

**AGENDA
URBAN COUNTY PLANNING COMMISSION
ZONING ITEMS PUBLIC HEARING**

August 27, 2009

- I. **CALL TO ORDER** – The meeting will be called to order at 1:30 p.m. in the Council Chamber, 2nd Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.
- II. **APPROVAL OF MINUTES** – Prior Planning Commission meeting minutes of July 23, 2009, will be considered at this time.
- III. **POSTPONEMENTS AND WITHDRAWALS** – Requests for postponement and withdrawal will be considered at this time.
- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, August 6, 2009, at 8:30 a.m. The meeting was attended by Commission members: Mike Cravens, Mike Owens, Marie Copeland and Carolyn Richardson. Committee members in attendance were: Hillard Newman, Division of Engineering; and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Chris Taylor, Tom Martin, Denise Bullock, Cheryl Gallt, Jimmy Emmons, Kenzie Gleason and Barbara Rackers, as well as Rochelle Boland, Department of Law; Capts. Charles Bowen and Allen Case, Division of Fire & Emergency Services; Paul Hockensmith, Street Addressing Office; and Bob Carpenter, Division of Building Inspection. The Committee made recommendations on plans as noted.

General Notes

The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.

1. *All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.*
2. *All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.*

- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, August 6, 2009, at 1:30 p.m. in the Division of Planning Office. The meeting was attended by Commission members Ed Holmes, Frank Penn, Lynn Roche-Phillips, and Joan Whitman. The Committee reviewed applications, and made recommendations on zoning items as noted.

A. ABBREVIATED PUBLIC HEARINGS ON ZONE MAP AMENDMENTS AND RELATED PLANS

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

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

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

B. FULL PUBLIC HEARINGS ON ZONE MAP AMENDMENTS AND RELATED PLANS – Following abbreviated hearings, the remaining petitions will be considered.

The procedure for these hearings is as follows:

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

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

1. HOMESTEAD NURSING CENTER, LLC, ZONING MAP AMENDMENT & HOMESTEAD NURSING HOME PROPERTY ZONING DEVELOPMENT PLAN

- a. MARC 2009-10: HOMESTEAD NURSING CENTER, LLC (10/8/09)* - petition for a zone map amendment from a Two Family Residential (R-2) zone to a High Density Apartment (R-4) zone, for 1.288 net (1.49 gross) acres, for property located at 1612 Versailles Road. A conditional use permit appeal has also been filed in conjunction with this request.

LAND USE PLAN AND PROPOSED USE

* - Denotes date by which Commission must either approve or disapprove request.

The 2007 Comprehensive Plan (Sector 5) recommends Low Density (LD) future land use for the subject property, which is defined as 0-5 dwelling units per net acre. The petitioner proposes the rezoning in order to make an addition to the adjacent nursing home, which will convert all of the facility's three- and four-person occupancy rooms into private and semi-private rooms.

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

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

1. The requested High Density Apartment (R-4) zoning is appropriate, and the existing Two Family Residential (R-2) zoning is inappropriate at this location, for the following reasons:
 - a. The subject property is surrounded on three sides by R-3 and R-4 zoning, thus the proposed zoning is compatible and consistent with the immediate area along the south side of Versailles Road.
 - b. The subject property is generally bounded by more intense land use than the single family residential use at this location. Surrounding land uses include high density apartments, a nursing home and its associated off-street parking lot, and a community residence.
 - c. The nearest R-2 zoned area is more than 200 feet from the subject property, at its closest point.
2. The 2007 Comprehensive Plan's Goals and Objectives support the provision of opportunities to satisfy the community's need for private, nonresidential facilities, such as hospitals; nursing homes; and social service facilities, which serve the public but are privately owned, developed and maintained (Goal #20, Objective P). The proposed redevelopment of the subject property supports this goal by improving the quality and privacy of existing nursing home beds. Such improvements will serve the needs of Lexington-Fayette County residents better than the existing facility.
3. This recommendation is made subject to approval and certification of ZDP 2009-52: Homestead Nursing Home Property, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses shall be restricted on the subject property via conditional zoning:
 - a. No more than six residential dwelling units may be permitted on the subject property.
 - b. No free standing signage may be permitted on the subject property.
 - c. Conditional Uses (Provided the BOA or Planning Commission approves such use) are to be limited to the following:
 1. Kindergartens, nursery schools, and child care centers for four (4) or more children.
 2. Home occupations.
 3. Churches, Sunday Schools, and parish houses.
 4. Schools for academic instruction.
 5. Bed and breakfast facilities, limited to the rental of not more than five (5) rooms.
 6. Hospitals, nursing homes, rest homes, and orphanages.
 7. Assisted living facilities.

