

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

February 26, 2015

- I. **CALL TO ORDER** – The meeting was called to order at 1:30 p.m. in the Council Chamber, 2nd Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.

Planning Commission members present: Will Berkley; Mike Cravens; David Drake; Karen Mundy; Mike Owens, Chair; Carolyn Plumlee; Carolyn Richardson; Joseph Smith (arrived at 1:35 p.m.); and William Wilson. Absent were Patrick Brewer and Frank Penn.

Planning staff members present: Chris King, Director; Bill Sallee; Barbara Rackers; Jimmy Emmons; Traci Wade; Tom Martin; and Stephanie Cunningham. Other staff members present were: Tracy Jones, Department of Law; Captain Greg Lengal and Lieutenant Joshua Thiel, Division of Fire and Emergency Services; Tim Queary, Urban Forester; Hillard Newman, Division of Engineering; and Casey Kaucher, Division of Traffic Engineering.

- II. **APPROVAL OF MINUTES** – A motion was made by Mr. Cravens, seconded by Ms. Richardson, and carried 9-0 (Brewer and Penn absent) to approve the minutes of the January 29, 2015, meeting.

III. **POSTPONEMENTS AND WITHDRAWALS**

1. **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.
- (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.

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

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.

Petitioner Representation: Elizabeth Pitchford, Ruggles Sign, was present representing the petitioner. She requested a one-month postponement of this item in order to allow the petitioner additional time to work with the staff.

Action: A motion was made by Ms. Plumlee, seconded by Ms. Mundy, and carried 9-0 (Brewer and Penn absent) to postpone ZOTA 2015-3 to the March 26, 2015, Planning Commission meeting.

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 Saltee, Tom Martin, Cheryl Gallt, Dave Jarman, Denise 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.

Development Plan Presentation: Ms. Gallt presented this development plan, noting that it was postponed from the Commission's February 12th meeting in order to allow for the posting of the required Expansion Area Master Plan (EAMP) notice sign. She oriented the Commission to the location of the subject property on Chilesburg Road, off of Hays Boulevard, in the Expansion Area.

Referring to the rendered development plan, Ms. Gallt stated that most of the subject property is already developed with single-family homes. The plan originally proposed to add townhouse units; this amendment, however, would reduce the number

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of townhomes by 10, in order to construct 26 apartment/condominium units. The staff is currently recommending approval of this request, subject to the conditions as listed on the agenda.

EAMP Compliance Report Presentation: Mr. Martin stated that, because the subject property is located in the Expansion Area, it is necessary for the Commission to make a finding that this plan is in compliance with the EAMP. He said that the net increase in the number of units proposed is 16, which is consistent with the density recommendations of the EAMP for the EAR-1 and EAR-2 zones.

Mr. Martin stated that the Design Features criteria requirements of the EAMP primarily address the siting of the single-family homes on their lots; those elements of the development will not be affected by this development plan amendment. The area proposed for the addition of townhouses and apartments was added to the development plan in 2005, which is consistent with the EAMP recommendation of providing a variety of types of homes in the Expansion Area. The infrastructure in the area primarily consists of Hays Boulevard, which has been constructed and utilized for some time. The regional stormwater and sewer systems are already in place as well, including the detention basins necessary to serve this portion of the overall development. Mr. Martin said that the Infrastructure element is therefore complete. The proposed plan also complies with the required Community Design element, with the 200' setback from Chilesburg Road serving as the primary design feature in this portion of the development. Mr. Martin stated that staff is recommending approval of this plan, and their report indicates that the staff finds this amendment in compliance with the EAMP.

Applicant Representation: John Barlow, Commonwealth Designs, was present representing the applicant. He stated that the applicant was in agreement with the staff's recommendations.

Staff Comment: Mr. Sallee asked Mr. Barlow to enter the required affidavit of the notice of sign posting, for the record. He replied that he had supplied it to Ms. Gallt. She provided it, along with the photograph of the posted sign.

Citizen Comment: There were no citizens present to comment on this request.

Action: A motion was made by Mr. Cravens, seconded by Mr. Berkley, and carried 9-0 (Brewer and Penn absent) to approve DP 2015-6, subject to the conditions as listed, noting the acceptance of the EAMP Compliance Report as provided by staff.

- 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 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

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

Zoning Presentation: Mr. Emmons presented the zoning report, briefly orienting the Commission to the location of the subject property, which comprises most of the block formerly occupied by a shopping center, between Nicholasville Road, Malabu Drive, and Surfside Drive. Within the block, but not a part of the zone change are an existing Rite Aid drugstore, at the corner of Nicholasville Road and Malabu Drive, and a small strip commercial center, at the corner of Surfside Drive and Malabu Drive. The shopping center was formerly anchored by a Circuit City store and Rafferty's restaurant.

Referring to a rendered zoning map, Mr. Emmons said that the subject property is surrounded by a mix of zoning designations, including: B-1 and B-6P zoning along Nicholasville Road; Professional Office to the north along Malabu Drive; and R-4 zoning along Surfside Drive, where there are existing apartment buildings. He displayed the following photographs of the subject property: 1) the property as seen from Nicholasville Road, noting the apartment buildings and existing restaurant use across Surfside Drive; 2) the existing Rite Aid drugstore and former Rafferty's restaurant sign, which is still in place; 3) a view from the property toward Malabu Drive and Nicholasville Road, noting the existing Professional Office buildings across Malabu Drive; 4) the rear of the property, noting the small commercial center located above the retaining wall; 5) a view down Surfside Drive, noting the apartment complexes; and 6) the front of the small B-1 commercial center at the corner of Surfside Drive and Malabu Drive.

Mr. Emmons stated that the petitioner proposes to redevelop the subject property, with a hotel to serve as the "anchor" of the redevelopment. The existing B-1 zone will not allow a hotel, which is the reason for the petitioner's rezoning request to B-3. The petitioner's justification contends that the proposed zone change meets four of the Goals & Objectives of the 2013 Comprehensive Plan; and the staff agrees that two of those are particularly important in this

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case. Theme A, which promotes growing successful neighborhoods, includes Goals that emphasize opportunities for Infill & Redevelopment. The staff believes that the redevelopment of the subject property will provide better landscaping and pedestrian amenities than the previous shopping center. Mr. Emmons stated that the staff also believes that Theme C, Creating Jobs and Prosperity, applies to this proposed rezoning. The petitioner has indicated that approximately 200 jobs will be created with the redevelopment of the subject property. The staff believes that the increased walkability of the area, as well as its proximity to residential uses, will provide area residents with opportunities to live within walking distance of their jobs. The petitioner also contends that the Nicholasville Road area is a logical choice for a new hotel, since it provides access to public transit; nearby healthcare facilities; other shopping centers; and general tourist activities in the vicinity. The staff also recognizes that the hotel will help to support the thriving healthcare and tourism industries in Lexington-Fayette County.

