

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

November 29, 2007

- I. **CALL TO ORDER** – The meeting will be called to order at 1:30 p.m. in the Council Chamber, 2nd Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.
- II. **APPROVAL OF MINUTES** – Prior Planning Commission meeting minutes of July 12, 2007, and October 25, 2007, will be considered at this time.
- III. **POSTPONEMENTS AND WITHDRAWALS** – Requests for postponement and withdrawal will be considered at this time.
- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, November 1, 2007, at 8:30 a.m. The meeting was attended by Commission members: Carolyn Richardson, Neill Day, Lyle Aten, Randall Vaughn and Mike Cravens. Committee members in attendance were: Hillard Newman, Division of Engineering; and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Traci Wade, Tom Martin, Cheryl Gallt, Chris Taylor, and Denice Bullock; as well as Rochelle Boland, Department of Law; Captain(s) Bill Woodward and Charles Bowen, Division of Fire & Emergency Services; and Bob Carpenter, Division of Building Inspection. The Committee made recommendations on plans as noted.

General Notes

The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.

1. *All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.*
 2. *All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.*
- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, November 1, 2007, at 1:30 p.m. in the Division of Planning Office. The meeting was attended by Commission members Linda Godfrey, Frank Penn, Lynn Roche-Phillips, and Joan Whitman. The Committee reviewed applications, and made recommendations on zoning items as noted.

A. ABBREVIATED PUBLIC HEARINGS ON ZONE MAP AMENDMENTS AND RELATED PLANS

The staff will call for objectors to determine which petitions are eligible for abbreviated hearings.

~~Abbreviated public hearings will be held on petitions meeting the following criteria:~~

- The staff has recommended approval of the zone change petition and related plan(s)
- The petitioner concurs with the staff recommendations
- Petitioner waives oral presentation, but may submit written evidence for the record
- There are no objections to the petition

B. FULL PUBLIC HEARINGS ON ZONE MAP AMENDMENTS AND RELATED PLANS – Following abbreviated hearings, the remaining petitions will be considered.

~~The procedure for these hearings is as follows:~~

- Staff Reports
- Petitioner's report(s)
- Citizen Comments - (a) in support of request, and (b) in opposition to the request
- Rebuttal - (a) petitioner's comments; (b) citizen comments; (c) staff comments
- Hearing closed and Commission votes on zone change petition and related plan(s)

1. TATES CREEK HEIGHTS, LLC, ZONING MAP AMENDMENT & PINNACLE, LOT 1 (AMD.) ZONING DEVELOPMENT PLAN

- a. **MAR 2007-9: TATES CREEK HEIGHTS, LLC (11/29/07)*** – petition for a zone map amendment from a Neighborhood Business (B-1) zone with conditional zoning restrictions to a Neighborhood Business (B-1) zone with modified conditional zoning restrictions, for 4.19 net (5.83 gross) acres, for property located at 1093, 1097 & 1099 Duval Street.

LAND USE PLAN AND PROPOSED USE

The Land Use Element of the 2007 Comprehensive Plan (Sector 10) recommends Retail, Trade and Personal Services land use for the subject property. The petitioner proposes the addition of a coffee shop to the site, which is already approved for a "sit-down" restaurant, offices and a florist shop on the subject property, as well as revisions to the signage and landscaping restrictions previously imposed.

The Zoning Committee Recommended: Referral to the full Commission.

