MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION & ZONING ITEMS
October 12, 2023

I. **CALL TO ORDER** – Vice Chair Zach Davis called to order at 1:36 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.

II. **ATTENDANCE** – Planning Commission members present were Zach Davis, Judy Worth, Janice Meyer, Graham Pohl, Ivy Barksdale, Robin Michler, William Wilson, Mike Owens, and Bruce Nicol. Planning staff members present were Jim Duncan, Traci Wade, Tom Martin, Daniel Crum, Cheryl Gallt, Autumn Goderwis, James Mills, and Paula Schumacher. Other staff present were Tracy Jones, Department of Law; David Filiatreau, Division of Traffic Engineering; Vaughan Adkins, Division of Engineering; and Greg Lengal, Division of Fire and Emergency Services.

At this time, Mr. Davis announced that the computer system was not working correctly, so hand votes would be taken.

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

A. PLN-FRP-23-00019: COLEMAN PROPERTY (CLARION CONVENTION CENTER) (AMD) (10/9/23)* – located at 1950 NEWTOWN PIKE, LEXINGTON, KY
Council District: 2
Project Contact: Thoroughbred Engineering

Note: The Planning Commission postponed this item at the August 10, 2023 and September 14, 2023 meetings.

The Subdivision Committee Recommended: **Postponement.** There are questions about required setbacks and frontages.

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.
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. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Denote: This property shall be developed in accordance with the approved final development plan.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. United States Postal Service Office's approval of kiosk locations or easement.
10. Correct Planning Commission certification.
11. Correct owner's certification.
12. Addition of Urban County Engineer's certification.
13. Delete building information.
14. Addition of lots 3, 4, & 6 to plat and denote parcel lines with a solid line.
15. Addition of private utility providers per Article 5-4(e).
16. Addition of maintenance note per Article 5-4(g).
17. Revise access easement to provide required frontage of 40 feet.
18. Provided the Planning Commission makes a finding on the proposed access easement.
19. Revise plan title to match staff report.
20. Addition of Coleman Court, Newtown Pike, and interstate cross-sections.
21. Discuss timing of proposed building demolition.
22. Discuss required 20' front yard setback.

Applicant Representation – Daniel Rehner, Thoroughbred Engineering, was present to represent the applicant. He requested a one month postponement.

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

Action – Mr. Owens made a motion, seconded by, Ms. Meyer and carried 9-0 (Forester absent) to postpone PLN-FRP-23-00019: COLEMAN PROPERTY (CLARION CONVENTION CENTER) (AMD) to the November 9, 2023 meeting.

B. PLN-MJDP-23-00059: COLEMAN PROPERTY (NEWTOWN PIKE HAMPTON INN & SUITES) (AMD) (12/4/2023)* - located at 1880 NEWTOWN PIKE and 1480 COLEMAN COURT, LEXINGTON, KY
Council District: 2
Project Contact: Thoroughbred Engineering

Note: The purpose of this amendment is to add drop off area and canopy, add parking, and revise circulation with an agreement with adjacent property.

The Subdivision Committee Recommended: **Postponement.** There are questions regarding meeting Articles 16 & 26 of the Zoning Ordinance.

Should this plan be approved, the following requirements 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. Addition of bearings and distances on all property lines.
14. Dimension driveway access points, walkways, and canopy.
15. Addition of proposed and existing utility easements.
16. Clarify floor area.
17. Discuss improvements to Coleman Court.
18. Discuss the 41 parking spaces and agreement.
19. Discuss the removal of 13 significant trees by DBH (diameter at breast height) size.
20. Discuss origin and status of access easement.
21. Addition of access easement maintenance note.

Applicant Representation – Daniel Rehner, Thoroughbred Engineering, was present to represent the applicant. He requested a one month postponement.

Action – Ms. Worth made a motion, seconded by, Mr. Wilson and carried 9-0 (Forester absent) to postpone PLN-MJDP-23-00059: COLEMAN PROPERTY (NEWTOWN PIKE HAMPTON INN & SUITES) (AMD) to the November 9, 2023 meeting.

C. PLN-MJDP-23-00064: BELMONT FARM (CITATION CENTRE) (AMD) (12/4/2023)* - located at 2450 GEORGETOWN ROAD, LEXINGTON, KY
Council District: 2
Project Contact: Vision Engineering

Note: The purpose of this amendment is to depict 66,070 square feet of commercial space and parking circulation.

The Technical Committee Recommended: **Postponement**. The proposed development does not comply with Article 12 of the Zoning Ordinance.

Should this plan be approved, the following requirements 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. Addition of purpose of amendment note.
14. Addition of conditional zoning restrictions.
15. Correct plan title to match staff report.
16. Improve plan legibility for bearings and distances.
17. Addition of record plat information.
18. Addition of topography elevations on amendment.
19. Addition of dimensions on access points.
20. Denote construction access point.
21. Addition of street cross-section and location on plan face.
22. Addition of building line setback per plat M-165.
23. Consolidation of property to create one lot.
24. Addition of proposed and existing easements.
25. Denote review and recommendations for the Royal Springs Aquifer recharge area.
26. Denote plan shall comply with Georgetown Road Landscape Ordinance.
27. Addition of pedestrian access between structures for multi-modal accommodations per Article 12-8(h) of the Zoning Ordinance.
28. Addition of arterial screening easement along Citation Boulevard.
29. Denote the maintenance responsibility of walking trail.
30. Discuss the proposed access to Citation Boulevard.
31. Discuss compliance with B-6P zone minimum floor area ratio of 0.40.

Applicant Representation – Matt Carter, Vision Engineering, was present to represent to applicant. He requested a one month postponement to work out the issues with the plan.

Action – Ms. Barksdale made a motion, seconded by Mr. Pohl, and carried 9-0 (Forester absent), to postpone PLN-MJDP-23-00064: BELMONT FARM (CITATION CENTRE) (AMD) to the November 9, 2023 meeting.

D. PLN-MJDP-23-00030: KINGSTON HALL, UNIT 1, LOT 8 (AMD) (10/9/2023)* - located at 1061 PROVIDENCE PLACE PARKWAY, LEXINGTON, KY
Council District: 12
Project Contact: Barrett Partners Inc.

