MINUTES
URBAN COUNTY PLANNING COMMISSION
ZONING ITEMS PUBLIC HEARING

August 25, 2011

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, Chair; Mike Owens; Derek Paulsen; Lynn Roche-Phillips; and Bill Wilson. Absent was Marie Copeland.

Planning staff members present: Chris King, Director; Bill Sallee; Jim Duncan; Barbara Rackers; Jimmy Emmons; Traci Wade; Chris Taylor; Stephanie Cunningham; Janice Westlund; Sharon Buford; Rob Johnson; and Pam Whitaker. Other staff members present were: Rochelle Boland, Department of Law; Captain Charles Bowen, Division of Fire and Emergency Services; Tim Queary, Urban Forester; Jeff Neal, Division of Traffic Engineering; and Bob Carpenter, Division of Building Inspection.

II. **APPROVAL OF MINUTES** – A motion was made by Mr. Brewer, seconded by Mr. Wilson, and carried 8-0 (Copeland absent) to approve the minutes of the July 28, 2011, Planning Commission meeting.

III. **POSTPONEMENTS AND WITHDRAWALS**

1. DMK DEVELOPMENT GROUP, LLC, ZONING MAP AMENDMENT & NEWTOWN SPRINGS (TRILOGY LEXINGTON HEALTH CAMPUS #3) ZONING DEVELOPMENT PLAN

a. MARC 2011-13: DMK DEVELOPMENT GROUP, LLC (9/28/11)* - petition for a zone map amendment from a Single Family Residential (R-1D) zone to a Planned Neighborhood Residential (R-3) zone, for 5.00 net (5.74 gross) acres, for property located at 564 Asbury Lane (a portion of). A conditional use permit has also been requested with this zone change.

LAND USE PLAN AND PROPOSED USE
The 2007 Comprehensive Plan (Sector 7) recommends Low Density Residential (LD) future land use for the subject property, which is defined as 0-5 dwelling units per net acre. The petitioner proposes the rezoning in order to construct a nursing home and assisted living facility, with a total of 90 beds and associated off-street parking.

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

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

1. The request is in agreement with the 2007 Comprehensive Plan, for the following reasons:
   a. The Plan recommends a Low Density Residential future land use, defined as 0–5 dwelling units per net acre, for the subject property. The petitioner has proposed conditional zoning restrictions that would limit the density of residential land use on the property to below the maximum recommended by the Plan.
   b. The Plan's Goals and Objectives support the petitioner's request in the following ways:
      i. Goal #8, Objective F encourages the integration of businesses that are compatible with and support residential areas.
      ii. 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.
      iii. Goal #14, Objective A supports integrating a variety of housing types in close proximity.
      iv. Goal #20, Objective P supports the provision of opportunities to satisfy the community's need for private, non-residential facilities, such as hospitals; nursing homes; and social service facilities, which serve the public but are privately owned, developed and maintained.
      v. The proposed development of the subject property supports these goals by providing a nursing home and assisted living facility in an underserved area of the community, as well as creating a new/modern facility to replace an aging facility, serving the needs of Lexington-Fayette County residents, including Medicaid and Medicare patients.
2. The demographics for Lexington-Fayette County demonstrate that there is a compelling 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 2011-70: Newtown Springs (AMD) (Trilogy Lexington Health Campus #3), 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 twenty-five (25) residential dwelling units shall be permitted on the subject property.
   b. Pole lighting shall be limited to a maximum of 20 feet in height on the subject property, and shall be directed downward and away from any adjoining residential or agricultural use.

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c. 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 development in agreement with the Comprehensive Plan, and appropriate density protections for the closest single family homes proximate to this location.

b. REQUESTED CONDITIONAL USE

1. Assisted Living Facility and Nursing Home

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

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

a. While some necessary public services and facilities are available to the subject property, such as police and fire protection and sewer infrastructure, not all necessary public facilities are available and adequate for the proposed use. Specifically, there are no collector streets in place to permit ambulances and employees to travel to this site without having to traverse local streets designed primarily to provide access to single family homes.
b. This request is premature until Citation Boulevard connects with Silver Springs Drive, which then would provide a direct route for emergency and employee vehicles to access this location without impacting the existing local streets on a daily basis.

c. ZDP 2011-70: NEWTOWN SPRINGS (AMD) (TRILOGY LEXINGTON HEALTH CAMPUS #3) (9/28/11)* - located at 564 Asbury Lane. **(Strand Associates, Inc.)**

Note: The purpose of this amendment is to establish an assisted living facility and a nursing home on the property.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:
1. Provided the Urban County Council rezones the property R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewer information, 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 protection plan/tree inventory map.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Division of Fire's approval of emergency access and fire hydrant locations.
8. Division of Waste Management's approval of refuse collection.
9. Denote tree protection areas and revise tree canopy statistics (existing and proposed).
10. Addition of building dimensions.
11. Addition of floor area statistics.
12. Denote canopy and building heights.
13. Discuss plan status.
14. Discuss right-of-way closure or the need for a waiver.
15. Discuss timing of the construction of needed public facilities.

Petitioner Request: Richard Murphy, attorney, was present representing the petitioner. He said that the petitioner was requesting a one-month postponement of this item in order to attempt to resolve the Subdivision and Zoning Committees' concerns about the need for a connection of this property to Citation Boulevard. The petitioner has been working with the Divisions of Engineering and Planning, and has developed two possible alternatives for making that connection. Mr. Murphy stated that the petitioner is evaluating the costs that would be associated with the possible street construction, as well as some expected utility costs, and is attempting to determine if it would be financially feasible to pursue this project.

Citizen Comments: Joel Corwin, 760 Dawson Springs Way, stated that he resides in the Newtown Springs neighborhood that adjoins the subject property. He said that there are approximately 20 homes in the subdivision, which was "abandoned" by its original developer. The residents of the neighborhood circulated a petition; and, with the exception of two properties owned by the current developer, were unanimous in opposition to the proposed rezoning.

