

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

February 26, 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 January 29, 2015, 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, February 5, 2015, at 8:30 a.m. The meeting was attended by Commission members: Karen Mundy, Joe Smith, Carolyn Plumlee, Will Berkley 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 Gallit, Dave Jarman, Denice Bullock, Scott Thompson and Kelly Hunter, as well as Captain Greg Lengal and Lieutenant Joshua Thiel, Division of Fire & Emergency Services; C.D. Schnelle, Division of Police; and Stephen Shelman, Mayor's Office, representing the 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.*

Note: The Planning Commission postponed this item at their February 12, 2015, meeting. This plan requires the posting of a sign, and an affidavit of such.

- A. **DP 2015-6: RICHARDSON PROPERTY (AMD) (5/5/15)*** - located at 150 & 300 Chilesburg Road.
(Council District 7) **(John Hill)**

Note: This property requires the posting of a sign and an affidavit of such. The purpose of this amendment is to remove 10 townhomes, to add 26 condominium units, and to add two 6-car parking garages.

The Subdivision Committee Recommended: Postponement, due to the lack of graphic clarity relative to the new condominium building proposed.

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

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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Addition of record plat designation in title block.
10. Rotate vicinity map to match orientation of plan.
11. Denote height of building in feet.
12. Addition of building square footage in site statistics.
13. Complete exaction information to the approval of the Division of Planning prior to plan certification.
14. Correct purpose of amendment note to delete statement #4.

- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, February 5, 2015, at 1:30 p.m. in the Division of Planning Office. The meeting was attended by Commission members 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. **M.I.A. BROOKHAVEN, LLC, ZONING MAP AMENDMENT & BROOKHAVEN SUBDIVISION ZONING DEVELOPMENT PLAN**

- a. **MAR 2015-1: M.I.A. BROOKHAVEN, LLC (4/5/15)*** - petition for a zone map amendment from a Neighborhood Business (B-1) zone to a Highway Service Business (B-3) zone, for 5.6686 net (6.8980 gross) acres, for property

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

located at 2434 & 2450 Nicholasville Road.

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

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

1. The proposed Highway Service Business (B-3) zone is in agreement with the 2013 Comprehensive Plan and is supported by several Goals and Objectives of the Plan, including:
 - a. Theme A (*Growing Successful Neighborhoods*), Goal 2, Objective a., which states: "Identify areas of opportunity for infill, redevelopment and adaptive reuse that respect the area's context and design features whenever possible." The petitioner is redeveloping an "under-performing" shopping center with a new center, giving greater attention to the landscaping and pedestrian amenities than the previous development.
 - b. Theme C (*Creating Jobs and Prosperity*), Goal 1, Objective d., which encourages the creation of jobs near where people live. The subject property is located very near residential neighborhoods, which the applicant opines will give nearby residents opportunities to work within walking distance of their homes.
 - c. Theme D, Goal 2, which provides for accessible community facilities and services to meet the health, safety and quality of life needs of Lexington-Fayette County's residents and visitors.
2. The proposed hotel use supports the healthcare and tourist industries that are already thriving in Lexington, and which are acknowledged by the 2013 Plan.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses are recommended to be prohibited on all portions of the subject property:
 - a. Establishments for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
 - b. Garden Centers
 - c. Kennels, animal hospitals or clinics, including offices of veterinarians.
 - d. Carnivals.
 - e. Taxidermy establishments.
 - f. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
 - g. Retail sale of automotive parts with storage and distribution of inventory to other local establishments under the same ownership.
 - h. Outdoor live entertainment when located within 100 feet of a residential zone.
 - i. All conditional uses listed under Article 8-20(d), except:
 1. Churches and Sunday schools.
 2. Temporary structures designed for use or occupancy for 61 to 180 days per 12-month period on a single property, calculating said period by cumulative consideration for the use of any and all such structures on a single property.

These use prohibitions are appropriate and necessary to ensure that future development will be compatible with the character of the adjoining area by prohibiting certain uses that would be too intensive or inappropriate at this location.
4. This recommendation is made subject to the approval and certification of ZDP 2015-10: Brookhaven Subdivision, 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 2015-10: BROOKHAVEN SUBDIVISION (4/5/15)* - located at 2434 & 2450 Nicholasville Road.
(Council District 4) **(Wheat & Ladenburger)**

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

1. Provided the Urban County Council rezones the property B-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Building Inspection's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree inventory map.
6. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.
7. Clarify exterior dimensions for hotel building.
8. Dimension all new entrance aprons.
9. Clarify and dimension areas adjacent to hotel, restaurant and retail buildings.
10. Include patio seating in restaurant parking statistics.
11. Denote final record plat information in title block.
12. Resolve locations of interior landscaping areas.
13. Resolve lack of dumpster for retail building and location of hotel dumpster.
14. Resolve sign and note #12.
15. Resolve stormwater detention location(s).
16. Resolve vehicular stacking area for proposed restaurant building "B".