Mr. Emmons explained that the petitioner proposed a list of uses to be prohibited via conditional zoning, which are listed in the staff report and on the agenda, in order to help maintain the character of the surrounding area. The staff proposed one additional use restriction--that of outdoor live entertainment, when located within 100 feet of a residential zone be prohibited. The staff does not believe the addition of that restriction would have a great deal of impact on the proposed development, as indoor live entertainment would still be permitted. Mr. Emmons stated that the staff and the Zoning Committee recommended approval of this request, for the reasons as listed in the staff report and on the agenda.

Development Plan Presentation: Mr. Martin presented the corollary preliminary development plan, referring to a rendered copy of the plan. He explained that a new access point is proposed on Surfside Drive, in addition to the existing access on that roadway, as well as two proposed new accesses to Malabu Drive. The hotel is proposed to be 75 feet in height, to be sited toward the rear of the property. The petitioner is also proposing to construct a retail building near Surfside Drive, as well as two additional restaurants toward the front of the property, one with a drive-through. Each of those restaurant buildings is proposed to be approximately 4,000 square feet in size.

Mr. Martin said that this plan had been slightly revised from the version that was presented at the Subdivision Committee meeting. He explained that the staff was originally concerned about the amount of parking on the subject property, since the petitioner was proposing only the required number of spaces, and no additional spaces. This version of the plan proposes a surplus of four parking spaces. The petitioner also did not originally include patio seating in the parking calculation, which would have impacted the parking numbers as well. The staff is now comfortable with the proposed number of parking spaces, since patio seating has been accounted for and a small surplus of parking will be provided. Mr. Martin stated that condition #13, which refers to the proposed dumpster area, that the Division of Solid Waste does not typically review preliminary plans; rather, that sign-off is usually required at the time of a Final Development Plan. The petitioner has suggested dumpster sites for the property, but the staff is aware that those sites do not meet the required clearance for Solid Waste vehicles. Those concerns will need to be addressed at the time of a Final Development Plan for the property. Condition #14 refers to the former Rafferty's restaurant sign, which should be removed following the demolition of that restaurant. The staff recommended condition #16 to address their concerns about two-way traffic near the proposed restaurant drive-through, which needs to be resolved.

Mr. Martin stated that the staff is recommending approval of this plan, subject to the 17 conditions as listed on the agenda, deleting condition #10, since it was resolved by the petitioner.

Commission Question: Mr. Owens asked if condition #17 had been addressed as well. Mr. Martin answered that the petitioner had addressed the staff's concern about the number of parking spaces required. Mr. Owens asked if there was an existing median on Malabu Drive that could affect the placement of the access point there. Mr. Martin answered that there is no median on Malabu Drive in that location, so none of the proposed access points should be affected.

Petitioner Representation: Chris Westover, attorney, was present representing the petitioner. She stated that the petitioner is in agreement with the staff's recommendations, including the conditional zoning restrictions. Ms. Westover requested that all of the development plan conditions beginning with the word "resolve" and be revised to add "at time of Final Development Plan." She said that it would be typical to resolve those types of conditions at that time.

Citizen Comment: There were no citizens present to comment on this request.

Zoning Action: A motion was made by Ms. Mundy, seconded by Ms. Plumlee, and carried 9-0 (Brewer and Penn absent) to approve MAR 2015-1, for the reasons provided by staff.

Development Plan Action: A motion was made by Ms. Mundy, seconded by Ms. Plumlee, and carried 9-0 (Brewer and Penn absent) to approve ZDP 2015-10, subject to the conditions as listed; deleting conditions #10 and #17; and changing conditions #12-#16 to read, "Resolve...at time of Final Development Plan."

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2. **DOUG CHARLES ZONING MAP AMENDMENT & PLEASANT RIDGE SUBDIVISION, LOT A, 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.
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.

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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.

Zoning Presentation: Ms. Wade presented the staff report for this zoning map amendment request, beginning by briefly orienting the Commission to the location of the subject property. It is on the south side of Liberty Road, approximately 350' east of the New Circle Road/Liberty Road intersection. She said that the subject property is bordered on its east and west boundaries by other B-3 zoning and uses, with an auto parts store to the west and a vehicular sales lot to the east. Property across Liberty Road is zoned I-1, and contains an existing utility substation. The property to the south is zoned R-1B, so that boundary would typically require zone-to-zone screening. The petitioner has requested a variance to that screening requirement. Ms. Wade noted that, although that property to the south is zoned residential, it has been occupied by a non-conforming commercial use for some time.

Referring to an aerial photograph of the subject property, Ms. Wade noted that it is completely developed, and there will be very little open space. She displayed the following additional photographs of the property: 1) a closer view of the property, noting that, due to its previous use as a vehicle repossession lot, it is surrounded by an 8' chain link fence; 2) a view of the existing structure on the property; 3) the 8' chain link fence; 4) a view from Liberty Road, looking toward the rear of the property; 5) the west side of the property, where an access easement is located and connects to Wilderness Road; 6) a view from Liberty Road, noting the adjacent automobile sales lot; 7) the area at the rear of the lot proposed for a landscaping variance; 8) a view of the subject property from the rear corner.

Ms. Wade stated that the petitioner is proposing to rezone the subject property to B-1 in order to occupy the existing structure for an adult day care facility, which is a relatively new use in the Zoning Ordinance. In 2013, the Planning Commission and Urban County Council considered a text amendment to define "adult day care center," and to identify the zones in which that use would be permitted. The existing B-3 zone was not identified as one of the zones to allow adult day care centers as a principal use, but the B-1 zone was. Ms. Wade said that the petitioner indicated an intent to serve up to 24 persons at the adult day care facility, which goes along with the proposal of eight parking spaces on the corollary zoning development plan.

