

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

March 24, 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 February 11, 2016, and February 25, 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, March 3, 2016, at 8:30 a.m. The meeting was attended by Commission members: Karen Mundy, Mike Owens, Will Berkley, 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: Jim Duncan, Director; Bill Sallee; Tom Martin; Cheryl Gallt; Denice Bullock; Kelly Hunter; Dave Jarman; Captain Greg Lengal and Lieutenant Joshua Thiel, Division of Fire & Emergency Services; 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.

- A. **NO DISCUSSION ITEMS** – Following requests for postponement or withdrawal, items requiring no discussion will be considered.

Criteria: (1) the Subdivision Committee recommendation is for approval, as listed on this agenda, and
(2) the Petitioner agrees with the Subdivision Committee recommendation and conditions listed on the agenda, and
(3) no discussion of the item is desired by the Commission, and
(4) no person present at this meeting objects to the Commission acting on the matter without discussion, and
(5) the matter does not involve a waiver of the Land Subdivision Regulations.

- B. **DISCUSSION ITEMS** – Following requests for postponement, withdrawal and no discussion items, the remaining items will be considered.

The procedure for these hearings is as follows:

- Staff Report(s), including subcommittee 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 OR 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)
- Commission discusses and/or votes on the plan.

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 meeting. The Chair will announce his/her decision at the outset of the hearing.

1. FINAL SUBDIVISION PLAN

- a. PLAN 2016-16F: LEXMARK INTERNATIONAL, INC. (FKA: IBM) (AMD) (5/1/16)* - located at 361 Newtown Pike.
(Council District 2) **(Vision Engineering)**

Note: The Planning Commission postponed this item at their March 10, 2016, meeting. The purpose of this amendment is to subdivide two lots into ten lots.

The Subdivision Committee Recommended: **Postponement**, due to the 30% infrastructure report not being submitted for Planning Commission review (as required by Article 4-5(b) of the Land Subdivision Regulations).

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.

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

2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s).
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Delete "section" information on all lots, and renumber lots.
10. Denote address of detention basin on plan.
11. Discuss Legacy Trail conflict with proposed access easement.
12. Discuss timing and location (i.e., storm water basin and sanitary sewer) of public improvements and possible need for a waiver.
13. Discuss need for Royal Spring Aquifer note.

2. DEVELOPMENT PLANS

- a. DP 2004-66: KINGSTON HALL, UNIT 1 (4/18/16)* - located at 2175 & 2301 Russell Cave Road.
(Council District 12) **(EA Partners)**

Note: The Planning Commission postponed this item at their February 11, 2016, and March 10, 2016, meetings. This property requires the posting of a sign and an affidavit of such. The Planning Commission originally approved this Preliminary Subdivision Plan/Preliminary Development Plan on September 9, 2004, and granted a one-year extension on September 8, 2005, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
3. Building Inspection's approval of landscaping.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of greenspace, greenways and bike/pedestrian facilities.
6. Department of Highways' approval of access and improvements to Russell Cave Road.
7. Clarify plan title.
8. Urban Service Area fencing and landscaping as required by zone-to-zone screening and A-R buffering be provided prior to construction of infrastructure.
9. Minimum setback to Russell Cave Road to be no less than 50 feet.

On September 13, 2012, the Planning Commission reapproved this development plan, subject to the original conditions, and added the following condition:

10. Denote cemetery location and "50' No Disturbance" zone per Article 3-7 of the Zoning Ordinance.

Note: This plan was certified by the Commission's secretary on February 1, 2013, and the Commission's approval has since expired. The applicant has recently requested a reapproval of this plan.

The Subdivision Committee Recommended: **Reapproval**, subject to the original conditions.

The Staff Recommends **Postponement**. There has been a delay in posting of the notice sign on this property.

- b. DP 2004-67: KINGSTON HALL, UNIT 2 (EAST BRIDGEFORD LAND & DEVELOPMENT COMPANY) (5/3/16)* - located off Newtown Pike. (Council District 12) **(EA Partners)**

Note: The Planning Commission postponed this item at their February 11, 2016, and March 10, 2016, meetings. This property requires the posting of a sign and an affidavit of such. The Planning Commission originally approved this Preliminary Subdivision Plan/Preliminary Development Plan on September 9, 2004, and granted a one-year extension on September 8, 2005, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
3. Building Inspection's approval of landscaping.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of greenspace, greenways and bike/pedestrian facilities.
6. Department of Highways' approval of access and improvements to Newtown Pike.
7. Clarify plan title.
8. Provide fencing and the A-R landscape buffering prior to construction of infrastructure.
9. Denote: Temporary access from the boulevard to the 20-acre tract (Lot 1) will be abandoned at the time of the connection of the boulevard to the adjoining property.

