

1. CENTENNIAL AMERICAN PROPERTIES ZONING MAP AMENDMENT & SAND LAKE AND ESTES PROPERTIES, LOT 2, SECTION 2 (AMD) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-20-00008: CENTENNIAL AMERICAN PROPERTIES (8/2/20)*- a petition for a zone map amendment from a Highway Service Business (B-3) zone to a Wholesale and Warehouse Business (B-4) zone, for 2.02 net and gross acres, for property located at 109 Sand Lake (a portion of). A dimensional variance has also been requested.

COMPREHENSIVE PLAN AND PROPOSED USE

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

The applicant is seeking a zone change from a Highway Service Business (B-3) zone to a Wholesale and Warehouse Business (B-4) zone for a portion of the property located at 109 Sand Lake Drive. The zone change application is seeking to allow for the development of a three (3) story, climate controlled self-storage warehouse.

The Zoning Committee Recommended: Postponement to the full Commission.

The Staff Recommends: Postponement, for the following reasons:

1. The zone change application should describe in greater detail how they meet the Goals and Objectives, specifically those regarding the context of the area.
 - a. Respect the context & design features of areas surrounding development projects & develop design standards & guidelines to ensure compatibility with existing urban form (Theme A, Goal #2.b).
 2. The zone change application for the subject property, as proposed, does not completely address the development criteria for a zone change within the Corridor Place-Type, and the Medium Density Non-Residential / Mixed-Use Development Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
 - a. 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.
 - b. A-DS5-4: Development should provide a pedestrian-oriented and activated ground level.
 - c. B-SU11-1: Green infrastructure should be implemented in new development. (E-GR3).
 - d. E-GR10-2: Developments should provide walkable service and amenity-oriented commercial spaces.
 - e. A-EQ3-2: Development on corridors should be transit-oriented (dense & intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure & facilities). (B-SU3).
 - f. D-CO1-1: Rights-of-way and multi-modal facilities should be designed to reflect and promote the desired place-type.
 - g. D-CO2-1: Safe facilities for all users and modes of transportation should be provided.
 - h. B-PR7-2: Trees should be incorporated into development plans; prioritize grouping of trees to increase survivability.
 - i. B-PR7-3: Developments should improve the tree canopy.
- b. **VARIANCE REQUEST** – The applicant is requesting a dimensional variance of the distance between the B-4 zone structures and adjacent residential zoning. Section 8-21(o)(1) of the Zoning Ordinance requires that all structures located within the B-4 zone be at least 100 feet from any residential zone, unless the portion within that distance has no openings except stationary windows and doors that are designed and intended solely for pedestrian access. The applicant is seeking to reduce the required distance from 100 feet to 28 feet.

The Zoning Committee recommended: Postponement for the following reason.

The Staff Recommends: Disapproval, for the following reason:

1. Granting the requested variance would adversely affect the public health, safety, or welfare by creating noise nuisances for the nearby single family residential units located on Lake Wales Court.
2. The applicant has not provided adequate information as to how they will reduce the sounds and activity produced by the proposed development and have chosen to only develop a small portion of a vacant tract. Therefore, the allowance of the variance would be a willful circumvention of the Zoning Ordinance.
3. The need for the variance does not arise from the special circumstances of the proposed development, as similar developments in similarly zoned areas have been able to meet the distance requirement.
4. The strict application of the distance requirement does not create an unnecessary hardship on the proposed development as it is meant to protect the nearby residential land uses.

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5. The request would result in willful violation of the Zoning Ordinance. The applicant has chosen this portion of the subject property, which are currently complying with the Zoning Ordinance. The applicant has the ability to comply with the Ordinance without the need of the variance.
- c. PLN-MJDP-20-000021: SAND LAKE AND ESTES PROPERTIES, LOT 2, SECTION 2 (AMD) (8/2/20)* - located at 109 SAND LAKE DR., LEXINGTON, KY.
Project Contact: Barrett Partners

Note: The purpose of this amendment is to rezone the subject property from B-3 to B-4 for a storage facility.

Note: The applicant submitted a revised development plan on June 2th that addressed a two of the conditions identified by the Technical Committee on May 27th. However, there are concerns regarding pedestrian access and circulation.