Ms. Wade stated, with regard to the 2013 Comprehensive Plan, that the petitioner identified three Goals & Objectives that they believe will be met with this application: growing successful neighborhoods; creating jobs and prosperity; and utilizing underperforming property. The petitioner contends that the proposed rezoning can help to grow successful neighborhoods by identifying an area of opportunity for infill & redevelopment and adaptive reuse. They also contend that utilizing the subject property for an adult day care center will create jobs and prosperity by providing new jobs near the existing residential subdivisions in the immediate vicinity of the property. They also contend that using an underutilized property can help to protect the Rural Service Area. Ms. Wade said that the staff believes that the proposed B-1 zone is more appropriate at this location, and the existing B-3 zone is less appropriate. Liberty Road is a minor arterial roadway, and B-3 zoning is typically located on major arterial corridors. B-1 zones are also typically located nearer to existing residential areas. The adult day care will provide a service that can be used by the residents of the adjacent residential area, as well as serving as a transition between the residential area and the businesses on New Circle Road. The staff and the Zoning Committee recommended approval of this rezoning request, for the reasons as listed in the staff report and on the agenda.

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Development Plan Presentation: Mr. Martin presented the corollary zoning development plan, noting that it was filed as a final development plan. It has been revised since the time of the Subdivision Committee, so a revised recommendation was distributed to the Commission members prior to the start of the hearing.

Mr. Martin referred to a rendered development plan, noting the location of the existing structure on the subject property, as well as an existing metal storage building, access easement, and utility easement on the property. The plan proposes eight parking spaces, with a slight encroachment into Liberty Road, which is state right-of-way. Mr. Martin noted that the plan does not depict improvements to the Liberty Road access point, based on conversations with the Kentucky Transportation Cabinet (KYTC) District 7 staff, indicating that that section of Liberty Road is proposed for improvement in the near future.

Mr. Martin said that the staff's initial recommendation of postponement was based on two concerns: the need for a variance to Article 18, and the need for a waiver to Article 26-5, which regulates the minimum tree canopy requirement. He explained that, in this instance, the site is fully developed; it has existing buildings and pavement, and very little green space. In conversations with the petitioner's landscape architect, it was determined that the petitioner could plant some trees on the property, but not enough to meet the full canopy requirement of Article 26.

Mr. Martin stated that the staff had distributed copies of their report on the petitioner's request for a waiver to Article 26-5 of the Zoning Ordinance, from a 3,000 square-foot canopy to a 900 square-foot canopy. The petitioner proposes to accomplish that by planting small and medium-sized trees that will require less area over time. The staff believes that some additional canopy on the property would be beneficial, so they are recommending approval of the requested waiver.

Mr. Martin stated that the following revised conditions had been distributed to the Commission prior to the start of the hearing:

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.~~
- ~~6.7. Document compliance with interior and perimeter (adjacent to R-1B zone) landscape requirements of~~ Provided the Planning Commission approves a variance to Article 18 of the Zoning Ordinance.
- ~~7.8. Document that proposed access meets the requirements of the Kentucky Transportation Cabinet.~~
- ~~8.9. Document Denote that proposed (pavement and landscaping) improvements in the right-of-way will need to meet Kentucky Transportation Cabinet requirements, prior to issuance of any Zoning Compliance Permit.~~
- ~~9.10. Resolve location of solid waste dumpster.~~
- ~~10.11. Resolve existing building Denote: Documentation of an encroachment in utility easement agreement will be provided to the Division(s) of Building Inspection and Planning prior to issuance of a Zoning Compliance Permit.~~
- ~~12. Eliminate fence in right of way.~~
- ~~11.13. Resolve Provided the Planning Commission approves a waiver to Article 26-5 of the Zoning Ordinance for minimum tree canopy requirements per.~~

Mr. Martin said that condition #8 refers to the staff's recommendation requiring the approval of the KYTC District 7 staff prior to the issuance of a zoning compliance permit. Condition #10 refers to the need to document encroachment agreements in the existing utility easement. Mr. Martin stated that the staff is recommending approval of this plan, subject to the listed conditions.

Commission Question: Ms. Plumlee asked, with regard to condition #9, where the dumpster would be located on the subject property. Mr. Martin answered that it was likely that the petitioner would not need a dumpster, which would require documentation to the staff indicating that no dumpster would be required.

Variance Report: Mr. Emmons presented the staff report on the requested variance to the landscape buffer requirement along the southern property line. Referring to a photograph of the subject property, he explained that the petitioner is requesting a variance to reduce the minimum landscaping required along that property line, which borders a single-family residential zone. However, that adjoining property, although zoned for residential use, has been the site of a non-conforming used car lot for some time. In addition, the boundary is approximately 120' in length, but about half of the length is encumbered by either an access easement; an existing building on the subject property; or the overhead utility easement. Mr. Emmons said that those special circumstances provide a justification for granting the requested variance.

Mr. Emmons explained that the Zoning Ordinance would require four trees to be planted along the property boundary; the petitioner is requesting to vary that requirement in order to plant two medium-sized trees. The petitioner contends that the amount of existing pavement on the property could make it inhospitable to new tree plantings, with which the staff agrees. Mr. Emmons said that the staff is recommending approval of this request, for the reasons as listed in the staff report and on the agenda, subject to the four conditions as listed.

Petitioner Representation: Rory Kahly, EA Partners, was present representing the petitioner. He stated that the petitioner is in agreement with the staff's recommendations.

Mr. Kahly noted, with regard to Ms. Plumlee's question about condition #9, that a dumpster will not be required on the subject property. The petitioner has contracted with a private contractor to provide solid waste removal, and is prepared to provide documentation to that effect to the staff.

Citizen Comment: There were no citizens present to comment on this request.

Zoning Action: A motion was made by Mr. Berkley, seconded by Ms. Richardson, and carried 9-0 (Brewer and Penn absent) to approve MARV 2015-2, for the reasons provided by staff.

Variance Action: A motion was made by Mr. Berkley, seconded by Ms. Mundy, and carried 9-0 (Brewer and Penn absent) to approve the requested variances, for the reasons provided by staff, subject to the four conditions as recommended by staff.

Development Plan Action: A motion was made by Mr. Berkley, seconded by Mr. Cravens, and carried 9-0 (Brewer and Penn absent) to approve ZDP 2015-11, subject to the revised conditions as listed, including the requested waiver to the tree canopy requirements.

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.
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.

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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.

