

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

May 28, 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 (left at 3:15 p.m.); Patrick Brewer (left at 2:25 p.m.); Mike Cravens; David Drake; Karen Mundy; Mike Owens; Frank Penn; Carolyn Richardson; Joseph Smith; and William Wilson. Absent was Carolyn Plumlee.

Planning staff members present: Chris King, Director; Bill Sallee; Barbara Rackers; Traci Wade; Tom Martin; and Stephanie Cunningham. Other staff members present were: Keith Horn, Department of Law; Tim Queary, Urban Forester; Hillard Newman, Division of Engineering; and Captain Greg Lengal, Division of Fire and Emergency Services.

- II. **APPROVAL OF MINUTES** – A motion was made by Mr. Cravens, seconded by Ms. Richardson, and carried 10-0 (Plumlee absent) to approve the minutes of the March 26, 2015, meeting.

- III. **POSTPONEMENTS AND WITHDRAWALS** – No such items were presented.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, May 7, 2015, at 8:30 a.m. The meeting was attended by Commission members: Karen Mundy, Joe Smith, Carolyn Plumlee, Frank Penn and Mike Owens. Committee members in attendance were: Hillard Newman, Division of Engineering; and Casey Kaucher, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Tom Martin, Cheryl Gallt, Kelly Hunter, Denise Bullock and Dave Jarman, as well as Captain Greg Lengal and Lieutenant Joshua Thiel, Division of Fire and Emergency Services; C.D. Schnelle, Division of Police and Tracy Jones, Department of Law. The Committee made recommendations on plans as noted.

General Notes

The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.

1. *All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.*
2. *All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.*

- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, May 7, 2015, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Patrick Brewer, Mike Cravens, Carolyn Richardson, and Bill Wilson. The Committee reviewed applications, and made recommendations on zoning items as noted.

A. PUBLIC HEARING ON ZONING MAP AMENDMENTS

1. **BOSTON ROAD, LLC, ZONING MAP AMENDMENT & TED R. OSBORN & THOMAS WOOD PROPERTY/MILLPOND, UNIT 1-B, SECTION 1A (FKA: WILLOW OAK) ZONING DEVELOPMENT PLAN**

- a. MAR 2015-5: BOSTON ROAD, LLC (5/31/15)* – petition for a zone map amendment from a Professional Office (P-1) zone to a Planned Neighborhood Residential (R-3) zone, for 1.3385 net (1.3829 gross) acres, for property located at 3900 Boston Road.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World. The 2013 Plan's Goals and Objectives emphasize the importance of growing successful neighborhoods (Theme A) by expanding housing choices (Goal #1), supporting infill and redevelopment (Goal #2) and providing well-designed neighborhoods (Goal #3).

The petitioner proposes to develop 25 attached single-family residences (townhouses) and two detached single-family residences on the site, which would yield a residential density of 9.38 dwelling units per acre.

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

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

1. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2013 Comprehensive Plan, as follows:
 - a. The Goals and Objectives recommend growing successful neighborhoods through expanded housing choices that address the market needs for all residents (Theme A, Goal #1, Obj. b.). The petitioner proposes a townhouse

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- style development of 25 dwelling units, which creates a variety of housing types in the immediate area that complement the existing neighborhood.
- b. The Goals and Objectives encourage infill development throughout the Urban Service Area as a strategic component of growth for our community (Theme A, Goal #2). The petitioner proposes to increase the density of this parcel, as compared to the surrounding area, to 9.38 dwelling units per net acre.
 - c. The Goals and Objectives recommend identifying areas of opportunity for infill development that respects the area's context and design features (Theme A, Goal #2, Obj. a). By completing the Mill Ridge Road subdivision with two single-family residences, the applicant is respecting the existing character and ensuring that there will be minimal disruption to the established adjoining neighborhood.
2. The proposed Planned Neighborhood Residential (R-3) zone is also more appropriate than the existing Professional Office (P-1) zone at this location, because the existing P-1 zoning is disconnected from other professional office development in the vicinity, while the R-3 zoning is compatible with the remainder of the property, and the adjacent land to the west and southeast of the subject property. Allowing the parcel to be in one zoning category will also permit a more consistent development for this location. The slightly higher density development along Boston Road, which is a collector street, will be an appropriate transition between the existing lower density single family residences and the business zoning to the north.
 3. This recommendation is made subject to approval and certification of ZDP 2015-25: Ted R. Osborn & Thomas Wood Property/Millpond, Unit 1-B, Section 2A (FKA Willow Oak) 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 2015-25: TED R. OSBORN & THOMAS WOOD PROPERTY/MILLPOND, UNIT 1-B, SECTION 2A (AKA: WILLOW OAK) (5/31/15)*- located at 3900 Boston Road. **(Pearson & Peters)**

Note: This item was postponed by the applicant prior to the April 2nd Subdivision Committee meeting.

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

1. Provided the Urban County Council rezones the property R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Correct plan title.
7. Denote developer's information on plan.
8. Department of Environmental Quality's approval of environmentally sensitive areas (steep slopes).
9. Discuss purpose of proposed areas at rear of townhouses, and possible building line setback conflicts.
10. Discuss pedestrian access to adjoining streets (Old Mill Lane and Mill Ridge Road).
11. Discuss the landscape screening proposed adjacent to the single family homes, since it is not ordinarily required by Article 18 of the Zoning Ordinance.
12. Revise note #12 to state that conflicts shall be resolved at the time of the Final Development Plan.
13. Denote: Spacing of the proposed southern access point to Boston Road shall be resolved at the time of the Final Development Plan.

Zoning Presentation: Ms. Wade presented the staff report on this request to rezone approximately 1.3 acres of property on Boston Road from a Professional Office (P-1) zone to a Planned Neighborhood Residential (R-3) zone. She stated that the subject property, which is triangle-shaped, has approximately 50' of frontage on Boston Road, and it is surrounded on two sides by R-3 zoning, with B-6P zoning to the northeast. The Boston Road area is characterized primarily by residential development, with the Millpond Shopping Center commercial area at the intersection of Boston Road and Man O' War Boulevard. The parcels on each side of the subject property are currently vacant. There is a residential structure on the subject property, located within the portion that is currently zoned P-1. The Willow Oak subdivision is located to the south, and the High Plains subdivision is located across Boston Road to the west.