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17. Resolve required parking and provided parking (and lack of surplus).

2. DOUG CHARLES ZONING MAP AMENDMENT & PLEASANT RIDGE SUBDIVISION, LOT Z, ZONING DEVELOPMENT PLAN

- a. MARV 2015-2: DOUG CHARLES (4/5/15*) - petition for a zone map amendment from a Highway Service Business (B-3) zone to a Neighborhood Business (B-1) zone, for 0.345 net (0.465 gross) acre, for property located at 2100 Liberty Road.

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

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

1. The proposed zone change to a Neighborhood Business (B-1) zone is supported by several Goals and Objectives of the 2013 Comprehensive Plan, including:
 - a. Theme A (*Growing Successful Neighborhoods*), Goal 2, Objective a., which states: "Identify areas of opportunity for infill, redevelopment and adaptive reuse that respect the area's context and design features whenever possible." The petitioner is adaptively re-using an existing building for a new use, while improving the character of the area through traffic management and landscaping improvements.
 - b. Theme C (*Creating Jobs and Prosperity*), Goal 1, Objective d., which encourages the creation of jobs near where people live. The property is located very near residential neighborhoods, and will provide a support or service use in the area that is not currently available.
 2. *Chapter 7: Maintaining Balance Between Planning for Urban Uses and Safeguarding Rural Land* of the 2013 Comprehensive Plan supports the proposed reuse and renovation of an underperforming property inside the Urban Service Area, which, in turn, protects the community's rural land.
 3. The requested Neighborhood Business (B-1) zone is appropriate for this location since the B-3 zone is one of the community's most intense business zones, and is generally not encouraged very near residential areas. On the other hand, the proposed adult day care center is a support or service business, the owner of which has a desire to locate near residential development, so that the use can serve the nearby residential area.
 4. The Neighborhood Business (B-1) zone would provide an appropriate land use transition between the highway-oriented businesses along New Circle Road and the residential land uses further to the east of this location, promoting the Plan's emphasis on protecting existing neighborhoods.
 5. This recommendation is made subject to the approval and certification of ZDP 2015-11: Pleasant Ridge Subdivision, Lot A, 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. Reduce the property perimeter landscape buffer along the southern property line from 5' to 0' without a fence where the existing building abuts the property line.
 2. Reduce the property perimeter landscape requirement for trees spaced every 40 feet, to trees spaced every 80 feet, along the southern boundary.

The Staff Recommends: **Approval of the requested landscape variances along the southern property line**, for the following reasons:

- a. Granting the requested variances, along one property line, 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 proposed landscaping (although less than required) will be an improvement to the general area, which is devoid of any landscaping at present.
- b. There are special circumstances that apply to this property that do not generally apply to land in the general vicinity: 1) there is an existing non-conforming business use on an adjacent residentially zoned property, which is a more intense use than proposed by this applicant; and 2) there are existing impediments on the subject property that greatly restrict the applicant from installing the full extent of the required landscaping, including a shared access drive, a large KU utility easement, and an existing building, which is very close to the southern property line.
- c. Strict application of the requirements of the Zoning Ordinance would create an unnecessary hardship for the applicant because of the limited space available on the property boundary for the required four trees. Based on the professional recommendation of the applicant's landscape architect, two medium trees will be able to survive due to the existing amount of paving on this site. The staff agrees that requiring extensive redevelopment of the site would result in a hardship to the applicant, given the existing easements and other site improvements existing on the property.
- d. The circumstances surrounding the requested variances are not the result of prior actions taken by this applicant, as no construction (or even building demolition) has yet occurred on the subject site.

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

1. Provided the Urban County Council rezones the property B-1; otherwise, any Commission action of approval of this variance is null and void.

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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).
- c. ZDP 2015-11: PLEASANT RIDGE SUBDIVISION, LOT A (4/5/15)* - located at 2100 Liberty Road
(Council District 7) **(EA Partners)**

The Subdivision Committee Recommended: Postponement. There are questions regarding vehicular access, compliance with Articles 18 & 26, and a building encroachment in the existing easements.

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 non-conformity of building line.
7. Document compliance with interior and perimeter (adjacent to R-1B zone) landscape requirements of Article 18.
8. Document that proposed access meets the requirements of the Kentucky Transportation Cabinet.
9. Document that proposed (pavement and landscaping) improvements in the right-of-way will meet Kentucky Transportation Cabinet requirements.
10. Resolve location of solid waste dumpster.
11. Resolve existing building encroachment in utility easement.
12. Eliminate fence in right-of-way.
13. Resolve tree canopy requirements per Article 26.

