

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

September 23, 2010

- I. **CALL TO ORDER** – The meeting was called to order at 1:32 p.m. in the Council Chamber, 2nd Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.

Planning Commission members present: Eunice Beatty; Carla Blanton; Patrick Brewer; Mike Cravens, Vice-Chair; Derek Paulsen; Lynn Roche-Phillips; and William Wilson. Absent were Marie Copeland, Ed Holmes, Mike Owens, and Carolyn Richardson.

Planning staff members present: Chris King, Director; Bill Sallee; Barbara Rackers; Jimmy Emmons; Jim Marx; Traci Wade; Tom Martin; Cheryl Gallt; Chris Taylor; and Stephanie Cunningham. Other staff members present were: Captain Charles Bowen and Firefighter Allen Case, Division of Fire and Emergency Services; Steve Parker, Division of Traffic Engineering; Tim Queary, Urban Forester; and Rochelle Boland, Department of Law.

- II. **APPROVAL OF MINUTES** – A motion was made by Mr. Wilson, seconded by Ms. Beatty, and carried 7-0 (Copeland, Holmes, Owens, and Richardson absent) to approve the minutes of the August 26, 2010, Planning Commission meeting.

III. **POSTPONEMENTS AND WITHDRAWALS**

1. **MAP PROPERTY MANAGEMENT ZONING MAP AMENDMENT & WALNUT HILL SUBDIVISION ZONING DEVELOPMENT PLAN**

- a. **MAR 2010-3: MAP PROPERTY MANAGEMENT (9/23/10)*** - petition for a zone map amendment from a Single Family Residential (R-1B) zone to a Highway Service Business (B-3) zone with conditions, for 0.509 net (0.778 gross) acre, for property located at 2000 Liberty Road.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 2) recommends Medium Density Residential (MD) future land use for the subject property. The petitioner proposes constructing a five-bay car washing establishment and associated off-street parking for the Lexus dealership across Liberty Road.

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

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

1. The requested rezoning to a Highway Service Business (B-3) zone, even with conditional zoning restrictions, cannot be found to be in agreement with the 2007 Comprehensive Plan, which recommends Medium Density Residential (MD) land use for the subject property. Medium Density use is defined as 5-10 dwelling units per net acre.
2. The B-3 zone is not appropriate for the subject property for the following reasons:
 - a. Liberty Road is a two-lane minor arterial roadway at this location that begins transitioning to a five-lane cross section at the intersection of Liberty Road and New Circle Road. The left-hand turning movement onto Downs Avenue, and the right-hand turn with a quick left turn to exit the site and return to the Lexus dealership as proposed by the applicant, in combination with existing stacking problems at the intersection to the east, would exacerbate an existing traffic issue.
 - b. Several single family residences still exist along Downs Avenue and to the west along Liberty Road. These adjacent and nearby residentially zoned properties could be significantly impacted by expanding the commercial zoning in this area, which would permit the proposed car washing establishment.
 - c. In this instance, the existing water storage tanks to the east, as well as the mature landscape buffer along the property line, create an appropriate and well-established transition from the business uses to the residential uses along Liberty Road.
3. There have been no significant unanticipated changes of a physical, social or economic nature within the immediate area since the Comprehensive Plan was adopted in early 2007 that would support B-3 zoning for the subject property.

- b. **ZDP 2010-35: WALNUT HILL SUBDIVISION (9/23/10)***- located at 2000 Liberty Road. **(Vision Engineering)**

Note: The Planning Commission postponed this plan at their July 22, 2010, and August 26, 2010, meetings.

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

1. Provided the Urban County Council rezones the property B-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 information.
6. **Denote:** No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.

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

7. Denote final record plat names for adjoining properties.
8. Denote construction access location.
9. Denote proposed height of building.
10. Denote storm water detention area and/or controls.
11. Denote existing and proposed utility easements on plan.
12. Discuss access and improvements to Liberty Road.
13. Discuss employee parking and on-site parking for vehicles to be serviced.

Petitioner representation: Bruce Simpson, attorney, was present representing the petitioner. He stated that the petitioner would like to withdraw this application.

Action: A motion was made by Mr. Brewer, seconded by Mr. Paulsen, and carried 7-0 (Copeland, Holmes, Owens, and Richardson absent) to accept the withdrawal MAR 2010-3 and ZDP 2010-35.

2. JAMES WALLER ZONING MAP AMENDMENT & BOBBIE E. & SYLVIA WALLER PROPERTY ZONING DEVELOPMENT PLAN

- a. MAR 2010-9: JAMES WALLER – petition for a zone map amendment from a Single Family Residential (R-1C) zone to a Wholesale and Warehouse Business (B-4) zone, for 2.52 net (2.73 gross) acres, for property located at 1528, 1532 and 1534 North Limestone.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 2) recommends Medium Density Residential (MD) land use for the subject properties. However, the Plan also denotes (with an asterisk) that this is an “area of special consideration.” The Plan further states that “mixed use with office and limited neighborhood retail should be considered as part of the Central Sector Small Area Plan.” The petitioner proposes to redevelop the property and construct warehouses and shops of special trade on the subject properties.

The Zoning Committee Recommended: Referral to the full Commission.

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

1. The requested rezoning to a Wholesale and Warehouse Business (B-4) zone cannot be found to be in agreement with the 2007 Comprehensive Plan, or the Central Sector Small Area Plan (an adopted element of the 2007 Comprehensive Plan) for the following reasons:
 - a. The 2007 Comprehensive Plan recommends Medium Density Residential (MD) land use, defined as 5-10 dwelling units per net acre, for the subject property with a note that further states that “mixed use with office and limited neighborhood retail should be considered as part of the Central Sector Small Area Plan.”
 - b. The subject properties are located within Sub-Area D of that Small Area Plan, and North Limestone has been designated as a “neighborhood connector” corridor within this particular area. In fact, the properties facing North Limestone are part of a “focus area,” with the intersection of North Limestone and New Circle Road being a major gateway into the Central Sector.
 - c. The Small Area Plan identifies six Sub-Area priorities, one of which is to “retain unique character of North Limestone as a traditional neighborhood retail corridor” and also indicates a need to upgrade the North Limestone streetscape and building façades.
 - d. The proposed B-4 zoning and use of the subject properties is not for retail, office or residential use, and will not be neighborhood-oriented; thus, it cannot be said to be in agreement with the Comprehensive Plan or the Central Sector Small Area Plan.
2. The proposed Wholesale and Warehouse Business (B-4) zone is inappropriate for the subject property because:
 - a. The type of truck traffic associated with warehouses and shops of special trade (i.e., general contractors, plumbers, painters, major auto and truck repair) is too intense for this “neighborhood connector” corridor.
 - b. The adopted Plans have provided guidance for redevelopment that will support this *unique retail corridor*, rather than business uses that are more intense than those anticipated as part of the redevelopment along North Limestone.
 - c. The B-4 zone is generally not considered an adequate buffer between single family and other business uses, and this case is no exception.
 - d. While the B-3 zoning in this area allows higher intensity uses, the immediate area has developed with mostly professional office and neighborhood business retail uses oriented along North Limestone. Therefore, in comparison, the warehouses and shops of special trade proposed will significantly increase the intensity of use in the area, rather than act as a transition to the existing single family neighborhoods to the south and east along Rosemary Avenue and Loneta Street.
3. The existing Single Family Residential (R-1C) zone remains appropriate at this location, as the current density for the subject properties are, technically, in keeping with the residential recommendation of the 2007 Comprehensive Plan.
4. There have been no unanticipated changes of a physical, social or economic nature within the immediate area since the Comprehensive Plan was adopted in early 2007, or since April 2009 when the Central Sector Small Area Plan was adopted as an element of the Comprehensive Plan, that would support an argument for B-4 zoning for the subject properties.

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- b. ZDP 2010-49: BOBBIE E. & SYLVIA WALLER PROPERTY (10/31/10)* - located at 1528, 1532 and 1534 North Limestone.
(Vision Engineering)

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

1. Provided the Urban County Council rezones the property B-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 map.
6. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.
7. Complete the adjacent property owner information.
8. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
9. Discuss proposed access to this site.
10. Discuss the need for Limestone Street improvements.
11. Discuss streetscape relative to "Gateway Concept" outlined in the Central Sector Small Area Plan.
12. Discuss the need for tree protection for the significant tree (i.e., 36" Elm tree).
13. Discuss the parking relative to the overhead doors and indoor spaces (if any).
14. Discuss the need for internal sidewalk connections.

Petitioner Representation: Bruce Simpson, attorney, was present representing the petitioner. He stated that the petitioner had recently been made aware of some stormwater detention issues on the subject property, which will require some work with the Division of Engineering to resolve. Therefore, Mr. Simpson requested a one-month postponement of this item.

Action: A motion was made by Mr. Brewer, seconded by Ms. Roche-Phillips, and carried 7-0 (Copeland, Holmes, Owens, and Richardson absent) to postpone MAR 2010-9 to the October 28, 2010 Planning Commission meeting.

3. LARE PROPERTIES, LLC, ZONING MAP AMENDMENT & SOUTH GROVE SUBDIVISION, LOT 1, ZONING DEVELOPMENT PLAN

- a. MAR 2010-7: LARE PROPERTIES, LLC (10/31/10)* - petition for a zone map amendment from a Single Family Residential (R-1C) zone to a Professional Office (P-1) zone, for 0.298 net (0.373 gross) acre, for property located at 1610 - 1612 Harrodsburg Road.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 4) recommends Professional Service (PS) future land use for the subject property. The petitioner proposes reuse of the existing 2-story (2,400 square-foot) building as a medical office building with associated off-street parking.

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

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

1. The requested Professional Office (P-1) zone is in agreement with the 2007 Comprehensive Plan's recommendation for a Professional Services future land use for the subject property.
2. This recommendation is made subject to the approval and certification of ZDP 2010-47: South Grove Subdivision, Lot 1, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

- b. ZDP 2010-47: SOUTH GROVE SUBDIVISION, LOT 1 (10/31/10)* - located at 1610 and 1612 Harrodsburg Road.
(Midwest Engineering)

The Subdivision Committee Recommended: **Postponement**. There were questions regarding the lack of floodplain information on the plan, the need for a special use permit for paved off-street parking areas, and the property owners involved on this plan.

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

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. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.
8. Clarify ownership of all three properties (and revise application materials, if necessary).

