

ORDINANCE NO. 133 - 2022

AN ORDINANCE CHANGING THE ZONE 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. (NORTHYARD, LLC; COUNCIL DISTRICT 1).

WHEREAS, at a Public Hearing held on October 27, 2022, a petition for a zoning ordinance map amendment for property located at 101 and 109 W. Loudon Avenue from a Wholesale and Warehouse Business (B-4) zone to a Light Industrial (I-1) zone for 2.3827 net (2.5584 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 8-0; and

WHEREAS, the Urban County Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone for property located at 101 and 109 W. Loudon Avenue from a Wholesale and Warehouse Business (B-4) zone to a Light Industrial (I-1) zone for 2.3827 net (2.5584 gross) acres, being more fully described in Exhibit “A” which is attached hereto and incorporated herein by reference.

Section 2 – That under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are imposed via conditional zoning:

a. Prohibited Uses:

- i. Self-storage warehousing.
- ii. Tire retreading and recapping.
- iii. Automobile service stations.
- iv. Major automobile or truck repair.
- v. Establishments for the display and sale of precut, prefabricated, or shell homes.
- vi. Auto parts rebuilding.
- vii. Box and crate assembly.
- viii. Columbariums and crematories.
- ix. Electric foundry.
- x. Inflammable underground liquid storage.
- xi. The processing of asbestos.
- xii. The above-or-below-ground storage for resale of any flammable or nonflammable gas or oxidizer in liquid or gaseous form; the storage of any

empty container that contained any gas in any form; and the receiving of or dispensing of any gas in any form, unless in association with an automobile and vehicle refueling station.

- xiii. Establishment and lots for the display rental, sale and repair of farm equipment; contractor equipment; automobiles, truck , mobile home; boats, or supplies for such items.
- xiv. Battery manufacturing.
- xv. Public utility service yard.
- xvi. Truck terminals and freight yards.
- xvii. Shredding, sorting and balling paper scrap and storage of waste paper.
- xviii. Recycling, sorting, bailing and processing of glass and nonferrous metals; building materials salvage.
- xix. Penal or correctional institutions.
- xx. Commercial composting.

These restrictions are appropriate and necessary to reduce the potential impact of more intense light industrial uses on the adjoining residential use, and to protect the integrity of the Royal Springs Aquifer.

Section 3 – That the Lexington-Fayette Urban County Planning Commission is directed to show the amendment on the official zone map atlas and to make reference to the number of this Ordinance.

Section 4 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: December 6, 2022

MAYOR

Rinda Gorton

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: December 13, 2022-1t

1178-22:TWJ:X:\Cases\PLANNING\22-LE0003\LEG\00768472.DOCX

Rec'd by _____

Date: _____

RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

IN RE: PLN-MAR-22-00013: NORTHYARD, LLC. - a petition for 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. (Council District 1)

Having considered the above matter on **October 27, 2022**, at a Public Hearing, and having voted **8-0-1** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **CONDITIONAL APPROVAL** of this matter for the following reasons:

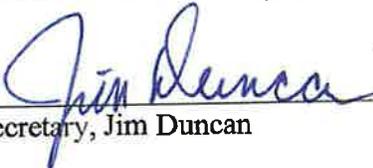
1. The requested Light Industrial (I-1) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed development will support context sensitive redevelopment of land within the Urban Service Boundary by allowing for adaptive reuse of an existing industrial building (Theme A, Goal #2.b)
 - b. The proposed rezoning will help with the creation of a variety of jobs (Theme C, Goal #1.a) by allowing for new uses, and providing existing businesses in this development additional flexibility to package their products for use and consumption off-site.
 - c. The proposed rezoning will help attract young, culturally diverse professionals by expanding the permitted uses on-site to include popular uses such as the proposed brewery (Theme D, Goal #2.d)
2. The requested Light Industrial (I-1) zone is in agreement with the 2018 Comprehensive Plan's Policies, for the following reasons:
 - a. As the development will not physically change under this request, the proposed development will remain context-sensitive, meeting Design Policy #4.
 - b. The proposed development meets Density Policy, #3 as the additional production capabilities provided by the change in zoning will encourage further growth of neighborhood supportive uses by allowing them to engage in light production activity.
 - c. Finally, the request meets Livability Policy #6 by providing the opportunities to accommodate additional entertainment and amenity opportunities that appeal to young professionals.
3. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the applicant will keep the current site configuration, retain the historically significant Greyline Station structure, while allowing for increased zoning flexibility.
 - b. These proposed rezoning addresses the Transportation and Pedestrian Connectivity development criteria, as the proposal will retain the existing pedestrian connections, proximity to transit stops, and access to dedicated bike lanes.

- c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as the request will not result in any physical changes to the site, and all existing water management systems will be retained.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are recommended via conditional zoning:
- a. Prohibited Uses:
- i. Self-storage warehousing.
 - ii. Tire retreading and recapping.
 - iii. Automobile service stations.
 - iv. Major automobile or truck repair.
 - v. Establishments for the display and sale of precut, prefabricated, or shell homes.
 - vi. Auto parts rebuilding.
 - vii. Box and crate assembly.
 - viii. Columbariums and crematories.
 - ix. Electric foundry.
 - x. Inflammable underground liquid storage.
 - xi. The processing of asbestos.
 - xii. The above-or below-ground storage for resale of any flammable or nonflammable gas or oxidizer in liquid or gaseous form; the storage of any empty container that contained any gas in any form; and the receiving of or dispensing of any gas in any form, unless in association with an automobile and vehicle refueling station.
 - xiii. Establishment and lots for the display rental, sale and repair of farm equipment; contractor equipment; automobiles, truck, mobile homes; boats, or supplies for such items.
 - xiv. Battery manufacturing.
 - xv. Public utility service yard.
 - xvi. Truck terminals and freight yards.
 - xvii. Shredding, sorting and balling paper scrap and storage of waste paper.
 - xviii. Recycling, sorting, bailing and processing of glass and nonferrous metals; building materials salvage.
 - xix. Penal or correctional institutions.
 - xx. Commercial composting.

