

AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION AND ZONING ITEMS
January 12, 2023

- I. **CALL TO ORDER** - The meeting will be called to order at 1:30 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.
- II. **APPROVAL OF MINUTES** – The December 8, 2022 minutes will be considered at this time.
- III. **POSTPONEMENTS AND WITHDRAWALS** - Requests for postponement and withdrawal will be considered at this time.
- IV. **LAND SUBDIVISION ITEMS** – The Subdivision Committee met on Thursday, January 5, 2023 at 8:30 a.m. The meeting was attended by Commission members Ivy Barksdale, Judy Worth, Anthony de Movellan, Janice Meyer, and Headley Bell. Committee members present were Vaughan Adkins, Division of Engineering; and David Filiatreau, Division of Traffic Engineering. Staff members in attendance were: Traci Wade, Tom Martin, Cheryl Gallt, Hal Baillie, Autumn Goderwis, Daniel Crum, Paula Schumacher, Greg Lengal, Division of Fire and Emergency Services; Stephen Parker, Division of Traffic Engineering; Tracy Jones and Brittany Smith, Department of Law; and Doug Burton, Division of Engineering. 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.

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

1. **Final Subdivision Plans**

- a. PLN-FRP-22-00042: LOUDON PARK ADDITION, BLOCK 15, LOT 2 (AMD) (1/1/2023)* - located at 410, 416, and 418 E. SEVENTH STREET, LEXINGTON, KY
Council District: 1
Project Contact: Cam Surveying

Note: The purpose of this amendment is to subdivide one lot into three lots per Article 4-5(a) of the Zoning Ordinance.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Addressing Office's approval of street names and addresses.
4. Urban Forester's approval of tree protection area(s) and required street tree information.
5. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. United States Postal Service Office's approval of kiosk locations or easement.
8. Document compliance with Article 4-5(a) of the Zoning Ordinance with separate utility bills for each lot.
9. Document three sewer taps for the property.
10. Depict location of cross-section on plan face.
11. Addition of street cross-section for Pemberton Lane.

- b. PLN-FRP-22-00050: SEBASTIAN PROPERTY, UNIT 3-G (2/26/23) - located at 2826 LEESTOWN ROAD, LEXINGTON, KY
Council District: 2
Project Contact: EA Partners

Note: The purpose of this plat is to record 62 lots for single family attached and detached residences and 1 HOA common area lot.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to certification.
9. United States Postal Service Office's approval of kiosk locations or easement.
10. Denote no access to Leestown Road from Lots 37-44, 59-66, and 78.
11. Provided the Planning Commission grants the requested waiver to 4-7(c)(1) of the Land Subdivision Regulations.

- c. PLN-MNSUB-22-00050: WILLIS & JUSTIN SAUTTER, 1974 TRUSTS (2/26/23) - located at 3723 NEWTOWN PIKE, LEXINGTON, KY
Council District: 12
Project Contact: Cam Surveying

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Addressing Office's approval of street names and addresses.
4. Provided the Planning Commission grants the requested waiver to Article 6-4(c) of the Land Subdivision Regulations.

2. **Development Plans**

- a. PLN-MJDP-18-00004 (AKA DP 2004-153): TRIPLE STARS PROPERTY (2/13/23)* - located at 920 OLD TODDS ROAD.
Council District: 7
Project Contact: CS International Group, Inc.

Note: The Planning Commission approved this plan at their October 14, 2004, meeting, and reapproved on February 8, 2018, subject to the following conditions. The applicant requested re-approval on November 14, 2022.

The Subdivision Committee recommended: **Postponement**. There are questions regarding the plan meeting the new parking requirements and Article 8 of the Zoning Ordinance.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
 3. Landscape Examiner's approval of landscaping.
 4. Urban Forester's approval of tree preservation plan.
 5. Denote: No building permits shall be issued until a final subdivision plan has been approved and certified by the Planning Commission.
 6. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 7. Revise general note on grading to reference Article 16 of the Code of Ordinance.
 8. Verify or correct owner, applicant name and information.
 9. Denote: No amendments to the Final Development Plan shall be required for additions or alterations to individual townhouses provided they comply with the Zoning Ordinance.
 10. Correct current zoning in the site statistics.
- b. PLN-MJDP-19-00052: KID'S HOUSE CHILD CARE CENTER (AHLULBAYT CENTER) (AMD) – located at 1449 & 1452 BRYAN AVE., LEXINGTON, KY.
Council District: 1
Project Contact: Kentucky R&A LLC

Note: The Planning Commission approved this plan on November 14, 2019, and re-approved this plan on September 9, 2021. The applicant requested re-approval of this plan on November 14, 2022.

