

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

June 22, 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 May 25, 2017 and June 8, 2017 meetings and the amended minutes of the April 27, 2017 meeting will be considered at this time.
- III. **POSTPONEMENTS AND WITHDRAWALS** – Requests for postponement and withdrawal will be considered at this time.
- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, June 1, 2017, at 8:30 a.m. The meeting was attended by Commission members: Karen Mundy, Frank Penn 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: Jim Duncan; Bill Sallee; Tom Martin; Jimmy Emmons; Traci Wade; Denice Bullock; Chris Bronczyk; Cheryl Gallt; Captain Greg Lengal and Lieutenant Joshua Thiel, Division of Fire & Emergency Services; and Tracy Jones, 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.

A. FINAL SUBDIVISION PLANS

- I. PLN-MJSUB-17-00026: RML-CITATION (HILLENMEYER INTEREST, LTD.) (7/2/17)* - located at 2551 Leestown Road.
(Council District 4) **(Vision Engineering)**

Note: The Planning Commission postponed this item at their May 11, 2017 and June 8, 2017, meetings.

The Subdivision Committee Recommended: **Postponement**. The staff still has concerns on the timing and provision of the required public infrastructure, and the fact that the required 30% Infrastructure Report has not yet been submitted.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
10. Delete note #4.
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. Delete public utilities listed in "utility contacts" listing.
13. Addition of 25' floodplain setback on plan for the rear area of Lot 1.
14. Correction of land surveyor's signature of engineer's certification (due to infrastructure dedication).
15. Delete minor Planning Commission certification.
16. Denote FFE for Lot 1.
17. Denote: There shall be reciprocal parking and access on Lots 1-3.
18. Denote: There shall be no access to Citation Boulevard from Lots 1, 2 & 4.
19. Discuss timing of proposed access easement on plan, per the submitted final development plan.
20. Discuss planned maintenance of future detention basin.
21. Discuss possible sinkhole denoted on the preliminary subdivision development plan.
22. Discuss timing of public improvements and possible waivers.
23. Discuss owner's certification.

B. DEVELOPMENT PLANS

- I. PLN-MJDP-17-00015: ETHINGTON & ETHINGTON PROPERTY, TRACT 1 (6/22/17)* - located at 4145 and 4235 Harrodsburg Road. (Council District 10) **(Vision Engineering)**

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

Note: The Planning Commission postponed this item at their April 6, 2017, May 11, 2017 and June 8, 2017, meetings.

The Subdivision Committee Recommended: **Postponement**, due to the number of discussion items remaining on the development plan.

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

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. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. Addition of required 10% private open space areas on all R-1T lots.
13. Delete proposed and provide "parking statistics" near tree canopy statistics.
14. Denote that this plan is also a Preliminary Subdivision Plan (for all street construction).
15. Addition of TPP per Article 26 of the Zoning Ordinance for Lot 1, including cherry & oak trees along its frontage.
16. Denote Madrone Way to be constructed with Phase I and/or Lot 1.
17. Denote Syringa Drive to be constructed with Phase I, Lots 18-22 or 26-35.
18. Denote landscaping adjacent to Harrodsburg Road to meet Man o' War Boulevard Ordinance requirements, and provide detail on plan.
19. Discuss lack of sidewalk improvements to Harrodsburg Road.
20. Discuss lack of proposed stormwater detention location(s) outside of private street area(s).
21. Discuss architectural details and orientation for Lot 1 B-1 buildings.
22. Discuss lack of zone-to-zone landscaping along access easement (B-1 to R-1T).
23. Discuss potential exterior lighting restrictions in the B-1 area.
24. Discuss whether the median closure on Harrodsburg Road is to be completed during Phase I or after future commercial development.

- II. PLN-MJDP-17-00042: RML-CITATION (HILLENMEYER INTEREST, LTD.) (7/2/17)* - located at 2551 Leestown Road.
(Council District 2) **(Vision Engineering)**

Note: The Planning Commission postponed this item at their May 11, 2017 and June 8, 2017, meetings.

