

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

February 25, 2016

- I. **CALL TO ORDER** – The meeting will be called to order at 1:30 p.m. in the Council Chamber, 2nd Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.
- II. **APPROVAL OF MINUTES** – The minutes of the January 14, 2016, and January 28, 2016, meetings will be considered at this time.
- III. **POSTPONEMENTS AND WITHDRAWALS** – Requests for postponement and withdrawal will be considered at this time.
- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, February 4, 2016, at 8:30 a.m. The meeting was attended by Commission members: Karen Mundy, Mike Owens, Carolyn Plumlee and Joseph Smith. 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; Traci Wade; Cheryl Gallt; Denice Bullock; Kelly Hunter; Dave Jarman; Scott Thompson; Captain Greg Lengal and Lieutenant Joshua Thiel, Division of Fire & Emergency Services; Chris Schnelle, Division of Police; and Mike Sanner, 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.*

- A. **DP 2016-8: PATCHEN PLACE SUBDIVISION, UNIT 1, LOT 4 (4/3/16)***- located at 2800 and 2890 Richmond Road.
(Council District 5) **(Wheat & Ladenburger)**

The Subdivision Committee Recommended: **Postponement**. There are some questions regarding the proposed access to Gribbin Drive and compliance with Richmond Road Ordinance requirements.

Note: The morning of February 9th, the applicant submitted a revised development plan that addressed several of the concerns considered by the Subdivision Committee at their meeting on February 4th. However, the applicant still has not addressed issues regarding the proposed access to Gribbin Drive, screening of the development from that street, or compliance with the Richmond Road Ordinance requirements. As a result, while the staff can offer a revised recommendation to the Planning Commission for their consideration of this final development plan, a postponement of this plan, given these outstanding issues, is still in order.

The Staff Recommends: **Postponement**. There are still some questions regarding the proposed access to Gribbin Drive, the timing of the required right-of-way closure, the timing of compliance with the Richmond Road Ordinance requirements, the proposed building orientation to Gribbin Drive and the size and extent of the proposed retaining wall.

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. Department of Environmental Quality's approval of environmentally sensitive area (steep slope area).
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. Discuss the need for reciprocal parking and access for the development.
12. Resolve the timing of compliance with Richmond Road Ordinance requirements.
13. Discuss proposed access to Gribbin Drive and timing of required right-of-way closure.
14. Discuss drive-through aisles, vehicle stacking and potential conflicts.
15. Discuss size, location and extent of proposed retaining walls.
16. Discuss rear orientation of proposed buildings to Gribbin Drive and architectural details and features to mitigate impact.

- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, February 4, 2016, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Mike Cravens, David Drake, and Bill Wilson. The Committee members reviewed applications and made recommendations as noted.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

A. ABBREVIATED PUBLIC HEARINGS ON ZONING MAP AMENDMENTS

The staff will call for objectors to determine which petitions are eligible for abbreviated hearings.

The procedure for these hearings is as follows:

- Staff Reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) proponents (10 minute maximum OR 3 minutes each)
 - (b) objectors (30 minute maximum) (3 minutes each)
- Rebuttal & Closing Statements
 - (a) petitioner's comments (5 minute maximum)
 - (b) citizen objectors (5 minute maximum)
 - (c) staff comments (5 minute maximum)
 - (d) Hearing closed and Commission votes on zone change petition and related plan(s)

B. FULL PUBLIC HEARINGS ON ZONE MAP AMENDMENTS – Following abbreviated hearings, the remaining petitions will be considered.

The procedure for these hearings is as follows:

- Staff Reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) proponents (10 minute maximum OR 3 minutes each)
 - (b) objectors (30 minute maximum) (3 minutes each)
- Rebuttal & Closing Statements
 - (a) petitioner's comments (5 minute maximum)
 - (b) citizen objectors (5 minute maximum)
 - (c) staff comments (5 minute maximum)
- Hearing closed and Commission votes on zone change petition and related plan(s)

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the hearing. The Chair will announce its decision at the outset of the hearing.

1. LARRY LUTTRELL, JR., ZONING MAP AMENDMENT & LANE ALLEN PARK SUBDIVISION, LOT 4, ZONING DEVELOPMENT PLAN

- a. MARC 2015-24: LARRY R. LUTTRELL, JR. (2/25/16)* – petition for a zone map amendment from a Single Family Residential (R-1A) zone to a Planned Neighborhood Residential (R-3) zone, for 2.6089 net and gross acres, for property located at 1911 Parkers Mill Road. A conditional use permit for a rehabilitation home is also requested.

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 Comprehensive Plan also provides several Goals, Objectives and policies for the growth and development of the community well into the 21st century.

The petitioner proposes rezoning the subject property to a Planned Neighborhood Residential (R-3) zone, and requesting a conditional use permit for a rehabilitation home for approximately 15 persons. The petitioner wishes to operate a rehabilitation home (aka: a sober-living home) within the existing single family residence.