Zoning Presentation: Ms. Wade presented the staff report, briefly orienting the Commission to the location of the subject property, which has frontage on Newtown Pike, West Third Street, and West Fourth Street. The property is entirely surrounded by Light Industrial (I-1) zoning, with the exception of the Bluegrass Community and Technical College (BCTC) campus across West Fourth Street, which is in an Agricultural Urban (A-U) zone. The property at the corner of Newtown Pike and West Fourth Street is currently occupied by an automobile repair shop; and another industrial use is in place on the adjacent parcel that borders the railroad tracks. There are also several non-conforming uses and adaptive reuses in the vicinity. Ms. Wade noted that the subject property was most recently occupied by a lumber yard and vehicle storage yard, both of which recently received Notices of Violation from Zoning Enforcement for Zoning Ordinance violations. She displayed several photographs of the subject property and surrounding area, noting the location of the BCTC campus; the existing structures on the subject property; the CSX railroad line adjacent to the property, which is actively used; the historic Lawrence Brewer & Son building, which is currently occupied by a brewery as part of an adaptive reuse project; the new sidewalks, curbs, and bicycle lane along West Fourth Street; and the new Transylvania University athletic facility on West Fourth Street.

Ms. Wade stated that the petitioner is proposing to rezone the subject property from I-1 to B-1 in order to construct a mixed-use development. The proposal includes two buildings: a "signature building" that would front on Newtown Pike, with approximately 200 dwelling units and 20,000 square feet of retail space; and a two-story building to front on West Fourth Street, with approximately 8,000 square feet of retail space. The petitioner has opted to construct the proposed development as a Form-Based Neighborhood Business Project, which is allowable in the B-1 zone following the approval of a text amendment several years ago. That project allows the developer to do a context and character study of the area, then use that information to create the yard requirements and other development standards that would be appropriate to that location. Ms. Wade noted that the petitioner did perform the required area study, which was submitted with their rezoning application, and they provided a great deal of information that was helpful to the staff in reviewing this request.

Ms. Wade stated that the petitioner contends that the proposed development is in agreement with the Comprehensive Plan. The petitioner's justification indicated that the rezoning is supported by Themes A and E of the Comprehensive Plan, including Goals & Objectives related to expanding housing choices; emphasizing mixed-use and higher-density development; supporting infill and redevelopment, with a focus on context-sensitive development; providing well-designed neighborhoods through mixed use; developing multi-modal transportation connections; minimizing disruption of natural features when building a new community; using underutilized land; and building in a compact, contiguous, and sustainable manner. The staff is in agreement that those Goals & Objectives are being met with this proposal. In addition, the staff reviewed the Downtown Master Plan (DTMP) and Fourth Street Zoning Study, which, although not binding, do inform the Planning Commission's decisions.

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Ms. Wade said that DTMP has 15 general recommendations, two of which the staff believes are supported by this application: maximizing density, and creating urban entrances. The subject property is located within the area defined by the DTMP as the Downtown Edge West precinct, which includes a statement that the area “has the potential to be a true, mixed-use neighborhood, with retail, offices, and residential as a signature entryway to the downtown.” The staff agrees that the proposed development is in keeping with those recommendations.

With regard to the Fourth Street Zoning Study, Ms. Wade explained that it was undertaken by LFUCG, Transylvania University, and BCTC to consider the redevelopment potential of the area between Newtown Pike and Jefferson Street along Fourth Street. Several of the recommendations of that study were related to creating an urban mixed-use area, and the study identified the subject property as part of a focus area. Referring to a graphic from that study, Ms. Wade said that the subject property was identified in an area where an Urban Mixed-Use zone was recommended, so the proposed development would fit well with that recommendation.

Ms. Wade stated that the staff and the Zoning Committee agreed with the petitioner’s contention that the proposed B-1 zone at this location is in agreement with the 2013 Comprehensive Plan, and recommended approval of this request, for the reasons as listed in the staff report and on the agenda. She added that the staff is also recommending conditional zoning restrictions on the subject property to prohibit automobile uses, animal hospitals or clinics, and drive-through facilities, which were included in the recommendations of the Fourth Street Zoning Study. The proposed conditional zoning restrictions are recommended in order to help keep the use of the property compatible with the vision proposed for the area.

Development Plan Presentation: Mr. Martin presented the corollary zoning development plan, noting on the rendered plan the location of the Newtown Pike and West Fourth Street frontages of the property, as well as the railroad line to the rear. He stated that the petitioner is proposing to construct a full access to West Fourth Street, and a right-in/right-out access to Newtown Pike. Parking for the development is proposed to be located primarily on the interior of the property.

Mr. Martin stated that the petitioner is proposing to construct a mixed-use residential/retail building, 16 stories in height, to be oriented toward Newtown Pike. Retail uses are proposed for the first floor of that building, with residential dwelling units above. The design of that building includes “stepped-back” upper floors, to lessen the impact of the height of the building on the surrounding area. Also included in the proposed development is a two-story retail structure, to be oriented toward West Fourth Street.

Mr. Martin said that this plan is a revised version, submitted to address the staff’s concerns about pedestrian access throughout the site and the tying of that access to the West Fourth Street circulation system. Improvements are proposed to the Newtown Pike frontage for bicycle and pedestrian facilities. This plan also proposes an underground storm water detention system, which must be approved by the Division of Water Quality.

Mr. Martin stated that the Subdivision Committee recommended approval of this preliminary development plan, subject to the conditions as listed on the agenda. There are several “clean-up” conditions for this plan, including #6, which refers to the need to denote the existing easements on the property as depicted on the plat. Due to the age of the surrounding area, there are large storm and sanitary sewer easements on the subject property, which must be depicted on the development plan. The staff recommended the addition of condition #7 because the parking statistics, as depicted on the plan, are incorrect; when calculating the required number of parking spaces, the petitioner used a higher parking generator than was necessary. The staff has done an analysis of the site; arrived at the correct number of required parking spaces; and determined that, if the petitioner utilizes the allowable parking and transit reductions, the parking requirement can be met on the site.

Mr. Martin said that there are also several “resolution” conditions recommended, most of which refer to the Form-Based Project provisions. The landscaping and public space requirements referenced in conditions #9 and #10 are specifically mentioned as an aspect of coordinating a form-based development with the surrounding neighborhood, so the staff believes it is critical that they be referenced appropriately on the development plan. The staff would like for the petitioner to depict very specifically the locations of public spaces and supplemental landscaping, in order to denote compliance with those requirements.

Mr. Martin said that this development is proposed to include over 171,000 square feet of residential space proposed, with 202 dwelling units and 238 bedrooms. The total square footage proposed for the retail area is in excess of 28,000 square feet. The development plan also depicts 264 parking spaces, which according to the staff’s calculations, will meet the Zoning Ordinance requirement, provided the petitioner takes advantage of the allowable parking reductions.

Form-Based Neighborhood Business District Report: Mr. Sallee stated that this staff report, the first of its kind to be presented to the Commission, analyzes the petitioner’s character and context study, which is a requirement for this type of development.