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9. Addition of dimensions for driveways, walkways and parking area.
10. Addition of proposed and existing easements.
11. Correct property addresses to match addresses per LFUCG GIS mapping.
12. Addition of maintenance responsibility note for parking and access, per Article 5-4(h) of the Land Subdivision Regulations.
13. Remove "existing asphalt" from portions of Lot 1 to meet the minimum requirements of Article 18 of the Zoning Ordinance.
14. Discuss the entrance / exit on 1614 Harrodsburg Road.
15. Discuss the timing of the special permit use for the parking in the floodplain.
16. Discuss extent of Final Development Plan (and clarify plan boundary with full metes and bounds description, if necessary).

Petitioner representation: Tommy Todd, attorney, was present representing the petitioner. He requested a one-month postponement of this item.

Action: A motion was made by Mr. Wilson, seconded by Mr. Paulsen, and carried 7-0 (Copeland, Holmes, Owens, and Richardson absent) to postpone MAR 2010-7 to the October 28, 2010, Planning Commission meeting.

IV. LAND SUBDIVISION ITEMS - The Subdivision Committee met on Thursday, September 2, 2010, at 8:30 a.m. The meeting was attended by Commission members: Mike Cravens, Mike Owens, Eunice Beatty and Derek Paulsen. 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, Cheryl Galt, Chris Taylor, Denise Bullock, Jimmy Emmons and Traci Wade, as well as Captain Charles Bowen, Division of Fire & Emergency Services; Rochelle Boland, Law Department 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.

1. FINAL SUBDIVISION PLANS

- a. PLAN 2010-73F: CADENTOWN-FLAT ROCK REALTY, LLC (9/30/10)* - located at 752 Caden Lane.
(Council District 6) **(Foster – Roland, Inc.)**

Note: The Planning Commission postponed this plan at its August 12, 2010, and September 9, 2010, meetings. The applicant has since requested a waiver for the Land Subdivision Regulations regarding sidewalks. The purpose of this amendment is to subdivide one lot into two lots.

The Subdivision Committee Recommended: **Postponement.** There were questions regarding the lack of tree preservation area(s) proposed for this subdivision.

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. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s).
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Denote property owner and developer information, and plan preparation date.
8. Correct plan title.
9. Denote all private utility providers.
10. Addition of maintenance note per Article 5-4(g) of the Land Subdivision Regulations.
11. Correct zoning information (H-1 overlay).
12. Correct engineer's certification.
13. Discuss tree preservation areas (TPA) required by Article 26-5(b) of the Land Subdivision Regulations.
14. Discuss sidewalk or need for a waiver.

Staff presentation: Mr. Taylor presented a rendering of the final record plat, noting that the subject property is located just off the Cadentown Road/Caden Lane intersection. He said that the subject property is heavily treed, and does not currently have any structures on it.

Mr. Taylor stated that the applicant is requesting to subdivide the one existing lot into two lots. The Subdivision Committee recommended postponement of the plan at their last meeting, due to some concerns about the lack of clarification of a Tree Preservation Area on the plan. Given the significant number of trees on the site, the staff requested that the applicant identify the trees on the property, and that the Urban Forester review the site to ensure that the proposed preservation area would be adequate.

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Mr. Taylor said that the staff received a revised version of the plan earlier in the week of this meeting, which properly identified a significant Tree Preservation Area in excess of the 30% coverage required by the Zoning Ordinance. Based on that submission, the staff drafted a revised recommendation, copies of which were distributed prior to the start of this meeting. The staff is now recommending approval of this plan, subject to the following 11 revised conditions:

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. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s).
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Denote property owner and developer information, and plan preparation date.
8. ~~Correct plan title.~~
- 8.9. Denote all private utility providers.
- 9.10. Addition of maintenance note per Article 5-4(g) of the Land Subdivision Regulations.
11. ~~Correct zoning information (H-1 overlay).~~
- 10.12. Correct engineer's certification.
13. ~~Discuss tree preservation areas (TPA) required by Article 26-5(b) of the Land Subdivision Regulations.~~
- 11.14. Discuss sidewalk or need for a waiver. Provided the Planning Commission grants a waiver to Article 6-8(a) of the Land Subdivision Regulations.

Mr. Taylor noted that condition #11 refers to the need for a waiver related to completion of public street improvements, which the applicant is requesting.

Commission Questions: Ms. Roche-Phillips asked how big the two proposed lots would be. Mr. Taylor answered that each lot would be .66 acre in size.

Waiver Report: Mr. Martin presented the staff's report on the requested waiver to Article 6-8(a) of the Land Subdivision Regulations, referring to the waiver report that had been provided to the Commission members prior to the start of this meeting.

Mr. Martin stated that Article 6-8(a) governs public improvements along street frontages when a lot is requested for subdivision. The subject property is part of the Cadentown Historic District, which was intended to protect the rural character of the property and the entire Cadentown area. The area is characterized by large lots, as well as the rural appearance and function of Caden Lane. A public project some years ago resulted in the construction of sidewalks on the opposite side of Caden Lane from the subject property, which leads to the existing church building.

Mr. Martin stated that the staff had reviewed this waiver request, discussed it with the Division of Traffic Engineering, and determined that there was no need for public improvements at this location. The staff did not want to encourage pedestrians to cross the street, possibly creating a safety hazard, only to find a very short, unconnected section of sidewalk along the frontage of the subject property. Mr. Martin noted that the Commission members recently heard another request for a property subdivision in the Caden Lane area, for which a similar waiver request to the sidewalk requirement was granted. He said that the staff has recommended approval of this waiver request, for the following reasons:

1. Granting this waiver will not negatively impact public health and safety due to the lack of existing sidewalks along this entire side of Caden Lane, and the facilities are available to current and future pedestrian traffic in this very low density neighborhood.
2. According to the applicant, construction of this sidewalk would impose a significant hardship on the developer.

Petitioner Representation: Myke Robbins, Foster-Roland, Inc., was present representing the applicant. He stated that the applicant has been working with the staff to meet the conditions, and requested approval.

Action: A motion was made by Mr. Paulsen, seconded by Mr. Brewer, and carried 7-0 (Copeland, Holmes, Owens, and Richardson absent) to approve PLAN 2010-37F, subject to the 11 conditions as listed in the revised staff report.

Waiver request action: A motion was made by Mr. Paulsen, seconded by Mr. Brewer, and carried 7-0 (Copeland, Holmes, Owens, and Richardson absent) to approve the request for a waiver of Article 6-8(a) of the Land Subdivision Regulations, for the reasons provided by the staff.

V. **ZONING ITEMS** - The Zoning Committee met on Thursday, September 2, 2010, at 1:30 p.m. in the Division of Planning Office. The meeting was attended by Commission members Ed Holmes, Carolyn Richardson, 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. **MILLING PROPERTIES, LLC, ZONING MAP AMENDMENT & TOLLY-HO PROPERTY ZONING DEVELOPMENT PLAN**

- a. **MARV 2010-8: MILLING PROPERTIES, LLC (10/31/10)*** – petition for a zone map amendment from a Wholesale and Warehouse Business (B-4) zone to a Neighborhood Business (B-1) zone, for 0.37 net (0.44 gross) acre, for property located at 604 - 606 South Broadway. Dimensional variances are also being requested at this location.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 5) recommends Retail Trade and Personal Services (RT) for the subject property. The petitioner proposes B-1 zoning in order to re-use the existing structure of approximately 7,600 square feet in size as a dine-in restaurant.

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

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

1. The requested Neighborhood Business (B-1) zone is in agreement with the 2007 Comprehensive Plan and its recommendation for a Retail Trade and Personal Services (RT) land use for the subject property.
2. Additionally, the petitioner's proposed reuse of the existing structure for a neighborhood-supported use is supportive of the vision for this portion of the Newtown Pike Extension Corridor as adopted by the Planning Commission in 2003, and wholly incorporated into the 2007 Comprehensive Plan.
3. This recommendation is made subject to approval and certification of **ZDP 2010-48: Tolly-Ho 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.

b. **REQUESTED VARIANCES**

1. Front Yard Variance from 20 feet to 4 feet
2. Required Off-Street Parking Variance of 50%
3. Landscape Variance to eliminate interior and exterior parking lot landscaping

The Staff Recommended: **Approval of the requested Front Yard, Parking, and Landscape variances**, for the following reasons:

1. Granting the requested variances should not adversely affect the public health, safety or welfare, nor alter the character of the general vicinity, as the building involved is not proposed for significant exterior modifications and is to be rehabilitated

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and possibly will be reduced in size. The proposed restaurant use will observe similar setbacks and parking to those in the area.

2. Approval of these variances will not result in an unreasonable circumvention of the Zoning Ordinance. The purpose of the ordinances related to infill and redevelopment are to encourage rehabilitation and compatible new development, including retail development. In this case, the rezoning with the requested variances is the best way to achieve this goal for the proposed project, allowing setbacks and off-street parking similar to that required of an Adaptive Reuse Project.
3. The special circumstances that apply to the subject property are the existing structures and paved areas, the former railroad right-of-way that the applicant does not own, and the odd shape of the subject lot.
4. Strict application of the requirements of the Zoning Ordinance would create an unnecessary hardship to the applicant. It would make the existing structure non-conforming, thereby making its rehabilitation more restrictive. It would also not allow any new front additions or front patio areas, which would contradict the Newtown Pike Extension Commercial Design and Access Standards Ordinance concerning front setbacks and pedestrian area (Ord. # 105-2009). Furthermore, complying with the required VUA landscaping would cause the existing parking area to be more difficult to maneuver.
5. The circumstances surrounding this request are not the result of actions taken by the applicant since the adoption of the Zoning Ordinance. In fact, this area of town was developed long before the City's first Zoning Ordinance was enacted, while the subject site is constrained by the existing building, the relatively odd shape of the lot, and the existence of an adjacent building right on the property line.

