

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

November 20, 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 October 23, 2014, meetings 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 6, 2014, at 8:30 a.m. The meeting was attended by Commission members: Will Berkley, Karen Mundy, Joe Smith, Frank Penn, Carolyn Plumlee, 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 Sallee, Tom Martin, Cheryl Gallt, Dave Jarman, Denice Bullock, Kelly Hunter, and Barbara Rackers, as well as Captain Greg Lengal and Lieutenant Joshua Thiel, Division of Fire & Emergency Services and Tracy Jones, Department of Law. 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 6, 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 MAP AMENDMENTS

1. WILLIAM L. FITE ZONING MAP AMENDMENT & HARRY S. FITE PROPERTY ZONING DEVELOPMENT PLAN

- a. **MAR 2014-17: WILLIAM L. FITE (11/20/14)*** – petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Neighborhood Business (B-1) zone, for 1.06 net (1.19 gross) acres, for property located at 4464 Old Nicholasville Road.

COMPREHENSIVE PLAN AND PROPOSED USE

The subject property is located within the bounds of the South Nicholasville Road Small Area Plan, a plan adopted by the Planning Commission in 2009. The SAP's land use element recommends Low Density Residential (LD) future land use for the subject property, which is defined as 0-5 dwelling units per acre. This recommendation would suggest a maximum of five dwelling units on the property. More specifically for SubArea 3, the SAP recommends that future land use and development have very low vehicle trip generation due to lack of safe vehicular access in this area. The petitioner has requested a Neighborhood Business (B-1) zone in order to construct an 8,100 square-foot commercial building and associated off-street parking.

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

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

1. The requested change to a Neighborhood Business (B-1) zone is not in agreement with the South Nicholasville Road Small Area Plan (SAP), included by reference in the 2013 Comprehensive Plan, for the following reasons:
 - a. The subject property is located within SubArea 3 of the SAP study area, which encompassed about 20 acres along the east side of Nicholasville Road surrounding Cobblestone Road.
 - b. The SAP recommends Low Density Residential future land use (0-5 d.u./acre) for the subject property and the other remaining agriculturally zoned parcels along Old Nicholasville Road.
 - c. The SAP recommends that future land use and development have very low or no vehicle trip generators due to lack of safe vehicular access in this area. There are underlying traffic and access constraints for the SubArea, including the fact that the intersection of Old Nicholasville Road and Nicholasville Road is not signalized and the intersection is at a sharp angle. The intersection of Cobblestone Road, located about 700 feet to the north, is also not signalized. Without signalized intersections, access to and from southbound Nicholasville Road is a significant challenge, especially for commercial land use.
2. There has not been an unanticipated change in the economic, physical, or social nature within the area since the adoption of the 2013 Comprehensive Plan or the 2009 South Nicholasville Road Small Area Plan that has substantially altered the basic character of the area. The petitioner provided no justification to support such a finding and the staff was not able to identify any unanticipated changes that would pertain to this immediate area.

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3. The requested B-1 zoning is inappropriate for the subject property, for the following reasons:
 - a. The access and traffic issues that exist in the immediate area should not be exacerbated by increasing the intensity of land use at this location. In this regard, the site does not have adequate public infrastructure; and the petitioner has not indicated willingness to, at a minimum, make necessary improvements to the site.
 - b. The site is not easily accessed from any nearby neighborhood, nor is there any indication in the application or on the face of the development plan as to what type of commercial land use is contemplated to serve such neighborhoods, as claimed by the petitioner.
 - c. Businesses typically desire visibility to attract customers, and this site has no visibility from the nearby thoroughfare (Nicholasville Road).
 4. The proposed building setback and suburban design do not meet the newly adopted changes to the B-1 zone. Although the petitioner has not requested a variance, at least one would be necessary for the proposed development plan to be approved by the Planning Commission.
- b. ZDP 2014-74: HARRY S. FITE PROPERTY (11/20/14)* - located at 4464 Old Nicholasville Road.
(Banks Engineering)

Note: The applicant requested postponement of this item prior to the October 2nd Subdivision Committee meeting.

The Subdivision Committee Recommended: Postponement. No use has been proposed for the proposed building.

