

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

October 27, 2016

- I. **CALL TO ORDER** – The meeting will be called to order at 1:30 p.m. in the Council Chamber, 2nd Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.
- II. **APPROVAL OF MINUTES** – The minutes of the September 22, 2016, meeting will be considered at this time.
- III. **POSTPONEMENTS AND WITHDRAWALS** – Requests for postponement and withdrawal will be considered at this time.
- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, October 6, 2016, at 8:30 a.m. The meeting was attended by Commission members: Frank Penn, Karen Mundy, Joe Smith, Carolyn Plumlee and Mike Owens. Committee members in attendance were: Hillard Newman, Division of Engineering; and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee; Tom Martin; Denise Bullock; Chris Bronczyk and Cheryl Gallt; 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.*

- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, October 6, 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, 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)

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. ERFAN M. ALAMI (AMD) ZONING MAP AMENDMENT

- a. MAR-2015-25: ERFAN M. ALAMI (AMD) – an amended petition for a zone map amendment from a Neighborhood Business (B-1) zone to an Agricultural Rural (A-R) zone, for 3.24 net (3.76 gross) acres, for property located at 5898 Old Richmond 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 recommends supporting the agricultural economy, horse farms, general agricultural, and the character of the Rural Service Area (Theme E, Goal #2).

The Rural Land Management Plan, adopted by the Planning Commission in 1999, recommends Core Agricultural and Rural Land (CARL) use for the subject property.

The petitioner proposes to down zone the parcel in order to make renovations to the existing, non-conforming residence on the subject property.

The Zoning Committee Recommended: **Approval.**

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

1. The requested Agricultural Rural (A-R) zone is in agreement with the 2013 Comprehensive Plan and the 1999 Rural Land Management Plan, for the following reasons:
 - a. The 2013 Comprehensive Plan Goals and Objectives recommend supporting the agricultural economy and the character of the Rural Service Area. Since the subject property has been utilized as a single-family residence since 1935, retaining the residence in a conforming manner will better preserve the rural character of the immediate area.
 - b. The Rural Land Management Plan recommends Core Agricultural and Rural Land (CARL) future land use for the subject property. The property is located within the Rural Service Area; is not served by typical urban services, such as sanitary sewers, storm sewers, solid waste collection or curb/gutter/sidewalks; and the A-R zone is intended to implement the Plan's future land use recommendation for this location.

2. TAYLORMADE REAL ESTATE, LLC (AMD), ZONING MAP AMENDMENT AND ETHINGTON & ETHINGTON PROPERTY ZONING DEVELOPMENT PLAN

- a. PLN-MAR-16-00003: TAYLORMADE REAL ESTATE, LLC (AMD)– an amended petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Neighborhood Business (B-1) zone, for 5.79 net (7.88 gross) acres; Agricultural Urban (A-U) zone to a Townhouse Residential (R-1T) zone, for 2.38 net and gross acres; Agricultural Urban (A-U) zone to a Single Family Residential (R-1D) zone, for 6.72 net and gross acres; Townhouse Residential (R-1T) zone to a Single Family Residential (R-1D) zone, for 1.49 net (1.88 gross) acres; Townhouse Residential (R-1T) zone with conditional zoning restrictions to a Townhouse Residential (R-1T) zone without conditional zoning restrictions, for 1.49 net (1.93 gross) acres; and Single Family Residential (R-1D) zone to a Townhouse Residential (R-1T) zone, for 0.26 net and gross acres, for property located at 4145 and 4235 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 Plan's mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World. In addition, the Plan encourages a mix of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

The petitioner proposes a rezoning to construct a small neighborhood business area, bordered by townhouses and single family residences.

The Zoning Committee Recommended: **Referral** to the Full Planning Commission.

The Staff Recommends: **If construction of Madrone Way is not part of the proposal, Postponement** for the following reasons:

1. According to Article 8-4(a) of the Zoning Ordinance, "In order to avoid premature or improper development, land should remain in this zone until public facilities and services are or will be adequate to serve urban uses."