These restrictions are appropriate and necessary to reduce the potential impact of more intense light industrial uses on the adjoining residential use, and to protect the integrity of the Royal Springs Aquifer.

5. This recommendation is made subject to approval and certification of PLN-MJDP-22-00060 GREYLINE STATION & MARKET (FKA TRANSIT AUTHORITY OF LFUCG), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

ATTEST: This 10th day of November, 2022.


Secretary, Jim Duncan

LARRY FORESTER
CHAIR

Note: The corollary development plan, **PLN-MJDP-22-00060 GREYLINE STATION & MARKET (FKA TRANSIT AUTHORITY OF LFUCG)**, was approved by the Planning Commission on October 27, 2022 and certified on November 10, 2022.

K.R.S. 100.211(7) requires that the Council take action on this request by January 25, 2023.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Chad Needham, property owner.**

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES:	(8)	Davis, de Movellan, Forester, Michler, Meyer, Penn, Pohl, and Worth
NAYS:	(0)	
ABSENT:	(2)	Barksdale and Nicol
ABSTAINED:	(1)	Bell
DISQUALIFIED:	(0)	

Motion for **APPROVAL** of **PLN-MAR-22-00013** carried.

Enclosures: Application
 Justification
 Legal Description
 Plat
 Staff Report
 Applicable excerpts of minutes of above meeting

MAP AMENDMENT REQUEST (MAR) APPLICATION

1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)

Applicant: NORTHYARD LLC, 101 W LOUDON AVE STE 222, LEXINGTON, KY 40508
Owner(s): NORTHYARD LLC 101 W LOUDON AVE STE 222 LEXINGTON KY 40508 NORTHYARD LLC 101 W LOUDON AVE STE 222 LEXINGTON KY 40508
Attorney:

2. ADDRESS OF APPLICANT'S PROPERTY

101 LOUDON AVE LEXINGTON KY 40508 109 LOUDON AVE LEXINGTON KY 40508
--

3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY

Zoning	Existing		Zoning	Requested		Acreage	
	Use	Use		Use	Use	Net	Gross
B-4		Retail	I-1		Retail & Light Production		2.3827
B-4		Retail	I-1		Retail, Light Industrial		2.5584

4. EXISTING CONDITIONS

a. Are there any existing dwelling units on this property that will be removed if this application is approved?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
b. Have any such dwelling units been present on the subject property in the past 12 months?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
c. Are these units currently occupied by households earning under 40% of the median income? If yes, how many units? If yes, please provide a written statement outlining any efforts to be undertaken to assist those residents in obtaining alternative housing.	<input type="checkbox"/> YES <input type="checkbox"/> NO

5. URBAN SERVICES STATUS (Indicate whether existing, or how to be provided)

Roads:	LFUCG
Storm Sewers:	LFUCG
Sanity Sewers:	LFUCG
Refuse Collection:	LFUCG
Utilities:	<input checked="" type="checkbox"/> Electric <input checked="" type="checkbox"/> Gas <input checked="" type="checkbox"/> Water <input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable



Northyard, LLC
101 West Loudon Ave, Suite 222
Lexington, KY 40508

September 6, 2022

Mr. Larry Forester, Chairman
And Members of the Lexington-Fayette Urban County Planning Commission
200 East Main Street
Lexington, KY 40507

Re: Proposed Zone change for 101 - 109 West Loudon Ave, Lexington, KY 40508

This letter is written on behalf of Northyard, LLC which is filing a zone change application for the properties at 101 - 109 West Loudon Ave. The property is currently zoned Wholesale and Warehouse Business (B-4) and is a part of an Adaptive Reuse Project. We are requesting a zone change to the Light Industrial (I-1) zone, retaining the Adaptive Reuse Project, in order to allow a micro Kombucha brewery.

Description of project.

This property is located in an Adaptive Reuse Project, which will remain in place under this plan. The applicant, Northyard, LLC owned by Chad Needham, has led in the re-development of the North Limestone/Loudon Ave Corridor. This property has been known as the Transit Center and Bus garage for many decades. Mr. Needham has revitalized this area as an entertainment destination with various shops, restaurants, event spaces, bar, community market, incubator and office space; as well as revitalized in-fill living spaces. This mixed use has brought a new energy to this area with an emphasis on local ownership and start up support.

The immediate impetus for this zone change is the success of Thrive Kombucha, who has been a tenant of Mr. Needham for the past four (4) years. Thrive Kombucha has had tremendous success in starting and developing their business at 810 North Limestone Street, to the point that they now not only need more square feet, but the ability to bottle their Kombucha. Thrive would like to stay in this area, as it's close to his current customers, convenient to his suppliers and would like to maintain the tenant/landlord relationship with Mr. Needham, as both properties are owned by Mr. Needham. Thrive Kombucha would move his whole brewing and bottling operation to 109 West Loudon Ave. Due to their success and growth, Thrive has grown and now distributes to many area shops, Good Foods Co-op and several restaurants. This move would allow Thrive Kombucha to expand their wholesale operation, which in turn increases employment opportunities on the North side and supports the whole adaptive reuse project at Greyline Station.

Goals and Objectives of the 2018 Comprehensive Plan.

This zone change request is in agreement with the Goals and Objectives of the 2018 Comprehensive Plan. This zone change will allow the North Limestone/Loudon Ave area to continue growing as a successful neighborhood, as called for in the Theme A. Goal A.2 calling for supporting infill and redevelopment throughout the Urban Service Area as a strategic component of growth. This Adaptive Reuse Area is an opportunity for re-development and adaptive reuse (Objective A.2.a), and by utilizing an existing building, it respects the context and design features of surrounding areas (Objective A.2.b). This zone change will help in achieving Goal A.3, providing well-designed neighborhoods and communities. This Adaptive Reuse Area has resulted in many opportunities for local business start ups, neighborhood character preservation in the whole North end area and has provided a safe and positive space for social and business interactions (Objectives A.3.a and A.3.b). In addition, this request supports Objective a.3.c., as we are using existing buildings and facilities.