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

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

1. Conditions originally put upon the subject property were not done in anticipation of a professional office use across Duval Street from the subject property. This would constitute a change in the physical and economic nature of the area since 1996, which makes this site eligible for a revision to the very limited conditional zoning restrictions originally placed thereon.
 2. The expanded uses currently requested are still consistent with the Retail, Trade and Personal Services land use recommendations of the 2007 Comprehensive Plan and the prior 2001 Comprehensive Plan.
 3. This recommendation is made subject to the approval and certification of ZDP 2007-50: Pinnacle, Unit 1 (Amd.) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of any Planning Commission approval.
 4. Under the provisions of Article 6-7 of the Zoning Ordinance, the subject property shall now be subject to the following use restrictions, (with all edits shown below in italicized text from the previous conditions):
 - a. The B-1 site shall *contain a maximum of four buildings and* be used only as ~~either a~~ sit-down restaurants without drive-through facilities or the service of "fast food," a florist shop, and/or a use permitted in the P-1 zone other than a bank, a credit institution, a television studio or a hospital; *however, notwithstanding any provision to the contrary, a single drive-through shall be permitted solely for the use of a coffee shop (the "permitted drive-through").*
 - b. *In the event the permitted drive-through should cease to be used solely in connection with a coffee shop, or should a coffee shop cease to operate as a coffee shop (excluding any reasonable number of days necessary for repair, remodeling, or reconstruction as a result of or required by a lawful order or decree of a governmental or regulatory authority, a casualty loss, other than such a loss caused by the owner of the property), then the permitted drive-through shall be removed, no future drive-through shall be allowed on the property, and the use of the coffee shop building shall be restricted to the uses permitted herein.*
 - c. *The portion of the property used for the coffee shop shall be permitted to display on the east-facing portion of the building only a single logo, and the words may be displayed a single time on the east-facing façade, the letters of which shall not exceed 18 inches in height, and the logo shall not exceed 36 inches in height, and in no event shall the words or the logo be backlit or internally lit. Signs on the other sides of the building and on the property shall be regulated under the Zoning Ordinance.*
 - d. The existing ("**original**") structure shall be preserved except to the extent it must be modified to permit the construction of additions and/or renovations as described below.
 - e. *An additions* to the existing ("**original**") structure shall be allowed, but shall only be in accordance with a final development plan submitted to and approved by the Planning Commission; and such additions in total shall not exceed 3,000 square feet and shall be governed by all of the restrictions and limitations that apply to the new building as described below.
 - f. Parking will be in accordance with a final development plan submitted to and approved by the Planning Commission; *provided, however, that a visual buffer of hedges and trees shall be placed on the east-facing side of the property.*
 - g. The property owner shall preserve the existing mature trees on site except as necessary for the construction of ~~one new~~ the office building, the additions to the existing structure, the aforementioned coffee shop and accessory parking, all as approved by the Planning Commission on the final development plan for the site and subject to all restrictions and limitations contained herein, and such trees, if removed, shall be replaced in equal number to preserve the buffer between the site and Bates Creek Road;
 - ~~f. Signage shall be limited to the signage shown on and approved by the Planning Commission on the final development plan for the site and in accordance with the limitations contained herein;~~
 - h. Existing trees which provide a visual buffer from surrounding properties shall be preserved, and damaged or diseased trees may be removed if also replaced. ~~in equal number and kind on the site; and Deciduous trees shall be planted in the exterior parking lot.~~
 - i. *In addition to the above-referenced coffee shop building, the construction of one a single additional new building shall be permitted (the "office building"); however, such building shall not exceed 36,000 square feet, shall not exceed 36 feet in height at its highest point as measured from the existing grade level as of September 20, 2005, including all fixtures, equipment and any other materials (except that any equipment located on the roof shall be completely screened from view by parapet walls which are permitted to rise an additional 6 feet solely for that purpose), shall primarily utilize only a brick siding or masonry façade which must cover no less than 55% of the exterior surface of the building excluding the roof, windows and doors, and the roof shall vary in height with no less than three (3) articulating roof heights. In addition Furthermore, the easternmost edge of the office such building shall be no closer at any point than 30 feet from the right of way bordering Bates Creek Road at least 100 feet from the easement line on the east side of the property.*
- b. ZDP 2007-50: PINNACLE, LOT 1 (AMD.) (11/29/07)* – located at 1093, 1097 and 1099 Duval Street.
(EA Partners)

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

Note: The purpose of this amendment is to add a coffee shop with a drive-through, delete sign information, and to relocate buildings and parking.

The Subdivision Committee Recommended: Referral. There were questions regarding compliance with the off-street parking requirements of the Neighborhood Business (B-1) zone and compliance with the applicant's proposed conditional zoning restrictions.

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

1. Provided the Urban County Council revises the conditional B-1 zoning of the property; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Building Inspection's approval of landscaping, including arterial screening.
5. Urban Forester's approval of tree inventory map.
6. Greenspace Planner's approval of the treatment of greenways/bike trails and pedestrian movement.
7. Revise conditional zoning restrictions.
8. Denote: There shall be no development of the property until the Planning Commission approves a final development plan.
9. Dimension drive aisles and new buildings.
10. Addition of record plat information for this development.
11. Clarify easement information.
12. Clarify required off-street parking (restaurant and coffee shop use) based on the number of seats.
13. Clarify note number 13.
14. Correct the spelling in site statistics.

2. **RICHARDSON TODDS ROAD, LLC, ZONING MAP AMENDMENT & RUSSELL CAVE GLEN ZONING DEVELOPMENT PLAN**

- a. MAR 2007-19: RICHARDSON TODDS ROAD, LLC (11/29/07)* - petition for a zone map amendment from an Agricultural Urban (A-U) zone to an Expansion Area Residential 2 (EAR-2) zone, for 8.63 net (8.96 gross) acres, for property located at 2020 Russell Cave Road.

LAND USE PLAN AND PROPOSED USE

The Expansion Area Master Plan (EAMP), an adopted element of the 2007 Comprehensive Plan (Expansion Area 3), recommends Expansion Area Residential (EAR-2) land use for the subject property. The petitioner proposes 47 single-family units (a residential density of 5.25 units per gross acre) for the subject property.

The Zoning Committee Recommended: Postponement.

The Staff Recommended: Approval, for the following reasons:

1. The requested EAR-2 zoning is in agreement with the 2007 Comprehensive Plan, and with the 1996 Expansion Area Master Plan which preceded it, for the following reasons:
 - a. The Plan recommends Expansion Area Residential-2 (EAR-2) future land use for the subject property, which is proposed by the petitioner.
 - b. The future EAR-2 land use recommendation of the Plan would suggest a density of between 26 and 53 dwelling units for the subject property. The proposed EAR-2 zone, for 47 single-family dwelling units, would be in agreement with this recommendation of the Plan.
2. This recommendation is made subject to approval and certification of the applicable portion of ZDP 2007-98: Russell Cave Glen, prior to being forwarded to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the property shall be subject to the following use and buffering restrictions via conditional zoning:
 - a. No principal or accessory structures shall be located within fifty (50) feet of any property platted as any unit of the Shandon Park or Foxborough Manor subdivisions, and the property located at 2060 Russell Cave Road.
 - b. Within three hundred (300) feet of any property platted as any unit of the Shandon Park or Foxborough Manor subdivisions, and the property located at 2060 Russell Cave Road, the subject property shall be limited to single-family detached residential uses.
 - c. A buffer yard shall be provided immediately adjacent to any property platted as any unit of the Shandon Park or Foxborough Manor subdivisions and the property located at 2060 Russell Cave Road. The landscape buffer shall contain one tree every forty (40) feet of linear boundary from group A, B, or C of the Plant List as referenced by Article 18 of the Zoning Ordinance, and shall contain a fence, hedge, wall or earth mound (or combination thereof) a minimum of six (6) feet in height.