Note: The purpose of this amendment is to revise the proposed development on the lot.

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

Note: The Planning Commission postponed this item at the June 8, 2023, July 13, 2023, August 10, 2023, and September 14, 2023 meetings.

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

The Subdivision Committee Recommended: **Postponement**. There are question regarding the compliance with Article 23A of the Zoning Ordinance.

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. Provided the Planning Commission finds the plan complies with the Expansion Area Master Plan.
14. Denote proposed and existing easements.
15. Denote Exactions to the approval of the Division of Planning.
16. Discuss stormwater management.
17. Discuss proposed access points to Providence Place Parkway.
18. Discuss compliance with supportive use regulations established in Article 23A-10(j)(12) of the Zoning Ordinance.

Applicant Representation – Tony Barrett, Barrett Partners, Inc., was present to represent the applicant. He requested a one month postponement.

Action – Mr. Pohl made a motion, seconded by Mr. Owens, and carried 9-0 (Forester absent), to postpone PLN-MJDP-23-00030: KINGSTON HALL, UNIT 1, LOT 8 (AMD to the November 9, 2023 meeting.

E. PLN-MJDP-23-00058: KINGSTON HALL, UNIT 2, LOT 4 (12/4/2023)* - located at 1171 PROVIDENCE PLACE PARKWAY, LEXINGTON, KY
Council District: 12
Project Contact: Barrett Partners Inc.

Note: The purpose of this plan is to depict development of a hotel.

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

The Subdivision Committee Recommended: **Postponement**. There are questions regarding addition of entire development plan information for the Kingston Hall development.

Should this plan be approved, the following requirements 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.

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

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 review and recommendation of Royal Springs Aquifer Committee.
14. Revise plan to include total development plan information for Kingston Hall.
15. Dimension proposed building envelope.
16. Denote exactions to the approval of the Division of Planning.
17. Provided the Planning Commission makes a finding that the plan complies with the Expansion Area Master Plan.
18. Discuss stormwater management.
19. Discuss proposed access from Providence Place Parkway.

Applicant Representation – Tony Barrett, Barrett Partners, Inc., was present to represent the applicant. He requested a one month postponement.

Action – Ms. Worth made a motion, seconded by Ms. Meyer, and carried 9-0 (Forester absent), to postpone PLN-MJDP-23-00058: KINGSTON HALL, UNIT 2, LOT 4 to the November 9, 2023 meeting.

F. PLN-MJDP-23-00050: WOLF RUN INDUSTRIAL PARK, BLOCK A, LOT 1 (FRANKFORT COURT STORAGE FACILITY) (AMD) (11/5/23)* - located at 2262 FRANKFORT COURT, LEXINGTON, KY
Council District: 11
Project Contact: RMJE

Note: The purpose of this amendment is to depict layout and circulation for 53 storage units.

Note: The Planning Commission postponed this item at the September 14, 2023 meeting.

The Subdivision Committee Recommended: **Postponement**. There are questions regarding meeting Article 21 of the Zoning Ordinance and Old Frankfort Pike Landscape Ordinance.

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

1. Urban County Engineer's acceptance of drainage, storm and 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. Addition of written scale.
14. Correct plan title to match staff report.
15. Correct plan type "Amended Final Development".
16. Boundaries of property should be solid bold line and adjacent property boundaries should be dashed.
17. Addition of adjacent property information.
18. Dimension access points and parking.
19. Denote height of building in feet.
20. Denote the DBH (diameter at breast height) of all trees per Article 26 of the Zoning Ordinance.
21. Denote farm entrance from Old Frankfort Pike to be removed.

22. Discuss the type and size of oak tree(s) on plan.
23. Discuss Old Frankfort Pike Landscape Ordinance relationship to open usable space.
24. Discuss how to resolve conflict between building and retention easement.
25. Discuss gates to be located 40' from property boundary.

Staff Comments – Mr. Martin informed that Planning Commission that the applicant had requested a one month postponement.

Action – Mr. Pohl made a motion, seconded by Ms. Barksdale, and carried 9-0 (Forester absent), to postpone PLN-MJDP-23-00050: WOLF RUN INDUSTRIAL PARK, BLOCK A, LOT 1 (FRANKFORT COURT STORAGE FACILITY) (AMD) to the November 9, 2023 meeting.

IV. LAND SUBDIVISION ITEMS – The Subdivision Committee met on Thursday, October 5, 2023 at 8:30 a.m. The meeting was attended by Commission members Ivy Barksdale, Judy Worth, Janice Meyer, and Mike Owens. Other Committee members present were Vaughan Adkins, Division of Engineering; and Steven Parker, Division of Traffic Engineering. Staff members in attendance were: Traci Wade, Tom Martin, Daniel Crum, Cheryl Gallt, Autumn Goderwis, Paula Schumacher, Greg Lengal, Division of Fire and Emergency Services; and Chris Dent; Division of Water Quality. 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.

Ms. Wade read the Consent Agenda.

1. PLN-MJDP-23-00049: HAMBURG PLACE FARM, LOT 5F (PLAUDIT PLACE) (AMD) (11/5/23)* - located at 1872 PLAUDIT PLACE, LEXINGTON, KY
Council District: 6
Project Contact: Thoroughbred Engineering

Note: The purpose of this amendment is to add 3,240 square feet to the existing building and revise parking layout.

Note: The Planning Commission postponed this item at the September 14, 2023 meeting.

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.

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

6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Greenspace planner's approval of the treatment of greenways and greenspace.
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. Correct site statistics to include new square footage, addition of missing information, and correct lot numbers.
12. Denote pedestrian access to right-of-way.
13. Denote compliance with open space per Article 20 of the Zoning Ordinance.
14. Modify area of detention basin on Lot 5E.

2. <u>PLN-MJDP-23-00053: MORNINGSIDE MARKET (AMD)</u> (12/4/2023)* - located at 819 NATIONAL AVENUE, LEXINGTON, KY
Council District: 3
Project Contact: The Roberts Group

<u>Note</u>: The purpose of this amendment is to modify use of a portion of the project, modify right-of-way and revise site statistics.

<u>Note</u>: This plan requires the posting of a sign and an affidavit of such.

