

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

October 23, 2014

- 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 September 25, 2014, 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, October 2, 2014, at 8:30 a.m. The meeting was attended by Commission members: Will Berkley, Joe Smith, Frank Penn and Mike Owens. Committee members in attendance were: Hillard Newman, Division of Engineering; and Casey Kaucher, Division of Traffic Engineering. Staff members in attendance were: Bill Saltee, Tom Martin, Cheryl Galt, Dave Jarman and Kelly Hunter, as well as Greg Lengal, Division of Fire and Emergency Services and Greg Jones, Division of Police. 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, October 2, 2014, at 1:30 p.m. in the Division of Planning Office. The meeting was attended by Commission members Patrick Brewer, Mike Cravens, David Drake, Carolyn Richardson, and Bill Wilson. The Committee reviewed applications, and made recommendations on zoning items as noted.

A. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

- 1. **ZOTA 2014-4: RECREATION AND TOURISM LAND USES** – petition for a Zoning Ordinance text amendment to address recreation and tourism land uses in all zones, in order to implement the recommendations of the Recreation ZOTA Work Group.

INITIATED BY: Urban County Planning Commission

PROPOSED TEXT: *(Available upon request, and at:
<http://www.lexingtonky.gov/Modules/ShowDocument.aspx?documentid=28457>)*

The Zoning Committee **made no recommendation** on this request.

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

- 1. The 2013 Comprehensive Plan recommends “strengthening regulations and policies that propel the agricultural economy; including, but not limited to, local food production and distribution, agritourism, and the equine industry that showcase Lexington-Fayette County as the Horse Capital of the World” (Theme C, Goal #1, Obj. B); “encouraging the development of appropriate attractions and supporting uses that promote and enhance tourism” (Theme C, Goal #1, Obj. E); and “providing entertainment and other quality of life opportunities that attract young professionals and a workforce of all ages and talents to Lexington” (Theme C, Goal #2, Obj. D). The proposed text amendment improves the opportunities for recreation and tourism-related land uses throughout Fayette County, to the benefit of all residents.
 - 2. The *Rural Land Management Plan* (1999) acknowledged that “the best preservation tools for the rural service area are those that keep the agricultural economy viable and strong” (page I-4), and called for greenways, staging areas and trails, as well as public access to the community’s unique resources. This all suggests some level of access for recreational enjoyment and possibly tourism.
 - 3. The proposed changes and additions to the definitions in Article 1 of the Zoning Ordinance will provide guidance and clarification to the Board of Adjustment and the Planning Commission in reviewing development applications. This text amendment adds or modifies 38 definitions related to recreation and tourism-related uses.
 - 4. The proposed changes and additions to land use regulations in Articles 8, 11, and 23 will implement the recommendations of the 2013 Comprehensive Plan related to tourism and improving the community’s overall quality of life.
- 2. **ZOTA 2014-7: AMENDMENT TO ARTICLE 22 TO ESTABLISH A PLANNED UNIT DEVELOPMENT-2 (PUD-2) ZONE** – petition for a Zoning Ordinance text amendment to establish the Luigart Planned Unit Development-2 (PUD-2) zone in a new Appendix 22B.

REQUESTED BY: North Limestone Community Development Corporation (NoLi CDC)

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

PROPOSED TEXT: *(Available upon request, and at:
<http://www.lexingtonky.gov/Modules/ShowDocument.aspx?documentid=28615>)*

The Zoning Committee **made no recommendation** on this request.

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

1. The current Zoning Ordinance is able to accomplish the task of creating a unique zoning tool through the use of Article 22, where a Planned Unit Development can be designed to allow for innovation that may not be accomplished using traditional zoning techniques.
2. The proposed text amendment to establish the LuigART Planned Unit Development-2 (PUD-2) zone will permit a mixed-use district near the North Limestone and Loudon Avenue intersection that will encourage homeownership and equity programs, an artist-in-residence program, visiting artist housing, a business incubator and gallery space.
3. The proposed PUD-2 zone will allow an innovative program that supports the 2013 Comprehensive Plan and the 2009 Central Sector Small Area Plan. The following Themes of the 2013 Comprehensive Plan are supported by the proposed text amendment: Protecting the Environment (Theme B), Improving a Desirable Community (Theme D), Maintaining a Balance Between Planning for Urban Uses and Safeguarding Rural Land (Theme E), and Implementing the Plan for Lexington-Fayette County and the Bluegrass (Theme F).

