

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

November 19, 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** – None 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, November 5, 2009, at 8:30 a.m. The meeting was attended by Commission members: Derek Paulsen, Mike Owens, Mike Cravens 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, Barbara Rackers, Cheryl Gallt, Jimmy Emmons, Traci Wade and Kenzie Gleason, as well as Captain Charles Bowen and Firefighter Allen Case, Division of Fire & Emergency Services; Paul Hockensmith, Addressing Office; Tim Queary, Division of Streets, Roads and Forestry; 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.*

A. Development Plan

1. **DP 2009-81: LEDERER PROPERTY (GCL PROPERTIES) (1/26/09)*** - located at 312 N. Limestone and 135 – 139 E. Third Street. (Council District 1) **(Wheat and Ladenburger)**

The Subdivision Committee Recommended: Postponement. There were questions whether the use complies with the minimum off-street parking requirements.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Approval of street names by e911 staff.
5. Urban Forester's approval of tree preservation plan.
6. Division of Fire's approval of emergency access and fire hydrant locations.
7. Division of Waste Management's approval of refuse collection.
8. Addition of metes and bounds information for No. 135 and 139.
9. Document off-site parking agreement.
10. Denote BOAR approval.
11. Denote H-1 zoning in site statistics.
12. Resolve tree preservation for 50" basswood tree.
13. Approval by Technical Committee prior to plan certification.

- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, November 5, 2009, at 1:30 p.m. in the Division of Planning Office. The meeting was attended by Commission members Patrick Brewer, Lynn Roche-Phillips, and William Wilson. 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:

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

- 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. URBAN COUNTY PLANNING COMMISSION ZONING MAP AMENDMENT

- a. **MAR 2009-11: URBAN COUNTY PLANNING COMMISSION** - petition for a zone map amendment to add a Neighborhood Design Character Overlay (ND-1) zone for 239.0± net (253.3± gross) acres, to preserve existing neighborhood character for properties located at 3828-3860 Carleton Drive; 2571-2595 Edgehill Drive; 3713-3737 Gloucester Court; 3533-3901 Gloucester Drive; 3800-3825 Karen Court; 3800-3825 Margo Court; 3524-3784 Salisbury Drive; 2658-2686 Sussex Drive; 2538-2551 Westmorland Court; 2586-2766 Westmorland Road; and 3800-3880 Wyse Square.

Proposed Design Standards:

1. Exterior building materials for the principal structure, or expansion of the existing principal structure, must be brick or stone. If the original primary structure was not constructed with brick or stone, any remodel, expansion or addition must be made with the same material as the existing home. Exceptions are eaves, dormers or porches.
2. Principal structure may not exceed two stories in height.
3. Minimum rear yard setback shall be 25' or one-third the lot depth, whichever is greater. Corner lots may meet the setback requirement by using one side yard, if necessary.
4. Garages must be attached to the principal structure using the same exterior finish materials as the principal structure. The garage door opening must not be constructed to face the primary street.
5. No fences shall be erected on any lot except as required for swimming pools.
6. Pool fences shall enclose an area surrounding the pool. Total area fenced (including pool) may not exceed 400% of the pool area dimension.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan recommends Existing Rural Residential (ERR) land use for the Westmorland subdivision area, and Core Agricultural and Rural Land (CARL) for one parcel within the subject area just to the west of the subdivision. The Planning Commission has initiated a zone change request to add a Neighborhood Design Character Overlay (ND-1) zone in order to regulate exterior building materials, building height, rear yard setbacks, garage door orientation, and provide fence restrictions. The underlying Agricultural Rural (A-R) zoning is not proposed to be changed.

The Zoning Committee Recommended: Withdrawal of 3860 Carleton Drive from this request, and Approval of the ND-1 overlay zone for the remaining properties with the Staff Alternative Design Standards, for the reasons provided by staff.

The Staff Recommends: Withdrawal of 3860 Carleton Drive from this request, for the following reasons:

1. This proposed ND-1 overlay zone is not appropriate for the property located at 3860 Carleton Drive since it is a 38-acre agricultural property. Although one single-family residence does exist on the property, the property is not materially similar to the 1-7 acre lots in the Westmorland subdivision.
2. The 2007 Comprehensive Plan recommends Core Agricultural and Rural Land (CARL) land use for this property and not Existing Rural Residential (ERR) land use as for the remainder of the subject area.
3. The property at 3860 Carleton Drive is located outside of the platted bounds of the Westmorland subdivision.

