

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

April 28, 2016

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

Planning Commission members present - Mike Owens, Chair; Will Berkley; Patrick Brewer; Mike Cravens; David Drake; Karen Mundy; Frank Penn; Carolyn Plumlee; Carolyn Richardson; Joseph Smith and Bill Wilson.

Planning staff members present - Jim Duncan, Director; Bill Sallee; Jimmy Emmons; Barbara Rackers; Traci Wade; Tom Martin; Cheryl Gallt; Harika Suklun; and Stephanie Cunningham. Other staff members present were Hillard Newman, Division of Engineering; Casey Kaucher, Division of Traffic Engineering; Captain Greg Lengal and Lieutenant Joshua Thiel, Division of Fire and Emergency Services; and Tracy Jones, Department of Law.

- II. **APPROVAL OF MINUTES** – The minutes of the March 24, 2016, meeting were considered by the Planning Commission at this time.

Action - A motion was made by Mr. Cravens, seconded by Ms. Plumlee, and carried 11-0 to approve the minutes of the March 24, 2016, meeting.

- III. **POSTPONEMENTS AND WITHDRAWALS** – Requests for postponement and withdrawal were considered at this time.

1. 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.

Petitioner Representation - Louis Dixon, CPD Engineers, was present representing the petitioner, and requested postponement of DP 2016-28: HUMANA, INC. (ST. JOSEPH EAST EXPANSION) (AMD) to the May 12, 2016, Planning Commission meeting.

Audience Comment - The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Ms. Mundy, seconded by Ms. Richardson, and carried 11-0 to postpone DP 2016-28: HUMANA, INC. (ST. JOSEPH EAST EXPANSION) (AMD) to the May 12, 2016, Planning Commission meeting.

2. DP 2016-39: WYNNDALE SUBDIVISION (6/5/16)* - located at 1580 Higbee Mill Road.

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

(Council District 9)

(Vision Engineering)

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.
3. Building Inspection's approval of landscaping, 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.

Commission Comments – The Chair indicated that Article 21 of the Zoning Ordinance requires any development plan submitted to be reviewed by the Subdivision Committee prior to that item being forwarded to the Planning Commission for their consideration. He said that DP 2016-39: WYNNDALE SUBDIVISION was inadvertently postponed at the April 14, 2016, Planning Commission without the Subdivision Committee recommendation. Therefore, this item would need to be postponed to the May 12, 2016, Planning Commission meeting.

Petitioner Representation – Jihad Hallany, Vision Engineering, was present representing the petitioner. He said that they met with the neighbors and staff, and many of the discussion items had been addressed. He then said that he understood the Commission's request, and was agreeable with postponing DP 2016-39: WYNNDALE SUBDIVISION to the May 12, 2016, Planning Commission.

Audience Comments - The Chair asked if anyone in the audience wished to discuss this request for postponement. Ms. Janet Cabaniss was present on behalf of the Stonewall Neighborhood Association. She indicated that they had no objection to this item being postponed two weeks. She said that they understand they have limited rights when making suggestions, but they appreciate the staff for their help with contacting the applicant, and they hope to meet with the applicant after the Subdivision Committee meeting.

Action - A motion was made by Mr. Penn, seconded by Ms. Richardson, and carried 11-0 to postpone DP 2016-39: WYNNDALE SUBDIVISION to the May 12, 2016, Planning Commission meeting.

3. **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

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 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.

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

(EA Partners)

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

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).

Petitioner Representation - Richard Murphy, attorney, was present representing the petitioner. He requested postponement of MAR 2016-11: R. WALKER PROPERTIES, LLC and ZDP 2016-44: AVON ACRES SUBDIVISION, LOT 2 to the May 26, 2016, Planning Commission meeting. This would allow his client to submit a variance request for this property.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Penn, seconded by Mr. Smith, and carried 11-0 to postpone MAR 2016-11: R. WALKER PROPERTIES, LLC to the May 26, 2016, Planning Commission meeting.

Action - A motion was made by Mr. Penn, seconded by Mr. Smith, and carried 11-0 to postpone ZDP 2016-44: AVON ACRES SUBDIVISION, LOT 2 to the May 26, 2016, Planning Commission meeting.

4. 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 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.

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- 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.

Petitioner Representation - Jacob Walbourn, attorney, was present representing the petitioner, and requested postponement of MAR 2016-7: LAIL INTERESTS, LLLP and ZDP 2016-42: LAIL PROPERTY to the May 26, 2016, Planning Commission meeting.

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

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action: A motion was made by Ms. Plumlee, seconded by Mr. Wilson, and carried 11-0 to postpone MAR 2016-7: LAIL INTERESTS, LLLP and ZDP 2016-42: LAIL PROPERTY to the May 26, 2016, Planning Commission meeting.

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.

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 Turfand 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 Article 8-16 and Article 18 of the Zoning Ordinance for this plan.

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

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

Petitioner Representation - Jacob Walbourn, attorney, was present representing the petitioner, and requested postponement of MAR 2016-10: ATLAS I, LLC and ZDP 2016-49: SPRINGHURST SUBDIVISION, UNIT 2, LOTS 1-5 to the July 28, 2016, Planning Commission meeting. He said that at the Committee meeting it was indicated that this item would be postponed and they are mindful that postponement would take this request beyond the Commission's deadline to consider this item, but they are agreeable to waive that requirement.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Ms. Plumlee, seconded by Mr. Wilson, and carried 11-0 to postpone MAR 2016-10: ATLAS I, LLC and ZDP 2016-49: SPRINGHURST SUBDIVISION, UNIT 2, LOTS 1-5 to the July 28, 2016, Planning Commission meeting.

Swearing of Witnesses – The Chair asked all those persons present who would be speaking or offering testimony to stand, raise their right hand and be sworn. The oath was administered at this time to several staff members and other persons in the audience.

- 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.

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

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.
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.

Staff Presentation – Mr. Martin introduced the amended final development plan for **DP 2016-23: SAMS PROPERTY & LARKIN PROPERTY (AMD)**, located at 1510 Greendale Road and 2440 Innovation Drive. The Planning Commission postponed this item at their March 10, 2016, meeting, and continued consideration of it at their March 24, 2016, meeting. He directed the Commission's attention to a rendering of this plan to orient them to the location of the subject property and the nearby street system and uses. He indicated that the subject property is located along Spurr Road, between Innovation Drive and Greendale Road, near the Norfolk Southern Railroad. He noted that Kentucky Eagle (Lot 2) is located on Innovation Drive, and the recording studio (Lot 1) was located at the corner of Greendale Road and Spurr Road.

Mr. Martin said that the purpose of this amendment is to add a 115,000 sq.-ft. warehouse building with 6,000 sq. ft. for offices on Lot 1 with off-street parking on site. He then said that there will be two access points off Greendale Road and a cross access to Lot 2 of the property.

Mr. Martin said that this plan was postponed due to several outstanding issues associated with the proposed development. He indicated that one, in particular, was the street improvement to Spurr Road and Greendale Road.

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He explained that the dedication of Greendale Road had been established on a previously approved plat; so with the Greendale Road right-of-way being increased, there is now enough room to provide the necessary improvements. He said that it is the staff's understanding that the applicant has made progress with Traffic Engineering, as well as with District 7, to determine what level of improvements would be necessary for Greendale Road - whether it be full or modified. He made note that the staff was concerned with providing a pedestrian connection from this property and Spurr Road.

Mr. Martin said that the staff was concerned with how the subject property would be sewerred. He explained that Lot 2 is currently sewerred and connected to the main trunk line across Spurr Road. He said that the applicant has been working with the Division of Engineering as to how Lot 1 would be connected, and they have made progress with their design. Mr. Martin then said that the recording studio has been dedicated to the University of Kentucky and is currently on a septic tank. He explained that there has been a long-standing agreement to tie Lot 1 into Lot 2; and with this proposal, the applicant will be connecting Lot 1 to Lot 2. He said that it will be necessary to clearly denote that this sewer line is a private sanitary sewer easement, and it is to be maintained by the applicant.

Mr. Martin pointed out the St. Claire Spring on the rendering, and said that the applicant has been working with the Division of Engineering as to how to address the spring that feeds the pond that is on the property. He explained that the pond would be reconfigured into a basin and a spring box would be installed. This type of method has been used throughout our community.

Mr. Martin directed the Commission's attention to the following revised staff recommendations:

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.~~
- ~~12. 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.~~
- ~~13. 18. Discuss possible Denote that improvements to Greendale Road and Spurr Road will be subject to the approval of the Kentucky Transportation Cabinet and the Division of Traffic Engineering.~~
- ~~14. 19. Discuss Resolve provision of sanitary sewer service to Lot 1 & Lot 2.~~
- ~~15. 20. Discuss Resolve St. Claire spring protection measures, prior to certification.~~
- ~~16. Identify improvements to Greendale and Spurr Roads, in cross-sections, as approved by the Kentucky Transportation Cabinet, District 7 Office and the Division of Traffic Engineering, prior to certification.~~

Mr. Martin briefly explained that conditions #1-10 are typical sign-off requirements from the different Divisions of the LFUCG; and the remaining conditions are "cleanup" items that will need to be addressed prior to the plan being certified. He said that the staff is recommending approval of the applicant's request, and with that he would try to answer any questions regarding the final development plan listed on today's agenda.

Commission Questions – The Chair said that this item had been postponed for two months and the staff indicated that a lot of work had been done on this request. However, it seems that the issues are now being pushed to the end when the plan will be certified and not addressed before that time. Mr. Martin said that LFUCG has to work with the State of Kentucky, as well as the applicant, to determine the full scale of the appropriate improvements to be made. He then said that this is an ongoing dialogue and the applicant has made progress. These issues will have to be resolved; otherwise, the plan does not get certified and it comes back to the Commission. The Chair said that he understood, but this item has been postponed for two months and there were still no answers. Mr. Martin indicated that the staff had received email showing the applicant's progress, but the applicant could address those concerns.

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Representation – David White, Element Design, along with Evan McDaniel, was present representing the applicant. He explained that, on the revised rendering, they have laid out the sanitary sewer line to tie into Kentucky Eagle using a lift station. He said that they would also be placing a sanitary sewer easement on the University of Kentucky lot once they are in the engineering phase of the development.

Commission Questions – The Chair indicated that this request is a final development plan. Mr. White replied affirmatively.

The Chair asked for clarification on the spring box. Mr. White said that they anticipate having a spring box whenever there is a spring present. He then said that they know there is a spring next to the pond; but as the ground is disturbed, so is the spring. He indicated that the flow of the spring would determine the size of the box, which would then tie into the basin.

The Chair said that the Commission has heard for two months that this project is in the works and he believes it should have been taken care of.

Ms. Plumlee asked if this property has capacity for the project. Mr. White said that at this point they do not have the exact capacity. He explained that they would have to run a capacity on the existing University of Kentucky lot but they have a certain amount of capacity that they are allowed to tie into the force main through their property. He said that the current system is oversized to take on the additional capacity; and if for some reason it is not, improvements would need to be made on site or on the adjacent site. He then said that they believe at this point this request meets capacity.

The Chair asked if Mr. White would like to add any information. Mr. White replied negatively, unless the Commission had further questions or concerns.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Mr. Cravens, seconded by Mr. Wilson and carried 8-3 (Owens, Mundy and Plumlee opposed) to approve DP 2016-23: SAMS PROPERTY & LARKIN PROPERTY (AMD), as presented by the staff.

- 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)
 - (c) staff comments (5 minute maximum)
- 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.

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.
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.

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- 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.

Chairman Comments – Chairman Owens stated at the outset that he and the staff had received requests for additional time from the two attorneys involved in this application. Each was given additional time (40 minutes each), but not as much as they had requested. The staff would have 30 minutes for their reports.

Staff Zoning Presentation – Ms. Wade stated that the Staff had received 236 letters, 5 emails, and a petition in opposition. She said that most of the letters were dated in March or earlier, and she distributed those items to the Commission.

Ms. Wade presented the staff report on this zone change request, and said that this application is for a rezoning from EAR-1 to EAR-3 for 12.51 acres located on the north side of Chilesburg Road in Expansion Area 2C. Chilesburg Road connects Todds Road to Athens-Boonesboro Road; and Chilesburg Road was physically severed when Hays Boulevard was constructed. Hays Boulevard now provides a connection to Andover Hills subdivision, zoned R-1D to the north to the north of this location. Still Meadows subdivision is zoned EAR-1 to the northeast of the subject site. The Gess Property is zoned EAR-1 to the east and southeast of this location, and Hays Boulevard provides the actual zoning boundary between EAR-1 and EAR-2 in this area. Jacobson Park is located to the south of this site, and is zoned A-R.

