

**MINUTES
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.

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

Planning staff members present: Jim Duncan, Director; Bill Sallee; Traci Wade; Tom Martin; Cheryl Gallt; Chris Bronczyk; and Debbie Woods. Other staff members present were Vaughan Adkins, Division of Engineering; Casey Kaucher, Division of Traffic Engineering; Jimmy Emmons, Division on Transportation Planning; Tim Queary, Urban Forester; Captain Greg Lengal and Lieutenant Joshua Thiel, Division of Fire and Emergency Services; Tracy Jones and Andrea Brown, Department of Law.

- II. **APPROVAL OF MINUTES** – A motion was made by Ms. Plumlee, seconded by Ms. Mundy, and carried 8-0 (Brewer, Drake, and Richardson absent) to approve the minutes of the November 17, 2016 meeting.

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

1. 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.
- b. 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.

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

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.
17. Discuss note #10 relative to single family area.

Petitioner Representation: Nick Nicholson, attorney representing the petitioner, said that the petitioner would like to request a postponement to the January 12, 2017 meeting.

Citizen Comment – Nathan Billings, attorney representing area neighbors, said that they would not object to this postponement of this public hearing, but they would like to postpone to the January 26, 2017 meeting. They have concerns that there wouldn't be enough time for revisions of the development plan presented at the January 5, 2017 subcommittee to be made before the hearing on January 12, 2017.

Mr. Nicholson said that the petitioner believes that 30 days is plenty of time to address any development plan issues.

Mr. Billings said that postponing an additional two weeks would not really be a big delay to such an important project, to make sure that a good decision and will be made.

Commission Comments – There was a question regarding the changes on the development plan. Mr. Nicholson replied that there are some minor changes anticipated.

Citizen Comment – Tom Krugel, 433 Lakebow Ct, also requested to postpone the hearing until January 27, 2017.

Chair Comments – Chairman Wilson recommended postponing the hearing to January 26, 2017.

Action: A motion was made by Ms. Plumlee, seconded by Mr. Owens, (Brewer, Drake, and Richardson absent) for postponement of PLN-MAR-16-00016: BALL HOMES, INC to January 26, 2017.

Discussion - Mr. Nicholson said that the Law Department stated that postponing to January 26 will cause issues, because after today, can only postpone if the applicant is willing to do so due to their 90 day time limit.. He said that the applicant is willing to postpone to January 12, not January 26.

Ms. Jones said that extending the hearing beyond the 90-day period, without the applicant's agreement, could cause some problems.

The prior motion was withdrawn.

Action: A motion was made by Mr. Berkley, seconded by Mr. Penn, and carried 8-0 (Brewer, Drake, and Richardson absent) for postponement of PLN-MAR-16-00016: BALL HOMES, INC to January 12, 2017.

2. 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

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.

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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.

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.

Petitioner Representation: Jacob Walbourn, representing the petitioner, said that the petitioner would like to request a postponement to the January 12, 2017 meeting.

Citizen Comment – There were no citizens present to comment on this application.

Action: A motion was made by Mr. Owens, seconded by Ms. Plumlee, and carried 8-0 (Brewer, Drake, and Richardson absent) for postponement of PLN-MAR-16-00020: BERNARD JEFFERY AND PATRICIA M. QUEEN to January 12, 2017.

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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 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.

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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.

Petitioner Representation: Rory Kahly, representing the petitioner, said that the petitioner would like to request a postponement to the February 23, 2017 meeting.

Citizen Comment – There were no citizens present to comment on this application.

Action: A motion was made by Mr. Owens, seconded by Ms. Plumlee, and carried 8-0 (Brewer, Drake, and Richardson absent) for postponement of PLN-MAR-16-00012: LEXMARK INTERNATIONAL, INC to February 23, 2017.

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 a 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.
- 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.

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

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.

Petitioner Representation: Rory Kahly, representing the petitioner, said that the petitioner would like to request a postponement to the January 26, 2017 meeting.

Citizen Comment – Prakash Maggan, 2240 Executive Dr., said he has concerns regarding this zone change, be he did not object to the requested postponement.

Action: A motion was made by Ms. Mundy, seconded by Mr. Smith, and carried 8-0 (Brewer, Drake, and Richardson absent) for postponement of PLN-MAR-16-00018: JAMES D. BAKER to January 26, 2017.

