

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

February 23, 2017

- I. **CALL TO ORDER** – The meeting will be called to order at 1:30 p.m. in the Council Chamber, 2nd Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.
- II. **APPROVAL OF MINUTES** – The minutes of the January 26, 2017 and the corrected minutes of the October 13, 2017, meetings will be considered at this time.
- III. **POSTPONEMENTS AND WITHDRAWALS** – Requests for postponement and withdrawal will be considered at this time.
- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, February 2, 2017, at 8:30 a.m. The meeting was attended by Commission members: Karen Mundy, Carolyn Plumlee, Joe Smith and Mike Owens. Committee members in attendance were: Vaughan Adkins, Division of Engineering; and Casey Kaucher, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee; Tom Martin; Denice Bullock; Chris Bronczyk; Cheryl Gallt; Captain Greg Lengal and Lieutenant Joshua Thiel, Division of Fire & Emergency Services; 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.*

1. PROVIDENCE PLACE, TRACT 3, LOT 3 ZONING DEVELOPMENT PLAN

- a. PLN-MJDP-16-00056: PROVIDENCE PLACE, TRACT 3, LOT 3 (5/3/17)* - located at 2214 Mary Fay Place.
(Council District 12) **(Barrett Partners)**

Note: The Planning Commission postponed this item at their February 9, 2017 meeting. This plan requires the posting of a sign and an affidavit of such.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. Denote review by the Royal Springs Aquifer Committee, prior to certification.
12. Denote exactions due, to the approval of the Division of Planning, prior to certification.
13. Provided the Planning Commission makes a finding that the plan complies with the EAMP.
14. Discuss landscaping needed adjacent to the agricultural use on the northern property line.

- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, February 2, 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, 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

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

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

The procedure for these hearings is as follows:

- Staff Reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) proponents (10 minute maximum OR 3 minutes each)
 - (b) objectors (30 minute maximum) (3 minutes each)
- Rebuttal & Closing Statements
 - (a) petitioner's comments (5 minute maximum)
 - (b) citizen objectors (5 minute maximum)
 - (c) staff comments (5 minute maximum)
- Hearing closed and Commission votes on zone change petition and related plan(s)

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the hearing. The Chair will announce its decision at the outset of the hearing.

1. LEXMARK INTERNATIONAL, INC. ZONING MAP AMENDMENT & LEXMARK INTERNATIONAL CORPORATION DEVELOPMENT PLAN

- a. PLN-MAR-16-00012: LEXMARK INTERNATIONAL, INC. (2/23/17)* – 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

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

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

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

The Zoning Committee Recommended: Approval.

The Staff Recommends: Approval, for the following reasons:

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

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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 (2/23/17)* - located at 740 W. New Circle Road and 1180 Newtown Pike.
(EA Partners)

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

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

1. Provided the Urban County Council rezones the property P-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Denote: No building permit shall be issued unless and until a final development plan is approved by the Planning Commission.
8. Addition of walkways (and their dimensions) on the site.
9. Denote construction access point on plan.
10. Label access easement to proposed parking.
11. Denote tree protection areas.
12. Denote proposed and required parking.
13. Denote the approval from the Royal Springs Aquifer Committee prior to certification of Final Development Plan.
14. Discuss location of parking lot in tree stand.
15. Discuss conflict between Legacy Trail easement and new parking lot.
16. Discuss compliance with the Winburn Small Area Plan.

2. ANDERSON BRIDGEWATER, LLC ZONING MAP AMENDMENT & ANDERSON 2 SUBDIVISION ZONING DEVELOPMENT PLAN

- a. PLN-MAR-16-00026: ANDERSON BRIDGEWATER, LLC (4/6/17)* - petition for a zone map amendment from an Expansion Area Residential (EAR-1) zone to an Expansion Area Residential (EAR-2) zone, for 12.32 net (12.51 gross) acres, for property located at 425 Chilesburg Road.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World. The 2013 Comprehensive Plan also encourages growing successful neighborhoods (Theme A) by expanding housing choices (Goal #1), supporting infill and redevelopment as a strategic component of growth (Goal #2), and providing well-designed neighborhoods and communities (Goal #3). In addition, the Plan calls for maintenance of the boundaries of the Urban Service Area (Theme E, Goal #3) and protecting the environment (Theme B).