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

The Planning Commission reapproved this item on September 13, 2012, subject to the original conditions, adding the following conditions:

10. Denote area designated for the regional pump station per the EAMP to the approval of the Division of Water Quality and relocate detention basin on Lot 1, as necessary.
11. Identify location of as-built detention basin on Lot 2.
12. Delete Section "H-H" from Lot 1 & Lot 2, prior to certification.

This plan was certified on March 26, 2013, but that's been more than three years since the Commission's approval. Thus, the Preliminary Subdivision Plan portion of this combined plan has since expired. The applicant has requested a reapproval of this plan.

The Subdivision Committee Recommended: **Reapproval**, subject to the following condition:

1. Addition of a second Planning Commission certification (referencing Planning Commission's reapproval date).

The Staff Recommends **Postponement**. There has been a delay in posting of the notice sign on this property.

- c. DP 2007-141: NEWMARKET PROPERTY, UNIT 8 (4/18/16)* - located at 1501 Deer Haven Lane (a portion of).
(Council District 12) **(EA Partners)**

Note: The Planning Commission postponed this item at their February 11, 2016, and March 10, 2016, meetings. This plan requires the posting of a sign and an affidavit of such. This plan was approved by the Planning Commission at its December 13, 2007, meeting, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
3. Building Inspection's approval of landscape buffer.
4. Urban Forester's approval of tree preservation plan.
5. Division of Fire's approval of emergency access and fire hydrant locations.
6. Division of Solid Waste's approval of refuse collection.
7. Approval of street names and addresses per e911 staff.
8. Addition of sanitary sewer force main easement.

On December 13, 2007, the Planning Commission made a finding that this development plan complies with the EAMP Compliance report, for the following reasons:

1. The proposed single family development is an allowable use, and is within the density recommended by the EAMP.
2. The applicant has designed this development to be consistent with previously approved plans fronting Polo Club Boulevard in this and adjoining units.
3. The EAMP requires Polo Club Boulevard on the subject property, which has been built and dedicated, as required.

On July 14, 2011, this plan was reapproved by the Planning Commission, subject to four conditions:

1. Addition of second Planning Commission certification (referencing today's date).
2. Correct note #4.
3. Revise limits of plan to permit construction of street stub in right-of-way.
4. Addition of proposed overhead electric utility easement.

Note: The Plan was certified on May 14, 2008, but the Preliminary Subdivision Plan portion of this property has since expired. The applicant is now requesting a reapproval of that portion of the plan.

The Subdivision Committee Recommended: **Reapproval**, subject to one condition:

1. Addition of a second Planning Commission certification (referencing Planning Commission's reapproval date).

The Staff Recommends **Postponement**. There has been a delay in posting of the notice sign on this property.

- d. DP 2012-80: NEWMARKET PROPERTY, PHASE 1, UNIT 6 (AMD) (4/18/16)* - located at 1501 Deer Haven Lane (a portion of). (Council District 12) **(EA Partners)**

Note: The Planning Commission postponed this item at their February 11, 2016, and March 10, 2016, meetings. This property requires the posting of a sign and an affidavit of such. The purpose of this amendment is to amend the lot standards and increase the number of lots by 28. The Planning Commission originally approved this plan at their October 11, 2012, meeting, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.

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

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 protection plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Division of Fire's approval of emergency access and fire hydrant locations.
8. Delete either note #9 or #16 (redundant).
9. Correct note #4 to reference Article 16 of the Code of Ordinances.
10. Revise amendment note to include lot increase and development standards.
11. Resolve note #13 relative to new school development across Polo Club Boulevard.

Note: The Plan was certified on January 31, 2013, but the Commission's approval of the Preliminary Subdivision Plan portion of this plan has since expired. The applicant is now requesting a reapproval of that portion of the plan.

The Subdivision Committee Recommended: **Reapproval**, subject to one condition:

1. Addition of a second Planning Commission certification (referencing Planning Commission's reapproval date).

The Staff Recommends **Postponement**. There has been a delay in posting of the notice sign on this property.