By supporting local business, and allowing it to stay rooted in its original community, we are supporting Theme C, creating jobs and prosperity. This zone change encourages development that promotes and enhances tourism, as well as those businesses located at Greyline Station located at 101 West Loudon Ave. (Objective C.1.d). As previously mentioned, this is a family owned small business that is seeing marketing success and ready to move to the next level (Objective C.2.b). Finally, this request continues to support the success of the whole area to provide entertainment and other quality of life opportunities that attract young, culturally diverse professionals, and a workforce of all ages and talents to Lexington. Objective C.2.d.

Engagement.

Chad Needham, owner of 101 - 109 West Loudon Ave, as well as numerous other properties in the Adaptive Reuse Area, has had several conversations with neighbors, other local business owners, and other interested property owners about this proposal. In addition, he has had several conversations with the Planning staff for guidance and direction to prepare a proposal that supports the tenant of the Comprehensive Plan and meets the needs and goals of the neighborhood.

Place Type, development type and requested zone.

This proposal fits within the Industry & Production Center place-type; along with Second Tier-Urban and Enhanced Neighborhood. The proposed Development - type includes Industrial & Production; Medium Density/ Non-Residential Mixed Use (MNR/MU) and Non-Residential (INR.) The new use in the requested I - 1 zone will be a production facility for the brewing of and bottling of Kombucha beverages in various flavors.

Development criteria.

Here are additional criteria points not already presented:

- B-BR9-1. This project utilizes existing buildings and infrastructure, there will be no disturbance to any environmentally sensitive areas.
- C-DI1-1. This calls for consideration of flexible zoning options that will allow for a wide range of jobs. This proposal will allow for an expansion of an existing locally owned business.
- C-PS10-2 and C-PS10-3. This project allows for shared parking and avoiding over parking; as this property is located within an Adaptive Reuse Project and attached to already available surface lot parking.
- D-PL9-1. This project will utilize existing structures and parking lots.
- D-SP3-1 and D-SP3-2. Adequate infrastructure exists on the property.
- E-GR5-1. The project utilizes existing buildings.
- C-PS10-1. Shared parking will be utilized.
- D-CO1-1, D-CO2-1 and D-CO2-2. This zone change uses existing streets and sidewalks. It is close to and serves neighboring residential uses, which are adjacent. There are bus routes on North Limestone and Loudon Ave. As well as adjacent to the Loudon Ave bike lanes.
- B-PR7-2, B-PR7-3 and B-RE1-1. This zone change uses existing development, trees, including street trees, shall remain.
- E-GR3-2. The existing public art focal points will remain.
- A-DS7-1. The majority of the parking in the Adaptive Reuse Project is in the interior of the development. The parking for the Kombucha micro-brewery will be located in the interior.
- C-LI7-1. This zone change contributes to the mixed use neighborhood with convenient access to employment, business, shopping and entertainment facilities.

Conclusion.

This proposal will support an existing business which provides jobs, produces beverages and provides an opportunity for a family owned business to expand and stay in the community that has supported them from the beginning.

Thank you for your consideration of this zone change request.

Sincerely,

Chad Needham, Owner Northyard, LLC

ZONE CHANGE LEGAL DESCRIPTION

of

Northyard, LLC

101 and 109 West Loudon Avenue

Deed Book 3554, Page 538

being all of

Lots 1 and 2 of Headley Subdivision

Plat Cabinet N, Slide 948

Zone Change B-4 to I-1

Lexington, Fayette County, Kentucky

Being a parcel of land in Lexington, Fayette County, Kentucky located at the northeast corner of the intersection of West Loudon Avenue and North Limestone Street and being more particularly described as:

Beginning at a 5/8" diameter rebar with plastic surveyor's cap (PLS 3539) found in the northwesterly right-of-way line of North Limestone Street, said point being the southwest corner of West End Baptist Church (Deed Book 1522, Page 363; Lot 3 of Plat Cabinet "E", Slide 307); said point having Kentucky State Plane Coordinates of $N(Y) = 203,391.18'$, $E(X) = 1,574,114.00'$; thence leaving said West End Baptist Church and with a line through the North Limestone Street right-of-way,

South $42^{\circ}40'42''$ East a distance of 30.01 feet to a point in the centerline of said North Limestone Street; thence with the centerline of said North Limestone Street,

South $48^{\circ}23'55''$ West a distance of 516.43 feet to a point, said point being the intersection of the centerline of said North Limestone Street with the centerline of West Loudon Avenue; thence leaving the centerline of said North Limestone Street, and with the centerline of said West Loudon Avenue,

North 41°28'31" West a distance of 564.17 feet to a point, thence leaving the centerline of said West Loudon Avenue and with a line through the West Loudon Avenue right-of-way, North 48°20'31" East a distance of 35.00 feet to a 5/8" rebar with plastic surveyor's cap (PLS 3350) found on the northeasterly right-of-way line of said West Loudon Avenue, said point being the southwest corner of Newport Communities LLC (Deed Book 3662, Page 455; Plat Cabinet "F", Slide 205); thence leaving said West Loudon Avenue and with the southeasterly line of said Newport Communities LLC, for three (3) calls:

North 48°20'31" East a distance of 367.79 feet to a point to a 5/8" rebar found inside a 2.5" steel pipe; thence South 42°56'44" East a distance of 384.69 feet to a MAG Nail with stainless steel surveyor's I.D. tag (PLS 3350) found on top of a concrete wall; thence North 48°31'11" East a distance of 100.00 feet to a found 5/8" rebar with plastic surveyor's cap (PLS 3539), said point being the northwest corner of the aforementioned West End Baptist Church (Deed Book 1522, Page 363; Lot 3 of Plat Cabinet "E", Slide 307); thence with the southwesterly line of said West End Baptist Church, South 42°40'42" East a distance of 149.80 feet to a found 5/8" diameter rebar with plastic surveyor's cap (PLS 3539); which is the Point of Beginning, having a Gross Area of 249,321.0 square feet or 5.7236 acres and a Net Area of 215,141.0 square feet or 4.9390 Acres.

The bearings and coordinates used in the description above being based on KY State Plane coordinates, KY North Zone, NAD 83 (2011) as determined by a GNSS survey to the site using a Trimble R8 receiver and the KYTC CORS system.

