

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

December 15, 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: Will Berkley; Carla Blanton; Marie Copeland; Mike Cravens, Chair; Mike Owens; Derek Paulsen; Frank Penn; Lynn Roche-Phillips; and William Wilson. Absent were Eunice Beatty and Patrick Brewer.

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

- II. **APPROVAL OF MINUTES** – No such items were presented.

- III. **POSTPONEMENTS AND WITHDRAWALS** – Requests for postponement and withdrawal will be considered at this time.

- IV. **ZONING ITEMS** - The Zoning Committee met on Thursday, December 1, 2011, at 1:30 p.m. in the Division of Planning Office. The meeting was attended by Commission members Carla Blanton, Patrick Brewer, Mike Cravens, Lynn Roche-Phillips, and Bill 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

1. **WHAYNE SUPPLY COMPANY ZONING MAP AMENDMENT**

- a. MAR 2011-19: WHAYNE SUPPLY COMPANY (1/29/12)* - petition for a zone map amendment from a Light Industrial (I-1) zone to a Heavy Industrial (I-2) zone, for 10.59 net and gross acres, for property at 195 Lisle Industrial Avenue (a portion of).

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan recommends Light Industrial land use for the subject property. The petitioner proposes a restricted Heavy Industrial (I-2) zone in order to allow for the expansion of the existing facility.

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

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

1. A restricted Heavy Industrial (I-2) zone is appropriate and the existing Light Industrial (I-1) zone is inappropriate for the following reasons:
 - a. The change of zoning proposed for the subject property will make it consistent with the rest of the applicant's parcel, as well as property zoned to the southwest and southeast of this location.
 - b. The proposed expansion of the existing facility and land use onto the rear portion of the property should not create any additional nuisance in the immediate area if appropriate conditional zoning restrictions are established for the land closest to the existing residential development to the northwest.
 - c. The proposed land use and the existing dealership and equipment rebuilding facility are unique to the community and cannot be fully realized in the existing I-1 zone.
 - d. Although a 50-foot extension of the proposed land use into the rear portion of the split-zoned parcel could be granted by the Board of Adjustment (as a conditional use), that would still severely restrict the subject property and not meet the true needs of the applicant's business.
2. Several Objectives to Goal 11 of the adopted 2007 Comprehensive Plan would be advanced by the proposed use of the subject property for the manner proposed by the applicant, instead of outdoor storage under the current zoning of the property.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use and buffering restrictions are proposed for the subject property via conditional zoning:

A. **Within 200 feet of any residential zone:**

- i. The use of the property shall be restricted to only those uses permitted in the Light Industrial (I-1) zone.

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B. Prohibited Uses:

- i. Bottle making
- ii. Brewery, winery or distillery
- iii. Correctional institutions
- iv. Nitrating processes
- v. Railroad roundhouse or yards
- vi. Stadium
- vii. Manufacturing of any of the following: acid (non-erosive); asbestos; briquettes (from previously prepared charcoal); candle or sperm oil; canvas; carpet or rug; coke (coal by-product); disinfectant, insecticide or poison; dye (or dyestuff) or printing; fertilizer; glass fiber; glucose; hair; leaf mold and similar plant processing; matches; paper or pulp; perfume; starch or sugar refining; and textiles.

C. Landscape Buffer:

- i. A twenty-five foot (25') landscape buffer shall be established and maintained along the northwestern property lines, adjacent to the Planned Neighborhood Residential (R-3) zone. The established tree line shall be maintained in this buffer area along this property boundary, and the required property perimeter (zone-to-zone) screening per Article 18 shall be provided parallel to the established tree line. Dead or diseased trees may be removed as necessary, with the prior approval of the Urban Forester.

D. Open Space Buffer:

- i. A twenty-five foot (25') buffer shall be established along the alluvial soils area as designated by the topographic and soils floodplain mapping in the Division of Planning. This buffer area shall be devoid of parking, outdoor storage, and permanent structures.

These restrictions are appropriate and necessary for the subject property to limit uses of the subject property to those more closely recommended by the 2007 Comprehensive Plan for this location, to protect the existing Townley Park development to the northwest from the most intensive and nuisance-creating I-2 land uses, and to protect the existing environmentally sensitive areas on the site.

Staff Presentation: Ms. Wade presented the staff report, noting that the staff had distributed their revised conditional zoning recommendation prior to the start of the hearing. She briefly oriented the Commission to the location of the subject property, explaining that it is located on the rear portion of the property at 195 Lisle Industrial Avenue, which is a connector street between Leestown Road and South Forbes Road. Although the subject property has frontage on Lisle Industrial Road, this rezoning request involves approximately 10 acres on the rear portion of the property. Ms. Wade said that in the general vicinity of the subject property are the Townley Park subdivision to the north; a Kroger shopping center, to the northeast; and I-2 zoning to the southwest, extending to Old Frankfort Pike and New Circle Road. Also located on Lisle Industrial Avenue are the Town Branch Wastewater Treatment Plant, a cemetery, the Bluegrass Stockyards, and a number of other industrial uses, as well as a small amount of P-1 and B-1 zoning along Leestown Road. Although there are other types of uses located in the area, it is predominantly characterized by Light Industrial uses.

Ms. Wade stated that the primary use of the subject property is for industrial vehicle and equipment rebuilding; the petitioner is the local Caterpillar sales dealership, equipment rental, and heavy equipment rebuilder, serving central and eastern Kentucky. There are also several accessory Heavy Industrial uses located on the subject property, including a metal workshop; iron storage and baling; and storage of cloth and rags, which are all principal uses in the requested I-2 zone as well. Ms. Wade said that the rental and sales portion of the petitioner's operations is located at 181 Lisle Industrial Avenue, but that portion of the business currently uses the subject property for storage of the vehicles when they are not being rented. The portion of the property proposed for rezoning is devoid of structures, but gravel has been laid to provide for circulation and parking areas. In addition, a large drainage area crosses the property from the Meadowthorpe subdivision and leads to the water treatment facility, although that stormwater is not treated at that facility. The petitioner would like to be able to use the entirety of their property, rather than trying to separate the uses into the I-1 and I-2 zones. If this rezoning request is approved, the petitioner would be able to use the entirety of the property, and further their service of the heavy equipment industry in the region. Ms. Wade noted that the petitioner has submitted proposed conditional zoning restrictions with this request, which would eliminate 26 of the potential principal uses in the I-2 zone.

