moving to another county.

Mr. Mike Owens, 1362 Estates Hill Cir., former Planning Commission member, spoke in opposition to the proposed project, stating it is a commercial use and not like the soccer fields of Sayre School, which is a private school.

Mr. Tommy Hearn, 2300 Newtown Pike, expressed his concerns with the traffic and the traffic signals in the area, stating there will be even more traffic back up.

*Note – The Board took a break at 5:07 p.m. and reconvened at 5:20 p.m.

Audience Opposition (continued) – Ms. Amy Clark, 628 Kastle Rd., urged the Board to clearly specify which provision of the Zoning Ordinance they are using to review and either grant or deny the use. She expressed several concerns should the project be approved.

Mr. George Fister, 2878 Newtown Pike, expressed his concerns over an increase in traffic that would result if the project is approved. He also stressed the importance of preserving the Urban Service Boundary.

Ms. Holley Groshek, 3431 Spendthrift Way, spoke on behalf of her organization, Equine Land Conservation Resource. She stated that the organization did not support the proposed project.

Ms. Gloria Martin, 7416 Grimes Mill Rd., spoke on behalf of the Rural Land Management Board, of which she is the current Chairperson. She had previously distributed a packet of information to the Board and displayed some of the information on the overhead screen. Ms. Martin stated that there are at least twelve Purchase of Development Rights (PDR) working farms within the notification area, within one mile. She added that those twelve farms could be negatively impacted by the proposed project. Ms. Martin commented that this request is precedent setting.

Applicant rebuttal – Mr. Murphy introduced Mr. Al Gross, EA Partners, and asked him to address some of the wastewater concerns that had been raised. Mr. Gross stated that the intention was to tie into the existing sanitary sewer system that crosses the property; so there would be no septic tank and no package treatment plant on site. He added that the stormwater management system would undergo extensive reviews of the staff of the City government.

Mr. Murphy advised the Board that the reviews Mr. Gross spoke of would be done by the Divisions of Environmental Services, Water Quality, Engineering, Building Inspection and Planning before a permit to begin work on this property is issued. He directed the Board's attention to the overhead screen on which he displayed an aerial view of the subject property and its proximity to Fasig Tipton's property. He explained that a fifty-foot buffer would be installed between the two properties. He added that the prime soil that had been referred to earlier in the hearing by numerous people had already been stripped off of the property prior to Mr. Anderson purchasing it. That was done to construct barns and the training track. He added that the Royal Springs Aquafer Committee had reviewed this plan already.

Mr. Murphy addressed the topic of traffic which had been mentioned several times. He said that the applicant has agreed to traffic management at the intersection of Newtown Pike and Providence Place Parkway when the tournaments occur. Mr. Murphy referred to several other concerns raised by members of the audience. He noted that the Rural Land Management Plan states on page 37 that sixty percent of the parcels in the Rural Service Area do not have an agricultural operation. Mr. Murphy listed a wide range of non-agricultural recreational activities that are recognized by the Rural Land Management Plan and exist today in the Rural Service Area. He directed the Board's attention to a Land Status Summary displayed on the overhead screen, which he explained. Mr. Murphy continued with his rebuttal.

Opposition rebuttal - Mr. Ingle expressed concerns with the proposed project being allowed on the subject property, stating it is a commercial use in an agricultural zone and not appropriate. He directed the Board's attention to an aerial view of the subject property and other property nearby which was displayed on the overhead screen. Mr. Ingle indicated that there were several parcels of land owned by the applicant that in his opinion would be more suitable for the proposed project.

Board questions – Mr. Glover opined that all were in agreement that the proposed application falls under Article 8-1(d), condition #12, instead of condition #13, of the Zoning Ordinance. He added that one of the uses Mr. Ingle read was a sportsman farm, including outdoor rifle and other firearm ranges. Mr. Glover asked Mr. Ingle if he, or his client, Fasig Tipton, would prefer to have an outdoor rifle range on the subject property. Mr. Ingle replied that he didn't think that was the question before the Board and that no one had proposed that. Discussion continued.

Mr. Gross asked Mr. Ingle to elaborate on Fasig Tipton's sales events and other reasons that make Condition #17 on the staff report necessary. Mr. Ingle replied that Fasig Tipton has multiple on-site sales, and activity leading up to those sales begins several days in advance. Mr. Browning provided more information regarding these sales. Mr. Gross asked if it was possible that the horse sales could occur at the same time as some of the soccer tournaments. Mr. Browning indicated that it was potentially possible.

