

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

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

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

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

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

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

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

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

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

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

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

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

#### COMPREHENSIVE PLAN AND PROPOSED USE

The 2018 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished while protecting the

environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

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

The Zoning Committee Recommended: **Approval**.

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

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

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

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

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

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

- a. Provided the Planning Commission and Urban County Council approve the requested zone change to the R-4 zone, otherwise the requested variances shall be null and void.
  - b. The development shall be constructed in accordance with the approved Final Development Plan, or as amended by the Planning Commission.
  - c. All necessary permits shall be obtained from the Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.
  - d. Action of the Planning Commission shall be noted on the Development Plan for the subject property.
- c. **Conditional Use Request** - In association with the zone change request for the property, the applicant is seeking a Conditional Use Permit within the High Density Residential (R-4) zone to operate a place of religious assemble at 530 East High Street. Included in the area of notification for the conditional use is the property located at 205 Kentucky Avenue, which serves as the parking lot for the church facilities. With any zone change the Planning Commission shall have the power to hear and decide applications for conditional use permits. These permits are to allow the proper integration into the planning area of uses which are specifically named in this Zoning Ordinance, which may be suitable only in specific locations in the zone only if certain conditions are met and which would not have an adverse influence on existing or future development of the subject property or its surrounding neighborhood.

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

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

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

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

- a. Provided the Urban County Council approves the requested zone change to the R-4 zone, otherwise the requested conditional use shall be null and void.
  - b. The development shall be constructed in accordance with the approved Final Development Plan, or as amended by the Planning Commission.
  - c. All necessary permits shall be obtained from the Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.
  - d. Action of the Planning Commission shall be noted on the Development Plan for the subject property.
- d. **PLN-MJDP-22-00056: WOODLAND CHRISTIAN CHURCH INC. (12/4/2022)\* - located at 530 E. HIGH STREET and 205-219 KENTUCKY AVENUE, LEXINGTON, KY**  
 Council District: 3  
 Project Contact: Earthcycle Design, LLC  
 Planning Contact: T. Martin

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

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

The Staff Recommends Approval, subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMEMENDMENTS**

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

INITIATED BY: Urban County Planning Commission

PROPOSED TEXT: Copies are available from the staff.

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

The Staff Recommends: Approval, for the following reasons.

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