5. **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;
- 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.

Petitioner Representation: George Ward, representing the UK Coldstream Research Park, said that the petitioner would like to request a postponement to the February 23, 2017 meeting.

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Citizen Comment – There were no citizens present to comment on this application.

Action: A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 8-0 (Brewer, Drake, and Richardson absent) for postponement of ZOTA 2016-7: AMENDMENTS TO ARTICLE 8-24 FOR THE OFFICE, INDUSTRY AND RESEARCH PARK (P-2) ZONE to February 23, 2017.

- 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.

5. 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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successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

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).

Staff Zoning Presentation – Ms. Wade presented and summarized the staff report and recommendations on the modification of conditional zoning restrictions. She displayed some photographs of the subject property. She said the applicant would like to build a parking lot prior to building a principal structure on the lot. The applicant hasn't confirmed with the staff the timing of the building construction. This is in direct violation of the conditional zoning restrictions, which were offered by the applicant and have been in place for only two years. The applicant has offered no legal justification that meets KRS 100 or Article 6 of the Zoning Ordinance. She stated that the Zoning Committee recommended Postponement and the staff recommended Disapproval.

Development Plan Presentation – Ms. Gallt presented the staff report on the corollary zoning development plan, and a rendering of that plan.

Commission Comments – There was a question regarding the building shown on the development plan. Ms. Gallt replied that the staff reviews the plan as if it is already approved to meet the conditions. Mr. Owens asked if the Development Plan should reflect the parking spaces, if the building isn't going to be built. Ms. Gallt said that at this current time the applicant only wants to build the parking spaces and not the building, but they do need to have a final development plan with a building depicted in order to construct the building at a later date.

Petitioner Presentation – Glen Hoskins, attorney, was present representing the petitioner. He handed out a justification for this application, as well as proposed findings of fact and letters of support. The handout included these findings, as follows:

1. The office space industry in general has shifted since 2014 to a more dense use of interior space. Because of the use of shared and open spaces, as well as advances in, and additional uses of, cubicles, less space is needed for walls and hallways. The old "rule of thumb" of 1 employee per 25 square feet of office space has shrunk since 2014.
2. The same shift is true of medical office space since 2014. Computerization and advances in technology have reduced the need for space to store files. As laboratory equipment technology has advanced, the physical machinery has gotten smaller. Efficiency in the way medical practices schedule and see patients has allowed for smaller waiting rooms. This allows more space to be utilized for patient exam rooms – which means more patients and more employees. The Lexington Clinic Building, adjacent to the Baptist Healthcare Building, has recently eliminated a "patient drop off area" and reconfigured its lot to add 7-8 parking spaces, addressing the same "lack of parking" issue that Baptist Healthcare System, Inc. is facing.
3. The Lexington Clinic Building at 3085 Lakecrest Circle opened to the public on or about November 19, 2015, which was after the imposition of the subject conditional zoning restriction.
4. The Baptist Healthcare Building at 3084 Lakecrest Circle opened to the public on August 1, 2012, but the extent of their parking shortage was not manifested until after the 2014 zone change. Previously, Baptist Healthcare was using the access drive behind its building on Lakecrest Circle for overflow parking. With the completion of the Stantec Building earlier this year, that access drive has been opened all the way through and is no longer

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available for overflow parking. This has the overall effect of encouraging their patrons to park on the adjoining public street.

5. The Stantec Building at 3052 Beaumont Centre Circle opened to the public on September 10, 2016, two (2) years after the 2014 zone change. The company now has an "employee/area" ratio of approximately 1 employee per 180 square feet of office area.
6. The Lexington Clinic and Stantec office building openings, and new demands all three (3) new buildings imposed on the need for vehicular parking spaces, occurred after the 2014 zone change request was approved, and the increased density of employees and parking space demand was not anticipated when the 2014 conditional zoning restrictions were imposed.

Tim Haymaker, Haymaker Development Co, LLC, said that the conditions placed at the last rezoning were believed to have prohibited paid parking lots. He said that there are no conditions that state a building must be built before the parking lot. He handed out a letter of commitment from the President of Baptist Health Lexington. He also submitted a photograph of vehicles parked on the street due to the lack of parking.