Opposition rebuttal - Mr. Simpson expressed his opinion of the availability of other land that could be used for the proposed project. He also expressed concerns over additional traffic and stormwater management.

Staff presentation – Mr. Crum addressed many of the concerns that had been expressed by members of the audience; clarifying information that had been misinterpreted or was unclear. He reminded the Board that when they act on the application before them today, they will be acting on it with the specific conditions listed in the staff report. He added that in the event that a Zoning Ordinance Text Amendment is passed by Council to allow certain aspects; in order to change the nature of this use, the applicant would be required to go before the Board to review any new impacts of the proposed use. Mr. Crum stated that Staff has reviewed this under those conditions and found that with no lighting, no speakers and under these conditions, this use can be appropriate at this location. He continued to address the other concerns that had been addressed by members of the audience, providing clarification.

Board question – Mr. Glover commented that the language in the Zoning Ordinance in Article 8-1(d) 12 is re-stated in the conditions for this application, which he felt was redundant. He asked for Mr. Crum's opinion. Mr. Crum responded that some may be restated conditions, however, the proposed conditions captured what Staff has reviewed at that time and what could be appropriate in the future. He added that should the Zoning Ordinance change in the future to allow lighting, this offers protection for the adjacent property owners, and shows how the review was approved by the Board at this time.

Mr. Clarke asked if Staff had determined whether a fee of any kind would be charged for the use of the proposed soccer fields. Ms. Jennings explained that the aspect of charging fees in the commercial aspect of the recreational commercial use, is for tickets to events. Within the non-commercial definition, it includes that these are recreational uses available to members, so that implies that there may be a membership fee, and that is different than selling tickets to a commercial event. There was further discussion.

Staff presentation - Mr. Stephen Parker, Division of Traffic Engineering, also filling in for Mr. Josh Dezarn, Division of Engineering, who had to leave the meeting, was asked by Mr. Gross if a traffic study was needed for this application. Mr. Parker replied that based on what had been applied for, no traffic study was needed. There was further discussion.

*Note – after asking if there were any further comments, Mr. Glover closed the public comment portion of the review of this application.

Board comments – Ms. Carter commented that she appreciated everyone's passion and interest in this application, and mentioned the many hours of testimony that have been heard. She added that some of the issues that have been heard have to do with a process and that process is already in place. Ms. Carter stated that she wanted to take exception to the implication that the members of the Board of Adjustment and Staff had not done enough studies, or done enough outside research for this part of the process. She added that as had been previously mentioned, these applications will continue to go through their process, reviewed by other divisions and agencies as required. Ms. Carter repeated that she took exception to the implication that as a Board or as a Staff, they had not done their due diligence under this particular request. She added that everyone had worked very hard and took their jobs very seriously.

Mr. Clarke stated that the issue at hand was a very important issue to him and that he had spent a lot of time thinking about it and researching it. He stated that he had some concerns about the proposed project, and the precedent it would set if approved. Mr. Clarke shared his other concerns.

Mr. Gross asked if Mr. Clarke's statements should be considered as evidence or opinion, as there were a lot of facts in his comments, and whether there should be something on the record about rebuttal. Mr. Glover replied that he had closed the hearing to further testimony, so the comments by Board members are just that, comments by Board members and they go into the record as such. He asked Ms. Jones for any comment she may have regarding that. Ms. Jones stated that as the hearing had been closed, any comments made by the Board were considered part of their determination and evaluation process.

Mr. Needham stated that the Board tries to give everyone who wishes to speak a fair chance to do so, and that the Board listens to them. He expressed his thoughts on the issues that had been raised; stating it was all very close to him as well. Mr. Needham stated he felt it was important for horses, soccer and children to co-exist. He added that the subject property had not been in good shape for many years; since the 1980's, and if someone had wanted to protect it, they could have bought it and improved it. Mr. Needham shared more of his thoughts and concerns regarding the proposed project.

Ms. Whitman commented that she had not heard anything today that changed her opinions on the proposed project, which she had shared at the previous meeting on June 13, 2022. She added that she felt the project would be good for the youth of our community and surrounding communities and that she was in favor of it.