Ms. Wade presented the following photographs of the subject property: 1) the front entrance to the petitioner's property on Lisle Industrial Avenue; 2) the approximate location of the zone line between the I-1 and I-2 areas on the property; 3) the area proposed for rezoning to I-2; 4) the stormwater drainage area, noting the potentially environmentally sensitive brushy areas that had been partially cleared, and the berming and silt fabric intended to protect the stormwater flow.

Ms. Wade said that the 2007 Comprehensive Plan recommends Light Industrial land use for the property in its entirety, including the parcel proposed for rezoning to I-2. She explained that the Light and Heavy Industrial land use categories differ slightly. The Heavy Industrial uses tend to have a high potential for nuisance factors such as noise, odor, or vibration; and, they are more likely to include the manufacturing of goods from raw materials into a finished or semi-finished product. In addition, the Heavy Industrial use category typically encompasses some of the rare or unique uses in the community, such as mining operations, sanitary sewer treatment plants, or power production facilities.

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Ms. Wade stated that the existing I-1 zoning is in agreement with the recommendations of the Comprehensive Plan, so the Planning Commission must consider whether the current zoning is inappropriate, and the proposed I-2 zoning is appropriate. She said that the Zoning Ordinance does allow an expansion or extension of a use through an application to the Board of Adjustment. In this case, however, a 50' extension would only encompass a portion of the 10-acre parcel that the petitioner would like to utilize. The staff believes, therefore, that such an extension could prove to be just a short-term solution for the petitioner. The staff does not believe that the petitioner's proposal to rezone a portion of their property would create an additional nuisance in the immediate area; and that, with conditional zoning restrictions in place, the I-2 zone could be appropriate at this site.

Ms. Wade said that the proposed conditional zoning restrictions could help to protect the residential development that is currently underway in the adjacent Townley Park development. At the Zoning Committee meeting, the staff recommended a 200' boundary, in which the uses would be limited to those allowed in the I-1 zone, adjoining the R-3 zoned properties to the northwest. The staff also recommended establishing a 25' vegetative buffer along that boundary, which would mimic the existing buffer on the Townley Park side and would provide a visual buffer for the residential uses. In addition, the staff suggested a conditional zoning restriction to protect the stormwater drainage and alluvial soils areas on the property. When the staff researched the alluvial soils, however, they determined that those soils exist well beyond the limits of the drainage area. The Zoning Ordinance and the Stormwater Manuals would provide protection for the alluvial soils area if it was ever proposed to be developed with structures, so the staff's concerns for that portion of the property center on the protection of the water.

Ms. Wade stated that, in considering the proposed rezoning, the staff believes that, since most of the area surrounding the subject property is zoned I-2, the rezoning would not make the property incompatible with its surroundings. The staff also believes that Goal 11 of the 2007 Comprehensive Plan, which pertains to economic development, will be furthered through the rezoning of the subject property, particularly with regard to the Objective that speaks to retaining and expanding existing local industries and providing for diverse business and employment opportunities.

Ms. Wade stated that, since the Zoning Committee meeting, the staff has considered the conditional zoning restriction that relates to the drainage area, and found that the proposed 25' is appropriate, but the buffer should be measured from the top of the bank at the edge of the stormwater drainage area. The petitioner was concerned about some proposed conditional zoning restrictions, so the staff is now agreeable to changing item "d" to denote that the 25' buffer area should be devoid of overnight parking, rather than all parking; to eliminate storage of fluid or liquids; and to restrict the area from all permanent structures. With those changes, the staff is recommending approval of this request, for the reasons as listed in the staff report. Ms. Wade noted that, since the petitioner proposed conditional zoning restrictions for the entire property, item "b" in the list of conditional zoning restrictions refers to uses that the petitioner is willing to restrict from the rest of their property.

Petitioner Representation: Steve Ruschell, attorney, was present representing the petitioner. He stated that the petitioner is in complete agreement with the staff's recommendations, and he requested approval.

Mr. Ruschell stated that the staff had worked with the petitioner to get to this point in the process, and he complimented Mr. Martin and Ms. Wade for their willingness to work with the petitioner in order to develop a recommendation that would benefit his client and the community. He said that the petitioner's company has been in existence for 98 years, and has been a corporate citizen in Lexington-Fayette County since the 1950s.

Citizen Comment: No citizens were present to comment on this item.

Commission Questions: Mr. Penn asked if the petitioner intends to build any structures on the portion of the property proposed for rezoning to I-2. Mr. Ruschell answered that the petitioner hopes to build a structure there at some point, but has no concrete plans at this time. He added that the petitioner's operation has been hampered by the split zoning of the property for many years. Mr. Penn commented that it is unusual for the Commission to review a rezoning request without a development plan.

Action: A motion was made by Ms. Blanton, seconded by Mr. Penn, and carried 9-0 (Beatty and Brewer absent) to approve MAR 2011-19, including the revised conditional zoning restrictions as proposed by staff.

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

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- (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. TRINITAS VENTURES, LLC, ZONING MAP AMENDMENT & ANGLIANA AVENUE – TRINITAS HOUSING PROJECT ZONING DEVELOPMENT PLAN

- a. MAR 2011-18: TRINITAS VENTURES, LLC (1/29/12)* – petition for a zone map amendment from a Heavy Industrial (I-2) zone to a High Rise Apartment (R-5) zone, for 8.10 net (8.29 gross) acres; and from a Wholesale & Warehouse Business (B-4) zone to a High Rise Apartment (R-5) zone, for 2.03 net (2.4 gross) acres, for property at 474, 497 & 498 Angliana Avenue.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 5) recommends Office/Warehouse (OW) and Downtown Master Plan (DTMP) future land uses for the subject property. The petitioner proposes an R-5 zone in order to develop a multi-family residential complex with 280 dwelling units (with 700 bedrooms) for a residential density of 27.6 units per net acre.

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

The Staff Recommended: **Approval** for the following reason:

1. Although the requested High Rise Apartment (R-5) zoning for the subject property is not in agreement with the 2007 Comprehensive Plan, a zone change request has been granted in the immediate area that has created major changes of a physical and economic nature and that has altered the basic character of the area which were not anticipated by the 2007 Comprehensive Plan. The rezoning of adjacent properties to an R-4 zone, and the subsequent residential development on Angliana Avenue, has altered the type and character of land use in this area over that recommended by the 2007 Plan.
 2. This recommendation is made subject to approval and certification of ZDP 2011-99: Angliana Avenue – Trinitas Housing Project 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 2011-99: ANGLIANA AVENUE – TRINITAS HOUSING PROJECT (1/29/12)* - located at 474, 497 & 478 Angliana Avenue. **(Brandstetter Carroll)**

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

1. Provided the Urban County Council rezones the property R-5; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm, 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. Discuss pedestrian safety improvements to Angliana Avenue.
8. Resolve common access easement and utility easement conflict with parking at time of Final Development Plan.