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

1. Provided the Urban County Council rezones the property B-1; 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 developer information.
7. Addition of topographic contours (5') and denote source.
8. Denote construction access.
9. Denote building height in feet.
10. Relocate parking statistics to site statistics.
11. Addition of lot coverage and street frontage to site statistics.
12. Replace Tree Preservation Plan with Tree Inventory Map, per Article 26 of the Zoning Ordinance.
13. Denote all existing and proposed easements.
14. Correct notes #5 and #9.
15. Delete notes #10 and #12 through #16.
16. Group all site statistics together.
17. Discuss possible improvements to Old Nicholasville Road.
18. Discuss storm water detention locations.
19. Discuss building setbacks and proposed landscape buffering along the residential properties.
20. Discuss pedestrian access into and through the site.
21. Discuss use of grass area in front of building.
22. Discuss location of open space areas proposed.

2. MILLER FAMILY ESTATE ZONING MAP AMENDMENT & MILLER FAMILY ESTATE DEVELOPMENT ZONING DEVELOPMENT PLAN

- a. MARCV 2014-18: MILLER FAMILY ESTATE (1/4/15)* – petition for a zone map amendment from a Single Family Residential (R-1A) zone to a Community Center (CC) zone, for 2.38 net (2.79 gross) acres, for property located at 2575 Winchester Road (a portion of). A conditional use and variance are also requested with this zone change.

COMPREHENSIVE PLAN AND PROPOSED USE

The adopted Expansion Area Master Plan (Expansion Area 2A) recommends Expansion Area Residential-1 (EAR-1) future land use, which is defined as 0-3 dwelling units per gross acre, for the subject property.

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World. In addition, the Plan encourages a mix of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

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The petitioner proposes a Community Center (CC) zone in order to develop the subject property with a commercial structure with two drive-through facilities, and associated off-street parking. The corollary development plan also depicts a church in the portion of the property outside of the Urban Service Area that is zoned R-1A. A conditional use for two drive-through facilities and a variance request to eliminate the residential requirement of the CC zone have also been requested with the zone change application.

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

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

1. The requested Community Center (CC) zone is not in agreement with the Expansion Area Master Plan (EAMP) land use plan.
2. The planned regional stormwater basin and realignment of Hume Road, necessary infrastructure designated by the EAMP for the property, have not been identified on the subject property.
3. The proposed development does not meet the intent or the requirements of the proposed Community Center (CC) zone, which is being requested.

b. CONDITIONAL USE AND VARIANCE

REQUESTED CONDITIONAL USE

1. Two drive-through facilities located on a single building.

REQUESTED VARIANCE

2. Waiver of Article 23A-9(k)(2), which states: "at least 40% of the aggregated floor area of buildings within a development in a CC zone shall be devoted to residential uses as permitted in EAR-3; schools, churches and their accessory structures; and public buildings."

The Zoning Committee Recommended: **Postponement**, in order to fully consider both in conjunction with the proposed zone change.

The Staff Recommends: **Disapproval of the requested variance**, for the following reasons:

- a. The requested variance to waive the residential (or non-commercial) requirement of the CC zone is not a permissible variance to grant, as it would essentially alter the allowable uses of the zone. Granting the variance would allow an increase in the commercial activity in the CC zone by eliminating the requirement for a residential use, which could have the effect of altering the minimum density required in the zone in question.
- b. Both KRS 100.247 and Article 7-6(b)(2) of the Zoning Ordinance prevent the Board of Adjustment, or, in this instance, the Planning Commission when acting as the Board, from approving the requested variance to waive the non-commercial use requirement of the Community Center (CC) zone because the requested variance will be contradictory to the Zoning Ordinance.

The Staff Recommends: **Disapproval of the requested conditional use**, for the following reason:

- a. Although potentially approvable, the requested conditional use of two drive-through facilities is speculative at this time. Major site plan changes are required in order to meet the minimum requirements of the Community Center (CC) zone, which will likely have a substantive effect on the appropriateness of the requested drive-through facilities.
 - b. The applicant has not demonstrated how the proposed drive-through facilities on the subject property will be designed to accommodate the required design elements, or the pedestrian and residential components of the CC zone. As currently designed, the dual drive-throughs are designed for the traveling public and would be detrimental to these aspects of the Community Center zone that is intended to be devoted to pedestrian accommodation.
- c. ZDP 2014-92: MILLER FAMILY ESTATE DEVELOPMENT (1/4/15)* - located at 2575 Winchester Road.
(Carman & Associates)

The Subdivision Committee Recommended: **Postponement**. There are some questions regarding compliance with the EAMP and the proposed uses on the property.