Photographs were presented by Ms. Wade at this time. These included aerial photographs from 2013 that do not show the existing townhouse development at the front of the subject property. One aerial photograph identified mostly single-family residential development to the east and northeast of the subject property. Another photo identified the existing entrance road to the Still Meadow subdivision to the north. Another aerial photo view toward the east of the subject site noted construction in the Gess Property (in the foreground). A ground level view was displayed of the existing entrance to the subject property from Chilesburg Road. Another, looking to the northeast, identified that Chilesburg, designated as a rural scenic roadway intended to protect this area and limit its expansion or improvements, has a rural cross-section of about 16'-21' in width. Another photo identified the new townhomes on the subject property, noting that they met the required 200' setback along Chilesburg Road. A photo identified the existing roadway crossing of the floodplain area on the subject property, and Ms. Wade said that it will require improvement in order to construct the additional dwelling units, as proposed. One photo identified past grading at the rear of the subject property, along the boundary with the Tucker property, which remains agricultural.

Ms. Wade said that the applicant is proposing mixture of different dwelling units on the subject site, for a density of 11.03 dwelling units per gross acre. As mentioned earlier, the front portion of the property has been constructed with 17 townhouses and Bridgewater Way, a public street extending westward from Chilesburg Road. This is the portion of the subject site located between the floodplain and Chilesburg Road. The petitioner is proposing 5 single family lots; 61 townhouse units; and 72 apartment units on the property.

Ms. Wade said that the 1996 Expansion Area Master Plan remains in effect, and Article 23 of the Zoning Ordinance still requires that findings must be made by the Commission that the proposed development meets the requirements of the EAMP. The EAMP included a set of guiding principles for preserving the environment, land use, housing, community design, and the adequacy of public facilities. In all cases, the applicant must demonstrate how their proposed development is in compliance with those guidelines.

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At this time, Ms. Wade displayed an EAMP map of Expansion Area 2C. The EAMP recommended Low Density development along rural scenic roads, including along both sides of Chilesburg Road. High density residential development was not envisioned in this area, in order to protect existing low density residential developments located along the previous Urban Service Boundary. The EAMP identified Special Design Areas along such roads, as well as Scenic Resource Areas in which density clustering (a maximum of three units on five acres) was made mandatory. The applicant's proposed development plan adheres to the required setback from Chilesburg Road. However, it does not in terms of compliance with the EAMP's recommended density. This proposal is 100 dwelling units over that recommendation. In addition, the subject property has only one entrance from Chilesburg Road, which was not envisioned to support a high density development. The EAMP indicated in the Community Design element that neighborhoods should be linked by trails, and be organized around a series of greenways.

Ms. Wade said that the 2013 Comprehensive Plan includes many principles from the EAMP, including recommendations for context sensitive development, complete streets, and the proper protection of natural resources. She said that the petitioner contends that the proposed rezoning to EAR-3 is in agreement with the 2013 Plan, and that the EAR-3 zone is more appropriate than the existing EAR-1 zoning. She said that high density residential use is proposed adjacent to Jacobson Park and adjacent to single family development. The petitioner contends that the appropriateness of EAR-3 zoning is based on agreement with the 2013 Comp Plan's recommendation for a mixture of housing types in new development.

Ms. Wade noted that actual development in the Expansion Area, so far, is below the numbers projected originally by the EAMP. The staff would note that Expansion Area 2c has developed with more than 3,300 units, which is well over its original density projection. The staff is concerned about the current status of Chilesburg Road and its infrastructure inadequacy to handle the additional traffic from the proposed increase in residential density from the subject property. In addition, there are two other undeveloped parcels fronting on Chilesburg Road, both of which are to the northeast of the subject site. Ms. Wade said that the petitioner contends that there is a lack of higher density housing in the area; but staff found over 1,000 multi-family units within a one-mile radius of the subject property, including the Gess and Richardson properties. The staff does not believe that the petitioner's revised proposal addresses the Comp Plan requirements. She displayed a graphic to this effect on the overhead projector at this time.

Ms. Wade said that the staff is recommending disapproval of this rezoning request, for the reasons as listed in the staff report and on the agenda. She said the staff would note that the petitioner has two approved plans for the subject property, which she also displayed on the overhead projector. This indicates that it would be possible to develop the subject property while meeting all the requirements of the Zoning Ordinance and of the 2013 Comprehensive Plan.

Commission Questions – Ms. Mundy asked about the reference to the two previously approved development plans for the subject site. Ms. Wade said that those were approved by the Commission in 2010 and 2014. Ms. Mundy asked how those plans have more connectivity than the current iteration of this Zoning Development Plan. Ms. Wade replied that that the original version of one of the plans (in 2010) included a proposed connection across the Tucker Property to the north. Ms. Mundy asked if the Staff was contending that those two plans were more appropriate because of their connectivity. She said there was none shown by either plan. Ms. Wade responded that the greater density associated with this proposal is a major concern when viewed in conjunction with lack of connectivity. The proposal to increase the number of dwelling units also has a need for more connectivity to disperse that added traffic.

Ms. Mundy asked if the Division of Fire & Emergency Services was satisfied with the proposed access to be provided to the subject site from Jacobson Park. Ms. Wade replied that the Fire Department agreed to this new access in order to obtain their agreement with the proposed residential density. The Parks Department agreed to this connection in order to conclude their work with the Fire Department. The Park will actually lose a small portion of their disc golf course and possibly other services and facilities. Ms. Mundy said she believed this plan will provide more access for emergency vehicles, which is preferable in this instance.

Mr. Penn asked if Ms. Wade could estimate the density of the two vacant pieces of property that will be developed that must come out onto Chilesburg Road. He was interested in how many units/acre that would be. Ms. Wade replied that they are 10-12 acres in size, each, and noted that 75 more units could be developed on those vacant parcels.

Mr. Cravens said that there were 3,300 units approved in Expansion Area 2c, and he asked the maximum number of units that would be allowed. Ms. Wade replied that that would be 4,500 units.

Development Plan Presentation – Mr. Martin presented the staff report on this Amended Preliminary Development Plan, and noted the staff's rendering of that plan on the easel. He said that, for the benefit of the audience, this preliminary development plan, like all others presented to the Commission in conjunction with a zone change request, is reviewed as if proposed zoning was in place.

Mr. Martin noted the proposed access to the development from Chilesburg Road. He said that there is an existing public street that serves the existing townhouses on the front of the property. That street is proposed to cross the floodplain.

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Mr. Martin said that the applicant is proposing some additional townhouses, two apartment buildings, and five single family residential lots in the rear of the property. They are proposing a public street crossing across the Tucker Property to the subject site. An emergency access is proposed at the rear of the new development, and is to connect to the adjacent park. Its geometry, pavement depth and other related issues would need to be resolved. The Parks Department would want this emergency access removed as soon as other nearby streets develop.

Mr. Martin reported that some 259 parking spaces are proposed for these 138 (total) dwelling units. Of those, 174 parking spaces are required by the Zoning Ordinance for these units. He referred to a map provided on the overhead projector to highlight the area's street system. He indicated areas of good connectivity versus cul-de-sac developments. He said that the staff is concerned about the proposed termination of a public street, in addition to a 1,100-foot long access easement. He said that this easement would connect to public streets, which is unusual. He reported that no waiver request has been made to address this proposed termination of the public street. Parking is proposed to back out on to the easement. This condition is not typically allowed on public streets. He said that the development plan is showing 85 spaces in excess of the minimum requirement, 82 of which are located on the access easement. The staff believes that this street could be made public, or be a private street and meet most of the Subdivision Regulations' requirements.

Mr. Martin said that the staff is concerned about the proposed connection across the Tucker Property, which would allow another means of ingress/egress to the proposed development. The staff does not believe that the petitioner has met the goals of the EAMP with this plan; so the staff has drafted revised conditions to address these concerns. Mr. Martin provided a revised staff report and conditions on the following handout:

The Staff Recommends: Postponement. The density proposed is three times that recommended by the EAMP.

Should this plan be approved, the following revised 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 Denote: Compliance with the EAMP Stormwater Master Plan shall be reviewed at the time of the Final Development Plan.~~
- ~~12. Discuss note #20 and potential access to Jacobson Park.~~
10. 13. Discuss access proposed to the development.
11. 14. Discuss proposed density relative to the transportation infrastructure of Chilesburg Road.

Mr. Martin described condition #9 regarding the floodplain crossing the property, including the EAMP's requirement for manufactured wetlands to be provided in that area.

Commission Questions – Mr. Penn asked if this location is where there is floodplain mitigation from the Sand Lake property. Mr. Martin replied that no mitigation was ever performed from that development in Fayette County. It was intended to be done here; but, instead, the associated funds were paid to the State and designated by the associated agency for another area in the state. Mr. Martin said that the EAMP requires constructed wetlands in the vicinity of the subject property on the Tucker property as well. Mr. Penn said that he recalled that the Sand Lake plans required mitigation for the fill they placed to the rear of their property, because of its proximity to the reservoir.

Chairman Owens asked about the current status of the constructed wetlands. Mr. Martin replied that, typically, they are one of the last features to be completed in a development. Because they are in environmentally sensitive areas, they should not be handled in a piecemeal fashion. Still, most detention basins and similar infrastructure are in place in this area; and some wetlands were required to be placed near the Jacobson Park reservoir.

Traffic Impact Study Presentation – Dr. Harika Suklun, Lexington MPO, presented the staff report on the submitted Traffic Impact Study, although one was not required by the Zoning Ordinance. Only one access to the proposed development is provided to Chilesburg Road, which is classified as a collector street. The latest KYTC traffic count indicated 7,826 average daily trips (ADT) on Chilesburg Road in 2013. After reviewing the TIS, the staff agreed with the report's predicted 23 AM peak trips entering site, and 70 trips exiting the site. In the PM peak, 80 trips would be entering the site, and 48 exiting. She reported that the consultant studied four intersections, including Athens-Boonesboro Road at Hays Boulevard, which has a level of service "F" during the AM peak hour. In summary, the staff found agreement with the report that there would be little impact from proposed development.

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Commission Question – Mr. Wilson, referring to the TIS report from Dr. Suklun, said that the report indicates that the staff had inadequate time to review the Impact Study; however, the figures in today's presentation are very precise. Dr. Suklun replied that the staff only had two days to review this TIS, but was able to determine in that time period that the proposed calculations to and from the site in the peak hours were correct.

Petitioner Presentation - Richard Murphy, attorney, was present representing petitioner. He provided a handout of several exhibits to the Commission, in addition to a display-mounted rendering of the zoning development plan. He noted that the petitioner has agreed to pay for a new emergency access to the proposed development via a road through Jacobson Park. In fact, the Fire Department has agreed to the new access through the park.

Mr. Murphy said that the 2013 Comprehensive Plan includes Goals & Objectives about placing higher density residential uses against public parks and greenspace. As such, the petitioner believes this rezoning and development plan implement that recommendation perfectly.

Dennis Anderson, petitioner, said that he held two rather unproductive neighborhood meetings about this request. Many of the residents present were angry about his proposal. He had held productive meetings in the past with neighborhoods that formed committees. In this instance, the opposition's attorney was invited to attend an additional meeting, but did not want to attend. Therefore, Mr. Anderson said he decided to hold an open house at the Hyatt Hotel about this zone change. About 25 Still Meadow residents attended, and approximately 10 were "reasonable" and wanted to view their development plans; 1/4 of the residents were angry and left angry; and about 1/4 did not express their feelings about the proposal. Mr. Anderson said he felt that the open house meeting was more productive than the first meeting. Several residents invited him to their homes; and, once there, he listened to their concerns about not wanting to back up to rental housing. He determined that it would be more appropriate to back up to single family homes where he originally had proposed 17 townhomes.

Mr. Anderson said that he constructed the existing 17 townhomes on the front of the subject property in order to test the market, and to determine the quality of residents and the absorption rate of the units. After constructing them, he found that these types of units were in demand, and the residents occupying these townhomes were of high quality. Mr. Anderson, referring to the development plan rendering, said that the townhouse units will "face front," so that the streetscape will be attractive. The park access they propose will be easy to navigate. The apartment units are to be "stacked and backed," with each building having two front facades. The new townhouse units would have garages facing their private roadway.

Mr. Anderson said that they will have a considerable parking surplus, which could result in their site being "over parked;" but they are still proposing a new private street in order to provide sufficient off-street parking. They wanted to include additional parking because many residents do not park in their garages. The parking lot for the apartments could impair the residents' view of the park, if that parking were placed between the apartment buildings and the park. Instead, from their experience, their residents would prefer to look at the sides of townhomes rather than a parking lot.