3. THISTLE HOLDINGS, LLC, ZONING MAP AMENDMENT & THISTLE STATION ZONING DEVELOPMENT PLAN

- a. MAR 2015-3: THISTLE HOLDINGS, LLC (4/5/15)* - petition for a zone map amendment from a Light Industrial (I-1) zone to a Neighborhood Business (B-1) zone, for 3.78 net (4.72 gross) acres, for property located at 308-310, 322 and 330 Newtown Pike.

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

The Staff Recommends: Approval, for the following reasons:

1. The proposed Neighborhood Business (B-1) zone and form-based neighborhood business project are in agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. Theme A, "Growing Successful Neighborhoods," recommends expanding housing choices, with emphasis on mixed-use and higher density development to address a variety of community needs (Goals 1b. and 1d.). The Plan recommends supporting infill and redevelopment as a strategic component of growth, with focus on context-sensitive design (Goal 2a.), and providing well-designed neighborhoods through mixed use, multi-modal transportation connections and minimizing disruption of natural features when building new communities (Goals 3a., 3b., and 3c.) The petitioner's proposed project will provide additional housing options for the Newtown Pike corridor in a context-sensitive manner, while offering multi-modal transportation connections (vehicular, bicycle, pedestrian and transit).
 - b. Theme E, "Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land," also encourages the infill or redevelopment of underutilized land inside the Urban Service Area (Goal 1a.), and building in a compact, contiguous, and/or sustainable manner (Goal 1b.). The petitioner is redeveloping an underutilized industrial site at one of the gateways into Lexington's downtown in a highly dense manner (53.4 dwelling units per acre), thus fulfilling the intent of the Comprehensive Plan.
2. The subject properties are located within the boundary of the *Downtown Lexington Masterplan* and the more recent *Fourth Street Zoning Study*. The *Masterplan* and the *Zoning Study* both recommend mixed-use development for the site. In addition, the *Masterplan* states that the Downtown Edge West precinct "has the potential to be a true mixed-use neighborhood with retail, offices, and residential as a signature entryway to the downtown." The petitioner's form-based neighborhood business project provides that "signature" gateway recommended by the *Masterplan*. The mixed-use project will also complement the new BCTC campus to the north, and will spur further redevelopment in the Fourth Street corridor from industrial land uses.
3. The proposed B-1 zone permits mixed-use development, and the form-based project option allows flexibility in the zone requirements if a project developer completes the area character and context study requirements. The petitioner has conducted the requisite study, evaluating the nearby area, and creating a project that respects the existing urban environment.

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4. This recommendation is made subject to approval and certification of ZDP 2015-12: Thistle Station, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
5. Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses are recommended to be prohibited on the subject property:
 - a. Automobile repair, service stations, and gasoline pumps.
 - b. Automobile and vehicle refueling stations.
 - c. Animal hospitals or clinics.
 - d. Drive-through facilities.These use prohibitions are appropriate and necessary to ensure that future development will be compatible with the character of the adjoining area by prohibiting certain uses that would be contrary to its urban mixed-use character.
- b. ZDP 2015-12: THISTLE STATION (4/5/15)*- located 308-310, 312 & 330 Newtown Pike.
(Council District 2) (Vision Engineering)

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

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 existing and proposed easements on plan.
7. Clarify required parking statistics, including allowable parking deductions.
8. Denote existing and proposed zones.
9. Resolve types and locations available for supplemental landscaping per Article 8-16(o)(3) requirements, including existing tree inventories.
10. Resolve uses in public spaces per Article 8-16(o)(3) requirements.
11. Resolve need for tree protection areas along site perimeters.
12. Resolve need for notes regarding supplemental submittal information.

B. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

1. ZOTA 2015-2: AMENDMENT TO ARTICLE 17-7(b)(5) TO ALLOW A SECOND FREESTANDING SIGN FOR CHURCHES AND SCHOOLS ON CORNER LOTS – petition for a Zoning Ordinance text amendment to allow a second freestanding sign for churches and schools on properties of more than five acres in size with two street frontages, when located in residential zones.

REQUESTED BY: Lexington Christian Academy

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

ARTICLE 17: SIGN REGULATIONS

17-7(b) LOW DENSITY RESIDENTIAL ZONES (R-1 [A THROUGH E], R-1T, R-2) - Permitted signs within these zones shall be wall signs unless otherwise specified; signs shall be either non-illuminated or indirectly illuminated. Minimum set-back for any free standing sign permitted under this section shall be one-half (½) the minimum front yard requirement for the zone in which the sign is to be located; and no less than ten (10) feet in any case.

