

ORDINANCE NO. 114 - 2021

AN ORDINANCE CHANGING THE ZONE FROM A WHOLESALE AND WAREHOUSE BUSINESS (B-4) ZONE TO A RESTRICTED LIGHT INDUSTRIAL (I-1) ZONE, FOR 2.33 NET (2.49 GROSS) ACRES, FOR PROPERTY LOCATED AT 720-740 NATIONAL AVENUE, AND FOR 1.69 NET (2.41 GROSS) ACRES, FOR PROPERTY LOCATED AT 737 NATIONAL AVENUE. (WALKER PROPERTIES OF CENTRAL KY, LLC; COUNCIL DISTRICT 3).

WHEREAS, at a Public Hearing held on September 23, 2021, a petition for a zoning ordinance map amendment for property located at 720-740 National Avenue for 2.33 net (2.49 gross) acres and 737 National Avenue for 1.69 net (2.41 gross) acres from a Wholesale and Warehouse Business (B-4) zone to a restricted Light Industrial (I-1) zone was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 10-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone for property located at 720-740 National Avenue for 2.33 net (2.49 gross) acres and 737 National Avenue for 1.69 net (2.41 gross) acres from a Wholesale and Warehouse Business (B-4) zone to a restricted Light Industrial (I-1), more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 - That under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions shall apply via conditional zoning:

a. Prohibited Uses:

- i. Self-storage warehousing.
- ii. Tire retreading and recapping.
- iii. Automobile service stations.
- iv. Major automobile or truck repair.
- v. Establishments for the display and sale of precut, prefabricated, or shell homes.
- vi. Auto parts rebuilding.
- vii. Box and crate assembly.
- viii. Columbariums and crematories.
- ix. Electric foundry (melts down scrap metal).
- x. Inflammable underground liquid storage.
- xi. The processing of asbestos.

- xii. The above-or below-ground storage for resale of any flammable or nonflammable gas or oxidizer in liquid or gaseous form; the storage of any empty container that contained any gas in any form; and the receiving of or dispensing of any gas in any form, unless in association with an automobile and vehicle refueling station.
 - xiii. Establishment and lots for the display rental, sale and repair of farm equipment; contractor equipment; automobiles, truck, mobile homes; boats, with the exception of canoes or kayaks, or supplies for such items.
 - xiv. Battery manufacturing.
 - xv. Public utility service yard.
 - xvi. Truck terminals and freight yards.
 - xvii. Shredding, sorting and baling paper scrap and storage of waste paper.
 - xviii. Recycling, sorting, bailing and processing of glass and nonferrous metals; building materials salvage.
 - xix. Penal or correctional institutions.
 - xx. Commercial composting.
- b. All lighting within forty (40) feet of residential zoning shall be a maximum height of twelve feet and directed downward.
- c. There shall be no outdoor amplified speakers for the property located at 720-740 National Avenue.

These restrictions are appropriate and necessary to limit the impact of industrial land uses on the adjacent residential land.

Section 3 - That the Lexington-Fayette Urban County Planning Commission is directed to show the amendment on the official zone map atlas and to make reference to the number of this Ordinance.

Section 4 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: November 4, 2021



MAYOR

ATTEST:



CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: November 11, 2021-1t

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RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

IN RE: **PLN-MAR-21-00011: WALKER PROPERTIES OF CENTRAL KY, LLC** - a petition for a zone map amendment from a Wholesale and Warehouse Business (B-4) zone to a restricted Light Industrial (I-1) zone, for 2.33 net (2.49 gross) acres, for properties located at 720-740 National Avenue, and for 1.69 net (2.41 gross) acres, for property located at 737 National Avenue. (Council District 3)

Having considered the above matter on **September 23, 2021**, at a Public Hearing, and having voted **10-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **CONDITIONAL APPROVAL** of this matter for the following reasons:


1. A restricted Light Industrial (I-1) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning will allow the National Avenue area to continue growing as a successful aspect of the neighborhood and supporting infill and redevelopment throughout the Urban Service Area as a strategic component of growth (Theme A, Goal #2).
 - b. The Adaptive Reuse Project allows for redevelopment of industrial and warehousing space (Theme A, Goal #2.a), and by utilizing the existing built environment, the proposed project respects the context and design features of surrounding areas (Theme A, Goal #2.b).
 - c. The proposed development produces a well-designed neighborhood and community (Theme A, Goal #3) by preserving the built character of the National Avenue corridor and increasing pedestrian areas provide a space for positive and safe social interactions between the commercial space and the adjacent residential neighborhood (Theme A, Goal #3.a & b).
 - d. The proposed project will allow for the continued renovation, restoration, development and maintenance of this historic commercial district and structures (Theme D, Goal #3.b) and allow further development of an existing successful businesses.
 - e. The proposed rezoning supports local businesses, allowing for the expansion of the established brew-pub, and can allow the creation of a variety of jobs (Theme C, Goal #1.a).
 - f. The proposed zone change encourages development that promotes and enhances tourism (Theme C, Goal #1.b), by supporting the continued success of a tourism-supportive and related business, like micro-breweries, which provide entertainment and other quality of life opportunities that attract young, culturally diverse professionals, and a workforce of all ages and talents to Lexington (Theme C, Goal #1.b).
2. 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 the site creates a industrial development that works with the established infrastructure and will allow for safe pedestrian mobility.
 - b. The proposed rezoning will include safe facilities for the potential users of the site and include safe pedestrian facilities. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.

- c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it limits the impacts on the surrounding environment, and will add tree canopy coverage.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are recommended via conditional zoning:
- a. Prohibited Uses:
- i. Self-storage warehousing
 - ii. Tire retreading and recapping.
 - iii. Automobile service stations.
 - iv. Major automobile or truck repair.
 - v. Establishments for the display and sale of precut, prefabricated, or shell homes.
 - vi. Auto parts rebuilding.
 - vii. Box and crate assembly.
 - viii. Columbariums and crematories.
 - ix. Electric foundry (melts down scrap metal).
 - x. Inflammable underground liquid storage.
 - xi. The processing of asbestos.
 - xii. The above-or below-ground storage for resale of any flammable or nonflammable gas or oxidizer in liquid or gaseous form; the storage of any empty container that contained any gas in any form; and the receiving of or dispensing of any gas in any form, unless in association with an automobile and vehicle refueling station.
 - xiii. Establishments and lots for the display, rental, sale and repair of farm equipment; contractor equipment; automobiles, trucks, mobile homes; boats, with the exception of canoes or kayaks, or supplies for such items.
 - xiv. Battery manufacturing.
 - xv. Public utility service yard.
 - xvi. Truck terminals and freight yards.
 - xvii. Shredding, sorting and balling of paper scrap and storage of waste paper.
 - xviii. Recycling, sorting, baling and processing of glass and nonferrous metals; building materials salvage.
 - xix. Penal or correctional institutions.
 - xx. Commercial composting
- b. All lighting within forty (40) feet of residential zoning shall be a maximum height of twelve feet and directed downward.
- c. There shall be no outdoor amplified speakers for the property located at 720-740 National Avenue.

These restrictions are appropriate and necessary to limit the impact of industrial land uses on the adjacent residential land uses.

4. This recommendation is made subject to approval and certification of PLN-MJDP-21-0033: Morningside Market (AMD), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

ATTEST: This 14th day of October, 2021.


Secretary, Jim Duncan

LARRY FORESTER
CHAIR

Note: The corollary development plan, PLN-MJDP-21-0033: Morningside Market (AMD) was approved by the Planning Commission on September 23, 2021 and certified on October 7, 2021.

K.R.S. 100.211(7) requires that the Council take action on this request by December 22, 2021.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Richard Murphy, attorney.**

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (10) Barksdale, Bell, Davis, de Movellan, Forester, Meyer, Michler, Nicol, Penn, and Worth

NAYS: (0)

ABSENT: (1) Pohl

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-21-00011** carried.

Enclosures: Application
Justification
Plat
Staff Report
Staff Report Revised
Applicable excerpts of minutes of above meeting

MAP AMENDMENT REQUEST (MAR) APPLICATION

1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)

Applicant:

WALKER PROPERTIES OF CENTRAL KY, LLC, 250 WALTON AVENUE, STE. 150, LEXINGTON, KY 40502

Owner(s):

WALKER PROPERTIES OF CENTRAL KY, LLC, 250 WALTON AVENUE, STE. 150, LEXINGTON, KY 40502

Attorney:

RICHARD V. MURPHY, 250 WEST MAIN STREET, STE. 2510, LEXINGTON, KY 40507 PH: 859-233-9811

2. ADDRESS OF APPLICANT'S PROPERTY

 720-740 NATIONAL AVENUE, LEXINGTON, KY 40502
 737 NATIONAL AVENUE, LEXINGTON, KY 40502

3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY

Zoning	Existing Use	Zoning	Requested Use	Acreage	
				Net	Gross
B-4	MIXED-USE	I-1	MICRO-BREWERY / MIXED USE	2.333	2.499
B-4	BREW PUB / VACANT	I-1	BREW PUB / MIXED USE	1.69	2.413

4. COMPREHENSIVE PLAN

a. Utilizing Placebuilder, what Place-Type is proposed for the subject site?	INDUSTRIAL AND PRODUCTION CENTER
b. Utilizing Placebuilder, what Development Type is proposed for the subject site? If residential, provide the proposed density	INDUSTRIAL AND PRODUCTION NON RESIDENTIAL

5. EXISTING CONDITIONS

a. Are there any existing dwelling units on this property that will be removed if this application is approved?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
b. Have any such dwelling units been present on the subject property in the past 12 months?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
c. Are these units currently occupied by households earning under 40% of the median income? If yes, how many units? If yes, please provide a written statement outlining any efforts to be undertaken to assist those residents in obtaining alternative housing.	<input type="checkbox"/> YES <input type="checkbox"/> NO

6. URBAN SERVICES STATUS (Indicate whether existing, or how to be provided)

Roads:	LFUCG
Storm Sewers:	LFUCG
Sanity Sewers:	LFUCG
Refuse Collection:	LFUCG
Utilities:	<input checked="" type="checkbox"/> Electric <input checked="" type="checkbox"/> Gas <input checked="" type="checkbox"/> Water <input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable



MURPHY & CLENDENEN, PLLC

ATTORNEYS AT LAW

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Richard@MurphyClendenen.com

Chris@MurphyClendenen.com

RICHARD V. MURPHY
CHRISTOPHER M. CLENDENEN

August 2, 2021

Mr. Larry Forester, Chairman
and Members of the Lexington-Fayette Urban County Planning Commission
200 East Main Street
Lexington, KY 40507

Re: Proposed Zone change for 720-742 and 737 National Avenue

Dear Chairman Forester and Members of the Planning Commission:

This letter is written on behalf of Walker Properties of Central Kentucky, LLC which is filing a zone change application and development plan for the properties at 720-742 National Avenue (the south side of National Avenue) and 737 National Avenue (the north side of National Avenue). The property is currently zoned Wholesale and Warehouse Business (B-4) and is a part of an Adaptive Reuse Project. We are requesting a zone change to the Light Industrial (I-1) zone, retaining the Adaptive Reuse Project, in order to allow a micro-brewery.