The subject property is located within the Expansion Area, more specifically Subarea 2C. The Expansion Area Master Plan recommends Expansion Area Residential-1 future land use for the subject property, with a Special Design Area along Chilesburg Road. The Expansion Area Residential-1 land use would permit a maximum of three dwelling unit per gross acre of land.

The petitioner proposes a townhouse residential development, with 75 dwelling units, for a residential density of 6.0 units per gross acre.

The Zoning Committee Recommended: **Approval**.

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

1. The proposed Expansion Area Residential-2 (EAR-2) zone is in agreement with the 2013 Comprehensive Plan, and partially compliant with the Expansion Area Master Plan (for Expansion Area 2C), which is an element of the adopted 2013 Comprehensive Plan, for the following reasons:

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- a. Residential development of varying types is encouraged and permitted in all of the residential zones of the Expansion Area, but at variable densities. Thus, all of the EAR zones meet the 2013 Comprehensive Plan goal for expanded housing choices and varied housing types.
 - b. The increase in density proposed for the subject property will not overburden the infrastructure of Expansion Area 2C, and is supported by policy statements in the 2013 Comprehensive Plan that encourage higher density development adjacent to public parks and open spaces, such as Jacobson Park.
 - c. By providing a single-loaded street adjacent to Jacobson Park, the development will create a well-designed community as recommended by Theme A, Goal #3 of the 2013 Comprehensive Plan.
 - d. If a connection to the Tucker Property is made, the proposed development can meet the Complete Streets concept, which includes the design and use of the right-of-way for cars, bicycles and pedestrians, as recommended by Theme D, Goal #1a. of the 2013 Comprehensive Plan, and the Community Design Element of the Expansion Area Master Plan.
 - c. Since the density of the adjacent Chilesburg development has not been approved at or near the maximum recommended by the EAMP, the modest increase now proposed for the subject property will not tax the infrastructure originally (master) planned for this area
2. This recommendation is made subject to the approval and certification of PLN-MJDP-17-00002: Anderson 2 Subdivision, 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-17-00002: ANDERSON 2 SUBDIVISION (4/6/17)* - located at 425 Chilesburg Road.
(Barrett Partners)

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

1. Provided the Urban County Council rezones the property EAR-2; 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. Increase font size of all plan notes and site statistics.
8. Resolve timing of the pedestrian access proposed to Jacobson Park.
9. Discuss physical barriers, fencing material, lighting, per Zoning Ordinance, in rear yard along property line that adjoins Andover Hills Subdivision.

3. **KAPPA KAPPA GAMMA, INC. ZONING MAP AMENDMENT & KAPPA KAPPA GAMMA, INC. ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-17-00001: KAPPA KAPPA GAMMA, INC. - petition for a zone map amendment from a High Density Apartment (R-4) zone to a High Rise Apartment (R-5) zone, for 0.93 net (1.02 gross) acres, for properties located at 238-248 E. Maxwell Street. A conditional use permit and dimensional variances are also requested.

COMPREHENSIVE PLAN AND PROPOSED USE

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

The 2013 Comprehensive Plan also encourages growing successful neighborhoods (Theme A) by expanding housing choices (Goal #1), supporting infill and redevelopment as a strategic component of growth that respects the area's design features (Goal #2), and providing well-designed neighborhoods and communities (Goal #3). In addition, the Plan calls for compact, contiguous development to accommodate future growth needs (Theme E, Goal #1b).

The petitioner proposed rezoning the subject property in order to make an addition to the existing sorority house, and revise the associated off-street parking. A conditional use and dimensional variances have also been requested in association with the zone change application.

The Zoning Committee Recommended: **Approval**.

