

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

December 15, 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 November 17, 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, December 1, 2016, at 8:30 a.m. The meeting was attended by Commission members: Frank Penn, Karen Mundy, Carolyn Plumlee, Will Berkley, Joe Smith and Mike Owens. Committee members in attendance were: Vaughan Adkins, Division of Engineering; and Casey Kaucher and Steve Parker, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee; Tom Martin; Denice Bullock; Chris Bronczyk; Cheryl Gallt; Captain Greg Lengal and Lieutenant Joshua Thiel, Division of Fire & Emergency Services; 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, December 1, 2016, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Mike Cravens, David Drake, Carolyn Richardson, and Bill Wilson. The Committee members reviewed applications and made recommendations as noted.

A. ABBREVIATED PUBLIC HEARINGS ON ZONING MAP AMENDMENTS

The staff will call for objectors to determine which petitions are eligible for abbreviated hearings.

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)
- 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. 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

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

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

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2. 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

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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.
- b. PLN-MJDP-16-00040: THE PENINSULA (1/01/17)* - located at 478 and 480 Squires Road.
(EA Partners)

The Subdivision Committee Recommended: **Postponement.** There were some questions regarding the lack of information and the proposed stormwater basins for the single family residential area.

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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3. HAYMAKER DEVELOPMENT CO., LLC, ZONING MAP AMENDMENT & BEAUMONT FARM, UNIT 3-B LOT 1 (AMD)

- a. PLN-MAR-16-00017: HAYMAKER DEVELOPMENT CO, LLC (1/29/17)* – petition for a zone map amendment from a Highway Service Business (B-3) zone, with conditions to a Highway Service Business (B-3) zone, with modified conditions, for 1.44 net (1.85 gross) acres, for property located at 3101 Wall Street.

COMPREHENSIVE PLAN AND PROPOSED USE

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The petitioner proposes alteration of the existing conditional zoning restrictions on the subject property to permit a surface parking lot or structure as a principal use in the existing B-3 zone.

The Zoning Committee Recommended: Postponement.

The Staff Recommends: Disapproval, for the following reasons:

1. In accordance with Article 6-7(c) of the Zoning Ordinance, there have been no unanticipated changes of an economic, physical, and social nature in the immediate area since the time the conditional zoning restrictions were imposed in 2014 that have substantially changed the basic character of the area of the subject property.
2. The applicant has provided no evidence to support the requested modification to the conditional zoning restrictions, which were offered by the applicant only two years ago.

- b. PLN-MJDP-16-00044: BEAUMONT FARM, UNIT 3-B LOT 1 (AMD) (1/29/17)* - located at 3101 Wall Street.
(EA Partners)

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

1. Provided the Urban County Council rezones the property B-3 and revise conditional zoning restrictions; 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. Department of Environmental Quality's approval of environmentally sensitive areas.
5. Clarify purpose of amendment note (delete or revise last sentence).

4. JAMES D. BAKER ZONING MAP AMENDMENT & BLUEGRASS EXECUTIVE PARK, UNIT 1-C

- a. PLN-MAR-16-00018: JAMES D. BAKER (1/29/17)* - petition for a zone map amendment from Professional Office (P-1) zone to a Planned Neighborhood Residential (R-3) zone, for 5.78 net (6.57 gross) acres, for property located at 2209, 2213, 2217, 2221, 2225, and 2245 Thunderstick Drive and 2184, 2185, and 2192 Call Drive.

COMPREHENSIVE PLAN AND PROPOSED USE

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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 is requesting a Planned Neighborhood Residential (R-3) zone in order to construct 36 townhouses, for a residential density of 6.23 dwelling units per acre.

The Zoning Committee Recommended: Postponement.

The Staff Recommends: Postponement, for the following reasons:

1. The subject site cannot be developed as proposed by the petitioner due to very serious floodplain and floodway constraints. The petitioner has not demonstrated that they can meet the requirements of the Zoning Ordinance, particularly those found in Articles 8, 16, and 19.

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- b. PLN-MJDP-16-00043: BLUEGRASS EXECUTIVE PARK, UNIT 1-C (1/29/17)* - located at 2209, 2213, 2217, 2221, 2225, and 2245 Thunderstick Drive and 2184, 2185, and 2192 Call Drive.

