

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

October 27, 2022

- I. **CALL TO ORDER** - The meeting was called to order at 1:30 p.m. in the Phoenix Building, 3rd Floor, 101 East Vine Street, Lexington, Kentucky.
- II. **APPROVAL OF MINUTES** – A motion was made by Mr. Pohl, seconded by Ms. Meyer for the approval of the minutes of the September 22, 2022 public hearing, and carried 9-0 (Barksdale and Nicol absent).
- III. **POSTPONEMENTS AND WITHDRAWALS** - Requests for postponement and withdrawal will be considered at this time.

1. **PLN-MAR-22-00016: REALTY UNLIMITED BLUE GRASS, LLC** – a petition for a zone map amendment from a Single-Family Residential (R-1C) zone to a Townhouse Residential (R-1T) zone, for 0.520 net (0.836 gross) acres, for property located at 940 Higbee Mill Road.

PLN-MJDP-22-00059: HIGBEE MILL COURT, LOT 11

Staff Comment – Mr. Hal Baillie indicated that the applicant was not present, but that staff had been working with the applicant, and that both the Zoning and Subdivision Committee's had recommended postponement. The applicant had also requested a one month postponement to further work on the application and development plan more.

Action – A motion was made by Mr. Penn and seconded by Ms. Worth and carried 9-0 (Bell absent) to postpone PLN-MAR-22-00016: REALTY UNLIMITED BLUE GRASS, LLC until November 17, 2022.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, October 6, 2022, at 8:30 a.m. The meeting was attended by Commission members Ivy Barksdale, Judy Worth, Frank Penn, Headley Bell, and Janice Meyer. Committee members present were Vaughan Adkins, Division of Engineering; and Stephen Parker, Division of Traffic Engineering. Staff members in attendance were: Traci Wade, Tom Martin, Hal Baillie, Cheryl Gallt, Autumn Goderwis, Daniel Crum, Paula Schumacher, and Greg Lengal, Division of Fire and Emergency Services. 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, October 6, 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 Forester, Robin Michler, and Graham Pohl. Staff members in attendance were: Traci Wade, Autumn Goderwis, Hal Baillie, Daniel Crum, 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.

1. **WINTERWOOD INC. (AMD) ZONING MAP AMENDMENT & SAMS & LARKIN PROPERTY (AMD) ZONING DEVELOPMENT PLAN**

- a. **PLN-MAR-22-00012: WINTERWOOD INC. (AMD)** – an amended petition for a zone map amendment from a Light Industrial (I-1) zone to a Commercial Center (B-6P) zone, for 10.113 net (11.692 gross) acres, for property located at 1510 Greendale Road and 2440 Innovation Drive (a portion of).

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 the subject property to the Commercial Center (B-6P) zone to allow for the construction a multi-family residential development. The proposed development consists of a mix of three-story and four-story multi-family residential structures, with a total of 216 units at a residential density of 21.36 dwelling units per acre, along with associated amenities.

The Zoning Committee Recommended: **Referral to the Planning Commission.**The Staff Recommends: **Disapproval**, for the following reasons:

1. The requested rezoning to Commercial Center (B-6P) is not in agreement with the 2018 Comprehensive Plan for the following reasons:
 - a. The proposal does not provide context sensitive development (Theme A, Goal #2b), as the proposed residential development is located in a primarily industrially zoned area, and directly adjoins an existing industrial use and active railroad line.
 - b. The proposal is not providing for safe interactions between neighborhoods (Theme A, Goal #3d), as the development is geographically isolated from other residential uses in the area, and connectivity between these uses is limited by narrow roadways, an existing railroad, and a lack of a comprehensive pedestrian facility network.
 - c. The proposal does not meet Comprehensive Plan Goals of reducing emissions and de-emphasizing single user vehicles (Theme B, Goal #2d), as the property's location and lack of meaningful connections will require their residents to utilize personal vehicles to reach neighborhood supportive uses and employers
2. There have been no major unanticipated changes of an economic, social or physical nature in the area of the subject property since the adoption of the 2018 Comprehensive Plan.
3. The existing I-1 zone remains appropriate for the following reasons:
 - a. The subject property is located in close proximity to several major freight corridors and Interstate-64 and Interstate-75.
 - b. The subject property is a large vacant tract of land suitable for industrial development.
 - c. The property abuts existing industrial uses to the east, and industrially zoned property to the north and west, as well as an active railroad line.
- b. PLN-MJDP-22-00048: SAMS & LARKIN PROPERTY (AMD) (10/30/2022)* - located at 1510 GREENDALE ROAD, LEXINGTON, KY
 Council District: 2
 Project Contact: Earthcycle Design, LLC
 Planning Contact: T. Martin

Note: The purpose of this plan is to depict new multi-use development in support of the requested zone change from Light Industrial zone (I-1) to Commercial Center zone (B-6P).

The Staff Recommends: **Postponement**. There are questions about meeting the minimum lot and development requirements of the B-6P zone.

Should the plan be approved, the following conditions should be considered:

1. Provided the Urban County Council rezones the property B-6P; 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. United States Postal Service Office's approval of kiosk locations or easement.
8. Denote location of proposed construction access.
9. Clarify total square footage and dimensions of all buildings.
10. Denote property is in the Royal Springs Aquifer recharge area.
11. Submittal of required multi-modal plan per Article 12-8 (h) of the Zoning Ordinance.
12. Denote improvements to Greendale Road are proposed by the developer.
13. Denote access and improvements to Spurr Road shall be approved by KYTC and Traffic Engineering.
14. Discuss improvements to Spurr Road.
15. Discuss landscaping adjacent to I-1 zoned land (UK property).
16. Discuss access to 2440 Innovation Drive per second amended preliminary development plan (DP 2016-23).
17. Discuss sanitary sewer connection to Lot 1.