<u>The Subdivision Committee Recommend: **Approval**</u>, subject to the following revised 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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
8. United States Postal Service Office's approval of kiosk locations or easement.
9. Update site statistics to include all buildings and/or uses.
10. Add I-1 to list of zoning in site statistics.
11. Resolve timing and status of improvements per notes #19, #20, and #21.

3. <u>PLN-MJDP-23-00057: JERRICO INC. PROFESSIONAL OFFICE PROJECT, LOT 2 (AMD)</u> (12/4/2023)* - located at 3475 BLAZER PARKWAY, LEXINGTON, KY
Council District: 7
Project Contact: Banks Engineering

<u>Note</u>: The purpose of this amendment is to add parking spaces, and reduce open space.

<u>The Subdivision Committee Recommended: **Approval**</u>, 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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Greenspace planner's approval of the treatment of greenways and greenspace.

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.

4. PLN-MJDP-23-00061: WEBB PROPERTIES, UNIT 1, BLOCK A, OUTLOT 2 (AMD) (12/4/2023)* - located at 2350 NORMAN LANE, LEXINGTON, KY
Council District: 10
Project Contact: CMW

Note: The purpose of this amendment is to depict development of a restaurant with drive-through, and revise parking.

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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Greenspace planner's approval of the treatment of greenways and greenspace.
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. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
11. United States Postal Service Office's approval of kiosk locations or easement.
12. Addition of Nicholasville Road cross-section at property.
13. Addition of existing and proposed easements.
14. Adjust purpose of amendment.
15. Addition of usable and vegetated open space per Article 20 of the Zoning Ordinance.
16. Addition of 8' Vehicular Use Area screening per Article 18 of the Zoning Ordinance.
17. Addition of access easement maintenance note.
18. Modify order point to meet vehicle stacking per Article 16-9 of the Zoning Ordinance.
19. Resolve the current building line setback per plat M-419.
20. Resolve VUA (Vehicular Use Area) in the front yard.

Action – Mr. Wilson made a motion, seconded by Ms. Barksdale, and carried 9-0 (Forester absent) to approve the consent agenda as presented.

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.

Commission Comments – Mr. Davis asked staff if there were any documents that the Planning Commission did not have access to, due to the technical difficulties at the time. Ms. Wade replied that they were given paper copies of everything they needed for all items except for the zoning item, but if the issue persisted, paper copies of exhibits would be provided.

1. Final Subdivision Plans

A. PLN-FRP-23-00033: HAMBURG EAST, LOTS 1 & 2 (BAPTIST HEALTHCARE CAMPUS) (AMD) (1/3/24)* – located at 2000 POLO CLUB BOULEVARD, LEXINGTON, KY
Council District: 12
Project Contact: CMW

Note: The purpose of this amendment is to subdivide 1 lot into 6 lots.

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

1. Urban County Engineer's acceptance of drainage, storm and 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.
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. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace planner's approval of the treatment of greenways and greenspace.
9. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
10. United States Postal Service Office's approval of kiosk locations or easement.
11. Provided the Planning Commission makes a finding for lot frontage.
12. Denote submittal of 50% infrastructure report to the Planning Commission shall be done prior to certification.

Staff Presentation – Mr. Martin oriented the Planning Commission to the final record plat and the finding request. He explained that the plat was creating easements and lotting. He displayed an aerial photograph of the area that depicted the roads that had been built already. Mr. Martin explained that the applicant had requested a finding regarding the access easement. He informed the Planning Commission that the applicant had submitted their 50% report as required by one of the conditions.

Applicant Representation – Brad Boaz, CMW, was present to represent the applicant. He stated that they were in agreement with the conditions, and asked for approval.

Action – Mr. Wilson made a motion, seconded by Mr. Pohl, and carried 9-0 (Forester absent), to approve PLN-FRP-23-00033: HAMBURG EAST, LOTS 1 & 2 (BAPTIST HEALTHCARE CAMPUS) (AMD) and the associated finding report as presented by staff.

2. Final Development Plans

A. PLN-MJDP-23-00055: SHARKEY PROPERTY (TOWNLEY CENTER) UNIT 1, LOT 15 (AMD) (12/4/2023)* - located at 124 TOWNE CENTER DRIVE, LEXINGTON, KY
Council District: 11
Project Contact: Barrett Partners Inc.

Note: The purpose of this amendment is to add building square footage, revise parking circulation, and relocate dumpsters.

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

<u>The Subdivision Committee Recommended:</u> **<u>Approval</u>**, 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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Greenspace planner's approval of the treatment of greenways and greenspace.
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. Addition of useable and vegetated open space.
11. Discuss new location for dumpster and who it serves.

<u>Staff Representation</u> – Ms. Gallt presented the development plan. She displayed the plan, pointed out the area of building addition, and noted the new location for the dumpsters that was proposed. She pointed out that the dumpsters would serve businesses that would not have a sight line to the dumpsters. She shared staff concerns regarding employee safety due to this location.

<u>Applicant Representation</u> – Attorney Dick Murphy, and Tony Barrett, Barrett Partners, Inc., were present to represent the applicant. Mr. Murphy stated that the applicant understood the concerns over the dumpster location and took them seriously. He displayed some exhibits showing the new dumpster location. He pointed out that, while the business themselves could not see the dumpsters, but there were sightlines from the parking lot, adjoining hotel, and Hatter Drive. He then displayed a rendering of the light distribution within the property, including some new lighting that would be added for additional safety. He also addressed concerns about circulation for dumpster service, and felt that the pickup pattern will be better than it is currently.

<u>Commission Questions</u> – Mr. Michler requested more information about the dumpster locations, and which customers used them. Mr. Murphy replied that each retailer had different needs, including a dumpster that recycled, and one that had a compactor.

Ms. Barksdale iterated that her concern was the lack of sightlines for Starbucks and Drakes employees that could not be seen by their co-workers when taking the trash to the dumpsters. Mr. Murphy stated that while there was no line of sight for the particular businesses mentioned, it was a wide open area where anyone that is in the parking lot could clearly see the dumpster area.

<u>Staff Comments</u> – Ms. Gallt stated that staff suggested the discussion item could be changed to read "Relocate dumpsters to the approval of solid waste, traffic, and pedestrian planner".