(EA Partners)

The Subdivision Committee Recommended: Postponement, There were some questions regarding the development being shown within the floodway and floodplain and not complying with the Land Subdivision Regulations.

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

1. Provided the Urban County Council rezones the property R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. 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 record plat designation for property.
9. Show height of proposed buildings in feet.
10. Denote construction access on plan.
11. Label required landscaping buffers.
12. Label zones on adjoining properties.
13. Denote location of conceptual stormwater basin improvements on plan.
14. Improve plan legibility for utility easement.
15. Correct labeling of site statistics.
16. Identify landscape buffers required by Article 21-6(a)(7) of the Zoning Ordinance.
17. Denote this plan shall comply with Article 19 of the Zoning Ordinance.
18. Denote flood protection elevation (FPE) should be provided on future plans.
19. Denote storm sewer easement needed to the approval of Division of Water Quality.
20. Discuss location of floodway on property and denote on plan.
21. Discuss orientation of proposed lotting.
22. Discuss compliance with Article 19 of the Zoning Ordinance.
23. Discuss proposed lots in rear without frontage (Lots 28-36).
24. Discuss existing CLOMR.
25. Discuss floodway variance required prior to construction.

5. COWGILL PARTNERS, LP ZONING MAP AMENDMENT & YELLMAN'S SUBDIVISION

- a. PLN-MAR-16-00019: COWGILL PARTNERS, LP (1/29/17)* – petition for a zone map amendment from Light Industrial (I-1) zone to a High Rise Apartment (R-5) zone, for 1.49 net (1.78 gross) acres, and from a Neighborhood Business (B-1) zone to a High Rise Apartment (R-5) zone, for 0.24 net (0.27 gross) acres, for properties located at 339, 341, 345, and 349 Blackburn Avenue and adjacent former railroad right-of-way.

COMPREHENSIVE PLAN AND PROPOSED USE

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In addition to the Comprehensive Plan mission statement, the Goals and Objectives of the Plan also encourage growing successful neighborhoods (Theme A), creating jobs and prosperity (Theme C) and maintaining a balance between planning for urban uses and safeguarding rural land (Theme E).

The subject properties are located within the boundary of the *Central Sector Small Area Plan*, the *Downtown Lexington Masterplan* and the *Fourth Street Zoning Study*. Each document suggests further intensification of the near downtown neighborhoods through infill development, where possible; increasing residential density; and encouraging the redevelopment of underutilized properties.

The petitioner proposes to rezone the properties to the R-5 zone in order to construct a multi-family residential building with 72 dwelling units, a density of 41.62 dwelling units per acre, and associated off-street parking. Dimensional variances are also requested in association with the zone change.

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

The Zoning Committee Recommended: **Approval**.

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. Theme A "Growing Successful Neighborhoods" recommends expanding housing choices, with emphasis on mixed-use and higher density development in certain situations to address a variety of community needs (Goals #1b. and #1d.). It also recommends supporting infill and redevelopment as a strategic component of growth, with focus on context sensitive design (Goal #2a.), and providing well-designed neighborhoods through mixed use and multi-type housing, and multi-modal transportation connections (Goals #3a. and #3b.).
 - b. The petitioners proposed zone change will enable redevelopment of an industrial site in the near downtown Northside neighborhood, very close the West Fourth Street corridor between Newtown Pike and Jefferson Street. The petitioner's proposed project will provide additional housing options for the area Newtown Pike corridor in a context-sensitive manner, while offering multi-modal transportation connections (vehicular, bicycle, pedestrian and transit) to the urban core as well as Transylvania University and the BCTC Campus.
 - c. Theme C "Creating Jobs and Prosperity" encourages locating jobs where people live (Goal #, and vice versa, making it easier for citizens to get to employment centers and reduce congestion in the process. The petitioner's proposed project is situated between the BCTC Campus, Transylvania University and downtown, thus an opportunity exists to provide high density housing near existing jobs and higher education.
 - d. Theme E "Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land" also encourages the utilization of underutilized land to uphold the Urban Service Area concept (Goal #1a.) and building in a compact, contiguous, and/or sustainable manner (Goal #1b). The petitioner is redeveloping an underutilized industrial site along West Fourth Street, which has been identified as a focus area for redevelopment in several supporting plans, thus fulfilling the intent of the Comprehensive Plan.
2. The subject properties are located within the boundary of the Central Sector Small Area Plan, adopted by the Planning Commission in 2009. The SAP identifies the Fourth Street corridor west of Jefferson Street as a focus area to better connect the new BCTC campus to Transylvania University.
3. The *Downtown Lexington Masterplan* recommends maximizing residential density of vacant sites (Recommendation #6), and this proposal furthers that recommendation.
4. The *Fourth Street Zoning Study* identifies the subject properties as part of a focus area, where an urban mixed-use zone should be created, which is a recommendation that is consistent with the *Central Sector Small Area Plan*. The *Study* also described an "opportunity district" for mid-density residential or mid-low density mixed-use development which could create a transition from more intense uses to single-family residences. The proposed R-5 zone will create a higher density and intensity along the West Fourth Street corridor to create a more urban environment, and which will act as a step down in land use (transition) between the more intense uses to the west and north and the single-family residences and church along Blackburn Avenue.
5. This recommendation is made subject to approval and certification of PLN-MJDP-16-00045: Yellman's Subdivision (Blackburn Avenue), 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. Increase the maximum height from a 4:1 height-to-yard ratio to 50'
2. Reduce the minimum front yard from 20' to 5' along Blackburn Avenue
3. Reduce the minimum side yard from 10' to 5'
4. Reduce the minimum open space from 20% to 15%