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

The Staff Recommends: If construction of Madrone Way is part of the proposal, Approval, for the following reasons:

1. The proposed combination of Neighborhood Business (B-1) zoning, Townhouse Residential (R-1T) zoning and Single Family Residential (R-1D) zoning is in agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. The Goals and Objectives of the Plan encourage an expansion of housing choices and housing near employment/commercial areas (Theme A, Goal #1); support infill and redevelopment as a strategic component of growth (Theme A, Goal #2); maintain the urban forest (Theme A, Goal #3.d.); and provide compact, contiguous and/or mixed-use sustainable development to accommodate future growth needs (Theme E, Goal #1.b.).
 - b. The applicant proposes a mixed-use development, with pedestrian connectivity throughout and to the adjoining Palomar neighborhood to the northwest and northeast of the subject site. The development also provides a variety of housing types that are located near existing and proposed employment/commercial areas.
 - c. The applicant is proposing a residential density of 3.92 dwelling unit per acre, which within the range recommended for the site by previous Comprehensive Plans, in addition to neighborhood commercial opportunities.
 - d. The applicant intends to preserve many significant trees on the subject properties in order to maintain the minimum tree canopy requirements for this development.
2. The proposed development generally meets the Complete Streets concept (with the exception of the Almond Way termination), which includes the design and use of the right-of-way for vehicles, bicycles and pedestrians, as recommended by Theme D, Goal #1.a. of the 2013 Comprehensive Plan. The connection of local and collector streets with the subject properties is of vital importance to ensure the proposed development functions as a part of the neighborhood it is proposed to serve. Without these vital connections, the development cannot meet the goals established in "Chapter 6: Improving a Desirable Community" for reduced traffic congestion and connectivity of adjoining land uses for a complete street network.
3. This recommendation is made subject to approval and certification of PLN-MJDP-16-00008: Ethington & Ethington Property, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

- b. PLN-MJDP-16-00008: ETHINGTON & ETHINGTON PROPERTY (9/26/16)* - located at 4145 and 4235 Harrodsburg Road.
(Vision Engineering)

The Subdivision Committee Recommended: Postponement, There were some questions regarding lack of Regional Information per Article 21 and Compliance with Article 8-16.

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

1. Provided the Urban County Council rezones the property B-1, R-1T & R-1D; 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: No building permit shall be issued unless and until a final development plan is approved by the Planning Commission.
8. Addition of all statistical information per Article 21.
9. Addition of all notes per Article 21.
10. Delete symbols and line type legends.
11. Dimension drive aisles, parking spaces and entrances.
12. Revise townhome offsets per Article 8-10 of the Zoning Ordinance.
13. Denote sidewalk access from townhomes to internal street system.
14. Discuss termination of Almond Way or possible waiver to the Subdivision Regulations.
15. Discuss pedestrian connections from commercial area to existing and proposed neighborhood.
16. Discuss proposed access from Harrodsburg Road.
17. Discuss status ownership and maintenance of internal street system.
18. Discuss compliance with Article 8-16 requirements and possible variance.
19. Discuss timing and responsibility for offsite road improvements to Madrone Way.
20. Discuss architectural details for buildings along Harrodsburg Road frontage.
21. Discuss need for sidewalk improvements to Harrodsburg Road (Higbee Mill Road to Palomar Blvd.).
22. Discuss driveway locations to Syringa Drive and other townhouses.
23. Discuss stormwater management concept for the site.
24. Discuss significant trees and development conflicts in the proposed B-1 and townhouse areas.
25. Discuss B-1 area orientation and integration with proposed and existing residential areas.

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3. CAPKY BLUEGRASS PROPERTIES, LLC, ZONING MAP AMENDMENT & STOREY BUSINESS SUBDIVISION, LOT 6

- a. PLN-MAR-16-00002: CAPKY BLUEGRASS PROPERTIES, LLC – a petition for a zone map amendment from a Professional Office (P-1) zone to a High Rise Apartment (R-5) zone for 3.05 net (3.29 gross) acres, for property located at 353 Waller 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 petitioner proposes to re-use the existing structure (former nursing home facility) for a multi-family residential development. The petitioner proposes to renovate the structure to accommodate 100 dwelling units, with the intention of marketing such units to students and faculty at the University of Kentucky. Dimensional variances are also requested with the zone change application.

The Zoning Committee Recommended: Approval.

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 residential zoning and proposed efficiency apartment units will expand housing choices by providing an uncommon dwelling unit type within the immediate area (Theme A, Goal #1). Although dwelling units exist to the north and west, most are single family homes or two bedroom apartment units.
 - b. The renovation of an underutilized structure on the subject property will support infill and redevelopment that is respectful of the area's context and design features (Theme A, Goal #2.a.) since little will be altered on the property, and since this will also support adaptive re-use in the community (Theme D - Improving a Desirable Community).
 - c. The additional dwelling units within the Waller Avenue corridor will allow for employees and students of the University of Kentucky, as well as two nearby hospitals, to live near their jobs, thereby encouraging infill and redevelopment that creates jobs where people live (Theme C).
 - d. The petitioner will provide new sidewalks along a portion of their property frontage and work to create a transit line along Waller Avenue in order to help a viable network and effective transportation system for residents (Theme D) and improve accessibility between neighborhoods and shopping (Accessibility - page 15).
 - e. The proposed R-5 zone is compatible with the adjoining High Density Apartment (R-4) zone to the west and will serve as a transition between the commercial uses along Waller Avenue and the single family residential areas to the north of this location, due to the existing building's low height and profile.
2. This recommendation is made subject to the approval and certification of PLN-MJDP-16-00009: Storey Business Subdivision, Lot 6, 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 required open space from 20% to 15%.
2. Reduce off-street parking requirement from a minimum of 150 spaces to a minimum of 112 spaces.