Referring to an aerial photograph, Ms. Wade noted that the subject property is heavily treed. She added that the B-6P-zoned area directly to the northeast is the location of the detention basin that serves the Willow Oak subdivision. The residents of that subdivision consider the detention basin to be part of their common open space, where it serves a function similar to a community park. Millpond Road, to the north, serves as the dividing line between the commercial and residential uses in the area.

Ms. Wade stated that the petitioner is proposing to rezone the subject property in order to develop 25 townhomes on the site. The petitioner is also proposing to complete development along the cul-de-sac on Mill Ridge Road with two single-family residences. Although the portion of the property proposed for rezoning is 1.3 acres, the entire site is 2.8 acres in size; therefore, the density proposed would be slightly less than 10 units per acre.

Ms. Wade displayed the following photographs of the subject property and surrounding area: 1) a view of the property from Boston Road, near the Willow Oak detention basin; 2) a view of the property from Grassy Creek Drive, toward Man

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O' War Boulevard; 3) a view from Grassy Creek Drive along Boston Road toward the south; 4) a view of the property from the existing driveway; 5) a view from the end of Mill Ridge Road, where the petitioner proposes to complete the residential development, noting the current access to the subject property from the cul-de-sac; and 6) the Willow Oak detention basin, from Old Mill Lane.

With regard to the recommendations of the 2013 Comprehensive Plan, Ms. Wade stated that the petitioner identified four Goals & Objectives that they contend are directly related to the proposed development, including Theme A, which deals with Growing Successful Neighborhoods. Some of the Objectives of Theme A speak to expanding housing choices within the Urban Service Area boundary to meet market needs; encouraging infill development throughout the Urban Service Area as a strategic component of growth; identifying areas for infill development opportunities that respect the area's context and character; and providing well-designed neighborhoods. The petitioner contends that the proposed zone change is in agreement with the recommendations of the Comprehensive Plan, and the staff concurs. Ms. Wade said that, in addition, the staff believes that the P-1 zone is no longer appropriate at this location, and that the proposed R-3 zone is more appropriate, for the reasons as listed in the staff report and on the agenda.

Commission Question: Ms. Mundy asked Ms. Wade to explain how the ZOMAR plat matched up with the rendered development plan, since she could not determine which portion of the property was being proposed for rezoning. Ms. Wade responded that the portion of the property along Boston Road is already zoned R-3; much of the remainder of the property is proposed to be rezoned to R-3. Ms. Mundy said that the staff indicated that, should the property remain zoned P-1, access to it could be difficult, but it did not appear that the access would be different in that circumstance. Ms. Wade answered that the staff typically does not recommend commercial access through a residentially-zoned property. She explained that, if the frontage along Boston Road remains zoned R-3, any Professional Office building located on the P-1 portion of the property would be very difficult to access along the P-1 zone adjacent to the FEMA floodplain.

Development Plan Presentation: Mr. Martin presented the corollary preliminary development plan, noting that the staff had distributed a revised recommendation to the Commission members prior to the start of the hearing. Referring to a rendered zoning development plan, he briefly oriented the Commission to the location of the subject property and surrounding area, noting the location of the shopping center, the retention basin, Old Mill Lane, and the Mill Ridge Road cul-de-sac.

Mr. Martin stated that the petitioner is proposing to construct 25 townhouses on the subject property. The townhouses are proposed to be two stories in height and 1,760 square feet in size. Two single-family dwellings are proposed on Mill Ridge Road, each just over 2,000 square feet in size. The petitioner is proposing 75 parking spaces for the townhouse portion of the development, which will exactly meet the Zoning Ordinance requirement, based on the number of bedrooms per unit.

Mr. Martin said that this is a revised plan, which satisfied many of the original conditions listed for approval. The petitioner's engineers did a considerable amount of work with the staff, including revising the access proposed along Boston Road. The Division of Traffic Engineering staff was concerned about poor sight distance at one of the proposed access locations, which lined up with an existing access across Boston Road for Grassy Creek Drive. The staff believes that the current proposal for an offset access, with one-way traffic only, would provide a much safer situation. That access configuration will also assist with emergency vehicle access through the property.

Mr. Martin stated that the staff also originally had concerns about the proposed landscaping on the subject property, to provide screening for the existing adjacent single-family homes. The petitioner has addressed those concerns with a development plan note proposing an 8' fence along the perimeter of the property, as well as shrubs and trees in a landscape buffer. In addition, there were concerns about pedestrian access connecting the subject property to the existing Willow Oak neighborhood. Although the staff is typically in favor of pedestrian connectivity, they did not believe it would be practical to require access through the adjoining private lots. There is an existing trail in the Willow Oak subdivision area, but the Willow Oak Neighborhood Association indicated some concerns about allowing residents of the proposed development to share in the use of those facilities, since they would not be contributing dues toward their upkeep. Mr. Martin noted that the trail area is located in a 100-year floodplain. The staff was concerned that any facilities constructed for trail access would be located in the floodway, which has heavy regulatory requirements, so they agreed that it would not be appropriate to provide pedestrian access in this instance. Mr. Martin noted that this is a preliminary development plan, so the Commission will have another opportunity to review it, prior to any construction.

Mr. Martin said that the staff is recommending approval of this plan, subject to the following revised conditions:

1. Provided the Urban County Council rezones the property R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.

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5. Greenspace Planner's approval of the treatment of greenways and greenspace.
- ~~6. Correct plan title.~~
- ~~7. Denote developer's information on plan.~~
- ~~8. Department of Environmental Quality's approval of notes regarding environmentally sensitive areas (steep slopes).~~
- ~~9. Discuss purpose of proposed areas at rear of townhouses, and possible building line setback conflicts.~~
- ~~10. Discuss pedestrian access to adjoining streets (Old Mill Lane and Mill Ridge Road).~~
- ~~11. Discuss the landscape screening proposed adjacent to the single family homes, since it is not ordinarily required by Article 18 of the Zoning Ordinance.~~
- ~~12. Revise note #12 to state that conflicts shall be resolved at the time of the Final Development Plan.~~
- ~~13. Denote: Spacing of the proposed southern access point to Boston Road shall be resolved at the time of the Final Development Plan.~~
7. Denote: 761 Mill Ridge Road will require easement releases to become buildable.

