

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

April 28, 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 March 24, 2016, meeting will be considered at this time.
- III. **POSTPONEMENTS AND WITHDRAWALS** – Requests for postponement and withdrawal will be considered at this time.
- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, April 7, 2016, at 8:30 a.m. The meeting was attended by Commission members: Frank Penn, 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: Bill Sallee; Tom Martin; Traci Wade; Cheryl Gallt; Denice Bullock; Kelly Hunter; Dave Jarman; Captain Greg Lengal and Lieutenant Joshua Thiel, Division of Fire & Emergency Services; and Tracy Jones and Andrea Brown, 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. DEVELOPMENT PLANS

- a. **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, and continued consideration of it at their March 24, 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.

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

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.
- b. DP 2016-28: HUMANA, INC. (ST. JOSEPH EAST EXPANSION) (AMD) (6/5/16)* - located at 150 North Eagle Creek Drive. (Council District 7) **(CDP)**

Note: The Planning Commission continued consideration of this item at their April 14, 2016, meeting. The purpose of this amendment is to add parking, construct a heli-stop, add a maintenance building and improve loading docks.

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. 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.
 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. Correct stormwater improvement note and zoning note.
 12. Correct notes #3 and #9.
 13. Denote date (& case #) of BOA approval of heli-stop on plan, prior to plan certification.
 14. Label proposed maintenance building on plan and denote height in feet.
 15. Denote record plat information on plan.
 16. Denote street cross-section locations on plan.
 17. Label existing tree protection areas on plan.
 18. Label front building line setback.
 19. Clarify office parking floor area.
 20. Contract building envelope for building #100 (on Lot 2).
 21. Show bike and pedestrian easement on plan.
 22. Addition of steep slope note on plan.
 23. Discuss potential improvements to pedestrian access from North Eagle Creek Drive and Blazer Parkway.
- c. DP 2016-39: WYNNDALÉ SUBDIVISION (6/5/16)* - located at 1580 Higbee Mill Road. **(Vision Engineering)**
(Council District 9)

Note: The Planning Commission postponed this item at their April 14, 2016, meeting. The purpose of this amendment is to depict a townhouse development with the required parking on the subject property.

The Subdivision Committee Recommended: **Postponement**. There are still questions regarding the plan's compliance with the Land Subdivision Regulations, including its impact on the floodplain and the need for a dimensional variance.

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

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

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3. Building Inspection's approval of landscaping, ~~and~~ landscape buffers and required arterial screening.
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. Resolve difference between 20' access easement along east property line and correct base roadway information on plan.
12. Denote height and location of any proposed retaining walls in feet.
13. Delete note #10.
14. Delete reference to A-1 zone parking in site statistics.
15. Denote reference to Article 19 to the approval of Water Quality.
16. Identify location of "interior landscaping proposed" on plan (1845 sq. ft.).
17. Addition of a label for patios (not decks) in rear yard of proposed townhouses.
18. Discuss improvements to Higbee Mill Road along entire frontage.
19. Discuss frontage and access requirements for proposed townhouse lots.
20. Discuss floodplain setback and possible need for a variance.
21. Discuss impact on floodplain, easements and floodway.
22. Discuss maintenance responsibility for common areas and/or access easement.
23. Discuss parking generator provided versus number of bedrooms proposed.
24. Discuss landscaping next to R-1C properties.
25. Discuss justification for use of an access easement instead of a private street.
26. Discuss possibility of HOA maintenance responsibilities.
27. Discuss timing of CLOMR and/or LOMR.
28. Discuss proposed Lot 22 and revise open space in site statistics for Lots 1-21.
29. Discuss note #11 regarding rain gardens, and discuss their location.

V. **ZONING ITEMS** - The Zoning Committee met on Thursday, April 7, 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)

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)

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

- a. MAR 2015-27: ANDERSON BRIDGEWATER, LLC (4/28/16)* – 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 initially proposed 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 an apartment complex in the northern portion of the site (192 dwelling units), for a total of 209 dwelling units and a residential density of 16.71 units per gross acre.

The petitioner has thrice revised their corollary zoning development plan associated with this zone change request since the initial staff review in November 2015. The petitioner proposes development of a combination of single-family, townhouses and multi-family residential buildings, but most recently has reduced the total number of dwelling units from 209 units (and a density of 16.71 dwelling units per gross acre) to 138 units (density of 11.03 dwelling units per gross acre). The portion of the development between the FEMA floodplain and Chilesburg Road is significantly complete, with the exception of a new clubhouse. Within the northern portion of the property, between the FEMA floodplain and the adjoining Andover Hills subdivision, the petitioner now desires to construct a mixture of multi-family residential and townhouses, and five single-family houses along the boundary with the Andover Hills subdivision. A total of 72 apartment units, 61 townhouse units, and five single-family lots are proposed.

The Zoning Committee Recommended: **Approval**.

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.
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 138 dwelling units, which does not adequately meet the public safety and access needs of Fayette County citizens.

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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) (4/28/16)* - located at 425 Chilesburg Road.
(Barrett Partners)

Note: The Planning Commission postponed this item at their December 17, 2015; January 28, 2016; and February 25, 2016, meetings. The purpose of this amendment is to change single family development to multi-family residential.

The Subdivision Committee 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.

2. LAIL INTERESTS, LLLP, ZONING MAP AMENDMENT & LAIL PROPERTY ZONING DEVELOPMENT PLAN

- a. MAR 2016-7: LAIL INTERESTS, LLLP (6/5/16)* – petition for a zone map amendment from an Agricultural Rural (A-R) zone to a Light Industrial (I-1) zone, for 3.20 net (6.98 gross) acres, for property located at 1551 Greendale 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; support of infill and redevelopment opportunities; and provision of land for a diverse workforce.