The Subdivision Committee Recommended: Postponement, There were some questions regarding the pedestrian connectivity and lack of complete development plan information.

1. Provided the Urban County Council rezones the property B-4; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Addition of walkway dimensions.
8. Addition of dimension of entrance width.
9. Clarify directional layout of drive aisles.
10. Recordation of access easement on Lot 2 prior to final development plan approval.
11. Remove parking spaces along southwest edge of property which would prevent cross access with Lot 1.
12. Discuss requested variance to reduce the overhead door opening spacing to residential zone per Article 8-21(o)(1) of the Zoning Ordinance.
13. Discuss pedestrian connectivity to the subject property.
14. Discuss Placebuilder criteria:
 - a. 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.
 - b. A-DS5-4: Development should provide a pedestrian-oriented and activated ground level.
 - c. B-SU11-1: Green infrastructure should be implemented in new development. (E-GR3).
 - d. E-GR10-2: Developments should provide walkable service and amenity-oriented commercial spaces.
 - e. A-EQ3-2: Development on corridors should be transit-oriented (dense & intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure & facilities). (B-SU3).
 - f. D-CO1-1: Rights-of-way and multi-modal facilities should be designed to reflect and promote the desired place-type.
 - g. D-CO2-1: Safe facilities for all users and modes of transportation should be provided.
 - h. B-PR7-2: Trees should be incorporated into development plans; prioritize grouping of trees to increase survivability.
 - i. B-PR7-3: Developments should improve the tree canopy.

Staff Zoning Presentation – Mr. Baillie presented the staff report and recommendations for the zone change application. He displayed photographs of the subject property and aerial photographs of the general area. He said the applicant is proposing this zone change to develop a three (3) story, climate controlled self-storage warehouse and associated office and retail space. The applicant proposes no exterior storage and no exterior access to the individual storage units; all access will be from the interior. Customers will access the building through a drive-in entrance door and access individual units via elevators and hallways. The applicant has indicated that they are not proposing security fencing and that they are seeking to match the architecture of the surrounding uses. He added that this applicant had a requested variance for the distance between a residential zone and an overhead door associated with wholesale and warehousing and the request was for a reduction of 72 feet. With the modifications that the applicant has made to their proposed building, they have withdrawn the variance request.

Mr. Baillie said that the subject property is near the intersection of Man o' War Blvd. and Richmond Road. He said that there is mostly business zoning along Richmond Road. There is residential zoning, which consist of single-family detached homes and townhomes, to the south and to the east. He said that there are fast casual restaurants and auto sales adjacent to this property. He displayed a photograph of the property and pointed to the parking lots associated with the townhomes and to how close distance of the single-family homes. He then displayed a photo of the property to the rear of the subject and pointed to grade change from Lake Wales Drive down into the subject property.

Mr. Baillie said that the applicant chose the Corridor Place-Type, and the Medium Density Non-Residential / Mixed-Use Development Type. Staff concurs with the applicant's assessment of the Place-Type and agrees that a Medium Density Non-Residential

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/ Mixed-Use development can be appropriate for the subject property. He added the mixed uses is not required. He said that the applicant is not choosing one of the recommended zones for this Place-Type. He said that zones for this Place-Type are not limited to the listed zones and that other zones can be considered with proper justification. He then said that the applicant addressed many of the Medium Density Non-Residential / Mixed-Use Development Type criteria for this application. He said that at the July 2, 2020 Committee meeting, the staff expressed some concerns with this application. The primary concern is how is this going to fit within the context of the current built environment, which is the Highway Business (B-3) zone and transition to the residential development.

Mr. Baillie said that staff looks at the requested zone and compares it to what is already established. He said that the B-4 zone is intended for wholesale, warehousing, storage operations and establishments whose activity is of the same general character as the above. The B-3 zone is intended to provide for retail and other uses, which are necessary to the economic vitality of the community, but may be inappropriate in other zones. He added in both cases the Comprehensive Plan should be used to determine the locations for this zone and staff believes that with the Placebuilder element of the Comprehensive Plan the applicant is able to fit the proposed zone into the current built environment and address the need between the different zones. He said that the main difference is that the B-3 zone has a minimum lot frontage of 40 feet and a minimum front yard of 20 feet, whereas the B-4 zone has no limitation for either. This is usually to allow the access easements to be utilized to move vehicles to the rear of the properties, so that the buildings could be set further back from the roadway. He said that there is also a use difference. The B-4 is comprised of 27 principal primary uses with 10 accessory uses and 7 conditional uses. This zone is intended for a higher intensity uses focused on the storage of materials, and in some cases the creation of potential light, air, and noise nuisances. The B-3 zone is comprised of 30 principal primary uses 11 accessory uses (one of which is wholesale, warehouse, and storage facilities) 13 conditional uses and is heavily focused on the traveling public with retail and service uses.