The Staff Recommends: **Postponement of the requested front yard variance from 20' to 5', and for a reduction of required open space from 20% to 15%**, for the following reasons:

- a. The open space areas proposed are not defined as to their purpose or usability, which is needed prior to a substantive recommendation on the granting of a variance to this minimum requirement of the R-5 zone.
- b. The proposed building near the corner of West Fourth Street and Blackburn Avenue might be able to provide some balconies or a small rooftop area, which could permit the development to meet the minimum 20% requirement for useable open space. Required open space also provides room for the 30% required tree canopy for the site.
- c. The new Building, as proposed, can be redesigned on the site to meet a 10' front yard along Blackburn Avenue.

The Staff Recommends: **Approval of a height variance to 50', and approval of the requested side yard variance from 10' to 5'**, for the following reasons:

- a. There will be no adverse health, safety or welfare impact to the adjoining neighborhood from these variances. The height variance is reasonable, given the applicant's hope to maximize the provision of off-street parking for their 72-unit development.
- b. The unusual circumstance surrounding the proposed R-5 property is that it is bordered by an open space parcel, formerly a railroad spur, now controlled by Transylvania University. That open space lot requires no meaningful separation from the proposed residential building on the subject site.
- c. Strict application of the Zoning Ordinance would deprive the applicant from a reasonable use of this formerly industrial site, since the former railroad spur separating this location from West Fourth Street results in a much greater setback from the

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- street. The applicant believes that this project is infeasible without the granting of these variances.
- d. Approval of these variances would not result in an unreasonable circumvention of the Zoning Ordinance, as the height and orientation of this building will not be unlike the Blue Grass Grain building located one block to the west of this location on Henry Street.
 - e. The variances have been requested prior to construction and development of the property, and thus, there is no willful violation of any existing zoning regulation by the applicant.

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

- 1. Provided the Urban County Council rezones the property R-5; otherwise, any Commission action of approval of this variance is null and void.
 - 2. Should the property be rezoned, it shall be developed in accordance with the approved Development Plan, as amended by a future Development Plan approved by the Commission, or as a Minor Amendment permitted under Article 21-7 of the Zoning Ordinance.
 - 3. A note shall be placed on the Zoning Development Plan indicating the variances that the Planning Commission has approved for this property [under Article 6-4(c) of the Zoning Ordinance].
 - 4. The parking lot shall be screened and landscaped as required by Article 18 of the Zoning Ordinance.
- c. PLN-MJDP-16-00045: YELLMAN'S SUBDIVISION (BLACKBURN AVENUE) (1/29/17)* - 341 Blackburn Avenue.
(Carman & Associates)

The Subdivision Committee Recommended: Postponement. There were some questions regarding the required building setbacks, compliance with the minimum open space and Article 18 landscaping requirements.

