

MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION & ZONING ITEMS
December 14, 2023

- I. **CALL TO ORDER** – Chair Larry Forester called the meeting to order at 1:30 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.
- II. **ATTENDANCE** - Planning Commission members present were Larry Forester, Janice Meyer, Graham Pohl, Ivy Barksdale, William Wilson, Robin Michler, Mike Owens, Judy Worth, and Bruce Nicol. Planning staff members present were Jim Duncan, Traci Wade, Chris Taylor, Autumn Goderwis, Hal Baillie, Tom Martin, Daniel Crum, Cheryl Gallt, 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.
- II. **APPROVAL OF MINUTES** – Mr. Wilson made a motion, seconded by Ms. Worth, and carried 8-0 (Davis and Barksdale absent) to approve the September 28, 2023, October 26, 2023, November 9, 2023, and November 30, 2023, minutes.
- III. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – Ms. Meyer made a motion, seconded by Mr. Owens, and carried 8-0 (Davis and Barksdale absent), to approve the performance bonds and letters of credit, as presented.
- IV. **POSTPONEMENTS AND WITHDRAWALS** - Requests for postponements and withdrawals were considered at this time.
- A. **PLN- ZOTA-23-00004: AMENDMENT TO ARTICLE 8-1, OUTDOOR RECREATION IN THE AGRICULTURAL RURAL(A-R) ZONE** – a text amendment to the Zoning Ordinance to amend Article 8 to remove baseball diamond from an accessory use to a conditional use.

INITIATED BY: Dr. Thomas Larkin

PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: **No Action**

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

1. Accessory baseball diamond uses in the A-R zone were examined during the Recreation and Tourism ZOTA in 2014, and at that time, were found to be appropriate to operate in the agricultural areas without any additional conditions. No information has been presented that there has been any substantial change that impacts the appropriateness of this accessory use in this zone, or that the applicant's issue is more widespread.
2. The proposal creates inconsistency between baseball uses and other similar outdoor non-commercial recreational uses.
3. The proposal creates inconsistency between the Agricultural Rural (A-R) zone and other agricultural zones.
4. The proposal would unreasonably restrict individuals wishing to utilize their property for recreational use.

Applicant – Mr. Thomas Larkin, applicant, requested a two-month postponement.

Action – Mr. Owens made a motion, seconded by Mr. Pohl, and carried 8-0 (Davis and Barksdale absent), to postpone **PLN-ZOTA-23-00004: AMENDMENT TO ARTICLE 8-1, OUTDOOR RECREATION IN THE AGRICULTURAL RURAL(A-R) ZONE** to the February 22, 2024, meeting.

Ms. Barksdale arrived at 1:35 p.m.

- B. **PLN-MJDP-23-00064: BELMONT FARM (CITATION CENTRE) (AMD) (12/14/2023)*** - 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.

Note: The Planning Commission postponed this item at the October 12, 2023, and November 9, 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. 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 the applicant. He requested a two-month postponement.

Action - Mr. Pohl made a motion, seconded by Ms. Worth, and carried 9-0 (Davis absent), to postpone PLN-MJDP-23-00064: BELMONT FARM (CITATION CENTRE) (AMD) to the February 8, 2024, meeting.

- C. PLN-MJDP-23-00076: SHRINERS HOSPITAL/MASONIC TEMPLE ASSOCIATION OF LEXINGTON (AMD)
(2/4/24)* - located at 4085 HARRODSBURG ROAD, LEXINGTON, KY
Council District: 9
Project Contact: Vision Engineering

Note: The purpose of this amendment is to depict retail buildings and development of 14 townhomes and 7 single family detached residential lots.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.

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

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 the number of HOA lots in site statistics.
14. Addition of vegetated and usable open space in site statistics.
15. Provided the Planning Commission makes a finding for the use of access easement.
16. Revise type of plan to a preliminary subdivision plan and amended final development plan for Syrnga Drive.
17. Resolve pairing of driveways per Article 16-5(b)(3) of the Zoning Ordinance for attached dwelling units.
18. Discuss compliance with Articles 16, 18 & 20 of the Zoning Ordinance.

Applicant Representation - Matt Carter, Vision Engineering, was present to represent the applicant. He requested a one-month postponement so that they could address concerns regarding open space and parking.

Action - Ms. Meyer made a motion, seconded by Mr. Wilson, and carried 9-0 (Davis absent), to postpone PLN-MJDP-23-00076: SHRINERS HOSPITAL/MASONIC TEMPLE ASSOCIATION OF LEXINGTON (AMD) to the January 11, 2024 meeting.

D. BOTTS/CRAVENS HOMEBUILDERS @ PARADISE, LLC ZONING MAP AMENDMENT AND PLEASANT RIDGE SUBDIVISION, LOT 127 (CAREFREE VILLAGE) DEVELOPMENT PLAN

- a. PLN-MAR-23-00020: BOTTS/CRAVENS HOMEBUILDERS @ PARADISE, LLC (12/31/23)* – a petition for a zone map amendment from a Single Family Residential (R-1B) zone to a Townhouse Residential (R-1T) zone, for 2.53 gross and net acres for property located at 766 Paradise Lane.

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 has requested a zone change from a Single Family Residential (R-1B) zone to a Townhouse Residential (R- 1T) zone order to establish a residential development.

The Zoning Committee Recommended: Postponement.

The Staff Recommends: Disapproval, for the following reasons:

1. The proposal does not meet the intent of the Townhouse Residential (R-1T) zone, which calls for this zone to be located in an area where services and facilities are/will be adequate to serve the anticipated population. Paradise Lane is not sufficient to accommodate the proposed development because it is 12 feet wide, and does not have any urban improvements too support additional urban density.
2. The requested rezoning to a Townhouse Residential (R-1T) zone is not in agreement with the Goals and Objectives, of the 2045 Comprehensive Plan.
 - a. The request fails to provide for positive and safe social interactions in neighborhoods, and does not provide connections for pedestrians and various modes of transportation (Theme A, Goal #3.b)

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- b. The proposed development does not incorporate safe and integrated pedestrian facilities into the proposed development; nor is the proposed development pedestrian-oriented (Theme D, Goal #1.a; Theme A, Goal #3.e).
 - c. The proposed rezoning and associated development does not improve traffic operation strategies (Theme D, Goal 1.d).
 3. The requested rezoning is not in agreement with the following Policies of the 2018 Comprehensive Plan:
 - a. Theme A, Design Policy #1: Utilize a people-first design, ensuring that roadways are moving people efficiently and providing pedestrian infrastructure that is context sensitive to the vehicle environment and land uses.
 - b. Theme A, Design Policy #2: Ensure proper road connections are in place to enhance service times and access to fire and police services for all residents.
 - c. Theme A, Design Policy #5: Provide pedestrian friendly street patterns and walkable blocks to create inviting streetscapes.
 - d. Theme A, Design Policy #10: Provide neighborhood focal points accessible to all residents.
 - e. Theme B, Sustainability Policy #2: Promote roadway, pedestrian and bicycle connectivity.
 - f. Theme B, Sustainability Policy #5: Reduce / discourage vehicle oriented development patterns, such as drive-through businesses within the Urban Service Boundary, especially in the urban core areas. Reduce parking footprints.
 4. The requested rezoning is not in agreement with the Development Criteria of the 2018 Comprehensive Plan. The following Development Criteria are not being met with the proposed rezoning:
 - a. C-L17-1: Development should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.
 - b. A-DS1-2: Direct Pedestrian Linkages to transit should be provided.
 - c. A-DS5-1: Adequate multi-modal infrastructure should be provided to ensure vehicular separation from other modes of transport.
 - d. D-CO1-1: Rights-of-way and multi-modal facilities should be designed to reflect and promote the desired place-type.
 - e. D-CO2-1: Safe facilities for all users and modes of transportation should be provided.
 - f. 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.
 - g. B-RE2-1: Green infrastructure should be used to connect the greenspace network.
 5. There have been no major unanticipated changes of an economic, social or physical nature in the area of the subject property since the adoption of the 2018 Comprehensive Plan.
 6. The applicant has not provided evidence as to why the current zoning is inappropriate and the proposed zonings the appropriate zone for this location.
- b. PLN-MJDP-23-00066: PLEASANT RIDGE SUBDIVISION, LOT 127 (CAREFREE VILLAGE) (12/31/2023)* - located at 766 PARADISE LANE, LEXINGTON, KY
Council District: 7
Project Contact: EA Partners

Note: The purpose of this plan is to depict the construction of 25 townhouses and extending Paradise Lane, in support of the requested zone change from a Single Family Residential (R-1B) zone to a Townhouse Residential (R-1T) zone.

The Subdivision Committee Recommended: Postponement. There are questions regarding improvements to Paradise Lane and meeting the adequate public facilities standards established by the Land Subdivision Regulations.

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

1. Provided the Urban County Council approves the zone change to R-1T; 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 any existing and proposed utilities.

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8. Discuss: Extra parking per Article 16-5 (a)(5)-and 16-5 (b)(4) of the Zoning Ordinance.
9. Discuss: Driveway layout for Lots 14 & 15.
10. Discuss Paradise Lane extension and improvements, and lack of adequate public facilities to the site (Article 6-2 of the Land Subdivision Regulations).
11. Discuss Placebuilder criteria.

Applicant Representation – Rory Kahly, EA Partners, was present to represent the applicant. He requested a one-month postponement so they could resolve issues with off-site improvements.

Action – Mr. Michler made a motion, seconded by Ms. Worth, and carried 9-0, (Davis absent), to postpone PLN-MAR-23-00020: BOTTS/CRAVENS HOMEBUILDERS @ PARADISE, LLC ZONING MAP AMENDMENT and PLN-MJDP-23-00066: PLEASANT RIDGE SUBDIVISION, LOT 127 (CAREFREE VILLAGE) to the January 25, 2024 meeting.

- IV. LAND SUBDIVISION ITEMS** – The Subdivision Committee met on Thursday, December 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 David Filiatreau, Division of Traffic Engineering. Staff members in attendance were Traci Wade, Autumn Goderwis, Tom Martin, Daniel Crum, Cheryl Gallt, James Mills, Paula Schumacher; Greg Lengal and Embry Beatty, Division of Fire and Emergency Services; Tracy Jones, 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.

Ms. Wade read the consent agenda.

1. PLN-MJDP-23-00041: HAMBURG PLACE OFFICE PARK, LOT 5 (UKFCU CORPORATE OFFICE EXPANSION) (AMD) (2/12/24)* - located at 1730 ALYSHEBA WAY, LEXINGTON, KY
 Council District:
 Project Contact: CARMAN

Note: The purpose of this amendment is to add building square footage and revise parking layout.

Note: This plan was approved by the Planning Commission on August 8, 2023. The applicant submitted a request for a continued discussion on November 13, 2023.

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

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

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 dimension to buildings.
 14. Clarify building square footage for existing and proposed.
 15. Resolve possible connection to Brighton Trail.
2. PLN-MJDP-23-00059: COLEMAN PROPERTY (NEWTOWN PIKE HAMPTON INN & SUITES) (AMD) (12/14/2023)* - 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.