The Staff Recommends: Approval of the ND-1 overlay zone for the remaining properties with the Staff Alternative Design Standards, for the following reason:

1. The requested Neighborhood Design Character (ND-1) overlay zone is in agreement with the 2007 Comprehensive Plan for the following reasons:
 - a. The Goals & Objectives of the Plan identify eight themes, one of which is "preserving, protecting, and maintaining existing residential neighborhoods in a manner that ensures stability and the highest quality of life for all residents." Further, Goal 15, Objective I states that neighborhood protection overlay zoning provisions should be implemented for establishing stability and protection in existing and, especially, older neighborhoods.
 - b. The implementation of a Neighborhood Design Character (ND-1) overlay zone is in agreement with the Comprehensive Plan's Goals & Objectives by providing specific standards that will maintain the existing character of the neighborhood, independent of the underlying zoning.

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- c. The Westmorland neighborhood has completed a design character study, defined the existing character of the neighborhood, developed preservation goals, and proposed appropriate neighborhood design standards (in need of only slight modification), thus meeting the requirements of the ND-1 zone.
- d. One of the eight overriding themes of the 2007 Comprehensive Plan is for “preserving, protecting, and maintaining existing residential neighborhoods in a manner that ensures stability and the highest quality of life for all residents.” This will be enhanced with this rezoning for Westmorland.

2. LEXINGTON TROTS BREEDERS ASSOCIATION, LLC, ZONING MAP AMENDMENT & RED MILE MIXED-USE DEVELOPMENT ZONING DEVELOPMENT PLAN

- a. MAR 2009-12: LEXINGTON TROTS BREEDERS ASSOCIATION, LLC (1/7/10)* - petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Mixed-Use Community (MU-3) zone, for 60.511 net (64.411 gross) acres; from a Single Family Residential (R-1C) zone to a Mixed-Use Community (MU-3) zone, for 0.539 net (1.249 gross) acre; and from a Wholesale & Warehouse Business (B-4) zone to a Mixed-Use Community (MU-3) zone, for 0.967 net (1.042 gross) acre, for property located at 780 Red Mile Road, 790 Red Mile Road, and a portion of 1200 Red Mile Road.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 5) recommends a Semi-Public Facilities (SP) land use for the subject property. However, the 2007 Plan also states that “this property should be reviewed through a Small Area Plan, with strong consideration for high-density residential and mixed-use.” The Red Mile Development Plan, formulated over the spring and summer of 2009, and recently accepted by the Planning Commission, was consciously substituted for a Small Area Plan for this property. The petitioner proposes MU-3 zoning in order to allow a 60-acre mixed-use development for the southwestern half of the existing Red Mile property, to include new residential, retail, office, parking, hotel and entertainment uses in addition to the retention of the bulk of the existing harness track and its ancillary facilities.

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

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

1. The requested Mixed-Use Community (MU-3) zone is in agreement with the 2007 Comprehensive Plan, and is appropriate at the 62-acre location requested, for the following reasons:
 - a. The proposed MU-3 zone has been cited as the best mechanism to permit about half of the Red Mile property to redevelop for a residential and mixed-use land use, as anticipated by the 2007 Comprehensive Plan, and detailed by the more recent Red Mile Development Plan, which was accepted by the Planning Commission in final form in August 2009.
 - b. This proposal will implement the vision and direction of the Red Mile Development Plan, developed in lieu of a formal Small Area Plan with the concurrence of the property owner and oversight by the Planning Commission, to “create a model for mixed-use development in Lexington and the region and explore innovative zoning regulations supporting mixed-use.” That Plan had extensive review and citizen involvement over a five-month period of time earlier this year.
 - c. This rezoning would be consistent with industrial mixed uses and residential redevelopments approved along Angliana Avenue since the adoption of the 2007 Comprehensive Plan. It will also respect existing residential neighborhoods, apartments and commercial land uses established along, and in the vicinity of, Red Mile Road over past decades.
 - d. The 2007 Comprehensive Plan Goals and Objectives encourage growth management strategies (Goal #7), support appropriate Infill and Redevelopment (Goal #8), and support a full range of housing opportunities to meet all citizens’ needs (Goal #13). The proposed MU-3 zone and redevelopment of the subject property supports these goals of the Comprehensive Plan by:
 1. Establishing residential land uses, not necessarily oriented to UK students as has been the case for other area developments, adjacent to existing high-density residential uses and in a mixed-use setting along a proposed town green on the subject property.
 2. Supplying underutilized land for commercial and residential mixed uses, inside the community’s adopted Infill & Redevelopment Area, that will “consider the recommendations of the previous comprehensive plans and plan amendments for these sites, as well as other relevant current information when making a land use and zoning recommendation for each site,” as called for in the 2007 Plan.
 3. Maintaining the existing Semi-Public land use for the Red Mile harness track, its grandstand, its ancillary facilities, and the historic Stable of Memories that is an iconic structure defining this corridor.
 - e. A mixture of land uses has been recommended in this general area since the 1990 South Broadway Small Area Plan, which has also been anticipated by the text and Land Use Elements of both the 2001 and 2007 Comprehensive Plans.
 - f. As proposed, this development will achieve the Red Mile Development Plan’s goal to “lay the groundwork for additional development that would support and enhance the existing racetrack and ancillary operations at the Red Mile.” It will also meet the vision set forth by that unique Planning effort.