Mr. Baillie said that the applicant had submitted conditional zoning restrictions associated with their application, which are as follows:

The following uses would be prohibited:

1. Laundry, clothes cleaning or dyeing shops.
2. Ice Plant.
3. Machine Shop.
4. Kennels, animal hospitals or clinics.
5. Truck terminals and freight yards.
6. Establishments for the display and sale of precut, prefabricated or shell homes.
7. Carnivals.
8. Retail sale of building materials and lumber.
9. Pawnshops.
10. Shredding, sorting and baling of paper scrap and storage of waste paper.

In addition, any self-storage facility on the premises shall not have outdoor storage, and shall not have direct access to the outdoors from individual units.

Mr. Baillie said that for this to work next to a residential zone, there needs to be additional restrictions, which the staff is recommending that establishments and lots for the display, rental, sale and repair of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles, motorcycles or boats or supplies for such items shall be prohibited; there shall be no exterior lighting greater than 10 feet in height along the building that is adjacent to residential zoning; and there shall be a 20-foot landscape buffer adjacent to the residential zoning. He said that the staff is recommending approval at this time for the following reasons:

1. The requested Wholesale and Warehouse Business Zone (B-4) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning allows for the development of vacant parcels (Theme A, Goal #2.a) at a higher intensity.
 - b. The proposed development provides a well-designed neighborhood (Theme A, Goal #3) by providing safe connections to the surrounding businesses, and activating the street frontage.
 - c. The proposed development will promote, maintain, and expand the urban forest (Theme A, Goal #3.d) by increasing the tree canopy coverage, while also maintaining the established tree line along the rear and side of the subject property.
 - d. The proposed rezoning will assist in the maintenance of the Urban Service Area concept (Theme E, Goal #1) by allowing greater density of business use, and by maximizing development on a vacant parcel in a manner that enhances existing urban form (Theme E, Goal #1.d).
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 business development that supports pedestrian mobility, while also providing cross access between businesses.

- b. The proposed rezoning includes safe facilities for the potential users, by prioritizing multi-modal connections and increasing pedestrian facilities. 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 works with the current landscape, and limits the impacts on the surrounding environment.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use and buffering restrictions are recommended via conditional zoning:
- a. The following uses shall be prohibited:
 - 1. Laundry, clothes cleaning or dyeing shops.
 - 2. Ice plant.
 - 3. Machine shop.
 - 4. Kennels, animal hospitals or clinics.
 - 5. Establishments and lots for the display, rental, sale and repair of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles, motorcycles or boats or supplies for such items.
 - 6. Truck terminals and freight yards.
 - 7. Establishments for the display and sale of precut, prefabricated or shell homes.
 - 8. Carnivals.
 - 9. Retail sale of building materials and lumber.
 - 10. Pawnshops.
 - 11. Shredding, sorting and baling of paper scrap and storage of waste paper.
 - a. Any self-storage facility on the premises shall not have outdoor storage, and shall not have direct access to the outdoors from individual units.
 - b. There shall be no exterior lighting greater than 10 feet in height along the building that is adjacent to residential zoning.
 - c. There shall be a 20-foot landscape buffer adjacent to the residential zoning.
4. This recommendation is made subject to approval and certification of PLN-MJDP-20-00021: Sand Lake & Estes Properties, Lot 2, Section 2 (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.

Commission Questions – Mr. de Movellan asked what the size of the buffer behind the CarMax is. Mr. Baillie said that the buffer behind the CarMax bordering the residential zone to the south is associated with a retaining wall. In the past, it was planned to have a type of connection to the neighborhood. He said that the applicant will need to construct a similar wall to prevent any impact on the surrounding properties.