He said that condition #7 refers to utility, drainage, and access easements on the subject property that would impact one of the proposed single-family residences, as well as several of the townhouses. The petitioner will be required to have those easements released prior to any construction on the subject property.

Commission Question: Ms. Mundy asked if the lots at 761 and 781 Mill Ridge Road will be reconfigured so as to line up with the cul-de-sac. Mr. Martin answered that those lot lines would be realigned. Ms. Mundy said that it appeared on the ZOMAR plat that the existing trail in the Willow Oak subdivision crosses a portion of the subject property, so it would seem that it would be appropriate to provide access to that trail. Mr. Martin responded that, once the fence and landscape buffer are installed, the staff does not believe that an access would be appropriate. In addition, the HOA is reluctant to share their facilities with residents who would not be sharing in the maintenance costs. Ms. Mundy opined that that concern could be addressed by including the townhouse residents in that HOA.

Petitioner Representation: Bruce Simpson, attorney, was present representing the petitioner. He said that this application has been vetted and recommended unanimously for approval by the Technical, Zoning, and Subdivision Committees. Prior to those meetings, the petitioner met with the neighborhood in March and April to discuss their proposal.

Displaying a map of the subject property and surrounding area, Mr. Simpson stated that the existing R-3 zoning on the subject property would permit up to 16 dwelling units, without a zone change. On the P-1 portion, the petitioner could file a development plan for a two-story Professional Office building up to 17,000 square feet in size, with all of the required parking. Some of the allowable uses in the P-1 zone include: funeral parlors; urgent treatment centers; hospitals, and other businesses that would likely be incompatible with the existing residential development.

Prior to meeting with the neighboring residents, Mr. Simpson said, the petitioner felt that neighbors would not have access from Mill Ridge Road to the proposed development. The original plan proposed to close Mill Ridge Road and construct 28 townhouses. Following the first neighborhood meeting, the petitioner learned that the residents would prefer to limit access to Mill Ridge Road, and to eliminate any pedestrian access to their HOA open space area. The Willow Oak subdivision is deed-restricted, and residents are required to pay a membership fee, in order to maintain the open space. The subject property is not included in that HOA, so the petitioner agreed to limit access to the neighborhood amenities, as well as to provide buffering via landscaping and an 8' tall fence. Mr. Simpson said that the neighbors also expressed their desire that the Mill Ridge Road cul-de-sac be completed, with the addition of two single-family residences. The current plan proposes those two single-family lots, as well as the completion of the cul-de-sac and 25 townhouse units. The townhouses are also proposed to be larger than originally planned, also at the request of the neighbors, with units along the detention basin having an additional 800 square feet via walkout basements. Mr. Simpson noted that the two proposed single-family residences will be added to the Willow Oak HOA via amended deed restrictions, and those residents will be required to contribute to the maintenance fees for the common open space.

Mr. Simpson said that the current plan depicts two accesses to Boston Road, with one two-way access and one entrance-only. The staff of the Division of Traffic Engineering indicated that that configuration would be more appropriate to provide better sight distance, and the Division of Fire and Emergency Services indicated their approval of the interior circulation pattern.

Mr. Simpson stated that the feedback at the end of the second neighborhood meeting was much more positive, with most residents indicating that they would be in support of the proposed development, based on the development plan notes to require additional landscape and fence buffers. All of the proposed additional landscaping has been included in a landscape plan, which will be enforceable by the Division of Building Inspection.

Mr. Simpson noted that, in their report, the staff "went one step beyond" the petitioner's justification. The petitioner contended that the proposed rezoning was in agreement with the Comprehensive Plan; the staff agreed, and also found that the existing P-1 zoning is inappropriate, and the proposed R-3 zoning is more appropriate.

Citizen Support: No citizens were present in support of this request.

Citizen Opposition: Michael Taulbee, 741 Mill Ridge Road, stated that he does not believe that the petitioner has adequately addressed the justification for the proposed zone change. He said he does not believe that there is sufficient demand in the area for 25 townhouses, which will not fit with the existing development pattern of single-family homes. Mr. Taulbee also opined that the professional office development that could be constructed under the current P-1 zoning would be more compatible with the Millpond shopping center across the road.

Mr. Taulbee stated that he was concerned that the additional residents in the proposed development could contribute to overcrowding in the schools; increased traffic in the area; and trash and result in other "abuse" of the Willow Oak open space area. He said that he is also concerned that property values in the area could decrease following the construction of townhouses nearby.

Mr. Taulbee said that area residents would prefer to have an office development on the property, since it would typically be vacant at night. He said that the neighborhood has deed restrictions in order to provide continuity and prevent a mixture of housing types. Mr. Taulbee asked the Planning Commission to consider disapproving this request, for those reasons.

Holly Taulbee, 741 Mill Ridge Road, stated that she does not agree with the contention that a medical office building is not needed in the area. She said that the Lexington Clinic office in Veterans Park is surrounded by homes, and that many of the residents appreciate having such a medical office nearby.

Ms. Taulbee also noted that she is concerned that the proposed development could contribute to the overcrowding of area schools.

Petitioner Rebuttal: Mr. Simpson reiterated that the petitioner could construct townhouses along Mill Ridge Road, by right, without a zone change. He said that the petitioner believes, however, that the proposed development will be more compatible with the existing neighborhood.

Mr. Simpson stated that infill development on remnant parcels often meets with neighborhood opposition, since people often want to "leave it as it is." He opined that leaving the subject property as it is, however, could provide an "attractive nuisance," or an area for illicit activity to take place.

Mr. Simpson noted that the proposed development would not equate to a big increase in density in the area, but it is important in continuing the policy, established in the 2013 Comprehensive Plan and previous plans, to increase density in infill areas in order to preserve the rural areas.

Citizen Rebuttal: Mr. Taulbee stated, with regard to Mr. Simpson's comments about the recent clean-up project, that trash, drug paraphernalia, and other items were found in an area of removed trees along Boston Road, rather than in their existing open space. He did not believe, therefore, that the proposed townhouses would contribute to improving that situation.

