

1. **CBROTHERS, LLC ZONING MAP AMENDMENT & HILLENMEYER PROPERTIES, LLC (AMD) ZONING DEVELOPMENT PLAN**

- a. **PLN-MAR-18-00022: CBROTHERS, LLC (12/30/18)\***- a petition for a zone map amendment from a restricted High Density Apartment (R-4) zone to a Light Industrial (I-1) zone, for 4.43 net (4.81 gross) acres, for property located at 2370 Sandersville Road.

**COMPREHENSIVE PLAN AND PROPOSED USE**

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The Plan's mission statement notes that 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. In addition, the Plan encourages a mix of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

The petitioner proposes rezoning the subject property in order to allow for part of the existing warehouse to be used for restoring historic automobiles and related storage and also for storage of equine oriented materials.

The Zoning Committee made no recommendation.

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

1. The requested rezoning to a Light Industrial (I-1) zone is not in agreement with the 2013 Comprehensive Plan, for the following reasons:
    - a. The Goals and Objectives and policy statements of the Plan encourage the consideration of how proposals relate to existing development in the immediate vicinity, and focus on protecting neighborhoods and residential areas from incompatible land uses. The current residential areas are buffered from the nearby industrial uses by manmade buffers, including the Norfolk Southern Railroad to the east, Greendale Road to the west, and the Spring Lake Country Club to the south.
    - b. The Comprehensive Plan supports infill and redevelopment that is respectful of the area's context and design features. In this case, the context of the area is neighborhood businesses and low density residential. Incorporating a warehouse facility within the neighborhood is out of character.
  2. The proposed I-1 zone is not appropriate for the subject property, for the following reasons:
    - a. The proximity of the structure to residential zones as it stands violates the ordinance, Which states that, "except for Industrial Mixed Use Projects, all buildings and structures shall 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" [Article 8-22(o)(2)].
    - b. No other I-1 zoning or land uses compatible with I-1 uses are located within the immediate vicinity.
    - c. Roadway access to the site is limited for large vehicles due to the historic nature of the roadway. The underpass associated with the Norfolk-Southern Railroad, less than a ¼ mile east of the subject property, causes a narrowing of the roadway and constricts the height of vehicles able to access the area.
  3. The existing High Density (R-4) zone is appropriate for the subject property as it is consistent with the surrounding agricultural and residential land uses and zoning.
  4. There have been no unanticipated changes of a physical, social or economic nature within the immediate area since the Comprehensive Plan was adopted in 2013 that would justify an I-1 zone for the subject property.
- b. **PLN-MJDP-18-00085: HILLENMEYER PROPERTIES, LLC (AMD) (12/30/18)\*** - located at 2370 SANDERSVILLE ROAD, LEXINGTON, KY.  
Project Contact: EA Partners

**Note:** The purpose of this amendment is to rezone the property.

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

1. Provided the Urban County Council rezones the property 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.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Landscape Examiner's approval of landscaping and landscape buffers.
5. Addressing Office's approval of street names and addresses.
6. Urban Forester's approval of tree preservation plan.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.

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9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. Correct note #6.
12. Replace tree inventory map with required Tree Preservation Plan (TPP).
13. Denote height of buildings in feet on plan.
14. Addition of purpose of amendment note.
15. Denote proposed stormwater detention area on plan.
16. Discuss improvements to Sandersville Road.
17. Discuss enhanced landscape buffer next to the R-4 zone to the east.

**Staff Presentation** - Mr. Baillie distributed a revised staff report to the Planning Commission. He then presented the staff report and recommendations for the zone change. He displayed photographs of the subject property and aerial photographs of the general area. He said that I-1 zoning is traditionally not recommended to be located adjacent to residential developments but since this will be utilized as a Flex Space Project, then it can be appropriate. He said that Sandersville Road is a collector street, but this area is substandard because of the historic properties at this site. He said that the building and the stone walls restrict future development. He said that the staff was concerned about the increase of heavy truck traffic in the immediate area. He added that the road narrows underneath the railroad tracks to the east, which also has limited height, making it necessary that any truck traffic enter this area from Greendale Road.

Mr. Baillie said that the applicant was vague regarding the proposed use of this property in the initial meetings. He said that the applicant is proposing to utilize the space and maintain the current structures for four different uses that are permitted in the B-4 and I-1 zones. The original brick warehouse will be divided into three sections for three different uses, which are: (1) historic car restoration; including manufacturing and machining of auto parts, which will be packaged, sold and shipped; (2) for storage of bourbon barrels and the bottling of bourbon, which is also a combination of a B-4 zone use; and (3) the center of the warehouse is being proposed for retail sales of these bottled bourbon and other finished products, as well as a tasting room, where members of the public would be able to also fill their own bottles of bourbon. He said that retail sales are a permitted use within the B-1 zone, and are allowable in a Flex Space Project. He said that the applicant also proposes to store parts and material associated with the rehabilitation of vehicles in this space, which is permitted in the B-4 zone. He said that the staff would like all types of beverages to be included in this process. He added that the applicant proposes to utilize the "Lincoln House" (the second historic structure) as office space, which is a permitted use in the B-4 zone.