<u>Commission Comments</u> - Ms. Barksdale asked how solid waste felt about the dumpster locations, because the issue did not get resolved at the Subdivision Committee, and agreed with the alternative condition. Ms. Gallt replied that the Solid Waste representative was not present ant the Subdivision Committee, so she did not know their position on dumpster location.

Mr. Michler asked if it was possible to get the three divisions together to come to a consensus. Ms. Gallt mentioned that the Division of Traffic Engineering did state their concern of circulation.

<u>Staff Comments</u> – Mr. Martin stated that while solid waste, traffic engineering, and pedestrian planner were all required sign offs, this extra condition would have them get together to make sure the dumpster locations worked well for everyone.

<u>Commission Questions</u> – Mr. Owens felt that since the three were all sign offs, so there was no need for the extra conditions. He was comfortable with changing condition #11 to "Resolve".

Ms. Barksdale reiterated that having the extra condition would have the 3 divisions specifically look at the dumpster location issue.

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Mr. Owens stated that changing Condition #11 to resolve would give the issue the attention that was needed.

Mr. Michler asked if there was an additional dumpster being added and if each business had to have their own. Ms. Gallt stated that Waste Management decided how many dumpsters were required for a location. Applicant Comments – Mr. Barrett stated that there no additional dumpsters being added, but they would be relocated.

Action – Mr. Owens made a motion, seconded by Ms. Meyer, and carried 9-0 (Forester absent), to approve PLN-MJDP-23-00055: SHARKEY PROPERTY (TOWNLEY CENTER) UNIT 1, LOT 15 (AMD) as presented by staff, changing #11 from "Discuss" to "Resolve".

Commission Comment - While seconding the motion, Ms. Meyer asked solid waste, traffic engineering, and pedestrian planner to take a good look at this plan before signing off.

B. PLN-MJDP-23-00060: INTERSTATE PARK PROPERTY (IVCP ATHENS SOUTH) (AMD) (12/4/2023)* - located at 5380 ATHENS BOONSBORO ROAD, LEXINGTON, KY
Council District: 2
Project Contact: CMW

Note: The purpose of this amendment is to depict development of a stadium, complimentary commercial development, and proposed lotting.

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

1. Urban County Engineer's acceptance of drainage, storm and 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. Revise site statistics to clearly denote lot coverage and Floor Area Ratio per Article 21 requirements.
14. Provide summary table for entire site in site statistics.
15. Dimension all stadium facilities.
16. Revise proposed tract labels to clarify and match site statistics.
17. Denote proposed lot lines as solid lines.
18. Denote: No Development on Tract #1, Unit 1A, until final development plan has been approved and certified.
19. Re-label TIP to TPP.
20. Discuss need for Board of Adjustment approval for training building access in the A-R zone.
21. Discuss timing of sanitary sewer infrastructure and pump station capacity.
22. Discuss timing of proposed street system.

Staff Presentation – Mr. Martin oriented the Planning Commission to the final development plan. He pointed out the proposed road construction, location of the soccer stadium, and outlot development. He

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pointed to areas of the plan that were not to be developed until a revised plan was approved by the Planning Commission. He said that they could build the outlots that were shown on the plan. He mentioned that the stadium had over 1,000 associated parking spots.

He shared the following revised conditions:

1. Urban County Engineer's acceptance of drainage, storm and 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. Denote Board of Adjustment approval for training building access in the A-R zone.
13. Denote Competition Drive to be constructed in conjunction with the stadium, during the first phase of development.

Mr. Martin explained in detail the need for Board of Adjustment approval for access to the training facility, and that Competition Drive needed to be completed during the first phase of development.

<u>Commission Questions</u> – Ms. Meyer asked for details about Competition Drive, specifically the width and number of lanes. Mr. Martin stated that there would be a full intersection on Athens Boonsboro Road, but the applicant would have to give more detail.

Mr. Owens asked if the completed Competition Drive would have a finished coat of asphalt. Mr. Martin replied that it would be done according to the requirements of the engineering manuals. He added that the applicant would have the opportunity to bond the roadway.

Mr. Michler inquired about the parking configuration. He was concerned that one of the outlots had more parking than others and was concerned that it might be too close to the environmentally protected areas. Mr. Martin replied that the applicant has no specific tenants yet, and did not know why that particular lot had so much parking.

<u>Applicant Representation</u> - Brad Boaz CMW, began his presentation by replying to Commission questions that had been asked. He stated that Competition Drive would be two lanes in and two lanes out, and the intersection would be built to line up with the RCUT turn lanes on Athens Boonsboro Road when they were completed. He also added that the final completion of the road would be bonded. He addressed Mr. Michler' s question about the larger building with the large parking lot, stating that it was planned to be a medical office building. He confirmed that there are no tenants lined up, but would bring any revision to the plan back to the Planning Commission, if a future tenant wished to make a change.

Mr. Nicol asked if there had been thought to putting the structure closer to the streets and the parking behind it. Mr. Boaz replied that they had originally designed the stadium property to front on I-75, but then changed it to front on Dove Run Road, which put most of the parking next to the interstate. He felt that the new layout made better circulation on the property.

Ms. Meyer asked about the screening along I-75, and if it could be widened with more significant trees. Mr. Boaz stated that there would be an average of 67.5 feet of greenspace in between the parking spaces and the interstate. He felt that the greenspace was well over the requirement. He said they were not adding any more trees, but the buffer would be significant. Ms. Meyer replied that she felt that the project was large enough for larger trees. Mr. Boaz was concerned about the likelihood of the trees surviving the first two years and felt that a smaller tree had better chances of survival. Mr. Michler added that it probably had more to do with the quality of the soil.

Mr. Owens asked how many seats would be in the stadium and how many parking spots were planned. Mr. Boaz replied that they were planning on 5,256 seats and 1,204 spaces just for the stadium, but added that all of the parking throughout the property would be shared. Mr. Owens asked what the total property parking spaces. Mr. Boaz replied that there were 1,480.

Mr. Owens asked if a parking structure was ever considered. Mr. Martin replied (inaudible). Mr. Boaz shared that a parking mitigation plan had been done, and there was a bust stop planned, as well as drop off locations for ridesharing.