Mr. Taulbee added that the subject property is on an incline, and said that he hopes that development of the property will not have a negative impact on the adjacent retention basin.

Staff Rebuttal: The staff had no rebuttal comments.

Zoning Motion: A motion was made by Mr. Cravens and seconded by Ms. Richardson to approve MAR 2015-5, for the reasons provided by staff.

Discussion of Motion: Mr. Penn stated that this is the third iteration of this development plan, and he believed that the addition of two single-family homes was a major concession to the neighbors. He said that the Subdivision Committee has seen a great deal of progress since this plan was originally filed, and they believe that the traffic situation has been adequately addressed.

Mr. Owens stated that he appreciated the residents' comments and concerns, and he believed that the petitioner has made a considerable effort toward addressing those concerns. He said that the property has not developed with the existing P-1 zoning, and he believes that the proposed development would be a better use for the property.

Zoning Action: Mr. Cravens' motion passed, 10-0 (Plumlee absent).

Development Plan Action: A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 10-0 (Plumlee absent) to approve ZDP 2015-25, subject to the seven conditions as listed in the revised staff recommendation.

2. **MAR 2015-6: NoLi CDC CORP. ZONING MAP AMENDMENT**

- a. MAR 2015-6: NoLi CDC CORP. – petition for a zone map amendment from a Planned Neighborhood Residential (R-3) zone to a LuigArt Planned Unit Development-2 (PUD-2) zone, for 1.3183 net (1.5272 gross) acres, for properties located at 128 Eddie Street; 128, 130, 132, 134, 136, 137, 138, 140, 141, 142, 144, 146, 151, 154, 156, 166, 168 & 174 York Street.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World. The 2013 Plan's Goals and Objectives emphasize the importance of growing successful neighborhoods (Theme A), protecting the environment (Theme B), creating jobs and prosperity (Theme C), improving a desirable community (Theme D) and maintaining a balance between planning for urban uses and safeguarding rural land.

The Central Sector Small Area Plan, adopted in 2009 by the Planning Commission, identified four guiding principles, including: enhance the urban fabric, promote and prepare for redevelopment and investment, provide adequate and equitable housing, and preserve the cultural and historic heritage.

The petitioner proposes rezoning 19 properties to the LuigArt Planned Unit Development (PUD-2) zone in order to allow for the innovative reuse and future redevelopment of property primarily for live/work units.

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

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

1. The requested LuigArt Planned Unit Development (PUD-2) zone is in agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. Five of the six themes of the Comprehensive Plan encompass concepts that the proposed zone change can help to implement, including: growing successful neighborhoods (Theme A), protecting the environment (Theme B), creating jobs and prosperity (Theme C), improving a desirable community (Theme D) and maintaining a balance between planning for urban uses and safeguarding rural land (Theme E).
 - b. These themes are furthered by the applicant's zone change and more generally by their work to maintain affordable housing for artists and makers, creating an environment ripe for entrepreneurship, breaking down traditional zoning barriers, facilitating the creation of new jobs and economic stability/prosperity, and creating jobs where people live.
 - c. The applicant's proposal to rezone properties to the PUD-2 zone will also support the ideas of the Central Sector Small Area Plan (CSSAP), which was adopted by the Planning Commission in 2009. The PUD-2 zone permits live/work units for artists and makers, which supports the guiding principles of enhancing the urban fabric, and providing adequate and equitable housing.
- b. **PUD-2 ZONE LuigArt MAKER SPACES SITE INVENTORY & SITE ANALYSIS REVIEW**

Site Analysis & Recommendations:

The following recommendations were suggested by NoLi CDC after reviewing the site inventory:

- Preserve the historical "fine graining" of the neighborhood by maintaining the narrow lots and structures on York and Eddie Streets, as well as the massing, setbacks, front porches, fenestration and the like.
- Design new structures to be sympathetic to the vernacular historical building forms, material and expressions as indicated in this site analysis.
- Preserve and rehabilitate one or more existing structures as their structural integrity allows, as examples of that history.
- Reduce the amount of pervious area as little as feasible in development areas.
- Install street trees where not present; location, spacing, and species per LFUCG Standards.
- Convert power and communications lines to underground-type service.

Staff Recommendation:

The staff would suggest the following additional information, recommendations and clarifications to the content as follows:

1. Provide detailed information about the species and size of trees within the PUD-2 area, and more specifically the 19 properties proposed for rezoning.
2. Provide a soil map of this area of the community for reference if a Planned Unit Development plan is submitted for Planning Commission review.
3. Separate #1 above into two recommendations. Lot size is one issue related to the land use intensity, while the building location (setback), massing, and scale are separate issues more related to a building's character.

4. Modify #5 above – “Install street trees where not present; location, spacing, and species per LFUCG Standards (Planting Manual and Subdivision Regulations).”
5. Clarify #6 above – assessing responsibility for this work. The utility companies typically do not relocate lines underground without being compensated.

The Staff will Report at the public hearing.

Zoning Report: Ms. Wade presented the staff report on this request to rezone 19 properties, located on York and Eddie Streets, from an R-3 zone to a PUD-2 zone. She stated that one property is located on the southwest side of Eddie Street; one large grouping is located on York Street near the water tower; another group of five properties is located on the southwest side of York Street; and three properties on the northeast side of York Street. All of the properties are located within the area eligible for the LuigArt PUD-2 zone, and 18 of the properties are owned by NoLi CDC, with one property currently under purchase contract. The area is characterized by narrow, residential lots, with a mix of smaller, shotgun and cottage-style homes which were constructed prior to 1935. The LuigArt area also has existing B-1 zoning along North Limestone Street, while the other sides are bordered by a railroad line and large I-1 parcels to the north. The historic LuigArt & Harding Malt Factory is located nearby. Ms. Wade noted that the entire LuigArt PUD area is also located within the designated Infill & Redevelopment Area.