The Staff Recommends: Postponement of the requested open space variance, for the following reason:

- a. The applicant has not demonstrated to the staff, via the corollary development plan submitted with this request, that the existing site can even provide as little as 15% of its area for open space. This should be accomplished before the Commission considers the true variance that is needed.

The Staff will report at the public hearing regarding the variance for parking.

- c. PLN-MJDP-16-00009: STOREY BUSINESS SUBDIVISION, LOT 6 (9/29/16)* - located at 353 Waller Avenue. (**EA Partners**)

The Subdivision Committee Recommended: Postponement. There were some questions regarding the transit stop parking reduction, the required open space, parking in the front yard and lack of tree canopy information.

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

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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. Dimension compact parking spaces.
6. Dimension building.
7. Dimension court yards.
8. Dimension all walkways.
9. Document compliance with interior landscape and tree canopy requirements.
10. Delete the transit stop parking reduction and revise parking.
11. Discuss emergency access at rear of property.
12. Discuss water quality requirements, per the Engineering Manuals.
13. Discuss the open space provided versus what is required.
14. Discuss parking proposed in the required front yard, and overall compliance with off-street parking requirements.
15. Discuss plan status.

4. 1321 W. MAIN, LLC, ZONING MAP AMENDMENT & FULLER ET. AL. PROPERTY & MEADOWTHORPE COMMERCIAL BUSINESS CTR., UNIT 1

- a. PLN-MAR-16-00009: 1321 W MAIN, LLC – petition for a zone map amendment from a Neighborhood Business (B-1) zone to a Wholesale and Warehouse Business (B-4) zone, for 0.75 net and gross acres, for property located at 1315 and 1353 W. Main.

LAND USE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan no longer makes a specific land use recommendation for each and every parcel in Lexington-Fayette County, but *Chapter 1: Goals and Objectives* does recommend “supporting infill opportunities as a strategic component of growth.”

The applicant is requesting this rezoning in order to develop a self-storage warehouse facility on the subject properties.

The Zoning Committee Recommended: **Approval**.

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

1. The requested Wholesale and Warehouse Business (B-4) zone is appropriate for the subject properties, for the following reasons:
 - a. The site has been used for commercial storage for an engineering firm for more than four decades. No retail, restaurant or office uses have supplanted this use during this time period.
 - b. Development of the site for self-storage warehouses will not require the highway visibility that most neighborhood-oriented commercial uses would require.
 - c. This use will provide a complimentary use to those in the established neighborhood of Meadowthorpe.
 - d. The Plan supports improvement of our community through infill development opportunities, such as that proposed.
 2. The existing Neighborhood Business (B-1) zone is no longer appropriate for the subject properties since the site is so inaccessible from Leestown Road, unlike most all other commercial properties in Meadowthorpe.
 3. This recommendation is made subject to approval and certification of PLN-MJDP-16-00032: Fuller, Et Al & Meadowthorpe Commercial Business Center, Unit 1, 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. PLN-MJDP-16-00032: FULLER, ET. AL. PROPERTY & MEADOWTHORPE COMMERCIAL BUSINESS CTR, UNIT 1 (12/01/16)* - located at 1315 and 1353 W. Main Street. **(Abbie Jones, PE)**

The Subdivision Committee Recommends: **Approval**, subject to the following requirements:

1. Provided the Urban County Council rezones the property **B-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. Clarify use behind 1315 W. Main Street building (B-1) zone (grass, paving etc.).
6. Clarify proposed lot coverage in site statistics (B-4 zone).
7. Resolve “apparent” easement and purpose of same to the approval of Division of Law.

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5. **LEXINGTON HOME OWNERSHIP COMM II, INC. ZONING MAP AMENDMENT & BRADLEY SUBDIVISION (GLEN ARVIN TOWNHOUSES)**

- a. PLN-MAR-16-00010: LEXINGTON HOME OWNERSHIP COMM II, INC. (AMD) – an amended petition for a zone map amendment from a Planned Neighborhood Residential (R-3) zone to a High Density Apartment (R-4) zone for 0.48 net (0.58 gross) acres of property, located at 366 and 370 Glen Arvin Avenue.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan recommends planning for safe affordable and accessible housing to meet the needs of older and/or disadvantaged residents (Theme A., Goal 1); supporting infill and redevelopment as a strategic component of growth, including compact and contiguous growth (Theme A., Goal 2 and Theme E., Goal 1b); providing for a variety of housing types in all neighborhoods (Chapter 3: Growing Successful Neighborhoods); and encouraging affordability in housing for all citizens and encouraging infill opportunities outside of downtown (Chapter 7: Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land).