Mr. Nicol verified that the applicant is proposing the B-4 zone and excluding some of the B-3 uses, which would include auto sales. Mr. Baillie said that with the conditional zoning restrictions, the staff views this as a decrease in the intensity of the uses that are available at this site.

Mr. Pohl asked if the staff is recommending the addition of the retaining wall primarily because of the grade difference. Mr. Baillie said the Division of Engineering will need to review this at the time of the Final Development Plan. Staff would prefer a landscaping buffer. Mr. Pohl asked if the retaining wall is there to allow for the cul-de-sac to be at the correct elevation. Mr. Baillie affirmed and added that it is there to not impact the residential neighborhood. He also asked if the staff has reviewed the contour elevation plans. Mr. Baillie said that is a requirement with all development plans. He then asked if the recommended 20-foot setback was developed because of the contour elevations. Mr. Baillie said that at the time, it was not, but could be discussed at the time of the Final Development Plan.

Ms. Plumlee asked what type of planting, if any, are being recommended in the 20-foot buffer. Mr. Baillie said that there are property perimeter screening requirements, which include trees. He added that the applicant has submitted a tree inventory map, which depicts that they are proposing to plant a cluster of trees at the rear of that property to transition into the established tree line. Staff is concerned with the maintenance of those established trees. Ms. Plumlee then asked what the setback is for the building from the property line. Mr. Baillie said that it is approximately 40 feet from the nearest R-2 zone and 50-60 feet from the nearest R-3 property. He added that the distance from building-to-building would be approximately 60 feet from the R-2 zone and 90 feet from the R-3 zone.

Development Plan Presentation – Ms. Hedge presented the revised preliminary development plan associated with this zone change. She said that the applicant submitted a revised plan and indicated that revised conditions were distributed to the Planning Commission, as follows:

- 1. Provided the Urban County Council rezones the property B-4; otherwise, any Commission action of approval is null and void.
- 2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
- 3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.

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4. Urban Forester's approval of tree inventory map.
5. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
- ~~7. Addition of walkway dimensions.~~
7. Denote proposed limits for phase one and phase two on the face of the plan.
- ~~8. Addition of dimension of entrance width.~~
- ~~9. Clarify directional layout of drive aisles.~~
- ~~8.~~ 40. Recordation of access easement on Lot 2 prior to final development plan approval.
- ~~9.~~ Discuss access easement from Lake Wales Drive cul-de-sac to subject property as shown on final record plat (N-641).
- ~~11.~~ Remove parking spaces along southwest edge of property which would prevent cross access with Lot 4.
- ~~12.~~ Discuss requested variance to reduce the overhead door opening spacing to residential zone per Article 8-24(e)(4) of the Zoning Ordinance.
10. 43. Discuss Denote pedestrian connectivity to the subject property for phase one and two and include pedestrian access to the subject property in phase one.
11. 44. Discuss Resolve Placebuilder criteria:
 - a. 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.
 - b. A-DS5-4: Development should provide a pedestrian-oriented and activated ground level.
 - c. B-SU11-1: Green infrastructure should be implemented in new development. (E-GR3).
 - d. E-GR10-2: Developments should provide walkable service and amenity-oriented commercial spaces.
 - e. A-EQ3-2: Development on corridors should be transit-oriented (dense & intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure & facilities). (B-SU3).
 - f. D-CO1-1: Rights-of-way and multi-modal facilities should be designed to reflect and promote the desired place-type.
 - g. D-CO2-1: Safe facilities for all users and modes of transportation should be provided.
 - h. B-PR7-2: Trees should be incorporated into development plans; prioritize grouping of trees to increase survivability.
 - i. B-PR7-3: Developments should improve the tree canopy.

She pointed to the proposed building and that in regards to condition #7, staff is asking the applicant to denote the proposed limits for the phase one and phase two. She said that phase one will be the storage facility, which is being proposed today; phase two will be two additional buildings located at the front of the lot. Condition #8, regarding the access easement on lot 2, it needs to be recorded prior to the Final Development Plan being approved. In regards to condition #9, the access easement from Lake Wales Drive cul-de-sac up to the subject property needs further discussion. She said that there is a pedestrian access easement depicted on the Final Record Plat (N-641), which was approved by the Planning Commission in 2010, which recommended that a staircase be constructed from the residential neighborhood to the subject property. This staircase has not been built. Condition #10, the pedestrian connectivity to the subject property needs to be denoted for both phases. She said that the staff is also concerned with the location of the dumpster on the property. She said in regards to condition #11, the staff believes that the Placebuilder criteria has been resolved with this revised development plan. She said that the staff is recommending approval of this revised development plan.