Commission Comments – There was a comment stating that the petitioner needs a parking lot now and will build the building within the next two years. Mr. Haymaker replied that is correct. It was also asked if the parking lot will be used exclusively for Baptist Health. Mr. Haymaker replied that the intent is for staff parking. There was concern that the employees will be crossing street. There was also a question regarding the need for parking for the new building that is to be constructed. Mr. Haymaker stated that the minimum parking for this building has already been considered.

Mr. Hoskins described six reasons of justification for this zone change, which were in his handout. He said that this will be a temporary situation and the office building will be built.

Commission Comments – There was a question of how the new building will be built after the parking lot; with the parking lot being used by employees from another building, where will the employees for the new building be parking. Mr. Hoskins replied that the development plan depicts the new building only requires 25 parking spaces, leaving an excess of 55 spaces. Mr. Penn expressed concern that the need for parking will increase with the medical facility across the street at the same time as the building is being built.

Dr. Sid Hopkins, Baptist Healthcare, said that the current building has been more successful than expected and the need for more parking is needed, not just for the patients but for the supporting staff. The intent is for the staff to park on this new lot to allow the patients to park closer to the office building. The new building will be specialty care, which is a much smaller volume.

Citizen Comments – There were no citizens present to comments on this application.

Petitioner Rebuttal – Mr. Hoskins said that he has set his examples of evidence of things that have significantly changed in the character of the area.

Staff Rebuttal – Ms. Wade said that if medical offices are utilizing more technology, which would require less office space per employee. She said that the staff suggests the Planning Commission to not adopt findings related to industry wide changes because they are not related to this specific property. She said the staff doesn't believe that there has been a significant change in this area and that findings numbers 1 and 2 (provided by the petitioner) should not apply.

Commission Discussion – There were comments that this could be built right now with the intention of the building being built within two years. There were concerns of the safety of the employees crossing the street, which will not be pedestrians that are unfamiliar with the area. There were concerns with the findings provided by the petitioner and the new building being built after a parking lot. There was a comment that the petitioner hasn't shared these reasons with the staff prior to the meeting. Ms. Wade replied that the applicant's attorney did contact the staff that they had drafted a justification and this justification is not the same that was presented to the staff.

Zoning Action – A motion was made by Mr. Cravens, seconded by Mr. Berkley, and carried 7-1 (Plumlee opposed; Brewer, Drake, and Richardson absent) to approve PLN-MAR-16-00017: HAYMAKER DEVELOPMENT CO, LLC, for the following reasons:

These findings demonstrate that there has been a major change of a physical nature in the area in which the subject property is located.

1. The Lexington Clinic Building at 3085 Lakecrest Circle opened to the public on or about November 19, 2015, which was after the imposition of the subject conditional zoning restriction, which provided increased use and parking.
2. The Baptist Healthcare Building at 3084 Lakecrest Circle opened to the public on August 1, 2012, but the extent of their parking shortage was not manifested until after the 2014 zone change. Previously, Baptist Healthcare

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was using the access drive behind its building on Lakecrest Circle for overflow parking. With the completion of the Stantec Building earlier this year, that access drive has been opened all the way through and is no longer available for overflow parking. This has the overall effect of encouraging their patrons to park on the adjoining public street.

3. The Stantec Building at 3052 Beaumont Centre Circle opened to the public on September 10, 2016, two (2) years after the 2014 zone change. The company now has an "employee/area" ratio of approximately 1 employee per 180 square feet of office area.
4. The Lexington Clinic and Stantec office building openings, and new demands all three (3) new buildings imposed on the need for vehicular parking spaces, occurred after the 2014 zone change request was approved, and the increased density of employees and parking space demand was not anticipated when the 2014 conditional zoning restrictions were imposed.

Development Plan Action – A motion was made by Mr. Cravens, seconded by Ms. Mundy, carried 8-0 (Brewer, Drake, and Richardson absent) to approve PLN-MJDP-16-00044: BEAUMONT FARM, UNIT 3-B LOT 1 (AMD), for the reasons provided by the staff.

6. 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

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

In addition 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.

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

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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 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.

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- 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.

Staff Zoning Presentation – Ms. Wade presented and summarized the staff report on this zone change. She displayed aerial photographs of the subject property.