The Zoning Committee Recommended: Postponement.

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, for the following reasons:
 - a. Theme A, Goal #1.c. of the Plan calls for "safe, affordable, and accessible housing to meet the needs of...disadvantaged residents." The residents of Liberty House meet this classification.
 - b. Goal #2 under Theme D of the Plan is to "provide for accessible community facilities and services to meet the health, safety, and quality of life needs of Lexington-Fayette County's residents and visitors." Liberty House is such a facility.

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- c. Goal #2.b. of Theme D of the Comprehensive Plan calls for cooperation "with educational and healthcare entities to meet the needs of Lexington-Fayette County's residents and visitors." An expanded Liberty House will more fully meet the needs of recovering citizens that have experienced addiction to alcohol.
 - d. Goals #2.a and #2.b of Theme C of the Comprehensive Plan call for promoting sectors of the economy that will flourish in the County, and for improvement of small business opportunities. Although Liberty House is a specialized residence more than a traditional "business," an expanded version of it will augment Lexington-Fayette County's offering of healthcare services since it will provide a unique type of rehabilitation home, provided the corollary Conditional Use Permit is also approved.
 - e. Liberty House's location in a portion of the community generally devoid of similar facilities will ensure that a needed community service will be provided in a manner consistent with the Plan's direction to disperse necessary facilities throughout our community.
2. This recommendation is made subject to the approval and certification of ZDP 2015-104: Lane Allen Subdivision, Lot 4, prior to forwarding this recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
 3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses shall be prohibited on the subject property:
 - a. Multi-family dwellings.
 - b. Group Residential Projects.
 - c. Townhouses.
 - d. Kindergartens and nursery schools.
 - e. Mining of non-metallic materials.
 - f. Family child care and child care centers.
 - g. Community centers.

These use restrictions are appropriate and necessary for the subject property since they will provide greater protection for the adjacent residences and neighborhoods surrounding this location.

b. REQUESTED CONDITIONAL USE

A rehabilitation home in a Planned Neighborhood Residential (R-3) zone.

The Zoning Committee Recommended: **Postponement.**

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

- a. Granting the requested conditional use should not adversely affect the subject or surrounding properties. The proposed use will retain the residential character of the property, which will be in character with the surrounding residential neighborhoods. The existing house and parking are adequate to serve up to 20 residents with one full-time employee on site at any given time.
- b. All necessary public services and facilities are available and adequate to the subject site; however, the septic system will need to be reviewed and approved for use by the Fayette County Health Department, or the property will need to be connected to the public sanitary sewer system, prior to commencing the proposed use.

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

1. Should the subject property be rezoned to R-3, it shall be developed according to the submitted Zoning Development Plan, or as further amended by the Planning Commission.
2. The proposed use shall be operated in accordance with the submitted application materials.
3. All necessary permits, including a Zoning Compliance Permit and Certificate of Occupancy, shall be obtained from the Divisions of Planning and Building Inspection prior to occupancy of the rehabilitation home.
4. The Fayette County Health Department shall inspect and approve the existing septic system, or a connection to the public sanitary sewer system shall be completed prior to operation of the rehabilitation home.
5. The parking shall not be expanded beyond the existing six parking spaces, and the total number of beds shall be limited to 20, with one full-time employee on the maximum working shift.
6. There shall not be any meetings or counseling services provided for outside groups or individuals of the general public.
7. As volunteered by the applicant, residents participating in this program shall not be there as a condition of their parole.
8. This conditional use permit shall not be transferable to another applicant without application to, and approval from, the Board of Adjustment.

- c. ZDP 2015-104: LANE ALLEN PARK SUBDIVISION, LOT 4 (2/25/16)*- located at 1911 Parkers Mill Road.
(Endris Engineering)

Note: The Planning Commission postponed this item at their November 19, 2015 meeting.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

The Subdivision Committee Recommended: **Postponement**. There were some concerns about a need for further discussion regarding sewage disposal, due to new information received since the Technical Committee meeting.

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

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, and storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Building Inspection's approval of landscaping and landscape buffers.
5. Addressing Office's approval of street names and addresses.
6. Urban Forester's approval of tree preservation plan.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. Delete purpose of amendment note from plan.
12. Clarify required parking generator (beds).
13. Denote all parking spaces on plan.
14. Denote building line.
15. Clarify whether or not there will be dedication of right-of-way.
16. Discuss timing of sidewalk construction along Parkers Mill Road on plan.
17. Discuss need for improvements to Parkers Mill Road.
18. Resolve adequacy of existing septic system to serve proposed use.