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

18. Discuss proposed building line versus platted building line.
19. Discuss minimum acreage for B-6P zone.
20. Discuss Placebuilder criteria.

Staff Presentation – Mr. Crum presented the staff report and recommendations for the zone change application. He displayed photographs of the subject property and the general area. He stated that the applicant was seeking a zone map amendment from a Light Industrial (I-1) zone to a Commercial Center (B-6P) zone, for 10.113 net (11.692 gross) acres, for property located at 1510 Greendale Road and a portion of 2440 Innovation Drive. Additionally, Mr. Crum highlighted the sites zoning history and explained that the applicant is seeking to build a multi-family residential development.

Mr. Crum went into detail about the applicant's suggested Enhanced Neighborhood Development Type and broke down how that Place-Type would be a challenge for the applicant. The site itself is currently isolated from the existing residential developments and while the applicant has done the best they can, the connections just aren't there to connect with and enhance the neighborhood. Mr. Crum concluded that the applicant is not meeting the requirements for the Enhanced Neighborhood Place-Type and is not appropriate for this location.

Mr. Crum continued by comparing and contrasting the applicants Goals and Objectives that were in line with Comprehensive Plan and those that were not. Their Goal of expanding housing choice, prioritizing higher density, and utilizing vacant land in the Urban Service Area are in line with the Comprehensive Plan. However, Mr. Crum noted that residential at this location would not respect the context of the surrounding area, it does not promote safe interactions between neighborhoods, nor does the proposed development reduce their carbon footprint by de-emphasizing single-occupancy vehicle dependency.

Mr. Crum concluded the presentation stating that staff is recommending disapproval of this zone change and that he would be willing to answer any questions the commission has.

Commission Questions – Mr. Michler asked if there was any commercial aspect in this application, since the B-6P zone is titled "Commercial Center." Mr. Crum indicated that there was not, but that there was originally a plan for a three story office building at the beginning of the process.

Staff Development Plan Presentation – Mr. Tom Martin oriented the commission to the development plan and highlighted the various access points and roads near the property, including Spurr and Greendale Roads. Mr. Martin also highlighted the location of a spring and stream that the applicant would have to address if the zone change was approved. Mr. Martin also indicated that if this is approved, and there is a final development plan, its proximity to the Royal Spring aquifer means that it would have to be reviewed by the Royal Springs committee at the time of the final development plan. Mr. Martin additionally mentioned the applicant's intentions to develop pedestrian improvements. Furthermore, he stated that the Kentucky Eagle pump station was not sized to accommodate a development of this size and that the applicant would have to remedy that situation. Mr. Martin indicated that it would be the responsibility of this development to provide a sanitary sewer hookup to the adjacent UK property. Mr. Martin concluded by pointing out the clean up items, including denoting the landscaping and a few other "copy and paste" criteria.

Commission Questions – Mr. Penn inquired about if the applicant will screen off the industrial portions of the property, where Kentucky Eagle is, from the residential. Mr. Martin indicated that they have not needed to do that yet because it is still currently industrial, but if the zone change was approved it will be up to the B-6P property to provide screening. Mr. Penn also asked if we should view this plan as a placeholder and not a final development plan and Mr. Martin indicated that was true.

Mr. Michler asked if there was anything natural that the staff discussed with the applicant in the way of trees and other foliage. Mr. Martin indicated that the spring was the only natural thing of significance on the property. As a follow-up Mr. Michler asked if staff was comfortable with the applicant bulldozing that land and Mr. Martin stated that Lexington has a rolling topography and developers have to work and flatten that sometimes to build.

Ms. Worth asked about the types of protections for children and others when there is a railroad track on the boundary of the property. Mr. Martin responded that we do not require any besides some landscaping, but that any kind of fences or boundaries like that would be up to the applicant for liability purposes.

Mr. Bell asked if the pump station that Kentucky Eagle currently has would be upgraded to work for everyone or will a new one need to be placed. Mr. Martin stated that he believes that the applicant would most likely put in their own pumping station.

Applicant Presentation – Jon Woodall, attorney for the applicant, started the presentation by introducing the development team, and stating that he thought that the Placebuilder Criteria of the Comprehensive Plan worked well and helps focus things, but disagreed with staff on this particular Place-Type. Mr. Woodall indicated that this plan has been in the works for a long time and they have taken a thoughtful approach and had a lot of community engagement, as well as robust discussions with staff. Mr. Woodall highlighted the buildings on the plan, and noted a tall retaining wall at the boundary of the property. He stated that there would be 216 one, two, and three bedroom units at the property. Mr. Woodall stated that these would be work-force housing for jobs that are currently there, and jobs that would come there in the future. Mr. Woodall ended his portion the presentation stating that this is an infill project, as well as an affordable housing project that is being done by a company with a good track record of doing things the right way.

Scott Southall, applicant, continued the presentation, giving more context and information about the project. Mr. Southall showed off the site plan and emphasized the improvements that will be coming long term, including the connection to Sullivans Trace, as well as the transit route that will be coming out near the development and the pedestrian improvements that the applicant would be making. Mr. Southall indicated that all the improvements, layout, and buildings were all based on recommendations from staff and wanted to make this space as inviting as possible and providing the most buffer possible to the railroad tracks near the property.

Jay Copley, architect for the development, described the architecture that went into the project. Based on staff recommendation's they made a building that was originally going to be a three-story building a four-story building to increase density. Additionally, Mr. Copley mentioned having differing story buildings here helps create a transitional scale that moves east, away from the one-story detached and takes advantage of the density it provides.

Zach Worsham, vice president of Winterwood, Inc, started his part of the presentation giving a brief explanation of the companies 40 year history. Mr. Worsham stated that the company works almost exclusively in affordable housing and that there is currently a shortage of affordable housing here in Lexington. Mr. Worsham mentioned two reasons why this development is important because it is adjacent to jobs and would get ahead of the changing demographics in this part of Lexington. They would like to be one of the first companies to come in and build affordable housing before the growth comes.

