

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

January 26, 2023

- I. **CALL TO ORDER** - The meeting was called to order at 1:30 p.m. in the Council Chamber, 2nd Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.

Planning Commission members present: Larry Forester, Chair; Ivy Barksdale (arrived at 1:40 pm), Zach Davis, Anthony de Movellan, Janice Meyer, Robin Michler, Frank Penn, Judy Worth. Absent: Headley Bell, Bruce Nicol, Graham Pohl.

Planning staff members present: Jim Duncan, Director; Traci Wade, Tom Martin, Hal Baillie, Daniel Drum, Cheryl Galt, and Bill Sheehy. Other staff members present were: Stephen Parker, Division of Traffic Engineering; Vaughan Adkins, Division of Engineering; Captain Greg Lengal, Division of Fire and Emergency Services; and Tracy Jones, Department of Law.

- II. **APPROVAL OF MINUTES** – A motion was made by Mr. Michler, seconded by Mr. de Movellan for the approval of the minutes of the December 15, 2022 public hearing, and carried 7-0 (Barksdale, Bell, Nicol, and Pohl absent).

A motion was made by Mr. de Movellan, seconded by Ms. Worth for the approval of the minutes of the November 17, 2022 public hearing, and carried 5-0-2 (Barksdale, Bell, Nicol, and Pohl absent)(Davis and Michler abstain).

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

1. **PLN-ZOTA-22-00019: AMENDMENT TO ARTICLE 8-2(D): ATHLETIC FIELDS AND STRUCTURES** – a petition for a Zoning Ordinance text amendment to allow athletic fields with lighting and loud speakers in the Agricultural Buffer (A-B) zone as a conditional use and to increase the allowable structure size from 10,000 sq ft to two percent of the lot.

Applicant Comment – Nick Nicholson, attorney for Sayre School, asked for postponement to the February 23, 2023 Planning Commission public hearing.

Action – A motion was made by Ms. Worth and seconded by Mr. de Movellan and carried 7-0 (Barksdale, Bell, Nicol, and Pohl absent) to postpone PLN-ZOTA-22-00019: AMENDMENT TO ARTICLE 8-2(D): ATHLETIC FIELDS AND STRUCTURES until February 23, 2023.

2. **PLN-MJDP-22-00062: HOOVER & FORD PHILPOT EVANGELISTIC ASSOCIATION PROPERTY (THE FOUNTAINS AT PALOMAR)(AMD)**

Applicant Comment – Matt Carter, engineer for the applicant, requested a two week postponement to the February 9, 2023 Planning Commission public meeting. Mr. Carter indicated that the applicant wanted time to review the Staff report.

Action – A motion was made by Mr. Penn and seconded by Mr. de Movellan and carried 8-0 (Bell, Nicol, and Pohl absent) to postpone PLN-MJDP-22-00062: HOOVER & FORD PHILPOT EVANGELISTIC ASSOCIATION PROPERTY until February 9, 2023.

3. **PLN-MAR-22-00015: DUTCH BROS, LLC** – a petition for a zone map amendment from a Planned Neighborhood (R-3) zone to a Neighborhood Business (B-1) zone, for 0.2916 net (0.3516 gross) acres, for property located at 507 S Limestone.

Applicant Comment – Brad Boaz, landscape architect for the applicant, requested a one month postponement to the February 23rd, 2023 Planning Commission public hearing. Mr. Boaz indicated that their legal counsel had fallen ill and needed the extra month.

Action – A motion was made by Ms. Meyer and seconded by Mr. Michler and carried 8-0 (Bell, Nicol, and Pohl) absent to postpone PLN-MAR-22-00015: DUTCH BROS, LLC until February 23, 2023.

4. **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.

Staff Comment – Mr. Hal Baillie stated the applicant is asking for a one month postponement to the February 23, 2023 Planning Commission public hearing. The applicant has more work to do on the development plan and justification letter for several variances.

Action – A motion was made by Mr. Davis and seconded by Ms. Meyer and carried 8-0 (Bell, Nicol, and Pohl absent) to postpone **PLN-MAR-22-00016: REALTY UNLIMITED BLUE GRASS, LLC** until February 23, 2023.

- 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, Autumn Goderwis, Tom Martin, Cheryl Gallt, Hal Baillie, 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.

- 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 Bruce Nicol, Zach Davis, Larry Forester, Graham Pohl, and Robin Michler. Staff members present were; Traci Wade, Autumn Goderwis, Hal Baillie, Tom Martin, Daniel Crum, Sam Castro, Meghan Jennings and Bill Sheehy; as well as Tracy Jones and Brittany Smith, Department of Law; and Doug Burton, Division of Engineering.

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

A. ABBREVIATED PUBLIC HEARINGS ON ZONING MAP AMENDMENTS

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

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

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

1. COWGILL DEVELOPMENT, LLC ZONING MAP AMENDMENT & CANDIA CORPORATION (LEGION DRIVE APARTMENTS) ZONING DEVELOPMENT PLAN

- a. **PLN-MAR-22-00025: COWGILL DEVELOPMENT, LLC** (2/26/2023)* – a petition for a zone map amendment from a Neighborhood Business (B-1) zone, to a High Rise Apartment (R-5) zone, for 2.29 net (2.52 gross) acres, for property located at 340 Legion Drive.

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 High Rise Apartment (R-5) zone to allow for the construction of a three-story, multi-family residential structure and associated parking. The proposed structure is proposed to contain a total of 109 dwelling units, for a total density of approximately 48 dwelling units per net acre.

The Zoning Committee Recommended: **Approval.**

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

1. The requested High Rise Apartment (R-5) zone is in agreement with the 2018 Comprehensive Plan's Goals, Objectives and Policies, for the following reasons:
 - a. The proposed development will accommodate the growing demand for housing in Lexington by seeking a high density residential building in a way that is respectful of the existing neighborhood's character and intensity (Theme A, Goal #1.b; Theme A, Goal #2.b).
 - b. The proposed development will provide a well-designed neighborhood (Theme A, Goal #3) by designing the property to fit in the existing neighborhood and including activated entrances that improve pedestrian accessibility and neighborhood interaction in a safe and attractive manner (Theme A, Goal #3.a & b).
 - c. The proposed development will work to achieve an effective and comprehensive transportation system (Theme D, Goal #1) by making the property accessible to pedestrians, public transit, and commuters (Theme D, Goal 1.a & b).
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. The site has been designed to emphasize connections to the existing development, minimize the visual impact of the provided parking areas, and reinforce the streetscape at along Legion Drive. This request is also in agreement with the Multi-family Design Standards, as it provides a pedestrian-oriented design and complements the established residential development, while increasing intensity as Legion Drive extends towards the South Broadway corridor.
 - 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.

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- 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-22-00077: Candia Corp (Legion Drive Apartments), 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-22-00077: CANDIA CORPORATION (LEGION DRIVE APARTMENTS)** (2/26/23)* - located at 340 LEGION DRIVE & 1250 SOUTH BROADWAY, LEXINGTON, KY
Council District: 10
Project Contact: Carman

Note: The purpose of this amendment is to depict proposed development for of a 3-story multi-family residential building with 109 dwelling units and parking, in support of the requested zone change from a Neighborhood Business (B-1) zone to a High Rise Apartment (R-5) zone.