Mr. Corwin stated that there were several residents present at this meeting, and that it had been difficult for them to rearrange their schedules in order to attend. He was not aware of the petitioner's intent to request postponement of

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this item until the evening prior to the hearing, which did not allow him sufficient time to notify his neighbors that they would not need to attend. Therefore, Mr. Corwin said that the residents were requesting that the Planning Commission proceed in considering this item today, so that they could make their case against it. He noted that the issues to which Mr. Murphy referred could then be considered at a later meeting.

Commission Comments: Mr. Owens stated that he appreciated the neighbors' concerns; however, one of the possibilities currently under consideration by the petitioner is to not move forward with this request. He said he believed that it would be more prudent, therefore, to postpone this item in order to allow the petitioner to decide how to proceed. Mr. Owens suggested that the petitioner should attempt to work more closely with the neighbors to provide more advance notice of their intentions in the future.

Action: A motion was made by Mr. Owens, seconded by Mr. Wilson, and carried 8-0 to (Copeland absent) postpone MARC 2011-13 and ZDP 2011-70 to the September 22, 2011, Planning Commission meeting.

2. **THE LEXINGTON HEARING & SPEECH CENTER, INC., ZONING MAP AMENDMENT & ROGERS & CLARK SUBDIVISION, LOTS 21-24 ZONING DEVELOPMENT PLAN**

a. MARV 2011-12: THE LEXINGTON HEARING & SPEECH CENTER, INC. (9/28/11)* - petition for a zone map amendment from a Single Family Residential (R-1D) zone to a Professional Office (P-1) zone, for 0.99 net (1.19 gross) acres, for property located at 154 and 158-162 North Ashland Avenue. Dimensional variances have also been requested with this zone change.

LAND USE PLAN AND PROPOSED USE
The 2007 Comprehensive Plan (Sector 3) recommends Semi-Public (SP) future land use for the subject property. The petitioner proposes to rezone the property in order to renovate the existing buildings for limited professional office uses. The applicant has proposed conditional zoning restrictions and requested multiple dimensional variances in association with the requested zone change.

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

The Staff Recommends: **Postponement**, for the following reason:
1. The staff needs additional time to assess the requested zone change to further consider the existing on-street parking situation along North Ashland Avenue and to conduct site research as to the petitioner's contention that the structures are no longer viable for residential use.

b. REQUESTED VARIANCES

1. Reduce the minimum off-street parking requirements by 50%, from 49 spaces to 25 spaces.
2. Increase the maximum building height from 8 feet to 20 feet for 154 N. Ashland Ave. and from 0 feet to 24 feet for 158-162 N. Ashland Ave.
3. Reduce the minimum side yard for 158-162 N. Ashland Ave. from 12 feet to 9 feet and the side yard for 154 N. Ashland Ave from 12 feet to 2 feet.
4. Reduce zone-to-zone perimeter screening requirements from 15 feet to 0 feet and to eliminate the requirement for trees and shrubs.
5. Reduce the minimum required interior landscaping for the vehicular use area from 5% to 3% for 158-162 N. Ashland Ave.

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

The Staff Recommended: **Withdrawal** of the requested height variance for 158-162 N. Ashland Ave., for the following reason:
a. The requested variance is not necessary because the existing 24' tall structure is located 9 feet from the nearest property line, and the P-1 zone height-to-yard ratio will allow up to 27' tall.

The Staff Recommended: **Approval** of the requested setback and height variance for 154 N. Ashland Ave., for the following reasons:
a. Granting the requested variances should not adversely affect the public health, safety or welfare, nor alter the character of the general vicinity. The existing structures were originally built as residences and have been used as the school and daycare over the past 50 years. The proposed adaptive reuse of these structures is a reasonable justification for the yard and height variances.
b. Approval of the variances will not result in an unreasonable circumvention of the Zoning Ordinance. The purpose of the ordinance related to setbacks and height is to increase compatibility with surrounding uses. The adaptive reuse of these buildings accomplishes the same goal.
c. The special circumstances that apply to the subject properties that serve to justify the variances are the adaptive

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reuse of the existing development.

d. Strict application of the requirements of the Zoning Ordinance would create an unnecessary hardship to the applicant, and would likely lead to destruction of the existing structures.
e. The circumstances surrounding this request are not the result of actions taken by the applicant since the adoption of the Zoning Ordinance.

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

1. Provided the Urban County Council rezones the property P-1; otherwise, any Commission action of approval of this variance is null and void.
2. Should the property be rezoned, it shall be developed in accordance with the approved Development Plan, or as amended by a future Development Plan approved by the Commission, or as a Minor Amendment permitted under Article 21-7 of the Zoning Ordinance.
3. A note shall be placed on the Zoning Development Plan indicating the variance that the Planning Commission has approved for this property (under Article 6-4(c) of the Zoning Ordinance).
4. Prior to any construction, the applicant shall obtain a building permit and all applicable Federal, State, and Local approvals associated with the identified floodplain.
5. The side yard and height variances are conditioned upon the adaptive reuse of the existing structures as depicted on the preliminary development plan. If the structures are to be purposefully demolished, any new structures built on the property shall comply with the required yard and height restrictions in the P-1 zone.

The Staff Recommended: **Postponement** of the requested landscaping and parking variances, for the following reasons:

a. The Landscape Review Committee is scheduled to meet on August 16, 2011, and may make a substantive recommendation on the requested landscaping variances.
b. More time is needed to review the impact that the parking variance may have on the on-street parking on N. Ashland Ave. Public Schools restart on August 11, 2011, and a site evaluation of the on-street parking while school is in session may have an impact on the parking variance recommendation.

c. ZDP 2011-69: ROGERS & CLARK SUBDIVISION, LOTS 21, 22, 23 & 24 (LEXINGTON HEARING & SPEECH CENTER) (9/28/11)* - located at 154-162 North Ashland Avenue. **(Mark McCain)**

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

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 sewer information, 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. Correct plan title.
7. List name and address of developer, if applicable.
8. Denote written scale.
9. Reorient the plan such that the north arrow is toward top of page.
10. Denote: Signage shall be in accordance with Article 17 of the Zoning Ordinance.
11. Correct note #5 and delete tree protection note #7.
12. Denote that there will be reciprocal access and parking.
13. Resolve entrance encroachment into 164 North Ashland Avenue.