(5) One identification sign for a permitted church or school for academic instruction; free standing or wall mounted; not exceeding thirty-two (32) square feet in area; not exceeding eight (8) feet in height if free standing; in addition, one bulletin board, free standing or wall mounted, not exceeding twelve (12) square feet in area and eight (8) feet in height. If the property has five or more acres and has frontage on two or more streets, then a second sign and bulletin board meeting the same requirements as the first sign shall be permitted, one per street frontage.

STAFF ALTERNATIVE TEXT:

(Note: bold text indicates an alteration to the text originally proposed by the applicant.)

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17-7(b) LOW DENSITY RESIDENTIAL ZONES (R-1 [A THROUGH E], R-1T, R-2) - Permitted signs within these zones shall be wall signs unless otherwise specified; signs shall be either non-illuminated or indirectly illuminated. Minimum setback for any free standing sign permitted under this section shall be one-half (1/2) the minimum front yard requirement for the zone in which the sign is to be located; and no less than ten (10) feet in any case.

One identification sign for a permitted church or school for academic instruction; free standing or wall mounted; not exceeding thirty-two (32) square feet in area; not exceeding eight (8) feet in height if free standing; in addition, one bulletin board, free standing or wall mounted, not exceeding twelve (12) square feet in area and eight (8) feet in height. If the property has five or more acres and has frontage on two or more streets, then a second identification sign and bulletin board, meeting the same requirements as the first sign shall be permitted, limited to one per street frontage; provided these signs are located a minimum of two hundred fifty (250) feet from each other.

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

The Staff Recommends: **Approval of the staff alternative text**, for the following reasons:

1. Schools and churches located on properties larger than five acres in size, such as that of this applicant, often have multiple entrances, a need to help identify these with additional free-standing signs and bulletin boards, and a desire to assist visitors in arriving at these facilities safely.
2. The staff alternative text will ensure that this addition to the sign regulations will not result in unintended sign clutter at the corners of large sites with churches and schools.

2. **ZOTA 2015-3: AMENDMENT TO ARTICLE 17-7(k) TO ALLOW MULTI-TENANT LISTINGS ON FREE-STANDING SIGNS IN THE PLANNED SHOPPING CENTER (B-6P) ZONE** – petition for a Zoning Ordinance text amendment to allow a maximum of eight multi-tenant panels on free-standing signs in the Planned Shopping Center (B-6P) zone.

REQUESTED BY: Ruggles Sign

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

ARTICLE 17: SIGNAGE REGULATIONS

17-3(b) (2) ATTRACTION BOARD - A sign which contains no permanent copy, either letters or emblems, on which copy is changed manually with changeable letters and which announces special activities on the property.

17-3(b) (4) BUSINESS SIGN - A sign which directs attention to a business, profession, product, activity, or entertainment, sold or offered upon the premises where such sign is located, and may include information as for an identification sign.

17-3(c) (5) FREE-STANDING SIGN - A sign, not attached to any building, and attached to the ground by poles, braces, or other means.

17-7(k) PLANNED SHOPPING CENTER ZONE (B-6P) - Signs within the B-6P zone shall be permitted and regulated as for B-1 [Section 17-7(f)], except as follows:

- (1) In place of the free-standing signs permitted under Section 17-7(f)(1)(b), the only permitted free-standing signs shall be shopping center identification signs. One sign shall be permitted per street frontage, with a maximum of two (2) signs. The maximum square footage of each sign shall be 150 square feet, with a maximum height of twenty-five (25) feet for a regional shopping center; and seventy-five (75) square feet, with a maximum height of twenty (20) feet in a community or neighborhood shopping center. An attraction board may be attached to the free-standing sign, provided it does not exceed the area of the identification sign and provided that no permanent copy identifying any specific business or product sold within the center is included on the attraction board. The area of the attraction board shall be included in the computation of the area of the free-standing sign. The copy on such an attraction board shall be limited to sales or other events on the premises and civic meetings, rallies or other noncommercial events on or off the premises.

In lieu of an attraction board, multi-tenant panels may be used. A maximum of eight (8) tenants may be listed. The area of the tenant panels shall be included in the computation of the area of the free-standing sign.

- (2) The wall-mounted signs shall show only the name and/or logo of the business or profession, and shall contain no product trade name identifications. A listing of any products sold or offered on the premises may be an integral part of, and incorporated into, each permitted wall sign, provided the listing occupies no more than fifty percent (50%) of the area of the sign.
- (3) Window signs shall be permitted, limited to no more than twenty-five percent (25%) of the total window area.

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- (4) Non-illuminated or indirectly illuminated projecting signs may be permitted only as a conditional use as described under Section 17-12, where the purpose of such projecting signs is to create a unified and distinct shopping area design and where such signs will be utilized in place of wall signs.