Note: The Planning Commission postponed this item at the October 12, 2023 and November 9, 2023 meetings.

The Subdivision Committee Recommended: **Approval**, 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. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 8. Greenspace planner's approval of the treatment of greenways and greenspace.
 9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
 10. Division of Waste Management's approval of refuse collection locations.
 11. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
 12. United States Postal Service Office's approval of kiosk locations or easement.
 13. Improve legibility of bearings and distances on all property lines.
 14. Dimension canopy and plaza/amenity space.
 15. Addition of proposed and existing utility easements.
 16. Addition of building line setback at 20'.
 17. Addition of vehicle use screening on Coleman Court.
 18. Addition of access easement maintenance note.
3. PLN-MJDP-23-00068: HAMBURG PLACE, B-5P & B-6P HIGHWAY COMMERCIAL, OUTLOT 14 (CHIPOTLE RESTAURANT) (AMD) (12/31/2023)* - located at 2200 WAR ADMIRAL WAY, LEXINGTON, KY
Council District: 6
Project Contact: Vision Engineering
Note: The purpose of this amendment is to develop a new outlot with a restaurant, accessory drive-through, and parking.

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

Note: The Planning Commission postponed this item at the November 9, 2023 meeting.

The Subdivision Committee Agenda Recommended: **Approval**, 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. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 8. Greenspace planner's approval of the treatment of greenways and greenspace.
 9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
 10. Division of Waste Management's approval of refuse collection locations.
 11. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
 12. United States Postal Service Office's approval of kiosk locations or easement.
 13. Denote: See Note # 36 in reference to amended building line.
 14. Depict location for street cross-sections on plan face.
 15. Addition of street cross section D-D.
4. PLN-MJDP-23-00072: TUSCANY, UNIT 10, LOT 2 (2/4/24)* - located at 1820 MEETING STREET, LEXINGTON, KY
Council District: 6
Project Contact: EA Partners

Note: The purpose of this plan is to depict layout of 3 buildings with 33 dwelling units, parking, and future subdivision of the property.

The Subdivision Committee Recommended: **Approval**, 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. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 8. Greenspace planner's approval of the treatment of greenways and greenspace.
 9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
 10. Division of Waste Management's approval of refuse collection locations.
 11. United States Postal Service Office's approval of kiosk locations or easement.
 12. Denote exterior yard per Article 9.
5. PLN-MJDP-23-00073: TURFLAND MALL, OUTLOT E (PARLOUR PIZZA) (AMD) (2/4/24)* - located at 2099 HARRODSBURG ROAD, LEXINGTON, KY
Council District: 10
Project Contact: Power of Design

Note: The purpose of this amendment is to depict redevelopment of Outlot E.

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

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

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. Denote changes on the overall plan for the area of amendment.
 12. Update site statistics box to include required and provided open space, both vegetated and useable open space.
 13. Improve plan legibility.
 14. Resolve compliance with the requirements of Articles 16 (parking), 18 (landscaping), and 20 (open space).
6. PLN-MJDP-23-00075: ROSE H. BRIGDEN & MARC MCCLURE PROPERTY, TRACT A & CADENTOWN SUBDIVISION (GENTRY FARM) (AMD) (2/4/24)* - located at 2819 & 2833 LIBERTY ROAD, LEXINGTON, KY
Council District: 6
Project Contact: Vision Engineering

Note: The purpose of this amendment is to depict townhouse development on the site.

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. Denote: All buildings, paving, signs, fences, walls, and retaining walls that are depicted, described, or required on this development plan shall require a separate review and building permit from the Division of Building Inspection prior to construction.
 13. Remove zone line from plan face.
 14. Revise Note #13 to state "Prior to a building permit, a plat shall be filed to consolidate the properties and revise the front setback along Liberty Road".
 15. Denote height of proposed townhouses.
 16. Denote that this plan supersedes PLN-MJDP-23-00025.
 17. Remove incorrect date from Planning Commission certification.
7. PLN-MJDP-23-00077: A-1 SERVICE CENTER & EDSTER PROPERTY (AMD) (2/4/24)* - located at 763 NEWTOWN PIKE, LEXINGTON, KY
Council District: 9
Project Contact: MHL Civil

Note: The purpose of this amendment is to depict flex space development on site.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Landscape Examiner's approval of landscaping and landscaping buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree preservation plan.
 6. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 8. Greenspace planner's approval of the treatment of greenways and greenspace.
 9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
 10. Division of Waste Management's approval of refuse collection locations.
 11. 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: All buildings, paving, signs, fences, walls, and retaining walls that are depicted, described, or required on this development plan shall require a separate review and building permit from the Division of Building Inspection prior to construction.
 14. Revise purpose of development plan note to delete "preliminary".
 15. Denote Royal Springs Aquifer Committee recommendations.
 16. Correct conditional zoning restrictions per the preliminary development plan.
8. PLN-MJDP-23-00078: SANTA BARBARA SUBDIVISION, LOT 3 (AMD) (2/4/24)* - located at 708 MILES POINT WAY, LEXINGTON, KY
Council District: 11
Project Contact: Vision Engineering

Note: The purpose of this amendment is to add buildable area revising parking and circulation.

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 and landscaping buffers.
4. Urban Forester's approval of tree preservation plan.
5. Department of Environmental Quality's approval of environmentally sensitive areas.
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. Clarify use and status of dashed area adjacent to new building.

Action - Mr. Wilson made a motion, seconded by Ms. Worth, and carried 9-0 (Davis 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:

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

- 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 December 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, Zach Davis, William Wilson, Graham Pohl, and Bruce Nicol. Staff members present were: Traci Wade, Autumn Goderwis, Tom Martin, Daniel Crum, James Mills, and Bill Sheehy; as well as Tracy Jones, Department of Law.

A. **ABBREVIATED PUBLIC HEARINGS ON ZONING MAP AMENDMENTS**

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

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

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

B. **FULL PUBLIC HEARINGS ON ZONE MAP AMENDMENTS** - Following abbreviated hearings, the remaining petitions will be considered.

The procedure for these hearings is as follows:

- Staff Reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) Proponents (10 minute maximum OR 3 minutes each)
 - (b) Objectors (30 minute maximum) (3 minutes each)
- Rebuttal & Closing Statements
 - (a) Petitioner's comments (5 minute maximum)
 - (b) Citizen objectors (5 minute maximum)
 - (c) Staff comments (5 minute maximum)
- Hearing closed and Commission votes on zone change petition and related plan(s).

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the hearing. The Chair will announce its decision at the outset of the hearing.

1. **CLEAR OPTIKS, LLC ZONING MAP AMENDMENT AND FIRST SECURITY NATIONAL BANK (AMD) DEVELOPMENT PLAN**

- a. **PLN-MAR-23-00011: CLEAR OPTIKS, LLC** (12/14/23)*— a petition for a zone map amendment from a Professional Office (P-1) zone to Neighborhood Business (B-1), for 0.6130 net (1.04 gross) acres, for property located at 1617 Clays Mill Road.

Note: The Planning Commission voted to continue the public hearing on August 24, 2023 and October 26, 2023.

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.

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

The applicant is seeking to utilize the existing 2,322 square-foot vacant bank structure on the property as a restaurant/ coffee shop. The applicant proposes to continue to utilize the existing accessory drive-through facilities present on the site in order to serve the proposed use. The change in use will be accompanied by a minor change in the parking lot configuration to support a 16-seat outdoor dining area and a total of 18 parking spaces.

The Zoning Committee Recommended: **Approval**.

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

1. The requested Neighborhood Business (B-1) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning addresses the goal of growing successful neighborhoods by supporting infill and redevelopment throughout the Urban Service Area (Theme A, Goal #2.b), while also re-activating a site on one of Lexington's most significant corridors (Theme E, Goal #1.d).
 - b. The proposed project includes a neighborhood-oriented restaurant use that features extensive connections to several pedestrian networks and neighborhoods (Theme A, Goal #3.b)
 - c. By utilizing an already developed site, the proposed development minimizes the disruption of natural features of the site (Theme E, Goal #3.c)
 - d. At the proposed scale, the development provides an accessible, neighborhood level commercial area (Theme A, Design Policy #12).
 - e. The request introduces a neighborhood restaurant use into an area that lacks walkable dining options (Theme A, Density Policy #3).
 - f. The request will maintain the existing sidewalk networks and provide bicycle facilities on-site in order to promote connectivity (Theme B, Sustainability Policy #2).
 2. The justification and corollary development plan are in agreement with the development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the use remains at an appropriate scale for the low density residential and commercial development in this area, provides for a neighborhood scale restaurant use that is not present in the vicinity, and utilizes outdoor dining areas to activate the frontage for pedestrians.
 - b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity as it maintains an extensive pedestrian network that served the previous bank use, and provides for direct and accessible linkages to transit along a major corridor.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, and limits the impacts on the surrounding environment.
 3. This recommendation is made subject to approval and certification of PLN-MJDP-23-00049: FIRST SECURITY NATIONAL BANK (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-23-00043: FIRST SECURITY NATIONAL BANK (AMD) (12/14/2023)* - located at 1617 CLAYS MILL ROAD, LEXINGTON, KY
Council District: 10
Project Contact: Barrett Partners, Inc.

Note: The purpose of this development plan is to convert a bank to a restaurant, in support of the requested zone change from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone.

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

1. Provided the Urban County Council approves the zone change to B-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.

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

3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Landscape Examiner's approval of landscaping and landscaping buffers.
5. Addressing Office's approval of street names and addresses.
6. Urban Forester's approval of tree preservation plan.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
12. United States Postal Service Office's approval of kiosk locations or easement.
13. Denote area for bicycle parking.
14. Discuss Placebuilder criteria.

Staff Presentation – Mr. Daniel Crum provided a brief overview of the application, and the events that took place at the Planning Commission on August 24, 2023, when the item was first presented. Mr. Crum reminded the Planning Commission that the applicant was seeking a zone map amendment from a Professional Office (P-1) zone to Neighborhood Business (B-1) zone, for 0.6130 net (1.04 gross) acres, for property located at 1617 Clays Mill Road. Mr. Crum indicated that the applicant is seeking to rezone the property to establish a restaurant/coffee shop with an accessory drive-through facility. Mr. Crum indicated that the property was rezoned to P-1 in the 1970s, and surrounding properties were reopened to B-1 later in the 1980s.

Mr. Crum highlighted the changes the applicant would be making on the site, including adding an outdoor patio space, and converting several drive-through lanes to parking. Mr. Crum stated that Staff recommended approval at the time of the August 24, 2023 meeting and that the neighborhood concerns at that time stemmed from pedestrian accessibility and the impact it would have on the traffic in the area.

Mr. Crum concluded his presentation by stating that the applicant had not supplied any new information to Planning Staff and that Staff was still recommending approval.