Petitioner Request: Bruce Simpson, attorney, was present representing the petitioner. He stated that the staff had previously recommended postponement of this item. Since the Zoning Committee meeting three weeks ago, the petitioner had met with the staff, and had also received several calls from residents of the neighborhood. The petitioner concluded that there was a need for a meeting with the neighborhood, which is now scheduled for September 13th at Heritage Baptist Church. Mr. Simpson sent notification of the petitioner's intent to postpone to each property owner within the 400' radius of the subject property, along with an invitation to attend the neighborhood meeting. The petitioner, therefore, is requesting postponement of this hearing to the September 22nd meeting.

Citizen Comments: There were no citizens present wishing to comment on this request.

Action: A motion was made by Ms. Roche-Phillips, seconded by Mr. Brewer, and carried 8-0 (Copeland absent) to postpone MARV 2011-12 and ZDP 2011-69 to the September 22, 2011, Planning Commission meeting.

IV. LAND SUBDIVISION ITEMS - The Subdivision Committee met on Thursday, August 4, 2011, at 8:30 a.m. The meeting was attended by Commission members: Mike Cravens, Mike Owens and Marie Copeland. Committee members in attendance were:

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Hillard Newman, Division of Engineering; and Jim Gallimore, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Cheryl Gallt, Chris Taylor, Denice Bullock, Jimmy Emmons, Barbara Rackers and Traci Wade, as well as Captain Charles Bowen, Division of Fire & Emergency Services; Debbie Barnett, Division of Water Quality and Rochelle Boland, Law Department. 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 PLAN

a. PLAN 2011-73F: DERBY LANDING (9/25/11)* - located on Derby Landing Circle.
(Council District 10) **(Eagle Engineering)**

Note: The purpose of this amendment is to reclassify the private street to a public street. The Planning Commission postponed this plan at the August 11, 2011, meeting.

The Subdivision Committee Recommended: **Approval**, subject to the following requirements:
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. Urban Forester's approval of tree protection plan.
4. Dash all side and rear lot lines.
5. Correct property owner's certification for dedication of private street.
6. Correct engineer's certification for dedication of private street.
7. Correct Urban County Engineer's certification.
8. Document resolution of acceptance for public street prior to certification.
9. Discuss additional right-of-way dedication to 50 feet.

Staff Presentation: Mr. Emmons presented a rendering of this final record plat, noting that he had distributed copies of a revised staff recommendation to the Commission members prior to the start of the meeting. He briefly oriented the Commission to the location of the subject property north of Harrodsburg Road on Derby Landing Circle, off of Cave Hill Lane.

Mr. Emmons stated that Derby Landing Circle is a small private street, with approximately 23 feet of right-of-way to the back of the curb. It was developed as a private street, but the neighbors recently filed the final record plat to request that it be dedicated as a public street. There are 23 lots on the subject property, which are all zoned R-3.

Mr. Emmons said the staff recommended approval of this plat at the Subdivision Committee meeting three weeks ago. The staff learned at that meeting that some clarification would be needed prior to acceptance of Derby Landing Circle as a public street. He referred the Commission to a copy of a memorandum from Kevin Wente, Administrative Officer, which was prepared on behalf of LFUCG to clarify the actual recommendation from the administration. Since the right-of-way of Derby Landing Circle is to the back of the curb, the sidewalks and utilities are contained in easements. Clarification was needed as to whether the 23 feet of right-of-way would be accepted as a public street as is, or whether additional right-of-way would be required in order to provide the 50 feet that is more typical of a public street.

Mr. Emmons stated that, any time a request to dedicate a private street as a public street is received, it is LFUCG policy for the administration to request recommendations from several different divisions: Planning, Engineering, Streets & Roads, and Traffic Engineering. Those recommendations are received and a single recommendation is made on behalf of the government. With regard to this final record plat, the Division of Engineering did recommend to the Administration that the additional right-of-way be granted. At the Subdivision Committee meeting, it was unclear if the additional right-of-way was recommended or not; since the Subdivision Committee meeting, the staff has met with Mr. Wente, whose recommendation in the findings was to document the Division of Engineering's recommendation for the additional right-of-way, but not to recommend it. The official recommendation from the administration is to accept the existing private street right-of-way, leaving the sidewalks and utilities in easements as they exist today. Mr. Emmons noted that this recommendation is not unprecedented, and that there are several existing subdivisions in Fayette County that have a similar configuration.

Mr. Emmons stated that, based on the recommendation from Mr. Wente, the staff is recommending approval of this final record plat, subject to the eight conditions as listed in the revised staff recommendation. He noted, with regard to condition #3, that a tree protection plan is not required, but the Urban Forester will be required to approve the street tree information for the property.

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Petitioner Representation: Gene Alexander, Eagle Engineering, was present representing the petitioner. He commended the staff for their assistance in bringing this plat today before the Planning Commission. Mr. Alexander stated that he petitioner is in agreement with the staff's recommendation, and he requested approval.

Action: A motion was made by Mr. Brewer, seconded by Ms. Beatty, and carried 8-0 (Copeland absent) to approve PLAN 2011-73F, subject to the eight conditions as listed in the revised staff recommendation.

V. ZONING ITEMS – No such items were presented.

VI. COMMISSION ITEMS

A. GOALS AND OBJECTIVES, 2012 COMPREHENSIVE PLAN

Mr. Duncan explained the contents of the packet that was distributed prior to the meeting and presented a PowerPoint outlining the Comprehensive Plan process and Goals and Objectives status and timeline. He outlined two changes the staff was proposing, including updating the Rural Land Management Plan, which emanated from comments received from two organizations early in August.