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- b. ZDP 2009-78: RED MILE MIXED-USE DEVELOPMENT (1/7/10)* - located at 780, 790 and a portion of 1200 Red Mile Road. **(Vision Engineering)**

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

1. Provided the Urban County Council rezones the property MU-3; 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 map.
6. Denote proposed detention area(s).
7. Remove utility pole information.
8. Denote access point dimensions (where different from cross-sections).
9. Denote reciprocal parking and access for this development (or parts thereof).
10. Clarify parking statistics.
11. Clarify open space for 2nd and 3rd floor residential use (buildings 28 & 34).
12. Addition of cul-de-sac radius.
13. Resolve outlot building façade orientation to Red Mile Road.
14. Resolve access spacing for buildings 23 and 24.
15. Resolve pedestrian access from building 7 to buildings 8, 9, and 10.
16. Resolve northernmost access point offset.
17. Resolve access across from Unity Drive.
18. Resolve access to Nelms Alley and adjoining properties.
19. Resolve pedestrian connections to Red Mile Road from outlots.
20. Resolve proposed greenway/trail location.
21. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
22. Greenspace Planner's approval of the treatment of greenways and greenspace.

3. **OSEETAH, LLC, ZONING MAP AMENDMENT & BIG BROTHERS / BIG SISTERS PROPERTY ZONING DEVELOPMENT PLAN**

- a. MAR 2009-13: OSEETAH, LLC (1/7/10)* - petition for a zone map amendment from a Planned Neighborhood Residential (R-3) zone to a Professional Office (P-1) zone, for 2.22 net (2.26 gross) acres, for property located at 1122 Oak Hill Drive.

LAND USE PLAN AND PROPOSED USE

The Central Sector Small Area Plan, an adopted element of the 2007 Comprehensive Plan (Sector 2), recommends Semi-Public Facilities (SP) land use for the subject property. The petitioner proposes Professional Office (P-1) zoning to allow for reuse of the existing structure as an office and research laboratory, and associated off-street parking.

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

The Staff Recommends: Approval, for the following reasons:

1. The proposed rezoning to a Professional Office (P-1) zone can help implement the Central Sector Small Area Plan, an adopted element of the 2007 Comprehensive Plan, which encourages a neighborhood economic development approach that utilizes existing assets. The subject property has been an asset in the neighborhood for a long time, and now there is an opportunity for reuse that can spur investment in the surrounding neighborhood.
2. The proposed P-1 zone is appropriate and the existing Planned Neighborhood Residential (R-3) zone is inappropriate for the following reasons:
 - a. The property is unique in that it is situated so that it is surrounded by single-family residences, yet its size, configuration and limited access make it unsuitable for single family development.
 - b. The R-3 zone can be developed with multi-family residential, which would be incompatible with the existing single-family neighborhood.
 - c. The P-1 zone permits the majority of semi-public land uses, such as churches; community centers; schools; and nursing homes, which are an integral part of our community, as well as some limited support uses that can support the Central Sector Small Area Plan's goals for increased economic development.
3. This recommendation is made subject to approval and certification of ZDP 2009-77: Big Brothers/Big Sisters 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 use restrictions are proposed for the subject property via conditional zoning:

PROHIBITED USES:

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

- a. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions, savings and loan companies, holding and investment companies.
- b. Funeral parlors.
- c. Medical and dental offices, and clinics.
- d. Telephone exchanges, radio and television stations; and cable television system signal distribution centers and studios.
- e. Hospitals.
- f. Computer and data processing centers.
- g. Ticket and travel agencies.
- h. Business colleges, technical or trade schools or institutions.
- i. Beauty shops.
- j. Rehabilitation homes.
- k. Drive-through facilities.
- l. Offices of veterinarians, or animal hospitals.
- m. Any research or testing that involves animals larger than a laboratory mouse or rat.