Mr. Owens asked if CMW had been involved with the design of the previously requested location for the soccer stadium on Newtown Pike. Mr. Boaz stated that they were not involved with the project at that time.

Action - Mr. Nicol made a motion, seconded by Mr. Pohl, and carried 9-0 (Forester absent), to approve PLN-MJDP-23-00060: INTERSTATE PARK PROPERTY (IVCP ATHENS SOUTH) (AMD) with the 13 revised conditions recommended by staff.

V. STAFF ITEMS

A. PERFORMANCE BONDS AND LETTERS OF CREDIT – Mr. Michler made a motion, seconded by Ms. Barksdale, and carried 9-0 (Forester absent) to approve the performance bonds and letters of credit.

B. SRA 2023-1: AMENDMENT TO ARTICLE 4 FOR SURETIES RENEWAL – to update Article 6 of the Land Subdivision Regulations to ensure sureties are renewed as required and to update surety release language to match current practices.

INITIATED BY: Urban County Planning Commission
PROPOSED TEXT: Copies are available from the staff.

The Subdivision Committee Recommended: **Approval**.

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

1. These Land Subdivision Regulation text amendments will clarify matters pertaining to the posting of sureties and warranties, the reduction of said sureties and the release of the surety when all work has been completed and the warranty periods have ended.
2. The text amendments reflect the Division of Engineering and the Department of Public Works ongoing efforts to improve the development process and ensure quality public improvements.

Staff Presentation - Mr. Martin shared the details of the proposed subdivision regulations amendment. He told the Planning Commission that the new amendment would take out several redundancies, and simplify the language. He briefly explained how sureties were released and that process would not be changing.

Action – Ms. Worth made a motion, seconded by, Mr. Pohl and carried 9-0 (Forester absent), to approve SRA 2023-1: AMENDMENT TO ARTICLE 4 FOR SURETIES RENEWAL as presented by staff.

C. PLN-MNDP-23-00019: BURKE, HOCKENSMITH, & MAGGARD, LOT 1 (GOODWILL INDUSTRIES OF KY) (AMD) (10/17/2023)* - located at 1793 ATOMA DRIVE, LEXINGTON, KY
Council District: 2
Project Contact: Arnold Engineering

Note: The purpose of this plan is to depict development of Lot 1.

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

<u>The Staff Recommends: **Approval**</u>, subject to the following revised 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. Greenspace planner's approval of the treatment of greenways and greenspace.
7. Division of Waste Management's approval of refuse collection locations.
8. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
9. United States Postal Service Office's approval of kiosk locations or easement.
10. Denote building height in feet.
11. Denote height of drop-off canopy.
12. Revise plan title to Final Development Plan and remove "Minor."
13. Delete purpose of amendment.
14. Addition of notes 1, 7, 11, 14, 15, & 16 from previous plan, PLN-MJDP-23-00084.
15. Remove notes 1, 4, 7, 8, & 9 regarding construction practices.
16. Addition of tree inventory map list note and tree canopy statistics from PLN-MJDP-22-00084.
17. Remove the name "Goodwill" from plan face and statistics from plan face and statistics.
18. Remove note referencing signage from plan face.
19. Addition of boundaries of property in solid lines and adjacent property in dash lines.
20. Improve legibility of bearings and statistics.
21. The plan shall be reviewed by the Technical Review Committee.

Ms. Gallt oriented the Planning Commission to the development plan. She explained that it was originally submitted as a minor plan, but because there was never a final development plan filed, they had to change this to a final development plan. She said the requested changes included parking and drop off area for donations. She explained the recommendations for approval that included the plan being reviewed by the Technical Committee.

<u>Applicant Representation</u> - Attorney Dick Murphy was present to represent Goodwill Industries of Kentucky. He thanked staff for working through the plan as they changed engineers, and ask the Planning Commission to approve the plan.

Action – Mr. Pohl mad a motion, seconded by Ms. Barksdale, and carried 9-0 (Forester absent), to approve <u>PLN-MNDP-23-00019: BURKE, HOCKENSMITH, & MAGGARD, LOT 1 (GOODWILL INDUSTRIES OF KY)</u> with the conditions presented by staff.

Vice Chair Davis called for a five minute recess at this time to assess the computer issues. The meeting resumed at approximately 2:45 p.m.

VI. <u>**ZONING ITEMS**</u> - The Zoning Committee met on October 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, Robin Michler, Graham Pohl, Zach Davis, and Bruce Nicol. Staff members present were; Traci Wade, Autumn Goderwis, Daniel Crum, Tom Martin, Chris Taylor, and Brittany Smith; Department of Law.

A. <u>**ABBREVIATED PUBLIC HEARINGS ON ZONING MAP AMENDMENTS**</u>
The staff will call for objectors to determine which petitions are eligible for abbreviated hearings.

<u>Abbreviated public hearings will be held on petitions meeting the following criteria:</u>

- 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. 509 E MAIN, LLC ZONING MAP AMENDMENT AND ZEE FAULKNER PROPERTY (AMD) DEVELOPMENT PLAN

a. PLN-MAR-23-00012: 509 E MAIN, LLC – a petition for a zone map amendment from Neighborhood Business (B-1) zone with conditional zoning restrictions to Neighborhood Business (B-1) zone with no conditional zoning restrictions, for 0.485 net (0.666 gross) acres, for property located at 509 E. Main Street.

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 remove the existing conditional zoning restrictions on the subject property to establish a private club use. The use will consist of a membership-only space that will include restaurant and event space, without live entertainment. The applicant is not proposing any external modifications to the existing 10,047 square-foot structure at this time. The site's 2,000 square-foot third floor residential dwelling unit will remain in operation.

The Zoning Committee Recommended**: Postponement**.

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

1. The applicant should provide information regarding neighborhood outreach regarding new conditional zoning use restrictions at this location.
2. The applicant should provide greater information regarding the economic feasibility of the other permitted uses at this location.
3. The applicant should provide information regarding physical or social changes in this portion of the Main Street corridor since the initial 1990 rezoning.