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. Greenspace Planner's approval of the treatment of greenways and greenspace.
- 6. Addition of total square footage of the proposed building.
- 7. Denote number of stories and proposed height of building in feet.
- 8. Delete note #12.
- 9. Provided the Planning Commission grants the requested variances.
- 10. Document how the proposed open space is being provided on site.
- 11. Discuss conceptual storm water detention and water quality measures.
- 12. Discuss compliance with Article 18 requirements.
- 13. Discuss proposed floor area ratio.
- 14. Discuss compliance with Fourth Street Study recommendations.

6. BERNARD JEFFERY AND PATRICIA M. QUEEN ZONING MAP AMENDMENT & QUEEN ESTATE

- a. PLN-MAR-16-00020: BERNARD JEFFERY AND PATRICIA M. QUEEN (1/29/17)* – petition for a zone map amendment from Light Industrial (I-1) zone to a Highway Service Business (B-3) zone, for 0.21 net (0.47 gross) acres, and from a Wholesale and Warehouse Business (B-4) zone to a Highway Service Business (B-3) zone, 0.45 net (0.79 gross) acres, for properties located at 411 Chair Avenue and 410 DeRoode Street and 603, 607, 615, 617, and 619 S. Broadway.

COMPREHENSIVE PLAN AND PROPOSED USE

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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 Newtown Pike Extension Corridor Small Area Plan, adopted by the Planning Commission in January 2003, recommends Retail/Office Mixture, including a residential component future land use for the subject properties. The Plan also makes more general recommendations for streetscape improvements such as wide sidewalks along South Broadway, developing major intersections as gateways, encouraging commercial development along key corridors and at major intersections, enhancing community services and improving access to jobs.

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The petitioner proposes B-3 zoning and plans to construct a 10,550 square-foot structure and associated off-street parking.

The Zoning Committee Recommended: **Approval**.

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

1. The proposed Highway Services Business (B-3) zone is inappropriate for the subject property for the following reasons:
 - a. The B-3 zone does not permit a possible residential component or mixed-use development as recommended by the Newtown Pike Extension Small Area Plan, which remains an active plan while the roadway project is on-going.
 - b. The allowed uses in the B-3 zone are not appropriate along a Oliver Lewis Way at this major gateway within our community. Uses such as hotels, automobile and other vehicle sales/display/rental/repair establishments, car washes, adult entertainment, etc. should not be located at this intersection and are often restricted by the Planning Commission and Council during zone change requests.
 - c. The petitioner should consider the mixed-use zones (MU-1, MU-2, or MU-3), or the B-1 zone for this location, as they would be considered appropriate for the site and actually offer a wider range of land uses than the proposed B-3 zone.
 2. The proposed development, as depicted, may create a neighborhood business opportunity, but many of the allowed land uses in a B-3 zone would be out of character with the surrounding area and could have a negative impact on the adjoining land uses.
 3. There have not been any unanticipated changes of an economic, physical, or social nature within the area that have substantially altered the basic character of the area since the Comprehensive Plan was adopted in 2013 that would support the requested zone change application. The construction of Oliver Lewis Way is a significant investment in the transportation network for the urban county that has improved access for many in the vicinity and has been planned for and anticipated since the 1970s, does not constitute an unanticipated change of this sort (*emphasis added*).
- b. PLN-MJDP-16-00047: QUEEN ESTATE (1/29/17)* - located at 411 Chair Avenue and 410 DeRoode Street and 603, 607, 615, 617, and 619 S. Broadway.

(EA Partners)

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

1. Provided the Urban County Council rezones the property B-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Denote: No building permit shall be issued unless and until a final development plan is approved by the Planning Commission.
6. Denote that compliance with the Newtown Pike Extension Design Ordinance shall be determined at the Final Development Plan.
7. Denote height of building in feet.
8. Denote building/lot line conflict shall be resolved at the Final Development Plan.
9. Revise "floor area" site statistics, and add floor area ratio statistics.
10. Add general information about tree sizes at diameter of breast height, per Article 26 requirements.
11. Addition of conditional zoning restrictions, if any.
12. Resolve right-of-way on Chair Ave. at time of the Final Development Plan.

7. D & D REALTY, LLC ZONING MAP AMENDMENT & WHISTLE STOP

- a. PLN-MAR-16-00023: D & D REALTY, LLC (1/29/17)* – petition for a zone map amendment from a Light Industrial (I-1) zone to a Neighborhood Business (B-1) zone, for 1.84 net (2.74 gross) acres, for property located at 362 Newtown Pike.