- e. DP 2012-89: NEWMARKET PROPERTY, PHASE I, UNIT 10 (5/3/16)* - located at 1501 Deer Haven Lane (a portion of). (Council District 12) **(EA Partners)**

Note: The Planning Commission postponed this item at their February 11, 2016, and March 10, 2016, meetings. This property requires the posting of a sign and an affidavit of such. The Planning Commission originally approved this plan on February 14, 2013, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Greenspace Planner's approval of the treatment of greenways and greenspace.
8. Provided the Planning Commission makes a finding that the plan complies with the provisions of the EAMP.
9. Denote the area of storm water management improvements proposed for the adjacent Unit 6 property.
10. Addition of 10' tree protection areas on rear of Lots 30, 31, 33 and 34.
11. Delete duplicated note #15.
12. Revise lot numbering to relocate proposed Lots 147 and 148 (not between Lots 23 & 24).

This plan was certified on March 26, 2013, but that's been more than three years since the Commission's approval. Thus, the Preliminary Subdivision Plan portion of this combined plan has since expired. The applicant has requested a reapproval of this plan.

The Subdivision Committee Recommended: **Reapproval**, subject to the following condition:

1. Addition of a second Planning Commission certification (referencing Planning Commission's reapproval date).

The Staff Recommends **Postponement**. There has been a delay in posting of the notice sign on this property.

- f. DP 2016-20: LEXMARK INTERNATIONAL, INC. (FKA: IBM) (5/1/16)* - located at 361 Newtown Pike. **(Vision Engineering)**
(Council District 1)

Note: The Planning Commission postponed this item at their March 10, 2016, meeting.

The Subdivision Committee Recommended: **Postponement**. There were some questions regarding the conflict between the private access proposed and the Legacy Trail; the access easement and the timing of required findings by the Planning Commission; and the unconventional internal intersection geometrics proposed.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Greenspace Planner's approval of the treatment of greenways and greenspace.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.

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

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. Kentucky Transportation Cabinet's approval of access points to Newtown Pike.
 12. Delete note #5 (duplicate).
 13. Specify lots affected in note #15.
 14. Identify existing use of building on Lot 3.
 15. Discuss conflict between the private access proposed and the Legacy Trail.
 16. Discuss timing and details for future Phase 2 development.
 17. Discuss access easement and timing of required findings by the Planning Commission.
 18. Discuss unconventional internal intersection geometrics proposed.
- g. DP 2016-23: SAMS PROPERTY & LARKIN PROPERTY (AMD) (5/1/16)* - located at 1510 Greendale Road and 2440 Innovation Drive. (Council District 2) **(Element Design)**

Note: The Planning Commission postponed this item at their March 10, 2016, meeting. The purpose of this amendment is to add floor area and parking on Lot 2.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. 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. Kentucky Transportation Cabinet's approval of access to Greendale Road (KY 1978).
12. Denote lot coverage, floor area ratio and building height in site statistics, including applicable lot coverage and floor area (provided) information from previous plan (DP 2008-87).
13. Addition of required erosion control note referencing Chapter 16 of the Code of Ordinances.
14. Denote construction access on plan.
15. Denote Royal Spring Aquifer Committee's recommendation prior to certification.
16. Denote street cross-sections along all property frontages.
17. Darken and improve clarity of existing development plan information (from DP 2008-87) on plan.
18. Discuss possible improvements to Greendale Road and Spurr Road.
19. Discuss provision of sanitary sewer service to Lot 1 & Lot 2.
20. Discuss St. Claire spring protection measures.

- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, March 3, 2016, 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, David Drake, Carolyn Richardson, and Bill Wilson. The Committee members reviewed applications and made recommendations as noted.

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)

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

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. MARY G. GERMOND & D. GREGORY GERMOND, CO-TRUSTEES OF THE MARY G. GERMOND IRREVOCABLE TRUST ZONING MAP AMENDMENT & BRIGHTON PLACE SHOPPES, PHASE II (GILLIS PROPERTY) ZONING DEVELOPMENT PLAN

- a. MAR 2016-5: MARY G. GERMOND & D. GREGORY GERMOND, CO-TRUSTEES OF THE MARY G. GERMOND IRREVOCABLE TRUST (5/1/16)* – petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Neighborhood Business (B-1) zone, for 0.43 net (0.46 gross) acre, for property located at 3080 Old Todd's 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. In addition, the Plan encourages a mix of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

The petitioner proposes a Neighborhood Business (B-1) zone in order to expand the available off-street parking for the adjoining Todds Center, a neighborhood shopping center, by approximately 48 spaces.

