

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

January 31, 2013

- I. **CALL TO ORDER** – The meeting will be called to order at 1:30 p.m. in the Council Chamber, 2nd Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.
- II. **APPROVAL OF MINUTES** – The minutes of the December 13, 2012, Planning Commission meeting will be considered at this time.
- III. **POSTPONEMENTS AND WITHDRAWALS** – Requests for postponement and withdrawal will be considered at this time.
- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, January 10, 2013, at 8:30 a.m. The meeting was attended by Commission members: Will Berkley, Eunice Beatty, Mike Owens, Carolyn Plumlee and Karen Mundy. Committee members in attendance were: Hillard Newman, Division of Engineering; and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Tom Martin, Cheryl Gallt, Chris Taylor, Barbara Rackers, David Jarman and Denice Bullock, as well as Captain Charles Bowen, Division of Fire & Emergency Services and Tracy Jones, Law Department. The Committee made recommendations on plans as noted.

General Notes

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

1. *All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.*
2. *All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.*

- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, January 10, 2013, 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

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

The procedure for these hearings is as follows:

- Staff Reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) proponents (10 minute maximum OR 3 minutes each)
 - (b) objectors (30 minute maximum) (3 minutes each)
- Rebuttal & Closing Statements
 - (a) petitioner's comments (5 minute maximum)
 - (b) citizen objectors (5 minute maximum)
 - (c) staff comments (5 minute maximum)
- Hearing closed and Commission votes on zone change petition and related plan(s)

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the hearing. The Chair will announce its decision at the outset of the hearing.

1. GIVENS INVESTMENTS, LTD., ZONING MAP AMENDMENT & EASTLAND PARK, UNIT 1-L, ZONING DEVELOPMENT PLAN

- a. MARV 2012-18: GIVENS INVESTMENTS, LTD. (2/13/13)* - petition for a zone map amendment from a Two Family Residential (R-2) zone to a High Density Apartment (R-4) zone, for 0.144 net (0.173 gross) acre, for property located at 1577 Martha Court (a portion of). A dimensional variance is also requested with this zone change.

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

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 8) recommends Greenspace/Open Space (GS) land use for the subject property. The applicant proposes developing 15 dwelling units in a multi-family residential structure, as an expansion of the adjoining apartment complex. A dimensional variance is also being requested with this zone change.

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

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

1. The existing Two Family Residential (R-2) zoning is inappropriate and the proposed R-4 zoning is appropriate for several reasons:
 - a. The zoning on the subject parcel is split between R-2 and R-4 zoning, and the subject property is the only R-2 zoned property with frontage on Martha Court. Developing a duplex on the lot, while possible, would be out of character with the rest of the street.
 - b. The proposed R-4 zoning is more compatible with the existing land uses and zoning along Martha Court. All other properties along Martha Court, north of Eastland Parkway, are zoned R-4, and have been developed with multi-family residential land uses.
 - c. The western property boundary is adjacent to the Yates Elementary School property, and this area of the school property is being used as a large detention basin that is serving multiple properties. Because of the stormwater improvements, it is highly unlikely that this portion of the school lot will ever be sold for development.
 - d. The Northridge Apartments, located to the southeast, are also zoned R-4 and the proposed re-zoning will allow for the subject property to be integrated into the apartment complex on a unified development plan.
 - e. The proposed rezoning to R-4 will allow infill development of 15 dwelling units of affordable housing in the area, which is supported by the 2007 Comprehensive Plan goals of creating strategies that enable and encourage appropriate infill and redevelopment of established developments and neighborhoods (Goal #8) and providing housing opportunities to meet the needs of all citizens (Goal #13). This rezoning and development is also supported by the 2012 Comprehensive Plan Goals and Objectives of planning for safe, affordable, and accessible housing to meet the needs of older and/or disadvantaged residents (Theme A.1.c.), and identifying areas of opportunity for infill, redevelopment, and adaptive reuse that respect the area's context and design features whenever possible (Theme A.2.a.).
2. This recommendation is made subject to approval and certification of ZDP 2012-109: Eastland Park, Unit 1-L, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

b. REQUESTED VARIANCE

1. Reduce the project exterior yard requirement for a Group Residential Project from twenty (20) feet to five (5) feet along the northwestern property line.