Commission Questions – Mr. de Movellan asked if the zone change request is for the entire parcel. Mr. Baillie said that the rear portion of the property is being proposed for the zone change. The front of the lot is remaining zoned B-3.

Applicant Presentation – Mr. Dick Murphy, attorney; Brody Glen; Tony Barrett; Doug Winn, Centennial American Properties; and Dennis Anderson were present. Mr. Glen said that they had received a letter from Ms. Jessica Winters regarding discussion of demand in the area and the increase of traffic. In regards to the demand in the area, he said that the demand is certainly there. The majority of other storage facilities are non-climate controlled and some materials don't last in those facilities. He said that the average occupancy, in the three mile radius, for storage facilities is more than 93%. He said that the proposed building may be large, but from the intensity standpoint, it is not. He added that they are providing screening. In regards to the increase of traffic, he said that this use generates approximately 16 trips, peak hour, per day. He added that they will continue to work with the staff to ensure that the neighbors are protected with the buffers.

Mr. Murphy presented photographs of the businesses in the area. He also displayed of finished products that Centennial American have constructed. He said that there isn't any outdoor storage and the public enters through one overhead door, unload their vehicles and proceed to their unit. He displayed the 2016 development plan for the property and pointed to the front lot and said that those are not part of this zone change and that they are remaining B-3. There was a three-story hotel on this plan for the subject property, with parking abutting the townhomes and in the rear of the site. He said the proposed development doesn't have any parking on the sides abutting the residential zones. Mr. Anderson had two hotel developers sign letters of intent, but they had withdrawn due to COVID-19. Therefore, he is proposing this self-storage facility.

Mr. Murphy displayed a tree inventory and said that they agree with the staff regarding the landscape areas. He said that they redesigned the entranceway and it will shield other uses from headlights and noise. He said that they will maintain the easement,

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since it will be relocated after phase two is constructed. He said that they believe this is the best use of the property, which is similar to a hotel building, with less activity, traffic and noise. He said that the top uses of B-3 zones is car lots, service stations, restaurants and cocktail lounges, car washes, and hotel. He added that the primary accessory use is wholesale, warehouse and storage facilities. This will be a principal use, which requires the B-4 zone. He said that they believe that this enclosed self-storage facility is a much better use, with buffers from the residential and the car lots, and produce less traffic, noise and activity than any of the allowed B-3 uses.

Mr. Murphy displayed photos of the surrounding area and said in regards to the grade issue that they don't plan to create a retaining wall. However, it will be resolved at the time of the Final Development Plan. He said that because of the grade difference, their three-story building will appear as more of a two-story building. He said that because of COVID-19 they were unable to have early meetings. He said that there isn't a neighborhood association, but he did send notification letters for a Zoom meeting, which only Ms. Winters attended. He said that the B-3 and B-4 zones both have a 75-foot height limitation, which they are not changing. He said that their proposed building is 40 in height. He added that they are in agreement with the 2018 Comprehensive Plan, for the reasons that Mr. Baillie stated. He said they support local businesses, infill and redevelopment, transition between more intense uses, reduce the carbon footprint, dense and compact use, and assist in the use of an underutilized property. He also said in regards to the development criteria that they believe they have complied with or will comply with. He said that they are in agreement with the staff's proposal for conditional zoning restrictions, with the exception of condition #5, prohibiting the sale of autos on the property. He said that if this development isn't constructed, the most likely user will be auto sales.

Commission Questions – Ms. Plumlee asked if the pedestrian easement will connect to the cul-de-sac. Mr. Murphy said that the pedestrian access is depicted on the development plan, but it isn't labeled. He add that they would like to resolve that at the time of the Final Development Plan.

