

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

January 26, 2017

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

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

Planning staff members present: Jim Duncan, Director; Bill Sallee; Traci Wade; Tom Martin; Chris Bronczyk; and Debbie Woods. Other staff members present were Vaughan Adkins, Division of Engineering; Casey Kaucher, Division of Traffic Engineering; Max Conyers, Transportation Planning Section/MPO; 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 9-0 (Brewer, and Penn absent) to approve the minutes of the December 15, 2016 meeting.
- III. **POSTPONEMENTS AND WITHDRAWALS** – Requests for postponement and withdrawal will be considered at this time.

1. 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

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 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.

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

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.

Petitioner Representation: Rory Kahly, representing the petitioner, said that the petitioner would like to withdraw this application.

Action: A motion was made by Ms. Plumlee, seconded by Ms. Mundy, and carried 9-0 (Brewer, and Penn absent) to accept withdrawal of PLN-MAR-16-00018: JAMES D. BAKER.

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

REQUESTED BY: Urban County Planning Commission

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

OPTION 1

23A-10(j) SPECIAL PROVISIONS

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

OPTION 2

23A-10(d) CONDITIONAL USES

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

23A-10(j) SPECIAL PROVISIONS

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

The Zoning Committee made no recommendation on the proposal.

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

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

Petitioner Representation: Dick Murphy, representing the petitioner, said that the petitioner would like to request a two month postponement to the March 23, 2017 meeting.

Action: A motion was made by Mr. Cravens, seconded by Ms. Richardson, and carried 9-0 (Brewer, and Penn absent) for postponement of ZOTA 2016-5: AMENDMENT TO ARTICLE 23A-10: SUPPORTIVE USES AS A SPECIAL PROVISION IN THE ECONOMIC DEVELOPMENT (ED) ZONE to March 23, 2017.

- IV. LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, January 5, 2017, at 8:30 a.m. The meeting was attended by Commission members: Karen Mundy, Carolyn Plumlee, Will Berkley, Joe Smith and Mike Owens. Committee members in attendance were: Vaughan Adkins, Division of Engineering; 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; Chris Schnelle, Division of Police and Tracy Jones and Andrea Brown, Department of Law. The Committee made recommendations on plans as noted.

General Notes

The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.

1. *All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.*
2. *All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.*

- V. ZONING ITEMS** - The Zoning Committee met on Thursday, January 5, 2017, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Patrick Brewer, Mike Cravens, Carolyn Richardson, and Bill Wilson. The Committee members reviewed applications and made recommendations as noted.

A. ABBREVIATED PUBLIC HEARINGS ON ZONING MAP AMENDMENTS

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

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

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

- B. FULL PUBLIC HEARINGS ON ZONE MAP AMENDMENTS** – Following abbreviated hearings, the remaining petitions will be considered.

The procedure for these hearings is as follows:

- Staff Reports (30 minute maximum)
- 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.

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1. **BALL HOMES, INC. ZONING MAP AMENDMENT & THE PENINSULA ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-16-00016: BALL HOMES, INC. (1/26/17)* - 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, for properties 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: Approval.

The Staff Recommends: Approval, for the following reasons:

1. The proposed Planned Neighborhood Residential (R-3) zone and High Density Apartment (R-4) zone is in substantial agreement with the 2013 Comprehensive Plan for the following reasons:
 - a. The Comprehensive Plan recommends *Growing Successful Neighborhoods* (Theme A, and Chapter 3), which encourages expanding housing choices that addresses the market needs for all of Lexington-Fayette County's residents (Goal #1b.); encourages infill, redevelopment and adaptive reuse that respects the area's context and design features (Goal #2a); and providing well-designed neighborhoods, including neighborhoods that are connected for pedestrian and various modes of transportation (Goal #3 and #3b.). The petitioner has proposed a mixture of residential dwelling unit types, including single-family, townhouses and multi-family dwelling units to meet the needs of the community at a density of 7.11 units per net acre. The corollary development plan also depicts the connection of collector streets and a shared-use path (Easthills Trail) between the Squires Trail and Jacobson Park.
 - b. The 2013 Plan recommends *Protecting the Environment* (Theme B and Chapter 4) by encouraging sustainable use of natural resources (Goal #2b.) and management of green infrastructure, which includes the protection of environmentally sensitive areas before development occurs. The petitioner has agreed to maintain a 25 foot buffer along the FEMA Special Flood Hazard Area (100-year floodplain) near the water's edge of Reservoir #4. This will protect the shoreline, reduce the risk of stormwater impacts to the reservoir, and help maintain a healthy ecosystem around one of Lexington's drinking water reservoirs.
 - c. The 2013 Plan recommends *Improving a Desirable Community* (Theme D and Chapter 6) by working to achieve an effective and comprehensive transportation system (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); and protecting and enhancing natural landscapes that give Lexington its unique identity and image (Theme D, Goal #3). The petitioner has worked to incorporate the planned share-use trail, preserve the aesthetic beauty of the area, and accommodate a Fayette County Public Schools middle school site. The school site will provide open space and serve as a focal point for the neighborhood.
 - d. The 2013 Plan recommends 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), both of which are being met by the petitioner's proposal within the Urban Service Boundary.
2. This recommendation is made subject to approval and certification of PLN-MJDP-16-00040: The Peninsula, 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 buffering restrictions are recommended for the subject property:
 - a. Along the boundary of the subject property which is shared with Kentucky American Water (Reservoir #4), there shall be a twenty-five (25) foot buffer area established from the 2014 FEMA D-FIRM Special Flood Hazard Area (coincident with the twenty-five (25) foot floodplain setback required by Article 19 of the Zoning Ordinance). Within the buffer area:

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- (1) accessory structures, fences and play structures shall be prohibited;
- (2) existing trees with a 3" caliper, or greater, shall be preserved, except for dead, diseased, hazardous trees or invasive species. Trees meeting these criteria;
- (3) may be removed only with the written consent of the Division of Environmental Services, if deemed to be necessary for the overall health of this environmentally sensitive area.