Description of project.

This property is located in an Adaptive Reuse Project, which will remain in place under this plan. The applicant, Walker Properties of Central Kentucky, has led in the redevelopment of this area, which was originally developed as bottling facilities, a lumber company and small industrial-type uses, some of which were oriented to the CSX Railroad to the north. As those uses were abandoned, Walker Properties has re-purposed the buildings to a mix of uses which continues production facilities, but also includes dining, entertainment and fitness options. The area includes a number of specialized fitness facilities, catering companies, apparel companies, specialized food producers and wood crafters. This mixture has brought a rebirth to this portion of the community, with most of the businesses being locally owned and operated.

The immediate impetus for this zone change is the success of Mirror Twin Brewing Company. Mirror Twin currently operates out of a facility at 723-725 National Avenue, on the

north side of the street. However, additional room is needed for brewing. We would like to place some of the brewing facilities in the property at 720 National Avenue, on the south side of the street. This building was the location of a former mill. The brew pub on the north side of the street will remain, and some of the beer production will remain at that location. Because the new production facility at 720 National Avenue (south side of the street) will not have facilities for sale by the drink, however, the new facility cannot be classified as a “brew-pub.” It is instead classified as a “micro-brewery” under the ordinance. Micro-breweries are first allowed in the I-1 zone. This is a zone change born out of the success of Mirror Twin Brewing. We want to retain Mirror Twin Brewing in this area because of its social importance and neighborhood popularity. By allowing additional brewing to occur across the street, it can be supervised and run from the same location.

Please note that the Adaptive Reuse Project is allowed in both the B-4 and I-1 zones, and the Adaptive Reuse Project will remain as originally approved. The zone change will simply allow the micro-brewery to also be located in the project area. Upon consultation with the staff, we have decided it will be best to rezone the portion of the Adaptive Reuse Project owned by the applicant to keep consistent regulation.

Goals and Objectives of the 2018 Comprehensive Plan.

This proposal is in agreement with the Goals and Objectives of the 2018 Comprehensive Plan. This zone change will allow the National Avenue area to continue growing as a successful neighborhood, as called for in Theme A. Goal A.2. calls for supporting infill and redevelopment throughout the Urban Service Area as a strategic component of growth. This Adaptive Reuse Area is an opportunity for redevelopment and adaptive reuse (Objective A.2.a.), and by utilizing an existing building, it respects the context and design features of surrounding areas (Objective A.2.b). This development assists in achieving Goal A.3, providing well-designed neighborhoods and communities. The Adaptive Reuse Area has resulted in opportunities for neighborhood character preservation in the National Avenue corridor and it provides a space for positive and safe social interactions in the neighborhood (Objectives A.3.a. and A.3.b.). As we are utilizing existing buildings and facilities, we will minimize disruption of natural features (Objective A.3.c.)

By allowing further development of an existing successful neighborhood serving business, and allowing its expansion adjacent, we de-emphasize dependence on single-occupancy vehicles (Objective B.2.d.).

By supporting local businesses, this proposal supports Theme C, creating jobs and prosperity. Goal C-1 is to support and showcase local assets to further the creation of a variety of jobs (Objective C.1.a). This zone change encourages development that promotes and enhances tourism, Objective C.1.d., by supporting the continued success of a tourism-related business. Similarly, this proposal improves opportunities for small business development (Objective C.2.b.). Also, it provides entertainment and other quality of life opportunities that attract young, culturally diverse professionals, and a workforce of all ages and talents to Lexington. Objective C.2.d.

This proposal also supports Theme D, improving a desirable community. National Avenue is a model of development that focuses on people-first to provide accessible community facilities and services to meet the health, safety and quality of life needs of Lexington’s residents and

visitors. Goal D.2. It continues to incentivize the renovation, restoration, development and maintenance of this historic commercial district and structures. (Objective D.3.b).

Finally, it supports Theme E, urban and rural balance, by maximizing development on underutilized land to enhance urban form and historic features (Objective E.1.d.) and helping to accommodate future growth needs within the Urban Service Boundary (Objective E.1.b.).

Engagement.

Chad Walker of Walker Properties of Central Kentucky, LLC, has had a number of meetings with representatives of the Mentelle Neighborhood Association and other interested property owners. In addition, neighborhood representatives have had a number of discussions with Planning staff members about this proposal.

Place-type, development type and requested zone.

This proposal fits within the Industry & Production Center place-type, and within the Industry & Production Non-Residential development type. This proposal also has some of the characteristics of the Second Tier Urban place-type, and Medium Density Non-Residential/Mixed-Use (MNR/MU) development type. The new use in the requested I-1 zone will be a production facility, which will assist the economic vitality of an important neighborhood use.

Development criteria.

Here is a discussion of the criteria that were not specifically addressed on the development plan, or which need further discussion:

- B-PR9-1. As this project utilizes existing buildings and infrastructure, there will be no disturbance to any environmentally sensitive area.
- C-DI1-1. This criteria calls for consideration of flexible zoning options that will allow for a wide range of jobs. This proposal will allow for expansion of a locally owned business.
- C-PS8-1. Similarly, this zone change will provide an opportunity for special trade employment to be increased.
- C-PS10-2 and C-PS10-3. These criteria relate to use of shared parking and avoiding over-parking. As this property is located within an Adaptive Reuse Project, we have utilized the reduction in parking which is allowed under the ordinance, and shared parking is provided.
- D-PL7-1. Stakeholders have been consulted. The applicant has had several meetings with the Mentelle Neighborhood Association. In addition, the association has met with Planning staff about his proposal.
- D-PL9-1. This proposal will utilize existing structures.

- D-SP3-1 and D-SP3-2. Adequate infrastructure exists on the property. A cellular tower is located off site to the northeast.
- E-GR5-1. The project utilizes existing buildings.
- C-PS10-1. As mentioned above, shared parking is utilized, as well as a reduction in parking under the Adaptive Reuse Project.
- D-CO1-1, D-CO2-1 and D-CO2-2. This zone change uses existing streets and sidewalks. It is close to, and serves, neighboring residential uses, which are adjacent. There are bus routes on Midland, Route 10, and on Main Street, Route 11. Cramer Avenue and Walton Avenue are part of the City's bicycle network.
- A-EQ7-3. Our public art installations are accessible and clearly delineated from private open spaces.
- B-PR7-2, B-PR7-3 and B-RE1-1. As this zone change uses existing development, trees, including street trees, shall remain.
- E-GR3-2. The existing public art focal point will continue.

In addition, this site shares some characteristics of the Second Tier Urban place-type and the MNR/MU (Medium Density Non-Residential/Mixed Use) development type. The following criteria are being met on this development.

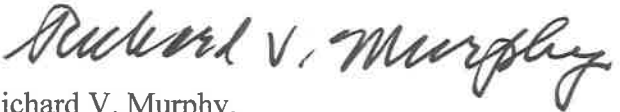
- A-DS7-1. Much of the parking in this Adaptive Reuse Project is in the interior of the development. The parking for the micro-brewery will be located in the interior.
- C-DI-1. This is a flexible zoning opportunity to strengthen the Adaptive Reuse Project in this area.
- C-LI7-1. This zone change contributes to the mixed-use neighborhood with convenient access to employment, business, shopping and entertainment facilities.
- D-PL10-1. As mentioned above, this development utilizes the existing public art installations.

Conclusion.

This proposal will support an existing business which provides jobs, produces beverages, and provides a community social function. It attracts young professionals and others who are important to the future of the community. It is in agreement with the 2018 Comprehensive Plan and the PlaceBuilder criteria.

Thank you for your consideration of this zone change request.

Sincerely,

A handwritten signature in black ink that reads "Richard V. Murphy". The signature is written in a cursive style with a large, prominent initial "R".

Richard V. Murphy,
Attorney for Walker Properties of Central
Kentucky, LLC

RVM/prb

LEGAL DESCRIPTION
720-742 NATIONAL AVENUE
BLOCK , LOT #
WALKER PROPERTIES
OF CENTRAL KENTUCKY,LLC
Zone Change from B-4 to I-1

D. B. 1610, PG. 223
LEXINGTON, FAYETTE COUNTY, KENTUCKY

ALL THAT TRACT OR PARCEL OF LAND SITUATED NEAR THE INTERSECTION OF
NORTH ASHLAND AVENUE AND WALTON AVENUE IN LEXINGTON, FAYETTE COUNTY,
KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a point on the south right-of-way line of NATIONAL AVENUE and
N. 44° 04' 12" W 106.50 feet from North Ashland Avenue; thence leaving said
right-of-way S. 51° 37' 30"W 111.60 feet to a point; S. 37° 32' 24" E 4.26 feet to a point;
thence S. 52° 11' 05"W 96.10 feet to a point;
thence S. 52° 14' 55"W 86.39 feet to a point;
thence S. 37° 51' 13"E 9.90 feet to a point;
thence S. 52° 10' 47"W 69.74 feet to a point;
thence S. 37° 57' 59"W 325.31 feet to a point;
thence S. 52° 06' 37"E 224.24 feet to a point;
thence S. 52° 00' 52"E 39.94 feet to a point;
thence S. 37° 59' 08"E 85.17 feet to a point
in said centerline of the right-of-way line of National Avenue;
thence along said centerline S. 51° 41' 47"E 301.23 feet to a point;
thence S. 51° 37' 36"E 24.19 feet the POINT OF BEG.
and containing 108,859.60 Sq. Ft. and 2.499 Acres gross
and 101,600 Sq. Ft. 2.333 acres net



R.L. Rosenbaum, Jr.

**LEGAL DESCRIPTION
737 NATIONAL AVENUE
BLOCK 1453, LOT # 23
WALKER PROPERTIES
OF CENTRAL KENTUCKY,LLC
Zone Change from B-4 to I-1
D. B. 3122, PG. 433- D. B. 3122, PG. 437
D. B. 3122, PG. 441
LEXINGTON.FAYETTE COUNTY, KENTUCKY**

**ALL THAT TRACT OR PARCEL OF LAND SITUATED NEAR THE INTERSECTION OF
WALTON AVENUE AND GIVEN AVENUE IN LEXINGTON, FAYETTE COUNTY,
KENTUCKY,AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

BEGINNING at a point on the north right-of-way line of NATIONAL AVENUE ,and the southeast corner of SYNERGY V ,LLC as recorded in D. B. 2713, PG. 628 ;
thence leaving said National Avenue N. 38° 01' 44" E 136.21 feet to a point in the center line of the right-of-way line of the CSX RAILROAD ;thence along said center line S. 58° 08' 45" E 626.66 feet to a point; thence leaving said center line S. 31° 46' 32" E. 44.89 feet to a point; thence N. 82° 23' 18" W. 55.57 feet to a point; thence S. 48° 34' 39" W 196.00 feet to a point in said centerline of National Avenue; thence along said centerline N. 43° 58' 55" W 158.84 feet to a point; thence N. 44° 37' 27" W 40.99 feet to a point; thence N. 45° 33' 14" W 40.43 feet to a point; thence N.51° 41' 47" W 305.63 feet to point; thence leaving said centerline N. 38° 01' 44" W 25.26 the POINT OF BEGINNING
containing 105,110.06 Sq. Ft. and 2.413 Acres gross
and 73,616.40 Sq. Ft. and 1.69 Acres net.