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

1. Provided the Urban County Council approves the zone change to R-5; 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. Addition of record plat information.
8. Addition of adjacent property information.
9. Addition of topography information.
10. Denote location and size of existing trees.
11. Denote 1250 South Broadway is not part of this amendment.
12. Discuss compliance with the Multi-Family Design standards.
13. Discuss Placebuilder criteria.

Staff Presentation – Mr. Hal Baillie 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 Neighborhood Business (B-1) zone to a High Rise Apartment (R-5) zone, for 2.29 net (2.52 gross) acres, for property located at 340 Legion Drive. Additionally, Mr. Baillie highlighted the zoning around the area, noting that the majority of zoning along S. Broadway is commercial.

Mr. Baillie indicated that the applicant was utilizing the Enhanced Neighborhood Place-Type and the Medium Density Residential Development Type and that staff was in agreement with both. Mr. Baillie concluded, stating that Staff was recommending approval for this zone change and that the applicant had provided a development plan and justification that meet the recommendations of the development criteria.

Staff Development Plan Presentation – Ms. Cheryl Gallt oriented the Planning Commission to the location of the subject property, and highlighted the access points and the location of the proposed apartment building. Ms. Gallt stated that the staff was recommending approval subject to revised conditions that included denoting 1250 South Broadway was not a part of this amendment and that the subject property will be developed in compliance with the Multi-Family Design guidelines at the time of the final development plan.

Ms. Gallt concluded her presentation and opened up the floor for questions.

Applicant Presentation – Zach Cato, attorney for the applicant, stated he had submitted some items into the record. He stated that the applicant is in agreement with the Staff's findings for the zone change request.

Action – A motion was made by Mr. Penn, seconded by Mr. Davis and carried 8-0 (Bell, Nicol, and Pohl absent) to approve PLN-MJDP-22-00077: CANDIA CORPORATION (LEGION DRIVE APARTMENTS) with the 13 revised Staff conditions.

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

Action – A motion was made by Mr. Penn, seconded by Mr. Davis and carried 8-0 (Bell, Nicol, and Pohl absent) to approve PLN-MAR-22-00025: COWGILL DEVELOPMENT, LLC for reasons provided by Staff.

2. LEXINGTON HABITAT FOR HUMANITY INC ZONING MAP AMENDMENT & LANCASTER & KEISER PROPERTY OF BELT LAND CO. ZONING DEVELOPMENT PLAN

- a. PLN-MAR-22-00026: LEXINGTON HABITAT FOR HUMANITY INC – a petition for a zone map amendment from a Neighborhood Business (B-1) zone, to a Planned Neighborhood Residential (R-3) zone, for 0.10 net (0.12 gross) acres, for property located at 712 Lancaster 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 Planned Neighborhood Residential (R-3) zone in order to construct a single-family residence in connection with the Habitat for Humanity non-profit organization. The proposal includes a 1,750 square-foot single-family residential dwelling, with a 286 square-foot attached garage and driveway access on to Lancaster Avenue.

The Zoning Committee Recommended: **Approval.**

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

1. The requested High Rise Apartment (R-3) zone is in agreement with the 2018 Comprehensive Plan's Goals, Objectives and Policies, for the following reasons:
 - a. The request will activate an underutilized parcel within the Infill and Redevelopment Area in order to develop additional affordable housing (Theme A, Goal #2).
 - b. The request will strengthen opportunities for housing affordability by introducing additional affordable housing stock into the East End Community Development Corporation neighborhood (Theme A, Goal #1.d).
 - c. By matching the existing setbacks and established pattern of single-family residential land use, the proposal respects the design and context of the surrounding area (Theme A, Goal #2.b).
2. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2018 Comprehensive Plan's Policies, for the following reasons:
 - a. The proposed development meets Equity Policies #1 and #2 by increasing the supply of affordable housing within the community.
 - b. The proposed single-family residential development meets Design Policy #4 by providing development that matches the surrounding single-family residential context of this portion of Lancaster Avenue.
 - c. The proposed change to the Planned Neighborhood Residential (R-3) zone allows for the potential of higher density residential redevelopment of the parcel in the future, which meets Density Policy #2.
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 it will intensify an underutilized property in a manner that utilizes the existing topography, at a pedestrian friendly scale.
 - b. These proposed rezoning addresses the Transportation and Pedestrian Connectivity development criteria, as the proposed development maintains the existing pedestrian infrastructure and connectivity present on-site.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as the proposal works with the existing landscape and has no impact on environmentally sensitive areas.
4. This recommendation is made subject to approval and certification of PLN-MJDP-22-00081 LANCASTER & KEISER PROPERTY OF BELT LAND CO 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-22-00081: LANCASTER & KEISER PROPERTY OF BELT LAND CO.** (2/26/23)* - located at 712 LANCASTER AVENUE, LEXINGTON, KY
Council District: 1
Project Contact: Habitat for Humanity

Note: The purpose of this plan is to depict a single family home, in support of the requested zone change from a Neighborhood Business (B-1) zone to a Planned Neighborhood Residential (R-3) zone.

The Subdivision Committee Recommended: Postponement. There are questions about compliance with Article 21 of the Zoning Ordinance

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

1. Provided the Urban County Council approves the zone change to R-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. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Division.
8. United States Postal Service Office's approval of kiosk locations or easement.
9. Addition of all required information per Article 21 of the Zoning Ordinance.
10. Discuss Placebuilder criteria.

Staff Presentation – Mr. Daniel 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 Neighborhood Business (B-1) zone to a Planned Neighborhood Residential (R-3) zone, for 0.10 net (0.12 gross) acres, for property located at 712 Lancaster Avenue. Mr. Crum conveyed that the applicant is seeking the Enhanced Neighborhood Place-Type and a Low Density Residential Development Type and that Staff was in agreement with those selections.

Mr. Crum highlighted the Preliminary Subdivision Plan, because it was more appropriate for this location, and allows more flexibility for their development. Mr. Crum concluded by stating that Staff was recommending approval for this application and he could answer any questions.

Staff Subdivision Presentation – Mr. Tom Martin oriented the Planning Commission to the location of the subject property, and stated that this land was originally platted in the 1890s. Mr. Martin indicated that the Subdivision plan was used because it simplifies the process to pull a permit off of the plat. Additionally, Mr. Martin highlighted the revised conditions and stated that the property is located within the Infill and Redevelopment Area, which will require additional standards for this single-family home. Mr. Martin concluded his presentation stating that Staff was recommending approval.

Commission Questions – Mr. Davis asked about the shared driveway, and the property line that was discussed in the Zoning Committee meeting, and if Staff was satisfied with the applicant's answer. Mr. Martin indicated that they were, and that the applicant could expand further.

Mr. Michler asked if it a zone change was necessary if there was a house on this lot prior to the application. Mr. Baillie stated that since the applicant demolished the existing structure, and the nonconforming use, that eliminates their ability to come back onto the site with the same structure.

Applicant Presentation – Huston Royster, representative for the applicant, stated that he was in agreement with Staff, and will make the necessary changes to the plan. He offered to answer any questions the Commission might have.

Action – A motion was made by Mr. Michler, seconded by Ms. Barksdale and carried 8-0 (Bell, Nicol, and Pohl absent) to approve **PLN-MAR-22-00026: LEXINGTON HABITAT FOR HUMANITY INC** for reasons provided by Staff.