- b. PLN-MJDP-16-00040: THE PENINSULA (1/26/17)* - 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. Complete typical Required townhouse development information proposed (group residential or fee simple).
9. Denote that phasing of the development shall be determined at the time of the Final Development Plan and/or Preliminary Subdivision Plan-
10. Denote significant tree protection areas on plan.
11. Revise note #10 relative to the single family area.
12. Denote that there shall be a tree protection/conditional zoning buffer area along the reservoir that corresponds with the 25' floodplain setback.
13. Denote: The re-alignment of Squires Road and access to the existing residential lots shall be resolved at the time of the Final Development Plan and/or Preliminary Subdivision Plan.

Staff Zoning Presentation – Ms. Wade said the staff has received 692 form letters and 89 individual emails in opposition, in addition to more form letters that were submitted to the staff at the time of the meeting. She presented and summarized the staff report and recommendations for this zone change. She said that the subject property does not include land between the property line/zone line and the edge of the water. She said that Kentucky American Water Company (KAWC) will maintain a small amount of property along the waters' edge.

Ms. Wade displayed aerial photographs of the subject property. She said that the residential dwelling units per acre, excluding the 20 acres that is allocated for the middle school, will be 7.19 dwelling units per acre. She said that there is a significant Bur Oak tree that was discovered thru the required tree inventory, which will be protected.

Ms. Wade said that the applicant believes that their application is in agreement with the 2013 Comprehensive Plan. The applicant contends that the following themes are being met by their application: growing successful neighborhoods, protection of the environment, improving a desirable community, and maintaining a balance between planning for urban uses and safeguarding rural land.

Ms. Wade said that the subject property is encouraged as an infill and redevelopment site and that the school will be the focal point of the neighborhood. She also said that within the Greenway Master Plan, the subject property is depicted with a portion of the Man o' War trail following the lake's edge.

Ms. Wade said that the staff made a recommendation of conditional zoning restrictions to protect the water's edge. She said the staff initially recommended a 25 foot setback from the 2014 FEMA floodplain. Staff amended the setback recommendation to 25 feet from the edge of the zone. The staff's exhibit reflects this change.

Under the provisions of Article 6-7 of the Zoning Ordinance, the following buffering restrictions are recommended for the subject property:

- a. Along the boundary of the subject property which is shared with Kentucky American Water (Reservoir #4), there shall be a twenty-five (25) foot landscape buffer area established from the zone change boundary 2014 FEMA D-FIRM Special Flood Hazard Area (coincident with the twenty-five (25) foot floodplain setback required by Article 19 of the Zoning Ordinance). Within the buffer area:

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- (1) all structures, including accessory structures, fences and play structures shall be prohibited;
- (2) existing trees with a 3" caliper, or greater, shall be preserved, except for dead, diseased, hazardous trees or invasive species;
- (3) all other trees meeting these criteria;(3) may be removed only with the written consent of the Division of Environmental Services, if deemed to be necessary for the overall health of this environmentally sensitive area.

This buffer restriction is appropriate and necessary for the subject property in order to more fully protect the adjacent reservoir and to more fully implement the principles of the 2013 Comprehensive Plan.

Ms. Wade said that the staff is recommending approval of this zone change because it is in agreement with the 2013 Comprehensive Plan.

Commission Comments – Mr. Owens asked Ms. Wade to clarify the location of the zone line. Ms. Wade displayed the aerial photograph of the property with the zone line shown. She said the zone line was proposed by the owner and applicant which is not the same as the waters' edge or the FEMA floodplain. She said the zone delineates Kentucky American Water is allowing Ball Homes to develop. She said that the staff is recommending the setback be from that line; an additional 25 feet from what KAWC will maintain, which is approximately 50 feet, for a total of a 75-foot setback.

Development Plan Report - Mr. Martin presented the Staff Report on the associated Preliminary Development Plan, presented a rendering of the submitted plan to the Commission, and described the location of the proposed uses. He entered into the record an exhibit that illustrated the proposed conditional zoning restriction, in relation to the development plan. He also entered into the record an exhibit from the Engineering Manuals, regarding "Perennial Stream Floodplain" areas.

In speaking to condition #12, as recommended by the Subdivision Committee, Mr. Martin suggested the following change to its wording: The condition will be from the zone line, also the property line for the development. He pointed on the map to the strip of land that Kentucky American Water is maintaining ownership of. He also pointed to the conditional zone line that the staff is recommending, which exceeds the 25 foot floodplain setback in many places.

Mr. Martin said the staff is more comfortable with a conditional zoning restriction based on a static property line, rather than the "top of bank" that can vary.