R.L. Rosenbaum, Jr.

WALKER PROPERTIES OF CENTRAL KENTUCKY, LLC (PLN-MAR-21-00011)

720-740 & 737 NATIONAL AVENUE

Modifying the zoning in an effort to allow for the establishment of a micro-brewery.

Applicant/Owner

WALKER PROPERTIES OF CENTRAL KENTUCKY, LLC
300 West New Circle Road
Lexington, KY 40502
branden.gross@dentons.com



Application Details

Acreege:

4.023 net (4.912 gross) acres

Current Zoning:

Wholesale and Warehouse Business (B-4) zone

Proposed Zoning:

Restricted Light Industrial (I-1) zone

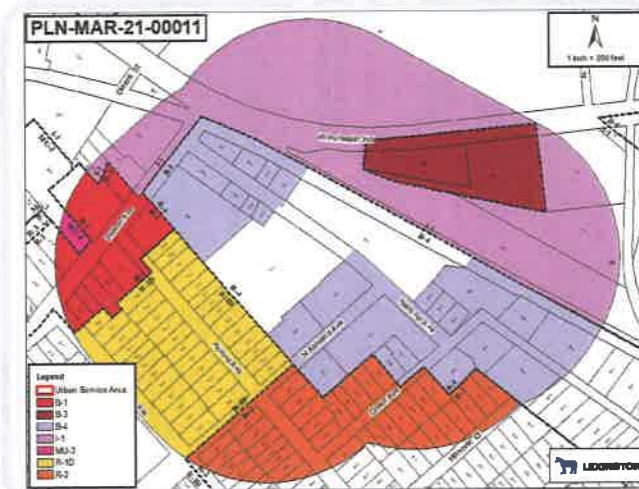
Place-Type / Development Type:

Industrial and Production Center /
Industrial and Production Non-Residential /
Mixed Use

For more information about the Industrial and Production Center Place-Type see Imagine Lexington pages 352-353. For more information on Industry and Production Non-Residential / Mixed Use Development Type see page 272.

Description:

The applicant is seeking to rezoning the properties to allow for greater flexibility of uses within their Adaptive Reuse Project. Specifically, the applicant is seeking to allow for the development of a micro-brewery.



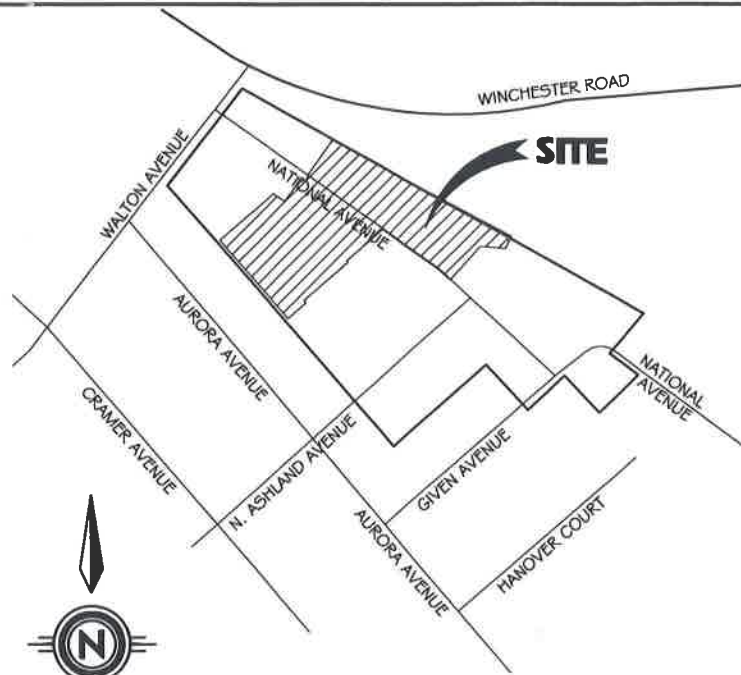
Status

- Public Engagement
- Pre-Application Meeting
- Application Review
- Planning Staff Review
- Technical Review Committee
- Zoning/Subdivision Committee Meetings
- Planning Commission Hearing
- Urban County Council Meeting

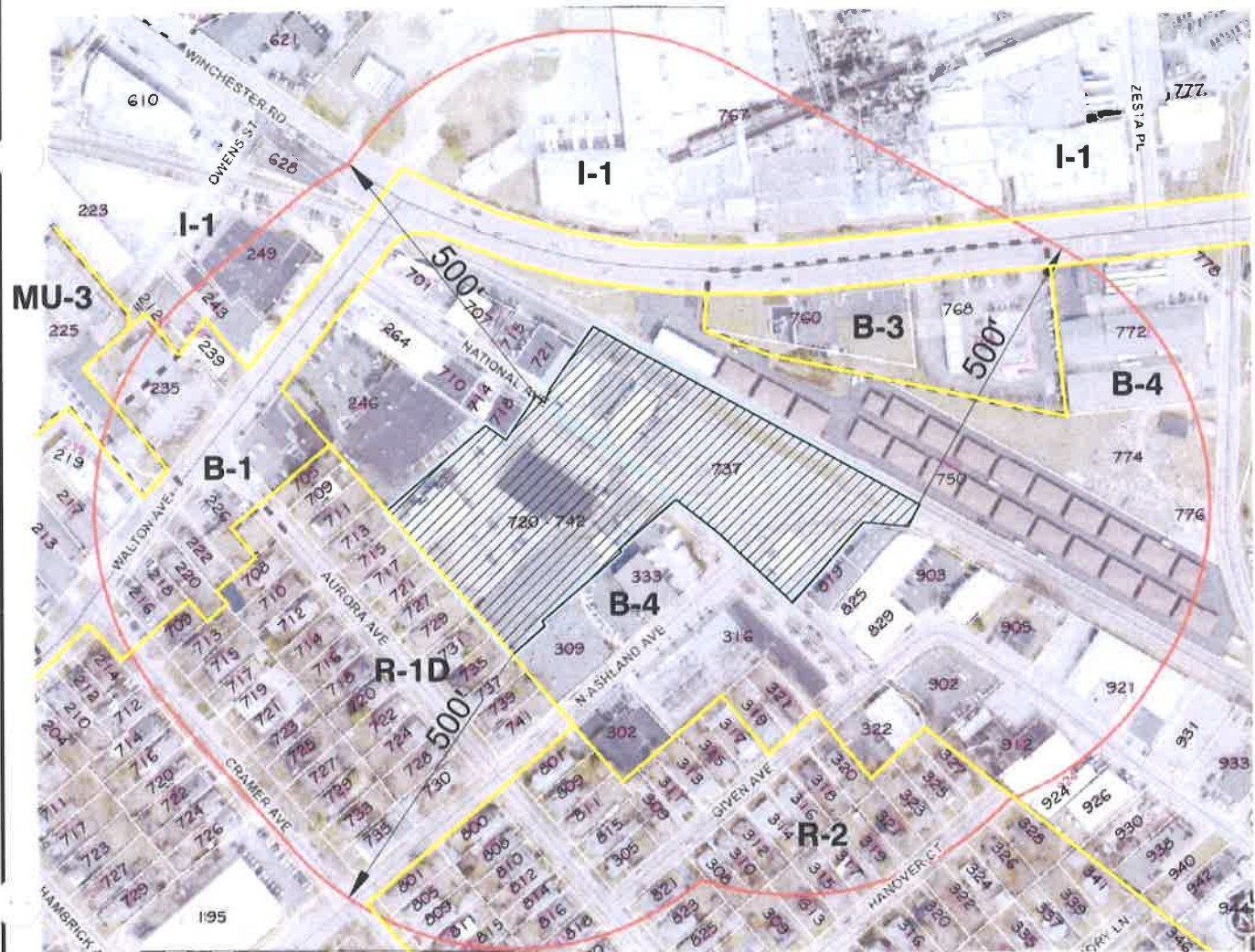
Public Engagement

- The applicant has held neighborhood outreach meetings to discuss the potential rezoning of the subject properties.
- Staff was invited to a meeting with the Mentelle Neighborhood to discuss the zone change process and industrial land uses.

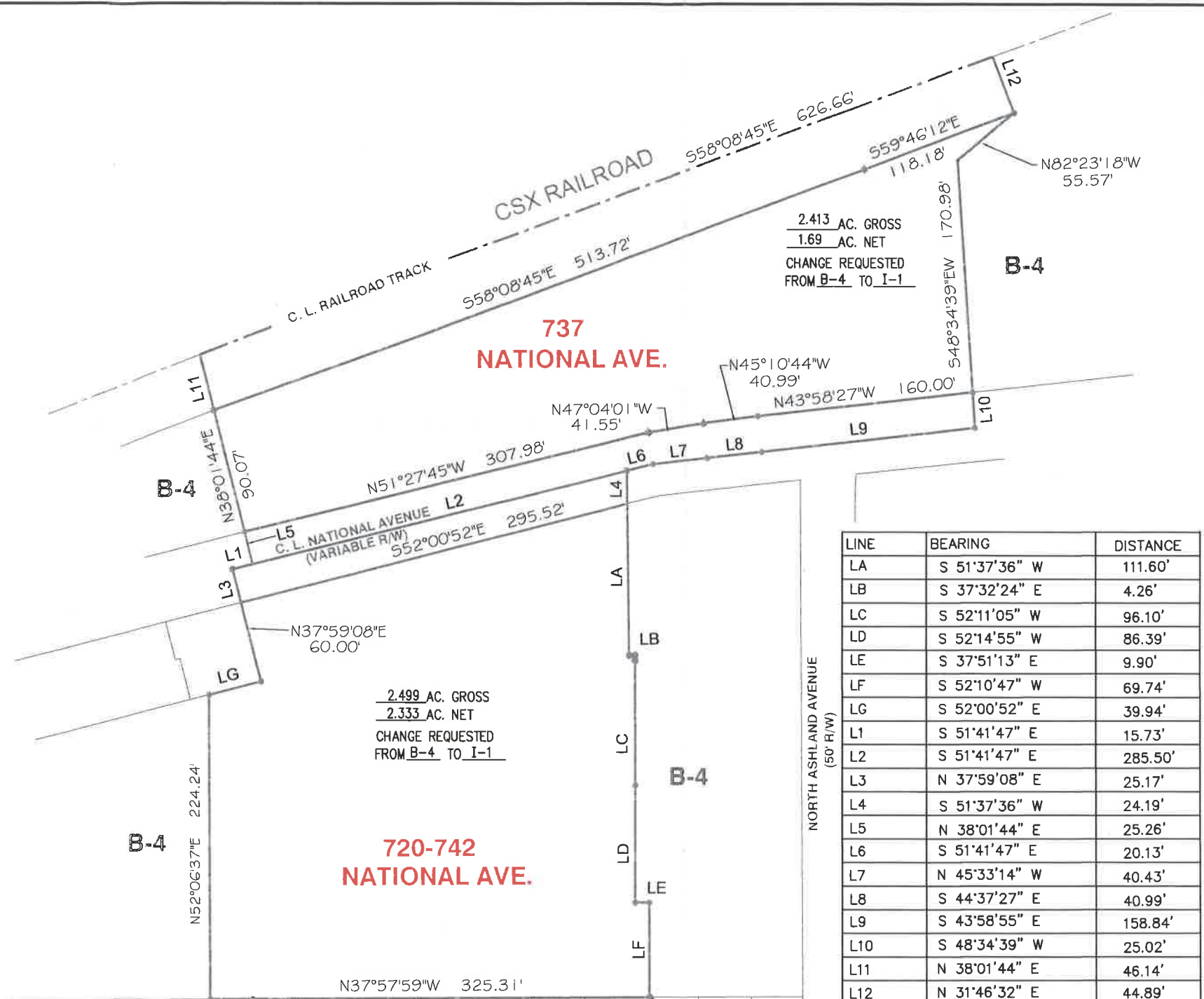
DISCLAIMER: Plans are subject to change. Visit the Accela Citizen Portal (lexingtonky.gov/plans) or contact Planning for the latest information.