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

The Staff Recommends: **Approval of the requested setback variance from 20 feet to 5 feet**, for the following reasons:

- a. Granting the requested variance should not adversely affect the public health, safety or welfare, nor alter the character of the general vicinity, as this Group Residential Project will be immediately adjacent to the open space on the adjacent school property.
- b. Approval of the variance will not result in an unreasonable circumvention of the Zoning Ordinance. The applicant's proposal for a 15-unit apartment building will be comparable to other apartment buildings existing on Martha Court.
- c. The unique circumstance that applies to this property is the large overhead utility easement, which necessitates the relocation of this apartment building.
- d. Strict application of the requirements of the Zoning Ordinance would create an unnecessary hardship to the applicant (loss of units), an apartment building that would be atypical and out of character for this area, and would likely result in an incompatible development proposal.
- e. The circumstances surrounding this request are not the result of actions taken by the applicant, but rather by the presence of a large utility easement on the subject property.

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

1. Provided the Urban County Council rezones the property R-4; otherwise, any Commission action of approval of this variance is null and void.
2. Should the property be rezoned, it shall be developed in accordance with the approved Development Plan; as amended by a future Development Plan approved by the Commission; or as a Minor Amendment permitted under Article 21-7 of the Zoning Ordinance.
3. A note shall be placed on the Zoning Development Plan indicating the variance that the Planning Commission has approved for this property (under Article 6-4(c) of the Zoning Ordinance).
4. Prior to any construction, the applicant shall obtain a Zoning Compliance Permit, and a building permit.

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- c. ZDP 2012-109: EASTLAND PARK, UNIT L (2/13/13)* - located at 1577 Martha Court.
(2020 Land Surveying)

The Subdivision Committee Recommended: **Postponement**. There were some questions whether the new development can meet the required off-street parking.

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

1. Provided the Urban County Council rezones the property R-4; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
4. Building Inspection's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree inventory map.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.
8. Addition of written scale.
9. Denote record plat designation.
10. Dimension walkways, parking and buildings.
11. Dimension access points.
12. Denote number of stories and height of building.
13. Correct note #1 in reference to Chapter 16 of the Code of Ordinances.
14. Discuss property boundary line conflict with buildings.
15. Discuss compliance with required parking.
16. Discuss possible need for height-to-yard variance.

2. KIRK & CAROL SNYDER ZONING MAP AMENDMENT & MICHAEL GENTRY PROPERTY ZONING DEVELOPMENT PLAN

- a. MAR 2013-1: KIRK & CAROL SNYDER (2/24/13)* - petition for a zone map amendment from a Professional Office (P-1) zone to a Highway Service Business (B-3) zone, for 0.6138 net (0.9857 gross) acre, for property located at 3270 Richmond Road.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 9a) recommends Professional Services (PS) future land use for the subject property. The petitioner proposes to rezone the property to a B-3 zone, and to maintain the existing veterinary clinic and associated off-street parking on the site.

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

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

1. The requested Highway Service Business (B-3) zoning for the subject will allow the property to develop for uses that are compatible in terms of use, intensity, and character with those on the adjoining properties. The veterinary clinic is a principal permitted use in the B-3 zone; thus, the property can continue to operate as a principal permitted use for the foreseeable future.
2. Recent changes in zoning and to the Richmond Road Traffic and Safety Ordinance, as well as the subsequent development of the area, constitute major changes of a physical and economic nature that have altered the basic character of the area that were not anticipated by the 2007 Comprehensive Plan. These have increased the permitted intensity of land use in this area over that recommended by the Plan.
3. This recommendation is made subject to approval and certification of ZDP 2013-9: Michael Gentry Property prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the subject property shall be restricted with the following prohibited uses:

PROHIBITED USES:

- a. Adult entertainment establishments, adult bookstores, and adult video stores.
- b. Drive-through windows accessory to restaurants.
- c. Cocktail lounges not associated with restaurants.
- d. Nightclubs.
- e. Billboards.
- f. Cellular telephone towers.
- g. Amusement parks and fairgrounds.

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- h. Outdoor loud speakers or music.
- i. Hotels and motels.

