

Ms. Gallt concluded by stating that the staff recommends approval of the preliminary development plan. She offered to answer any questions from the Planning Commission.

Applicant Presentation – Attorney Dick Murphy reminded the Commission that in 2019 the Anderson Andover Property was part of a successful zone change, becoming the home of Carson’s restaurant and their connected event space. He stated that due to that success, they are now seeking expansion through town homes and additional parking for the restaurant.

Mr. Murphy requested that item #3 under the requirements not met section of the revised staff report be amended to extend to the approval of the final development plan to allow more time for the developers to achieve this goal. He clarified that this extension would provide a safe time frame for the adjustment.

Action – Mr. Forester made a motion, seconded by Mr. Nicol, and carried 9-0 (Wilson and J. Davis absent), to approve **PLN-MAR-26-00005: ANDERSON ANDOVER COUNTRY CLUB, LLC** for the reasons given by staff.

Staff Comments – Ms. Gallt suggested that any change to the conditions, specifically item #3, be included in the motion.

Action – Mr. Forester made a motion, seconded by Mr. Nicol, and carried 9-0 (Wilson and J. Davis absent), to approve **PLN-MJDP-26-00015: LOCHMERE TRACT 4-B (A PORTION OF) (ANDOVER GOLF COURSE)**, with the revised conditions presented by staff, modifying item #3 under requirements not met to read: Denote: Approval of turn-around by the Division of Fire at the time of approval of the final development plan.

2. BOARD OF TRUSTEES CLAYS MILL BAPTIST CHURCH MAP AMENDMENT REQUEST AND CLAYS MILL ROAD BAPTIST CHURCH HOUSING PROJECT DEVELOPMENT PLAN

- a. **PLN-MAR-26-00006: BOARD OF TRUSTEES CLAYS MILL BAPTIST CHURCH (4/23/26)*** – a petition for a zone map amendment from a Single Family Residential (R-1B) zone to a Medium Density Residential (R-4) zone for 5.45 net (5.59 gross) acres for property located at 3000 Clays Mill Road. In addition to the rezoning request, the applicant is requesting a conditional use permit for a place of religious assembly and childcare center accessory to a place of religious assembly and a variance to reduce the landscape and buffer from 8 feet to 1.7 feet.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2045 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.

Note: The applicant is proposing the rezoning of the subject property to convert a portion of an existing structure into 5 apartment units.

The Zoning Committee Recommended: **Approval.**

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

1. The requested Medium Density Residential (R-4) zone is in agreement with the 2045 Comprehensive Plan’s Goals and Objectives, for the following reasons:
 - a. The addition of residential units will help meet housing demand (Theme A, Goal #1.c).
 - b. The proposal will expand housing variety and choice (Theme A, Goal #1.b).
 - c. The proposal will result in minimal environmental impact (Theme A, Goal #3.c).
 - d. The request will increase the utility of an underutilized parcel (Theme A, Goal #2.a and Goal #2.d).

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

2. The requested Medium Density Residential (R-4) zone is in agreement with the 2045 Comprehensive Plan's Policies, for the following reasons:
 - a. The proposal will comply with the Multi-Family Design Standards (Design Policy #3).
 - b. The project would provide infill residential units (Density Policy # 2).
 - c. The applicant stated that these units are intended to meet a wide range of income levels (Equity Policy #3).
 - d. The new use would integrate well with the existing community (Equity Policy #9).
 - e. The project would involve the reuse of an existing structure (Growth Policy #9).

3. The requested Medium Density Residential (R-4) zone is in agreement with the Development Criteria of the 2045 Comprehensive Plan for the following reasons:
 - a. The proposed rezoning meets the criteria for Land Use by increasing density with a mixed-use infill project (A-DN2-1 & B-SU3-1).
 - b. The proposed rezoning meets the criteria for Transportation, Connectivity, and Walkability by providing pedestrian access (A-DS4-1) and utilizing shared parking (C-PS10-1).
 - c. The proposed rezoning meets the criteria for Environmental Sustainability and Resiliency as the proposed plan does not require removal any trees (B-PR7-1), could be accomplished with minimal grading (B-PR9-1) and will incorporate native plants and trees (B-SU11-1) and increase the tree canopy (B-RE1-1) .
 - d. The request meets the requirements for Site Design by providing pedestrian access to Clays Mill Road (A-DS5-4) and utilizing the existing parking located at the rear of the property (A-DS7-1).
 - e. The request meets the requirements for Building Form by retrofitting an existing structure (E-GR5-1) that minimizes contrasts in scale with the surrounding neighborhood (A-DN2-2).