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Mr. Sallee displayed a rendering of the proposed "signature building" included as part of the character and context study, explaining that it is proposed to be 16 stories in height. The building is proposed with a short setback from Newtown Pike, in order to allow room for vehicles and pedestrians to move on-site--safely off of the adjacent Newtown Pike, which is a major arterial highway. About 2/3 of the building is proposed to be 16 stories in height; the development plan depicts that the remainder of the building has a stair-stepped configuration from south to north. The building itself includes predominant design themes, including the non-residential character of the first floor and the change in building material treatment between the six-story portion and the 16-story portion. Mr. Sallee noted that this proposed building would be the tallest structure in the immediate area.

Mr. Sallee stated that the study identifies that open space will be provided on the property on the top of the six-story portion of the building, and on the ground level as indicated on the development plan. Supplemental landscaping, which is mentioned in the B-1 portion of the Zoning Ordinance as a requirement of a Form-Based Project, has not been identified in great detail on the development plan.

Mr. Sallee said that the staff believes that the petitioner's study made a strong effort to address the intent of the Form-Based Project provisions of the B-1 zone. The height of the main building will allow for significant residential density, which is one of the Themes of the 2013 Comprehensive Plan, and the proposed architecture and varying building height will be respectful of the surrounding area.

Mr. Sallee stated that the staff has three recommendations regarding this study--all in the context of the development plan. The first would require the provision of additional information on the plan about the varied heights on the southern end of the 16-story building; the second would request either a preliminary landscaping plan for the site, or additional information about what trees will remain on the site; and the third is for additional detail to the improvements or the uses proposed outdoors in the vicinity of the retail area on the southernmost triangle of the property. Mr. Sallee asked that the Commission consider adding these three recommendations as conditions #13-15 for the approval of the development plan.

Traffic Impact Study Report: Mr. Sallee stated that the Transportation Planning staff had submitted a four-page memorandum detailing their findings on the petitioner's traffic impact study, which was prepared by Brad Johnson, a Professional Engineer with CDM Smith. The study anticipates that the proposed project will have full build-out in 2017.

Mr. Site said that trip generation for the site is expected to be nearly 2,000 trips per day, with 230 morning peak-hour trips, and 124 afternoon peak-hour trips. Trip distribution predictions indicate that 70% of traffic would likely use the Newtown Pike access point, with 30% using the West Fourth Street access. Mr. Sallee noted that the MPO staff included recommendations along with their report that there be coordination in the future with LexTran and the bike and pedestrian planner, so that appropriate accommodations can be made for multi-modal transportation to and from this large retail and residential project. The Transportation Planning staff did find the submitted traffic impact study to be in compliance with the requirements of Article 6 of the Zoning Ordinance.

Mr. Sallee stated that, with one exception, all of the intersections studied for this project are expected to operate at level of service (LOS) "D." Only the Newtown Pike/West Fourth Street intersection is expected to operate at LOS "E" during the afternoon peak hour. He explained that the traffic impact study memo would be provided to the staff of the Division of Traffic Engineering, so that they can be familiar with the information at such time as the petitioner files a Final Development Plan for the property.

Notes: Chairman Owens declared a brief recess at 3:00 p.m. The meeting reconvened at 3:04 p.m.

Petitioner Presentation: Bruce Simpson, attorney, was present representing the petitioner. He stated that the Thistle Group is comprised of citizens who have deep roots in this community. They undertook the proposed development, which has been a three-year work in progress, in order to transform a "blighted" area in one of the "major gateways" to the community. The petitioner spent over a year working on the proposal, meeting with the Planning staff, and meeting with leaders and members of the three nearest neighborhood associations. That extensive effort is the reason that this proposal could come before the Planning Commission with only one citizen present in opposition.

Mr. Simpson asked that the Commission keep in mind that the development plan submitted in conjunction with this rezoning request is a preliminary plan. The petitioner is amenable to the staff's request to provide more information on the plan, but believes it would be more appropriate to do so at the Final Development Plan stage, since it is not economically feasible to do extensive site work prior to the approval of the requested zone change. Once the zoning is approved, a Final Development Plan would come before the Planning Commission, and they would have the opportunity to review each of the staff's areas of concern in detail.

Mr. Simpson said that the petitioner is mindful that this request is the first for a Form-Based Project in the B-1 zone, so it is important that it be done properly. Graham Pohl, architect, carefully designed the project to ensure that it will fit well within the neighborhood.

Mr. Simpson stated that he believed that the citizen who intends to speak in opposition to this request is currently renovating a property on Third Street. She is concerned about the proximity of her property to such a large development, and about overflow parking in the area. However, most of the feedback the petitioner has obtained has been very favorable, and some of those residents have indicated that they believe that the proposed development will be a benchmark, opening the door for other developers to create new projects in the area.

Mr. Simpson said that the traffic impact study was very conservative, in that it did not take into account any of the allowable subtractions for infill projects. The petitioner contends that the traffic improvements they intend to make in the area will actually improve traffic from the current situation, rather than having a detrimental effect.

With regard to the Fourth Street Zoning Study that Ms. Wade mentioned, Mr. Simpson said that it was very important. It considered the impact of the existing industrial zoning in the area, and provided guidance for how the area could best accommodate change over the next few years. The study was being drafted at the same time as the petitioner was designing the proposed development, so the petitioner made a conscious decision to carefully align the features of the development with the recommendations of the study.

Mr. Simpson displayed a brief video, which included commentary from a resident of the Douglas Avenue area in the Georgetown Neighborhood Association, about the proposed project.

Mr. Simpson concluded by noting that the petitioner is in agreement with the staff's recommendations. He asked that the Planning Commission consider changing the wording of conditions #9-12 to include "at Final Development Plan stage." He said that the petitioner contends that the proposed development supports the community's goal of "growing up and not out," with good design, sensitivity to the existing neighborhood, and mitigation of any potential harm to the neighbors.

Citizen Support: There were several citizens in support of this request, but none of them elected to speak at this time.

Citizen Opposition: Marli Baumann, property owner, stated that she is currently renovating a home on Third Street. She said that her primary concern is parking in the area; she does not believe that the 264 spaces proposed for the subject property will be sufficient to accommodate the residential and retail uses. There is no on-street parking available on West Fourth Street, so Ms. Baumann believes that any overflow parking from the subject property would be pushed to Third Street, where parking is available, but very limited.

Ms. Baumann stated that she is also concerned about the proposed height of the 16-story building, which does not seem to be in character with the surrounding area. One additional concern is the ability of the petitioner to rent the space in the proposed development, since there are a large number of vacancies in similar mixed-use developments in other areas of Lexington-Fayette County.