Mr. Crum began his presentation by informing the Planning Commission that he had given them handouts that included several support and opposition letters. He oriented the Planning Commission to the site location and the surrounding zoning. He indicated that the property was included in an H-1 overlay area so it would need approval from the Division of Historic Preservation. He described the details of the request to change the conditional zoning restrictions of the property that were placed on it during a previous zone change in 1990. Mr. Crum stated that the applicant had three separate meetings with the Bell Court Neighborhood Association, of which staff was present for two.

The neighbors had concerns with parking and other use-specific requirements. He listed previous uses of the building, and displayed photographs of the subject property, as well as the development plan. Mr. Crum described the type of use that the applicant was seeking, a private, social, art-based club, and mentioned some similar clubs in Lexington. He stated that staff felt the conditional zoning that was placed on the property was very specific and not how Planning would approach conditional zoning now. Mr. Crum stated that the applicant had made an economic argument to justify the request for a change in the conditional zoning, and staff agreed with their position. He shared the applicants list of proposed restrictions, and listed the following alternative list to address potential equity issues.

A. The permitted uses on the property, as regulated by Section 8-16 of the Zoning Ordinance for the Neighborhood Business (B-1) zone, shall be:

1. Professional services including, but not limited to, financial services, legal services, business offices, medical, and dental offices.
2. Schools for academic instruction.
3. Libraries, museums, art galleries, and reading rooms.
4. Studios for work or teaching of fine arts.
5. Community centers and private clubs.
6. Ticket and travel agencies.
7. Kindergartens, nursery schools and childcare centers.
8. Restaurants and brew-pubs.
9. Establishments for the retail sale of merchandise.
10. Beauty shops and barber shops.
11. Shoe repair, clothing alterations, and tailoring services.
12. Dwelling units.
13. Athletic club facilities.
14. Banquet facilities.
15. Adult day care facilities.
16. Places of religious assembly.
17. Nursing homes, personal care facilities and assisted living facilities.
18. Rehabilitation homes.
19. Day shelters.
20. Establishments for the retail sale of food products.
21. Accessory parking areas.

B. No merchandise for sale will be displayed on the building's porch or in the front or side yards.
C. The Parking lot will be screened from Forest Avenue by the brick wall and landscaping shown on the submitted development plan.
D. Business signage on the property shall be limited to one freestanding sign, with indirect illumination, not to exceed 3 1/2 feet in height, to be constructed of natural materials such as wood and be consistent with the architecture of the principal structure.

Mr. Crum concluded by stating that staff did recommend approval of the staff alternative list of conditional zoning restrictions.

<u>Commission Questions</u> – Mr. Michler asked why there a list of allowable uses rather than restricted uses. Mr. Crum stated that while staff usually does recommend restricted uses, a list of allowable uses was used for clarity in this situation because the original conditional zoning was formatted in this way.

Mr. Michler stated that several neighbors were concerned that the club would restrict access to the neighborhood, and asked Mr. Crum to speak to the concern. Mr. Crum stated that the private club use is a principally permitt4ed use in the B-1 zone, and felt that there was no way to control the type of club. He added that the use could be neighborhood serving, and the Bell Court residents could be part of the club. Staff had to make its recommendation based on the appropriateness of the land use.

Mr. Nicol asked for some clarity on the history of the property. He wanted to know if the fraternity house that was in the location before the conditional zoning was implemented was a legal use of the property at the time. Mr. Crum said that it was his understanding that the fraternity house was operating legally.

Mr. Pohl asked for more information about the neighborhood outreach as well as the physical and social changes on the street. Mr. Crum offered information of the neighborhood meetings that took place. He said the meetings were well attended and the concerns were oriented to the particular use being requested. He further stated that while staff hoped to obtain some guidance on a list of allowable uses, the neighbors were more focused on the timeline of the project and procedural elements of the plan. Mr. Crum added that there was no discussion of the physical or social changes in the area because there only needed to be one change, and the applicant used the economic changes as their justification.

Mr. Nicol asked if there were too many art galleries and suggested that maybe our market could not support more. Mr. Crum said the staff presentation covered macro-level trends in the market, not Lexington specifically, but staff felt that this level of information was sufficient.

b. **PLN-MJDP-23-00052: ZEE FAULKNER PROPERTY (AMD)** (11/5/2023)* - located at 509 E. MAIN STREET, LEXINGTON, KY
Council District: 3
Project Contact: Baron Gibson Design, LLC

Note: The purpose of this plan is to revise conditional zoning restrictions in an existing Neighborhood Business (B-1) zone.

Note: The applicant submitted a revised plan on October 3, 2023. Based on that submittal, staff can offer the following revised recommendation.

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

1. Provided the Urban County Council approves the revised conditional zoning restrictions; 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. Correct note #6, deleting word “resolution.”
6. Discuss on-site drop off location for members and deliveries.

Staff Presentation - Ms. Gallt shared the Development Plan with the Planning Commission and stated the sign-offs that were needed for approval. She mentioned drop-off and pick-up locations were a discussion item that needed to be addressed.

Applicant Representation – Attorney Nick Nicholson was present to represent the applicant. He mentioned that there were several members of the applicant team present as well. He began by displaying a photograph of the subject property and stated that the application came about because the gallery use of the project was insufficient to maintain the building in the manner it deserved. The applicants wanted to find a use that was art-related but make it economically possible.

Field Ladd, co-owner of the property, shared his personal history with the property, and described it as a legacy in his family. He told the Planning Commission the efforts that had been made to preserve the legacy of the property. He stated that the preservation of the property was extremely important to the family, as well as respecting Bell Court.

Tyler Bromagen, spoke about the historic aspect of the building and said that it must be maintained. He described the proposed club to be a culturally diverse, art based social club. He said that there would still be art displayed in the building that would be maintained by Crossgate Gallery. He listed several social events that they envisioned taking place at the club.