Zoning Report: Ms. Wade began the staff's report and presentation of this rezoning request by explaining that the subject property is comprised of three parcels located on Angliana Avenue. She briefly oriented the Commission to the location of the subject property, noting that South Broadway is located to the south; the Norfolk-Southern rail yard is located to the east of the rear portion of one of the parcels; Versailles Road is to the north; and Angliana Avenue is a connector street between Versailles Road and South Broadway. Zoning in the vicinity of the subject property includes the Red Mile property, which is split-zoned A-U and MU-3; the Curry Avenue area is zoned B-4; the property directly to the north is comprised of three parcels that constitute the 524 Angliana apartment complex, 2/3 of which has been constructed at this time. Further along Angliana Avenue to the north are an equipment sales establishment and some warehouses, which are zoned I-2, and some single-family residences that are zoned for business use. A gas station and several other businesses are located at the intersection of Angliana Avenue and Foreman Avenue with South Broadway.

Ms. Wade stated that the petitioner is proposing to develop a multi-family apartment complex on the subject properties, with a total of 278 dwelling units containing 699 bedrooms, at a residential density of 27.4 units per net acre. Two of the parcels currently have structures on them: a vacant tobacco warehouse, and a vacant beer distributorship. Ms. Wade displayed the following photographs of the subject property and surrounding area: 1) a view of the existing warehouse on the parcel located on the east side of Angliana Avenue; 2) a view of the same structure, look-

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ing toward Versailles Road to the north; 3) a view of the same structure, looking toward the south; 4) a view from the existing entrance to the subject property, noting the existing apartment complex across the street; 5) a view of Angliana Avenue toward Versailles Road, noting the new apartments in the vicinity; 6) a view from Curry Avenue, looking toward South Broadway, noting the existing Speedway convenience store and gas station and the Newtown Crossing apartment complex; 7) a view of the former beer distribution facility on the west side of Angliana Avenue; 8) a view toward Curry Avenue, along the rear of the existing warehouse; and 9) a view of Curry Avenue, noting the half-section improvements that were constructed as part of the development of the new apartment complex.

Ms. Wade said that the 2007 Comprehensive Plan has a split recommendation for the three parcels that comprise the subject property. Two of the parcels fall within the Office/Warehouse land use category, and the larger parcel falls within the Downtown Master Plan category. The Office/Warehouse category was created when the South Broadway Corridor Plan was adopted in 1990; and it became a part of the 1996 Comprehensive Plan. Ms. Wade explained that the properties on the west side of Angliana Avenue have been recommended for the Office/Warehouse mixture of uses since the adoption of that corridor plan in 1990. The Downtown Master Plan category is coincident with the Lexington Downtown Development Authority's study area for the Downtown Master Plan (DTMP), and it is intended to reflect the land use relationships identified within that Plan. The Design Concepts portion of the DTMP recommends that Angliana Avenue remain an industrial district, noting that many of the existing uses are industrial and should remain as such. The DTMP also noted that the abandoned warehouses on Angliana Avenue should be adaptively re-used, if possible.

Ms. Wade stated that the proposed R-5 zone would not be in agreement with the recommendations of the 2007 Comprehensive Plan. Therefore, the Planning Commission should consider either the appropriateness of the proposal, or whether there has been a major physical, social, or economic change in the area that was not anticipated by the 2007 Comprehensive Plan. Since the 2007 Comprehensive Plan was adopted, the 524 Angliana apartment complex was partially constructed on three parcels that encompass approximately 15 acres, contrary to the Plan's recommendation for Office/Warehouse use. The Planning Commission determined in late 2007 that the High Density Residential land use was more appropriate than the Office/Warehouse use recommended by the Comprehensive Plan, due in part to the Red Mile Development Plan and its recommendation for a mixed-use and entertainment area. The staff believes that that decision by the Planning Commission and the Urban County Council constitutes a major change of a physical and economic nature in the area, which was not anticipated by the 2007 Comprehensive Plan. The petitioner also contends that the proposed R-5 zoning is appropriate at this location, based on the other zone changes for apartment complexes in the vicinity. Most of those rezonings were from either a B-4 or I-2 zone to an R-4 or R-5 zone. Ms. Wade said that, in addition, there is a demonstrated demand for housing oriented toward University of Kentucky students. The petitioner also contends that the subject properties have had several redevelopment opportunities, none of which have come to fruition; and, that the proposed development would further Goal 8 of the Comprehensive Plan, which pertains to infill and redevelopment and the reuse of underutilized properties.

Ms. Wade said that the staff presented information at the Commission's zoning hearing one month prior to this hearing to provide the total number of existing dwelling units and bedrooms in the vicinity of the subject properties, because there have been some concerns about the concentration of student housing in this one area. She said that the staff determined that there was a total of 2,155 dwelling units that have been constructed in the general vicinity, for projects that are included as part of a development plan. Those 2,155 dwelling units include a total of 5,260 bedrooms. There are two developments that have been proposed, but not constructed, which would include an additional 420 dwelling units, and 1,152 bedrooms. Construction of the proposed development would result in a total of 2,850 dwelling units, with just over 7,000 bedrooms, in the area surrounding the subject property. Ms. Wade noted that any of those developments are not restricted to students, but they can be occupied by anyone.

Ms. Wade concluded the staff's report by stating that, although the requested R-5 zoning is not in agreement with the recommendations of the 2007 Comprehensive Plan, there has been a major physical and economic change in the immediate area. She displayed a 2007 photograph of one of the subject properties, noting the area that was formerly occupied by a vacant warehouse but is now the location of a new apartment complex. In addition, a portion of Curry Avenue has undergone significant half-section improvements as part of the 524 Angliana project, and the petitioner has committed to provide the other half-section improvement to complete the 90-degree turn from Curry Avenue to Angliana Avenue. The staff believes, therefore, that the rezoning of the adjacent properties to R-4, and the subsequent residential development, has changed Angliana Avenue and altered the type and character of uses in the area. The staff and the Zoning Committee recommended approval of this request, for the reasons as listed in the staff report and on the agenda.

Commission Question: Mr. Paulsen asked if the subject property is located within the defined Infill & Redevelopment area. Mr. Sallee answered that the Infill & Redevelopment Area extends all the way through this area as far as the Red Mile property.