Mr. Brewer stated that he had read the comments that were distributed to the Commission members, and he asked for clarification with regard to the differences between those comments, and the proposed new draft Mr. Duncan outlined. Mr. Duncan stated that the first change related to the comment received about accessibility, and the ability of individuals to maneuver through the public and the private realms. The second proposed change, which referred to the Rural Land Management Plan, was based on comments received by the staff in the week prior to today's meeting. Mr. Duncan noted that the staff believes that, by including an update of the Rural Land Management Plan as a Goal of the Comprehensive Plan, the staff and the Planning Commission will be required to address all of the issues that are important to the rural areas.

Mr. Wilson suggested a time limit of three minutes per speaker, in order to ensure that the Commission would have the opportunity to hear everyone who wished to speak. Mr. Brewer recommended that the Commission consider allowing speakers to combine the allowed time if they so chose. A motion was made by Mr. Wilson, seconded by Mr. Brewer, and carried 8-0 (Copeland absent) to impose a three-minute time limit on each speaker, and to allow speakers to combine time if they so chose.

Citizen Comments

Mariana Moore, 1796 Bahama Road, Vice Chair of Rural Land Management Board – "We are an agency and instrumentality of the Urban County Government. Our purpose is the preservation and management of the agricultural, rural, and natural lands within Fayette County. In addition to overseeing the operation of the PDR program, our duties include securing legislation that will promote the mission, goals, and objectives of the PDR ordinance. Earlier this year we unanimously adopted the following resolution which I would like to read for the record." **See Resolution on file with the Division of Planning** dated 8/1/11 signed by Billy F. Van Pelt II, Secretary, which was previously submitted to the Planning Commission on August 23, 2011. (Exhibit 2)

Andy Bollinger – "I am speaking on behalf of my sister, Jessica Bollinger, who is the owner of Carriage Station Farm located on Old Frankfort Pike. She has lived there for over 25 years now. I am specifically here to talk about the theme of Creating Jobs and Prosperity. I want to focus more on agri-tourism." Mr. Bollinger's remaining comments were read from his letter. **See Bollinger letter on file with the Division of Planning**, which was previously submitted to the Planning Commission on August 24, 2011. (Exhibit 3)

Billy Van Pelt – "I will just add a few comments to the presentation made by our Vice Chair. Earlier this year Mr. King and Ms. Boland came to the Rural Land Management Board and asked us to look at the Rural Service Area Land Management Plan as a Board. Our Board formed a committee, a Comp plan update committee, and we did review the Plan. Our committee came back to the full Board with the recommendation that the TDR (Transfer of Development Rights) language be deleted. That was our only recommended change to the Rural Land Management Plan. In saying that, I would ask that you not approve the Goal about updating the Rural Land Management Plan. Updating is not the same as adopting or re-adopting, and I think we need some stronger language. Our Board has already reviewed the Rural Service Area Land Management Plan and we feel like the only change, and our Board voted, that the only change that should be made was to the TDR language. If you decide that the Plan needs to be reviewed again, we would be happy to work with you on that. I would like to respectfully request that you put that back in our Comp Plan update committee of the Rural Land Management Board and let our committee come back to you at a later date with a presentation."

Ginny Grulke, 2050 Delong Road, Executive Director, Kentucky Horse Council – "We are an educational 501(c) (3). We are a state-wide, equine support group. I am a Fayette County resident. I am here to express support for the proposal modification submitted by the Fayette Alliance. I have many colleagues and friends in the thoroughbred industry, and the horse council basically develops programs to support the other breeds of horses in this state. According to a 2005 survey statewide, 80 percent of horses in Kentucky are other breeds other than thoroughbreds; however, in Fayette County those numbers are probably flip-flopped. Last year the World Equestrian Games brought a huge influx of sport horse people. Sport horses, for those of you who are not familiar with the term, refers to Olympic equestrian disciplines: jumping, dressage, cross-country, endurance, driving. We have seen increased interest, already, as the result of the World Equestrian Games. Just earlier this week I met with a group of four people who moved here to Kentucky, to Lexington, in the last two years. One was from Holland, one was from France, one was from Germany, and one was from Pennsylvania. We did have an American in the room. They have a lot of enthusiasm and support for increasing the sport horse business in this county.

Every year thousands of horses of this type go through the Kentucky Horse Park to compete. They come here from Florida, New York, California, and we don't want them to leave. This is an opportunity, if the thoroughbred industry does in fact contract, and leaves farms unoccupied, to infill those farms with sport horse people. These people are very supportive of the industry, they are very dedicated, and they have some new creative ideas. This is agricultural economic development at best. They bring not only horses but jobs and expanded business opportunities. The retrofitting of a thoroughbred farm to a sport horse facility provides more business to existing services in the area. They also use the same infrastructure: pastures, barns, veterinarian services, various services like fencing, feed, supplies, etc. Sport horse is our growth area of the future in this county and we are already working on initiatives to try and encourage those people to come here and stay. In order for us to continue those initiatives and for those initiatives to be successful, we have got to protect our farm land. It has to be protected so they know that once they move in, they won't have development happening left and right of them. I encourage you to emphasize the agricultural land aspect and protection of it in the Comprehensive Plan Update, including the inclusion of a fourth goal and objective as submitted by Fayette Alliance."

Denise O'Meara, 3168 Arrowhead Drive – "I am the education coordinator for Equine Land Conservation Resource, which is a national organization that advocates and educates about land conservation for the purpose of use by horsemen and horsewomen and for the growing of hay and other crops that create feed for horses. This is kind of an issue that comes up in every community. The Comprehensive Pplan needs to support equine opportunities in land and access and the ability to grow crops.

