

2. **ABD HOLDINGS, LLC & EARTHMAN, LLC ZONING MAP AMENDMENT & WOODWARD HEIGHTS ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-17-00017: ABD HOLDINGS, LLC & EARTHMAN, LLC (7/2/17)*- petition for a zone map amendment from a Two Family Residential (R-2) zone to a Neighborhood Business (B-1) zone, for 0.37 net (0.52 gross) acres, for property located at 834 & 838 W. Maxwell Street and 412 Cross Street; and from a High Density Apartment (R-4) zone to a Neighborhood Business (B-1) zone, for 1.53 net (1.90 gross) acres, for property located at 701-731 Pine Street (odd addresses only) and a portion of 420 Cross Street.

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 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.

The 2013 Plan's Goals and Objectives emphasize the importance of growing successful neighborhoods (Theme A), protecting the environment (Theme B), creating jobs and prosperity (Theme C), improving a desirable community (Theme D) and maintaining a balance between planning for urban uses and safeguarding rural land (Theme E).

The *Newtown Pike Extension Corridor Small Area Plan*, adopted by the Planning Commission in January 2003, recommends Medium Density (MD) residential future land use for the subject properties, which was defined as a range of 5–10 dwelling units per acre. The Plan identifies the upper Davistown area as part of an "evolving neighborhood" where substantial residential stock exists, but larger vacant parcels and underutilized sites also occur. The Plan also makes recommendations to promote historic preservation (pg. 100); rehabilitate existing housing stock, where feasible (pg. 86); for streetscape improvements (pg. 120), encouraging commercial development along key corridors and at major intersections (pg. 76 & 88), enhancing community services and improving access to jobs (pg. 75 & 76).

The petitioner proposes rezoning three parcels near the intersection of West Maxwell and Cross Street, and another eight parcels along Pine Street to a Neighborhood Business (B-1) zone in order to adaptively re-use and construct facilities that will support the existing Alltech Brewery and Distillery located on the adjacent parcels. Such support facilities include a museum, visitor's center, gift shop/retail establishments, business offices, banquet facilities/meeting rooms, a coffee shop and associated-off street parking. The existing Historic District Overlay (H-1) zone on a portion of the subject property will not be modified with this request.

The Zoning Committee Recommended: Approval.

The Staff Recommends: Approval, for the following reason:

1. A proposed Neighborhood Business (B-1) zone is in agreement with the 2013 Comprehensive Plan, and portions of the *Newtown Pike Corridor Extension Small Area Plan* (adopted as part of the Comprehensive Plan in 2003), for the following reasons:
 - a. The Goals and Objectives of the 2013 Comprehensive Plan recommend identifying opportunities for infill and redevelopment that respects the area's context and historic features (Theme A, Goal #2), supporting and showcasing local assets to further the creation of a variety of jobs (Theme C, Goal #1), and encouraging the development of appropriate attractions and supportive uses that promote and enhance tourism (Theme C, Goal #1e.).
 - b. The petitioner owns and operates a joint brewing and distilling operation in downtown Lexington that currently attracts numerous visitors to the area. The operation offers guided on-site tours and product tastings, and now plans to enhance the visitor experience by offering a combination of support uses, such as a museum, visitor's center, gift shop/retail establishments, business offices, banquet facilities/meeting rooms, a coffee shop and associated-off street parking.
 - c. The proposed business expansion at this location will support and showcase a very unique industry, which has historic connections to the area, which will inevitably create additional jobs and improve access to jobs within the *Newtown Pike Corridor Extension Small Area Plan* boundary.
 - d. The *Newtown Pike Corridor Extension Small Area Plan* acknowledged in 2003 that the Davistown area was part of an "evolving neighborhood;" however, the neighborhood has not evolved as planned for in the SAP. Rather, the immediate area (outside of the local historic district) north of the new roadway corridor has continued to experience decline, especially along Pine Street. The petitioner intends to maintain and promote historic preservation along Cross and West Maxwell Streets by integrating the existing structures, but plans to revitalize the Pine Street area with new construction that complements and is compatible with the immediate area.
2. This recommendation is made subject to the approval and certification of PLN-MJDP-17-00040: Woodward Heights, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions shall apply to the properties via conditional zoning:

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

Prohibited Uses

- a. Drive-through windows.
- b. Automobile service stations; automobile and vehicle refueling stations; and gasoline pumps.
- c. Carnivals, festivals and concerts.
- d. Funeral homes.

These restrictions are appropriate because they will limit inappropriate uses within or nearby a local historic district located near downtown Lexington.

- b. PLN- MJDP-17-00040: WOODWARD HEIGHTS (7/2/17)* - located at 412 and 420 Cross Street, 834 and 838 W. Maxwell & 701, 707, 711, 715, 721, 725 and 731 Pine Street.