This restriction is appropriate and necessary for the subject property in order to ensure compatible development; and if a conditional use does not develop on the subject property, then the property will develop in a manner recommended by the 2007 Comprehensive Plan.

b. REQUESTED CONDITIONAL USE

1. Nursing home

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

- a. Should re-zoning of the property to R-4 be approved by the Urban County Council, granting the requested conditional use permit will not adversely affect either the subject or surrounding properties. The Homestead Nursing Home has been in existence at its current location on the property immediately to the east of the subject property since 1971, with no apparent adverse impacts. This conditional use permit will allow a needed expansion and modernization of that use, and will not add new beds or employees to the facility.
- b. More than the minimum required parking will be provided, and the parking area will be paved and screened/landscaped to comply with Articles 16 and 18 of the Zoning Ordinance. Adequate storm drainage and retention will be provided to comply with the requirements of the Engineering Manuals; and any future additional development to the property will require an amendment to the development plan, and will be subject to approval by the Planning Commission and/or the Board of Adjustment.
- c. All necessary public facilities either are or will be available for the proposed use of the property.

This recommendation of approval is made subject to the following conditions:

1. Should the property be re-zoned, that it be developed according to the submitted Preliminary Development Plan, or as further amended by the Planning Commission via a Final Development Plan.
2. A note shall be placed on the Preliminary Development Plan, indicating that the Planning Commission has granted a conditional use permit for a nursing home per Article 6-4(c) of the Zoning Ordinance.

3. That any new or modified entrance from Versailles Road (US 60) be subject to the approval of the Kentucky Department of Highways (KYDOH).
4. That the parking area be paved and screened/landscaped to comply with Articles 16 and 18 of the Zoning Ordinance.

- c. ZDP2009-52: HOMESTEAD NURSING HOME PROPERTY (10/8/09)* - located at 1612 Versailles Road.
(The Roberts Group)

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Provided the Urban County Council rezones the property R-4; 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. Building Inspection's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree inventory information.
6. Denote: There shall be no development of the property until the Planning Commission approves a final development plan.
7. Addition of dimensions to parking spaces, drive aisles and access points.
8. Clarify dumpster location(s).
9. Clarify existing access point on the eastern property line.
10. Clarify site statistics for each lot.
11. Addition of record plat and deed information to subject lot.
12. Denote the existing and proposed easements.
13. Denote the detention area.
14. Combine dual access to Versailles Road to only one access point.
15. Denote: The location of any LexTran transit stop will be resolved at the time of the final development plan.

V. COMMISSION ITEMS

- A. INITIATION OF ZONING ORDINANCE TEXT AMENDMENT FOR A GIS-BASED ZONING ATLAS – The staff will request that the Planning Commission initiate a text amendment to Article 2-1, 2-2 and 2-3 of the Zoning Ordinance to allow the LFUCG Geographic Information System to serve as the official Zoning Atlas for Lexington-Fayette County. The Planning Services staff is working with the Computer Services staff on this matter, and if initiated, the requisite public hearing could be scheduled later this year.

VI. STAFF ITEMS

A. Planning Services Activity Report

- During the month of July, the Planning Services staff processed 4 zone map amendments, 3 Zoning Ordinance text amendments, 1 Subdivision Regulations amendment, 40 subdivision and development plan items, and 17 Board of Adjustment appeals. Processing of the above items included attendance and/or preparation of materials and presentations for the following: Technical, Subdivision and Zoning Committee meetings, one Planning Commission public hearing, one Planning Commission public meeting, one Planning Commission work session, and one Board of Adjustment public hearing. In addition, the staff held 3 pre-application conferences for zoning map amendment requests, and several pre-application meetings for subdivision, development plan and Board of Adjustment items.