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

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

1. The requested Neighborhood Business (B-1) zone is in agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. The Goals and Objectives of the Plan state that the community should work to achieve an effective and comprehensive transportation system by making pedestrian and other transportation connections (Theme D, Goal #1); that infill and redevelopment should respect an area's context and design features (Theme A, Goal #2a); and that underutilized and vacant land should be utilized to encourage compact and contiguous development within the Urban Service Area (Theme E, Goal #1).
 - b. The proposed zoning is compatible with the adjoining shopping center, which is predominantly zoned B-1, as well as most other commercial uses in the vicinity. Additionally, the landscape buffer for the proposed parking lot, along with the adjacent entrance drive, will provide an adequate land use buffer from the townhouses to the west to the shopping center.
 - c. The proposed rezoning will encourage the continued success of a neighborhood commercial node that serves this portion of the Urban Service Area.
 - d. The proposed expansion will not adversely impact the adjoining residential land use and will allow for pedestrian access along Old Todds Road.
 - e. The proposed development of the subject property will put an underutilized tract to a productive use in support of existing businesses in the community.
2. This recommendation is made subject to approval and certification of ZDP 2016-21: Brighton Place Shoppes, Phase II, (Gillis Property), 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 2016-21: BRIGHTON PLACE SHOPPES, PHASE II (GILLIS PROPERTY) (5/1/16)* - located at 3080 Old Todds Road. **(Midwest Engineering)**

* - 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 are some questions regarding the lack of required information on the plan (per Article 21 requirements) and the timing of consolidation to the adjoining property.

On March 1st, the applicant provided a revised submission of this plan to the staff. It has addressed several conditions identified by the Technical Committee at their February 24th meeting. However, there are still several discussion issues that the applicant has not addressed. However, the staff can now offer the Subdivision Committee a revised listing of possible conditions for this zoning development plan.

The Staff Recommends: **Postponement**. There are some questions regarding the timing of consolidation to the adjoining property and Old Todds Road improvements.

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. Denote: No building permit shall be issued unless and until a final development plan is approved by the Planning Commission.
- ~~6. Addition of graphic scale on plan.~~
- ~~6. 7. Correct note #3.~~
- ~~8. Denote final record plan information or owners' names for adjoining property.~~
- ~~9. Denote zoning for adjoining property on plan.~~
- ~~10. Denote existing and proposed zoning for subject property, in site statistics.~~
- ~~11. Denote construction access location on plan.~~
- ~~12. Replace tree preservation plan with tree inventory information per the requirements of Articles 21 & 26 of the Zoning Ordinance.~~
- ~~13. Denote that there shall be no access to Todds Road from this property.~~
- ~~14. Clarify property's location on vicinity map.~~
- ~~7.15. Denote 20' building line from Todd's Road on plan.~~
- ~~16. Revise plan title.~~
- ~~17. Identify interior landscape area (3180 s.f.) on plan.~~
- ~~8.18. Discuss timing of consolidation of property to the adjoining property.~~
- ~~9.19. Discuss width of landscape screening adjacent to R-3 property, and possible need for a variance.~~
- ~~10.20. Discuss timing of Todds Road right-of-way dedication.~~
- ~~11.21. Discuss storm water management requirements for new impervious surface.~~
- ~~12.22. Discuss parking lot access and circulation relative to Todds Road access and drive-through.~~

2. ANDERSON-VILLAGE AT GREAT ACRES, LLC, ZONING MAP AMENDMENT & GREATHOUSE PROPERTY (VILLAGE AT GREAT ACRES) ZONING DEVELOPMENT PLAN

- a. MARV 2016-6: ANDERSON-VILLAGE AT GREAT ACRES, LLC – petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 5.80 net and gross acres; from an Agricultural Urban (A-U) zone to a Highway Service Business (B-3) zone, for 7.79 net (8.64 gross) acres; from a Single Family Residential (R-1D) zone to a Planned Neighborhood Residential (R-3) zone, for 15.59 net (16.40 gross) acres; from a Single Family Residential (R-1D) zone to a Highway Service Business (B-3) zone, for 1.33 net (1.64 gross) acres; and from a Single Family Residential (R-1E) zone to a Planned Neighborhood Residential (R-3) zone, for 20.30 net and gross acres, for property located at 2731 and 2751 Leestown Road (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 petitioner proposes a mixed-use development including commercial land uses near Leestown Road and along the proposed Lucille Drive entrance from Leestown Road. Commercial uses are proposed in the requested Highway Service Business (B-3) zone. A combination of townhouses and multi-family residential dwelling units is contemplated within a Planned Neighborhood Residential (R-3) zone for the remainder of the subject properties. A total of 569 dwelling units are proposed, which equates to a proposed residential density of 13.49 dwelling units per net acre of residential land area.