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

These conditional zoning restrictions are appropriate and necessary to minimize the impacts of new development on the existing residential units within Shandon Park and Foxborough Manor subdivisions, and the existing residence at 2060 Russell Cave Road.

- b. ZDP 2007-98: RUSSELL CAVE GLEN (11/29/07)* - located at 2020 Russell Cave Road.
(EA Partners)

The Subdivision Committee Recommended: Postponement.

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

1. Provided the Urban County Council rezones the property EAR-2; otherwise, any Commission action of approval is null and void.
 2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and areas of alluvial soils.
 3. Urban County Traffic Engineer's approval of access and street cross-sections.
 4. Building Inspection's approval of landscaping.
 5. Urban Forester's approval of tree inventory map.
 6. Environmental Planner's approval of environmentally sensitive areas.
 7. Correct plan title; complete adjacent property information.
 8. Correct note number 9.
 9. Discuss construction entrance location.
 10. Discuss the timing of sanitary sewers.
 11. Discuss stormwater drainage.
 12. Discuss street layout proposed, including easement conflicts.
 13. Discuss buffering.
 14. Discuss tree protection proposed.
 15. Discuss steep slopes.
 16. Discuss protection of woodlands per Article 23A-2(v) of the Zoning Ordinance.
3. **FORTUNE OFFICES, LLC, ZONING MAP AMENDMENT & EASTWOOD, UNIT 6, SECTION 1, LOT 6 ZONING DEVELOPMENT PLAN**

- a. MAR 2007-20: FORTUNE OFFICES, LLC (11/29/07)* - petition for a zone map amendment from a Professional Office (P-1) zone to a Wholesale & Warehouse Business (B-4) zone, for 5.555 net (5.635 gross) acres, for property located at 2472 Fortune Drive.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 8) recommends Professional Services (PS) future land use for the subject property. The petitioner proposes constructing 57,000 square feet of warehouse and accessory office space, as well as off-street parking and loading areas.

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

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

1. The existing Professional Office (P-1) zoning is inappropriate, and the proposed Wholesale and Warehouse Business (B-4) zoning is appropriate at this location for the following reasons:
 - a. The B-4 zone requested would be compatible with adjacent commercial development and will not adversely affect the surrounding area or other 2007 Comprehensive Plan land use recommendations for this area.
 - b. The subject property would function well as a part of the existing business park development along Fortune Drive, and the requested zone change will allow it to function in this manner.
 - c. The subject property is separated from the adjacent P-1 zoned property to the south by an existing tree stand and from the residentially zoned property to the northeast by a large detention basin. The tree stand and detention basin are more appropriate and recognizable land use buffers between the office and residential uses and the proposed wholesale/warehouse use in this instance.
2. This recommendation is made subject to approval and certification of ZDP 2007-113: Eastwood Unit 6, Sec. 1, Lot 6, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions shall apply to the property via conditional zoning:

PROHIBITED USES

1. Machine shop.
2. Major or minor automobile or truck repair.
3. Tire re-treading and recapping.

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

4. Truck terminals and freight yards.
5. Circuses and carnivals, even on a temporary basis.
6. Any wholesale or trucking use operating between the hours of 11 p.m. and 7 a.m.

These use restrictions are appropriate and necessary at this location to ensure that the proposed development adequately protects the nearby neighborhood and assisted living facility.

- b. ZDP 2007-113: EASTWOOD, UNIT 6, SECTION 1, LOT 6 (11/29/07)* - located at 2472 Fortune Drive.
(Strand Associates)

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

1. Provided the Urban County Council rezones the property B-4; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Building Inspection's approval of landscaping.
5. Urban Forester's approval of tree inventory map.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Denote: There shall be no development of the property until the Planning Commission approves a final development plan.
8. Revise owner's certification and Planning Commission's certification.
9. Correct plan title.
10. Addition of written scale information.
11. Label building lines.
12. Verify the recordation of drainage easements.
13. Resolve building and drainage easement conflict.

4. BILL MATTHEWS ZONING MAP AMENDMENT AND GOO GOO PROPERTY ZONING DEVELOPMENT PLAN

- a. MAR 2007-25: BILL MATTHEWS (1/10/08)* - petition for a zone map amendment from a Professional Office (P-1) zone to a Highway Service Business (B-3) zone, for 1.20 net (1.35 gross) acres, for property located at 1537 North Limestone Street.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 2) recommends Very High Density Residential (VHD) land use for the subject property. The petitioner proposes to redevelop the property and construct a car wash on the subject property.

The Zoning Committee Recommended: Referral to the full Commission.