The description above being based on a survey of the property by Kevin M. Phillips, PLS 3350, Endris Engineering, PSC, 771 Enterprise Drive, Lexington, KY 40510 concluded on May 3, 2022.



Kevin M. Phillips, PLS 3350
Endris Engineering, PSC
771 Enterprise Drive
Lexington, KY 40510

September 6, 2022
Date

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-22-00013: NORTHYARD, LLC

DESCRIPTION OF ZONE CHANGE

Zone Change:	From a Wholesale and Warehouse Business (B-4) zone To a Light Industrial (I-1) zone
Acreage:	4.939 net (5.7236 gross) acres
Location:	101 & 109 W Loudon Avenue



EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	B-4	Mixed Use
To North	B-4	Mobile Home Park
To East	R-1C/ B-1	Church/ Commercial
To South	I-1	Industrial/Office
To West	I-1	Industrial

URBAN SERVICE REPORT

Roads - The subject properties are located at the intersection of W Loudon Avenue, a two lane minor arterial roadway, with North Limestone, another two-lane minor arterial roadway.

Curb/Gutter/Sidewalks - Curb, gutter and sidewalks exist along the North Limestone Street and W Loudon Avenue.

Utilities - All utilities, including natural gas, electric, water, phone, cable television, and internet are available in the area, and are able to be extended to serve the proposed development.

Storm Sewers - The subject properties are located within the Cane Run watershed. There are no FEMA Special Flood Hazard Areas on the properties or in the immediate vicinity. Storm sewers exist in this portion of the Urban Service Area. The subject property is also located within the Royal Spring Aquifer Recharge Area, where special care is needed in order to better protect the aquifer, which supplies drinking water for Scott County. During the establishment of the Adaptive Reuse Project, the subject properties significantly upgraded the on-site stormwater infrastructure in order to help alleviate issues caused by aging infrastructure in the area.

Sanitary Sewers - The subject property is located within the Cane Run sewershed. The property is served by the Town Branch Waste Water Treatment Facility, located on Lisle Industrial Avenue, southeast of New Circle Road.

Refuse - The Urban County Government serves this area with refuse collection on Tuesdays. Supplemental service may be required to serve the needs of the proposed industrial land use. This can be accomplished by contracting with private refuse collectors, if desired.

Police - The subject properties are located within the Central Sector and are served by the Central Sector Roll Call Center, located on Industry Drive near its intersection with Winchester Road, approximately 1½ miles to the southeast of the subject properties

Fire/Ambulance - Fire Station #8 is located less than one mile to the northeast on North Broadway, between New Circle Road and Interstates 64/75.

Transit - This area is served by Lextran Route #7, with outbound and inbound service at the intersection of Loudon Avenue and N Limestone.

Parks - The subject properties are a walkable distance from two parks; Brucetown Park is located 350 feet southwest of the subject properties, and Castlewood Park is located approximately 1/4 mile east of the subject properties.

SUMMARY OF REQUEST

The applicant is seeking a zone change from the Wholesale and Warehouse Business (B-4) zone to the Light Industrial (I-1) zone for the properties located at 101 and 109 W Loudon Avenue in order to establish a future kombucha brewery use at this location.

PLACE-TYPE

INDUSTRY &
PRODUCTION CENTER

The Industry and Production Center Place-Type is where Lexington's most intense types of economic development and job creation occur. These places should be located near major corridors to facilitate efficient and affordable shipping and transportation of goods throughout the region while minimizing the impact on the traffic infrastructure throughout the rest of the community. Special care should be taken to address the environmental impact of these places as well as their impact on residents.

DEVELOPMENT TYPE

INDUSTRIAL & PRODUCTION
NON-RESIDENTIAL

Primary Land Use, Building Form, & Design

Primarily employment land dedicated to the most intense types of employment-centric development. This is the only category where uses are inherently incompatible and are best separated from adjacent uses. These uses are best suited in areas where they already exist, collocating to utilize industrial-scale infrastructure to serve the needs of the users. Environmental protection measures should be taken to minimize impacts.

Transit Infrastructure & Connectivity

These uses are also heavy employers and should incorporate mass transit infrastructure, on par with that of other modes, to connect residents to their jobs.

PROPOSED ZONING



This zone is intended for manufacturing, industrial and related uses not involving a potential nuisance in terms of smoke, noise, odor, vibration, heat, light or industrial waste. In addition, the Comprehensive Plan recognizes that it is important to promote adaptive reuse of older industrial areas and to allow Industrial Mixed-Use projects and Adaptive Reuse Projects. The Comprehensive Plan should be used to determine appropriate locations for this zone and for Industrial Mixed-Use Projects. Consideration should be given to the relationship of this zone to the surrounding land uses and to the adequacy of the street system to serve the anticipated traffic needs.

PROPOSED USE



This petitioner is proposing the Light Industrial (I-1) zone in order to allow for production type uses within the existing Greyline Station Adaptive Reuse Project. In particular, the applicant wishes to utilize space within the existing workshop building in order to establish a kombucha brewery.

While the scope of uses is proposed to be expanded, the footprint of the existing structures and the layout of the parking areas and landscaping are not proposed to be changed with this request.

APPLICANT & COMMUNITY ENGAGEMENT



According to the submitted letter of justification, the applicant states that they had preliminary discussions with several adjacent property owners regarding this project, and has indicated that they intend to conduct further neighborhood outreach.

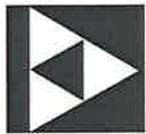
PROPERTY & ZONING HISTORY



The subject property has been zoned Wholesale and Warehouse Business (B-4) since before the 1969 comprehensive rezoning of the city and county. The site initially was used as a service station for Southeastern Greyline, and was acquired by LFUCG in 1972 for use as a service garage for public buses. The property was added to the National Register of Historic Places in 2011, and redeveloped in 2018 as a part of the Greyline Station Adaptive Reuse Project.

Currently, the subject property consists of the 65,000 square foot historic Greyline Station building, a 4,000 square foot office building housing the Lexington Herald Leader, and a 11,500 square foot workshop building, with associated parking and landscaping areas. The site contains a mix of uses, including: market space, banquet facilities, retail, restaurant, and music venue space. At this time, the applicant is proposing to convert the workshop space into a kombucha brewery, with no physical changes proposed to the site.