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

1. Provided the Urban County Council rezones the property CC; 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.

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6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Department of Environmental Quality's approval of environmentally sensitive areas.
8. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.
9. Denote developer's information per Art. 21-6(a) requirements.
10. Correct cross-section for Winchester Road.
11. Addition of existing and proposed easements.
12. Clarify tree inventory information and the purpose of circles shown on plan.
13. Dimension buildings.
14. Denote proposed height of building, in feet.
15. Denote BOA approval of proposed Church prior to plan certification.
16. Provided the Planning Commission grants the requested waiver.
17. Denote contour elevations and source.
18. Discuss proposed access.
19. Discuss proposed drive-through windows and lane separations.
20. Discuss compliance with the stormwater management plan in the EAMP.
21. Discuss sanitary sewer service per the provisions.
22. Discuss proposed uses in the CC zone including residential ones.
23. Discuss potential subdivision of the property.

3. NICOL DEVELOPMENT CO., LLC, ZONING MAP AMENDMENT & HEADLEY SUBDIVISION, NORTH BROADWAY PARK ADDITION, CARR BUILDERS (EMBRACE UNITED METHODIST CHURCH) ZONING DEVELOPMENT PLAN

- a. MAR 2014-19: NICOL DEVELOPMENT CO., LLC (1/4/15)* – petition for a zone map amendment from a Single Family Residential (R-1C) zone to a Mixed Use 2: Neighborhood Corridor (MU-2) zone, for 1.21 net (1.723 gross) acres; from a Neighborhood Business (B-1) zone to a Mixed Use 2: Neighborhood Corridor (MU-2) zone, for 0.420 net (0.652 gross) acre; and from a Wholesale and Warehouse Business (B-4) zone to a Mixed Use 2: Neighborhood Corridor (MU-2) zone, for 0.880 net and gross acre, for property located at 1001, 1003, 1011, 1015 and 1021 North Limestone Street.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The subject properties are located within the boundary of the Central Sector Small Area Plan (CSSAP), adopted by the Planning Commission in April 2009, specifically Subarea "D". The CSSAP recommends significant streetscape improvements along North Limestone, retention of North Limestone's unique character as a traditional neighborhood retail corridor, utilization of Best Management Practices for stormwater improvements, preservation of structures with historical and cultural value, and provision of adequate and quality affordable housing.

The petitioner proposes to redevelop the property for a mixed-income, mixed-use development that includes maintaining the church, constructing two buildings, and associated on-street and off-street parking. A total of 80 dwelling units, along with 5,200 square feet of non-residential space, are proposed within the two new buildings.

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

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

1. The requested Mixed Use-2: Neighborhood Corridor (MU-2) zone is in agreement with the 2013 Comprehensive Plan, and the Central Sector Small Area Plan (CSSAP), for the following reasons:
 - a. The petitioner proposes a mixed-income, mixed-use development that maintains a cultural and historic church along the North Limestone corridor. Redevelopment plans include construction of two new structures with 80 dwelling units, 74% of which will be income-verified affordable units, and neighborhood-oriented land uses, such as a community center, coin-operated laundry and offices.
 - b. The subject property is located within Sub-Area D of the Central Sector Small Area Plan, and North Limestone has been designated as a "neighborhood connector" corridor within this particular area and a "focus area."
 - c. One priority of the Sub-Area is to "retain unique character of North Limestone as a traditional neighborhood retail corridor" and also indicates a need to upgrade the North Limestone streetscape and building façades.
 - d. Associated with the redevelopment, the petitioner proposes significant stormwater improvements to alleviate existing drainage issues in the vicinity.
 - e. The petitioner's proposed development will be a more efficient use of underutilized and vacant properties within the North Limestone corridor, and be oriented to that minor arterial roadway.

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- f. Many of the Comprehensive Plan's Goals and Objectives are met by the petitioner's proposed rezoning and redevelopment of the subject property, including: to expand housing choices (Theme A, Goal #1); to support infill and redevelopment (Theme A, Goal #2); to encourage green infrastructure (Theme B, Goal #3); to support creation of a variety of jobs (Theme C, Goal #1); to encourage an entrepreneurial spirit and embrace a diverse and inclusive community (Theme C, Goal #2); to build a multi-modal and comprehensive transportation system (Theme D, Goal #1); to enhance and protect cultural and historic resources (Theme D, Goal #3); and to uphold the Urban Services Area concept (Theme E, Goal #1).
- g. The Central Sector Small Area Plan encourages providing affordable housing, utilizing Best Management Practices for stormwater improvements, preservation of structures with historical and cultural value, and offering goods and services for local residents.
- 2. This recommendation is made subject to the approval and certification of ZDP 2014-94: Headley Subdivision, North Broadway Park Addition, Carr Builders (Embrace United Methodist Church), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
- b. ZDP 2014-94: HEADLEY SUBDIVISION, NORTH BROADWAY PARK ADDITION, CARR BUILDERS (EMBRACE UNITED METHODIST CHURCH) (1/4/15)* - located at 1001, 1003, 1011, 1015 and 1021 North Limestone.
(Vision Engineering)