The Staff Recommended: Postponement, for the following reasons:

1. Given that the request is within a larger area that is recommended by the Comprehensive Plan for further study as part of a Small Area Plan, and that this property looks to be located at one "gateway" to this larger area, the requested rezoning is premature. It is certainly possible that this Plan will make recommendations for land use changes, as well as evaluate what type of gateway features, landscaping or streetscape improvements, that would be appropriate throughout the area, including that of the subject property.
2. No conditional zoning restrictions have been offered as part of this application. This is probably necessary in this area, given the close proximity of the subject property to nearby residential uses.

- b. ZDP 2007-140: GOO GOO PROPERTY (1/10/08)* - located at 1537 North Limestone Street.
(CDP Engineers)

The Subdivision Committee Recommended: Referral. There were questions about emergency access to the site and spacing from New Circle Road.

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

1. Provided the Urban County Council rezones the property B-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Building Inspection's approval of landscaping.
5. Urban Forester's approval of tree inventory map.
6. Division of Fire's approval of emergency access and fire hydrant locations.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.

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

8. Denote: There shall be no development of the property until the Planning Commission approves a final development plan.
9. Remove sign from plan face.
10. Denote easements.
11. Addition of developer's information.
12. Identify steep slope areas.
13. Resolve canopy height.
14. Resolve street improvements.
15. Resolve dumpster location.
16. Resolve detention basin proposed.
17. Resolve access and the need for a waiver.

5. URBAN COUNTY PLANNING COMMISSION ZONING MAP AMENDMENT

- a. MAR 2007-26: URBAN COUNTY PLANNING COMMISSION - petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Single Family Residential (R-1B) zone, for 3.3 net (3.8 gross) acres, for properties located at 1960 (a portion of) and 1964 Shadybrook Lane; and from a Single Family Residential (R-1C) zone to a Single Family Residential (R-1B) zone, for 55.8 net (68.3 gross) acres, for properties located at 1803 – 1814 Lakehill Circle; 2128 – 2136 Lakeside Court; 2001 – 2213 Lakeside Drive; 2081 – 2093 Lakeside Place; and 2021 and 2025 Shadybrook Lane.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 3) recommends low density residential land use for the subject properties. The petitioner proposes Single Family Residential (R-1B) zoning, which requires minimum lot sizes of 15,000 square feet, and minimum lot frontages of 100'.

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

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

1. The requested R-1B zoning is in agreement with the 2007 Comprehensive Plan, which recommends low density residential use, defined as 0-5 dwelling units per net acre. The existing residential density is 1.3 units per gross acre, and will not significantly increase if the proposed R-1B zoning is approved for this area.
2. Based on the size of properties within the subject area (all meeting at least the minimum R-1B lot size of 15,000 square feet), the 100-foot or greater frontages for most lots, as well as the 40-foot or greater front yards in existence for most of the subject properties, the requested R-1B zoning is more appropriate than the existing R-1C or A-U zoning.

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENT REQUESTS

1. ZOTA 2007-7: AMENDMENT TO ARTICLE 8-1(d) TO ALLOW AN ANTIQUE MALL AS A CONDITIONAL USE IN THE A-R ZONE (4/12/08)* - petition for a Zoning Ordinance text amendment to allow an antique mall, including an accessory restaurant, as a conditional use in the Agricultural Rural (A-R) zone.

REQUESTED BY: Athens Schoolhouse Partners, LLC

PROPOSED TEXT: (Note: Text underlined indicates an addition to the current Zoning Ordinance.)

8-1 AGRICULTURAL RURAL (A-R) ZONE

8-1(d) Conditional Uses (Permitted only with Board of Adjustment Approval)

x. Antique Mall, including an accessory restaurant, but only when all of the following conditions are met:

- a. The establishment shall be located within the boundary of a Crossroads Community type of Rural Settlement as described in the Comprehensive Plan;
- b. The establishment shall be located in an enclosed, existing building that formerly was used as a public school or a church, which is of historical, architectural, cultural, or symbolic significance to the community;
and
- c. There shall be no changes to the exterior of the building without the approval of the Board of Architectural Review.

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

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

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

1. Additional time is needed to carefully review any impacts of the text amendment as proposed. Consideration must be given to the potential unintended consequences of adding retail sales, with an accessory restaurant, as a conditional use in the A-R zone. Additional time will also allow for appropriate review of more suitable locational criteria, or a size restriction for this new proposed use.
 2. The staff wishes to avoid any text amendment to the Zoning Ordinance that could have a detrimental effect to the rural character that makes Lexington-Fayette County unlike any other place in the United States.
2. ZOTA 2007-8: AMENDMENT TO ARTICLE 17-7(g) TO ALLOW ADVERTISING SIGNS TO USE DIGITAL TECHNOLOGY (4/12/08)* - petition for a Zoning Ordinance text amendment to allow advertising signs (billboards) to use digital technology.

REQUESTED BY: The Lamar Companies

PROPOSED TEXT: (Note: Text underlined indicates an addition to the current Zoning Ordinance.)