I would like to commend the planning staff for its efforts in reducing the mass and fluff of the Goals and Objectives. I am also a landscape architect and I have done a fair amount of master planning. I know how difficult it is to get through that goals and objectives part and still have it readable so people don't get half way through it and say, "Okay, I have had enough." I think there needs to be a little bit of balance just to take some of the comments that have come up. There are a lot of really, really good suggestions; and most of them, I think, to do with infrastructure, green infrastructure, and land use planning and the rural land protection. All of that is going to end up in the Plan. I think it would help to clarify where this going to show up. I think some people are looking at this draft and seeing these particular issues I am concerned about are not showing up in there. There needs to be a little bit of attention paid to the importance of particular issues; maybe re-word a few of the sections and include some of the terminology like sustainability and whatnot in some of those issues. Overall, I think it is a good idea to reduce the verbiage in the goals and objectives. I just think it needs to be clarified where that is going to happen within the Comprehensive Plan."

Knox van Nagell, 603 West Short Street – "If it is okay, I may use the time of Charlene Mingus and Kathleen Burke who have signed up after me if that is okay. I won't take up all of that time but some of that time. I am here on behalf of the Fayette Alliance. As you know, the Fayette Alliance is Lexington's only land use advocacy group dedicated to promoting a sustainable growth model that benefits all of us for our town¸ our farms, and our future. In furtherance of this mission, we distributed our proposed vision, goals, and objectives draft with cover letter to you earlier this week for your review and consideration. In the interest of brevity I won't address the entirety of these materials, but I will highlight a couple of them for important points. First, the community's vision must be written in a way that balances a vibrant downtown, healthy neighborhoods, farmland preservation, and environmental initiatives with the development of our resources to accommodate growth. This is a proven recipe that will continue to produce an unparalleled quality of life here in Fayette County. In this time of economic recession and uncertainty, our quality of life is our biggest calling card for economic development and job creation, as 70% of workers today pick city first and job second. Where the workers choose to live is where the companies choose to go. So a balanced and sustainable growth strategy is instrumental to becoming a destination for a strong, creative, and recovering economy.

Second, the Goals and Objectives must expressly address the stewardship of our Rural Services Area to affirming the current principles and recommendations of our Rural Land Management Plan. This Plan was adopted roughly 10 years ago after a diverse cross-section of our community, including leaders from the home building, real estate, business, neighborhood, equine, and ag sectors met for two years to determine how best to manage and promote our irreplaceable bluegrass landscape and its various economic, natural, and cultural resources. Their work led to our nationally acclaimed PDR program, the 40-acre minimum rule, one of the largest national historic districts in the United States, and countless other land use policies designed to preserve and enhance our precious farmland and three billion dollar agricultural economy. While the statistical information of the Rural Land Management Plan needs to be updated, the importance of its goals and objectives cannot be overstated and its current principles should be affirmed.

Like Toyota and Lexmark, our equine and general ag industries are major economic drivers that, too, have a factory floor for their business. Instead of bricks and mortar, our signature industries exist, not in a physical building but on our precious bluegrass soils and farmland. Any sound business plan manages and leverages its facilities or factories for purposes of economic growth. Our farms are no different. Although our entire economy is in a state of contraction, from finance and home building to the horse industry, we have even more to lose if we don't mind the store in our rural area.

Here are some key facts about our farms and what they mean to our local economy. Our Rural Services Area supports over 21,000 local jobs, from farm laborers, suppliers, tour guides, lawyers, vets, animal science researchers, and sales agents. Keeneland and Fasig-Tipton are respectively the largest thoroughbred sales agencies in the entire world, last year attracting international investors to Lexington from 49 different countries and selling over a billion dollars worth of thoroughbreds. The thoroughbred industry, as reflected by the recent Keeneland; Fasig; Saratoga; and OBS sales, has stabilized. The average and gross sales numbers have increased 30 to 40% from previous years. While projected foal crops are down, Lexington and the state of Kentucky are still the epicenter of an international industry in breeds, foals, and raises more thoroughbreds than other states combined.

Fayette County is not just about thoroughbreds. We are the largest beef producing state east of the Mississippi River. The Bluegrass Stockyards located in downtown is the second largest stockyard in the United States. Last year it sold roughly 144 million dollars locally and 350 million dollars statewide in cattle alone. Food is a big deal. With grocery prices, transportation costs, and populations reaching record highs, Fayette County farmers are growing more food than ever to satisfy the need, with crop receipts totaling over 14 million. With improved processing, distribution, and marketing systems in place, food could become an incredibly powerful Fayette County industry in the near future. Tourism is huge. The World Equestrian Games had over a $200 million statewide economic impact and jump-started a growing and documented sport horse industry. The Kentucky Horse Park is home to 35 national equine operations, which contribute over $260 million dollars to our local economy. Nearly two million tourists came to our town last year to visit the Horse Park and Fayette County farms, investing needed money in our hotels, restaurants, and local business. Many tourism programs are ongoing. A young program is underway at the Kentucky Thoroughbred Association to aid in booking public horse farm tours. More than 1,200 hours of tours were completed in 2010 alone, and it is growing. This fall the Mayor is convening a committee to examine the challenges and opportunities for agri-tourism in Fayette County. We must balance agri-tainment opportunities with the very real business and legal interest of agriculture.

In light of these facts, the 2012 Goals and Objectives must address the stewardship of our farmland beyond answering the question of not expanding the Urban Services Area. While answering this question was an incredibly important first step, we can now seize the opportunity and spend more calories on the goals and objectives so they provide a clear, thematic blueprint of how we grow and manage our most important community assets over the next several years, from housing and neighborhoods to the environment and farms. The 2006 Comp Plan had over 40 goals and objectives addressing the rural area. The 2012 draft potentially has just one, even in light of the new format. We hope that our bluegrass brand farms and signature industries and other community interests will be given their due. The current draft of the goals and objectives must be both concise and pointed. Otherwise the Comp Plan will be subject to unnecessary legal confusion and wrangling as we adopt future land use policies. Thank you so much for considering our comments here today. We ask that you recommend the adoption of our proposed 2012 goals and objectives draft."