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

- a. Provided the Urban County Council rezones the property B-1; otherwise, any Commission action of approval of this variance is null and void.
 - b. Should the property be rezoned, it shall be redeveloped in accordance with the approved Zoning Development Plan, or as amended either by a future Development Plan approved by the Commission, or as a Minor Amendment permitted under Article 21-7 of the Zoning Ordinance.
 - c. A note shall be placed on the Zoning Development Plan indicating the variances that the Planning Commission has approved for this property (under Article 6-4(c) of the Zoning Ordinance).
 - d. Denote: All necessary permits shall be obtained from the Division of Building Inspection prior to occupancy.
 - e. Denote: Required Parking shall be 50% of the otherwise required, provided that a minimum of 15 spaces be maintained & that the existing building at 604 South Broadway is retained and adaptively re-used.
 - f. Denote: A minimum of 150 square feet of landscape planters shall be provided between the sidewalk and the front of the building along South Broadway. As a part of the provision of this landscape area, the curb and sidewalk shall be modified to close the access point on South Broadway. The type of planters, planting materials, and location of the planters shall be reviewed and denoted upon the final development plan.
- c. ZDP 2010-48: TOLLY-HO PROPERTY (10/31/10)* - located at 604 and 606 South Broadway.
(Vision Engineering)

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

1. Provided the Urban County Council rezones the property B-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Building Inspection's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree inventory map.
6. Addition of street cross-sections.
7. Denote building dimensions, including height of building.
8. Addition of topography information.
9. Clarify existing building footprint and proposed additions.
10. Correct note #1.
11. Delete extraneous survey information from plan face.
12. Denote drive aisle widths and typical parking space dimensions.
13. Denote off-street parking compliance and/or variances.
14. Clarify parking statistics, including leased parking on the University of Kentucky property.
15. Denote the future plan for a multi-use trail on adjacent property, to the approval of the Greenspace Planner.

Zoning Report: Ms. Wade presented the staff report for this zone map amendment request, briefly orienting the Commission to the location of the subject property on the southeast side of South Broadway. She said the property also has a small amount of frontage on Bolivar Street. The nearby uses include a car wash and a mixture of other business uses along South Broadway; and multi-family residential uses, including the Lexington Lofts along Bolivar Street and The Lex mixed-use development to the northeast. Ms. Wade stated that the petitioner is proposing to re-use the existing building, which previously housed Hartz Laundry & Dry Cleaners, as a restaurant. She displayed several aerial and street-level photographs of the subject property and surrounding area, and noted the abandoned rail bed to the rear of the property, which is currently being used for parking. The petitioner is requesting several variances on the subject property, one of which refers to their inability to meet parking requirements on the site.

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Ms. Wade stated that the subject property is included in the Newtown Pike Small Area Plan area. That plan, which was incorporated into the 2007 Comprehensive Plan, recommends Retail Trade & Personal Services land use at this location. The Small Area Plan provides a vision for this vicinity, including making it a vital part of the core of Lexington. The Plan indicates a need to create a mixture of uses in this area, in order to allow residents to live, work, and play there. The Small Area Plan also recommends that the area included in the Comprehensive Plan as Public & Recreation use be used as a bicycle and pedestrian trail. Ms. Wade stated that the Comprehensive Plan recommendation for the use of the property is in line with the petitioner's request for a B-1 zone, and, for that reason, the staff is recommending approval of this request. The staff would note that the recommendation for a trail along a portion of the property may be problematic for the petitioner, in that they propose to lease parking in that area from the University of Kentucky. If the trail is constructed there, the petitioner could lose that leased parking.

Development Plan Presentation: Mr. Taylor presented the corollary zoning development plan, noting that, as it is a preliminary plan, the Commission will have the opportunity to review a final development plan in the future. He stated that the petitioner is proposing to use the existing 7,600 square-foot building as a restaurant. Based on the size of the building, and the number of seats proposed by the petitioner, the parking requirement for the subject property would be 30 spaces. There are five spaces on site; the petitioner has proposed to lease 19 spaces from the adjacent burley tobacco facility, as well as an additional nine spaces on the adjacent University of Kentucky former railroad right-of-way property. The plan also includes the dumpster location in that area. The petitioner is proposing to remove an existing rear section of the building in order to allow for traffic circulation from the adjoining parking to the access point on Bolivar Street.

Mr. Taylor stated that the Subdivision Committee recommended approval of this plan at their last meeting. Since that meeting, the petitioner had submitted a revised plan that clarified the extent of the area to be leased for parking, as well as required and provided parking statistics, and restaurant seating information. Based on that revised plan, the staff is recommending the following revised conditions for approval of this plan:

1. Provided the Urban County Council rezones the property B-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Building Inspection's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree inventory map.
6. Addition of street cross-sections.
7. Denote building dimensions, including height of building.
8. Addition of topography information.
- ~~9. Clarify existing building footprint and proposed additions.~~
- ~~10. Correct note #1.~~
- ~~9.11. Delete extraneous survey information from plan face.~~
- ~~10.12. Denote drive aisle widths and typical parking space dimensions.~~
- ~~11.13. Denote off-street parking compliance and/or variances.~~
- ~~14. Clarify parking statistics, including leased parking on the University of Kentucky property.~~
- ~~12.15. Denote the future plan for a multi-use trail on adjacent property, to the approval of the Greenspace Planner.~~

Mr. Taylor stated, with regard to condition #12, that the plan includes an area for the future greenway/trail project, but it should also note how that area will be handled in the future.

Commission questions: Mr. Paulsen asked if there is a time frame proposed for construction of the multi-use trail. Mr. Taylor answered that there is no time frame known at this time.

Director comments: Mr. King stated that he had attended the quarterly coordination meeting with the University of Kentucky just prior to this hearing, and the proposed trail on the subject property was discussed. He said that there was some possibility that that construction might be included in future phasing of the Oliver Lewis Way/Newtown Pike Extension project. The trail was mentioned and included in the environmental impact report for that project. Since the University now owns that property, a meeting will be scheduled in the near future to create a timeline for construction of the trail.

Mr. Taylor stated, with regard to Mr. Paulsen's question, that the practical impact of the trail construction on the subject property would be the removal of the existing nine parking spaces. The loss of those spaces could result in the relocation of the dumpster on the property at the final development plan stage.

Commission questions: Ms. Roche-Phillips asked Mr. Taylor to indicate the location of the proposed trail on the rendering of the property. Mr. Taylor used the rendered development plan to denote the proposed location of the trail. Ms. Roche-Phillips asked if the trail would connect to the University of Kentucky at some point off site. Mr. Taylor answered that he believed that the trail would connect to the proposed redevelopment area on the University property at some point. Ms. Roche-Phillips asked if the trail would come out near the Taylor Education Building, and if the establishment of the trail could reduce the number of patrons driving to the proposed restaurant on the subject property. Mr. Taylor responded that the proposed trail would make the property more accessible to pedestrians.

In response to Ms. Roche-Phillips's question, Ms. Wade displayed a map from the Newtown Pike Extension Small Area Plan depicting the proposed layout of the trail on the subject property, and its route to Scott Street.

Variance Report: Mr. Emmons presented the staff's variance report, displaying several photographs to illustrate the areas proposed for front yard, parking, and landscape variances.

Mr. Emmons stated that the existing building on the subject property is located 16 feet from the South Broadway right-of-way, which precipitated the need for the requested front yard variance from 20 feet to four feet. The area between the four-foot setback and the building will be used for an outdoor patio with landscaping.

With regard to the requested parking variance, he said that the proposed project is technically an adaptive reuse of the existing building; had it been filed under the Adaptive Reuse provisions of the B-4 zone, the petitioner would have been able to reduce the number of parking spaces to half the number normally required by the Zoning Ordinance. In addition, it would be difficult to accommodate a landscape island in the small, oddly-shaped parking area. Granting the requested parking variance would require the petitioner to lease 10 parking spaces from other property owners, and the loss of nine spaces for the University of Kentucky trail project would not create a non-conformity on the property.

Mr. Emmons stated that the staff is recommending approval for all of the requested variances, for the reasons as listed in the variance staff report and on the agenda. He noted that granting the front yard variance would allow space to add a landscaping area and patio at the building, and he displayed a rendering of a possible patio and landscaping configuration. He said that such a scheme was recommended by the Landscape Review Committee, at their recent meeting held to review this variance. Should the petitioner choose to construct a patio in that area, they will need to provide a substantial barrier to separate the seating area from South Broadway. The details of that seating area can be decided at the time of a final development plan.

Petitioner representation: Bruce Simpson, attorney, was present representing the petitioner. He stated that the petitioner is in agreement with all of the staff's recommendations, and he requested approval.

Citizen support: Chas Hite, 929 Aurora Avenue, stated that the Tolly Ho restaurant has been a Lexington institution for many years. He said that, as a planner, he hopes the restaurant owner get the opportunity to relocate, so that the business can continue. He also noted that, in their current location, Tolly Ho only has eight parking spaces.

Citizen opposition: No citizens spoke in opposition to this request.

Commission questions: Ms. Roche-Phillips asked if the unique building signage would remain in place. Roy Milling, petitioner, answered that the former owner of the building wants to remove the signage, and the owners of Tolly Ho intend to install their own sign.

Zoning action: A motion was made by Mr. Brewer, seconded by Mr. Paulsen, and carried 7-0 (Copeland, Holmes, Owens, and Richardson absent) to approve MARV 2010-8, for the reasons provided by staff.

Development plan action: A motion was made by Mr. Brewer, seconded by Ms. Beatty, and carried 7-0 (Copeland, Holmes, Owens, and Richardson absent) to approve ZDP 2010-48, subject to the 12 conditions as listed in the revised staff recommendation.

Variance action: A motion was made by Mr. Brewer, seconded by Ms. Roche-Phillips, and carried 7-0 (Copeland, Holmes, Owens, and Richardson absent) to approve the three requested variances, for the reasons provided by staff.

2. SAYRE CHRISTIAN VILLAGE ZONING MAP AMENDMENT & SAYRE CHRISTIAN VILLAGE PHASE 1, 2, 3, 4 & 7 (BELLEAU WOODS SUBDIVISION) (AMD.) ZONING DEVELOPMENT PLAN

- a. MARC 2010-5: SAYRE CHRISTIAN VILLAGE (9/30/10)* – petition for a zone map amendment from a Single Family Residential (R-1C) zone to a High Density Apartment (R-4) zone, for 1.16 net (1.65 gross) acres, for property located at 3773 - 3789 Belleau Wood Drive. A conditional use permit application has also been filed in conjunction with this zone change request.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 10) recommends Low Density Residential (LD) future land use for the five subject properties, 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, incorporate a prominent front entrance and lobby for the structure, and provide a circular entrance drive with additional off-street parking.

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

The Zoning Committee made no recommendation due to lack of quorum.

