

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

February 25, 2010

- 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 January 28, 2010, 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, February 4, 2010, at 8:30 a.m. The meeting was attended by Commission members: Mike Cravens, Mike Owens, Carolyn Richardson, Derek Paulsen and Marie Copeland. Committee members in attendance were: Hillard Newman, Division of Engineering; and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Tom Martin, Chris Taylor, Cheryl Galt, Jimmy Emmons, Traci Wade, Denise Bullock, Barbara Rackers and Cindy Deitz, as well as Captain Charles Bowen and Firefighter Allen Case, Division of Fire & Emergency Services; Bob Carpenter, Division of Building Inspection; Robert Poage, Addressing Office; and Annette Cook, E911. 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, February 4, 2010, at 1:30 p.m. in the Division of Planning Office. The meeting was attended by Commission members Patrick Brewer, Ed Holmes, Lynn Roche-Phillips, Joan Whitman, 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:

- 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. WWM, LLC; AUSBROOK POLO, LLC & POLO I, LLC ZONING MAP AMENDMENT & HAMBURG EAST (PLANNED EAR-3 & CC ZONES) ZONING DEVELOPMENT PLAN

- a. MAR 2009-17: WWM, LLC; AUSBROOK POLO, LLC & POLO I, LLC (AMD.) (4/29/10)* – amended petition for a zone map amendment from an Agricultural Rural (A-R) zone to a Community Center (CC) zone, for 37.5 net (52.63 gross) acres; from an Agricultural Rural (A-R) zone to an Expansion Area Residential-3 (EAR-3) zone, for 90.37 net (92.05 gross) acres; and from an Agricultural Rural (A-R) zone to an Expansion Area Residential-3 (EAR-3) zone with a Transition Area (TA) Overlay zone, for 14.82 net (16.49 gross) acres, for property located at 2950 Winchester Road (a portion of).

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

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Expansion Area 2a) recommends a mixture of Community Center (CC), Transition Area (TA), and Expansion Area Residential-3 (EAR-3), defined as 6-18 dwelling units per gross acre (without the use of transferable development rights), and 24 dwelling units per gross acre (with transferable development rights) future land uses for the subject property. The petitioner proposes a future residential development on the eastern side of Polo Club Boulevard; and a large community center development, which requires a residential component, and a residential area with a Transition Area overlay zone on the western side of Polo Club Boulevard.

The Zoning Committee Recommended: **Referral to the full Commission.**

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

1. The requested Community Center (CC) zone, Expansion Area Residential-3 (EAR-3) zone, and Expansion Area Residential-3 with a Transition Area (TA) overlay zone are not in agreement with the land use recommendation of the 2007 Comprehensive Plan, or of the more detailed Expansion Area Master Plan, which preceded it, because the locations of the proposed land uses are not in keeping with the vision of the Plans, or the intent of the Expansion Area concept. Of most concern is that the location of the proposed CC zone is significantly further from the residential uses in Expansion Area 2a, thus providing additional barriers to the function of this center as proposed.
 2. There have been no major unanticipated changes of an economic, social or physical nature in the area of the subject property since the adoption of the 2007 Comprehensive Plan.
 3. The existing Agricultural Rural (A-R) zone is not inappropriate at this location, insofar as it is the most common current zoning designation for the land added to the Urban Service Area in 1996.
 4. The proposed zoning categories in the configuration requested by the petitioner are inappropriate for the following reasons:
 - a. Sufficient retail land is developed or planned within close proximity to Interstate 75 in the immediate area – all of which would offer a variety of services to the traveling public.
 - b. Higher density residential uses are often recommended along major thoroughfares.
- b. ZDP 2009-87: HAMBURG EAST (EAR-3 & CC AREA) (4/29/10)* - located at 2950 Winchester Road.
(HDR Engineers)

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

1. Provided the Urban County Council rezones the property EAR-3 and CC; 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 buffer information.
5. Urban Forester's approval of tree inventory map.
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.
8. Revise note number 11.
9. Correct metes and bounds, bearings and distances to match corrected ZOMAR information along Man O' War Boulevard.
10. Denote: At the time of the Final Development Plan, arrangements for the completion of the sanitary sewer and the regional detention facility shall be identified.