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 subject property is located within the boundary of the *Central Sector Small Area Plan*, the *Downtown Lexington Masterplan* and the *Fourth Street Zoning Study*. Each document suggests future mixed-use development for the subject site.

The petitioner proposes to rezone the properties to the B-1 zone in order to construct a convenience store/gas station/restaurant and a small commercial building oriented to the intersection of Newtown Pike and West Fourth Street.

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The Zoning Committee made no recommendation on the proposal.

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

1. The proposed Neighborhood Business (B-1) zone does not propose a mixed-use development or project, while these uses have been recommended by both the *Downtown Lexington Masterplan* and the *Fourth Street Zoning Study*.
2. It is not certain that the rezoning and redevelopment request is in agreement with the themes, goals and objectives of the 2013 Comprehensive Plan, as currently proposed.

- b. PLN-MJDP-16-00051: WHISTLE STOP (1/29/17)* - located at 362 Newtown Pike.

(Barrett Partners)

The Subdivision Committee Recommended: **Postponement**. There were some questions regarding the proposed access complying with Article 18 and the Newtown Pike Landscape Ordinance.

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

1. Provided the Urban County Council rezones the property B-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Denote location of the Legacy Trail on plan.
7. Denote lot coverage and floor area ratio in site statistics per Article 21 requirements.
8. Denote height of building in feet.
9. Denote canopy height in feet.
10. Denote that compliance with Newtown Pike Landscaping Ordinance shall be determined at the time of the Final Development Plan.
11. Replace Tree Protection Plan with required Tree Inventory Map and information.
12. Discuss proposed dumpster location or remove from the plan.
13. Discuss proposed access to Newtown Pike and to Fourth Street.
14. Discuss compliance with Fourth Street Study recommendations.
15. Discuss compliance with Newtown Pike Landscaping Ordinance.
16. Discuss compliance with Article 18 requirements adjacent to 338-340 Newtown Pike.

8. WEBB/LEXINGTON VENTURE – 108, LTD ZONING MAP AMENDMENT & JOE MONTGOMERY PROPERTY (AMD)

- a. PLN-MAR-16-00024: WEBB/LEXINGTON VENTURE – 108, LTD (1/29/17)* – petition for a zone map amendment from a Professional Office (P-1) zone to a Planned Shopping Center (B-6P) zone, for 0.27 net (0.42 gross) acres, for a portion of property located at 3735 Palomar Centre Drive. A dimensional variance is also requested.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The 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 rezoning a portion of the existing Palomar Shopping Center parcel in order permit a restaurant (coffee shop) with accessory drive-through facilities and off-street parking in what is currently a portion of one of the shopping center's detention basins.

The Zoning Committee Recommended: **Approval**.

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

1. The requested Planned Neighborhood Shopping Center (B-6P) zone is appropriate, and the existing Professional Office (P-1) zone is inappropriate for the subject property, for the following reasons:
 - a. The site is split-zoned, with only about ¼ of an acre located within a Professional Office zone. Split-zoned lots can create a hardship for a property owner and inhibit appropriate infill and redevelopment.

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- b. The demand for professional office land use is being met on along Palomar Centre Drive to the north and along Wellington Way to the north and west of the subject property, within the general area.
 - c. The proposed B-6P zone is appropriate in that the detention basin is part of the larger shopping center parcel and is a facility that supports the entire Palomar Shopping Center.
 - d. The B-6P zone is compatible with adjoining land uses and zoning, which include numerous other restaurants, banks, retail sales establishments, a grocery store, a gas station, and other typical land uses found in typical shopping centers.
2. This recommendation is made subject to approval and certification of PLN-MJDP-16-00052: Joe Montgomery Property (Palomar Centre) (Amd #19) 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 VARIANCE

1. Reduce the minimum perimeter yard from 50' to 15'

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

1. The applicant has not provided a justification (required under KRS 100. 243) for their request for a dimensional variance for this new land use. Such documentation is needed prior to a substantive recommendation by the staff.
- c. PLN-MJDP-16-00052: JOE MONTGOMERY PROPERTY (AMD) (1/29/17)* - located at 3735 Palomar Centre Drive.
(GRW)