Applicant Representation – Mr. Dick Murphy, attorney for the applicant reiterated what Mr. Crum stated, and stated that all Comprehensive Plans until 2007 designated this site for a commercial use, like a restaurant. Mr. Murphy reminded the Planning Commission that there was a deed restriction on the property that dictated that this property could not be a bank for 10 years. Mr. Murphy noted the addition of bike racks, and an outdoor dining area to make the property more inviting for residents. Additionally, Mr. Murphy stated that this was an adaptive reuse of an existing property and will greatly reduce the carbon footprint and will remain at a neighborhood scale.

Mr. Murphy noted the neighborhood opposition due to lack of pedestrian connectivity and traffic and highlighted the pedestrian connections to the site. Mr. Murphy indicated that they have improved pedestrian connections as much as they could, and indicated that the applicant had met with those opposed and the Division of Traffic Engineering to come to a solution.

Mr. Murphy stated that a safety audit was done by the Division of Traffic Engineering and indicated that the major recommendation from the audit was raised pedestrian refuge in the middle of Clays Mill Road. Additionally, Mr. Murphy indicated that the applicant would help fund adjustments to the intersection of McCubbing Drive.

Mr. Murphy indicated that since this was a breakfast/brunch restaurant, there would be no traffic generated during the afternoon and evening and there would not be an appreciable change in traffic from the applicant. Mr. Murphy concluded his presentation stating that the applicant has gone above and beyond to accommodate the neighborhoods concerns, and asked for the Planning Commission to approve this application.

Commission Questions – Mr. Wilson asked Mr. Murphy what the proposed operating hours would be at this site and Mr. Murphy indicated it would be from 7 AM to 4 PM.

Mr. Pohl asked Mr. Murphy if the pedestrian refuge proposed in the safety audit was likely to happen and what would be the timeline for it. Mr. Murphy stated that he did anticipate the crosswalk would be done and indicated that Mr. Filiatreau could better answer questions on the timeline.

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Citizen Comments – Lynn Flynn, 518 Springhill Drive, spoke on behalf of Picadome Neighborhood Association. While she spoke, she displayed short videos and pictures of the various intersections surrounding the subject property. She said that there was information that was provided to the Commission by Mr. Murphy that they had not seen regarding a traffic study done by the Division of Traffic Engineering. She stated that the traffic was their main concern with the proposal. She also mentioned the pedestrian crossings, proposed drive-through, and hours of operation as challenges to traffic safety in the area. She said that she does not support this development.

Laurie Fields, 411 Picadome Park, stated that the proposal is not neighborhood friendly, especially with the drive-through. She was also concerned with what the property could become if the restaurant was not successful.

Mary Cheney Ringo, 525 McCubbing Drive, shared her concerns about pedestrians crossing the road to the restaurant.

Steve Davis, 511 Woodbine Drive, said that he does not want this business or access to it, because he believed the new traffic would cause too many accidents.

Applicant Rebuttal – Mr. Murphy reiterated that this application would not make a big difference when it comes to the amount of traffic and that the applicant has gone above and beyond when it comes to the pedestrian connections and improvements.

Mr. Chad Voelkert, owner of the property, stated that he met personally with those in the neighborhood who were concerned and promised to advocate for their concerns regarding the crosswalk and traffic calming devices. Mr. Voelkert stated that he believed that this restaurant would only add 2 to 20 trips an hour on a daily basis, of around 40,000 cars on the road a day. He thanked the Planning Commission for their time, and asked for their approval.

Citizen Rebuttal – Steve Davis, 511 Woodbine Drive, stated that in his conversations with neighbors no one is in support of this application, and adding any amount of additional trips will exacerbate an already dangerous road.

Staff Rebuttal – Mr. Crum stated even though there are much larger traffic problems in this area, Staff is still recommending approval because it is in agreement with the Comprehensive Plans goals and objectives.

Commission Questions – Mr. Wilson asked if the new ZOTA would prohibit drive-throughs in the B-1 zone and Mr. Crum indicated that this application would have to be in compliance with the current ordinance requirements, not the future one yet to be approved.

Ms. Worth asked to hear from Mr. Filiatreau about everything that has been proposed. Mr. Filiatreau stated that they did come up with a select amount of recommendations for improvements here and in the surrounding neighborhood. Mr. Filiatreau emphasized that none of these improvements are set in stone, but the Division of Traffic Engineering came up with a good start.

Mr. Michler asked if the improvements were contingent on the zone changing and Mr. Filiatreau stated that they would work on these improvements regardless of the zone change.

Mr. Michler also asked what the process would be given the applicant is willing to give funding for these improvements. Mr. Filiatreau stated that it would be on a note in the development plan, then the funds would go into an account, and the improvements would be scheduled.

Mr. Nicol read an excerpt from staff report when the property became a P-1 that said the limited hours of operation would not adversely affect the traffic in the area. For that reason Mr. Nicol stated he was inclined to approve this application.

Mr. Michler stated that those in opposition have made their point well and that this area is not pedestrian friendly, but they have started a dialogue with the city and it appears that the pedestrian crossings are going to happen to make this a better neighborhood business and would save those in the community a car trip.

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Citizen Comment – Myron Thompson, Fayette County School Board, shared a letter of opposition with the Planning Commission, and stated that this restaurant is targeted to the morning hours, where traffic, particularly that of Picadome Elementary is already backed up.

Action – A motion was made by Mr. Nicol, seconded by Mr. Owens and carried 7-2 (Meyer and Worth opposed) (Davis absent) to approve PLN-MAR-23-00011: CLEAR OPTIKS, LLC for reasons provided by Staff.

Action – A motion was made by Mr. Nicol, seconded by Mr. Owens and carried 7-2 (Meyer and Worth opposed) (Davis absent) to approve PLN-MJDP-23-00043: FIRST SECURITY NATIONAL BANK (AMD) with the conditions proposed by Staff.

2. BLACK SOIL: OUR BETTER NATURE, LLC ZONING MAP AMENDMENT AND GALBRAITH SUBDIVISION, LOTS 19 & 20 DEVELOPMENT PLAN

- a. **PLN- MAR-23-00019: BLACK SOIL: OUR BETTER NATURE, LLC** (12/31/2023)* – a petition for a zone map amendment from a Mixed Low Density Residential (R-2) zone to a Neighborhood Business (B-1) zone, for 0.15 net (0.17 gross) acres, for properties located at 760 and 762 Florence Avenue. This application has a variance request to reduce the required property perimeter landscaping from 15 feet to 0 feet.

Note: The Planning Commission voted to continue this hearing on November 16, 2023.

COMPREHENSIVE PLAN AND PROPOSED USE

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The petitioner is proposing the Neighborhood Business (B-1) zone in order to utilize an existing 1,200 square-foot structure for a grocery store use. The applicant is also proposing removing the on-site parking and replacing it with an outdoor patio area. A sidewalk is proposed through the middle portion of the site that will provide a connection to the community garden located on the adjoining property to the rear at 415 Roosevelt Boulevard. An area for outdoor seasonal events is located to the rear of the property.

The Zoning Committee Recommended: Approval.

The Staff Recommends: Approval, for the following reasons:

1. The requested Neighborhood Business (B-1) zone is in agreement with the 2045 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The request will activate an underutilized parcel within the Infill and Redevelopment Area in order to provide a neighborhood-oriented use (Theme A, Goal #2). The proposed grocery store will supply daily necessities to the immediate area.
 - b. The request will prioritize multi-modal options and de-emphasize single occupancy vehicles with its proximity to transit service, pedestrian connections, and the installation of bicycle facilities (Theme B, Goal#2.d)
 - c. The proposal encourages safe interactions within the neighborhood by creating an accessible neighborhood commercial focal point and gathering space (Theme A, Goal #3). Retail sales of grocery and convenience items allows for residents to shop and interact on a routine basis.
2. The requested Neighborhood Business (B-1) zone is in agreement with the 2018 Comprehensive Plan's Policies, for the following reasons:
 - a. The proposal improves pedestrian safety and utilizes a people first design by removing the substandard parking areas in front of the structure, and providing for additional pedestrian connections. (Theme A, Policy #1)
 - b. At the proposed scale, the development provides an accessible, neighborhood level commercial area and gathering space (Theme A, Design Policy #12; Theme A, Policy #10).
 - c. The request introduces a neighborhood grocery use into an area that lacks walkable grocery options (Theme A, Density Policy #3).

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

- d. The request will maintain the existing sidewalk networks and provide bicycle facilities on-site in order to promote connectivity (Theme B, Sustainability Policy #2).
- 3. The justification and corollary development plan are in agreement with the development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and as the request reuses the existing commercial structure that has occupied the site since 1969, creates a safer pedestrian environment by removing sub-standard parking areas along Florence Avenue, and creates neighborhood level commercial opportunities in a neighborhood that lacks an accessible grocery store.
 - b. The proposed rezoning addresses the Transportation and Pedestrian Connectivity development criteria, as the proposed development expands on the existing pedestrian system, has several close connections to transit, and provides a safer experience for pedestrians along Florence Avenue.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as the proposal works with the existing landscape, will increase the overall tree canopy, and will not impact any environmentally sensitive areas.
- 4. This recommendation is made subject to approval and certification of PLN-MJDP-23-00071: GALBRAITH SUBDIVISION, LOTS 19 & 20 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** – The applicant is seeking a variance to reduce the required property perimeter landscape screening from 15 feet to 0 feet along the southern property line, where the existing structure adjoins the R-2 zoned parcel at 758 Florence Avenue.

The Zoning Committee Recommended: **Approval**.

The Staff Recommends: **Approval of the requested variance for the following reasons:**

- 1. Approval of the landscape variances should not adversely affect the public health, safety, or welfare, nor should it create a hazard or nuisance to the public. The subject property has operated over 50 years without landscaping buffers between the commercial and residential uses. Providing landscaping within the narrow side yard would likely not thrive or grow to maturity to create the buffer prescribed by the ordinance.
- 2. The narrow lot shape and existing nonconforming structure represent special circumstances unique to the subject property that justify the need for a variance.
- 3. Removing the existing structure present on the site to accommodate the required landscaping buffer would unreasonably restrict the applicant's use of the property.
- 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 B-1 zone, otherwise the requested variance shall be null and void.
- b. The development shall be constructed in accordance with the approved Final Development Plan, or as amended by the Planning Commission.
- c. All necessary permits shall be obtained from the Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.
- d. Action of the Planning Commission shall be noted on the Development Plan for the subject property.
- c. **PLN-MJDP-23-00070: GALBRAITH SUBDIVISION, LOTS 19 & 20** (12/31/2023)* - located at 760 & 762 FLORENCE AVENUE, LEXINGTON, KY
Council District: 2
Project Contact: Barret Partners, Inc.
Note: The purpose of this plan is to depict the use of the site for a grocery store, in support of the requested zone change from a Mixed Low d (R-2) zone to a Neighborhood Business (B-1) zone.

