

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

January 29, 2015

- 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 18, 2014, and January 15, 2015, 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, January 8, 2015, at 8:30 a.m. The meeting was attended by Commission members: Karen Mundy, Joe Smith, Carolyn Plumlee, and Mike Owens. Committee members in attendance were: Hillard Newman, Division of Engineering; and Casey Kaucher, Division of Traffic Engineering. Committee members Will Berkley and Frank Penn were absent. Staff members in attendance were: Bill Sallee, Tom Martin, Cheryl Gallt, Dave Jarman and Kelly Hunter, as well as Captain Greg Lengal and Lieutenant Joshua Thiel, Division of Fire & Emergency Services. 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.*

Note: The Planning Commission postponed this item at their January 15, 2015, meeting. This plan requires the posting of a sign, and an affidavit of such.

- A. **DP 2015-1: SIKURA-JUSTICE PROPERTY, UNIT 6 (POLO CLUB CENTER) (AMD) (3/24/15)* - located at 2945 Polo Club Boulevard. (Council District 12) (CMW, Inc.)**

Note: The purpose of this amendment is to add an office building and revise the layout of the townhouse area.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Provided the Planning Commission makes a finding that the plan complies with the EAMP.
12. Revise note #7.
13. Revise townhouse dumpster location.
14. Resolve note #13.
15. Resolve building envelope conflicts and proposed dwelling unit size.
16. Resolve townhouse access, parking, circulation and driveway locations.

- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, January 8, 2014, at 1:30 p.m. in the Division of Planning Office. The meeting was attended by Commission members Patrick Brewer, Mike Cravens, 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 for viewing at:
<http://www.lexingtonky.gov/Modules/ShowDocument.aspx?documentid=28457>)

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

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 2015-1: MOBILE FOOD UNIT VENDORS AS ACCESSORY USES IN THE P-1 ZONE** – petition for a Zoning Ordinance text amendment to Article 8-15(o) to allow mobile food unit vendors (aka food trucks) as an accessory use in a Professional Office Project, as permitted within the Professional Office (P-1) zone. The proposed text amendment also requires such vendors to locate at least 500 feet from any residentially zoned property.

INITIATED BY: Urban County Council

PROPOSED TEXT: Underlined text indicates an addition to the current Zoning Ordinance.

ARTICLE 8: SCHEDULE OF ZONES

8-15 PROFESSIONAL OFFICE (P-1) ZONE

8-15(o) Special Provisions

1. A Professional Office Project may be permitted by the Planning Commission for a tract of land with a minimum of ten (10) acres, upon the approval of a preliminary development plan and a final development plan as provided in Article 21, and subject to the P-1 zone regulations.

Subdivision of land in a Professional Office Project is permitted, subject to the following regulations:

- a. There shall be no minimum lot size, lot frontage, yard or open space, nor maximum lot coverage or height requirements for each subdivided lot; however, all said requirements for the approved final development plan shall be applicable to the subdivision.
- b. Each subdivided lot shall have access to adjacent streets or joint parking areas, as provided by appropriate easements shown on the final development plan and the final record plan.

In addition to the uses otherwise permitted in the Professional Office zone, the following uses shall be permitted in the Professional Office Project:

As a principal permitted use:

1. Extended-Stay Hotels.
2. Mail Service Facilities.

As accessory uses:

1. Receiving, shipping, and storage of new fixtures, equipment and other non-perishable materials for distribution to corporate or affiliated units subsidiary to the tenant(s) of a principal structure. Such activity, including loading and unloading, shall be conducted entirely within the walls of the principal structure and shall be limited to a maximum of twenty percent (20%) of the total floor area of said principal structure.
2. Shoe repair, clothing alteration or tailoring services.
3. Mobile food unit vendors to serve employees and visitors of a permitted principal or conditional use, provided that the requirements of Section 15-11 of the Code of Ordinances are met and that the mobile food unit is located no closer than five hundred (500) feet from any property zoned residential.