VICINITY MAP
NTS



AREA NOTIFICATION MAP
SCALE: 1"=300'



LINE	BEARING	DISTANCE
LA	S 51°37'36" W	111.60'
LB	S 37°32'24" E	4.26'
LC	S 52°11'05" W	96.10'
LD	S 52°14'55" W	86.39'
LE	S 37°51'13" E	9.90'
LF	S 52°10'47" W	69.74'
LG	S 52°00'52" E	39.94'
L1	S 51°41'47" E	15.73'
L2	S 51°41'47" E	285.50'
L3	N 37°59'08" E	25.17'
L4	S 51°37'36" W	24.19'
L5	N 38°01'44" E	25.26'
L6	S 51°41'47" E	20.13'
L7	N 45°33'14" W	40.43'
L8	S 44°37'27" E	40.99'
L9	S 43°58'55" E	158.84'
L10	S 48°34'39" W	25.02'
L11	N 38°01'44" E	46.14'
L12	N 31°46'32" E	44.89'

R-1D R-1D

PROPERTY MAP
SCALE: 1"=100'



ZOMAR: B-4 TO I-1	FROM	TO	NET	GROSS
PROPERTY ADDRESS: 737 NATIONAL AVE.	B-4	I-1	1.69 AC.	2.413 AC.
PROPERTY ADDRESS: 720-742 NATIONAL AVE.	B-4	I-1	2.333 AC.	2.499 AC.
	TOTAL		4.023 AC.	4.912 AC.

ACCELA: PLN-MAR-21-00011
DATE FILED: 08-02-2021
OWNER: WALKER PROPERTIES OF CENTRAL KY, LLC 250 WALTON AVE, SUITE 150 LEXINGTON, KENTUCKY 40502
APPLICANT: WALKER PROPERTIES OF CENTRAL KY, LLC 250 WALTON AVE, SUITE 150 LEXINGTON, KENTUCKY 40502
PREPARED BY: The Roberts Group Architects - Engineers - Landscape Architects PSC 239 Southland Drive - Lexington, KY 40503 859-276-2006 - 859-276-2901 Facsimile

FINAL AMENDED DEVELOPMENT PLAN
LEXINGTON MORNINGSID
720-742 NATIONAL AVE
LEXINGTON, KENTUCKY 40502

LOCATION:

The Roberts Group
Architects - Engineers - Landscape Architects
250 Walton Avenue - Lexington, KY 40502
859-226-9735 / 859-226-9736

ENGINEER:

Walker Properties
250 WALTON AVENUE
SUITE 150
LEXINGTON, KY 40502
859-226-9735
F 859-226-9735

CLIENT:
DRAWN BY TRG
CHECKED BY TRG
DATE 07-02-2021
REVISIONS
SHEET TITLE
SHEET NUMBER

MADP

SITE STATISTICS table with columns: ADDRESS, USE, BUILDING AREA (SF), PARKING REQUIREMENTS, BLDG. HT., LANDSCAPE REQUIREMENTS. Lists various parcels from 701 National Ave to 902 National Ave.

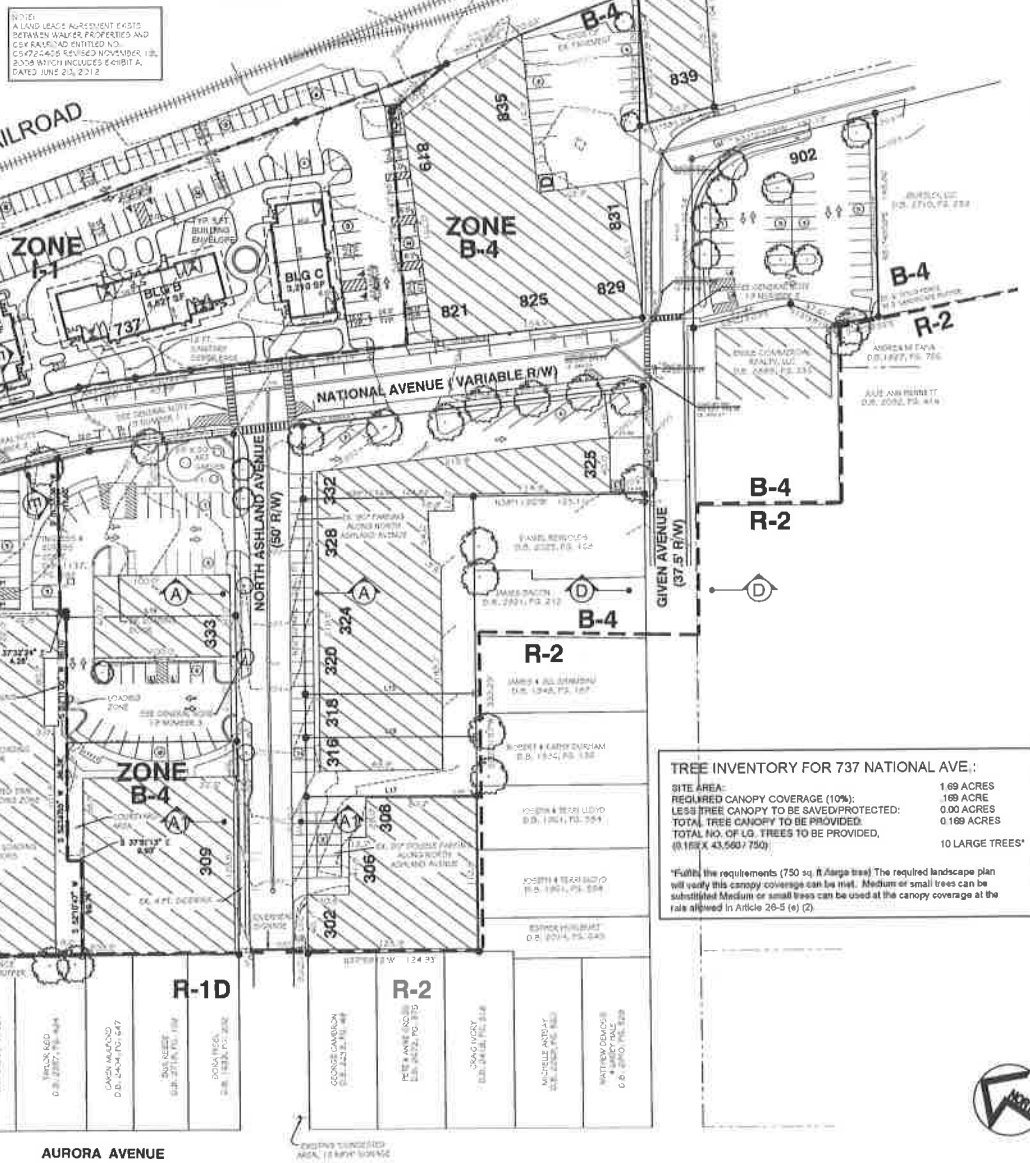
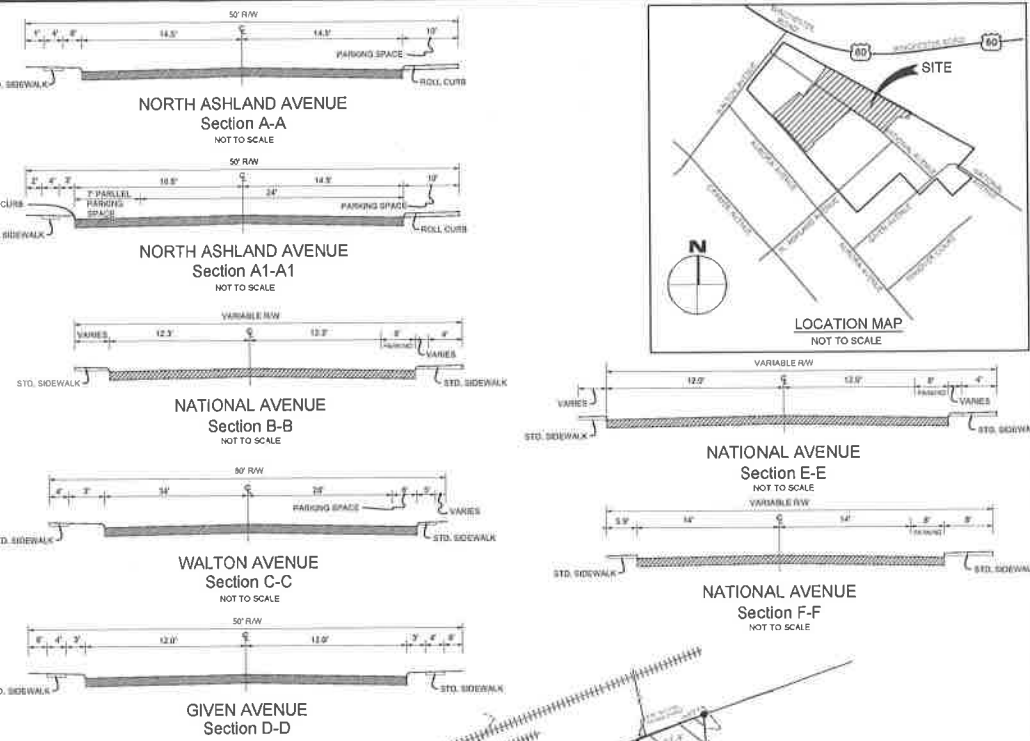
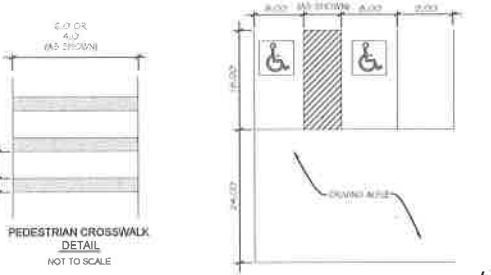
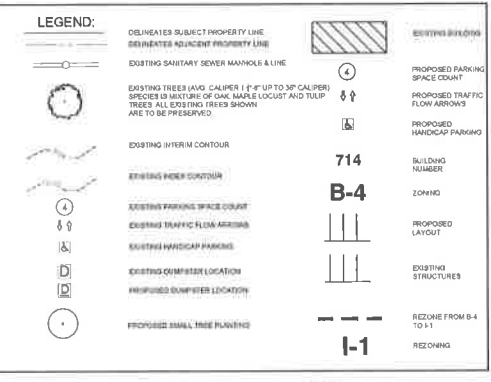
TOTAL EXISTING & PROPOSED BUILDING AREA = 207,488 SF
TOTAL PARKING REQUIRED = 5302 + 205 (INC. 1) 5507
TOTAL PARKING PROVIDED = 427 (INC. 1) 427
TOTAL LANDSCAPE AREA REQUIRED = 7,188 SF
TOTAL LANDSCAPE AREA PROVIDED = 19,738 SF

PURPOSE OF AMENDMENT:
REZONING OF PARCELS CONTAINING BUILDINGS 720-742 AND 737 FROM B-4 TO I-1.