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

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

1. Provided the Urban County Council approves the zone change to B-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Landscape Examiner's approval of landscaping and landscaping buffers.
5. Addressing Office's approval of street names and addresses.
6. Urban Forester's approval of tree preservation plan.
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. 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. Provided the Planning Commission approves the requested variance.
13. Discuss proposed access to adjacent community garden.
14. Discuss proposed seasonal activities.
15. Discuss Placebuilder criteria.

Staff Presentation – Mr. Crum briefly reminded the Planning Commission of the zone change request. He briefly discussed the history of the property, as well as the variance that was being requested. He stated that staff was recommending approval of the zone change as well as the variance. Mr. Crum reiterated the concerns of the neighbors regarding the allowable uses in the B-1 zone. He stated that the applicant had met with the concerned individuals and had proposed a list of conditional zoning restrictions. The list included ten items that had been agreed upon, but also included a request to allow for sales of alcoholic beverages in a restaurant, if it became one in the future, that was not agreeable to the nearby residents.

Applicant Representation – Attorney Chris Clendenen was present to represent the applicant. He stated that there had been positive communication with the neighborhood, and noted that there was only one item of disagreement. He said that the restriction of alcoholic beverages sales in a restaurant would be too restrictive. He added that the applicant was committed to making the proposed grocery store work, and other uses would be an unlikely event.

Commission Questions – Ms. Worth asked how many neighbors had been involved in the discussions with the applicant. Mr. Clendenen replied that there had been several neighborhood meetings regarding the zone change, but he had communicated with a representative of the Georgetown Street Area Neighborhood Association regarding this particular issue.

Citizen Comments – Rolanda Woolfork was present to represent the Georgetown Street Neighborhood Association. She stated that they had sent out 300 flyers and received 150 responses with concerns. She added that they had had two neighborhood meetings as well. She stated that the neighborhood was against the sale of alcohol because of the nine sober living homes in the area. She stated that they wanted to help those residents with their sobriety. She said there were several locations that had alcohol sales already in the area.

Commission Questions - Mr. Wilson stated that he appreciated the work that had been done on the list of conditional zoning restrictions. He asked Ms. Woolfork if the condition that was being discussed was a dealbreaker for their support for the grocery store. She replied that it was not a dealbreaker because their partnership with the applicant was strong.

Mr. Owens asked Ms. Jones what their legal options were. She reminded the Commission that any conditional zoning restricts approved, would be binding, and any future applicant would be required to reapply for the removal of any of the conditions.

Mr. Forester asked for clarification regarding the grocery store use, and its ability to have alcohol sales. Ms. Jones stated that no alcohol sales would be allowed in the grocery store if it was specifically stated in the conditional zoning restrictions as a prohibited use.

Mr. Owens suggested that the 11th condition be changed to allow for a restaurant use only, without the sale of alcoholic beverages.

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

Applicant Rebuttal – Mr. Clendenen stated that he was sympathetic to the sober living residents. He reiterated that they were only suggesting the sale of the beverages in the event that the grocery store failed, and a restaurant was put there.

Citizen Comments – Ms. Woolfork listed the name of several area restaurants that did not sell alcohol, but were very successful.

Commission Comments – Mr. Nicol praised the efforts of the neighborhood, but was concerned about how difficult it would be to remove the restriction once it was placed.

Mr. Owens said that he could go either way with the decision.

Action – Mr. Owens made a motion, seconded by Mr. Pohl, and carried 9-0 (Davis absent), to approve PLN- MAR-23-00019: BLACK SOIL: OUR BETTER NATURE, LLC with the following conditional zoning restrictions, finding that they are appropriate and necessary, for the betterment of the neighborhood:

Under the provisions of Article 6-7, the following uses are prohibited:

1. Funeral Homes
2. Rehabilitation Homes
3. Retail Sale of Beer, Wine, or Liquor
4. Automobile Service Stations
5. Pawnshops
6. Short-Term Rental, Either Hosted or Un-Hosted
7. Retail Sale of Liquid Propane
8. Indoor Live Entertainment/Dancing as Accessory to Restaurant
9. Drive-Through Facilities
10. Adult Entertainment

Action – Mr. Owens made a motion, seconded by Mr. Pohl, and carried 9-0 (Davis absent) to approve the variance to reduce the required property perimeter landscape screening from 15 feet to 0 feet along the southern property line, where the existing structure adjoins the R-2 zoned parcel at 758 Florence Avenue.

Action – Mr. Owens made a motion, seconded by Mr. Wilson, and carried 9-0 (Davis absent), to approve PLN-MJDP-23-00070: GALBRAITH SUBDIVISION, LOTS 19 & 20 as presented.

3. TURNER MANAGEMENT, LLC ZONING MAP AMENDMENT AND GDK FARM, LLC (TURNER PROPERTY) DEVELOPMENT PLAN

- a. PLN-MAR-23-00021: TURNER MANAGEMENT, LLC (3/5/24)* – a petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, 13.075 net (15.479 gross) acres for property located at 5447 Bates Creek Road.

COMPREHENSIVE PLAN AND PROPOSED USE

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The applicant is seeking to develop a single-family residential development that includes a total of 29 townhome units, and 9 detached single family residential lots at a density of 2.82 dwelling units per acre. The units are proposed to be oriented towards centralized open space, near the center of the property. The lots are currently proposed to front along private access easements, which are proposed to be gated where they connect to the public roads at Tykes Pass and Bates Creek Road. The southern portion of this development features a connection to future large lot single-family residential development anticipated in the Jessamine County portion

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of the property. The use will be connected internally with a sidewalk network that will connect to the existing network along Tykes Pass, and extend out to Tates Creek Road.

The Zoning Committee Recommended: **Postponement**.

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

1. The application as submitted does not adequately address the following Goals and Objectives of the 2045 Comprehensive Plan:
 - a. Improve Lexington's transportation network through ample street and sidewalk connections between new and existing development (Theme A, Goal #3.e).
 - b. Strive for positive and safe social interactions in neighborhoods, including, but not limited to neighborhoods that are connected for pedestrians and various modes of transportation (Theme A, Goal #3.b).
 2. The application does not provide any information relating to the policies of the 2018 Comprehensive Plan that are being met with this request.
 3. 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-DS13-1 Stub Streets should be connected.
- b. **PLN-MJDP-23-00074: GDK FARM, LLC PROPERTY (TURNER PROPERTY)** (3/5/24)* - located at 5447 TATES CREEK ROAD, LEXINGTON, KY
Council District: 12
Project Contact: Eagle Engineering

Note: The purpose of this plan is to depict the proposed development of the site, in support of the requested zone change from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone.

Note: The applicant submitted a revised plan on December 4, 2023. Based on that submittal, staff can offer the following revised conditions.

The Staff Recommends: **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.
6. Department of Environmental Quality's approval if environmentally sensitive areas.
7. Denote: Access to Tates Creek Road shall be resolved at time of Preliminary Subdivision Plan/Final Development Plan.
8. Submit TIM (tree inventory map) per Articles 21 and 26 requirements.
9. Denote stormwater detention area shall be determined at time of Preliminary Subdivision Plan/Final Development Plan.
10. Denote timing of sanitary sewer improvements relative to pump station capacity shall be determined at time of Preliminary Subdivision Plan/Final Development Plan.
11. Discuss use of access easements for detached single family dwellings per Article 6-8(m) of the Land Subdivision Regulations.
12. Discuss Placebuilder criteria.

Staff Presentation – Mr. Daniel Crum presented the staff report and recommendation 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 Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, 13.075 net (15.479 gross) acres for property located at 5447 Tates

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Creek Road. The applicant is seeking to build a single family residential development with the Enhanced Neighborhood Place-Type and the Low Density Residential Development Type. Mr. Crum indicated that based on the applicant's location, both the Place-Type and Development Type are appropriate.

Mr. Crum showcased the development plan and identified the townhomes and single family residential lots that the applicant proposes to develop the extension of Tykes Pass, detailed how the request is keeping the natural features intact, and minimizing parking. Additionally, Mr. Crum stated that the applicant had done significant outreach, and had not heard any opposition to the application.

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

Development Plan Presentation – Mr. Tom Martin oriented the Planning Commission to the location and characteristics of the subject property. Mr. Martin stated that the applicant is intending to extend Tykes Pass further for the neighborhood that will intersect with Tates Creek Road. Mr. Martin highlighted the location of a sinkhole, and a natural spring where stormwater will likely run to. Mr. Martin noted a change from a previous development plan that included a gate into the neighborhood, but stated that was removed and the previous proposed access easements are now proposed to be the public streets. Additionally, Mr. Martin stated that the pump station near the development might have to be moved, and that is a significant engineering question that would be addressed at the next stage of the development process.

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

Commission Questions – Mr. Wilson asked if condition #12 had been fulfilled, and Mr. Martin indicated that it had.

Applicant Representation – Mr. Nathan Billings, attorney for the applicant, stated that the applicant was in agreement with Staff's revised staff report, and could answer any questions from the Planning Commission.

Action – Ms. Meyer made a motion, seconded by Mr. Owens, and carried 9-0 (Davis absent), to approve PLN-MAR-23-00021: TURNER MANAGEMENT, LLC as recommended by Staff.

Action – Ms. Meyer made a motion, seconded by Mr. Owens, and carried 9-0 (Davis absent), to approve PLN-MJDP-23-00074: GDK FARM, LLC PROPERTY (TURNER PROPERTY) with the 10 conditions recommended by Staff, deleting conditions #11 and #12.

4. STAVROFF LAND & DEVELOPMENT, INC ZONING MAP AMENDMENT AND LYNDBURST SUBDIVISION DEVELOPMENT PLAN

- a. **PLN-MAR-23-00016: STAVROFF LAND & DEVELOPMENT, INC** (12/14/2023)* – a petition for a zone map amendment from a Medium Density Residential (R-4) zone to a Downtown Frame Business (B-2A) zone, for 2.143 net (2.633 gross) acres for property located at 201, 207, 209, 211, 215, 221, 225, 227, 231, and 235 E. Maxwell Street, and 245, 247, and 251 Stone 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.

The petitioner is proposing a six-story, 75-foot tall structure that would contain a lower parking structure, common area courtyards, and associated residential amenities (gym, meeting space, etc.). The proposal would include a total of 250 residential units, with a total bedroom count of 700, and a residential density of

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116.65 units per acre. The petitioner proposes a total of 175 on-site parking spaces for the development, with an additional 75 spaces available to rent off-site. The request also calls for maintaining the existing two-story residential structure at 245 Stone Avenue. The petitioner has indicated that this development will be geared toward student housing for those attending the University of Kentucky, but will not be limited to that population.

The Zoning Committee Recommended: **Postponement**.