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

Action – A motion was made by Mr. Penn, seconded by Mr. Davis and carried 8-0 (Bell, Nicol, and Pohl absent) to approve PLN-MJDP-22-00081: LANCASTER & KEISER PROPERTY OF BELT LAND CO with the 13 revised Staff conditions.

3. **LIBERTY PARK DEVELOPMENT LLC ZONING MAP AMENDMENT & ROSE H. BRIGDEN & MARK MCCLURE PROPERTY, TRACT A ZONING DEVELOPMENT PLAN**

- a. **PLN-MAR-22-00027: LIBERTY PARK DEVELOPMENT LLC** (2/26/2023)* – a petition for a zone map amendment from a Single Family Residential (R-1D) zone, to a Planned Neighborhood Residential (R-3) zone, for 0.97 net (1.15 gross) acres, for property located at 2819 Liberty Road.

COMPREHENSIVE PLAN AND PROPOSED USE

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This petitioner is proposing the Planned Neighborhood Residential (R-3) zone in order to construct an attached single family development. As proposed, the development consists of thirteen 1,500 square-foot townhouse units, featuring attached 240 square-foot garages. Supplemental parking areas for the townhouses are being provided in front of the structures, along Liberty Road. A central connection to Liberty Trail is proposed to the rear.

The Zoning Committee Recommended: **Postponement**.

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

1. The zone change application should describe in greater detail how they meet the Goals, Objectives and Policies, specifically those regarding the orientation of the structures, parking, and the proposed improvements to multi-modal connectivity.
 2. The zone change application for the subject property, as proposed, does not completely address the development criteria for a zone change within the Enhanced Neighborhood Place-Type, and the Low Density Residential Development Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
 - a. A-DS5-3 Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
 - b. A-DS5-2 Roadways should provide a vertical edge, such as trees and buildings.
 - c. D-CO2-2 Development should create and/or expand a safe, connected multi-modal transportation network that satisfies all users' needs, including those with disabilities.
- b. **VARIANCE** - As part of their application, the petitioner is also seeking a dimensional variance, requesting relief from the required rear setback from the adjoining Agricultural Urban (A-U) zone, as regulated in Article Fifteen of the LFUCG Zoning Ordinance.

The Zoning Committee Recommended: **Approval**.

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. The adjoining property to the rear is being utilized for a trail, not an agricultural use, and will benefit from the increased surveillance provided by the planned townhomes.
2. The lot's unique shape is a special circumstance that limits where development can occur on the site, and disproportionately increases the impact of the increased rear setback.
3. The increased setbacks required by the Ordinance unreasonably restrict the applicant's use of this property by significantly reducing the site's buildable area.
4. The circumstances of this variance are not a result of actions taken by the applicant subsequent to the adoption of the Zoning Ordinance.

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-3 zone**, otherwise the requested variances shall be null and void.

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

- b. The development shall be constructed in accordance with the approved Final Development Plan, or as amended by the Planning Commission.
- c. All necessary permits shall be obtained from the Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.
- d. Action of the Planning Commission shall be noted on the Development Plan for the subject property.

- c. **PLN-MJDP-22-00080: ROSE H. BRIGDEN & MARK MCCLURE PROPERTY, TRACT A** (2/26/23)* - located at 2819 LIBERTY ROAD, LEXINGTON, KY
Council District: 6
Project Contact: Vision Engineering

Note: The purpose of this plan is to depict a townhome development in support of the requested zone change from Single-Family Residential (R-1C) zone to Planned Neighborhood Residential (R-3) zone.

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

- 1. Provided the Urban County Council approves the zone change to R-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.
- 7. United States Postal Service Office's approval of kiosk locations or easement.
- 8. Correct landscape buffer notations to building line on plan face and note #15.
- 9. Delete parking requirements from site statistics.
- 10. Dimension sidewalks.
- 11. Addition of access easement cross-section.
- 12. Denote existing and proposed easements.
- 13. Provided the Planning Commission makes a finding on the access easement.
- 14. Discuss compliance with parking requirements of Article 16 of the Zoning Ordinance.
- 15. Discuss Placebuilder criteria.

Staff Presentation – Mr. Daniel Crum presented a revised staff report and recommendation for the zone change application. He directed the Planning Commission to the revised report in the Granicus system and available to the public in the back of the Council Chambers. He displayed photographs of the subject property and the general area. He stated that the applicant was seeking a zone map amendment from a Single Family Residential (R-1D) zone to a Planned Neighborhood Residential (R-3) zone, for 0.966 net (1.151 gross) acres, for property located at 2819 Liberty Road. The applicant is seeking to build a townhouse residential development. Mr. Crum conveyed that the applicant is seeking the Enhanced Neighborhood Place-Type and a Low Density Residential Development Type and that Staff was in agreement that these are appropriate.

Mr. Crum highlighted the various zones around the area and noted the Liberty Trail adjacent to the subject property. Mr. Crum indicated that there was once a single family residence at this location, but that when Liberty Road was widened, the home was demolished and the site was allowed to overgrow. Mr. Crum stated that in the applicant's first plan, there were 13 homes, but were able to reorganize and increase the amount of homes to 14. Additionally, Mr. Crum noted that the parking from the initial plan has been relocated internally in the property. Additionally, the applicant proposes to front the northern most townhomes onto the trail system, which removes the need for a variance, but requires a waiver of the Land Subdivision Regulations.

Mr. Crum concluded his presentation stating that Staff was now recommending approval and could answer any questions from the Planning Commission.

Staff Development Plan Presentation – Mr. Martin oriented the Planning Commission to the location of the subject property and highlighted the revised conditions. Mr. Martin reiterated Mr. Crum's point regarding the reorganization of the structures on the property. The changes allowed for an additional dwelling unit than originally proposed and for the parking to be located interior to the site. Additionally, Mr. Martin stated that the applicant was seeking an access easement between the townhomes, in lieu of a public street.

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

Mr. Martin also indicated that there is a waiver and a finding associated with their ability to drop their variance request and instead use their new orientation towards the Liberty Trail as their frontage. Mr. Martin concluded his presentation stating that Staff was recommending approval of the development plan and the associated front orientation waiver.

Commission Questions – Mr. Penn asked if these townhomes would be sold as individual units, and Mr. Martin indicated that they would be sold individually.

Mr. Michler asked if there was discussion on Lot 4's backyard adjacency to Liberty Road and if there are design regulations about that. Mr. Martin indicated that the applicant might have to explain their rationale, but a lot of it has to do with the relocation of the parking.

Applicant Presentation – Dick Murphy, attorney for the applicant, indicated that they are in agreement with Staff's findings and that he was withdrawing the variance request, but did need the waiver and the finding for the access easement.

Action – A motion was made by Mr. Penn, seconded by Mr. de Movellan and carried 8-0 (Bell, Nicol, and Pohl absent) to approve PLN-MAR-22-00027: LIBERTY PARK DEVELOPMENT LLC for reasons provided by Staff.

Action – A motion was made by Mr. Penn, seconded by Mr. de Movellan and carried 8-0 ((Bell, Nicol, and Pohl absent) to approve PLN-MJDP-22-00080: ROSE H. BRIGDEN & MARK MCCLURE PROPERTY, TRACT A with the 15 revised Staff conditions.