The petitioner proposes an R-4 zone in order to develop 11 townhomes and off-street parking on the subject property, which is in excess of the existing conditional zoning (residential density) restrictions approved for this site in 2006. They desire to provide affordable housing options within the community with this development.

The Zoning Committee Recommended: **Approval.**

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

1. The requested High Density Apartment (R-4) zoning for the subject property is in agreement with the 2013 Comprehensive Plan, and its Goals and Objectives, for the following reasons:
 - a. The Goals and Objectives recommend expanding housing choices and planning for affordable and accessible housing to meet the needs of older and/or disadvantaged residents (Theme A., Goal #1 and #1.c. and Chapter 3: Growing Successful Neighborhoods). This development will provide attached single-family residential dwelling units, which will provide for a mixture of types of housing in the immediate area, and the Housing Authority will maintain the units within their inventory as subsidized rental units for utilization by eligible low-income residents.
 - b. The Goals and Objectives support infill and redevelopment of a compact and contiguous nature as a strategy for community growth (Theme A., Goal 2 and Theme E., Goal 1b). The applicant is proposing to add 11 dwelling units, at a density of 22.9 dwelling unit per acre, on property that has been identified as part of a vacant land survey.
 2. This recommendation is made subject to approval and certification of PLN-MJDP-16-00025: Bradley Subdivision (Glen Arvin Townhouses), 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. PLN-MJDP-16-00025: BRADLEY SUBDIVISION (GLEN ARVIN TOWNHOUSES) (AMD) (12/01/16)* - located at 366 and 370 Glen Arvin Avenue. **(Barret Partners)**

Note The purpose of this amendment is to remove the conditional zoning restrictions and revise the development.

The Subdivision Committee Recommends: **Approval**, subject to the following requirements:

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. Division of Waste Management's approval of refuse collection locations.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Addition of date in Planning Commission certification.
8. Revise note #11 timing element to include approval of Zoning Compliance permit.
9. Denote compliance with tree canopy requirements (30% required).
10. Resolve dumpster location.

6. **LEXINGTON SENIOR HOUSING 2, LLC ZONING MAP AMENDMENT & COON'S PROPERTY, UNIT 11 (HIGHGROVE COTTAGES – INDEPENDENT LIVING HOMES)**

- a. PLN-MAR-16-00011: LEXINGTON SENIOR HOUSING 2, LLC – petition for a zone map amendment from a Neighborhood Business (B-1) zone to a High Density Apartment (R-4) zone for 2.56 net (3.0 gross) acres, and from a Professional Office (P-1) zone to a High Density Apartment (R-4) zone for 2.22 net (2.42 gross) acres or property, located at 4268 Saron Drive.

COMPREHENSIVE PLAN AND PROPOSED USE

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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, as it relates to the proposed zone change, generally focuses on land use compatibility; well-designed neighborhoods; improving a desirable community; making the best use of land inside the Urban Service Boundary for the protection of the surrounding rural areas; varied housing choices, and infill and redevelopment.

The petitioner proposes to construct 32 dwelling units (senior living cottages), for a residential density of 6.7 dwelling units per acre.

The Zoning Committee Recommended: **Approval.**

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, for the following reasons:
 - a. The Goals and Objectives of the Plan are supported by the requested zone change, including: expanding housing choices (Theme A, Goal #1); planning for housing that addresses market needs for all Fayette County residents, including, but not limited to mixed-use and housing near employment and commercial areas; supporting infill and redevelopment as a strategic component of growth, (Theme A, Goal #2); encouraging compact, contiguous and/or mixed-use sustainable development, as guided by market demand, to accommodate future growth needs (Theme E, Goal #1); and developing vacant and underperforming land within the Urban Service Area to safeguard rural land.
 - b. The proposed senior living cottage housing type, proposed as duplexes and four-plexes, is generally not available in this portion of the Urban Service Area; thus, it will allow for expanded housing choices. The proposed use will also provide housing options for seniors that do not require healthcare services and are fully independent, but would like to utilize the services that modern independent living facilities provide.
 - c. The property has remained vacant for an extended period of time, even with multiple zone changes made in the last 15 years in an attempt to improve potential development opportunities. The proposed residential development will put an underperforming site to use, and the development will serve as an appropriate land use transition between the commercial uses to the north and the residential uses to the south and east.
2. This recommendation is made subject to approval and certification of PLN-MJDP-16-00020: Coons Property, Unit 11 (Highgrove Cottages – Independent Living Homes), 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. PLN-MJDP-16-00020: COON'S PROPERTY, UNIT 11 (HIGHGROVE COTTAGES – INDEPENDENT LIVING HOMES) (12/01/16)* - located at 4268 Saron Drive.
(Rich Design Studios)

Note: The purpose of this amendment is to rezone the property and develop an independent living homes.