Ms. Wade stated that the petitioner is proposing to rezone the 19 parcels included in this request in order to establish the first of a live/work district, oriented toward artists and “makers.” Many of the existing residences have code violations; the proposed zone change will provide for the renovation and/or replacement of those structures, keeping in character with the surrounding neighborhood. Although the live/work concept is not new, the Zoning Ordinance has not allowed such development like that proposed in Lexington-Fayette County until recently. In 2014, the NoLi CDC proposed a text amendment to create and implement the PUD-2 zone. The CDC is proposing this as the first round of zone changes to that zoning category, for the properties it owns; they will then assist any other property owners who wish to rezone their properties to PUD-2.

Ms. Wade said that the LuigArt zone, as regulated by Article 22 of the Zoning Ordinance, is intended to support infill and redevelopment; encourage entrepreneurship and creativity; preserve affordable housing; and increase economic activity. The applicant’s justification contends that the proposed zone change is in agreement with the Comprehensive Plan, with which the staff concurs. Five of the six Themes of the Comprehensive Plan are furthered by the proposed development, including: Growing Successful Neighborhoods; Protecting the Environment; Creating Jobs and Prosperity; Improving a Desirable Community; and Maintaining the Balance between Urban and Rural Land. The petitioner’s proposal is also in line with the Central Sector Small Area Plan, which was adopted by the Planning Commission in 2009. Two of the guiding principles of that Plan are to enhance the urban fabric and provide adequate and equitable housing.

Ms. Wade stated that no development plan is required with a PUD-2 rezoning request, but the petitioner is required to provide a site inventory and analysis. She said that the Commission members had been provided with copies of that report, and noted that, when a development plan is required for the PUD-2 zone, the staff and Planning Commission will utilize those recommendations to evaluate the plan. Ms. Wade said that the staff and the Zoning Committee are recommending approval of this request, for the reasons as listed in the staff report and on the agenda.

Ms. Wade displayed several photographs of the subject properties and of the surrounding area at this time.

Site Analysis Report: Ms. Wade said that the petitioner’s site analysis provided in-depth information about tree inventory, drainage conditions, impervious surfaces, and other types of data that the Planning Commission would consider if a development plan was brought forward for any of these properties. The petitioner also provided more information about the character of the area, including: lot widths, noting that some of the properties are 20’ wide; building heights, noting that buildings within the area are generally one story in height. Also included in the report were photographs of all of the structures within the area, and a tree inventory of all existing trees, including size and species information. Ms. Wade noted that, when the staff reviewed the tree inventory, they discovered that there are four significant trees within the area of the subject property, on the southeast side of York Street. There are two burr oaks and an American elm on 137 York Street, and a large silver maple in the rear yard of 151 York Street.

Ms. Wade stated that, along with their site analysis, the petitioner provided the following six recommendations:

- Preserve the historical “fine graining” of the neighborhood by maintaining the narrow lot frontages that characterize this neighborhood.
- Design new structures to be sympathetic to the vernacular historical building forms, material and expressions as indicated in this site analysis.
- Preserve and rehabilitate one or more existing structures as their structural integrity allows, as examples of that neighborhood history.
- Reduce the amount of pervious area as little as feasible in development areas.

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- Install street trees where not present; location, spacing, and species per LFUCG Standards (Planting Manual and Subdivision Regulations).
- With new services, NoLi CDC will convert power and communications lines to underground-type service to eliminate as much overhead "visual clutter" as possible.

The staff would suggest the following changes to the "Recommendations" section of the site analysis as follows:

- a. Include a recommendation that states, "Design accessory uses and structures to complement the primary structure's scale, massing, and architectural features."
- b. Include a recommendation that states, "Protect all significant trees, as designated by Article 26 of the Zoning Ordinance. If removal is necessary, a mitigation plan shall be developed to replace the canopy of such trees."

Ms. Wade stated that the staff has two findings for acceptance of the petitioner's site analysis and recommendations:

Staff Finding(s):

1. The applicant has provided documentation for the LuigArt PUD-2 Zone, as required by Article 22B-7(b)(1) of the Zoning Ordinance. This information was utilized by the applicant to draft guiding recommendations for future redevelopment in the area available for LuigArt PUD-2 zoning.
2. The six recommendations proposed by the applicant, along with staff's recommendations for two additional recommendations, will help insure that the changes planned for the LuigArt area remain complementary to the remainder of the neighborhood.

Commission Questions: Mr. Wilson asked if the properties that have code violations are already owned by the petitioner. Ms. Wade answered affirmatively. Mr. Wilson asked if living space would be provided for residents whose homes are to be renovated. Ms. Wade responded that the petitioner has a plan in which residents would not be moved out of an existing structure until a new or rehabilitated structure in the area was in place to accommodate them. Mr. Wilson asked how financing would work for residents who might have moved out of the area, but then decide to move back. Ms. Wade answered that the structures included in this request are all owned by the NoLi CDC, and are currently either rented out or vacant. Mr. Wilson asked if rents would increase following the renovation of the existing structures. Ms. Wade answered that the petitioner is working to maintain current rents using grants.

Mr. Penn asked why a soil map was included with the petitioner's site analysis. Ms. Wade answered that a soil map is required by the Zoning Ordinance if a development plan is required along with a PUD-2 zone change. She added that a development plan is not required at this time; however, the staff questioned whether a soil map would be available, and the petitioner provided it. The petitioner did note that the soils in the area had been heavily modified during its 200-year history, so it is likely significantly different from what is shown on the historical soil map they provided.

Petitioner Representation: Brandon Coan, attorney, was present representing the petitioner. He said that, at the time of the filing of the PUD-2 ZOTA, the petitioner indicated intent to rezone their full property holdings. There are currently 19 qualifying properties; 18 are owned by the petitioner, and one by Marty Clifford. Of the 18 properties owned by the petitioner, 14 are currently vacant; four are non-owner occupied; and one family just successfully completed the process to move from non-owner-occupied to owner status. Mr. Coan explained that there are 171 properties within the LuigArt area that qualify for potential rezoning. The petitioner committed to assisting other owners who desire to rezone their properties, and the site analysis was provided with as much information as possible in order to be helpful to future applicants. The petitioner plans to rezone properties approximately every six months, or as interest is raised, in order to consolidate the filing fees as much as possible.