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

1. Provided the Urban County Council rezones the property B-6P; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Department of Environmental Quality's approval of environmentally sensitive areas.
6. Denote name and address of developer.
7. Denote record plat designation.
8. Clarify adjacent property information (eliminate duplication).
9. Denote construction access location on plan.
10. Dimension building's new restaurant parking lot and parking typical spaces.
11. Denote height of new restaurant building in feet.
12. Complete note #5 to reference "Chapter 16 of the Code of Ordinance".
13. Correct Planning Commission certification to major.
14. Correct total square footage in B-6P area.
15. Correct notes #1, #3 & #4.
16. Resolve note #14 under general notes and notes "E" & "H" under conditional zoning restrictions (in reference to the maximum allowable square footage of 132,000).
17. Resolve plan status for property being rezoned (Preliminary vs. Final).
18. Resolve location or transit service stop on Palomar Centre Drive on the Final Development Plan

C. FULL PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

1. **ZOTA 2016-7: AMENDMENTS TO ARTICLE 8-24 FOR THE OFFICE, INDUSTRY AND RESEARCH PARK (P-2) ZONE**
– petition for a Zoning Ordinance text amendment to Article 8-24 to allow additional uses in the P-2 zone.

REQUESTED BY: University of Kentucky

PROPOSED TEXT: Copies are available from the staff.

The proposal to modify the P-2 zone is directly a result of the UK Master Plan completed in 2009. The proposed changes are as follows:

- Add hospitals; veterinary/animal clinics and laboratories; townhouses; multi-family residential and are principal permitted uses;
- Add townhouses, and multi-family residential, and delete automobile service stations as uses allowed in the designated retail sales and mixed-use area;
- Clarify that the designated retail sales area may also be a mixed-use area;
- Add outdoor patio areas and delete caretaker dwelling units as accessory uses;
- Delete gasoline pumps as a conditional use;

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- Adjust the list of prohibited uses based upon other use changes, add establishments for the storage, display, rental or sales of any type of vehicle as a prohibited use;
- Eliminate minimum lot requirements, reduce front yard requirement on collector and local streets within a park to 0', and eliminate side and rear yard requirements;
- Reduce useable open space requirement to 40% across the entire P-2 zoned park;
- Increase maximum floor area ratio from 0.5 to 0.75, with no limitation for residential uses;
- Increase maximum height of buildings to 110';
- Add parking standards for new uses;
- Provide more flexibility in landscaping requirements; eliminate requirement for 25 trees/acre;
- Require a summary report from the design committee in conjunction with any final development plan presented before the Planning Commission;
- Allow parking in required side and rear yards;
- Increasing the permitted size of the designated retail sales and/or mixed-use area from a maximum of 5% to 10% of the total floor area of the development; and
- Add an allowance for a designated residential area to be up to 25% of the total floor area of the P-2 development.

The Zoning Committee Recommended: **Postponement**.

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

1. After seven years, the staff would like re-engage discussions with the applicant about the proposed text amendment and other development options, prior to formulating a substantive recommendation to the Commission.

D. **EARLY REHEARING REQUEST**

1. **EFR 2016-1: ANDERSON BRIDGEWATER, LLC** - early rehearing request for a zone change from an EAR-1 zone to an EAR-2 zone for property located at 425 Chilesburg Road.

Zone Change: From: Expansion Area Residential 1 (EAR-1) zone
(If EFR is granted) To: Expansion Area Residential 2 (EAR-2) zone

Acreage: 12.32 net (12.51 gross) acres

Location: 425 Chilesburg Road

Related Case: MAR 2015-27: Anderson Bridgewater, LLC

Past Action: The Planning Commission recommended disapproval of a zone change request from an Expansion Area Residential 1 (EAR-1) zone to an Expansion Area Residential 3 (EAR-3) zone on April 28, 2016. (Withdrawn by applicant prior to Council meeting).

The proposal zone change is substantially altered from the original proposal in the following ways:

1. All dwelling units will now be townhouses, as opposed to a majority of apartments which were in the earlier application.
2. The current proposal is for 75 townhouses, including 23 units which have already been constructed or approved, or a total of 52 dwellings units. The previous proposal was for 183 units.
3. The density requested is being reduced from 14.63 units per gross acre to 6 dwelling units per gross acre.
4. The zone change requested is Expansion Area Residential 2 (EAR-2). The previous zoning requested was Expansion Area Residential 3 (EAR-3). (The current zoning on the property is EAR-1).
5. The reduction in density means that we will not need a vehicular connection through Jacobson Park (we will propose a pedestrian connection to the park).
6. The proposed development will be similar in architecture and density to the existing townhouse dwelling units on the front of the property.
7. An early rehearing may make it possible to start construction in 2017.