2. ANDERSON BRIDGEWATER, LLC, ZONING MAP AMENDMENT & ANDERSON 2 SUBDIVISION (AMD.) ZONING DEVELOPMENT PLAN

- a. MAR 2015-27: ANDERSON BRIDGEWATER, LLC (2/25/16)* - petition for a zone map amendment from an Expansion Area Residential-1 (EAR-1) zone to an Expansion Area Residential-3 (EAR-3) zone, for 12.32 net (12.51 gross) acres, for property located at 425 Chilesburg 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 Comprehensive Plan also encourages growing successful neighborhoods (Theme A) by expanding housing choices (Goal #1), supporting infill and redevelopment as a strategic component of growth (Goal #2), and providing well-designed neighborhoods and communities (Goal #3). In addition, the Plan calls for maintenance of the boundaries of the Urban Service Area (Theme E, Goal #3).

The subject property is located within the Expansion Area, more specifically Subarea 2C. The Expansion Area Master Plan recommends Expansion Area Residential-1 future land use for the subject property, with a Special Design Area along Chilesburg Road. The Expansion Area Residential-1 land use would permit a maximum of three dwelling units per gross acre of land.

The petitioner proposes a high density residential development with townhouses and a clubhouse in the southern portion of the subject property near Chilesburg Road (17 dwelling units), and a combination of multi-family dwelling units and townhouses in the northern portion of the site (166 dwelling units), for a total of 183 dwelling units and a residential density of 14.63 units per gross acre.

The Zoning Committee Recommended: **Referral to the full Commission**.

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

1. The proposed rezoning to an Expansion Area Residential-3 (EAR-3) zone is not in agreement with the Expansion Area Master Plan (for Expansion Area 2C), which is an element of the adopted 2013 Comprehensive Plan. High-density residential development was not envisioned for land that adjoined the Urban Service Area boundary at that time (including the subject property), in order to respect the established residential neighborhoods, such as Andover Hills.
2. An adequate transition between land uses, specifically Andover Hills subdivision and the future Tucker Property development, has not been established to create a well-designed community as recommended by Theme A, Goal #3 of the 2013 Comprehensive Plan.

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3. Chilesburg Road, an existing two-lane rural roadway, has been designated by the Expansion Area Master Plan and the Zoning Ordinance as a Rural Scenic Roadway, which is not to be improved. The existing roadway is inadequate to handle the proposed increase in residential density and traffic generation at this location.
4. The proposed development does not meet the Complete Streets concept, which includes the design and use of the right-of-way for cars, bicycles and pedestrians, as recommended by Theme D, Goal #1a. of the 2013 Comprehensive Plan, nor does it meet the Community Design Element of the Expansion Area Master Plan.
5. The site is proposed to have only one way in and one way out, and no stub streets into the adjoining Tucker Property for 183 dwelling units, which does not adequately meet the public safety and access needs of Fayette County citizens.
6. There have been no unanticipated changes of a physical, social or economic nature within the immediate area since the Comprehensive Plan was adopted in 2013 that would support an EAR-3 zone for the subject property.

- b. ZDP 2015-118: ANDERSON 2 SUBDIVISION (AMD) (2/25/16)* - located at 425 Chilesburg Road.
(Barrett Partners)

Note: The purpose of this amendment is to change single family development to multi-family residential.

The Subdivision Committee Recommended: Postponement. There were some questions regarding the street termination, compliance with the EAMP Stormwater Master Plan, and the proposed apartment buildings' orientation to the adjacent R-1D zone.

The Staff Recommended: Postponement. There are remaining questions regarding the lack of a compliant street termination, compliance with the EAMP Stormwater Master Plan, and the proposed access to the development.

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

1. Provided the Urban County Council rezones the property EAR-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. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Denote lot coverage and floor area ratio in site statistics (per Article 21 requirements).
8. Provided the Planning Commission makes a finding that the Final Development Plan complies with the EAMP.
9. Discuss lack of street termination proposed (and need for waiver).
10. Denote the timing of compliance with Article 23A-2(o) of the Zoning Ordinance and note #13.
11. Discuss note #19 and compliance with the EAMP Stormwater Master Plan.
12. Discuss note #20 and potential access to Jacobson Park.
13. Discuss access proposed to the development.
14. Discuss proposed density relative to the transportation infrastructure of Chilesburg Road.

3. TURWELL, LLC, ZONING MAP AMENDMENT & WYNNDALE SUBDIVISION, LOTS 1 & 2, ZONING DEVELOPMENT PLAN

- a. MAR 2016-1: TURWELL, LLC (2/25/16)* - petition for a zone map amendment from a Townhouse Residential (R-1T) zone to a Planned Neighborhood Residential (R-3) zone, for 6.98 net (9.06 gross) acres, for property located at 1580 Higbee Mill Road.

COMPREHENSIVE PLAN AND PROPOSED USE

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The Comprehensive Plan encourages expanding housing choices (Theme A, Goal #1); identifying opportunities for infill, redevelopment and adaptive reuse that respect the area's context and design features (Theme A, Goal #2a.); encourages the development of underutilized and vacant land in a compact, contiguous and/or a mixed-use sustainable manner within the Urban Service Area (Theme E, Goals #1a., #1b. and #3); and locating higher density development near greenways and public parks (policy statement).