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

1. The requested High Rise Apartment (R-5) zone is in agreement with the 2013 Comprehensive Plan and the *Downtown Master Plan*, for the following reasons:
 - a. The subject property is located within the College Town precinct of the Downtown Master Plan. The *Master Plan* encourages increasing residential development (Recommendation #4).

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- b. The *Downtown Master Plan* for the College Town precinct and the E. Maxwell corridor specifically, does not encourage much physical change or standard infill development. The *Master Plan* states that “important to the successful development of the area is the retention of old and historic buildings and the development of housing and retail space that not only increases density, but also responds to the surrounding architectural character.”
 - c. The petitioner’s proposal incorporates both retention of the historic residential structure and increased density for the subject property.
 - d. The Goals and Objectives of the 2013 Comprehensive Plan, specifically within *Theme A: Growing Successful Neighborhoods*, support expanding housing choices to meet the needs of all citizens (Goal #1b.); support infill and redevelopment that respect’s the context and design features of the area (Goal #2a.); and providing well-designed neighborhoods and communities (Goal #3). The E. Maxwell corridor is already overwhelmingly high density residential in character, with many 3-story structures used primarily for student housing. The necessity of the R-5 zone is to facilitate a larger building (with a maximum FAR of 1.3 and a maximum coverage of 35%), but the scale of the building will not be out of character with the surrounding structures in the immediate vicinity, which are 2- and 3-stories in height.
 - e. The Goals and Objectives of the 2013 Comprehensive Plan call for compact, contiguous development to accommodate future growth needs (Theme E, Goal #1b). The increased density desired by the sorority, which necessitated the rezoning request, will allow a greater number of students to live on or near campus, which reduces commuter traffic.
2. This recommendation is made subject to approval and certification of PLN-MJDP-17-00003: Kappa Kappa Gamma, Inc., prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission’s approval.

b. REQUESTED CONDITIONAL USE – Sorority House.

c. REQUESTED VARIANCES

- 1. Increase the maximum height from a 4:1 height-to-yard ratio to 42’
- 2. Reduce the minimum front yard from 20’ to 4’ (along E. Maxwell Street)
- 3. Reduce the minimum side yard from 10’ to 8’
- 4. Reduce the maximum parking from 28 spaces to 37

The Zoning Committee Recommended: **Approval.**

The Staff Recommends: **Approval of the requested Conditional Use Permit**, for the following reasons:

- a. Granting the requested conditional use permit should not adversely affect the subject or surrounding properties. The level of nonconformity with regard to off-street parking will be reduced, with the final design of the proposed parking lot and access to East Maxwell Street to be subject to review and approval by the Division of Traffic Engineering. Surrounding residentially-zoned properties are primarily rental or institutional in nature, and are not likely to be disturbed by the proposed sorority house.
- b. All necessary public facilities and services are available and adequate for the proposed use (as indicated in the staff’s Zoning Staff Report).

The Staff Recommends: **Disapproval of the requested Front Yard Variance**, for the following reasons:

- a. Open space areas in front of most properties along East Maxwell Street are devoid of off-street parking areas.
- b. The six proposed parking spaces in the front of this sorority house can be provided on the subject lot, without the need for this dimensional variance.
- c. Not granting this dimensional variance will not pose an unreasonable hardship to the applicant, as they have chosen to reduce the off-street parking (available for sorority members) on its property.
- d. The sorority’s current off-street parking substantially complies with a 20’ setback from East Maxwell Street.
- e. A University of Kentucky parking lot exists immediately adjacent to the sorority house, and on-street parking is also available on both East Maxwell Street and Stone Avenue.