NOTE:
A MINOR CONSOLIDATION AND PUBLIC ACCESS EASEMENT PLAN (PLAT CABINET R, SLIDE 245) HAS BEEN CREATED TO CONSOLIDATE PARCELS 1 AND 2 INTO PARCEL 3 TO INCLUDE EXISTING BUILDINGS 723, 725 AND PROPOSED BUILDING 737 INTO ONE LOT. THIS PLAN WILL ALSO DELINEATE A PUBLIC ACCESS EASEMENT ON LOT 701.

LINEAR ROAD FRONTAGE:
NATIONAL AVENUE: 1,260 FT
NORTH ASHLAND AVENUE: 382 FT
WALTON AVENUE: 246 FT

TREE INVENTORY:
9.86 ACRES
385 ACRES
0.83 ACRES
0.18 ACRES
9 LARGE TREES*



TREE INVENTORY FOR 737 NATIONAL AVE.:
SITE AREA: 1.69 ACRES
REQUIRED CANOPY COVERAGE (10%): 1.69 ACRES
LESS FREE CANOPY TO BE SAVED/PROTECTED: 0.00 ACRES
TOTAL TREE CANOPY TO BE PROVIDED: 0.189 ACRES
TOTAL NO. OF LG. TREES TO BE PROVIDED, (0.18 X 43,560 / 750): 10 LARGE TREES*

CERTIFICATION
OWNER'S CERTIFICATION
PLANNING COMMISSION CERTIFICATION
GENERAL NOTES

- 1. The plan may be amended with the approval of the Urban County Planning Commission.
2. Access shall be limited to the parcels indicated on this plan.
3. Easement details are subject to the approval of the Urban County Planning Commission.
4. Site drainage will be collected and conveyed into the existing storm water system or any additional facilities will meet with Article 21 requirements...

MORNINGSID logo and scale bar (1 inch = 60 feet).

INDUSTRIAL & PRODUCTION NON-RESIDENTIAL

SITE DESIGN, BUILDING FORM, & LOCATION

- B-PR9-1** Minimize disturbances to environmentally sensitive areas by utilizing the existing topography to the greatest extent possible.
- B-SU11-1** Green infrastructure should be implemented in new development. (E-GR3)
- C-DI1-1** Consider flexible zoning options that will allow for a wide range of jobs.
- C-DI5-1** In Opportunity Zones with a clearly defined local context, consider adaptive reuse to enhance the existing context.
- C-PS3-1** Development potential in the Rural Activity Centers should be maximized. (E-ST5)
- C-PS8-1** Opportunities for industry and special trade employment should be increased.
- C-PS10-2** Developments should explore options for shared and flexible parking arrangements for currently underutilized parking lots.
- C-PS10-3** Over-parking of new developments should be avoided. (B-SU5)
- D-PL7-1** Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
- D-PL9-1** Historically significant structures should be preserved.
- D-SP3-1** Adequate right-of-way, lease areas and easements for infrastructure, with emphasis on wireless communication networks should be provided to create reliable service throughout Lexington.
- D-SP3-2** Cellular tower antennae should be located to minimize intrusion and negative aesthetic impacts, and stealth towers and landscaping should be used to improve the visual impact from the roadway and residential areas.
- E-GR4-1** Developments should incorporate reuse of viable existing structures.
- E-GR5-1** Structures with demonstrated historic significance should be preserved or adapted.

TRANSPORTATION & PEDESTRIAN CONNECTIVITY

- C-PS10-1** Flexible parking and shared parking arrangements should be utilized.
- D-CO1-1** Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place-type.
- D-CO2-1** Safe facilities for all users and modes of transportation should be provided.
- D-CO2-2** Development should create and/or expand a safe, connected multimodal transportation network that satisfies all users' needs, including those with disabilities.

- D-CO4-1** Dead-end streets and Cul-de-sacs should be discouraged except where connections are not topographically or environmentally feasible.
- D-CO4-2** Roadway capacity should be increased by providing multiple parallel streets, which alleviate traffic and provide multiple route options, in lieu of additional lanes.
- D-CO4-3** Street pattern and design should consider site topography and minimize grading where possible.
- D-CO5-1** Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.
- E-ST3-1** Development along major corridors should provide for ride sharing pick up and drop off locations along with considerations for any needed or proposed park and ride functions of the area. (E-GR10, E-GR7)

GREENSPACE & ENVIRONMENTAL HEALTH

- A-DS4-3** Development should work with the existing landscape to the greatest extent possible, preserving key natural features.
- A-EQ7-3** Community open spaces should be easily accessible and clearly delineated from private open spaces.
- B-PR2-1** Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.
- B-PR2-2** Dividing floodplains into privately owned parcels with flood insurance should be avoided.
- B-PR2-3** Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them.
- B-PR7-1** Connections to greenways, tree stands, and stream corridors should be provided.
- B-PR7-2** Trees should be incorporated into development plans, prioritize grouping of trees to increase survivability.
- B-PR7-3** Developments should improve the tree canopy.
- B-RE1-1** Developments should incorporate street trees to create a walkable streetscape.
- B-RE2-1** Green infrastructure should be used to connect the greenspace network.
- E-ST5-1** Increased intensity in the Rural Activity Centers should not negatively impact surrounding rural areas.
- E-GR3-1** Physical and visual connections should be provided to existing greenway networks.
- E-GR3-2** New focal points should emphasize geographic features unique to the site.

ENHANCED NEIGHBORHOOD

Theme Letter - Pillar Abbreviation & Policy Number - Criteria Number
 Ex: from Theme A - Design Pillar & Policy #1 - Criteria #1 = A-DS1-1. Full decoder on page ###

Criteria that include additional policy items in parentheses refer to companion policies that will provide additional context to the related criteria.

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-21-00011: WALKER PROPERTIES, LLC

DESCRIPTION OF ZONE CHANGE

Zone Change: From a Wholesale and Warehouse Business (B-4) zone
To a Light Industrial (I-1) zone

Acreage: 4.02 net (4.912 gross) acres

Location: 720-740, & 737 National Avenue



EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Properties	B-4	Adaptive Reuse Project
To North	I-1	Self Storage Warehousing
To East	B-4	Athletic Club Facility
To South	B-4 / R-1D	Warehousing / Single Family Residential
To West	B-4 / R-1D	Warehousing / Single Family Residential

URBAN SERVICE REPORT

Roads - The subject properties have frontage along National Avenue, which is a local road that serves the business development between Walton Avenue and Richmond Avenue. Historically, National Avenue was utilized as an access point for the industrial and warehousing land uses. The constructions of the roadway was historically representative of that context, with little focus on pedestrian movement and vehicular separation. Since the establishment of the Adaptive Reuse Project for the majority of properties, the roadway has experienced significant upgrades to allow for both the warehousing uses and neighborhood serving uses.

Curb/Gutter/Sidewalks - National Avenue was historically not constructed with curbs, gutters and sidewalks. Those portions of the roadway which have been subject to recent development plans have been upgraded to modern standards. The subject properties have curb, gutters, and sidewalks along their frontage.

Utilities - All utilities, including natural gas, electric, water, phone, cable television, and internet are available in the area, and are available to serve future development.

Storm Sewers - The subject properties are located within the Town Branch watershed. Storm sewers are currently located along the right-of-way; however, the developer will be required to address water quality on their site in accord with the adopted Engineering Manuals. There are no special flood hazard areas in this location.

Sanitary Sewers - The subject properties are located within the Town Branch sewershed, which is served by the Town Branch Wastewater Treatment Facility, located on Lisle Industrial, east of New Circle Road. Sanitary sewer capacity will need to be verified prior to certification of the final development plan for the proposed redevelopment.

Refuse - The Urban County Government serves this area with refuse collection on Tuesdays.

Police - The nearest police station is the main headquarters, located approximately 1 mile to the west on East Main Street.

Fire/Ambulance - Fire Station #1 is the nearest station to this site and is located approximately ¼ of a mile to the northwest on East Third Street.

Transit - LexTran service is available within the immediate area of the subject properties. Within 1/4 of a mile of the subject properties there is outbound and inbound service to the Hamburg Pavilion Route (#10).

Parks - There are four parks within proximity of the development. Charles Young Park and the Isaac Murphy Art Garden are located along East Third Street less than a ½ mile west of the subject properties. Thoroughbred Park and Northeastern Park are located less than a ¼ of a mile southwest of the subject properties.

SUMMARY OF REQUEST

The applicant is seeking a zone change from the Wholesale and Warehouse Business (B-4) zone to the Light Industrial (I-1) zone for the properties located at 720-740 and 737 National Avenue. The zone change application is seeking to allow for greater flexibility for the use of the established structures within the Adaptive Reuse Project area. The applicant is not proposing any major modification of the current properties.

PLACE-TYPE

INDUSTRY & PRODUCTION CENTER

The Industry and Production Center Place-Type is where Lexington's most intense types of economic development and job creation occur. These places should be located near major corridors to facilitate efficient and affordable shipping and transportation of goods throughout the region while minimizing the impact on the traffic infrastructure throughout the rest of the community. Special care should be taken to address the environmental impact of these places as well as their impact on residents.

DEVELOPMENT TYPE

INDUSTRIAL & PRODUCTION NON-RESIDENTIAL

Primary Land Use, Building Form, & Design

Primarily employment land dedicated to the most intense types of employment-centric development. This is the only category where uses are inherently incompatible and are best separated from adjacent uses.

These uses are best suited in areas where they already exist, collocating to utilize industrial-scale infrastructure to serve the needs of the users. Environmental protection measures should be taken to minimize impacts.

Transit Infrastructure & Connectivity

These uses are also heavy employers and should incorporate mass transit infrastructure, on par with that of other modes, to connect residents to their jobs.