Mr. Conyers presented a PowerPoint presentation regarding the Transportation Planning/MPO staff's review of the Traffic Impact Study submitted by the applicant in conjunction with this zone change request. (A copy of their report is attached as an appendix to these minutes.) He stated that the study had been revised since its initial submission. There were a few impacts above Level-of-Service "E" & "F" at intersections along Richmond Road, to the northeast of the subject property. He also spoke about the trail proposed in this general area. He also reviewed the applicant's traffic consultant's recommendations, as well as those of the Transportation Planning/MPO staff.

Questions – Mr. Owens asked about the street capacity in this area. Mr. Conyers replied that collector streets can usually accommodate volumes up to 10,000 trips per day. Mr. Owens asked about the recommended improvements along Squires Circle. Mr. Conyers replied that the staff in the Division of Traffic Engineering would need to be consulted to see if there is sufficient room in the existing right-of-way to accomplish all of these recommendations.

Petitioners' Presentation – Mr. Bill Lear, attorney for the applicant, introduced their application, and provided a PowerPoint presentation that would serve as an outline for their formal presentation.

Phil Stuffert, land planner with HR Green, Denver, Colorado, presented the development concept for the applicant. He said he has worked on projects in Lexington for the past 15 years. He spoke about the Urban Services Boundary, and the horse farms that lie beyond that boundary. He presented the advantages of maximizing the density on the site. The PowerPoint identified the high points on the site, the multi-family development area proposed, the clubhouse area and "open space corridor," the proposed school site as the centerpiece of the development, the single-family detached residential area.

Mr. Nick Nicholson, attorney for the applicant, provided a history of past Comprehensive Plan recommendations for this location. He reviewed the Themes, Goals and Objectives of the 2013 Comprehensive Plan, in relation to the applicant's proposed development. The applicant considers this an "infill site." He said that developers prefer the Planned Neighborhood Residential (R-3) zone, because it permits a more flexible development than lower density residential zones permit.

Mr. Lear entered an aerial photograph exhibit of the subject site into the record, and reviewed the proposed setback of the development from the edge of Reservoir #4. He said that it varies from about 40' to 100'. He said that middle schools have a service radius of 1.5 miles. This proposed school site will "fill a gap" and also pull some students from Edith Hayes Middle School, located further southeast of the subject property.

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He reviewed the Comprehensive Plan text regarding "single-loaded streets," and said that the parks listed in this section are rather small in size. Other large parks in the community are not completely surrounded by public streets. Their site will be clearly visible to all visitors to the new middle school.

Mr. Lear submitted a letter into the record from KAWC which expressed their desires related to a street near the water's edge.

Dianne Zimmerman, professional with CBM Smith, of Lexington, presented the Traffic Impact Study for the applicant. She said that the subject site has considerable access to the local collector street system. Trip generation was based on 156 detached single family homes, 306 apartments, 31 townhomes and a middle school with 900 students. A separate analysis, in an addendum, was submitted with a residential-only development, should the middle school not choose to locate on the subject site.

Mr. Lear summarized some other TIS information, including that the peak hour generator of the development will be in the AM peak hour. He displayed an exhibit for "Lakeshore Traffic Distribution" around Henry Clay High School. He compared that to an exhibit for "Peninsula Traffic Distribution."

Mr. Nicholson introduced exhibits from the Greenway Master Plan, an adopted element of the 2013 Comprehensive Plan. He said that this plan, was supposed to be updated in 2015, but that has not happened as of yet. However, he asserted that the Trail Components mentioned in the Greenway Master Plan are being complied with by the applicant. He presented a nexus argument for a large dedication for a trail.

Dr. Tom Kimmerer, Venerable Trees, Inc., a conservation group devoted to preservation of significant tree area, was present to speak to the development. He said that this group is especially interested in the preservation of the ancient trees located within the Urban Services Area. He said that the site does have a Bur Oak tree along its northern boundary which is in very good condition. His recommendation is for an 81' protection area surrounding this tree, and the creation of a park-like area surrounding it. He said that the other trees on the property are not significant, and worthy of preservation. He said that the "lake edge woods" has a small number of healthy, non-invasive tree species. Trees are far enough back from the water to where they do not shade the lake at all. He said this area is crowded by the growth of understory honeysuckle. They propose to remove non-invasive species, including tree removal of pear trees and white ash, which are often in poor condition. The "snag trees" along the shoreline will be retained, with KAWC's permission, for habitat preservation.

Mr. Nicholson said that the applicant is in agreement with the Planning Staff's recommendations.

Objectors' Presentation – Mr. Nathan Billings, attorney for the nearby neighbors, stated he was present to represent hundreds of objectors to this zone change.

Dr. Daniel A Potter, Distinguished Research Professor at the University of Kentucky, was present to speak on the hazards of pests and pesticides. He presented a PowerPoint presentation of such environmental hazards, including the labels of some common pesticides. He stated that the primary issue for the use of these common chemicals is an adequate buffer area from a riparian area, including a buffer "of at least 100'." He said that a buffer of 25' or 50' would be inadequate from a city reservoir.

Questions – Ms. Mundy asked about the runoff being dissipated due to the large volume of water in Reservoir #4. Dr. Potter said that there are many variables involved, including slope, weather, etc. This is why there are federal labels on these products. She said that she had spoken with a local engineer that there is enough water in the reservoir that these chemicals would be diluted or dissipated before they cause any harm. Mr. Potter said that is documented that there have been fish kills from the use of pesticides in this reservoir from the Lakeside Golf Course. Mr. Berkeley said that this shoreline has a much gentler slope. Dr. Potter said that if water from treated lawns runs into the lake, then there exist a greater need for an adequate buffer.