Commission Questions – Mr. Bell asked Mr. Worsham would be the price points for these units. Mr. Worsham indicated that it would be between \$700 to \$1100.

Ms. Worth asked if the commission would be creating a food desert by approving this plan. Mr. Worsham indicated that he was under the impression that a grocery store is going to be built there soon.

Mr. Pohl asked how far away the grocery store would be from the site. Mr. Worsham indicated that it would be about a half a mile away from this particular site.

Ms. Meyer asked if their other developments with work-force housing are in similar settings as this one, and if they had reached out to Kentucky Eagle about this development. Mr. Worsham stated that the other developments were generally were very similar to this, and that Kentucky Eagle was with them today for this application and have been very supportive.

Tate Russell, president of Kentucky Eagle gave further insight to the area, including the Kentucky Eagle owned properties, and their donation of a recording studio to the University of Kentucky. Additionally she gave a breakdown of what they have tried to do with the property. She invited the Planning Commission to come look at the property and noted the developments around the area that would benefit this housing project.

Commission Questions – Mr. Bell asked if what Ms. Russell is saying is that there has not been an issue with the zoning around the area, the problem has just been with the demand. She indicated that was correct. Mr. Penn asked if Kentucky Eagle was participating in the project or is this just a sale project and she indicated that it was a sale project. Mr. Woodall indicated that they were purchasing the property.

Mr. Bell asked Mr. Woodall about the land zoned right next to the other residential land near the area, and if that land was zoned I-1. Mr. Woodall indicated that it was and that a previous Planning Commission had rezoned the property to the I-1 zone and deemed it acceptable to be next to a residential area.

Mr. Pohl asked if the applicant is saying that the connections to Sullivans Trace and other residential neighborhoods, as well the resources to transportation and retail, will ultimately be there and what the timeline for those connections would be. Mr. Southall stated in the affirmative and Mr. Martin said that a timeline would be difficult because the railroad creates additional roadblocks. Additionally, Mr. Martin stated that the improvements along Spurr Road are tied to the initial development of the Barlow project across Spurr Road. Mr. Woodall followed up that those improvements and connections would come as soon as possible from the applicant.

Mr. Bell asked Mr. Woodall the approximate distance to the intersection on Spurr Road from the University of Kentucky radio station. Mr. Woodall was not sure, but that it was not that far away.

Mr. Michler asked about the unusual choice in zone and what made the applicant want to pursue type of zone instead of the other residential zones like R-3 or R-4 zones. Mr. Woodall indicated that it was the sizing of the property that was the issue here and that after discussions with staff, the B-6P fit the best.

Mr. Michler also asked about the differences in buffering in the B-6P zone and the R-4 zone. Mr. Worsham responded that he was not a zoning expert, but the intent from the start was to make this property multi-family housing and chose B-6P zone after conversations with staff. Mr. Michler followed that up stating that staff just made a presentation that they did not recommend this, if they do not recommend this, why would the applicant say that they were urged by staff to do this. Mr. Woodall responded saying that like everyone, they have discussions with staff about what could possibly work, but that does not mean that staff will ultimately approve of the plan they eventually bring in front of the Planning Commission.

Mr. Penn asked Mr. Woodall why the applicant was using the B-6P zone and not a residential zone another residential zone like the R-4 zone. Mr. Woodall indicated that B-6P zone was the staff recommended B-6P zone because it has a residential component to it.

Citizen Comment – Brannan Lippert, 347 Oldham Ave, concerned about the noise pollution in the area. Robert Well, no address provided, concerned about the spring next to the property, as well as the runoff from the spring.

Staff Rebuttal – Mr. Crum indicated that the land uses on this property are the same as the adjacent property and does not limit the property as the applicant opined. Mr. Crum also highlighted a Kentucky Eagle loading bay that is adjacent to the property and the suggested buffer would not be enough for the noise and other factors that would be conducive to healthy residential environment. Additionally, Mr. Crum highlighted that the development plan to connect at the intersection closest to the property is not a guarantee. The developer could sit on that plan for an unlimited amount of time and it may never happen, which limits how pedestrians could navigate this space safely. Finally, Mr. Crum stated that staff has to look at the location as it is now, not what it will be in the future, and the reality is, the property is surrounded by industrial zoning and does not have the infrastructure it needs.

Commission Questions – Mr. de Movellan asked what restrictions are on the industrial property next to the applicant's property. Mr. Baillie stated that a lot of the restrictions in this area are for the protection of the Royal Springs aquifer and include restrictions that prohibit any underground storage.

Mr. Bell asked to highlight the various zonings around the property and Mr. Baillie and Mr. Crum obliged.

Mr. Davis asked where the land for Fayette County Public Schools is considering placing a school, and Mr. Crum showed him on the map on the slideshow.

Mr. Forester asked where Sanderville Elementary was in relation to the site, and Mr. Crum showed him on the map.

Mr. Bell asked how it was possible to recommend approval of the development plan and disapproval of the zone change. Mr. Martin indicated that that is possible because with the development plan, you're looking at it as if the zone change is getting approved.

Mr. Michler asked what the different implications of the R-4 and the B-6P zone. According to Mr. Martin, the setbacks are different, the coverage is different, and is a little more generous in terms of redevelopment.

Applicant Comment – Mr. Woodall commented that Kentucky Eagle loads their shipments inside and it would not cause a lot of noise.

Public Comment – Mr. Well showed the Planning Commission photos of the pond close to the property.

Commission Comment – Mr. Davis and Mr. Forester indicated that they both thought that the staff and applicant would work it out because it is affordable housing, but Mr. Forester stated that you have to respect staff's opinion too.

Mr. Bell said that he was concerned that if the other business that the applicant does not come like they thought, there would just be this small pocket of residential with a lot of industrial land.