OTHER USE RESTRICTIONS:

- a. No more than eleven (11) dwelling units shall be permitted at this location.
- b. Building height shall be limited to thirty-five (35) feet.
- c. Outdoor lighting shall be directed away from all adjacent residential properties.

These use restrictions are appropriate and necessary to protect the established residential neighborhood from the most intrusive and intense land uses otherwise possible in a P-1 zone, and to successfully implement the Comprehensive Plan.

- b. ZDP 2009-77: BIG BROTHERS/BIG SISTERS PROPERTY (1/7/10)* - located at 1122 Oak Hill Drive.
(Barrett Partners)

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

- 1. Provided the Urban County Council rezones the property P-1; otherwise, any Commission action of approval is null and void.
- 2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
- 3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
- 4. Building Inspection's approval of landscaping and landscape buffers.
- 5. Urban Forester's approval of tree inventory map.
- 6. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.
- 7. Denote all adjoining property owner information.
- 8. Denote landscape buffer areas.
- 9. Denote existing and proposed easements.
- 10. Denote name and address of developer.
- 11. Denote access drive width.
- 12. Resolve landscape buffer.
- 13. Resolve lighting.

4. RAS LAND, INC., ZONING MAP AMENDMENT & RAS PROPERTY ZONING DEVELOPMENT PLAN

- a. MAR 2009-14: RAS LAND, INC. (1/7/10)* - petition for a zone map amendment from a Two-Family Residential (R-2) zone to a Mixed-Use: Neighborhood Node (MU-1) zone, for 0.25 net (0.33 gross) acre, for property located at 333 South Upper Street.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 1) recommends Downtown Master Plan future land use for the subject property. The petitioner proposes reuse of the historic structure for professional office and residential uses. The petitioner proposes removing a small addition to the rear of the building, construction of one residential unit in the same location, and locating four dwelling units and office space in the existing structure. The proposed mixture of uses is 57% residential and 43% professional office.

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

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

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

1. The requested rezoning to a Mixed-Use: Neighborhood Node (MU-1) zone cannot be found to be in agreement with the 2007 Comprehensive Plan and the *Downtown Lexington Masterplan*, which recommend neighborhood residential land use for the subject property. The petitioner proposes residential and office uses on the subject property.
 2. The existing Two Family Residential (R-2) zone is appropriate and the proposed MU-1 zone is inappropriate for the following reasons:
 - a. An existing non-conforming use exists on the subject property that would allow 8-10 dwelling units, for a density of up to 40.0 dwelling units per net acre, to continue. This residential density supports the urban nature of the Historic South Hill Neighborhood and is in agreement with the 2007 Comprehensive Plan and the *Downtown Lexington Masterplan's* recommendation.
 - b. Macks Alley creates a more appropriate land use buffer and zoning boundary between the historic neighborhood and the more intense church and residential uses to the northeast.
 - c. The historic neighborhood should maintain its urban residential core without constant pressure of more intense uses, such as the ones available in the mixed use zones, as recommended by the *Downtown Lexington Masterplan* in designating the immediate area along South Upper Street as a "residential neighborhood" area that requires selective infill and redevelopment.
 - d. Businesses already provide neighborhood level retail and office uses so that additional commercial land uses are not currently necessary at this location.
- b. ZDP 2009-76: RAS PROPERTY (1/7/10)* - located at 333 South Upper Street.

(Barrett Partners)

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

1. Provided the Urban County Council rezones the property MU-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Building Inspection's approval of landscaping and required street tree information.
5. Addressing Office's approval of street names and addresses.
6. Urban Forester's approval of tree preservation plan.
7. Denote Historic Overlay (H-1) zone in site statistics.
8. Denote developer's information.
9. Denote storm drainage locations.
10. Denote: Board of Architectural Review approval will be required at the time of a final development plan.
11. Correct tree canopy information.
12. Correct plan title to reflect status as a preliminary development plan.
13. Denote landscape buffer adjacent to the R-2 zone.
14. Denote: This property shall be developed in accordance with the approved final development plan.