Commission Comments – There was a question regarding the justification to do away with the Light Industrial (I-1) land. Ms. Wade replied that the I-1 zone is not as desirable near a single family residential neighborhood. She said that near the downtown area, a mixture of commercial, office, and residential is encouraged. There was a comment that the rail-road access to this community is no longer available to benefit the industrial land.

Development Plan Presentation – Mr. Martin presented a rendering and the updated staff report on this development plan, which was displayed and handed out to the Commission with these conditions, as follows:

The Staff Recommends: **Approval**, subject to the following revised conditions:

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. Delete note #12.
7. Provided the Planning Commission grants the requested variances, or revise the plan accordingly.
8. Document how the proposed open space is being provided on site, prior to certification.
9. Denote that planned storm water detention and water quality measures shall be determined at the time of the Final Development Plan.
10. Demonstrate compliance with Article 18 requirements prior to certification.
11. Denote floor area ratio in the site statistics.
12. Denote that compliance with Fourth Street Study recommendations shall be determined at the time of the Final Development Plan.

He said that there are four variance associated with the property that have a significant impact; a height, front yard, side yard, and an open space. He said that one condition needs to be documented of how the applicant plans to meet the open space requirement.

Dimensional Variance – Mr. Sallee presented the staff report on the requested variances for this development, which was handed out to the Commission with the staff's revised recommendation, as follows:

The Staff Recommends: **Postponement Disapproval 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.

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- 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', approval of a front yard variance from 20' to 10', 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 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.

Mr. Sallee said that the required open space area could also provide room for the minimum tree canopy coverage for the development.

Commission Comments – There were comments regarding the open space and the amount required to obtain approval from the staff.

Petitioner Presentation – Jacob Walbourn, attorney, was present representing the petitioner. He said that the applicant is in agreement with the staff's recommendations. He believes that the open space is not vitally necessary because of the provided tangible amenities; pool, outdoor grill space, etc. Their site is located a block and half away from Coolavin Park, which contains three bicycle polo courts. He also said that the Legacy Trail is set to come down West Fourth Street in the future.

Commission Comments – There were comments regarding open space and the tree canopy requirement may not be reached. There was a question regarding the Legacy Trail and its location. Mr. Walbourn said that currently there are two proposed areas that the trail could be built on; one of them is on Third St. and the other is on Fourth St. There was also a question of who maintains the strip of land near Transylvania University and if the opportunity to purchase it has ever been discussed. Mr. Walbourn said that the University does maintain it and that it has been discussed to purchase, which is highly unlikely.

The following citizens were present in opposition to this application:

Faith Harders, 539 West Third St., commented on the Fourth Street Study that was completed in 2014, is appropriate and the Central Small Sector Area Plan. She displayed photos and said that Blackburn Avenue currently acts like a one lane two way street, there is parking on both sides of the street. She believes that this is too high density for this area.

Marlee Bauman, 550 West Third St., she has concerns regarding how protecting the environment would be incorporated into this plan. She also asked when the subject was last up for sale.

Barbara Grossman, 321 Blackburn Ave., she said that this property is currently used for parking for Transylvania events. She also stated that this is a one lane, two way road. She has concerns has parking on the street and of this property being turned over to BCTC as student housing. She also asked if the property at 333 Blackburn Avenue has already been purchased by the Cowgill's.

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Mark Klar, 321 Blackburn Ave., distributed a handout of a map and displayed photos. He said that he believes this zone change is inappropriate for this neighborhood. He also agreed that the Fourth Street Study is appropriate and that the mixed-use and low to medium density housing will be more suitable. He submitted petitions to the Planning Commission.

Petitioner Rebuttal – Mr. Walbourn said that Mr. Cowgill is intending to purchase the two vacant adjacent to the subject property, but they are not included in this zone change. He said that there are no current plans for this to become student housing. He said that the Technical Committee had discussed making Blackburn Avenue a “No Parking” on the side of the applicant’s. He commented on protecting the environment that not every element of the Comprehensive Plan is met on every development. He said that there are guideline and requirements that need to be met. He said that this property was purchased in 2013 as I-1. He clarified that open space is not open community oriented space; it’s designed to serve the residents of the particular development.