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

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. Denote location of required 5' or 15' landscape buffer, per the zone-to-zone (P-1/R-4) requirements.
6. Addition of conditional zoning restrictions, on plan.

7. LEXMARK INTERNATIONAL, INC. ZONING MAP AMENDMENT & LEXMARK INTERNATIONAL CORPORATION

- a. PLN-MAR-16-00012: LEXMARK INTERNATIONAL, INC. – petition for a zone map amendment from a Light Industrial (I-1) zone to a Professional Office (P-1) zone, for 25.50 net (29.22 gross) acres of property, located at 740 W. New Circle Road and from an Agricultural Urban (A-U) zone to a Professional Office (P-1) zone, for 4.56 net and gross acres of property, located at 1180 Newtown Pike (a portion of).

COMPREHENSIVE PLAN AND PROPOSED USE

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The subject property is located within the boundary of the recently adopted Winburn & Russell Cave Neighborhoods Small Area Plan (WRCN SAP), which is generally south of Interstate 75, west of Newtown Pike, north of New Circle Road and east of Russell Cave Road. The Plan identifies seven guiding principles for the area that should be further considered by the Planning Commission.

The petitioner proposes a Professional Office (P-1) zone in order to bring the site into conformity with the Zoning Ordinance. Currently, the site is part of the larger Lexmark headquarters property which crosses New Circle Road, and is considered an accessory use to their principal industrial use. The petitioner is proposing to transfer the subject properties for an independent professional office use; therefore, the facilities can no longer be considered accessory, and must comply with the zone requirements for an office building.

The Zoning Committee Recommended: **Approval.**

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

1. The requested Professional Office (P-1) zone is appropriate for the site, as it has historically operated as an office building in support of the petitioner's industrial land use to the south of New Circle Road. The right-of-way of New Circle Road and the proposed sale of the property necessitate the use now being a principal use, which is not permitted in the existing zones.
 2. The existing Light Industrial (I-1) zone and Agricultural Urban (A-U) zone are no longer appropriate at this location, for the following reasons:
 - a. The site has never been utilized for manufacturing, compounding, assembling, processing or packaging of finished products.
 - b. The existing structure was designed and constructed as an accessory office building, indicating its intended use.
 - c. The site is not viable for traditional agriculture nor other uses permitted in the A-U zone. A portion of the site is located within a FEMA floodplain, and is surrounded by the Legacy Trail, a private access roadway and the utility substation.
 3. The proposed zone change for Professional Office (P-1) zoning is supported by the Winburn & Russell Cave Area Neighborhoods Small Area Plan, an adopted element of the Comprehensive Plan, and is consistent with the SAP's recommendations. It will bring about opportunities to infill the site.
 4. This recommendation is made subject to approval and certification of PLN-MJDP-16-00027: Lexmark International Corporation, 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. PLN-MJDP-16-00027: LEXMARK INTERNATIONAL CORPORATION (12/01/16)* - located at 740 W. New Circle Road and 1180 Newtown Pike.
(EA Partners)

The Subdivision Committee Recommended: **Postponement.** The required tree inventory map has not been provided.

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

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. Greenspace Planner's approval of the treatment of greenways and greenspace.
 6. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Denote: No building permit shall be issued unless and until a final development plan is approved by the Planning Commission.
 8. Addition of walkways (and their dimensions) on the site.
 9. Denote construction access point on plan.
 10. Label access easement to proposed parking.
 11. Denote tree protection areas.
 12. Denote proposed and required parking.
 13. Denote the approval from the Royal Springs Aquifer Committee prior to certification of Final Development Plan.
 14. Discuss location of parking lot in tree stand.
 15. Discuss conflict between Legacy Trail easement and new parking lot.
8. **BOONE CREEK PROPERTIES, LLC ZONING MAP AMENDMENT, BOONE CREEK PROPERTIES & H.G. EARLY SNYDER FAMILY FARM, LLC PROPERTY & CONDITIONAL USE**
- a. PLN-MAR-16-00013: BOONE CREEK PROPERTIES, LLC - a zone change from an Agricultural Rural (A-R) zone to an Agricultural Natural Areas (A-N) zone, for 41.74 net (43.44 gross) acres of property, located 8291 & 8385 Old Richmond Road, and 8385 Durbin Lane

COMPREHENSIVE PLAN AND PROPOSED USE

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The subject properties are located within the Rural Service Area, which encompasses 200 square miles and about 70% of Lexington-Fayette County. The 1999 Rural Land Management Plan was developed to guide resource management and planning for this portion of the County, and the Plan recommends the subject properties be utilized for Natural Area (NAT) land 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 recommends updating, affirming and readopting the Rural Land Management Plan.

