

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

May 26, 2011

- I. **CALL TO ORDER** – The meeting will be called to order at 1:30 p.m. in the Council Chamber, 2nd Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.
- II. **APPROVAL OF MINUTES** – The minutes of the April 28, 2011, meeting will be considered at this time.
- III. **POSTPONEMENTS AND WITHDRAWALS** – Requests for postponement and withdrawal will be considered at this time.
- IV. **LAND SUBDIVISION ITEMS** – The Subdivision Committee met on Thursday, May 5, 2011, at 8:30 a.m. The meeting was attended by Commission members: Mike Cravens, Mike Owens, Marie Copeland, 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, Barbara Rackers and Denice Bullock, 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.*

- V. **ZONING ITEM** – The Zoning Committee meeting in May was formally cancelled by the Commission, since there were no new zoning items filed. The Committee reviewed the application for the following item, and made a recommendation, at their meeting on March 3, 2011.

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. THUNDER PROPERTIES, LLC, ZONING MAP AMENDMENT & COONS PROPERTY, UNIT 11, LOT 2

- a. **MAR 2011-7: THUNDER PROPERTIES, LLC (5/26/11)*** - petition for a zone map amendment from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone, for 2.55 net (3.05 gross) acres, for property located at 4268 Saron Drive (a portion of).

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 10) recommends Professional Service (PS) future land use for the subject property. The petitioner proposes to rezone the subject property, which is currently vacant, in order to broaden the allowable uses to permit restaurants and retail sales.

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

The Zoning Committee Recommended: **Postponement** at their meeting on March 3, 2011.

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

1. The requested rezoning to a Neighborhood Business (B-1) zone cannot be found to be in agreement with the 2007 Comprehensive Plan, which recommends Professional Service (PS) future land use for the subject property. The Professional Office (P-1) zone was approved by the Urban County Council in 2001, and Professional Service uses were deemed to be appropriate during the 2001 Comprehensive Plan update to provide a land use buffer between the nearby retail to the north and the residential areas to the south.
 2. The proposed B-1 zone is not appropriate for the subject property for the following reasons:
 - a. The existing zoning serves as an appropriate transition in land use between the shopping center and the existing residential uses along Fiddler Creek Way and Chas Circle.
 - b. Neighborhood business uses are more intrusive to the neighborhood than office uses, especially in terms of hours of operation, noise and deliveries by trucks.
 - c. The current zoning allows for a good mixture of land uses in the area (high density residential, a shopping center, a day care center, and medium density residential uses all within the 400-foot notice area) without infringing on the residents of this established neighborhood.
 - d. Retail and restaurant establishments are already plentiful in the area, including the two Tates Creek Shopping Centers with eight restaurants, and two neighborhood business areas at Clearwater Way and Saron Drive, and Duval Street and Tates Creek Road. Therefore, there is not a compelling need for additional commercial uses in this area.
 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 2007 that would support B-1 zoning and more intense use than the current zoning allows for the subject property.
- b. ZDP 2011-21: COONS PROPERTY, UNIT 11, LOT 2 (5/26/11)* - located at 4268 Saron Drive & 960 Chas Drive.
(Barrett Partners)

The Subdivision Committee Recommended: **Postponement**. There were questions regarding the proposed building conflicts with various existing easements, and the proposed drive-through lanes. Subsequent to the Subdivision Committee meeting, the staff received a revised version of the plan. With the new revisions, the staff is now recommending approval, subject to the following revised conditions.

The Staff Recommends: **Approval**, subject to the following conditions:

1. Provided the Urban County Council rezones the property B-1 and 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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Department of Environmental Quality's approval of environmentally sensitive areas.
8. Correct note #1.
9. Resolve easement and pond relocation for buildings C, D and E at the time of the Final Development Plan.
10. Addition of street tree information from previous plan.
11. Correct storm water easement dimensions from 15' to 20' per plat.

VI. COMMISSION ITEMS

- A. PFR 2011-4: LFUCG DEPARTMENT OF ENVIRONMENTAL; QUALITY & PUBLIC WORKS - a Public Facilities Review of the new Material Recovery Facility (Recycling Center), located at 689 Byrd Thurman Drive.

SUMMARY FINDINGS: The text of the 2007 Comprehensive Plan, as cited, clearly indicates the importance of and supports the proposed new recycling facility; and the Goals and Objectives that reference provision of essential public facilities and equitable distribution of those facilities for all residents of Fayette County, as well as other Goals and Objectives, will be enhanced by construction of the proposed buildings and use of the subject property for a larger, improved facility.