Mr. Walker commented that he didn't ride horses or play soccer, but that he does own two properties in the PDR program, and he supported conservation. He added that the proposed use for a soccer complex would only use about one third of the overall land on the parcel. Mr. Walker stated that, personally, he would like to see the residual land go into the PDR program, which would stop further growth. Mr. Walker remarked that the soccer complex would allow the youth and others, to come out and enjoy the Bluegrass. He added he was also in favor of the project.

Mr. Glover asked if there were any other comments. He added that if a motion were to be made, that would not prevent the Board members from discussing the merits of that particular motion among themselves. Ms. Carter stated there were many conditions. Mr. Glover agreed and commented that the Board could discuss any portion of that motion and added they could discuss the conditions before a motion was made. He remarked that in addition to the three findings proposed by Staff, an additional finding had been mentioned; that being: All public facilities and services will be adequate to serve the proposed use. There was further discussion on the conditions.

Action – A motion was made by Mr. Gross and seconded by Ms. Whitman to **approve PLN-BOA-22-00026: ANDERSON COMMUNITIES, INC** – request for a conditional use permit for outdoor recreational facilities (soccer fields) on property located in an Agricultural Rural (A-R) zone, on property located at 2501 Russell Cave Rd., based on Staff's recommended findings, all of the testimony that was presented to the Board at the June 13, 2022 meeting and at this Special Meeting on June 28, 2022, and subject to the following revised conditions (revisions from staff recommendation noted with strikethrough):

1. The use shall be conducted in accordance with the submitted application materials and a revised site plan reflecting the conditions herein.
2. All necessary permits shall be obtained from the Divisions of Building Inspection and Engineering prior to construction.
3. A stormwater management plan shall be implemented in accordance with the requirements of the adopted Engineering Manuals, subject to acceptance by the Division of Engineering.
4. A sewage treatment system shall be installed in accordance with the requirements of the Department of Health.
5. The design of the off-street parking, internal circulation, and access to the site shall be subject to review and approval by the Division of Traffic Engineering.
6. There shall be no direct vehicular access from the recreational facilities to Russell Cave Road, except a gated access for emergency vehicles only.
7. Access into the property via Providence Place Parkway shall be provided and will necessitate an amendment to the Development Plan and Final Record Plat for the adjacent property in the Economic Development (ED) zone to depict the access.
8. The off-street parking lot and access drive shall be designed in accordance with Royal Spring Aquifer Committee recommendations, Division of Traffic Engineering best practices, and Zoning Ordinance requirements.
9. The applicant shall submit a landscape plan for review and approval by the Division of Environmental Services reflecting the landscaping required in conditions #10 and #11.
10. The parking lot shall be screened in accordance with the requirements of Article 18 of the Zoning Ordinance.
11. The applicant shall provide a 50-foot wide landscape buffer adjacent to the eastern, northern, and western property boundaries consisting of the following: a double row of evergreen trees planted 30-feet on center; a row of large or medium species deciduous trees planted 60-feet on center; and 6-foot tall fencing along the interior and exterior of the buffer.
12. The proposed operation, maintenance and restroom facilities building shall be moved to be located adjacent to the parking lot in order to facilitate handicap accessibility of all participants and guests.
13. Outdoor lighting, loudspeakers, and restaurants or food service are prohibited.
14. The proposed outdoor recreational facilities shall be limited to use for athletic-related activities only and shall not be used for non-athletic commercial events or gatherings, including concerts, festivals, fireworks, off-site parking and ~~the like~~ substantially similar uses.
15. Hours of operation shall be limited to ~~9:00 a.m. to 9:00 p.m.,~~ 7:30 a.m. to 9:30 p.m., daily.
16. There shall be no more than two tournaments per month ~~and tournaments shall be limited to the months of April, May, June, September, and October.~~
17. Tournaments during the month of October shall be coordinated with Fasig Tipton to avoid traffic conflicts and operational impacts. ~~No tournaments shall occur during horse sale events or for three days prior to the first sale date of the event.~~
18. Traffic management services shall be provided at the intersection of Providence Place Parkway and Newtown Pike whenever tournaments are hosted, until the intersection is signalized.
19. ~~Should Lexington Sporting Club no longer operate the soccer facility, the conditional use shall be considered null and void.~~

Discussion on the motion – Mr. Glover asked Mr. Gross to clarify some of his statements and amend his motion to include a fourth finding to state:

4. All public facilities and services will be adequate to serve the proposed use.

Mr. Gross replied that he accepted the modification. Mr. Glover asked Mr. Gross to clarify his revisions to Conditions #14, #15, #16, #17 and #19. Mr. Gross did so. Mr. Glover asked if there was any further discussion on Mr. Gross's motion. Ms. Carter asked about striking #16 altogether. Mr. Gross accepted that modification. Ms. Whitman asked if those amendments needed seconds. Ms. Jones stated that if Mr. Gross was accepting those amendments as friendly amendments they did not need seconds. Mr. Gross stated he accepted those amendments as friendly.