The petitioner proposes to rezone the properties to an Agricultural Natural (A-N) zone, and is also requesting a conditional use to operate agritourism and ecotourism activities, including a tree canopy tour, guided hiking trails, equine trails, canoeing and kayaking launch sites with recreational outfitters, environmental and agricultural education classes, historic and active farm tours, and a farm gift shop (limited to 500 square feet in size). The petitioner plans to maintain the existing conditional use permit for an outdoor recreational facility – the Boone Creek Angler's Club – which was approved as a private club by the Board of Adjustment in 2000.

The Zoning Committee Recommended: **Approval**.

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

1. The requested Agricultural Natural (A-N) zoning for the subject properties is in agreement with the Rural Land Management Plan's recommendations for Natural Areas (NAT) land use at this location.
2. The 2013 Goals and Objectives also encourage the development of appropriate attractions and supporting uses that promote and enhance tourism (Theme C, Goal 1, Objective e), support the agricultural economy, horse farms, general agricultural farms, and the rural character of the Rural Service Area (Theme E, Goal 2), and protect the environment (Theme B).
3. This recommendation is made subject to approval and certification of PLN-MJDP-16-00029: Boone Creek Properties and H.G. Early-Snyder Family Farm, LLC Property prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

b. REQUESTED CONDITIONAL USE

Ecotourism and Agritourism activities – including a tree canopy tour, guided hiking trails, equine trails, canoeing and kayaking launch sites with recreational outfitters, educational classes, farm tours and a farm gift shop.

The Zoning Committee Recommended: **Approval**.

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

1. There is an unresolved legal issue associated with the current request for Planning Commission consideration of a Conditional Use Permit at this location. The staff would like to hold a discussion of this issue with the Department of Law prior to the Planning Commission's public hearing for this application.
2. A postponement would allow time for the applicant to complete some site plan details about certain aspects of the proposed conditional use.

c. PLN-MJDP-16-00029 BOONE CREEK PROPERTIES & H. G. EARLY-SNYDER FAMILY FARM, LLC PROPERTY (9/29/16)* - 8291 & 8385 Old Richmond Road and a portion of 8385 Durbin Lane. (**Barrett Partners**)

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

1. Provided the Urban County Council rezones the property **A-N**; 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. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Expand note #9 to include tree diameter approximations.
9. Revise note #15 to indicate timing and type of paving and landscaping to be provided.
10. Discuss proposed caretakers apartment compliance with Article 8-3(c)8 of the Zoning Ordinance.
11. Discuss required setback (300' vs. 50') for the welcome center and other site improvements.

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VI. COMMISSION ITEMS

- A. INITIATION OF A TEXT AMENDMENT FOR MARKET GARDENS** – The staff will request that the Planning Commission initiate a text amendment to Articles, 1, 3, 8, 11, and 23 of the Zoning Ordinance to define and permit market gardens.

VII. STAFF ITEMS – The staff will report at the meeting.

A. Long Range Planning Activity Report

Bluegrass Area Development District – Staff attended Bluegrass ADD's regional planning council meeting.

Housing Demand Market Study – Staff and steering committee have selected a consultant and work has begun.

Rural Land Management Plan Update – Staff and the RLMP board met to discuss potential issues to include within the updated plan.

Greenspace Commission – Staff and the Greenspace Commission had their monthly meeting and went on a field trip to learn how to evaluate stone fences so that an update to the 1990 study can be conducted.

Greenspace Survey – Staff worked with the consultant, The Matrix Group, on the preparation and distribution of the Greenspace Survey and its contract. The online survey underwent a test period to weed out any bugs. The plan has been translated into Spanish and shared with the Mayor, Council, and UK's Extension Office.

Fayette-County Public Schools – Staff attended and represented the Division of Planning on the FCPS's weekly steering committee meetings in order to discuss their facilities master plan. These meetings will continue on through the fall. At one of the weekly steering committee meetings, Staff was asked to present on future demographics, projections, and trends of development in Lexington so that the school system may utilize the data to inform decisions on locations of anticipated new facilities.