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENT REQUESTS

1. **ZOTA 2009-8: AMENDMENT TO ARTICLE 17-6 FOR TEMPORARY SIGNS** (12/5/09)* – petition for a Zoning Ordinance text amendment to Article 17-6 to allow temporary signs related to events sponsored by neighborhood associations or owners' associations, to be placed in the rights-of-way of that particular neighborhood, with some limitation to the number, size, and duration of stay.

INITIATED BY: Urban County Council

PROPOSED TEXT: (Note: Text underlined indicates an addition to the current Zoning Ordinance.)

ARTICLE 17: SIGN REGULATIONS

17-6 PERMITTED SIGNS IN ALL ZONES - The following signs shall be permitted within all zones, subject to the restrictions specified:

* * * * *

(j) Temporary signs related to events that are sponsored by neighborhood associations or owners' associations that are located within the public or private street right-of-way of that neighborhood, and that do not otherwise interfere with sight in violation of Section 17-4(j). There shall not be more than ten (10) signs for any such event, and each such sign shall not exceed six (6) square feet in area and six (6) feet in height, shall not be displayed more than seven (7) days prior to the event, and must be removed within two (2) business days of the completion of the event.

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

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

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

1. The proposed text amendment to Article 17-6 of the Zoning Ordinance for temporary signs would give neighborhood associations and owners' organizations the ability to announce events for their neighborhood, but only within the boundaries of their specific neighborhood, in a flexible and cost-effective way. Additionally, the time limits established by the text amendment provide a reasonable allowance for announcing events (up to 7 days prior), while requiring their removal within a short timeframe (2 business days).
 2. The proposed amendment will most likely not lead to the propagation of more temporary signage. Neighborhood organizations have some incentive for removing temporary signs before code enforcement officers do so in order to re-use the signs.
 3. The proposed text amendment will support the activities of established neighborhood organizations. The 2007 Comprehensive Plan recognizes that neighborhoods are the building blocks of community, and stable neighborhoods are vital to the quality of life in Lexington-Fayette County. Neighborhood activities promote a sense of community, encourage community interaction, and can strengthen a neighborhood's cohesiveness, all for the betterment of the larger community.
2. **ZOTA 2009-9: CEMETERY PROTECTION** – petition for a Zoning Ordinance text amendment to Articles 3, 18 and 21 to provide general regulations, landscape and land use buffer requirements, development plan and subdivision plan information and format requirements for the protection of private family cemeteries.

INITIATED BY: Urban County Planning Commission

PROPOSED TEXT: (Copies of the latest draft for this text are available upon request)

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

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

1. These text changes are in agreement with Goal 5 of the 2007 Comprehensive Plan, which states that the community should "protect and preserve Fayette County's significant historic and cultural heritage," and more specifically "encourage the retention, protection, compatible adaptive re-use of historic resources, sites, and structures" (Objective E) and "encourage inter-governmental cooperation among the various units of the Urban County Government in dealing with the protection and maintenance of both private and public sites and structures" (Objective H).
2. The existing private family cemeteries are currently being threatened by local development, and are not being protected via local zoning and subdivision regulations. This text amendment will outline appropriate measures for protection and preservation of these important community resources.

V. COMMISSION ITEMS

VI. STAFF ITEMS

A. Planning Services Activity Report

- During the month of October, the Planning Services staff processed 4 zone map amendments, and 4 Zoning Ordinance text amendments—forwarding all staff reports to applicants at least ten working days prior to the scheduled Planning Commission public hearing(s). Also, 15 Board of Adjustment appeals were processed—and all written staff reports were forwarded to those applicants at least five working days in advance of the BOA public hearing.

In October, 39 subdivision and development plan items were processed by Planning Services staff, 15 of which were minor plans which were reviewed within two working days of their filing in every case. This month, another 8 major plans were submitted for certification—all of which were reviewed for compliance with all Planning Commission conditions of approval (including follow-up communications made with the plan preparers) within five working days of their submission to the Planning Services staff. The staff also provided floodplain assistance for 11 local property inquiries, which included 1 community determined BFE (which is a very specialized type of floodplain assistance for an individual property).