Development Plan Report: Mr. Martin presented the corollary preliminary development plan, briefly orienting the Commission to the location of the subject property. Using the rendered development plan, he explained the pro-

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posed building configurations; the location of the parking areas; and ingress and egress locations. The petitioner proposes to construct four buildings, 48 feet in height, for a total of over 350,000 square feet in size. The petitioner is also proposing 545 parking spaces to serve those buildings.

Mr. Martin stated that the Subdivision Committee recommended approval of this preliminary development plan, subject to the eight conditions listed on the agenda. He explained that the first six conditions are "sign-offs," which are typically included on any preliminary development plan. Condition #8 refers to an existing access and utility easement for the two adjoining parcels, which is in an area proposed for parking on this development plan; that conflict will need to be resolved at the time of the final development plan. Condition #7 concerns the need for pedestrian safety improvements along Angliana Avenue. Mr. Martin stated that the Planning Commission had approved a plan at their December 8th meeting which included a crosswalk and pedestrian median along Angliana Avenue. The petitioner is proposing to provide the same improvements along their Angliana frontage as well. In conjunction with those improvements, the staff expects that, at the time of the final development plan, one of the proposed access points to the subject property will be relocated in order to better line up with Curry Avenue, and a four-way stop will be installed there. That four-way stop should provide significant traffic calming and improve pedestrian safety in the area.

Mr. Martin said that, at the Subdivision Committee meeting, there had been considerable discussion about the provision of a LexTran bus stop on the subject property. He displayed a LexTran map depicting the existing routes in that area, noting that Route 15 runs along Angliana Avenue to Versailles Road, where it then loops around Red Mile Road to the UK campus. LexTran maintains that route during the spring and fall semesters at UK, on a 15-minute schedule.

Commission Questions: Mr. Paulsen asked why LexTran does not run Route 15 during the summer semester. Mr. Martin answered that he believes it is due to lack of ridership. He added that the University provides a free "CATS" route during the evenings that runs past the subject properties as well.

Mr. Penn asked if parking on Curry Avenue would be limited to one side of the street only as part of the proposed development. Mr. Martin responded that parking on Curry Avenue is currently limited to only one side only. Mr. Penn said that he had driven down Curry Avenue and noted that cars were parked on both sides, which made it very difficult to navigate. Mr. Martin said that that is an enforcement issue that will require follow-up.

Traffic Impact Study Report: Mr. Sallee noted that the staff had distributed copies of the Traffic Impact Study (TIS) staff report and an aerial photo exhibit to the Planning Commission members prior to the start of this hearing. He said that, in considering the TIS review, the staff determined that the proposed development is estimated to generate a total of 2,424 daily trips. Of those daily trips, 172 are estimated to be in the evening peak rush hour, which exceeds the level that requires the submission and review of a TIS for the proposed development.

Referring to the TIS staff report, Mr. Sallee explained that 80% of the traffic from the proposed development site is anticipated to go toward South Broadway, with the other 20% expected to travel northward toward Versailles Road. It is expected that, due to the increased number of pedestrians and users of bicycles and public transportation, the number of trips in and out of the site might be somewhat reduced.

Mr. Sallee said that the aerial photo distributed to the Commission members is a view of the Curry Avenue intersection with Angliana Avenue, near South Broadway – identifying the existing conditions. It also includes some preliminary recommendations with regard to some improvements that should be reviewed with the state Highway Department. He noted that the staff provided that information to the Commission members based on some of the discussion at the Zoning Committee meeting two weeks prior to this hearing.

Mr. Hammons stated, with regard to Mr. Sallee's remarks about the Curry Avenue intersection, that he had received information from Division of Traffic Engineering staff that pedestrian countdown timers, like the ones in use in the downtown area, are proposed to be installed at that intersection to improve pedestrian safety.

With regard to the TIS submitted by the petitioner, Mr. Hammons said that the consultant had addressed the traffic issues in great detail. In that study, the consultant recommends the creation of a pedestrian and bicycle network, as well as coordination of public transit routes, in order to mitigate some of the traffic concerns in the area. The consultant predicted that 15% of the traffic to and from the subject property could be non-vehicular. Mr. Hammons noted that the transit routes in the Red Mile Road area are heavily used, and he believes that easy access to those routes could result in transit usage of greater than the 15% predicted.

Mr. Hammons stated, with regard to the Level of Service (LOS) data provided in the TIS, that LOS at the South Broadway/Angliana Avenue and Versailles Road/Angliana Avenue intersections are projected to be "A," "B," or "C," all of which meet the requirements of the Zoning Ordinance. He said that the staff would like to reiterate that the petitioner should follow the consultant's recommendations for bicycle and pedestrian safety.

Commission Questions: Ms. Roche-Phillips asked if the Division of Traffic Engineering intends to do pedestrian counts on Angliana Avenue. Mr. Hammons answered that the Division of Traffic Engineering plans to install pedestrian countdown signals, which will be provided by the Kentucky Department of Transportation (KYDOT). He noted that Angliana and Curry Avenues are local streets, so the Transportation Planning staff has the ability to work with the Division of Traffic Engineering on the provision of crosswalks and pedestrian signals. Staff has scheduled a January meeting with KYDOT to discuss improvements to the South Broadway/Angliana Avenue intersection.

Ms. Roche-Phillips asked Mr. Hammons to name the next improved intersection to the north of Angliana Avenue, and whether that intersection has a countdown timer. Mr. Hammons responded that Bolivar Street is the next improved intersection, but he is not sure whether a pedestrian crosswalk timer is in place there or not. Ms. Roche-Phillips said that she is concerned about the safety of students who cross South Broadway to get to campus in the vicinity of Bolivar Street. Mr. Hammons stated that it might be closer for students who need to access the center of campus to use the existing pedestrian bridge across South Broadway. Ms. Roche-Phillips asked if the pedestrian bridge is open to the public, or if an access card is required. Mr. Hammons answered that an access card is required to use the bridge.

Referring to the TIS recommendations, Mr. Paulsen asked why it was recommended that right turns should be prohibited, since it appeared that many drivers exiting the subject property would want to make a right turn toward Virginia Avenue. Mr. Hammons answered that those considerations would be part of the phasing of the project. Mr. Sallee added that that recommendation identifies the possibility of prohibiting right turns on red from South Broadway into the Newtown Crossing development. Mr. Hammons noted that the staff of the Division of Traffic Engineering could possibly increase the signal time by as much as 10 seconds in order to allow pedestrians more time to cross South Broadway.

Mr. Owens asked if there is a continuous sidewalk on Angliana Avenue; and, if not, how the Commission could ensure that a sidewalk is provided. Mr. Sallee answered that off-site improvements are always more difficult to obtain without government involvement than are on-site improvements. He added that the Commission typically reviews frontage improvements as part of most development projects, and that the Commission should have the opportunity to revisit this issue again at the time of the filing of a final development plan for the subject properties.