STAFF RECOMMENDATION: Approval, as requested; however, it is important that the floodplain (100-year FEMA flood hazard area) on the property that is associated with both the Town Branch and the Wolf Run Creeks be uninhibited with regard to their water-carrying capability. According to the site plan, it appears that the fence that surrounds the property encroaches into the floodplain; however, according to information provided by a member of the project team, the fence is outside the floodway where stream velocities are more pronounced. The design of the fence, as well as its location, will be subject to approval by the Division of Engineering in order that it not restrict the flow of water in the event flooding of the creek occurs.

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- B. INITIATION OF ZONING ORDINANCE TEXT AMENDMENT** – The staff will request that the Commission initiate a Text Amendment to modify the reference to the applicable codes in the defined Courthouse Area. Following notification to registered neighborhood associations and detailed review by the Commission's Zoning Committee, the requisite public hearing could be heard later this summer.

STAFF ITEMS

A. Planning Services Activity Report

- During the month of April, the Planning Services staff processed three zoning map amendments and two text amendments to the Zoning Ordinance. Also, eight Board of Adjustment appeals were processed, all of which were for filed the Board's April meeting. All of those new written staff reports for that meeting were forwarded to those appellants at least five working days in advance of that public hearing.

In April, 31 subdivision and development plans were processed by the Planning Services staff. Of those, 12 were minor plans, 11 of which were reviewed within two working days of their filing. In April, five major plans were submitted for certification, all of which were reviewed for compliance with the Planning Commission's conditions of approval within five working days of their submission to the staff. These plans required an additional 26 follow-up contacts made by Planning Services staff with the plan preparers, 25 of which were made within two days of the receipt of the revised submissions. The staff also provided floodplain assistance for 6 local property inquiries in April.

Processing of the above items included attendance and/or preparation of materials and presentations for the following: Technical, Subdivision and Zoning Committee meetings, one Planning Commission work session, one Planning Commission public hearing, one Planning Commission public meeting, and one Board of Adjustment public hearing. In addition, the staff held 2 pre-application conferences for a rezoning application, and several other pre-application meetings for subdivision plans, development plans and appeals to the Board of Adjustment.

Also during April, there were 11 updates made to the Registered Neighborhood Association data base, and Planning Services staff assisted 67 unscheduled "walk-in" visitors to the office. Those office visitors were placed with a professional staff member in an average of 1.37 minutes. Much of the remainder of the staff's time was spent answering numerous telephone inquiries from people concerning zoning regulations, subdivision plans, Board of Adjustment appeals, development plans and related items.

- In April, Planning Manager Bill Saltee began attending periodic meetings with LFUCG Division of Engineering and Division of Water Quality staff to review the current iterations of the Division of Engineering's Storm Water Manuals. The EPA's Consent Decree, formally "entered" in January of this year, requires a review of this regulation (now 10 years old) as part of the LFUCG's action steps under that decree.
- Senior Planner for Infill & Redevelopment, Jimmy Emmons, attended the 2011 Brownfields Conference in Philadelphia, PA, as a part of Lexington's Brownfields grant. He attended two days' worth of training workshops that covered a variety of topics related to urban planning for brownfields. General topics included innovative use of GIS information, long-term Stewardship of brownfields, their economic vitality, and progressive programs and policies. Jimmy was one of about 7,000-8,000 attendees from around the nation.
- Senior Planner Traci Wade and Planner Chris Taylor met several times with the Visual Enhancement of Urban Corridors group to prepare a final draft document for review. The group met April 15th, 18th, and 26th to compile final edits to the study. The final version has been distributed to staff for review and once complete will likely be presented to the Planning Commission and the LFUCG Corridors Commission.
- Jimmy Emmons and Traci Wade met with a downtown business owner about the possibility of constructing the community's first "landmark sign." They discussed the need for the new Sign Committee, created with the legislation to allow such landmark signs, to review such a sign type prior to its installation.
- Senior Planner Tom Martin attended the final meeting for the FEMA/DOW pilot watershed mapping project in April. Also in April, initial work has begun on the FEMA Floodplain Management Plan update as well as the required FEMA Flood Insurance outreach materials to area professionals.

B. Long Range Planning Activity Report

- Complete Streets – Staff finalized notes for the Complete Streets project and submitted them to the consultant, who will prepare a draft for presentation. The Complete Streets project will result in a policy manual and proposed text amend-

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ments that will provide standards for development and redevelopment of the transportation network throughout the community.