The petitioner proposes a Planned Neighborhood Residential (R-3) zone for the subject property in order to construct two multi-family residential buildings, with a total of 32 dwelling units (with 64 bedrooms). This equates to a proposed residential density of 4.58 dwelling units per net acre.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

The Zoning Committee Recommended: **Postponement**.

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

1. A restricted Planned Neighborhood Residential (R-3) zone at this location would be in agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. The Goals and Objectives of the Plan encourage expanding housing choices (Theme A, Goal #1); identifying opportunities for infill, redevelopment and adaptive reuse that respect the area's context and design features (Theme A, Goal #2a.); and encouraging the development of underutilized and vacant land in a compact, contiguous and/or a mixed-use sustainable manner within the Urban Service Area (Theme E, Goals #1a., #1b. and #3). In addition, the Goals and Objectives of the Plan also encourage providing for well-designed neighborhoods (Theme A, Goal #3); minimizing disruption of natural features when building new communities (Theme A, Goal #3d.); identifying and protecting natural resources and landscapes before development occurs (Theme B, Goal #3a.); and preserving urban neighborhoods (Theme D, Goal #3c.).
 - b. Increasing the allowable density of the subject property, while keeping a compatible development next to the adjoining Waverly Estates neighborhood, is possible with a restricted R-3 zone.
 - c. Splitting the density between the two developable areas of the site will help to minimize disruption of the natural floodplain on the property. By bridging the South Elkhorn Creek and its floodplain, rather than modifying the FEMA floodplain, the natural features of the property can be protected in a more thorough and comprehensive manner.
2. This recommendation is made subject to the approval and certification of ZDP 2016-4: Wynndale Subdivision, Lots 1 & 2, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are recommended via conditional zoning for the subject property:
 - a. Any development within 200 feet of the northern property boundary shall be limited to 20 dwelling units.
 - b. All lighting installed on the subject property shall be directed downward and shall be directed away from any single-family residential zone.
 - c. A 20-foot landscape buffer shall be established along the adjoining Waverly Estates subdivision. Within the landscape buffer, a 6-foot wall or fence may be constructed, and evergreen trees shall be planted along the rear of any residential lot under different ownership in two staggered rows so as to create a solid landscape screen.

These restrictions are appropriate in order to protect the adjacent residential properties to the north of the subject property from the possible noise and light pollution associated with the proposed development and its off-street parking area, and to more fully implement the 2013 Comprehensive Plan.

- b. ZDP 2016-3: WYNNDALE SUBDIVISION, LOTS 1 & 2 (2/25/16)*- located at 1580 Higbee Mill Road.
(Vision Engineering)

The Subdivision Committee Recommended: **Postponement**. There were some questions regarding the height of the proposed building and/or possible need for a variance, access to and the use of the open space, improvements to Higbee Mill Road and compliance with Article 16 of the Zoning Ordinance.

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

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. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Denote all environmentally sensitive areas on plan.
8. Denote that all floodplain construction shall meet the requirements of Article 19 of the Zoning Ordinance.
9. Denote location and size of all existing and proposed easements.
10. Revise plan to remove parking aisle in front yard per Article 16 of the Zoning Ordinance.
11. Discuss possible improvements to Higbee Mill Road.
12. Discuss proposed use of open area adjacent to Man o' War Boulevard.
13. Discuss landscaping adjacent to R-1C zone.
14. Discuss need for a variance or revise height of proposed wall in the front yard to meet the Zoning Ordinance limitations.

5. JAKE RIORDAN ZONING MAP AMENDMENT & VALLANDALE SUBDIVISION (AMD.) ZONING DEVELOPMENT PLAN

- a. MAR 2016-2: JAKE RIORDAN (AMD.) (2/25/16)* - petition for an amended zone map amendment from a Mixed-Use 2: Neighborhood Corridor (MU-2) zone to a Neighborhood Business (B-1) zone, for 0.964 net (1.235 gross) acres, located at 1501, 1505, 1507, and 1509 Versailles Road.

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COMPREHENSIVE PLAN AND PROPOSED USE

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The Cardinal Valley Small Area Plan (CVSAP), adopted by the Planning Commission in April 2015, encompasses the subject properties. The SAP outlined five recommendations: 1) neighborhood conservation, 2) Versailles Road corridor improvements, 3) recognition and development of the "Alexandria Drive International District," 4) Oxford Circle neighborhood center redevelopment, and 5) augmenting the open space network within the area.

The petitioner has amended their request, which originally was a rezoning to B-3 for five properties. The proposed rezoning is now for four properties to a B-1 zone for neighborhood-oriented retail establishments within a new 12,000 square-foot building. The associated off-street parking would be located behind the principal building on the lot, adjacent to an R-3 lot that was formerly a part of this zone change request.