Objectors' Presentation (cont.) – Mr. Billings said that he wasn't sure of the engineer Ms. Mundy had spoken with, but this is an important issue. He presented an exhibit rendering of the submitted preliminary development plan. It identified a buffer area needed from the KAWC property. He said that the objectors had submitted a notebook of exhibits, some of which would be highlighted in his presentation. He said that this property provides an opportunity for an excellent development, and there are few properties of this size left in the Urban Services Area. They are not saying "deny this development," but instead they are proposing additional conditional zoning restrictions (density restriction to no more than 328 dwelling units & a 75' buffer area from the reservoir), and two additional development plan conditions.

Mr. Billings said that they provided a chart of whether this application is in agreement with the Comprehensive Plan. He said, that for the most part, the development plan is not, as it currently exists. He provided a history of Comprehensive Plans, back to 1980.

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Mr. Billings's PowerPoint included an Introduction, provided background, history, density traffic information, a proposal for a 100' Conservation Buffer (which was identified as the "crux" of the issue) with 50' inside of the R-3 & R-4 property, and trails. Also included were letters, studies and analysis.

Mr. Billings submitted a letter from the LFUCG Tree Board, and several contemporary articles regarding such issues. One article from a Yale University Study, recommended 100' which was labeled as a minimum distance. One letter and a short video presentation were also submitted from arborist Dave Leonard.

Mr. Billings provided comparisons of the shoreline buffers for other residential developments surrounding Reservoir #4. The ones proposed here are narrower than all of the other developments reviewed by the objectors.

In conclusion, Mr. Billings asked for conditional zoning restrictions, including a 25' multi-use easement, and a 50' conservation easement.

Citizen Comments in Opposition:

Mr. Steve Rice, 1729 Headley Green, Audubon Society of Kentucky. He said that he is concerned for the wildlife and trees on these grounds.

Ms. Bridget Abernathy, Lexington-Fayette County Tree Board. She described potential riparian buffer disturbances and the need for its protection.

Mr. Walt Gaffield, Fayette County Neighborhood Council. He said that the school would be exempt from the EPA Consent Decree requirements, which could affect sewers.

Ms. Heather Barras, 384 Squires Circle. She is concerned about the existing wildlife on the subject site and about the increased traffic if the development is approved for construction. She asked for a "responsible development" at this location.

Mr. Patrick Wesolosky, President of the Bluegrass Bicycling Club. He said that a double sidewalk trail is being proposed; but it would be unsafe for cyclists.

Mr. Brian Olsen, 305 Shoreside Drive, said that he lives in a Ball Home. He said that this project should result in a "win-win" for all parties. This is a special place, due to all of the wildlife. He read the definition for a "nature preserve" out of the Zoning Ordinance, and asked that the school be moved to another location, so that a 24-acre nature preserve could be created.

Dr. David Greenlee, 3205 Fox Chase Court. He said that the street widths would be too narrow for the fire engine companies to navigate. Smuggler's Gulch had similar streets, and those streets were too narrow to accommodate emergency vehicles, and they had to go through front yards to get out of the subdivision.

Dr. Suzanne Bhatt, 1000 Rain Ct. She spoke of the birds and wildlife in the area. She asked what the Comprehensive Plan speaks to, if not properties like this one. She said that the greenways and trails are most important to bring nature into these neighborhoods. She is worried that heavy equipment would be used to remove native species on the subject property. It should be handled, by hand, in a careful way. This place is too special to build an ordinary development here.

Mr. Ken Cooke, 639 Cardinal Lane, member of the Friends of Wolf Run. He addressed the elements of the LFUCG Engineering Manuals. He argued for a 50' buffer area from the water's edge, based on the manuals. He provided a PowerPoint presentation, citing that the elevation of the spillway for Reservoir #4 is at 967' above sea level. He said that only 2' of elevation is the difference from the water's edge, and the 25' buffer proposed by the developer. He cited section 9.3 and 1.5.6 of the Manual, and displayed them on the overhead for review by the Commission.

Mr. Addison Hosea, 3276 Hunters Point Drive. He said he is concerned about drainage of pollutants and solids into the reservoir. He said that the lake is used also by the Fishing Club and as a backup water supply by KAWC. Their 2013 study of the water quality said that these are already issues for this lake. He said that the Comprehensive Plan promotes the conservation of this water source.

Mr. Ramesh Baht, 1000 Rain Court, said that he works at the University of Kentucky. He was worried about the maintenance of the land near the reservoir's shoreline by individual property owners. He said these concerns are why the Comprehensive Plan says that such greenways should be jointly maintained. He asked that a wall be constructed along the edge of the subject property. He said that the lake is currently surrounded by a fence in other areas.

Ms. Danita Hines, a resident near Jesse Clark Middle School, was present and concerned as a consumer of the public water system. She stated that there already is a "school" on this property, if it were made as a nature preserve. She said she the Eastern part of the country has already experienced five substantial floods in less than one year's time and expressed concern about the rising water levels.