Citizen Rebuttal – Mr. Klar said the Transylvania athletic field is not open space. Ms. Harders stated that the warehouse was once a fertilizer plant/storage space and is concerned that the property may be contaminated. She also said that parking can’t be limited to one side on Blackburn Ave. because many residents don’t have off-street parking.

Staff Rebuttal – Ms. Wade explained that the Fourth Street Study identified the following for this district:

1. Adaptive re-use of industrial properties where relevant
2. Mid-Low density Mixed-Use
3. Mid-Density residential, may involve Infill & Redevelopment Guidelines

Ms. Wade said the Planning Commission has not adopted the Fourth Street Study; it is advisory to the staff.

Mr. Sallee said the staff is agreeable to permit balconies as open space on the top three levels of the building. He said that the environmental issues mentioned by the citizens will be reviewed for compliance at the time of a Final Development Plan.

Ms. Kaucher, Division of Traffic Engineering, said that the on-street parking conditions were discussed at the Technical Committee, as was the planned trail near this proposed property. She believed that the on street parking should be provided.

Commission Comments – There was a question of how to address the parking issue at this time. Ms. Kaucher replied that there could be a right-of-way dedication along the frontage of Blackburn Avenue. There was concern that if the right-of-way is dedicated would that affect the open space. Ms. Kaucher said that it would affect the open space but the parking is needed for residents and guests. There was another question of how many spaces could be provided along this frontage. Ms. Kaucher replied that it would 10-15 additional parking spaces.

Mr. Walbourn said that the applicant is not opposed to the right-of-way dedication on Blackburn but doing so will cost them to lose 20 parking spaces within the development.

Zoning Action – A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 8-0 (Brewer, Drake, and Richardson absent) to approve PLN-MAR-16-00019: COWGILL PARTNERS, LP, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Cravens, seconded by Mr. Penn, carried 8-0 (Brewer, Drake, and Richardson absent) to approve PLN-MJDP-16-00045: YELLMAN’S SUBDIVISION (BLACKBURN AVENUE), for the reasons provided by the staff.

Requested Variance Action – A motion was made by Mr. Cravens, seconded by Ms. Mundy, carried 7-1 (Berkley opposed; Brewer, Drake, and Richardson) to approve three of the four requested variances, for the revised reasons, and as recommended by the staff.

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.

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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.

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.

Staff Zoning Presentation – Mr. Sallee presented and summarized the staff report on this zone change. He displayed aerial photographs of the subject property. He summarized the supplemental staff report that was distributed to the Planning Commission, which states that the staff is now recommending approval for the following reasons:

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

1. The existing Light Industrial (I-1) zone is not appropriate, and a Neighborhood Business (B-1) zone is appropriate for the subject property, for the following reasons:
 - a. The site is located within the boundary of the *Downtown Lexington Masterplan* and the more recent *Fourth Street Zoning Study*. The *Masterplan* and the *Zoning Study* both recommend mixed-use development for the site. In addition, the *Masterplan* states that the Downtown Edge West precinct "has the potential to be a true mixed-use neighborhood with retail, offices, and residential as a signature entryway to the downtown." A B-1 zone would permit this type of development.
 - b. The proposed B-1 zone allows much more flexibility in its setback and other zoning requirements, which will permit a redevelopment of the subject site to better match the area's character and form. The petitioner's corollary development plan now proposes a more urban environment.
 - c. The I-1 zone permits the site to be under-performing and underutilized, while B-1 uses would be a better compliment to the surrounding institutional and residential neighborhoods in this area.
 - d. A B-1 zone would be more consistent with the themes, goals and objectives of the 2013 Comprehensive Plan, and the other plans and studies previously conducted in this immediate area.
 - e. B-1 zoning would match that approved for the Thistle Station site immediately to the south of this location, and that for land uses located to the west across Newtown Pike.
2. This recommendation is made subject to approval and certification of PLN-MJDP-16-00051: Whistle Stop, 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 are recommended to be prohibited on the subject property:

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

- a. Animal hospitals or clinics.
- b. Drive-through facilities.
- c. Automobile repair, service stations and gasoline pumps, closer than 125' from West Fourth Street.
- d. Automobile and vehicle refueling stations, closer than 125' from West Fourth Street.

