

1. **TURNER PROPERTY 4, LLC ZONING MAP AMENDMENT & TURNER PROPERTY & MEADOWTHORPE COMMUNITY BUSINESS CENTER DEVELOPMENT PLAN**

- a. **PLN-MAR-22-00021: TURNER PROPERTY 4, LLC** – a petition for a zone map amendment from a High Density Apartment (R-4) zone, a Neighborhood Business (B-1) zone, and a Light Industrial (I-1) zone to a Industrial Redevelopment Planned Unit Development (PUD-3) zone, for 27.087 net (27.461 gross) acres, for property located at 125 Turner Commons Way and 1409 N. Forbes Road.

**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 Industrial Redevelopment Planned Unit Development (PUD-3) zone in order to create a mixed-use industrial development. The applicant's proposal includes 14 commercial buildings ranging from 1-3 stories that will incorporate a wide variety of uses including: restaurants, a winery, retail, office space, and flex industrial space. The development will also include a residential component, with 25 attached townhouse units located near the center of the development. The proposal includes 674 total parking spaces.

The development will also create a linear park that will run adjacent to the western property line and serve as a buffer between the development and the adjacent single-family residential neighborhood. A centralized pond will serve as both an amenity and a stormwater management feature located along the western edge of the development.

**The Zoning Committee Recommended: Approval.**

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

1. The requested Industrial Redevelopment Planned Unit Development (PUD-3) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
  - a. The request will activate an underutilized parcel within the infill and redevelopment area (Theme A, Goal #2) and will include a significant increase in density and mixing of uses.
  - b. The proposal will help reinforce an underutilized portion of the W Main Street corridor by redeveloping a primarily vacant tract into a destination-type development (Theme E, Goal#1.c)
  - c. The request will expand opportunities for mixed use development within Lexington-Fayette County and will provide diversity in housing types for the Meadowthorpe area (Theme A, Goal #3.a)
  - d. The proposed rezoning will help with the creation of a variety of jobs (Theme C, Goal #1.a) by allowing for the incorporation of neighborhood-scale retail and commercial uses.
  - e. The entertainment, dining, and retail uses detailed within the proposal will help create a development that is appealing to both tourists and young professionals (Theme C, Goal #1d, Theme C Goal #2.d)
2. The requested Industrial Redevelopment Planned Unit Development (PUD-3) zone is in agreement with the 2018 Comprehensive Plan's Policies, for the following reasons:
  - a. The proposed development meets Density Policy #3 and Design Policy #12, as it will create walkable neighborhood amenities such as a park, restaurants, breweries, and wineries that will help supplement the residential component of the Meadowthorpe Neighborhood.
  - b. The increase in allowable uses will increase the diversity of job types available in this area, meeting Diversity Policy #2.
  - c. The proposed development meets Design Policy #5 by utilizing the linear park and multi-modal pathways to create pedestrian-friendly street patterns and walkable blocks to create inviting streetscapes.
  - d. The proposed development meets Sustainability Policy #4 by creating centrally located greenspace that is directly adjacent to the development's residential component.
  - e. 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 it intensifies an underutilized site and creates a true mixing of uses that provides safe pedestrian-scale connections to community facilities, greenspace, employment, business, shopping, and entertainment for users of the development as well as the surrounding neighborhoods.
- b. These proposed rezoning addresses the Transportation and Pedestrian Connectivity development criteria, as the proposed development provides new roadway connections between N. Forbes Road and W. Main Street, incorporates direct pedestrian linkages to the nearby transit stop, and provides safe multi-modal connections throughout the development.
- c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as the request will increase the amount of green open space, tree canopy coverage, and reduce the overall amount of impervious surface on-site.

