

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

November 17, 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 October 27, 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, November 3, 2016, at 8:30 a.m. The meeting was attended by Commission members: Karen Mundy, Carolyn Plumlee, Will Berkley and Mike Owens. Committee members in attendance were: Vaughan Adkins, Division of Engineering; and Casey Kaucher, Division of Traffic Engineering. Staff members in attendance were: James Duncan; Bill Sallee; Tom Martin; Denice Bullock; Chris Bronczyk; Cheryl Gallt; 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. **PLN-MJSUB-16-00014: BARBARA M & MASTEN CHILDERS II (1/1/17)*** - located at 4390 Briar Hill Road.
(Council District 12) **(Randy Martin)**

Note: This plan requires the posting of a sign and an affidavit of such. The purpose of this plat is to plat a 15-acre lot. The Planning Commission postponed this item at their November 10, 2016 meeting.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s).
6. Addition of utility easements as required by the utility companies.
7. Denote non-buildable areas on plan, if any.
8. Addition of control monument information per Article 6 requirements.
9. Denote lot frontage in site statistics.
10. Complete adjoining property information (owners, deeds, etc.).
11. Denote Health Department approval of septic system in agricultural zone prior to plan certification.
12. Increase font size of all plan text.
13. Delete side and rear setback information shown (leaving 300' B.L.).
14. Addition of street cross-section information.
15. Denote: The geometry of this lot is partly the result of subdivision activity in the past involving all surrounding property (See P.C. K, SI 98).
16. Resolve dedication of right-of-way.

- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, November 3, 2016, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Patrick Brewer, Mike Cravens, 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.

Abbreviated public hearings will be held on petitions meeting the following criteria:

- The staff has recommended approval of the zone change petition and related plan(s)
 - The petitioner concurs with the staff recommendations
 - Petitioner waives oral presentation, but may submit written evidence for the record
- There are no objections to the petition

- 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)

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

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

- a. PLN-MAR-16-00002: CAPKY BLUEGRASS PROPERTIES, LLC (11/17/16)* – 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 the required front yard from 20 feet to 8 feet.
3. Reduce the minimum required parking from 150 spaces to either 123 or 112 spaces (depending upon #2).

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The Zoning Committee Recommended: **Approval.**

The Staff Recommends: **Approval of the requested variances, and a reduction in off-street parking to 123 spaces**, for the following reasons:

- a. Granting these 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 variance will help to maintain the existing character of the entire subject property, as only limited physical improvements or changes are contemplated or required, other than possibly some additional vehicular use area landscaping and a small number of parking spaces.
 - b. Granting these requested variances will not result in an unreasonable circumvention of the Zoning Ordinance, because the existing setbacks and off-street parking areas for the building are to be maintained, generally "as is," which should serve to maintain the existing character of the property, and fit into the existing neighborhood.
 - c. The existing parking arrangement along the frontage of the subject site, and the close proximity of its pavement to the right-of-way of Waller Avenue, are special circumstance that applies to this site that do not generally apply to other land in the R-5 zone. These conditions are more common to P-1 and B-1 properties along this corridor.
 - d. In this instance, a strict application of the requirements of the Zoning Ordinance would pose a hardship to the applicant, because it would either require the removal of existing off-street parking on the site, require a reduction in residential density, or require the need for building demolitions in order to meet the more routine off-street parking or open space requirements for this proposed site redevelopment.
 - e. The circumstances surrounding the requested variance are not the result of actions taken by this applicant. The applicant has not started construction on the project, and is requesting these variances prior to any construction activities commencing on the subject site.
- c. PLN-MJDP-16-00009: STOREY BUSINESS SUBDIVISION, LOT 6 (11/17/16)* - 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:

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.

2. FORTUNE BUSINESS CENTRE, LLC ZONING MAP AMENDMENT & FORTUNE BUSINESS CENTER, LOT 3

- a. PLN-MAR-16-00008: FORTUNE BUSINESS CENTRE, LLC (12/1/16)* - a petition for a zone map amendment from a Professional Office (P-1) zone to a Wholesale and Warehouse Business (B-4) zone, for 3.91 net (5.18 gross) acres, for property located at 2300 Fortune 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 petitioner proposes a restricted Wholesale and Warehouse Business (B-4) zone in order to permit land uses more in keeping with the character of the area.

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The Zoning Committee Recommended: **Approval**.

