

**MINUTES
URBAN COUNTY PLANNING COMMISSION
ZONING ITEMS PUBLIC HEARING**

September 22, 2022

- I. **CALL TO ORDER** - The meeting was called to order at 1:30 p.m. in the Council Chamber, 2nd Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.
- II. **APPROVAL OF MINUTES** – A motion was made by Mr. Penn, seconded by Mr. Pohl for the approval of the minutes of the August 25, 2022 public hearing, and carried 8-0-2 (Penn and Meyer abstaining) (Barksdale absent).
- III. **POSTPONEMENTS AND WITHDRAWALS** - Requests for postponement and withdrawal will be considered at this time.

1. **PLN-ZOTA-22-00008: AMENDMENT TO ARTICLE 23A-10 TO ALLOW STADIUMS IN THE ECONOMIC DEVELOPMENT (ED) ZONE**– a petition for a Zoning Ordinance text amendment to allow stadiums as a principal permitted use in the Economic Development (ED) zone, and to modify the special provisions section to allow stadiums to operate in an open building (not a completely enclosed structure) and to operate with the use of loudspeakers

Applicant Representation – Dick Murphy, attorney representing the petitioner, requested an indefinite postponement and stated that Lexington Sporting Club is looking for other options and needs to think this through.

Public Comment – Brittany Roethemeier, director of the Fayette Alliance, wanted to thank everyone who came out to voice their opposition.

Action – motion was made by Mr. Davis and seconded by Mr. Pohl and carried 11-0 to postpone **PLN-ZOTA-22-00000008: AMENDMENT TO ARTICLE 23A-10 TO ALLOW STADIUMS IN THE ECONOMIC DEVELOPMENT (ED) ZONE**

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, September 1, 2022, at 8:30 a.m. The meeting was attended by Commission members Ivy Barksdale, Headley Bell, Anthony de Movellen and Judy Worth. Committee member in attendance: Vaughn Adkins, Division of Engineering and Steve Parker, Division of Traffic Engineering. Staff members in attendance: Traci Wade, Autumn Goderwis, Tom Martin, Hal Baillie, Cheryl Gallt, Paula Schumacher, Greg Lengal, Division of Fire and Emergency Services; and Tracy Jones, Department of Law. The Committee made recommendations on plans as noted.

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, September 1, 2022, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members: Zach Davis, Larry Forrester, Bruce Nicol, and Robin Michler. Staff members in attendance were: Traci Wade, Autumn Goderwis, Hal Baillie, Daniel Crum, Samantha Castro, Bill Sheehy, 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

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.

C. **PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS**

1. **PLN-ZOTA-22-00002: AMENDMENT TO ARTICLE 23A-9 TO PERMIT HOTELS/MOTELS IN THE COMMUNITY CENTER (CC) ZONE**– petition for a Zoning Ordinance text amendment to permit hotels and motels in the Community Center (CC) Zone.

INITIATED BY: Jason L. Justice

PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: **Approval.**

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

1. The proposed text amendment to allow hotels and motels within the Community Center (CC) zone will complement the commercial aspects of the zone and will conform with the size requirements for the CC zone.
2. The proposed use will provide tourists, temporary business workers and other visitors a place to stay in areas with abundant community facilities, retail, and commerce opportunities (Theme C, Goal #1.d), which will support the established commercial uses.
3. Hotels and motels shall not constitute any portion of the required residential requirement of forty percent (40%) of the aggregated floor area of buildings within a development in a CC zone.

Staff Presentation – Mr. Baillie presented and summarized the staff report and recommendations for the text amendment. This text amendment would change hotels and motels in the CC zone from a prohibited use, to a principal primary use.

Mr. Baillie displayed maps that showed the location of where the CC zones in Lexington are, as well as the history of the zone, and the types of businesses that are currently in the CC zone. Additionally, Mr. Baillie showed off a list of the allowable uses and special provisions of the CC zone.

Mr. Baillie discussed the applicant's reasons for wanting the change, and indicated that they were not seeking to modify the special provisions of the CC zone. Instead, the applicant is seeking to integrate a use that will complement the commercial aspects of the zone, as well as be complimentary to the other large zone categories and land uses in the Expansion areas.

Mr. Baillie concluded his presentation stating that Staff is recommending approval of the text amendment, and he was willing to answer any questions that Planning Commission had.

Commission Questions – Mr. Pohl asked why hotels and motels were initially prohibited and what changed to be included now. Mr. Baillie responded saying that the CC zone was intended to be similar to the B-1 zone and that many of the uses from the B-1 zone were also in the CC zone. Mr. Baillie indicated that what has changed here is that the CC zone has developed in a way that is more focused on areas that do not have true connections into neighborhoods. Mr. Baillie stated that staff was comfortable with hotels and motels in the CC zone because of this development.

Mr. Penn asked what could be done to make sure the CC zone does not become just another business zone and make the CC zone more residentially friendly. Mr. Baillie stated that while the residential aspect of the CC zone has been slower than the other aspects, the planning staff has observed more residential construction in the zone.

Mr. Penn also asked about if Mr. Baillie thought that flipping the CC zone on Polo Club Boulevard helped or hurt the residential growth there. Mr. Baillie indicated that he thought that with the establishment of the big box stores like Costco, it took from the neighborhood growth at first, but now there is a transition to more residential.

Applicant Presentation – Darby Turner, attorney for the applicant, stated that he is in total agreement with the Staff and thought that working with Staff on this led to a very nice result.

Action – motion was made by Mr. de Movellan and seconded by Mr. Nicol and carried 11-0 to approve PLN-ZOTA-22-00002: AMENDMENT TO ARTICLE 23A-9 TO PERMIT HOTELS/MOTELS IN THE COMMUNITY CENTER (CC) ZONE for reasons 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.

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 OCTOBER 2022

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

Subdivision Committee, Thursday, 8:30 a.m., in 3rd Floor Conf Room, Phoenix Building October 6, 2022
Zoning Committee, Thursday, 1:30 p.m., in 3rd Floor Conf Room, Phoenix Building October 6, 2022
Subdivision Items Public Hearing, Thursday, 1:30 p.m. in Council Chambers, 2nd Floor, Gov't
Center
..... **October 13, 2022**
Work Session, Thursday, 1:30 p.m., in 3rd Floor Conf Room, Phoenix Building October 20, 2022
Technical Committee, Wednesday, 8:30 a.m., in 3rd Floor Conf Room, Phoenix Building..... October 26, 2022
Zoning Items Public Hearing, Thursday, 1:30 p.m, in Council Chambers, 2nd Floor, Gov't Center ... **October 27, 2022**

X. ADJOURNMENT

Larry Forester, Chair

Janice Meyer, Secretary

TLW/HB//RS