Mr. Baillie said that staff was hesitant to agree with an I-1 zone in the center of an expanding residential area, but the applicant significantly modified their request and proposed to maintain the existing structures and limit their uses on the subject property. He said that the staff now agrees with the applicant that the proposed rezoning complies with the adopted Goals & Objectives of the 2018 Comprehensive Plan by identifying areas for adaptive reuse and mixed-use development, employ underutilized land to provide greater utility and function, will promote historic preservation, and maximizes the use of property within the Urban Service Area. Additionally, the conditional zoning restrictions will also allow for preservation of cultural resources by maintaining the historic structures, while also incorporating new uses that will incentivize the renovation, restoration, development and maintenance of the historic structures. He added that the staff agrees with these aspects of the petitioner's justification.

**Development Plan Presentation** - Mr. Martin presented a rendering of the preliminary development plan associated with the zone change. He said that the property fronts on Sandersville Road. He said that there are no physical changes being proposed on the property. He identified the "Lincoln House" building, which will remain on the property and be utilized as the office area. He said that there are 54 parking spaces. He also said that the applicant changed the status of this plan from a final development plan to a preliminary development plan. He said that in the I-1 and B-4 zones there is a restriction on large warehouse and overhead doors in relation to residential zones, which will need to be addressed at the Board of Adjustment and can be deferred to on a final development plan. He added that the applicant has stated that their intent is to have a Flex Space Project, which the staff is supportive of because it allows a variety of uses that may support the nearby residential development. He said that the uses are required to be on the plan, as well as the parking, and these can be solved by submitting a final development plan at a later date.

Mr. Martin said that there are a few clean up conditions. Condition #16 and #17 are final development plan items and by changing this plan to a preliminary development plan, these shall be determined at the time of the final development plan. He added that the staff is recommending approval of this plan.

**Applicant Presentation** - Mr. Nicholson, attorney representing the petitioner, thanked the staff and Mr. Walbourn, who is representing the neighbors. He said that this was a difficult project and three different representatives worked together to gain a compromise. He presented a PowerPoint presentation to the Planning Commission and the audience members and said that this proposal is mostly about saving the historic structures located on this property. He gave a brief history of the property and displayed photos of the structures and the landscaping. One of those photos was of the building located next to Sandersville Road, which will be discussed at the time of the final development plan. He described the building, which is one-story in the

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front and steps down to a two-story building. The building has skylights that provide natural lighting. He said that there are three separate bays in the rear of the building, which are approximately 100 feet wide. He displayed a photo of the door that is facing the residential zone.

Mr. Nicholson said that the applicant is proposing multiple uses to ensure that the buildings are maintained and protected, agreeing to conditional zoning restrictions that requires that. He said that they will be utilizing the buildings in the manner that they were used historically and engaging the neighborhood and visitors.

Mr. Hillenmeyer was present and said that he supports this zone change and the uses that are being proposed.

Mr. Nicholson confirmed that the applicant agreed to the two revisions to the staff's recommendation. He said that the applicant agrees to the following changes to conditions #16 and #17:

16. ~~Discuss~~ Denote improvements to Sandersville Road to be resolved at the time of the Final Development Plan.
17. ~~Discuss~~ Denote enhanced landscape buffer and lighting next to the R-4 zone to the east to be resolved at the time of the Final Development Plan.

Commission Questions – Mr. Nicol asked if this zone change isn't approved, does the owner have the ability to demolish the building. Mr. Nicholson said that they have the ability to demolish the building, but they prefer not to. He said that the building is not listed on the National Register of Historic Places. He added that while the owner was trying to turn it into residential property for the past decade, which it is currently zoned for, it has been determined that isn't feasible. The design of the building has been the cause of it not being able to convert into residential.

Citizen Comments - Mr. Walbourn, attorney present on behalf of adjacent neighbors D. Gary Bunch and Mr. Joseph Brown, said they have reached agreement with conditional zoning restrictions that have been recommended. He said that his clients have concerns regarding the close proximity of their home to the subject property, and some of the uses permitted in the I-1 zone, which often produce lighting, noise, and truck traffic. He said that he will follow up with the Final Development Plan process to make sure that their concerns are accommodated. He added that they have officially withdrawn their objection.

Commission Comments – Mr. Wilson said that was pleased to hear that all the representatives for this case were able to work together to be able to preserve the historical buildings and able to reutilize them.

Mr. Owens also said that he was pleased for the staff, applicant and neighbors working to agree on this unique property.

Citizen Comment – There were no citizens present to speak to this application.

Zoning Action: A motion was made by Mr. Owens, seconded by Mr. Brewer, and carried 11-0 to approve PLN-MAR-18-00022: CBROTHERS, LLC, for the reasons provided by the staff.

Development Plan Action – A motion was made Mr. Owens, seconded by Mr. Brewer, and carried 110 to approve PLN-MJDP-18-00085: HILLENMEYER PROPERTIES, LLC (AMD), with the revised conditions provided by the staff, as follows:

1. Provided the Urban County Council rezones the property 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.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Landscape Examiner's approval of landscaping and landscape buffers.
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10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. Correct note #6.
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