Mr. Martin gave a brief history of that area and said that originally this whole area was going to be industrial, and then it got rezoned to include a lot of residential because that was driving the market, but then ultimately went back to industrial.

Ms. Wade stated that residential land is always developed faster because the demand is quicker than industrial demand.

Mr. Michler said he was torn at the Zoning Committee meeting because we need affordable housing, but should we put it along a railroad track surrounded by industrial. Additionally, he stated that this was a traditional way to place affordable housing but is not sure the Comprehensive Plan is telling us to do that.

Ms. Worth agreed and said that traditionally affordable housing is placed where people who can afford housing would not want to live and that is a problem.

Ms. Meyer said she appreciated what Winterwood is trying to do here, but does not think this is the best way to do it.

Zoning Action – A motion was made by Ms. Worth seconded by Mr. Penn and carried 7-2 (Ayes-Bell, de Movellan, Meyer, Michler, Penn, Pohl, and Worth) (Nays- Davis and Forester) (Barksdale and Nicol absent) to disapprove PLN-MAR-22-00012: WINTERWOOD INC. (AMD)

Development Plan Action – A motion was made by Mr. Penn, seconded by Ms. Worthand carried 9-0 (Barksdale and Nicol absent) (Bell abstaining) to indefinitely postpone PLN-MJDP-22-00048: SAMS & LARKIN PROPERTY (AMD) for reasons provided by staff.

2. **NORTHYARD, LLC ZONING MAP AMENDMENT & GREYLINE STATION & MARKET (FKA TRANSIT AUTHORITY OF LFUCG)(AMD) ZONING DEVELOPMENT PLAN**

- a. **PLN- MAR-22-00013: NORTHYARD, LLC** – a petition for a zone map amendment from a Wholesale and Warehouse Business (B-4) zone to a Light Industrial (I-1) zone, for 2.3827 net (2.5584 gross) acres, for property located at 101 and 109 W. Loudon Avenue.

COMPREHENSIVE PLAN AND PROPOSED USE

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

This petitioner is proposing the Light Industrial (I-1) zone in order to allow for production type uses within the existing Greyline Station Adaptive Reuse Project. In particular, the applicant wishes to utilize space within the existing workshop building in order to establish a kombucha brewery. While the scope of uses is proposed to be expanded, the footprint of the existing structures and the layout of the parking areas and landscaping are not proposed to be changed with this request.

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

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

1. The requested Light Industrial (I-1) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:

- a. The proposed development will support context sensitive redevelopment of land within the Urban Service Boundary by allowing for adaptive reuse of an existing industrial building (Theme A, Goal #2.b)
- b. The proposed rezoning will help with the creation of a variety of jobs (Theme C, Goal #1.a) by allowing for new uses, and providing existing businesses in this development additional flexibility to package their products for use and consumption off-site.
- c. The proposed rezoning will help attract young, culturally diverse professionals by expanding the permitted uses on-site to include popular uses such as the proposed brewery (Theme D, Goal#2.d)
2. The requested Light Industrial (I-1) zone is in agreement with the 2018 Comprehensive Plan's Policies, for the following reasons:
 - a. As the development will not physically change under this request, the proposed development will remain context-sensitive, meeting Design Policy #4.
 - b. The proposed development meets Density Policy, #3 as the additional production capabilities provided by the change in zoning will encourage further growth of neighborhood supportive uses by allowing them to engage in light production activity.
 - c. Finally, the request meets Livability Policy #6 by providing the opportunities to accommodate additional entertainment and amenity opportunities that appeal to young professionals.
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 applicant will keep the current site configuration, retain the historically significant Greyline Station structure, while allowing for increased zoning flexibility.
 - b. These proposed rezoning addresses the Transportation and Pedestrian Connectivity development criteria, as the proposal will retain the existing pedestrian connections, proximity to transit stops, and access to dedicated bike lanes.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as the request will not result in any physical changes to the site, and all existing water management systems will be retained.
4. This recommendation is made subject to approval and certification of PLN-MJDP-22-00060 GREYLINE STATION & MARKET (FKA TRANSIT AUTHORITY OF LFUCG), 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-22-00060: GREYLINE STATION & MARKET (FKA TRANSIT AUTHORITY OF LFUCG) (AMD) (12/4/2022)* - located at 101 AND 109 W. LOUDEN AVENUE, LEXINGTON, KY
Council District: 1
Project Contact: Chad Needham Properties
Planning Contact: C. Gallt

Note: The purpose of this amendment is to update proposed land uses, in support of the requested zone change from Wholesale and Warehouse Business zone (B-4) to Light Industrial zone (I-1).

Note: This plan requires the posting of a sign and an affidavit of such.

The Staff Recommends **Approval**, subject to the following conditions:

1. Provided the Urban County Council approves the zone change to I-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Urban Forester's approval of tree preservation plan.
5. Greenspace planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval if environmentally sensitive areas.
7. Update land use and parking table to include zone change.
8. Depict street cross-sections on plan face.
9. Correct commission's certification.
10. Remove the conceptual drainage arrows and storm inlets off plan face.
11. Remove notations for gravel in parking lot.
12. Remove dashed lines for project limits.
13. Discuss Placebuilder criteria.

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

Staff Presentation – Mr. Baillie indicated that this application couldn't be heard in an abbreviated fashion. There was no opposition voiced by any Planning Commission member or attending community members. Mr. Crum presented the staff report and recommendations for the zone change application. He displayed photographs of the subject properties and of the general area. He stated that the applicant was seeking a zone map amendment from a Wholesale and Warehouse Business (B-4) zone to a Light Industrial (I-1) zone, for 2.3827 net (2.5584 gross) acres, for property located at 101 and 109 W. Loudon Avenue. Mr. Crum indicated that this zone change is to establish a kombucha brewery and that the Place Type and Development Type would be appropriate for this location.