As conditional uses:

1. Helistops and heliports, provided such facilities conform to the requirements of all appropriate Federal, State and local regulations.
2. Beauty shops and barber shops, with no restrictions.

In addition to the uses otherwise permitted in the Professional Office zone, the following accessory use shall be permitted in a P-1 area of at least twenty (20) contiguous acres:

Restaurant(s), with or without a cocktail lounge, entertainment, dancing, and sale of alcoholic beverages, provided it meets the following conditions:

- a. It shall be located in an office building containing a minimum of 40,000 square feet of floor area.
 - b. It shall occupy not more than twenty-five percent (25%) of the building in which it is located.
 - c. It shall have no more than one public entrance and one service entrance directly to the outside of the building, and that this use shall be at least one hundred fifty (150) feet from any residential zone.
 - d. It shall have no drive-in or drive-through food service.
 - e. There shall be no more than two restaurants within an office building, provided that the 25% limitation is not exceeded.
 - f. Signs permitted per office building may be used to identify the restaurant and/or the office use.
2. Where dwelling units are provided and the Planning Commission has approved a final development plan, the required parking spaces may be reduced, when specific permission is given by the Commission to reduce said required parking by not more than one percent (1%) for each one percent (1%) of additional useable open space that is provided over the minimum. Also, for every one percent (1%) of the dwelling units that will be provided as a mixed-income housing unit, the Commission may decrease the required parking by one percent (1%). In any case, the maximum parking reduction shall not exceed the minimum parking otherwise required in the zone by more than ten percent (10%) by only providing additional open space or only providing mixed-income housing, or twenty-five percent (25%) by using a combination of mixed-income housing and additional open space.

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

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

1. The text amendment to the Professional Office (P-1) zone will allow mobile food unit vendors (i.e., food trucks) as an accessory use within a Professional Office Project of 10 acres or larger, which may provide improved access to food options during working hours and may reduce vehicle trips to areas outside of a Project for meals.
2. The amendment will establish a minimum buffer distance of 500 feet from any residential zone in order to minimize any potential negative impacts of mobile food unit vendors upon adjacent neighborhoods or residences.

VI. COMMISSION ITEMS

- A. **SCHEDULE WORK SESSION** – the Commission will consider scheduling a work session on February 19, 2015, at 1:30 p.m. in the Council Chambers at 200 East Main Street.

VII. STAFF ITEMS

- A. **CHANGE TO THE LFUCG PLANTING MANUAL** – an amendment to the Planting Manual to update the lists of acceptable and unacceptable planting material (trees, shrubs and ground cover) and to make minor changes to the text.

The Staff Recommends: **Approval**, and will report at the hearing.

B. Planning Services Activity Report

- During the month of December, the Planning Services staff processed 6 zoning map amendments and 2 Zoning Ordinance text amendments. Also, 1 Board of Adjustment cases was processed for the Board's December meeting. Some 60 subdivision & development plans were also processed and reviewed by Planning Services staff members in December. In addition, 1 Public Facility Review was 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, and one Board of Adjustment public hearing. In addition, the staff held 6 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.

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- In December, there were 13 updates made to the Registered Neighborhood Association data base, and Planning Services staff assisted 152 unscheduled “walk-in” visitors to the office, all but one 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 1.98 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 December, Dave and Cheryl assisted in helping that division review 14 applications for new buildings and/or additions to existing buildings, and 20 applications for remodeling of existing commercial properties, including “fit-ups.”
- On December 10, Planning Director Chris King, Administrative Specialist Principal Pam Whitaker, Planning Manager Bill Sallee and Senior Planner Traci Wade attended the first meeting of an ad-hoc committee, chaired by Commission member Bill Wilson, which is exploring our current regulation of environmentally sensitive areas, and the possibility of performance or reclamation bonds. This meeting was hosted by Murphy & Clendenen, PLLC in the Lexington Financial Center, and future meetings are expected through the winter months, at various locations in and near downtown.
- In December, Administrative Specialist Stephanie Cunningham, Senior Planner Christopher Taylor (Long Range Planning) and Traci Wade continued work on preparing for implementation of the Accela software module that will hopefully serve the Division of Planning’s operations later this year. Work is expected to continue on this project for at least the next nine months.