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

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

1. A restricted Neighborhood Business (B-1) zone is in agreement with the 2013 Comprehensive Plan and the Cardinal Valley Small Area Plan (CVSAP), adopted by the Planning Commission in April 2015, for the following reasons:
 - a. Theme A of the Plan, Growing Successful Neighborhoods, emphasizes the infill, redevelopment and adaptive reuse of the urban area that respects the area's context and design features (Goal #2a.), and encourages striving for positive and safe social interactions in neighborhoods (Goal #3b.). In addition, the Goals and Objectives suggest that the community should "enable infill and redevelopment that creates jobs where people live" (Theme C, Goal #1d.); attract and retain high-paying jobs (Theme C, Goal #2c.); and to uphold the Urban Service Area concept by encouraging "compact, contiguous, and/or mixed-use sustainable development within the Urban Service Area, as guided by market demand, to accommodate future growth needs" (Theme E, Goal #1b.).
 - b. The Plan encourages the consideration of how proposals relate to existing development in the immediate vicinity, as well as protecting neighborhoods and residential areas from incompatible land uses. The proposed B-1 zone is compatible with the immediate vicinity, and a landscape buffer along the rear property line will help to provide an appropriate transition in land use.
 - c. The proposed B-1 zone along an entrance corridor to downtown Lexington that was recently studied by the Division of Planning and the Kentucky Transportation Cabinet (District 7 office) will provide an opportunity to provide some jobs closer to where people live.
 - d. The Cardinal Valley Small Area Plan encourages aesthetic and functional improvements that will make the Versailles Road corridor more accessible to pedestrians, which seems to speak to encouraging pedestrian-oriented development. The corollary development proposed for the site conforms to the B-1 zone setbacks, which encourages pedestrian interaction and development closer to the street. This is consistent with the CVSAP recommendations.
2. This recommendation is made subject to the approval and certification of ZDP 2016-4: VALLANDALE SUBDIVISION (AMD.), prior to forwarding this recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions shall apply to the subject property:
 - a. Prohibited Uses:
 1. Drive-through facilities within 100' of Delmont Drive.
 2. The sale or provision of wine, beer or alcoholic beverages, other than by the drink.
 3. Live entertainment and/or dancing.
 4. Cocktail lounges, brew-pubs and nightclubs.
 5. Automobile service stations.
 6. Arcades, including pinball and electronic games.
 7. Sale of firearms other than by federally licensed manufacturers, importers or dealers.
 8. Car washing establishments.
 9. Pool tables, within an establishment, even as an accessory use.
 10. Automobile and vehicle refueling stations.
 - b. Other Use Restrictions:
 1. A landscape buffer of at least ten (10) feet in width shall be provided along the northern property boundary, with plantings as specified by Article 18-3(a)(1)2 of the Zoning Ordinance, including the retention or replacement of a 6-foot tall privacy fence.

2. Outdoor lighting shall be shielded and directed away from any adjacent residential zone. Lighting attached to a pole or any structure shall be a maximum of twenty (20) feet in height.
3. Any free-standing sign erected shall be a maximum of ten (10) feet in height.

These use and buffering restrictions are appropriate and necessary for these four lots to ensure greater compliance with the 2013 Comprehensive Plan and Cardinal Valley Small Area Plan, and to provide greater consistency with prior action by the Planning Commission and the Urban County Council involving business uses at this location.

- b. ZDP 2016-4: VALLANDALE SUBDIVISION (AMD) (2/25/16)* - located at 1501-1509 Versailles Road.
(Vision Engineering)

The Subdivision Committee Recommended: **Postponement**. There were some questions regarding the proposed access to the site from Delmont Drive.

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. Urban Forester's approval of tree inventory map.
5. Delete note #14.
6. Dimension sidewalks serving front building entrances.
7. Denote that fenestration and front architectural building features relative to the Versailles Road frontage shall be reviewed at the time of the Final Development Plan.
8. Discuss proposed dumpster location.
9. Discuss patio/sidewalk area.
10. Discuss the potential parking impact for restaurants and uses other than retail.

6. SOLAR ECLIPSE L.L.C. ZONING MAP AMENDMENT & SCHROYER PROPERTY, DOZIER PROPERTY, UNIT 2 & PALOMAR TRACE SUBDIVISION, UNIT 3C ZONING DEVELOPMENT PLAN

- a. MARV 2016-4: SOLAR ECLIPSE L.L.C. (2/25/16)* - petition for a zone map amendment from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone, for 0.95 net (1.25 gross) acres; and from a Planned Neighborhood Residential (R-3) zone to a Professional Office (P-1) zone, for 0.25 net (0.29 gross) acre, for property located at 3600 Palomar Centre Drive and 2101 Palomar Trace Drive (a portion of). A dimensional variance is also requested.

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 petitioner proposes rezoning all of one property and a portion of another to create a lot for a fast food restaurant, and complete a service road (access easement) connection to Harrodsburg Road for commercial development.