These use restrictions are necessary and appropriate for the subject property to lessen the intensity of the uses due to the size of the property and to its lack of direct access onto Richmond Road.

- b. ZDP 2013-9: MICHAEL GENTRY PROPERTY (2/24/13)* - located at 3270 Richmond Road.
(Foster-Roland)

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

1. Provided the Urban County Council rezones the property B-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
4. Building Inspection's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree inventory map.
6. Denote requested zone in site statistics.
7. Denote adjoining final record plat information.
8. Denote: This property shall be developed in accordance with the Richmond Road Access and Landscape Ordinance.
9. Remove extraneous soils information from plan.
10. Correct date in Commission's certification.
11. Denote name and address of developer and/or owners.
12. Denote topographical informational and source.
13. Denote construction access location.
14. Denote height of building in feet.

3. JULIE & ANTHONY CHILDRESS ZONING MAP AMENDMENT & JULIE & ANTHONY CHILDRESS PROEPRTY ZONING DEVELOPMENT PLAN

- a. MAR 2013-2: JULIE & ANTHONY CHILDRESS (2/24/13)* - petition for a zone map amendment from a Wholesale & Warehouse Business (B-4) zone to a Lexington Center Business (B-2B) zone, for 0.057 net (0.130 gross) acre, for property located at 430 West Maxwell Street.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 1) recommends a Commercial Residential Mixed Use (MU) land use for the subject property. The petitioner proposes a Lexington Center Business (B-2B) zone in order to re-use the existing structure for residential purposes, and construct an office/garage in a separate building on the same property.

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

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

1. The requested Lexington Center Business (B-2B) zone is in agreement with the 2007 Comprehensive Plan and the Newtown Pike Extension Corridor Plan for the following reasons:
 - a. The property is recommended for a future Commercial Residential Mixed Use (MU) future land use (formerly Retail/Office Mixture), to include residential use.
 - b. The requested B-2B zone is one of several that can implement that future land use recommendation.
 - c. The petitioner proposes a residential use along West Maxwell Street and an office use along Spring Street, all of which are permitted in the B-2B zone.
2. This recommendation is made subject to approval and certification of ZDP 2013-10: Julie & Anthony Childress Property, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses are to be prohibited at this location via conditional zoning:
 - a. Cocktail lounges and nightclubs.
 - b. Automobile service stations and/or the sale of gasoline.
 - c. Establishments for the display, rental, repair and/or sale of automobiles, motorcycles, trucks, and boats.

These use restrictions are necessary and appropriate for the subject property to ensure that the proposed zoning will only allow for development that would be compatible with future redevelopment projects in the downtown area, and with uses recommended by the Comprehensive Plan.

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- b. ZDP 2013-10: JULIE & ANTHONY CHILDRESS PROPERTY (2/24/13)* - located at 430 West Maxwell Street.
(James Black)

The Subdivision Committee Recommended: **Postponement**. There were some concerns about access to the proposed garage.

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

1. Provided the Urban County Council rezones the property B-2B; 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 and landscape buffers.
5. Urban Forester's approval of tree inventory map.
6. Addition of a graphic scale.
7. Addition of adjacent property information.
8. Addition of topographical contours and source information.
9. Denote building height in feet.
10. Addition of any proposed easements.
11. Discuss plan status.

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENT REQUESTS

1. **ZOTA 2012-9: AMENDMENTS TO ARTICLES 1, 8 & 12 FOR MODIFICATIONS TO THE B-1 ZONE** – petition for a Zoning Ordinance text amendment to Articles 1, 8, and 12 to make various modifications to the B-1 zone, including the addition of several new definitions.

