

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

February 23, 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; Mike Cravens; David Drake; Karen Mundy; Mike Owens; Carolyn Plumlee; Carolyn Richardson; and Joseph Smith. Absent were Will Berkley, 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; Captain Greg Lengal, 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. Richardson, and carried 8-0 (Berkley, Brewer, and Penn absent) to approve the minutes from the January 26, 2017 and the corrected minutes of the October 13, 2017, meetings.

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

1. **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.
- 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.

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

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.

Petitioner Representation: Jacob Walbourn, representing the petitioner, said that the petitioner would like to request a one month postponement to the March 23, 2017 meeting.

Action: A motion was made by Ms. Mundy, seconded by Mr. Smith, and carried 8-0 (Berkley, Brewer, and Penn absent) for postponement of PLN-MAR-17-00002: ATCHISON HELLER CONSTRUCTION, LLC to the March 23, 2017 meeting.

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

REQUESTED BY: University of Kentucky

PROPOSED TEXT: Copies are available from the staff.

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

- Add hospitals; veterinary/animal clinics and laboratories; townhouses; multi-family residential and are principal permitted uses;
- Add townhouses, and multi-family residential, and delete automobile service stations as uses allowed in the designated retail sales and mixed-use area;
- Clarify that the designated retail sales area may also be a mixed-use area;
- Add outdoor patio areas and delete caretaker dwelling units as accessory uses;
- Delete gasoline pumps as a conditional use;
- Adjust the list of prohibited uses based upon other use changes, add establishments for the storage, display, rental or sales of any type of vehicle as a prohibited use;
- Eliminate minimum lot requirements, reduce front yard requirement on collector and local streets within a park to 0', and eliminate side and rear yard requirements;
- Reduce useable open space requirement to 40% across the entire P-2 zoned park;
- Increase maximum floor area ratio from 0.5 to 0.75, with no limitation for residential uses;
- Increase maximum height of buildings to 110';
- Add parking standards for new uses;
- Provide more flexibility in landscaping requirements; eliminate requirement for 25 trees/acre;
- Require a summary report from the design committee in conjunction with any final development plan presented before the Planning Commission;
- Allow parking in required side and rear yards;
- Increasing the permitted size of the designated retail sales and/or mixed-use area from a maximum of 5% to 10% of the total floor area of the development; and
- Add an allowance for a designated residential area to be up to 25% of the total floor area of the P-2 development.

The Zoning Committee Recommended: **Postponement**.

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

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

Petitioner Representation: Nick Nickolson, representing the petitioner, said that the petitioner would like to request a one month postponement to the March 23, 2017 meeting.

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

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

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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.

Development Plan Presentation – Mr. Martin presented the staff report, and a rendering of this Final Development Plan. He said there is a two-story; 21,000 sq. ft. building that is contemplated for the site.

Mr. Martin presented the staff report regarding compliance with the Expansion Area Master Plan, which was circulated to the Planning Commission. He said that the staff finds that the plan does comply with the EAMP, with the exception of the sanitary sewer service, which will be provided by a temporary facility located off-site. He also described the landscaping proposed adjacent to Dr. Poole's property to the immediate north of this location.

Representation Presentation – Tony Barrett was present for this development plan. He presented a rendering of the single building proposed for this site, as prepared by EOP Architects. He also stated that he met with Dr. Poole and verified that she is in agreement with the landscaping proposal.

Commission Questions – Mr. Owens asked if condition #14 could be changed from "Discuss" to "Resolve" in accordance with the agreement with Dr. Poole. Mr. Barrett said that it is on the plan. Mr. Martin agreed that changing to "Resolve" would be appropriate at this time.

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

Development Plan Action – A motion was made by Mr. Cravens, seconded by Ms. Mundy, carried 8-0 (Berkley, Brewer, and Penn absent) to approve PLN-MJDP-16-00056: PROVIDENCE PLACE, TRACT 3, LOT 3, for the reasons provided by the staff and noting changes to condition #13, that this plan is in compliance with the EAMP and with the change to condition #14 as follows.

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.

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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~~ Resolve 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

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

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accessory use to their principal industrial use. The petitioner is proposing to transfer the subject properties for an independent professional office use; therefore, the facilities can no longer be considered accessory, and must comply with the zone requirements for an office building.