- b. **PLN-MJDP-22-00068: TURNER PROPERTY & MEADOWTHORPE COMMUNITY BUSINESS CENTER (TURNER COMMONS) (1/29/2023)\*** - located at 125 TURNER COMMONS WAY & 1409 N. FORBES ROAD, LEXINGTON, KY  
Council District: 11  
Project Contact: Palmer Engineering

Note: The purpose of this plan is to depict development of the site, in support of the requested zone change from a High Density Apartment (R-4) zone, a Neighborhood Business (B-1) zone, and a Light Industrial (I-1) zone to an Industrial Redevelopment (PUD-3) zone.

The Subdivision Committee Recommends Postponement. There are questions regarding the scale of plan and lack of required information per Article 21 of the Zoning Ordinance.

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

1. Provided the Urban County Council approves the zone change to PUD-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Urban Forester's approval of tree preservation plan.
5. Greenspace planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval if environmentally sensitive areas.
7. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Division.
8. United States Postal Service Office's approval of kiosk locations or easement.
9. Correct Planning Commission certification.
10. Correct plan scale.
11. Addition of required topography contours.
12. Modify plan type to "Planned Unit Development Plan".
12. Denote height of proposed buildings in feet.
13. Denote proposed use of all buildings.
14. Dimension all proposed and existing buildings.
15. Denote typical parking space and drive aisle.
16. Revise purpose of plan note.
17. Clarify uses of area adjacent to West Main Street.
18. Dimension trail, sidewalks, and all hardscapes areas.
19. Clarify uses adjacent to buildings D & E.
20. Clarify Turner Commons Way cross-section north of access A.
21. Discuss design standards per Article 22C-5 of the Zoning Ordinance.
22. Discuss Placebuilder criteria.

Ms. Wade indicated that an abbreviated hearing was possible and asked if anyone would like a full hearing on the item.

Kylie Schmidt, resident of the Melrose/Oak Park neighborhood, stated that she was excited for the development at the property, but had concerns about the amount of traffic this development would bring.

A full hearing for the item proceeded.

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

Staff Presentation – Mr. Daniel Crum presented the staff report and recommendations for the zone change application. He displayed photographs of the subject property and the general area. He stated that the applicant was seeking a zone map amendment from a High Density Apartment (R-4) zone, a Neighborhood Business (B-1) zone, and a Light Industrial (I-1) zone to an Industrial Redevelopment Planned Unit Development (PUD-3) zone, for 27.087 net (27.461 gross) acres, for property located at 125 Turner Commons Way and 1409 N. Forbes Road. The applicant is seeking to develop a mixed-use industrial development.

Mr. Crum indicated that there has been a Traffic Impact Study done on the subject property, and Mr. Stuart Kearns would add more context to that study following the staff presentation. Mr. Crum continued, highlighting that the applicant had chosen the 2<sup>nd</sup> Tier Urban Place-Type, and the Medium Density Non-Residential Mixed Use Development Type and indicated that Staff was in agreement with these selections. Additionally, Mr. Crum displayed a map of the different land uses proposed on the subject property, include commercial, residential, and industrial land uses. Mr. Crum indicated that the development plan fulfills many of the goals of the Comprehensive Plan, including using underutilized property within the Urban Service Area, developing along corridors, and providing expansive employment opportunities.

Mr. Crum displayed renderings of the residential and commercial properties and concluded his presentation stating that Staff was recommending approval.

Development Plan Presentation – Mr. Tom Martin oriented the Planning Commission to the location of the subject property, as well as various surrounding landmarks. Mr. Martin stated that the applicant is proposing a private street through the development. Additionally, Mr. Martin, reiterated the types of the development that Mr. Crum highlighted, as well as the pond and various other greenspaces on the property.

Mr. Martin indicated that the amended plan in front of the Planning Commission today addressed many of the concerns that Staff had, which according to Mr. Martin was due to a lack of specificity. Mr. Martin also stated that Staff has required that a note be added on the development plan that the applicant comply with their own design standards. Additionally, Mr. Martin noted that the Meadowthorpe Neighborhood Association would need to be notified if there is an amended plan in the future. Mr. Martin concluded his presentation stating the Staff is recommending approval and could answer any questions from the Planning Commission.