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 sub-committee meeting, one Planning Commission work session, and one Board of Adjustment public hearing. In addition, the staff held 2 pre-application conferences for zoning amendment requests, and several pre-application meetings for subdivision, development plan and Board of Adjustment items.

Also during October, there were 10 updates made to the Registered Neighborhood Association data base, and Planning Services staff assisted 20 unscheduled "walk-in" visitors other than attorneys and local land development professionals. Those unannounced office visitors were placed with a professional staff member in an average of 2.55 minutes. Much of the remainder of the staff's time was spent answering numerous telephone inquiries from people concerning zoning, subdivision plans, development plans, Board of Adjustment appeals and related matters.

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- On October 21, Senior Planners Traci Wade and Jim Marx, along with Administrative Officer Barbara Rackers, attended a Webinar Training Session sponsored by the Transportation Research Board, entitled "Driving the Built Environment." Sessions such as this count toward the bi-annual training requirements for planning staff members outlined in KRS 100.
- Traci Wade continued to work with the Tree Board to draft text amendment language regarding street tree requirements, meeting with the Board or their sub-committee on October 14, 21 and 29.
- Senior Planner Jimmy Emmons is currently in discussions with Vice Mayor Jim Gray about adding new membership to the In-fill & Redevelopment Steering Committee. In the past, there has been a sitting member of the Planning Commission on the IR Steering Committee, but there is currently no member serving on the committee.
- All senior Planning Services staff assisted in the Planning Commission Orientation Session held on the morning of October 29th in the Division of Planning offices for our new Commission members. Planning Director Chris King, Planning Managers Jim Duncan and Max Conyers, and numerous other staff members from various divisions of the Urban County Government combined to provide a 4-hour introduction to our planning processes here in Lexington-Fayette County.
- Planning Manager Bill Sallee attended a meeting of the Westmorland Neighborhood Association on the evening of October 19, to present information about the ND-1 Overlay zone, and the restrictions proposed on the rezoning application which the Planning Commission has initiated for that area. About 1/4 of the property owners in Westmorland attended this meeting, held at the South Elkhorn Baptist Church on Versailles Road.
- Planning Services staff met again on the morning of October 14 with stakeholders interested in implementation of the newly adopted East End Small Area Plan, and the Central Sector Small Area Plan. Planning Services expects to continue to attend these monthly meetings in order to offer concrete assistance in these efforts.
- On the evening of October 12, Director Chris King, Jimmy Emmons and Bill Sallee attended the monthly meeting of the Fayette County Neighborhood Council, held at the Bates Creek Christian Church. The recently adopted IR text amendments (Round 3), the amendment to the MU-3 zone for Entertainment Mixed-Use Projects, and details concerning accessory dwelling units were presented and discussed with those neighborhood representatives that evening.
- Traci Wade worked in October to build a database that, in the future, will allow the public the ability to identify parcels with conditional zoning restrictions and access those applicable ordinances, via the LFUCG website. Currently, the database has all these ordinances from 2003 – 2006 and 2009, but when completed, will reference all such ordinances back to 1987, when conditional zoning restrictions became lawful in Lexington-Fayette County.
- Jimmy Emmons continued to work with the Infill & Redevelopment Steering Committee in October on the proposed legislation for accessory dwelling units. One of the IR Steering Committee's sub-committees has been evaluating the proposal for ADU's over the past several months and is now ready to recommend a legislative strategy to the full IR Steering Committee in early December. If the full IR Steering Committee recommends that we move forward with the legislation, then the staff will forward it to the Fayette County Neighborhood Council for review (based upon the October 12 meeting, above), prior to bringing the discussion back to the Planning Commission.