The Zoning Committee Recommended: **Approval.**

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

1. The requested Professional Office (P-1) zone is appropriate for the site, as it has historically operated as an office building in support of the petitioner's industrial land use to the south of New Circle Road. The right-of-way of New Circle Road and the proposed sale of the property necessitate the use now being a principal use, which is not permitted in the existing zones.
 2. The existing Light Industrial (I-1) zone and Agricultural Urban (A-U) zone are no longer appropriate at this location, for the following reasons:
 - a. The site has never been utilized for manufacturing, compounding, assembling, processing or packaging of finished products.
 - b. The existing structure was designed and constructed as an accessory office building, indicating its intended use.
 - c. The site is not viable for traditional agriculture nor other uses permitted in the A-U zone. A portion of the site is located within a FEMA floodplain, and is surrounded by the Legacy Trail, a private access roadway and the utility substation.
 3. The proposed zone change for Professional Office (P-1) zoning is supported by the Winburn & Russell Cave Area Neighborhoods Small Area Plan, an adopted element of the Comprehensive Plan, and is consistent with the SAP's recommendations. It will bring about opportunities to infill the site.
 4. This recommendation is made subject to approval and certification of PLN-MJDP-16-00027: Lexmark International Corporation, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
- b. PLN-MJDP-16-00027: LEXMARK INTERNATIONAL CORPORATION (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.

Staff Zoning Presentation – Ms. Wade presented and summarized the staff report and recommendations for this zone change. She said that the subject property is part of the Winburn & Russell Cave Neighborhoods Small Area Plan, and the staff reviewed the recommendations related to the area and the subject property. An intensification of use is anticipated by this Small Area Plan. At that time, the staff would anticipate the need to consider a new public street through the site, as recommended by the Small Area Plan.

Development Plan Presentation – Mr. Martin presented a revised staff report of the rendering of the proposed Preliminary Development Plan, for the subject site. He said that there is already a Final Development Plan approved for this location. He added that there are some existing trees on the site that require greater protection, and reviewed the unusual condition #11, as proposed.

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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.~~
7. 8. Addition of walkways ~~(and their dimensions)~~ connecting to designated bus stop on the site.
9. ~~Denote construction access point on plan.~~
8. 10. Label access easement to proposed parking.
9. 11. ~~Denote tree protection areas for 20", 32" & 40" existing trees identified on-site.~~
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.~~
10. 15. ~~Discuss~~ Denote how the conflict between Legacy Trail easement and new parking lot will be resolved.
11. 16. ~~Discuss~~ Denote that compliance with the Winburn Small Area Plan shall be determined at the time this site is redeveloped, via an amended Final Development Plan.

Commission Questions - Ms. Plumlee asked if condition #9 should continue to read "Denote tree protection areas for 20', 32' & 40' existing trees identified on-site". Mr. Martin agreed and stated that the condition is inches of the caliper of the trees not feet. Mr. Owens asked about the submitted Tree Inventory Map. Mr. Martin replied that the map has been provided.

Petitioner Presentation – Rory Kahly, was present with Mr. Steve Davis, of Lexmark International. He asked for a change to Condition # 9 to allow trees of that size that are to be in the proposed parking lot to not be in conflict with the off-street parking area.

Mr. Martin clarified, using the development plan rendering, highlighting the location of the parking area.

Commission Questions - Mr. Owens asked about the conflict between the proposed parking lot and the Legacy Trail. Mr. Kahly said that there is a small area where the parking lot is in conflict with the easement and that the issue will be resolved with the relocation of the Legacy Trail. The Final Development Plan will allow the Trail to be relocated away from the proposed parking lot.

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

Zoning Action – A motion was made by Ms. Mundy, seconded by Ms. Richardson, and carried 8-0 (Berkley, Brewer, and Penn absent) to approve PLN-MAR-16-00012: LEXMARK INTERNATIONAL, INC., for the reasons provided by the staff.

Development Plan Action – A motion was made by Ms. Mundy, seconded by Ms. Richardson, carried 8-0 (Berkley, Brewer, and Penn absent) to approve PLN-MJDP-16-00027: LEXMARK INTERNATIONAL CORPORATION, for the reasons provided by the staff and noting the changes to condition #9 as follows:

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.~~
7. 8. Addition of walkways ~~(and their dimensions)~~ connecting to designated bus stop on the site.
9. ~~Denote construction access point on plan.~~
8. 10. Label access easement to proposed parking.
9. 11. ~~Denote tree protection areas for 20", 32" & 40" existing trees identified on-site.~~ Denote tree protection areas for 20", 32" & 40" existing trees identified on-site, not in conflict with the parking 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.~~
10. 15. ~~Discuss~~ Denote how the conflict between Legacy Trail easement and new parking lot will be resolved.
11. 16. ~~Discuss~~ Denote that compliance with the Winburn Small Area Plan shall be determined at the time this site is redeveloped, via an amended Final Development Plan.

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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:
 - 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.

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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.

Staff Zoning Presentation – Ms. Wade presented and summarized the staff report and recommendations for this zone change. She reviewed the past zoning history for this site, and the applicable recommendations of the 2013 Comprehensive Plan, and the adopted Expansion Area Master Plan. She presented photographs of the subject site, and of the area. She reviewed the applicant's justification for this zone change, and identified a floodplain area through the middle of the subject property. She described the urban design of this proposal to increase the density at this location.