PROPOSED ZONING



This zone is intended for manufacturing, industrial and related uses not involving a potential nuisance in terms of smoke, noise, odor, vibration, heat, light or industrial waste. In addition, the Comprehensive Plan recognizes that it is important to promote adaptive reuse of older industrial areas and to allow Industrial Mixed-Use projects and Adaptive Reuse Projects. The Comprehensive Plan should be used to determine appropriate locations for this zone and for Industrial Mixed-Use Projects. Consideration should be given to the relationship of this zone to the surrounding land uses and to the adequacy of the street system to serve the anticipated traffic needs.

PROPOSED USE



This petitioner is proposing the Light Industrial (I-1) zone to allow for greater flexibility in use of the current site. The applicant is specifically interested in allowing the development of a Micro-Brewery within the Adaptive Reuse Project Area, which is not allowable within the current underlying zoning.

APPLICANT & COMMUNITY ENGAGEMENT



The applicant has conducted multiple neighborhood outreach meetings with representatives of the Mentelle Neighborhood Association and other interested property owners to discuss the rezoning of the subject properties. The applicant should discuss those meetings and the results of the discourse. The Mentelle Neighborhood Association and the applicant also invited the Planning staff to a meeting on July 27, 2021. At this meeting the staff discussed the zone change process and some of the differences between the Light Industrial (I-1) zone and the Wholesale and Warehousing (B-4) zone. The neighborhood association was interested in better understanding conditional zoning restrictions and other possible avenues for change of uses including a Zoning Ordinance text amendment.

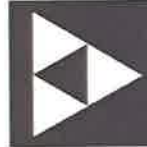
PROPERTY & ZONING HISTORY



The subject properties have been zoned Wholesale and Warehouse Business (B-4) following the comprehensive rezoning of the city and county in 1969. Prior to 1969, the subject properties were zoned Light Industrial and supported uses including a wood storage lot, a mill, an auto repair and painting shop, and offices. While the uses within the area changed between 1969 and now, a large portion of the south side of National Avenue's built environment remained. In 2010, the owners of the properties sought to apply an Adaptive Reuse Project to the properties to allow for greater flexibility in uses, including retail operations, restaurants and more neighborhood oriented land uses. The Adaptive Reuse Project was added to the Zoning Ordinance in 2008, and has allowed for the redevelopment of the warehousing and industrial built environment in areas where the high intensity of use is often no longer appropriate. Many of Lexington's downtown industrial, as reflected by being located in the Infill and Redevelopment Area, has had significant residential and commercial development constructed closer and closer, resulting in divergent land use intensity for neighboring land uses. Adaptive Reuse Projects have allowed for the construction of more neighborhood focused development that retains and respects the built context, while adding more complementary uses.

The National Avenue Adaptive Reuse Project initially focused on the incorporation of a restaurant and some areas of retail for the area. Since the initial plan, the area has experienced greater incorporation of retail operations and the addition of a restaurant. In 2016, a brew-pub was added to the development, as allowable within an Adaptive Reuse Project.

COMPREHENSIVE PLAN COMPLIANCE



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 applicant opines that their proposed rezoning is in agreement with several goals, objectives, and policies of the 2018 Comprehensive Plan. In the following section, the staff describes some of the elements that are in agreement with the Comprehensive Plan.

GOALS & OBJECTIVES

The applicant opines that they are in agreement with the adopted Goals and Objectives of the 2018 Comprehensive Plan. They state that the proposed rezoning will allow the National Avenue area to continue growing as a successful neighborhood and supporting infill and redevelopment throughout the Urban Service Area as a strategic component of growth (Theme A, Goal #2). The applicant reiterates that the Adaptive Reuse Project is an opportunity for redevelopment of industrial and warehousing space (Theme A, Goal #2.a), and by utilizing the existing built environment, the proposed project respects the context and design features of surrounding areas (Theme A, Goal #2.b).

Throughout their justification the applicant is focuses on the incorporation of the development in producing a well-designed neighborhood and community (Theme A, Goal #3). They indicate that the Adaptive Reuse Area has resulted in opportunities for neighborhood character preservation along the National Avenue corridor and the modification of the pedestrian areas provide a space for positive and safe social interactions between the commercial space and the residential neighborhood (Theme A, Goal #3.a & b). The continued development of the Adaptive Reuse Project will allow for the renovation, restoration, development and maintenance of this historic commercial district and structures (Theme D, Goal #3.b). Further, the applicant opines that by allowing further development of existing successful businesses, and allowing the expansion to adjacent structures, they will promote a more walkable development and de-emphasize dependence on single-occupancy vehicles (Theme B, Goal #2.d).

The applicant indicates that by supporting the local businesses and allowing for the expansion of the established businesses, this proposal will allow for the creation of a variety of jobs (Theme C, Goal #1.a). The proposed zone change encourages development that promotes and enhances tourism (Theme C, Goal #1.b), by supporting the continued success of a tourism-supportive and related business, like micro-breweries. The proposed modification seeks to provide entertainment and other quality of life opportunities that attract



young, culturally diverse professionals, and a workforce of all ages and talents to Lexington (Theme C, Goal #1.b).

Staff agrees with these elements of the applicants justification and that the proposed rezoning can meet the Goals and Objectives of the Comprehensive Plan.

CRITERIA

The development criteria for a zone change are the distillation of the adopted Goals and Objectives, as well as the policies put forth in the 2018 Comprehensive Plan. The development criteria represent the needs and desires of the Lexington-Fayette Urban County community in hopes of developing a better built environment. The applicable criteria are defined based on the proposed Place-Type and Development Type.

The applicant has indicated that the site is located within the Industry and Production Place-Type and is seeking to create an Industry and Production Non-Residential Development Type. Within this Place-Type and Development Type, the Comprehensive Plan states that special care should be taken to address the environmental impact of these places, as well as their impact on residents. Typically, the appropriateness of the Industry and Production Place-Type is heavily reliant, not only on the surrounding land use, but the infrastructure that is available to support such a development. Staff agrees that the Industry and Production Place-Type can be appropriate for the subject property with appropriate buffers and consideration given to environmentally sensitive areas.

In addition to the discussion of the Industrial and Production Place-Type and the Industry and Production Non-Residential Development Type, the applicant acknowledges that the location of the subject properties could also be considered a 2nd Tier Urban Place-Type and the use of the Adaptive Reuse Project has shifted the overarching development form closer to a Medium Density Non-Residential / Mixed Use Development Type. As such, the applicant has included several Development Criteria that are focused on adaptive reuse (A-DS7-1), flexible zoning (C-DI1-1), mixed use development (C-LI7-1), and public art instillation (D-PL10-1). Furthermore, the applicant and the Mentelle Neighborhood Association have developed a list of conditional zoning restrictions that limit the impact of an industrial development, making it more neighborhood oriented.

The applicant has done much to address the Development Criteria. While the applicant has addressed the majority of the Development Criteria, there are areas of concern as to how the applicant has applied or not applied the development criteria.

1. Site Design, Building Form and Location

Despite compliance with several of the criteria for Site Design, Building Form and Location, there were two criteria that necessitated added discussion and warranted a staff response.

E-GR10-3 Shared common space in commercial developments should be provided to encourage experiential retail programming. (2nd Tier Urban Place-Type, Medium Density Non-Residential / Mixed-Use Development Type)

The adaptive reuse area located along the western portion of 737 National Avenue has yet to be constructed. This provides a unique opportunity to provide greater amenities, including common open space. Additionally, since the start of the pandemic, the Mirror Twin Brew-Pub has filled the parking between their two structures with a shared open space. The applicant should review the associated development plan and consider the potential of shared common space for the portion of the property that is not constructed, and consider eliminating the parking and making the space associated with Mirror Twin permanent.

B-SU11-1 Green infrastructure should be implemented in new development. (E-GR3)(2nd Tier Urban Place-Type, Medium Density Non-Residential / Mixed-Use Development Type)

The applicant should review where and how green infrastructure can be implemented on-site.

2. Transportation and Pedestrian

The proposed rezoning includes safe facilities for the potential users, through the incorporation of enhanced pedestrian facilities along the properties' frontage and within the site. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.



3. Greenspace and Environmental Health

The proposed rezoning meets some of the criteria for Greenspace and Environmental Health. There are still areas of concern that staff would like to applicant to expand upon. These include the following:

B-PR7-2 Trees should be incorporated into development plans, prioritize grouping of trees to increase survivability.

B-PR7-3 Developments should improve the tree canopy.

An important component of the any rezoning to allow for the intensification to an industrial use is the need to design parking areas so they are not the primary visual component of the neighborhood, while also increasing the available tree canopy coverage to off-set the impacts of the heat island effect caused by Lexington's paved areas. The applicant should provide greater information regarding the inclusion of tree canopy and the viability of the canopy.

B-RE1-1 Developments should include street trees to create a walkable streetscape.

The applicant should include street trees along the road frontage of the vacant portion of 737 National Avenue.

CONDITIONAL ZONING RESTRICTIONS

Due to the proximity of the proposed rezoning to an established residential neighborhood, the applicant has submitted conditional zoning restrictions prohibiting certain uses within the area of rezoning, which were negotiated with the neighborhood association. These include:

1. Tire retreading and recapping.
2. Automobile service stations.
3. Major automobile or truck repair.
4. Establishments for the display and sale of precut, prefabricated, or shell homes.
5. Auto parts rebuilding.
6. Box and crate assembly.
7. Columbariums and crematories.
8. Electric foundry (melts down scrap metal).
9. Inflammable underground liquid storage.
10. The processing of asbestos.
11. The above-or below-ground storage for resale of any flammable or nonflammable gas or oxidizer in liquid or gaseous form; the storage of any empty container that contained any gas in any form; and the receiving of or dispensing of any gas in any form, unless in association with an automobile and vehicle refueling station.

Staff agrees that these uses would not be appropriate for areas that directly abut residential land uses. Staff also recommends prohibiting self-storage warehousing for all properties. As the applicant stressed the importance of job creation within their letter of justification, self-storage warehousing would not be an appropriate use for the subject properties.

In addition to the restrictions provided by the applicant, staff recommends that all lighting within forty (40) feet of residential zoning shall be a maximum height of twelve feet and directed downward. Additionally, there shall be no outdoor amplified speakers for the property located at 720-740 National Avenue. These restrictions are appropriate to limit the potential light and sound nuisances that would impact the adjacent residential land uses.

STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASONS:



1. A restricted Light Industrial (I-1) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning will allow the National Avenue area to continue growing as a successful aspect of the neighborhood and supporting infill and redevelopment throughout the Urban Service Area as a strategic component of growth (Theme A, Goal #2).
 - b. The Adaptive Reuse Project allows for redevelopment of industrial and warehousing space (Theme A, Goal #2.a), and by utilizing the existing built environment, the proposed project respects the context and design features of surrounding areas (Theme A, Goal #2.b).
 - c. The proposed development produces a well-designed neighborhood and community (Theme A, Goal #3) by preserving the built character of the National Avenue corridor and increasing pedestrian areas provide a space for positive and safe social interactions between the commercial space and the adjacent residential neighborhood (Theme A, Goal #3.a & b).
 - d. The proposed project will allow for the continued renovation, restoration, development and maintenance of this historic commercial district and structures (Theme D, Goal #3.b) and allow further development of an existing successful businesses.
 - e. The proposed rezoning supports local businesses, allowing for the expansion of the established brew-pub, and can allow the creation of a variety of jobs (Theme C, Goal #1.a).
 - f. The proposed zone change encourages development that promotes and enhances tourism (Theme C, Goal #1.b), by supporting the continued success of a tourism-supportive and related business, like micro-breweries, which provide entertainment and other quality of life opportunities that attract young, culturally diverse professionals, and a workforce of all ages and talents to Lexington (Theme C, Goal #1.b).
2. 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 the site creates a industrial development that works with the established infrastructure and will allow for safe pedestrian mobility.
 - b. The proposed rezoning will include safe facilities for the potential users of the site and include safe pedestrian facilities. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it limits the impacts on the surrounding environment, and will add tree canopy coverage.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are recommended via conditional zoning:
 - a. Prohibited Uses:
 - i. Self-storage warehousing
 - ii. Tire retreading and recapping.
 - iii. Automobile service stations.
 - iv. Major automobile or truck repair.
 - v. Establishments for the display and sale of precut, prefabricated, or shell homes.
 - vi. Auto parts rebuilding.
 - vii. Box and crate assembly.
 - viii. Columbariums and crematories.
 - ix. Electric foundry (melts down scrap metal).
 - x. Inflammable underground liquid storage.
 - xi. The processing of asbestos.
 - xii. The above-or below-ground storage for resale of any flammable or nonflammable gas or oxidizer in liquid or gaseous form; the storage of any empty container that contained any gas in any form; and the receiving of or dispensing of any gas in any form, unless in association with an automobile and vehicle refueling station.



- b. All lighting within forty (40) feet of residential zoning shall be a maximum height of twelve feet and directed downward.
 - c. There shall be no outdoor amplified speakers for the property located at 720-740 National Avenue. These restrictions are appropriate and necessary to limit the impact of industrial land uses on the adjacent residential land uses.
4. This recommendation is made subject to approval and certification of PLN-MJDP-21-0033: Morningside Market (AMD), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

HBB/TLW
8/31/2021

Planning Services/Staff Reports/MAR/2021/PLN-MAR-21-00011 WALKER PROPERTIES, LLC.pdf

REVISED FINDINGS ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-21-00011: WALKER PROPERTIES, LLC

STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASONS:



1. A restricted Light Industrial (I-1) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning will allow the National Avenue area to continue growing as a successful aspect of the neighborhood and supporting infill and redevelopment throughout the Urban Service Area as a strategic component of growth (Theme A, Goal #2).
 - b. The Adaptive Reuse Project allows for redevelopment of industrial and warehousing space (Theme A, Goal #2.a), and by utilizing the existing built environment, the proposed project respects the context and design features of surrounding areas (Theme A, Goal #2.b).
 - c. The proposed development produces a well-designed neighborhood and community (Theme A, Goal #3) by preserving the built character of the National Avenue corridor and increasing pedestrian areas provide a space for positive and safe social interactions between the commercial space and the adjacent residential neighborhood (Theme A, Goal #3.a & b).
 - d. The proposed project will allow for the continued renovation, restoration, development and maintenance of this historic commercial district and structures (Theme D, Goal #3.b) and allow further development of an existing successful businesses.
 - e. The proposed rezoning supports local businesses, allowing for the expansion of the established brew-pub, and can allow the creation of a variety of jobs (Theme C, Goal #1.a).
 - f. The proposed zone change encourages development that promotes and enhances tourism (Theme C, Goal #1.b), by supporting the continued success of a tourism-supportive and related business, like micro-breweries, which provide entertainment and other quality of life opportunities that attract young, culturally diverse professionals, and a workforce of all ages and talents to Lexington (Theme C, Goal #1.b).
2. 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 the site creates a industrial development that works with the established infrastructure and will allow for safe pedestrian mobility.
 - b. The proposed rezoning will include safe facilities for the potential users of the site and include safe pedestrian facilities. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it limits the impacts on the surrounding environment, and will add tree canopy coverage.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are recommended via conditional zoning:
 - a. Prohibited Uses:
 - i. Self-storage warehousing
 - ii. Tire retreading and recapping.
 - iii. Automobile service stations.
 - iv. Major automobile or truck repair.
 - v. Establishments for the display and sale of precut, prefabricated, or shell homes.
 - vi. Auto parts rebuilding.
 - vii. Box and crate assembly.
 - viii. Columbariums and crematories.
 - ix. Electric foundry (melts down scrap metal).
 - x. Inflammable underground liquid storage.



- xi. The processing of asbestos.
 - xii. The above-or below-ground storage for resale of any flammable or nonflammable gas or oxidizer in liquid or gaseous form; the storage of any empty container that contained any gas in any form; and the receiving of or dispensing of any gas in any form, unless in association with an automobile and vehicle refueling station.
 - xiii. Establishments and lots for the display, rental, sale and repair of farm equipment; contractor equipment; automobiles, trucks, mobile homes; boats or supplies for such items.
 - xiv. Battery manufacturing.
 - xv. Public utility service yard.
 - xvi. Truck terminals and freight yards.
 - xvii. Shredding, sorting and balling of paper scrap and storage of waste paper.
 - xviii. Recycling, sorting, baling and processing of glass and nonferrous metals; building materials salvage.
 - xix. Penal or correctional institutions.
 - xx. Commercial composting
- b. All lighting within forty (40) feet of residential zoning shall be a maximum height of twelve feet and directed downward.
 - c. There shall be no outdoor amplified speakers for the property located at 720-740 National Avenue.

These restrictions are appropriate and necessary to limit the impact of industrial land uses on the adjacent residential land uses.

- 4. This recommendation is made subject to approval and certification of PLN-MJDP-21-0033: Morningside Market (AMD), 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. WALKER PROPERTIES OF CENTRAL KY, LLC ZONING MAP AMENDMENT MORNINGSIDE MARKET (AMD) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-21-00011: WALKER PROPERTIES OF CENTRAL KY, LLC (10/31/21)*- a petition for a zone map amendment from a Wholesale and Warehouse Business (B-4) zone to a restricted Light Industrial (I-1) zone, for 2.33 net (2.49 gross) acres, for properties located at 720-740 National Avenue, and for 1.69 net (2.41 gross) acres, for property located at 737 National Avenue.

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 applicant is seeking a zone change from the Wholesale and Warehouse Business (B-4) zone to the Light Industrial (I-1) zone for the properties located at 720-740 and 737 National Avenue. The zone change application is seeking to allow for greater flexibility for the use of the established structures within the Adaptive Reuse Project area. The applicant is not proposing any major modification of the current properties.

The Zoning Committee Recommended: **Approval**, for the reasons provided by staff.

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

1. A restricted Light Industrial (I-1) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning will allow the National Avenue area to continue growing as a successful aspect of the neighborhood and supporting infill and redevelopment throughout the Urban Service Area as a strategic component of growth (Theme A, Goal #2).
 - b. The Adaptive Reuse Project allows for redevelopment of industrial and warehousing space (Theme A, Goal #2.a), and by utilizing the existing built environment, the proposed project respects the context and design features of surrounding areas (Theme A, Goal #2.b).
 - c. The proposed development produces a well-designed neighborhood and community (Theme A, Goal #3) by preserving the built character of the National Avenue corridor and increasing pedestrian areas provide a space for positive and safe social interactions between the commercial space and the adjacent residential neighborhood (Theme A, Goal #3.a & b).
 - d. The proposed project will allow for the continued renovation, restoration, development and maintenance of this historic commercial district and structures (Theme D, Goal #3.b) and allow further development of an existing successful businesses.
 - e. The proposed rezoning supports local businesses, allowing for the expansion of the established brew-pub, and can allow the creation of a variety of jobs (Theme C, Goal #1.a).
 - f. The proposed zone change encourages development that promotes and enhances tourism (Theme C, Goal #1.b), by supporting the continued success of a tourism-supportive and related business, like micro-breweries, which provide entertainment and other quality of life opportunities that attract young, culturally diverse professionals, and a workforce of all ages and talents to Lexington (Theme C, Goal #1.b).
2. 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 the site creates an industrial development that works with the established infrastructure and will allow for safe pedestrian mobility.
 - b. The proposed rezoning will include safe facilities for the potential users of the site and include safe pedestrian facilities. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it limits the impacts on the surrounding environment, and will add tree canopy coverage.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are recommended via conditional zoning:
 - a. Prohibited Uses:
 - i. Self-storage warehousing
 - ii. Tire retreading and recapping.
 - iii. Automobile service stations.
 - iv. Major automobile or truck repair.
 - iv. Establishments for the display and sale of precut, prefabricated, or shell homes.
 - v. Auto parts rebuilding.

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

- vi. Box and crate assembly.
 - vii. Columbariums and crematories.
 - ix. Electric foundry (melts down scrap metal).
 - x. Inflammable underground liquid storage.
 - xi. The processing of asbestos.
 - xii. The above-or below-ground storage for resale of any flammable or nonflammable gas or oxidizer in liquid or gaseous form; the storage of any empty container that contained any gas in any form; and the receiving of or dispensing of any gas in any form, unless in association with an automobile and vehicle refueling station.
- b. All lighting within forty (40) feet of residential zoning shall be a maximum height of twelve feet and directed downward.
 - c. There shall be no outdoor amplified speakers for the property located at 720-740 National Avenue.

These restrictions are appropriate and necessary to limit the impact of industrial land uses on the adjacent residential land uses.

- 4. This recommendation is made subject to approval and certification of PLN-MJDP-21-0033: Morningside Market (AMD), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
- b. PLN-MJDP-21-00033: MORNINGSIDE MARKET (AMD) (10/31/21)* - located at 720, 722, 723, 724, 725, 726, 728, 730, 732, 734, 737 & 740 NATIONAL AVE., LEXINGTON, KY
Project Contact: The Roberts Group, PSC

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, storm and sanitary sewers, and floodplain information.
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 the treatment 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.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Denote pedestrian access from Buildings A, B, and C at 737 National Avenue.
11. Resolve enhanced pedestrian access to 720 National Avenue.
12. Clarify areas of public space on 737 National Avenue.
13. Discuss compliance with Note #21.
14. Discuss Placebuilder criteria:
 - a. E-GR10-3 Shared common space in commercial developments should be provided to encourage experiential retail programming.
 - b. B-SU11-1 Green infrastructure should be implemented in new development. (E-GR3)
 - c. B-PR7-2 Trees should be incorporated into development plans, prioritize grouping of trees to increase survivability.
 - d. B-PR7-3 Developments should improve the tree canopy.
 - e. B-RE1-1 Developments should include street trees to create a walkable streetscape.