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

1. The requested Warehouse and Wholesale Business (B-4) zone is appropriate, and the existing Professional Office (P-1) zone is inappropriate at this location, for the following reasons:
 - a. The Fortune Drive corridor is characterized by warehouse and wholesale business land uses, with few stand along office uses. The proposed B-4 zone is compatible and consistent with the existing character of the area.
 - b. The existing transportation and infrastructure improvements that exist on the property will be able to serve the proposed use. A shared access easement, parking and a regional detention basin are in place to serve the subject property.
 - c. Although adjoined by residential zoning to the immediate east, a regional detention basin exists along the shared zoning boundary. This creates a physical boundary that is an appropriate land use buffer and creates a land use transition between the business and residential uses.
2. This recommendation is made subject to the approval and certification of PLN-MJDP-16-00031: Fortune Business Center, Lot 3, 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 uses shall be prohibited on the subject property:
 - a. Shops for major and minor automobile and truck repairing or electroplating.
 - b. Laundry, clothes cleaning or dyeing shop.
 - c. Ice plant.
 - d. Tire re-treading and recapping.
 - e. Machine shop.
 - f. Processors of agricultural products.
 - g. Establishments and lots for the display, rental, sale and repair of farm equipment; contractor equipment; automobiles; trucks; mobile homes; recreational vehicles, such as mini-bikes, motorcycles, and bicycles; boats or supplies for such items.
 - h. Truck terminals and freight yards.
 - i. Automobile service stations, and automobile and vehicle refueling stations.
 - j. Establishments for the display and sale of pre-cut, prefabricated or shell homes.
 - k. Circuses and carnivals.

- b. PLN-MJDP-16-00031: FORTUNE BUSINESS CENTER, LOT 3 (AMD) (12/01/16)* - located at 2300 Fortune Drive.
(Midwest Engineering)

The Subdivision Committee Recommended: **Approval**, subject to the conditions listed on today's agenda.

The Staff 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. Department of Environmental Quality's approval of environmentally sensitive areas.
6. Improve legibility of cross-sections.
7. Denote adjacent property information.
8. Denote location of existing trees, on plan.

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

- a. PLN-MAR-16-00012: LEXMARK INTERNATIONAL, INC. (12/1/16)* – 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

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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.
16. Discuss compliance with the Winburn Small Area Plan.

4. LEX PROPERTIES, LLC ZONING MAP AMENDMENT & WINDING CREEK AT MONTICELLO

- a. PLN-MAR-16-00015: LEX PROPERTIES, LLC (1/01/17)* – petition for a zone map amendment from Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 10.14 net and gross acres, located at 3455 Saybrook Road.

COMPREHENSIVE PLAN AND PROPOSED USE

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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) by expanding housing choices (Goal #1), supporting infill and redevelopment (Goal #2) and providing well-designed neighborhoods (Goal #3). It also recommends protecting the environment (Theme B) by supporting the community's green infrastructure program (Goal #3) and by implementing the adopted environmental policy (Goal #2.a.). Lastly, the Plan advocates for compact, contiguous and/or mixed-use sustainable infill development to accommodate future growth needs and sustain the Urban Service Area concept (Theme E, Goal #1.b.)

The petitioner proposes to develop 15 detached single-family dwelling units and 17 attached single-family dwelling units (townhomes) on the site, which would yield a residential density of 3.16 dwelling units per acre.

The Zoning Committee made no recommendation on the proposal.

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

1. The requested R-3 zone is not in agreement with the 2013 Comprehensive Plan for the following reasons:
 - a. The Comprehensive Plan recommends infill and redevelopment that is compatible with and context-sensitive to its environment, and, in this case, with two established single-family neighborhoods.
 - b. The Plan also states that infill development can have a positive impact on neighborhoods, but only if it respects the scale, massing and size of surrounding buildings.
 - c. Although the petitioner is proposing a residential land use, generally compatible with the surrounding neighborhood, some of the smaller proposed lot sizes (allowable in R-3) are not compatible, nor are the townhomes lining one side of a lengthy cul-de-sac.
 - d. The 2013 Plan recommends single-loaded streets when development is adjacent to greenways and open space throughout the community. The applicant intends to locate townhomes along the floodplain and within the greenway around the creek; thus, not meeting this policy recommendation related to improving desirable communities (Theme D).
2. The existing Agricultural Urban (A-U) zone remains appropriate for the subject property because the intent of the A-U zone is to be a holding zone until appropriate urban development is proposed.
3. The proposed Planned Neighborhood Residential (R-3) zone is not appropriate for the subject property, for the following reasons:
 - a. An R-1D zone would be more appropriate in that it would provide lots that are more in character and similar in size to those in the adjoining neighborhood.
 - b. The site is located interior to two established low density residential neighborhoods, and there is no R-3 zoning in either surrounding neighborhood, nor are any townhomes present in the immediate area.

- b. PLN-MJDP-16-00036: WINDING CREEK AT MONTICELLO (1/01/17)* - located at 3455 Saybrook Road.
(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:

Provided the Urban County Council rezones the property R-3; otherwise, any Commission action of approval is null and void.

