

- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) proponents (10 minute maximum OR 3 minutes each)
 - (b) objectors (30 minute maximum OR 3 minutes each)
- Rebuttal & Closing Statements
 - (a) petitioner's comments (5 minute maximum)
 - (b) citizen objectors (5 minute maximum)
 - (c) staff comments (5 minute maximum)
- Commission discusses and/or votes on the plan.

V. **ZONING ITEMS** - The Zoning Committee met on Thursday, October 6, 2022, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members: Zach Davis, Larry Forester, Robin Michler, and Graham Pohl. Staff members in attendance were: Traci Wade, Autumn Goderwis, Hal Baillie, Daniel Crum, Bill Sheehy, and Tracy Jones, Department of Law. The Committee members reviewed applications and made recommendations as noted.

A. **ABBREVIATED PUBLIC HEARINGS ON ZONING MAP AMENDMENTS**

The staff will call for objectors to determine which petitions are eligible for abbreviated hearings.

Abbreviated public hearings will be held on petitions meeting the following criteria:

- The staff has recommended approval of the zone change petition and related plan(s)
- The petitioner concurs with the staff recommendations
- Petitioner waives oral presentation, but may submit written evidence for the record
- There are no objections to the petition

B. **FULL PUBLIC HEARINGS ON ZONE MAP AMENDMENTS** - Following abbreviated hearings, the remaining petitions will be considered.

The procedure for these hearings is as follows:

- Staff Reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) Proponents (10 minute maximum OR 3 minutes each)
 - (b) Objectors (30 minute maximum) (3 minutes each)
- Rebuttal & Closing Statements
 - (a) Petitioner's comments (5 minute maximum)
 - (b) Citizen objectors (5 minute maximum)
 - (c) Staff comments (5 minute maximum)
- Hearing closed and Commission votes on zone change petition and related plan(s).

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the hearing. The Chair will announce its decision at the outset of the hearing.

1. **WINTERWOOD INC. (AMD) ZONING MAP AMENDMENT & SAMS & LARKIN PROPERTY (AMD) ZONING DEVELOPMENT PLAN**

- a. **PLN-MAR-22-00012: WINTERWOOD INC. (AMD)** – an amended petition for a zone map amendment from a Light Industrial (I-1) zone to a Commercial Center (B-6P) zone, for 10.113 net (11.692 gross) acres, for property located at 1510 Greendale Road and 2440 Innovation Drive (a portion of).

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 petitioner proposes the rezoning of the subject property to the Commercial Center (B-6P) zone to allow for the construction a multi-family residential development. The proposed development consists of a mix of three-story and four-story multi-family residential structures, with a total of 216 units at a residential density of 21.36 dwelling units per acre, along with associated amenities.

The Zoning Committee Recommended: Referral to the Planning Commission.The Staff Recommends: Disapproval, for the following reasons:

1. The requested rezoning to Commercial Center (B-6P) is not in agreement with the 2018 Comprehensive Plan for the following reasons:
 - a. The proposal does not provide context sensitive development (Theme A, Goal #2b), as the proposed residential development is located in a primarily industrially zoned area, and directly adjoins an existing industrial use and active railroad line.
 - b. The proposal is not providing for safe interactions between neighborhoods (Theme A, Goal #3d), as the development is geographically isolated from other residential uses in the area, and connectivity between these uses is limited by narrow roadways, an existing railroad, and a lack of a comprehensive pedestrian facility network.
 - c. The proposal does not meet Comprehensive Plan Goals of reducing emissions and de-emphasizing single user vehicles (Theme B, Goal #2d), as the property's location and lack of meaningful connections will require their residents to utilize personal vehicles to reach neighborhood supportive uses and employers
 2. There have been no major unanticipated changes of an economic, social or physical nature in the area of the subject property since the adoption of the 2018 Comprehensive Plan.
 3. The existing I-1 zone remains appropriate for the following reasons:
 - a. The subject property is located in close proximity to several major freight corridors and Interstate-64 and Interstate-75.
 - b. The subject property is a large vacant tract of land suitable for industrial development.
 - c. The property abuts existing industrial uses to the east, and industrially zoned property to the north and west, as well as an active railroad line.
- b. PLN-MJDP-22-00048: SAMS & LARKIN PROPERTY (AMD) (10/30/2022)* - located at 1510 GREENDALE ROAD, LEXINGTON, KY
 Council District: 2
 Project Contact: Earthcycle Design, LLC
 Planning Contact: T. Martin

Note: The purpose of this plan is to depict new multi-use development in support of the requested zone change from Light Industrial zone (I-1) to Commercial Center zone (B-6P).