Susan Enlow, 2382 Walnut Grove Lane – "I am the President of Greenbrier Neighborhood Association, but I want to emphasis that my comments today are strictly my own. I can appreciate your efforts. I know a lot of time and thought went into your development of your proposed Comprehensive Plan. I would like to see a little bit more structure in these plans. I see and agree with a lot of what we should do, but I don't see how it's going to happen. Having been through a very long and involved process with our neighborhood and a development that was undergoing a plan adjacent to us, it was very helpful to have more structured guidelines to go by. It helped both the developer's side and the neighborhood's side, get to a point where we could agree on things. We didn't have wrangling or confusion or nebulous interpretation of where we should be. I think it helps to have some handrails. The more subjective plans are, the less it helps us from the neighborhoods to work with the planning division, the Planning Commission, and the citizens in our neighborhood. I agree wholeheartedly with Mayor Gray's comments about maintaining the current boundary for urban services and also to be as creative as we possibly can in infill efforts within the city. I drive around and see every day some place that is stagnant or empty and I think we can do something with that. I think we have a number of those available.

Third, I would like to see the rural services plan developed with input from the rural stakeholders. We are on the edge of the horse farms beginning at Greenbrier and we see the effects of the piano key developments directly down Winchester Road. It happened before planning became much more involved in development in this county. I am sure you have driven by and seen the little tiny houses all in a row. We would like that development to have input from rural stakeholders and the Fayette Alliance recommendations. I would like to know what the specifics are regarding incentives for development and incentives and regulations. I like your bike path coordination efforts. That will cut down on your carbon footprint. Thank you very much."

Andrea Strassburg, 175 Malibu Drive #23, Chairperson, Mayor's Commission for Citizens with Disabilities – "I would like to thank Jim and his people for all the hard work he has put in on this and for the change that was made in Goal D2: to provide *accessible* community facilities and services to meet the needs of Lexington's citizens. That is a great step. I also thank him for mentioning that he wanted more details to be included in the Plan to address our community wanting to use the best practices and wanting to go above and beyond the ADA regulations that are already in place. I think accessibility should be mentioned in the mission statement as well. Other cities that have used the term accessibility in their mission statement see nothing but economic growth; and if it was in the mission statement as well as more goals, you will see your sustainable communities that you emphasize already and you will see your successful neighborhoods. I think that should be one thing that is missing currently in the goals and objectives and in the mission statement. I appreciate you allowing me to take the time to let you know that accessibility is a big deal for people and accessibility only means sustainability in everybody's eyes."

Walter Hillenmeyer, 440 Bristol Road, Fayette County Farm Bureau - Read directly from a letter dated 8-24-11. **See Hillenmeyer letter on file with the Division of Planning** (Exhibit 4).

Ben Kaufmann, 325 South Broadway – "I own several properties including farmland and historic buildings. I am going to follow Susan Enlow's pattern but I want to go on and say that I know Jim Duncan and staff here do a fine job. What I want to get to is specifics. What this is is great ambitions and goals but there is nothing specific about it. I would like to know where you all think we should have certain structures downtown. We finally have some grocery stores, but Lexington has been looking for grocery stores for years. Do we have a good drug store downtown? Do we have dry cleaners? What do we have downtown? We have a bunch of empty lots. Can't we have a game plan as to where we think these places should be? How about low-income housing? How about doctors' offices? How about accessibility to all these items? Everything is kind of general here and nothing is specific. I would like to see something there. I go to other cities all over the world and I see great communities. Lexington is a mismatch and is pretty ugly. Look at Lexington. Go downtown. You have parking lots. What are you going to do with the lot on the corner of Broadway and High Street? It has been sitting there forever. The place as you come into town on Richmond Road where they are going to have a drug store. I am not going to get into the Webbs' property. Where are we? Our government needs to combine the old and the new. You go to England or other countries and you see that. I think we need a game plan for subdivisions and shopping centers. I have no idea how that subdivision got placed out there off of Richmond Road by the park. There is something just not comprehensive and that is what I want to see. I want a game plan."

Bruce Simpson, attorney – "I am here today representing the Crutcher family. I wanted to address the proposed Goal E4 which pertains to maintaining a balance between planning for urban uses and safeguarding the rural land, and specifically E4b about maintaining the current boundaries of the Urban Services Area and rural activity centers. I think it is abundantly clear to me as someone who has been privileged to practice before this body for a number of years and also privileged to practice in a number of counties around Fayette County and far out into the reaches of the State, that in Fayette County over the last 15 years certainly, this community has adopted a very important land use policy of preserving our agricultural land. I have represented interests that have challenged that from time-to-time, but the consensus is something that most of us accept; that in terms of land use decisions, preserving the rural areas is important. Just about everything we have adopted in the last 15 years in terms of land use regulations has underpinned that principle. I am not here today to detract from it or propose changes that would harm it in any way. Fayette County, clearly above all its surrounding counties, has adopted land use policies that further the objective of preserving the rural preservation; more so than its neighbor to the south, which is Jessamine County. In its last Comprehensive Plan update it approved 6,700 acres for one-acre lots. It is amazing the difference in values that people have from one community to the next, about land use. But 6,700 acres for one-acre lots just across the Southpoint line on Nicholasville Road is an incredible drastic difference. Fayette is Fayette. I am here today to share with you that while it is important to preserve these rural interests, it is also important to recognize that we need to be careful that sometimes in our legislation and our policies we can paint with too broad a brush and we can lose opportunities that create economic development, enhance our environment, and not hurt existing property owners and provide much needed job opportunities, by not allowing a minor amendment if it can be documented, if compelling evidence can be presented, that fulfills those terms and conditions I just met, that it at least ought to be considered.