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

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

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

1. A Planned Neighborhood Residential (R-3) zone, and a restricted Highway Service Business (B-3) zone at this location are 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); supporting infill and redevelopment within the Urban Service Area (Theme A, Goal #2); identifying opportunities for infill, redevelopment and adaptive reuse that respect the area's context and design features (Theme A, Goal #2a.); providing for well-designed neighborhoods (Theme A, Goal #3); expanding options for mixed use throughout Lexington (Theme A, Goal #3a.); 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.); providing quality of life opportunities that attract young professionals and a workforce of all ages and talents to Lexington (Theme C, Goal #2d.); developing a viable network of accessible transportation alternatives (including transit, bicycles, walkways and greenways) (Theme D, Goal #1b.); 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).
 - b. The Comprehensive Plan also states that higher density development should be encouraged near greenways and public parks, if possible (pages 43 & 44); building green infrastructure and trails throughout the community should be accomplished (page 88); utilizing single-loaded streets adjacent to greenways will provide improved access to the community's open space (page 91); and placemaking standards outlined in the Growing Successful Neighborhoods chapter are ideal (page 39).
 - c. The proposed development permitted by this rezoning meets the placemaking standards set forth in the 2013 Comprehensive Plan, which include: inviting streetscape, varied housing choice, abundant private and public open space, neighborhood focal points, and quality connections with parks, schools and stores. The proposed development incorporates the existing floodplain as a greenway (open space) that will connect to Masterson Station Park to the west and commercial areas to the east. The proposal provides townhouses and multi-family residential units near the proposed neighborhood commercial focal point, with the existing single-family residential uses located a greater distance away. It also provides important multi-modal neighborhood connections and an inviting streetscape along the extension of Lucille Drive.
 - d. The proposal expands the existing housing choices within the vicinity to include multi-family residential and townhouses. These types of residential land use are either limited or do not currently exist. The proposed neighborhood node is bordered by the higher density residential, with townhouses proposed nearest existing single-family residential along Leesway Drive and Master Station Drive.
 - e. The proposal will utilize the existing floodplain for greenway improvements and connections between existing and proposed trail systems in this portion of the Urban Service Area. The petitioner also proposes single-loaded local streets so that the greenway will remain accessible for the public.
2. This recommendation is made subject to the approval and certification of ZDP 2016-22: Greathouse Property (Village at Great Acres), 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 B-3 zone on the subject property:

PROHIBITED USES

- a. Establishments and lots for the display, rental, sale, service and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
- b. Indoor amusements, such as billiard or pool halls; dancing halls; skating rinks; miniature golf or putting courses; theaters or bowling alleys.
- c. Drive-in restaurants.
- d. Tattoo parlors.
- e. Carnivals and circuses.
- f. Pawn shops.
- g. Adult arcades, massage parlors, adult book stores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
- h. Advertising signs as regulated under Article 17 of the Zoning Ordinance (billboards).
- i. Hotels and motels.
- j. Cocktails lounges and nightclubs as principal uses.
- k. Outdoor recreational facilities, including go-cart tracks; archery courts; skate-board and roller skating tracks; trampoline centers; rifle and other firearm ranges; water parks; and other similar uses.

These restrictions are appropriate in order to protect the adjacent residential properties from the possible negative impacts of the most intense business uses permitted in the B-3 zone, and to more fully implement the 2013 Comprehensive Plan.

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b. REQUESTED VARIANCE

1. Eliminate the B-3 to R-3 zone-to-zone screening requirements internal to the site where a private access easement or driveway serves as the boundary line on properties located at 2731 and 2751 Leestown Road.

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

- a. Granting the requested landscape variance will not adversely affect the public health, safety or welfare; will not alter the character of the general vicinity; and will not cause a hazard or nuisance to the public. The variance is requested because providing the required landscaping between the B-3 and R-3 zones would be contrary to the applicant's intent to integrate the mix of commercial and residential uses, utilizing the commercial area as a focal point for an integrated walkable mixed-use neighborhood.
- b. Granting the requested landscape variance will not result in an unreasonable circumvention of the Zoning Ordinance because zone-to-zone screening is designed to "require buffering between incompatible land uses," and the proposed mix of land uses will be more compatible (rather than incompatible) compared to other local developments. Landscaping will be provided by the developer throughout the property with little to no elimination of tree plantings, that will accomplish the purpose of the intent of Article 18 without impairing the mixed-use development concept associated with this proposal.
- c. The special circumstance that applies to this property that does not generally apply to land in the general vicinity is that the private access easements and driveways will serve the function of typical local public streets, and would have been exempt if the access easements were to be public. Furthermore, the zone-to-zone screening variance that is requested is for areas that are internal to the proposed mixed-use neighborhood, and all external boundaries of the property will meet or exceed the requirements of the Zoning Ordinance.
- d. Strict application of the requirements of the Zoning Ordinance would deprive the applicant of a reasonable use of the property and would create an unnecessary hardship because the use of internal screening hedges, walls or fences would be contrary to the concept of an integrated mixed-use development.
- e. Although the circumstances surrounding the requested variance are associated with the proposed zone change, the variance is requested in an effort to accomplish an efficient design and place the landscaping in more appropriate locations on the property. No development has commenced on the property, and the need for the variance was recognized during the normal development review process.