Mr. Crum oriented the commission to the surrounding area and the surrounding zoning near this location. Mr. Crum stated that the applicant is not looking to expand their operation, instead they are using the existing structures for the brewing of kombucha. Additionally, Mr. Crum stated that this type of development was in line with the Comprehensive Plan because it is a quality infill development in an existing historic structure, with multi-modal paths of transportation.

Mr. Crum mentioned that there were concerns in the Zoning Committee meeting about the proximity to some mobile home residents to the development. Mr. Crum indicated that staff looked at other types of similar developments and came up with a list of prohibited uses that would be appropriate for the site and take into account the committee's concerns.

Mr. Crum concluded his presentation by stating that staff was recommending approval of this request and could answer any questions the Planning Commission might have.

Development Plan Presentation – Mr. Tom Martin oriented the commission to the development plan and indicated that there were no changes from the previous presentation in the committees. Mr. Martin highlighted existing buildings, parking, and some clean-up conditions. Mr. Martin concluded by stating that staff is recommending approval and could answer any questions that the Planning Commission has.

Applicant Comment – Chad Needham, applicant, gave a brief timeline of the project, neighborhood, and Greyline Station.

Commission Questions – Mr. Penn asked Mr. Needham if the operator was going to store any of the ingredients on-site. Mr. Needham indicated that all the ingredients would be locally sourced and the canning process would be taking place at the site.

Ms. Worth asked if there would be any type of by-product from the brewing process and how they will dispose of that by-product if there is one. Mr. Needham said that there was not one that he was aware of and that he lives above location of the current operation and has never noticed loud noises or smells from the process.

Zoning Action – A motion was made by Mr. Davis, seconded by Mr. Pohl and carried 8-0 (Barksdale and Nicol absent) (Bell abstaining) to approve PLN-MAR-22-00013: NORTHYARD, LLC with the additional conditions outlined by staff.

Development Plan Action – A motion was made by Mr. Davis, seconded by Mr. Pohl and carried 8-0 (Barksdale and Nicol absent) (Bell abstaining) to approve PLN-MJDP-22-00060 GREYLINE STATION & MARKET (FKA TRANSIT AUTHORITY OF LFUCG)

3. WINTERWOOD INC ZONING MAP AMENDMENT & WOODLAND CHRISTIAN CHURCH INC ZONING DEVELOPMENT PLAN

- a. **PLN-MAR-22-00014: WINTERWOOD INC.** – a petition for a zone map amendment from a Two-Family Residential (R-2) zone to a High Density Apartment (R-4) zone, for 1.089 net (1.346 gross) acres, for property located at 530 East High Street. This request includes a variance request to reduce the required parking from 102 spaces to 61 spaces and a Conditional Use permit for a place of religious assembly. The review of the variance and conditional use also includes property located at 205- 219 Kentucky Avenue.

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

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

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 the subject property to the High Density Apartment (R-4) zone to allow for a partial conversion of the existing church and the addition of a three (3) storied multi-family residential structure. The applicant is proposing to expand the building to the east to accommodate the primary residential component. The units are being proposed to be affordable units for individuals or couples over the age of 55. The applicant is seeking to develop a total of thirty-eight (38) one-bedroom dwelling units, at a residential density of approximately 35 dwelling units per net acre.

The Zoning Committee Recommended: **Approval**.

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

1. The requested High Density Apartment (R-4) zone is in agreement with the 2018 Comprehensive Plan's Goals, Objectives and Policies, for the following reasons:
 - a. The proposed development will infill underutilized land and redevelop a property that will include a mix of both affordable housing, religious services, and education (Theme A, Goal #2).
 - b. The proposed project will encourage expanding housing choices (Theme A, Goal #1) by including multi-family housing in an area that is primarily zoned for duplexes and single family detached dwelling units.
 - c. The proposed rezoning will provide a mix of uses, including multi-family residential, which will uphold the Urban Service Area concept by accommodating the demand for housing in Lexington responsibly, prioritizing higher-density residential (Theme A, Goal #1.b & d, Theme A, Goal #2.a, b, c & d, Theme A, Goal #3. a, b & d and Theme A, Goal #4.b).
 - d. The reuse of the building and the expansion associated with the proposed project will protect and enhance the cultural landscapes that gives Lexington-Fayette County its unique identity and image (Theme D, Goal #3) by restoring and redeveloping a historic structure in Lexington (Theme D, Goal #3.b).
 - e. The proposed redevelopment of the property and the adherence to the Historic Guidelines will allow for more contextually sensitive development (Theme A, Density Policy #2) that is established and integrated into the Aylesford neighborhood.
 - f. The proposed project will provide safe and desirable affordable housing to low income seniors within the Lexington community (Theme A, Goal #1.c; Theme A, Equity Policy #1; Theme A, Equity Policy #2), along a higher capacity roadway (Theme A, Density Policy #4), which currently includes safe pedestrian facilities and access to a variety of amenities (Theme B, Sustainability Policy #2, 3, & 4).
 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 site creates a residential development and community facility that supports pedestrian mobility, deemphasizes the impact of parking, and provides activated and usable open space.
 - b. The proposed rezoning includes safe facilities for the potential users, through the integration of the site with the established pedestrian facilities along the property's frontages. The applicant also proposes providing parking behind and to the side of the church and multi-family dwelling units and limits the amount of vehicular access points. The parking provided across Kentucky Avenue will be enhanced to limit the impact of the lot on the adjacent right-of-way. 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 and reduce the impact of the built environment and impervious surfaces by providing green infrastructure and integrating new stormwater facilities.
 3. This recommendation is made subject to approval and certification of PLN-MJDP-22-00056: Woodland Christian Church, Inc., 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. Variance Request** - As part of their application, the petitioner is also requesting a reduction of the minimum required parking for the continued use of the property as a place of religious assembly and the addition of the 38 dwelling units within a High Density Apartment (R-4) zone. The applicant is seeking to reduce the minimum required parking from 102 parking space to 61 parking spaces (41% reduction), a requirement of Article 8-13(n) of the LFUCG Zoning Ordinance.