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

- 1. Provided the Urban County Council rezones the property MU-2; 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. Resolve proposed stormwater detention.
- 7. Resolve possible need for street improvements to north Broadway Park and 10th Street.
- 8. Resolve proposed front yard setback per Art. 28-4(f).
- 9. Resolve floor area ratio proposed on 1001-1003 North Limestone.
- 10. Resolve timing relative to compliance with Art. 28-4(h) for 1021 North Limestone.

**4. BOARDMAN COMPANY, LLC, ZONING MAP AMENDMENT & FOREST PARK SUBDIVISION, BLOCK "E"
(BOARDMAN COMPANY, LLC) ZONING DEVELOPMENT PLAN**

- a. MAR 2014-20: BOARDMAN COMPANY, LLC (1/4/15)* – petition for a zone map amendment from a Professional Office (P-1) zone to a Planned Neighborhood Residential (R-3) zone, for 0.530 net (0.845 gross) acre, for property located at 232 Waller Avenue.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has helped make Lexington-Fayette County the Horse Capital of the World.

The applicant proposes rezoning the subject property to a Planned Neighborhood Residential (R-3) zone in order to allow residential use of the first floor of the existing three-story structure. The corollary development plan depicts 12 dwelling units, which represents a density of 22.64 dwelling units per net acre.

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

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

- 1. The requested Planned Neighborhood Residential (R-3) zoning for the subject property is appropriate for the following reasons:
 - a. The property is surrounded by residential land uses of varying densities, and is the only non-residential zone on the east side of the Norfolk-Southern Railroad. The property would be more compatible with the surrounding zoning and uses if it were residentially zoned.
 - b. The majority of the subject property is being utilized for residential dwelling units, typically occupied by University of Kentucky students. The property is in close proximity to the University of Kentucky and can provide off-campus housing for students.
 - c. The building footprint and surface parking lot do not need to be modified to accommodate the change of use. Although the first floor was formerly occupied by a medical supply company for extra office and storage space,

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- the first floor space has been difficult to lease due to the seemingly incompatible nature of office use and student housing in the same building and on the same lot.
- d. The proposed rezoning is consistent with the 2013 Comprehensive Plan's goals to expand housing choices (Theme A, Goal #1), and encourage redevelopment that is an efficient use of land inside the Urban Service Area boundary and compatible with established neighborhoods (Theme E, Goal #1).
 2. The existing Professional Office (P-1) zone is inappropriate because no other professional office zone or use exists along Waller Avenue, between the Norfolk-Southern Railroad tracks and Nicholasville Road. In addition, the railroad tracks serve as an appropriate buffer between residential land uses and professional office land uses.
 3. This recommendation is made subject to approval and certification of ZDP 2014-93: Forest Park Subdivision, Block "E," (Boardman Company, LLC), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
- b. ZDP 2014-93: FOREST PARK SUBDIVISION, BLOCK E (BOARDMAN COMPANY, LLC) (1/4/15)* - located at 232 Waller Avenue. (CMW)

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

1. Provided the Urban County Council rezones the property R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary 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 preservation plan.
6. Division of Fire, Water Control Office approval of the locations of the fire hydrants, fire department connections and fire service features.
7. Division of Waste Management's approval of refuse collection locations.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Provide adjoining property owners' information.
10. Addition of number of dwelling units to site statistics.
11. Denote building height in feet.
12. Addition of existing utility easement.
13. Discuss square footage of Building not included in F.A.R. site statistics.

5. **RML CONSTRUCTION, LLP, ZONING MAP AMENDMENT & CADENTOWN SUBDIVISION, LOT 10 (BRIGHTON 3050) ZONING DEVELOPMENT PLAN**

- a. MARV 2014-22: RML CONSTRUCTION, LLP (1/4/15)* – petition for a zone map amendment from a Single Family Residential (R-1D) zone to a High Density Apartment (R-4) zone, for 0.33 net (0.50 gross) acre; and from a Single Family Residential (R-1D) zone to a Neighborhood Business (B-1) zone, for 0.02 net (0.23 gross) acre, for property located at 2985 Liberty Road (a portion of). Variances are also requested with this zone change.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The petitioner proposes rezoning the portion of the property that was recently purchased and consolidated in September 2014. The petitioner proposes a High Density Apartment (R-4) zone for a majority of the subject property (0.33 acres) to allow for construction of a 12-unit apartment building, which is planned to be incorporated into the nearby "Brighton 3050" (formerly "The Summit") apartment complex. The petitioner also proposes a Neighborhood Business (B-1) zone for the remainder of the property (0.02 acres) to allow for the parking lot for an approved mixed-use building ~~and~~ to continue. Overall, the site is planned to now have 52 dwelling units with the addition of the small triangle-shaped parcel of land.