Mr. Coan stated that, at the time of the text amendment, the petitioner expressed confidence that the creation of the PUD-2 zone would result in other positive developments for the area. Shortly thereafter, the Knight Foundation awarded a \$550,000 grant to allow for work in areas adjacent to the LuigArt project, due in part to the innovative nature of that project. The Knight Foundation also extended a zero-interest, \$200,000 revolving line of credit to the NoLi CDC to use for home construction.

Mr. Coan said that the petitioner is in agreement with the staff's two additional recommendations to their site analysis.

Citizen Support: There were no citizens present in support of this request.

Citizen Opposition: Georgia Cole, 145 York Street, stated that she is concerned that some property owners in the area were not allowed to demolish or repair houses in the area, but the petitioner has been permitted to do so. She said that she is also concerned that the construction of a park in the neighborhood could encourage drug addicts to congregate there.

Joseph Cole, York Street, stated that he has lived on York Street his whole life. He said that many of the existing residents do not understand how the proposed development will work, particularly with regard to the "maker spaces." He opined that there is not enough parking in the area to allow for customers to come to the neighborhood and purchase products directly from residents' homes.

Mr. Cole stated that many of the area residents are also concerned that there might be some type of “hidden agenda” behind the proposed development.

Petitioner Rebuttal: Mr. Coan stated, with regard to Mr. Cole’s concerns, that the petitioner’s intent is not to transform the characteristics of the historic neighborhood, but to preserve them and reinvest in them. The petitioner has not proposed additional parking in order to purposely “limit the nature of commerce” that will take place there.

Kris Nonn, project manager, stated, with regard to Ms. Cole’s concerns about demolition, that the petitioner has learned that renovating structures in the area is not always economically feasible. He said that many of the houses were originally built with scrap materials; many are currently compromised, if not condemnable. The CDC paid a premium to renovate one structure, and cannot afford to do so going forward. Mr. Nonn stated that the petitioner’s intent for the remainder of the project is to deconstruct the residences, salvage as much of the materials as possible, and use them in the construction of new structures that will meet the affordability criteria.

Mr. Nonn said that, in speaking with residents on York and Eddie Streets, he learned that many have entrepreneurial aspirations. The goal of the proposed development is to reduce barriers that would prevent them from working from home.

Richard Young, Executive Director of NoLi CDC, stated that affordability is one of the main goals of the proposed development. He said that one of the main goals of the project is to keep the prices of properties low, with monthly mortgages intended to be approximately the same price as rents. The CDC is actively working with existing tenants to provide them with the opportunity to own their own new homes in the neighborhood. Mr. Young added that, for residents who are not interested in home ownership, the CDC is working with different methodologies to keep rent prices affordable and the housing accessible.

Mr. Nonn stated that the petitioner also intends to propose deed restrictions on the homes in the proposed development in order to maintain affordability. He noted that residential use is the primary function of the PUD-2 zone, with all of the other uses requiring permitting for ingress, code requirements, etc.

Citizen Rebuttal: Mr. Cole stated that the proposed rezoning has created questions among the area residents about what the intent of the project is, and whether there is some intent other than what is being presented. He said that many area residents already work out of their homes, and they do not understand why it is necessary to rezone their properties.

Commission Questions: Mr. Penn stated that he salutes the petitioner for the development of this project, noting that he believes it is “visionary.” He asked if the infrastructure was in place to support the proposed development, or if LFUCG assistance would be required at some point. Mr. Coan answered that the vital infrastructure is completely in place. He added, however, that the petitioner might need assistance in providing streetscape and “placemaking” improvements. Mr. Penn asked if the petitioner is totally committed to investing in the infrastructure for the entire development, rather than rehabilitating one residence at a time. Mr. Nonn responded that, because of the small scale of the uses that will be permitted, the additional strain on the infrastructure should be limited. He acknowledged that the infrastructure in the area is outdated, and there are some issues that will need to be addressed, no matter how the properties are used in the future. He added that it was his hope that the NoLi CDC work in the area would help to spur those improvements.

Mr. Penn explained that, although he believes that the proposed development is a great idea, it has limited chances at success; the area residents must also “buy in” to guarantee its success. Mr. Nonn stated that there has been some conjecture among the current residents about the proposed development and how it will work. The petitioner worked with the Planning staff to develop a framework to allow flexibility in the development. He said he believes that it is important to get the “first wave” of residences constructed and get uses in place to demonstrate how the development as a whole will work, in order to relieve the residents’ apprehension about the development of something new in their neighborhood.

Zoning Motion: A motion was made by Ms. Richardson and seconded by Mr. Wilson to approve MAR 2015-6.

Discussion of Motion: Ms. Mundy stated that she had concerns about “spot zoning” with this request, since the Commission typically considers larger quantities of land for zone changes. She added that she is concerned about the petitioner’s ability to keep prices low in the proposed development, and about how it could affect property values. Ms. Mundy opined that she does not believe it is wise to “mess around with the economics of a neighborhood” by keeping home prices low.

Mr. Owens stated that many of Ms. Mundy’s concerns were brought forward during the PUD-2 text amendment process. He said that this type of development is a new concept in Lexington-Fayette County, and it requires a bit of a leap of faith. Mr. Owens noted that he would have preferred for all 19 of the properties in the first round of zone changes to be contiguous, but he believes that this rezoning will get the process started and let the petitioner begin their work on the proposed development.

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

Zoning Action: Ms. Richardson's motion carried, 8-1 (Mundy opposed; Brewer and Plumlee absent).

Site Inventory & Site Analysis Review Action: A motion was made by Ms. Richardson, seconded by Mr. Wilson, and carried 9-0 (Drake abstained; Brewer and Plumlee absent) to accept the LuigArt Maker Spaces Site Inventory & Site Analysis Review, including the staff's two additional recommendations.

B. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

Note: This item was continued from the Planning Commission's March 26, 2015, meeting.

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

INITIATED BY: Urban County Planning Commission

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

The Zoning Committee made no recommendation on this request.

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

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

Action: A motion was made by Ms. Richardson, seconded by Ms. Mundy, and carried 10-0 to continue this item to the June 25, 2015, Planning Commission meeting.

2. **ZOTA 2015-5: AMENDMENT TO THE DEFINITION AND REGULATION OF "DAY SHELTERS"** – a Zoning Ordinance text amendment to amend the definition and regulation of "day shelters."