VI. COMMISSION ITEMS

- A. ADOPTION OF MEETING & FILING SCHEDULE** - The staff will present copies of the recommended "Official Meeting and Filing Schedule for 2015" and will request that the Commission consider its adoption. After adoption by the Commission and by the Board of Adjustment, the 2015 schedule will be distributed.

VII. STAFF ITEMS

A. Planning Services Activity Report

- During the month of September, the Planning Services staff processed 2 zoning map amendments and 4 Zoning Ordinance text amendments. Also, 4 Board of Adjustment cases were processed for the Board's September meeting. Some 40 subdivision & development plans were also processed and reviewed by Planning Services staff members in September. In addition, 1 Public Facility Review and 1 Cellular Tower application were processed by the staff.
- Processing of the above items included attendance and/or preparation of materials, staff reports and presentations for the following: Technical, Subdivision and Zoning Committee meetings, one Planning Commission public hearing, one Planning Commission public meeting, one Planning Commission work session and one Board of Adjustment public hearing. In addition, the staff held 5 pre-application conferences prior to providing a zoning application to citizens, and held several other pre-application meetings for subdivision plans, development plans and various appeals to the Planning Commission and Board of Adjustment.
- In September, there were 20 updates made to the Registered Neighborhood Association data base, and Planning Services staff assisted 158 unscheduled "walk-in" visitors to the office, all but three 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 1.62 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.
- Planners Cheryl Gallt and David Jarman attend weekly meetings of the "Commercial Plan Review Board" (every Tuesday) in the Division of Building Inspection. In September, Dave and Cheryl assisted in helping that division review 16 applications for new buildings and/or additions to existing buildings, and 33 applications for remodeling of existing commercial properties, including "fit-ups."
- In September, Senior Planner Tom Martin and Administrative Specialist Denice Bullock completed the required Floodplain Management Plan annual update report. Those two assembled and submitted the required information documenting our floodplain management activities to FEMA per our National Flood Insurance Program participation requirements. This task also required them to prepare and mail out public outreach information per our participation in the NFIP.
- On Monday, September 22nd, Planning Manager Bill Saltee attended a meeting of the Merry Wives of Greenbrier Neighborhood Association. The meeting centered upon the R-2 and R-1C zoning of much of this neighborhood, and the possible permitted and conditional uses permitted by the Zoning Ordinance in those two categories. The meeting was attended by about 20 residents of Greenbrier Road and by 4th District Councilmember Julian Beard.
- On September 26th, Administrative Officer Barb Rackers and Senior Planner Traci Wade completed their training at Kentucky American Water Company's "Water Wise Academy." The Academy, led and organized by former LFUCG CAO Charlie Boland, taught participants about how water is distributed in our community.

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B. Zoning Enforcement Activity Report