B. Long Range Planning Activity Report

- South Nicholasville Road Small Area Plan – At the October work session, the Planning Commission set a public hearing for the South Nicholasville Road SAP for November 12, 2009, in conjunction with the regularly-scheduled Subdivision meeting. The purpose of the public hearing will be to consider the SNR SAP for adoption as an amendment to the *2007 Comprehensive Plan*. Notice of the hearing and a draft of the SNR SAP were posted on-line and distributed to citizens and officials. The draft includes recommendations for mixed-use land use for several large parcels and for trail, transit, and road improvements throughout the area. For more information and to review the draft Plan, please see the SNR SAP Website at: <http://www.lexingtonky.gov/index.aspx?page=1468>.
- Housing Market Study – The Mayor's office announced the completion of the LFUCG Housing Market Study, which was overseen by the Division of Planning. The study, conducted by RCLCo in Atlanta and Urban Collage and EHI Consultants in Lexington, examined trends and demographic data to reach several key findings related to the provision of housing in Lexington. The findings report that, although Lexington residents spend a smaller portion of their income on housing than the national average, Lexington's share of housing that is affordable to a cross-section of the market has been declining. There is high demand for rental housing due in part to the large student population. And, as in most parts of the country, higher income housing has been overbuilt in recent years. The Study will be used to inform the next comprehensive plan and other strategies that address housing. For more information about the Housing Market Study, please see the Division of Planning Website at: <http://www.lexingtonky.gov/index.aspx?page=328>.

- Complete Streets – Staff assisted the consulting team as they continued their work for the Complete Streets project with public input and stakeholder meetings and site visits. Over 40 people attended the public input meeting, held at Transylvania University, to learn more about the project and express their own concerns about the relationship between the transportation network and the people who use it. The consulting team reported to the Planning Commission at their work session about the status of the project. 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.
- Central Sector and East End Plan Implementation – A team of community leaders and LFUCG staff continued to review the implementation tasks for the Central Sector and East End Small Area Plans. The team will meet regularly to assess the progress of implementation.
- Leadership Lexington – Staff made a presentation to the current class of Leadership Lexington. The discussion focused on an overview and history of planning in Lexington, including the urban service boundary and recent infill and redevelopment issues. Other panel members presented issues related to downtown development, historic preservation, and suburban mixed-use development.
- Green work, Greenways and Bike/Ped – Staff attended the Greenway Coordinating Committee meeting and continued to update the LFUCG trail and greenway properties databases and maps. Staff also attended the Green Breakfast, where the annual Environmental Commission awards were presented.
- 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 is working in partnership with other LFUCG divisions to develop an emergency response plan in the event the government or the Division of Planning becomes hampered by illness or other calamity. Staff participated in the orientation for new Planning Commission members. Staff prepared for and attended the Technical Review Committee. Staff 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 and staff development training.

C. Transportation Planning Activity Report

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

- MPO Newsletter - "Bluegrass Traveler" – working on newsletter for next edition.
- Compiled and filed copies of all KYTC STIP files, and state and federal program management authorization forms.

Transportation Improvement Programming (TIP) –

- Held meeting to discuss TIP adjustments and the Federal Rescission Program reductions; included ARRA review.
- Completed revisions to the TIP based on comments received from KYTC and FHWA. Modified the TIP on October 21, 2009. Discussed proposed modifications at the 10/28/2009 Transportation Policy Committee meeting.

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 – website continues to receive slow to moderate growth in all categories. 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 October. Other important meetings with MPO staff participation included:
 - Corridors Committee was not held, but application for MPO Representative was submitted.
 - Staff attended (as a member) the South Nicholasville Rd SAP Steering Committee meeting.
 - Staff attended the Harrodsburg Rd Corridor Plan Advisory Committee meeting.
 - Staff organized ARRA project implementation coordination meeting.
 - Staff attended the Blue Grass Airport Board meeting in October.
 - Staff attended Kentucky Healthy Communities Summit.
 - Staff attended a World Equestrian Games transportation meeting.

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

Transportation Plan Update –

- The approved 2035 Metropolitan Transportation Plan (MTP) was mailed to Transportation routing list stakeholders.
- The Lexington MPO Public Participation/Involvement Access Database continues to be updated. The database now includes over 833 records.
- Travel Demand Model – Staff modeler continues to provide travel demand forecasts upon request and interprets modeling forecast results.
- An abstract was prepared and submitted to the TRB Transportation Planning in Small and Medium-sized Communities Committee for the “Tools of the Trade” conference.

Transit Planning –

- Staff attended and spoke at ArtStop dedication on 3rd and Elm Tree Lane. (Art-in-Motion’s 2nd completed project.)
- Staff met with CDP Engineers to discuss possible art sculpture bus shelter on Bates Creek Road as a part of the Bates Creek Side Walk project.
- Met with LexTran and LFUCG Long Range Planner to discuss possibilities/opportunities in South Nicholasville Rd Small Area Plan.
- Staff met with IT consultants TransSystems to start the technological implementation plan from the ARRA funds recently received. The MPO will be involved with this project as it unfolds.