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

1. Provided the Urban County Council rezones the property B-3 & R-3; otherwise, any Commission action of approval of this variance is null and void.
2. Should the property be rezoned, it shall be developed in accordance with the approved Development Plan, as amended by a future Development Plan approved by the Commission, or as a Minor Amendment permitted under Article 21-7 of the Zoning Ordinance.
3. A note shall be placed on the Zoning Development Plan indicating the variance that the Planning Commission has approved for this property [under Article 6-4(c) of the Zoning Ordinance].
4. Prior to obtaining an Occupancy Permit, the applicant shall obtain a Zoning Compliance Permit from the Division of Planning.
5. The final Landscaping Plan, submitted to the Division of Building Inspection for review, shall also be submitted to the Division of Planning, for placement in the appropriate record file.

- c. ZDP 2016-22: GREATHOUSE PROPERTY (VILLAGE AT GREAT ACRES) (5/1/16)* - located at 2731 and 2751 Leestown Road. **(Integrated Engineering)**

Note: The purpose of this amendment is to add a commercial development and increase residential density.

The Technical Committee and Staff Recommended: **Approval**, subject to the following conditions:

1. Provided the Urban County Council rezones the property R-3 & B-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. 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. Clearly delineate floodplain and 25' setback.
8. Dimension all structures per Article 21 requirements.
9. Provide total lot coverage and floor area ratio per Article 21 requirements.
10. Correct note #8 to reference Chapter 16 of the Code of Ordinances.
11. Clarify tree protection areas along property perimeters.
12. Denote construction access on plan.
13. Addition of floodplain information and denote building encroachment (along Summerfield Drive).

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14. Dimension parking spaces and drive aisles or label as typical.
15. Denote there will be no restaurant in "commercial building" I & II, or revise off-street parking site statistics accordingly.
16. Discuss zone-to-zone screening.
17. Discuss compliance with the Greenway Master Plan.
18. Discuss transitions for Lucille Way right-of-way, and "B-B" (50/28) cross-section proposed.
19. Discuss proposed entrance and access control into proposed convenience store.
20. Discuss potential for drive-through facility and extent of pavement shown at proposed convenience store.

VI. COMMISSION ITEMS

- A. **CT 2016-2: PARALLEL TELECOM INFRASTRUCTURE V, LLC** – an application for a 199-foot cellular tower at 7230 Turner Station Road.

Recommendation

The staff recommends approval. The proposed tower meets the yard/setback requirement on all sides and, in fact, greatly exceeds the requirement. No variances are needed or requested for this application, which meets all requirements of Article 25. An effort has been made by the applicant to site the proposed tower in the least conspicuous location possible in the Old Richmond Road corridor, while providing a level of service that meets the needs of both the applicant and the public. This complies with the Comprehensive Plan (Theme E) as it relates to maintaining a balance between urban and rural uses.

Conditions for Approval:

1. That the tower be located as shown on the site layout. If, for any reason, the tower height exceeds 200 feet, that it be lighted as required by the Federal Aviation Administration (FAA).
 2. That the proposed tower meet all requirements of Article 25.
 3. That any applicable permits (e.g., grading, building and/or occupancy) be obtained prior to construction from the appropriate Divisions of the Urban County Government.
- B. **INITIATION OF ZONING ORDINANCE TEXT AMENDMENT** – The staff will suggest that the Planning Commission initiate a text amendment to Articles 7, 23 and 26 to initiate new requirements for Environmentally Sensitive Areas. These changes are the result of the work of a Commission sub-committee recently chaired by PC member Bill Wilson. If initiated, the requisite public hearing would be scheduled for late May, at the earliest.