Petitioner Presentation: Rena Wiseman, attorney, was present representing the petitioner. She stated that the petitioner is in agreement with the staff's recommendations, with the exception of condition #7 on the development plan. The petitioner would prefer for condition #7 to read "resolve" rather than "discuss." That language would allow the petitioner to do the necessary "tweaking" at the final development plan stage.

Ms. Wiseman said that the proposed development is another instance of the ongoing trend to move student housing to the west of the UK campus, particularly along the South Broadway corridor. The petitioner contends that there is a strong demand for off-campus housing for UK students. The University recently released to the media their plans to replace existing, aging dormitories; however, even upon the projected completion of those projects in 2021, UK will have only between 7,300 and 9,000 on-campus beds, which would accommodate 30% of their student population. Ms. Wiseman noted that upperclassmen, in particular, prefer to reside in an apartment, rather than a dormitory.

Ms. Wiseman said that the South Broadway/Red Mile Road/Angliana Avenue area has become a popular location for off-campus student apartments due to its location within a 15-minute walk to the center of UK's campus. That area is also being targeted due to its large, underutilized or vacant parcels suitable for redevelopment, which are not typically available within the Urban Service Area. Since those parcels contained large warehouse structures, they can accommodate sizeable apartment developments without the need for consolidation of smaller parcels. Ms. Wiseman explained that the proliferation of student housing can also be attributed to students' desire for more amenities than would be offered in a dormitory or older apartment complex setting, including their own room and bathroom; fitness facilities; and wireless Internet service.

Ms. Wiseman displayed several photographs of similar apartment complexes in the vicinity of the subject properties, including: 524 Angliana; 525 Angliana, which was approved by the Planning Commission at their meeting one week ago; Newtown Crossing; The Lex; and Tattersalls, which was approved by the Commission at their November meeting. She said that most of those properties were rezoned from the B-4, I-1, or I-2 zones after the former uses were left vacant due to changes in the tobacco industry.

Ms. Wiseman stated that the existing structures on the subject properties have been mostly vacant for more than two years. The warehouse that was formerly occupied by a beer distributorship is currently used for short-term storage, but only approximately 10% of the time. The subject properties have been on the market for more than four years; a major entertainment complex was proposed at this location, but the developer abandoned the project.

Ms. Wiseman said that the petitioner contends that the existing zoning is inappropriate and "economically outdated." They also contend that the proposed development would further the some of the Goals of the 2007 Comprehensive

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Plan, which identified the need for infill and redevelopment of underutilized properties. The petitioner believes that the proposed development would be compatible with the surrounding residential uses, and would also support the proposed mixed-use project on the Red Mile property by providing a nearby customer base for the future amenities there. Therefore, they are requesting approval of this proposed rezoning.

Travis Vencel, Trinitas Ventures, LLC, displayed the proposed layout for the subject properties, noting that it includes four buildings, two of which would be similar in appearance. The buildings are proposed to face Angliana Avenue, with interior courtyards and parking areas located around the edges of the development. The petitioner proposes to include pools, a basketball courts, and a "quiet courtyard" in the greenspace areas. Mr. Vencel said that he was aware that there had been some concerns about security for the proposed apartment complex, and explained that the petitioner is proposing controlled, gated access to the subject property, with visitor parking located outside the gates, and a perimeter fence around the entire development. He added that the petitioner is committed to providing pedestrian access along Angliana Avenue, as well as across the subject properties. With regard to Mr. Owens' earlier question about sidewalks along Angliana Avenue, Mr. Vencel stated that there is currently a continuous sidewalk along the eastern side of the street, but not along the western side.

Mr. Vencel displayed a rendering of the proposed buildings, noting that each unit would have either a balcony or patio space. The units are designed with living spaces on levels one and three, and bedrooms on levels two and four, in order to provide for quiet bedroom spaces located away from shared living areas. For that reason, the petitioner's buildings are typically larger than those in other developments that contain a comparable number of units. Those larger buildings result in a greater floor area ratio, which necessitates the requested R-5 zone. Within the apartment units, each bedroom will be a private suite, with its own bathroom. The units are rented fully furnished, so that residents need only provide linens, kitchen supplies, and personal items. Mr. Vencel displayed several photographs of the petitioner's existing apartment developments.

With regard to the growing market for student-oriented housing in Lexington-Fayette County, Mr. Vencel said that the petitioner targets 18- to 26-year-olds, who want to live near one another and close to campus; have all the amenities to which they became accustomed at home; and have all utilities included, so that they need only pay one bill per month. The petitioner's research indicates that that particular market heavily utilizes public, pedestrian, and bicycle transportation.

Mr. Vencel displayed a University of Kentucky map indicating where their student population lives. The University determined that 2,988 students live within one mile of campus, and 4,000 students live within two miles. Outside of the two-mile radius are "pockets" with high concentrations of students residing in multi-family developments or traditional single-family neighborhoods.

Referring to the staff exhibit depicting the number of dwelling units near the subject property, Mr. Vencel stated that the petitioner had used the staff's information to survey the developments where students reside. They found that 76% of the beds in those developments are student-occupied, with 4,324 students in residence. Therefore, approximately 15% of the UK student body lives in the identified area around the subject property. The petitioner contends that the subject property is a good location for the proposed development, since the 699 beds proposed for the subject property could house approximately 3% of the student population that currently lives off-campus. In order to take advantage of the site's close proximity to campus, the petitioner is proposing to take as many parking reductions as possible by providing bicycle parking and a shuttle service.

Mr. Vencel stated that the petitioner has been focused on providing student housing on urban redevelopment sites for over 30 years, and that they want to contribute to the communities in which they operate. He displayed photographs of a recently constructed student housing development in Indianapolis, Indiana, and a development under construction in Richmond, Virginia, noting that the Indianapolis complex was 100% pre-leased prior to opening.

Mr. Vencel said, with regard to some of the security concerns brought up at the Zoning and Subdivision Committee meetings, that the subject properties will be gated and fenced. If possible under local laws, the petitioner will institute a security officer program, wherein the officer would complete daily rounds and provide a nightly report of any issues discovered. The officer would also be encouraged to live on site. In addition, the petitioner utilizes a unique key system as part of their security efforts.

With regard to some of the concerns raised about pedestrian safety, Mr. Vencel stated that the petitioner would do everything possible to reduce the number of automobile trips to and from the subject property. With a shuttle system in place, as well as public transit and bicycle and pedestrian opportunities, the petitioner believes that most students will have no need for a car.