Action – A motion was made by Mr. Penn, seconded by Mr. Davis and carried 8-0 ((Bell, Nicol, and Pohl absent) to approve the waiver and findings for PLN-MJDP-22-00080: ROSE H. BRIGDEN & MARK MCCLURE PROPERTY, TRACT A with conditions.

4. AU ASSOCIATES, INC ZONING MAP AMENDMENT & NDC PROPERTY, UNIT 1A, LOT 11, UNIT 3 (WELLINGTON PARK) (AMD) ZONING DEVELOPMENT PLAN

- a. **PLN-MAR-22-00028: AU ASSOCIATES, INC** (2/26/2023)* – a petition for a zone map amendment from a Professional Office (P-1) zone, to a Planned Neighborhood Residential (R-3) zone, for 2.00 net (2.50 gross) acres, for property located at 410 Sporting Court (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 a portion of the subject property to the Planned Neighborhood Residential (R-3) zone to allow for the construction of a three-story, affordable multi-family residential structure focused on serving Lexington's aging population. The proposed structure is planned to contain a total of 30 dwelling units, for a total density of 15 dwelling units per net acre.

The Zoning Committee Recommended: **Approval.**

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

1. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2018 Comprehensive Plan's Goals, Objectives and Policies, for the following reasons:
 - a. The proposed project will encourage expanded housing choices (Theme A, Goal #1), by offering additional housing options along the Reynolds Road corridor that are convenient to the various commercial opportunities, public parks, and social services in the area.
 - b. The proposed development will infill a current vacant portion of property and accommodate the growing demand for housing in Lexington by seeking a higher density residential building (Theme A, Goal #1.b; Theme A, Goal #2).
 - c. The proposed development will provide a well-designed neighborhood (Theme A, Goal #3) by focusing on a pedestrian first design and including activated entrances that improve pedestrian accessibility (Theme A, Goal #3.a & b).

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

- d. The proposed development will meet the goals of providing safe and affordable housing options to meet the need of all peoples within Lexington (Theme A, Goal #1.c; Goal #2.d; and Equity Policy #2; Theme D, Support Policy #9).
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. The site has been designed to emphasize connections to the existing development, minimize the visual impact of the provided parking areas, and reinforce the streetscape at along the proposed access easement. The proposed development will also directly tie into the adjacent Wellington Park. This request is also in agreement with the Multi-family Design Standards, as it provides a residential development with a pedestrian oriented design into an area that is primarily commercial in character.
 - b. The proposed rezoning meets the Transportation and Pedestrian Connectivity development criteria, as the proposal will activate the frontage of the proposed development and creates pedestrian connections throughout the site that allows for safe connections to the established pedestrian systems and transit stops.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will increase tree canopy coverage through additional VUA screening, landscaping islands, and the requirements of the R-3 zone.
3. This recommendation is made subject to approval and certification of PLN-MJDP-22-00082: NDC Property Unit 1A, Lot 11, Unit 3 (Wellington Park)(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. **PLN-MJDP-22-00082: NDC PROPERTY, UNIT 1A, LOT 11, UNIT 3 (WELLINGTON PARK)** (2/26/23)* - located at 410 SPORTING COURT, LEXINGTON, KY
Council District: 9
Project Contact: Prime Engineering

Note: The purpose of this plan is to depict a multi-family residential building with 30 dwelling units, in support of the requested zone change from a Professional Office (P-1) zone to a Planned Neighborhood Residential (R-3) zone.

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

1. Provided the Urban County Council approves the zone change to R-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. United States Postal Service Office's approval of kiosk locations or easement.
7. Delete note #14.
8. Clearly denote lot coverage and floor area ratio per Article 21 of the Zoning Ordinance.
9. Delete setback and side yard reference, and label as landscape buffer.
10. Clarify proposed access easement and improve legibility of proposed/approved roadway.
11. Align proposed access with approved access easement at southwest corner of site.
12. Denote: Compliance with multi-family design standards shall be determined at time of the Final Development Plan.
13. Denote the transition/extension of the proposed access easement to Sporting Court should be determined at the time of the Final Development Plan.
14. Discuss Placebuilder criteria.

Staff Presentation – Mr. Hal Baillie 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 Professional Office (P-1) zone, to a Planned Neighborhood Residential (R-3) zone, for 2.00 net (2.50 gross) acres, for property located at 410 Sporting Court. Mr. Baillie stated that the applicant is seeking the Regional Center Place-Type and the Medium Density Residential Development and wants to develop affordable housing for seniors. Mr. Baillie indicated that this would be appropriate and that while the particular zone was not recommended by the Comprehensive Plan, the applicant provided an adequate justification for the incorporation of the R-3 zone in this case. He stated that Staff is recommending approval for this application.

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

Staff Development Plan Presentation – Mr. Martin oriented the Planning Commission to the location of the subject property and highlighted the revised conditions. Mr. Martin stated that the applicant was proposing to construct a multi-family residential structure with 30 dwelling units. He noted the access easement that is platted to provide access from Wellington Way, pointed out the locations of the dumpsters, and the parking lot location to the side of the structure. This will allow the dwelling units more direct access to the Wellington Park.

Mr. Martin indicated that the Planning Commission would see a Final Development Plan and renderings and stated that Staff is recommending approval and noted the conditions can be found on the agenda.

Applicant Presentation – Johan Graham, applicant, wanted to thank the Staff for their support and could answer any questions from the Planning Commission.

Action – A motion was made by Ms. Meyer, seconded by Ms. Barksdale and carried 8-0 (Bell, Nicol, and Pohl absent) to approve PLN-MAR-22-00028: AU ASSOCIATES, INC for the reasons provided by Staff.

Action – A motion was made by Ms. Meyer, seconded by Mr. de Movellan and carried 8-0 ((Bell, Nicol, and Pohl absent) to approve PLN-MJDP-22-00082: NDC PROPERTY, UNIT 1A, LOT 11, UNIT 3 (WELLINGTON PARK) with the 13 conditions.

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. CALLER PROPERTIES, LLC ZONING MAP AMENDMENT & FOX PROPERTY, LOT 4 ZONING DEVELOPMENT PLAN

- a. **PLN-MAR-22-00022: CALLER PROPERTIES, LLC (AMD)** (1/29/2023)* – a petition for a zone map amendment from a Neighborhood Business (B-1) zone with conditional zoning restrictions, to a Neighborhood Business (B-1) zone with modified conditional zoning restrictions, for 0.92 net (1.15 gross) acres, for property located at 2400 Versailles Road. A variance to increase the front yard setback from twenty feet (20') to forty (40') is also requested in association with the application.

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 to modify the conditional zoning restrictions to allow for the construction of a coffee shop that is purely focused on the traveling public. The applicant is proposing a small structure with a double drive-through facility and a bypass lane.

The Zoning Committee Recommended: Approval.