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

1. The applicant should provide information on how their proposal addresses the following Objective of the Imagine Lexington 2045 Comprehensive Plan.
 - a. Respect the context and design features of areas surrounding development projects and develop design standards and guidelines to ensure compatibility with the existing urban form (Theme A, Objective #2.b)
 2. The zone change application does not provide any information on compliance with the Policies of the 2018 Comprehensive Plan.
 3. The zone change application for the subject properties, as proposed, does not completely address the development criteria for zone change within the Downtown Place Type, and the High Density Residential Development Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
 - a. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
 - i. SP.2: Provide as many private, ground level entries to individual units as possible.
 - ii. SP.17: Create streets that are balanced on both sides in massing and building character.
 - iii. OS.8: Provide stormwater detention areas and link to other open spaces and recreational amenities.
 - iv. AD.3: Break up building mass with facade articulation on all sides by using varying roof shapes, exterior wall setback, material, color, building height, and landscaping.
 - b. A-DS4-2: New construction should be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context in accordance with other Imagine Lexington corridor policies and Placebuilder priorities.
 - c. A-DS5-3: Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
 - d. A-DS5-4: Development should provide a pedestrian-oriented and activated ground level.
 - e. E-ST3-1: Development along major corridors should provide for ride sharing pick up and drop off locations along with considerations for any needed or proposed park and ride functions of the area.
 - f. B-PR7-3 Developments should improve the tree canopy.
- b. **PLN-MJDP-23-00062: THE MAXWELL (LYNDHURST SUBDIVISION)** (12/14/2023)* - located at 201-235 E. MAXWELL STREET & 245-251 STONE AVENUE, LEXINGTON, KY
Council District: 3
Project Contact: Vision Engineering

Note: The purpose of this plan is to depict multi-family residential development with 245 dwelling units, in support of the requested zone change from a Medium Density Residential (R-4) zone to a Downtown Frame Business (B-2A) zone.

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

1. Provided the Urban County Council approves the zone change to **B-2A**; 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. Revise plan title to match staff report.

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8. Denote: The development shall be in substantial compliance with the renderings on file with the Division of Planning.
9. Revise development plan to match submitted exhibit for 245 Stone Avenue.
10. Clarify difference in open space between development plan and submitted exhibit.
11. Revise development plan to graphically match exhibit submitted December 5, 2023, as appropriate.
12. Discuss Placebuilder criteria.

Staff Presentation – Mr. Daniel Crum presented the original and supplemental staff reports and recommendation 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 Medium Density Residential (R-4) zone to a Downtown Frame Business (B-2A) zone, for 2.143 net (2.633 gross) acres for property located at 201, 207, 209, 211, 215, 221, 225, 227, 231, and 235 E. Maxwell Street, and 245, 247, and 251 Stone Avenue. Mr. Crum stated that the applicant is seeking to construct a multi-family residential development with the Downtown Place-Type and the High Density Residential Development Type. Mr. Crum indicated that after reviewing the application, Staff is in agreement with those selections.

Mr. Crum stated that the overwhelming majority of properties in the immediate area is residentially zoned, is directly adjacent to the University of Kentucky, and are not located in an H-1 overlay. Mr. Crum gave a brief history of the area, and indicated that there was an attempted zone change in 2019 to the B-2A that ultimately did not pass, although Staff recommended approval at the time with some conditional zoning restrictions. Additionally, Mr. Crum stated that this area was considered to be included in the Aylesford Place H-1 overlay in 1998, but was not included.

Mr. Crum gave a brief overview of the development plan and noted the first-floor parking area, access from East Maxwell Street to the amenity area, and expanded pedestrian walkways. Mr. Crum stated that the proposed height is 75 feet, and noted the updated change for the removal of a house to allow for the installation of waste facilities.

Mr. Crum compared the initial renderings of the property and the current renderings and stated that Staff's original recommendation for postponement was because Staff wished for the applicant to maximize entrances, make the property more accessible for pedestrians, engage the street frontage, and to create visual compatibility with the neighborhood. Mr. Crum continued, mentioning the goals and objectives that this application meets including the demand for housing, respecting the context and design features of the area, and locating higher density areas along high capacity roads.

Mr. Crum presented the findings of the traffic impact study and stated that the new development would generate 112 new vehicle trips in the morning and 182 trips at night in the peak hour. Additionally, Mr. Crum stated that the most significant delay would take place at the intersection of East Maxwell and Lexington Avenue, but concluded that the existing roadway could handle that amount of new traffic.

Mr. Crum indicated that there were conditional zoning restrictions proposed by Staff including the prohibition of sale of automobiles, hotels, wholesale establishments, automobile repair, drive-through facilities, and automobile refueling stations. Mr. Crum stated that Staff also intended to limit automobile service stations under the proposed conditional zoning restrictions, specifically, prohibited use #vii. Mr. Crum also indicated that the Staff recommends a restriction for a minimum of 93 dwelling units per acre.

Mr. Crum concluded his presentation by stating that Staff was recommending approval and based upon the updated supplemental staff report with the following proposed findings.

1. The proposed Downtown Business Frame (B-2A) zone is in agreement with the Imagine Lexington 2045 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning encourages the expansion of housing choices by providing for higher density residential development (Theme A, Goal #1.b).
 - b. By varying the building height and massing along each respective roadway, the request maintains compatibility with existing development in the area (Theme A, Objective #2.b).

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- c. The request encourages positive and safe social interactions by improving the existing pedestrian system, providing new crosswalks across E. Maxwell Street, and reducing vehicular conflict points.
 - d. The request de-emphasizes single-occupancy vehicles by limiting parking on-site and providing for direct multi-modal connections to the University of Kentucky and the greater downtown area (Theme B, Goal #2.d).
 2. The proposal is in agreement with the Policies of the 2018 Comprehensive Plan for the following reasons:
 - a. The request substantially complies with the Multi-Family Design Standards (Theme A, Design Policy #3).
 - b. The proposal directs increased residential density to one of the city's major corridors (Theme A, Density Policies #1, 2, and 4).
 - c. The development is designed so that the parking areas are not the primary visual component of the site (Theme A, Design Policy #7).
 - d. The request creates walkable streetscapes by incorporating street trees, townhouse units, and articulating the building facade (Theme A, Design Policy #5).
 - e. By limiting the amount of parking provided on-site, the request encourages alternative modes of transportation and promotes walking (Theme B, Sustainability Policy #5).
 3. The justification and corollary development plan are in agreement with the Development Criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as it demonstrates compliance with the requirements of the Multi-Family Design Standards, creates a defined vertical edge along the corridor and adjoining roadways, mitigates the visual impact of the parking structure, and significantly increases residential density.
 - b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity, as the proposal provides for an improved pedestrian network, provides a defined vertical edge along all four roadways, provides for improved connections to the University of Kentucky and adjoining neighborhoods, widens and reroutes Hagerman Court, and reduces the number of vehicular access points and curb cuts on E. Maxwell Street.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as the request preserves two significant trees along the Stone Avenue, provides for clearly delineated open space, and incorporates street trees along all four frontages to create a walkable streetscape.
 4. This recommendation of approval is subject to the following conditional zoning restrictions:
 1. Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses shall be prohibited:
 - i. Establishments for the display, rental, or sale of automobiles, motorcycles, trucks and boats.
 - ii. Hotels and motels.
 - iii. Wholesale establishments.
 - iv. Minor automobile and truck repair.
 - v. Establishments primarily engaged in the sale of supplies and parts for vehicles and farm equipment
 - vi. Drive-through facilities for sale of goods or products or provision of services otherwise permitted herein.
 - vii. Automobile and vehicle refueling stations, and service stations.
 - viii. Adult entertainment establishments.
 - ix. Stadium and exhibition halls.
 2. The property shall be developed with a minimum of 93 dwelling units per acre, or 200 dwelling units at this location
- These restrictions are necessary and appropriate in order to maintain the character of the E. Maxwell Street corridor, protect the adjoining residential use, as well as meeting the Comprehensive Plan's goal of increasing the density of residential development in and near downtown, and along arterial corridors.
5. This recommendation is made subject to approval and certification of PLN-MJDP-23-00062: THE MAXWELL (LYNDHURST SUBDIVISION) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

Commission Comments and Questions – Mr. Michler stated that he did not think this area fit into the Downtown Place-Type as it was not the urban epicenter of commerce and entertainment. Mr. Michler also inquired about the differences between an R-4 and an R-5 zone. Mr. Crum indicated that the main differences included allowable heights, floor area ratios, and densities.

Mr. Michler asked if there was any discussion from Staff about adding conditions that the applicant would have to add vegetative areas or open space requirements and Mr. Crum stated that there was. Additionally, Mr. Crum noted the applicant's proximity to local parks as well as the walkability to other downtown amenities.

Mr. Michler also asked if it was possible to add open space/green space incentives into this plan and Ms. Wade indicated that it was if the Planning Commission wished to have open space elements on the development plan. Additionally, Mr. Michler wanted to put in the record that the Downtown Master Plan called for 45 feet maximum height in residential areas.

Finally, Mr. Michler asked about the term "underutilized" that Mr. Crum used in his presentation, and what is the reasoning for using that word. Mr. Crum indicated that is reflective on the development pattern as a whole, and showcased the empty parking lot behind the properties to show that the properties were being underutilized. Additionally, Mr. Crum stated that was not meant to besmirch single-family residents at all.

Mr. Nicol asked if there was any contact with the University of Kentucky and what their student housing needs may be and Mr. Crum indicated that the applicant could go into greater detail about that.

Development Plan Presentation – Mr. Tom Martin oriented the Planning Commission to the location and proposed development of the subject property. Mr. Martin stated that the applicant is proposing 275 units and 700 beds and showcased the various open space/greenspace areas around the property. Mr. Martin reiterated the 75 foot height, and mentioned that the height changes around the garage to 45 feet. Additionally, Mr. Martin highlighted the three access points to the garage from Lexington Avenue, Hagerman Court, and Stone Avenue. Mr. Martin also commented that Urban County Council will have to release the public right-of-way on Hagerman Court.

Mr. Martin continued showcasing the aspects of the property and noted the trash compactor in the rear and noted that if this is approved, the applicant would have to detail stormwater solutions, as well as show the 10-foot setback on the final development plan.

Mr. Martin concluded his presentation by stating that Staff was recommending approval of the development plan and could answer any questions from the Planning Commission.

Commission Comments and Questions – Mr. Pohl stated that he did not see any offsets in the development plan. Mr. Martin stated that the applicant will have to show that they will comply with that and that generally with 2-D development plans, Staff asks to show that where they can.

Mr. Pohl also asked what the back of the building will look like and Mr. Martin stated that the applicant could address that question.

Ms. Meyer asked about who makes the decisions on what kind of materials will be used on the property and Mr. Martin indicated that Staff works with the applicant with that because of KRS and what Staff can actually require.

Mr. Michler asked about the location of the trash compactor next to residential properties and Mr. Martin's perspective on moving the compactor to inside the building. Mr. Martin stated that the factors would include the grade change, the height of the parking garage ceiling, and public safety's need to get inside the garage if there is an emergency. He opined that would be a good discussion for a final development plan. Mr. Michler also asked if the current denotation could be removed and discussed at the time of the final development plan and Mr. Martin indicated that it could.

Mr. Michler inquired if 10-15% of open space could be met at this development and Mr. Martin stated he thought it was possible, and worthy of discussion.