Representative for Opposition – Ms. Winters, attorney representing the Eagle Creek Coalition, which is an informal association of owners of more than 25 properties along S. Eagle Creek Drive, Lake Wales Drive, and Lake Wales Court. She said that this proposed zone change is not consistent with the 2018 Comprehensive Plan development criteria. She said that she submitted signed statements from 7 individual homeowners and a letter from Georgine Schneider who owns 19 townhomes along Eagle Creek Drive. She said that Tim Schott, president of Principal Broker of Modern Property Management has also submitted a letter in opposition. She said that the format of this meeting diminishes the citizens' opportunity to make a show of force through physical attendance or to attend due to technological hurdles. She said that she also submitted the results of an online petition in opposition, signed by 24 additional members of the community. Findings of Fact and Support of Disapproval have also submitted to the staff.

Ms. Winters displayed an aerial photograph of the area and said that the proposed building is located at the rear of the property, the parking of the townhomes are also, as well as their open space. She then displayed photos of the residences that will be directly impacted by this proposal. She said that this three-story building looks like a warehouse and will not provide any measurable benefit to the neighborhood. She said that there are many reasons self-storage facilities have not been permitted within neighborhoods. This concept is inherently automobile centered, and doesn't encourage pedestrian activity, it doesn't bring jobs to the neighborhood, and not an efficient use of limited Urban Service Area land. She said that the residences that are adjacent to the subject property will have to suffer continual noise from the raising and lowering of a massive garage door, the comings and goings of vehicles, and the glare of security lights. She said that the proposed building will dwarf the adjoining residential property. She said that the B-4 zone is not a suggested zone in either the corridor or the enhanced neighborhood Place-Types. She said that the north boundary is characterized by retail stores, restaurants, professional offices and services. The boundary to the southeast and southwest are residential.

Ms. Winters believes that the proposed Place-Type is Enhanced Neighborhood, and the development should context sensitive to the surrounding area and should add to the sense of place. She said that the Comprehensive Plan makes it clear that process is important. She said that the first notification of this zone change was mailed on June 22, 2020. She said that the Place-type and Development Type were selected prior to any neighborhood meeting. She said that the Corridor Place-type incorporates high-density residential and retail should be prioritized. She believes that the Medium Density Non-Residential / Mixed-Use Development Type does not qualify and that this land use was intended to be primarily community serving, commercial uses, services, places of employment and/or mixed-uses. She said that the B-4 zone is intended to be the transition between the industrial and business zones, not as a use adjoining a residential neighborhood. She said that the proposed development doesn't include any mixed-uses nor provide services to the neighborhood or encourage pedestrian activity.

Ms. Winters stated that Centennial is also proposing climate controlled self-storage facilities at two other locations within the City of Lexington. She said the staff initially recommended initially recommended disapproval of those two facilities. These facilities were approved by the Planning Commission in June, 2020, and both received abbreviated hearings with no opposition from nearby property owners. She said that the Eagle Creek Coalition asks the Planning Commission to oppose the proposed zone change and development, and they challenge the Planning Commission to make smart infill of neighborhoods of Lexington with bicycle and pedestrian uses as the forefront of the design to maintain the character of the communities.

Commission Questions – Mr. de Movellan confirmed that Ms. Winters attended Mr. Murphy's on behalf of the concerned neighbors or the Eagle Creek Coalition Association. Ms. Winters said that at that time, she attended only for a few concerned neighbors. After that meeting, there were more neighbors that organized the Coalition. Mr. de Movellan then asked how many homeowners are in the Coalition. Ms. Winters said that there are 24 property owners, and one person owns 19 of the lots. He then said that there was a letter submitted from a citizen with concern of the through traffic on their street and he clarified that there will not be any through traffic into any of the residential neighborhoods. Ms. Winters agreed.

Citizens in Opposition – Walt Gaffield, 2001 Bamboo Drive, Fayette County Neighborhood Council, said that according the Comprehensive Plan neighborhoods should have focal points and this proposal is for a large warehouse, which is not a place for people to gather and socialize. He believes that this isn't promoting mixed-use, neighborhood engagement was unsuccessful. He said that this will provide low employment. He said that he concerned that the R-3 zone is directly adjacent to this property, because the applicant could return and request more R-4 zone.

Amy Clark, 628 Kastle Road, said that if there is transit-oriented development on a major corner, it needs to be filled with destinations, and this proposal doesn't fulfil that need.