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

The Staff Recommends: **Approval** for the following reason:

1. Approval of the variance should not adversely affect the public health, safety, or welfare, nor should it create a hazard or nuisance to the public. This property has historically been utilized with a lesser amount of parking provided.
2. Walk Score rating for the area is 94, which is considered very walkable and a Bike Score of 97, which is considered very bikeable.
3. Other parking is available in the area, including metered on-street parking and on-street parking for those with residential permits, which may be acquired through LexPark for residents of the street.
4. The property is located within close proximity to various amenities, including but not limited to Woodland Park, the neighborhood businesses located in Woodland Triangle, and the grocery store along Euclid Avenue. This location represents a special circumstance that increase the likelihood that residents who choose to live in this location will be less car dependent than average.

This recommendation of Approval is made subject to the following conditions:

- a. Provided the Planning Commission and Urban County Council approve the requested zone change to the R-4 zone, otherwise the requested variances 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. Conditional Use Request** - In association with the zone change request for the property, the applicant is seeking a Conditional Use Permit within the High Density Residential (R-4) zone to operate a place of religious assemble at 530 East High Street. Included in the area of notification for the conditional use is the property located at 205 Kentucky Avenue, which serves as the parking lot for the church facilities. With any zone change the Planning Commission shall have the power to hear and decide applications for conditional use permits. These permits are 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 reason:

1. The continued use of the Woodland Christian Church, a place of religious assembly, is suitable at its current location and does not have an adverse influence on existing or future development of the subject property or its surrounding neighborhood.
2. The continued use of the Woodland Christian Church provides an amenity to both the neighborhood and the potential residents of the proposed affordable housing development.
3. All necessary public facilities and services are available and adequate for the proposed use.

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-4 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.
- d. PLN-MJDP-22-00056: WOODLAND CHRISTIAN CHURCH INC. (12/4/2022)* - located at 530 E. HIGH STREET and 205-219 KENTUCKY AVENUE, LEXINGTON, KY**
Council District: 3
Project Contact: Earthcycle Design, LLC
Planning Contact: T. Martin

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

Note: The purpose of this plan is to depict an expansion of an existing church to include affordable housing dwelling units, in support of the requested zone change from Two-Family Residential zone(R-2) to High Density Apartment zone(R-4).

The Staff Recommends **Approval**, subject to the following conditions:

1. Provided the Urban County Council approves the zone change to R-4; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Urban Forester's approval of tree preservation plan.
5. Greenspace planner's approval of the treatment of greenways and greenspace.
6. United States Postal Service Office's approval of kiosk locations or easement.
7. Revise the side yard setback to meet the more restrictive provision of the Zoning Ordinance per Article 15-3.
8. Provided the Planning Commission grants the requested variance.
9. Provided the Planning Commission grants the conditional use request.
10. Denote H-1 overlay zone in the statistics.
11. Delete notes #17, 18, 19, 21, and 22.
12. Correct note #7.
13. Denote Board of Architectural Review shall be required at time of final development plan.
14. Addition of vicinity map.
15. Discuss stormwater management.
16. Discuss Placebuilder criteria.

Staff 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 stated that the applicant was seeking a zone map amendment from a Two-Family Residential (R-2) zone to a High Density Apartment (R-4) zone, for 1.089 net (1.346 gross) acres, for property located at 530 East High Street. Mr. Baillie also indicated there is a request for a conditional use and a variance. The applicant is seeking a variance to reduce the minimum required parking from 102 parking space to 61 parking spaces, and a conditional use for a place of religious assembly.

Mr. Baillie stated that the applicant is seeking to build an addition to the existing Woodland Christian Church to have a three-story multi-family development that would have 38 affordable dwelling units for seniors. Mr. Baillie highlighted the historic Aylesford district this development is in, as well as the parking associated with the church located across Kentucky Avenue. Additionally, Mr. Baillie mentioned the various businesses near the church, as well as the neighboring residential area. Mr. Baillie indicated that the applicant is seeking to keep the historic structure, and add a new residential component to the side of the and existing structure. Mr. Baillie presented renderings of the potential site, as well as descriptions of where the residential component would be included in the existing church structure. Mr. Baillie also mentioned that the applicant would need to go in front of Board of Architectural review to get approval for their new construction.

Mr. Baillie also indicated that staff sees this development as in line with goals and objectives with the Comprehensive Plan because the applicant is seeking to provide a new infill residential project at an affordable level, in context with the area, and including green infrastructure. Mr. Baillie ended his presentation stating that staff was recommending approval of this application.

Development Plan Presentation – Mr. Tom Martin oriented the commission to the development plan and reoriented the Planning Commission to the surrounding area. Mr. Martin highlighted an interesting note, that because of the existing zoning, there is a setback along the side of the proposed development that is more restrictive than it would normally be under the requested zone. Mr. Martin also stressed that this a preliminary development plan and the Planning Commission will see a final development plan later. Mr. Marti ended saying that staff is recommending approval of this development plan and would answer any questions.

Variance Request Presentation – Mr. Baillie stated that the applicant is looking to variance to reduce their required parking from 102 parking spaces to 61 parking spaces. Mr. Baillie mentioned that since this is an infill development project, they could ask for a reduction of 50% of the required parking and that the criteria to approve a reduction was based on the context of the area. Due to the neighborhood being very walkable and bikeable, with several amenities in a walkable distance, Mr. Baillie indicated that staff was recommending approval of the variance request.