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Mr. Bob Kennedy, 3296 Buckhorn Drive, president of the nearby East Lake Neighborhood Association. He provided his experience as a professional urban planner, including his time at the LFUCG from 1976-2001. He agreed with the applicant's proposed trip generation. He said that the USDOT requirement for a collector street is up to 6,000 ADT, and not as high as the 10,000 figure given earlier. He said that the level of service "E" is not desired in a residential area, even on collector streets. He said that this also doesn't include the proposed redevelopment of the townhouses adjacent to this property on Squires Circle. He said the neighborhood currently suffers from "cut through" traffic from Man o' War Boulevard to Richmond Road, and he has witnessed traffic accidents in the area (55 were listed by the Division of Police) and numerous speeding tickets issued.

Mr. Tony Brusate, National Audubon Society, spoke of the 117 bird species on this property. Some 200 of them have been identified in Fayette County. Songbirds, migrants and raptors are provided a wonderful habitat on the subject property. He worried about the degradation of the habitat, and said that the rezoning should be denied if the development is contrary to this goal of maintaining habitat.

Ms. Teresa Sutherland, 3268 Hunters Point Drive. She said that over 75 neighbors did meet with representatives of Ball Homes late last year, when this application was first filed. She said that traffic, "if they put a middle school in," or if they don't, will increase on their neighborhood streets. She would prefer farm trucks on this site rather than the alternative.

Ms. Marilyn Seiler, 3228 Cool Water Drive. She said that four-story apartments next to their two-story homes would be out of character with the existing neighborhood. She said that the quiet enjoyment of their properties will be infringed with this development.

Ms. Beate Popkin, 124 Idle Hour Drive, a professional landscaper and President of Wild Ones Native Plants, Natural Landscape, was present to object to the development. She said that her organization fully supports the concepts offered by Mr. Billings earlier. She also said that her organization has 150 local members, some of whom are at this meeting. She asked that creative thinking be utilized to evaluate this development.

Mr. Ray Salsman, 1004 Fog Court, is a retired fire-fighter, and was a medic. He said that Fire & EMS has only 4-6 minutes to respond in an emergency. He said that many streets, like on Oldham Avenue, can impede them from responding in that time frame. He said that some apartment complexes are very difficult to serve in emergencies.

Mr. Larry Ridenour, 3064 Roundway Down, in Glen Eagles subdivision. He said, as a former planner, he worries that all the trees will be removed from the site. He said the Commission and the staff should review Ian McHarg's book, "Design with Nature", for guidance on how to review a site with so many trees.

Mr. Scott Hiner, 3217 Foxchase Court. He said that he and his wife have a difficult time accessing Squires Road from their street. He said that bald eagles are protected by Federal regulations, and wondered whether if a nest were present in a development area.

Mr. Jeff Herrin, 3205 Buckhorn Drive. He said that he drives his daughter to Edith J. Hayes Middle School. He said that a thrown-together plan with a much needed middle school as a selling point; should still be rejected. He would be happy to accept an R-3 neighborhood, if the modifications proposed by Mr. Billings are adopted. He asked that one not be done without the other.

Mr. Bob Williams, said he doesn't live near the subject property, but that he came here as a cyclist. He thanked the city for making cycling safer than it has been. Still, as a 34-year resident, he is touched that this site is surrounded by water. He said that restoration of Cane Run Creek, and the Town Branch Commons should inspire the treatment of this development along the water's edge. Trails offer greater bicycle safety.

Ms. Nancy Kennedy, 661 Squires Road. She said that getting into the traffic flow from Squires Road will be even more difficult from individual driveways. She said that the intersections should have four-way stops installed, and it would be unreasonable to install four of those in as little as 0.4 miles.

Mr. Tom Kriegle, 433 Lakebow Court. He said that the traffic count is not realistic. He said that development will happen, but the density should be reduced.

Ms. Rebecca Abner, was present representing her son at 636 Squires Road. She said that his mailbox had been knocked over four times since he purchased his property. She worried about parking and emergency response problems with the level of density proposed. She was concerned about another "cookie-cutter" neighborhood being developed in the city. She is also worried about water contamination, and asked to have the developer downsize this proposed development.

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Ms. Helen Born, 1004 Rain Court. She said that she and her husband recently retired from the military and moved to this home, because it was a quiet location. She said she was told that the subject property was a bird sanctuary when they looked at their house. She said that many have to sacrifice, but that parks are worth the sacrifice.

Ms. Libby King, 3199 Dewey Drive. She said that she hoped the Commission would “do the right thing” in their deliberations.

Ms. Nancy Kruger, Della Drive. She travels a lot, and loves Madison, Wisconsin. She asked the Commission to review properties along the water's edge and in greenway areas carefully.

Mr. David Saier, 3194 Dewey Drive. He said that it is reasonable for concerns about the development to be voiced, but there is a need for compromise. He said that traffic backs up on these streets currently, and he asked that the trail and street improvements be installed.

Mr. Dave Leonard, a local tree expert, testified via video. Chairman Wilson asked that the video testimony be excluded because no cross-examination was possible.

Rebuttal – Mr. Lear said that he appreciated the objectors' presentations, passions, and their respectful nature. He said many of the residents here today in opposition live in homes constructed by Ball Homes. He said, in his neighborhood, which is located by another lake in town, there are bird-watchers and ducks. He said that stub streets are usually proposed to be extended, like the ones on the periphery of this neighborhood. He concluded that the staff and the Urban Forrester have approved of their application, and the buffer area.