The Staff Recommends: **Approval of all other requested Dimensional Variances**, for the following reasons:

- a. There will be no adverse health, safety or welfare impact to the adjoining neighborhood or neighboring properties from these variances. The height and side yard variances are minimal, and are only required for the proposed construction because of the applicant’s desire to retain the historical sorority house existing on the front of the subject property, and much of the existing non-conforming parking (in excess of fairly new requirements).
- b. The unusual circumstance surrounding this proposed R-5 property is that it is bordered by land owned by the University of Kentucky on three sides, including a large parking lot immediately to the south. Open space requirements will be met for the proposed construction on the subject site, and the off-street parking for the sorority will come into greater compliance with the limitations found in the Infill & Redevelopment Area.
- c. Strict application of these Zoning Ordinance requirements would deprive the applicant from a reasonable use of their property, because it would necessitate a significant reduction in this “Greek” housing facility and meeting place.
- d. Approval of these variances would not result in an unreasonable circumvention of the Zoning Ordinance, as the applicant

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has attempted to reduce the scope and impact of these variances to the greatest extent possible. The height and orientation of this building on the subject site will not be unlike that possible on the adjoining University of Kentucky property, due to their exemption to most of our local Zoning Ordinance requirements.

- e. The variances have been requested by the applicant prior to the construction and redevelopment of their 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, or 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 new parking lot shall be screened and landscaped as required by Article 18 of the Zoning Ordinance.

- d. PLN-MJDP-17-00003: KAPPA KAPPA GAMMA, INC. (4/6/17)* - located at 238 E. Maxwell Street.
(EA Partners)

The Subdivision Committee Recommended: **Approval**, subject to the following 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.
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. Provided the Planning Commission grants the requested variances.
6. Provide exhibit documenting open space requirements per Article 8-14(k) of the Zoning Ordinance.
7. Provided the Planning Commission grants the proposed conditional use permit, and dimensional variances.
8. Denote proposed fence height adjacent to E. Maxwell Street.
9. Discuss requested side yard and height to yard ratio per Article 8-14 of the Zoning Ordinance.

4. **ATCHISON HELLER CONSTRUCTION, LLC ZONING MAP AMENDMENT & HARPER WOODS (FKA FEATHERSTONE PROPERTY, TRACT A, LOT 2) ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-17-00002: ATCHISON HELLER CONSTRUCTION, LLC (4/6/17)*- petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 11.37 net (11.76 gross) acres, and from a Townhouse Residential (R-1T) zone to a Planned Neighborhood Residential (R-3) zone, for 0.13 net (0.25 gross) acre, for properties located at 2311 Armstrong Mill Road and 3539 Kenesaw 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. In addition, the Comprehensive Plan has established six themes and goals and objectives to support each of the themes, which include: growing successful neighborhoods (Theme A), protecting the environment (Theme B), creating jobs and prosperity (Theme C), improving a desirable community (Theme D), maintaining a balance between planning for urban uses and safeguarding rural land (Theme E) and implementing the plan for Lexington-Fayette County (Theme F).

The petitioner proposes a Planned Neighborhood Residential (R-3) zone for the subject property in order to develop a mix of single-family and townhouse residential dwelling units. The petitioner proposes 41 dwelling units for the site, for an average density of 3.57 units per net acre.

The Zoning Committee Recommended: **Postponement**.

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

1. Additional information is necessary regarding the environmental protection measures intended and required for the site, prior to the staff making a substantial recommendation to the Planning Commission.
2. The petitioner does not currently depict the connection of Berginer Drive on the corollary development plan. There is a final record plat that makes a right-of-way reservation for the extension of the roadway, which has not been address to-date. The transportation system is considered incomplete when stub streets are not extended when new development of like character and density are proposed.

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

- b. PLN-MJDP-17-00004: HARPER WOODS (FKA FEATHERSTONE PROPERTY, TRACT A, LOT 2) (4/6/17)* - located at 2311 Armstrong Mill Road and 3539 Kenesaw Drive. **(EA Partners)**

The Subdivision Committee Recommended: **Postponement**. There are questions regarding the reserved right-of-way of Berringer Drive and street improvements (per the Final Record Plat) and the utilization of access easements.