2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Addition of Article 21-6 information as required for all development plans.
8. Discuss stormwater detention proposed.
9. Discuss townhome area status as a group residential project (Art. 9 requirements).
10. Discuss townhome driveway location(s).
11. Discuss resolving sanitary sewer conflict with proposed townhome.
12. Discuss HOA maintenance of common areas.
13. Discuss plan status (Preliminary Subdivision Plan).

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5. BALL HOMES, INC. ZONING MAP AMENDMENT & THE PENINSULA

- a. PLN-MAR-16-00016: BALL HOMES, INC (1/01/17)* – petition for a zone map amendment from Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 67.58 net and gross acres, and to a High Density Apartment (R-4) zone, for 22.01 net (22.18 gross) acres, located at 478 and 480 Squires 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 Plan encourages infill, redevelopment and adaptive reuse that respects the area's context and design features (Theme A, Goal #2a), providing well-designed neighborhoods (Theme A, Goal #3); protecting the environment (Theme B); working to achieve an effective and comprehensive transportation system (Theme D, Goal #1); providing for accessible community facilities and services to meet the health, safety and quality of life needs of residents and visitors (Theme D, Goal #2); protecting and enhance natural landscapes that give Lexington its unique identity and image (Theme D, Goal #3); compact and contiguous development within the Urban Service Area (Theme E, Goal #1); and encourages development of vacant and underutilized parcels (Theme E, Goal #3). Additional policy statements in the Plan are also relevant to the proposed zone change request.

The petitioner proposes a combination of Planned Neighborhood Residential (R-3) and High Density Apartment (R-4) zoning for the subject property in order to develop a mixture of single-family, townhouse and multi-family residential dwelling units, for a residential density of 7.11 dwelling units per acre. The subject site is also the location of a proposed middle school.

The Zoning Committee Recommended: **Postponement**.

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

1. The applicant has not demonstrated consideration of Comprehensive Plan recommendations related to connectivity to a school site; single-loaded streets along neighborhood focal points and open space/greenways; protection of the natural landscape along the water's edge or incorporation of a trail system. The staff recommends further consideration of these elements of the Comprehensive Plan prior to making a substantial recommendation.
2. The staff would like to discuss the needs of Fayette County Public Schools, as a future owner, and Kentucky American Water, as the current owner of the site, and how those needs can be addressed while supporting the Comprehensive Plan and the community needs, as a whole.

- c. PLN-MJDP-16-00040: THE PENINSULA (1/01/17)* - located at 478 and 480 Squires Road.
(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 R-3 & 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. 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. Denote apartment building heights in feet.
9. Clarify contours on plan per Article 21-6(a)(4) requirements.
10. Denote typical lot size(s) in site statistics.
11. Complete typical townhouse development information proposed (group residential or fee simple).
12. Discuss possible phasing of development, and street location (Squires Road).
13. Discuss plan status of single family area of the proposed development.
14. Discuss street orientation to reservoir (per the Comprehensive Plan).
15. Discuss street orientation to school site.
16. Discuss possible tree preservation areas.
15. Discuss note #10 relative to single family area.

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C. FULL PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMEMENDMENTS

1. **ZOTA 2016-5: AMENDMENT TO ARTICLE 23A-10: SUPPORTIVE USES AS A SPECIAL PROVISION IN THE ECONOMIC DEVELOPMENT (ED) ZONE** – petition for a Zoning Ordinance text amendment to Articles 23A-10 for supportive uses within the Expansion Area.

REQUESTED BY: Urban County Planning Commission

PROPOSED TEXT: (Text underlined indicates an addition to the existing Zoning Ordinance;
text ~~dashed through~~ indicates a deletion.)

OPTION 1

23A-10(j) SPECIAL PROVISIONS

12. Supportive uses shall be principal permitted uses, regulated subject to the following requirements:
- Supportive uses shall only be developed and constructed either concurrently with or post-construction and occupancy of at least one other principal permitted use listed in 23A-10(b),
 - Supportive uses shall not exceed a maximum of twenty percent (20%) of the otherwise permitted floor area within a development, as identified on the associated final development plan.
 - Residential land uses shall not exceed a maximum of fifteen percent (15%) of the otherwise permitted supportive use floor area by 23A-10(j)(12)(b) above.
 - For tracts of ED zoned land under 10 acres, which are contiguous to or across the street from land designated or zoned ED, but which are under separate ownership and under a separate development plan, supportive uses shall be principal permitted uses, not subject to the provisions of Subsections 12(a), 12(b) and 12(c) above.