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

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

1. Evidence related to the impact of traffic along Versailles Road shows that the proposed use will not negatively impact the health, safety, or welfare of those utilizing the roadway.
2. The proposed ingress and egress point is designed to limit dangerous left turn movements out of the subject property.
3. The inclusion of large buffers and new technologies reduces the impact that drive-through facilities have on the adjacent residential land uses.
4. The adoption of the 2018 Comprehensive Plan provides for greater guidance for development to appropriately transition from more intense land uses to less intense land uses.
5. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions shall apply to the subject property:
 - a. Prohibited Uses:
 1. The sale or provision of wine, beer or alcoholic beverages, other than by the drink.
 2. Live entertainment and/or dancing.
 3. Cocktail lounges, brew-pubs and nightclubs.
 4. Automobile service stations.
 5. Arcades, including pinball and electronic games.
 6. Sale of firearms other than by federally licensed manufacturers, importers or dealers.
 7. Car washing establishments.
 8. Pool tables within an establishment, even as an accessory use.
 9. Automobile and vehicle refueling stations.
 - b. Other Use Restrictions:
 1. A landscape buffer of at least twenty-five (25) feet in width shall be provided along the southern property boundary, with plantings as specified by Article 18-3(a)(1)2 of the Zoning Ordinance, including the retention of any tree that is at least 4" in diameter at breast height (DBH) in size. Any tree 4" DBH or larger may only be removed if diseased or dying, and only with the written permission of the Urban Forester.
 2. Outdoor lighting shall be shielded and directed away from any adjacent residential zone. Lighting attached to a pole or any structure shall be a maximum of twenty (20) feet in height.
 3. Any free-standing sign erected shall be a maximum of ten (10) feet in height.

These use and buffering restrictions are appropriate and necessary to ensure greater compliance with the 2013 Comprehensive Plan, and to provide protection to the adjacent residential land uses.

6. This recommendation is made subject to approval and certification of PLN-MJDP-22-00072: Fox Property, 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** – a variance of the required front yard setback from twenty feet (20') to forty feet (40').

The Zoning Committee Recommended: **Postponement**.

The Staff Recommends: **Postponement** of the requested variance for the following reason:

1. To work with the applicant on a potential lesser variance and gain insight into operational concerns.

- c. **PLN-MJDP-22-00072: FOX PROPERTY** (1/29/2023)* - located at 2400 VERSAILLES ROAD, LEXINGTON, KY
Council District: 11
Project Contact: Barrett Partners Inc.

Note: The purpose of this plan is to depict redevelopment of the property and remove a conditional zoning restriction in the Neighborhood Business (B-1) zone.

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

1. Provided the Urban County Council approves the removal of conditional zoning restriction(s) in the B-1 zone, 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.

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

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. Provided the Planning Commission grants the requested front yard setback variance.
9. Resolve improvements to Versailles Road.
10. Denote: Kentucky Department of Transportation's approval of access on Versailles Road
11. Remove digital reference on menu board.
12. Discuss Placebuilder criteria.

Staff Presentation – Mr. Hal Baillie 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 Neighborhood Business (B-1) zone with conditional zoning restrictions, to a Neighborhood Business (B-1) zone with modified conditional zoning restrictions, for 0.92 net (1.15 gross) acres, for property located at 2400 Versailles Road. Mr. Baillie also indicated that a variance to increase the front yard setback from twenty feet (20') to forty (40') is requested in association with the application.

Mr. Baillie stated that the applicant is proposing to modify the conditional zoning restrictions to allow for the construction of a coffee shop that is purely focused on the traveling public and has a double drive-through facility and a bypass lane.

Mr. Baillie went through the conditional zoning restriction process and how it differs from a traditional zone change process. Mr. Baillie indicated that the findings must show that a major economic, physical or social change that has occurred on the property, which was not anticipated in the initial zone change. The burden is on the applicant to demonstrate that a restriction is inappropriate.

Mr. Baillie highlighted the applicant's amended justification and development plan that provided a wider buffer zone from the adjacent residential properties, and additional trees. The applicant has added a new type of entry point that allows right hand turns in and out of the property, and left hand turns into the property, but does not permit left hand turns out. Additionally, Mr. Baillie stated that the applicant submitted a Traffic Impact Study that showed the proposed impact on Versailles Road was not a safety issue. These findings were reviewed by both the Division of Planning and Traffic Engineering. Both found the findings correct.

Mr. Baillie concluded his presentation by stating that Staff was recommending approval of the request to modify the conditional zoning restrictions for the reasons as stated on the agenda and in the staff report.

Commission Questions – Mr. Penn asked about the process if the Planning Commission decided to allow the drive-through here. He asked if the Planning Commission's decision be forwarded to Urban County Council for approval. Mr. Baillie indicated that a request to amend conditional zoning restrictions follows the same process as a zone change where the Planning Commission makes a recommendation and then the Council will make the final decision.

Staff Development Plan Presentation – Mr. Martin oriented the Planning Commission to the location of the subject property and highlighted the revised conditions. Mr. Martin noted the property's proximity to and the impact of the floodplain. Additionally, Mr. Martin stated that applicant had done a significant amount of up front work with Engineering on this site, and highlighted the development that will go on the site, as well as the proposed ingress and egress for the property.

Mr. Martin discussed the initial concerns of access onto Versailles Road, and the modified design presented to the Planning Commission was reviewed and approved by the Staff, Traffic Engineering, and Transportation Planning. He also states that the proposed design alleviates the concerns of left hand turns out of the property onto Versailles Road. Mr. Martin concluded that with these revisions, Staff is recommending approval.

Commission Questions – Mr. Penn asked that if the coffee shop fails, would this property still have the ability to have a drive-through facility. Mr. Martin indicated that they would.

Staff Variance Presentations – Mr. Baillie oriented the Planning Commission to the variance request, stating that the applicant has amended their request to seek a lesser variance, but still are requesting to increase the maximum front yard setback from 20 feet to 26 feet. Mr. Baillie discussed the initial area of concern, where the

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

applicant wanted to have a patio area, as well as a point of service. The applicant proposes to cover the front patio with a canopy, which reduces the variance request.

Mr. Baillie indicated that due to the applicant's justification, proximity to the floodplain, as well as the traffic circulation solutions the variance allows, staff is recommending approval of this variance.

Commission Questions – Mr. Michler stated that the development plan looks like a very typical drive-through circulation and was not sure why that has anything to do with the floodplain. Mr. Michler continued, stating that it seems like this is an automobile-centric development, when we are looking to add more pedestrian connections in the B-1 zone and asked Mr. Baillie to address that apparent conflict.

Mr. Baillie stated that due to the floodplain, having access into the property, as well as a full activation of the front wall plane to the streetscape the site is difficult to work with. Mr. Baillie cited very similar examples at the Wendy's and Andy's Frozen Custard on South Broadway.

Applicant Presentation – Branden Gross, attorney for the applicant, stated that a lot of work between many people has led to numerous modifications to bring the development to where it is today. Mr. Gross indicated that he is in agreement with Staff and can answer any questions from the Planning Commission.

Commission Questions – Mr. de Movellan asked about the parking spaces on the site and if those who park will have to circle through the drive-through before they can exit. Mr. Gross indicated that they would not and that due to traffic flow concerns they added a stub in the rear of the property that could connect to the adjoining property and would provide a future connection to Parker's Mill if it were to become available.

Public Comment – Paula Singer, 110 Hamilton Park, gave a short presentation on development in the immediate vicinity. She stated that she objects to this development because the neighborhood has changed and no longer need establishments that are focused on the traveling public.

Austin Wilkerson, 2484 Versailles Road, stated that he was concerned with the "traffic nightmare" that this would cause to an already dangerous roadway. He stated he has seen seven accidents outside his house.

Amy Clark, 628 Kastle Road, stated she was against this development and stated that this looks like a B-3 zone to her. She also said she supported the statement provided by Ms. Singer.