Mr. Pohl asked if there was any concern about approving a Downtown Place-Type that is not in the downtown core. Mr. Crum stated that Staff was looking at the whole of the downtown area and gave the example of a recent zone change on Midland as a justification. In that zone change, the Downtown Place-Type was used

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and Staff and the Planning Commission deemed it appropriate. Additionally, Mr. Crum indicated that there is a B-2A zoned property with the Downtown Place-Type a block away from this property.

Mr. Pohl also asked if this area of College Town will look more like the downtown core or more like Aylesford, and Mr. Crum indicated that Staff cannot predict future development but this area already borders downtown and could possibly get growth pressure from both sides.

Finally, Mr. Pohl asked if there were multi-family design standards that were not being met by the project and Mr. Martin indicated that there was great discussion about the orientation of the building but the applicant had gone to great lengths to meet that as well as pedestrian access.

Applicant Presentation – Mr. Jon Woodall, attorney for the applicant, began by stating that the development has gone through many iterations and with extensive discussions with Staff, is where it is today. Mr. Woodall began by showing a letter from the University of Kentucky that stated that this development would bring much needed housing assistance to the University of Kentucky. Additionally, Mr. Woodall admitted that the initial renderings were made to mirror those of the dormitories and housing on campus.

Mr. Woodall reiterated the information that Mr. Crum and Mr. Martin presented and gave a timeline of the application since July. In meetings with the Aylesford and Transylvania Park neighborhoods, it became clear that the initial renderings were too dorm-like and not architecturally nuanced. Due to those meetings and the committee meetings, the applicant went back to the drawing board, worked with Staff and got to the rendering and development plan that is being presented today.

Mr. Woodall argued that this location bridges the gap between downtown and the University of Kentucky's campus and showcased a portion of the University of Kentucky's Master Plan that stated as such. Mr. Woodall also noted that almost 90% of the properties in this vicinity are either occupied by renters or owned by the university. Mr. Woodall acknowledged that the neighborhood does not want this, but that does not remove the applicant's obligation to fit in. Mr. Woodall stated the intention was to make this property feel like it had a front-porch feel, and less like a dorm.

Mr. Woodall concluded that this process is how the planning process is supposed to be, agreed with Staff's recommendations, and indicated that he could answer any questions from the Planning Commission.

Commission Comments and Questions – Ms. Worth asked Mr. Woodall if there were any renderings of what the interior of the property would look like, and Mr. Woodall stated that they did not currently have those available.

Mr. Nicol asked what the overall cost and economic impact for a development like this and Mr. Woodall stated that any project like this is over 50 million dollars. Additionally, Mr. Nicol asked for a comparable project and Mr. Woodall stated that The Hub or the university's housing across the street are comparable.

Mr. Michler asked Mr. Woodall why the trash compactor could not be incorporated inside the property and Mr. Jihad Hallany stated that he thought the location could be discussed at the time of the final development plan and was open to putting it inside the garage.

Additionally, Mr. Michler asked for a best guess on what percentage of the property would include greenspace and would the spaces have some sort gardens. Mr. Hallany indicated that it is currently at around seven percent and that there would be space to grow small gardens.

Mr. Woodall indicated to Mr. Pohl that the back of the building will be constructed of the same material as the front.

Mr. Michler also asked the applicant to expand on the materials that would be used and Mr. Hallany and Mr. Woodall indicated that it would be most hardy board, stone, and brick in keeping with the community.

Citizen Comments – Jessica Winters, attorney for the Aylesford Place Neighborhood Association, opined that the proposed development is not appropriate in this location and is not in agreement with the Comprehensive Plan. Additionally, Ms. Winters indicated that the development was too dense for this

neighborhood and that the Downtown Place-Type is not appropriate. Finally, Ms. Winters indicated that the university's housing shortage does not justify the development and should not outweigh the destruction of the Aylesford Place neighborhood.

Zach Leonard, expert witness for Ms. Winters, stated that the homes demolished are architecturally varied and provide enrichment to the neighborhood. Additionally, he stated that the homes, while being poorly kept, still retain a strong foundation and are not beyond repair.

Kathy Reynolds, 138 S. Hanover Street, representing the Kappa Kappa Gamma sorority. She felt that putting an apartment complex in the middle of a residential area made no sense.

David Eggers, 150 Penmoken Park, rents several homes in the area that are used as sober living homes. He opposes the redevelopment because it would hinder the work of their organization.

Johnathan Coleman, Executive Director of The Bluegrass Trust, felt that the demolition of the homes was egregious. He said that Lexington should learn from their past mistakes and save these homes.

Jackson Osborne, The Bluegrass Trust, said that they had reached out through social media with a petition. He read several comments that had been sent in through the petition.

Kate Savage, 619 Columbia Avenue, felt that the University of Kentucky had taken over the area for student housing. She was concerned about the lack of parking, as well.

Wendy McAllister, 225 Stone Road, felt that the proposal did not fit the definition of infill. She displayed several photographs of the corridor which were modified to depict the proposed development. She felt that the height of the proposed building would be too tall. She was also concerned about the preservation of a tree on Stone Road.

Bill Johnston, 171 Old Georgetown Street, displayed an aerial photograph of the area, focusing on the houses that would be removed. He asked the Planning Commission to preserve the houses.

Peggy McAllister, 225 Stone Road, stated that there were not enough parking spaces for the number of people that would be living in the apartments. She displayed pictures of other homes where parking was a problem.

Ginny Daley, Fayette County Neighborhood Council, stated that they supported the concerns of the Aylesford Neighborhood. She said that the area in question was different than the downtown business area.

John Michler, 415 E. Maxwell Street, felt that the development was out of scale with the existing neighborhood.

Ian Haight, 3767 Winchester Road, read a statement (submitted) by Kevin Benzie, who owns homes on Hagerman Court. He was opposed to the proposal.

Maureen Peters, 276 Lexington Avenue, stated that she was opposed to the proposal because of the historic nature of the buildings being removed. She was concerned that there hasn't been a new traffic study to cover rideshares, and deliveries. She was also concerned that the new structure would block sunlight from her home.

Jim Dickenson, 368 Transylvania Park, felt that the property was not a downtown development area. He said that the additional housing may not even be needed in the future. He said that the new building would have inferior materials compared to the existing homes.

Blake Hall, 36 Richmond Avenue, supported the project. He said that there were multiple examples of seven story buildings in the area. He felt that the homes were old, not historic. He reminded the Commission that nothing changed after the last zone change was denied.

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Applicant Rebuttal – Mr. Jon Woodall stated that he understood the opposition from the neighborhood, but the arguments are an empty wagon. Mr. Woodall argued that if this development was not approved, those houses would not be saved or improved, and instead the owner of the property will find another development type to go in its place. Mr. Woodall stated that at the end of the day, this is not an H-1 overlay area and the development is much needed in this area.

Mr. Woodall stated that Staff is correct and this development is an efficient use of a downtown property and an infill development. Mr. Woodall concluded his comments by stating the applicant agrees with Staff's recommendations and conditions.

Citizen Rebuttal – Jessica Winters, attorney for the Aylesford Place Neighborhood Association, reiterated that the application is not in agreement with the Comprehensive Plan and its development criteria. Finally, Ms. Winters concluded her comments by proposing findings for disapproval and urged the Planning Commission disapprove this zone change.

Staff Rebuttal – Mr. Crum began his rebuttal by stating that when looking at historic preservation, Staff tries to see if the properties are indicative of a time and a period that are being preserved and attained anywhere else, and that answer is yes. There are houses very similar to those here, but as the properties are not in the H-1 overlay they could be demolished. Mr. Crum also indicated that the Comprehensive Plan is calling for more density and to provide more housing and this property is doing that while attempting to maintain compatibility in the area. Additionally, Mr. Crum stated that the subject development would increase transportation options and connectivity in this area. Mr. Crum stated that while the property was losing tree canopy in the rear parking lot, several trees would be retained. Mr. Crum concluded by reiterating that Staff is recommending approval of this zone change at this time.

Commission Comments and Questions – Mr. Michler asked if adult entertainment establishments and stadium and exhibition halls were allowable uses in this proposed zone. Mr. Crum indicated that the adult entertainment establishments have a residential separation requirement and Ms. Wade indicated the stadium and exhibition halls are a principal use in the proposed zone.

Mr. Wilson asked what the recommended number of parking spaces for 700 beds is and Mr. Crum indicated that parking minimums have been eliminated so it is a development by development basis.

Mr. Nicol stated that he thought the short 1,000 feet from downtown made this a great spot for a development like this.

Mr. Michler asked if a parking report was provided for this development and Mr. Crum indicated there was and Staff deemed the number provided appropriate for the development. Ms. Wade also indicated that a parking demand study is not required in the B-2A zone.

Ms. Meyer asked if this property were to stay in the R-4 zone, would the changes come to the Planning Commission and Mr. Martin indicated only if there were multiple structures on one lot. Otherwise it would be reviewed by Building Inspection.

Mr. Owens stated that he thought if this was not approved, you would just see the neighborhood continue to be more rentals in older homes. Further, Mr. Owens indicated he thought it was time to adjust and move forward with the development.

Ms. Worth stated that while she wished there was a "white knight" that would save these historic houses, she thought that this was a much better alternative than the student housing that is currently there.

Mr. Michler stated that he grew up on East Maxwell Street, and he genuinely believes this is a walkable area close to downtown, and he thinks this a great location to live. Mr. Michler thought that finding the right balance between greenspace and density was key and that the developer has come a long way from where they were initially. He said he was going to support this proposal because he wants people to live in this neighborhood.

Mr. Pohl stated that he agreed with Mr. Michler, and added that while he thinks they are getting closer to the context and look of the neighborhood, he does not think the applicant is quite there yet. Additionally, Mr. Pohl mentioned he would like to see a condition that dealt with height of the property facing East Maxwell.

Mr. Owens stated that the thought this was a much better plan from the initial plan in 2019, and should get better at the time of the final development plan.

Action – Mr. Owens made a motion, seconded by Mr. Wilson, and carried 9-0 (Davis absent), to approve PLN-MAR-23-00016: STAVROFF LAND & DEVELOPMENT, INC as recommended by Staff, with the 7 recommended zoning restrictions, adding automobile service stations, adult entertainment establishments and stadium and exhibition halls as prohibited uses.

Action – Mr. Owens made a motion, seconded by Mr. Wilson and carried 9-0 (Davis absent), to approve PLN-MJDP-23-00062: THE MAXWELL (LYNDHURST SUBDIVISION) with the revised 11 conditions, deleting condition #11.

Mr. Owens and Mr. Wilson left the meeting at 7:10 p.m.

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMEMENDMENTS

1. PLN-ZOTA-23-00006: AMENDMENT TO ARTICLES 1, 3, 8, 9, 12, AND 17 TO IMPLEMENT THE COMPREHENSIVE PLAN (3/5/2024)* – a text amendment to the Zoning Ordinance to modernize the R-2, R-4, and R-5 zones and provide clear delineation between the B-1 and B-3 zones. The text also proposes density bonuses for affordable housing, creates a new Corridor Node (CN) zone for compact and walkable development, and updates related definitions.