Mr. Anderson stated that they do not agree with the proposed fire access to their site from the park. They believe one entrance for their development is preferable. However, he spoke with officials in the Parks Department, and they have agreed to build an access of a sufficient size for emergency vehicles. They believe access should stay as shown on their previous development plans. With single family homes backing to the park, that would cut off access to the park for all but those residents. Their proposed development plan provides access to the park for all residents of the development, including renter-occupied residences.

Mr. Anderson displayed on the overhead projector some information indicating that home ownership peaked in 2004, but that home ownership is no longer the primary goal for many people. The current home ownership rate is down to 63.8%. That decline in rate equals approximately 18,000 new renters in Lexington-Fayette County. Before the Great Recession, too many expensive houses were constructed in this community. In addition to patio homes, which have 40' wide lot sites, there were 135,000 starter homes constructed locally. Post-recession trends include 2000-3000 square-foot homes with two owners' suites for owners and their elderly parents. Along with more renters, more young professionals are choosing not to own homes because it decreases their mobility. As proof of this, web-traffic to the Anderson Communities website increased 288% in 2016 over 2015.

Finally, Mr. Anderson displayed a rendering of the townhouse style proposed in their development. In 2016, post-recession housing choices are different. He said he believed this plan supports those choices better.

Mr. Murphy said that, regarding their development plan, the previous plan submittal included 209 total residential units. Now, that has been decreased by 33% to a total of 138 units. They have also reduced the number of apartments from 192 to 72 – or by about 2/3. The 72 apartments are to be one-bedroom units, and they will be fully sprinkled.

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Mr. Murphy said that their development plan includes a proposed connection to the Tucker Property as well as an emergency access to Jacobson Park mentioned earlier. He asked the Commission to note that the petitioner's Townley development won the Mayor's Award, and Townley includes an access easement in order to allow for parking with backing out into the right-of-way. Their plan must also have access easements in order to allow the parking, which is needed. He said that their design details should be worked out at the Final Development Plan stage. Waivers will be requested at that time, and can delineate between public and private roads in their development.

With regard to the Comprehensive Plan recommendation, Mr. Murphy provided a number of verbatim quotes from the Plan, as contained in their exhibit packet handed out to the Commission at the beginning of their presentation. He said they believed renters should also be allowed to enjoy public open space. Since most of Expansion Area has been developed thus far for single family, owner-occupied homes, their proposed development allows for more choice in housing types in the area. If the Expansion Area continues to be developed below the density midpoint, the Urban Service Area will need to be expanded much more quickly than anticipated.

Mr. Murphy noted several Goals and Objectives of the 2013 Comprehensive Plan that are favorable to their proposal. Referring to a photograph of their apartment units, Mr. Murphy said that the problem with relying on the 20-year-old EAMP, is that there is now much more development in the Expansion Area. No longer is low density development adjoining the USA boundary, since there is now an apartment complex approved for development between the subject property and the USA boundary.

Regarding single-entrance communities, Mr. Murphy said there are several other residential communities in the area that have single entrances. Many of those contain more units than their proposal does. Their proposed development meets Fire Department requirements and will provide at least two entrances to the development.

Mr. Murphy provided quotes from MIT and Harvard studies about community involvement of renters, quotes about multi-family developments and about crime rates. He said that the petitioner has been "accused" of providing affordable housing in the proposed development; but, in fact, they are in favor of affordable housing. The average income of residents in the existing townhouse units on the subject property is \$87,000/year. The anticipated rental price of the rest of the units on the subject site will be about \$1,200/month; a criminal background check will be required for all tenants; the units will have electronic keys that cannot be duplicated, and no keys will be given unless the background checks are completed.

Regarding the submitted traffic study, Eddie Mesta, traffic engineer with Integrated Engineering, said his firm prepared the Traffic Impact Study. Mr. Mesta said he accompanied the petitioner to a December neighborhood meeting, and thereafter, did a comprehensive study of the corridor based on the input obtained at the meeting. The study area included traffic counts on December 15, 2015 at four intersections along the Hays Boulevard corridor. He said that the counts were performed from 7-9 AM and 2-6 PM, during a time when schools were in session. The weather was sunny and 55 degrees. He reiterated the AM and PM peak hour traffic projections from the Traffic Impact Study. The AM and PM peak traffic increases equate to one additional car along Chilesburg Road each minute, with the highest projected travel time between 7:30 and 7:45 AM. Referring to a graphic from the TIS, the proposed development is projected to increase AM peak hour traffic by only 2.5% in this vicinity. At Chilesburg Road/Hays Boulevard, nine additional cars are projected during this period. At the Jouett Creek Drive/Hays Boulevard/Chilesburg Road four-way stop intersection, four cars are projected at the Chilesburg approach. He said that the four-way stop operates at a Level of Service "F" because it is located near Athens-Chilesburg Elementary School. By 8 AM, that intersection has cleared.

Mr. Mesta displayed a traffic simulation video graphic on the overhead projector at this time, noting that the Athens-Boonesboro Road/Hays Boulevard intersection is very busy. He said that backups on Hays are due to the amount of traffic on Athens-Boonesboro. He noted that their study took recent Todds Road construction into account. The petitioner believes that the Todds Road widening could help to alleviate traffic on the subject property. In conclusion, Mr. Mesta said that the proposed development would result in only a 10% increase in the roadways' capacity. Finally, he displayed another graphic indicating that 11 accidents have occurred in 11 years on Chilesburg Road; and that their proposed development will likely have little impact on Chilesburg Road.

Mr. Murphy emphasized that only a 10% increase of capacity on Chilesburg Road will result, even after construction of the proposed development. He said that their accident numbers compare to those found on Hays Boulevard.

In conclusion, Mr. Murphy said that the petitioner contends that their proposed development would be an outstanding contribution to the housing choices available in this area. Also, they believed strongly that their rezoning proposal was in agreement with 2013 Comprehensive Plan.

Commission Question – Mr. Drake asked, if this rezoning was not approved, what the alternate future uses of this property are. Mr. Anderson replied that he would be allowed to grow weeds. He said they cannot provide access to single family lots through a multi-family development. He added that the adjacent property is challenged, and the adjacent property owner does not want to develop his land at this time. Mr. Drake asked, if the property were developed only as single family residential, it would have to be priced at a higher value to offer a proper return on their investment. Mr. Anderson replied that such a residential development would not make sense.

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Citizen Comments in Favor – Barbara Stucker, president of the McConnell's Trace HOA, said that she faced many of the same issues as have been presented today, when this same petitioner proposed to construct townhomes in their neighborhood years ago. She said that those townhomes have not negatively impacted single family detached home prices in their neighborhood; and there have been no incidents with renters in the petitioner's townhomes. In fact, she wished her neighborhood's homeowners were as well behaved as the petitioner's townhouse tenants. She added that there had been no issues with crime - not a single incident. Also, she reported that there had been no increase in traffic, and the worst impacts were actually due to the Leestown Road widening project, although that has now been completed.

Jeff Stidham, owner of Stidham Commercial Partners, Inc., stated that he and his firm have no interest in the proposed development. However, they have worked on similar high-quality, high density residential communities - most recently, the new apartment community approved in Hamburg, across from Costco. In that instance, a high density apartment development is proposed in a suburban area, like the current application.

Mr. Stidham said that he is also working with the multi-family component of the Fritz Farm development on Nicholasville Road. He said that the Brookings Institute article, shown earlier at this hearing, indicated that population density is becoming more centralized, and high density housing more desirable. In that study, over 51% of respondents currently indicated a desire to rent rather than own their home. He said that many people track the market closely for rental communities, and his company alone serves 13,000 units locally. Of those, 95-97% at least are usually occupied. Also, the walkability and continuity provided by multi-family communities are in demand; and he believed the petitioner's communities are successful.

Commission Question – Mr. Drake asked Mr. Stidham to clarify whether or not the Lexington market is over- or under-built for high density units. Mr. Stidham replied that the land constraints in Fayette County are severe; and that, in his opinion, that sector cannot be overbuilt for rental housing units in higher density communities. He said that home values typically increase near communities such as those in the proposed development. Mr. Drake asked if the rate of demand for such housing is accelerating. Mr. Stidham replied affirmatively.

Note: The Chair declared a Recess at 3:27 PM. The meeting was reconvened, with all members present, at 3:36 PM.

Citizen Comments in Opposition – Tim Sayers, a Still Meadow resident, was present in opposition. He said that his son was in an accident on Andover Creek Drive that was nearly fatal. Andover Creek serves as cut-through in their neighborhood, and its homes have many children in them. His son was on his bike and was startled by a car. In his response, he lost control of his bike and hit a tree. Another accident on Chilesburg was in the sharp S-curve near the location of the proposed development. He said he does not believe that the proposed traffic counts presented earlier are accurate. He said he was concerned mostly about cut-through traffic; and that most of the developments Mr. Murphy referred to as "single-entry" are located off arterials, and not accessed off less adequate streets like Chilesburg Road.

Nathan Billings, attorney, was present representing residents of the Still Meadow neighborhood. They contend that the single most important issue at this hearing is the law, and the application of facts to the law. He said that much of land use law involves "grey areas," but a zone change decision is not such an instance. He referenced Mr. Murphy's earlier comment that the EAMP is no longer relevant. Mr. Billings said that many other 20-year-old documents such as the US Constitution, the Kentucky Constitution, the Zoning Ordinance, etc., are all still relevant today, despite their age. The question in this case involves a public policy decision for Lexington-Fayette County.

Mr. Billings said that during the EAMP process, nothing was added to the text of this plan to indicate that it would no longer be relevant in 20 years; rather, it indicated it would be applicable until the Urban Service boundary was changed. He and his clients contend that there are a number of problems with this plan that do not comply with the law. They do not believe that the EAMP should be "gutted" for one applicant, and the impact that decision could have on other parcels in the Expansion Area.

Mr. Billings cited widespread opposition to this rezoning request: 285 persons signed a petition of opposition, some 218 letters were received in opposition to this request, and approximately 100 people are in attendance at this hearing in opposition.

Mr. Billings said that this case also involves a public safety issue. Tim Sayers' son had a gruesome accident due to traffic movement in this area. Providing an additional 259 parking spaces in this development could result in another 250+ cars in the area. As to the ratio of accidents on Chilesburg Road, cited earlier, there is a significantly higher rate of accidents reported on Chilesburg Road than on Hays Boulevard because the traffic flow is so much lower.

Mr. Billings said that, five years ago, Mr. Anderson indicated that the subject property would be developed in a similar manner to the Still Meadow Subdivision. He cited page 62 of the EAMP, which says that there are three core elements of the EAMP – The Future Land Use Element; The Community Design Element; and The Infrastructure Element. A fourth important hallmark of the EAMP is its Implementation chapter. The Implementation chapter states that the Future Land Use, Community Design and Infrastructure Elements represent the "official policy of the LFUCG and all actions by the Urban County Government shall be consistent with these elements." He said that the use of "shall" is mandatory, not per-

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missive, including in a planning context. This means that this zone change and development plan have to be consistent with the EAMP, or else it violates the law.

Mr. Billings said that in 2010 this petitioner filed a zone change to EAR-1 for the subject site, and it was approved by the Planning Commission. Their corollary development plan included a future connection to the Still Meadow neighborhood, via Tucker Crossing Way. Also, a significant floodplain area on the subject site had to be spanned by bridge. At that time, a severe recession was underway.

Mr. Billings said that in 2013 a new development plan was approved for this site - one that eliminated a connection to other areas - and it included single-family lots and townhomes. He noted that this complied with Comp Plan recommendations and the Zoning Ordinance. Although it was approved by the Commission earlier, it was certified (i.e., completed) in September, 2014.

Mr. Billings said that in November, 2015 this applicant filed a zone change request to EAR-3. Since the original development plan was filed at that time, the petitioner has taken neighborhood concerns into consideration; however, he did not listen to residents when they indicated opposition to EAR-3 zoning. He said that there has been only one rezoning from EAR-1 to EAR-2 ever approved. An EAR-2 zone would increase density and allow more economic benefit to the applicant. He and his clients are concerned that the proposed parking overage could indicate that the petitioner intends to construct one-bedroom apartments or apartments with studios that could serve as additional bedrooms. They are greatly increasing density over the number of dwelling units currently approved for this location. The Planning Commission could apply conditional zoning, limiting the number of units allowable at this location.

Regarding the proposed Jacobson Park access, Mr. Billings said that he has not been able to confirm that the Parks Department is in agreement with this part of the proposal. He and his clients are concerned that the private access could never provide appropriate connectivity. Further, this applicant could force the LFUCG to maintain what is essentially a private bridge. In their view, it should be all public or all private. Jacobson Park has long-term plans to purchase additional property, some with vehicular access from Chilesburg Road. Thus, they are concerned about this plan's effect on that proposal.