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

1. Urban County Engineer's acceptance of drainage, sanitary sewers and floodplain information.
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 and possible sinkhole.
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. Revise and clarify note #10.
12. Denote as a Preliminary Subdivision Plan in title, for the addition of street and access easement.
13. Addition of tree protection plan per Article 26 requirements.
14. Resolve conflict between mini warehouse building and existing AT&T easement.
15. Discuss provision of access to the detention basin for future maintenance.
16. Discuss the need for signal at the intersection of Sandersville Road and Citation Boulevard.

- III. PLN-MJDP-17-00052: DISTILLERY DISTRICT - WEST, UNIT 1 (ADAPTIVE REUSE PROJECT) (AMD) (7/30/17)* - located at 1158 Manchester Street. (Council District 2) **(Abbie Jones Consulting)**

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

Note: The purpose of this amendment is to revise the eastern parking lot. This plan requires the posting of a sign and an affidavit of such. The Planning Commission postponed this item at their June 8, 2017 meeting.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers and floodplain information.
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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Greenspace Planner's approval of the treatment of greenways and greenspace.
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. Revise all buildings to have solid lines, per the current Final Development Plan.
11. Correct Planning Commission certification (date of approval).
12. Revise title to reflect latest number of amendments.

4. **MINOR SUBDIVISION PLAN**

- a. **PLN-MNDP-17-00022: RESERVE AT WALNUT GROVE** - located at 3812 Cayman Lane & 2513, 2581 and 2669 Cayman Heights. (Council District 12) **(EA Partners)**

Note: The trail system proposed is vastly different from that approved by the Planning Commission for this development ten years ago. Therefore, the staff is referring this plan to the Planning Commission under Article 21-7(b)(2) of the Zoning Ordinance.

The staff will report at the meeting

- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, June 1, 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, and Carolyn Richardson. 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. **AFTON COMMUNITY DEVELOPMENT, LLC ZONING MAP AMENDMENT & MELODY VILLAGE, UNIT 3-C, BLK C, LOT 12 ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-17-00016: AFTON COMMUNITY DEVELOPMENT, LLC (7/2/17)*- petition for a zone map amendment from a Single Family Residential (R-1D) zone to a Professional Office (P-1) zone, for 5.26 net (5.58 gross) acres, for property located at 3743 Red River Road.

COMPREHENSIVE PLAN AND PROPOSED USE

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

The 2015 Armstrong Mill Road West Small Area Plan (AMWSAP) is a plan for the revitalization of the 1900[±] acre area that establishes six goals for the area. The goals focus on improving safety; improving connectivity; promoting livable neighborhoods with housing choices (while maintaining the neighborhood form) and promoting green infrastructure; improving the quality of life and health including access to affordable and healthy food; and enhancing the sense of place by creating community spaces that foster social interaction and a sense of identity.

The petitioner proposes a Professional Office (P-1) zone for the subject property in order to adaptively re-use the existing two structures for an assisted living facility, medical offices, adult and child care center, and a community center. New structures are proposed for medical offices and senior housing on the site.

The Zoning Committee Recommended: Referral.

The Staff Recommended: Postponement, for the following reason:

1. The applicant has not provided a justification that addresses the 2015 Armstrong Mill West Small Area Plan, which is now an adopted amendment of the 2013 Comprehensive Plan. Until further assessment has been provided by the petitioner, the staff considers the current justification for this application to be incomplete.
 2. As proposed, re-zoning this location to a P-1 zone may significantly impact the nearby neighborhood with the potential for increased traffic, noise and light pollution - especially for those properties on Red River Drive and those immediately adjoining the subject property. For these reasons, it is inappropriate.
 3. There have been no unanticipated changes of a physical, social or economic nature within the immediate area since the Comprehensive Plan was adopted in 2013, or since the Armstrong Mill West Small Area Plan was adopted in 2015, that would support the requested P-1 zoning for the subject property.
 4. Until an assessment of the Small Area Plan is completed by the applicant, the existing Single Family Residential (R-1D) zone remains appropriate for the subject property because it is compatible with the neighborhood and can more fully support the 2013 Comprehensive Plan goals and policies.
- b. PLN-MJDP-17-00035: MELODY VILLAGE, UNIT 3-C, BLK C, LOT 12 (7/2/17)* - located at 3743 Red River Drive.
(Abbie Jones Consulting)