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

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

1. Although the requested zone change is not in agreement with the 2013 Comprehensive Plan, there have been unanticipated changes of an economic nature within the area of the subject property, for these reasons:
 - a. The neighboring properties at 1009 & 1017 Wellington Way were rezoned from P-1 to B-1 in 2014, as is proposed with this application.
 - b. With the Board of Adjustment's approval of a child care center on the bulk of the 2101 Palomar Trace Drive property (a use which is now proposed for relocation to the southwest), the properties with frontage along Harrodsburg Road and Wellington Way are now approved to be significantly more commercial than residential in character, compared to three years ago when the Comprehensive Plan was initially adopted.
2. The combination of the requested Neighborhood Business (B-1) and the Professional Office (P-1) zone is appropriate for these 1.25 acres of the subject property, and the existing combination of R-3 and P-1 zoning is no longer appropriate, for the following reasons:

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- a. The proposed connection of Palomar Centre Drive, incumbent with this rezoning and redevelopment proposal, has the potential to partially relieve existing traffic congestion at the Wellington Way/Palomar Centre Drive intersection to the benefit of the general public and some of the nearby commercial uses.
 - b. The proposed B-1 zone would permit a restaurant to be developed in a manner consistent with other existing commercial uses in this general area.
 - c. The P-1 zone proposed would align with the access from Wellington Way (collector street) to Harrodsburg Road (arterial highway) via Palomar Centre Drive, which would serve other professional and business uses located in this general vicinity.
 - d. Retaining the existing single family home on 2101 Palomar Trace Drive will provide an excellent land use buffer between existing homes in the Harrods View and Palomar Trace subdivisions from the newly developing commercial uses in this vicinity.
3. This recommendation is made subject to approval and certification of ZDP 2016-6: Schroyer Property, Dozier Property, Unit 2, and Palomar Trace Subd., Unit 3C, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of any Planning Commission approval.
 4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are recommended via conditional zoning for the subject properties:

PROHIBITED USES (Within the B-1 Zone only)

- a. Automobile service stations.
- b. Retail sale of plant, nursery or greenhouse products.
- c. Miniature golf or putting courses.
- d. Carnivals and circuses.
- e. Arcades, including pinball and electronic games.
- f. Banquet facilities.
- g. Rental of equipment whose retail sale is permitted in the B-1 zone.
- h. Outdoor live entertainment, cocktail lounges, brew-pubs or nightclubs.
- i. Automobile and vehicle refueling stations.
- j. Retail sale of convenience products (i.e., convenience stores).

OTHER USE RESTRICTIONS

- a. Any free-standing sign shall be a maximum of ten (10) feet in height.
- b. Any outdoor lighting shall be shielded and directed away from any residential zone. Lighting attached to a pole or any structure shall be a maximum of twenty (20) feet in height.

These restrictions are appropriate and necessary in order to protect the adjacent residential properties to the north and west from the possible noise and light pollution associated with the proposed development, and to maintain the character of the immediate area.

b. REQUESTED VARIANCE

Increase the maximum allowable front yard in a Neighborhood Business (B-1) zone from 20 feet to 40 feet.

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

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

- a. Granting the requested variance to allow a maximum front setback of 40 feet will not adversely affect the public health, safety or welfare. It will not negatively impact the essential character of the general vicinity because buildings on other nearby properties have been at a similar setback, in part due to this sanitary sewer easement, and are likely to remain so.
- b. The special circumstance associated with the subject property is the existing sanitary sewer easement, which makes compliance with the required setback practically impossible. Although this feature does apply to other properties along this easement, it does not generally apply to most B-1 zoned properties in this area.
- c. To build a structure at the maximum building line in this case would likely require a relocation of the sanitary sewer facility and a release of the easement. This would be a hardship on this property, especially considering that most commercial structures in this vicinity are built to a similar setback to that now proposed, because of the easement.
- d. The requested variance is not an unreasonable circumvention of the Zoning Ordinance, based on the unique circumstances of this property, and the relationship of other commercial structures to US 68 in the vicinity.
- e. This variance is not the result of prior actions taken by this applicant, as no new construction 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

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Zoning Ordinance.

3. A note shall be placed on the Zoning Development Plan indicating the variances that the Planning Commission has approved for this property (under Article 6-4(c) of the Zoning Ordinance).

- c. ZDP 2016-6: SCHROYER PROPERTY; DOZIER PROPERTY, UNIT 2; AND PALOMAR TRACE SUBD., UNIT 3C (2/25/16)* - located at 3581 Harrodsburg Road, 2101 Palomar Trace Drive and 3600 Palomar Centre Drive.
(Eagle Engineering)

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

1. Provided the Urban County Council rezones the property P-1 & B-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage and storm and sanitary sewers.
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. Addition of tree inventory information on plan, and clarify tree protection plan information.
6. Denote that access to Harrodsburg Road will be subject to the approval of the Kentucky Transportation Cabinet.
7. Denote: No building permit shall be issued unless and until a final development plan is approved by the Planning Commission.
8. Denote record plat designation on plan or in title block.
9. Addition of topography and cite source on plan.
10. Addition of sidewalks and crosswalks to right-of-way.
11. Denote location and direction of street cross-section on plan.
12. Discuss proposed dumpster location next to residential zone.
13. Discuss zone-to-zone screening necessary along residential property boundaries.