The petitioner proposes a Light Industrial (I-1) zone in order to develop a "construction yard," which will consist of a small office and outdoor storage of construction materials. The site is currently occupied by a single-family residence and two accessory structures, but the structures are not occupied.

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

The Staff Recommends: Approval, for the following reason(s):

1. A restricted Light Industrial (I-1) zone is appropriate, and the existing Agricultural Rural (A-R) is inappropriate for the subject location, for the following reasons:
 - a. The proposed rezoning of the subject property is compatible with the existing light industrial character of the immediate area, specifically land between the Norfolk Southern railroad to the west and the Georgetown Road corridor to the east, and between Spurr Road to the north and New Circle Road to the south.
 - b. From 1980 through 2007, the land use element of the Comprehensive Plan, specifically the land use map, has recommended light industrial future land use for the subject property. The proposal is in keeping with this historic recommendation for this location.
 - c. The property is adjacent to a very active railroad line that extends from the Tennessee state border to the Ohio River, and is bounded to the north by Spurr Road and to the east by Greendale Road. Because the site is bounded by

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- right-of-way on all of its three sides, it is not able to be incorporated into any other surrounding development. Thus, the existing railroad serves as a strong land use buffer to the residential areas to the west.
- d. The proposed light industrial use is a relatively low traffic generator for Greendale and Spurr Roads, which have received sporadic improvements since the area was brought into the Urban Service Area in 1980. Additional right-of-way or roadway improvements will facilitate truck traffic to and from this location.
 - e. The existing agricultural zoning is not appropriate because the site is no longer recommended for rural or agricultural protection; and the property is less than four acres in size, which is less than one-tenth the required lot size for the existing zone. These characteristics make the property undesirable for an agricultural use in the future.
2. This recommendation is made subject to the approval and certification of ZDP 2016-42: Lail 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.
 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:

PROHIBITED USES:

- a. Establishments and lots for the display, rental, sale and repair of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles, minibikes, motorcycles, bicycles, boats or supplies for such items.
- b. Tire retreading or recapping.
- c. Truck terminals and freight yards.
- d. Automobile service stations.
- e. Underground storage tanks for materials other than petroleum products.
- f. Billboards, or advertising signs as defined in Article 17-3(b)(1) of the Zoning Ordinance.
- g. Outdoor public address systems.
- h. Grain drying, even when operated in a fully enclosed building.
- i. The above-ground or below-ground storage for resale of any flammable or nonflammable gas or oxidizer in liquid or gaseous form, the storage of any empty container which contained any gas in any form, and the receiving of or dispensing of any gas in any form.
- j. Concrete mixing and concrete products.
- k. Commercial composting.
- l. Helistops and heliports.
- m. Mining of metallic and non-metallic minerals.

Prohibition of these uses in the I-1 zone is appropriate and necessary for the subject property for the following reasons:

1. The subject site is located near planned and existing residential uses.
2. The site lies within the confines of the Royal Spring Aquifer recharge area, which is defined as an environmentally sensitive area.
3. Light industrial zones have been similarly restricted in this immediate area by the Planning Commission in the past.

- b. ZDP 2016-42: LAIL PROPERTY (6/5/16)* - located at 1551 Greendale Road.

(EA Partners)

The Subdivision Committee Recommended: **Postponement.** No tree inventory information has been submitted with this plan.

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

1. Provided the Urban County Council rezones the property I-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. Department of Environmental Quality's approval of environmentally sensitive areas.
6. Denote: No building permit shall be issued unless and until a final development plan is approved by the Planning Commission.
7. Denote: Review by the Royal Spring Aquifer Protection Committee shall be required at the time of Final Development Plan.
8. Dimension Spurr Road entrance shown on plan.
9. Provide exact road cross-section information from at least one location (denoting that location on plan).
10. Denote one-way vehicular circulation (with arrows) on drives.
11. Denote limits of outdoor storage uses on plan.
12. Identify non-buildable area associated with St. Claire Spring.
13. Discuss compliance with tree canopy requirement of Article 26.
14. Discuss possible improvements to Greendale and Spurr Roads.
15. Discuss connection to sanitary sewers.

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

3. WYNNDALE DEVELOPMENT, LLC, ZONING MAP AMENDMENT & SOUTH LEXINGTON DEVELOPMENT CO., INC. (HIGBEE CREEK) ZONING DEVELOPMENT PLAN

- a. MAR 2016-8: WYNNDALE DEVELOPMENT, LLC (6/5/16)* - petition for a zone map amendment from a Planned Shopping Center (B-6P) zone to a Planned Neighborhood Residential (R-3) zone, for 8.46 net (9.02 gross) acres; and from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 2.90 net (3.26 gross) acres, for property located at 1850 Old Higbee Mill Road (a portion of).

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 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 developing 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 one multi-family residential building, with a total of 24 dwelling units (with 36 bedrooms). This equates to a proposed residential density of 6.88 dwelling units per net acre.

The Zoning Committee Recommended: Approval of rezoning to R-3 southeast of Clemens Park and Disapproval of rezoning to R-3 west of Clemens Park, for the reasons provided by staff.