Much of the staff's time was spent answering approximately 750 inquiries from people concerning zoning, subdivision plans, development plans, Board of Adjustment appeals and related matters. The staff also provided floodplain assistance for 12 local property inquiries.

- Senior Planners Traci Wade and Jimmy Emmons, along with Planning Director Chris King, presented the Infill & Redevelopment Zoning Ordinance Text Amendments (Round 3) at the Council's Work Session on July 2nd, right before their summer break. In the first two weeks after adoption, Planning Services staff members have met with several property owners and potential applicants that are already taking advantage of the new provisions in the ordinance.
- Administrative Specialist Denice Bullock and Senior Planner Tom Martin finalized outreach material regarding the Federal Flood Insurance Program under FEMA and distributed it to the Real Estate and Mortgage Banker associations for distribution to their members. This not only increased our outreach audience, it produced a real savings in paper (green accomplishment); it saved costs in postage and, most importantly, significantly reduced staff time required. It was well received by the associations as well and that improves our outreach impact. I want to emphasize the hard work and effort Denice put into the FEMA project. (Some IT assistance was provided by Jimmy Emmons and Stephanie Cunningham, as well.)

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- Our “flu crew” (Jimmy Emmons, Pam Whitaker, Traci Wade, Joey David) have been working on the Division of Planning Pandemic Flu Continuity of Operations plan. This is a plan of operations, should the Division find itself with only 50% staffing for up to 3 months due to a pandemic flu or other emergency situation. Like all emergency planning, it is hoped that this plan will not have to be activated, but the Division is now better prepared to deal with such a scenario. All divisions within the local government are participating in this level of Pandemic Flu planning.
- Several members of the Planning Services staff have begun work on creating a comprehensive education strategy that will have numerous avenues to reach out to additional audiences about planning concepts and activities related to Infill & Redevelopment. This task will probably take several months to coordinate and implement through several Task Forces that have been created to assist the Infill & Redevelopment Steering Committee. Once this strategy is assembled, this could be presented to the Planning Commission at a future Work Session.
- On July 30, Barbara Rackers attended a meeting at the Carver Center to discuss the status of the Newtown Pike Extension project. Such meetings are expected to continue on a periodic basis.
- Jimmy Emmons has continued working with those associated with The Distillery District East adaptive reuse project on Manchester Street in July. That development plan is now certified (i. e. fully approved), and the applicant has been working with the Division of Building Inspection to obtain Certificates of Occupancy for a variety of uses. The development plan for The Distillery District West adaptive reuse project (the actual distillery and 5-story warehouse) is not yet certified, but progress has been made on the two major issues (still pending prior to certification) concerning floodplains and road improvement timing in relation to TIF improvements and Newtown Pike Extension improvements. Certification is expected in the near future, pending resolution of these two items.
- Planning Services staff members Barbara Rackers and Traci Wade have continued to refine the proposed language for a text amendment addressing cemetery protection, most recently based on comments and concerns from the Division of Building Inspection.
- Several Planning Services staff members assisted Jimmy Emmons and Barbara Rackers in July with the IR Steering Committee, and their desire to formulate three new Task Forces. The sub-groups that have been formed are the Implementation Task Force, the Policy Task Force, and the Gap Task Forces. This new structure will allow the IR Steering Committee to better handle specific tasks related to each of these three areas. The IR Committee as a whole agreed to meet quarterly in the future, while these three task forces will meet every 4-6 weeks, as needed. Presentations to the Planning Commission and to the Council's Planning Committee are anticipated on a semi-annual basis. Traci Wade will assist the Implementation Task Force, Tom Martin is set to assist the Gap Task Force, and Subdivision Planner Chris Taylor is planning to provide assistance to the Policy Task Force.
- Planning Services staff members Barbara Rackers and Traci Wade assisted the Westmorland Neighborhood Association in preparing their presentation materials for the request to initiate a Neighborhood Design Character (ND-1) Overlay zone for the neighborhood. The Planning Commission discussed the proposal and formally initiated the request on July 23.
- Planning Services has made the transition to GIS-based zoning color-ups for Commission public hearings, with the assistance of Scott Dickison of Computer Services.
- Barbara Rackers attended a planning charrette on July 13, 14 & 15 at Good Samaritan Hospital. Planning Manager Bill Sallee also attended the session on July 14. This exercise was co-sponsored by the hospital and the University of Kentucky, and may lead to future land use plans for some of the Colletown area between the UK central campus and downtown Lexington.