The Subdivision Committee recommended: **Re-approval**, subject to the following conditions;

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.

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7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Complete note #13 referencing date of variance approval.
10. Complete Tree Preservation Plan (TPP) information required by Article 26-4(b) and (c) of the Zoning Ordinance.
11. Documentation of account with Lynn Imaging to meet Article 21-7(b)(3) of the Zoning Ordinance.
12. Recordation of consolidation plat prior to plan certification.
13. Denote zone-to-zone screening per note #16 on previous plan (ZDP 2014-18).
14. Denote proposed and existing easements on plan.
15. Denote tree protection area from the previous plan (ZDP 2014-18).
16. Correct floor area ratio and lot coverage in site statistics.
17. Resolve note #15 from the previous plan (ZDP 2014-18) regarding tree planting.
18. Resolve note #15 on this plan for additional screening for change of use.
19. Resolve compliance with Articles 16 & 18 parking requirements.

- c. PLN-MJDP-21-00045: RICHARDSON PROPERTY (AMD) (12/06/21)* - located at 324 HANNAH TODD PLACE, LEXINGTON, KY
Council District: 7
Project Contact: Commonwealth Designs Inc.

Note: The purpose of this amendment is to remove 5 townhomes and increase the number of condominiums by 18.

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

Note: The Planning Commission originally approved this plan at their October 10, 2021. The applicant requested reapproval on October 26, 2022. The Planning Commission postponed the application at the December 8, 2022 meeting.

The Subdivision Committee recommended: **Re-approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of the treatment of bike trails and pedestrian facilities.
7. Greenspace Planner's approval of access to HOA lot and shared-use path.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. United States Postal Service Office's approval of kiosk locations or easement.
11. Addition of topography in area of amendment.
12. Denote access point for construction vehicles.
13. Addition of dimensions on all condominium buildings.
14. Clarify site statistics for number of condominium units.

- e. PLN-MJDP-22-00062: HOOVER & FORD PHILPOT EVANGELISTIC ASSOCIATION PROPERTY (THE FOUNTAINS AT PALOMAR)(AMD)(1/1/2023)* - located at 3801 HARRODSBURG ROAD, LEXINGTON, KY
Council District: 9
Project Contact: Vision Engineering

Note: The purpose of this amendment is to revise the building, parking, and circulation on Lots 1, 4, 6, & 8.

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The Subdivision Committee Recommended: **Postponement**. There are questions regarding the proposed loading dock and compactor at rear of building relative to rear screening notes, as well as questions regarding the service road.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Landscape Examiner's approval of landscaping and landscaping buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree preservation plan.
 6. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 8. Greenspace planner's approval of the treatment of greenways and greenspace.
 9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
 10. Division of Waste Management's approval of refuse collection locations.
 11. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
 12. United States Postal Service Office's approval of kiosk locations or easement.
 13. Denote time of proposed turn lane construction on Harrodsburg Road.
 14. Discuss enhanced vehicular use area (VUA) screening along Man O' War Boulevard.
 15. Discuss proposed loading dock and compactor at rear of proposed building on Lot 8, and impact on existing access easement and traffic movement through the site.
- f. PLN-MJDP-22-00074: LEXINGTON MALL, LOT 6A (TIDAL WAVE AUTO SPA) (AMD) (2/26/23) - located at 2401 RICHMOND ROAD, LEXINGTON, KY
Council District: 5
Project Contact: Paulson Mitchell Inc.

Note: The purpose of this amendment is to depict redevelopment of Lot 6A for building and parking circulation.

The Subdivision Committee Recommended: **Postponement**. The development plan is not legible and there are questions about the plan meeting the requirements of Article 21 and Article 12 of the Zoning Ordinance.