INITIATED BY: Urban County Planning Commission

PROPOSED TEXT: *(Copies of the full proposed text are available upon request)*

Revised Staff Alternative Text: **8-16(c) Accessory Uses**

1. Parking areas or structures.
2. One (1) dwelling unit for owners, operators, or employees of a permitted use, provided that such dwelling unit shall be a part of the building and located above or to the rear of such permitted uses.
3. Warehousing, wholesaling, and storage, excluding outdoor storage; and provided that no building for such accessory use shall have openings other than stationary windows or solid pedestrian doors within one hundred (100) feet of any residential zone.
- ~~4. The rental of trucks (single rear axle – 28' maximum overall length); trailers, and related items in conjunction with the operation of an automobile service station, provided the service station abuts a state or federal highway and does not abut a residential zone. No more than five (5) trucks shall be stored for longer than forty eight (48) hours on any service station. A site plan shall be submitted for the approval of the Division of Building Inspection for the control of such activities and shall show the entire property, signs, parking and location of the proposed storage area.~~
- 4.5. The sale of malt beverages, wine, or alcoholic beverages, when accessory to a restaurant permitted under Section 8-16(b)(3). Such accessory use shall not devote more than twenty-five percent (25%) of its public floor area ~~exclusively~~ primarily to the preparation and service of such beverages, nor provide any separate outside entrances or separate identification signs for those areas.
- ~~6. Drive-through facilities for the sale of goods or products or the provision of services otherwise permitted herein.~~
- ~~5.7. Satellite dish antennas, as further regulated by Article 15-8.~~
- ~~6.8. One (1) or two (2) pool or billiard tables within an establishment.~~
- ~~7. Sidewalk cafés, when accessory to any permitted restaurant.~~
- ~~8. Retail sale of liquid propane (limited to 20 lb. containers), when accessory to the retail sale of merchandise or an automobile service station permitted under Article 8-16(b).~~
9. Indoor live entertainment and/or dancing, when accessory to a restaurant, **brew-pub** or banquet facility, but only when located more than one hundred (100) feet from a residential zone.
10. Drive-through facilities for the sale of goods or products or the provision of services otherwise permitted herein, when approved by the Planning Commission on a development plan.

8-16(d) Conditional Uses

1. Self-service car washes, provided that surface water from such establishments shall not drain onto adjacent property, and that adequate on-site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.
2. Animal hospital or clinic, provided that all exterior walls are completely soundproofed, and further provided that animal

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- pens shall be completely within the principal building and used for the medical treatment of small animals.
3. The rental of trucks (single rear axle - 28' maximum overall length); trailers and related items in conjunction with the operation of an automobile service station, provided that the service station abuts a state or federal highway ~~when abutting a residential zone~~. No more than five (5) trucks shall be stored for longer than forty-eight (48) hours on any service station. A site plan shall be submitted for the approval of the Board of Adjustment for the continued control of such activity and shall show the entire property, buildings, signs, parking and location of the proposed storage area.
 4. A restaurant or brew-pub, without live entertainment or dancing, which devotes more than twenty-five percent (25%) of the establishment's public floor area ~~exclusively~~ primarily to the preparation and service of malt beverages, wine or alcoholic beverages.
 5. Outdoor live entertainment and/or dancing, cocktail lounges, ~~brew-pubs~~ or night clubs [unless prohibited under Sections 8-16(e)(14) and (15)]. Such uses shall be located at least one hundred (100) feet from any residential zone and shall be sound-proofed to the maximum extent feasible by using existing technology, with noise or other emissions not creating a nuisance to the surrounding neighborhood.
 - ~~6. A combination business, office and residential project, provided the following conditions and requirements are met: [including deletion of sub-sections a. – s. that follow]~~
 - ~~6.7. Upholstery shop.~~
 - ~~7.8. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:~~
 - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
 - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
 - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
 - ~~8.9. Gasoline pumps available to the public without an employee on site, provided a plan is approved by the Board of Adjustment for periodic inspection of the site by an employee for the following purposes:~~
 - a. To check all operating equipment;
 - b. To check fire suppression system(s);
 - c. To check the condition of the fire alarm(s);
 - d. To check for indications of fuel leaks and spillage;
 - e. To remove trash from the site;
 - f. To monitor the general condition of the site.
 - ~~9.10. Assisted living facilities and Rehabilitation homes, but only when located closer more than five hundred (500) feet from a residential zone.~~
 - ~~10. Extended-stay hotels.~~
 - ~~11. Parking lots, provided such uses conform to the conditions of Article 16.~~
 - ~~12. Drive-through facilities for the sale of goods or products or the provision of services otherwise permitted herein, except as accessory uses herein.~~

The Zoning Committee Recommended: **Approval, including the Staff Alternative Text**, for the reasons provided by staff.