ARTICLE 17 – SIGN REGULATIONS

- 17-7(g) HIGHWAY SERVICE BUSINESS, WAREHOUSE/WHOLESALE, AND INDUSTRIAL ZONES (B-3, B-4, I-1, I-2)** - Permitted signs may be free standing or wall mounted as specified; signs may be non-illuminated, indirectly illuminated, internally illuminated or directly illuminated unless specified otherwise; no free standing business sign shall exceed twenty-five (25) feet in height; no free standing advertising sign shall exceed forty (40) feet in height.

(8) Advertising signs may utilize an Electronic Message Display System provided that only Light Emitting Diodes (LEDs) or Liquid Crystal Diodes (LCDs) or similar digital technology may be used and provided that the minimum time between message changes shall be eight seconds and that such signs shall contain no scrolling, moving, or animated display. Existing advertising signs are permitted to convert to this technology upon the issuance of a building permit. No permit shall be required for the change of message on an advertising sign using an Electronic Message Display System.

The Zoning Committee Recommended: **Postponement.**

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

1. This amendment to the Zoning Ordinance is legally inadvisable, given the fact that off-premise electronic message display signage is specifically prohibited by state law. The existing state law prohibits flashing, moving or intermittent off-premise advertising signs and restricts each sign to no more than two messages per face. The LFUCG does not have authority to allow a type of sign that is prohibited by state and/or federal law.
2. Electronic and/or digital signage was contemplated when the signage regulations were significantly revised for Lexington-Fayette County in the early 1980s, and this type of sign was purposefully limited for on-premise signage and completely prohibited for off-premise signage.
3. Electronic message display systems should continue to be regulated in a manner consistent with the stated intent of Article 17 of the Zoning Ordinance, namely to maintain the overall aesthetics of the community; to improve public safety by minimizing undue distraction to the traveling public; to reduce intrusions and protect property values; and for the protection and enhancement of the tourist industry by promoting a more harmonious and pleasing community image.

VI. COMMISSION ITEMS – Commission items, if any, will be considered at this time.

- A. **SOUTHEND PARK ZONE CHANGE REQUEST** – The staff will request that the Planning Commission consider initiation of a zone change from a Light Industrial (I-1) zone to a Planned Neighborhood Residential (R-3) zone, to a Mixed Use: Neighborhood Corridor (MU-2) zone, and to a restricted Highway Service Business (B-3) zone, for properties in the area of the Southend Park, located on DeRoode Street, Versailles Road, McKinley Street, Byars Avenue, Neville Avenue, Merino Street and Patterson Street. The staff will present a map of this area at the meeting.
- B. **BOAR 2007-3: ALLEN R. FOSTER** (10/25/07)* – an appeal of the denial of a Certificate of Appropriateness to allow a deck to remain as built in a Planned Neighborhood Residential/Historic District Overlay (R-3/H-1) zone, on property located at 129 Ransom Avenue.

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

The Staff Recommends: Disapproval and that the decision of the BOAR be upheld, for the following reasons:

1. The denial of a Certificate of Appropriateness by the Board of Architectural Review is consistent with their charge in determining appropriateness of requested exterior alterations, based on the design guidelines established by the local Historic Preservation Commission, specifically Guidelines 14-4 and 39-2, as they apply to the deck at 129 Ransom Avenue and the subsequent loss of green space in the rear yard.
2. If a Certificate of Appropriateness had first been requested for the deck, as is required by Article 13 of the Zoning Ordinance for any exterior change to a property in an historic district; and if a permit had been requested from the Division of Building Inspection, as is required by Article 5 of the Ordinance, this situation would likely have been averted.

- C. **OFFICIAL MEETING AND FILING SCHEDULE FOR 2008** – The staff will present copies of the recommended “Official Meeting and Filing Schedule for 2008” and will request the Commission’s consideration of adoption. After adoption by the Commission and by the Board of Adjustment, the 2008 schedule will be distributed.

VII. STAFF ITEMS – Staff items, if any, will be considered at this time.

A. Planning Services Activity Report

- During the month of October, the Planning Services staff processed 8 zone map amendments, 3 Zoning Ordinance text amendments, 59 subdivision and development plan items, 2 Board of Architectural Review appeals and 11 Board of Adjustment appeals. Processing of the above items included attendance and/or preparation of materials and presentations for the following: Technical, Subdivision and Zoning Committee meetings, two Planning Commission public hearings, one Paris Pike Corridor Commission meeting, one Planning Commission work session and one Board of Adjustment public hearing. In addition, the staff held 5 pre-application conferences for a text amendment, and several other pre-application meetings for subdivision, development plan and Board of Adjustment items.

Much of the staff’s time was spent answering approximately 1,000 inquiries from people concerning zoning, subdivision plans, development plans, Board of Adjustment appeals and related matters. The staff also provided floodplain assistance for 15 property inquiries.

- **CHRIS TAYLOR ATTENDS NEIGHBORHOOD ASSOCIATION MEETING** – On the evening of October 24, planner Christopher Taylor attended a meeting of the Meadowthorpe Neighborhood Association. A proposed development plan involving the new Kroger’s store proposed for the Meadowthorpe Manor Shopping Center, including a fuelling island with canopy, was presented and discussed at the meeting. Chris answered questions about the plan proposal, and about our Zoning regulations and review processes for plans involving such land uses.