- September was another very busy month for new zoning complaints, with 113 citizen and other complaints logged in related to zoning issues. That is the highest number of complaints for a single month since Zoning Enforcement responsibilities were transferred from the Division of Building Inspection to the Division of Planning in January of 2012. This “increase” is not necessarily the result of greater levels of noncompliance, but more a reflection of fairly aggressive and proactive enforcement actions being taken related to priority issues.
- The 113 new cases investigated in September were in addition to 61 unresolved cases that were carried over from August. Of the 174 cases worked on in September, 12 were determined not to involve any zoning violations. Over 75% of the new cases were related to signage, illegal business activity in residential areas and occupancy issues. As was the case in August, many of the new occupancy cases are for “home rental” issues (see below). A total of 75 cases were resolved, meaning that the necessary actions were taken by a property owner and/or tenant to bring a property into compliance.
- During September a total of 67 conditional uses were inspected, and all were determined to be in substantial compliance. Many of these have conditions that have been “permanently satisfied”, so they have been added to our new data base of conditional uses that will not routinely be inspected once per year. That data base now includes a significant portion of the 700 or so conditional uses that historically have been routinely inspected on an annual basis. We are very hopeful that, over time, this will allow inspectors to spend much more time checking on important operational type conditions rather than “rubber stamping” inspections.
- Efforts to establish procedures and create necessary legal correspondence for placing liens on properties that have unpaid civil citations related to zoning violations are now nearly complete. Recording of liens has been a standard practice with the Division of Code Enforcement for many years, but has not yet been part of the Zoning Enforcement process. It is anticipated that use of this new tool will be an additional motivation for property owners to pay their fines and, most importantly, get their properties into compliance.
- Work continued in September attempting to respond to the practice of renting residential properties (primarily single family residences) for very short time periods, in some cases on a nightly basis. Such activity is contrary to current provisions in the Zoning Ordinance that generally allow residential properties to be rented for no less than one week. In response to notices sent out in August, 10 out of 31 properties determined to be out of compliance have now modified their advertising (and hopefully actual rental practices) to reflect the one week limit. Short-term home rental activity in Fayette County is apparently fairly competitive, and many owners have been reluctant to modify their rental practices without knowing for sure that other owners will do the same. Staff is attempting to open a dialogue with all affected parties so that some common ground can be found that addresses this “equity” issue and ultimately results in everyone being on a level playing field.
- A conditional use permit for a nightclub on Euclid Avenue with live entertainment and dancing was revoked by the Board of Adjustment at their September 26th public hearing. The revocation was based generally on disturbances to the surrounding neighborhood, and more specifically on the failure to comply with a 1:00 AM close time mandated by the Board at a previous hearing. A court injunction was pursued and granted in early October preventing the opening of the nightclub until pending legal issues are resolved.

C. Long Range Planning Activity Report

- Small Area Plans – Staff and consultants held kickoff public input meetings for two small area plans: Cardinal Valley the Armstrong Mill West. Both meetings included activities to encourage participants to begin discussing the issues that are most important to the areas. The consulting team for Cardinal Valley SAP is led by staff from Lord Aeck Sargent’s Lexington office. The Armstrong Mill-West SAP team is headed by the Lexington firm of EHI Consultants. The SAPs will follow the statutory process for comprehensive planning and will be presented for adoption by the Planning Commission as amendments to the Comprehensive Plan in the spring of 2015.
- Design Week – Staff participated on a panel of speakers at the University of Kentucky as part of the annual Design Week activities. The panelist considered the redevelopment of the land for the Greg Page apartments adjacent to the arboretum. In addition to the Division of Planning, the panel included the deans of the Colleges of Agriculture and Fine Arts and representatives of campus recreation and facilities management.
- Public Schools Redistricting – Staff attended redistricting committee meetings held at the FCPS facility on Russell Cave Road and the Central Office on Main Street. The committee was given a demonstration of GIS software that will be used to adjust the school attendance boundaries. In addition to the Division of Planning, the committee includes representa-

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tives of the Board of Education, HBAL, LBAR, Commerce Lexington, school administrators, teachers, and classified workers, parents, and other community leaders. For more information, please see <http://www.fcps.net/zones>.

- Development Review – Staff conducted a variety of development review duties and meetings, conducted field work, and coordinated greenway and greenspace development issues.
- General Work Activities – Using GIS, and Census data, staff created maps and data sets for the Urban County Council, other LFUCG Departments, and agencies and officials outside the government. Staff attended the fifth and final monthly meeting of the Water Wise Academy, which was a presentation of Kentucky American Water Company. The Academy provided an in-depth focus on water resources and the water industry. Staff also attended LFUCG-sponsored trainings and Webinars.