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

1. The staff is concerned about the possible negative impacts the rezoning and visual changes to the property may have on the neighborhood. The petitioner should consider methods to provide a land use or landscape buffer that could mitigate such concerns. The petitioner should also consider design options to insure compatibility with the nearby neighborhood.

b. REQUESTED CONDITIONAL USE

Nursing Home (Expansion)

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

- a. The manner in which the expanded facilities for this senior living community will be integrated into the existing facilities and will relate positively to the surrounding neighborhood requires further evaluation. Such an evaluation may result in design changes intended to minimize the potential for the expanded facilities to adversely affect the surrounding properties.
 - b. With the demolition of five single family residences, there is a critical need for a comparable buffer to be provided along the north side of Belleau Wood Drive between Greenfield Drive and Camelot Drive. This may require that the design of the entrance feature and associated parking lot be reconfigured and possibly reduced in scope, in conjunction with additional landscaping that may exceed the minimum requirements of the Zoning Ordinance.
 - c. The currently proposed design will result in more isolation, rather than improved connectivity, between the off-street parking areas at different building locations. The extent to which this is a desired or unwelcome outcome requires further evaluation, and may lead to additional design changes.
- c. ZDP 2010-42: SAYRE CHRISTIAN VILLAGE (9/30/10)* - located at 3816 Camelot Drive; 560 Greenfield and 3773-3789 Belleau Wood Drive. **(Banks Engineering)**

Note: The Planning Commission postponed this plan at their August 26, 2010, meeting.

The Subdivision Committee Recommended: **Postponement**. There are concerns with the building encroaching over existing easements, the proposed access, the landscape screening and the parking proposed along Belleau Wood Drive.

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

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 map.
6. Division of Environmental Quality's approval of environmentally sensitive areas.
7. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.
8. Addition and labeling of all easements from record plats.
9. Label and denote height of all proposed and existing canopies.
10. Label building line in area of zone change.
11. Revise note #16 to denote that GeoTech Report is on file in the Division of Building Inspection.
12. Clarify that the wooded areas will remain as tree protection area(s) (TPA).
13. Discuss status of plan (preliminary vs. final).
14. Discuss building encroachment over existing easements.
15. Discuss proposed access to Belleau Wood Drive.
16. Discuss landscape screening and parking along Belleau Wood Drive.

Request for additional time: Mr. Sallee stated that a letter had been distributed to the Planning Commission from the petitioner's attorney, Rena Wiseman, requesting more than 30 minutes of presentation time on this zoning map amendment. The Planning Commission's by-laws set time limits on all presentations at their hearings, and require that any requests for additional time be submitted to the staff in writing more than 48 hours in advance of the hearing. Mr. Sallee said that the staff believes that Ms. Wiseman's request is justified, since there are three applications for the Commission to consider with this hearing: the zone change, development plan, and conditional use request.

Mr. Sallee stated that the Planning Commission's by-laws also set time limits for any witnesses of the applicant. Ms. Wiseman is expected to have three witnesses for this hearing; if each of those individuals were granted an additional five minutes of time, that would equal one hour of total presentation time. The staff believes, therefore, that the petitioner's request is justified. Mr. Cravens stated that the Chair would allow the petitioner the extra presentation time.

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

Zoning Report: Ms. Wade began the staff's presentation on the zoning report by noting that the staff had circulated an exhibit packet to each of the Commission members, and had prepared a revised Staff Report, copies of which had been placed at their seats prior to the beginning of the hearing. The staff received one letter in opposition to this request, a copy of which she circulated to the Commission members.

Ms. Wade stated that the petitioner proposes to rezone 1.16 acres of property from an R-1C zone to an R-4 zone. She briefly oriented the Commission to the location of the subject property on Belleau Wood Drive. The property is bordered to the north by the existing Sayre Christian Village campus; to the west, by Camelot Drive; to the east, by Greenfield Drive; and, to the south, by Belleau Wood Drive. The existing uses around the five properties proposed for rezoning are single-family residences, multi-family residences, and the remainder of the Sayre Christian Village facilities.

Ms. Wade said that the petitioner is proposing to rezone the five properties in order to create a new Alzheimer's wing, provide a recreation/rehabilitation room and gym; a new lobby and administrative offices; and a palliative care unit for terminally ill patients. Incorporating the five subject properties would allow the petitioner to accommodate the additional facilities and necessary parking, and provide an entrance on Belleau Wood Drive.

Ms. Wade displayed several aerial and ground-level photographs of the subject property and surrounding area.

With regard to the 2007 Comprehensive Plan recommendation, Ms. Wade stated that it recommends Low Density Residential use for the five subject properties. In reviewing this request, the staff considered the petitioner's revised justification, and spent a great deal of time grappling with the possibility of removing five existing residences and formulating a recommendation to the Planning Commission. Since recommending postponement to the Zoning Committee several weeks ago, the staff re-examined the 2007 Comprehensive Plan, and found some justifications for supporting the petitioner's request for rezoning.

Ms. Wade referred to the staff's supplemental report, which outlines the staff's recommendation, as well as how the recommendations of the Comprehensive Plan relate to this particular site. She referred to the Comprehensive Plan Land Use map, noting that the existing Sayre Christian Village campus is recommended for a combination of land uses: the Plan recommends Open Space use for the rear portion of the property, due mostly to environmental issues; and Very High Density Residential use for a portion of the property, which includes the existing nursing home and assisted living facilities; and Medium Density Residential use for a portion of the property that is currently vacant. The staff considered the "collective" Comprehensive Plan recommendations for the property that is currently owned by the petitioner, as well as the five parcels proposed for rezoning. Considered collectively, the existing development on the property consists of 254 dwelling units, and a nursing home with 109 beds in 61 rooms. The petitioner is proposing to add 20 beds, as part of their "continuum of care" plans for the facility. If averaged, the density recommended by the Comprehensive Plan for this area would allow from 336 dwelling units up to 543 dwelling units. Therefore, the proposed expansion will help the Sayre Christian Village campus to better meet the Comprehensive Plan's overall recommendation for their property, given the mixture of recommended land uses.

Ms. Wade stated that, although the staff relies heavily on the Land Use Element of the Comprehensive Plan, there are other elements of the Comprehensive Plan that must be considered as well. The staff found several Goals and Objectives that support the proposed rezoning of the subject properties: Goal 13, Objective C discusses the provision of housing opportunities to meet the needs of all citizens, including the elderly, in an affordable and efficient manner; Goal 15 discusses preserving, protecting, and enhancing the existing quality of neighborhoods; and Goal 20, which refers to providing and maintaining a range of community facilities and services, particularly private nursing facilities that support the community good and provide for the needs of elderly citizens. In support of those Goals and Objectives, the staff found that the State Data Center has projected that the populations of the two eldest groups of citizens, aged 80 and older, is expected to double from 2010 until 2040. The staff expects that the need for healthcare will grow proportionately with those population numbers. The petitioner is proposing to create additional facilities to serve those populations, including an Alzheimer's unit, additional private rooms, a post-acute care unit focusing on rehabilitation after surgery, and a rehabilitation gym. In addition, the Land Use Element of the Comprehensive Plan has text that identifies basic land use principles, including the need to transition effectively between different intensities of adjacent land uses. The staff believes that Belleau Wood Drive would be as good a boundary for a land use buffer between the nursing home and the adjacent Low Density Residential as the existing rear line of the five subject properties. Those five residences currently serve as the buffer from the nursing home for the rest of the neighborhood. Should those five residences remain, and a substantial expansion occur on the nursing home property, the residences could be disproportionately affected by the expansion. The staff sees the benefit of creating a front yard for the nursing home, which would provide it with the same setback as the residences on Belleau Wood Drive.

Ms. Wade said that the staff also reviewed the Implementation element of the Comprehensive Plan, and found that several of the directives outlined there support the petitioner's case, rather than maintaining the status quo on the subject properties. The staff agrees that the petitioner's proposed use is appropriate at this location, and that the proposed R-4 zoning necessary to accomplish that use is also appropriate. Ms. Wade noted that the subject properties had been previously rezoned to R-1C, but that they were not owned by the petitioner at that time. The staff is recommending approval of this request, for the following reasons:

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1. The request is in agreement with the 2007 Comprehensive Plan, for the following reasons:
 - a. The Plan recommends a combination of Medium and Very High Density Residential land use, including an eight-acre area of Open Space for the property currently controlled by the applicant. Low Density Residential use (suggesting 0-5 dwelling units per net acre) is recommended for the subject property. The petitioner has proposed a thoughtful redevelopment of the 1.16-acre subject property as part of a significant expansion to this facility, which with the modest population and programming increases proposed, supports the totality of these land use recommendations.
 - b. The proposed expansion of this residential care/nursing home facility is consistent with the guidance provided by the Comprehensive Plan regarding interpretation of the Plan in older areas of the community. This residential care facility, and this area, was initially developed 25-30 years ago.
 - c. The 2007 Comprehensive Plan's Goals and Objectives support the petitioner's request in the following ways:
 - i. Goal #13, Objective C identifies the desire to provide housing opportunities to meet the needs of all citizens, including the elderly, in a manner which is affordable and cost effective.
 - ii. Goal #15 supports enhancement of existing neighborhoods.
 - iii. Goal #20, Objective P supports 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.
 - iv. The nursing home, and the entire Sayre Christian Village campus, is an amenity to the neighborhood. The proposed expansion will make the facility more inviting and open to the neighborhood, and will be set back equal to or greater than that of the existing single-family residences.
 - v. The proposed redevelopment of the subject property supports these goals by serving to improve the quality and privacy of existing nursing home beds. Such improvements will serve the needs of Lexington-Fayette County residents, including Medicaid and Medicare patients, better than the existing facility.
 - d. The 2007 Comprehensive Plan identifies several basic land use principles, one of which is to "transition effectively between different intensities of adjacent land uses." Belleau Wood Drive is an appropriate boundary between high density residential land use (the existing residential care facility and campus) and Low Density Residential land use (the neighborhood).
 - e. A nursing home expansion at this location will provide a "front door" for this facility to the collector streets of Belleau Wood Drive and Camelot Drive. As such, this will allow this established facility to better integrate into its neighborhood, which is consistent with many aims of the Plan.
2. The proposed expansion of the Sayre Christian Village nursing home, and the High Density Apartment (R-4) zone to permit it, are appropriate at this location for the following reasons:
 - a. The subject property can be logically incorporated into the existing nursing home parcel, which is limited in its expansion possibilities because of the size of the site, topography, the configuration of the building and the needs of the programming facility.
 - b. The nursing home is proposing the expansion of their facilities in order to create more private rooms, establish an Alzheimer's care unit, expand their capacity to provide post-acute care for their residents within the campus, and to create a larger rehabilitation gym for the use of residents.
 - c. The demographics for Lexington-Fayette County show that there is a need for nursing homes and associated facilities for our aging population. The Kentucky State Data Center has projected that the number of 80-84 and 85+ year olds will more than double from 2010 to 2040. It is expected that the health care requirements for these age groups will also continue to grow proportionally.
3. This recommendation is made subject to approval and certification of ZDP 2010-42: Sayre Christian Village, Phase 1, 2, 3, 4 & 7 (Belleau Woods Sub.)(Amd.), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
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 five residential dwelling units shall be permitted on the subject property.
 - b. A thirty-foot (30') landscape buffer shall be established along Belleau Wood Drive for any use other than single-family detached housing. This buffer shall contain trees, shrubs and perennial flowers, and no off-street parking (exclusive of drive aisles) shall be permitted in this landscape buffer area.
 - c. No pole lighting may be installed on the subject property; however, ground-level lighting, lighting for pedestrian paths and sidewalks and indirect lighting shall be permitted.
 - d. Allowable Conditional Uses (provided the BOA or Planning Commission approves such a use) are to be limited to the following:
 1. Hospitals, nursing homes, rest homes, and orphanages.
 2. Assisted living facilities.