Commission Questions – Mr. de Movellan asked if Mr. Baillie was aware of any parking agreements between the church and the neighborhood and Maxwell Elementary. Mr. Baillie indicated that questions was better suited for the applicant because he had no knowledge of parking agreements.

Conditional Use Presentation – Mr. Baillie went right into staff recommendations stating that staff was recommending approval for the applicants conditional use request to continue religious services at this location. The church has been in use for over 100 years and should continue to serve as the community in the same capacity.

Applicant Presentation – Jon Woodall, attorney for the applicant, provided some clarifying comments about the development. Mr. Woodall indicated that the 2nd floor of the church would be transformed into eight living quarters for seniors, and the new structure will house 30 dwelling units. Additionally, Mr. Woodall reiterated that the sanctuary will remain and that is the reason for the conditional use. Mr. Woodall went on to highlight the various forms of neighborhood engagement about the project, specifically with the Aylesford Place Neighborhood Association and talks with various historical societies from Lexington and the state. Before handing the presentation off to Mr. Southall, Mr. Woodall concluded that the applicant was willing to comply with each and every one of the terms of the recommendations for approval, with one exception, the USPS sign off, that will be addressed further in the presentation.

Mr. Southall discussed why the applicant wants the parking variance, and explained that they would be redeveloping the existing parking lots to be more efficient. Mr. Southall also indicated that they have every intention of retaining as many of the trees that are currently there as possible. Finally, Mr. Southall asked for the removal of condition #6 on the development plan, because this a preliminary development plan and if this were to be approved, they would only have two weeks to get the USPS sign off, which has been difficult to get in the past.

Jay Copley, architect for the development, stated that it was a dream come true to work on the proposed development and highlighted the various improvements that would be made.

Zach Worsham stated that he thought this was a very good opportunity to provide quality affordable housing options for the residents of Fayette County, while also preserving a historical landmark.

Commission Questions – Mr. Pohl asked about neighborhood business concerns about the reduction of parking and what would be the availability with the variance request. Mr. Worsham indicated that if this were to be approved, they would look at any existing agreements at time, but have not seen any of those agreements yet.

Mr. Pohl asked who would be running the facility, what parking demand there is and if the polling place that was there would remain there. Mr. Wosham indicated that they would manage the facility, and that the parking matched what they needed. He indicated that the polling station would remain.

Mr. de Movellan asked if the minimum parking number was just for this development, or the development and the neighborhood businesses. Mr. Southall answered that it was just for the church and the residents.

Mr. Michler asked if the church and the residents will share the amount of spaces provided and Mr. Southall stated that they would.

Public Comment – Dr. David Feinberg, 520 E Maxwell St, stated that he does not see how the reduction of parking works well for the businesses and neighborhood.

Brannan Lippert, 347 Oldham Ave, voiced concern about the amount of new vehicular traffic and the homelessness problem.

Chris McCoy, 524 E. High St, voiced concern about amount of parking spaces the church gives to Maxwell Elementary and is worried there will not be enough for the teachers.

Gary Barksdale, 4131 Tradition Way, chair of the board of Woodland Christian Church and thinks this is a “divine plan,” and is in full support.

Amy Clark, 628 Kastle Drive, stated this was a missed opportunity and that more creative solutions for the development of housing overtop the current parking lot on Kentucky Avenue.

Scott Gleeson, address not given, voiced concern that the applicant will not follow through and asked the Planning Commission to keep an eye on this.

Christy Jo Harper, pastor of Woodland Christian Church, stated she was grateful to the developer and staff to create something new.

Applicant Rebuttal – Mr. Woodall addressed some comments that had been made regarding the project. He addressed the concerns that they would not follow through with this and stated that the federal benefits for raising rent on affordable housing is severe, so that would not be an issue at all.

Public Rebuttal – Amy Clark, 628 Kastle Drive, reaffirmed her concerns with the variance request for parking and questioned if the Planning Commission has the authority to address the enlargement of a non-conforming use.

Staff Rebuttal – Mr. Baillie began by addressing if you can ask for a zone change in the H-1 overlay and you can change the use of a historic site without changing the exterior of it. Additionally, Mr. Baillie stressed that affordable housing should be available everywhere in the community and not to specific places. Finally, Mr. Baillie addressed the parking concerns and stated that there simply was not room at the church to accommodate everyone's parking.

Commission Comment – Mr. Pohl stated that he sat on the Board of Architectural Review, and rarely saw a project that came close to the quality of this one and he commends the team who worked on it. Additionally, Mr. Pohl stated that he thought it was nice that the church was providing parking, but it was not their responsibility to provide it. He added later that this was a fabulous way to preserve a wonderful piece of architecture.

Mr. Michler said that he can sympathize with the businesses around the church about parking, but overall appreciate the thought and creativity that went into this and will help the neighborhood that he grew up in.

Mr. Bell echoed the comments by Mr. Pohl and Mr. Michler.

Zoning Action – A motion was made by Mr. Pohl, seconded by Mr. Bell and carried 8-0 (Barksdale, Davis and Nicol absent) to approve PLN-MAR-22-00014: WINTERWOOD INC for reasons provided by staff.

Variance Action – A motion was made by Mr. Pohl, seconded by Mr. Bell and carried 8-0 (Barksdale, Davis and Nicol absent) to approve the variance request to reduce the minimum required parking from 102 parking space to 61 parking spaces (41% reduction) as presented by staff.

Conditional Use Action – A motion was made by Mr. Pohl, seconded by Mr. Bell and carried 8-0 (Barksdale, Davis and Nicol absent) to approve the conditional use request to operate a place of religious assemble at 530 East High Street and 205-219 Kentucky Avenue.

Development Plan Action – A motion was made by Mr. Pohl, seconded by Mr. Bell and carried 8-0 (Barksdale, Davis and Nicol absent) to approve PLN-MJDP-22-00056: WOODLAND CHRISTIAN CHURCH INC. with the revised staff conditions.