- Bluegrass Local Food Summit – Staff attended a one-day food summit at Crestwood Christian Church, which was sponsored by a number of faith-based and community service organizations. Speakers represented local and regional farming operations, state and local governments, public education institutions, and nonprofit agencies. Topics included the disparity of food distribution in Kentucky, the economic benefits of local food production, and the need for local food, among other topics.
- LexTran – Staff attended a public input meeting to learn more about plans for LexTran's new administrative facility to be built at their existing site at the corner of North Limestone and Loudon Avenue. Consulting engineers described the site and the possible construction alternatives, which include re-using the existing building or constructing a new facility. Neighborhood input included the desire for a mix of uses on the ground floor, such as a restaurant.
- Rural Land Management Board – Staff presented their project that assesses and recommends protective measures for rural corridors to the RLMB. The Board was interested in protection measures recommended in the project and the impacts on the PDR program.
- Green work, Greenways and Bike/Ped – Staff attended the Greenway Coordinating Committee meeting and continued to update the LFUCG trail and greenway properties databases and maps.
- Development Review – Staff conducted a variety of development review duties and meetings, conducted field work, and coordinated greenway and greenspace development issues.
- General Work Activities – Using GIS, Census data, and PCensus software, staff created maps and data sets for the Urban County Council, other LFUCG Departments, and agencies and officials outside the government. Staff also attended LFUCG-sponsored trainings and presentations.

C. Transportation Planning Activity Report

1.1 Surveillance –

- The MPO staff continues to monitor the Comprehensive Plan and land development activities through participation in the LFUCG Division of Planning activities and monitoring Fayette and Jessamine County news media and their legal ads on a daily, weekly, and monthly basis.
- Staff attended the statewide planning meeting.
- Staff participated in and attended the Disability Expo.

1.2 Title VI/ADA

- Roger Daman worked the Celebration of Disability Expo on April 21st as a member of the Mayor's Commission for Citizens with Disabilities. The expo was a success again this year with 70 booths and a new transportation fair that showed people how to use Wheels and LexTran.
- Staff continued work on the ADA Transition Plan for Lexington Fayette Urban County Government and a second draft was reviewed in April.

1.3 Participation Process

- MPO Website Development – In April, the MPO website had 217 unique visitors; 508 visits; and 1,010 page views.
- The MPO's Twitter site increased its followers to 702 at the end of April up from 658 at the end of March. Among the 51 MPOs in the United States on Twitter, the Lexington Area MPO ranked 9th overall, but 1st among MPO's with under 1 million in population.
- The MPO's Facebook sites had 407 friends and 220 likes at the end of April. The MPO's Facebook fan page had 6,035 post views (76% increase over March) and 12 wall posts/comments in April.
- Staff updated the Lexington Area MPO Youtube channel, adding 9 videos for a total of 17 videos. The channel has received 113 channel views and the videos have had 472 views, 282 of these views were in April, with the majority viewing Harrodsburg Road Double Crossover Diamond videos.
- The Lexington MPO Public Participation/Involvement Access Database continues to be updated. The database now includes over 1,000 records.

1.4 Staff Development –

- Staff continues to monitor the latest information from planning, engineering, and traffic engineering publications.
- Staff attended 3 webinars on the new Highway Capacity Manual.
- Staff attended 2-day training on Road Safety Audits.

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- Staff logged on to a webinar on workplace generational insights.
- Staff attended freight conference in Florence KY
- Staff attended Geologger training

2.1 Congestion Management Process (CMP) –

- Staff finalized the CMP Overview document and presented the CMP Overview at the April's TPC meeting for acceptance. The TPC accepted the CMP Overview in its April's meeting.
- Staff hosted a GeoLogger/TransCAD training session on April 20. Mr. Scott Thomson of KYTC Division of Planning provided the training for MPO/KYTC/LFUCG staff.
- Staff prepared meeting agenda and materials for the April's CMC meeting
- Staff worked on developing a congestion management database that would be used for calculating and documenting congestion management performance measures.

2.2 Transportation Plan Update –

- Travel Demand Model – Staff modeler continues to provide travel demand forecasts upon request and interprets modeling forecast results.
- Staff met with KYTC District 7 to discuss UPL projects.

2.3 Air Quality Activities –

- Staff organized a meeting of the transportation sub-team of the LFUCG Climate Action Plan effort.
- Staff joined a webinar on the benefits of urban forestry in transportation.