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. Provide detail information on significant trees per Art. 26 requirements.
8. Addition of pedestrian facilities for the townhouse development.
9. Discuss reserved right-of-way per recorded final record plat.
10. Discuss construction of street improvements per recorded final record plat.
11. Discuss proposed street system (public or private) and use of access easements.
12. Discuss conceptual stormwater detention proposed for this development.
13. Discuss proposed townhouse conflict with reserved right-of-way for cul-de-sac.
14. Discuss landscaping needed along property edges along access easements.

5. RON TURNER, AMTEK OF KENTUCKY, INC. ZONING MAP AMENDMENT & EASTWOOD UNIT 6, SEC. 2, LOT 6 ZONING DEVELOPMENT PLAN

- a. PLN-MAR-17-00003: RON TURNER, AMTEK OF KENTUCKY, INC. (4/6/17)* - petition for a zone map amendment from Professional Office (P-1) zone to a Wholesale and Warehouse Business (B-4) zone, for 5.56 net (5.65 gross) acres, for property located at 2472 Fortune Drive.

COMPREHENSIVE PLAN AND PROPOSED USE

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The petitioner proposes construction of a two-story building with 52,500 square feet of office/warehouse space, as well as off-street parking and loading areas.

The Zoning Committee Recommended: **Approval**.

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

1. The existing Professional Office (P-1) zoning is inappropriate, and the proposed Wholesale and Warehouse Business (B-4) zoning is appropriate at this location for the following reasons:
 - a. The B-4 zone requested would be compatible with adjacent commercial development and will not adversely affect the surrounding area.
 - b. The subject property would function well as a part of the existing business park development along Fortune Drive, and the requested zone change will allow it to function in this manner.
 - c. The subject property is separated from the adjacent P-1 zoned property to the south by an existing tree stand and from the residentially zoned property to the northeast by a detention basin. The tree stand and detention basin are more appropriate and recognizable land use buffers between the office and residential uses and the proposed wholesale/warehouse use in this instance.
2. This recommendation is made subject to approval and certification of PLN-MJDP-17-00005: Eastwood Unit 6, Sec. 2, Lot 6, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions shall apply to the property via conditional zoning:

PROHIBITED USES

1. Machine shop.
2. Major or minor automobile or truck repair.
3. Tire re-treading and recapping.
4. Truck terminals and freight yards.

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

5. Circuses and carnivals, even on a temporary basis.
6. Any wholesale or trucking use operating between the hours of 11 p.m. and 7 a.m.

LANDSCAPE BUFFER

1. A landscape buffer of fifteen feet (15') shall be established and maintained along any property boundary that is shared with a residentially zoned property. The landscape buffer shall meet the requirements of Article 18, and may not be reduced in width.

These use restrictions are appropriate and necessary at this location to ensure that the proposed development adequately protects the nearby neighborhood and assisted living facility.

- b. PLN-MJDP-17-00005: EASTWOOD UNIT 6, SEC. 2, LOT 6 (LIBERTY WOODS) (4/6/17)* - located at 2472 Fortune Drive.
(Vision Engineering)

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

1. Provided the Urban County Council rezones the property B-4; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Complete tree inventory information for all trees 12" or larger in diameter (per Art. 26 of the Zoning Ordinance).
6. Denote that office/laboratory/data processing center floor areas will not exceed 75% of the total floor ~~area and denote~~ in site statistics.
7. Denote zoning of adjacent property on plan.
8. Resolve access to adjacent properties.
9. Resolve additional screening adjacent to residential facility.

6. URBAN COUNTY COUNCIL ZONING MAP AMENDMENT

- a. PLN-MAR-17-00004: URBAN COUNTY COUNCIL (4/6/17)* - petition for a zone map amendment from Single Family Residential (R-1C) zone to a Single Family Residential (R-1B) zone, for properties located at 400, 401, 406, 407, 412, 413, 418, 419, 424, 425, 430, 431, 436, 437, 442, 443, 448, and 449 Adair Road.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan doesn't makes specific land use recommendations, but *Chapter 1: Goals and Objectives* does recommend "enabling existing and new neighborhoods to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment to expanded options for mixed-use and mixed-type housing throughout Lexington-Fayette County."