Commission Questions: Mr. Paulsen asked if the petitioner had met with anyone from UK to discuss student housing needs. Mr. Vencel answered that the petitioner typically does not meet with a university until the process gets past the initial planning phase, since any development is hypothetical until it is approved by a local Planning Commission.

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He noted, however, that the petitioner has studied UK's master plan, and is well aware of their plans for the future growth of the University.

Mr. Paulsen asked, with regard to Mr. Vencel's statement that the petitioner had surveyed student housing developments in Lexington, how the survey was conducted. Mr. Vencel responded that the petitioner calls the property managers for those developments regularly, and asks what percentage of their residents are students.

Mr. Penn asked how the cost of living in the proposed development would compare to living on campus, and whether the apartments are priced to appeal to undergraduates or graduate students. Mr. Vencel answered that, with all utilities included except electricity, one-bedroom units cost approximately \$700-\$750 a month; four-bedroom units cost approximately \$500-\$550 a month, per bed.

Ms. Roche-Phillips asked if the map depicting where UK students reside was provided by the University; and, if so, what the numbers represent. Mr. Vencel answered that the map was provided by UK. Ms. Wiseman responded that the green numbers indicate areas where students are more sparsely distributed. Ms. Roche-Phillips asked what each dot on the map represents. Ms. Wiseman replied that there is no indication on the map as to what the dots represent. Mr. Vencel noted that the purpose of the map is to denote locations where there is a concentration of UK students. Ms. Wiseman added that the map identifies concentrations of students on Bates Creek Road, Richmond Road, and in the vicinity of the subject property. Mr. Vencel said that the map only includes 8,000 of the 28,000 students who attend UK. Ms. Roche-Phillips asked if the map was prepared based on the addresses listed in the student directory. Mr. Vencel responded that he did not know. Ms. Roche-Phillips stated that she would like to know what type of density is represented by the green numbers on the map.

Mr. Paulsen asked how many of the 28,000 UK students physically attend classes, and how many are online students. He said that Eastern Kentucky University, where he is a professor, is making efforts to enroll more online students because they use few resources and typically pay higher tuition. Mr. Vencel said he assumed that some of those students are enrolled in online classes, but most students would not move within one mile of campus in order to take only online classes. Mr. Vencel explained that, at most of the institutions where the petitioner maintains apartment developments, freshmen are required to live on campus, and then move off campus to allow space for the next incoming freshmen. Younger students typically move into three- or four-bedroom units, then seek out one- or two-bedroom units as graduate students who need a quieter atmosphere in which to study.

Ms. Copeland asked if the petitioner is committed to providing a shuttle service to and from campus. Mr. Vencel answered that the petitioner intends to operate a shuttle in the beginning, because the public transit system likely will not be able to meet the needs of their residents at first. He said that, should public transit provide sufficient service to meet their residents' needs, the petitioner would not continue to run a shuttle. Ms. Copeland asked if the petitioner would like to receive credit for providing public transportation in order to reduce their required number of parking spaces. Mr. Vencel answered that the petitioner prefers to provide parking for 75% to 78% of the number of beds. Ms. Copeland asked if the petitioner maintains ownership of their properties once the apartments are constructed. Mr. Vencel responded that, over the 30 years that the company has been in operation, the petitioner has sold some properties; however, in the majority of their developments, they have continued to hold the properties in their asset portfolio rather than selling them. Ms. Copeland asked what proportion of the petitioner's structures are constructed of steel as opposed to wood. Mr. Vencel replied that the petitioner's structures are 100% wood. He noted that the density necessary for steel construction typically is not allowed in smaller university communities.

Petitioner's Concluding Remarks: Ms. Wiseman asked that the Commission approve this request, for the reasons provided by the staff.

Commission Questions: Mr. Paulsen asked if the shuttle service would run only to the UK campus. Mr. Vencel answered that the petitioner typically provides shuttle service to campus, shopping, sporting events, and social areas on weekend nights.

Citizen Comments: Scott Smouse, 736 Addison Avenue, stated that his home is located close to campus, and there is a great deal of student housing nearby. He said that he is concerned about the number of students who use the South Broadway railroad overpass to reach campus, rather than crossing South Broadway at street level. Over the course of a five-hour observation period, Mr. Smouse counted 15 students crossing the railroad bridge, despite police patrols and the presence of Norfolk-Southern staff on site to discourage foot traffic. Mr. Smouse also observed a student climbing over a stopped train in order to reach the other side of the bridge. He encouraged the petitioner to discuss restricting access to the railroad tracks in order to ensure the safety of the students who reside nearby.

Commission Questions: Mr. Owens asked if the staff believes that it would be more appropriate to leave the subject properties zoned for industrial use, so that they could generate jobs for the community. Ms. Wade answered that the staff believes that this issue should be addressed as part of the upcoming Comprehensive Plan update. She said that, since 2007, there have been numerous zone changes from business or industrial zones to residential ones,

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principally because there is a demand in the market for residential land. The staff does consider those issues, and, when the Angliana Avenue rezoning request was first filed in 2007, the staff met with the Mayor's Economic Development director, who advised that the subject properties would be better suited for residential use. Mr. Owens said that he is concerned about the elimination of land designated for commercial or industrial uses. Ms. Wade responded that there is some demand for larger parcels zoned for industrial use, and there are still several vacant parcels recommended for such a use, including the ED land located near Interstate 75. It is the staff's understanding that industrial developers prefer locations near interstates, which can accommodate freight traffic, rather than near rail lines.

Petitioner Rebuttal: Ms. Wiseman noted that the Red Mile mixed-use project will create jobs, but those uses will require residents to support them. The petitioner contends that the proposed development will support that project. Ms. Wiseman also noted that, since the subject properties are currently vacant, they are not providing any income for the community.

Commission Comments: Ms. Blanton asked if there is a governmental entity who can address the safety issue of students crossing the Norfolk-Southern railroad bridge. Ms. Wade answered that the staff would work on addressing that issue.

Ms. Roche-Phillips stated that it was her understanding that a fence was provided along the rear of the properties adjoining the Norfolk-Southern property. She said that she is concerned about the safety of students in the area as well. Ms. Wade answered that the properties that back up to the railroad track do have fencing, which is a requirement of the Zoning Ordinance. However, Norfolk-Southern owns a parcel, which is located in the curve of Angliana Avenue and is open to the railroad tracks across a small parking lot which belongs to a car repair establishment. Ms. Roche-Phillips said that she agrees with Ms. Blanton's assertion that the petitioner should engage in a conversation with Norfolk-Southern about student safety.