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

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

1. While the proposed text amendment may be addressing a recent trend involving shopping center signage, more edits are needed to take this proposal into a final form that the staff can support.
2. As a whole, the staff is concerned with the applicant's proposal to significantly relax the current signage restrictions in the B-6P zone. However, the applicant has indicated a willingness to address the concerns of the staff to respond to these concerns before the required public hearing before the Planning Commission.

3. **ZOTA 2015-4: AMENDMENT TO ARTICLE 28-6(c): ALTERNATIVE BUILDING FEATURES IN THE MIXED-USE (MU) ZONES** – petition for a Zoning Ordinance text amendment to provide for the use of alternative building features in the Mixed-Use (MU) zones.

REQUESTED BY: Bayer Properties, LLC

PROPOSED TEXT: (Text underlined indicates an addition to the existing Zoning Ordinance; ~~text dashed through~~ indicates a deletion.)

ARTICLE 28: MIXED USE ZONING CATEGORIES

28-6 PROVISIONS APPLICABLE TO ALL MIXED-USE ZONES - shall be as follows:

28-6(a) DEVELOPMENT PLAN REQUIRED - All applications for a zone map amendment shall require the accompanying submission of a preliminary development plan. No development or occupancy of any existing structure for mixed use shall occur until a final development plan has been approved and certified. In addition to all requirements for development plans contained in Article 21, the Planning Commission shall consider the following plan features in its review. Approval of a development plan for any mixed-use zone shall require a finding that the development plan complies with the provisions of Sections 28-6(b) through (g) below.

28-6(b) PEDESTRIAN ACCOMMODATION - shall be as follows:

- (1) At least one primary street level entrance to a building that faces any public street shall be oriented toward the public street.
- (2) For at least one location adjoining the street, a pedestrian entryway, including landscaping elements, has been provided to the site.
- (3) Where two or more buildings are proposed, they shall be arranged in a manner that provides an open space area, such as a plaza, courtyard or similar feature.
- (4) Convenient and well-defined pedestrian access has been provided to the site, any abutting public transit stops, adjoining neighborhoods, between multiple buildings, open space areas and parking areas.
- (5) A 6-foot minimum unobstructed pedestrian walkway shall be provided to accommodate landscaping, street trees, street furniture, sidewalk cafes or other obstacles. Additional sidewalk width shall also be provided where high pedestrian traffic is anticipated.
- (6) For any development within the Downtown Streetscape Master Plan area, the development shall adhere to the provisions of that plan.

28-6(c) BUILDING FEATURES - shall be as follows:

- (1) For every primary wall plane,~~a~~:
 - a. A change of at least five (5) feet in depth and eight (8) feet in length shall be made for every 80 feet of length or fraction thereof, or,
 - b. Implementation of a minimum of two of the following for every sixty (60) feet of length or fraction thereof:
 1. A change of at least eight (8) inches in depth;
 2. A change in wall height of at least sixteen (16) inches;
 3. A change in exterior material type, style, color, finish or orientation;
 4. A minimum of twenty (20) percent of the ground floor building face shall be transparent glass, including windows and doors.
- (2) For every side or rear wall plane,~~a~~:
 - a. A change of at least eight (8) feet in length and five (5) feet in depth shall be made for every 100 feet in length, or,

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- b. Implementation of a minimum of two of the following for every eighty (80) feet of length or fraction thereof:
 - 1. A change of at least eight (8) inches in depth;
 - 2. A change in wall height of at least sixteen (16) inches;
 - 3. A change in exterior material type, style, color, finish or orientation;
 - 4. A minimum of twenty (20) percent of the ground floor building face shall be transparent glass, including windows and doors.
- (3) The primary wall plane shall provide at least one of the following features at ground level:
 - a. A balcony at least 4' x 5'.
 - b. A bay window with at least a one-foot offset, containing a minimum of twenty (20) square feet.
 - c. A covered entrance at least 3' x 3'.
 - d. A porch at least 4' x 6', with a floor at least twelve (12) inches above grade.
 - e. A recessed entrance at least 3' x 5'.
- (4) At least ten percent (10%) of any building face shall be transparent glass, including windows and doors.

STAFF ALTERNATIVE TEXT:

28-6 PROVISIONS APPLICABLE TO ALL MIXED-USE ZONES - shall be as follows:

28-6(a) DEVELOPMENT PLAN REQUIRED - All applications for a zone map amendment shall require the accompanying submission of a preliminary development plan. No development or occupancy of any existing structure for mixed use shall occur until a final development plan has been approved and certified. In addition to all requirements for development plans contained in Article 21, the Planning Commission shall consider the following plan features in its review. Approval of a development plan for any mixed-use zone shall require a finding that the development plan complies with the provisions of Sections 28-6(b) through (g) below.