Commission Questions: Mr. Berkley asked the staff to address Mr. Simpson's request to defer the resolution of some of the development plan conditions until the Final Development Plan, and review the parking information. Mr. Martin answered that the special provisions of the B-1 Form-Based Project section in the Zoning Ordinance require the Planning Commission to adopt the petitioner's character study as part of their action on this request. The Ordinance also requires that any building permits issued for a Form-Based Project must match the plan that was approved by the Planning Commission, which makes it difficult to tie the resolution of issues to a preliminary development plan. Mr. Martin explained that the petitioner could amend the character study, and use the Final Development Plan to depict very clearly their intent for the property. The staff is concerned, because of the requirement that the Commission adopt the study, that the information presented be as accurate as possible at this time.

With regard to the staff's concerns about the parking calculation for the property, Mr. Martin said that he had prepared a parking calculation, which he displayed on the overhead projector. He stated that, when the petitioner initially calculated parking for the property, an excessive parking requirement was used. Referring to the staff's calculation, he noted that it uses the maximum reduction of 15%, for a parking requirement of 241 spaces. The petitioner is proposing 264 spaces on the plan. Mr. Martin noted that the petitioner could choose to use a 10% parking reduction, which would be easier for them to obtain, and they would still have nine surplus spaces on the site. He emphasized that there will not be a great deal of surplus parking, but the petitioner can clearly meet the minimum requirements of the Zoning Ordinance.

Mr. Sallee added that many of the conditions recommended for approval could be deferred to the Final Development Plan, but all of them could not. He said, with regard to condition #6, that it should be included on the plan at this time; it was understandable to not include proposed easements at this point in the development process, but existing easements should be depicted. Condition #7 was recommended by staff, and should be required on the plan at this time, because the staff is not comfortable with approving a development plan that includes parking statistics that are confusing or do not make sense. Condition #11 has been an issue with the staff since the time of their initial review, primarily because the plan does not include any provisions for preservation of existing trees. Mr. Sallee said that it would be acceptable for the Commission to delay that requirement until the Final Development Plan, given the unknowns about the un-

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derground of the proposed development. With regard to condition #12, he explained that there is no note on the development plan mentioning the petitioner's character study, and the staff believes that such a note should be included. He asked that the Commission not defer that condition to the Final Development Plan. The other three items recommended in the staff's Form-Based Projects report could also be deferred to the Final Development Plan.

Mr. Owens asked if the staff would be agreeable to allowing the petitioner to provide a preliminary landscape plan at this time, with the knowledge that it could change in later phases of the development. Mr. Sallee responded that the staff would be comfortable with either a preliminary landscape plan, or additional information about tree preservation.

Petitioner Rebuttal: Mr. Simpson displayed the Form-Based Project portion of the B-1 section of the Zoning Ordinance, noting that there was no provision that would require the Commission to adopt the character study at this point in the proposed development. He read the following from the Zoning Ordinance: "A Form-Based Neighborhood Business Project may be approved by the Planning Commission on any site over one acre in size. For any such project, a Final Development Plan shall be approved by the Planning Commission prior to issuance of any building permit." The petitioner would prefer not to spend a great deal of money correcting technical issues on a preliminary development plan, when there are a lot of unknowns about the condition of the property. The petitioner fully intends to comply with all of the provisions of the Form-Based Project requirements, but would request that they be allowed to address those issues at the time of the Final Development Plan.

Citizen Rebuttal: Amy Clark, 628 Kastle Road, stated that she supports high density residential and mixed-use, but she does not believe that the proposed development will fulfill the intent of the zone due to a high percentage of the project being residential. She said that, "it seems pretty clear that mixed use is what is aimed at here," opining that, in her neighborhood, mixed-use developments have not been successful. Displaying photographs of the Center Court and The Lex developments, she said that the first-floor retail areas of both developments are at least 43% vacant. Ms. Clark opined that it might be difficult to create a successful retail development within a high-density apartment building in the congested downtown area.

Ms. Clark said that she also is concerned that not enough parking is proposed on the subject property to serve the development. She noted that there have been some discrepancies between the staff and the petitioner with regard to parking calculations, and said that those need to be resolved.

Ms. Clark opined that the community might not be ready for this type of development; in which case, the Planning Commission should not approve a zone change for a development of this character.

Ms. Clark said that, following recent Planning Commission approval of a zone change and preliminary development plan in her neighborhood, a final development plan was filed for the property that doubled the number of parking spaces and intensity of the use. She opined that "the time to judge what is the right size and shape for a development" is at the time of a zone change, since that is when the Commission determines whether the proposed zone is appropriate.

Ms. Clark added that LFUCG has spent \$68,000 determining whether the subject property is a brownfield site. She said that that is a significant amount of public money.

Ms. Clark concluded by noting that she shares the staff's concerns about the existing tree canopy on the subject property.

Petitioner Rebuttal: Mr. Simpson said, with regard to Ms. Clark's comments about the success of the proposed development's retail space, that there is always a risk of loss when developing a new project. He noted that the petitioner has not sought any type of government assistance, such as tax increment financing. The petitioner has spent a great deal of money on the proposed development, and is willing to spend a lot more to ensure that the development will be successful.

Mr. Simpson stated, with regard to the concerns expressed about parking, that customers will not be driving to shop at this location. Rather, the retail uses will be neighborhood-oriented, intended to serve primarily the residents of the development and the surrounding neighborhood. Mr. Simpson said that the density of the proposed development could help to create sufficient demand for a grocery store in the downtown area.

Staff Rebuttal: Mr. Martin stated, with regard to the concerns about parking, that staff has done the parking calculation for the subject property, and has determined that 283 spaces are normally required. If the petitioner uses the available 10-15% parking reductions, the 264 spaces on the site will meet the minimum requirements of the Zoning Ordinance.

Mr. Sallee stated that the staff would be comfortable with the following conditions for approval of this plan:

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.

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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. Addition of a note or notes regarding supplemental submittal information.
13. Resolve the discrepancy between the zoning development plan and the staggered height of the southern tower, to match the Character and Context Study information.
14. Provide a preliminary landscape plan, or information to assess tree preservation efforts and supplemental landscaping concepts that are to be proposed.
15. Detail the improvements or uses proposed outdoors in the vicinity of the site's one-story retail use oriented along West Third Street.

He said that the staff would have no objection to deferring conditions #4, #5, #8, #9-11, and #13-15 to the time of the Final Development Plan stage.

Petitioner Comment: Mr. Simpson stated that the petitioner would be agreeable to making those changes to the development plan conditions.