C. Long Range Planning Activity Report

- **Comprehensive Plan** – Staff received bids from vendors for printing the *2007 Comprehensive Plan* and Land Use Map. The staff continued to prepare the adopted Comprehensive Plan for publication.
- **Rural Settlement Committee** – Staff attended a meeting convened by First District Councilmember Andrea James about the Rural Settlement Committee, which was established to replace the Rural Settlement Alliance. Meeting participants discussed the history of the Alliance and the role the Rural Settlement Committee could play in helping to implement the *2007 Comprehensive Plan* as well as ways to enable participation by rural settlement representatives in discussions and decisions related to the settlements. At-large Councilmember Linda Gorton was also present as was the assistant to Twelfth District Councilmember Ed Lane.
- **North Limestone Meeting** – Staff attended the monthly meeting of the North Limestone Neighborhood Association at Al’s Bar. Staff discussed the upcoming small area plans for both Central Sector and East End and briefly described the process that these plans will follow and the expected outcomes. The meeting was also addressed by At-large Councilmembers Linda Gorton and Chuck Ellinger and First District Councilmember Andrea James as well as officers and staff from numerous LFUCG Divisions.
- **US 27 to I-75 Corridor Scoping Study** – Staff attended as a member of the Project Work Group the group’s first meeting to examine the need for and feasibility of a new corridor from US 27 to Interstate 75 in Jessamine, Fayette, and/or Madison Counties. Issues to be considered by the study include environmental, secondary impacts of a new road, traffic operations, and public support. The work group includes elected officials from Madison and Jessamine Counties and other officials and stakeholders from all three counties. The 15-month study schedule will include several meetings of the Project Work Group and public input meetings.

- Fayette County Public Schools – Staff attended a meeting of the Local Planning Committee of the Fayette County Public Schools at Arlington Elementary School. There was a discussion about the instructional needs related to the design of school facilities, including the need for flexible spaces and locations of entrances. Testing data and their relationship to the quality of the school facility were also reviewed. The Committee is facilitated by Steve Kay.
- Congestion Management Committee – Staff made a presentation to the Congestion Management Committee about the *2007 Comprehensive Plan* and the history of comprehensive planning in Fayette County. The committee addresses issues that contribute to and mitigate congestion on the road network. It is composed of MPO and other LFUCG staff as well as staff from LexTran and the Kentucky Transportation Cabinet. The committee is chaired by Stuart Goodpaster with the Cabinet's District 7 office.
- Training – Staff attended LFUCG-sponsored training, including computer training and the Planning Commission retreat held at McConnell Springs.
- General Work Activities – Staff responded to public inquiries about land use options and other questions related to the Comprehensive Plan. Using GIS, Pcensus and the LFUCG's building permit database, staff created maps and data sets for other LFUCG offices and citizens and officials outside the government.

D. Transportation Planning Activity Report

- Administration – Committee packets were prepared and distributed for the following Transportation Planning/MPO meetings in October: the Transportation Policy Committee (TPC); the Transportation Technical Coordinating Committee (TTCC); the Bicycle and Pedestrian Advisory Committee (BPAC) and the Air Quality Advisory Committee (AQAC). Other important meetings with MPO staff participation during October included: the BGADD Transportation and Regional Safety Committee and the Kentucky Statewide Transportation Planning meeting. Staff participated in the Planning Commission's regularly scheduled meetings and provided input on transportation issues and the review of submitted traffic impact studies.
- Transportation Improvement Programming (TIP) – TIP Program activities in October included a discussion on the future TIP Program schedule and documentation requirements. Other TIP activities in October included a review of LexTran Financial Tables and TIP Amendments. On October 24, 2007, TIP Amendments were approved for the **2030 Long Range Transportation Plan Amendment # 20 & FY 2006 – FY 2009 Transportation Improvement Program (TIP) Amendment # 10**. The projects were the three (3) Transportation Enhancement (TE) Projects and four (4) Congestion Mitigation and Air Quality (CMAQ) Projects.

Three (3) Transportation Enhancement (TE) Projects

- Healthways North-South Trail (Coldstream Park Phase) – \$700,000 Federal funds \$175,000 Local funds for a 1.4-mile bicycle and pedestrian trail on the north side of Lexington at the Coldstream Park Trail, part of a countywide "greenway" system.
- Newtown Pike Landscape and Beautification Project – \$650,000 federal funds \$162,500 local funds for a Newtown Pike Enhancement project that will include planting some 950 trees in the corridor right of way and the construction or repair of 1,100 feet of the region's famed wooden plank and dry stone fences.
- Town Branch Trail project, Phase III – \$208,000 federal funds \$52,000 local funds for a 1.05-mile pedestrian and bicycling trail originating from historic McConnell Springs Park. The trail will pass two city-owned historic landmarks and the historic Town Branch of Elkhorn Creek. As part of the Town Branch Trail project, historic preservation initiatives will link together several of Lexington's oldest cultural landmarks in a continuous non-vehicular trail through Lexington's earliest history. In addition, this project includes environmental mitigation.

Four (4) Congestion Mitigation Air Quality Projects

- Healthways – North- South Trail Maine Chance Trail project – \$2,000,000 federal funds \$500,000 local match for four miles of asphalt bicycle and pedestrian trail to link Coldstream Park and the Kentucky Horse Park on the Lexington north side.
- Gainesway Trail – \$446,400 federal funds \$111,600 local funds for two miles of pedestrian and bicycle trails that will connect four schools, a park and community center in southeast Lexington.
- Fiber Optic Cable Installation – \$320,000 federal funds \$80,000 local funds in CMAQ funding for installation of fiber optic cable for traffic control signal systems on Man-O-War Boulevard, Nicholasville Road and Alumni Drive.