Retrofitting the RETRO – Staff was involved with launching UK's Design Week, where the Schools of Interior Design, Landscape Architecture, and Historic Preservation combined for a Southland Drive based intensive data collection and design development process. Included in this process were pedestrian and bike counts, parking utilization analysis, physical environment assessment, and perceptions on public space and walkability of the corridor. The data collected informed the development of students' "What If" statements which will inform upcoming work that will be shared with the Southland Drive neighborhoods.

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

B. Transportation Planning Activity Report

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

- Attended Director-Manager meetings at LFUCG Division of Planning.
- Conducted MPO / Transportation Section staff meetings.
- Attended LFUCG Pedestrian Safety Work Group meeting.
- Attended Commission for People with Disabilities meeting.
- Attended Blue Grass Airport Board meeting.
- Attended LFUCG/KYTC D7 operations and maintenance coordination meeting.
- Attended Jessamine County Transportation Task Force Meeting.
- Attended 5 Spring Paving Meetings with Streets and Roads, Traffic Engineering.
- The MPO website had 399 visits from 298 users (66% new users) and 1,000 page views.
- The MPO's Twitter site increased by 2 followers to 2,039 followers in September.
- The MPO's Facebook fan page had 680 likes in September. The page had 73 engaged users and reached 737 users in.

1.4 Staff Development –

- Attended Lunch and Learn Presentation on Bike Infrastructure Design and Legal Liability presented by Sprinkle Consulting.
- Attended Webinar: The First and Last Mile: Partnering with Public Transportation.
- Attended Webinar: Measuring Sustainability Outcomes: Easier Said than Done?
- Hosted FHWA Webinar: Let's Talk Performance – Safety target setting and coordination.
- Three MPO staff members, and one Traffic Engineer attended the 15th National "Tools of the Trade" Conference in Charleston, SC, which focused on economical, ready-to-use, and practical tools and techniques designed to help trans-

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portation professionals in planning and programming multi-modal transportation facilities in small and medium-sized communities. The conference also discussed future research and implementation needs related to transportation planning for small and medium-sized communities.

2.1 Congestion Management Process (CMP) –

- Worked on spreadsheets to document monthly and annual congestion trends on selected routes in the CM network using BlueTOAD system Travel Time Index (TTI) data.
- Made a presentation at the 15th National “Tools of the Trade” Conference on transportation planning for small and medium-sized communities.
- Contacted Stantec staff to schedule and prepare a project presentation for the October CMC meeting.
- Used live and typical Google Traffic maps to document monthly and 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.
- Reviewed statistical studies in regard to traffic volume and vehicle miles traveled trends.

2.2 Transportation Plan Update & Implementation –

- No activity.

2.3 Air Quality Activities –

- Continued to monitor air quality issues.
- Continued air quality forecasts and posting results to the website.
- Assisted with emission reduction estimates for CMAQ applications.

3.1 Transportation - Land Use Impact Analysis –

- Continued to provide assistance on two previously filed TIS and reviewed one new TIS report.
- Met with and provided scoping assistance to two engineering firms that are planning to file upcoming TIS reports.
- Provided assistance and review to LFUCG as a part of the Corridors Commission.

3.2 Multimodal/Transportation Enhancement Planning –

- Responded to approx. 18 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 2016.
- Reviewed and submitted comments in plan tracker for 19 plans submitted to planning services for bike and pedestrian circulation requirements.
- Corresponded on 17 plans approved by the planning commission for compliance with conditional signoff requirements for approval.
- Prepared Meeting Agenda and Minutes for the Bicycle and Pedestrian Advisory Committee.
- Organized and developed reports from the Metro Count Data counters on the Arboretum Woods Trail and the Legacy Trail and reported to BPAC, UK and LFUCG Engineering.
- Finalized and advertised the RFP for the LAMPO Bike and Pedestrian Master Plan Update.
- Attended 2- Jessamine county Fiscal Court meetings, 1-Nicholasville City Commission meeting and 1-Jessamine county School Board meeting to get match commitments for Transportation Alternatives grant funding for projects on the 29/39 road corridor.
- Met with CM Gibbs to discuss bike racks in his district.
- Attended Scott County Fiscal Court meeting to support the regional connectivity of The Legacy Trail.
- Attended progress meeting for the Euclid Ave Streetscape Project.
- Worked with engineering on the prioritization and selection of sidewalk projects for local and grant funding.
- Completed 2- CMAQ and 1- TA grant program applications.
- Continued work on experimental bike box locations and implementation.
- Continued work for conducting multi modal counts using Placemeter.
- Continued work with UK regarding interactive active transportation map project.
- Developed striping plans for multiple road corridors for installation with repaving projects.
- Managed Cycle Tracks smart phone application data.
- Met and coordinated weekly with Streets and Roads to discuss upcoming repaving projects and impacts.