These are changing economic times, to be sure, but if you have property surrounded by the Interstate, surrounded by major arterials, surrounded by other urban zoned uses, and clearly not appropriate for agriculture use, to have a prohibition against any consideration of a change of a minor nature, I believe does injustice to that property owner and does injustice to this community in terms of losing opportunities for employment that it otherwise would have. I would ask for a minor amendment. I will be submitting that to the Council as they consider your draft that is before this body today. I thank you for your attention."

John Tucker – "I have heard several proposals presented here today and I have read over the comprehensive goals and plans and objectives and I kind of agree with Mr. Hillenmeyer and the Fayette Alliance. Some of these things need to be drawn out that we need to be a little bit more cut and dried of what we are doing instead of being so broad. I have been dealing with an issue that has been going on now for over 12 years. I am actually going to get one of them going to court because they didn't obey the law that you all have passed. It has been a big joke. I think that is a little bit long. That is what we are trying to say. I agree with Mr. Kaufmann. When we do something, we need to know what the law is and don't be so broad with it. Let's have it cut and dried and explain to the people. Let the people know what they are getting into. That is what the goals should be. When you come and read this thing if that is what it says it is, then that's the way it is. What we find out is that sometimes these zones get approved and then they change with amendments. The amendments sometimes hurt other people in the meantime, and that's basically where I am at. So I am here today, and I have listened to your goals and all, and I agree with the Fayette Alliance proposal that we need to make this a little bit broader with the aspect that we are making it cut and dried. No 'if' situation. Let's do it that way or no way. Let's make a plan. I thank you for your time."

Commission Discussion – Mr. Brewer stated that he would discourage trying to run through this and trying to finalize anything today. He said that he thought the Planning Commission needed to give all the excellent comments due consideration. He proposed that the Commission come back next week, or as soon as possible, with a work session to hash out the issues.

Ms. Beatty echoed Mr. Brewer's comments. She thanked those who made comments, and noted that this would give the staff and the Planning Commission the opportunity once more to go back, take a look, and tweak the Goals and Objectives a bit more, even though a great deal has already been accomplished.

Mr. Owens echoed the sentiments of Mr. Brewer and Ms. Beatty. He said that he would like to have some more time to digest the information presented today, particularly a letter received from the Homebuilders Association of Lexington. Mr. Owens asked, with regard to Mr. Van Pelt's comments about the Rural Land Management Plan, if the PDR program is actually considered part of that plan.

Mr. Van Pelt stated that he had followed the direction given by Ms. Boland in a presentation she made to the Rural Land Management Board earlier this year, at which time the Board was directed to review the Rural Service Area Land Management Plan. The Board formed a Comp Plan update committee, which reviewed the Rural Land Management Plan and directed some questions to Mr. King. The committee made a recommendation to the full Board, and the Board unanimously agreed, to adopt a Resolution that only the proposed change to the TDR language should be made to the Rural Service Area Land Management Plan at this time. Mr. Van Pelt suggested that, if the Commission would like to work with the Rural Land Management Board, they could put the Comp Plan update back into committee and discuss those issues with the Commission at a later date.

Mr. King stated that there seemed to be some confusion, not only from the speaker but also from some of the other speakers, as to where the Comp Plan was and what was before the Commission. He noted that the only thing before the Commission today, and the only thing being heard, was the draft statement of Goals and Objectives; there was no reference within those Goals and Objectives about the Transfer of Development Rights (TDR) within the Rural Land Management Plan. As Mr. Duncan noted in his presentation, the more detailed information will be forthcoming in the next phases of the Comp Plan process, and the Goals and Objectives will be a mere fraction of the entire Plan document. Mr. King noted that, at any point when those details touch on issues, for instance, that affect the Rural Land Management Board, their operations, the PDR program, or updating the Rural Land Management Plan, representatives of those bodies will be included in those conversations, as will others. He reiterated that the only thing before the Planning Commission at the present time was the Goals and Objectives element, which much be adopted first, before they could proceed with the other Plan elements, which logically follow the Goals and Objectives. Mr. King said that he hoped that that had provided some clarification that the Goals and Objectives element is really just the beginning of a much longer process.

Mr. Van Pelt stated that he would like to have the opportunity to take a more proactive, holistic approach to the Rural Land Management Plan, rather than being in a reaction posture. He said that he believed that it would be more appropriate for the Board to consider the Comprehensive Plan as a whole, determine which issues need to be discussed, and make one presentation to the Planning Commission, rather than addressing issues separately as they arise. There were also some concerns about the use of the word "adopt," rather than "update."

Ms. Roche-Phillips stated that she believed that, although the draft Goals and Objectives refer to maintaining the current boundaries of the Urban Service Area and rural activity centers, they do not explicitly address the Rural Land Management Plan and that such a statement should be incorporated into the draft. She asked if it was correct that, by supporting the Rural Land Management Plan, the Commission would be implicitly supporting PDR; and if PDR was a stand-alone ordinance and executed implementation strategy of the Rural Land Management Plan.

Mr. Van Pelt agreed that PDR was a stand-alone ordinance, and a fully implemented strategy of the Rural Land Management Plan. He added that one of his major concerns was that the PDR program or the rural area or the Rural Service Area Land Management Plan are mentioned on nine pages of the Goals and Objectives of the 2007 Comprehensive Plan, but the draft Goals and Objectives are too vague. The Rural Land Management Board would like to have the opportunity to further address their concerns to the Planning Commission.

Ms. Blanton stated that the old Goals and Objectives were 34 pages long, which gives people an idea of the magnitude of the 2007 Comprehensive Plan. She said that she was concerned about not updating the Rural Service Area Plan, since it is already 12 years old, and will be 17 years old by the time this process comes around again. Ms. Blanton addressed the other Commission members, noting that the hearing is closed, and that this was the time to address any final tweaks necessary to the draft Goals and Objectives.

Ms. Roche-Phillips said that she believed that it would do the Commission, as well as the public, a lot of good to be able to digest and methodically go through each one of these comments, and try to incorporate them into the Goals and Objectives to the best of their ability.