The Zoning Committee Recommended: **Approval**.

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

1. Although the requested zoning is not in agreement with the Expansion Area Master Plan, and the 2013 Comprehensive Plan, the applicant has made considerable effort to address the staff's and the Planning Commission's previous concerns regarding the future development of the property. A single-loaded street is now proposed to separate townhouse residential uses planned for the subject site from Jacobson Park, and considerable open space areas are now envisioned.

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2. The number of residential dwelling units originally proposed by the previous applicant has been reduced by approximately half. A density of 6.0 dwelling units per gross acre is also proposed for the new townhouses on the subject property.
3. These, taken together, constitute enough of a change that might have altered the outcome of the rezoning request if considered previously.

VI. COMMISSION ITEMS

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

A. Long Range Planning Activity Report

Rural Land Management Plan Update

Staff and the RLMP board met to discuss recommendations for the updated plan.

Greenspace Survey

Staff worked with the consultant, The Matrix Group, on collecting completed surveys. Analysis of data will be presented in early December to the Greenspace Commission.

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. A finalized draft was completed at the beginning of the month and is now being reviewed by the FCPS Board and then will be sent to the State of Kentucky for final review and approval.

Retrofitting the RETRO

Staff helped the UK students present their mid-semester work with Southland Drive master plans and focused on retail proposals. Then, the Division of Planning launched a design competition asking for submittals from UK students as a catalyst for a design/build pop-up project made possible by a grant from the Blue Grass Community Foundation and the John S. and James L. Knight Foundation Donor Advised Fund. The design competition submittals are due in early December and final work will be presented at Good Foods Co-op on December 7th.

Courthouse Area Design Review Board

Staff and the CADR board met for their quarterly hearing on November 9th. Five cases were presented and all were approved with some conditions; among these cases was the latest design for CentrepoinTE.

David Pike Training

Staff attended an all-day training led by David Pike on November 11th.

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 LFUCG Corridors Commission
- Attended Bluegrass ADD Regional Transportation Committee
- Attended Jessamine County Transportation Task Force Meeting.
- Attended 3 Spring Paving Meetings with Streets and Roads, Traffic Engineering.
- The MPO website had 489 visits from 301 users (55% new users) and 1,069 page views.
- The MPO's Twitter site increased by 9 followers to 2,048 followers in November.
- The MPO's Facebook fan page grew by 5 likes to 685 in November. The page had 116 engaged users and reached 559 users in November.

1.4 Staff Development

- Several staff attended a KRS Planning & Zoning training.
- Attended webinar: The Traffic Impact Study is Dead – Long Live the Transportation Impact Study.
- Attended product demonstration of a crash data analysis tool.
- Attended a Livable Communities Solutions Forum.

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2.1 Congestion Management Process (CMP)

- Worked on spreadsheets to document annual congestion trends on selected routes in the CM network using BlueTOAD system Travel Time Index (TTI) data.
- Met with Traffic Engineering staff to review the annual congestion trend BlueTOAD data and prepare to present the data at the committee 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 MIT reports for reducing traffic congestion with wireless system and using cars as traffic sensors.
- Reviewed FHWA report for nationwide alternative fuel corridors for charging and refueling.

2.2 Transportation Plan Update & Implementation

- Transportation provided support for development and implementation of plans, studies and projects including: LFUCG Comprehensive Planning and Newtown Pike Extension Project coordination.
- Staff updated the UNL to include those projects identified in the I-75/MOW study.
- Staff reviewed PIF information in preparation for the state-wide PIF prioritization study.
- Staff familiarized and is continuing to learn to run the model for upcoming Planning updates.
- Verified KYTC functional class adjustments as a result of earlier work done. Endorsed the final product for submittal.

2.3 Air Quality Activities

- Continued to monitor air quality issues.
- Began receiving air quality monitor readings and comparing them to forecasted levels.

3.1 Transportation - Land Use Impact Analysis

- Continued to provide assistance on two previously filed TIS and reviewed two new TIS reports.
- Met with and provided scoping assistance to two engineering firms that are planning to file upcoming TIS reports.
- MPO staff met with LFUCG engineering and UK Architect Department staff to discuss Newtown Pike Extension project with the anticipated August 2017 opening of the Phase 1 portion.