Mr. Penn reminded the Commission that, since the 2007 Comprehensive Plan, industrial property has been down-zoned despite claims by the economic development community that more land is needed for industrial development. He said that nearly all of the formerly industrial land that adjoins the railroad along Georgetown Road has been rezoned for residential use. Mr. Penn opined that, since the railroad cannot be relocated, rezoning the land adjoining it for residential use is essentially "betting that the railroad will become irrelevant."

Mr. Penn asked if it is legal for the Planning Commission to discuss who is expected to live in the proposed apartment development. Ms. Boland answered that she had not specifically researched that question, but she would not be comfortable making a decision based primarily on the age group makeup of the possible residents. However, she did think that, as the Commission that looks at the overall impact of development, that Mr. Penn's concerns about the impact of what is happening along Angliana Avenue are valid.

Mr. Paulsen stated that he has some concerns, but they are not specifically related to the proposed development. He said that he is concerned that it is not sustainable to have so many college students located in one area, and that there should be a plan in place for that area. The possible long-term effects of the redevelopment of this area for student housing is also a concern. Mr. Paulsen said that, two decades ago, the "hot" location for student apartments was along the Richmond Road corridor, particularly in the Fontaine Road area. Many of those developments have gone vacant and been torn down; some are undergoing redevelopment; and others have become a law enforcement nightmare. Mr. Paulsen is concerned about locating so many apartment complexes, with few other uses, in such a confined area, since the impact on the community of that area falling into disrepair could be significant. He added that some of the new student apartment complexes, such as Center Court and The Lex, currently have a great deal of vacant retail space.

Mr. Paulsen stated that, like Mr. Penn, he is troubled about the loss of property zoned for industrial use. Since there are few large, vacant parcels located near the downtown area, the subject properties might be more appropriate for industrial/commercial infill and redevelopment.

Lastly, Mr. Paulsen said that he is concerned about possible negative impacts on the proposed Red Mile mixed-use project. He opined that the "destination" development proposed for the Red Mile might not be attractive to all of the residents of Lexington-Fayette County, and the surrounding areas, if it is heavily marketed to college students. Mr. Paulsen stated that he also has problems with creating "single-use areas."

Ms. Roche-Phillips stated that she concurs with Mr. Paulsen. She said that, during the 2007 Comprehensive Plan update process, she and Mr. Penn pushed for a Red Mile small area plan; however, it was decided that the Red Mile Development Plan, which addressed only the parcels owned by the Red Mile, was done instead as a sort of compromise. Ms. Roche-Phillips opined that "allowing the market to do the planning" on a piecemeal basis is the antithesis to the purpose of the Planning Commission. She stated that a threshold needs to be determined, in order to target properties for future uses other than high density residential developments, since it would be very easy to let the entire South Broadway corridor be developed for student apartments due to its close proximity to UK.

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Ms. Blanton stated that she supports the proposed development and believes the proposal is well done, although she also agrees with the previous Commission comments that the future use of the overall area should be addressed. She said that she does not believe those concerns should delay the approval of this proposal, but that a process needs to be developed.

Mr. Penn said that, during the drafting of the Red Mile Development Plan, the intent was to make the proposed mixed-use development a destination, and not just a local shopping center for people who live in the area. He asked Mr. King if that assessment was correct. Mr. King agreed. Mr. Penn said that he believed that the Commission has to take a stand on this issue, either now or during the Comprehensive Plan update process, although he is not opposed to the proposed development.

Mr. Owens concurred with the previous Commission comments, and noted that he is concerned that all of Angliana Avenue will eventually be rezoned for student development. He believes that the Commission should consider the broader picture for this area, since it was last studied in the 1990s. Mr. Owens stated that he will support this request, although he believes that industrial land needs to be preserved in order to prevent commercial development from pushing into the surrounding counties. He also agreed with Mr. Paulsen that the overall question of off-campus student housing needs to be addressed with the higher educational institutions in Lexington-Fayette County.

Petitioner Comments: Ms. Wiseman stated, with respect to the Commission members' comments, that the University of Kentucky is not going to move, and the South Broadway corridor is within walking distance of campus. UK has made it known that they intend to provide housing for only 9,000 students, so the demand for student housing is going to continue. With respect to the concerns about concentration of student housing, Ms. Wiseman said that students are currently concentrated in single-family residential neighborhoods, which has created a great deal of conflict recently. The petitioner contends that it is better to locate students in areas that are planned to accommodate them, rather than residential areas where permanent residents do not want to deal with their activities.

Mr. Paulsen stated that he is concerned that the location of a large community of students in the area will pressure the Red Mile mixed-use development to focus on them, rather than creating a community destination. He added that any area with a large number of students tends to be much more attractive to criminals. Although the petitioner intends to provide security for the proposed development, many of the other apartment complexes in the area do not. The South Broadway corridor currently has the highest concentration of larcenies and burglaries in Lexington, and the addition of 1,800 beds in the area could exacerbate the problem. Mr. Paulsen stated that the apartments in the vicinity of the subject property will eventually decline, and he is concerned about what will become of that area when they do. He added that he is pleased about the petitioner's commitment to security, but he is also concerned about the residents of the other complexes, and the effect of the residential development in the area over the long term.

Zoning Action: A motion was made by Mr. Wilson, seconded by Mr. Owens, and carried 8-1 (Paulsen opposed; Beatty and Brewer absent) to approve MAR 2011-18, for the reasons provided by staff.

Development Plan Motion: A motion was made by Mr. Wilson and seconded by Mr. Penn to approve ZDP 2011-99, changing #7 to read "resolve."

Discussion of Motion: Ms. Roche-Phillips asked if the Commission members would be amenable to adding another condition to this plan to encourage the petitioner to work with the railroad company to resolve issues with pedestrian safety.

Ms. Blanton asked if it would also be possible to add an appropriate LFUCG agency for that discussion.

Mr. Martin stated that, if the Commission chooses to add a condition to the plan, the staff would request that they add it to be resolved at the time of the final development plan, since the petitioner will be on a tight time schedule to have this preliminary plan certified before the rezoning could be forwarded to the Urban County Council.

After conferring briefly with Ms. Wiseman, Mr. Martin said that the petitioner is willing to make the commitment to fence their property along the railroad in order to restrict access to the railroad property. He noted that resolving the fencing issue at the time of a final development plan will allow the petitioner and the staff to explore the available options at a future time prior to the development of the site.

Development Plan Action: Mr. Wilson's motion carried, 9-0 (Beatty and Brewer absent).