(MLH Civil Engineering)

The Subdivision Committee Recommended: Postponement, There were some questions regarding the lack of tree inventory information, per Article 26 requirements.

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

1. Provided the Urban County Council rezones the property B-1; 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. Addition of open space (required & provided) to site statistics.
6. Remove extraneous building details from plan, but compete all building line information on all lots.
7. Denote building heights in feet, per Art. 21-6(a)(8).
8. Remove all ± symbols from building on plan.
9. Addition of tree canopy information on plan, per Article 26 requirements.
10. Denote how building and lot line conflicts will be resolved (at the time of Final Development Plan).
11. Document compliance with Article 21-7(b)(3) prior to plan certification.
12. Addition of topographic elevations and the intervals, on plan.
13. Discuss location proposed on Maloney Alley for "delivery" and vehicle parking.
14. Discuss street terminus & geometry at the intersection of Cross Street and Pine Street.

Staff Zoning Presentation – Ms. Wade presented and summarized the staff report and recommendations for this zone change, which consists of two areas. She displayed several photographs of the subject properties and aerial photographs of the general area. She said that Alltech wants to add support facilities for their brewery. She said that the adjacent residences are located in the Woodward Heights Historic District (H-1) Overlay zone.

Ms. Wade said that the applicant contends that their application is in agreement with the 2013 Comprehensive Plan. She also stated that the subject property is located within the Newtown Pike Corridor Extension Small Area Plan. She said that staff is recommending approval of this zone change with conditional zoning restrictions.

Commission Question – Mr. Owens asked about the support uses facilities; a coffee shop could be a stand-alone facility. Ms. Wade said that the coffee shop will be located on W. Maxwell Drive.

Ms. Wade added that the staff had received a letter of opposition from the Blue Grass Trust for Historic Preservation, which was added to the record.

Development Plan Presentation – Mr. Martin presented the staff report on the Preliminary Development Plan associated with this zone change. Mr. Martin identified the existing structures and parking. He said that at the Subdivision Committee meeting there was a discussion regarding the development of the subject property. He said that there are several modifications that can be made to the plan; several clean up conditions and #11 could be removed.

Mr. Martin said that Maloney Alley will be very necessary to the provision of services and the function of this area. He said that there was concern about the geometry of Cross Street and Pine Street (condition #14). He said the applicant is planning to request a partial closing of Cross Street so that the right-of-way can be consolidated to their property.

Mr. Martin said that condition #11 could be removed and conditions #13 and #14 can be changed to "Resolve".

Commission Question – Mr. Penn asked if the Cross Street changes will be finalized at the time of the Final Development Plan. Mr. Martin replied that it is in the process and it is vital to the subject property.

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Petitioner Presentation – Mark Yonts, attorney representing the petitioner. He said the applicant is in agreement with the staff's recommendations. He submitted a revised Development Plan to the Planning Commission that addresses some of the remaining conditions. He said that he received plans for the termination of Cross Street and Pine Street from the Kentucky Transportation Cabinet, which will be addressed on the Final Development Plan.

Mr. Yonts said that the applicant's intention is to develop the subject property as "one environment." One of the issues that Alltech has run into is the rules and regulations of the state Alcohol Beverage Control Board. Alltech can have tours of their facilities, but at some addresses they are prohibited from tastings and purchases of alcohol. They would like to correct the zoning of all of their property to allow the business uses to support their needs. He said then the applicant will consolidate the property into one parcel and partially close Cross Street.

Mr. Yonts said that the applicant agrees with the neighborhood with the exception of the existing housing on West Maxwell Drive. He said that Alltech has renovated these properties in compliance with the area. He said that the exterior of the houses will not be changed and there will not be any variation from the H-1 Overlay zone. He also submitted a letter of support from the Historic Woodward Height Neighborhood Association identifying the uniqueness of the district and the special historic nature of the neighborhood. He said that the Historic Woodward Height Neighborhood Association did have one concern, which is the residential nature of the two houses located on West Maxwell Drive. They proposed those residences remain R-2 zone with a special exception or conditional use permit for the desired uses for Alltech only. Mr. Yonts said the conditional uses under the R-2 zone do not allow the business uses that Alltech needs for their operation.

Mr. Yonts said that the coffee shop was intended as a final destination for the tourists and visitors to purchase beverages.

The following citizens were present in opposition to this application:

Vicky Martin Carter, 732 Pine St., said that she has concerns about this development affecting her neighborhood and asked if she and others will need to "give up" their properties. Mr. Penn said that the zone change is on the other side of the street and will not affect her property at all. She thanked the Commission.