Commission Comments: Ms. Mundy thanked Ms. Baumann and Ms. Clark for their attendance and their comments. She said that she is excited about the proposed development, as she has seen similar projects in other states, and they have been successful. She opined that it "is time to get into a new mindset" in Lexington-Fayette County, in order to develop infill properties.

Ms. Mundy added that she does have some concerns about the loss of land along railroad in Lexington-Fayette County; but she believes that Newtown Pike is an important gateway to the city, and the proposed development will be an attractive addition to the area.

Ms. Plumlee also thanked the citizens who commented. She said that the dialogue between citizens and the Commission is important. She stated that the petitioner should be "on notice" that the Commission members will be watching this development, and that they will expect the addition of supplemental landscaping to the final development plan.

Mr. Wilson thanked the commenters as well, noting that he is in favor of the proposed development. He said that he has walked the Newtown Pike corridor many times, and he believes that the proposed development will be a good addition to the area. Mr. Wilson opined that property values in the area would increase as well, since the property is currently an "eyesore."

Zoning Action: A motion was made by Ms. Mundy, seconded by Ms. Richardson, and carried 9-0 (Brewer and Penn absent) to approve MAR 2015-3, for the reasons provided by staff.

Development Plan Action: A motion was made by Ms. Mundy, seconded by Ms. Plumlee, and carried 9-0 (Brewer and Penn absent) to approve ZDP 2015-12, subject to the conditions as outlined by the staff, including the three recommendations from the staff's Form-Based Neighborhood Business Project staff report as conditions #13, #14, and #15, and deferring some of the items to the Final Development Plan.

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.

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

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.)

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.

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.

Petitioner Presentation: Mr. Sallee presented the staff report on this text amendment, noting that the petitioner is requesting to amend a portion of Article 17 of the Zoning Ordinance to allow a second freestanding sign for churches and schools on corner lots. He said that the petitioner's facility is located in the southern portion of Lexington-Fayette County, on a corner lot.

Displaying a photograph of the Lexington Christian Academy campus, Mr. Sallee explained that the school is situated near the Reynolds Road roundabout, at the corner of Keithshire Way and West Reynolds Road. The school currently has a sign on the West Reynolds Road frontage; they also have a major entrance on Keithshire Way, which is a collector street. The petitioner is requesting this text amendment in order to add another sign near the Keithshire entrance in order to better direct drivers into their parking lot.

Mr. Sallee stated that the proposed text amendment would affect primarily the single-family and two-family residential zones, adding language with two stipulations: 1) the requirement that a second sign would be allowed on only a property of more than five acres in size; and 2) that the property have two street frontages. The staff has met, both with the applicant and internally, and believes that there is some justification for an additional sign at large school and church facilities.

At the Zoning Committee meeting, Mr. Sallee said that the staff requested an additional stipulation be added to require that any two such signs on a single property be located at least 250' apart. That stipulation was recommended in order to prevent a school or church from combining two signs or placing them both in close proximity to a corner.

Mr. Sallee noted that, at the Zoning Committee meeting three weeks ago, there was also some discussion about adding this type of signage for schools and churches in the A-U zone. He distributed a staff exhibit to the Commission members, which included an email from Richard Murphy to Mr. Sallee about one such church, which is located in an A-U zone on Harrodsburg Road near Military Pike. That church has a freestanding identification sign, which is oriented toward Harrodsburg Road. The church also has frontage on a collector street, a portion of which has not been constructed, near the rear of the property. The church would like to construct an additional sign along that collector street frontage. The staff exhibit is an addition to the signage requirements in the A-U zone that would allow this type of signage, with the staff's recommendation of the 250' spacing. Mr. Sallee noted that this portion of the Zoning Ordinance regulates all agricultural

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zones, but this provision would apply only to the A-U zone. He said that the staff is agreeable to adding language to allow an additional sign in the A-U zone as well, and added that the staff is recommending approval of this request, for the reasons as listed in the staff report and on the agenda.

Mr. Sallee said that the staff received one letter in support of this request, from the First Church of Christ Scientist, located at 606 East Main Street. The church is in favor of the proposed text amendment because they believe that it will affect their property; however, their property does not meet the five-acre provision, so they would not be able to take advantage of this provision of the Zoning Ordinance. He distributed the letter for the Commission's review at this time.

Commission Question: Mr. Owens asked how many schools and churches the proposed text amendment might affect. Mr. Sallee answered that he did not have a number, but he estimated that it might affect several churches in the Tates Creek Road corridor and a number of Roman Catholic churches as well. He said that there could be as many as 20 churches in Lexington-Fayette County that meet all the criteria, as well as several private schools.

Petitioner Representation: Bob Bourget, facilities director at Lexington Christian Academy, was present representing the petitioner. He stated that the petitioner is seeking an additional sign because the Keithshire Way entrance to the campus, which is the busiest access to the property, has no signage. The campus is used by the public on the weekends for soccer games, and the petitioner believes that it would provide a safer solution for drivers attempting to locate the school. Mr. Bourget noted that the additional signage is also needed in order to reduce confusion with the nearby Wellington Elementary School.

Citizen Support: Richard Murphy, attorney, was present representing South Elkhorn Christian Church in support of this requested text amendment. He stated that he was asked by church leaders a few months ago if the church could construct a second sign on their property. The church has frontage on two streets, but it has no way of identifying itself on the local collector street, which serves the adjoining neighborhood.

Mr. Murphy noted that the church has never requested a zone change to a residential zone, because it is allowed as a conditional use in the A-U zone. The church leaders did not want to "alarm the neighbors" by requesting a zone change to a residential zone simply in order to have an additional sign. Mr. Murphy said that the church leaders are in full support of this request.

Action: A motion was made by Mr. Cravens, seconded by Ms. Plumlee, and carried 9-0 (Brewer and Penn absent) to approve the staff alternative text of ZOTA 2015-2, with the provision for such signs in the A-U zone, as distributed by the staff, for the reasons provided by staff.

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,
 - 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,

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- 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.
 - 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.

Staff Presentation: Ms. Wade stated that the petitioner is requesting to add some flexibility and variety to the Mixed-Use zone to allow for different options in articulating building facades. The petitioner contends that allowing that flexibility will have a positive impact on the pedestrian experience in those zones.

Ms. Wade distributed to the Commission members a graphic submitted by the petitioner, which provides examples of how each portion of the proposed text would affect the appearance of a building in the Mixed-Use zone.