The Staff Recommends: Approval of rezoning to R-3 southeast of Clemens Park, for the following reason:

1. A restricted Planned Neighborhood Residential (R-3) zone is appropriate, and the existing Planned Shopping Center (B-6P) zone and 0.18 acres of an Agricultural Urban (A-U) zone east of Clemens Park, is inappropriate at this location, 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.); 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); 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.). These will be furthered by this rezoning and development, east of Clemens Park.
 - b. The placement of fill on the site, or hundreds of feet of stream channelization to allow this location to be developed for a shopping center would be impractical in this twenty-first century environment.
 - c. The subject site is so constrained by the FEMA floodplain, it cannot accommodate both the 50' building setbacks and the off-street parking requirements mandated by the existing B-6P zone.
 - d. At this location, there is room for a single 3-story apartment building, which can be buffered (with street trees) from the established single-family residential neighborhoods in this area. Also, the proposed development will be buffered in three directions from lower density residential uses by either the FEMA floodplain (a Special Flood Hazard Area) or by the Clemens Park property.
 - e. Although the site is situated along a major drainage way within the Urban Service Area, there is still a viable buildable area for the proposed apartment building.
2. This recommendation is made subject to the approval and certification of ZDP 2016-45: South Lexington Development Co., Inc. (Higbee Creek), 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. All lighting installed on the subject property shall be directed downward and away from any adjacent single-family residential zone.
 - b. A 10-foot landscape buffer shall be established along the improved right-of-way for Old Higbee Mill Road. Within this landscape buffer, street trees shall be planted every 40'-45' on center nearest any new residential structures, with a maximum of ten (10) trees. Such trees may also count toward any requirements of Article 18 of the Zoning Ordinance for vehicular use screening.

These restrictions are appropriate in order to protect the adjacent residential properties to the north and east of the subject property from the possible increase in activity and light associated with the proposed development and its off-street parking area.

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The Staff Recommends: **Disapproval of rezoning to R-3 west of Clemens Park**, for the following reasons:

1. A Planned Neighborhood Residential (R-3) zone at this location is not agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. The Goals and Objectives of the Plan encourage infill, redevelopment and adaptive reuse when respectful of an area's context and design features; 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. No such changes are proposed in this area.
 - b. The Goals and Objectives of the Plan also encourage providing for well-designed neighborhoods; minimizing disruption of natural features when building new communities; identifying and protecting natural resources and landscapes before development occurs; and preserving urban neighborhoods. A potential increase in the allowable density of the subject property would be contrary to these Goals, but may be possible by maintaining the current A-U zone.
2. The existing A-U zoning is appropriate at this location, for the following reasons:
 - a. The subject site can currently only be accessed by crossing the natural floodplain of the South Elkhorn Creek. Increasing allowable density at this location west of Clemens Park would potentially create a health, safety and welfare issue for new residents at this location.
 - b. The applicant has proposed no development of this property, due to the location's poor access.
 - c. The current A-U zone would allow construction of one single family residential dwelling on this portion of the subject property, which is the most appropriate density for the portion of this 2.72 net acre site located outside of the 100-year floodplain.

- b. ZDP 2016-45: SOUTH LEXINGTON DEVELOPMENT CO., INC. (HIGBEE CREEK) (6/5/16)* - located at 1850 Old Higbee Mill Road. **(EA Partners)**

The Subdivision Committee Recommended: **Postponement**. No tree inventory information has been submitted by the applicant for this site. Also, no use has been proposed for three (3) acres of this area.

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. Greenspace Planner's approval of the treatment of greenways and greenspace.
5. Remove +/- from height and denote minimum height of proposed retaining wall.
6. Identify limits of required tree inventory, per Article 26 requirements.
7. Discuss proposed use on the western lot adjacent to LFUCG property.
8. Discuss whether sidewalk should continue along the entire frontage of the subject property.
9. Discuss whether required parking lot screening can be provided next to proposed retaining wall.

4. BURLINGTON HEIGHTS CONDOMINIUMS, LLC, AND WYNNDALE DEVELOPMENT, LLC, ZONING MAP AMENDMENT & KALUSKI PROPERTY (LEX AVE APARTMENTS) ZONING DEVELOPMENT PLAN

- a. MARV 2016-9: BURLINGTON HEIGHTS CONDOMINIUMS, LLC, AND WYNNDALE DEVELOPMENT, LLC (6/5/16)* – petition for a zone map amendment from a High Density Apartment (R-4) zone to a High Rise Apartment (R-5) zone, for 0.59 net (0.69 gross) acre, for property located at 256 & 260 Lexington Avenue. Dimensional variances are 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 (Theme E). The subject properties are also located within the areas of the Downtown Master Plan (2005) and the College Town Study (2002), both of which are plans prepared by the Lexington Downtown Development Authority.

The petitioner proposes a High Rise Apartment (R-5) zone for the two parcels in order to construct a new, more modern apartment building with a total of 24 dwelling units (36 bedrooms) and associated off-street parking. The petitioner is also requesting several dimensional variances for the subject properties.

* - 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. The proposed High Rise Apartment (R-5) zone is in agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. The Comprehensive Plan Goals and Objectives recommend expanding housing choices to meet the needs for all of Fayette County's residents (Theme A, Goal #1b.); supporting infill and redevelopment that respects the area's context and design features (Theme A, Goal #2a.); providing well-designed neighborhoods and communities (Theme A, Goal #3); and utilizing vacant properties within the Urban Service Area to encourage compact, contiguous and/or mixed-use sustainable development to accommodate future growth needs (Theme E, Goal #1b).
 - b. These Goals and Objectives are furthered by the applicant's proposal to create affordable, safe and secure high density residential dwelling units within the College Town area, which will allow students and others to live near the University of Kentucky and downtown.
 - c. These Goals and Objectives are also furthered by the applicant's proposal to increase density to accommodate future growth needs of the community, thereby reducing pressure to expand the USA boundary.
 - d. The applicant's proposal is context sensitive and compatible with the surrounding area because proposed high density redevelopment is surrounded by high density zoning and land uses, and the three-story redevelopment will be consistent in scale with the surrounding neighborhood.
2. The applicant's proposal to rezone the subject properties for 24 dwelling units, a residential density of 40.68 dwelling units per acre, is also supported by the Downtown Master Plan, which recommends increasing residential density within the downtown area. The Plan also acknowledges the mix of opportunities and challenges within the College Town area, noting that increased density and retail development should respond to the surrounding architectural character of the area. The corollary development plan is in keeping with the character of the area – it proposes a three-story building with a setback similar to the existing front setbacks along Lexington Avenue, and off-street parking out of view of the street, at the rear of the properties.
3. This recommendation is made subject to approval and certification of ZDP 2016-43: Kaluski Property (Lex Ave Apartments), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