The Staff Recommends: Postponement. There are questions about meeting the minimum lot and development requirements of the B-6P zone.

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

1. Provided the Urban County Council rezones the property B-6P; 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. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. United States Postal Service Office's approval of kiosk locations or easement.
8. Denote location of proposed construction access.
9. Clarify total square footage and dimensions of all buildings.
10. Denote property is in the Royal Springs Aquifer recharge area.
11. Submittal of required multi-modal plan per Article 12-8 (h) of the Zoning Ordinance.
12. Denote improvements to Greendale Road are proposed by the developer.
13. Denote access and improvements to Spurr Road shall be approved by KYTC and Traffic Engineering.
14. Discuss improvements to Spurr Road.
15. Discuss landscaping adjacent to I-1 zoned land (UK property).
16. Discuss access to 2440 Innovation Drive per second amended preliminary development plan (DP 2016-23).
17. Discuss sanitary sewer connection to Lot 1.

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

18. Discuss proposed building line versus platted building line.
19. Discuss minimum acreage for B-6P zone.
20. Discuss Placebuilder criteria.

Staff Presentation – Mr. 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 Light Industrial (I-1) zone to a Commercial Center (B-6P) zone, for 10.113 net (11.692 gross) acres, for property located at 1510 Greendale Road and a portion of 2440 Innovation Drive. Additionally, Mr. Crum highlighted the sites zoning history and explained that the applicant is seeking to build a multi-family residential development.

Mr. Crum went into detail about the applicant's suggested Enhanced Neighborhood Development Type and broke down how that Place-Type would be a challenge for the applicant. The site itself is currently isolated from the existing residential developments and while the applicant has done the best they can, the connections just aren't there to connect with and enhance the neighborhood. Mr. Crum concluded that the applicant is not meeting the requirements for the Enhanced Neighborhood Place-Type and is not appropriate for this location.

Mr. Crum continued by comparing and contrasting the applicants Goals and Objectives that were in line with Comprehensive Plan and those that were not. Their Goal of expanding housing choice, prioritizing higher density, and utilizing vacant land in the Urban Service Area are in line with the Comprehensive Plan. However, Mr. Crum noted that residential at this location would not respect the context of the surrounding area, it does not promote safe interactions between neighborhoods, nor does the proposed development reduce their carbon footprint by de-emphasizing single-occupancy vehicle dependency.

Mr. Crum concluded the presentation stating that staff is recommending disapproval of this zone change and that he would be willing to answer any questions the commission has.

Commission Questions – Mr. Michler asked if there was any commercial aspect in this application, since the B-6P zone is titled "Commercial Center." Mr. Crum indicated that there was not, but that there was originally a plan for a three story office building at the beginning of the process.

Staff Development Plan Presentation – Mr. Tom Martin oriented the commission to the development plan and highlighted the various access points and roads near the property, including Spurr and Greendale Roads. Mr. Martin also highlighted the location of a spring and stream that the applicant would have to address if the zone change was approved. Mr. Martin also indicated that if this is approved, and there is a final development plan, its proximity to the Royal Spring aquifer means that it would have to be reviewed by the Royal Springs committee at the time of the final development plan. Mr. Martin additionally mentioned the applicant's intentions to develop pedestrian improvements. Furthermore, he stated that the Kentucky Eagle pump station was not sized to accommodate a development of this size and that the applicant would have to remedy that situation. Mr. Martin indicated that it would be the responsibility of this development to provide a sanitary sewer hookup to the adjacent UK property. Mr. Martin concluded by pointing out the clean up items, including denoting the landscaping and a few other "copy and paste" criteria.

Commission Questions – Mr. Penn inquired about if the applicant will screen off the industrial portions of the property, where Kentucky Eagle is, from the residential. Mr. Martin indicated that they have not needed to do that yet because it is still currently industrial, but if the zone change was approved it will be up to the B-6P property to provide screening. Mr. Penn also asked if we should view this plan as a placeholder and not a final development plan and Mr. Martin indicated that was true.