Mr. Billings said that the EAMP indicates that land use should be designed to facilitate modes of transportation other than cars; provide for areas of scenic quality; preserve mature woodlands; achieve minimum residential density; provide affordable housing; create a local street network; be compatible with the rural landscape; and divert traffic away from rural scenic roads. This zone change seeks to gut the density limitations of the EAMP. The Future Land Use Element for Area 2C of the EAMP was envisioned to allow low density (0-3 units/acre) or a medium density (0-6 units/acre) development, and not be a high density (6-18 units/acre) district.

Mr. Billings said that the proposed zone change and development alone will not impact the maximum recommended residential density for Expansion Area 2C, but it could serve as a precedent for future zone changes. He said that there were still 20 acres left to be rezoned, which could result in more than 600 additional residential dwelling units. Regarding the protection of scenic roads, Mr. Billings provided this quote from the EAMP:

"In order to protect rural scenic roads, land within the EAMP, which will only have access by way of a designated rural scenic road, shall be subject to a specific traffic management program which limits the density of on-site development to no more than three (3) dwelling units per five (5) acres."

Mr. Billings said that the Chilesburg area is designated as a Scenic Resource Area. He also said that this density requirement is mandatory, and not permissive.

Regarding the EAMP community design elements, Mr. Billings said that there are nine listed, but none provide for high density residential uses next to greenways. The EAMP requires a maximum of 6 dwelling units per acre in an EAR-2 zone.

Mr. Billings said that when the Commission is reviewing a zone change and the law, an applicant must prove that the proposed zoning is appropriate and the existing zoning is inappropriate, if it is not in agreement with the Comprehensive Plan. No statements have been made by the applicant that the existing zoning is inappropriate; and, in fact, the petitioner has agreed in the past that the existing zoning is appropriate.

Mr. Billings said that EAR-1 was determined to be the appropriate zone for the property in 2010. That year, the applicant submitted a letter stating: "The Comprehensive Plan calls for development in the EAR-1 zoning category, as we are proposing. This proposal is in agreement with the 2007 Comprehensive Plan."

Mr. Billings said Mr. Anderson also acknowledged this at the February 23, 2010 public hearing on the zone change. Mr. Murphy said, at that same meeting: "Following the addition of the Chilesburg Road right-of-way, the proposed density on the subject property is in agreement with the recommendations of the Comprehensive Plan."

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Mr. Billings contended that the 2007 rezoning of this property continues to be applicable and appropriate.

In 2014, the applicant revised their development plan, and sought to change the number of approved dwelling units; but this did not affect the need for EAR-1 zoning at this location. That development plan was submitted after the recent recession, and at the beginning of the current economic recovery. By not adopting a new land use map, Mr. Billings contended that the 2013 Comp Plan inherently adopted the 2007 map. Mr. Billings said that they contend that the current EAR-1 zone here is not inappropriate. The petitioner cannot indicate that the existing zoning is inappropriate, since twice in the past he indicated that it is appropriate.

Mr. Billings said another criterion for approving a zone change is that there has been a major change of a physical, social, or economic nature, not anticipated by the Comprehensive Plan, that basically altered the character of the area. He said that the staff maintains that there have been no such changes.

Mr. Billings indicated that there are more entry-level buyers in the marketplace now. In fact, a newer Harvard study indicated that information provided by petitioner was wrong; or at least, outdated. Mr. Billings said that changes in home sizes are reflections of market forces, rather than significant changes in home buyer preferences. Consequently, the 2014 data suggests the new dynamic may be on the horizon with increasing numbers of entry level buyers entering the marketplace. Today, there are more homebuyers than renters; and this more recent article warned of over-permitting and over-building of multi-family units.

Mr. Billings said that a recent Lexington Board of Associate Realtors (LBAR) report indicated that home sales were increasing locally. There are now fewer home owners available in Fayette County due in part, to the 30,000 UK students who live here. He said his clients contend that every facet of this plan, except for the proposed mixture of housing, is against the recommendations of the EAMP. Moreover, several nearby properties could be rezoned, and this request could set precedent, if approved. Approving this request "could strip the EAMP of all importance." They contend that Mr. Murphy's statements regarding the 2013 Comprehensive Plan were erroneous. They were recommendations for new policies, and not applicable to the approval of zone changes. Other statements recommend location of new greenspace, and not the approval of new development. Finally, they contend that not enough evidence has been provided to justify this zone change to EAR-3.

Kif Skidmore, an attorney residing at 3756 Park Ridge Lane, said that she and her husband own a house directly adjacent to the subject property. She is especially worried about the area along her side yard because she found out, when viewing the submitted development plan earlier today, that the proposed fire access would block her view and access to Jacobson Park.

Regarding Mr. Anderson's comments earlier that property would "grow weeds" if this zone change is not approved, Ms. Skidmore said that he proposed a development plan in 2014 that their neighborhood supports. The neighbors are not inflexible, but they do not support EAR-3 zoning. She said that they have always been civil with the petitioner, although she has organized efforts in opposition to his current request. They are not in opposition to the plan based on concerns about affordable housing—they do not believe this development would be good for the park or the neighborhood. She said that our zoning should be "reasonably predictable," but this request has not been.

Ms. Skidmore said that the petitioner's main justification is to provide more density around open greenspace. She said that her family searched for their "forever home" for two years, and the Park's greenspace was a major attraction. But that reason does not justify their opposition to this request. She submitted several photos: one noted Chilesburg Road with storm water runoff covering part of the roadway; another depicted Hays Boulevard with a traffic backup, which happens every day. A photo was provided of Ridge View Drive, with traffic parked on both sides of that street. She said that these photos serve as proof of why high density is inappropriate at this location. When she and her husband purchased their home, they had lived in their previous home for 16 years. When they found this one, they had only one concern, and that was about the undeveloped property nearby. They performed their due diligence, and they obtained a copy of the approved development plan for this vacant parcel. People must rely on the Planning Commission and on the local government to make reasonably predictable zoning decisions. She believed that an EAR-3 zone will negatively impact home prices. She asked that the Commission not discourage users of the park, even though it adjoins her home.

Sean Cunningham, 3777 Ridge View Way, stated that he had three concerns: storm water runoff, traffic safety, and fire prevention. He said that there was considerable runoff that would result from this development, due to the site's topography, and the additional impervious surfaces proposed. He said that there had been no environmental impact statements or studies performed. He said that there are owls in the area, which may also be impacted. He said that this development would generate a great deal of cut-through traffic from those travelling to and from the Athens-Chilesburg Elementary School and the Andover subdivision. There are a number of multi-family housing units already approved in the area, and there is no need for high density land use on the subject property. He said the blind "dogleg" in Chilesburg Road adjacent to the entrance to the subject property is also a safety concern to the addition of residential density on this site.

Anushka Karkelanova, 3760 Park Ridge Lane, stated that her house is located the closest to the subject property. In 2010, she asked the petitioner what would happen on the property, when she was shopping for her house. She chose her

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house because it is close to the park, and it has a good view from her living room. She did not want to see apartments or the parking lot from her living room. She said she was assured at the time of purchase of her home that this property would be developed similar to the Still Meadow subdivision. Ms. Karkelanova was concerned about the potential loss of safety and privacy to her home. In closing, she provided a video of a vehicle travelling along the narrow width of Chilesburg Road, and provided a few notes with her concerns about the traffic patterns in the area.

Carri Lyda Lucier identified herself as a citizen that travels the existing roads in the area. She expressed her concern about the potential for cut-through traffic in the neighborhood. She said that some area residents walk on the "dogleg" on Chilesburg Road, where there are two blind turns. She said that there were, in essence, too many children living in the area to guarantee their future safety from this development.

Ryan Finnell, President of Andover Neighborhood Association's Board of Directors, stated that his group was opposed to the proposed development. He said that he and his group were also concerned about traffic. They do not believe that the results of the submitted traffic study were correct.

Mr. Finnell said they were also concerned about school overcrowding. There are two elementary schools in the area, and they are at 102% and 105% occupancy, respectively. The proposed development could exacerbate this problem. They do not agree that there is a need for additional high density units in the area, as there is a multi-family development 1/4 mile away that has 213 vacant units--more than proposed in this development. He said that they believe the Planning Commission's role is to take into consideration what is best for all citizens. He pointed out a number of citizens present in the audience, all in objection to this rezoning. He asked if the applicant would buy this property if he could not develop as he hoped.

Hank Vincent, a resident of Andover Hill, said he was formerly the President of the Andover Neighborhood Association. He said he was concerned about the impact of the proposed development on the area's traffic flow. The petitioner's information indicates that his developments attract young professionals, couples and retirees. Those demographics literally ensure that there will be two vehicles associated with each of those rental units. He believed each dwelling unit would have two vehicles associated with it -- all of which would add to the difficult traffic situation on Chilesburg Road. He said that this entire proposal is nothing more than wanting to "jam" 100s of rental units on a small piece of land, completely unsuited for it, with no realistic consideration for the impact on a surrounding single family residential area.

John Buckner, 3664 Horsemint Trail, said that his grandson travels by bike to his home from Park Ridge Lane. The location of the subject property's access is the "worst possible" spot for an access, given the S-curves on Chilesburg Road. He believed that the increased density would "be a mess." Mr. Sayers and his son are neighbors, and Mr. Buckner said that he is similarly concerned about his grandson's bicycle travels in this area.

Steve Wilson, 3676 Horsemint Trail, said that Chilesburg Road is very narrow, and when subject to flooding, reduces in width to one lane. Two pickup trucks cannot pass one another on it; and it was not meant for high density developments. John Palma, 477 Andover Creek, commented on the Traffic Impact Study, and expressed a great deal of skepticism about the study. He said that the petitioner contends that their development will be occupied by young professionals, but the existing townhomes on the subject property have several children as residents. The AM and PM peak hours are also the highest pedestrian traffic times on Chilesburg Road, which will increase the danger to those walking in this area.

Laura Bissett, 3773 Ridge View Way, said that one of the petitioner's points referenced renters as a relatively new housing market; however, she just read an article indicating that Lexington has one of the hottest housing markets in the country. In fact, she said she has a friend living in the Bridgewater development while their new home is being built in the Chilesburg neighborhood. She was concerned that the proposed development would connect to Ridge View Way, which is congested and heavily traveled. She said that road cannot absorb any more traffic.

Chairman's Question – Chairman Owens asked if either the Division of Traffic Engineering or Division of Fire & EMS staff members present had comments about this application.

Casey Kaucher, LFUCG Traffic Engineering, said she had participated in a great deal of discussion about traffic issues. She stated that she had reviewed the submitted TIS, and she agreed that the additional traffic would not impact intersection delays. However, she was concerned about ability of the (essentially) rural cross-section of Chilesburg Road to handle the additional traffic from this development. She stated that the cross-section is currently 16' in width; and if brought up to current standards, it would need to be 40'. She said that Chilesburg Road also has trees right next to the roadway, adding that Traffic Engineering's view is that this is "not a great plan."

Commission Questions – Chairman Owens asked if there were any plans for improvements. Ms. Kaucher said that she cannot cite any that are scheduled, due to the Rural Scenic Roadway designation given Chilesburg Road by the EAMP.

Mr. Penn asked, regarding the proposed access to Jacobson Park, under what type of standards it would be constructed. Capt. Greg Lengal replied that it would need to meet full street standards, and that it must support the weight of a fire vehicle. He said that Jacobson Park holds CSEPP activities, so those park roads have been constructed to support the city's fire trucks. Mr. Penn asked where the proposed street – Bridgewater Way – transitions from public/private/public, and if there was any concern about its construction standards. Capt. Lengal replied that it should be built to public street

standards. Mr. Penn asked if the Chilesburg S-curve would pose a problem. Capt. Lengal said that they currently respond to the subject property.

Mr. Wilson asked, regarding access to and from the park, if Fire & EMS will have to go through the front gate of the park. Capt. Lengal replied that, ordinarily, they would use Chilesburg Road as the main access. The park would serve as a secondary means of access. The park is locked at night, but Fire can get access to the park, regardless. The proposed development would result in an access easement some 2000' in length, and Fire & EMS prefers more access points to such a roadway. They are concerned about when future connections would be made to that new facility.

Applicant's Rebuttal – Mr. Murphy said that he did appreciate the discussion today, even though there was some considerable disagreement about how the subject property should be developed. Anderson Communities will provide several amenities, and will provide a different lifestyle choice from that of a single family subdivision with yards. Regarding the Comprehensive Plan discussions, Mr. Murphy said that the Planning Commission's main role is to implement the Comprehensive Plan. He said that the Kentucky Supreme Court commented in a decision years ago that the Plan is to be "a guide, and not a straitjacket." The applicant should not be trapped by a Plan that is 20 years old. If the EAMP were to have been followed exactly, this would have prevented construction of the new Cabela's and Costco stores, along with other changes in the Expansion Area. The Planning Commission has the authority to make changes to those plans.