2. DENNIS ANDERSON ZONING MAP AMENDMENT & ANDERSON 2 SUBDIVISION ZONING DEVELOPMENT PLAN

- a. MAR 2010-1: DENNIS ANDERSON (4/4/10)* - petition for a zone map amendment from an Agricultural Rural (A-R) zone to an Expansion Area Residential-1 (EAR-1) zone, for 12.45 net (12.54 gross) acres, for property located at 425 Chilesburg Road.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Expansion Area 2c) recommends Expansion Area Residential-1 (EAR-1) future land use for the subject property. The Comprehensive Plan designates a small portion of the subject property as a Special Design Area (SDA) immediately adjacent to Chilesburg Road. The petitioner proposes development of 38 single-family residential dwelling units.

The Zoning Committee Recommended: **Approval.**

The Staff Recommends: **Postponement**, for the following reason:

1. The proposed rezoning to Expansion Area Residential-1 is not in agreement with the Expansion Area Master Plan (for Expansion Area 2c), which is an element of the adopted 2007 Comprehensive Plan, nor the density limitations of the requested EAR-1 zone. A reduction in the density of the current proposal is necessary to comply with the limitations of Article 23A-5(f) of the Zoning Ordinance.
- b. ZDP 2010-3: ANDERSON 2 SUBDIVISION (4/4/10)* - located at 425 Chilesburg Road.
(Barrett Partners)

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The Subdivision Committee Recommend: **Postponement**. The density of this subdivision exceeds the maximum allowable in the EAR-1 zone requested.

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

1. Provided the Urban County Council rezones the property EAR-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, floodplain information, and the treatment of steep slopes.
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, per Article 26-4(b) of the Zoning Ordinance.
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Division of Environmental Quality's approval of environmentally sensitive areas.
8. Document compliance with fencing requirements along the agricultural area, per Article 6-3(b) of the Land Subdivision Regulations.
9. Remove Lot 1 conflict with 200' building line and proposed open space area.
10. Resolve the conflicts between the existing tree inventory area and the proposed utility easements at the time of the Preliminary Subdivision Plan.

V. **COMMISSION ITEMS** - The Chairman will announce that any item a Commission member would like to present will be heard at this time.

VI. **STAFF ITEMS**

A. **Planning Services Activity Report**

- During the month of January, the Planning Services staff processed 2 zone map amendments, and 4 text amendments to either the Zoning Ordinance or Land Subdivision Regulations. The staff forwarded both staff reports to private citizen-applicants for January agenda items at least ten working days prior to the scheduled Planning Commission public hearing. Also, 16 Board of Adjustment appeals were processed, 11 of which were for filed the Board's January meeting. All written staff reports for those 11 applications were forwarded to those applicants at least five working days in advance of the BOA public hearing.

In January, 22 subdivision and development plan items were processed by Planning Services staff, 11 of which were minor plans which were reviewed within two working days of their filing in every case. This month, another 6 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 in January.

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, and one Board of Adjustment public hearing. In addition, the staff held 2 pre-application conferences for zoning amendment requests, and several other pre-application meetings for subdivision, development plan and Board of Adjustment items.

Also during January, there were 103 updates made to the Registered Neighborhood Association data base, and Planning Services staff assisted 40 unscheduled "walk-in" visitors to the office. Those office visitors were placed with a professional staff member in an average of 1.82 minutes. Much of the remainder of the staff's time was spent answering numerous telephone inquiries from people concerning zoning restrictions, subdivision plans, Board of Adjustment appeals, development plans, floodplains and related items.