The Urban County Council has initiated a zone change request from a Single Family Residential (R-1C) zone to a Single Family Residential (R-1B) zone for the 400-block of Adair Road.

The Zoning Committee Recommended: **Approval**.

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

1. There is insufficient information to discern whether the requested R-1B zone, or the existing R-1C zone, is in more substantial agreement with the 2013 Comprehensive Plan. Both zones would permit Low Density Residential land use in this area, which was recommended by previous Comprehensive Plans.
2. The requested Single Family Residential (R-1B) zone is appropriate, and the existing Single Family Residential (R-1C) zone is inappropriate for the subject area, for the following reasons:
 - a. The large size of the lots in the subject area is inconsistent with the much smaller lot size requirements of the R-1C zone. Most lots are more than double the minimum size and have more than twice the lot frontage required in the R-1C zone.
 - b. Doubling of the density of single family residential uses on this street would be very disruptive to this well established neighborhood. An R-1B zone would minimize such a possibility in the future.
 - c. An R-1B zone for the subject area is much more appropriate, given the existing lots size and lot frontage characteristics in the 400-block of Adair Road conform, almost completely, to the requirements of that zone.
 - d. The 2013 Comprehensive Plan doesn't make specific land use recommendations, but *Chapter 1: Goals and Objectives* does recommend "enabling existing and new neighborhoods to flourish through improved regulation." The more restrictive requirements of an R-1B zone would meet this goal.

C. FULL PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMEMENDMENTS

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

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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.

VI. COMMISSION ITEMS -

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

A. Long Range Planning Activity Report

Imagine Lexington – Staff continued to run the social media accounts for *Imagine Lexington*, the 2018 Comprehensive Plan Update, as well as promoted the upcoming February Public Input Meetings. Staff also filmed and edited three videos, with the help of GTV3, that address what the components of a community are, what the Comprehensive Plan is and what it does, as well as why and how the public should get involved. These videos will excite the community about the public input process, as well as inform them as to what all is addressed within the Comprehensive Plan Update. Staff is looking forward to seeing how successful the social media outreach efforts have been and expects to see a varied-demographic crowd of the public in attendance at the upcoming public input meetings.

Staff also presented to the Planning Commission, at the January 16th work session, see the minutes contained in this document for more information.

On the Table – On January 11th, staff coordinated with our partners, Leadership Lexington and Blue Grass Community Foundation, to hold a press conference announcing the On the Table event on March 15th. Mayor Jim Gray, Commissioner of Planning, Preservation & Development, Derek Paulsen, President & CEO of Blue Grass Community Foundation, Lisa Adkins, and Jamie Giles Rodgers, Legislative Aide and Leadership Lexington representative, all spoke about the event and why each entity is involved. Staff will be meeting weekly with our partners to plan for the event and its outreach strategy.

Retrofitting the RETRO: Rediscover Southland – Staff submitted a project idea for the Knight Cities Challenge. The Rediscover Southland Project is a concept that came out of the Retrofitting the RETRO study conducted in the Fall of 2016. The City's Division of Planning, LexArts, the Southland Association, VisitLex, and Councilmember Bledsoe's office teamed up to submit a project idea to the Knight Cities Challenge. Inspired by Retrofitting the RETRO study, Rediscover Southland project is one of 144 projects selected out of 4,500 applicants to continue to the second round of the grant challenge. The project proposes to

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activate the Southland corridor, along soon to be constructed sidewalks, by using temporary, inexpensive installations and artwork to test permanent improvements that encourage pedestrians to engage and explore all the corridor has to offer. With grant funds, a design and install of a temporary interactive cultural walk will test these retrofitting ideas. We will hear in May 2017 if we have been selected as a grant recipient. If a grant is received the project will have 18 months to implement the proposal.