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

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

1. The requested High Density Apartment (R-4) zone and Neighborhood Business (B-1) zone are appropriate and the existing Single Family Residential (R-1D) zone is inappropriate, for the following reasons:
 - a. Single family residential development is possible at this location, although the surrounding uses suggest that a more intense use of the property is more appropriate. The more appropriate and efficient use of the property is to incorporate it into the adjacent mixed-use development.
 - b. The proposed rezoning of the subject property ~~is very similar to the will allow uses in keeping with the~~ existing character of the area. The subject property fronts on Liberty Road and adjoins both planned and built higher

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density residential development to the north and east. The property is also adjacent to the commercial development to the south and west. This portion of the Urban Service Area has developed with a combination of neighborhood business and office uses fronting along Man o' War Boulevard, with residential uses located to the rear of the business uses or along Liberty Road.

- c. The petitioner's proposed rezoning is generally in keeping with the established development pattern of the immediate area, because the planned neighborhood business zoning will extend to generally the same boundary as that for the CVS Pharmacy located directly across Liberty Road.
2. This recommendation is made subject to the approval and certification of ZDP 2014-95: Cadentown Subdivision, Lot 10 (Brighton 3050) (Amd.), 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 VARIANCES

1. Eliminate the B-1 to R-4 zone-to-zone screening and vehicular use area screening requirements internal to the site on property located at 2985 Liberty Road.
2. Reduce the front yard setback in the R-4 zone from 20 feet to 5 feet along Liberty Road in order to construct parking in the otherwise required front yard.

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

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

- a. Granting the requested landscape and setback variances will not adversely affect the public health, safety or welfare; will not alter the character of the general vicinity; and will not cause a hazard or nuisance to the public. The variances are requested because providing the required landscaping between the B-1 and R-4 zones, which would result in a disjointed parking lot design, would be contrary to the applicant's intent to integrate the mixture of commercial and residential uses.
- b. Granting the requested variances will not result in an unreasonable circumvention of the Zoning Ordinance because zone-to-zone screening is designed to "require buffering between incompatible land uses," and the proposed mix of land uses will be compatible (rather than incompatible) with each other. Landscaping will be provided by the developer throughout the property that will accomplish the purpose of the general provisions of Article 18 without impairing the mixed-use development concept associated with this proposal.
- c. The special circumstance that applies to this property that does not generally apply to land in the general vicinity is the intent to develop a small mixed-use development that will be integrated into the existing apartment complex and will complement the existing Brighton Place shopping center.
- d. Strict application of the requirements of the Zoning Ordinance would deprive the applicant of a reasonable use of the property and would create an unnecessary hardship because the internal screening of the uses would be contrary to the concept of a useable open space for this development.
- e. Although the circumstances surrounding the requested variances are because of the proposed zone change, the variances are requested in an effort to accomplish a more efficient design, and the placement of the landscaping in more appropriate locations 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 & B-1; otherwise, any Commission action of approval of these variances 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 variances that the Planning Commission has approved for this property [under Article 6-4(c) of the Zoning Ordinance].
 4. Prior to obtaining an Occupancy Permit, the applicant shall obtain a Zoning Compliance Permit from the Division of Planning.
- c. ZDP 2014-95: CADENTOWN SUBDIVISION, LOT 10 (BRIGHTON 3050) (AMD) (1/4/15)* - located at 2985 Liberty Road (a portion of). **(EA Partners)**

Note: The purpose of this amendment is to rezone the property that has been consolidated and revise the layout.

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

1. Provided the Urban County Council rezones the property R-4 & B-1; 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.

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4. Building Inspection's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree inventory map.
6. Dimension driveway off access drive.
7. Addition of building height in site statistics.
8. Addition of floor area and square footage in site statistics.
9. Provided the Planning Commission approves a landscape variance and a variance to Art. 16-4(c) to the proposed parking in the required front yard.
10. Discuss need for sidewalk connection on northeast side of property.
11. Discuss need for tree protection on the northwest side of property.