Mr. Cravens stated that it seemed that the Commission was indicating that they would like to take all of these good comments and schedule a work session at which to discuss them. He asked if a motion would be necessary to do that. Mr. King stated the Commission would not need a motion, as long as they were satisfied continuing with their regular schedule, since a work session was scheduled for Thursday, September 15. He noted that the Commission could address the draft Goals and Objectives today, or at that work session. They could not vote on anything officially at that work session, but they could reach some agreement on changes in language, to then bring back for final action at the official meeting on September 22.

Mr. Cravens asked if there was any time limit in which the Commission was required to forward this draft to the Council. Mr. King answered that the Commission was not on any time limit, but noted that the entire rest of the plan process, which was the bulk of the plan, would be hostage to the completion of the Goals and Objectives process. The final Goals and Objectives, following Council's approval, will inform the rest of the decisions that the Commission must make on the remaining plan elements. Mr. King noted that the staff had hoped that the Goals and Objectives would be completed through the Council by the end of the year; postponing the Commission's final recommendation could prevent that timeline from being achieved.

Mr. Cravens stated that he believed that the Commission's intent was to streamline the Goals and Objectives, and then provide more detail in the body of the Plan. Mr. King agreed that that was the philosophy that the Commission started out with in trying to streamline the Goals and Objectives, while moving a lot of the specifics to the other elements of the Plan. He said that, as a body, it was the Commission's decision as to what set of Goals and Objectives they want to recommend to Council.

Ms. Roche-Phillips asked if it was statutorily imperative that the Goals and Objectives be adopted by the Council prior to proceeding with the rest of the Plan. She inquired whether it would be possible, while the Commission considers the Goals and Objectives, to still get data and reports from the staff on the other elements of the Plan. Mr. King answered that that was certainly possible, but noted that the statute does require that the Plan has to logically flow from the Goals and Objectives. He said that some of the Commission's work might conflict with the Goals and Objectives adopted by Council, and they would then have to backtrack.

Ms. Roche-Phillips opined that she believed that it was worth the risk. She asked if the Commission should consider rescheduling the work session to the evening hours, when people would not have to take time off work to attend.

Mr. Cravens stated that the Commission would have to schedule a separate meeting for that, and that it would be entirely up to the majority of the Commission. He noted that he, and all of the other Commission members, regularly take time off work to attend meetings.

Ms. Blanton said that she believed that, since this was the public hearing, some decision would be made at this meeting. She said that she hoped that, if the Commission did choose to consider the Goals and Objectives at their work session, that the Commission could get through any necessary internal discussion and come to some consensus fairly quickly in order to move forward, since time was of the essence. She also noted that she did not believe that the staff should try to move forward with the Plan during this time, since she did not believe that it would be a good use of their time to have to re-do any work that could by affected by any changes to the draft Goals and Objectives.

Ms. Beatty agreed, and noted that she did not believe the Commission should prolong their consideration of the Goals and Objectives. She said that the Commission should be able to read over the comments from today's meeting, quickly resolve any necessary changes at their work session, and move forward.

Mr. Owens agreed that the Commission should not need a great deal of time to consider possible revisions to the draft at their next work session. He noted, with regard to Ms. Blanton's comments that the 2007 Goals and Objectives were 34 pages long, that the draft Goals and Objectives are only four pages long, and he believed that the Commission could strike a balance with just a few tweaks to the draft at their next work session.

Mr. Cravens asked if the Commission members felt that they could review the comments from today's meeting prior to their September 15th work session, then be prepared to make a recommendation on the draft Goals and Objectives at their September 22nd meeting. The Commission members agreed.

Mr. King noted, for clarification, that the Commission had held the public hearing required by statute, and had closed the public hearing. He said that, since the Commission had to take action at a public meeting, the staff would put this on the agenda for their September 22 normal public meeting, but would not advertise it as a hearing on the Goals and Objectives, because they had held and concluded that today. Mr. King noted that the Commission could choose to re-open the discussion for comment at their work session, which will be an open public meeting, although it will not be televised. At the work session the public will be welcome to attend and observe as the Commission moves through and discusses these changes and tries to put them together for consideration on September 22nd.

Mr. Cravens noted that the public can still submit written comments, which he likes to receive, because he can review them and have a good record of the discussion. He reiterated that the work session would be held on September 15th, and the Commission would try to conclude their consideration of the draft Goals and Objectives with a recommendation on September 22nd.

B. **RESOLUTION FOR FORMER PLANNING COMMISSION MEMBER** – Chairman Cravens stated that, at this time, the Commission and the staff would like to take an opportunity to honor Ed Holmes for his service to the Planning Commission and the Lexington-Fayette County community. Mr. Holmes joined Mr. Cravens and the other Commission members at the podium, where Mr. Cravens read the resolution for him, a copy of which is filed with the minutes of this meeting. Mr. Cravens thanked Mr. Holmes for his years of service, and offered him the opportunity to speak, if he so chose.

Mr. Holmes stated that he would like to thank his fellow Commission members and the staff. He said that it had been a pleasure to work with everyone, and that he had a great appreciation for Mr. King and the staff for all of the work that they do.

VII. **STAFF ITEMS** – No such items were presented.

VIII. **AUDIENCE ITEMS** – No such items were presented.

IX. **MEETING DATES FOR SEPTEMBER, 2011**

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street)……………………..	September 1, 2011
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street)………………………	September 1, 2011
Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers…………………………	**September 8, 2011**
Work Session, Thursday, 1:30 p.m., 2nd Floor Council Chambers……………………………………………………	September 15, 2011
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers………………………………	**September 22, 2011**
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street)………………….	September 28, 2011
Work Session, Thursday, 1:30 p.m., 2nd Floor Council Chambers……………………………………………………	September 29, 2011

X. **ADJOURNMENT** – There being no further business, Chairman Cravens declared the meeting adjourned at 3:25 p.m.

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Mike Cravens, Chair

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Lynn Roche-Phillips, Secretary