Commission Questions – Mr. Davis asked if the neighborhood across from the development would be notified of an amended development. Mr. Martin stated that they could add that, but it is not a condition at this time. Mr. Davis stated that he thought it would be fair that the neighborhood should receive notice.

Mr. Michler asked if the orientation of the building on the corner of Turner Commons and Main Street was discussed between the Staff and the applicant. Mr. Martin indicated that it was discussed and that the applicant could discuss that during their presentation.

Mr. de Movellan asked if there is vehicular access at the very back of the property to the park. Mr. Martin stated that the vehicular access would be stopped at the rear, but there is the ability for pedestrian access through the industrial portion to the public park in the rear.

Applicant Presentation – Nathan Billings, attorney for applicant, gave an abbreviated presentation on the property and the application. Mr. Billings noted 18 months of working closely with the Meadowthorpe Neighborhood Association before they went to staff with this application. Mr. Billings indicated that they were in agreement with the staff findings and the development plan, with the additional condition that the Melrose/Oak Park Neighborhood Association be notified if a plan is amended.

Mr. Billings discussed the traffic concerns, and stated that while they cannot resolve the off-site traffic problems with the zone change, but it was important to address the concerns publically to show the good faith efforts that have been conducted to get here, which is why there is no opposition to the development. Mr. Billings displayed pictures of the intersections that would be of most concern and indicated that the intersection at N. Forbes Road would potentially be getting improvements to help alleviate those traffic concerns. Additionally, Mr. Billings indicated that the underpass under Main Street would remain open and that the applicant would be blocking access utilizing gates from the Meadowthorpe neighborhood, except for emergency vehicles. Mr. Billings also indicated that there is a private agreement with the neighborhood association that says the gates have to be closed except in cases of an emergency.

Commission Questions – Mr. Penn thanked Mr. Billings and his team for the work they have done since the Subdivision Committee.

Traffic Impact Study Presentation – Mr. Stuart Kearns presented the Traffic Impact Study for the subject property and gave context on the various data points that go into the study. Mr. Kearns stated that Traffic Impact Studies should be taken with a grain of salt because ITE Trip rates reflect local conditions, existing conditions are usually based on a single observation, trip distribution is a best guess, and development timelines can often change. Additionally, Mr. Kearns stated that the “A through F” report card scale utilized in a study can be misleading at times. Mr. Kearns stated that an A or a B can often indicate that you have made your road too big and that a C or D rating is often the sweet spot for roadway capacity.

In the data that Mr. Kearns displayed, it highlighted that Leestown/W. Main Street has stayed relatively stable since 1994, as has Forbes Road. Mr. Kearns ended his presentation stating that the study recommends a 125 foot right turn lane from Leestown Road onto Turner Commons Way, but there was not adequate room to insert one. Additionally, Mr. Kearns concluded that the intersection does not meet signal warrants.

Public Comment – Kylie Schmidt, resident of the Melrose/Oak Park neighborhood, asked for the justification for leaving the gate access, and not closing the underpass which connects to Old Main Street. She indicated a preference to moving traffic to the intersection with N. Forbe Road.

Rick Wells, 201 Price Road, wanted to know where to access the Traffic Impact Study and was concerned about the turn by Palumbo Lumber.

Rock Daniels, 1519 Old Leestown Road, wanted to thank everyone who worked hard on this application and working with the neighborhood.

Gabe Hensley, 301 Pelican Lane, thanked the all those involved for a good outcome and noted that it was not always easy, but common ground was found.

Ben Halada, 3052 Beaumont Center Circle, wanted more information about the development and if there would be retaining walls placed near the back of property.