Applicant Rebuttal – Mr. Gross indicated that he had seen the information that Ms. Singer presented and a significant amount of the modifications they have made are in line with the streetscape information that she presented. Regarding Mr. Wilkerson's comments about traffic, Mr. Gross pointed to the Traffic Impact Study and said that there will be no major new traffic from this development. Mr. Gross ended his comments by stating that the building that they have proposed is not large enough for a high volume drive-through facility like a McDonalds to come in if this development were to fail.

Commission Questions – Mr. Michler asked about the variance request, stating that earlier Mr. Gross had stated that the request could be met with hardscaping and other aspects. Mr. Gross stated that he did not mean it in that way, he was stating that the applicant could use hardscaping to comply with the maximum build to line, and meet the linear discussions in the Comprehensive Plan.

Ms. Worth stated that she thought the applicant had done all that they can for that property, and asked Staff if this development is appropriate for the context of the Versailles Road/ Cardinal Valley Small Area Plan. Mr. Baillie indicated that this property is outside of that plan, but the site has taken into account some of the recommendations from the plan.

Public Rebuttal – Ms. Amy Clark stated that a Traffic Impact Study is based on a presumed use and it would be foolhardy to change a zone based on a presumed use that may or may not continue.

Ms. Paula Singer stated that while this development is not in the Small Area Plan boundaries, it is at the entrance of the neighborhood and corridor, and sets the tone of the neighborhood. She remains against the development.

Commission Comment – Mr. Michler stated that half of this lot is in the natural area that is in a floodplain and he is sorry to see that the applicant is not engaging that space. Mr. Michler added that as we try to redevelop

and bring new businesses in that trying to fit a drive-through facility where they do not fit does not justify moving our building lines on the variance request. He ended his comments saying he did not think the development plan was in keeping with our regulations.

Mr. Penn stated that his concern was that the applicant does not have the backdoor out of the property the way that the Starbucks next to the site has. Mr. Penn ended his comments by saying this application was “seven pounds of flour in a five pound sack.”

Ms. Barksdale asked what the plan was for the adjacent property to the immediate west of the site, toward New Circle Road. Mr. Baillie indicated that the property was zoned R-1A and a significant amount of the site is located within the FEMA floodplain, which is a hindrance to any future development.

Ms. Meyer stated that she appreciates what the applicant has tried to do and how they have worked hard to make it work, but she really questions this location. She has concerns about the drive-through staying if the coffee shop does not come to fruition, and she wonders if the building could be made bigger in the future.

Action – A motion was made by Ms. Worth, seconded by Mr. de Movellan and failed 3-5 (Bell, Nicol, and Pohl absent) to approve PLN-MAR-22-00022: Caller Properties, LLC for reasons provided by Staff.

*A five minute recess was requested by Chairman Forester.

Action – A motion was made by Ms. Worth, seconded by Ms. Meyer and carried 5-3 (Bell, Nicol, and Pohl absent) to disapprove PLN-MAR-22-00022: Caller Properties, LLC because there has been no major change of an economic, physical, or social nature on the property that was in existence at the time of conditional zoning restriction prohibiting a drive-through.

Action – A motion was made by Ms. Worth and seconded by Ms. Meyer and carried 6-2 (Bell, Nicol, and Pohl absent) to indefinitely postpone PLN-MJDP-22-00072: FOX PROPERTY.

Action – A motion was made by Ms. Worth and seconded by Ms. Meyer and carried 8-0 (Bell, Nicol, and Pohl absent) to disapprove the variance request for PLN-MAR-22-00022: Caller Properties, LLC because the conditional zoning restriction has been recommended for disapproval and the conditional zoning restrictions prohibit drive-through facilities.

2. 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.

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

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

1. 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:
 - a. 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.
 - b. 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).
 - c. 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.

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 on property located at 5380 Athens Boonesboro Road and associated parking which extends into 5354 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 minimize any negative effect they may have on surrounding property owners; access will be available

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

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 inaccessible 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 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 revised 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.
12. Resolve stormwater management.
13. Resolve access to Athens Boonesboro Road at Doe Run Trail.
14. Resolve design and timing of new proposed access to Athens Boonesboro Road.
15. Resolve sanitary sewer connection and pump station upgrades.
16. Resolve bicycle/pedestrian infrastructure at roadway intersections and bicycle parking.
17. Discuss Placebuilder criteria.

Staff Presentation – Mr. Hal Baillie 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 an Interchange Service Business (B-5P) zone, to a

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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. Mr. Baillie stated that in association with the application, the petitioner is seeking a conditional use permit to allow for the construction of a 6,500 seat soccer stadium. In addition to the proposed stadium, the applicant is also seeking to construct a training facility, a medical treatment facility, and commercial outlots. Mr. Baillie stated the Place-Type was in the Blue Sky Rural Activity Center as designated by the Rural Land Management Plan.

Mr. Baillie gave a brief explanation of the Rural Land Management Plan, as well as the Rural Activity Centers (RACs) and their locations throughout Fayette County. These RACs are hubs of existing employment outside of the Urban Service Area. Mr. Baillie indicated that the policy emphasis of the RAC's is to maximize the potential for jobs while maintaining their boundaries and minimizing impacts on the rural area. Further, Mr. Baillie stated that the applicant is not seeking to modify the boundaries of the RAC in this application.

Mr. Baillie compared and contrasted the intents and allowable uses of the current B-5P zone and the proposed B-3 zone. The B-5P zone focuses on providing resources to the traveling public, while the B-3 zone is intended to blend of the needs of the traveling public and economic development.

Mr. Baillie highlighted the proposed job creation and economic impacts of the proposed development, which would include approximately 300 jobs created and a total annual economic impact within Lexington of \$30 million. Additionally, Mr. Baillie stated the soccer fields, stadium, and the proximity to the interstate would enhance the viability for local, state, and regional sports tournaments and enhance sports tourism within the Lexington-Fayette Urban County.

Mr. Baillie indicated that there were some staff concerns regarding all of the uses available in the B-3 zone. He stated that through the use of conditional zoning restrictions the zone could be appropriate for the area. The staff recommends prohibiting car lots, truck repair shops, pawnshops, and all adult entertainment establishments.

Mr. Baillie concluded his presentation by stating that the Planning Staff is recommending approval for the zone change.

Staff Development Plan Presentation – Ms. Autumn Goderwis oriented the Planning Commission to the location of the subject property and highlighted the revised conditions. Ms. Goderwis indicated that the property is currently accessed through Doe Run Trail and that the applicant is proposing a new access point to the west along Athens Boonesboro Road. She highlighted the location of the proposed 6,500 seat stadium to the southeast of the property, as well as the parking lot, training facility and the soccer fields. Additionally, Ms. Goderwis highlighted the outlots on the property that will accommodate the commercial businesses in the area.

Ms. Goderwis reviewed the cleanup items on the plan that included depicting the contours at 2 foot intervals, denoting the proposed street names, and depicting the existing tree stands.

Ms. Goderwis concluded her presentation stating that Planning Staff was recommending approval for the development plan.

Staff Conditional Use Request Presentation – Mr. Baillie oriented the Planning Commission to the location of the proposed stadium for the conditional use request. Mr. Baillie stated that there are three conditional use requirements within the B-3 zone, which include proximity and access to an arterial roadway, that any outdoor theater screen cannot be visible from any street for a distance of 1000 feet, and that entrances, acceleration lanes, and deceleration lanes shall be provided in conformance with requirements as established by the Urban County Traffic Engineer.