2.4 Intelligent Transportation Systems (ITS) –

- Staff monitors ITS topics through federal, state, district and local informational e-mail updates, professional literature, and federal and state Traffic Operations guidance manuals.

3.1 Transportation/Traffic and Land Use Impact Analysis

- Reviewed 15 Subdivision, two Zoning Development Plans, two Board of Adjustment cases, and participated in two (2) review meetings.
- Monitored Urban County Zoning and Subdivision Regulations as submitted as part of Planning Services Section continual and on-going improvement process; meet once a month to discuss transportation, traffic, and land-use and on-site/off-site issues and requirements.
- Traffic counts and roadway functional classification information were provided to development professionals, private consultants, realtors, and to citizens in April.

3.2 Multimodal / Transportation Enhancement Planning / Intermodal Planning –

- Events – Staff worked on event planning for Bike Month and Bike Lexington 2011. A new website www.bikelexington.com was launched in April however. The site will now be available year-round. Bike Lexington's Facebook page had 2,300 members in April.
- Complete Streets – Staff assisted with review and coordination for the Complete Streets project.
- On-road projects – Staff met with Traffic Engineering to implement a grant project to install bicycle detection devices along bike commuter corridors. Staff worked with LFUCG, UK and KYTC to develop and reach a consensus on striping plans to install bike lanes on S Limestone Street from the 2-way split to Avenue of Champions. Staff attended a meeting regarding improvements to the Chevy Chase Intersection.
- Outreach - Staff attended meetings of the Bicycle Pedestrian Advisory Committee. Staff worked with an Engineering Capstone class that developed bicycle facility improvement recommendations for several corridors surrounding the University. Staff hosted a Bike Lexington booth at the Reforest the Bluegrass event and provided information for the UK Pedalpalooza event. Staff was a guest speaker at the KYTC Statewide Planning meeting regarding Complete Streets. Staff met with the Partnership for a Fit KY to discuss Lexington's efforts to improve walkability and bikeability. Lexington will be featured in an upcoming publication they are producing.
- Lexington reapplied to the League of American Bicyclists for designation as a Bicycle Friendly Community (current designation expires in 2011). Our 'bronze' status was re-awarded.

3.3 Transit Planning –

- Staff working on art shelter sites to be implemented in 2011 and 2012. Still pursuing solar information from KU.
- Staff attended regular LexTran Board meeting.
- Geologger training with Scott Thompson from KYTC.

- Staff attended community meeting concerning LexTran's new administration building to be built on Loudon.
- Completing CMAQ grant preliminary site selection submissions for 5 – 8 shelter sites.
- Created new road classes based on KYTC designations of major arteries.
- Completed maps for *Celebration of Disabilities* event at Heritage Hall 4-21-11.
- Staff attended Local Food Summit discussing location and transportation of food products and services.
- Staff attended 2 webinars: CHANGES TO UNSIGNALIZED INTERSECTION METHODOLOGIES and NEW MULTI-MODAL URBAN STREETS METHODOLOGY - PEDESTRIAN, BICYCLE AND TRANSIT METHODS

3.4 Mobility Office Activities –

- Regular mobility office activities continued this month including: creating and sending bills to 12 LexVan coordinators, and processing 11 LexVan payments.
- Received 28 phone calls this month: 2 regional transit, 13 vanpool, 3 new vanpools, 1 transit, 2 other government, 4 carpool, 1 air quality, 1 valley view ferry and 1 regional paratransit.
- Continued Mobility Office Marketing Campaign, running ads on TV, radio and a new text to win \$50 gift cards to BHG restaurants, all with the "Let's Ride" theme.

4.1 Administration –

- Committee meeting packets were prepared and distributed for the following Transportation Planning/MPO meetings held in April: Bicycle and Pedestrian Advisory Committee (BPAC), the Air Quality Advisory Committee (AQAC), the Congestion Management Committee, and the Transportation Policy Committee (TPC).

4.2 Transportation Improvement Programming (TIP) –

- Staff prepared TIP Mod #16.

4.3 Unified Planning Work Program (UPWP) –

Staff finalized the FY 2012 UPWP based on the comments and suggestions received from FHWA and KYTC and presented it to the TPC for approval.

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 re-hearing, 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 JUNE, 2011**

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	June 2, 2011
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	June 2, 2011
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	June 9, 2011
Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	June 16, 2011
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	June 23, 2011
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	June 29, 2011

X. **ADJOURNMENT**

TLW/TM/BJR/BS/src