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

1. **PLN-ZOTA-22-00015: AMENDMENT TO ARTICLES 8, 10, 11, 22, AND 23 TO THE ZONE INTENT STATEMENTS** – a petition for a Zoning Ordinance text amendment to update the “intent” statement for numerous zoning categories to more clearly align with the adopted Comprehensive Plan. Intent statements are included for each zoning category and are meant to explain the location, criteria and/or purpose of the zone.

INITIATED BY: Urban County Planning Commission

PROPOSED TEXT: Copies are available from the staff.

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

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

1. The proposed text changes will provide greater consistency between Lexington's adopted documents and remove references to defunct future land use categories from past Comprehensive Plan methodologies.
2. The proposed text will also modernize the language of the Zoning Ordinance to reflect current and anticipated land use practices and to strengthen the vital link between the Comprehensive Plan and Zoning Regulations.

3. The proposed text changes will provide greater transparency to the community as to the purpose of zones and can provide a foundation to any future text amendments to zones.
4. The proposed text amendment is in agreement with the 2018 Comprehensive Plan's Goals, Objectives, and Policies, for the following reasons:
 - a. An accurate and modern Ordinance is imperative to the implementation of the 2018 Comprehensive Plan (Goal #2).
 - b. The proposed language will update the Zoning Ordinance to reflect the direction of the 2018 Comprehensive Plan, proactively planning for the next 20 years of growth (Theme E, Accountability Policy #2).
 - c. The proposed language will allow for the implementation of the Comprehensive Plan and the Placebuilder, which includes criteria for zone change applications, based upon the goals and objectives, to ensure development compliance with the Comprehensive Plan (Theme E, Accountability Policy #3).

Staff Presentation – Mr. Baillie gave the Planning Commission updated findings from this continued item, as well as a refresher regarding the purpose of the text amendment. Mr. Baillie stated that the intents statements need to be updated to reflect what Lexington looks like in 2022, not 1983, the last time it was updated. Additionally, Mr. Baillie stated that this allows for more transparency and gives a better idea of what zones best fits in the Comprehensive Plan Placebuilder criteria. Mr. Baillie went on to highlight concerns from the previous Planning Commission public hearing including, concern with the inclusion of intents in general, bullet points that exceed the regulations, and lack of community outreach. Mr. Baillie indicated that staff has taken out language that was of the greatest concern to those who were in opposition, but maintained the original intents statements that were in reference to the specific locations and requirements of the zone.

Mr. Baillie concluded his presentation by stating that staff is recommending approval of the text amendment and he could answer any questions that the Planning Commission has.

Commission Questions – Mr. Penn asked if this text amendment follows the 2018 Comprehensive Plan and if they are, are they in support of the Comprehensive Plan as well. Mr. Baillie indicated yes to both questions.

Mr. de Movellan asked if this was the text amendment that was mentioned earlier that night be passing shortly. Mr. Baillie indicated that it was not.

Public Comment – Amy Clark, 628 Kastle Drive, presented a slideshow of her objections to this text amendment, including that the language no longer offers a clear guide for intensity of use.

Staff Rebuttal – Mr. Baillie addressed Ms. Clark's concerns in here slideshow including that the intents for the R-1B, R-1C, and R-1D zones are not changing. Mr. Baillie also stated that a discussion about the R-2 zone intent will happen at a later time to have more community interaction, and stated that staff supports patio homes and compact housing types in the R-1E zone.

Mr. Baillie also reiterated that this text amendment does not change anything about what is or is not allowed in a zone, instead it gives much needed modern context and information for the zone.

Commission Questions – Mr. Pohl asked if it is staff's position that changing the intent language for the R-2 zone to allow a mix of housing types does not bias the future discussions of R-2 changes? Mr. Baillie indicated that staff sees it as a possibility to include other types of low density housing options and does not see it as a bias.

Mr. Penn asked we are heading down a road where R-1, R-2, and other related zones are irrelevant. Mr. Baillie indicated that was not the case at all and the intents section does not make any zone irrelevant and is really about having a better descriptor of the zones.

Mr. Worth asked about some of the concerns Ms. Clark brought up and Mr. Baillie indicated a lot of what Ms. Clark was saying would be a whole other text amendment process.

Mr. Bell wanted to thank the staff for all the hard work that they do.

Zoning Action – A motion was made by Mr. de Movellan, seconded by Mr. Bell and carried 8-0 (Barksdale, Davis and Nicol absent) PLN-ZOTA-22-00015: AMENDMENT TO ARTICLES 8, 10, 11, 22, AND 23 TO THE ZONE INTENT STATEMENTS to approve 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.

Ms. Wade provided the Planning Commission the draft 2023 Filing Schedule and indicated that the PC must make a motion to adopt if they were in agreement with the schedule.

Action – A motion was made by Mr. Bell, seconded by Mr. Pohl, and carried 8-0 (Barksdale, Davis, and Nicol absent) to adopt the 2023 MEETING & FILING SCHEDULE.

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

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 NOVEMBER 2022

Subdivision Committee, Thursday, 8:30 a.m., in 3 rd Floor Conf Room, Phoenix Building	November 3, 2022
Zoning Committee, Thursday, 1:30 p.m., in 3 rd Floor Conf Room, Phoenix Building	November 3, 2022
Subdivision Items Public Hearing, Thursday, 1:30 p.m. in Council Chambers, 2nd Floor, Gov't Center.....	November 10, 2022
Zoning Items Public Hearing, Thursday, 1:30 p.m. in Council Chambers, 2nd Floor, Gov't Center	November 17, 2022
Technical Committee, Wednesday, 8:30 a.m., in 3 rd Floor Conf Room, Phoenix Building	November 23, 2022

X. ADJOURNMENT

Larry Forester, Chair

Janice Meyer, Secretary

TW/HB/RS