Action – The amended motion, to **approve PLN-BOA-22-00026: ANDERSON COMMUNITIES, INC** – request for a conditional use permit for outdoor recreational facilities (soccer fields) on property located in an Agricultural Rural (A-R) zone, on property located at 2501 Russell Cave Rd., based on Staff's recommendations, all of the testimony that was presented to the Board at the June 13, 2022 meeting and at this Special Meeting on June 28, 2022, with the addition of a fourth finding as previously listed, and the following seventeen amended conditions, was voted on and carried 6-1 (Clarke opposed).

1. The use shall be conducted in accordance with the submitted application materials and a revised site plan reflecting the conditions herein.
2. All necessary permits shall be obtained from the Divisions of Building Inspection and Engineering prior to construction.
3. A stormwater management plan shall be implemented in accordance with the requirements of the adopted Engineering Manuals, subject to acceptance by the Division of Engineering.
4. A sewage treatment system shall be installed in accordance with the requirements of the Department of Health.
5. The design of the off-street parking, internal circulation, and access to the site shall be subject to review and approval by the Division of Traffic Engineering.
6. There shall be no direct vehicular access from the recreational facilities to Russell Cave Road, except a gated access for emergency vehicles only.
7. Access into the property via Providence Place Parkway shall be provided and will necessitate an amendment to the Development Plan and Final Record Plat for the adjacent property in the Economic Development (ED) zone to depict the access.
8. The off-street parking lot and access drive shall be designed in accordance with Royal Spring Aquifer Committee recommendations, Division of Traffic Engineering best practices, and Zoning Ordinance requirements.
9. The applicant shall submit a landscape plan for review and approval by the Division of Environmental Services reflecting the landscaping required in conditions #10 and #11.
10. The parking lot shall be screened in accordance with the requirements of Article 18 of the Zoning Ordinance.
11. The applicant shall provide a 50-foot wide landscape buffer adjacent to the eastern, northern, and western property boundaries consisting of the following: a double row of evergreen trees planted 30-feet on center; a row of large or medium species deciduous trees planted 60-feet on center; and 6-foot tall fencing along the interior and exterior of the buffer.
12. The proposed operation, maintenance and restroom facilities building shall be moved to be located adjacent to the parking lot in order to facilitate handicap accessibility of all participants and guests.
13. Outdoor lighting, loudspeakers, and restaurants or food service are prohibited.
14. The proposed outdoor recreational facilities shall be limited to use for athletic-related activities only and shall not be used for non-athletic commercial events or gatherings, including concerts, festivals, fireworks, off-site parking and substantially similar uses.
15. Hours of operation shall be limited to 7:30 a.m. to 9:30 p.m., daily.
16. Tournaments during the month of October shall be coordinated with Fasig Tipton to avoid traffic conflicts and operational impacts.
17. Traffic management services shall be provided at the intersection of Providence Place Parkway and Newtown Pike whenever tournaments are hosted, until the intersection is signalized.

IV. **<u>BOARD ITEMS</u>** – Mr. Glover announced that any items a Board member wished to present would be heard at this time. There were no Board items at this time.

V. **<u>STAFF ITEMS</u>** – Mr. Glover announced that any items a Staff member wished to present would be heard at this time. There were no Staff items at this time.

VI. **<u>NEXT MEETING DATE</u>** – Mr. Glover announced that the next meeting date will be July 11, 2022 at 1:30 p.m. in Council Chambers, 2nd Floor, 200 E. Main St., Lexington, KY 40507.

VII. **<u>ADJOURNMENT</u>** – Mr. Glover declared the meeting adjourned at 7:17 p.m.

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Raquel Carter, Chair

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Harry Clarke, Secretary