COMPREHENSIVE PLAN COMPLIANCE



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.

GOALS & OBJECTIVES

The applicant opines that they are in agreement with the adopted Goals and Objectives of the 2018 Comprehensive Plan.

The applicant begins their discussion of the Goals and Objectives of the 2018 comprehensive plan by stating that their proposal supports infill and redevelopment throughout the Urban Service Area as a strategic component of growth (Theme A, Goal #2). Since the Transit Center use was discontinued at this location, the site was severely underutilized. Expanding the permitted uses for the site's Adaptive Reuse Project will contribute to the continued success of efforts to effectively and efficiently utilize land within the Urban Service Area. By retaining the existing structures on site, the proposal will continue to respect the context and design features of this area (Theme A, Goal #2, Objective B)

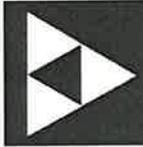
The applicant further opines that the request is in keeping with the Comprehensive Plan's goal supporting and showcasing local assets to further the creation of a variety of jobs (Theme C, Goal #1). The applicant opines that the shift in zoning from B-4 to I-1 will allow the businesses within this Adaptive Reuse Project to expand their scope of operations by allowing production type activities such as canning, bottling, and packaging. The additional revenue opportunities presented by this operational flexibility will help these businesses grow, leading to the generation of additional job opportunities for all (Theme C, Goal #1a).

The applicant further claims that the proposed rezoning will allow the development to better provide entertainment and other quality of life opportunities to attract young, culturally diverse professionals, and a workforce of all ages and talents to Lexington (Theme C, Goal #2d). Several popular uses that typically have a production component, such as the applicant's proposed kombucha production use, craft microbreweries, and craft distilleries would be able to be added to the list of permitted uses at this site.

The staff agrees with these aspects of the applicant's proposal and that these Goals and Objectives of the 2018 Comprehensive can be met with the proposed development.

POLICIES

While the applicant does not directly reference any specific Comprehensive Plan Policies within their letter of justification, staff has identified several policies listed within the 2018 Comprehensive Plan that are being met with this request. Staff finds the request meets Design Policy #4, which relates to providing development that is sensitive to the surrounding context. While the scope of uses are expanding, the footprint of the Greyline Station Adaptive Reuse Development is not. With no physical changes proposed to the site, the development



will remain the same compatible scale as before.

In expanding the allowable uses, the request meets Density Policy #3, which advocates for opportunities for additional neighborhood supportive uses. While industrial type uses do not typically fit the mold of neighborhood supportive business, the I-1 zone will allow for neighborhood scale uses that characterize this development to perform supplemental production activity, such as on-site packaging/bottling, which will allow them to be more profitable and contribute to their long-term success.

Finally, the request meets Livability Policy #6, which focuses on attracting and retaining young professionals by improving amenities and entertainment options. This proposed rezoning would allow for popular production uses such as the proposed Kombucha brewery, craft beer microbreweries, or craft distilleries, and would allow existing uses to package their products for consumption or sales off-site.

PLACE TYPE, DEVELOPMENT TYPE, AND ZONE

In an effort to allow for the greatest contextual development of Lexington's Urban Service Area, applicants are asked to identify a Place-Type based on the location of the subject properties. Within each Place-Type there are recommended Development Types based on the form and function of the proposed development. Based on the Place-Type and Development Type there are also several recommended zones that are most appropriate based on the Goals, Objectives, and Policies of the 2018 Comprehensive Plan. While these zones are the ideal zoning categories to develop within a specified area, other zones may be considered, provided there is an appropriate justification addressing the unique situation and provided the development is able to adequately meet the associated Development Criteria.

The applicant has indicated that the site is located within the Industry and Production Place-Type and is seeking to create an Industry and Production Non-Residential Development Type. Within this Place-Type and Development Type, the Comprehensive Plan states that special care should be taken to address the environmental impact of these places, as well as their impact on residents. Typically, the appropriateness of the Industry and Production Place-Type is heavily reliant, not only on the surrounding land use, but the infrastructure that is available to support such a development. The subject property fronts on two minor arterial roadways, and this portion of Loudon Avenue near the site has historically contained a mix of warehousing and light industrial land uses. Based on the location and historical context of this area, Staff agrees that the Industry and Production Place-Type can be appropriate for the subject property and, with appropriate consideration given to the adjacent residential uses and environmentally sensitive areas, the proposed Industry and Production Non-Residential Development Type can be appropriate for the subject property.

DEVELOPMENT CRITERIA

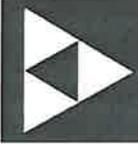
The development criteria for a zone change are the distillation of the adopted Goals and Objectives, as well as the policies put forth in the 2018 Comprehensive Plan. The development criteria for development represent the needs and desires of the Lexington-Fayette Urban County community in hopes of developing a better built environment. The applicable criteria are defined based on the proposed Place-Type and Development Type.

1. Site Design, Building Form and Location

The applicant highlighted several aspects in which the proposed rezoning meets the criteria for Site Design, Building Form and Location

B-PR9-1. Minimize disturbances to environmentally sensitive areas by utilizing the existing topography to the greatest extent possible

The applicant notes that as they will be utilizing existing structures for the proposed kombucha brewery use, no physical changes to the site are proposed with this request. As a result, there should be no impact to any nearby environmentally sensitive areas with this request.



C-D11-1 Consider flexible zoning options that will allow for a wide range of jobs.

The applicant indicates in their letter of justification that rezoning the site will allow for a wider array of uses on-site. The property's current status as an Adaptive Reuse Project allows for a number of expanded uses, which include retail, restaurants, and other more neighborhood oriented businesses typically not permitted within the B-4 zone. The applicant's requested rezoning would allow for a further increase in the scope of uses, and would allow for these neighborhood scale businesses to perform production activity, which is not permitted under B-4 zoning.

D-PL9-1 Historically significant structures should be preserved; E-GR4-1 Developments should incorporate reuse of viable existing structures.