C. Zoning Enforcement Activity Report

- The number of new zoning complaints remained relatively low in December, with 43 complaints logged in. When combined with the 53 unresolved cases carried over from November, a total of 96 cases were investigated in December. Of those 96 cases only 5 were determined not to involve any zoning violations. Nearly 70% of the new cases were related to signage (primarily in commercial areas) and illegal business activity in residential areas. A total of 50 cases were resolved, meaning that necessary actions were taken by a property owner or occupant to fix a problem.
- During December a total of 49 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 officers to spend much more time checking on important operational type conditions rather than “rubber stamping” inspections.
- As a result of corridor monitoring efforts Zoning Enforcement officers have noted an apparent increase in the number of “electronic message display system” signs used in storefront windows. That type of directly illuminated sign, which has the potential to show flashing or blinking messages, as well as scrolling messages, is only permitted in the downtown business zones (B-2, B-2A and B-2B) and Highway Service Business (B-3) zone, under very restricted conditions for each of those zones. A Notice of Violation (NOV) was issued for a property on South Broadway that had such a sign (in a B-4 zone) in early December. That NOV has been appealed to the Board of Adjustment, which will consider the matter at their January 30th public hearing. Enforcement efforts related to that particular type of signage are currently on-hold, pending the results of that appeal.
- Follow-up brainstorming took place in December related to ideas that came out of the Zoning Enforcement staff retreat held in November. One of the most interesting ideas centers around the notion that a fairly high percentage of zoning enforcement cases arise from a property owner or occupant simply not being aware of a certain zoning regulation. While objective data is lacking, most estimates are that well over 50% of zoning enforcement cases involve a significant level of lack of knowledge on the part of the violator. Different options for how to best implement some “zoning education” initiatives are currently under consideration.

D. Long Range Planning Activity Report

- Small Area Plans – Armstrong Mill West and Cardinal Valley Small Area Plans: Staff and consultants reviewed the results of earlier public input meetings and continued coordination activities related to the two small area plans. 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.
- Greenspace Trust – The Greenspace Trust met to draft a letter to the Division of Water Quality in support of the design of the supplemental environmental project at Coldstream Park. In addition, the Trust convened its annual meeting to elect officers.

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- Public Schools Redistricting – Staff attended two redistricting committee meetings held at the Fayette County Public School's Central Office. Via Web link, the committee interacted with FCPS's GIS consultant to continue 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>.
- 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 also attended LFUCG-sponsored trainings and Webinars.

E. Transportation Planning Activity Report

1.1 Surveillance –

- The MPO staff continues to monitor 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.
- Attended Technical Committee Meeting
- Attended Corridors Commission
- Attended Bluegrass Area Development District (BGADD) Regional Transportation Committee meeting.
- Attended Armstrong Mill Road West Small Area Plan public meeting.

1.2 Title VI/ADA –

- Attended LFUCG Commission for Citizens with Disabilities meeting.
- Participated in Lexington Area MPO Title VI review with KYTC and FHWA.

1.3 Participation Process –

- MPO Website Development – In December, the MPO website had 405 visits, 318 users of which 70% were new visitors and 835 page views.
- Continued MPO website redesign including site framework and content development.
- Brought all MPO related social media pages into compliance with LFUCG Social Media policy issued Dec 2014.
- The MPO's Twitter site increased by 25 followers to 1,869 during December.
- The MPO's Facebook fan page increased by 9 likes to 617; had 187 engaged users; reached 1,457 unique users and had 3,342 total daily impressions in December.
- The Lexington Area MPO YouTube channel has a total of 28 videos; 18 subscribers; 35,091 lifetime views.