The Staff Recommends: **Approval, including the Staff Alternative Text**, for the following reasons:

1. The text amendment will be in agreement with the Implementation Element and Table of the 2007 Comprehensive Plan, which identified the "neighborhood business zone rewrite" as a necessary task following the completion of the *Non-Residential Infill Study*. The Study suggested adjusting land uses permitted within the Neighborhood Business (B-1) zone and relaxing setbacks and height limitations.
 2. The proposed amendment meets many of the recommendations of the *Non-Residential Infill Study*, and accomplishes other minor improvements to the B-1 zone to make it more compatible with residential neighborhoods.
 3. The creation of a "form-based neighborhood business project" will provide added flexibility for redevelopment in the Infill and Redevelopment Area, and will provide for more compatible development with the existing character of an area.
2. **ZOTA 2012-15: PARKING, PRIVATE WALKWAYS AND PAVED AREAS IN RESIDENTIAL ZONES** – petition for a Zoning Ordinance text amendment to modify the definition of "driveway, for single-family and two-family dwellings;" to create new definitions for "paved area" and "private walkway;" and to limit the size, material, and configuration of private walkways and driveways, in the front yard of single-family and two-family dwellings.

INITIATED BY: Urban County Planning Commission

PROPOSED TEXT: *(Copies of the proposed text are available upon request)*

The Zoning Committee Recommended: **Approval of the revised staff alternative text**, for the reasons provided by staff.

The Staff Recommends: **Approval of the Staff Alternative Text**, for the following reason:

1. The proposed text amendment will enhance zoning compliance and enforcement by clarifying parking regulations and closing certain loop holes that were being used to circumvent the Zoning Ordinance requirements for maximum parking, landscaping and stormwater controls.
2. Adoption of the staff alternative text will further the intent of the Zoning Ordinance by clarifying certain design standards related to parking for single- and two-family homes, thereby reducing the potential for zoning violations.

VI. **COMMISSION ITEMS**

- A. **BOAR 2013-1: WILLIAM KEVIN MURPHY** – an appeal of the Board of Architectural Review's issuance of a Certificate of Appropriateness on an adjoining property at 137 W. Bell Court. (Council District 3).

The Staff will report at the hearing.

VII. **STAFF ITEMS**

A. **Planning Services Activity Report**

- During the month of December, the Planning Services staff processed 6 zoning map amendments and 5 text amendments to the Zoning Ordinance. Also, 14 Board of Adjustment cases were processed for the Board of Adjustment. All of the new written staff reports for these items were forwarded to those appellants at least five working days in advance of the scheduled public hearings.
- Processing of the above items included attendance and/or preparation of materials and presentations for the following: Technical, Subdivision and Zoning Committee meetings, one Planning Commission public hearing and one Board of Adjustment public hearing. In addition, the staff held four pre-application conferences for zoning applications, and several other pre-application meetings for subdivision plans, development plans and appeals to the Board of Adjustment.
- In December, there were 10 updates made to the Registered Neighborhood Association data base. Planning Services staff assisted 158 unscheduled "walk-in" visitors to the office, all of which were served within 15 minutes of their arrival. Those office visitors were placed with a professional planning staff member in an average of 1.72 minutes. Much of the remainder of the staff's time was spent answering numerous telephone and e-mail inquiries from people concerning zoning regulations, subdivision plans, Board of Adjustment (BOA) appeals, development plans and related items, or posting applications and submitted plans on the Division of Planning web-page.
- In December, Planning Manager Bill Sallee assisted the Downtown Development Authority in reviewing bids for professional services. Those services are part of the on-going work of the Design Excellence Task Force, chaired until recently by former Councilmember Tom Blues. The Task Force will continue its work in 2013, with the help of their consultant, in developing guidelines for the downtown area.