VI. COMMISSION ITEMS

- A. CHANGE TO THE OFFICIAL 2016 MEETING & FILING SCHEDULE – The staff will request Commission consideration of a change to the 2016 Meeting & Filing Schedule in order to reschedule the March work session to March 17, 2016.
- B. CLINTON ROAD NEIGHBORHOOD DESIGN CHARACTER OVERLAY (ND-1) ZONE CHANGE INITIATION REQUEST – The Commission will consider a petition received from residents of Clinton Road for Planning Commission initiation of an ND-1 overlay zone for properties on that street.

The staff will report at the meeting.

VII. STAFF ITEMS

A. Long Range Planning Activity Report

- Greenspace Commission – The Greenspace Commission met to review data collected by staff for open space regulation recommendations. 2016 elections for the Greenspace Trust were held and Susan Plueger also made a guest presentation on the Supplemental Environmental Project (SEP).
- Winburn and Russell Cave Neighborhoods Small Area Plan – Staff and consultants held the Neighborhood Resource and Planning Fair kick-off event for the Winburn and Russell Cave Neighborhoods Small Area Plan at UK's Ecological Research and Educational Center (EREC). At this event, space and time were given to neighborhood residents to share their ideas on how they re-imagine their community. Activities, surveys, giveaways, and food were available for the residents, as well as several information booths which were set up for residents to learn more about their community and resources available to them. The event was a success and many surveys were collected by staff and consultants.
- Councilmember James Brown and Planning Commission member Joe Smith, along with staff and consultants, also held the second meeting of the Winburn and Russell Cave Neighborhoods Small Area Plan Advisory Committee at Northside Library. Consultants reported on the results of the surveys distributed at the Neighborhood Resource and Planning Fair kick-off event earlier in the month. Consultants and staff then opened up the floor for Advisory Committee members to discuss the trends represented in the survey results in order to get their own opinions and experiences. The committee includes representatives from area churches, the University of Kentucky, Winburn Middle School and Bryan Station High School, LexMark, Community Action, Newtown Springs commercial development, and neighborhoods. The Winburn SAP was recommended in the 2013 Comprehensive Plan and funded by Council in the 2016 budget. EHI Consultants (Ed Holmes) is leading the planning effort and is joined by Lord Aeck Sargent and Parsons Engineers. The study area includes the Winburn, Green Acres, and Hollow Creek neighborhoods between Newtown Pike and Russell Cave Road.
- Gardenside Focus Group Meeting – Asked to attend by Councilmember Peggy Henson, staff met with the Gardenside Focus Group to discuss Alexandria Drive's southern commercial corridor. The Gardenside Focus Group wishes to assess

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appropriate measures to positively influence this corridor, and discussed in detail the pros and cons of the area. Staff gave advice on appropriate next steps the Focus Group can take to assess the corridor, as well as distributed a document on commercial district evaluation methods.

- General Work Activities –Using GIS, and Census data, staff created maps and data sets for the Urban County Council, other LFUCG Departments, and agencies and officials outside the government. Staff also attended LFUCG-sponsored trainings and Webinars.

B. Transportation Planning Activity Report

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

- Attended Director-Manager meetings at LFUCG Division of Planning.
- Conducted MPO / Transportation Section staff meetings.
- Attended LFUCG Pedestrian Safety Work Group meetings.
- Attended LFUCG Corridors Commission meeting.
- Attended LFUCG/KYTC Operations/Maintenance Coordination Meeting.
- Attended the statewide planning meeting.
- Attended Blue Grass Airport Board meeting.
- Participated in a Title VI review/audit of MPO projects and programs conducted by KY Transportation Cabinet.
- The MPO website had 344 visits from 269 users (72% new users) and 706 page views.
- The MPO's Twitter site increased by 12 followers to 2,007 during January.
- The MPO's Facebook fan page increased by 4 users to 655 likes. The page had 14 engaged users; and reached 214 users in January.
- The Lexington Area MPO YouTube channel has a total of 28 videos; 22 subscribers; 36,742 lifetime views.

1.4 Staff Development –

- Participated in Webinar: Countermeasure Strategies for Pedestrian Safety: Roundabouts.
- Participated in Webinar: Countermeasure Strategies for Pedestrian Safety: Pedestrian Safety at Transit Locations.
- Participated in Webinar: Active Cities Equal Healthy Economies: Success Stories from South Bend and St. Petersburg.