INITIATED BY: URBAN COUNTY PLANNING COMMISSION

PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: **Postponement**

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

1. The proposed text amendment provides greater opportunities for increased housing and will allow for the greater production of more affordable housing in the community (Theme E, Accountability Policy #2; Theme E, Stewardship Policy #8).
2. The proposed amendment to the Mixed Low Density Residential (R-2) zone will allow for greater variation of housing types, and promote the construction of missing middle housing types (Theme A, Goal #1.b; Theme A, Goal #3.a; Theme A, Goal #5.f; Theme E, Goal #1.e; Theme A, Design Policy #4; Theme A, Design Policy #8; Theme A, Density Policy #6; Theme E, Growth Policy #9).
3. The proposed amendments to the Mixed Low Density Residential (R-2), Medium Density Residential (R-4), and High Density Residential (R-5) zones will allow for the inclusion of a variety of housing types that will help meet the housing need within Lexington, and will help provide housing opportunities for residents throughout the age and income spectrum (Theme A, Goal #5.f; Theme E, Goal #3.c; Theme E, Growth Policy #9; Theme A, Density Policy #3; Theme A, Density Policy #6).
4. The inclusion of the principal uses of the Neighborhood Business (B-1) zone as conditional uses within the R-4 and R-5 zones will allow neighborhood business to organically develop within neighborhoods, producing more walkable and compact development (Theme A, Goal #3.a; Theme A, Goal #3.b; Theme A, Goal #3.c; Theme A, Design Policy #12).
5. The proposed Corridor Node (CN) zone will allow a mixture of residential and commercial land uses on a property (Theme A, Goal #1.b; Theme A, Goal #5.f; Theme E, Goal #3.c; Theme E, Growth Policy #9; Theme A, Density Policy #3) and will help meet Lexington's goal for environmental sustainability, (Theme B, Goal #2.c; Theme E, Goal #1.c; Theme D, Placemaking Policy #5) by referencing the growth of transit within the City (Theme B, Goal #2.c; Theme D, Goal #1.c; Theme A, Density Policy #4).
6. The proposed affordable housing and mixed income density bonuses will allow for families to access safe and accessible housing and provide the potential to build generational wealth. (Theme A, Goal #1.c; Theme

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- A, Goal #1.d; Theme A, Goal #5.f; Theme C, Goal #3.a; Theme E, Goal #3.c; Theme A, Density Policy #2; Theme A, Equity Policy #1; Theme A, Equity Policy #2; Theme C, Sustainability Policy #6).
7. The proposed affordable housing and mixed income density bonuses will provide flexibility to affordable housing providers to access available land, and provide for a moderate increase in the density without substantially deviating from the land use that surrounds a development (Theme A, Goal #3.a).
 8. The proposed amendment modernizes the uses within the commercial zones, and differentiates the appropriate land uses in each zone based on the context or the place where they are located (Theme A, Goal #3.a; Theme A, Goal #3.b; Theme A, Goal #3.c; Theme A, Design Policy #12).
 9. The proposed text realigns the Corridor Business (B-3) zone to meet Lexington's sustainability goals, increase safety along on most heavily trafficked roadways, and reduce the concentration of inefficient land uses (Theme E, Goal #1.d; Theme E, Goal #1.e).
 10. The proposed inclusion of residential within the Corridor Business (B-3) zone allows for the densification of Lexington's corridors, which can produce greater quantities of housing within the community, increase access to transit, and support businesses within the area (Theme D, Goal #1.c; Theme A, Density Policy #1).
2. **PLN-ZOTA-23-00006: AMENDMENT TO ARTICLES 1, 3, 8, 9, 12, AND 17 TO IMPLEMENT THE COMPREHENSIVE PLAN (3/5/2024)*** – a text amendment to the Zoning Ordinance to modernize the R-2, R-4, and R-5 zones and provide clear delineation between the B-1 and B-3 zones. The text also proposes density bonuses for affordable housing, creates a new Corridor Node (CN) zone for compact and walkable development, and updates related definitions.

Staff Presentation – Mr. Hal Baillie, Principal Planner, Long Range Planning, started his presentation by providing written comments to the Planning Commission for the record, which had been submitted to the Division of Planning. Mr. Baillie introduced the Commission to the text amendment, also known as the *Urban Growth Management Zoning Ordinance Text Amendment*. Mr. Baillie mentioned that when speaking about growth and new development, there are two different scales, one being infill and redevelopment and the other is expansion. He then outlined the differences between infill and redevelopment and expansion, referring to a PowerPoint presentation displayed on the projection screen. Mr. Baillie informed the Commission that Staff had been working on changes to upgrade the Zoning Ordinance to ensure that it is in line with best practices and community goals, since the adoption of the 2018 Comprehensive Plan. He stated that with the adoption of the Goal and Objectives in June 2023, the Urban County Council mandated expansion, which tasked the Planning Commission to accept a map for the purpose of master planning potential growth areas outside of the current Urban Service Area.

Mr. Baillie said that the proposed text amendment seeks to connect people to places, to jobs, and to each other while also promoting smart sustainable growth for the city. He spoke about the outreach and meetings that Planning Staff held regarding the text amendment while the meeting dates were displayed on the projection screen. The proposed text amendment will modify three residential zones, create one new residential zone, and also modify two of the commercial zones. He further outlined that the focus of the proposed text amendment is to realign some of the housing intensities and densities, promote affordable housing incentives, provide new housing types, meet greater transit demands within the community, and adequately differentiate between commercial zones. Mr. Baillie mentioned that the Mixed Low Density Residential (R-2) zone, Medium Density Residential (R-4) zone and High Density Residential (R-5) zone were proposed because they are in a lower percentage of the infill and redevelopment area of the Urban Service Area, while having the possibility to impact potential expansion of the Urban Service Area if expansion were to occur in the future. Mr. Baillie then discussed the current residential zoning and explained the proposed zones as they were displayed on the projection screen.

Mr. Baillie discussed the Corridor Node (CN) zone and stated that the hub-type development is dense and intense, and focused on providing housing options within the community that would attract transit and address the demand. Mr. Baillie then discussed affordable housing as it is a major component of the Comprehensive Plan. He discussed the barriers to the production of affordable housing, which are funding and land availability. He described the proposed change as a way for greater amounts of land to become available to affordable housing providers within Lexington.

Mr. Baillie then presented information about revisions to the commercial zones - the Neighborhood Business (B-1) zone and the Corridor Business (B-3) zone - and explained why the zones were addressed. Mr. Baillie shared his appreciation to those involved during the Zoning Ordinance Text Amendment outreach. He concluded his presentation by stating that modernization of the Zoning Ordinance is crucial to ensure that the most equitable

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and environmentally sustainable development would occur moving forward. Mr. Baillie stated that Staff recommends approval for the Zoning Ordinance Text Amendment while outlining the reasons within his presentation.

Commission Questions – Mr. Michler asked about the residential zones that currently have 30-foot setbacks and inquired on transitioning to the proposed mandate of a maximum of no more than 20 feet. Mr. Michler mentioned that he preferred alternative text to delete the maximum setback which gives the people more flexibility. He then requested for Mr. Baillie to speak more about the alternative text that had been distributed. Mr. Baillie stated that Staff would be in support of the modification, and further stated that striking the maximum setbacks within the Mixed Low Density Residential (R-2), Medium Density Residential (R-4), and High Density Residential (R-5) zones would allow for more flexibility and offer a more urban character.

Mr. Pohl asked how the developers would take advantage of the affordable housing density bonus. Mr. Baillie stated that an affordable housing density bonus would be applied as a deed restriction on the property in favor of the local government for ten years for any affordable housing project, and fifteen years for any mixed income housing project. Mr. Baillie then explained that this would essentially guarantee that with the turnover of housing that two households would get advantaged by that or if a household stayed in place over time, they would get full advantage of in ten years. Mr. Baillie stated that when reviewing deed restrictions, he noticed that the restrictions from the government are generally between fifteen and thirty years, while Habitat for Humanity is at five years. Mr. Baillie then informed the Commission that if there are tax credits given it is going to be much larger than what they are discussing.

Mr. Nicol wanted to discuss Article 3-6: Mixed Income and Affordable Housing Bonuses. He stated that as members of the Planning Commission, they have been trying to find ways to provide more equitable opportunities for Lexington's citizens. He stated that one way to do so is the Zoning Ordinance, and policies that are being offered by the federal government, and other programs that are geared to help affordable housing to be developed. Mr. Nicol asked for Mr. Baillie to share some of the conversations that he had with developers and to discuss Article 3-6 as it was shown on the projection screen. Mr. Baillie mentioned that currently it recommends different percentages for affordable housing (60%) compared to workforce housing (40%). Mr. Baillie stated that the alternative text displayed would eliminate the percentage difference, which would allow for developers to adjust their projects as they need. He then stated that Staff would be supportive of the change as it still allows affordable housing providers to have flexibility as it does not create a rigid percentage distance between them.

Mr. Michler stated that the workforce and affordable housing bonuses state "rental" or "purchase" and it gives a timeframe. He then asked Mr. Baillie how it would be regulated. Mr. Baillie stated that with the purchase of a house they would look at the monthly cost of the mortgage and play with the numbers like how they would for a rent. Mr. Baillie then stated that in the Lexington community, 80% of area medium income (AMI) for an individual is \$1,181 a month for rent, which could be applied to a mixed income or workforce housing type of project. He then stated that there is a document that the local government provides that displays a lot of the numbers and how they are administered.

Mr. Michler asked within the initial years if someone purchased their house, if they would be restricted by the mortgage rate of an eventual purchase. Mr. Baillie confirmed. Mr. Michler then asked if the interest rates went up, then theoretically would the price that they could sell the house for would have to go down. Mr. Baillie responded by stating that the interest rates are baked into the purchase of the property; however, most of the affordable housing providers work with other banks to lessen the interest rates so that it will not extend beyond certain elements. Mr. Baillie stated that the increase in interest rates does impact some of the bottom lines of many affordable housing providers.

Ms. Worth asked if this would be like a "balloon mortgage" and that after ten years the interest could go up. Mr. Baillie stated, no, that typically these types of programs only offer fixed rate mortgage products to better protect the homeowner from rate fluctuations.

Ms. Barksdale confirmed that within most of the programs there are fixed rates, or otherwise they would not be affordable.

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Mr. Nicol stated that this portion of the proposed text amendment is aimed at addressing the missing middle, which is a hard problem to solve, and that this could be an added benefit in the form of a bonus.

Mr. Forester stated that different banks may have different programs that sometimes could get the rates a bit lower than typical market rates.

Ms. Barksdale mentioned that there is program that is new to Kentucky by the Neighborhood Assistance Corporation of America (NACA). She further explained that NACA offers a negotiated rate that is below the market rate and makes it easier to decrease the rate as well, while featuring no down payments and closing costs. She then reiterated that it is new to Kentucky, so they are witnessing how it does.