Commission Comments – There was a question regarding the sanitary sewers and the need to upgrade the lines for the developments. There was another question regarding the service station, which will not be closer than 125' to West Fourth Street.

Development Plan Presentation – Mr. Martin presented the updated staff report on this development plan, which was handed out to the Commission with 6 total conditions, as follows:

The Staff Recommends: Approval, subject to the following revised conditions:

1. Provided the Urban County Council rezones the property B-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Addition of tree sizes to the required Tree Inventory Map ~~and~~ information (generalized).

Traffic Impact Study – Mr. Emmons presented the staff report on the submitted Traffic Study for this zone change. He said that the applicant's consultant found that the proposed development will have a very minimum impact on the roadways.

Petitioner Presentation – Tony Barrett, landscape architect, was present representing the petitioner. He said that the applicant is in agreement with the staff's recommendations.

The following citizens were present in opposition to this application:

John Cirigliano, Managing member of Thistle Station, LLC, is concerned about the traffic with the drive-thru facilities. He said the neighborhood associations have voiced that they don't want bars, liquor stores, or gas stations. He also stated that any implications that they cooperated in this application is untrue.

Mark Klar, 321 Blackburn Ave., has concerns with a gas station being built at this location.

Barbara Grossman, 321 Blackburn Ave., believes that a gas station is not suitable for this area, and she would prefer to see a grocery store built on the subject property.

Petitioner Rebuttal – Mr. Barrett said that the staff recommendation prohibits drive-thru facilities. He said that the need for a gas and convenience store is warranted by the traffic counts along Newtown Pike. Also, the Georgetown Road neighborhood has stated that they are seeking convenience type services in the area.

Citizen Rebuttal – Mr. Cirigliano said that there seems to be an overabundance of convenience stores and he doesn't believe that neither the Georgetown Road neighborhood nor the Northside Neighborhood Association wants this use.

Staff Rebuttal – Mr. Sallee said that, as to the previous question regarding the sewer capacity, that both the subject property development and Thistle Station should be able to occur at the level of 22,000 available gallons per day.

Commission Comments – There was a question regarding the prohibited use of services stations and gasoline pumps. Mr. Sallee said that they cannot be closer than 125 feet from West Fourth Street, under the staff's recommendation.

Zoning Action – A motion was made by Mr. Owens, seconded by Mr. Smith, and carried 8-0 (Brewer, Drake, and Richardson absent) to approve PLN-MAR-16-00023: D & D REALTY, LLC, with the revised staff recommendations, and with the conditions provided by the staff.

Development Plan Action – A motion was made by Mr. Owens, seconded by Mr. Smith, and carried 8-0 (Brewer, Drake, and Richardson absent) to approve PLN-MJDP-16-00051: WHISTLE STOP, with the revised staff recommendations and conditions provided by the staff.

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

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

- 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.
 - 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".

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

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

Staff Zoning Presentation – Ms. Wade presented and summarized the staff report and recommendations on the proposed zone change. She displayed some photographs of the subject property. She stated that this parcel is currently a detention basin for the shopping center and the applicant will make the lot developable.

Commission Comments – There was a question regarding whether or not the building will have a drive-thru facility. Ms. Wade replied that the building will have a drive-thru.

Development Plan Presentation – Ms. Gallt presented the updated staff report on this development plan, which was handed out to the Commission with 9 conditions, as follows:

The Staff Recommends: **Approval**, subject to the following revised 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 the submittal of Geo-tech Report to the Division of Engineering, Planning & Environmental Quality, prior to certification.
7. Correct total square footage in B-6P "shopping center" area site statistics to reduce by 2,813 sq. ft and add coffee shop GFA and parking in B-6P outlot parcel statistics.
8. Remove "19th" from the title of this amended (Preliminary) Development Plan.
9. Label relocated transit service stop on Palomar Centre Drive.

Ms. Gallt said that the applicant will be placing the detention underground. She also stated that there is a remediated sinkhole near the edge of the parking lot, which is also identified on the development plan.

Dimensional Variance – Mr. Sallee presented the revised staff report on the variance requested for this development, and he discussed the requested variance to reduce the perimeter yard from 50' to 15'.