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- Worked on critical freight network and continued working on commercial vehicle crash data for the MPO area including development of a map to depict these locations/patterns/trends.
- Continue working on commercial vehicle crashes for Jessamine and Fayette County for freight.
- Submitted list to KYTC of potential sidewalk and trail projects that could be ready to move forward should additional TAP funding be made available.

3.3 Transit Planning –

- Established VIA Creative, a new group that will leverage community support to implement bus shelter projects as well as benches and bike racks as they relate to transit.
- Attended final meeting with Art in Motion to dissolve group as all obligations have been met.
- Working with UK architecture professor on Winburn Community Center bus stop project with the VIA Creative group.
- Reviewed and submitted Functional Class designations to KYTC for MPO area. Continued review of the work is taking place via communications with KYTC.
- Creating and testing program for Online GIS based bus inventory program to implement a comprehensive inventory of all bus stops in Lexington. Continuing to work out bugs.
- Staff juried competition amongst UK architecture students concerning development concepts for Southland Dr.

3.4 Mobility Coordination –

- Worked to renew contract for FY 2016-2017 marketing campaign.
- Assisted in drafting RFP for bicycle & pedestrian safety marketing materials for LFUCG pedestrian safety campaign.
- Submitted grant request to KYTC for additional funds for bicycle & pedestrian safety campaign.
- Submitted close out report for FY 2015-16 Paula Nye grant funds for bike & pedestrian safety.
- Move it People Facebook had 2,783; had 67 engaged users and reached 3,621 users in September.

3.5 Travel Demand Modeling and Project Forecasting –

- No activity to report.

4.1 Program Administration –

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

4.2 Transportation Improvement Programming (TIP) –

- Monitored TIP program projects for needed adjustments.

4.3 Unified Planning Work Program (UPWP) –

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

C. Zoning Compliance Activity Report

Enforcement - Activities in this section are handled by Zoning Enforcement Officers **Pam Brown** and **Greg Walker** and Senior Zoning Enforcement Officer **Jim Hume**, with much administrative support from **Donna Lewis**. There is currently a vacant Zoning Enforcement Officer position created by the retirement of **Bob Phelps**, whose dedication and hard work will be missed. That vacancy should be filled by the end of the year.

A total of 45 new zoning complaints were handled in September. This included the usual mix (for this time of year) of signage concerns (31%), illegal business activities in residential areas (24%), and sight triangle obstructions (20%). Coincidentally, a total of 45 cases were also resolved, meaning that necessary actions were taken by a property owner or occupant to fix a zoning compliance problem. During September 27 conditional uses were inspected, and all were determined to be in substantial compliance.

Permitting - Since January 1, 2012 Zoning Compliance Permits have been required before a building or premises can be occupied for a specific use or a change in use, with some exceptions for agricultural uses and single family or two-family residences. This responsibility has been handled primarily by Planner **Dave Jarman**, with assistance and oversight by Administrative Officer **Barbara Rackers**. In September, 76 such permits were issued. Technical assistance was also provided to the Division of Building inspection (at weekly "Review Board" meetings) in review of 33 applications for new commercial or multi-family building construction and/or remodel requests.

Several requests involving proposed second kitchens for single family residences were reviewed to determine if the circumstances and overall arrangement supported a determination of zoning compliance. It is a tricky and sensitive issue, as a second kitchen is often an indicator of a second dwelling unit being established on a property that is zoned for just one unit. This

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type of request is often associated with the desire of a homeowner to provide a semi-independent living arrangement for a family member.

Board of Adjustment - Six cases were presented to the BOA at their September 30th public hearing. Of those, four were variances involving setback reductions, one was a conditional use for a plant nursery on Leestown Road, and one was an administrative review involving porch additions to a nonconforming 4-plex on North Hanover Avenue. All of the appeals were approved, and none of the cases had any opposition present.

Jimmy Emmons, who faithfully served as the BOA Senior Planner for over four years, has moved on to the Transportation Planning section within the Division of Planning. We are pleased to announce that **Autumn Goderwis** has recently been hired to fill that vacancy. Autumn has a Master's Degree in architecture from UK, and worked for the State in Frankfort for several years doing various types of plan reviews. She will be gearing up, with much administrative support from **Tammye McMullen**, to keep the BOA process up & running at full speed.

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 November, 2016**

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	November	3, 2016
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	November	3, 2016
Subdivision and ND-1 Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	November	10, 2016
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	November	17, 2016
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	November	23, 2016
Work Session, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	December	22, 2016

X. **ADJOURNMENT**

TLW/TM/WLS/dw

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