Mr. Billings discussed Squires Circle, as originally designed, allows and promotes right turns, which are safer than left-hand turns. He said that there is no neighboring R-3 zoning, which doesn't promote context-sensitive design. He said that the sidewalk proposed, instead of a trail, doesn't further the plan. He said that the school should have single-loaded streets. He said that the neighbors have been cognizant of a spirit of compromise in making their recommendations. He added that their proposed buffer doesn't prohibit development, but balances the need for recreation and providing housing, including a small bit of conservation that matches the interface of other neighborhoods around this lake. He asked the Commission to approve the “balance” they've proposed.

Capt. Greg Lengal said that the Division of Fire & EMS is reviewing street widths, and said that they prefer the collector-street widths proposed around the school site.

Mr. Martin said that the Stormwater Manuals would be followed at the time of the actual development of the property. He said the improvements associated for this development would need to meet the Manuals, and the staff's recommended buffer should be in line with the existing Engineering Manual requirements.

Ms. Wade said that the average density within the Urban Services Boundary is about 6 units per acre. She explained that she had just had a conversation with an engineering representative from Kentucky American Water Company this morning regarding that they will continue to negotiate the standards for soil erosion and sedimentation control, with Ball Homes. She also said, with regard to the conditional zoning restrictions that were suggested by the opposition, several would not be appropriate. It would be best if the Planning Commission adopted those as Development Plan notes. She said that the conditional zoning restriction regarding the manual removal of non-native invasive species, with a one-to-one replacement is above and beyond conditional zoning restrictions. She also said that the phased approach is also appropriate as the Development Plan note, not as a conditional zoning restriction.

Note: The Chair declared a recess at 6:04 PM. The meeting resumed at 6:18 PM with the same members in attendance.

Commission Questions and Comments - Ms. Mundy asked about the contract for the school property. Mr. Lear replied that KAWC is negotiating directly with FCPS about the middle school site.

Mr. Owens asked about the KAWC recommendations regarding the buffer and rear yards proposed, compared to the other neighborhoods bordering this lake. Mr. Lear said that these other neighborhoods were not built on property owned by KAWC, and that they decided upon this boundary line before Ball Homes had a purchase contract with them.

Mr. Cravens asked about the letters submitted from the KAWC, and if it had design issues as a part. Mr. Lear said that they established several design criteria for the applicant's subdivision. Mr. Cravens asked if they opposed the location of the trail bordering the lake. Mr. Lear said that they didn't, but that there should not be a bike path constructed along the edge of the lake, in his opinion, because of the terrain of the land.

Commission Discussion – Mr. Berkley thanked the neighbors, because this hearing has gone more smoothly than any he had previously attended. He also said that he agrees with the 75' total buffer that the staff proposed and that a trail will be built as part of this development. He also said that the density being proposed is similar to that of the surrounding areas.

Ms. Plumlee disagreed with Mr. Berkeley. She agreed with the need for Conditional Zoning restriction #b.1. offered by Mr. Billings on behalf of the neighbors.

Mr. Owens applauded everyone's attempt at compromise on this development, but he would like to see an improved buffer and trail system if possible, as an amenity to the neighborhood.

Mr. Drake said that he and his wife purchased a home on a dead-end street 40 years ago; backing to a golf course, but today, it is a busy street with buses travelling down it. He said "habitat preservation is a very powerful argument, however, and not without costs." He said that the decision of the Planning Commission is sometimes difficult. He also thanked the neighbors for attending.

Ms. Mundy appreciated the attendance and the heart-felt emotion on display at this hearing. She appreciated the opinions shared at this hearing.

Zoning Plan Action – A motion was made by Mr. Berkley, seconded by Mr. Cravens, to approve PLN-MAR-16-00016: BALL HOMES, INC., for the reasons provided by the staff, with a conditional zoning buffer of 25' feet in width.

Discussion – Ms. Plumlee asked if Mr. Berkley would accept to amend the motion to increase the buffer to 50 feet in width.

Mr. Berkley declined to make an amendment to the motion. No motion to amend was made.

Motion carried 8-1 (Plumlee opposed; Brewer and Penn absent).

Development Plan Action – A motion was made by Mr. Berkley, seconded by Ms. Richardson, and carried 8-1 (Plumlee opposed; Brewer, and Penn absent) to approve PLN-MJDP-16-00040: THE PENINSULA, with the conditions provided by staff and with the change to condition #12 as follows:

12. Denote that there shall be a tree protection/conditional zoning buffer area along the reservoir that corresponds with the 25' ~~floodplain~~ zone line boundary setback.

3. G. DAVIS, CCM ZONING MAP AMENDMENT & ALL ABOUT KIDS CHILDCARE & LEARNING CENTER ZONING DEVELOPEMENT PLAN

- a. PLN-MAR-16-00021: G DAVIS, CCM (1/29/17)* – petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Professional Office (P-1) zone, for 1.5 net (2.12 gross) acres, for property located at 3280 Clays Mill Road.

COMPREHENSIVE PLAN AND PROPOSED USE

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

The 2013 Plan's Goals and Objectives emphasize the importance of supporting infill and redevelopment (Theme A, Goal #2), supporting green infrastructure (Theme B, Goal #3), and upholding the Urban Service Area concept (Theme E, Goal #1).

The petitioner proposes to develop a childcare center and associated off-street parking to serve approximately 200 children.