Mr. Michler asked if there was anything natural that the staff discussed with the applicant in the way of trees and other foliage. Mr. Martin indicated that the spring was the only natural thing of significance on the property. As a follow-up Mr. Michler asked if staff was comfortable with the applicant bulldozing that land and Mr. Martin stated that Lexington has a rolling topography and developers have to work and flatten that sometimes to build.

Ms. Worth asked about the types of protections for children and others when there is a railroad track on the boundary of the property. Mr. Martin responded that we do not require any besides some landscaping, but that any kind of fences or boundaries like that would be up to the applicant for liability purposes.

Mr. Bell asked if the pump station that Kentucky Eagle currently has would be upgraded to work for everyone or will a new one need to be placed. Mr. Martin stated that he believes that the applicant would most likely put in their own pumping station.

Applicant Presentation – Jon Woodall, attorney for the applicant, started the presentation by introducing the development team, and stating that he thought that the Placebuilder Criteria of the Comprehensive Plan worked well and helps focus things, but disagreed with staff on this particular Place-Type. Mr. Woodall indicated that this plan has been in the works for a long time and they have taken a thoughtful approach and had a lot of community engagement, as well as robust discussions with staff. Mr. Woodall highlighted the buildings on the plan, and noted a tall retaining wall at the boundary of the property. He stated that there would be 216 one, two, and three bedroom units at the property. Mr. Woodall stated that these would be work-force housing for jobs that are currently there, and jobs that would come there in the future. Mr. Woodall ended his portion the presentation stating that this is an infill project, as well as an affordable housing project that is being done by a company with a good track record of doing things the right way.

Scott Southall, applicant, continued the presentation, giving more context and information about the project. Mr. Southall showed off the site plan and emphasized the improvements that will be coming long term, including the connection to Sullivans Trace, as well as the transit route that will be coming out near the development and the pedestrian improvements that the applicant would be making. Mr. Southall indicated that all the improvements, layout, and buildings were all based on recommendations from staff and wanted to make this space as inviting as possible and providing the most buffer possible to the railroad tracks near the property.

Jay Copley, architect for the development, described the architecture that went into the project. Based on staff recommendation's they made a building that was originally going to be a three-story building a four-story building to increase density. Additionally, Mr. Copley mentioned having differing story buildings here helps create a transitional scale that moves east, away from the one-story detached and takes advantage of the density it provides.

Zach Worsham, vice president of Winterwood, Inc, started his part of the presentation giving a brief explanation of the companies 40 year history. Mr. Worsham stated that the company works almost exclusively in affordable housing and that there is currently a shortage of affordable housing here in Lexington. Mr. Worsham mentioned two reasons why this development is important because it is adjacent to jobs and would get ahead of the changing demographics in this part of Lexington. They would like to be one of the first companies to come in and build affordable housing before the growth comes.

Commission Questions – Mr. Bell asked Mr. Worsham would be the price points for these units. Mr. Worsham indicated that it would be between \$700 to \$1100.

Ms. Worth asked if the commission would be creating a food desert by approving this plan. Mr. Worsham indicated that he was under the impression that a grocery store is going to be built there soon.

Mr. Pohl asked how far away the grocery store would be from the site. Mr. Worsham indicated that it would be about a half a mile away from this particular site.

Ms. Meyer asked if their other developments with work-force housing are in similar settings as this one, and if they had reached out to Kentucky Eagle about this development. Mr. Worsham stated that the other developments were generally were very similar to this, and that Kentucky Eagle was with them today for this application and have been very supportive.

Tate Russell, president of Kentucky Eagle gave further insight to the area, including the Kentucky Eagle owned properties, and their donation of a recording studio to the University of Kentucky. Additionally she gave a breakdown of what they have tried to do with the property. She invited the Planning Commission to come look at the property and noted the developments around the area that would benefit this housing project.

Commission Questions – Mr. Bell asked if what Ms. Russell is saying is that there has not been an issue with the zoning around the area, the problem has just been with the demand. She indicated that was correct. Mr. Penn asked if Kentucky Eagle was participating in the project or is this just a sale project and she indicated that it was a sale project. Mr. Woodall indicated that they were purchasing the property.

Mr. Bell asked Mr. Woodall about the land zoned right next to the other residential land near the area, and if that land was zoned I-1. Mr. Woodall indicated that it was and that a previous Planning Commission had rezoned the property to the I-1 zone and deemed it acceptable to be next to a residential area.