These restrictions are appropriate and necessary for the subject property in order to ensure compatible redevelopment, an adequate landscape buffer; and appropriate density protections for the closest single family homes proximate to this location.

Ms. Wade stated, with regard to the proposed conditional zoning restrictions, that the staff is recommending that no more than five dwelling units be allowed on the subject property, in case the use changes at some point in the future. In addition, the staff is proposing conditional zoning restrictions to require a 30' landscape buffer along Belleau Wood Drive, prohibit pole lighting and off-street parking, and restrict the allowable conditional uses to nursing home or hospital-type uses.

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Commission questions: Ms. Roche-Phillips asked Ms. Wade to provide a chronology for the development of the Sayre Christian Village property as a whole. Ms. Wade answered that most of the northern portion of the property was originally zoned R-4, but was owned by Belleau Wood Investments. The portion of the property along Greenfield Drive was originally zoned R-2, and was rezoned in 1980 to R-1C. The Christian Benevolent Outreach group received a conditional use permit in 1980 to operate as a nursing home. At that time, most of the Belleau Wood neighborhood to the south was not constructed, and Whispering Hills was not completed. Ms. Wade said that the petitioner went back to the Board of Adjustment in 1993, which was the last time that they received approval for a conditional use at this location.

Development Plan Report: Mr. Martin presented the corollary zoning development plan, noting that the staff had provided revised conditions for approval to each Commission member prior to the beginning of today's hearing.

Mr. Martin stated that the subject property has frontage on Belleau Wood Drive, Camelot Drive, and Greenfield Drive, which is a cul-de-sac. He displayed a rendered version of the development plan that indicated the existing structures on the property, as well as the proposed additional development proposed for the Sayre Christian Village property. The petitioner proposes to construct a reception area at the front of the existing building, which would include a canopy and parking area on the five residential parcels that are the subject of the requested zone change. Mr. Martin noted on the rendered development plan the proposed locations for the Alzheimer's unit, outpatient rehabilitation, physical therapy, and administrative offices.

Mr. Martin noted that the plan was originally submitted as a final development plan, but the staff had concerns about the plan and recommended it for postponement. Subsequently, the staff met with the petitioner and discussed their concerns. Based on that meeting, the petitioner made the decision to file this plan as a preliminary development plan. The petitioner will have to bring in a final development plan for the property (if the property is rezoned), and the Planning Commission will have the opportunity to review it at that time.

Mr. Martin stated that the staff was originally concerned about an easement conflict along one of the property line boundaries, as well as the two new proposed access points. It was determined that the two accesses are necessary in order to allow for circulation on the site, as well as improved access for guests and emergency vehicles. The staff believes that the proposed parking at the front of the site will allow for better access for the existing nursing home as well as the proposed palliative care unit. With regard to the staff's previous concerns about the steep slope areas on the property, Mr. Martin said that the petitioner is proposing to use one of those areas to their advantage by constructing a second story on one of the buildings. The other steep slope areas are located at the rear of the property in the floodplain area, and no development is proposed there. The staff also had concerns about the orientation of the new parking area to the street, and its required landscaping. The petitioner has submitted a revised landscape plan to the staff, a rendered copy of which Mr. Martin displayed for the Commission members. The petitioner is now proposing to include a landscape area with a berm and tree planting along the front of the five subject parcels. The recommended 30' setback is proposed to be included in the landscape area, which will result in a slight adjustment to the parking in order to accommodate the landscaping.

Mr. Martin stated that the most recent development plan approved by the Planning Commission for the subject property was for the recently completed independent housing units, which were approved for construction approximately two years ago.

With regard to the recommended conditions for approval of this plan, Mr. Martin noted that there are now 16 conditions for approval, many of which are standard. The staff is recommending condition #13 to require the petitioner to denote that this is a preliminary development plan; #14 to denote an easement release and that an easement minor amended subdivision plan will need to be recorded prior to construction; #15 to require that all parking on Belleau Wood Drive be located behind the 30' building line; #16 to denote the scope and vegetative matter of the landscaping along Belleau Wood Drive and Camelot Drive; and #17 to denote the addition of conditional zoning restrictions. The staff is now recommending approval of this plan, subject to the following revised conditions:

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 map.
6. Division of Environmental Quality's approval of environmentally sensitive areas.
7. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.
8. Addition and labeling of all easements from record plats.
9. Label and denote height of all proposed and existing canopies.
10. Label building line in area of zone change.
11. Revise note #16 to denote that the GeoTech Report is on file in the Division of Building Inspection.
12. Clarify that the wooded areas will remain as tree protection area(s) (TPA).

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

13. Discuss status of plan (preliminary vs. final). Denote plan as a preliminary development plan.
14. Discuss building encroachment over existing easements. Denote: An easement release and an easement minor plan must be recorded prior to construction.
15. Discuss proposed access to Belleau Wood Drive. Depict all proposed parking along Belleau Wood Drive behind the platted 30' building line.
16. Discuss landscape screening and parking along Belleau Wood Drive. Denote: The scope and vegetative matter of the proposed landscape buffer along Belleau Wood Drive and Camelot Drive will be examined at the time of the Final Development Plan.
17. Addition of conditional zoning restrictions.

Conditional Use Presentation: Mr. Marx presented the staff report on the conditional use request, noting that the staff had drafted a revised report. He said that it is important to note that the staff considered the conditional use request as if the proposed zoning was already in place. The criteria used to evaluate conditional use requests is much different than that used for a zone change. In evaluating a conditional use request, the staff must consider if the applicant can carry out the proposed use without adversely affecting the surrounding neighborhood. Typically, the staff considers such issues as traffic, noise, and odors when evaluating a conditional use request.

Mr. Marx stated that nursing homes are usually not high traffic generators, so the staff does not believe that the surrounding neighborhood would be adversely impacted by additional traffic, should the Commission choose to approve this conditional use request. He added that nursing homes are also not generally considered to be noisy, or to produce other disturbances such as odors. The only issue with this request that the staff believed might affect the surrounding residents would be the "projection" of the building onto the five residential lots that make up the property proposed for rezoning. The staff discussed at great length the petitioner's proposed parking and landscape plan for that area, and found that they did not have significant concerns about the proposal. Therefore, the staff was comfortable recommending approval of the requested conditional use, with the condition that a 30' building line/landscape buffer be provided along Belleau Wood Drive.

Mr. Marx said that the staff is recommending approval of this request, for the following reasons:

- a. An expansion of the nursing home and related facilities at this senior living community should not adversely affect the subject or surrounding properties. This type of facility does not generate high volumes of traffic, and there is no aspect of the proposed use, such as noise, that is anticipated to be disturbing to the surrounding neighborhood. The five single family residences to be demolished will be replaced with a landscaped and bermed parking lot and entrance feature, with only a relatively small building addition within that particular portion of the property proposed for rezoning.
- b. All necessary public services and facilities, such as police and fire protection, are available and adequate for the proposed use.

This recommendation is made subject to the following conditions:

1. Should the subject property be re-zoned to R-4, it shall be developed according to the submitted Zoning Development Plan, or as further amended by the Planning Commission, with a 30' building line to be established along Belleau Wood Drive. This approval will also apply to the applicant's property that is already zoned R-4.
2. All necessary permits shall be obtained from the Division of Building Inspection prior to any demolition and construction, and prior to occupancy of the expanded facilities.
3. The parking lots and driveways shall be paved, with spaces delineated, and landscaped/screened in accordance with Articles 16 and 18 of the Zoning Ordinance.
4. The final design of the parking lots, access drives and internal circulation shall be subject to review and approval by the Division of Traffic Engineering.
5. Any outdoor pole lighting for the parking lots on property other than that now proposed for rezoning to R-4 shall be of a shoebox (or similar) design, with light shielded and directed downward to avoid disturbing adjoining or nearby properties.
6. A storm water management plan shall be implemented in accordance with the requirements of the adopted Engineering Manuals, subject to acceptance by the Division of Engineering.
7. The perimeter of the subject property, from the westerly access off of Camelot Drive around to the cul-de-sac ending of Greenfield Drive (including the Belleau Wood frontage), shall be landscaped with a mixture of trees and shrubs in accordance with the provisions of a detailed landscaping plan showing the following: (a) full compliance with minimal landscaping requirements for all vehicular use areas pursuant to Article 18-3(a)(2) of the Zoning Ordinance; (b) a low level berm bordering the south and west sides of the parking lot at the corner of Belleau Wood Drive and Camelot Drive; (c) supplemental trees at staggered locations along that frontage; and (d) a series of landscaping islands, consisting of shrubs and/or small trees (and possibly some perennial flowers), at staggered locations along that frontage. Although focused primarily on the property perimeter that adjoins public streets, the plan shall also address related landscaping needs for any building projections in the vicinity of and visible from those public streets. This plan, with a detailed description of spacing and species of trees and shrubs to be used, shall be subject to review and approval by the Landscape Examiner with the Division of Building Inspection, as well as the Division of Planning. Landscaping shall be installed prior to the issuance of an occupancy permit by the Division of Building Inspection.

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With regard to condition #7, Mr. Marx stated that the staff believes that it is very important for the overall presentation of the subject properties to not only provide a good landscaping plan for the five subject properties, but to continue that concept along Greenfield Drive and Camelot Drive. He said that the staff would like for the petitioner to provide an open, campus-like appearance, with selectively placed trees and shrubbery along all three of the street frontages.