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

- a. Granting the requested variance 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. The variance is requested to keep the proposed building out of a formerly environmentally sensitive area on the subject property.
- b. Granting the requested variance will not result in an unreasonable circumvention of the Zoning Ordinance because the new coffee shop building is designed to be 15' off the side property line, which is not unlike those found around town in other commercial zones. The distance from the nearest commercial building will still be over 90' away, even if this variance is granted.
- c. The special circumstance that applies to this property that does not generally apply to most parcels in the general vicinity or in a B-6P zone is the location of the previously mitigated sinkhole area on the subject property immediately south of the proposed coffee shop building. It is prudent to keep any new commercial building out of an area that formerly was a sinkhole, even though it has been remediated in the past.
- d. Strict application of the requirements of the Zoning Ordinance would not only require the new building to be constructed over or adjacent to the former sinkhole area, but would create an unnecessary financial hardship to the applicant, due to added construction costs, and depriving the applicant of a reasonable use of the property.
- e. Although the circumstances surrounding the requested variance are associated with the proposed zone change, the variance is requested in an effort to accomplish an efficient site design and place the new coffee shop in a more appropriate location on the subject property. No development has commenced on the property, and the need for the variance was recognized during the pre-application conference for this zone change request.

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

1. Provided the Urban County Council rezones the property B-6P; 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.

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

3. A note shall be placed on the Zoning Development Plan indicating the setback variance that the Planning Commission has approved for this property [under Article 6-4(c) of the Zoning Ordinance].

Commission Comments – There was a question regarding if the mitigation of the sinkhole was completed in the first rezoning of the subject property. Mr. Sallee said that he believed it had been completed in between the original development of the shopping center and the present time. There was another question concerning the required landscaping between the drive-thru and the bank adjacent to the property. Mr. Sallee replied that there is room and there is such a requirement.

Petitioner Presentation – Bruce Simpson, attorney, was present representing the petitioner. He said that the applicant is in agreement with the staff's recommendations.

Citizen Comments – There were no citizens present to comment on this application.

Zoning Action – A motion was made by Mr. Berkley, seconded by Mr. Penn, and carried 8-0 (Brewer, Drake, and Richardson absent) to approve PLN-MAR-16-00024: WEBB/LEXINGTON VENTURE – 108, LTD, for the reasons provided by the staff.

Requested Variance Action – A motion was made by Mr. Berkley, seconded by Mr. Penn, and carried 8-0 (Brewer, Drake, and Richardson absent) to approve the requested variances for the reasons provided by the staff, with the three conditions recommended by staff.

Development Plan Action – A motion was made by Mr. Berkley, seconded by Mr. Penn, and carried 8-0 (Brewer, Drake, and Richardson absent) to approve PLN-MJDP-16-00052: JOE MONTGOMERY PROPERTY (AMD), for the revised conditions provided by the staff.

C. 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:

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

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.
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.

Staff Presentation – Mr. Sallee presented and summarized the staff report for this early rehearing request. The Planning Commission's bylaws require an applicant to wait a year before filing any zone change on the same property previously denied for rezoning. The previous case was denied in April 2016. He said that the applicant is seeking permission to file a zone change before May 2017, to seek an EAR-2 zone for the subject property.

Commission Comments – There was a question regarding the bylaws - regarding early rehearings. Mr. Sallee said that the Planning Commission's bylaws do state that an applicant must wait a year until filing a new zone change, but also included is this provision where an applicant can ask permission for an early filing.

Petitioner Presentation – Dick Murphy, attorney, was present representing the petitioner. He said that the applicant is not requesting to re-hear an application for EAR-3 zoning, but to allow them to file a new zone change request on the same property. He presented the bylaws and summarized the new zone change anticipated for this site.

Citizen Comments – There were no citizens present to comments on this application.

Action – A motion was made by Mr. Owens, seconded by Ms. Mundy, and carried 8-0 (Brewer, Drake, and Richardson absent) to approve EFR 2016-1: ANDERSON BRIDGEWATER, LLC, for the reasons provided by the staff.

VI. COMMISSION ITEMS - No such items were presented.

VII. STAFF ITEMS – No such items were presented.

VIII. AUDIENCE ITEMS – No such items were presented.

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 - There being no further business, Chairman Wilson declared the meeting adjourned at 6:09 p.m.

William Wilson, Chair

Carolyn Plumlee, Secretary