VI. COMMISSION ITEMS

- A. **CT 2014-1: NEW CINGULAR WIRELESS PCS, LLC (dba AT&T MOBILITY)** – an application for a 125-foot monopole cellular tower with a 5-foot lightning arrestor, proposed to be located at 302 Southland Drive.

The Staff will report at the public hearing.

VII. STAFF ITEMS

A. **Planning Services Activity Report**

- During the month of October, the Planning Services staff processed 6 zoning map amendments and 3 Zoning Ordinance text amendments. Also, 5 Board of Adjustment cases were processed for the Board's October meeting. Some 32 subdivision & development plans were also processed and reviewed by Planning Services staff members in October. 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 4 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 October, there were 27 updates made to the Registered Neighborhood Association data base, and Planning Services staff assisted 183 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 1.35 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 October, Dave and Cheryl assisted in helping that division review 15 applications for new buildings and/or additions to existing buildings, and 29 applications for remodeling of existing commercial properties, including "fit-ups."
- On October 10th, Senior Planners Tom Martin and Jimmy Emmons, along with Planning Manager Bill Sallee, assisted Attorney David Pike in conducting a one-day training workshop for Planning Commission and Board of Adjustment members, held in the Division of Planning conference room. Tom, Jimmy and Bill presented information on a downtown walking tour that day about mixed-use developments, infill development in general, and local regulations for food trucks, all during a working lunch. Mr. Pike expertly presented five other sessions geared to those appointed officials, in accord with HB 55 training requirements, including information about how and why those requirements exist. Some Planning Commission and BOA members from London and Nicholasville filled the extra seats that were available, and were appreciative for the opportunity to attend this session.
- On October 13, Administrative Officer Barbara Rackers, Administrative Specialist Stephanie Cunningham and Bill Sallee assisted the Paris Pike Corridor Commission in recognizing several persons in honor of their 20th anniversary. Former Mayor Pam Miller attended the meeting, and was recognized for her signing of the Inter-local agreement that formed this Commission. In addition, Governor Steve Beshear, the Commission's first Chairman, long-time Corridor Commission member Ben Blyton and the entire Lexington-Fayette Urban County Government were also recognized by current Commission Chair Dan Thompson. All were presented with formal Resolutions of appreciation by the current Commission members.
- On October 15, the Planning Services staff met with a developer and a professional in a local engineering firm, to review preliminary plans for a new industrial plant here in Lexington-Fayette County. These types of meetings, although usually not involving quite this level of future employment, are requested from the staff on a routine basis by local developers and engineers.

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B. Zoning Enforcement Activity Report

- The number of zoning complaints dropped sharply in October, with 54 new complaints logged in, down from 113 for September. This “decline” was primarily a result of fewer staff-initiated investigations related to signage and home rental properties. When combined with the 87 unresolved cases carried over from September, a total of 141 cases were investigated in October. Of those 141 cases only 3 were determined not to involve any zoning violations. A little over 50% of the new cases were related to signage and illegal business activity in residential areas. A total of 83 cases were resolved, meaning that necessary actions were taken by a property owner or occupant to fix a problem.
- During October a total of 90 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 still progressing, albeit much slower than was originally anticipated. Since recording a lien is a very significant legal step and has many policy implications, it is critical that we move forward cautiously and “get it right” from the start. 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 hoped 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.
- Zoning Enforcement’s investigation of the practice of renting residential properties (primarily single family residences) for very short time periods, in some cases on a nightly basis, was wrapped up in October. About 31 properties have been put on notice that homes cannot be rented for less than one week, based on the way a “dwelling unit” is defined in the Zoning Ordinance. The practical translation of that, which has been carefully communicated to these property owners/managers, is that during any given week the home cannot be rented to more than one renter. That particular renter does not have to stay for a full week or pay for a full week, but in cases where a renter stays for less than a week (whether it is one night, a week-end or some other number), the balance of that particular week cannot be rented to another party. Home owners and property managers we have spoken to about this issue seem to appreciate our understanding and open acknowledgement of this somewhat subtle interpretation of the one week limit.
- All Zoning Enforcement staff attended a full day of training on October 10, presented by David Pike, a prominent land use attorney who has been very active in Kentucky and has a passion for educating public employees, boards and commissions about land use issues. A major segment of the training was devoted to signage regulations, which was of particular interest to zoning enforcement because a significant percentage of our cases relate to complaints received about the wide array and number of signs that line our roads and dot our landscape. Another major segment was devoted to Board of Adjustment roles and responsibilities, which was also of special interest because enforcement issues are often considered by that board due to the appeal process.