D. Transportation Planning Activity Report

1.1 Surveillance –

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

1.2 Title VI/ADA –

1.3 Participation Process –

- MPO Website Development – In September, the MPO website had 349 visits, 260 users of which 65% were new visitors and 1,209 page views.
- Began work to significantly redesign the MPO website.
- The MPO's Twitter site increased by 13 followers to 1,836 during September.
- The MPO's Facebook fan page increased by 9 likes to 608; reached 3,547 unique users and had 3,540 total daily impressions in September.
- The Lexington Area MPO YouTube channel has a total of 28 videos; 18 subscribers; 34,702 lifetime views.
- Served as Transportation Planning representative for the kick-off meeting for the Armstrong Mill West Small Area Plan.

1.4 Staff Development –

- Staff attended the Pro Walk, Pro Bike, Pro Place conference September 8-11. A total of 9 breakout periods were attended amounting to 9 hours of professional development.
- Staff attended an Institute of Transportation Engineers (ITE) webinar, titled Introduction to Transportation Planning.

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 with Traffic Engineering staff to expand the BlueTOAD application area in Lexington.
- Staff reviewed literatures with regard to new technologies for congestion management.
- Staff continued to participate in the administration of the Downtown Traffic Movement and Revitalization Study and attended meetings with various stakeholders.
- Staff continued to document congestion reduction efforts put forth by MPO, other governmental agencies, and consulting companies.

2.2 Transportation Plan Update –

2.3 Air Quality Activities –

- Staff continued to monitor air quality issues.
- Staff completed Air Quality Forecasts which were posted to MPO website, and compiled a monthly report.
- Staff requested air quality monitor readings for comparison to daily forecasts.

3.1 Transportation - Land Use Impact Analysis

- Staff participated in one (1) zoning review meeting, and reviewed two (2) zoning map amendment (w/ associated zoning development plans), and four (4) Zoning Ordinance Text Amendment (ZOTAs). In addition, staff performed cursory review of September's Board of Adjustment cases which included the review of four (4) conditional use appeals for the month.
- Staff monitored the Urban County's new land development for compliance and adherence with adopted plans, zoning ordinances, subdivision regulations, and other required engineering manuals. This procedural review and infrastructure improvement process meets once a month to discuss traffic, land-use, on-site/off-site issues, and related regulatory re-

quirements. "Red Flag" issues are followed up with Planning Services staff and with technical subcommittees when potential issues need more deliberation.

- Reviewed the *Jessamine Journal's* newspaper and website for Jessamine County, the City of Nicholasville, and the City of Wilmore's latest planning and land development news; including monitored transportation and related traffic issues in September.
- Traffic, traffic-related counts, and other data were provided to four (4) citizens and several local government staff during September. Information and data consisted of the following items: US Census data, Annual Average Daily Traffic Counts (AADT) for a business location, and two (2) professionals looking for transportation and socioeconomic data to locate future businesses.
- Reviewed (7) Final Development Plans and (3) Development Plans for Bike and Pedestrian facilities and compliance for comment during the Technical Committee meeting.