OPTION 2

23A-10(d) CONDITIONAL USES

5. Supportive uses, as further regulated by Article 23A-10(j).

23A-10(j) SPECIAL PROVISIONS

12. Supportive uses shall be principal permitted uses, regulated subject to the following requirements:
- Supportive uses shall only be developed and constructed either concurrently with or post-construction and occupancy of at least one other principal permitted use listed in 23A-10(b),
 - Supportive uses shall not exceed a maximum of twenty percent (20%) of the otherwise permitted floor area within a development, as identified on the associated final development plan.
 - Residential land uses shall not exceed a maximum of fifteen percent (15%) of the otherwise permitted supportive use floor area by 23A-10(j)(12)(b) above.
 - For tracts of ED zoned land under 10 acres, which are contiguous to or across the street from land designated or zoned ED, but which are under separate ownership and under a separate development plan, supportive uses shall be conditional uses, not subject to the provisions of Subsections 12(a), 12(b) and 12(c) above.

The Zoning Committee Recommended: **Postponement.**

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

1. The proposed text amendment that has been drafted to Article 23A-10 is entirely dependent upon its predecessor being adopted by the Urban County Council. Since the Council has delayed consideration of the parent ZOTA, this request should be delayed until that outcome is known.

VI. COMMISSION ITEMS - (CONT.)

- A. **CANCELLATION OF COMMISSION WORK SESSION ON DECEMBER 22** - The staff will request the Commission vote to cancel their previously scheduled work session for Thursday, December 22, 2016.

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

A. Long Range Planning Activity Report

Housing Demand Market Study – Staff and the consultants hosted a productive kick-off meeting with the steering committee. The consultants are in the process of acquiring stakeholder input through interviews and focus groups. Staff is working with them to identify the data parameters of the study, and the consumer preference survey is in draft form.

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

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Greenspace Commission – Staff and the Greenspace Commission had their monthly meeting and went on a field trip to look at more stone fences and do practice inventories.

Greenspace Survey – Staff worked with the consultant, The Matrix Group, on the preparation and distribution of the Greenspace Survey and its contract. The final version of the survey was distributed in miscellaneous email newsletters, on the LFUCG webpage, through many social media accounts, and hard copies were available at libraries and community centers.

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.

Retrofitting the RETRO – Staff hosted a community input meeting which was attended by 110 people. Staff was also interviewed on WLXU 93.9 talk radio with Sandy Shafer to talk about the project and to discuss the importance of urban design and planning. You can find more information on the project at, www.southlandsidewalks.com.

Infill and Redevelopment Steering Committee – Staff represented the Division of Planning at the monthly meeting.

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 –

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.
- 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.
-
- Worked with MPO committees to prioritize CMAQ projects.

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.

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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.
- 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 –

- Staff attended State GIS Conference in Covington KY.
- Held first meeting of Via Creative to establish goals.
- Building budget and securing resources to implement bus shelter in 2017 building season.
- Providing feedback and updates to this (functional classification of roads) project after final submittal.
- Established project in Arc/GIS collector app for bus shelter inventory project.

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), , the Congestion Management Committee (CMC), and Transportation Policy Committee (TPC).

4.2 Transportation Improvement Programming (TIP) –

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- Monitored TIP program projects for needed adjustments.
- Began work on TIP Modification #1.

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

Enforcement:

A total of 34 new zoning complaints were handled in October. Of those, signage issues were way down from last month, but illegal business activities in residential areas continued to represent a high percentage (50%) of the new cases. A total of 32 cases were resolved, meaning that necessary actions were taken by a property owner or occupant to fix a zoning compliance problem. During October, 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. In October, 70 such permits were issued. Technical assistance was also provided to the Division of Building inspection (at weekly "Review Board" meetings) in review of 12 applications for new commercial or multi-family building construction, and 16 applications for remodel activity, "fit-ups" or change in use requests.

Board of Adjustment:

Six cases were presented to the BOA at the October 28th public hearing. Of those, two were variances involving either a setback reduction or fence height increase, and two were conditional use requests (one for a child care facility and one for a new church). The church request was made by Clays Mill Road Baptist Church, for a large church facility of 52,500 square feet on their Versailles Road property (located in an A-R zone) that is currently the home of Commonwealth Baptist College. At the request of the applicant, consideration of that potentially controversial request was postponed by the Board to the January 27, 2017 hearing.

Two administrative appeals were also considered by the Board, one involving an appeal of the Division of Planning's determination that a single family residence could be legally occupied by four unrelated persons and up to four handicapped persons. That appeal generated a lot of discussion, and was ultimately disapproved by the Board, thereby upholding the Division of Planning's decision. The determining factor in that case was a detailed review of how the term "family or housekeeping unit" is defined in the Zoning Ordinance.

- 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 December, 2016

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	December	1, 2016
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	December	1, 2016
Subdivision and ND-1 Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	December	8, 2016
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	December	15, 2016
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	December	14, 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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