- Planning Manager Bill Sallee, Administrative Officer Barbara Rackers and Senior Planner Tom Martin attended a Neighborhood Association meeting on Tuesday evening, January 19th, to discuss the proposed redevelopment of Turfland Mall on Harrodsburg Road. Both the revised preliminary development plan and the proposed Tax Increment Financing applications were presented and discussed with approximately 100 citizens at the Oleika Shrine Temple.
- On the afternoon of January 11, Barbara Rackers and Administrative Specialist Stephanie Cunningham attended the quarterly meeting of the Paris Pike Corridor Commission. This inter-county group meets four to five times per year, on average, to monitor development and land subdivision activity in the rural corridor between Lexington and Paris.
- On January 14, Senior Planner Jimmy Emmons presented the first I/R expedited review of a continued discussion item, under the new provisions of the Official Meeting & Filing Schedule for 2010.

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- Jimmy Emmons and Senior Planner Traci Wade continued work in preparation for the next Full I/R Steering Committee meeting, which was recently rescheduled from February 25, 2010 to March 3, 2010. The meeting will be held from 8:30 am to 10:30 am in the Division of Planning Conference Room.
- Purchase of Development Rights Program Director Billy Van Pelt is coordinating several divisions within the Department of Public Works & Development, concerning the approved bonding for the Distillery District TIF improvements. Barbara Rackers and Jimmy Emmons are the Division of Planning contacts for this effort. Coordination meetings will likely continue through the completion of the project.
- Jimmy Emmons met with the Council Moratorium Work Group, which was discussing large housing additions in single-family areas primarily around the University of Kentucky campus. The work group has made a recommendation to the Council Planning Committee regarding possible Zoning Ordinance Text Amendments which the Council may initiate in the near future.
- Senior Planner Tom Martin met with an engineer in January to facilitate a minor subdivision plat on behalf of the University of Kentucky. Such meetings with private citizens are common in Planning Services on a weekly basis.
- In January, Planning Services distributed written comments on new development plan applications at the Land Subdivision Technical Committee meeting. It is anticipated that this will become the norm for major subdivision and development plans submitted to Planning Services in the future.

B. Long Range Planning Activity Report

- Regional Planning – Staff attended the bimonthly meeting of the Bluegrass Regional Planning Council, which was held at the Scott County Extension Office. Representatives of KYTC District Seven reported on the need for a 12-county regional transportation plan and the economic benefits to regional cooperation. RPC staff also began a discussion about each planning unit's official representative on the RPC, which will continue at the next meeting in March.
- 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.
- Complete Streets – Staff assisted the consulting team as they continued their work for the Complete Streets project with stakeholder meetings and site visits. The consulting team reported at the Planning Commission's 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.
- 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 attended a meeting relating to public art along the Legacy Trail. Staff led a worksession of the Greenspace Commission with the primary topic being the Comprehensive Plan and how the Commission can participate in the process.
- 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 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 January: Transportation Policy Committee (TPC), Bicycle and Pedestrian Advisory Committee (BPAC), Congestion Management Committee (CMC), Transportation Technical Coordinating Committee (TTCC), and Transportation Coordination Committee (TCC).
- MPO Newsletter - "Bluegrass Traveler" – working on next edition of newsletter.

Transportation Improvement Programming (TIP) –

- Held meetings to discuss TIP adjustments for ARRA projects to account for new cost estimates and meet deadlines.
- Compiled and filed copies of all KYTC STIP actions, and state and federal program management authorization forms.

- TIP Modifications #5 was processed.

Intelligent Transportation Systems (ITS) –

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

Surveillance –

- MPO Website Development – website continues to receive new items in all categories. MPO staff updates the web site with new links, graphics and content on a continual basis. In January, the MPO website had 478 unique visitors; 822 visits; 1,925 page views; total 1.42 GB bandwidth usage; and 9,262 hits. There were 217 links from search engines in January.
- The MPO's Twitter site increased its followers to 184 at the end of Jan. up from 165 at the end of Dec..
- Staff attended the Bluegrass ADD Regional Transportation Committee meeting in January.
- Attended Corridors Commission to hear agenda items up for consideration and action.
- Staff held the fourth and final public meeting (general public) to gather public input on the possible conversion of 2nd Street and Short Street to 2-way traffic.
- Staff worked on a report detailing and summarizing public comments regarding the possible conversion of 2nd Street and Short Street to 2-way traffic.
- Staff attended the 32nd Annual KY Transportation Conference in Frankfort.
- Staff attended the Statewide Planning meeting in Frankfort and prepared a presentation concerning general MPO planning ideas.
- Staff attended a meeting with KYTC officials discussing the Highway Safety Improvement Program (HSIP).