C. Long Range Planning Activity Report

- Armstrong Mill West Small Area Plan – Staff and consultants led three public input meetings, including a focus group for neighborhood leaders and two neighborhood workshops to present data and discuss issues, such as infrastructure and safety. All of the meetings were held at the Gainesway Community Center. The Armstrong Mill West SAP team is headed by the Lexington firm of EHI Consultants.
- Cardinal Valley Small Area Plan – Planning and Engineering staff and consultants met with neighborhood leaders to present and discuss the Versailles Road corridor scoping study, which will include recommendations that will improve safety and the aesthetics of Versailles Road within the study area. Improvements include new bicycle lanes and facilities and improved sidewalks, along with landscaping and public art. Staff and consultants attended the Fall Festival at Valley Park to reach out and engage the residents in the SAP process. With the guidance of a member of the Greenspace Commission, staff and consultants toured the natural areas of Preston Springs Park and Wolf Run as well as other environmentally sensitive areas to assess the green infrastructure opportunities for the Cardinal Valley SAP. The consulting team for Cardinal Valley SAP is led by staff from Lord Aeck Sargent’s Lexington office.

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.

- East End Small Area Plan – To celebrate the fifth anniversary of the adoption of the East End Small Area Plan, staff made a presentation at a public meeting at the Charles Young Center gymnasium about the history and accomplishments of the

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Plan. The meeting, hosted by First District Council Member Chris Ford, provided an opportunity to showcase the achievements of neighborhood leaders in implementing the Plan. Other issues presented by Engineering staff and private developers included an update on the status of the Legacy Trail through the East End and the recently proposed redevelopment project along Midland Avenue, which would be augmented by funding through TIF.

- Public Schools Redistricting – Staff attended a redistricting committee meeting held at the Paul Laurence Dunbar High School library. Via Web link, the committee interacted with FCPS's GIS consultant to begin drafting adjusted school attendance boundaries to accommodate construction of a new high school and two new elementary schools. In addition to the Division of Planning, the committee includes representatives 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>.
- Bluegrass Tomorrow – Staff participated in a panel presentation and discussion at Bluegrass Tomorrow's Bluegrass Forever Green summit, which was held at the Marriott. The goal of the summit was to share information and best practices focusing on maximizing the collective impact of regional governments, organizations, non-profits, educational institutions, and businesses dedicated to environmental sustainability and improving quality of life and economic development. As a panelist, staff presented the history of green infrastructure in Fayette County, including the creation of the Urban Service Area boundary in 1958 and the adoption of the Greenspace Plan in 1994, with the next major effort to focus on a Green Infrastructure Master Plan, as indicated in the 2013 Comprehensive Plan. The agenda included presentations about green sustainability work in Louisville and other regional success stories, such as the Bluegrass Bike Hike Horseback Trails Alliance master plan and the Kentucky River Water Trail Alliance.
- International Professional Shadowing – Long-Range Planning staff are providing opportunities for a visiting planning professional from South Korea to monitor and participate in long-range planning activities. Mr. JongHyeon Ha, the Director of the Magok Development Division of the Seoul Metropolitan Government, is a guest of the International Public Policy and Management Institute at the University of Kentucky's Martin School of Public Policy and Administration. Mr. Ha has been attending a variety of meetings and activities, including staff meetings, the public meetings for the two small area plans, the East End SAP celebration, and the FCPS redistricting, staff technical committee, and a Planning Commission work session. Mr. Ha is a graduate of the University of Seoul with Master and Bachelor degrees in civil engineering.
- 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 OKI Planning Conference at the Hyatt Regency and an all-day training session by David Pike held in the Division of Planning conference room. 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 Traffic Safety Coalition meeting.
- Staff attended the statewide planning meeting.
- Staff attended public meeting for the Armstrong Mill West Small Area Plan
- Staff attended University of Kentucky Bicycle Advisory Committee Meeting
- Staff attended Technical Committee Meeting
- Staff attended Corridors Commission
- Participated in an ITS Architecture Update kick-off meeting.

1.2 Title VI/ADA –

- Reviewed relevant ADA information per US Access Board listserv.
- Provided KYTC with Title VI documentation in preparation for FHWA/KYTC Title VI review.

1.3 Participation Process –

- MPO Website Development – In October, the MPO website had 304 visits, 260 users of which 67% were new visitors and 940 page views.
- Continued MPO website redesign.
- The MPO's Twitter site increased by 8 followers to 1,844 during October.
- The MPO's Facebook fan page has 608 likes; had 98 engaged users; reached 1,229 unique users and had 2,781 total daily impressions in October.
- The Lexington Area MPO YouTube channel has a total of 28 videos; 18 subscribers; 34,778 lifetime views.