Commission Question - Mr. Owens asked about the history of "density" involved with the prior rezoning requests for this property. Ms. Wade said that in 2010, there were 38 dwelling units proposed; in 2016, there were 209 dwelling units proposed, which was reduced to 183 units; and this application is proposing a total of 75 dwelling units.

Development Plan Presentation – Mr. Martin presented the staff report on the Preliminary Development Plan associated with this zone change. He identified the property's location off of Chilesburg Road, and described the location proposed for the townhomes, in comparison to the existing floodplain on the property. There will be 208 parking spaces for these 75 units, including garage spaces. A pedestrian access is proposed into Jacobson Park.

He presented a handout that the staff received from the applicant's representative, which contains two notes that were proposed to be added to this plan:

1. Landscaping along the northwest property line (adjacent to the four single-family houses on Park Ridge Lane) shall be set forth in the landscape exhibit, on file with the Division of Planning, or as amended to by the parties.
2. Stormwater drainage shall be designed to not flow onto the four single-family lots along Park Ridge Lane.

The applicant and area neighbors have agreed to have these notes added to the development plan. He said that condition #9 as recommended by the Subdivision Committee, could now be removed from consideration.

Commission Questions - Mr. Owens asked if the landscape exhibit had been submitted. Ms. Wade displayed a graphic of this exhibit on the overhead projector.

Petitioner Presentation – Dick Murphy, attorney, was present representing the petitioner. He said the applicant is in agreement with the staff's recommendations. He said that the applicant had been in negotiations with the neighbors on Park Ridge Lane for the landscaping and a privacy fence along the property line. He submitted a copy of the agreement that was reached, which included details about new border fencing between the properties. Photos of examples of the fencing were displayed for the Commission to review. He said that the two notes presented by Mr. Martin would be added to the development plan, prior to its certification.

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

Zoning Action – A motion was made by Mr. Cravens, seconded by Mr. Drake, carried 8-0 (Berkley, Brewer, and Penn absent) to approve PLN-MAR-16-00026: ANDERSON BRIDGEWATER, LLC, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Cravens, seconded by Mr. Smith, carried 8-0 (Berkley, Brewer, and Penn absent) to approve PLN-MJDP-17-00002: ANDERSON 2 SUBDIVISION, for the reasons provided by the staff and noting the changes to condition #9 as follows:

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~~ Resolve 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 respect's 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).
 - 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

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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 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.

Petitioner - Nick Nicholson, attorney for the applicant, offered a withdrawal of one of the four requested dimensional variances (the one requesting the front yard setback requirement). The Chair noted that the Commission would accept that withdrawal at this time.

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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

Staff Zoning Presentation – Ms. Wade presented and summarized the staff report and recommendations for this zone change. She stated that the petitioner is proposing to demolish the back addition on the house and replace it with a new addition, which will be larger and taller. She displayed several photographs of the subject site, and the general area. She said that the architectural integrity of the front of the house will be maintained as residential density will be increased.

Development Plan Presentation – Mr. Martin presented a revised staff report of the rendering of the proposed Preliminary Development Plan. Those recommendations are as follows:

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 heights shown on plan adjacent to E. Maxwell Street.
9. ~~Discuss requested side yard and height to yard ratio per Article 8-14 of the Zoning Ordinance~~
Remove the parking proposed in the required front yard.

Mr. Martin identified the property's location off of East Maxwell Street, and described the location of the proposed building. He said the applicant was proposing a parking lot in the front of the building, which was subject to the variance and withdrawn by the applicant.

Commission Question - Mr. Owens asked about access to the subject property if the front parking is being withdrawn from the plan. Mr. Martin replied that there will still be two accesses to the property. Mr. Owens asked for clarification of the requested variance that states "Reduce the maximum parking from 28 spaces to 37". Mr. Martin said that 28 spaces are required and the applicant is proposing 37 and because of the infill requirements a variance is required to exceed the maximum limit. Mr. Sallee replied that that is a typographical error and that the condition should state: "Increase the maximum parking from 20 spaces to 37."

Ms. Plumlee asked whether capacity assurance needs to be included on the development plan. Mr. Martin said the applicant is grandfathered in under the program. Mr. Sallee replied that will be a concern at the time of the Final Development Plan.

Requested Variance – Mr. Sallee presented the staff report and the staff's recommendations for the requested variances and the one conditional use requested for this zone change. He said that the conditional use is for a sorority house at this location. He said that variance request #4 should read as follows:

4. ~~Reduce~~ Increase the maximum parking from 28 spaces to 37.