b. REQUESTED VARIANCES

1. Reduce the number of required parking spaces from 36 to 34.
2. Eliminate the required interior Vehicular Use Area (VUA) landscape area(s).
3. Reduce the required open space from 20% to 15%.
4. Reduce the required front yard from 20 feet to 8 feet.

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

- a. Granting the requested variances 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. In fact, granting the variances will help to maintain the existing character of the street, which is residential in nature, with setbacks closer to the street than even the current R-4 zone requires; and will provide a more modern residential building that will, ideally, blend in with the overall character of the street. At the same time, it will allow the parking area at the rear of the property to be maximized, creating a safe and efficient layout for parking and circulation.
- b. Granting the requested variances will not result in an unreasonable circumvention of the Zoning Ordinance. Lexington Avenue is a residential street that provides a connection from the University of Kentucky to Downtown; and the building and parking, as proposed, are designed to maximize the site, replacing two older residential structures with a safer, more modern living space for students or others who might wish to take advantage of live-where-you-work opportunities, which is endorsed by the Comprehensive Plan. All of the variances work together to provide as efficient and safe of a parking layout as possible. Landscaping (including a 6-foot privacy fence) will be provided by the developer along the rear property line to take the place of what would otherwise be required by Article 18 for interior landscaping.
- c. One special circumstance that applies to this site that does not generally apply to land in the general vicinity is its size, which will allow the redevelopment as proposed. There is only one other residential property in the immediate vicinity that is of a comparable size, which is the property adjoining 256 Lexington Avenue to the north, already developed with an apartment building. Any other property of that size in the area is commercial in nature (e.g., Maxwell Presbyterian Church and the US Post Office building). Another circumstance is that this is an urban infill project located between the University of Kentucky campus and Downtown that will continue to provide rental housing, which is always in demand. The new building proposed will replace two older structures with a new, safe structure that will contain only a few more dwelling units than the two existing buildings do currently.

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- d. Strict application of the requirements of the Zoning Ordinance would prevent the most efficient layout of the parking area that is currently proposed, or would require an off-setting decrease in the number of dwelling units for this redevelopment project.
- e. Although the circumstances surrounding the requested variance are associated with the proposed zone change, the variances are requested in an effort to accomplish an efficient design of the off-street parking area. Landscaping will be placed in a more appropriate location on the property, and the apartment building will be at a setback more in line with what is existing on the remainder of the east side of Lexington Avenue.

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

1. Provided the Urban County Council rezones the property R-5; 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 variances 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 file(s).

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

- c. ZDP 2016-43: KALUSKI PROPERTY (LEX AVE APARTMENTS) (6/5/16)* - located at 256 and 260 Lexington Avenue.
(EA Partners)

The Subdivision Committee Recommended: **Postponement**. There are questions about compliance with the required open space and parking.

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

1. Provided the Urban County Council rezones the property R-5; 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. Correct plan title (to include Kaluski Property).
7. Denote: Recordation of a consolidation plat will be required prior to certification of a final development plan.
8. Addition of record plat designation on plan or in title block.
9. Dimension breezeway and sidewalks.
10. Revise cross-section to depict no parking on one side of street.
11. Discuss reciprocal access and maintenance with adjacent property to the southeast.
12. Discuss compliance with the required parking and open space requirements.
13. Discuss compliance with Article 15-7 of the Zoning Ordinance.

5. ATLAS I, LLC, ZONING MAP AMENDMENT & SPRINGHURST SUBDIVISION, UNIT 2, LOTS 1 – 5 ZONING DEVELOPMENT PLAN

- a. MAR 2016-10: ATLAS I, LLC (6/5/16)* – petition for a zone map amendment from a Planned Neighborhood Residential (R-3) zone to a Neighborhood Business (B-1) zone, for 0.62 net (0.92 gross) acre; and from a Single Family Residential (R-1C) zone to a Neighborhood Business (B-1) zone, for 1.65 net (2.09 gross) acres, for property located at 2090, 2094, 2098, 2100, and 2104 Harrodsburg 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 petitioner proposes rezoning the subject properties in order to build a series of commercial retail, restaurant, and other uses, and their associated off-street parking lots.