Mr. Murphy said that the petitioner is also concerned about traffic, which is one reason why the LFUCG recently lowered speed limits to 25 mph on local streets. He said that all residents should be adhering to that speed limit. Their proposed connection to the north was included because the LFUCG indicated that the connection was preferable. He did not believe that the park access will be used frequently – only when an emergency occurs and the main entrance is blocked. He said that the road will be developed to the Fire Department's standards. Regarding Chilesburg Road, he said that their proposed plan includes pedestrian accommodations and trail connections from Still Meadow and Andover subdivisions to the park, without requiring residents to walk on Chilesburg Road.

Mr. Murphy said that they also plan to save a significant bur oak tree along the park boundary. They engaged a traffic consultant, even though a traffic impact study was not required. The staff reviewed it and indicated that their study was compliant with the Zoning Ordinance requirements. He concluded by saying that, if the width of Chilesburg Road is a problem, they should be allowed to make improvements, and an amended Zoning Ordinance should be referred to Council to allow them to do so.

Opposition's Rebuttal – First, Mr. Billings said that the development's amenities do not matter when considering a zone change. As to the traffic impact study, this document was provided to the opposition only the day prior to the hearing, and it did not examine the 260 on-site parking spaces – or how future EAR-3 zoning of other parcels could be affected by this decision. Finally, he told the Commission that the supplemental staff report is "on point," and that nothing presented at this hearing is in opposition to those conclusions. He asked the Commission to recommend disapproval of this zone change for the reasons provided by the staff.

Staff Rebuttal – Ms. Wade displayed Article 6-4(d) of the Zoning Ordinance on the overhead projector. She said that the Commission is required to find that this change is either in agreement with Comprehensive Plan, or that the existing zoning is inappropriate and that the proposed zoning is appropriate; or that there has been a change of an economic, physical, or social nature that has altered the basic character of this area. She said that the petitioner has not shown that the existing zoning is inappropriate; and, instead, the existing EAR-1 zoning would allow the same types of housing as is now proposed. She agreed that the Comprehensive Plan is not a straitjacket. However, the main issue associated with this change is about Chilesburg Road. The staff of the Division of Traffic Engineering has plainly stated that Chilesburg Road is unsafe. In 1996, 4,100 acres were planned for residential development in Expansion Area 2, with 13,000 dwelling units anticipated at a density of about 3.2 dwelling units per acre. She said that the density of Expansion Area 2C has exceeded that number, and the density of Expansion Area 2A might also. The development of the other three Expansion Areas has been at lower densities, but the density proposed for the subject property is above those levels. The staff would ask that the Commission consider not just the proposed density, but how residential density is tied to the available infrastructure in the area.

Chairman's Comments – Chairman Owens stated that the hearing was now "closed," and he opened the floor for discussion.

Commission Comments – Mr. Brewer offered his compliments to the citizens present at this hearing. He said that the Commission takes their comments seriously. He said that the attorneys both presented good cases, but he often looks to the professional staff to make unbiased recommendations. He said that the EAMP should guide the Commission's decision. The EAR-1 zoning is appropriate, and he did not see why a "jump" to an EAR-3 zone should be made. Further, he did not support the use of Jacobson Park for any type of access. He said he recognizes the recent changes in the housing market, but he does not support a change to EAR-3. It was difficult for him to vote against the staff recommendation, and he did not hear compelling evidence to do so.

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Mr. Wilson said that he also had not heard any compelling evidence to vote against the staff recommendation.

Chairman Owens said that, in his seven years on the Commission, he had learned to like Dennis Anderson's development projects. To him, the quality of the proposed development is not at issue. However, he believed the issues with this application are related to density and Chilesburg Road. He said that while there are statutes in place, he does not believe there has been a significant change in the area. He thanked the citizens that attended for their input.

Zoning Action – A motion was made by Carolyn Plumlee, seconded by Patrick Brewer, and carried 6-5 (Berkley, Cravens, Drake, Mundy, and Richardson opposed to disapprove MAR 2015-27: ANDERSON BRIDGEWATER, LLC, for the reasons provided by the staff.

Development Plan Action – A motion was made by Carolyn Plumlee, seconded by William Wilson, and carried 11-0 to indefinitely postpone ZDP 2015-118: ANDERSON 2 SUBDIVISION (AMD).

2. 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.

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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.

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.

Zoning Presentation – Mr. Sallee identified the location of this two-part zone change on the Commission's agenda. He said that the staff understands that the applicant is interested in requesting an amendment to their application to delete one of the two requested zone changes.

Request to Amend Application – Jacob Walbourn, attorney for the applicant, requested to withdraw the portion of the zone change the staff recommended for disapproval – this was a change from A-U to R-3 located to the west of the land known as Clemens Park. He said that the applicant had no use for it, as it is almost entirely located within the 100-year floodplain. They wished to proceed with their zone change on the remainder of the parcel involved.

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Action – A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 11-0 to accept the withdrawal of the western parcel involved in MAR 2016-8: WYNDALE DEVELOPMENT, LLC.

NOTE: Mr. Smith departed the meeting at this time.

Zoning Presentation – Mr. Sallee said that the applicant is now requesting a rezoning from mostly a Planned Shopping Center (B-6P) zone to a Planned Neighborhood Residential (R-3) zone in order to construct a new apartment building. He used an aerial photograph to orient the Commission to the location of the subject site, which is near the intersection of Man o' War Blvd. with Higbee Mill Road. Most of the site is currently zoned B-6P, and is adjacent to a tract owned by LFUCG, known as Clemens Park; however, no equipment or playgrounds, etc., have been developed on that site. A small area (about 0.2 acres) is in an Agricultural Urban (A-U) zone -- again, adjacent to the park. Most of the remainder of the subject property was rezoned to B-6P decades ago, with the thought that the creek and large floodplain could be channelized to allow a small, but conventional commercial development. That would have resulted in a very small commercial development, given those constraints. He said that the area of the subject property is dominated by single family residential zoning and uses.

Mr. Sallee said that the petitioner has cited several Goals & Objectives of the Comprehensive Plan, which this development supports. However, the staff does not agree that this amended application is in agreement with the Plan, due to the fact that only one residential building is involved in this application. But, like the applicant, the staff does believe that the existing zoning is inappropriate and the proposed zoning is appropriate. Mr. Sallee said that the property would be difficult to develop, and there would be hardly any developable area for a valid commercial use. The Zoning Committee and staff recommended approval of the rezoning for the parcel southeast of the LFUCG park, for the reasons as listed in the staff report and on the agenda, including two recommended conditional zoning restrictions.

Development Plan Presentation – Ms. Gallt noted that there needed to be a correction to the recommendation listed from the April Subdivision Committee meeting, which actually was for approval of this plan. Referring to the rendered plan, she oriented the Commission members to the location of the property, and noted that the access is proposed to be slightly off-set from the existing Hopemont Drive intersection with Higbee Mill Road. She also noted the location of the floodplain on the subject property. She said that, of the conditions listed for approval of this plan, #7 could be deleted since the western portion of this zone change had been withdrawn; #8 could be revised to denote that the sidewalk should be continued across the lot's frontage; #9 refers to landscaping, and the petitioner would provide more information about this discussion item in their presentation.

Petitioner Presentation – Jacob Walbourn, attorney representing the petitioner, said that they were in agreement with the staff recommendation. He displayed a map of the subject property (Exhibit 1), noting that red or blue areas shown on this site are not buildable. There is very little developable area available. The buildable area is isolated so much so that the use of the property is confined to one specific area. For that reason, they were not trying to integrate the apartment building into the existing neighborhood. He said that this is a perfect example of "found and underused property."

Mr. Walbourn repeated that they were in agreement with the staff recommendations, including those recommended for the conditional zoning restrictions.

Rory Kahly, EA Partners, addressed the discussion item regarding the parking lot screening, and said that vehicular use area screening will be required from the parking area out to the existing public street. They were proposing a retaining wall, some 3-7' in height. He said that from the staff rendering of their development plan, the petitioner is not proposing vehicular use area screening along other portions of the parking lot, and they do not believe it is required along the park boundary.

Mr. Walbourn said that they are not opposed to the construction of a sidewalk along some of their frontage, but they would request to defer that decision to the time of the final development plan. This is due to talks currently in process with Commissioner Geoff Reed's office to purchase a small parcel from the LFUCG.

Citizen Comments - Karen Akins, 1825 Hopemont Court, said that the rear of her property includes the creek that also crosses the subject property. She said she came here from the Chicago area; and while there, saw the negative impacts of development, including the loss of greenspace. She said she was concerned about the loss of habitat for wildlife, including owls, and the increased risk of flooding posed by this development. She said that one acre of wetlands can hold one to 1 – 1½ million gallons of water.

Ms. Akins said that there are several other apartments currently under development in the general vicinity. This increases demands on schools and law enforcement personnel. She said that she was attracted to this area by the beauty of Lexington, but now she believes it is becoming more like Chicago. She requested that the Planning Commission consider what is best for the citizens of Lexington, and not just the homebuilders. She said that Old Higbee Mill Road is curvy and has little visibility, and that additional traffic can create a dangerous situation on that road.

Andrew McSpadden, a resident of Hopemont Drive, said that although only certain areas are declared to be a floodplain, the entire region floods during heavy rains. He said that the creek regularly overflows its banks, which is healthy for the stream but detrimental to area residents. He was concerned about seeing so many new developments in the area, par-

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ticularly so much high density development within one mile of the site. He questioned the need for another new high density development at this time, when the impacts of the projects currently under development have not yet been seen.

Petitioner Rebuttal – Mr. Walbourn said that the Planning Commission does not make the determination of a floodplain, but their regulations do not allow construction within a designated floodplain. They do not believe that the proposed development will impact this floodplain. As to the comment that this area is currently seeing a lot of development, he said that this is because it is one of the few areas within the Urban Service Area boundary that still has undeveloped property. Their zone change will only directly impact 1.5 acres of this 8-acre property, and should have limited impact on animal habitats in this floodplain. He said they have worked with the LFUCG on a greenway/trail system for this area, and their development will be of a small scope, overall.

Staff Rebuttal – Mr. Sallee said, referring to a Zoning Ordinance exhibit shown on the overhead projector, that Article 18-3 has a section that requires vehicular use screening next to any residential zone, and that "intervening...landscape strips, etc. do not eliminate adjacency." Thus, landscape screening is required for their parking lot, although the staff agrees it is not required adjacent to the LFUCG park (zoned A-U). He said that the staff has a simple recommendation, and that is to suggest deleting #7, 8 and 9, raising these issues again at the Final Development Plan stage of this development.

Planning Commission Questions – Mr. Berkley asked if conditions #8 and 9 could read "...to be resolved at the time of the final development plan." Mr. Sallee replied affirmatively.

Ms. Plumlee asked if lighting restrictions had been mentioned. Mr. Sallee replied that a conditional zoning restriction is recommended to restrict the direction of lighting on the subject property.

Chairman Owens asked if there were any plans to landscape the area between the apartment building and Old Higbee Mill Road. Mr. Walbourn replied that the staff is recommending a conditional zoning restriction to require street tree style plantings between the building and the new sidewalk.

Citizen Rebuttal – Ms. Akins said she believed this development will have a strong negative impact on the area's wildlife, as some animals need darkness and water. She also believed that the creek would be affected, and channelization would not be sufficient to prevent this. Finally, this development will negatively impact the beauty of the area.

Discussion – Ms. Plumlee thanked the neighbors for their comments. She reminded the public that the developer chooses what type of development to construct, and that the Planning Commission is charged with making sure that the development fits the requirements of the applicable ordinances.

Zoning Action – A motion was made by Mr. Berkley, seconded by Ms. Richardson and carried 9-1 (Plumlee opposed, Smith absent) to approve MAR 2016-8: WYNNDALE DEVELOPMENT, LLC (AMD.), for the reasons provided by the staff, and subject to the conditional zoning restrictions recommended, for the reasons provided.

Development Plan Action – A motion was made by Mr. Berkley, seconded by Ms. Richardson and carried 9-1 (Plumlee opposed, Smith absent) to approve ZDP 2016-45: SOUTH LEXINGTON DEVELOPMENT CO., INC. (HIGBEE CREEK) for the reasons provided by the staff, deleting condition #7, and changing conditions # 8 and 9 from "discuss" to "resolve."

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

3. 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.

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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.
- 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

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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.