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

B. Transportation Planning Activity Report

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

- Attended Director-Manager meetings at LFUCG Division of Planning.
- Conducted MPO / Transportation Section staff meetings.
- Attended LFUCG Pedestrian Safety Work Group meeting.
- Attended Commission for People with Disabilities
- Attended LFUCG Corridors Commission
- Attended Bluegrass ADD Regional Transportation Committee
- Attended Jessamine County Transportation Task Force Meeting.
- Attended University of Kentucky Bicycle Advisory Committee Meeting
-
- Attended transportation subgroup for Livable Lexington and presented public survey results.
- The MPO website had 354 visits from 299 users (78% new users) and 744 page views.
- The MPO's Twitter site had 2,044 followers in January.
- The MPO's Facebook fan page had 687 likes January in. The page had 41 engaged users and reached 104 users in January.

1.4 Staff Development –

- Attended webinar; Protected Bikeway Design: An ITE Practitioners Guide and Lecture Series – Mid-Block Design and Operation
- Attended webinar; Protected Bikeway Design: An ITE Practitioners Guide and Lecture Series – Safety Performance

2.1 Congestion Management Process (CMP) –

- Worked on spreadsheets to document annual congestion trends on selected corridors in the CM network using BlueTOAD system Travel Time Index (TTI) data.
- Met with Traffic Engineering staff to review the annual congestion trend BlueTOAD data and presented the data at the CM committee meeting.
- Schedule an update for the CM committee meeting in regard to Imagine Lexington 2018 Comprehensive Plan.
- Reviewed the Victoria Transport Policy Institute publication titled Smart Congestion Relief which address comprehensive evaluation of traffic congestion costs and congestion reduction strategies.
- Reviewed the traffic volume counts of Jefferson Street Bridge preparing to evaluate the impacts on congestion and modal options if the bridge was to be removed.
- Reviewed the NHTSA proposed rule titled Federal Motor Vehicle Safety Standards on V2V Communications. The 90-day public review period is from January 12th to April 12th.
- Used live and typical Google Traffic maps to document annual congestion trends at most congested time-of-day in a week and most congested month in a year for recurring congestion, such as bottlenecks and poor signal timing.

2.2 Transportation Plan Update & Implementation –

- Transportation provided support for development and implementation of plans, studies and projects including: LFUCG Comprehensive Planning
- Staff reviewed PIF information in preparation for the state-wide SHIFT prioritization process and met with District 7 regarding the process and coordinating efforts.
- Staff familiarized and is continuing to learn to run the model for upcoming Planning updates.
- Provided information about KYTC functional class adjustments per MPO perspective.

2.3 Air Quality Activities –

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

3.1 Transportation - Land Use Impact Analysis –

- Provided assistance and answered inquiries on various Traffic Impact Studies.

3.2 Multimodal/Transportation Enhancement Planning –

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- Responded to approx. 12 citizen/agency requests for information on bike and pedestrian issues.
- Worked on various intersections safety design projects and bike facilities maintenance projects funded by MAP money for FY 2016.
- Reviewed and submitted comments in plan tracker for 15 plans submitted to planning services for bike and pedestrian circulation requirements.
- Corresponded on 2 plans approved by the planning commission for compliance with conditional signoff requirements for approval.
- Prepared Meeting Agenda and Minutes for the Bicycle and Pedestrian Advisory Committee.
- Organized and developed reports from the Metro Count Data counters on the Arboretum Woods Trail and the Legacy Trail and reported to BPAC, UK and LFUCG Engineering.
- Worked to update GIS data for the LAMPO Bike and Pedestrian Master Plan Update.
- Met with representatives from the Mayor's office to discuss route options for the Life is a Cycle Bike Ride Event in May.
- Attended Paris Pike Corridors Commission to discuss possible bike and pedestrian improvements.
- Meeting with DDA, and Transportation Engineering to evaluate Bosche Analytics multi-modal traffic camera counting technologies
- Developed conceptual separated bike facility plan and turning movements for the Town Branch Commons design team to evaluate.
- Meeting with Town Branch Commons team to discuss bike facilities design concepts for the project area.
- Worked with GIS to evaluate bike and pedestrian collision data for the last five years.
- Meeting with CM Gibbs to discuss bike route connectivity, the upcoming Bike and Pedestrian Master Plan update and bike rack installation in his district.
- Meeting with University of Kentucky Landscape Architecture students to inform the Southland Drive Project.
- Held Phone Kick-off meeting with Alta planning team for the Bike and Pedestrian Master Plan Update.