Addison Hosea, Eastlake Neighborhood Association, said that this development will be out of scale with the rest of the neighborhood.

Applicant Rebuttal – Mr. Murphy said that there will not be any vehicular access into either Lake Wales Drive or Lake Wales Court. He said that they had community engagement with the Eastland Parkway Neighborhood Association and Townley Park Homeowners Association, which neither of them had any opposition. He stated that once a party has hired legal representation, he is prohibited from speaking to clients directly and all communication must go through that attorney. He said that after the Zoom, they had proposed a modified application and development plan and submitted it to the staff and to Ms. Winters. He said that there wasn't any response from the neighborhood association. He said that he wished the neighborhood had known that there isn't any vehicular traffic onto Lake Wales Court and that there is currently a development plan for a three-story hotel on the property. He added that there is a 75-foot height allowance on this property and they are only proposing a 40-foot building. He said that the Planning Commission is to review the land use not the demand for a particular use is. He said in regards to the lack of walkable shopping areas, the shops have not been removed from the plan.

Representative for Opposition Rebuttal – Ms. Winters said that she neglected to state that all of information she presented be placed into the record of this hearing. She said that there is a problem with the video teleconference (Zoom) process that is being utilized, and that the applicant is allowed to show their face and present directly to the Planning Commission members, whereas the opposition, even when represented by council, doesn't get to show their face or directly present to the Planning Commission members. She added that any community members who wish to oppose are not allowed to show their face and present directly to the Planning Commission members. She said that the applicant referred to the approved 2016 development plan and stated that the neighbors could have a three-story hotel on this property, but there isn't any developer to construct that hotel. She asked what neighborhood serving use this proposal will provide. She said that it wasn't communicated to her clients that there wasn't any through traffic and she was simply forwarding a letter that was sent to her.

Chair Mr. Forester stated that Mw. Winters' comments have been noted for the record.

Staff Rebuttal – Mr. Baillie clarified that the staff meets with all of the applicant's following the Subdivision and Zoning Committee meetings, at the request of the Committee, to seek certain solutions.

Commission Questions – Mr. Nicol asked if the neighbor would be opposed to another car dealership behind them, which is allowed under the current zone. Ms. Winters said that Eagle Creek Coalition Association is in support of all of the conditional zoning restrictions proposed by the staff.

Commission Discussion – Mr. Wilson commented on Ms. Winters' statement of people in opposition not being allowed to be seen, whereas other people are allowed to be seen. He said that people that support cases are not allowed to be seen either.

Ms. Plumlee said that this hearing has related to context sensitivity to the surrounding area. She said that the neighbors have spoken with their proposed use.

Zoning Action – A motion was made by Ms. Plumlee, seconded by Ms. Meyer, and failed 2-8 (Bell, Davis, de Movellan, Forester, Nicol, Penn, Pohl, and Wilson opposed) to disapprove PLN-MAR-20-00008: CENTENNIAL AMERICAN PROPERTIES, for the reasons provided by the Ms. Winters, as follows:

The Planning Commission hereby recommends DISAPPROVAL of PLN-MAR-20-0008, for the following reasons:

1. That the zone change and development proposal is not appropriate for the Subject Property, which is bounded on two sides by many residential properties.
2. That the zone change and development proposal is not in accordance with many of the Policies, Goals, and Objective of the Imagine Lexington Comprehensive Plan, including but not limited to the following: - Theme A, Growing

Successful neighborhoods, by expanding housing choices. The Coalition agrees with Planning Staff that because the proposed development does not supply dwelling units for the community, this particular objective does not apply. The Coalition likewise agrees with Planning Staff's conclusion that building a self-storage facility such as the proposed development does not encourage or facilitate increased housing opportunities.