1.4 Staff Development –

- Attended Title VI training with FHWA/KYTC.
- Attended "The Innovative MPO" webinar training.
- Attended Director-Managers' meetings at LFUCG Division of Planning.
- Conducted MPO / Transportation Section staff meetings.

2.1 Congestion Management Process (CMP) –

- 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.
- Worked with Traffic Engineering staff to expand the BlueTOAD application area in Lexington.
- Participated in Regional Intelligent Transportation Systems (ITS) Architecture Update project administration, management, stakeholders' meetings, and conference calls.
- Reviewed new CM literatures such as "Smart Congestion Relief – Comprehensive Evaluation of Traffic Congestion Costs and Congestion Reduction Strategies," published by Victoria Transport Policy Institute.
- Continued to participate in the administration of the Downtown Traffic Movement and Revitalization Study and attended meetings with various stakeholders.

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.

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2.3 Air Quality Activities –

- Continued to monitor air quality issues.
- Continued to request air quality monitor readings for comparison to daily forecasts.

3.1 Transportation - Land Use Impact Analysis

- Participated in one (1) zoning review meeting, and reviewed three (3) zoning map amendments and discussed transportation and potential traffic impacts. In addition, staff performed cursory review of December's Board of Adjustment cases which included the review of one (1) variance and three (3) conditional use appeals for the month.
- 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 consideration.
- 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 December.
- Traffic, traffic-related counts, and other data were provided to two (2) citizen and local government staff during December. Information and data consisted of the following items: Annual Average Daily Traffic Counts (AADT) for one business location and one (1) professional real estate agent looking for transportation and related socioeconomic data for three location to potentially locate one retail business .
- 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 December Cycle Tracks Smart phone application planning data. Work with GIS department to organize DATA into a manageable study evaluation format.
- Installed 43 Share the Road signs.
- Finalized draft RFQ for the Nicholasville and Jessamine County Bike and Pedestrian School Connector Study for review from the OLP and District 7 office.
- 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.
- Submitted and reviewed bike lane striping plans with Divisions of Traffic Engineering and Engineering.
- 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.
- Compiled pedestrian Crash data for ten years and converted to GIS to map and graph for pedestrian safety meeting with traffic engineering.
- Met with various agencies/organizations to discuss sidewalk capital improvement and maintenance needs.
- Coordinated with Dr. Stamatiadis for his CE539 class project. Two separate bike facility feasibility studies including preliminary designs for possible pilot projects on Virginia Ave. and Martin Luther King (MLK) Blvd.
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3.3 Transit Planning –

- 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 spoke to an Urban Planning class at UK about transportation planning.
- 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 groundbreaking for Lextran Admin Facility.
- Coordinating efforts for Gardenside Bus Shelter Restoration Project in progress.
- Attended Art in Motion board meeting.
- Working with Lextran and PB on COA.
- Attended FTSB board meeting as board chair.
- Attended meeting and working with LFUCG Local Food Coordinator on Food Bus concept.

3.4 Mobility Coordination –

- Met with marketing firm to discuss winter/spring marketing schedule. Reviewed television PSAs. Processed quarterly invoice and local match documentation.

3.5 Travel Demand Modeling and Project Forecasting –

- Continues to maintain the TransCad Travel Demand Model (TDM).
- 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) and the Congestion Management Committee (CMC).
- Began developing an evaluation process to prioritize Transportation Alternatives Program applications.

4.2 Transportation Improvement Programming (TIP) –

- Monitored TIP program projects for needed adjustments through a Project Coordination Team meeting
- Prepared and posted FY 2014 FHWA & FTA Annual List of Federal & State Obligations to MPO website

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

- Prepared various sections of the FY 2015 UPWP and requested staff check and edit program elements

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 February, 2015**

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	February 5, 2015
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	February 5, 2015
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	February 12, 2015
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	February 25, 2015
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	February 26, 2015

X. **ADJOURNMENT**

TLW/TM/CT/BJR/BS/src

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