Zoning Presentation – Ms. Wade presented the staff report and oriented the Commission to the location of the subject properties. She said that this request is for a change from an R-4 (High Density Apartment) zone to an R-5 (High Rise Apartment) zone for two properties, located at 256 and 260 Lexington Avenue. The site is between E. High and E. Maxwell Streets, near the High Street branch post office, which is just to the north at the intersection of E. High Street and Lexington Avenue. She said that all properties that border the site are zoned R-4, although there is B-2A zoning along E. High Street and S. Martin Luther King Boulevard. The properties are located between the University of Kentucky campus and Downtown Lexington, in the area that is considered College Town, and were included in the College Town and Downtown Master Plan studies in 2002. The Downtown Master Plan indicated that redevelopment opportunities exist in this area, but any redevelopment should be context sensitive to what is in the area. Although not within a local historic district, the two properties are within a residential district listed in the National Register of Historic Places and are between the Aylesford and the South Hill local historic districts.

She said that the petitioner is proposing to increase the density on the property by building 24 apartment units, which will result in a density of 40.68 dwelling units per acre. Ms. Wade presented several aerial photos of the property and surrounding area, noting that there are two structures on the site today, one of which is an historic single family residence that was converted to a duplex, and the other a building that had been converted to a 16-unit apartment building. She said that the petitioner contends that the proposed zoning is in agreement with the following Goals & Objectives of the 2013 Comprehensive Plan: Theme A, Goal 1, Objective b, which relates to expanding housing choices for Fayette County residents; Theme A, Goal 2, Objective a, which supports infill and redevelopment that respects an area's context and design features; Theme A, Goal 3, which is to provide for well-designed neighborhoods and communities; and Theme E, Goal 1, Objective b, which has to do with utilizing vacant or underutilized properties within the Urban Service Area in a compact, contiguous and sustainable manner in order to address future growth needs within Fayette County.

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Ms. Wade said that the staff does not believe that changing from one high density zone to another will have much impact in an already densely populated area, adding that the petitioner is proposing to modernize the housing and make it safer for residents (presumably students and faculty or staff of the University of Kentucky) in a manner compatible with existing residences in the area (i.e., a 3-story building, which is typical of other structures on this street and at a similar setback). She said that the staff believes this zone change to be in agreement with the Comprehensive Plan and is supported by the Downtown Master Plan. She concluded by saying that the staff was recommending approval for the reasons as stated in the staff report and on the agenda, and that the Zoning Committee had recommended approval as well.

Commission Question - Ms. Mundy asked if there was any requirement that would make the petitioner use the same footprint, to which Ms. Wade responded that it was in a National Historic District, but not a local district; therefore, there is no such requirement, although it is standard procedure that the Division of Historic Preservation would review the proposal as it relates to demolition of the buildings.

Development Plan Presentation - Ms. Gallt presented the corollary development plan, noting that the petitioner is proposing a 3-story apartment building with parking to the rear and driveway access to Lexington Avenue, both from the subject property and the adjoining property by connecting the parking areas. After explaining the required conditions for approval, one of which was to delineate who would be the party responsible for maintaining the reciprocal access easement, she said that the staff's recommendation of the revised development plan was for approval.

Variance Presentation - Mr. Emmons said that the petitioner was requesting a total of four variances, all of which were fairly minor in scope and all of which would work together to help facilitate a cohesive development: 1) a reduction in the number of required parking spaces from 36 to 34; 2) elimination of the required vehicular use area interior landscaping; 3) reduction of the open space requirement from 20% to 15%; and 4) a reduction of the front yard requirement from 20 feet to 8 feet. Mr. Emmons explained that a reduction of the front setback would put the new building more in line with properties on the street in the direction of the University of Kentucky, as opposed to the larger setbacks on the street nearer downtown. He said that the staff was recommending approval of that variance.

The second variance, elimination of the required vehicular use area screening (landscape islands within the parking lot) was requested to allow a connected parking area across the rear of the two properties; if the interior landscaping were required, it would reduce the amount of parking the petitioner could provide, which would result in the need for a greater parking variance. He said that the Landscape Review Committee had reviewed this portion of the request and had recommended approval. Their recommendation included providing additional trees along the rear property boundary for better perimeter screening between the parking area and the residential properties on Hagerman Court, to the rear.

With regard to the open space reduction from 20% to 15%, Mr. Emmons said that, although the proposed development is infill, the requirements for new development would apply since a new lot is being created by consolidating the two existing lots. He explained that there is generally a 20% open space requirement in the R-5 zone and that the proposed reduction of open space was minimal. He said the staff found it to be a justifiable and reasonable request because balconies will be provided for the individual apartments.

The last variance discussed was the parking variance. Mr. Emmons said that 36 spaces are required, based on the number of bedrooms being proposed for the development. The petitioner was requesting a variance to 34 spaces, which is equal to a 6% reduction in parking. He explained that properties within 300' of a bus stop can have a 5% reduction in parking by right; and if within 300 feet of a sheltered bus stop, there is a 10% reduction allowed by right. The staff believes this variance to be minor and justifiable as well, particularly due to the walkability of the area and the proximity of the Transit Center (only 600 feet from the site).

He said that the staff was recommending approval of all the requested variances, for the reasons as listed in the staff report and on the agenda, and subject to the five conditions listed. Mr. Emmons said that because there is a landscape variance involved, the staff was requesting a copy of the final landscape plan to be submitted to Planning to be included as part of the record of this case.

Petitioner Presentation - Jacob Walbourn, attorney, was present on behalf of the petitioner. He said they were in agreement with the staff's recommendations and that he would reserve his comments for rebuttal in order to respond to the opposition's concerns.

Opposition - Amy Clark, 628 Kastle Road, said that the primary speaker in opposition to this case (Ms. McAlister) had to leave the meeting and asked that she (Ms. Clark) be allowed to use her allotted time in addition to what would be needed for her own PowerPoint presentation. She said that she had Ms. McAlister's prepared remarks, which would be provided to the Commission. Ms. Clark also said that there was a resident of the Aylesford neighborhood who was present and who had signed up to speak, but had yielded his time to her. She asked to be allowed extra time for both Ms. McAlister and the Aylesford resident's remarks. In response, the Chair said that it was unfortunate that Ms. McAlister had to leave the meeting, but extra time would not be given to Ms. Clark for someone who was not present at the hearing. He added that it was up to the Chair's discretion as to how much additional time a speaker was allowed. He noted that the staff had provided an excellent, detailed presentation with regard to all aspects of the request and that the petitioner's representative

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had been very brief in his remarks. He said that the Commission was interested in hearing Ms. Clark's presentation, asked her to keep her comments brief and to the point, and said that only Ms. McAlister's written comments would be made part of the record.

Ms. Clark said that their contention was that the proposed zone change was not in agreement with the Comprehensive Plan, was not appropriate zoning for the property or the area, and that there has not been a major change in the area that would justify the requested change to R-5. One concern was that a much larger building for not many more units than already existed on the two properties was proposed, and that the building does not fit the context of the area in either size or design. She said that the Downtown Master Plan described the need for higher density; but that was for the wider streets, rather than streets the size of Lexington Avenue, which should be developed in a more conservative manner in order to preserve neighborhood character. She said that the applicant's contention was that the reduced front yard was appropriate; however, the platted setback is 20 feet, which is observed by the large apartment building on the adjoining property. The buildings that are closer to the street are, in fact, much older buildings.

Ms. Clark said that, if the intent is to preserve the character of the neighborhood, it would not be accomplished by tearing down the two buildings and replacing them with a larger one that would loom over the others on the street. Referencing the buildings on the opposite side of Lexington Avenue, she said that they are all set back further than what is being requested with this zone change. Ms. Clark said that, according to PVA records, the properties that about the subject properties to the rear (on Hagerman Court) are all single family residential structures. They have almost no rear yards, so the proposed building and its associated parking will have a great impact on those properties. For these reasons, and because the apartment building is designed in a similar manner to those in suburban settings, she believed that the proposed zone change does not comply with either the Comprehensive Plan or the Downtown Master Plan. She compared the proposed building and its site statistics to the adjoining apartment building, noting that it will be much larger in size and scope than the existing building, which was built in the 1990s without the need for variances.

Ms. Clark said that the need for variances for this project is a sign that the development "doesn't fit the zone," noting that R-5 is very rare around UK's campus. It was her belief that a "student housing monoculture" is developing around UK due to the number of new dorms and student apartments and provided several statistics to support her statements. She said the affordable housing study from a couple of years ago indicated that an increase in student housing results in a loss of affordable rental apartment units. She said that the petitioner indicated at the Zoning Committee meeting that the proposed development would not displace any low income tenants (in response to a question on the development plan application form). It was her contention that many students are low income, including a former student who resides on the subject property with whom she had spoken.

Ms. Clark said that the area around UK's campus is a "volatile environment," noting that several units near the Maxwell Street/Stone Avenue intersection sold in the fall of 2015, and there was another large purchase in 2014 in the Euclid/Aylesford area. In her opinion, this was an indication that the area around the University is not only volatile, but is vulnerable. She said that she was concerned that the proposed zone change would set a precedent that could drive up the price of land near UK beyond sustainable prices. She noted that the role of the Planning Commission, using the Comprehensive Plan as a guide, is to carefully judge "what to grant incentive to in land use and development;" this zone change provides an incentive to R-5 style development which is out of character with the neighborhood. The R-5 zone allows extended-stay hotels, offices on the first two floors, and incidental retail and restaurant uses, none of which belong in a residential neighborhood. It was her belief that the proposed variances are designed to "put parking on every available inch," noting that area homeowners are concerned about the lack of parking in the neighborhood. She said that the parking requirement is not sufficient for the number of units or the number of bedrooms proposed. Additionally, the development does not seem to provide a sufficient level of housing choices in the area.

Kathy Chatfield, 2309 Old Keene Place, was present. She said she owns a building at the corner of E. Maxwell and Lexington Avenue. Her building has parking only for residents. She was concerned that parking would not be sufficient for the proposed development; and if that is the case, parking on the street will become an even greater problem than it already is. She asked that the Planning Commission carefully consider this possibility in their deliberation of the proposed zone change.

Petitioner Rebuttal – Mr. Walbourn made several points in rebuttal. He said that the development will likely be occupied by students, with one student per apartment, and only one car will be permitted per dwelling unit. The petitioner is providing parking for every unit, with a couple of visitor spaces, as well as handicap accessible parking. He said that this is a student housing neighborhood with a variety of housing types and setbacks; and many of the single family houses in the area have large additions to accommodate more student density. The small units that remain in the area are typically duplexes and multi-family residential structures, many of which are located on Hagerman Court and are no longer used as single family residences. He said that the 200 block of Lexington Avenue has 18 parcels, only two of which receive tax bills at their Lexington Avenue address. Both are used as office, one of which is for the apartment building. This site is 700' from Memorial Coliseum and 1,200 feet from the Avenue of Champions and is an area typically inhabited by students.

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With regard to parking, Mr. Walbourn said that there are two different parking generators listed in the Zoning Ordinance that apply to multi-family development – 0.9 per bedroom or 1.5 spaces per dwelling unit, whichever is greater. This development requires the higher of the two generators, which is more than one space per bedroom, and which they are providing. He said that one way to avoid the proposed variance to the number of parking spaces might be to eliminate the handicap accessible space, which they did not consider an option; however, that would only give the development one extra space and would effectively make little to no difference.

Mr. Walbourn said that the variance to the vehicular use area landscaping was requested in order to provide more on-site parking, and the parking was placed in the rear to avoid a front yard parking situation. With regard to the open space variance, he said that student populations typically congregate in parks or other areas, many of which are available in the area, rather than the open space that might be provided in apartment complexes. They therefore considered it justifiable. Lastly, the front yard variance will allow a setback similar to other structures on this side of the street.

Describing the existing buildings, Mr. Walbourn said that one has a large addition; the structures are old and unsafe; the foundations have been eroded; they have termite infestations; and the sprinkler system in one building no longer functions. He said that one structure is no longer able to have gas service; so the residents use electric heaters, which regularly overloads the electrical circuits. There is a need for safe, affordable off-campus student housing. He said that while they are sympathetic to the neighbors' concerns, the petitioner contends that this development is in scale and compatible with the existing streetscape. He noted that the staff was recommending approval of all aspects of the request and asked that the Commission act accordingly.