VII. STAFF ITEMS

A. **Planning Services Activity Report**

- During the month of February, the Planning Services staff processed applications for 9 zoning map amendments and two zoning ordinance text amendments. Also, 5 Board of Adjustment appeals were processed by the staff for the Board's February meeting. Some 62 subdivision and development plans were also processed and reviewed by Planning Services staff members. Additionally, 1 application for approval of a cell tower, and one request for an ND-1 Overlay zone were processed by the Planning Services staff in February.
- Processing of the above items included attendance and/or preparation of material, staff reports and presentations for the following: Technical, Subdivision and Zoning Committee meetings, one Planning Commission public hearing, one Planning Commission public meeting, and one Board of Adjustment public hearing. In addition, the staff held 6 pre-application conferences prior to providing a zoning application to citizens/developers, and held numerous other pre-application meetings for subdivision plans, development plans and various appeals to the Planning Commission and Board of Adjustment.
- In February, there were 13 updates made to the Registered Neighborhood Association database, and the Planning Services staff assisted 146 unscheduled "walk-in" visitors to the office, all but four of which were served within 15 minutes of their arrival. Those office visitors were placed with a professional planning staff member in an average of 2.25 minutes. Much of the remainder of the staff's time in February was spent answering hundreds of telephone and email inquiries from citizens concerning zoning regulations, subdivision plans, Board of Adjustment appeals, floodplain determinations, development plans and related items, or posting applications and submitted plans on the Division of Planning website.
- Planning Manager Bill Sallee, Administrative Officer Barb Rackers, and Senior Planners Traci Wade and Jimmy Emmons met, on February 11th, with Habitat for Humanity Re-Store Director Jim Kreiner and Board member Lauren Pfannerstill about their hopes and desire for a new location here in Lexington. The staff learned at this meeting that their current store is one of the best such outlets in the entire United States, and the staff is glad to help them duplicate its success.
- On February 26th, Senior Planner Tom Martin met with members of the PVA staff to discuss the Commission's development process in Lexington-Fayette County, and to assist them in addressing the agricultural tax assessment issue recently reported.

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B. Zoning Enforcement Activity Report

- A total of 42 new zoning compliance complaints were handled in February. When combined with the 32 unresolved cases carried over from January, a total of 74 cases were investigated. Nine of the new cases were determined to not involve any valid zoning compliance concerns. A total of 38 cases were resolved, meaning that necessary actions were taken by a property owner or occupant to fix a zoning compliance problem. During February 26 conditional uses were inspected, and all were determined to be in substantial compliance.
- Monitoring throughout February has revealed that there are some lingering problems with regard to the illegal parking of semi-trucks at the Walmart parking lot in Hamburg, near the intersection of Winchester Road and Sir Barton Way. Parking of semis declined somewhat after no parking signs were posted in October of 2015. Also, a notice was sent to the corporate office of one particular truck that was documented as a “repeat” offender, warning of a possible need to have the truck towed. Monitoring will continue and efforts will be initiated to further assist Walmart management in addressing this problem.
- Staff presented another update at the January 29th Board of Adjustment hearing regarding the compliance status of a plant nursery & commercial greenhouse on Old Richmond Road that was granted a conditional use in 2006. That update was presented in response to another request by residents in the area that a revocation hearing be scheduled due to lack of compliance. Based on information provided by the staff the Board elected to not proceed with a revocation hearing at this time.
- Efforts were intensified during February in exploring the use of hidden cameras to provide enhanced 24/7 surveillance of outdoor areas on private property where suspected illegal activities are taking place. Before this type of surveillance is initiated, there are a number of legal and logistical questions that have to be addressed. Efforts will proceed with considerable caution and close coordination with the LFUCG Law Department.

C. Long Range Planning Activity Report

- Winburn and Russell Cave Neighborhoods Small Area Plan – Staff and consultants hosted two neighborhood design meetings, one with the Green Acres and Hollow Creek neighborhoods, and the other with the Brookfield Chase and Winburn neighborhoods. The purpose of these meetings was to talk with citizens about their concerns regarding their neighborhoods, important road connections, and housing preferences, as well as to discuss amenities they would like to see implemented in Martin Luther King and Green Acres Parks.

Staff was asked to attend a Green Acres neighborhood association meeting, as well as a Community Action Council meeting, to talk about the Winburn and Russell Cave Neighborhoods Small Area Plan. The purpose, process, and timeline of the small area plan were asked upon staff to discuss.

- Southland Association Annual Meeting – Staff was asked by Councilmember Bledsoe to attend and learn about the efforts currently underway by this group, including the upcoming sidewalks project.
- 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.

D. 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 Blue Grass Airport Board meeting.
- Attended Commission for People with Disabilities meeting and transportation sub-committee meeting.
- The MPO website had 275 visits from 216 users (68% new users) and 606 page views.
- The MPO's Twitter site increased had 2,007 followers during February.
- The MPO's Facebook fan page increased by 6 users to 661 likes. The page had 98 engaged users; and reached 1,670 users in February.
- The Lexington Area MPO YouTube channel has a total of 28 videos; 22 subscribers; 36,934 lifetime views.