The Subdivision Committee Recommended: Postponement. There were some questions regarding the lack of site statistical information, building dimensions, tree inventory information and the inability to verify off-street parking compliance.

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. Clarify parking generator for proposed uses and provide required and proposed parking in site statistics.
6. Increase font size for owner/Planning Commission certifications
7. Resolve difference between P-1 FAR and lot coverage limitations, given two-story development proposed.
8. Provide type (size range & species) of existing trees on site.
9. Clarify walkways and walls in front yard for existing site conditions.
10. Discuss the need for an interior site pedestrian system for internal circulation.
11. Discuss plan status (final vs. preliminary).
12. Discuss proposed underground detention.

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2. J. ROGER JONES, III ZONING MAP AMENDMENT & JONES/COTTRELL PROPERTY ZONING DEVELOPMENT PLAN

- a. PLN-MAR-17-00019: J. ROGER JONES, III (7/30/17)*- petition for a zone map amendment from a Single Family Residential (R-1B) zone to a Highway Service Business (B-3) zone, for 4.66 net (6.29 gross) acres, for property located at 2300 Paris Pike.

COMPREHENSIVE PLAN AND PROPOSED USE

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

The subject property is also located within the jurisdiction of the Paris Pike Corridor Commission. That Commission and the Planning Commission formulated and adopted a Corridor Plan (aka: Small Area Plan) along Paris Pike more than two decades ago. The Corridor Commission is expected to make a recommendation to the Planning Commission regarding the proposed zone change and corollary development plan.

The petitioner proposes a Highway Service Business (B-3) zone in order to construct an automobile service station with convenience retail sales and restaurant, and two additional restaurants, for a total of 22,800 square feet of space and associated off-street parking on the subject property.

The Zoning Committee Recommended: **Postponement**.The Staff Recommends: **Approval**, for the following reason:

1. A restricted A restricted Highway Service Business (B-3) zone is in agreement with the 2013 Comprehensive Plan's Goal and Objectives, as well as the recommendations of the Paris Pike Corridor Small Area Plan (adopted by the Paris Pike Corridor Commission and by the Planning Commission in 1995), for the following reasons:
 - a. The Goals and Objectives of the 2013 Comprehensive Plan encourages infill development of long-time vacant land within the Urban Service Area (Theme A, Goal #2) and development that will uphold the Urban Service Area concept (Theme E, Goal #1). This site has been within the Urban Service Boundary since its inception in 1958, the subject property is adjacent to existing commercial development, and infrastructure is available or can be extended to serve the subject property.
 - b. The Goals and Objectives also recommend creation of new jobs near residential neighborhoods to promote the "live where you work" concept (Theme C, Goal #1d.). The site is located very near neighborhoods in the Joyland neighborhood, as well as neighborhoods along the northern-most Old Paris Pike.
 - c. The Paris Pike Corridor Small Area Plan (PPCSAP) recommends that the essential character of the corridor be preserved due to its nationally recognized scenic and historic qualities. Further, the SAP recognizes that the corridor is broken into three distinct areas of land use, and within the Lexington "urban end," (where the subject property is located), the SAP recommends future land use consistent with the current Comprehensive Plan.
 - d. The proposed B-3 zone is in agreement with the prior 1988 Comprehensive Plan's land use recommendation of Highway Commercial future land use, which was in place at the time the SAP was adopted in 1995. In addition, the most recent land use recommendation for the subject property in 2007 continued to be for Highway Commercial, which is consistent with the Highway Service Business (B-3) zone.
2. This recommendation is made subject to the approval and certification of PLN-MJDP-17-00046: Jones/Cottrell Property, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses shall be prohibited on the subject property:

Prohibited Uses

 - a. Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
 - b. Cocktail lounges and nightclubs.
 - c. Car wash establishments.
 - d. Pawnshops.
 - e. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
 - f. Advertising signs, also known as billboards, as regulated by Article 17 of the Zoning Ordinance.