28-6(b) PEDESTRIAN ACCOMMODATION - shall be as follows:

- (1) At least one primary street level entrance to a building that faces any public street shall be oriented toward the public street.
- (2) For at least one location adjoining the street, a pedestrian entryway, including landscaping elements, has been provided to the site.
- (3) Where two or more buildings are proposed, they shall be arranged in a manner that provides an open space area, such as a plaza, courtyard or similar feature.
- (4) Convenient and well-defined pedestrian access has been provided to the site, any abutting public transit stops, adjoining neighborhoods, between multiple buildings, open space areas and parking areas.
- (5) A 6-foot minimum unobstructed pedestrian walkway shall be provided to accommodate landscaping, street trees, street furniture, sidewalk cafes or other obstacles. Additional sidewalk width shall also be provided where high pedestrian traffic is anticipated.
- (6) For any development within the Downtown Streetscape Master Plan area, the development shall adhere to the provisions of that plan.

28-6(c) BUILDING FEATURES - shall be as follows:

- (1) For every primary wall plane,~~a:~~
 - a. A change of at least five (5) feet in depth and eight (8) feet in length shall be made for every 80 feet of length or fraction thereof, or,
 - b. Implementation of a minimum of ~~two~~ **three** of the following for every sixty (60) feet of length or fraction thereof:
 - 1. A change of at least ~~eight (8) inches~~ **one (1) foot** in depth;
 - 2. A change in wall height of at least ~~sixteen (16) inches~~ **two (2) feet**;
 - 3. A change in exterior material type, style, ~~or color,~~ finish ~~or orientation~~;
 - 4. A minimum of twenty percent (20%) of the ground floor building face shall be transparent glass, including windows and doors.
- (2) For every side or rear wall plane,~~a:~~
 - a. A change of at least eight (8) feet in length and five (5) feet in depth shall be made for every 100 feet in length, or,
 - b. Implementation of a minimum of ~~two~~ **three** of the following for every eighty (80) feet of length or fraction thereof:
 - 1. A change of at least ~~eight (8) inches~~ **one (1) foot** in depth;
 - 2. A change in wall height of at least ~~sixteen (16) inches~~ **two (2) feet**;
 - 3. A change in exterior material type, style, ~~or color,~~ finish ~~or orientation~~;
 - 4. A minimum of twenty percent (20%) of the ground floor building face shall be transparent glass, including windows and doors.
- (3) The primary wall plane shall provide at least one of the following features at ground level:
 - a. A balcony at least 4' x 5'.
 - b. A bay window with at least a one-foot offset, containing a minimum of twenty (20) square feet.
 - c. A covered entrance at least 3' x 3'.
 - d. A porch at least 4' x 6', with a floor at least twelve (12) inches above grade.

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- e. A recessed entrance at least 3' x 5'.
- (4) At least ten percent (10%) of any building face shall be transparent glass, including windows and doors.

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

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

1. The proposed text amendment to Article 28-6 will provide more flexibility to meet the building feature articulation regulations, a requirement in the design of mixed-use developments. The existing language provides for 5-foot by 8-foot building bump-outs or projections to create visual interest and prevent long, blank exterior walls. The proposed amendment maintains this option, but also allows for more creative solutions that visually meet the same objective.
2. These proposed changes to the Zoning Ordinance will minimize the encroachment into the pedestrian space within a mixed-use development, by reducing the minimum projection from five feet to one foot. This will significantly reduce the possibility of "blind spots" that can be detrimental to retail and could unintentionally create some security concerns.
3. The staff alternative text will slightly alter the petitioner's proposal in a manner that will be more consistent with the original *Infill and Redevelopment Design Standards* that prompted this section of the Zoning Ordinance

VI. COMMISSION ITEMS

- A. **PFR 2015-1: LFUCG FIRE STATION #2 REPLACEMENT** – a Public Facility Review for construction of a new fire station, to replace a currently outdated station, at 1276 Eastland Drive (Council District 5).

SUMMARY FINDINGS: There are no goals or objectives of the Comprehensive Plan that are in opposition to the construction of a new fire station on Eastland Drive. There is no longer a Land Use Map associated with the Plan, but the previous Land Use Element/Map recommended Retail Trade and Personal Service use for the property. That was based on the property's zoning and its location within a commercial area as part of the Eastland Shopping Center development. Station #2 has outgrown its existing building, and plans have been in place for several years to replace it. Many of the goals and objectives, as well as the text of the Plan, support the project. The subject site was likely chosen due to its size and its proximity to New Circle Road, which will facilitate and hopefully reduce response time in emergency situations, which is critical and which is endorsed by the Comprehensive Plan, either directly or indirectly.