Mr. Baillie indicated that the applicant was complying with these conditions and that Staff is recommending approval subject to conditions.

Commission Questions – Mr. Michler asked if the operational hours would only apply to the public, or if it would also apply to the training facility use as well. Mr. Baillie indicated that the limitation for hours of operation are for the stadium only.

Ms. Meyer asked if this conditional use allows the applicant to lease this land to another user, like a lacrosse tournament. Mr. Baillie stated that Staff was not recommending a singular sport for this use and suggested that the stadium could be used for other sports.

Mr. Davis asked if there were any restrictions considered on live music or festivals. Mr. Baillie stated that the condition that Staff recommends pertains to the hours of operation, if there were to be some sort of festival outside of the stadium they would also need a special permit.

Staff Traffic Impact Study Presentation – Mr. Stuart Kearns provided the findings for the Traffic Impact Study. Mr. Kearns stated that the study looked at the conditions of Athens Boonesboro Road and at the on/off ramps on I-75, and how the proposed new intersection with Athens Boonesboro Road would affect current roadway capacity and operational conditions. At the proposed entrance on Athens Boonesboro Road, Mr. Kearns stated that the Division of Traffic Engineering had reviewed two options for ingress and egress to the site: one with an RCUT and a signal, and another with just a signal. Both options provided safe movement along Athens Boonesboro to and from the site.

Additionally, Mr. Kearns stated that the access point at Doe Run Trail will experience delays with left hand turns, and the movement on the north and southbound interstate ramps will operate at a Level of Service D or better during peak hours. He indicated that this is an acceptable level of service.

Applicant Presentation – Steve Ruschell, attorney for the applicant, stated that they are accepting all of the Staff's recommendations, but wanted to highlight some important points. Mr. Ruschell reiterated their plans for a stadium, soccer fields, their need for a training and medical facilities. Mr. Ruschell stated that the Lexington Sporting Club would be the primary tenet of the site, and would use the stadium for their professional matches and would use the 10 soccer fields for youth regional tournaments. Mr. Ruschell invited Mr. Vince Gabbart, the president of Lexington Sporting Club, to speak more about the team and various programs.

Mr. Gabbart introduced himself and gave an overview of Lexington Sporting Club, stating that they are now the largest youth club in Kentucky and have been in operation for about 9 months. Mr. Gabbart stated that practice for the men's professional team would begin next week and league play begins in March. Mr. Gabbart stated he was very excited for this and wanted to thank Staff for their diligent work.

Mr. Ruschell next introduced Diego DeAngelo, coach for Lexington Sporting Club. He gave a short speech covering his work over the last 20 years and stated that having this stadium is important for the young people of Lexington and could build a community.

Mr. Ruschell ended his presentation stating that they have met their burden of proof and this zone change is in compliance with the Comprehensive Plan, as well as the Rural Land Management Plan, and he could answer any questions.

Commission Questions – Mr. Penn asked if they don't build the soccer stadium in the B-3 zone, would the applicant go back to the B-5P zone. He indicated that he wanted to clear the air given the rumors surrounding this application. Mr. Ruschell stated that he could not answer that question at this point, but that the applicant needs the B-3 zone to have the indoor training and practice facility and medical facilities. Mr. Ruschell concluded that he thought the B-3 zone change stands on its own, with or without the stadium.

Mr. Penn continued stating that he believed that the stadium was not as important as the other things that Mr. Ruschell had named. Mr. Ruschell stated that besides industrial zoning, there was not a zone besides the B-3 zone where a stadium is a conditional use and stated again that the B-3 zone change stands on its own and is important for the applicant.

Mr. de Movellan asked if someone could speak on the lighting and the sound and how the applicant intends to minimize impact on the neighbors. Mr. Brad Boaz, CMW Engineering, stated that the applicant did a lighting analysis on the site so that the stadium could meet all of the Staff's standards, as well as the requirements of the soccer league. Mr. Boaz admitted that there would be a small amount of light spillover onto the interstate, but that it was already lit with large overhead street lights. Mr. Boaz did confirm that no light would spill onto any adjoining residential property.

Ms. Worth asked about the amount, and the quality of the conversations that had taken place between the applicant and nearby residents. Mr. Ruschell stated that he was not aware of any recent conversations that had taken place, but the applicant made themselves available if the residents wanted to speak.

Mr. Davis asked if there are any noise restrictions on the soccer fields. Mr. Baillie indicated that there are restrictions about timing of events and a prohibition on the use of fireworks, but that is coupled with an operational plan.

Citizen Comment – Gloria Martin, 7416 Grimes Mill, stated that allowing B-3 zoning near a Rural Activity Center would open a can of worms that she is not sure that the Planning Commission wants to open. She indicated that there were concerns regarding the proposed use and the agreement with the Rural Land Management Plan. She requested that the Planning Commission consider adding numerous conditions should they approve the proposed rezoning and conditional use.

Judge Julie Goodman, 4998 Athens Boonesboro Road, gave a presentation regarding her opposition and stated that this was not in compliance with the law or the Comprehensive Plan, and that the stadium will never be built. She indicated that the applicant was seeking to bait and switch to allow gambling.

Tom Miller, 271 W Short Street, gave a presentation about his opposition, indicated that he was in agreement with Judge Goodman's presentation, and stated that it was his opinion that the application was not in compliance with the Comprehensive Plan. He stated that the stadium was a "Trojan Horse," and that the applicant was planning on going elsewhere in Kentucky. He indicated that the economic impact was not significant.

Ed Hastie, 141 Ashley Woods Road, gave his history of living at Ashley Woods and stated he was against this proposal because of increased traffic and access to the site.

Don Todd, 153 Market Street, attorney for the Old Richmond Road Neighborhood Association, stated that the Association is against this proposal because there has not been a major change in the area, the existing zoning is appropriate, and there is no compelling need for it.

Andy Pearson, 111 Ashley Woods Road, stated that this was a bait and switch, and that they were going to build the stadium in Jessamine County, and they would bring in sports gambling instead.

Dennis Yalkut, 4990 Athens Boonesboro Road, stated that he was concerned about the traffic that this development will bring.

Melissa Brown, 7211 Grimes Mill Road, stated that she was concerned with the lack of information and wants an Environmental Impact Study done in the area.

James Hodge, 6050 Old Richmond Road, stated that he is against the proposal and that the applicant has not met the burden of proof to justify the rezoning and the proposed development.

Applicant Rebuttal – Mr. Ruschell stated that he did not know where to start, but stated that Staff had found that this plan is in compliance with the Comprehensive Plan and that all those opposed have misread the statute and the ordinance. Mr. Ruschell continued by saying that this was not the Wild West and that a lot of the information and accusations are just wrong.

Mr. Ruschell implored the Planning Commission to look to their Staff, and that those who are in opposition are throwing stuff at the wall and seeing what sticks.

To address concerns about traffic, Mr. Ruschell stated that there was going to be a stoplight or an R-CUT and a stoplight that will provide access and egress to the new road. He stated that Traffic Engineering would not approve a plan that would put anyone in peril. Additionally, Mr. Ruschell indicated that the applicant went with the B-3 zone to allow for increased uses and to allow the training facility next to their soccer fields. Mr. Ruschell also emphasized that they would not be encroaching on any PDR farms or agricultural land.