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

1. Urban County Engineer's acceptance of drainage, storm, sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
12. United States Postal Service Office's approval of kiosk locations or easement.
13. Improve plan legibility.

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14. Depict plan to scale.
15. Correct plan title to match staff report.
16. Correct plan type to "Amended Final Development Plan."
17. Complete bearings and distances on the whole development.
18. Addition of plat designation.
19. Improve vicinity map legibility.
20. Dimension access, driveways, parking spaces, sidewalks, and buildings.
21. Denote construction access point.
22. Addition of street cross-sections and location on plan face.
23. Addition of site statistics for entire development.
24. Addition of all required notes from previous certified plan.
25. Document compliance with Article 21-7(b)(3) of the Zoning Ordinance with Lynn Imaging, 859-255-1021.
26. Discuss compliance with Article 12-8(h) for multi-modal accommodations.
27. Discuss proposed land use with the B-6P zone. Only self-service car washes are permitted.

- g. PLN-MJDP-22-00078: SHADOW WOOD, PHASE II (RICHWOOD BEND) (2/26/23) - located at 601 OLD TODDS ROAD AND 96 & 100 CODELL DRIVE, LEXINGTON, KY
Council District: 7
Project Contact: Prime Engineering

Note: The purpose of this amendment is to revise apartment layout.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. United States Postal Service Office's approval of kiosk locations or easement.
12. Revise interior vehicular use area to meet 30% tree canopy per Article 16.

- h. PLN-MJDP-22-00079: COLEMAN PROPERTY (NEWTOWN PIKE HAMPTON INN & SUITES) (AMD) (2/26/23) - located at 1880 NEWTOWN PIKE, LEXINGTON, KY
Council District: 2
Project Contact: Thoroughbred Engineering

Note: The purpose of this amendment is to revise for a proposed hotel.

The Subdivision Committee Recommended: **Postponement**. There are questions regarding compliance with the Article 16 requirements.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.

7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
12. United States Postal Service Office's approval of kiosk locations or easement.
13. Correct plan title to match staff report.
14. Denote height of proposed retaining wall.
15. Denote floor area ratio per Article 21.
16. Denote zoning of adjacent property.
17. Denote canopy height in feet.
18. Denote review by Royal Springs Aquifer Committee.
19. Addition of Newtown Pike cross-section.
20. Addition on access easement cross-section.
21. Denote front yard setback.
22. Revise parking adjacent to Coleman Court to meet Article 16 requirements.
23. Remove parking from access easement to comply with Article 16 requirements.
24. Denote review by the Royal Springs Aquifer Committee.

- i. PLN-MJDP-22-00083: OVERBROOK LAND COMPANY & SMILEY PROPERTY (LEXUS PARKING EXPANSION) (2/26/23) - located at 1230 & 1264 EAST NEW CIRCLE ROAD, LEXINGTON, KY
Council District: 2
Project Contact: Vision Engineering

Note: The purpose of this amendment is to create additional parking for adjacent lot.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
5. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
6. Department of Highway's approval of access to New Circle Road (KY 4).
7. Addition of all development plan information from ZDP 2008-81.
8. Denote access easement and maintenance responsibility.
9. Denote any existing or proposed easements.
10. Revise parking area to meet Article 16 vehicular use area requirements.
11. Revise parking area to meet Article 18 for landscape requirements.
12. Resolve improvements to New Circle Road.
13. Resolve existing Parkette sign and compliance with Article 17 of the Zoning Ordinance.

C. PERFORMANCE BONDS AND LETTERS OF CREDIT – Bonds or letters of credit requiring Commission action will be considered at this time. The Division of Engineering will report at the meeting.

V. ZONING ITEMS – The Zoning Committee met on January 5, 2023 at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Larry Forester, Bruce Nicol, Zach Davis, Graham Pohl, and Robin Michler. Staff members present were Doug Burton, Division of Engineering; Tracy Jones & Brittany Smith, Department of Law; Traci Wade, Hal Baillie, Autumn Goderwis, Tom Martin, Meghan Jennings, Daniel Crum, Sam Castro, and Bill Sheehy.