Mr. Nicholson continued the presentation. He expressed their complete agreement with the staff alternative list of permitted uses. He said that they were only asking for conditional zoning that would be comparative to most B-1

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zoned property in an historic district. He reemphasized the shift in retail sales to online purchasing and how it had affected his client's ability to maintain the property as they had done previously. He displayed several statistics to back up their position, and he stated that the Crossgate Gallery had to move to a smaller, more maintainable space to be economically viable. He pointed to several properties that could be used for the proposed club, by right, in the immediate area because they did not have the strict conditional zoning. Addressing traffic concerns, Mr. Nicholson said that the owners anticipated only 40-60 trips being added per day, and also mentioned that they had dedicated parking agreements with other nearby properties. He also shared that the Kentucky Transportation Cabinet was planning pedestrian improvements to East Main Street. He stated that the neighborhood mentioned a desire for enhanced landscaping and displayed some renderings of landscaping that they planned to submit to the Board of Architectural Review. He reiterated that they wanted the Bell Court neighbors to enjoy and utilize this property.

Mr. Nicholson discussed the neighborhood engagement including scheduled meetings as well as several emails and phone calls. He said that they wanted to activate an underutilized property and include many of the ideals of the Comprehensive Plan including ridesharing, multi-modal, and an infill type use. He again asked for approval.

<u>Commission Question</u> – Mr. Wilson asked if there was any set criteria for members of the club. Mr. Nicholson said that there was no criteria that he was aware of, and they had no desire to be a country club, but a nice co-working space with multiple learning opportunities.

Mr. Wilson inquired about the number of parking spaces at the property. Mr. Nicholson replied that there were 17 spaces on site, and parking arrangements for over 100 more neraby.

Ms. Worth asked if there would be rental spaces for artists, and Mr. Nicholson said that there would be nothing for rent, rather it would be covered in the membership fee.

Mr. Michler asked what the hours of operation would be. Mr. Nicholson replied that it would be 8:30a.m. – 10p.m. on weekdays and 9 a.m. to midnight on the weekends. He added that they chose those hours to correspond with the hours of the Bell House, and that he could add that as a note to the development plan.

<u>Opposition Representation</u> – Attorney Bethany Baxter was present to represent the Bell Court Neighborhood Association. She submitted and handed out a position statement. She began by sharing the background and objectives of the neighborhood. She said that they wanted to keep the border of the neighborhood preserved. Slides were displayed to point out the amenities within the Bell Court Neighborhood. She shared concerns over increased traffic, pedestrian safety, and drop-off locations. Ms. Baxter stated that the applicant did not meet the burden of significant economic, physical or social change. She believed that the Planning Commission of 1990 made the restrictions to buffer the property from residential neighbors. She disputed the economic data given by the applicant, and said it was not applicable to the area in question. She mentioned several businesses close by that fell under the restrictions that had been placed and would work at the subject property. She stated that there has been no economic change here, and the sale of art was economically viable. She mentioned that the intent of the B-1 zone was to serve the neighborhood and this private club would not do so. She disputed the applicant's claims of neighborhood outreach, and stated that they had not answered the questions that had been submitted. She suggested the list of proposed uses would cause traffic, pedestrian, and nuisance issues. She stated her frustration at the late additions to the proposed uses that were added by staff, and felt that they had no time to consider them. She felt that there would be no time to appeal the development plan if it was approved. She requested that the Planning Commission disapprove the zone change and development plan.

<u>Citizen Comment</u> – Dan Elkinson, 520 Sayre Avenue, shared his love of the Bell Court area. He wanted to protect the neighborhood from homes being turned into businesses. He said that his home backed up to the subject property and asked that the Planning Commission respect the families that live there.

Megan Winfield, 505 E. Main Street, said she lived next door to the property and felt that neighborhood engagement was contradictory to information that she asked before the development plan was filed.

Trish Smith, 212 Bell Court, shared her love of the neighborhood, and stated that she owned units in Clay Villa. She was concerned about the traffic aspects of the plan, especially regarding the residents of Clay Villa and other pedestrians.

Marcy Deaton, 116 Forest Avenue, stated that she lived close to the subject property. She said that it would personally impact her home with too much noise and smell of trash.

Will Coffman, 1460 Grissom Lane, was supportive of the plan. He said that the trend of business on Main Street was going to continue and should be supported.

Ginny Daley, 136 Burley Avenue, spoke for the Fayette County Neighborhood Council. She said that they support the concerns of Bell Court Neighborhood Association and asked the Planning Commission to disapprove the zone change. She was concerned that there would be short term rentals in the property as well.

Keith Lovan, 524 Sayre Avenue, was uncomfortable with the proposed zone change, and felt that traffic issues were his biggest concern.

Kevin Murphy, 141 W. Bell Court, shared his enjoyment of living in the Bell Court neighborhood. He was concerned about the potential conditional uses in the B-1 zone.

Maureen Peters, 535 Russell Avenue, felt that the previous zone change would not have happened without the conditional zoning, and she was concerned about expanding the list.

Bob Babbage, 3013 Tates Creek Road, #104, spoke in support of the project. He compared this project to one in Louisville that had been very successful. He said that there were not going to be 500 members, and there was a parking plan in place. He said that the plan would keep Bell Court special.

Bo Bromagen, 442 N. Limestone, was supportive of the plan. He said it was a group of local residents who wanted to continue investing in the community. He said it would preserve the property.

Greg Ladd, 1101 Fincastle Road, and owner of the property, said the building was wonderful and they wanted to preserve it. He felt that the interior plan that they had planned would be beautiful.

Andrea Mandella, 101 Swigert Avenue, said that the type of retail that had been in use was not maintainable. She supported the zone change, because they would do the right thing with the property.

Jonathan Nunley, 145 Old Cassidy Avenue, was excited about the club and the social aspects that would be offered.

Amy Clark, 628 Kastle Road, felt that if the property was re-zoned, it should go back to the prior zone. She felt there was no demonstrated change to the property. She wanted no transient rental allowed and was concerned about the hours of operation.

Brady Barlow, 505 E. Main Street, was concerned about the number of members that would be in the club, and that it would not serve the neighborhood.

William Meng, 125 Forest Avenue, said that the zoning restrictions were unfathomable and that the antiques market was extremely difficult. He supported the plan.

Applicant Rebuttal – Mr. Nicholson reiterated that this was a property in an H-1 Overlay, so it would have additional protections. He clarified that the rear parking lot would be used for ride sharing and deliveries. He said that there have been changes to the business model for the better, because of the neighborhood interactions. He also reminded the Planning Commission that there would be no exterior building changes. Mr. Nicholson repeated the reasons why they could claim a significant economic change, and also listed several changes that had been made due to neighborhood concerns, such as no smoking and limited outdoor hours. He asked that the Planning Commission take staff's recommendation and approve the restriction changes.