Mark Carter, 732 Pine St., expressed concern about this affecting his property.

Pete Thompson, 700 W. Maxell St., said that he has concerns with the zone's allowable building height restrictions. He said that he is also concerned with the aroma of the distillery. He is also concerned about pedestrian access and the delivery zones of the business, especially along Maloney Alley.

Ms. Wade said that the B-1 zone has a height restriction of 35', which is also the same as the current R-2 zone. She also said that the distillery will not be permitted to expand without another zone change.

Fran Taylor, 722 W. High St., said that she is representing the Historic Woodward Height Neighborhood Association. She said that they are concerned with the neighborhood maintaining its character. She said that they support the zone change with the exception of the two houses located on West Maxwell Street.

Helene Steene, 312 Madison Place, also said that she is representing the Historic Woodward Height Neighborhood Association. She said that she agrees that the historic houses need to remain historic and not be converted into business.

Commission Question – Mr. Berkley asked Ms. Steene if there was a particular use that the neighborhood association would like to restrict. Ms. Taylor said that many residents were approached to sell their homes to Alltech and they are just concerned for their historic neighborhood. Mr. Berkley said that the H-1 Overlay zone protects how the neighborhood can be redeveloped. Ms. Wade said that the H-1 Overlay zone does protect the structure itself, any exterior changes to any building must go before the Division of Historic Preservation or to the Board of Architectural Review for approval.

Jackson Osborne, 415 Marquis, said that he representing the Blue Grass Trust for Historic Preservation. He said that they were also concerned with the properties on West Maxwell Street. He said that they are now opposing this zone change.

Petitioner Rebuttal - Mr. Yonts said that regarding the residences on West Maxwell Street; Alltech had renovated them and wants to maintain the structures as they are, but with a change of use.

Staff Rebuttal – Mr. Martin said that at the time of the Final Development Plan, the entire pedestrian system will be evaluated. Mr. Penn asked if the citizens will be able to review the Final Development Plan. Mr. Martin replied that they would be.

Commission Question – Mr. Owens asked the staff to clarify the H-1 Overlay zone as it relates to these two houses. Ms. Wade said that the applicant is only requesting a change to the underlying zone and not to the H-1 Overlay zone. Mr. Drake asked for verification that the Overlay zone protects the exterior structure. Ms. Wade said that it does protect the exterior. She also said that if any individual properties were to be converted to businesses, they would require parking, which can be difficult to implement in a Historic District.

Mr. Sallee offered a change to one of the conditions of the Development Plan. He said that Mr. Martin offered to delete condition #11 and change conditions #13 and #14 to "Resolve." He suggested a new condition #11: "At the time of the Final Development Plan, provide notice to the Historic Woodward Height Neighborhood Association."

Ms. Mundy said that she understands the neighborhood concerns and said that the Planning Commission can't control what a business does with their purchased properties. She said that the H-1 Overlay zone does protect the neighborhood for the stated concerns.

Mr. Penn said that the zone change is only for those two properties, not the entire block along W. Maxwell Street.

Zoning Action – A motion was made by Mr. Berkley, seconded by Mr. Cravens, and carried 7-0 (Brewer, Plumlee, and Wilson absent) to approve PLN-MAR-17-00017: ABD HOLDINGS, LLC & EARTHMAN, LLC, for the reasons provided by the staff, including the following prohibited uses:

- a. Drive-through windows.
- b. Automobile service stations; automobile and vehicle refueling stations; and gasoline pumps.
- c. Carnivals, festivals and concerts.
- d. Funeral homes.

Development Plan Action – A motion was made by Mr. Berkley, seconded by Mr. Cravens, carried 7-0 (Brewer, Plumlee, and Wilson absent) to approve PLN- MJDP-17-00040: WOODWARD HEIGHTS, for the reasons provided by the staff, with the following changes.

1. Provided the Urban County Council rezones the property B-1; 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. Addition of open space (required & provided) to site statistics.
6. Remove extraneous building details from plan, but compete all building line information on all lots.
7. Denote building heights in feet, per Art. 21-6(a)(8).
8. Remove all ± symbols from building on plan.
9. Addition of tree canopy information on plan, per Article 26 requirements.
10. Denote how building and lot line conflicts will be resolved (at the time of Final Development Plan).
11. ~~Document compliance with Article 21-7(b)(3) prior to plan certification~~ At the time of the Final Development Plan, provide notice to the Historic Woodward Height Neighborhood Association.
12. Addition of topographic elevations and the intervals, on plan.
13. ~~Discuss~~ Resolve location proposed on Maloney Alley for "delivery" and vehicle parking.
14. ~~Discuss~~ Resolve street terminus & geometry at the intersection of Cross Street and Pine Street.