B. Long Range Planning Activity Report

- Greenspace Commission – David Lord, President of the Lexington Convention and Visitors Bureau, gave a presentation on “Tourism in the Bluegrass,” including an update on the 2010 World Equestrian Games and the potential impact on Fayette County. In other business, John Park was elected Chair.
- Complete Streets – Staff assisted the consulting team as they kicked off their work for the Complete Streets project with stakeholder meetings and site visits. The Complete Streets project will result in a policy manual and proposed text amendments that will provide standards for development and redevelopment of the transportation network throughout the community. The project is expected to last six months.
- Green work, Greenways and Bike/Ped – Staff attended a Webinar, held in the Division of Planning conference room, where experts discussed methods for counting bicyclist and pedestrians in order to better account for their impact on the transportation network. Staff attended the Greenway Coordinating Committee meeting. Staff continued to update the LFUCG trail and greenway properties databases and maps.

- Development Review – Staff conducted a variety of development review duties and meetings, conducted field work, and coordinated greenway and greenspace development issues.
- General Work Activities – Staff prepared for and attended the monthly meeting of the Technical Review Committee. Staff also answered questions about land use and other comprehensive plan issues as well as neighborhood association issues. Staff updated the Neighborhood Association data base. Using GIS, Census data, and PCensus software, staff created maps and data sets for the Urban County Council, other LFUCG Departments, and agencies and officials outside the government. Staff also attended LFUCG-sponsored training sessions, including PeopleSoft training.

C. Transportation Planning Activity Report

Administration – Committee meeting packets were prepared and distributed for the following Transportation Planning/MPO meetings held in July: Bicycle and Pedestrian Advisory Committee (BPAC), and Transportation Technical Coordinating Committee (TTCC).

- MPO Newsletter - "Bluegrass Traveler" – working on newsletter for next edition.

Transportation Improvement Programming (TIP) –

- FY 2010 – FY 2013 TIP was adopted into the Statewide TIP (STIP Amendment #2006.043).
- Began revisions to the TIP based on comments received from KYTC and FHWA.

Intelligent Transportation Systems (ITS) –

- The MPO staff continued to monitor ITS issues and pursue additional coordination with the LFUCG Division of Traffic Engineering, KYTC, and FHWA.

Surveillance –

- MPO Website Development – In July, the website had 560 unique visitors; 1062 visits; 2,497 page views; total .894 GB bandwidth usage; and 9,166 hits. There were 212 links from search engines in July. MPO staff updates the web site with new links, graphics and content on a continual basis.
- Staff attended The Bluegrass ADD Regional Transportation Committee meeting in July.
- Other important meetings with MPO staff participation included: Corridors Committee.
- Staff attended (as a member) the South Nicholasville Rd SAP Steering Committee meeting.
- Staff attended (as a member) the North Nicholasville Rd SAP Steering Committee meeting.
- Staff attended the Harrodsburg Rd Corridor Plan Advisory Committee meeting.
- Staff organized the Transportation Coordination Meeting.
- Staff organized ARRA project implementation coordination meeting.
- Staff attended an I-75 Connector meeting in Frankfort with KYTC, Jessamine County officials, and representatives from Congressman Chandler's Office.
- Staff attended a LPA Guide Focus Group meeting to help refine the guide and improve training.
- Staff attended the Blue Grass Airport Board meeting in July.
- Performed field visits to Jessamine and Fayette Counties to record project progress for coordination updates.

Transportation Plan Update –

- The approved 2035 Metropolitan Transportation Plan (MTP) was being readied for mail out to Transportation routing list stakeholders.
- The Lexington MPO Public Participation/Involvement Access Database continues to be updated. The database now includes over 816 records.
- Travel Demand Model – Staff modeler continues to provide travel demand forecasts upon request and interprets modeling forecast results.