Citizen Rebuttal - Ms. Clark suggested that the Planning Commission consider a variance that would preserve the historic character of the neighborhood. She said that the petitioner seemed to suggest that the buildings are not up to code, which is troubling; but they are currently rented. She admitted that the larger of the two buildings has an inappropriate addition on the rear of the structure; however, the building's front façade was preserved. She also suggested that the Planning Commission consider the cross-access to the other parking area referenced in the development plan presentation, noting that it could be a problem if there are no parking spaces to share. She said she did not believe it would be appropriate to pinch what little green space there is in favor of providing more parking spaces, when considering "how far out of whack" the existing parking situation in the neighborhood is already. The only remedy apparent to her was for the Planning Commission to deny the zone change and postpone the development plan in order to consider some of the issues she had raised. It would also be appropriate to prohibit, via conditional zoning restrictions, the uses not suitable for a neighborhood street, and would be helpful to have increased buffering along the rear of the property. She asked that the Planning Commission not grant the variances due to adverse impacts on the neighborhood.

Staff Rebuttal – Ms. Wade said that the staff could suggest conditional zoning to restrict some allowable uses, such as extended-stay hotels; restaurants; and incidental retail uses, which are all permitted as conditional uses in the R-5 zone but would be problematic mid-block on a residential street. She also said that the Downtown Master Plan was never completely adopted by the Planning Commission; and that, rather than a preservation plan, it showed opportunities for infill.

Mr. Walbourn said that his client was in agreement with the conditional zoning restrictions, although there is no intent for any use other than residential on the property. If they ever did consider those uses, they would have to obtain Board of Adjustment approval as a conditional use if those zoning restrictions were not in place. He said that, should the Planning Commission wish to impose the conditional zoning restrictions, it would not impact the development in any way.

Chair Comments – The Chair asked if the Commission had any discussion on the zone change request, variance or development plan. There were no comments or questions on the part of the Commission.

Zoning Action – A motion was made by Mr. Brewer, seconded by Mr. Wilson and carried 9-0 (Drake and Smith absent) to approve MARV 2016-9: BURLINGTON HEIGHTS CONDOMINIUMS, LLC, AND WYNNDALE DEVELOPMENT, LLC, to include the conditional zoning restrictions proposed by the staff.

Variance Action – A motion was made by Mr. Brewer, seconded by Ms. Richardson and carried 9-0 (Drake and Smith absent) to approve the requested variances as recommended by the staff, subject to the conditions listed in their report.

Development Plan Action – A motion was made by Mr. Brewer, seconded by Ms. Richardson and carried 9-0 (Drake and Smith absent) to approve ZDP 2016-43: KALUSKI PROPERTY (LEX AVE APARTMENTS), subject to the conditions as noted in the revised report.

4. 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).

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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 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.

- 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.

Staff Zoning Presentation - Mr. Emmons presented the staff report for this zone change request and said that this application is for a rezoning from two zones, primarily R-1T, with a small portion of R-3. The applicant is requesting a P-1 zone for 5½ acres, located on Man o' War Boulevard, between Armstrong Mill Road and Trent Boulevard. It is accessed solely from Arbor Drive. The subject property is surrounded by residential zoning, which includes single family residential to the north and west; to the north there is a combination of R-1T and R-2 zones. Across Man o' War Boulevard it is zoned R-4. The property along Arbor Drive is zoned R-3 and R-1T, with a mix of single family residences and townhomes. The subject property has been home to the National Academy since 1986; and since that time, it has had a number of conditional uses approved, which are outlined in the staff report. The subject property is currently used primarily as a private club in the R-1T zone. This club has been used as an athletic facility (gymnastics, etc.) for after-school programs for kids. The Board of Adjustment allowed a childcare center as an accessory use to the private club, which as a standalone facility, is not a permitted conditional use in the R-1T zone. The petitioner believes that the time for this use is ending and would like to re-purpose this property and is proposing to re-utilize this facility for office space.

Mr. Emmons stated that the staff must first consider whether the proposed zone is in agreement with the Comprehensive Plan. Mr. Emmons stated that the petitioner has said that their application is in agreement with the Comprehensive Plan

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but has not provided any justification that it is. The staff considered the Comprehensive Plan and found that it and the 2015 Armstrong Mill West Small Area Plan (an adopted element of the Comprehensive Plan) both encourage safe and livable communities, diversity of housing, and keeping the neighborhood character. The staff does not believe that the proposed zone change to P-1 is in agreement with the Comprehensive Plan. The petitioner believes the proposed zone change is appropriate and that the existing zoning is inappropriate at this location.

Mr. Emmons displayed an aerial photo of the property proposed for rezoning, showing an existing building on the site, which is surrounded by parking. Mr. Emmons stated that the staff disagrees with the petitioner's proposal that the requested zone change to P-1 is appropriate. The staff feels this zone change is inappropriate for the subject property. This property is visible from Man o' War Boulevard but is only accessible from Arbor Drive, which is a small, local residential street. It is generally accepted as a poor planning principle to place professional offices at the end of residential streets, with the residential street as sole access. It creates unnecessary traffic traveling through neighborhoods. The petitioner stated that the gym did produce traffic; however, that was a conditional use approved by the Board of Adjustment. Mr. Emmons stated that at one point the gym was approved for up to 476 children; currently they are only approved for 200. As a conditional use, the Board of Adjustment can consider an individual case as to whether that particular use would or would not create a nuisance via traffic, noise, light, hours of operation, etc. The staff believes that the petitioner neglects regarding the traffic, such that if the proposed zone change does get approved, the athletic center and child care facility would be principal permitted uses in this zone. The neighborhood would therefore not have the protection that they have with a conditional use, such as hours of operation and the total number of children. Mr. Emmons stated that the proposed zone change to a P-1 zone could potentially increase traffic and also other nuisance factors such as traffic, noise, light and disruption due to the hours of operation.

Mr. Emmons stated that the existing R-1T zone is appropriate since there are conditional uses that are permitted in that zone. The staff agrees with the petitioner regarding the list of conditional uses that are permitted in the R-1T zone that there are not many uses that could go into the existing 30,000 square-foot building on the subject property. The staff believes that other uses such as a private club, a church or religious assembly or a private school for academic instruction could also re-purpose this property. The staff also believes that the land would be more appropriately used as residential since the Planning Commission has approved a portion of the property near the Arbor Drive site for approximately 20 townhouses, which are not inappropriate at this location. An R-3 zone would be more appropriate than the proposed P-1 because, in addition to the conditions that have already been mentioned with the R-1T zone, things like nursing homes, assisted living facilities, community centers, and stand-alone child care facilities would be permitted as conditional uses. An R-3 zone also would be more in compliance with the recommendations of the Comprehensive Plan. Mr. Emmons stated that the Zoning Committee had recommended approval.

Development Plan Presentation - Ms. Gallt reviewed the development plan listing the conditions for approval, noting that the staff reviewed it as if the zoning is already in place. The plan displays the 30,000 square-foot building and the parking lot in the front, as well as some additional parking to be able to meet the parking requirements for the use. The staff and the Subdivision Committee recommended approval for the reasons listed on today's agenda.

Petitioner Presentation - Dick Murphy, attorney representing the petitioner, Dr. James Wilhite, was present. Mr. Murphy stated that the subject property is currently the site of the National Academy, which is a private club for children with cheerleading, dance, child care, etc. Dr. Wilhite has been operating this facility for 30 years. The Board of Adjustment amended the approved conditional use in 2000 to allow 476 students. The petitioner opened this facility in order to assist with motor skill development for children. The public schools have discovered funding programs for after-school programs, which has impacted the attendance of this facility, and the current enrollment is down to 125 children. Mr. Murphy displayed some photos of the facility, noting that they had to be taken without students present due to privacy laws: 1) street frontage from Arbor Drive; 2) side view of building, which is two levels with the height of a three-story building because of the two-story gym included in the facility; 3) side view; 4) side view with a play area; 5) kitchen; 6) classroom; 7) interior gym; 8) large classroom; 9) closed KinderCare facility, which is currently not being used; 10) Northpointe Healthcare at Trent Blvd. and Man o' War Blvd.; 11) New Apostolic Church; 12) Community Action Head Start in a former church building; 13) Church of God; 14) Milward Funeral Home; 15) Word of Hope Lutheran Church next door to the subject property, which is across a ravine. Mr. Murphy stated that the Wilhite building is in proximity to other educational institutions, noting that they are appropriate building-wise; architecture-wise; and massing-wise with their location.

Mr. Murphy said that the existing R-1T zone provides limited options for the property. In the R-1T zone, the only viable uses are other churches or daycare facilities that would be limited to 12 years and younger. The petitioner feels that selling the proposed townhouse lots to fund the operation of the current facility is not feasible, and that they would be forced to wait for a church or school to approach him to buy the facility. Mr. Murphy stated that the P-1 zone would allow further uses, which would be fully appropriate with the institutional type uses in the area already and would also make the property more viable. Mr. Murphy stated that the property could have professional or charitable offices, libraries or museums, medical offices or a wellness center, dance studios, fine-art studios, private clubs, business colleges, or adult day centers. Mr. Murphy stated that they're not a requesting B-1 zone change or anything similarly intense; they are asking for limited additional uses.

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Mr. Murphy said that the staff contends that the existing building could be adapted for use as R-1T, adding that this building cannot be redeveloped for residential use. If it went to R-3, it would be difficult even for a nursing home because the building has no elevator and has several two-story staircases.

Mr. Murphy stated that with regard to the Armstrong Mill West Small Area Plan it found that this area is a third-tier or a "middle ring suburb." Those suburbs in the middle often lack public intervention and are often overlooked by private investors. Many residents in this area do not own automobiles and have difficulties getting to stores and medical services. This area has a lower household income and very few resources, such as medical offices. There is a great need for healthcare in this area. Mr. Murphy stated that Dr. Wilhite has always been interested in providing medical facilities for the health and safety of the children. This building has been on the property for 30 years, and there was no one present who objected to them using it for a new use, which indicates that the facility is an accepted part of the community. The petitioner contends that the P-1 zone would help to meet the recommendations of the Armstrong Mill West Small Area Plan. Matt Carter, Vision Engineering, commented on the traffic. He compared three different facilities similar to the subject property. The first facility was a 300-child daycare center; from the ITE trip generation manual, the peak hour traffic for the AM was 240 trips and for the PM was 246 trips. The second facility was a 200-child daycare center that had peak hour traffic of 160 trips in the AM and 164 in the PM. The third facility was a 30,000 square-foot professional office building that had peak hour traffic of 47 trips in the AM and 45 in the PM. He said if the childcare facility is compared to the 30,000 square-foot office building, it has a 57% reduction of trips in the AM and 51% reduction of trips in the PM. The proposed office building would be a significant reduction from the current child care facility.

Mr. Murphy said that there have been complaints about noise and lights. The current facility operates from 5:30 AM to 8:00 PM. The petitioner contends that the proposed P-1 zone would actually be a less intense use, and that it would be worse for the neighborhood if the existing building ends up vacant.

Commission Questions - Mr. Brewer asked Mr. Murphy if a zone change to R-3 had been discussed with his clients. Mr. Murphy stated that it had, and that a change to R-3 would allow other uses such as a nursing home; however, the petitioner contends that the extra uses in the P-1 zone would be low impact to the existing traffic.

Staff Rebuttal - Mr. Emmons said that the number of cars is not their main concern; it's the types of trips that will increase in the existing residential zone. If medical offices were to exist on the subject property, traffic would increase all day long - not just in the AM and PM peak hours. He said that if the Planning Commission agrees with the petitioner's justification, the staff would request that they delete a portion of item C (the first sentence) from the petitioner's findings for approval, which would then read: "The professional office use would remain a quiet use and would be compatible with surrounding uses," without addressing the traffic generation that was addressed in the findings for approval. Mr. Emmons also stated that when the staff recommends items for disapproval they look at other zoning to prohibit uses such as medical offices. Mr. Cravens commented that the building already appears as a P-1 building because it is very large and properly constructed. Mr. Cravens said that he could move for approval. Ms. Mundy commented that her daughter had attended classes when she was younger. Ms. Mundy has been in this building and understands and appreciates the construction of the structure.

Zoning Action - A motion was made by Mr. Cravens, seconded by Ms. Richardson and carried 9-0 (Drake and Smith absent) to approve MAR 2016-12: DR. JAMES WILHITE with the petitioner's findings, revised as follows:

- a. The property and building have been designed and operated as a childcare facility, after school programs, and as a cheerleading and gymnastics club for the last 30 years. However, changes in the provision of such services have moved many such programs to publicly-funded programs at public school, rendering the existing use no longer viable at this property.
- b. The existing building, an approximately 30,000 square-foot concrete and steel building, which is fully sprinkled, is not well-suited for residential uses, but would be suitable for many uses allowed in the Professional office zone such as offices, private or church-related schools for academic instruction, churches, libraries, museums, business college, private clubs, elder day care center and other such uses.
- c. The professional office use would remain a quiet use and would be compatible with surrounding uses. The church and residential uses on the north and west have no vehicular access into the property and are separated by topography. The building and property are already constructed with appropriate utilities, drainage, and sewer service for this professional office building.