Transportation Plan Update –

- The Lexington MPO Public Participation/Involvement Access Database continues to be updated. The database now includes over 850 records.
- Travel Demand Model – Staff modeler continues to provide travel demand forecasts upon request and interprets modeling forecast results.
- MTP 2035 Long Range Projects reviewed for future UPL ranking.

Transit Planning –

- Staff working on art shelter sites to be implemented in 2010..
- Staff working with Dennis Anderson to establish an art shelter site on next to Anderson Communities as a CMAQ matching project.
- Staff establishing contact with new encroachment employee as Sheila Collins was moved to another job
- Staff on FML for over half of January.

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 January.
- 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 within Fayette and Jessamine counties.

Multimodal / Intermodal Planning –

- Trail projects – The trails committee met to revise the trail project list based on current funding levels. The committee also identified projects for grant funding applications.
- Grants – Staff assisted the BPAC committee in reviewing, prioritizing and recommending sidewalk, trail and bike lane projects for FY 2011 grant applications. Potential projects have been forwarded to Engineering for further review.
- Public Information/Education Campaign – Staff is working with LFUCG's PIO and Mayor's Bike Task Force to launch a Share the Road Campaign. The last of forty signs were installed in January. The education campaign will work to explain and reinforce the message.
- South Limestone Multimodal Transportation Study – Portions of the final report have been submitted to staff for review.
- Community Bike Sharing Program – Staff is working with the Department of Environmental Quality and Downtown Lexington Corporation to implement the project. Major tasks include environmental clearance for the bike stations and issuing an RFP for the bike sharing equipment.
- Transportation & Green Initiatives – Staff met with a FEI 'green' games committee to review opportunities to promote bicycling to the World Equestrian Games. Staff is also assisting with LFUCG's Climate Action Plan.

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- Bike Lexington – Event planning is now underway for Bike Month and Bike Lexington to be held in May.
- Bike Ordinance Revisions – Staff is working with the Mayors Bike Task Force to revise the Bike Traffic Ordinances.
- 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 –

- Staff attended a LFUCG Local Action Plan meeting to develop a plan to address climate change.
- Staff responded to several calls concerning CMAQ applications.
- Staff attempted to participate in an air quality conference call but was unable to due to capacity issues.
- Staff attempted to download the new air quality software (MOVES2010) but was unable to resolve issues.

Congestion Management Process (CMP) –

- Staff continued to work on the Congestion Management Process (CMP) Overview document based on the comments and suggestions received from MPO, LFUCG, and KYTC staff.
- Staff prepared the Congestion Management Committee (CMC) meeting agenda, previous meeting summary, and presentation for the January and February CMC meetings.
- Staff continued working with the KYTC staff to implement a state-wide congestion management program.
- Staff continued to work on the *Linking Planning, Engineering, Operations and Safety (LPEOS) program*.
- Staff attended an audio conference, titled Performance Measurement in Transportation Planning, sponsored by American Planning Association (APA).

Mobility Office Activities –

- Regular mobility office activities continued this month.
- Started radio spots for the mobility marketing campaign.
- Collaborated with LexTran to purchase TV ads during the Winter Olympic Games in February.
- Worked on TV ads for the Super Bowl.
- Worked on radio spots to run in conjunction with a program called “Black History Notes” voiced by Vanessa Williams which would run throughout the month of February.

Staff Development –

- Staff continues to monitor the latest information from planning, engineering, and traffic engineering publications.
- Staff attended Division-wide safety training meeting.

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 MARCH, 2010**

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	March 4, 2010
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	March 4, 2010
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	March 11, 2010
Work Session , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	March 18, 2010
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	March 24, 2010
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	March 25, 2010

IX. **ADJOURNMENT**