Petitioner presentation: Rena Wiseman, attorney, was present representing the petitioner. She stated that Sayre Christian Village, owned by Christian Benevolent Outreach, Inc., which is a nonprofit organization, is one of the few nonprofit nursing homes in Fayette County.

Referring to the staff reports on this rezoning request, Ms. Wiseman said that she would like to note, in particular, that the staff had “grappled with the issue of removing five residences.” The petitioner is aware that the staff and the Planning Commission are always concerned whenever existing residences are proposed to be removed. This request, however, was driven by the need of the 350 residents of the Sayre Christian Village community, and the reality that the population is aging and more such services will be required in the next 40 years. Since the nursing home is run by a nonprofit organization, it would have been in their best interest to expand their facilities without buying additional land. However, the petitioner was unable to fit all of the services needed by the community on their existing parcel, so they purchased the five subject properties. The petitioner contends that it is in the best interest of the community to expand their nursing home facility.

Ms. Wiseman stated that the petitioner is aware that some residents of the Belleau Wood neighborhood will contend that the proposed expansion of the nursing home will have a negative impact on the neighborhood. However, the petitioner contends that the Sayre Christian Village community is a part of the neighborhood. The petitioner purchased 25 acres from the developer of the neighborhood in 1980 with the express purpose of creating a “continuum of care retirement community” on the property. The 350 residents of the Sayre Christian Village community are just as much a part of the neighborhood as the other residents, and they have needs that must be met. The petitioner believes that it is part of their challenge to accommodate the needs of their residents, while incorporating their facility into the neighborhood in such a way that it does not negatively impact the surrounding residents.

Ms. Wiseman said that the petitioner is in agreement with the staff’s recommendations on the zone change, development plan, and conditional use request. She noted that there is currently a moratorium in Kentucky on the addition of nursing home beds. The petitioner proposes to add only 19 post-acute care beds, which are to be used by patients who need short-term inpatient care while recovering from procedures such as hip replacements. Many of those patients already live on the Sayre Christian Village campus, and will be moved to the post-acute care area after some type of surgery.

With regard to the proposed Alzheimer’s unit, Ms. Wiseman stated that that disease is now the 6th leading cause of death in the United States. It is estimated that 5.3 million people currently suffer from Alzheimer’s, and that number is expected to grow to 7.5 million in the next 30 years. The petitioner believes, therefore, that the addition of a specialized unit to accommodate those patients is very important. Due to the nature of Alzheimer’s, it is difficult, and sometimes dangerous, to house those patients with the other nursing home residents, as in the current situation at Sayre Christian Village. The proposed specialized unit will have private rooms with increased security, and will provide specialized treatment for those patients.

Ms. Wiseman said, with regard to Ms. Roche-Phillips’s question about the chronology of the subject property, that a large portion of the property was part of a bigger zone change in 1977. The subject property was purchased by Christian Benevolent Outreach, Inc., in 1980, with the express purpose of developing 25 acres into a continuum of care retirement community. The first building constructed on the property contained the apartments, which opened in 1983; the next phase included the nursing home portion, which opened in 1984; the tower, which houses assisted living residents, opened in 1987; and a separate independent living section opened in 2009. The Sayre Christian Village campus, therefore, developed at the same time as the Belleau Wood neighborhood, with many of the houses being constructed after the opening of the nursing home facility.

Ms. Wiseman stated that the existing Sayre Christian Village property has several constraints that preclude building, including a large gas line, several steep slope areas, and the fact that nursing homes are generally required to be all on one floor. In order for the nursing home to be able to expand, they will have to reduce the parking on the existing property. Therefore, they purchased the five subject parcels in order to be able to accommodate all of the necessary parking, as well as the proposed new facilities. It is not practical for the entire Sayre Christian Village community to relocate to a larger property, as that would involve moving over 300 current residents. The petitioner would also like to maintain all of their facilities at one location, as the community is meant to be a “series of steps” for the residents.

Bill English, CEO of Christian Benevolent Outreach, Inc., stated that Sayre Christian Village was constructed to be a “continuum of care retirement community.” He distributed to the Commission members copies of a rendered site plan for the existing Sayre Christian Village property and the five subject parcels.

Mr. English said that Sayre Christian Village is one of the only “continuum of care” retirement communities in the Lexington area. These communities allow the elderly to move from one level of care to another, if necessary, while still remaining on the same campus. Since it is operated as a nonprofit entity, Sayre is able to focus more closely on its residents and their needs, rather than making a profit. Mr. English noted that all of the beds in the facility are certified for Medicare and Medicaid, and that

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Sayre Christian Village feels a need to provide for low-income residents. The petitioner does not believe that good care should be provided only to those elderly citizens who are able to afford it. One of the missions of the facility is to help its residents make their final years as active, productive, and comfortable as possible.

Mr. English stated that the expansion of the Sayre campus is very important, as one of its goals is to provide for the "strategic needs of a growing population." The existing nursing home has 109 beds; nine are private, and 100 are semi-private. Since the aging population prefers private rooms, the proposed expansion will accommodate more of those. The top floor of one of the proposed new buildings would house a dementia care unit, which would contain 22 individual rooms to provide for care of patients with Alzheimer's or other forms of dementia. Mr. English noted that that population is currently housed with the other nursing home residents, where there are no locked doors or other facilities tailored to their needs. The dementia care unit would be secured, with specially trained staff and state-of-the-art facilities to assist patients with dementia. The first floor of that building is proposed to house a rehabilitation area which would be much larger than the existing facilities. Sayre Christian Village is also a licensed outpatient rehabilitation provider, so they can help to provide that service for residents in surrounding communities as well. Another new building is proposed to include a post-acute care facility, which would provide 19 beds in individual rooms for patients who are recovering immediately after surgery. That facility will have its own entrance, so that patients' relatives can visit without entering the actual nursing home area. The first floor of that building is proposed to house some administrative offices. Mr. English said that the petitioner also proposes to add a palliative care unit, which would be unique for nursing homes in the Lexington area. This facility would provide end-of-life care similar to that of a hospice unit. The goal of that facility is to provide dignity for residents at the end of their lives, and allow space for their families to visit in private. The petitioner also proposes to construct a multi-purpose facility, which would provide more space for residents to enjoy activities when they are unable to get outside. Those activities currently take place in the cafeteria, which limits the number of activities that can be held there. The other new building is proposed to include all of the administrative functions of the campus in one location, rather than being spread out among several offices as they are currently.

Mr. English stated, with regard to concerns about additional traffic if the Sayre Christian Village is expanded, that the facility added 42 apartments to the campus last October, with no significant impacts on the surrounding neighborhood. Due to the nature of the services proposed to be provided in the expanded facilities, the petitioner does not believe that the expansion will adversely affect traffic in the area. The parking in the area along Belleau Wood Drive is proposed to be used for visitors, while the proposed parking along Greenfield Drive would be for patients of the rehabilitation unit or visitors of the dementia unit. All of the employee parking would be accessed from Camelot Drive, while visitors and other traffic would use the Belleau Wood Drive and Greenfield Drive accesses.

Mr. English said that the petitioner initially intended to purchase only the two corner houses of the five. However, they were contacted by the owners of the three middle properties to see if they would be interested in purchasing those as well. The petitioner hopes that the expansion of the facility onto those five properties will help to provide more visibility, since it is not currently easily visible in the subdivision. The petitioner intends to provide an attractive, open entrance to the facility that will be an asset to the neighborhood. He noted that the petitioner has met with the neighborhood association, and would like their support for the proposed expansion.

Commission questions: Mr. Wilson asked if Sayre Christian Village is currently at capacity. Mr. English answered that the nursing home stays at 99% capacity. Mr. Wilson asked if their other buildings are full as well. Mr. English responded that there are at least 30 people on waiting lists for both of the independent living units. He noted that one of the facilities has market-rate rents, and there are sometimes a few vacancies there. He also pointed out that there is typically a high turnover rate on those independent living apartments, as the residents begin to need more care and progress to the nursing home facility. Mr. Wilson asked if there are currently 356 total residents at the facility, and what the total capacity is. Mr. English answered that that number is correct, and that they are at capacity.

With regard to the proposed palliative care unit, Mr. Wilson asked if that would be limited strictly to residents of the Sayre facility, or if outside patients would be allowed. Mr. English responded that it would be for Sayre residents only; the State will not allow them to fill a bed vacated by a resident who has moved to palliative care until that patient actually passes away, so that total capacity is not increased.

Mr. Cravens asked if the proposed expansion would provide any additional jobs. Mr. English answered that a total of about 20 people would be added to the staff, but noted that that number would be spread over three shifts, so there should not be a large increase in traffic. Mr. Cravens asked how many employees the facility currently has. Mr. English responded that there are currently about 140 employees at the nursing home, with a total of 200 on the entire campus.

Applicant's Summation: Ms. Wiseman stated that Mr. English had spoken with residents of the Belleau Wood neighborhood, and the petitioner understands that there are many residents who do not support the proposed rezoning. However, the petitioner would like for the Planning Commission to consider the needs of the Sayre Christian Village community, as well as the Lexington community as a whole, for the proposed expansion and the additional services it would allow. Ms. Wiseman reiterated that the petitioner is in agreement with the staff's recommendations, and requested approval. She quoted the following passage from the 2007 Comprehensive Plan: "Second, though centered on physical development and guidance of physical change and impact, a Comprehensive Plan must give appropriate weight to social and economic factors."

Citizen support: There were no citizens present in support of this request.

Citizen opposition: Edward Shaw, president of the Belleau Woods Neighborhood Association, stated that he believed that the petitioner had been "precipitous" in purchasing the subject properties, since they did not know if the proposed rezoning would be approved. He said that he is very concerned about precedence, and the possible negative effect of the proposed rezoning on property values in the area. In a similar situation in Akron, Ohio, all of the 430 houses in the area of a rezoning for a nursing home declined into rental property.

Mr. Shaw said that the residents believe that, should the petitioner wish to expand, they should do so on other portions of the campus, rather than adding the five subject properties. He noted that, contrary to the petitioner's assertion, the nursing home does generate noise from the many emergency vehicles traveling to and from the property each week. Belleau Wood residents are also concerned about additional stormwater runoff.

Mr. Shaw stated that he bought the first home in the Belleau Wood subdivision, and he lived there prior to the construction of Sayre Christian Village. He said that there were many residents present at this meeting who were opposed to the rezoning request, because they are concerned that all of the remaining homes on Greenfield Drive would eventually be purchased by the petitioner as well.