V. COMMISSION ITEMS – No such items were presented.

VI. STAFF ITEMS

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- A. **ZONING ORDINANCE TEXT AMENDMENT INITIATION** – The staff will request that the Planning Commission initiate a text amendment to Articles 8 and 12 for various modifications to the Neighborhood Business (B-1) zone. Following notification to registered neighborhood associations, and review by the Commission's Zoning Committee, the required public hearing could be scheduled next year.

Mr. Saltee stated that the staff had distributed a memorandum concerning the proposed modifications to the B-1 zone to the Commission members at their meeting one week ago. He explained that, should the Commission choose to initiate the text amendment, it would likely not be heard for several months; and they could also request more time to discuss the issue at their January work session, if desired.

Commission Question: Mr. Penn asked if there would be a down side to initiating the proposed text amendment at this meeting. Ms. Wade answered that there was no down side. Mr. Penn stated that he would be in favor of initiating a text amendment at this meeting, in order to allow the staff time to begin work on the text amendment.

Action: A motion was made by Mr. Penn, seconded by Mr. Owens, and carried 9-0 (Beatty and Brewer absent) to initiate the text amendment to the B-1 zone as proposed by staff.

- B. **MODIFIED T.I.F. APPLICATION – RED MILE MIXED-USE DEVELOPMENT** – a review of a revised (expanded) Tax Increment Financing application for property located at 843 South Broadway, 476-478 Curry Avenue, and 1200 Red Mile Road (a portion of).

Ms. Rackers stated that the original Red Mile Tax Increment Financing (T.I.F.) application was approved by the Urban County Council in 2010, following the required review by the Planning Commission in December, 2009. At that time, the Commission found the requested T.I.F. to be in compliance with the 2007 Comprehensive Plan. Ms. Rackers displayed the approved Red Mile development plan, noting that the portion of the property along the racetrack is currently zoned A-U. The former Tattersalls facility was recently approved by the Planning Commission for a rezoning to R-5, in order to construct an apartment complex, clubhouse, and parking. All of the parcels included in the T.I.F. application are currently functionally vacant and available for development.

Ms. Rackers stated that the 2007 Comprehensive Plan recommends Office/Warehouse use for the properties on Curry Avenue; Semi-Public Facilities use for the rear portion of the Red Mile property; and Commercial/Residential mixed-use development for the South Broadway property. The area originally proposed for the T.I.F. contained 83 acres, and included the entire Red Mile complex, with the exception of the racetrack; the Tattersalls building; the stables near South Broadway; and the structure known as the Stable of Memories. The T.I.F. site plan reviewed by the Council was for a mixed-use development, to contain commercial and residential uses, as well as improvements to the Red Mile facility to extend from the racetrack to Versailles Road. Ms. Rackers explained that this proposed modification to the T.I.F. application would not change the affected areas. It would, however, expand the T.I.F. boundary to include the expanded residential use and a proposed connection to Curry Avenue. The apartment complex is proposed to be constructed by Hallmark Development at a cost of approximately \$28,000,000, and it should take approximately 15 months to complete. The development is projected to create approximately 200 construction jobs; the apartment complex itself will have seven to nine full-time employees, and will use local companies for services such as landscaping.

Ms. Rackers said that the addition of the Tattersalls property will not increase the amount of money that has been allocated by the state and local governments for this T.I.F. project. It would, however, allow the proposed apartment complex development to count against the initial \$20,000,000 that is required to activate the T.I.F., and allow reimbursement of part of the construction costs for the desired Curry Avenue connection.

Ms. Rackers concluded by saying that the staff finds the proposed modification to the T.I.F. to be in compliance with the recommendations of the 2007 Comprehensive Plan because the original application was in compliance with the Plan, and the modification proposed would involve only a small increase to the size of the T.I.F. area. In addition, it will provide connectivity and accessibility in the area via the connection of Curry Avenue, which has long been desired by the Urban County Government.

Commission Questions: Ms. Copeland asked if a "down payment" is required for the activation of the T.I.F. Ms. Rackers answered that \$20,000,000 is required in order to activate the T.I.F. Ms. Copeland asked how much money the Tattersalls property would contribute to that requirement. Casey Bolton, T.I.F. representative, stated that the apartment development is projected to cost \$28,000,000, which would cross the threshold and allow the activation of the T.I.F. within the two-year period allowed by the statutes. Ms. Copeland asked if the \$20,000,000 would be required to be spent prior to the T.I.F. activation. Mr. Bolton answered that, before the developer can recover any costs, they will have to prove that they have spent \$20,000,000. Ms. Copeland asked if the Mr. Bolton or the applicant intended to make a presentation. Mr. Bolton responded in the negative. Bruce Simpson, attorney for the applicant, responded that he did not have a formal presentation. He explained that the Planning Commission's responsibility with regard to T.I.F. applications is to determine if the request is in compliance with the Comprehensive Plan recommendations. Mr. Simpson said that the petitioner would rely upon the staff's determination that the requested T.I.F. modification is in compliance with the Comprehensive Plan, rather than make a presentation.

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Ms. Roche-Phillips asked Mr. Bolton if he works for the state government. He answered that he works with Kentucky Economics, who have been retained by the owners of the Red Mile for consultation on the T.I.F. Ms. Roche-Phillips asked if the T.I.F. would be paid back through diverted sales taxes. Mr. Bolton answered that that assessment is correct. Ms. Roche-Phillips asked how the property included in the expanded T.I.F. would contribute to that repayment, since it would have very few employees. Mr. Bolton responded that most of the tax revenue generated in the modification would be in occupational license taxes from the employees of the apartment development; the bulk of the revenue, however, would be from sales taxes generated by the rest of the Red Mile development.

Bruce Simpson, attorney, stated that it is the applicant's contention that adding the new apartment complex and the Curry Avenue street connection to the T.I.F. area would help to generate the initial \$20,000,000 that is required to start the T.I.F. funding for the remainder of the Red Mile development.

Action: A motion was made by Mr. Penn, seconded by Mr. Paulsen, and carried 9-0 (Beatty and Brewer absent) to certify the proposed T.I.F modification's compliance with the 2007 Comprehensive Plan.

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

IX. **MEETING DATES FOR JANUARY, 2012**

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	January 5, 2012
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	January 5, 2012
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	January 12, 2012
Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	January 19, 2012
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	January 25, 2012
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	January 26, 2012

X. **ADJOURNMENT** - There being no further business, Chairman Cravens declared the meeting adjourned at 4:03 p.m.

TLW/TM/CT/BJR/BS/src

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