Applicant Rebuttal – Mr. Nathan Billings, attorney for the applicant, stated that as of now, there are no construction plans for a retaining wall near the back of the development. Mr. Billings attempted to alleviate Ms. Schmidt’s concerns by saying that there are a number of solutions to this problem, but none of the come from the zone change process, but they are committed to finding the best solution possible. Mr. Billings indicated that they are aware of the problems at Price Road, but that 700 cars out of 14,000 in the impact study is a drop in the bucket. Additionally, Mr. Billings commented that he was not sure if the Melrose/Oak Park neighborhood had an active neighborhood association, but did have discussions with people from the neighborhood. Finally, Mr. Billings indicated that the Traffic Impact Study could be found on the Citizen Portal on the LFUCG website.

Commission Questions and Comments – Mr. Davis asked if a Melrose Neighborhood Association does not exist, could a condition be made to say that notification will be given to them when one is created and the Meadowthorpe Association. Mr. Billings suggested to send notice to the last registered agent of the inactive neighborhood association, even if it is no longer active. Mr. Baillie added that it was inactive, but the Planning Commission can identify an area of notification.

Mr. de Movellan asked if Mr. Billings can address the issue of the sound in relation to the townhomes in the development. Mr. Billings indicated that this development was not meant to be a concert venue like The Burl, and if there were music, it would be more acoustic and not as loud.

Mr. Michler asked what the width of the railroad easement was. Mr. Billings stated he did not know off the top of his head, but they would comply with whatever the easement was.

Mr. Bell stated that this process was refreshing and that the communication between the applicant and the neighborhoods, as well as making an infill development that will be an asset is remarkable and commended all involved.

Action – A motion was made by Mr. Davis and seconded by Mr. de Movellan and carried 8-0 (Meyer, Nicol, and Pohl absent) to approve **PLN-MAR-22-00021: TURNER PROPERTY 4, LLC** for reasons provided by Staff.

Action – A motion was made by Mr. Davis and seconded by Mr. de Movellan and carried 8-0 (Meyer, Nicol, and Pohl absent) to approve **PLN-MJDP-22-00068: TURNER PROPERTY & MEADOWTHORPE COMMUNITY BUSINESS CENTER (TURNER COMMONS)** with the 17 conditions outlined by Staff, modifying condition #16 to say that the Meadowthorpe Neighborhood Association and any future Melrose /Oak Park neighborhood associations registered with the Division of Planning to be notified of any plan amendment prior to such amended plan being filed with the Division of Planning.

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

**VI. COMMISSION ITEMS** - The Chair will announce that any item a Commission member would like to present will be heard at this time.

**VII. STAFF ITEMS** – The staff will report at the meeting.

**VIII. AUDIENCE ITEMS** – Citizens may bring a planning related matter before the Commission at this time for general discussion or future action. Items that will **NOT** be heard are those requiring the Commission’s formal action, such as zoning items for early rehearing, map or text amendments; subdivision or development plans, etc. These last mentioned items must be filed in advance of this meeting in conformance with the adopted filing schedule.

**IX. MEETING DATES FOR JANUARY 2023**

- Subdivision Committee, Thursday, 8:30 a.m., in 3<sup>rd</sup> Floor Conf Room, Phoenix Building ..... January 5, 2023
- Zoning Committee, Thursday, 1:30 p.m., in 3<sup>rd</sup> Floor Conf Room, Phoenix Building ..... January 5, 2023
- Subdivision Items Public Hearing, Thursday, 1:30 p.m. in Council Chambers, 2<sup>nd</sup> Floor, Gov’t Center..... January 12, 2023**
- Work Session, Thursday, 1:30 p.m., in 3<sup>rd</sup> Floor Conf Room, Phoenix Building..... January 19, 2023**
- Technical Committee, Wednesday, 8:30 a.m., in 3<sup>rd</sup> Floor Conf Room, Phoenix Building ..... January 25, 2023
- Zoning Items Public Hearing, Thursday, 1:30 p.m, in Council Chambers, 2<sup>nd</sup> Floor, Gov’t Center ..... January 26, 2023**

**X. ADJOURNMENT**

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Larry Forester, Chair

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Janice Meyer, Secretary

TW/HB/RS

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