Billie Gausepohl, 3749 Belleau Wood Drive, stated that she was the immediate past president of the Belleau Wood Neighborhood Association. She said that she lives five houses away from the subject properties on Belleau Wood Drive, and she was one of the original residents of the neighborhood. Ms. Gausepohl strongly disagrees with the proposed rezoning, because it could "open the door for other things to happen" in the Belleau Wood neighborhood. She thought that the recommendations of the 2007 Comprehensive Plan would help to protect the area residents from the expansion of Sayre Christian Village, but was disappointed to discover that that might not be the case.

Ms. Gausepohl agreed with Mr. Shaw in that residents are concerned about stormwater runoff and increased traffic, and added that she believes that speeding is a problem on Belleau Wood Drive. She is concerned that the additional traffic to the Sayre campus will exacerbate that problem.

Ms. Gausepohl stated that she believes that Sayre Christian Village is actually part of Whispering Hills, rather than Belleau Wood. She is concerned that the proposed rezoning will negatively affect the character of the existing neighborhood, and she asked that the Planning Commission disapprove this request.

Steve Bird, 3764 Belleau Wood Drive, stated that the petitioner did not attempt to contact him to discuss the proposed rezoning. He said that he lives directly across the street from the subject properties, and he believes that the proposed rezoning will "destroy" the property values. Mr. Bird believes that residents should be protected by single-family zoning, and that an entity such as the petitioner should not be permitted to purchase single-family homes and rezone them for high-density apartments. Mr. Bird added that there are more residents in the Belleau Wood neighborhood than at Sayre Christian Village, and he believes that their interests should come first.

Staff rebuttal: The staff did not provide any rebuttal comments.

Petitioner rebuttal: Ms. Wiseman stated, with regard to the previously mentioned neighborhood meeting, that the petitioner worked through the officers of the Belleau Wood Neighborhood Association, and was not aware whether notice was provided to the other residents regarding their neighborhood meeting. She noted that the Sayre campus generates much less traffic than a typical R-4 zone with an apartment complex would generate. The petitioner does not believe that it matters to which neighborhood the Sayre Christian Village campus belongs, and that those 350+ residents deserve protection, too. She reiterated the need for the expansion of the facility, and requested approval.

Commission questions: Mr. Wilson stated, with regard to the petition that was circulated to the Commission members, that it had 92 names on it. He asked what percentage of the neighborhood that number represented. Mr. Shaw answered that there were 92 households out of 463 homes in the neighborhood. Mr. Wilson asked why the remaining residents did not sign the petition. Mr. Shaw replied that there was no response from the rest of the households.

Ms. Roche-Phillips asked if a traffic impact study was required for this development, and if there was a stormwater detention requirement. Ms. Wade responded that this application did not require a traffic impact study, as Article 6 of the Zoning Ordinance sets a standard of 100 new trips being generated during a peak hour, and this rezoning did not meet that threshold. Mr. Martin replied that there are existing stormwater detention facilities on the site. He added that this is a preliminary development plan, so the petitioner will have to address the detention issue to the approval of the Division of Engineering at the time of the final development plan.

Mr. Cravens asked if the petitioner would be required to demonstrate, at the time of the final development plan, that no additional stormwater runoff will be generated. Mr. Martin responded that it was his understanding that detention must be provided to pre-development standards.

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Ms. Blanton asked, with regard to the residents' concerns about precedence, if there were other developments in the general vicinity that could be rezoned in a similar fashion. Ms. Wade answered that it would be difficult for the staff to answer. They did not see any areas so threatened immediately nearby the subject properties, and their findings had to apply to the whole County.

Mr. Brewer asked if there was any other zone that would accommodate the additional development on the subject property. Ms. Wade responded that the R-3 zone also allows nursing homes and assisted living facilities; the difference is about allowable lot coverage. She added that R-4 is consistent with the rest of the Sayre campus, so they requested R-4 zoning for the subject properties as well. The B-1 and P-1 zones allow nursing homes as principal uses as well, but the staff believes that they would not be appropriate at this location.

Ms. Beatty asked if the main entrance to the Sayre campus will be located on Belleau Wood Drive. Mr. English answered that they are proposing two accesses to Belleau Wood Drive, to serve as an entrance and an exit. He noted that the front of the proposed addition to the nursing home would be located behind what are currently the back yards of the five subject properties, and added that the petitioner is hoping to provide better visibility for their property. Ms. Beatty asked where the current entrance is located. Mr. English answered that the current entrance is on Camelot Drive. He added that there is also a rear entrance to the property.

Mr. Cravens asked if the Sayre property is "maxed out" or, if the property is rezoned to R-4, the petitioner could add additional buildings. Mr. Martin responded there is some development room on the entire site, but there are serious issues at the rear of the property. He noted that the staff has proposed conditional zoning restrictions to prevent any additional development in the area of the five subject parcels.

Mr. Brewer asked, for clarification, if the proposed conditional zoning restrictions would prevent any type of typical high-density development on the five subject properties. Mr. Martin answered that that was correct.

Ms. Roche-Phillips asked if a consolidation plat had been filed to incorporate the five subject parcels. Mr. Martin responded that that had not yet happened, but noted that the petitioner would need to file a consolidation plat prior to construction on the property.

Mr. Brewer stated that he was struggling with a decision on this request. He said that he believes that the petitioner's plan is attractive, and his concerns about the R-4 zoning had been addressed, but he also understands the concerns expressed by the neighbors. He added that he is also conflicted because only 20% of the neighborhood opposes this request. Mr. Brewer said that he believes that, given the amount of landscaping proposed, that there will be less stormwater runoff after the properties are developed, and that traffic should not be an issue.

Ms. Blanton stated that she believed that the Commission should take a closer look at the petition, and determine how many of the signers were households, as opposed to individuals.

Citizen opposition (cont.): Carol Becknell, Belleau Wood Drive, stated that it is not correct to assume that only 20% of the households responded by signing the petition; that reflects the number of houses that the residents went to, seeking a response.

Mr. Brewer asked if the Commission had to make a decision on this request today. Mr. Sallee answered that the Commission's 90-day deadline for this application would pass before their next scheduled meeting.

Ms. Wiseman stated that the petitioner could have brought a petition from the residents of Sayre Christian Village to show support, and noted that they live in the neighborhood, too.

Vicky Brown, 701 Troy Trail, stated that she is concerned about the loss to the tax base from the families who resided on the five subject properties. She referenced the staff exhibit, and noted that the proposed rezoning would not support the intent of Goal 13 of the Comprehensive Plan, since it refers to providing housing for households with children. Ms. Brown said that she believes that the Belleau Wood neighborhood provides some of the few truly affordable housing options in that portion of Fayette County. She noted that the neighborhood residents currently consider the houses on the five subject properties to be their buffer zone from the nursing home. She agreed with the earlier residents who expressed concern about increased traffic, and added that, should this request be approved, parking should be prohibited along Belleau Wood Drive.

Commission comments: Ms. Blanton stated that she had been studying the residents' petition, and discovered that there are five signatures that do not list a street address; one signature from a resident on Limestone Street; and 23 "same household" signatures that appear to be husband and wife or families residing in one house.

Ms. Roche-Phillips stated that, in the past, she had worked as an airport planner. As such, she worked with individuals who had moved into the area after the airport was established, then complained about the noise generated by the airport. Sayre Christian Village purchased their property in 1980, and has been a long-standing neighbor in the area for 30 years. Ms. Roche-Phillips said that there is clearly a community need for the types of services they provide; and she noted that, since Sayre has

already occupied that property for many years, that is the most appropriate place for them to continue to provide their services. She added that she is sympathetic to the concerns of the residents, but many of those individuals probably purchased their homes with the awareness that the nursing home was located nearby.

With regard to the design criteria, Ms. Roche-Phillips said that it appears that the project designers are attempting to be sensitive to the needs of the area, and there might be some room for negotiation about access points, etc., at the final development plan stage. She added that she is somewhat conflicted about this request, but she believes that Sayre Christian Village has been a good neighbor and all of the residents have been aware of its existence for 30 years.

Mr. Cravens stated that he built many houses in the Belleau Wood neighborhood in the 1980s, and noted that the nursing home was already in existence at that time. He said that his concern is mitigated by the fact that this is not a brand-new facility locating in this residential area, but simply an improvement and expansion of a long-standing use. He emphasized that the development plan is preliminary, some of the areas of concern might be mitigated at the final development plan stage, and he believes that the appearance of the new addition should be pleasant, given the amount of landscaping proposed.

Zoning action: A motion was made by Mr. Paulsen, seconded by Ms. Beatty, and carried 7-0 (Copeland, Holmes, Owens, and Richardson absent) to approve MARC 2010-5, for the reasons provided by staff in the supplemental staff report.

Development plan action: A motion was made by Mr. Paulsen, seconded by Ms. Beatty, and carried 7-0 (Copeland, Holmes, Owens, and Richardson absent) to approve ZDP 2010-42, subject to the conditions as listed in the staff's revised recommendation.

Conditional use action: A motion was made by Mr. Paulsen, seconded by Mr. Wilson, and carried 7-0 (Copeland, Holmes, Owens, and Richardson absent), for the approve the conditional use request for expansion of the nursing home use, for the reasons provided by staff, subject to the conditions as listed in the revised staff report.

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENT REQUESTS

1. ZOTA 2010-2: PARKING REQUIREMENTS FOR BOWLING ALLEYS – petition for a Zoning Ordinance text amendment to reduce the off-street parking requirements for bowling alleys and their accessory snack bar.

REQUESTED BY: Collins Bowling Centers, Inc.

PROPOSED TEXT: (Note: Text underlined indicates an addition; text ~~dashed through~~ indicates a deletion to the current Zoning Ordinance.)

B-3 HIGHWAY SERVICE BUSINESS ZONE

8-20(n) Off-Street Parking

Bowling Alleys — ~~Five (5)~~ Four (4) spaces per alley, however, snack bars and food service provided primarily to patrons shall not require additional parking.

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

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

1. The proposed text amendment will allow for a parking requirement for bowling alleys to be similar to many other communities around the country. Reducing the required parking for this use is reasonable, and is consistent with the APA's *Parking Standards* and the *ITE Trip Generation Manual* (7th Edition).
2. This text amendment will not create any non-conformities, as it will reduce the parking requirement for bowling alleys; and there are no foreseeable negative consequences to the proposed text amendment. One benefit of this amendment will be a more efficient use of the urban land within our community.