The applicant has indicated that the historically significant Greyline Station structure will not be expanded under this request. In order to keep the additional zoning flexibility provided by the Adaptive Reuse Project provisions of the Zoning Ordinance, the structure is required to be retained.

2. Transportation and Pedestrian

Staff finds that this request meets the requirements for Transportation and Pedestrian Connectivity. The existing development has access to pedestrian facilities, transit routes, and dedicated bike lanes along both sides of Loudon Avenue. No changes to these existing features is proposed with this request.

3. Greenspace and Environmental Health

The proposed rezoning meets the criteria for Greenspace and Environmental Health as the applicant is not proposing any physical changes to the site, and is maintaining existing stormwater management systems.

STAFF RECOMMENDS: **APPROVAL**, FOR THE FOLLOWING REASONS:



1. The requested Light Industrial (I-1) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed development will support context sensitive redevelopment of land within the Urban Service Boundary by allowing for adaptive reuse of an existing industrial building (Theme A, Goal #2.b)
 - b. The proposed rezoning will help with the creation of a variety of jobs (Theme C, Goal #1.a) by allowing for new uses, and providing existing businesses in this development additional flexibility to package their products for use and consumption off-site.
 - c. The proposed rezoning will help attract young, culturally diverse professionals by expanding the permitted uses on-site to include popular uses such as the proposed brewery (Theme D, Goal#2.d)

2. The requested Light Industrial (I-1) zone is in agreement with the 2018 Comprehensive Plan's Policies, for the following reasons:
 - a. As the development will not physically change under this request, the proposed development will remain context-sensitive, meeting Design Policy #4.
 - b. The proposed development meets Density Policy, #3 as the additional production capabilities provided by the change in zoning will encourage further growth of neighborhood supportive uses by allowing them to engage in light production activity.
 - c. Finally, the request meets Livability Policy #6 by providing the opportunities to accommodate additional entertainment and amenity opportunities that appeal to young professionals.

3. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - d. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the applicant will keep the current site configuration, retain the historically significant Greyline Station structure, while allowing for increased zoning flexibility.
 - e. These proposed rezoning addresses the Transportation and Pedestrian Connectivity development criteria, as the proposal will retain the existing pedestrian connections, proximity to transit stops, and access to dedicated bike lanes.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as the request will not result in any physical changes to the site, and all existing water management systems will be retained.

4. This recommendation is made subject to approval and certification of PLN-MJDP-22-00060 GREYLINE STATION & MARKET (FKA TRANSIT AUTHORITY OF LFCG), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

Public Comment – Mr. Well showed the Planning Commission photos of the pond close to the property.

Commission Comment – Mr. Davis and Mr. Forester indicated that they both thought that the staff and applicant would work it out because it is affordable housing, but Mr. Forester stated that you have to respect staff's opinion too.

Mr. Bell said that he was concerned that if the other business that the applicant does not come like they thought, there would just be this small pocket of residential with a lot of industrial land.

Mr. Martin gave a brief history of that area and said that originally this whole area was going to be industrial, and then it got rezoned to include a lot of residential because that was driving the market, but then ultimately went back to industrial.

Ms. Wade stated that residential land is always developed faster because the demand is quicker than industrial demand.

Mr. Michler said he was torn at the Zoning Committee meeting because we need affordable housing, but should we put it along a railroad track surrounded by industrial. Additionally, he stated that this was a traditional way to place affordable housing but is not sure the Comprehensive Plan is telling us to do that.

Ms. Worth agreed and said that traditionally affordable housing is placed where people who can afford housing would not want to live and that is a problem.

Ms. Meyer said she appreciated what Winterwood is trying to do here, but does not think this is the best way to do it.

Zoning Action – A motion was made by Ms. Worth seconded by Mr. Penn and carried 7-2 (Ayes-Bell, de Movellan, Meyer, Michler, Penn, Pohl, and Worth) (Nays- Davis and Forester) (Barksdale and Nicol absent) to disapprove PLN-MAR-22-00012: WINTERWOOD INC. (AMD)

Development Plan Action – A motion was made by Mr. Penn, seconded by Ms. Worthand carried 9-0 (Barksdale and Nicol absent) (Bell abstaining) to indefinitely postpone PLN-MJDP-22-00048: SAMS & LARKIN PROPERTY (AMD) for reasons provided by staff.

2. **NORTHYARD, LLC ZONING MAP AMENDMENT & GREYLINE STATION & MARKET (FKA TRANSIT AUTHORITY OF LFUCG)(AMD) ZONING DEVELOPMENT PLAN**

- a. **PLN- MAR-22-00013: NORTHYARD, LLC** – a petition for 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.

COMPREHENSIVE PLAN AND PROPOSED USE

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

This petitioner is proposing the Light Industrial (I-1) zone in order to allow for production type uses within the existing Greyline Station Adaptive Reuse Project. In particular, the applicant wishes to utilize space within the existing workshop building in order to establish a kombucha brewery. While the scope of uses is proposed to be expanded, the footprint of the existing structures and the layout of the parking areas and landscaping are not proposed to be changed with this request.

The Zoning Committee Recommended: Approval with the addition of zoning restrictions.

The Staff Recommends: Approval, for the following reasons:

1. The requested Light Industrial (I-1) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:

- a. The proposed development will support context sensitive redevelopment of land within the Urban Service Boundary by allowing for adaptive reuse of an existing industrial building (Theme A, Goal #2.b)
 - b. The proposed rezoning will help with the creation of a variety of jobs (Theme C, Goal #1.a) by allowing for new uses, and providing existing businesses in this development additional flexibility to package their products for use and consumption off-site.
 - c. The proposed rezoning will help attract young, culturally diverse professionals by expanding the permitted uses on-site to include popular uses such as the proposed brewery (Theme D, Goal#2.d)
 2. The requested Light Industrial (I-1) zone is in agreement with the 2018 Comprehensive Plan's Policies, for the following reasons:
 - a. As the development will not physically change under this request, the proposed development will remain context-sensitive, meeting Design Policy #4.
 - b. The proposed development meets Density Policy, #3 as the additional production capabilities provided by the change in zoning will encourage further growth of neighborhood supportive uses by allowing them to engage in light production activity.
 - c. Finally, the request meets Livability Policy #6 by providing the opportunities to accommodate additional entertainment and amenity opportunities that appeal to young professionals.
 3. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the applicant will keep the current site configuration, retain the historically significant Greyline Station structure, while allowing for increased zoning flexibility.
 - b. These proposed rezoning addresses the Transportation and Pedestrian Connectivity development criteria, as the proposal will retain the existing pedestrian connections, proximity to transit stops, and access to dedicated bike lanes.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as the request will not result in any physical changes to the site, and all existing water management systems will be retained.
 4. This recommendation is made subject to approval and certification of PLN-MJDP-22-00060 GREYLINE STATION & MARKET (FKA TRANSIT AUTHORITY OF LFUCG), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
- b. PLN-MJDP-22-00060: GREYLINE STATION & MARKET (FKA TRANSIT AUTHORITY OF LFUCG) (AMD) (12/4/2022)* - located at 101 AND 109 W. LOUDEN AVENUE, LEXINGTON, KY
Council District: 1
Project Contact: Chad Needham Properties
Planning Contact: C. Gallt

Note: The purpose of this amendment is to update proposed land uses, in support of the requested zone change from Wholesale and Warehouse Business zone (B-4) to Light Industrial zone (I-1).

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

The Staff Recommends Approval, subject to the following conditions:

1. Provided the Urban County Council approves the zone change to I-1; 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. Update land use and parking table to include zone change.
8. Depict street cross-sections on plan face.
9. Correct commission's certification.
10. Remove the conceptual drainage arrows and storm inlets off plan face.
11. Remove notations for gravel in parking lot.
12. Remove dashed lines for project limits.
13. Discuss Placebuilder criteria.

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

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.

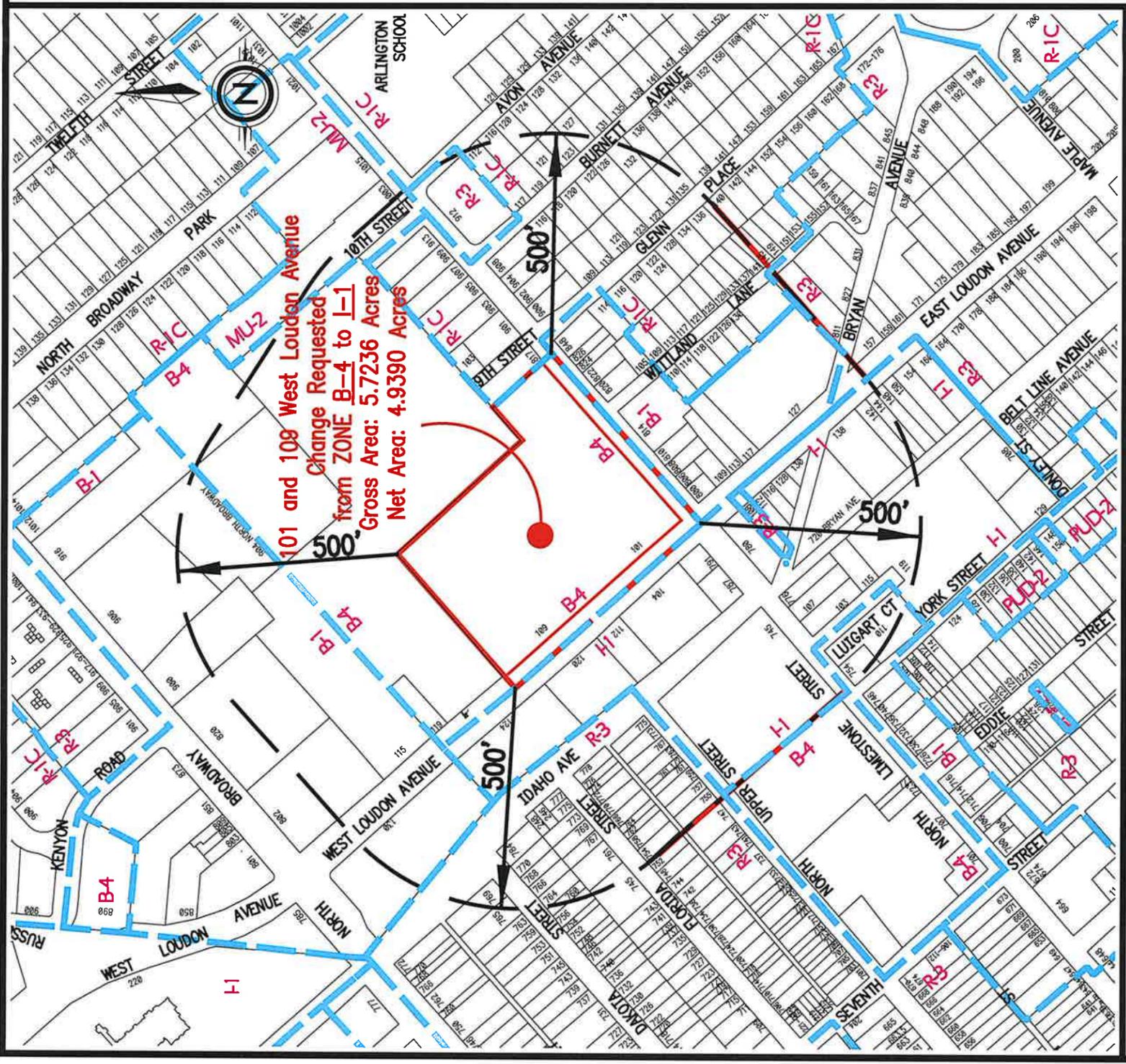
Development Plan Action – A motion was made by Mr. Davis, seconded by Mr. Pohl and carried 8-0 (Barksdale and Nicol absent) (Bell abstaining) to approve PLN-MJDP-22-00060 GREYLINE STATION & MARKET (FKA TRANSIT AUTHORITY OF LFUCG)