Development Plan Action - A motion was made by Mr. Cravens, seconded by Ms. Richardson and carried 8-0 (Berkley, Drake and Smith absent) to approve ZDP 2016-46: Wilhite Park Subdivision, Unit 1-B, Section 1, subject to the conditions as recommended by the Subdivision Committee.

5. 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.

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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.
 - 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.

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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.

Zoning Presentation - Ms. Wade oriented the Planning Commission to the site and presented the staff report. The subject property is approximately one acre in size, located on the south side of Versailles Road, near the Parkers Mill Road intersection. The property is bounded is to the north by residential, to the east by a B-3 zone (Starbucks), to the south by single-family residential, and the west by the remainder of the Fox Property, mostly a floodplain, in an R-1A zone. Ms. Wade displayed an aerial photo of the property. The Fox property is mostly open space, with the Gardenside Tributary of the Wolf Run Creek crossing it. This floodplain collects approximately 900 acres of storm water runoff and feeds under Versailles Road to Wolf Run Creek further to the north. The subject property is approximately two-thirds in the floodplain and is also approximately 80% canopy covered with mature trees.

Ms. Wade said that the petitioner is proposing to rezone this property to construct a 6,000 square-foot retail building. The staff would note that the proposed rezoning is in agreement with the Comprehensive Plan, specifically infill and redevelopment, job creation, and utilizing an underutilized or vacant property. Referring to an aerial photo, looking west to east, she noted that the land use in the area is primarily commercial and residential. Ms. Wade highlighted the location of residential land use, including the subject property. Between the two creeks, the subject property is the only residential property that remains undeveloped.

Ms. Wade said the staff's primary concern is protection of the boundary with the adjacent residential parcel that accesses Parkers Mill Road. The staff and Zoning Committee recommended approval to rezone this parcel for reasons as listed in the staff report and on the agenda; recommending conditional zoning restrictions to limit the use, as well as a 25-foot landscape buffer that will preserve mature trees with a trunk size above 4 inches in diameter along the southern boundary of the property. Ms. Wade provided a handout that added a sentence to the proposed conditional zoning restriction, to preserve a row of established evergreen shrubs that are on the development plan in order to provide a dense buffer along the property line. The staff also recommends limiting the outdoor lighting and any freestanding signage along Versailles Road. There are several conditional zoning prohibited uses that are similar to the restrictions in other B-1 zones in this area.

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

Development Plan Presentation - Mr. Martin presented the Development Plan and provided a handout with revised conditions. The petitioner is proposing a 6,000 square-foot building with 16 parking spaces (15 required). Mr. Martin highlighted the location of the 100-year floodplain and floodway on the property. There was a previous plan of the property that did not meet the setback requirements and that had a much bigger impact on the floodplain. This revised plan meets the setback requirements and has much less impact on the floodplain. Also, many of the trees on the site can be preserved, which will be addressed at the Final Development Plan stage. There was a great deal of discussion at the Subdivision Committee meeting about the safety of the Versailles Road access. There has also been discussion on the provision of a slip lane to provide a right turn lane into the property. This is covered in condition #10 on the handout. The staff suggests that these possible improvements be determined at the Final Development Plan stage.

Mr. Martin stated that the staff also recommended architectural details relative to the building's presentation to Versailles Road. This can also be resolved at the Final Development Plan stage. Staff is recommending approval of the zoning development plan.

Commission Questions - Ms. Plumlee asked if the property is utilizing a septic tank. Mr. Martin replied that they will have to be on public sewer. Mr. Owens asked for the location of the 100-year floodplain to be identified. Mr. Martin stated that it is the solid blue line on the map. Mr. Owens noted that part of the building is in 100-year floodplain. Mr. Martin confirmed that it and the parking lot are in the 100-year floodplain and said that the petitioner will need to comply with all applicable regulations.

Petitioner Presentation - Matt Carter, Vision Engineering, stated they are in agreement with the conditions of approval for the development plan, and conditional zoning restrictions.

Citizen Opposition: Paula Singer, 110 Hamilton Park, stated that her concern is the status of Versailles Road between New Circle Road and downtown. Several studies have been completed in the past three years to provide guidance to planners and decision makers. Ms. Singer stated that, in a presentation last week to the Corridors Commission, Keeneland recognized Versailles Road as the front door to Keeneland and a gateway to downtown, the airport, and countless tourism destinations. Ms. Singer also stated that we need to be guided by the studies and to support our signature indus-

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try (the equine industry) and take a holistic approach to redevelopment of this area to ensure a safe, vibrant, beautiful and welcoming corridor.

Ms. Singer also mentioned her traffic concerns. She said that the 2013 Multi-Modal Alternative Evaluation of Versailles Road recognized traffic patterns and documented the above average crash rate on Versailles Road inside New Circle Road, which “exceeds the average crash rate and is effectively equal to the critical crash rate.” Rear-end crashes due to poor access control account for over 70 percent of crashes. Ms. Singer expressed concern that both the entry and exit to the property are on Versailles Road and will cause poor access control. Ms. Singer stated that the Starbucks on the adjacent property produces traffic back-ups as far as the Colony Neighborhood and they need to exit onto Versailles Road during peak AM traffic periods. There is also a high-density residential complex that exits from a poorly visible curve onto Versailles Road. There were also concerns of the outbound traffic on Versailles Road; drivers occasionally cross the double yellow line and cut through the gas station to turn left onto Parkers Mill Road. Ms. Singer requested a traffic study to determine the impacts of the proposed commercial use on the Versailles Road corridor and mentioned the proposed youth sports facility at Cardinal Run Park, which she believes will also exacerbate traffic conditions.

Ms. Singer also had environmental and refuse pickup concerns with Starbucks setting out recycling bins on Parkers Mill Road. Since no specified tenant exists for the proposed development area, residents are concerned about refuse and the need for a pick-up in the area, causing more traffic issues on Versailles Road. Ms. Singer displayed a photo of Wolf Run Creek, showing the litter in the water from commercial properties along the creek.

Citizen Support - Billie Noe, 1527 Parkers Mill Road, owner of the residential property adjacent to the subject property, said that she supports development of the property since it has been vacant for a long time and has become a hangout area and, at one time, had squatters. Ms. Noe lived at her residence prior to Starbucks being built and stated that the traffic after it was built has not been any worse than before. She would prefer to see some development and business, rather than a vacant house. Ms. Noe believes that with the restrictions proposed by staff, the development will have little impact.

Petitioner Rebuttal - Mr. Carter stated that he is also concerned with traffic. As far as refuse collection, it will be done on site. All of these issues will be addressed at the Final Development Plan stage, along with a traffic study.

Staff Rebuttal - None was provided.

Action – a motion was made by Ms. Richardson, seconded by Ms. Mundy, and carried 8-0 (Berkley, Drake and Smith absent) to approve MAR 2016-13: FLYING DUTCHMAN PROPERTIES, LLC.

Action - A motion was made by Ms. Richardson, seconded by Ms. Mundy and carried 8-0 (Berkley, Drake and Smith absent) to approve ZDP 2016-48: FOX PROPERTY, LOT 4.

6. 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.

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- 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.
 - 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.

Zoning Presentation: Ms. Wade oriented the Planning Commission to the site and presented the staff report. The subject property is located at Palumbo Drive and Lindenhurst Drive, with Yorkshire Boulevard right-of-way located to the east. Ms. Wade displayed a map indicating the existing zoning near the property. Lakeside Golf Course is located to the south, as is the White property. Ashland Oil and Steeplechase Apartments are situated to the southwest and north, respectively. A majority of the subject site is currently zoned R-4; across Lindenhurst Drive is R-4 zoning; and across Palumbo Drive is P-1 zoning. The corner of Richmond Road and Man o' War Boulevard is also P-1 zoning, and Palumbo Drive to the east is high density residential.

The petitioner is proposing to rezone the front portion of the property, which is currently vacant, from an A-U to to an R-4 zone. They would like to construct three apartment buildings, for a total of 72 dwelling units. The petitioner contends that it is in agreement with the Comprehensive Plan and that the proposed zone is appropriate and the current A-U zone is inappropriate. This property is very small (3/4 of an acre), and A-U parcels are generally a holding zone for future urban development. There are urban services in this vicinity, and agricultural use is very unlikely in this area or on the small site. The staff does believe that the requested zone change is in agreement with the Comprehensive Plan and compatible with the adjoining area. The staff and the Zoning Committee both recommended approval of the proposed rezoning to an R-4 zone.

Development Plan Presentation: Mr. Hunter presented the development plan. The Subdivision Committee recommended the associated zoning development plan for approval. The staff had also met with the petitioner to discuss the location of the detention, if it was to be on site or off site, because it is not noted on the map. The staff also discussed with the applicant the provision of parking within the 20-foot setback line. The petitioner will need to request a variance for parking to be allowed in the front yard since it is not permissible for this zone. Mr. Hunter asked the Planning Commission to note the revised conditions on the pink handout.

Petitioner Presentation: Matt Carter, Vision Engineering, stated that the applicant was in agreement with the recommended conditions.

Citizen Opposition: Beverly White-Cox, whose family owns 3515 Richmond Road, the adjacent property, was present. In the 95 years their business has been on Richmond Road, they haven't objected to any projects; but they are opposing the density, not the apartments, which are proposed to be three stories in height in a neighborhood of one-story buildings. They believe that it will be too dense and too tall for the neighborhood. They are not opposed to two-story buildings, but they are opposed to three-story buildings because it will be too much parking and could be a "nightmare" for their property if they ever develop. Ms. White-Cox opined that this project does not meet the goal of development to complement the existing neighborhood or respect the character of the existing area.

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Ms. White-Cox said she was also concerned about the retention basin, because they don't want flooding in their back field. She said that when developing adjacent to a farm, the requirements are to install a 6' diamond mesh fence along the property boundary – and she wants to see this in the conditions for approval.

Joann Heckman, representing Steeplechase Apartments, expressed the same concerns as Ms. White-Cox, but her primary concern is the possible increased parking on Lindenhurst Drive. She also expressed concern that the proposed development would have no amenities; therefore, residents would be more likely to try to use the Steeplechase facilities.

Petitioner Rebuttal: Matt Carter stated that their request is in conformance with the Zoning Ordinance. If the variance becomes necessary for parking along the right-of-way of Yorkshire Boulevard, the petitioner will likely eliminate some units so it will not be needed. The detention will be provided according to regulations. Most likely the detention will be under the parking lot, due to the limited amount of land available.

Commission Questions: Mr. Penn asked if this is a final development plan. Mr. Carter replied that it is not. Mr. Penn asked if the fencing will be addressed on the final development plan. Ms. Wade responded that the fencing requirement next to an agricultural use is a Subdivision Regulation. Since the petitioner isn't subdividing the land, it is not required; however, the Planning Commission can require fencing along the agricultural shared property line with the White Property. The staff, however, wants to ensure that the fence is not within the right-of-way

Mr. Owens asked Mr. Carter what his feelings are on density and the three vs. two-story buildings. Mr. Carter replied that he would like to stay with three-story buildings. He stated that they need to maximize the use of the land; this is the opportunity to make it as dense as possible.

Ms. Wade asked Mr. Carter to consider that, if the development does need to lose units because of the parking being within the setback, if they could consider that reduction near the White property. Mr. Carter replied that he does not know which buildings would be impacted.

Ms. White-Cox had a question about the parking lot and the setback. Ms. Wade showed her the location of the proposed parking, and its proximity to the right-of-way for the continuation of Yorkshire Boulevard; the petitioner needs to meet the setback for the building and their parking. Some parking spaces encroach in their setback; so they need to either request a variance, remove the parking, or relocate it. If they need to remove parking, they will have to reduce the number of units.

Mr. Owens commented that the approval of the zone change would allow for a three-story building, but it would also allow for a two-story building, and could be changed at the final development plan stage.

Chairman's Comments – Chairman Owens stated that hearing was now “closed,” and he opened the floor for discussion or a motion.

Action - A motion was made by Mr. Wilson, seconded by Ms. Richardson, and carried 8-3 (Berkley, Drake and Smith absent, to approve MAR 2016-14: RICKETTS PROPERTIES, LLC, for the reasons provided by staff.

Action - A motion was made by Mr. Wilson, seconded by Ms. Mundy, and carried 8-0 (Berkley, Drake and Smith absent) to approve ZDP 2016-47: Crestview Subdivision, Unit 1-B, Lot 16, adding a condition to require fencing along the boundary with the agricultural property.

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.

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- 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 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."

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- 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.
- 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.

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- 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.
- 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/dw

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