2.1 Congestion Management Process (CMP) –

- Conducted meetings with KYTC, LFUCG Traffic Engineering, and MPO staff to prepare and improve spreadsheets to monitor annual congestion trends for selected corridors using BlueTOAD system data.
- Worked on spreadsheets to document annual congestion trends on selected routes using BlueTOAD system Travel Time Index (TTI) data.
- Used live and typical Google Traffic maps to document annual congestion trends at most congested time-of-day in a week and most congested month in a year for recurring congestion, such as bottlenecks and poor signal timing.
- Used live google traffic map to document congested road segments for non-recurring congestion, such as incidents, bad weather or special events.

2.2 Transportation Plan Update & Implementation –

- Continued to draft and refine a list of MTP and TIP priority projects for consideration for the 2016 legislative session and presented the list to the TTCC and TPC. The TPC gave approval to send the list to Lexington area legislators.

2.3 Air Quality Activities –

- Continued to monitor air quality issues.
- Updated the Air Quality Index (AQI) scale based on the revised ozone standard.

3.1 Transportation - Land Use Impact Analysis –

- Received two traffic impact studies for February Planning Commission Public Meeting.
- Reviewed monthly submittals of Zoning and Subdivision Plans for traffic and impacts and participated in Technical Zoning and Subdivision Committees.
- Provided traffic counts information to consultants, engineers and citizens
- Helped consultant on conducting traffic impact studies.

3.2 Multimodal/Transportation Enhancement Planning –

- Responded to approx.6 citizen/agency requests for information on bike and pedestrian issues.
- Worked on various intersections safety design projects and bike facilities maintenance projects funded by MAP money for FY 2015.
- Reviewed and submitted comments in plan tracker for 12 plans submitted to planning services for bike and pedestrian circulation requirements.

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- Corresponded on 13 plans approved by the planning commission for compliance with conditional signoff requirements for approval.
- Met with designers, developers and traffic engineering regarding the Newtown Springs Development plan vehicular, bicycle and pedestrian circulation throughout the site.
- Organized and developed reports from the Metro Count Data counters on the Arboretum Woods Trail and the Legacy Trail and reported to UK and LFUCG Engineering.
- Coordinated with Central Seal and Streets and Roads for the implementation of bike lane striping.
- Attended UK Bicycle advisory committee meeting.
- Met with planning director and legal to discuss Trafton Street Closure and the impacts to the proposed connection to the Town Branch Trail.
- Met to outline approach to council request for all missing sidewalks in Fayette County and a ranking system for project implementation.
- Met with Mayor Pete Southerland to discuss the NJCBPSCS project.
- Completed cost estimate for the separated bike lane pilot project on Euclid Ave.
- Managed Cycle Tracks smart phone application data.
- Attended Bike Lexington kick-off meeting.
- Freight coordinator is still working on commercial vehicle crash data for MPO counties.

3.3 Transit Planning –

- Began developing RFP information for bus stop inventory. Consulted with TARC and Louisville Metro planners concerning bus stop inventory practices. Also continued to work with LFUCG GIS to develop inventory program.
- Performed final inspections of CMAQ funded bus shelters and determined extra work to be completed before closing contract.
- Worked on Functional Class Review of roads for KYTC.
- Attended Local Food Percolator meeting on topic the of regional food hubs.
- Attended Lextran board meeting.

3.4 Mobility Coordination –

- Continued FY 2015-2016 marketing campaign with continued focus on UK rides free program.
- Met with pedestrian safety team and marketing firm to develop safety campaign messaging concepts.
- Move it People Facebook page grew by 15 likes to 2,427; had 687 engaged users and reached 73,796 users in January.

3.5 Travel Demand Modeling and Project Forecasting –

- Completed model run for the year of 2025 for I-75 study.
- Attended Richmond Small Area Urban Study meeting.

4.1 Program Administration –

- Committee meeting packets were drafted for Transportation Planning/MPO meetings held in the month: Bicycle Pedestrian Advisory Committee (BPAC), the Transportation Technical Coordinating Committee (TTCC) and the Transportation Policy Committee (TPC)

4.2 Transportation Improvement Programming (TIP) –

- Monitored TIP program projects for needed adjustments.

4.3 Unified Planning Work Program (UPWP) –

- Utilized UPWP for program element tasks and reviewed comparison of hours/funding budgeted versus expended to date.

VIII. **AUDIENCE ITEMS** – Citizens may bring a planning related matter before the Commission at this time for general discussion or future action. Items that will NOT be heard are those requiring the Commission's formal action, such as zoning items for early rehearing, map or text amendments; subdivision or development plans, etc. These last mentioned items must be filed in advance of this meeting in conformance with the adopted filing schedule.

IX. **MEETING DATES FOR March, 2016**

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	March 3, 2016
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	March 3, 2016
Subdivision and ND-1 Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	March 10, 2016
Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	March 17, 2016
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers	March 24, 2016
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	March 30, 2016

X. **ADJOURNMENT**

TLW/TM/CT/BJR/BS/src

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