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

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

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

1. The requested rezoning to a Neighborhood Business (B-1) zone is not in agreement with the 2013 Comprehensive Plan, 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. Policy statements in the Plan focus on the need for the development of land in the most appropriate relationships, and compatibility of land uses. The proposed development is not compatible with these specific recommendations, which are overarching ideas of the Plan.
 - c. While promoting business expansion, improving quality of life and providing services to the community are generally important priorities, they must be balanced with the community's need for this type of highway-oriented development and its impact on nearby residential areas. In this case, the petitioner is requesting several auto-centric business uses at the entrance to a well-established neighborhood.
 - d. There is not a demonstrated need for additional retail zoning in this vicinity, as there are over 70 acres of contiguous B-1, B-3 & B-6P zones that can provide for the commercial needs of the surrounding properties. The Turfland Mall site, in particular, is a 44-acre B-6P site approved with over 500,000 square feet of retail zoning, much of which is approved but not yet developed.
 2. As proposed, uses with an auto-centric commercial design may significantly impact the nearby neighborhoods within the area, especially those properties on Springhurst Drive and those immediately adjoining the subject properties, therefore making this B-1 zone inappropriate.
 3. The existing Single Family Residential (R-1C) and Planned Neighborhood Residential (R-3) zones remain appropriate for the subject properties because together they can more fully support the adopted 2013 Comprehensive Plan goals and policies.
 4. 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 the proposed development or requested B-1 zoning for the subject properties.
- b. ZDP 2016-49: SPRINGHURST SUBDIVISION, UNIT 2, LOTS 1-5 (6/5/16)* - located at 2086, 2090, 2094, 2098, 2100 and 2104 Harrodsburg Road. **(Abacus Engineering)**

The Subdivision Committee Recommended: **Postponement**. There were questions regarding compliance with Articles 8-16 and 18 of the Zoning Ordinance for this plan.

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. Addition of street cross-sections on plan.
6. Remove surface symbols and shading from plan to improve its clarity.
7. Provide exterior dimensions on all buildings shown on plan.
8. Denote pedestrian access from all buildings to sidewalks in public street rights-of-way.
9. Delete note #1.
10. Denote anticipated construction entrance locations on plan.
11. Delete legend information and Kentucky 811 information (Preliminary Plan).
12. Correct plan title.
13. Dimension drive aisles and provide typical parking space dimensions.
14. Remove plus/minus signs from site statistics.
15. Denote building coverage, floor area ratio and building heights on plan, per Article 21-6 of the Zoning Ordinance.
16. Addition of tree inventory.
17. Discuss proposed dumpster locations.
18. Discuss possible required improvements to Harrodsburg Road.
19. Discuss compliance with Article 18 landscaping requirements and the possible need for a variance, per the Zoning Ordinance.

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

20. Discuss compliance with B-1 setback requirements and need for a dimensional variance, per Article 8-16 of the Zoning Ordinance.

6. R. WALKER PROPERTIES, LLC, ZONING MAP AMENDMENT & AVON ACRES SUBDIVISION, LOT 2, ZONING DEVELOPMENT PLAN

- a. MAR 2016-11: R. WALKER PROPERTIES, LLC (6/5/16)* – petition for a zone map amendment from an Agricultural Rural (A-R) zone to a Neighborhood Business (B-1) zone, for 0.59 net (0.67 gross) acre, for property located at 5569 Briar Hill Road.

COMPREHENSIVE PLAN AND PROPOSED USE

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The Rural Land Management Plan, an adopted element of the 2013 Comprehensive Plan, recommends 3.2 acres of Retail Land Use (Figure 3-9) for the Avon Rural Activity Center. The subject property is in that designated Rural Activity Center, and there is currently about 2.7 acres of land in Avon located in a Neighborhood Business (B-1) zone.

The petitioner proposes a Neighborhood Business (B-1) zone for the subject property in order to remove a non-conforming use from the existing Agricultural Rural (A-R) zone. This location has been used for a convenience store and as a restaurant in the past, with its associated off-street parking.

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

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

1. The requested zone change from an Agricultural Rural (A-R) zone to a Neighborhood Business (B-1) zone is in agreement with the 1999 Rural Land Management Plan, an adopted element of the 2013 Comprehensive Plan, for these reasons:
 - a. The Rural Land Management Plan recommends 3.2 acres of Retail future land use for the Avon Rural Activity Center. B-1 zoning for the subject property, even including an unusable floodplain area on the northern ½ of the site, would result in a total of about 3.3 acres of land in a Neighborhood Business (B-1) zone in this RAC, counting other existing B-1 zoned parcels.
 - b. The proposed B-1 zone can be utilized to implement the Plan's future land use recommendation for this Rural Activity Center. It is the only zone in this vicinity that permits a retail use.
 - c. The subject property is not served by typical urban services such as sanitary sewers, storm sewers, or curb/gutter/sidewalks; but it is generally in character with other properties in this Rural Activity Center, due to its age and limited commercial use in the past.
 - d. The 1988, 1996 and 2001 Comprehensive Plans have specifically recommended Retail Trade and Personal Services land use for the subject property in the past.
2. This recommendation is made subject to approval and certification of ZDP 2016-44: Avon Acres Subdivision, Lot 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 shall apply to the subject property:
 - a. Prohibited Uses:
 1. Drive-through facilities.
 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. Sale of firearms other than by federally licensed manufacturers, importers or dealers.
 8. Car washing establishments.
 9. Automobile and vehicle refueling stations.
 - b. Other Use Restrictions:
 1. Any outdoor lighting shall be shielded and directed away from any adjacent residential uses.
 2. Lighting attached to a pole or any structure shall be a maximum of twelve (12) feet in height.
 3. Any free-standing sign erected shall be a maximum of fifteen (15) feet in height, and shall be indirectly illuminated, if illuminated at all.

These use restrictions are appropriate and necessary for the subject property to ensure greater compliance with the 2013 Comprehensive Plan's requirements, and to prevent the possibility that uses at this location could disrupt activities on nearby residential and agricultural-rural properties in and near the Avon Rural Activity Center.

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

- b. ZDP 2016-44: AVON ACRES SUBDIVISION, LOT 2 (6/5/16)* - located at 5569 Briar Hill Road.