Ms. Wade explained that Article 28 was originally written in 2002, with Section 28-6 outlining the requirements for all the Mixed-Use zones, including building features. Those features, which include window requirements, door locations, bump-outs, setbacks, and front porches, are intended to enhance the look and feel of the building for pedestrians. The existing regulations were proposed by the Infill & Redevelopment study, and were adopted almost verbatim from that study. The Zoning Ordinance requires a change in depth along the frontage of both the primary face and the side face of a building of 5', at a length of 8'; this equates to a 40 square-foot area that is projected out from the building. As the petitioner was developing the design for their Mixed-Use development, they found that that change in the façade affected the interior square footage and was onerous. They believed that there might be other options for addressing the same intent of the Zoning Ordinance.

Ms. Wade said that the petitioner's proposed text includes a second option, which would require the selection of at least two of the following design concepts: 1) change the depth of the building at least 8"; 2) change the wall height at least 16"; 3) change an exterior material type, style, color, finish, or orientation; 4) construct a minimum of 20% of the ground floor façade as transparent glass, including windows and doors. The petitioner is also proposing a fifth option to allow for a recessed entrance. The petitioner believed that the proposed options would provide some flexibility in addressing the intent of the regulations, and would also enhance the pedestrian feel of the development. The petitioner contends that 40 square feet of wall interruption can break up the building frontage to the extent that the sidewalk is unsafe and not accommodating to pedestrians.

Ms. Wade said that the staff is in agreement with the petitioner's desire for added flexibility, but they believe that the options

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presented by the petitioner could still result in a flat building façade. They recommended a Staff Alternative Text to increase those revised dimensions somewhat, and to use round numbers for ease of calculation. In addition, the staff felt that building material color and orientation alone were not enough to provide for an effective change to the façade, so they suggested striking “color” and “orientation” from the proposed list of options. The staff alternative also recommends that three of the four options be used, rather than just two. Ms. Wade stated that the petitioner reviewed the staff’s proposed alternative text, and they are in agreement with the proposed changes.

Ms. Wade noted that, since the Zoning Committee meeting three weeks ago, the staff had a conversation about how much the building façade needs to change, with regard to how much exterior material needs to change, and how far up a wall a projection should be located. In the petitioner’s example, a change of material is depicted, but the proposed text does not specify for what portion of the wall the change should be effected. The staff believed that it was important to clarify that those material changes and bump-outs should be at least one story high. In agreement with the petitioner, the staff suggested language to clarify that those treatments should be at least one story high, for bump-outs as well as material changes. Ms. Wade stated that the staff is recommending approval of the proposed Staff Alternative Text as distributed today, for the reasons listed in the staff report and on the agenda.

Ms. Wade added that the staff had received a letter in support of this request from the Fayette Alliance, which she distributed to the Commission.

Commission Question: Ms. Mundy asked, referring to the petitioner’s graphic, if the petitioner could have left off a material change in one area in order to meet the regulations. Ms. Wade answered that, in that case, the petitioner likely met three of the four criteria.

Petitioner Presentation: Nick Nicholson, attorney, was present representing the petitioner. He stated that the petitioner is in agreement with the staff’s recommendation, including the proposed Staff Alternative Text. He explained that the petitioner wanted to ensure that developers would not be able to seek the least possible amount of building façade change, which was the reason for the proposed one-story requirement introduced today.

Commission Question: Mr. Cravens asked how tall “one story” would be. Ms. Wade answered that it would vary for each building. Mr. Cravens opined that that type of limitation was more appropriate than using a set number of feet. Mr. Nicholson noted that the petitioner suggested one story in order to make it easy for the Division of Building Inspection to interpret the Ordinance and inspect the buildings.

Action: A motion was made by Ms. Richardson, seconded by Ms. Plumlee, and carried 9-0 (Brewer and Penn absent) to approve the Staff Alternative Text #2 for ZOTA 2015-4, for the reasons provided by staff.

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.

Staff Presentation: Ms. Rackers stated that the Division of Fire & Emergency services requested this Public Facility Review in order to construct a replacement for Station #2. The new station is proposed to be constructed at 1276 Eastland Drive, behind the existing Eastland Shopping Center.

Ms. Rackers presented the staff report on this request, saying that the proposed location for the new fire station is slightly less than three acres in size, and it is in a B-3 zone. The 2007 Comprehensive Plan recommended Retail Trade & Personal Services land use for the property, because it was formerly part of the Eastland Shopping Center property. The property, which has since been subdivided from the shopping center, was purchased by the Urban County Government in January of 2008 in order to relocate Fire Station #2, which is currently located on East New Circle Road near the Bryan Station Kroger store.

Ms. Rackers explained that the new location should provide easier access to New Circle Road, via Eastland Drive and Murray Drive, which should improve the station’s response times. The existing location requires that emergency vehicles traveling

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east must cross the two west lanes of traffic, which is often difficult and time-consuming. The proposed station will also be much larger, and will replace a building that has structural and infrastructure issues. The existing station is approximately 5,800 square feet in size; the new station is proposed to be between 14,200 and 14,700 square feet in size.

Ms. Rackers noted that Station #2 is one of the few stations that include a ladder unit, so it is required to serve a much larger radius. The larger facility and improved access are expected to significantly improve those critical response times.

The architect for the project has indicated, Ms. Rackers explained, that 2009 LEED Standards & Practices, as well as the 2012 Energy Code, will be followed in the construction of the new building and development of the site. That supports the Goals & Objectives of the 2013 Comprehensive Plan, several of which are supported by this project. Construction is proposed to begin in July, with an estimated completion date of summer of 2016.

Ms. Rackers stated that both the Comprehensive Plan and the Destination 2040 Report address quality of life and its role in making Lexington a desirable place to live. The provision of public facilities and government services that contribute to public safety, health, and welfare are important elements in helping to make Lexington-Fayette County a desirable place to live. Ms. Rackers said that the staff finds this request to be in compliance with the Comprehensive Plan, with one recommendation, as listed in the staff report and on the agenda.

Applicant Representation: The applicant’s representatives were present, but elected to make no comments. No other citizens were present for this matter.

Action: A motion was made by Mr. Wilson, seconded by Ms. Plumlee, and carried 9-0 (Brewer and Penn absent) to accept the staff’s recommendation of compliance with the Comprehensive Plan for PFR 2015-1, subject to the one recommendation as listed.

- VII. **STAFF ITEMS** – No such items were presented.
- VIII. **AUDIENCE ITEMS** – No such items were presented.
- 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** – There being no further business, Chairman Owens declared the meeting adjourned at 4:37 p.m.

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