The Zoning Committee Recommended: **Approval.**

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

1. The requested Professional Office (P-1) zone is in agreement with the 2013 Comprehensive Plan, as follows:
 - a. The Goals and Objectives encourage infill development throughout the Urban Service Area as a strategic component of growth for our community (Theme A, Goal #2). The petitioner proposes to utilize the subject property for land use that is compatible with both residential neighborhoods and professional office uses along and near the Clays Mill Road corridor.
 - b. The Goals and Objectives recommend supporting green infrastructure (Theme B, Goal #3). The new childcare center will be constructed utilizing "certified green building contractors" in a manner to support a learning environment that focuses on protection of the physical environment. Also, the site will capture rain water and re-use it to irrigate the on-site landscaping and gardens.
 - c. By utilizing land inside of the Urban Service Area for this urban development, the proposed rezoning and development will meet Theme E, Goal #1 to uphold the Urban Service Area concept.
2. P-1 zoning is compatible with the development along Clays Mill Road, and is consistent with the existing P-1 zone to the south of the subject property.

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

3. This recommendation is made subject to approval and certification of PLN-MJDP-16-00046: All About Kids Childcare & Learning Center, 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-16-00046: ALL ABOUT KIDS CHILDCARE & LEARNING CENTER (1/29/17)* - located at 3280 Clays Mill Road.
(McGill, Smith & Punshon, Inc.)

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

1. Provided the Urban County Council rezones the property P-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. .Addition of adjacent property record plan or property owner's name (s).
6. .Addition of proposed and existing easements.
7. Document compliance with Art. 21-7(b)(3) of the Zoning Ordinance prior to plan certification.
8. Resolve parallel parking (vs. angled) proposed in the island area near building entrance.
9. Resolve the need to extend the sidewalk along the Vincent Way frontage.

Staff Zoning Presentation – Ms. Wade presented and summarized the staff report and recommendations for this zone change. She said the applicant would like to build a childcare center, which would serve approximately 200 children. She said that the applicant contends that this zone change is in agreement with the 2013 Comprehensive Plan. She also said the building will appear residential in nature, and will support the concept of green infrastructure. The staff recommends approval of the zone change.

Development Plan Presentation – Mr. Martin presented the staff report on the corollary zoning development plan, and a rendering of that plan. He said that the petitioner is proposing a 100' by 100' building on the property with associated parking. He said that the main vehicular access to the childcare center would be off of Vincent Way. He said that there was some staff concern with the layout of the parking/drop-off area.

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

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

Zoning Action – A motion was made by Ms. Mundy, seconded by Ms. Plumlee, and carried 9-0 (Brewer and Penn absent) to approve PLN-MAR-16-00021: G DAVIS, CCM, for the reasons provided by the staff.

Development Plan Action – A motion was made by Ms. Mundy, seconded by Ms. Plumlee, carried 9-0 (Brewer and Penn absent) to approve PLN-MJDP-16-00046: ALL ABOUT KIDS CHILDCARE & LEARNING CENTER, for the reasons provided by the staff.

4. **DAVID MEYERS, KENTUCKY LODGING AND DEVELOPMENT CO., INC ZONING MAP AMENDMENT & HOSPITALITY MOTOR INNS, INC. & BP OIL CO, INC. (DOLLAR GENERAL)(AMD) ZONING DEVELOPEMT PLAN**

- a. PLN- MAR-16-00025: DAVID MEYERS, KENTUCKY LODGING AND DEVELOPMENT CO., INC (2/19/17)* - petition for a zone map amendment from Interchange Service Business (B-5P) zone to a Highway Service Business (B-3) zone, for 0.75 net (1.36 gross) acres, for property located at 2167 N. 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. In addition, the Plan encourages a mix of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

The petitioner proposes a Highway Service Business (B-3) zone in order to construct a retail sales establishment about 7,500 square feet in size and associated off-street parking on the subject property

The Zoning Committee Recommended: **Approval**.

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

1. A restricted Highway Service Business (B-3) zone is in agreement with the 2013 Comprehensive Plan, for the following reasons:

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

- a. The site can be considered as an underutilized site after 50 years of B-5P zoning, with no development. The property should be considered for a possible change to an alternative business zone (and use) in order to better serve the needs of the community, since the site is within the Urban Service Area.
 - b. The proposed redevelopment will be able to use the existing infrastructure and transportation networks (which are adequate to serve the use), and the proposed land use will not impair existing environmental conditions on the site. This is consistent with the guiding principles of the Comprehensive Plan, specifically Chapter 4: "Protecting the Environment," and Chapter 6: "Improving a Desirable Community."
 - c. The 2013 Comprehensive Plan supports infill and redevelopment and creating a well-designed neighborhood/community (Theme A, Goals #2 and #3). The site is a long-time vacant site within the Urban Service Area, which can enhance the existing nearby neighborhoods with support uses, such as additional shopping options in close proximity.
 - d. The proposed zoning and land use are not out of character with the other commercial uses along the North Broadway corridor. Conditional zoning restrictions to limit uses that may negatively impact the nearby residential neighborhood would be most appropriate for the subject property to ensure land use compatibility.
2. This recommendation is made subject to approval and certification of PLN-MJDP-16-00053: Hospitality Motor Inns, Inc. and BP Oil Co., Inc (Dollar General), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
 3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses shall be prohibited on the subject property, via conditional zoning:
Prohibited Uses
 - a. Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
 - b. Cocktail lounges and nightclubs.
 - c. Car wash establishments.
 - d. Pawnshops.
 - e. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
 - f. Advertising signs, also known as billboards, as regulated by Article 17 of the Zoning Ordinance.
- b. PLN-MJDP-16-00053: HOSPITALITY MOTOR INNS, INC. & BP OIL CO, INC. (DOLLAR GENERAL)(AMD) (2/19/17)* - located at 2167 N. Broadway.
(Vantage Engineering, PLC)

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. Increase font size for all textual note information, including site statistics.
6. Correct plan title to match agenda information.
7. Addition of all pertinent information from previous development plan.
8. Complete dimensions on building for store entrance area (front wall).
9. Resolve proposed access to Judy Lane, to the approval of the Division of Traffic Engineering.
10. Remove site statistics for Tract 2A (not applicable).