4. This recommendation is made subject to approval and certification of PLN-MJDP-26-00016 CLAYS MILL ROAD BAPTIST CHURCH HOUSING PROJECT prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

Staff Presentation – Mr. Young oriented the Planning Commission to the location of the proposed zone change. He indicated that the applicant is seeking to rezone the subject property in order to retrofit an existing church structure with five apartment units. He also explained that the applicant is requesting both a variance and a conditional use permit.

Mr. Young clarified that while the apartments will not be labeled “affordable housing”, but that they will be offered to members of Clays Mill Baptist Church at a reduced rate. He stated that the proposal was in agreement with The Goals, Objectives, Policies, and Development Criteria of the 2045 Comprehensive Plan.

Mr. Young stated that the staff recommends **Approval** and offered to answer any questions from the Commission.

- b. **VARIANCE** – In addition to the rezoning request, the applicant is requesting a variance to reduce the landscape and buffer from 8 feet to 1.7 feet.

The Zoning Committee recommended: **Approval**.

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

1. Approval of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations.
2. The requested variance is due to special circumstances that do not generally apply to land in the general vicinity, or in the same zone. The site features existing circulation patterns that predate the current Zoning Ordinance.

3. Strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land or would create an unnecessary hardship on the applicant. Providing the required buffer would necessitate significant changes to the site's access, circulation, and parking areas.
4. The circumstances of the variance request are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

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

1. Provided the Planning Commission and Urban County Council approve the requested zone change to the R-4 zone, otherwise the requested variances shall be null and void.
2. The development shall be constructed in accordance with the approved Final Development Plan, or as amended by the Planning Commission.
3. All necessary permits shall be obtained from the Divisions of Planning, Traffic Engineering, Engineering and Building Inspection prior to construction and occupancy.
Action of the Planning Commission shall be noted on the Development Plan for the subject property.

- c. **Conditional Use Permit:** The applicant is requesting a conditional use permit for a place of religious assembly and childcare center accessory to a place of religious assembly.

The staff recommends **Approval** for the following reasons:

1. Approval of the conditional use permit will not have any negative impacts on the surrounding community. Both of the uses associated with this request have existed at this location for a number of years, and no expansion of the existing structures is proposed at this time to accommodate the new residential component.
2. There is sufficient parking present on-site to accommodate the proposed users of the site.
3. All necessary public facilities and services are available and adequate for the proposed uses.

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

1. The uses shall be operated in accordance with the submitted application materials and the associated Development Plan.
2. All necessary permits, shall be obtained from the Divisions of Planning and Building Inspection prior to commencement of the use.
3. The applicant shall comply with all requirements of the State of Kentucky's Cabinet for Health and Family Services.

Staff Presentation – Mr. Young oriented the Commission with the variance and conditional use permit. He noted that the applicant was requesting that the landscape buffer between adjacent parcels be reduced from 8 feet to 1.7 feet. He shared images of the site depicting vegetation that made it difficult to appropriately create a buffer of 8 feet.

He stated that staff recommends **Approval** of the variance for the reasons given by staff. He offered to answer any questions from the Commission.

Mr. Young then oriented the Commission with the applicants' request for a conditional use permit, noting that the previously granted permit applied in the current zone, and that the property owner was seeking approval with no changes within the proposed R-4 zone.

He stated that staff recommends **Approval** for the following reasons:

1. The uses shall be operated in accordance with the submitted application materials and the associated development plan.
2. All necessary permits shall be obtained from the Division of Planning and Building Inspection prior to the commencement of use.
3. The applicant shall comply with all requirements of the State of Kentucky's Cabinet for Health and Family Services.

Commission Questions – Chair Davis sought clarification that the Planning Commission would take action on three items: the zone change, the development plan, and the variance.

Daniel Crum, Principal Planner, stated that the Planning Commission will take action on four items: the zone change, the development plan, the variance, and the conditional use permit.

- d. **PLN-MJDP-26-00016: CLAYS MILL BAPTIST CHURCH HOUSING PROJECT** (6/1/26)* – located at 3000 CLAYS MILL ROAD, LEXINGTON, KY
Council District: 10
Project Contact: Earthcycle Design

Note: The purpose of this plan is to depict five residential units in an existing building, in support of the requested zone change from a Single-Family Residential (R-1B) zone to a Medium Density Residential (R-4) zone.