3.2 Multimodal/Transportation Enhancement Planning

- Responded to approx. 60 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 20 plans submitted to planning services for bike and pedestrian circulation requirements.
- Corresponded on 8 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.
- Selected consultant for the LAMPO Bike and Pedestrian Master Plan Update. Began contract negotiations and Council approval process.
- Meeting with 21C to discuss increasing bike parking around the hotel.
- Selected consultant for pedestrian safety marketing campaign.
- Meeting with contractor and consultant to discuss additional lane closures on Main St and Vine St for the Center Point construction project.
- Prepared and presented at a public meeting for the Chinoe Bike Lanes.
- Meeting with Brett O'Neill of KAWC to discuss the Peninsula development.
- Meeting with Engineering and council Member to discuss Alumni Drive separated bike lane project.
- Conference call with My City Bikes to discuss the My Life is a Cycle 31 rides in 31 city's event and Lexington's participation.
- Reviewed and participated on the selection committee for Corridor beautification projects.
- Meeting with DLC to discuss Bike Lexington event this next May.
- Presented on Public Health and the Built Environment at the Community Health Action Team Institute.

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- Attended Kentucky Bicycle and Bikeways Commission annual meeting.
- Began discussions about bike share with Lexpark and Visit Lex.
- 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.
- Met and coordinated weekly with Streets and Roads to discuss upcoming repaving projects and impacts.
- Continued coordination to begin 12 new sidewalk and trail design project that were awarded TAP funding in Fayette & Jessamine Co.
- 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.

3.3 Transit Planning

- Staff met with Lextran, KYTC staff and LFUCG staff to finalize MOA for bus shelter inventory project which will be done for Lextran by a hired consultant. MPO/LFUCG will be involved and receive the resulting data.
- Staff attended Via Creative board meeting as Co-Chair.
- Planning staff met with Lextran GM to discuss possible ordinance adjustments to address transit drop off areas in commercial developments.
- Investigating opportunity for bus shelter at Harrodsburg Rd and Corporate Dr with public private partnership.

3.4 Mobility Coordination

- Completed Council approval of FY 2016-2017 marketing campaign contract. Marketing activities will not resume until Spring 2017.
- Move it People Facebook had 2,792 likes; had 89 engaged users and reached 500 users in November.

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).
- Staff meeting to develop new-staff job responsibility descriptions.

4.2 Transportation Improvement Programming (TIP)

- Monitored TIP program projects for needed adjustments.
- Completed 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 31 new zoning complaints were handled in November. Of those, illegal business activities in residential areas continued to represent a high percentage (48%) of the new cases. A total of 30 cases were resolved, meaning that necessary actions were taken by a property owner or occupant to fix a zoning compliance problem. During November, 36 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 November, 45 such permits were issued, a significant decline from October. 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 22 applications for remodel activity, "fit-ups" or change in use requests.

Several recent project reviews, some involving development plans approved by the Planning Commission, have revealed that there are some lingering issues with how zoning compliance decisions are integrated into the permitting process. Once those issues are better defined and evaluated it is anticipated that some process changes will be implemented, after consultation with the Division of Building Inspection.

Board of Adjustment:

Seven cases were presented to the BOA at the November 18th public hearing. Of those, four were variances involving either fence height or setback reductions, and all of those were approved with no citizen opposition present. One was a conditional use for a child care facility, which did have some opposition, but was ultimately approved with a significant reduction in the number of children cared for.

Two administrative appeals were also considered by the Board, one involving a request to add a “fork” sculpture to an existing freestanding sign for the Forcht Bank location on Sir Barton Way. That somewhat unusual appeal was approved without any opposition. The other case, which generated a long discussion, was a citizen appeal of the Division of Planning's determination that RVs and trailers could be occupied as temporary housing by workers at a church construction site on Pasadena Drive. After much deliberation it appeared that the appellants and the church might be able to work things out through mediation, so that case was continued to the January 27, 2017 hearing.

- 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 January, 2017**

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	January	5, 2017
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	January	5, 2017
Subdivision and ND-1 Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	January	12, 2017
Work Session, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	January	19, 2017
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	January	25, 2017
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	January	26, 2017

X. **ADJOURNMENT**

TLW/TM/WLS/dw

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