Staff Zoning Presentation – Ms. Wade presented and summarized the staff report and recommendations for this zone change. She said the applicant is requesting this zone change because of the restriction that limits the square footage of retail sales in the current zone. She said that the applicant wants to build a Dollar General Store on the subject property. The staff recommends conditional zoning restrictions to prohibit the most intense uses at this location because of residential development across Judy Lane.

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 revised conditions, as follows:

The Staff Recommends: **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. Increase font size for all textual note information, including site statistics.
- ~~6. Correct plan title to match agenda information.~~
- ~~7. Addition of all pertinent information from previous development plan.~~

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

6. ~~8. Complete~~ Re-establish and provide dimensions for access from private drive near building for store entrance area (front wall).
7. ~~9. Resolve~~ Reduce width of proposed access apron to Judy Lane, to the approval of the Division of Traffic Engineering.
- ~~10. Remove site statistics for Tract 2A (not applicable).~~
8. Use dashed lines to outline landscape area along west property line.
9. Extend sidewalk in front right-of-way westward to edge of asphalt.

Mr. Martin said that there is an easement along North Broadway that functions as a service road. He distributed an exhibit displaying the original submission of the conditions. He said the staff had concerns that the applicant is proposing to build landscape and concrete scape that will block this easement. The applicant is proposing to remove the service/easement.

Petitioner Presentation – Tanner Nichols, attorney, was present representing the petitioner. He said that the applicant is in agreement with the staff's recommendations. He said the proposed service road was for internal traffic among the three properties, which will be terminated. He said the applicant is in negotiation with the hotel and gas station owners regarding this proposal.

Citizen Comments in Opposition:

Ms. Catherine Perkins, 258 Swigert, was representing Joyland Homeowners Association. She said they have concerns about the entrance off of Judy Lane and the increased traffic, but was supportive of the zoning restrictions recommended by the staff.

Zoning Action – A motion was made by Mr. Cravens, seconded by Ms. Richardson, and carried 9-0 (Brewer and Penn absent) to approve PLN- MAR-16-00025: DAVID MEYERS, KENTUCKY LODGING AND DEVELOPMENT CO., INC., for the reasons provided by the staff, including conditional zoning.

Development Plan Action – A motion was made by Mr. Cravens, seconded by Ms. Richardson, carried 9-0 (Brewer and Penn absent) to approve PLN-MJDP-16-00053: HOSPITALITY MOTOR INNS, INC. & BP OIL CO, INC. (DOLLAR GENERAL)(AMD), for the revised conditions provided by the staff.

C. FULL PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMEMENDMENTS

1. **ZOTA 2017-1: MARKET GARDENS** – petition for a Zoning Ordinance text amendment to define and regulate Market Gardens throughout Lexington-Fayette County.

REQUESTED BY: Urban County Planning Commission

PROPOSED TEXT: Copies available from the staff.

The Zoning Committee Recommended: **Approval.**

The Staff Recommends: **Approval of the Staff Alternative text,** for the following reasons:

1. The 2013 Comprehensive Plan, *Chapter 8: Implementation* recommends updating the community's regulations to permit community gardens in support of Theme A: Growing Successful Neighborhoods. To further implement the Comprehensive Plan, community, and by association market gardens, will help to build stronger neighborhoods by encouraging positive social interactions, reducing food dessert impacts, and promoting sustainable and affordable local food production.
2. The proposed Zoning Ordinance text amendment will help to encourage urban agricultural in Fayette County and also provide appropriate regulations by which agricultural products might be sold on-site, if deemed appropriate by the Board of Adjustment.

Staff Zoning Presentation – Ms. Wade presented and summarized the staff report and recommendations for this text amendment. She said this amendment will allow market gardens, selling of products on site, in particular zones. She said that the Fayette Alliance has submitted a letter of support.

Commission Comments – Mr. Cravens asked if in a residential zone, a person would need to go to the Board of Adjustment. Ms. Wade replied that in order to sell the products, yes, they must go before the Board of Adjustment to request a conditional use permit.

Action – A motion was made by Mr. Owens, seconded by Ms. Plumlee, and carried 9-0 (Brewer and Penn absent) to approve ZOTA 2017-1: MARKET GARDENS, 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 February, 2017**

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	February	2, 2017
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	February	2, 2017
Subdivision and ND-1 Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	February	9, 2017
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	February	23, 2017
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	February	22, 2017
Work Session, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	February	16, 2017

X. **ADJOURNMENT** - There being no further business, Chairman Wilson declared the meeting adjourned at 7:06 p.m.

William Wilson, Chair

Carolyn Plumlee, Secretary

TLW/TM/WLS/dw

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