These restrictions are necessary and appropriate in order to restrict the most intense land uses on the subject property that could have a negative impact on adjacent agricultural and residential land uses and the aesthetic condition of the Paris Pike Corridor.

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

- b. PLN- MJDP-17-00046: JONES/COTTRELL PROPERTY (7/3017)* - located at 2300 Paris Pike
(Barrett Partners)

The Subdivision Committee Recommended: Postponement There is missing tree inventory information, the property may not have sanitary sewers & traffic impacts are based on a traffic signal which is not currently proposed.

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

1. Provided the Urban County Council rezones the property B-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Department of Environmental Quality's approval of environmentally sensitive areas.
6. Denote existing and proposed utility easements.
7. Adjust convenience store building to meet the minimum A-R setback (25' from a "more restrictive zone").
8. Discuss proposed access alignment with Rogers Road.
9. Discuss sanitary sewer access availability to this site.
10. Discuss Art. 18 buffer requirements adjacent to railroad and A-R zoned property.
11. Discuss anticipated subdivision of the property and compliance with the Land Subdivision Regulations access standards requirements.
12. Discuss right-in/right-out access proposed to Paris Pike and possible waiver.

3. COMPASS CAPITAL, LLC ZONING MAP AMENDMENT & SOUTH ELKHORN VILLAGE ZONING DEVELOPMENT PLAN

- a. PLN-MAR-17-00020: COMPASS CAPITAL, LLC (7/30/17)*- petition for a zone map amendment from a Single Family Residential (R-1B) zone to a Highway Service Business (B-3) zone, for 4.66 net (6.29 gross) acres, for property located at 4379 Old Harrodsburg Road.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The Plan's 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 a rezoning to the South Elkhorn Village neighborhood shopping center in order to facilitate increased signage and reduced parking requirements for the center. No physical changes to the subject property are planned, other than a new shopping center identification sign, by the petitioner.

The Zoning Committee Recommended: Approval.

The Staff Recommends: Approval, for the following reasons:

1. The existing Neighborhood Business (B-1) zone is no longer appropriate, and the proposed Planned Shopping Center (B-6P) zone is appropriate for the subject property, for the following reasons:
 - a. The subject property meets the definition of a "neighborhood shopping center" as established in Article 12 of the Zoning Ordinance. It is greater than three acres in size and provides for the "sale of convenience goods ... and personal services."
 - b. The subject property's parking requirements can be standardized and the parcel can be utilized in a more efficient manner with the proposed B-6P zone.
 - c. Due to the property's topographic situation related to the nearby Harrodsburg Road, and due to the established development pattern, the B-6P zone and designation as a shopping center is more appropriate than the allowable collection of independent businesses possible in the existing B-1 zone.
2. This recommendation is made subject to the approval and certification of PLN-MJDP-17-00047: South Elkhorn Village, 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 prohibited uses and landscape buffers are recommended for the subject property via conditional zoning:
 - A. Landscape Buffers (in addition to the requirements of Article 18 of the Zoning Ordinance)
 - i. Along the northwestern and northeastern boundaries, a 20-foot wide landscape buffer shall be provided.
 - ii. Included within the buffer shall be an eight-foot (8') tall brick wall, except that the wall shall allow a fifty-foot (50') wide gap where Palmetto Drive adjoins the property.
 - iii. Included in the landscape buffer shall be evergreen trees planted 20-foot (20') on center along the northeastern boundary (shared A-U zone boundary).