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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. IVCP ATHENS SOUTH LLC ZONING MAP AMENDMENT & BOONESBORO MANOR (INTERSTATE PARK) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-22-00023: IVCP ATHENS SOUTH LLC – a petition for a zone map amendment from an Interchange Service Business (B-5P) zone, to a Highway Service Business (B-3) zone, for 30.24 net (37.36 gross) acres, for property located at 5380 and 5354 (a portion of) Athens-Boonesboro Road. In association with the application, the petitioner is seeking a conditional use permit to allow for the construction of a soccer stadium.

COMPREHENSIVE PLAN AND PROPOSED USE

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

The applicant is seeking to rezone the subject property to the Highway Service Business (B-3) zone to allow for the construction of a 6,500 seat soccer stadium, training facility, and a medical treatment facility. To allow for the construction of the stadium, the applicant is also requesting a conditional use permit. The proposed development would be accessed from Doe Run Trail and a proposed access point a 1,000 feet west of the current access point.

The Zoning Committee Recommended: **Approval.**

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

- a. A restricted Highway Service Business (B-3) zone is in agreement with the 2018 Comprehensive Plan's Goals, Objectives, and Policies, for the following reasons:

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- b. The proposed development supports infill opportunities (Theme A, Goal #2) by developing in an area that is meant for commercial or industrial development with a commercial development focused on economic development.
 - c. The proposed development will create jobs and prosperity by showcasing local assets, which will be specifically focused on the promotion and enhancement of sports tourism, entertainment and other quality of life opportunities that attract young, and culturally diverse professionals and a work force of all ages and talents (Theme C, Goal #1 and #2).
 - d. The proposed development will enhance Lexington's ability to host regional athletic tournaments through the inclusion of the soccer stadium and training facility (Theme C, Livability Policy #3 of the Comprehensive Plan).
- 2. The justification and corollary development plan are in agreement with the 2017 Rural Land Management Plan, for the following reasons.
 - a. The proposed rezoning will allow for greater utilization of property within the Blue Sky Rural Activity Center that support highway and interstate service commerce, while also allowing for greater flexibility for job production, which would target the production of employment at higher wages.
 - b. The proposed development is situated along the portion of the property that is most heavily impacted by light, air and sound impacts that are caused by Interstate 75 and is adequately buffered from the westernmost Agricultural Rural (A-R) zoning that abuts 5354 Athens Boonesboro Road.
 - c. The proposed development does not negatively impact the viewshed along Athens Boonesboro Road as the area is buffered by topographic variations and the established development along the roadway.
- 3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are recommended via conditional zoning:
 - a. The following uses shall be prohibited:
 - i. Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
 - ii. Minor or major automobile and truck repair.
 - iii. Pawnshops.
 - iv. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
 - v. Retail sale of automotive parts with storage and distribution of inventory to other local establishments under the same ownership.
 - vi. The restrictions are necessary and appropriate in order to restrict those land uses that could have a negative impact on the surrounding agricultural zones and Athens Boonesboro Road, a major gateway into the Lexington Fayette Urban County. These restrictions will protect the aesthetic character of the Athens Boonesboro Road gateway, as recommended by the 2017 Rural Land Management Plan (RLMP).
- 4. This recommendation is made subject to approval and certification of PLN-MJDP-22-00073: Boonesboro Manor (Interstate Park Property)(AMD), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
- b. Conditional Use Request - In association with the zone change request for the property, the applicant is seeking a Conditional Use Permit within the Highway Service Business (B-3) zone to operate a stadium 5380 and 5354 (a portion of) Athens Boonesboro Road.

The Zoning Committee Recommended: **Approval.**

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

- 1. Granting the requested conditional use permit should not adversely affect the subject property or surrounding properties since noise and lighting issues will be addressed to the extent possible, in order to

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minimize any negative effect they may have on surrounding property owners; access will be available and adequate to allow traffic to flow into and out of/away from the stadium without causing a significant negative impact on peak hour levels of service; and the location is to an accessible arterial roadway; and illuminated signage will be screened from the public right-of-way.