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- **Biodiesel Storage Tank** – \$88,000 federal funds \$22,000 local funds for a storage tank that provides a much needed source of fuel to continue the success of the Fayette County Biodiesel Fuel program.
- Intelligent Transportation Systems (ITS) - The MPO staff continued to assist with implementation of the Bluegrass ITS (BITS) regional planning initiative on an as-needed basis.
- MPO Website Development – A stand-alone MPO web site can be accessed at <http://www.lexareampo.org/>. This month the website had 762 unique visitors (31% increase from September); 1,592 visits (35% increase from September); 3,752 page views (5% increase from September); 1.6 GB Bandwidth (no change;) and 24,065 hits (13% increase from September). There were 315 links from search engines (36% increase from September) in October. MPO staff updated the web site with new links, graphics and content.
- Fayette & Jessamine Counties Cooperative Planning - The MPO staff continued to work with Jessamine County officials and the Bluegrass Area Development District to assess transportation system impacts in Jessamine County. The staff attended the Bluegrass ADD Transportation Coordination Committee and the US 27 Safety Corridor Committee meeting. Staff continues to provide information to MPO counties, and records the requests in the MPO's database.
- Public Involvement – Roger Daman and Max Conyers took a three-day National Highway Institute (NHI) training course held in Frankfort called "Public Involvement in the Transportation Decision-Making Process." The course was very interesting and informative, offering both specific tools as to how to run public meetings as well as an overall look at public involvement and why it is so important in the transportation decision-making process. In addition, staff worked on arranging for a public meeting to be held on the north side of Lexington in November. The Lexington MPO Public Participation/Involvement Access-Database continues to be updated for use as an advanced input/management tool for public comments. The Public Involvement Database now includes 448 records. The Lexington Area MPOs stand-alone website (www.lexareampo.org) was updated and improved.
- Transit Planning – Staff attended the quarterly Model Users Group meeting in Frankfort, KY, establishing contact with the modeling community of Kentucky. The Transit Planner was officially voted in as a board member with *Art-In-Motion* as it continues to coordinate artistic bus shelters and/or transit related art for Lexington. Staff was appointed to the Quality of Place section of the Infill and Redevelopment Task Force representing the Lexington Area MPO. Staff took part in the Planning Commission retreat at McConnell Springs to orient new commissioners and further educate the others about the MPO.
- Newtown Pike Extension Study – Staff will continue to be involved in (when needed) and monitor ongoing work that includes plan development, design issues, funding strategies, meetings/discussions, TIP amendments, presentations and other various works to assist and coordinate with the Newtown Pike Extension Corridor Study and Small Area Plan Process. An updated financial plan was developed for project program coordinators and decision-makers and was presented to the TPC at October 24, 2007, meeting.
- MPO Newsletter - "Bluegrass Traveler" – The next "Bluegrass Traveler" newsletter is planned for a Winter 2007/Spring 2008 edition.
- Traffic Impact and Forecasting – The staff coordinated with the Division of Planning, Planning Services Zoning Committee to review recently submitted preliminary and final development plans, zoning map amendment applications, and text amendments for the monthly Zoning Review Meeting. Upon request, information was provided to real estate professionals, consultants and citizens in October. Staff continues to monitor the *Jessamine Journal* to track ongoing land development. Jessamine County zoning official Jesse Jackson provided information as part of the Transportation Technical Coordination Committee (TTCC) and reported no major new development activities underway. The proposed Hougham Industrial Property application for zoning map amendment complied with the Comprehensive Plan and their required traffic impact study was accurate and complete. The main issue, to be resolved at the time of the Final Development Plan, is the secondary access from Alexandria Drive into the industrial site. Many questions came up concerning the access point related to vehicle type and access to the site because of the location close to the Urban Service Boundary and Calumet Farm.
- Bicycle and Pedestrian Planning - The LFUCG Bicycle and Pedestrian section is found in the Strategic Planning monthly report. The MPO staff continues to serve as acting executive secretary for the MPO BPAC and closely coordinates all bike and pedestrian activities with the MPO, BPAC members, the KYTC District 7, and the Kentucky Transportation Cabinet's project programming personnel. Four MPO staff members helped with the Bike Summit at the University of Kentucky working at the registration and attending the sessions.
- Travel Demand Model – Staff continued to work with the consultants and MPO staff on different projects providing travel demand forecasts. Staff attended KY Model User Group Meeting in Frankfort and Neighborhood Summit in Lexington.

- Freight Planning – The final draft of the Freight Section Extension is complete and available to review by MPO members and interested parties. Staff started working toward a Freight Participation Plan with stakeholders. Staff attended the monthly Blue Grass Airport Board meeting.
- Air Quality Activities – Staff attended and provided materials at the FHWA Air Quality meeting in Frankfort, KY on October 4, 2007, and the Statewide Transportation Planning meeting, held in Lexington on October 18, 2007.