3.3 Transit Planning –

- Programed new art from Don Ament to be installed at Newtown Pike bus shelter (Bluegrass Stop). Will be installed in February by *Via Creative*.
- Staff attended Via Creative board meeting as Co-Chair.
- Coordinating design and placement for transit shelter for Winburn Dr @ Community Action Center.
- Met with Lextran electric-bus drivers and a representative from Proterra, Inc. that supplied electric buses and the charging systems to Lextran and learned about the systems' operations.

3.4 Mobility Coordination –

- Accepted Paula Nye Memorial grant for conducting additional pedestrian safety education.
- Met with marketing team to develop plan for Spring 2017 launch.
- Move it People Facebook grew by 7 likes to 2,810; had 122 engaged users and reached 346 users in January.

3.5 Travel Demand Modeling and Project Forecasting –

- No activity to report.

4.1 Program Administration –

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

4.2 Transportation Improvement Programming (TIP) –

- Monitored TIP program projects for needed adjustments.

4.3 Unified Planning Work Program (UPWP) –

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

C. Zoning Compliance Planning Activity Report

Enforcement:

The winter downward trend in zoning complaints continued in January, with just 23 new case investigations initiated. A total of 21 cases were resolved, meaning that necessary actions were taken by a property owner or occupant to fix a zoning compliance problem. During January, 30 conditional uses were inspected, and all were determined to be in substantial compliance.

Much attention was given in January to cases involving storage of junk vehicles at auto repair facilities, most notably on Downs Avenue and at Oxford Circle. Efforts are continuing there with assistance from the Division of Code Enforcement.

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Permitting:

Since January 1, 2012 Zoning Compliance Permits have been required before a building or premises can be occupied for a specific use or a change in use, with some exceptions for agricultural uses and single family or two-family residences. In January, 50 such permits were issued. Technical assistance was also provided to the Division of Building Inspection (at weekly "Review Board" meetings) in review of 12 applications for new commercial or multi-family building construction, and 19 applications for remodel activity, "fit-ups" or change in use requests.

Board of Adjustment:

Four applications/appeals were presented to the BOA at the January 27th public hearing, consisting of one variance and three conditional use requests. A request by Kroger to establish a new parking lot at 445 South Ashland Avenue, with direct access from their new store on Euclid to South Ashland, was postponed to the March 31 hearing. The primary reason for the postponement was to give both Kroger and concerned parties time to complete traffic studies to determine what impact there might be on both South Ashland and Euclid and the surrounding residential neighborhoods.

The Conditional Use Review Team (CURT) has completed an intensive evaluation of the entire Zoning Ordinance to determine what categories of conditional uses might be better handled as principal permitted or accessory uses. This team consisted of several Division of Planning staff with extensive BOA/zoning evaluation experience. A total of 14 categories of conditional uses have been identified for possible conversion, which will require a Zoning Ordinance Text Amendment (ZOTA). More details regarding this concept will be presented to both the BOA members and the Planning Commission in the near future.

VIII. **AUDIENCE ITEMS** – Citizens may bring a planning related matter before the Commission at this time for general discussion or future action. Items that will NOT be heard are those requiring the Commission's formal action, such as zoning items for early re-hearing, map or **text amendments; subdivision or development plans, etc.** These last mentioned items must be filed in advance of this meeting in conformance with the adopted filing schedule.

IX. **MEETING DATES FOR March, 2017**

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	March 2, 2017
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	March 2, 2017
Subdivision and ND-1 Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	March 9, 2017
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	March 23, 2017
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	March 29, 2017
Work Session, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	March 16/30, 2017

X. **ADJOURNMENT**

TLW/TM/WLS/dw

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