B. **Zoning Enforcement Activity Report**

- ZE staff continued to "regroup" during December, as only 24 citizen complaints about zoning issues were received, which is a fairly typical decline for that time of year. Those 24 new cases were in addition to 36 unresolved complaints that were carried over from November. Of the 60 complaint cases worked on in December, just 3 were determined not to be zoning violations. A total of 14 cases were resolved, meaning that the necessary actions were taken by a property owner and/or tenant to bring a property into compliance. All of the 24 new cases were initially investigated within two working days after receiving the complaint, which is the first time that goal has been met with 100% success since Zoning Enforcement was transferred to Planning from Building Inspection in January of 2012.
- At least some progress was made during December with regard to two very challenging enforcement cases in the rural area. Arraignment before a District Court judge for the property owner with a junk/storage yard in the rural area of eastern Fayette County (who was served with a criminal complaint toward the end of November) took place on December 27. It is anticipated that court-ordered mediation will be initiated in the near future in an effort to resolve that problematic situation. A significant amount of time was spent preparing for the Board of Adjustment revocation hearing (to take place on January 25) for the commercial composting and quarrying operation on the north side of Lexington off of Georgetown Road. A conditional use for composting activities there was approved by the BOA in 1990, but the quarrying conditional use request was disapproved in 2010, which has resulted in a complicated array of circumstances since both activities are taking place within the same 22-acre site.
- Monitoring of conditional use permits that have been granted by the Board of Adjustment or by the Planning Commission (in conjunction with a zone change request) was continued in December. By law, every conditional use is required to be

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inspected for compliance at least once per year. During December 49 conditional uses were inspected, and all were determined to be in substantial compliance.

- Efforts to monitor compliance with conditional zoning restrictions adopted by the Urban County Council also continued in December, with 17 sites inspected. Only a handful of sites now need review to complete the initial inspections of the 305 or so zone changes that had conditional zoning restrictions applied. So far, only one instance of noncompliance has been discovered, and that situation involving the installation of a landscape buffer has been resolved.

C. Long Range Planning Activity Report

- Development Review – Staff conducted a variety of development review duties and meetings, conducted field work, and coordinated greenway and greenspace development issues.
- Census Data – Staff developed profiles for current and historic Census data sets in response to requests from individuals and agencies, including LFUCG Social Services and the Lexington Downtown Development Authority.
- General Work Activities – Using GIS, staff created maps and data sets for the Urban County Council, other LFUCG Departments, and agencies and officials outside the government. Staff also attended LFUCG-sponsored trainings and presentations by other local officials.

D. Transportation Planning Activity Report

1.1 Surveillance –

- The MPO staff continues to monitor the Comprehensive Plan(s) and land development activities through participation in the LFUCG Division of Planning activities and monitoring Fayette and Jessamine County news media and their legal ads on a daily, weekly, and monthly basis.
- Staff attended Blue Grass Airport Board December Meeting.

1.2 Title VI/ADA –

- The MPO staff continues to monitor the Title VI/ADA through participation and monitoring of Fayette and Jessamine County planning and zoning information on a daily, weekly, and monthly basis.

1.3 Participation Process –

- MPO Website Development – In December, the MPO website had 162 unique visitors; 199 visits; and 761 page views.
- The MPO's Twitter site increased its followers to 1,364 at the end of December up from 1,335 at the end of November.
- The MPO's Facebook fan page had 561 likes, reached 9,201 unique users and had 7,331 total daily impressions in December.
- The Lexington Area MPO Youtube channel has a total of 28 videos. The videos have had a total of 29,464 lifetime views with 410 views in December, and the channel has 17 subscribers.
- The Lexington Area MPO Public Participation/Involvement Access Database continues to be updated. The database now includes 1,200 records.
- The draft Participation Plan was completed and advertised for public review and comment.

1.4 Staff Development –

- Staff continues to monitor the latest information from planning, engineering, and traffic engineering publications.

2.1 Congestion Management Process (CMP) –

- Staff continued to work with the Kentucky Transportation Center (KTC) and Kentucky Transportation Cabinet (KYTC) staff to process the GPS-probe speed data and calculate congestion management criteria and performance measures.
- Staff continued to work on developing the congestion management road segment list and database that are used for documenting corridor congestion management performance measures.
- Staff continued to participate in the administration of the Downtown Traffic Movement and Revitalization Study.
- Staff reviewed MAP-21's seven (7) transportation-planning-focused national goals that include congestion reduction and its impact on the congestion management process.
- Staff coordinated with Traffic Engineering Division staff who presented BlueToad application project plans for selected arterial segments in Lexington area.