Mr. Ruschell stated that this development would bring tourism to Lexington and will bring people from all around the region, not just for professional matches, but for regional tournaments for kids.

Mr. Ruschell reiterated the applicant's work with the Staff, and that the Staff were the experts. He stated the Staff know what they are talking about and that a lot of the criticism from the objectors is disingenuous. He concluded his remarks by stating this is an appropriate zone change, it is in compliance with the Comprehensive Plan, they have agreed to the restrictions, and he could answer any questions that the Planning Commission had.

Commission Questions – Ms. Worth asked about the rumor mill and the comment that the stadium was going to be built elsewhere. Mr. Ruschell stated that during the process to find a stadium location, several communities reached out to Lexington Sporting Club about building in other counties, but Mr. Ruschell emphasized that they wanted to be in Lexington. Additionally, Mr. Ruschell said that their client was contractually obligated to build a stadium.

Citizen Rebuttal – James Hodge, 6050 Old Richmond Road, stated that he has the utmost respect for the Staff, but there has been no evidence given for this zone change and gave his own findings for disapproval for the record.

Staff Rebuttal – Mr. Baillie stated that the comments about this being a “bait and switch” simply do not happen in Lexington because of the Planning Commission and Article 21-7(e) of the Zoning Ordinance. That section of the Ordinance gives the Planning Commission the ability to disapprove any major development plan that seeks to modify the essential character of the development as originally proposed during a zone change. Additionally, Mr. Baillie indicated that Rural Land Management Plan calls for this area to be developed for economic development and job production, which has been the focus of Staff's review.

Mr. Baillie stated that the Comprehensive Plan is not a checklist and that Staff stands by their recommendation for the zone change and the conditional restrictions.

Ms. Wade stated that the Staff presenting today is the same Staff that serves the Board of Adjustment and that Mr. Crum and Ms. Goderwis were both in attendance at the last public hearing about the soccer fields. Ms. Wade continued saying that it was very important for Staff to ensure that this development is complimentary to the uses and existing character for that part of our community. Ms. Wade said it is the applicant's responsibility to provide evidence about their conditional use, which they have done. When neighbors come to a meeting, they have to provide evidence to support a finding in order for the Commission to for disapproval.

Additionally, Ms. Wade stated that the Board of Adjustment had the ability to review environmentally sensitive areas, but only in the agricultural zone, which this development is not in.

Ms. Wade stated that she appreciated the proposed conditions for regulating the conditional use, and if the Planning Commission wants to review them, they can. However, Ms. Wade indicated that Staff's recommendations address them already.

Commission Questions and Comments – Mr. Davis asked about the short recess they took earlier for the evidence and findings, and if they could do that now. Mr. Baillie indicated that the Planning Commission is free to talk to their legal counsel at any time to do just that.

Mr. Michler asked if skill games or other types of games are prohibited in this zone. Mr. Baillie stated that those uses are available in racetracks, but they are not allowable within the B-3 zone.

Mr. de Movellan asked when the current zone was put on the property, and if staff had any other recommended restrictions after today and the information provided by the public. Mr. Baillie responded by saying the current zone was place there in 1968 to create a resort development that never came to fruition. Regarding the 2nd question, Mr. Baillie stated that a lot of the restrictions are already taken care of by the Zoning Ordinance, but Ms. Wade indicated that one potential restriction that could be considered by the Commission is to maintain the existing trees along the interstate.

Ms. Tracy Jones confirmed what Mr. Baillie stated, that there was no provision that allows casinos, gambling, or anything like that.

Ms. Meyer asked for clarification on concern expressed for this property becoming a B-3 zone, and what ramifications would come with this happening. Mr. Baillie stated that Staff's position is that Rural Land

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Management Plan and the Comprehensive Plan push for increased economic development in this area and no residential zones. That leaves 5 zones for this area, and Mr. Baillie reiterated that Staff is recommending the B-3 zone and would provide an amenity to the community.

Ms. Meyer asked does it set a precedent for other B-5P zones to become B-3 zones. Mr. Baillie indicated that it would not.

Mr. Michler stated adding the stadium to the sports fields makes a lot of sense, and that he likes the idea of being flexible with uses along our developed areas. Mr. Michler stated that he found it personally disturbing that in the 50 acres, they could not find a single tree to remain or how the applicant could create a development that incorporated the more natural elements that make this area of Lexington so beautiful.

Mr. Penn stated that he was very hesitant to say a lot about this application but all he knows is that this soccer stadium belongs in Fayette County, but no matter how they vote, someone is going to walk out of the meeting upset with you. Mr. Penn stated he was having a hard time disagreeing with Staff on this application and he will support the application, but he does so with great reservations.

Mr. Davis stated he agreed with everything that Mr. Penn said, but he was ultimately going to vote for approval, but with great reservations.

Action – A motion was made by Mr. de Movellan, seconded by Ms. Barksdale and carried 8-0 (Bell, Nicol, and Pohl absent) to approve PLN-MAR-22-00023: IVCP ATHENS SOUTH LLC for reasons provided by Staff.

Action – A motion was made by Mr. de Movellan, seconded by Ms. Worth and carried 8-0 ((Bell, Nicol, and Pohl absent) to approve PLN-MJDP-22-00073: BOONESBORO MANOR (INTERSTATE PARK) (AMD) with the 19 revised Staff conditions.

Action – A motion was made by Mr. de Movellan, seconded by Ms. Barksdale and carried 8-0 (Bell, Nicol, and Pohl absent) to approve the Conditional Use for a stadium for reasons provided by Staff, and subject to the recommended 10 conditions.

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

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

A. PUBLIC HEARING ON GOALS AND OBJECTIVES OF COMPREHENSIVE PLAN – The staff will request the Planning Commission take action to formally amend the 2023 Meeting & Filing Schedule to add a public hearing on Thursday, February 16, 2023, beginning at 1:30 p.m., to consider adopting the Goals and Objectives of the Comprehensive Plan - *Imagine Lexington 2045*.

Action – A motion was made by Mr. Penn and seconded by Ms. Worth and carried 8-0 ((Bell, Nicol, and Pohl absent) to formally amend the 2023 Meeting & Filing Schedule to add a public hearing on Thursday, February 16, 2023, beginning at 1:30 p.m., to consider adopting the Goals and Objectives of the Comprehensive Plan - *Imagine Lexington 2045*.

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 FEBRUARY 2023

Subdivision Committee, Thursday, 8:30 a.m., in 3 rd Floor Conf Room, Phoenix Building	February 2, 2023
Zoning Committee, Thursday, 1:30 p.m., in 3 rd Floor Conf Room, Phoenix Building	February 2, 2023
Subdivision Items Public Hearing , Thursday, 1:30 p.m. in Council Chambers, 2 nd Floor, Gov't Center.....	February 9, 2023
Work Session, Thursday, 1:30 p.m., in 3 rd Floor Conf Room, Phoenix Building	February 16, 2023

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Technical Committee, Wednesday, 8:30 a.m., in 3rd Floor Conf Room, Phoenix Building..... February 22, 2023
Zoning Items Public Hearing, Thursday, 1:30 p.m, in Council Chambers, 2nd Floor, Gov't Center February 23, 2023

X. ADJOURNMENT

TW/HB/RS-1/20/23

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