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 citizens in October.
- 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. A draft transportation section of the Comp. Plan update was reviewed by staff.
- Staff identified roadway safety issues in Fayette and Jessamine Counties.
- Staff met with Traffic Engineering consultant to discuss potential US 68 South Broadway and Virginia Avenue intersection improvement alternatives for a future land development at Red Mile Road.
- Staff attended University of Kentucky Transportation Center Traffic Impact Studies (TIS) Workshop to learn the latest regulations and guidelines for meeting KYTC Permits Manual Policy requirements for the performance of the TIS.

Multimodal / Intermodal Planning –

- Trail projects – Staff updated and prepared trail project maps for the Mayor’s Office and Bike Task Force. Staff attended a kick-off meeting for Town Branch Trail Phase 3 design and Phase 4 study.
- BPAC members met with the LFUCG Police Traffic Analyst to review pedestrian collision data from 2008. There were 9 pedestrian fatalities in 2008, representing 30% of all fatal traffic collisions in 2008.
- Grants – Funding awards for several transportation grants were announced in October totaling \$4.5 million. They include Southland Drive Bike/Ped Improvements, University Drive Bike Lanes, Loudon Avenue Sidewalks, Legacy Trail Phase 3, Town Branch Trail Crossing, South Limestone Streetscape Improvements and a Safe Routes to School project.
- Safe Routes to School – Staff met with Glendover Elementary and the PTA president to kick off this year’s program. Staff met with LTMS to review arrival and dismissal procedures and to address some safety concerns.
- Share the Road Campaign – The KYTC approved the installation of signage on state routes. The contract for the educational campaign has been executed and work may begin.
- Jessamine County trails – Staff met with the Jessamine County Trails Association and Bluegrass ADD to work on incorporating bike/ped/trail plans into the Comprehensive Plan Update.
- Second Sunday – Staff assisted with event planning scheduled for Oct 11, 2009, and attended a press conference on 8/28.
- Public Information/Education Campaign – Staff is working with LFUCG’s PIO and Bike Task Force to launch a Bike Lexington webpage.
- Curb ramps – Staff worked with Engineering and GIS to prioritize a list of curb ramp installations for FY 2009-10.
- South Limestone Multimodal Transportation Study – Three draft alternatives were presented to the Steering Committee. A public meeting will be scheduled for late October or early November.
- Freight Planning – The final draft of the Freight Section Extension is complete and available for review by MPO members and interested parties.

- Staff prepared information and attended a meeting with Councilmember Feigel concerning the High/Fontaine/Euclid intersection.
- Staff began collecting information for an effort to get public input on the proposed two-way conversion of Second and Short Streets.

Air Quality Activities –

- Air quality forecasting continued in October. Actual air quality monitor readings were received and tracked to assess the accuracy of the forecasting model in Lexington.
- Staff reviewed the Cincinnati Climate Action Plan.
- Staff attended a LFUCG Local Action Plan meeting to develop a plan to address climate change.
- A draft CMAQ scoring sheet was developed and an application notice was distributed to MPO committees and other interested parties.

Congestion Management Process (CMP) –

- Staff continued to work on the Congestion Management Process (CMP) Overview document.
- Staff prepared the Congestion Management Committee (CMC) meeting agenda, previous meeting summary, and presentation for the October CMC meeting.
- Staff continued to work on the *Linking Planning, Engineering, Operations and Safety (LPEOS) program*.
- Staff attended a seminar at KYTC-Frankfort on October 29. The seminar was presented by NAVTEQ Services regarding historic and real-time traffic congestion monitoring technology and program.
- Staff attended planning and transportation planning related meetings to gain ideas in addressing congestion issues during the holiday season.
- Staff collected road closure information and prepared to help citizens and residents with regard to selecting alternate commute routes when roadways are closed or partially-closed for construction or re-construction.

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, engineering, and traffic engineering publications.
- Staff attended Division-wide safety training meeting.
- Staff attended the Kentucky Transportation Center's Traffic Impact Studies Workshop on October 28.
- Staff completed an on-line training course for the Emergency Operations Center.

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 DECEMBER, 2009

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	December 3, 2009
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	December 3, 2009
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	December 10, 2009
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	December 16, 2009
Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	December 17, 2009
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	December 17, 2009

IX. ADJOURNMENT