- A-DS5-3: Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
- A-DS5-4: Development should provide a pedestrian-oriented and activated ground level.
- A-DS7-1: Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
- A-DN2-2: Development should minimize significant contrasts in scale, massing and design, particularly along the edges of historic areas and neighborhoods. (D-PL9, E-GR6). The proposed development far exceeds the scale and massing of the surrounding single-family residences.
- B-SU11-1: Green infrastructure should be implemented in new development.
- (E-GR3) D-PL2-1: Developments should aim to provide a neighborhood-serving use that does not already exist in the vicinity, or that fills a specific need. Over the course of the last 10 years, there has been an increase in the amount of interior, climate controlled self-storage facilities in Lexington. There are ample opportunities for their development within the community that meets the zoning ordinance and are situated in appropriate areas of land use intensity.
- E-GR9-2: Low-intensity business uses that will provide neighborhood amenities should be incorporated into existing neighborhoods. The existing development and zoning already allow for business uses to meet the needs of the neighborhood.
- E-GR10-2: Developments should provide walkable service and amenity-oriented commercial spaces.
- D-CO1-1: Rights-of-way and multi-modal facilities should be designed to reflect and promote the desired place-type.
- D-CO2-1: Safe facilities for all users and modes of transportation should be provided.
- Greenspace and Environmental Health- B-PR7-2: Trees should be incorporated into development plans; prioritize grouping of trees to increase survivability.
- B-RE1-1: Developments should incorporate street trees to create a walkable streetscape.

Zoning Action – A motion was made by Mr. de Movellan, seconded by Mr. Davis, to approve PLN-MAR-20-00008: CENTENNIAL AMERICAN PROPERTIES, for the reasons provided by the staff, removing item 3.a.5, as follows:

3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use and buffering restrictions are recommended via conditional zoning:
 - a. The following uses shall be prohibited:
 1. Laundry, clothes cleaning or dyeing shops.
 2. Ice plant.
 3. Machine shop.
 4. Kennels, animal hospitals or clinics.
 5. ~~Establishments and lots for the display, rental, sale and repair of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles, motorcycles or boats or supplies for such items.~~
 6. Truck terminals and freight yards.
 7. Establishments for the display and sale of precut, prefabricated or shell homes.
 8. Carnivals.
 9. Retail sale of building materials and lumber.
 10. Pawnshops.
 11. Shredding, sorting and baling of paper scrap and storage of waste paper.
 - b. Any self-storage facility on the premises shall not have outdoor storage, and shall not have direct access to the outdoors from individual units.
 - c. There shall be no exterior lighting greater than 10 feet in height along the building that is adjacent to residential zoning.
 - d. There shall be a 20-foot landscape buffer adjacent to the residential zoning.

Commission Discussion – Ms. Plumlee said that in regards to the 20-foot landscape buffer, the photo depicts that those are deciduous trees and during the winter months they will be bare. She asked if the applicant would consider planting some evergreens in that location, so that it would be protected all year long.

Ms. Wade asked Ms. Plumlee if she is asking the applicant or the Planning Commission. Ms. Plumlee said that she would prefer that to be a conditional zoning restriction. Adding evergreens in addition to the existing trees.

Amended Motion – An amendment was made by Ms. Plumlee, seconded by Mr. Pohl, and carried 10-0 to amend the current motion to include Evergreen trees in the 20-foot landscape buffer adjacent to the residential zoning, as follows:

3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use and buffering restrictions are recommended via conditional zoning:
- a. The following uses shall be prohibited:
 1. Laundry, clothes cleaning or dyeing shops.
 2. Ice plant.
 3. Machine shop.
 4. Kennels, animal hospitals or clinics.
 5. ~~Establishments and lots for the display, rental, sale and repair of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles, motorcycles or boats or supplies for such items,~~
 6. Truck terminals and freight yards.
 7. Establishments for the display and sale of precut, prefabricated or shell homes.
 8. Carnivals.
 9. Retail sale of building materials and lumber.
 10. Pawnshops.
 11. Shredding, sorting and baling of paper scrap and storage of waste paper.
 - a. Any self-storage facility on the premises shall not have outdoor storage, and shall not have direct access to the outdoors from individual units.
 - b. There shall be no exterior lighting greater than 10 feet in height along the building that is adjacent to residential zoning.
 - c. There shall be a 20-foot landscape buffer adjacent to the residential zoning with the addition of Evergreen trees.

Vote for Original Motion as Amended – Motion carried 9-1 (Meyer opposed).

Development Plan Action – A motion was made by Mr. Nicol, seconded by Mr. de Movellan, and carried 9-1 (Meyer opposed) to approve PLN-MJDP-20-000021: SAND LAKE AND ESTES PROPERTIES, LOT 2, SECTION 2 (AMD), with the revised conditions presented by the staff.