Staff presentation: Ms. Wade presented the staff report on this request for an amendment to Article 8-20 (n) of the Zoning Ordinance. She said that Article 8-20(n), which is part of the regulations for the B-3 zone, currently requires five parking spaces for each lane in a bowling alley. The petitioner is proposing to reduce that number to four spaces per alley, and to add a phrase that would eliminate the additional parking requirement for snack bars located in bowling alleys.

Ms. Wade stated that the petitioner is requesting this amendment to the Zoning Ordinance because they believe that their parking lot is not being fully utilized for parking, and they would like to add a miniature golf course at their Southland Drive location. The staff agrees with the petitioner's assessment of the use of their parking area, with the exceptions of some special events that are held at the facility. The petitioner is requesting a 20% reduction in parking, as it is their contention that the existing parking requirements are too stringent.

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

Ms. Wade said that, in considering this request, the staff used the American Planning Association's "Parking Standards" report to review parking regulations for other communities around the country. Most communities require a minimum number of spaces per alley; the lowest number of required spaces per alley was two, in Ithaca, New York; and St. Louis, Missouri. The highest requirement was five parking spaces per alley, in Knoxville; Cincinnati; and Raleigh, North Carolina. The APA's report also identified a large number of communities that require four parking spaces per alley. The staff also considered the ITE Trip Generation Manual, which outlines trip generation figures for bowling alleys. That publication indicates that the weekday peak hours for bowling alleys are in the evening. At that time, traffic generation is about 3.75 vehicles per lane. Therefore, the four parking spaces proposed per lane are very consistent with this resource. The staff is therefore in agreement with the petitioner's request to reduce the required number of parking spaces per lane from five to four. Ms. Wade noted that a snack bar in a bowling alley is typically oriented to serve patrons, not outside customers, which also added to the staff's opinion that a snack bar does not add many additional cars to the bowling alley parking area. The staff would not be comfortable, however, with allowing the same parking calculation for nightclubs or bars located in bowling alleys.

Ms. Wade stated that the staff is recommending approval of this request, for the reasons as listed in the staff report and on the agenda.

Petitioner representation: Richard Murphy, attorney, was present representing the petitioner. He said that the petitioner's business is family-owned, and has been in operation since 1959. The petitioner would like to have the opportunity to increase the family entertainment options at their Southland Drive location. In order to do that, they must be able to provide 27 additional parking spaces in order to meet the parking requirements for the additional use. Mr. Murphy noted that there is a large open area on the petitioner's property that could be used for additional parking, but it is currently the location for the Southland Jamboree outdoor music concerts during the summer months. Those concerts have been very popular, and the organizers of the events have indicated that, should that portion of the property be paved, they will have to move elsewhere.

Mr. Murphy stated that it was the petitioner's contention that the parking area has never been fully utilized, so they knew that they did not need to maintain that number of spaces. They believe that the proposed four spaces per alley is justified, based on the other cities' regulations as outlined during Ms. Wade's presentation. Mr. Murphy noted that the snack bar patrons are bowlers, not outside customers; and that the nightclub has its own parking spaces, so no additional traffic will be generated. For those reasons, he requested approval of the proposed text amendment.

Citizen Comment: No citizens were present to speak to this request.

Action: A motion was made by Mr. Paulsen, seconded by Mr. Wilson, and carried 7-0 (Copeland, Holmes, Owens, and Richardson absent) to approve ZOTA 2010-2, for the reasons provided by staff.

2. ZOTA 2010-3: AMENDMENT TO ARTICLE 16: PARK & RIDE PARKING REDUCTIONS – a text amendment to allow for parking reduction when Park & Ride lots are provided.

REQUESTED BY: Urban County Planning Commission

PROPOSED TEXT: (Note: Text underlined is an addition, while text ~~dashed through~~ is a deletion to the current Zoning Ordinance.)

16-10 REDUCTIONS OF MINIMUM REQUIRED PARKING - All parking reductions shall apply only under the following circumstances:

- (1) Uses shall be limited to attached single family dwellings and, multi-family dwellings in residential and/or mixed use zones.
- (2) ~~Additionally, p~~ Properties in the P-1 and B-1 zones, when located within the Infill & Redevelopment Area, will apply are eligible.
- (3) Properties in the B-3 or B-6P zone, when required to meet the provisions of Article 12-8 herein, are eligible for parking reductions.
- ~~(2)~~(4) The Planning Commission must approve the specific proposed use of the property on a development plan.
- ~~(3)~~(5) The total maximum amount of parking reductions, including the on-street parking provision of the Mixed Use zones, shall not exceed a fifteen percent (15%) reduction of the otherwise required parking, unless the Board of Adjustment grants a parking variance allowable under Article 7.

16-10(a) ALLOWABLE BICYCLE REDUCTIONS - Sites having fifty (50) or more parking spaces may reduce the total minimum automobile parking space requirement by one (1) parking space for every one (1) bicycle space provided on a permanently constructed bicycle rack. The maximum reduction of required parking spaces shall not be reduced less than five percent (5%) of the otherwise required amount. Only the provision of additional bicycle spaces shall count toward this reduction when a minimum bicycle space is required. Provision of bicycle spaces shall not count against the otherwise required minimum for the calculation of the maximum parking allowed.

16-10(b) ALLOWABLE TRANSIT STOP REDUCTIONS - Sites located within three hundred (300) feet of a transit stop with a shelter may be allowed a ten percent (10%) reduction of the minimum required parking. Sites located within three hundred (300) feet of a transit stop without a shelter may be allowed a five percent (5%) reduction of the minimum required parking. If the site is located within three hundred (300) feet of more than one transit stop, the maximum reduction allowed will be ten percent (10%) for this specific parking reduction. Provision of a transit stop shall not count against the otherwise required minimum for the calculation of the maximum parking allowed.

In addition, "big-box" developments in any B-3 or B-6P zone may be allowed a ten percent (10%) reduction of the minimum required parking if a designated Park & Ride lot is provided on the site near a transit stop with a shelter (designed to meet the specifications of the Lexington Transit Authority), provided the shelter is directly connected to the entrance of a "big-box" establishment by a sidewalk or designated pedestrian pathway.

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

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

1. A 10% reduction to the minimum required parking will truly provide a meaningful incentive for some "big-box" stores to supply our community with more Park & Ride lots on their property in the future. This incentive has been recommended by the Planning Commission, and will be augmented with their required review of the applicable Design Guidelines for "big-box" stores.
2. The Lexington Transit Authority has recommended that the Planning Commission promote additional Park & Ride lots in our community; and under this text amendment, LexTran will have the ability to review proposed site plans for these facilities, when associated with "big-box" stores in the future.

Staff presentation: Mr. Sallee presented the staff report on this text amendment, noting that the staff had received one letter, from the Fayette Alliance, in support of the proposed amendment. He circulated that letter to the Commission members.

Mr. Sallee stated that this text amendment was related to the proposed change to the Big-Box Design Guidelines, which was also on the agenda for this meeting. The text amendment is a result of the Planning Commission's initial review of those changes to the Big-Box Guidelines, which were drafted a few months ago. The proposed text change would allow a parking reduction to be possible for Big-Box stores, if they met the following conditions: they must provide Park & Ride lots on their development plans that have pedestrian connections from the lot to the entrance to the stores; and an acceptable transit shelter that meets the specifications of LexTran. Mr. Sallee noted that, since all of the B-6P shopping centers require development plans, the Planning Commission will have an opportunity to review every one of these facilities that might be proposed in the future should this text amendment be approved.

Mr. Sallee said that the maximum reduction allowed would be 10%. Since some of the shopping centers are very close to meeting the minimum parking requirements, the staff believes that the proposed text amendment could be a true incentive for increasing the number of Park and Ride facilities. The Lexington Transit Authority contacted the staff some months ago about their desire to promote Park & Ride lots in the community. The staff believes that the proposed text amendment, along with the change now proposed to the Design Guidelines, will be a positive change for the community. Mr. Sallee said that the staff is recommending approval of the proposed text amendment, for the two reasons listed in the staff report and on the agenda.

Action: A motion was made by Ms. Roche-Phillips, seconded by Mr. Wilson, and carried 7-0 (Copeland, Holmes, Owens, and Richardson absent) to approve ZOTA 2010-3, for the reasons provided by staff.

VI. COMMISSION ITEMS

1. **PROPOSED AMENDMENT TO THE "BIG-BOX" DESIGN GUIDELINES – GUIDELINE #10a** - Mr. Sallee stated that this proposed change to the Big-Box Design Guidelines prompted the text amendment to Article 16 that the Commission had just discussed. He noted, however, that the Design Guidelines require more detail-oriented reviews of retail stores that are over 80,000 square feet in size. The Lexington Transit Authority asked the staff to consider ways to incentivize Park & Ride lots, and the staff believed that an amendment to the tenth Big-Box Design Guideline was the best means by which to accomplish that. The Design Guidelines already required pedestrian-oriented amenities to be associated with big-box stores, including transit stops and other pedestrian plazas. The staff concluded that it was logical to include Park & Ride lots as an acceptable pedestrian and transit-oriented facility near these stores. Mr. Sallee noted that the photo included with the staff's exhibit would be a replacement photo that would appear in the Design Guidelines. The revised Design Guidelines would be forwarded to any designers who approached the staff with an interest in either amending a development plan for a new big-box store or for promoting a new one. Whenever such a request is received, the staff is required to draft a report to the Commission; this addition to the Guidelines would be itemized in the staff's report as well. The staff anticipates that they will also have the input of the Transit Authority as to location, number of spaces, etc., on a given development plan which might be of interest to the Planning Commission. Mr. Sallee asked the Commission to consider the proposed change to the adopted Big-Box Design Guidelines through a formal motion.

Citizen Comment: There were no citizens present to comment on this proposal.

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

Action: A motion was made by Ms. Roche-Phillips, seconded by Mr. Paulsen, and carried 7-0 (Copeland, Holmes, Owens, and Richardson absent) to amend the Big-Box Design Guidelines per the staff's recommendation.

VII. **STAFF ITEMS** – There were none at this time.

VIII. **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.

IX. **MEETING DATES FOR OCTOBER, 2010**

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	October 7, 2010
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	October 7, 2010
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	October 14, 2010
Work Session , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	October 21, 2010
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	October 27, 2010
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	October 28, 2010

X. **ADJOURNMENT** – There being no further business, Vice-Chairman Cravens declared the meeting adjourned at 4:27 p.m.

TLW/TM/BJR/BS/src