Mr. Pohl asked if the applicant is saying that the connections to Sullivans Trace and other residential neighborhoods, as well the resources to transportation and retail, will ultimately be there and what the timeline for those connections would be. Mr. Southall stated in the affirmative and Mr. Martin said that a timeline would be difficult because the railroad creates additional roadblocks. Additionally, Mr. Martin stated that the improvements along Spurr Road are tied to the initial development of the Barlow project across Spurr Road. Mr. Woodall followed up that those improvements and connections would come as soon as possible from the applicant.

Mr. Bell asked Mr. Woodall the approximate distance to the intersection on Spurr Road from the University of Kentucky radio station. Mr. Woodall was not sure, but that it was not that far away.

Mr. Michler asked about the unusual choice in zone and what made the applicant want to pursue type of zone instead of the other residential zones like R-3 or R-4 zones. Mr. Woodall indicated that it was the sizing of the property that was the issue here and that after discussions with staff, the B-6P fit the best.

Mr. Michler also asked about the differences in buffering in the B-6P zone and the R-4 zone. Mr. Worsham responded that he was not a zoning expert, but the intent from the start was to make this property multi-family housing and chose B-6P zone after conversations with staff. Mr. Michler followed that up stating that staff just made a presentation that they did not recommend this, if they do not recommend this, why would the applicant say that they were urged by staff to do this. Mr. Woodall responded saying that like everyone, they have discussions with staff about what could possibly work, but that does not mean that staff will ultimately approve of the plan they eventually bring in front of the Planning Commission.

Mr. Penn asked Mr. Woodall why the applicant was using the B-6P zone and not a residential zone another residential zone like the R-4 zone. Mr. Woodall indicated that B-6P zone was the staff recommended B-6P zone because it has a residential component to it.

Citizen Comment – Brannan Lippert, 347 Oldham Ave, concerned about the noise pollution in the area. Robert Well, no address provided, concerned about the spring next to the property, as well as the runoff from the spring.

Staff Rebuttal – Mr. Crum indicated that the land uses on this property are the same as the adjacent property and does not limit the property as the applicant opined. Mr. Crum also highlighted a Kentucky Eagle loading bay that is adjacent to the property and the suggested buffer would not be enough for the noise and other factors that would be conducive to healthy residential environment. Additionally, Mr. Crum highlighted that the development plan to connect at the intersection closest to the property is not a guarantee. The developer could sit on that plan for an unlimited amount of time and it may never happen, which limits how pedestrians could navigate this space safely. Finally, Mr. Crum stated that staff has to look at the location as it is now, not what it will be in the future, and the reality is, the property is surrounded by industrial zoning and does not have the infrastructure it needs.

Commission Questions – Mr. de Movellan asked what restrictions are on the industrial property next to the applicant's property. Mr. Baillie stated that a lot of the restrictions in this area are for the protection of the Royal Springs aquifer and include restrictions that prohibit any underground storage.

Mr. Bell asked to highlight the various zonings around the property and Mr. Baillie and Mr. Crum obliged.

Mr. Davis asked where the land for Fayette County Public Schools is considering placing a school, and Mr. Crum showed him on the map on the slideshow.

Mr. Forester asked where Sanderville Elementary was in relation to the site, and Mr. Crum showed him on the map.

Mr. Bell asked how it was possible to recommend approval of the development plan and disapproval of the zone change. Mr. Martin indicated that that is possible because with the development plan, you're looking at it as if the zone change is getting approved.

Mr. Michler asked what the different implications of the R-4 and the B-6P zone. According to Mr. Martin, the setbacks are different, the coverage is different, and is a little more generous in terms of redevelopment.

Applicant Comment – Mr. Woodall commented that Kentucky Eagle loads their shipments inside and it would not cause a lot of noise.

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

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

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

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

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

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

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

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

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

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

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

- a. **PLN- MAR-22-00013: NORTHYARD, LLC** – a petition for a zone map amendment from a Wholesale and Warehouse Business (B-4) zone to a Light Industrial (I-1) zone, for 2.3827 net (2.5584 gross) acres, for property located at 101 and 109 W. Loudon Avenue.

COMPREHENSIVE PLAN AND PROPOSED USE

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

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

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

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