RECOMMENDATION:

That the parking area be screened in a manner comparable to what is required by Article 18 of the Zoning Ordinance.

VII. STAFF ITEMS

A. **Planning Services Activity Report**

- During the month of January, the Planning Services staff processed applications for 4 zoning map amendments and 5 Zoning Ordinance text amendments. Also, 8 Board of Adjustment appeals were processed by the staff for the Board's January meeting. Some 42 subdivision & development plans were also processed and reviewed by Planning Services staff members in January. In addition, 1 Public Facility Review was reviewed and 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 3 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 January, there were 21 updates made to the Registered Neighborhood Association data base, and Planning Services staff assisted 175 unscheduled "walk-in" visitors to the office, all but six 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 2.76 minutes. Much of the remainder of the staff's time was spent answering hundreds of telephone and e-mail inquiries from people concerning zoning regulations, subdivision plans, Board of Adjustment (BOA) appeals, floodplain determinations, 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 January, Dave and Cheryl assisted in helping that division review 8 applications for new buildings and/or additions to existing buildings, and 26 applications for remodeling of existing commercial properties, including "fit-ups."

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- On January 14, Administrative Specialist Principal Pam Whitaker, Planning Manager Bill Sallee and Senior Planner Traci Wade attended the second meeting of an ad-hoc committee, chaired by Planning Commission member Bill Wilson. The staff provided information to the Committee that day about existing regulations in place for environmentally sensitive areas, by different levels of government. A summary map of these known areas in Lexington-Fayette County was also presented to those in attendance at the meeting. It was hosted by Fayette Alliance, and held in their offices on West Short Street near downtown Lexington.
- On January 23rd, Senior Planner Tom Martin gave a presentation to the UK Hazard Mitigation Committee on the LFUCG Flood Hazard Mitigation Plan and its role relative to UK's hazard mitigation efforts. Subsequently, Tom was asked by the consultant to attend future meetings as a resource person.
- On January 30th, Tom Martin attended the inaugural meeting of Commissioner Derek Paulsen's Distillery District Coordination Committee. This group will meet quarterly to address development-related issues facing the Distillery District area northwest of downtown.

B. Zoning Enforcement Activity Report

- Zoning Enforcement started out the New Year with 39 new zoning complaints logged in during January. When combined with the 41 unresolved cases carried over from December, a total of 80 cases were investigated during the first month of 2015. Of those 80 cases, only 4 were determined not to involve any zoning violations. As was the case in December 2014, nearly 70% of the new cases were related to signage (primarily in commercial areas) and illegal business activity in residential areas. A total of 38 cases were resolved, meaning that necessary actions were taken by a property owner or occupant to fix a zoning problem.
- During January a total of 53 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 was to consider the matter at their January 30th public hearing. However, consideration of that appeal was postponed at the request of the appellant, and has been rescheduled for the February 27th hearing. Enforcement efforts related to that particular type of signage are currently on-hold, pending the results of that appeal.
- Considerable time was spent in January following up on two enforcement cases involving actions that have already been taken by the Board of Adjustment. In one case, a variance request to allow an already built detached garage on Shady Lane (that exceeded the maximum allowable height) was disapproved. No progress has been made for over a year in getting that structure into compliance, even though a permit was issued that would have accomplished that, if implemented. In the other case, a commercial composting conditional use off of Georgetown Road was revoked, due to quarrying activity taking place in the area that was approved for composting. Although a reclamation plan to restore the impacted site has been approved, progress on implementing that plan has been very slow, and well behind schedule. Staff has been coordinating with the Department of Law to determine what courses of action can be taken to speed up those important compliance efforts.

C. Long Range Planning Activity Report

- Armstrong Mill West Small Area Plan – Staff and consultants led a second public input meeting, which was held at the Bates Creek Middle School library to present overall summaries of previous public workshops and to lead participants in visioning exercises for the Armstrong Mill Road corridor. Later in January, the advisory committee met to receive updates on the plan process and provide additional input. The committee also reviewed the remaining schedule of activities and meetings. The Armstrong Mill West SAP team is headed by the Lexington firm of EHI Consultants.

Cardinal Valley Small Area Plan – Staff and consultants led a steering committee meeting at the Village Library. The committee was presented with general ideas for some of the catalytic projects/focus areas and discussed the remaining schedule of activities and meetings. The consulting team for Cardinal Valley SAP is led by staff from Lord Aeck Sargent's Lexington office.

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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 Commission – The Greenspace Commission continued their discussion about the community gardens work group and the expected outcomes and recommendations. They also discussed open space regulations in the Zoning Ordinance.
- Community Outreach – Staff made a presentation about city planning in general and the importance of greenspace and open space planning in particular to students from Providence Montessori Middle School. The students, who are studying the origins and foundations of cities, visited the offices of the Division of Planning for the presentation. The students will select projects from the litany of city planning options for further study.
- Public Schools Redistricting – Staff attended six 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, including annual training for OSHA and open records.