Opposition Rebuttal – Ms. Baxter said that there was too much inconsistent information being provided and other information not provided at all. She believed that the applicant had not presented sufficient evidence that there had been significant economic change. She asked that the Planning Commission protect the neighborhood and reject the proposed zone change.

<u>Staff Rebuttal</u> – Mr. Crum clarified that the plan has not been presented to the Board of Architectural Review and they would have to sign off on issues such as the preservation of tree canopy and additions such as kitchen ventilation. He reiterated that the staff was recommending approval because of the significant economic change, and that they felt the restrictions were unreasonable. He said that the Commission could place conditional zoning requirements regarding hours of operation and outdoor loudspeakers. As proposed, this plan would not allow for any short term rentals.

<u>Commission Questions</u> – Mr. Michler asked for clarification regarding outdoor amplification. Mr. Crum stated that indoor and outdoor live entertainment would not be allowed at all. Mr. Michler asked if that included requesting a conditional use permit from the Board of Adjustment. Mr. Crum confirmed that they could not.

Mr. Pohl shared his thoughts regarding the plan as he had to leave the meeting soon. He said that this is a difficult decision, but felt that there was a significant economic change. He believed that the applicant communication with the neighborhood had been lacking and hoped that it would be improved. He called for strict limitations on noise and hours of operation.

Mr. Pohl left the meeting at this time.

Mr. Michler asked Mr. Nicholson if he was comfortable adding restrictions on the hours of operation. Mr. Nicholson stated that they would be willing to include such a note on the development plan. Mr. Nicholson restated the hours of operation and added that the outdoor areas would be closed at 10 p.m. daily. Mr. Michler also asked Mr. Nicholson to restate that they would not have any short term rentals on the property. Mr. Nicholson did so, for the record.

Mr. Michler stated that he did feel the conditions were very restrictive and that the retail environment had changed considerably since they were imposed. He felt that there needed to be flexibility, and hoped that the neighborhood could be considered more moving forward.

Mr. Owens wished that the supplemental staff report had come sooner, but he did agree with it. He said that the art business was difficult at this time.

Ms. Worth asked if the club could be opened to outside groups or the neighborhood. Mr. Nicholson said that they did want a strong membership from the surrounding neighbors and welcomed them. Ms. Worth stressed that the neighborhood needed to have their questions answered and Mr. Nicholson agreed.

Mr. Davis felt that the conditions that had been imposed were extremely restrictive and the plan was intriguing, but he had reservations, especially regarding the homes that were neighboring the property. He thought there was a path to a yes, but did not think the plan was there yet.

There was some discussion regarding the proper time and place to add restrictions. Ms. Jones clarified the Planning Commission's ability to change the zoning restrictions. She continued by saying that the place to add restrictions would be on the Development Plan.

Ms. Meyer stated that she wished the neighborhood would get more benefit from the redevelopment of the site. She agreed that the conditions were restrictive, but was unsure about the development.

Ms. Barksdale asked if they would see the development plan again. Ms. Jones replied that since it was a final, they would not. Mr. Nicholson said that it was a final development plan, but that the Board of Architectural review would still have to approve it. Mr. Nicholson said that if something was added as a condition, they would have to include it as a note before staff certified the plan.

Ms. Baxter asked the Planning Commission if the development plan could be postponed.

There was some discussion between Ms. Jones and the Planning Commission about the timeline and a postponement.

Mr. Nicholson interjected with a suggestion that they make the development a preliminary plan instead of a final or they could postpone the development plan until after Council voted on the zone change. He said they were happy to bring the plan back so they could discuss the items that had been mentioned.

Ms. Jones and Mr. Martin confirmed that the plan could be changed to a preliminary plan so that the details could be worked out at a later time.

Action – Mr. Nicol made a motion, seconded by Mr. Wilson, and carried 6-2 (Meyer and Davis opposed, Pohl and Forester, absent) to approve the alternative list of conditional zoning restrictions for PLN-MAR-23-00012: 509 E MAIN, LLC with the 21 allowable uses, as listed in the supplemental staff report, and with the findings proposed by staff.
Mr. Nicholson again offered a postponement suggestion on the development plan until after Council had heard the zone change. Ms. Jones stated that it would be difficult to put a date on a postponement because they were unsure of when Council would act.

Action – Mr. Owens made a motion, seconded by Mr. Nicol, and carried 7-1 (Meyer opposed, Pohl and Forester absent) to approve PLN-MJDP-23-00052: ZEE FAULKNER PROPERTY (AMD) as a preliminary development plan, changing condition number 6 and adding two more conditions as listed:

6. Denote on-site drop off location for members and deliveries.
7. Denote: Business hours will be 8:30 a.m. – 10 p.m. on weekdays and 9 a.m. to midnight on the weekends with outdoor spaces closing at 10 p.m. nightly.
8. Denote: There shall be no outdoor speakers.

Before the final vote was taken, Ms. Jones asked Mr. Nicholson to affirm that this was being changed to a preliminary plan and he did so.

VI. COMMISSION ITEMS

A. PFR 2023-4: BLUE GRASS AIRPORT - a Public Facilities Review regarding the construction of two new hangars and expansion of the commercial “fuel farm” for property located at 4000 Terminal Drive.

Ms. Goderwis oriented the Planning Commission to the location of the new hangars and the expansion of the commercial “fuel farm.” She stated that the proposal was in agreement with the Comprehensive Plan as well as the Rural Land Management Plan. She listed the Goals and Objectives that were specifically met with the new construction, and asked if the Planning Commission had any questions.

There were no questions at this time.

Action – Ms. Worth made a motion, seconded by Mr. Wilson, and carried 8-0 (Pohl and Forester absent) finding that PFR 2023-4: BLUE GRASS AIRPORT was in compliance with the Comprehensive Plan.

VII. ADJOURNMENT – The meeting was adjourned at 5:53 p.m.

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Larry Forester

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Janice Meyer

TW/TM/DC/AG/CG/PS

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