(EA Partners)

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

1. Provided the Urban County Council rezones the property B-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Denote 25' floodplain setback on plan.
6. Reference current FEMA map on plan.
7. Denote floodplain elevation on plan.
8. Denote that this plan shall comply with Article 19 of the Zoning Ordinance.
9. Addition of pavement and gravel information between front of building and Briar Hill Road.
10. Addition of street cross-section for Briar Hill Road.
11. Resolve compliance with Article 18 and possible landscape variance.
12. Resolve plan status (preliminary vs. final).

7. DR. JAMES WILHITE ZONE MAP AMENDMENT & WILHITE PARK SUBDIVISION, UNIT 1-B, SECTION 1, ZONING DEVELOPMENT PLAN

- a. MAR 2016-12: DR. JAMES WILHITE (6/5/16)* – petition for a zone map amendment from a Townhouse Residential (R-1T) zone to a Professional Office (P-1) zone, for 5.08 net (6.16 gross) acres; and from a Planned Neighborhood Residential (R-3) zone to a Professional Office (P-1) zone, for 0.40 net and gross acre, for property located at 3500 Arbor Drive (a portion of).

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 2015 Armstrong Mill Road West Small Area Plan (AMWSAP) is a plan for the revitalization of the 1900[±] acre area that recommends six goals. Eight designated neighborhood associations are included in the area encompassed by the Small Area Plan. The goals focus on improving safety; improving connectivity; promoting livable neighborhoods with housing choices (while maintaining the neighborhood form) and promoting green infrastructure; improving the quality of life and health including access to affordable and healthy food; and enhancing the sense of place by creating community spaces that foster social interaction and a sense of identity.

The petitioner proposes a Professional Office (P-1) zone for the subject property in order to adaptively re-use the existing 30,000+ square-foot building on this site for offices. The R-3 zoned portion of the property will be used as a storm water detention area.

The Zoning Committee Recommended: Approval.

The Staff Recommends: Disapproval, for the following reasons:

1. The applicant has not provided any justification that the Professional Office (P-1) zone is in agreement with either the 2013 Comprehensive Plan or the 2015 Armstrong Mill West Small Area Plan, an adopted element of the Plan.
2. As proposed, re-zoning this location to a P-1 zone may significantly impact the nearby neighborhood with the potential for increased traffic, noise and light pollution - especially for those properties on Arbor Drive and those immediately adjoining the subject property. It is therefore inappropriate.
3. The existing Townhouse Residential (R-1T) zone and Planned Neighborhood Residential (R-3) zone remain appropriate for the subject property because they can more fully support the 2013 Comprehensive Plan goals and policies, including the 2015 Armstrong Mill West Small Area Plan.
4. 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, or since the Armstrong Mill West Small Area Plan was adopted in 2015, that would support the requested P-1 zoning for the subject property.

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

- b. ZDP 2016-46: WILHITE PARK SUBDIVISION, UNIT 1-B, SECTION 1 (6/5/16)* - located at 3500 Arbor Drive.
(Vision Engineering)

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

1. Provided the Urban County Council rezones the property P-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. Addition of building coverage and floor area ratio in site statistics, per Article 21 requirements, instead of parking floor area (85%).
6. Denote street/cul-de-sac detail on plan.
7. Resolve need for a turn-around for emergency vehicles in parking lot.

8. FLYING DUTCHMAN PROPERTIES, LLC, ZONE MAP AMENDMENT & FOX PROPERTY, LOT 4, ZONING DEVELOPMENT PLAN

- a. MAR 2016-13: FLYING DUTCHMAN PROPERTIES, LLC (6/5/16)* – petition for a zone map amendment from a Single Family Residential (R-1A) zone to a Neighborhood Business (B-1) zone, for 0.92 net (1.15 gross) acres, for property located at 2400 Versailles 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 petitioner proposes a Neighborhood Business (B-1) zone for the subject property in order to construct a small commercial building of approximately 6,000 square feet in size, and associated off-street parking.

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, for the following reasons:
 - a. The Goals and Objectives of the Plan state 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 other commercial land uses between the Wolf Run Creek tributary and Village Drive, including the adjoining commercial development to the east. This portion of the Versailles Road corridor is predominantly zoned B-1. Additionally, a significant landscape buffer for the proposed commercial development will provide an adequate land use buffer from the single-family home to the south on Parkers Mill Road.
 - c. 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 2016-48: Fox Property, Lot 4, 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 shall apply to the subject property:
 - a. Prohibited Uses:
 1. Drive-through facilities.
 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.

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

b. Other Use Restrictions:

1. A landscape buffer of at least twenty-five (25) feet in width shall be provided along the southern property boundary, with plantings as specified by Article 18-3(a)(1)2 of the Zoning Ordinance, including the retention of any tree that is at least 4" in diameter at breast height (DBH) in size. Any tree 4" DBH or larger may only be removed if diseased or dying, and only with the written permission of the Urban Forester.
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 to ensure greater compliance with the 2013 Comprehensive Plan, and to provide protection to the adjacent residential land uses.

- b. ZDP 2016-48: FOX PROPERTY, LOT 4 (6/5/16)* - located at 2400 Versailles Road.

(Vision Engineering)

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

1. Provided the Urban County Council rezones the property B-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Department of Environmental Quality's approval of environmentally sensitive areas.
6. Denote: No building permit shall be issued unless and until a final development plan is approved by the Planning Commission.
7. Identify existing entrances on adjacent property to the east on plan.
8. Reference Article 19 applicability in General Notes.
9. Discuss fenestration to Versailles Road right-of-way.
10. Discuss proposed dumpster location.
11. Discuss impact of proposed development on 100-year floodplain.
12. Discuss possible improvements to Versailles Road.