E. Transportation Planning Activity Report

1.1 Inventory/Monitor; Title VI/ADA; Participation; Coordination/Consultation –

- 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 Director-Managers' meetings at LFUCG Division of Planning.
- Conducted MPO / Transportation Section staff meetings.
- 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 Advisory Committee meeting.
- Attended the Statewide Planning Meeting in Frankfort.
- Attended LFUCG Commission for Citizens with Disabilities meeting.
- MPO Website Development – In January, the MPO website had 373 visits, 305 users of which 72% were new visitors and 914 page views.
- Continued MPO website redesign including site framework; content development and URL transfers.
- The MPO's Twitter site increased by 27 followers to 1,896 during January.
- The MPO's Facebook fan page increased by 3 likes to 620; had 55 engaged users; and reached 2,150 users in January.
- The Lexington Area MPO YouTube channel has a total of 28 videos; 18 subscribers; 35,212 lifetime views.
- Initiated "What is the Lexington Area MPO" video development.
- Attended stake holder meeting for the University of Kentucky Transportation Master Plan
- Attended UK Bicycle Advisory Committee – Facilities Work Group Meeting
- Attended monthly Blue Grass Airport Board meeting.

1.4 Staff Development –

- Attended the Kentuckians for Better Transportation Conference.
- Attended the Safe Mobility Planning Conference webinar.
- Attended "How to Help Others with Disabilities" workshop.
- Attended public meeting for Louisville Two-way Cycle track installation project on Lexington Ave.
- Attended "Trends in Best Practices in Bike Parking at Large Public Universities" Seminar.

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.

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- 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, and conference calls.
- 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 & Implementation –

- Utilized the 2040 MTP for the on-going Unscheduled Needs Listing (UNL) work.
- Developed a listing of projects planned for LFUCG Council District 6.

2.3 Air Quality Activities –

- Continued to monitor air quality issues.
- Received air quality monitor readings for the entire ozone season and compared them to daily forecasts.

3.1 Transportation - Land Use Impact Analysis –

- Participated in one (1) zoning review meeting, and reviewed two (2) zoning map amendments and discussed transportation and potential traffic impacts for the Thistle Station Traffic Impact Study. In addition, staff performed cursory review of January's Board of Adjustment cases which included the review of two (2) variance, four (4) conditional use appeals, and two (2) administrative reviews for the month.
- 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 monitoring legal ads for land development, and transportation and related traffic issues in January.
- Traffic, traffic-related counts, and other data were provided to three (3) citizens and local government staff during January. 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 (6) Final Development Plans and (2) 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 January Cycle Tracks Smart phone application planning data. Work with GIS department to organize DATA into a manageable study evaluation format.
- Finalized RFP and wrote news paper advertisement for the Nicholasville and Jessamine County Bike and Pedestrian School Connector Study for inclusion in the February 12th Jessamine Journal.
- 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.
- Met with various agencies/organizations to discuss sidewalk capital improvement and maintenance needs.
- Gave a presentation to Dr. Stamatiadis' CE539 class project. Outlining the project scope for two separate bike facility feasibility studies including preliminary designs for possible pilot projects on Virginia Ave. and Martin Luther King (MLK) Blvd. Follow up included distribution of the Red Mile Development Plan and South Limestone Corridor Study documents
- Met with representative from Sheller's Schwinn to locate two bicycle fix-it stations in the downtown area. Followed up with parks to begin process for final location determination.
- Met with stake holders and developed outline to request State Planning money for the Bike and Pedestrian Master Plan update.

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 attended webinar on Arc/GIS Living World Atlas
- 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 webinar "Demystifying Arc/GIS Online."
- Coordinating efforts for Gardenside Bus Shelter Restoration Project in progress.
- Working with Lextran and PB on COA.

3.4 Mobility Coordination –

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- 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 –

- Continued to maintain the TransCad Travel Demand Model (TDM).
- Responded citizen/agency requests for information on different roads.

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 Transportation Technical Coordinating Committee (TTCC) and the Transportation Policy Committee (TPC).
- Evaluated and scored Transportation Alternatives Program applications and investigated implementation strategies.
- Conducted an orientation session for new (and existing) Policy committee members.

4.2 Transportation Improvement Programming (TIP) –

- Monitored TIP program projects for needed adjustments.
- Coordinated efforts to adjust “state forces” charges to planned projects in the Lexington area.

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 March, 2015

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

X. ADJOURNMENT

TLW/TM/CT/BJR/BS/src

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