3.2 Multimodal/Transportation Enhancement Planning –

- Responded to citizen/agency requests for information on bike and pedestrian issues.
- Responded to citizen/agency requests for bike maps and new bike lanes.
- Responded to citizens' concerns over poor conditions of bike lanes.
- Monitored and managed the August Cycle Tracks Smart phone application Planning data. Pursuing an intern to work in GIS to manage data sets for review
- Attended Planning Technical committee meeting
- Continued to work to implement Share the Road signage including soliciting quotes and coordinating with the KYTC Office of Local programs regarding grant requirements. Purchase order requisition is pending.
- Continued work on RFP for the Nicholasville and Jessamine County Bike and Pedestrian School Connector Study.
- Developed striping plans for the bike lane signage and striping project.
- Began design work on the unfunded bike lane projects, intersections safety design projects and bike facilities maintenance projects funded by MAP money for FY 2015.
- Submitted and reviewed bike lane striping plans with Divisions of Traffic Engineering and Engineering.
- Worked with GIS and long range planning to organize and assess Cycle Tracks Smartphone Data.
- Continued work on the advisory committee for the Legacy Trail wet weather storage facility stake holders and brainstorming session for the Consent Decree.
- Attended (2) meetings, prepared map and graphics for 2nd Sunday event which will include a temporary cycle track on 4th street.
- Attended/staffed Pedalpalooza, a UK BAC event to educate arriving students about Bike Safety.
- Prepared Minutes, Agenda and project updates for The Bicycle and Pedestrian Advisory Committee.
- Meeting with stake holders for preparation of Transportation Alternative Program applications
- Filled out and submitted 4 State Grant applications for the 2015 Transportation Alternative Program grant cycle
- Meeting with traffic engineering to discuss bike lane retro fits and how they relate to traffic calming.
- Attended 4-day conference in Pittsburg entitled Prowalk Probike Proplace; event included planning, designing and policy discussions and education opportunities for multi modal transportation.
- Meeting with ubiquity spatial analyst and software developer to outline a strategy for smartphone and web based bicycle and pedestrian monitoring and outreach.
- Attending meeting for the Pedestrian injury prevention action team thru the Lexington police department.
- Continued efforts with the DDA to move forward with the Town Branch Commons Plan.
- Served as a stake holder for the regional trails plan commissioned by the Fayette Alliance.
- Meeting with the mayor office advisors to discuss the possibility of a demonstration project for the implementation of a separated bicycle facility.
- Teleconference with a University of Louisville grad student who is writing case studies about trail funding in Kentucky.
- Meeting with Councilmember Farmer, George Milligan and representative from Lorde Aeck Seargent to discuss possible layout changes to the Chevy Chase intersection project.

3.3 Transit Planning –

- Staff coordinating with Lextran and Art-in-Motion and KYTC to establish CMAQ funded bus shelters on Southland Drive and Leestown Road; Working with Marillia to facilitate construction.
- Staff attended Lextran Listening Session for its Comprehensive Operational Analysis process.
- Staff assisting Councilmember Akers wutg shelter site on the Georgetown Corridor (925 Georgetown St). Coordinating with District-7 on adjacent intersection improvements. Working with Prajna Design on possible project at this site.
- Staff involved with LFUCG Local Food Coordinator to rekindle idea of "Food Bus" via Lextran donated bus and partnership with local groups to implement.
- Staff coordinating efforts for Gardenside Bus Shelter Restoration Project..
- Staff attended Art in Motion coordination meetings.
- Staff working with Lextran and PB on COA. Attending meetings with PB associates as needed.
- Staff coordinating with Councilmember Ford and Charles Young Center on Art in Motion bus shelter for Third St. adjacent to Charles Young Center.

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- Staff attended State GIS Conference put on by Kentucky Association of Mapping Professionals.
- Staff assisted Lextran with Fayette Mall interaction pertaining to new bus shelter locations establishing an acceptable ADA certified bus stop to serve the development.

3.4 Mobility Coordination –

- Reviewed proposals for marketing campaign and formed selection committee.

3.5 Travel Demand Modeling and Project Forecasting –

- Staff continues to maintain the TransCad Travel Demand Model (TDM).
- Staff reviews and runs the model, and in coordination and consultation with KYTC and KYTC consultants to improve the model and/or solve various issues.
- Staff performed select link analysis for Brannon Road extension project and wrote an analysis report and presented at the TTCC meeting..

4.1 Program Administration –

- Committee meeting packets were drafted for Transportation Planning/MPO meetings held in the month: the Bicycle Pedestrian Advisory Committee (BPAC), and the Transportation Technical Coordinating Committee (TTCC).
- Staff made a short presentation of staff duties to the Board of Adjustment orientation session.
- Issued call for applications for Transportation Alternatives Program funds and responded to inquiries regarding the application process and project eligibility.

4.2 Transportation Improvement Programming (TIP) –

- Staff issued TIP Modification #7.

4.3 Unified Planning Work Program (UPWP) – Nothing to report

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 November, 2014**

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	November 6, 2014
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	November 6, 2014
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	November 13, 2014
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	November 20, 2014
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	November 26, 2014

X. **ADJOURNMENT**

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