Chair Forester then opened the floor for public comment.

Public Comment – Brittany Roethemeier, Fayette Alliance, stated that 2023 has been a difficult year for Staff and the Commission. She then expressed that she is pleased with the hard work from the Staff while working on the Zoning Ordinance Text Amendment. She stated that the question of how we utilize existing land inside of the Urban Service Area or in any potential future expansion area will be the most important question moving forward. She then stated that creating jobs, infrastructure, transit, walkability, accessibility, sustainability and protection of the prime agricultural soils can be achieved by efficiently using the land that is already available. She said that Fayette Alliance commends Staff because this text amendment represents creative and responsible policy changes to the current Zoning Ordinance to support those goals. She then stated that she hopes that this is the beginning of a series of positive changes to the Zoning Ordinance. Ms. Roethemeier proclaimed that there are a lot of areas within the current Urban Service Area that this text amendment could impact. She concluded by stating that Fayette Alliance supports these amendments and recommends adoption.

Richard Murphy, attorney, showed an excerpt of the proposed Neighborhood Business (B-1) zone principal uses on the projection screen. He then asked for automobile service stations, use #15, for sub-section (b) to say, "shall not expand the number of vehicular locations for refueling beyond 8, excluding EVs unless previously approved for a greater number." He requested the additional text to ensure that existing automobile service stations could expand up to 8 refueling locations. Mr. Murphy then stated that the Zoning Ordinance text amendment allows for neighborhood breweries and brew pubs as principal uses, use #12, but does not mention a micro-distillery. He opined that since distilleries and bourbon are a part of Lexington's brand, it would be important that they would be allowed on an equal footing with breweries; that is, as a principal use in the B-1 zone. Ms. Worth asked Staff if micro-distilleries were defined in the ordinance. Mr. Baillie stated that micro-distilleries were added to the Light Industrial (I-1) zone, and staff is proposing to add it as a conditional use into the Corridor Business (B-3) zone. Mr. Baillie then stated that micro-distilleries were defined by the State, it is a class B license and has a certain limit on production.

Brian Clark, Executive Director for the Kentucky Petroleum Marketers Association, stated that formal written comments were filed on November 16, 2023. He stated that within his filed comments, there were specific requests for clarification, specifically in response to the proposed Zoning Ordinance Text Amendment. He then stated that he did not receive any response from the Planning and Zoning staff or Law Department. He is requesting modifications on the behalf of the trade associations that remit significant tax revenues and support local jobs in the Fayette and Lexington's critical infrastructure. He then asked for the Commission to consider the revisions that they filed. Mr. Baillie informed the Planning Commission that Staff has not seen the comments that were shared or filed, and at this time Staff cannot speak to the specific regulations that Mr. Clark was requesting comment on. Mr. Baillie stated that Staff has worked with many commercial property owners in Lexington and have made specific changes to the proposed requirements for automobile service stations as of November 14th to ensure that all current gas stations and petroleum places in town are protected and can continue to be utilized and updated over time. Ms. Tracy Jones with the Law Department also confirmed that she has not received Mr. Clark's comments. Mr. Clark stated that he would appreciate for the Planning Commission to review his comments.

Nick Nicholson, attorney, stated that it is imperative to move forward with the Zoning Ordinance Text Amendment. He then stated that the concerns he had are in regard to the distance requirements and encouraged the Commission to look at site restrictions for the uses to achieve the total goals, opposed to just looking at distance requirements. Mr. Nicholson then stated that he encourages that a drive-through facility should still be allowed as only a conditional use in the Neighborhood Business (B-1) zone. He stated that there are great

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concerns about eliminating drive-through facilities because it sends the message that a bank or pharmacy are no longer welcome in a neighborhood.

Blake Hall, District 3, stated that he is in full support of the proposed text amendment. He stated that his neighborhood block is a mix of Accessory Dwelling Units, single family houses, duplexes and small apartment buildings. He further proclaimed that drive-through facilities and gas stations are inherently anti-pedestrian and people do not want them in their neighborhoods. He stated that the text amendment allows a neighborhood service commercial use to exist. Mr. Hall stated that the affordability aspect is a huge step forward in cutting out the 6–9-month zone change process to benefit more people.

Staff Comment – Mr. Baillie stated that drive-through facilities are the constant conversation that is had while looking at zone changes. Mr. Baillie mentioned that a drive-through or gas station is not appropriate for the middle of the neighborhood. He then identified that one of the largest issues that Staff has had with the Highway Service Business (B-3) zone is that it has not been sufficient for the corridors. Mr. Baillie stated that the Zoning Ordinance Text Amendment would promote the Highway Service Business (B-3) Zone, now proposed as the Corridor Business (B-3) zone, to something that Staff, the Comprehensive Plan, and the Planning Commission would be able to support. He then stated that Staff was comfortable with some of the revisions for the fueling stations; however, Staff is concerned with the inclusion of a micro-distillery in a neighborhood, within a Neighborhood Business (B-1) Zone, as a principal use as proposed by Mr. Murphy.

Public Comment – Mr. Murphy stated that he did not see any reason to deny a micro-distillery. He stated that tourists would not go to a Light Industrial (I-1) zone for a bourbon tasting, that they would prefer bourbon tasting in areas such as shopping centers.

Mr. Clark stated that he has proof of electronic delivery of his public comments. Mr. Baillie mentioned that Staff was not suggesting that the comments were not submitted, but he did suggest that Mr. Clark's comment was not received by Staff through electronic communication. Mr. Baillie then stated that Staff is willing to work with any and all individuals within the community that may have concerns regarding the Zoning Ordinance Text Amendment.

Action – A motion was made by Mr. Nicol, seconded by Ms. Barksdale, to approve PLN-ZOTA-23-00006, THE AMENDMENTS TO ARTICLE 1, 3, 8, 9, 12, AND 17 TO IMPLEMENT THE COMPREHENSIVE PLAN, including Mr. Michler's recommendation to delete the maximum front yard setbacks in the R-4 and R-5 zones, Mr. Nicol's recommendation to modify Article 3-6 to use the term "workforce housing bonuses" rather than "mixed income bonuses," as well as Mr. Murphy's request regarding the fueling stations and micro-distilleries in the Neighborhood Business (B-1) zone. The motion failed 4-3 (Meyer, Pohl, Michler and Barksdale opposed; Owens, Davis and Wilson absent).

Mr. Michler stated that his concern is that Staff is trying to create is a Neighborhood Business (B-1) zone that people would feel comfortable living next to without much qualm. Ms. Meyer then asked if a distillery would still be listed as a conditional use. Mr. Baillie stated that Staff is proposing distillery to be a conditional use in the Corridor Business (B-3) zone, and it is currently not referenced within the Neighborhood Business (B-1) zone.

Mr. Pohl then asked Staff to explain the difference between a micro-distillery and microbrewery. Mr. Baillie stated that staff is not recommending a microbrewery within the Neighborhood Business (B-1) zone either, instead Staff is recommending a neighborhood brewery which would have a much smaller scale and footprint than a microbrewery.

Action – A motion was made by Mr. Nicol, seconded by Ms. Barksdale, to approve PLN-ZOTA-23-00006, THE AMENDMENTS TO ARTICLE 1, 3, 8, 9, 12, AND 17 TO IMPLEMENT THE COMPREHENSIVE PLAN, including Mr. Michler's recommendation to delete the maximum front yard setbacks in the R-4 and R-5 zones, Mr. Nicol's recommendation to modify Article 3-6 to use the term "workforce housing bonuses" rather than "mixed income bonuses," as well as Mr. Murphy's request regarding the fueling stations, but not the request to allow micro-distilleries in the B-1 zone. The motion carried 7-0 (Owens, Davis and Wilson absent) for the reasons provided by the staff.

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VI. COMMISSION ITEMS

A. PETITION FOR WAIVER OF THE LAND SUBDIVISION REGULATIONS

1. PLN-MNSUB-23-00054: JH GRAVES III FAMILY, LLC, TRACT 1 & MELANIE GRAVES PROPERTIES (2/4/2024)* - located at 6340 BRIAR HILL ROAD, LEXINGTON, KY

Council District: 12

Project Contact: Gess, Mattingly & Atchison

Staff Presentation - Mr. Martin oriented the Commission to the subject property, and briefly explained the waiver request to Article 6-4(c) of the Land Subdivision Regulations.. He pointed to a small tract of land that would be consolidated with a larger one. He stated that staff recommended approval for the following reasons:

1. Granting the requested waiver to the street frontage standards will not adversely affect public health, welfare, and safety in compliance with the intent of the Land Subdivision Regulations.
2. Granting the waiver is consistent with the intent of Article 1-5(a) of the Land Subdivision Regulations for Exceptional Hardship due to site constraints relative to the existing lotting and agricultural use of the property.

This recommendation of approval is subject to the following conditions:

- a. Revise the Planning Commission Certification to reflect PC approval.
- b. Denote 300' building line.
- c. Denote non-buildable areas.
- d. Denote access easement maintenance responsibility.
- e. Clarify parcel acreages on the plan face.
- f. Denote all of parcel three lot boundary as a solid line.
- g. Delete consolidation tic mark across access easement.

Action - Ms. Worth made a motion, seconded by Ms. Barksdale, and carried 7-0 (Davis, Wilson, and Owens absent) to approve the waiver request as presented.

2. PLN-MJDP-23-00042: EASTLAND SHOPPING CENTER (AMD) (2/18/2024)* - located at 1301 Winchester Road & 1064 INDUSTRY WAY, LEXINGTON, KY

Council District: 1

Project Contact: Barrett Partners, Inc.

Staff Presentation – Ms. Gallt described the waiver request to Article 6-8(a) and 6-8 (n)(1) of the Land Subdivision Regulations. She pointed out the area of sidewalk that would be shifted to avoid a steep slope and underground utilities. She stated that staff recommended approval for the4 following reasons:

1. Granting the requested waiver will not adversely affect public health, welfare and safety as the current water drainage pattern serves the area.
2. Granting the waiver is consistent with the intent of Article 1-5(a) of the Land Subdivision Regulations for Exceptional Hardship.
3. The applicant intends to construct the required sidewalk thereby improving pedestrian safety consistent with the intent of the Land Subdivision Regulations.

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

1. Denote the waiver as granted by the Planning Commission on the face of the final development plan.
2. Denote the sidewalk on the street cross sections.

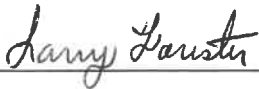
Action – Ms. Meyer made a motion, seconded by Mr. Pohl, and carried 7-0 (Davis, Wilson, and Owens absent) to approve the waiver request as presented.

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VII. STAFF ITEMS

Mr. Duncan told the Planning Commission that their work for 2023 was complete.

X. ADJOURNMENT - Chair Forester adjourned the meeting at 8:22 p.m.



Larry Forester



Janice Meyer