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

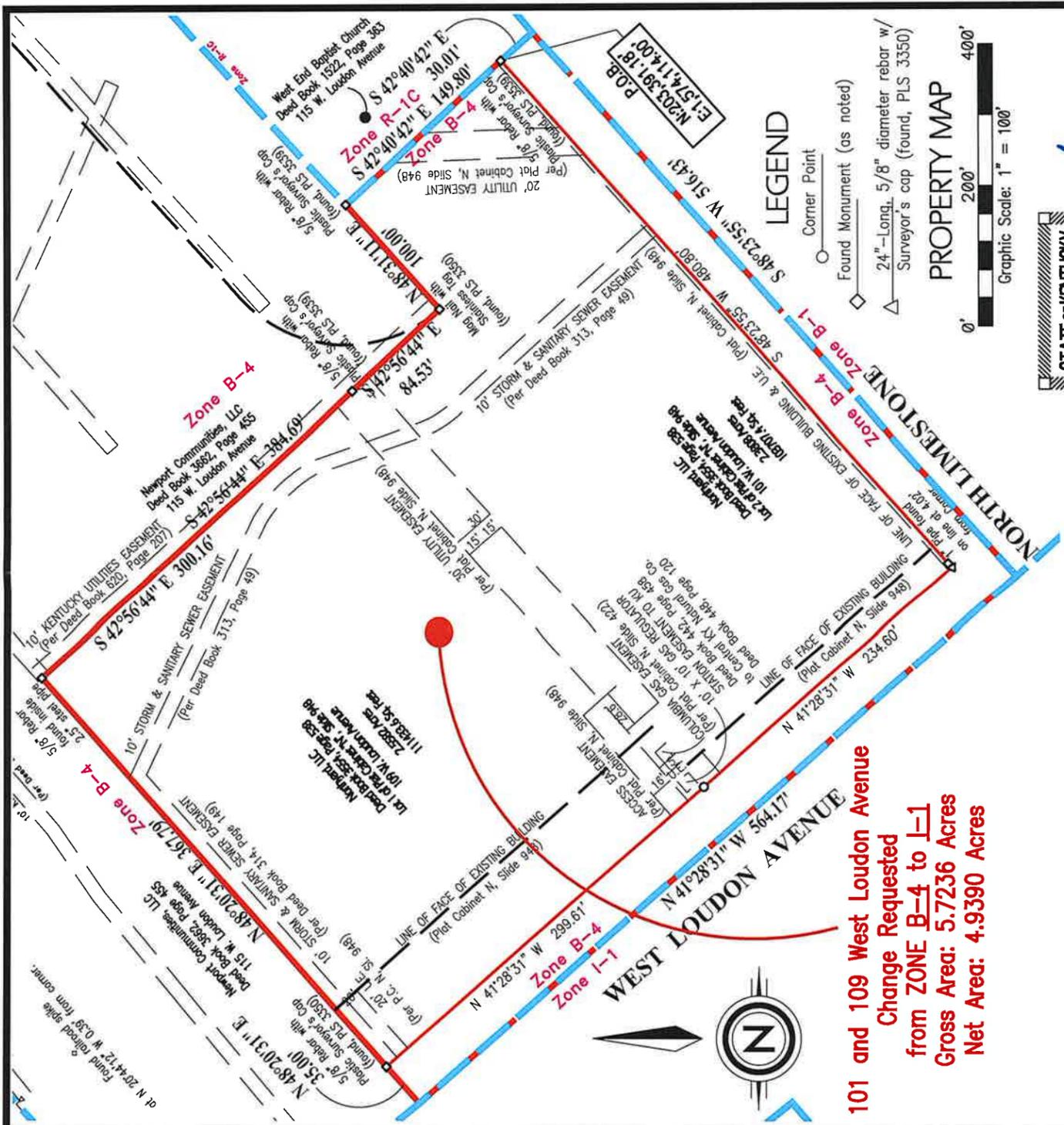
The 2018 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished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



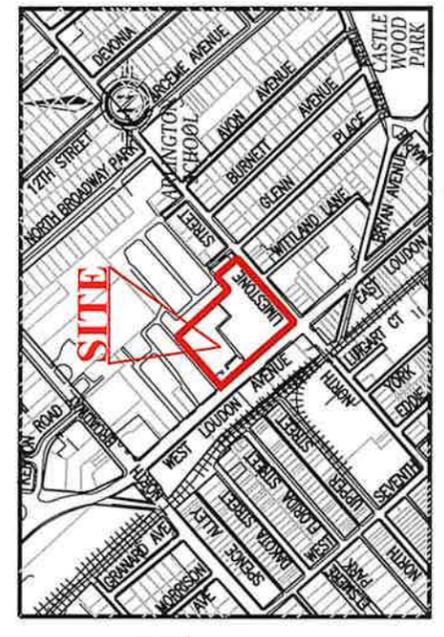
NOTIFICATION AREA MAP
PREPARED BY:

E E
Engineer
 Land Surveyors • Construction Layout • GPS

771 ENTERPRISE DRIVE
 LEXINGTON, KY 40510
 PH: 859 253-1425
 FAX: 859 233-1436



101 and 109 West Loudon Avenue
Change Requested
from ZONE B-4 to I-1
Gross Area: 5.7236 Acres
Net Area: 4.9390 Acres



VICINITY MAP

LEGEND

- Corner Point
- ◻ Found Monument (as noted)
- ◻ 24"-Long, 5/8" diameter rebar w/ Surveyor's cap (found, PLS 3350)

PROPERTY MAP



STATE OF KENTUCKY
KEVIN M. PHILLIPS
3350
 LICENSED PROFESSIONAL LAND SURVEYOR

09-06-2022

FROM	TO	NET	GROSS
B-4	I-1	4.9390 Acres	5.7236 Acres

TITLE: Greyline Station
 ADDRESS: 101 and 109 West Loudon Avenue
 APPLICANT: Northyard, LLC (Chad Needham - member)
 101 West Loudon Ave, Suite 222, Lexington, KY 40508
 OWNER: Northyard, LLC
 101 West Loudon Ave, Suite 222, Lexington, KY 40508
 DATE FILED OR AMENDED: September 9, 2022