Requirements Not Met:

1. Addition of all easements. (ZO Art. 21-6(a)(10)) (Planning)
2. Addition of residential uses in site statistics under uses. (ZO Art. 21-6(a)(13)) (Planning)
3. A portion of bicycle parking is required to be covered for multi-family development. (ZO Art. 16) (Bike/Ped)
4. Provide justification for any proposed removals and mitigation for significant trees removed. (ZO Sec. 26-4(c)) (Urban Forester)
5. Depict any Tree Protection Areas, if applicable. (ZO Art. 26-2) (Urban Forester)

Waiver(s) Necessary: None at this time.

Design Considerations:

1. See all Accela comments provided by the Division of Engineering.
2. Contact Addressing Office for reassignment of address(es)/suite numbers. (Addressing)
3. If impervious area is increasing, verify stormwater capacity for quality and quantity. (Engineering)
4. Contact SS tap-on-desk. Submit updated capacity assurance, if warranted. (Engineering)

Plan Questions or Concerns:

1. Discuss Placebuilder criteria.

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

Should the plan be approved, the following requirements should be considered:

1. Provided the Urban County Council approves the zone change to R-4; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Landscape Examiner's approval of landscaping and landscaping buffers.
5. Addressing Office's approval of street names and addresses.
6. Urban Forester's approval of tree preservation plan.
7. Department of Environmental Quality's approval of environmentally sensitive areas.
8. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
9. Open Space planner's approval of the treatment of open space and vegetative areas.
10. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
11. Division of Waste Management's approval of refuse collection locations.
12. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
13. United States Postal Service Office's approval of kiosk locations or easement.

Staff Presentation – Ms. Gallt oriented the staff with the layout of the final development plan. She shared a color rendering of the property with the Commission. An existing structure is being retrofit into the five apartments and she expressed the possibility of adding an additional sidewalk from the building to Clays Mill Road.

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

Commission Questions – Ms. Molly Davis noted that the space between the church property and the residents on Neal Drive was narrow, and asked Ms. Gallt if she had reviewed that element of the plan.

Daniel Crum, Principal Planner, mentioned that staff would answer questions pertaining to the variance after the presentation.

Applicant Presentation – Attorney Scott Schuette was present to represent the applicant. He stated that the variance was not a product of the zone change, but one that has already existed on the property. He also noted that it did not apply to the entirety of the property's driveway, but only on specific points.

He reminded the Commission that the conditional use permit was approved in 2024 and emphasized that the applicant was seeking reapproval for the new zone.

Mr. Schuette clarified that while the cost of the apartments would be in line with what would be considered low-income housing, the applicant is not seeking any federal funding for the project, and that the rent prices will be a product of the church staff that will occupy the units.

He stated that he and the applicant agreed with staff's recommendation.

Citizen Comments – Stephen Trotter, Neal Drive, read a letter written by two of his neighbors. He expressed concern that the proposed zone change would allow for future large-scale development.

Vinny Paiva, 592 Longview Drive, urged the Commission to think about how the proposed change to a R-4 zone could impact the future of the property.

Applicant Rebuttal – Mr. Schuette stated that there are no future plans to further develop the church property beyond what the applicant is currently proposing. He also clarified that if any major changes were to be made to the property, it is likely that any future developments would need to be presented to the Planning Commission for approval.

Staff Comments – Mr. Crum clarified that not all changes to the property would return to the Commission for approval. He stated that only those involving a new preliminary development plan or changes to stub streets would need further Commission approval.

Commission Comments – Ms. M. Davis stated that she thought it was wonderful when entities provide housing options for staff. She noted that sensitivity to neighbors is important and expressed concern regarding the addition of housing units without providing adequate green space.

Action – Mr. Forester made a motion, seconded by Mr. Nicol, and carried 9-0 (Wilson and J. Davis absent), to approve **PLN-MAR-26-00006: BOARD OF TRUSTEES CLAYS MILL BAPTIST CHURCH** for the reasons provided by staff.

Action – Mr. Forester made a motion, seconded by Mr. Nicol, and carried 9-0 (Wilson and J. Davis absent), to approve **PLN-MJDP-26-00016: CLAYS MILL BAPTIST CHURCH** subject to the 13 conditions recommended by staff.

Action – Mr. Forester made a motion, seconded by Mr. Michler, and carried 9-0 (Wilson and J. Davis absent), to approve the associated **variance request** with the four conditions provided by staff.

Action – Mr. Forester made a motion, seconded by Ms. Worth, and carried 9-0 (Wilson and J. Davis absent), to approve the associated **conditional use permit** with the conditions and findings provided by staff.

Note: Mr. Michler recused himself from the meeting, stating that he had a conflict of interest with the next agenda item. He exited the meeting at 2:23 pm.