A summary was completed for the 2007 Ozone Season (May 1 – September 30) of the forecasting and monitoring of the Lexington area's Air Quality levels. The MPO staff used an Air Quality Forecasting model to predict the next day Air Quality Index level for both 8-hour Ozone and Particulate Matter 2.5 air pollution. A 3-day forecast was completed on Fridays. Staff completed work programs for two (2) Congestion Mitigation Air Quality projects. The work programs include the Biodiesel Storage Tank and the Fiber Optic Cable Installation projects. The summary, agenda and other materials were completed for the Air Quality Advisory Committee meeting that was held on October 24, 2007.

- Congestion Management Process (CMP) - Staff attended a number of transportation planning related committee meetings, such as Transportation Policy Committee (TPC); Transportation Technical Coordinating Committee (TTCC); Bicycle Pedestrian Advisory Committee (BPAC), etc. Staff reviewed the long range transportation plan and long range transit plan for long range comprehensive planning process. The Congestion Management Committee (CMC) invited Jim Duncan, Long Range Planning Manager, as our guest presenter at the CMC meeting. Mr. Duncan presented the newly adopted LFUCG 2007 Comprehensive Plan. The committee members learned a great deal about the long range comprehensive planning process and applauded Mr. Duncan's presentation. Staff continued to work on the Congestion Management Process Overview document. Staff worked on preparing a map showing the Severely Congested Road Segments and 2007 Comprehensive Land Use Plan. Staff worked on GeoLogger TravTime software for GeoLogger data processing and reporting. Staff continued to work on the monthly, quarterly, and annual reporting.
- Downtown Development Plan - The staff advised and provided information to the Lexington Downtown Development Association (LDDA) and the selected consultants for the transportation element of this study. The MPO staff is revising an air quality analysis of the effect of the proposal to convert the downtown one-way street system to two-way streets..
- Mobility Office Activities – Staff worked on the new Ridepro ride matching software program by starting to enter data into the program. The staff received an increased number of phone calls and emails regarding vanpooling to work this month.

E. Strategic Planning Activity Report

- Technical Meetings - Staff prepared for and attended the monthly meetings for the Greenway Coordinating Committee, BPAC, and other transportation meetings.
- Development Review - Staff conducted a variety of development review duties and meetings and coordinated bike/pedestrian, greenway and greenspace development issues.
- Greenways - Staff attended meetings with consultants on greenway projects. Staff attended the Greenway Coordinating Committee meeting. Staff met with the Pine Meadows, McConnells Trace, Gleneagles Greenway Committee, Pine Meadows Neighborhood and Pinnacle Neighborhood on various greenway and trail issues.
- Greenspace – Staff prepared for the Greenspace Commission meeting. Staff met with Farm Bureau representatives about agricultural buffering.
- Bluegrass Partnership for a Green Community – Staff attended the monthly steering committee meeting. Staff, with the Division of Parks, led Bryan Station High School students on a field trip to several parks. Staff met three times with other partners to begin work on a Green Mapping competition. Staff met with other partners to begin work on a rain garden initiative.
- Regional Bike/Pedestrian Plan – The final draft revisions per public comment are underway.
- Downtown Streetscape Design – The consultant selection committee has forwarded a recommendation to the Mayor's Office. It is anticipated that a contract and approval to begin work will be in place by early October.
- Bike/Pedestrian/Trail Projects – Staff attended numerous meetings and worked with various divisions to develop recommended projects for the \$2 million in funding available this year for trail development. Staff did a site visit and met with property owners along the Maine Chance Trail to gain necessary easements.

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- Complete Streets – Staff is preparing a set of recommendations regarding street cross-sections and connectivity.
- Seminars - Staff attended a three-day seminar on sustainable development.
- Safe Routes – Staff began work with an intern on the Safe Routes pilot project and met with the Health Department and school officials to discuss the project.
- Bike Summit - A Task Force will be formed to follow-up on initiatives recommended during the Bike Summit.
- Infill and Redevelopment Activities – Strategic Planning staff, in conjunction with Planning Services staff, met seven times with the Infill and Redevelopment Task Forces. The task forces will continue to meet until early December. Staff also met with the Northside Neighborhood Association regarding the pending IR Zoning Ordinance Text Amendments.
- Underutilized Property Survey – Staff has been working with the GIS Department on data verification and mapping.
- Neighborhood Conservation Zoning – The Chevy Chase neighborhood association is continuing to work on verification of the completed survey fieldwork. Staff attended a Fayette County Neighborhood Council meeting to discuss ND-1 Overlay zoning with several neighborhood representatives.
- Newtown Pike Extension/Southend Park Redevelopment Plans –The Record of Decision (ROD) has been issued for the NPE project. The construction of the temporary housing is underway. The rezoning process of the Southend Park Neighborhood will begin in November.

VIII. AUDIENCE ITEMS – Citizens may bring a planning related matter before the Commission at this time for general discussion or future action. Items that will NOT be heard are those requiring the Commission's formal action, such as zoning items for early re-hearing, map or text amendments; subdivision or development plans, etc. These last mentioned items must be filed in advance of this meeting in conformance with the adopted filing schedule.

IX. MEETING DATES FOR DECEMBER, 2007

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	December 6, 2007
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	December 6, 2007
Subdivision and Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	December 13, 2007
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	December 19, 2007
Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	December 20, 2007

X. ADJOURNMENT

TLW/TM/JWE/BJR/BS/src

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