1.4 Staff Development –

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- Participated in Webinar: Regional Models of Cooperation: Congestion Management
- Participated Emergency Plan Training

2.1 Congestion Management Process (CMP) –

- Reviewed the Fixing America's Surface Transportation Act (FAST ACT) in terms of congestion management requirements and updated the congestion management process section in the Unified Planning Work Program (UPWP).
- Conducted meetings with LFUCG Traffic Engineering and MPO staff to prepare and improve spreadsheets to monitor monthly congestion trends for selected corridors using BlueTOAD system data.
- Worked on spreadsheets to document monthly and 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 –

- Submitted comments on RFP for Beaumont Traffic Study.

2.3 Air Quality Activities –

- Continued to monitor air quality issues.

3.1 Transportation - Land Use Impact Analysis –

- Received one traffic impact study for Planning Commission.
- Reviewed monthly submittals of Zoning and Subdivision Plans for traffic and impacts and participated in Zone Change Review, 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.15 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 15 plans submitted to planning services for bike and pedestrian circulation requirements.
- Corresponded on 9 plans approved by the planning commission for compliance with conditional signoff requirements for approval.
- 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.
- Managed Cycle Tracks smart phone application data.
- Attended Bike Lexington meeting.
- Attend UK senior Engineering class to present information on MLK Blvd for their semester long bike and pedestrian corridor design project.
- Attended meeting with RJ Corman RR Group to present the NJCBPSCS project and address concerns, questions, and explore possible opportunities for partnerships on the project.
- Attended meeting with Bruce Landis from Sprinkle Design to discuss the Euclid Ave corridor project and the possibility of a short term pilot project along the route.
- Attended public meeting for the NJCBPSCS to present inventory gathered by the consultant and to gather more information and inventory for analysis.
- Worked with GIS and MPO Mobility Coordinator to organize and rank all missing sidewalks in Fayette County.
- Met with CM Brown to discuss projects rankings in his district.
- Attended Town Branch Trail phase 4, 5 and 6 steering committee meeting for updates and project status.
- Met with Love to Ride to discuss their platform for use in the commuter challenge during bike month.
- Coordinated with the Jessamine Journal to promote the public meeting for the NJCBPSCS.
- Coordinated with Strand Consulting as project manager for the NJCBPSCS.
- Reviewed and commented on the Brannon Road East extension to Tates Creek Rd and the lack of pedestrian facilities along the corridor.
- Coordinated with LPD to get speed spy data for a citizen request.
- Began conversation with PlaceMeter on possible video counting opportunities at intersections.
- Freight coordinator is still working on commercial vehicle crash data for MPO counties.

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3.3 Transit Planning –

- Building scope on RFP for Bus Stop Inventory with Lextran.
- Addressing ADA issues with contractor concerning bus shelter on Leestown Rd. Issues must be rectified before closing CMAQ contract.
- Completed and submitted Functional Class Review of roads for KYTC.
- Attended Lextran board meeting representing LFUCG Planning and MPO.

3.4 Mobility Coordination –

- Continued FY 2015-2016 marketing campaign with shift to pedestrian and bicycle safety focus.
- Move it People Facebook had 2,425 likes; had 388 engaged users and reached 8,584 users in January.

3.5 Travel Demand Modeling and Project Forecasting –

- Reviewed and analyzed the socio economic model data for several projects.
- Attended Travel Time Data meeting in Frankfort.
- Working with KYTC to resolve model issues.

4.1 Program Administration –

- Committee meeting packets were drafted for Transportation Planning/MPO meetings held in the month: Bicycle Pedestrian Advisory Committee (BPAC), the Congestion Management Committee (CMC) and the Project Coordination Team (PCT).

4.2 Transportation Improvement Programming (TIP) –

- Monitored TIP program projects for needed adjustments.
- Reviewed KYTC's Recommended Highway Plan and compared it to the TIP.

4.3 Unified Planning Work Program (UPWP) –

- Utilized UPWP for program element tasks and reviewed comparison of hours/funding budgeted versus expended to date.
- Prepared a draft 2017 UPWP.

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 re-hearing, 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 April, 2016**

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	April 7, 2016
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	April 7, 2016
Subdivision and ND-1 Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	April 14, 2016
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	April 27, 2016
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers	April 28, 2016

X. **ADJOURNMENT**

TLW/TM/CT/BJR/BS/src

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