2. Adequate public facilities will be available in the area to support the proposed stadium.
3. Parking will be provided in accordance with the submitted Parking Demand Mitigation Study, including shared parking with the adjacent proposed uses and should be adequate to serve the stadium 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 B-3 zone, otherwise the requested conditional use shall be null and void.
 - b. Any outdoor theater screen or illuminated scoreboard shall be screened from view so that it cannot be seen from Athens Boonesboro Road.
 - c. There shall be no fireworks utilized on the site.
 - d. The development shall be constructed in accordance with the approved Final Development Plan, or as amended by the Planning Commission.
 - e. All necessary permits and approvals shall be obtained from the KY Transportation Cabinet, and Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.
 - f. Action of the Planning Commission shall be noted on the Development Plan for the subject property.
 - g. The conditional use shall be operated in accordance with the submitted justification statement.
 - h. Any outdoor lighting shall be directed downward and toward the interior of the site in order to minimize any light overflow onto adjoining or nearby properties.
 - i. Hours of events held at the stadium shall be limited to no earlier than 7:00 a.m. and no later than 11:00 p.m.
 - j. Timing of access and roadway improvements shall be determined at the time of the Final Development Plan, prior to the establishment of the conditional use.
- c. PLN-MJDP-22-00073: BOONESBORO MANOR (INTERSTATE PARK) (AMD) (1/29/2023)* -
located at 5380 and 5354 ATHENS-BOONSBORO ROAD, LEXINGTON, KY
Council District: 12
Project Contact: CMW, Inc.

Note: The purpose of this amendment is to depict the size and location of the proposed stadium and training facility, in support of the requested zone change from Interchange Service Business (B-5P) zone to Highway Service Business (B-3) zone.

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

1. Provided the Urban County Council approves the zone change to B-3; 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. United States Postal Service Office's approval of kiosk locations or easement.
8. Department of Highway's approval of proposed access to Athens Boonesboro Road (KY 418).
9. Provided the Planning Commission approves the conditional use permit for a stadium.
10. Provided the Planning Commission accepts the Parking Demand Mitigation Study.
11. Resolve parking locational and connection standards at time of the Final Development Plan.
12. Resolve stormwater management at the time of the Final Development Plan.
13. Resolve access to Athens Boonesboro Road at Doe Run Trail.
14. Resolve design and timing of new proposed access to Athens Boonesboro Road.

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15. Resolve sanitary sewer connection and pump station upgrades at the time of the Final Development Plan.
16. Resolve bicycle/pedestrian infrastructure at roadway intersections and bicycle parking at the time of the Final Development Plan.
17. Discuss Placebuilder criteria.

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

A. ARTICLE 4-5(B) IMPROVEMENT PLAN PROGRESS REPORT - When the project engineer has completed approximately fifty percent (50%) of the infrastructure design for the development, the project engineer shall submit a preliminary report to the Planning Commission informing the Commission of how storm water, sanitary sewer and environmental conditions imposed by the Commission at the time of the approval of the preliminary subdivision plan will be addressed in the improvement plan. The report shall be distributed to the Commission at the next convenient meeting. The report is for information only, and no action by the Commission shall be taken; however, there shall be no issuance of the Notice to Proceed, as outlined in section 4-5(d), until the Planning Commission meeting is complete.

None at this time.

B. BOAR 2022-1: DR. LARRY FRANCIS - Appeal of the Board of Architectural Review (BOAR) decision on October 19, 2022 with respect to the addition of solar panels to the front porch roof for the property located at 137 S Hanover Avenue, in the Ashland Park Historic District.

Staff will report at the meeting.

C. RESOLUTION FOR FORMER PLANNING COMMISSION MEMBER – At this time, the Commission and the staff would like to express their sincere appreciation to Mr. William Wilson for his dedication and service to the Planning Commission and the citizens of Lexington-Fayette County.

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 January and February

Work Session, Thursday, 1:30 p.m., 3 rd Floor Conference Room, Phoenix Building.....	January 19, 2023
Technical Committee, Wednesday, 8:30 a.m., 3 rd Floor Conference Room, Phoenix Building.....	January 25, 2023
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers, Government Center	January 26, 2023
Subdivision Committee, Thursday, 8:30 a.m., 3 rd Floor Conference Room, Phoenix Building.....	February 2, 2023
Zoning Committee, Thursday, 1:30 p.m., 3 rd Floor Conference Room, Phoenix Building.....	February 2, 2023
Subdivision Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers, Government Center.....	February 9, 2023

X. ADJOURNMENT

TW/TM/CG/HB/PS

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