Transit Planning –

- Staff engaging Division of Engineering and Public Works to revisit bus shelter permitting processes. System needs tweaking since reallocation of certain employees and responsibilities. Solutions still being sought.
- Staff contributed to media support of Artstop dedication planned for August 2nd. Flyer distribution and GTV3 spot filmed on-site.
- Staff completed a map for Morry Latour (Council for the Blind rep.) and created an image for Power Point presentation.
- Met with LexTran and Public Works to present a new method (use a consultant) of creating drawings for bus sheltering process. Still trying to nail down an efficient system of getting encroachment agreements through LFUCG engineering.
- Staff met with M2D consultants concerning the relocation of BCTC and how it will relate to LexTran and possible Trolley circulator service as well as a transfer center.

Transportation-Land Use Impact Analysis and Forecasting –

- Staff participated in regularly scheduled development review meetings, and provided review and input on transportation, transit, and land use impact issues.
- Staff performed the monthly review of proposed zoning map amendments and proposed development plans for “general consistency” among planning efforts and different Planning units.
- Traffic count and roadway functional classification and TDM data information was provided to several development professionals, private consultants, and to citizens in July.
- The MPO staff continues to monitor the Jessamine Journal and the Jessamine County Comprehensive Plan to track on-going land development and consults with County officials on a regular basis to keep abreast of development activities.
- Identified roadway safety issues in Fayette and Jessamine counties.

Multimodal / Intermodal Planning –

- UK Bike Safety Campaign – Staff completed work with UK representatives to develop a bike safety campaign that will be launched in the fall and will coincide with the new bike registration process.
- Corridor Plans – Staff represented alternative transportation modes on the steering committee for the Winchester Road Corridor Plan.
- Trail projects – Staff met with Parks & Recreation, and Engineering to review and revise the FY10 Trails Improvement Program per current funding levels.
- Complete Streets – Staff prepared for and attended site tours of Lexington streets and neighborhoods with the consulting team. Interviews were conducted with key stakeholder groups.
- Second Sunday – Staff began assisting with event planning for Second Sunday, scheduled for Oct 11, 2009
- Staff met with a newly formed pedicab service to discuss related changes to city ordinances.
- Staff assisted with event coordination for the Tour of the Red River Gorge bike race held in downtown Lexington in July. Two hundred racers from across the nation participated in the international championship qualifying event.
- Freight Planning – The final draft of the Freight Section Extension is complete and available for review by MPO members and interested parties.

Air Quality Activities –

- Air quality forecasting continued in July.
- Staff attended **M**otor **V**ehicle **E**mission **S**imulator (MOVES) air quality training.
- Staff conducted an Air Quality Advisory Committee meeting.
- Staff attended a statewide air quality meeting in Frankfort.
- Staff attended a LFUCG Local Action Plan meeting to develop a plan to address climate change.

Congestion Management Process (CMP) –

- Staff continued to work on the Congestion Management Process (CMP) Overview document.
- Staff continued to work on the CMP section of the Metropolitan Transportation Plan.
- Staff continued to work on the Linking Planning, Engineering, Operations and Safety (LPEOS) program.
- Staff attended planning and transportation planning program meetings to obtain ideas addressing congestion issues in the fall when schools are back in session.
- Staff sent information to citizens in regard to preparing for alternate commute routes when roadways are closed or partially-closed for construction or reconstruction.

Mobility Office Activities –

- Regular mobility office activities continued this month as well as researching new initiatives for the upcoming mobility marketing campaign.
- Staff Development
 - ☐ Staff continues to monitor the latest information from planning and engineering publications.
 - ☐ Staff attended division-wide safety training meeting.
 - ☐ Staff attended Complete Streets webinar.
 - ☐ Staff attended webinar training on “Counting Bicyclists and Pedestrians” methodologies.

Unified Planning Work Program (UPWP) –

- Staff reviewed UPWP to ensure work program elements are being fulfilled, monitored, and improved for relevancy and changing Public Works needs.

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

VIII. MEETING DATES FOR SEPTEMBER, 2009

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	September 3, 2009
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	September 3, 2009
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	September 10, 2009
Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	September 17, 2009
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	September 23, 2009
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	September 24, 2009
Planning Commission/Planning Committee Joint Meeting, Tuesday, 9:00 a.m., Central Library.....	September 29, 2009

IX. ADJOURNMENT

TLW/TM/BJR/BS/src

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