INITIATED BY: Urban County Council

PROPOSED TEXT: *(Available upon request, and for viewing at:
<https://drive.google.com/file/d/0B0aBvWAKyfxaNXFUTUZITWIfRU0/view?usp=sharing&pli=1>)*

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

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

1. The proposed text amendment will regulate day shelters in the same manner as are community centers, which will facilitate their co-location and could provide additional services to the community. The amendment will also more clearly define "day shelter."
2. The proposed changes to the Zoning Ordinance are supported by the 2013 Comprehensive Plan. These text amendments will help to provide more accessible community facilities and services to meet the health, safety and quality of life need for both residents and visitors, especially those persons who are less fortunate (consistent with Theme D, Goal #2 of the Plan).

Staff Presentation: Ms. Wade presented the staff report, explaining that this text amendment to Articles 1, 8 and 23 of the Zoning Ordinance was initiated by the Urban County Council. The proposed text would modify the definition of "day shelter" in Article 1; make changes to Articles 8 and 23, and would adjust the regulations for that use. The text proposes for day shelters to be regulated in a manner similar to how community centers are currently regulated.

Ms. Wade noted that, because the Council initiated this text amendment, the Planning Commission has 60 days to act upon it. If it is not acted upon at this meeting, the Commission will be required to do so at their next meeting in two weeks.

Ms. Wade said that, currently, community centers are permitted in several zoning categories, and are principal uses in several business zones. However, day shelters, which can often serve the same clientele, are more restrictive. Prior to 2012, day shelters were considered community centers; a text amendment that year was initiated by the Council that resulted in the creation of definitions for "adult day care center" and "day shelter." The Council considered the text amendment in committee, and decided to split the two uses, in order to regulate them differently. Adult day care centers were made principal uses in the P-1, P-2, B-1, B-2A, and B-2B zones; day shelters were made conditional uses (which are more restrictive) in those zones. Community centers typically provide overnight care, while day shelters provide daytime support, often for the same individuals. In many instances, the two types of uses are located on the same property.

Ms. Wade explained that the Department of Law began reviewing the definition and regulation of day shelters when a complaint was filed with the federal Department of Housing and Urban Development (HUD) related to the way community centers and day shelters are defined and regulated by the Zoning Ordinance. The HUD complaint was forwarded to the Department of Justice, which spurred additional action in addressing the inconsistencies in the regulations. That complaint asserted that the Zoning Ordinance is a violation of the Fair Housing Act, which provides some level of protection for the nation's homeless population. Ms. Wade said that, under the current regulations, even though they can serve the same population, the two uses are regulated differently. The purpose of the proposed text amendment is to reconcile those differences, and regulate day shelters and community centers consistently.

Ms. Wade stated that the proposed text would make a day shelter a principal use in the P-1, B-1, B-2A, B-2B, P-2, B-6P, and CC zones. In addition, it would make day shelters a conditional use in the R-3, R-4, R-5, and I-1 zones, which would be consistent with the regulations for community centers. Ms. Wade noted that principal uses are allowed by right; conditional uses require mailed notice to property owners within 500 feet, and Board of Adjustment approval. The text amendment also proposes redefining "day shelter" in order to remove the term "homeless" from that definition.

Ms. Wade said that, although no new day shelters have been proposed in Lexington-Fayette County since the adoption of the 2012 text amendment, the staff feels that it would be appropriate to modify the text in order to address any perceived inequities. The staff also believes that it is appropriate for day shelters and community centers to be regulated in the same way, which will allow for co-location of those uses in one facility.

In reviewing the 2013 Comprehensive Plan, Ms. Wade said that the staff found that the proposed text amendment is in agreement with Theme D, Improving a Desirable Community, which encourages to "providing accessible community facilities to meet the health, safety, and quality of life needs of all citizens and visitors." Ms. Wade stated that the staff and Zoning Committee recommended approval of this text amendment, for the reasons as listed in the staff report and on the agenda.

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

Action: A motion was made by Mr. Wilson, seconded by Mr. Cravens, and carried 9-0 (Brewer and Plumlee absent) to approve ZOTA 2015-5, for the reasons provided by staff.

VI. **COMMISSION ITEMS**

- A. REQUEST TO SCHEDULE A WORK SESSION** – A motion was made by Ms. Mundy, seconded by Ms. Richardson, and carried 10-0 (Plumlee absent) to schedule a Planning Commission work session on Thursday, June 18, 2015.

Note: Mr. Berkley left the meeting at this time.

- B. PFR 2015-4: FAYETTE COUNTY PUBLIC SCHOOLS** – A Public Facility Review of Fayette County Public Schools' acquisition of property at 2000 Winchester Road for construction of a new high school.

SUMMARY FINDINGS: There is currently no land use recommendation for the subject property other than what was recommended in the Land Use Element of the 2001 and the 2007 Plans (Medium Density Residential), which reflects the zoning of the property since its re-zoning from A-U in 2003. A school for academic instruction is a conditional use in the R-3 zone, subject to approval by the Board of Adjustment. This can be taken to mean that, with appropriate conditions, a school can be as acceptable and/or appropriate in a residential zone as are residential uses; and in conjunction with the Goals, Objectives and text of the 2013 *Comprehensive Plan*, and *Destination 2040*, it provides a level of support for the construction of a new high school at this location.

RECOMMENDATIONS:

1. That, although Fayette County Public Schools will not pursue LEED certification on the new high school, the design of the building(s) and site remain true to energy and sustainability goals that reflect LEED Silver to Gold criteria, as has been stated by

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the architect, in order that the school site will be as energy efficient as possible in its construction and function as an educational institution.

2. Because there are only two small areas that appear to be designed for storm water detention, although not labeled as such, that a plan for storm water management be submitted to the Division of Engineering for review in order to not create any storm water problems for either the subject or the surrounding properties. According to the site designer, there is a regional storm water management system in place, implemented by the developer of much of the area. It should be verified by the Division of Engineering that this storm water management system is adequate to accommodate the addition of the school site.
3. Although the design of the school and the layout of the property appear to be completed, it is recommended that, should sidewalks ever be implemented along Winchester Road, the pedestrian walkway that adjoins the parking area in front of the school building be continued to provide pedestrian and bicycle access to Winchester Road. This will help to implement the *Greenway Master Plan*, which is an adopted element of the *2007 Comprehensive Plan*, carried over to the *2013 Comprehensive Plan*.
4. A final recommendation would be that the off-street parking areas be landscaped and screened inasmuch as topography and underlying geology will allow, to be consistent with the vehicular use area screening requirements of Article 18, subject to approval by the Division of Building Inspection during the permitting process.