9. RICKETTS PROPERTIES, LLC, ZONE MAP AMENDMENT & CRESTVIEW SUBDIVISION, UNIT 1-B, LOT 16, ZONING DEVELOPMENT PLAN

- a. 2016-14: RICKETTS PROPERTIES, LLC (6/5/16)* – petition for a zone map amendment from an Agricultural Urban (A-U) zone to a High Density Apartment (R-4) zone, for 0.37 net (0.72 gross) acre, for property located at 300 Lindenhurst Drive.

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 Plan also encourages infill, redevelopment and adaptive reuse that respects the area's context and design features (Theme A, Goal #2a), supports compact and contiguous development within the Urban Service Area (Theme E, Goal #16) and encourages development of vacant and underutilized parcels (Theme E, Goal #3).

The petitioner proposes a High Density Apartment (R-4) zone for the subject property in order to construct three 3-story apartment buildings with 72 dwelling units (120 bedrooms), yielding an overall residential density of 29.27 dwelling units per net acre.

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

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

1. The requested High Density Apartment (R-4) zone is in agreement with the 2013 Comprehensive Plan, as follows:
 - a. The Plan's Goals and Objectives recommend growing successful neighborhoods through expanded housing choices that address the market needs for all residents (Theme A, Goal #1, Obj. b.). The petitioner proposes an apartment development with 48 two-bedroom and 24 one-bedroom dwelling units, which should create a variety of new dwelling unit types in the immediate area that is expected to complement the existing neighborhood.
 - b. The Goals and Objectives encourage infill development throughout the Urban Service Area as a strategic component of growth for our community (Theme A, Goal #2). The petitioner proposes to increase the density of this parcel, as compared to the surrounding area, to 29.27 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.

- c. The Goals and Objectives recommend identifying areas of opportunity for infill development that respect the area's context and design features (Theme A, Goal #2, Obj. a). The construction of additional apartments is consistent with the R-4 developments in the area and respects the existing character of the immediate area.
- d. The proposed High Density Apartment (R-4) zone is compatible with the remainder of the property, as well as the adjacent land to the northwest of the subject property. Allowing the parcel to be in one zoning category will also permit a more consistent pattern of land use at this location.
2. This recommendation is made subject to approval and certification of ZDP 2016-47: Crestview Subdivision, Unit 1-B, Lot 16 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 2016-47: CRESTVIEW SUBDIVISION, UNIT 1-B, LOT 16 (6/5/16)* - located at 300 Lindenhurst Drive.
(Vision Engineering)

Note: The purpose of this amendment is to depict three apartment buildings and their associated parking.

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

1. Provided the Urban County Council rezones the property R-4; 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. Addition of stormwater management note.
6. Provide appropriate note involving right-of-way (20' turn radius) dedication at corner of Yorkshire Boulevard and Palumbo Drive.
7. Discuss on-site detention or off-site detention location.
8. Discuss parking in 20' setback and potential variance prior to street extension along southern property line.

VI. COMMISSION ITEMS

VII. STAFF ITEMS

A. Zoning Enforcement Activity Report

- A total of 49 new zoning compliance complaints were handled in March. When combined with the 38 unresolved cases carried over from February, a total of 87 cases were investigated. Six of the new cases were determined to not involve any valid zoning compliance concerns. A total of 31 cases were resolved, meaning that necessary actions were taken by a property owner or occupant to fix a zoning compliance problem. During March 29 conditional uses were inspected, and all were determined to be in substantial compliance.
- Nearly 40% of the new cases in March related to illegal signage placed along the right-of-ways of some of the major street corridors in Lexington. This increasing number is partly reflective of staff efforts to be more proactive in addressing signage issues, and not wait for citizen complaints to come in before proceeding with taking enforcement actions. In addition, staff is also assisting with the removal of illegal signs that have actually been placed within the right-of-way. Enforcement of right-of-way signage, mostly small but numerous "yard signs", is primarily the responsibility of the Division of Code Enforcement.
- In the latter part of March residents of Lorillard Lofts on Price Road reported becoming ill from paint fumes coming from unpermitted automobile spray painting activity taking place at the southern end of the condo complex, in the Wholesale and Warehouse (B-4) zone of the subject property. Fortunately the property owner was very cooperative in getting the B-4 tenant to immediately stop that activity. A conditional zoning restriction applied to the property when it was rezoned proved to be instrumental in making it clear that this activity, which involves the use and storage of flammable and hazardous materials, could not be undertaken in such close proximity to the residential area.
- Neighborhood concerns were received in March regarding truck traffic on residential streets that may have resulted from the new shopping mall under construction at the northeast corner of the intersection of Man O' War Boulevard and Nicholasville Road. Such traffic would constitute a violation of a specific development plan restriction that prohibits trucks from using those surrounding streets. After extensive review, which included several hours of surveillance by multiple staff, it was determined that the project is in compliance. Signage advising of the truck traffic prohibitions has been posted at appropriate locations, and several construction managers confirmed that they are aware of the restriction and have advised their drivers accordingly. Most importantly, no violations were observed during the lengthy surveillance period.
- Efforts continued during March 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 it

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is possible, at least under certain circumstances, that some type of court order will be needed. Staff has requested that the LFUCG Law Department explore that issue. On a related note, law is also investigating the feasibility of obtaining administrative search warrants that would enable enforcement staff to legally access fenced areas of private property for investigative purposes.