2.2 Transportation Plan Update –

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- Staff coordinated 1-on-1 meetings with County Judges, Mayors, and their designated transportation stakeholder groups to ascertain transportation needs.

2.3 Air Quality Activities –

- Staff continued to monitor air quality issues.

2.4 Intelligent Transportation Systems (ITS) –

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

3.1 Transportation/Traffic and Land Use Impact Analysis –

- Reviewed two (2) plans (including plans/development plans/Zoning Development Plans), four (4) zone change, five (5) Board of Adjustment cases (to include the cursory review of one (1) variance appeals, three (3) conditional use/variances, and one (1) administrative reviews; two (2) Urban County Planning Zone Map Amendment and four (4) zoning ordinance text amendments.
- Monitored Urban County Zoning and Subdivision Regulations as submitted as part of Planning Services Section continual and on-going infrastructure improvement process; meet once a month to discuss, traffic, and land-use and on-site/off-site issues and regulatory requirements.
- Continued to monitor the Central Baptist Hospital–University of Kentucky Traffic Impact Study and met with all stakeholders to discuss various issues related to the study. Important issues remain and will be revisited at a future meeting.
- Reviewed the Jessamine Journal's legal ads for Jessamine, the City of Nicholasville, and the City of Wilmore's proposed land use changes and zoning proposals, and monitored for transportation and related traffic issues in December. Noted adjacent MPO county annexing land and growing in total area.
- Traffic counts and roadway functional classification information were provided to three (3) LFUCG planners/professionals in December.

3.2 Multimodal / Transportation Enhancement Planning / Intermodal Planning –

- Staff responded to citizen/agency requests for information on bike and pedestrian issues.
- Staff continued to participate in the work activities for Versailles Road Multimodal Enhancement Design Alternatives Study.
- The bike map reprint was completed. An additional 5,000 copies will be distributed.
- The Bicycle & Pedestrian Coordinator position was advertized.

3.3 Transit Planning –

- Staff coordinating with KYTC, CDP, and landowners to establish CMAQ funded bus shelter on Southland Dr. to be built in spring 2013. Working with Div. of Water Quality on encroachment permit.
- Staff attends Local Food Percolator meetings concerning local food distribution.
- Staff attended FTSB annual special Board Meeting as chair of the board.
- Staff attended coordination meeting with Art-in-Motion president concerning upcoming projects
- Staff attended coordination with Parsons Brinkerhoff concerning MPO Transportation Model Update Project as well as the Mass Transit Alternative Study with LexTran

3.4 Mobility Office Activities –

- Staff continued to provide administrative services for LexVan program and sent 27 bills in December.
- Staff worked with LexTran and LFUCG representatives in drafting a form letter that were sent to LexVan coordinators and riders to formally inform them that the LexVan program will be transferred to LexTran.
- Staff made and received 16 phone calls this month: 7 vanpools, 1 carpool, 1 Lextran, 1 parking, 1 Greyhound, and 5 others. .

3.5 Travel Demand Modeling and Forecast –

- Staff met with consultants to review socio-economic data (Traffic Analysis Zone-TAZ) for the model update.
- Staff attended travel time study meeting as a panel member in Frankfort.

4.1 Administration –

- Committee meeting packets were drafted for Transportation Planning/MPO meetings held in the month: the Bicycle Pedestrian Advisory Committee (BPAC) and the Congestion Management Committee (CMC).

4.2 Transportation Improvement Programming (TIP) –

- Staff prepared and distributed TIP Modification #28.
- Staff began the process of developing the next TIP.
- Staff prepared and published a listing of federally and state funded project in FY 2012.

4.3 Unified Planning Work Program (UPWP) –

- Staff reviewed their UPWP sections for content for the upcoming UPWP update.

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 FEBRUARY, 2013

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	February 7, 2013
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	February 7, 2013
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	February 14, 2013
Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	February 21, 2013
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	February 27, 2013
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	February 28, 2013

X. ADJOURNMENT

TLW/TM/CT/BJR/BS/src