Staff Presentation: Ms. Rackers presented the staff report, briefly orienting the Commission to the location of the proposed new public high school on the south side of Winchester Road. Referring to an aerial photograph of the property, Ms. Rackers noted that the subject property adjoins the Tuscany subdivision. The new school building is proposed to be two stories in height, and would contain approximately 286,000 square feet. It is proposed to accommodate 1,800 students, and the site will include athletic fields and tennis courts.

Ms. Rackers stated that the 2013 Comprehensive Plan does not contain land use recommendations for specific properties, so the staff referred to the 2007 Plan to see what type of land use was recommended at that time. The staff found that the last recommendation for the property was Medium Density Residential land use, a recommendation which had been in place for at least 19 years. The subject property, which is 65 acres in size, was originally part of a larger tract. It is zoned R-3, following a 2003 zone change that rezoned the larger tract from A-U to P-1 and R-3. The R-3 zone was in agreement with the Comprehensive Plan recommendation at the time, and the P-1 zone was based on appropriateness. Ms. Rackers noted that, at the time, a new YMCA was proposed for construction on the subject property; since that time, that facility has been located further south along Sir Barton Way.

Ms. Rackers said that the Facilities chapter of the 2013 Comprehensive Plan discusses Fayette County Public Schools (FCPS), but the 2001 and 2007 Plans provide more detail and background information with regard to the school system's needs. Each Plan also discusses the intent of FCPS to provide more schools at all levels in Fayette County. The 2001 Plan identified a proposed high school in the eastern portion of the county, although at that time the location was indicated to be more to the northeast, in the Expansion Area. Since that time, the subject property was purchased from Tim Haymaker, who developed much of the residential land in the area. The 2007 Comprehensive Plan included a map of existing and proposed high schools and indicated a lack of coverage in the western and eastern portions of Lexington-Fayette County. Most of the students in that portion of the county attend Bryan Station High School, which has led to overcrowding. Although bussing and overcrowding have been major components of the redistricting discussions currently being conducted by FCPS, only one other new high school is currently proposed, to be located near the University of Kentucky campus. Ms. Rackers displayed the proposed redistricting map, noting the coverage area proposed for this new school, which will pull students from both Bryan Station and Henry Clay High Schools. FCPS believes that the redistricting plan will help to ease problems with bussing and overcrowding.

Ms. Rackers stated that the 2001, 2007, and 2013 Comprehensive Plans contain nothing but support for the proposed high school, in the Goals & Objectives and the text. One of the recommendations of the Community Facilities section of the 2013 Comprehensive Plan is to support FCPS' proposal to build two new high schools; one new middle school; and four new elementary schools, all of which are currently in process in one form or another. The Greenway Master Plan, which is an adopted element of the Comprehensive Plan, discussed schools as they relate to access to and from residential neighborhoods; it includes two Goals and one Objective which are applicable to this proposed school.

Ms. Rackers noted, referring to a site plan for the new school, that there are two sidewalk connections proposed to Meeting Street. Winchester Road does not have sidewalks in the vicinity of the subject property, but the site plan does propose a connection that could be made to Winchester Road, at such time as sidewalks are constructed there.

Ms. Rackers said that construction of the new schools is proposed to begin in June of 2015, with the building being operational by August of 2017. One of the goals of FCPS is to become a world-class school system by 2020, by providing "safe, aesthetically pleasing, and state-of-the-art facilities" for their students, which is the basis for their ongoing construction and renovation projects. One Objective of the 2013 Comprehensive Plan refers to green building technologies and sustainable development; although this project will not pursue LEED certification, green technology and Energy Star materials will be used, which will reflect the LEED Gold and Silver certification criteria.

Ms. Rackers stated that the Medium Density Residential land use recommendation of the 2001 and 2007 Comprehensive Plans reflect the current zoning, which allows a school for academic instruction as a conditional use. Therefore, with the approval of the Board of Adjustment, a school can be as acceptable and appropriate in a residential zone as residences can. Ms. Rackers said that

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the staff finds this request to be in compliance with the Comprehensive Plan. Also, there are four recommendations listed in the staff report and on the agenda for consideration by the Commission and the applicant.

Commission Questions: Mr. Cravens asked if the school is proposed to have a full access to Winchester Road. Ms. Rackers answered that the primary access is proposed on Meeting Street, but an access will be provided to Winchester Road as well. Chris Howard, landscape architect, added that the main access is proposed to Winchester Road. FCPS is working with the staff of Traffic Engineering and KYDOT District 7 and is conducting a traffic study to determine how that intersection will be signalized, and what type of turn lanes will be required. A signalized intersection is anticipated, with a right-turn deceleration lane and a left-turn lane. Mr. Cravens asked if school busses would be using the Winchester Road access. Mr. Howard responded that school busses would use the Meeting Street access on the southeast side of the school campus. He added that there is an agreement in place with the developer of the adjoining neighborhood that Meeting Street will be completed to Sir Barton Way prior to the opening of the new school. Mr. Howard also noted that parents and students would be encouraged to enter the campus from Meeting Street, with the Winchester Road parking lot to be used primarily for visitors.

Action: A motion was made by Mr. Penn, seconded by Ms. Mundy, and carried 8-0 (Berkley, Brewer, and Plumlee absent) to recommend a finding that PFR 2015-4 is in compliance with the Comprehensive Plan, subject to the four recommendations by the staff.

VII. STAFF ITEMS

VIII. AUDIENCE ITEMS – No such items were presented.

IX. MEETING DATES FOR June, 2015

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	June 4, 2015
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	June 4, 2015
Subdivision and ND-1 Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	June 11, 2015
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	June 24, 2015
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	June 25, 2015

X. ADJOURNMENT – There being no further business, Chairman Owens declared the meeting adjourned at 3:30 p.m.