B. Long Range Planning Activity Report

- Winburn and Russell Cave Neighborhoods Small Area Plan – Staff and consultants hosted a neighborhood design meeting with all neighborhoods within the boundary of the Small Area Plan. At this meeting, citizens were able to interact with planning principles and urban design. Visual surveys of park amenities and housing types, as well as a design-your-own Citation Boulevard were set-up around the room for citizens to engage with. Staff also attended Community Action Council's Advisory Committee meeting to discuss and answer any questions concerning the Winburn and Russell Cave Neighborhoods Small Area Plan.
- Greenspace Commission – Staff and the Commission continued discussion on the creation of Open Space regulations. They also discussed The 1996 Greenway Survey and how it would be beneficial to conduct a similar survey in the near future. Staff briefed the Commission on the Rural Land Management Plan Update.
- Regional Planning – Staff attended the Bluegrass Regional Planning Council meeting held at the Bluegrass ADD.
- 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.

C. 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.
- Attended Livable Lexington transportation subcommittee meeting.
- The MPO website had 312 visits from 239 users (68% new users) and 634 page views.
- The MPO's Twitter site increased to 2,008 followers during March.
- The MPO's Facebook fan page increased by 6 users to 667 likes. The page had 27 engaged users; and reached 425 users in March.

1.4 Staff Development –

- Attended presentation titled "How to Use the BFA Program to Transform States, Communities, Businesses, and Universities."
- Attended presentation titled "Using Bike Share to Advance Infrastructure, Grow Membership and Build A More Inclusive Bicycling Community."
- Attended presentation titled "Driving Bicycle-Friendly Change with the Mayors' Challenge and Bicycle Friendly Community Programs."
- Attended presentation titled "If You Don't Count It, It Doesn't Count." Conducting bicycle counts for performance measures.

2.1 Congestion Management Process (CMP) –

- 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.

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- Used live google traffic map to document congested road segments for non-recurring congestion, such as incidents, bad weather or special events.
- Worked on Transportation Research Board (TRB) Author Presenter Agreement and reformatted the presentation abstract for BlueTOAD technology and Google Traffic maps.

2.2 Transportation Plan Update & Implementation –

- Participated in consultant selection committee for Beaumont Traffic Study.

2.3 Air Quality Activities –

- Continued to monitor air quality issues.
- Requested and received 2015 monitor readings and compared data with daily forecasts.
- Prepared spreadsheets for 2016 air quality forecasting season.

3.1 Transportation - Land Use Impact Analysis –

- Attended zone change Planning Commission meeting to present TIS.
- Reviewed monthly submittals of Zoning and Subdivision Plans for traffic and impacts and participated in Zone Change Review, Technical Zoning and Subdivision Committees.
- Attended Great Access resubmission meeting.

3.2 Multimodal/Transportation Enhancement Planning –

- Responded to approx. 10 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 27 plans submitted to planning services for bike and pedestrian circulation requirements.
- Corresponded on 14 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.
- Attended Town Branch Trail Amenities sub-committee meeting
- Attended meeting to discuss the Town Branch Commons Project with the new Project Manager.
- Met with sign contractor in the field to verify locations of the Bellefonte Bike Route Signs.
- Attended the National Bike Summit in Washington DC for professional development.
- Met weekly with Streets and Roads to discuss upcoming weekly repaving project impacts and coordination.
- Attended Legacy Trail Phase 3 public meeting.
- Attended public bike ride in support of a state-wide three foot bicycle passing law SB80.
- Consulted with I-Care Kentucky to help them with a grant application for bicycle and pedestrian safety.
- Worked with GIS and MPO Mobility Coordinator to organize and rank all missing sidewalks in Fayette County.
- Requested and reviewed proposal from Love to Ride and developed a plan of action for moving forward with the Bike Lexington Challenge.
- Coordinated with Strand Consulting as project manager for the NJCBPSCS.
- Participated in video conference call with PlaceMeter to discuss schedule of fees for possible video bike/ped counting opportunities at intersections, mid-block crossings and bike trails.
- Freight coordinator is still working on commercial vehicle crash data for MPO counties.

3.3 Transit Planning –

- Worked on RFP scope for Bus Stop Inventory with Lextran. Coordinated with Lextran on project State is currently working on contract.
- Worked with developer and Lextran on fixes for ADA issues to open shelter on Georgetown Rd and Lima Dr.
- Worked with committee to plan dedication ceremony for Gardenside bus shelter restoration. June 26th is projected date of event.
- Attended Lextran board meeting and work session as representative of LFUCG Planning and MPO.

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- Attended FTSB board meeting as chair. Formed nominating committee for new officers.
- Met with Lextran officials and contractors to discuss installation of electric charging equipment on High St near transit center for electric bus charging.

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3.4 Mobility Coordination –

- Continued FY 2015-2016 marketing campaign with shift to pedestrian and bicycle safety focus. Began running TV ads and a Facebook campaign promoting safer driving speeds to prevent bicycle & pedestrian injury.
 - Move it People Facebook had 2,429 likes; had 538 engaged users and reached 13,308 users in March.
 - Began collecting data and information on regional paratransit and medical-based transportation options for improved public awareness of available services.

3.5 Travel Demand Modeling and Project Forecasting –

- Worked on updating Model.
- Completed model run for the I-175 MOW study. Analyzed data and worked with KYTC to solve forecasted low traffic counts.

4.1 Program Administration –

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

4.2 Transportation Improvement Programming (TIP) –

- Monitored TIP program projects for needed adjustments.
- Prepared TIP modification #17.

4.3 Unified Planning Work Program (UPWP) –

- Utilized UPWP for program element tasks and reviewed comparison of hours/funding budgeted versus expended to date.
- Continued edits to 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 May, 2016

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	May 5, 2016
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	May 5, 2016
Subdivision and ND-1 Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	May 12, 2016
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	May 25, 2016
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers	May 26, 2016

X. ADJOURNMENT

TLW/TM/CT/BJR/BS/src

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