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1.4 Staff Development –

- Staff attended an Institute of Transportation Engineers (ITE) webinar, titled Planning for Operations.
- Staff attended a Transportation Research Board/AASHTO webinar, titled “Performance Measures Beyond the Mainstream.”
- Staff attended Traffic Safety 101 for on road vehicular bicycling
- Staff attended CUTR Webcast: Collaboration between Universities and Cities to Create Sustainable Communities
- Staff attended the 2014 Ohio-Kentucky-Indiana (OKI) Regional Planning Conference in Lexington.
- Attended Social Media training hosted by DEEM.

2.1 Congestion Management Process (CMP) –

- Staff continued to work with the Kentucky Transportation Center at University of Kentucky (KTC-UK) and Kentucky Transportation Cabinet (KYTC) staff to process the GPS-probe speed data and calculate congestion management (CM) criteria and performance measures.
- Staff continued to work with Traffic Engineering staff to expand the BlueTOAD application area in Lexington.
- Staff reviewed new CM technologies such as Waze Mobile App., automatic breaking systems for automobiles, and smart traffic light systems with CM committee members.
- 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 –

- The completed 2040 MTP is being used and modified as needed. In addition, the information is being utilized for the ongoing Unscheduled Needs Listing (UNL) work.

2.3 Air Quality Activities –

- Staff continued to monitor air quality issues.
- Staff continued to request air quality monitor readings for comparison to daily forecasts.
- Staff participated in an Empower Lexington steering committee meeting.
- Reviewed the Downtown Lexington Traffic Movement and Revitalization Study emissions analysis.

3.1 Transportation - Land Use Impact Analysis

- Staff participated in one (1) zoning review meeting, and reviewed one (1) zoning map amendment, three (3) Zoning Ordinance Text Amendment (ZOTAs). In addition, staff performed cursory review of October's Board of Adjustment cases which included the review of five (5) 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 requirements. “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 October.
- Traffic, traffic-related counts, and other data were provided to five (5) citizens and several local government staff during October. Information and data consisted of the following items: US Census data, Annual Average Daily Traffic Counts (AADT) for two business location, and one (1) professional 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 September Cycle Tracks Smart phone application planning data. Pursuing and intern to work in GIS to manage data sets for review
- 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 RFQ for the Nicholasville and Jessamine County Bike and Pedestrian School Connector Study.
- Developed striping plans for the bike lane signage and striping project.
- Continued design work on the unfunded bike lane projects, intersections safety design projects and bike facilities maintenance projects funded by MAP money for FY 2015..

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- 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.
- Prepared Minutes, Agenda and project updates for The Bicycle and Pedestrian Advisory Committee.
- 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.
- Met with the Parking authority to discuss possible bicycle parking projects for the downtown area
- Served as a juror for the University of Kentucky Engineering department student projects for the Town Branch commons
- Attended and worked the Second Sunday 4th street Legacy Trail Alignment experimentation project.
- Prepared preliminary design and cost estimate for a road diet and separated bike facilities along the Virginia Avenue corridor

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 taking place this winter.
- Staff attended Food Bus concept meeting organized by LFUCG Local Food Coordinator. Concept is being researched currently with monthly meetings recurring.
- Staff assisting Councilman Akers with bus 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 attended IKI Regional Planning Conference.
- Staff coordinating efforts for Gardenside Bus Shelter Restoration Project.
- Staff attended Art in Motion board meeting.
- Staff working with Lextran and PB on COA.
- Staff attended FTSB board meeting as board chair.
- Staff attended Farmland, Food and Livable Communities conference in Lexington..

3.4 Mobility Coordination –

- Selected marketing consultant in response to RFP and initiated contract with vendor.

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.

4.1 Program Administration –

- Committee meeting packets were drafted for Transportation Planning/MPO meetings held in the month: the Bicycle Pedestrian Advisory Committee (BPAC), the Congestion Management Committee (CMC), and the Air Quality Advisory Committee (AQAC).
- Closed application cycle for Transportation Alternatives Program on October 31.

4.2 Transportation Improvement Programming (TIP) –

- Staff issued TIP Modification #8.
- Staff conducted a Project Coordination Team (PCT) meeting.

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 rehearing, 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, 2014

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	December 4, 2014
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	December 4, 2014
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	December 11, 2014
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	December 17, 2014
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	December 18, 2014

X. ADJOURNMENT

TLW/TM/CT/BJR/BS/src