Staff Zoning Presentation – Mr. Baillie distributed a letter of support from the Neighborhood Association to the Planning Commission. He then presented the revised staff report and recommendations for the zone change application. He displayed photographs of the subject property and aerial photographs of the general area. He said the applicant is seeking to change the location of brewing operations that is currently occurring on 737 National Avenue. He said that the B-4 zone allows for this use in an Adaptive Reuse Project as a Brew-Pub, which must include the preparation and serving of food. He said that the applicant is seeking to relocate only the brewing operations across the street to a different building. It would be the lone use of this building, which would classify it as a Micro-Brewery. Micro-Breweries allow for greater amounts of canning to occur on stabilized equipment. He said that the applicant has worked with the neighborhood association at great length throughout this process. Together they have compiled conditional zoning restrictions for the subject properties. He said that the petitioner submitted their application under the Industry and Production Center Place-Type and the Industry and Production Non-Residential Development Type of the 2018 Comprehensive Plan, which is appropriate for this site.

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Mr. Baillie said that the staff had concerns about this area being a more neighborhood-oriented industrial zone, and an adaptive reuse project. The adaptive reuse project allows for the incorporation of a fair amount of neighborhood business uses, which is the reason the staff asked the applicant to include some of those aspects within their application. The applicant did acknowledge that these properties could also be considered as a 2nd Tier Urban Place-Type and a Medium Density Non-Residential / Mixed Use Development Type. He said that there are many different types of zoning in the area. North and Southeast of the subject property is comprised of Light Industrial (I-1) and, Wholesale and Warehouse Business (B-4) zoning, whereas Single Family Residential (R-1D) zoning is located to the south. He said that the B-4 zone between the railroad and the residential neighborhood was meant to act as a buffer or transition between the Winchester Road corridor and the industrial uses.

Mr. Baillie said that the applicant is proposing the Industry and Production Center Place-Type and the Industry and Production Non-Residential Development Type. While the brewing operations will increase the ability of the intensity of the use on the site, the applicant is also proposing significant limitations on uses allowed within the I-1 zone. He added that the limitation of users for the site is reflected on the revised conditional zoning restrictions, which are as follows:

a. Prohibited Uses:

- i. Self-storage warehousing.
- ii. Tire retreading and recapping.
- iii. Automobile service stations.
- iv. Major automobile or truck repair.
- v. Establishments for the display and sale of precut, prefabricated, or shell homes.
- vi. Auto parts rebuilding.
- vii. Box and crate assembly.
- viii. Columbariums and crematories.
- ix. Electric foundry (melts down scrap metal).
- x. Inflammable underground liquid storage.
- xi. The processing of asbestos.
- xii. The above-or below-ground storage for resale of any flammable or nonflammable gas or oxidizer in liquid or gaseous form; the storage of any empty container that contained any gas in any form; and the receiving of or dispensing of any gas in any form, unless in association with an automobile and vehicle refueling station.
- xiii. Establishments and lots for the display, rental, sale and repair of farm equipment; contractor equipment; automobiles, trucks, mobile homes; boats or supplies for such items.
- xiv. Battery manufacturing.
- xv. Public utility service yard.
- xvi. Truck terminals and freight yards.
- xvii. Shredding, sorting and baling of paper scrap and storage of waste paper.
- xviii. Recycling, sorting, baling and processing of glass and nonferrous metals; building materials salvage.
- xix. Penal or correctional institutions.
- xx. Commercial composting.

Mr. Baillie said that the underlined conditions were added after the September 2nd Zoning Committee meeting, which reflects the concerns of the Mentelle Neighborhood Association with the rezoning. He added that this long list is a blend of I-1 zone uses and B-4 zone uses and that the applicant is proposing a change from an unrestricted B-4 zone to a restricted I-1 zone. He said that staff does get concerned with long lists of conditional zoning restrictions, but the applicant has a greater availability of potential uses that can be utilized on this property, because it is an adaptive reuse project. He said the staff is also recommending one other use restriction and two buffering restrictions. The use restriction is the self-storage warehouse. The applicant stated in their justification that would promote employment opportunities in our area. He said that the staff's research and review of self-storage warehouses found that they are not a high employment factor, and the staff is recommending a restriction of the use. He said that the staff is also recommending a buffering restriction on site, which includes all lighting be a maximum height of twelve feet and directed downward and no outdoor amplified speakers on properties located at 720-740 National Avenue. He said that the staff is recommending approval of this zone change.

Mr. Baillie said that there is a question regarding the following conditional zoning restrictions:

- xiii. Establishments and lots for the display, rental, sale and repair of farm equipment; contractor equipment; automobiles, trucks, mobile homes; boats or supplies for such items.

He said that the neighborhood would like the sale of canoes and kayaks to remain available. He said that in the staff's interpretation of the Zoning Ordinance that this use category is mostly attributed to large-scale motor boats, and doesn't believe that adjusting this recommendation is necessary.

Development Plan Presentation – Mr. Martin presented a rendering of the final development plan associated with this zone change. He pointed to the 5,000 square-foot building where the applicant is proposing for the activities to take place. He added that the total of all the buildings combined is approximately 10,000 square feet. He pointed to the adaptive reuse area and said that the area has been amended several times. The Planning Commission hasn't seen these amendments because they were

minor amendments to reduce the square footage in that area, which is allowable under minor amendments. He said that there are 78 parking spaces located in the rear and on the sides of the property, and only 36 spaces are required, but the entertainment venues could possibly generate a demand for more parking.

Mr. Martin said that in regards to condition #12, the staff recommended that the applicant demonstrate greater compliance with the new Adaptive Reuse Project standards, which emphasize the need for more and enhanced public space. He added that the applicant has met those standards. He then said in regards to condition #11, the applicant needs to clarify their pedestrian access to 720 National Avenue from the right-of-way and adjacent to the buildings.

Mr. Martin said that condition #13 states to discuss Note #21, from the original Development Plan and designation of the Adaptive Reuse Project. At that time, many of the sidewalks were not in the best condition, nor were they ADA compliant. He said that there is a square-footage figure of adaptive reuse activity and particular levels require improvements to be met by the applicant to bring these sidewalk facilities into ADA compliance. He said that the applicant has provided the square-footage figure of this development and they do not meet the level to be required to make these improvements, at this time. He added that if the applicant builds these new buildings or if new occupants move into the existing buildings, they will meet that level and the sidewalks will need to be re-evaluated for their conditions and ADA compliance. He added that condition #13 can be removed, because the applicant has met that requirement. He said that the Subdivision Committee had recommended approval of this development plan.

Commission Questions – Mr. Penn asked for confirmation that condition #13 can be removed. Mr. Martin affirmed and said that the staff has actual square-footage of the adaptive reuse activities in this development.

Applicant Presentation – Mr. Dick Murphy, attorney; Chad Walker, Walker Properties; and Derek Franco, Mirror Twin Brewing Company, were present representing the petitioner. Mr. Murphy said that they are in agreement with the staff's recommendations and conditional zoning restrictions, with the exception of one condition. He said the prohibited uses presented in black text, by Mr. Baillie, were the restrictions proposed on the original application. The restrictions in red print, were proposed to the applicant by the Mentelle Neighborhood Association after many discussions. He said that when they proposed the following restriction, they wanted to make sure that the sales of canoes and kayaks would be allowed:

- xiii. Establishments and lots for the display, rental, sale and repair of farm equipment; contractor equipment; automobiles, trucks, mobile homes; boats or supplies for such items.

Mr. Murphy said that the staff's interpretation does allow that sale, but he has concern that in the future there will may be a misunderstanding of this conditional zoning restriction. He said that he would like to request the restriction to be amended as follows:

- xiii. Establishments and lots for the display, rental, sale and repair of farm equipment; contractor equipment; automobiles, trucks, mobile homes; motorized boats or supplies for such items.

Mr. Murphy said that the applicant has worked diligently with the Mentelle Neighborhood Association on this project. He said that they also appreciates the staff's efforts.

Commission Questions – Mr. de Movellan asked for clarification of the size of the boat that will be displayed, that don't have motors attached to them. Mr. Murphy said that it may be clearer to state the restriction as:

- xiii. Establishments and lots for the display, rental, sale and repair of farm equipment; contractor equipment; automobiles, trucks, mobile homes; boats, except canoes or kayaks, or supplies for such items.

Ms. Wade said that the prohibited uses also included motorcycles, which the applicant asked to remain as a use, so that they could be sold at this location.

Mr. Forester asked for verification of the number of conditional zoning restrictions. Mr. Baillie said that the staff report distributed to the Planning Commission by the staff has the correct prohibited uses listed on it.

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

Zoning Action – A motion was made by Mr. Penn, seconded by Mr. Nicol, to approve PLN-MAR-21-00011: WALKER PROPERTIES OF CENTRAL KY, LLC, for the reasons provided by the staff, with the revised staff report, with the change to conditional zoning restrictions prohibited uses, as follows:

- xiii. Establishments and lots for the display, rental, sale and repair of farm equipment; contractor equipment; automobiles, trucks, mobile homes; motorized boats or supplies for such items.

Discussion – Mr. Michler asked if the exception of canoes and kayaks should be added to the motion. Mr. Baillie suggested the restriction be as follows:

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- xiii. Establishments and lots for the display, rental, sale and repair of farm equipment; contractor equipment; automobiles, trucks, mobile homes; boats, with the exception of canoes or kayaks, or supplies for such items.

Motion – The above motion has been revised by Mr. Penn, seconded by Mr. Nicol, and carried 10-0 (Pohl absent) to approve PLN-MAR-21-00011: WALKER PROPERTIES OF CENTRAL KY, LLC, to the following restriction:

- xiii. Establishments and lots for the display, rental, sale and repair of farm equipment; contractor equipment; automobiles, trucks, mobile homes; boats, with the exception of canoes or kayaks, or supplies for such items.

Development Plan Action – A motion was made by Mr. Penn, seconded by Mr. Bell, and carried 10-0 (Pohl absent) to approve PLN-MJDP-21-00033: MORNINGSIDE MARKET (AMD), as presented by the staff, removing condition #13, 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, storm and sanitary sewers, and floodplain information.
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 the treatment 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.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Denote pedestrian access from Buildings A, B, and C at 737 National Avenue.
11. Resolve enhanced pedestrian access to 720 National Avenue.
12. Clarify areas of public space on 737 National Avenue.
- ~~13. Discuss compliance with Note #21.~~
13. ~~14.~~ Discuss Placebuilder criteria:
 - a. E-GR10-3 Shared common space in commercial developments should be provided to encourage experiential retail programming.
 - b. B-SU11-1 Green infrastructure should be implemented in new development. (E-GR3)
 - c. B-PR7-2 Trees should be incorporated into development plans, prioritize grouping of trees to increase survivability.
 - d. B-PR7-3 Developments should improve the tree canopy.
 - e. B-RE1-1 Developments should include street trees to create a walkable streetscape.

Commission Comments – Mr. Davis thanked the applicant and Mr. Murphy for their coordination with this application so that it could be an abbreviated hearing.