Mr. Sallee said the sorority house should not adversely affect the surrounding properties because the subject property is surrounded on three sides by the University of Kentucky, and the other side is residential/rentals, which are mostly students. He said that the six parking spaces in the front of the subject property could be reconfigured elsewhere on the lot. He also said that the maximum number of parking spaces is because this property is within the designated infill and redevelopment area. He said that the height increase is because of the existing front of the house is remaining as is and the side yard is because the existing building is currently approximately eight feet from the property line.

Mr. Sallee reviewed the staff's findings and conditions of the requested variances and conditional use.

Petitioner Presentation – Nick Nicholson, 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.

Note - Chairman Wilson noted the Commission's earlier acceptance of the withdrawal of variance request #2.

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Zoning Action – A motion was made by Mr. Owens, seconded by Ms. Richardson, and carried 8-0 (Berkley, Brewer, and Penn absent) to approve PLN-MAR-17-00001: KAPPA KAPPA GAMMA, INC., for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Owens, seconded by Ms. Richardson, carried 8-0 (Berkley, Brewer, and Penn absent) to approve PLN-MJDP-17-00003: KAPPA KAPPA GAMMA, INC., for the revised reasons provided by the staff, as follows:

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 heights shown on plan adjacent to E. Maxwell Street.
9. ~~Discuss requested side yard and height to yard ratio per Article 8-14 of the Zoning Ordinance~~
Remove the parking proposed in the required front yard.

Requested Conditional Use and Variance Action – A motion was made by Mr. Owens, seconded by Ms. Richardson, to approve the three requested variances, for the reasons recommended by the staff and the conditions provided by staff. Approval of the requested conditional use was added to this motion, and agreed to by the seconder.

The motion carried 8-0 (Berkley, Brewer, and Penn absent).

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

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

The petitioner proposes 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.

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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.

Staff Zoning Presentation – Ms. Wade presented and summarized the staff report and recommendations for this zone change. She reviewed the past zoning history for this site, and the applicable recommendations of the 2013 Comprehensive Plan. She displayed several photographs of the subject property and the general area. She reviewed the applicant's justification for this zone change and identified a detention basin that will act as a buffer between the subject property and the residential boundary.

Ms. Wade said that the staff is recommending conditional zoning restrictions for the subject property for some of the loud uses that are permitted in the B-4 zone, as well as one for the landscape buffer to remain at a width of 15'.

Development Plan Presentation – Mr. Bronczyk presented the staff report on the Preliminary Development Plan associated with this zone change. Mr. Bronczyk identified the property's location off of Fortune Drive, and described the location of the proposed building. He said the applicant was proposing a 52,000 square feet, two-story mixed use office building.

Commission Question – Ms. Richardson asked if condition #8 could be deleted. Mr. Bronczyk replied that this is a Preliminary Development Plan and that it could be deleted. Mr. Owens asked if the space between the proposed property and the residential zone is buildable. Mr. Sallee replied that is the open space for the assisted living facility on the neighboring property.

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 Mr. Owens, seconded by Ms. Plumlee, and carried 8-0 (Berkley, Brewer, and Penn absent) to approve PLN-MAR-17-00003: RON TURNER, AMTEK OF KENTUCKY, INC., for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Owens, seconded by Ms. Plumlee, carried 8-0 (Berkley, Brewer, and Penn absent) to approve PLN-MJDP-17-00005: EASTWOOD UNIT 6, SEC. 2, LOT 6 (LIBERTY WOODS), for the reasons provided by the staff with the deletion of condition #9 as follows:

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).

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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.~~
8. 9. Resolve additional screening adjacent to residential facility.

Note: Chariman Wilson excused himself from the meeting at this time. He announced that Mr. Owens will be relieving as Chair. He also stated for the record that the Planning Commission still has a quorum to proceed with the meeting.

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.

Staff Zoning Presentation – Mr. Sallee said that a petition from the area's homeowners was received about this zone change, which he circulated to the Planning Commission. He presented and summarized the revised staff report and recommendations for this zone change. He said this zone change is to change the zoning and the minimum lot standards for 18 single family residential properties along the 400 block of Adair Road. He displayed several photographs of the subject site, including the general area. He said that the 2013 Comprehensive Plan no longer recommends a land use or residential density here and that the staff couldn't determine, based only on the plan, which of the two zones would be more in agreement with the plan. The staff feels that it would be disruptive to the property owners along Adair Road if the R-1C zone remains and a doubling of residential density began to occur one lot at a time. He said that the staff recommends approval of this zone change.

Citizen Comment – There were citizens present, but none chose to speak to this application.

Zoning Action – A motion was made by Ms. Richardson, seconded by Mr. Drake, carried 7-0 (Berkley, Brewer, Penn, and Wilson absent) to approve PLN-MAR-17-00004: URBAN COUNTY COUNCIL, 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.

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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 - There being no further business, Chairman Wilson declared the meeting adjourned at 3:38 p.m.

William Wilson, Chair

Carolyn Plumlee, Secretary

TLW/TM/WLS/dw

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