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

B. Use Conditionsi. Lighting

- a. All outdoor lighting shall be directed downward and away from adjoining land that is residentially and agriculturally zoned; and the light source shall be shielded so as to prevent direct lighting of the adjoining Palomar Hills Subdivision or the historic South Elkhorn Christian Church.

ii. Prohibited Uses

- a. Self-service laundries or laundry pick-up stations
- b. Self-service car washes
- c. Trailer, truck and/or equipment rental
- d. Outdoor miniature golf or putting courses
- e. Circuses and carnivals
- f. Arcades, including pinball and electronic games
- g. Mining
- h. Automobile service stations, automobile and vehicle refueling station, and gasoline pumps available to the public without an employee on the premises
- i. Recycling drop-off centers
- j. Rehabilitation homes

The land use and buffering restrictions, most of which have been in existence for the past decade, are necessary and appropriate for the subject property in order to protect the adjoining residential area and historic church from the potential negative effects of more intensive non-residential uses on the subject property.

- b. PLN- MJDP-17-00047: SOUTH ELKHORN VILLAGE (7/30/17)* - located at 4401 Old Harrodsburg Road.
(EA Partners)

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

1. Provided the Urban County Council rezones the property B-6P; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Denote: No building permit shall be issued unless and until a final development plan is approved by the Planning Commission.
8. Denote height of buildings in feet, on plan.
9. Denote width of existing sidewalks.
10. Clarify whether existing trees will have protection measures, and what those will be.

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

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

REQUESTED BY: Urban County Planning Commission

PROPOSED TEXT: Copies are available from the staff.

23A-10(j) SPECIAL PROVISIONS

12. Supportive uses shall be principal permitted uses, regulated subject to the following requirements:
 - a. Supportive uses shall not exceed a maximum of eighteen percent (18%) of the otherwise permitted floor area within a development, as identified on the associated final development plan. Mixed use buildings shall count toward the maximum permitted floor area of supportive uses herein, but not count toward the residential use maximum identified below in Article 23A-10(j)12b. Structures dedicated solely to residential use shall not toward the supportive use maximum because they will be limited by Article 23A-10(j)b. and d.
 - b. Residential land uses shall not exceed eight and one-half percent (8.5%) of the gross land area within a development, as identified on the associated final development plan.
 - c. A maximum of twenty percent (20%) of all supportive uses may be constructed prior to construction of other principal permitted uses listed in Article 23A-10(b). The allowable floor area for supportive uses shall be calculated based upon the total number of gross acres within the boundary of the final development plan and the permitted maximum Floor Area Ratio established by Article 23A-10(g).

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- d. The maximum density for townhouses (3 or more units attached) shall be 12 dwelling units per gross acre, not to exceed 360 total townhouses. The maximum density of multi-family dwellings shall be 24 dwelling units per gross acre, not to exceed 360 total multi-family dwellings.

The Zoning Committee Recommended: **Approval**.

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

1. 1.The proposed text amendment to allow a relaxation in regulations for tracts less than 10 acres in size would create an incentive for land owners to subvert the requirements of Article 23A-10 the Zoning Ordinance for the Economic Development (ED) zone recently adopted by the Urban County Council. This is poor planning policy and creates opportunities for unintended consequences.
 2. The proposed text amendment is contrary to the intent of the ED zone and the 2013 Comprehensive Plan in that it could encourage lower-paying service-related jobs, rather than the higher-paying manufacturing, industrial, technology, health care or professional jobs.
 3. There is no reason why a tract of less than 10 acres in size could not successfully develop any number of the other principal permitted uses (new or long-standing) in the ED zone.
 4. The proposed text amendment would encourage land owners to subdivide their property into small parcels in order to relax the new parameters for supportive uses in the ED zone just adopted within the past month. Given that subdivision of land is a “ministerial” act which, if the land subdivision regulations are met, which would be difficult to deny by the Planning Commission, this could deplete the supply of larger parcels for ED uses.
2. **ZOTA 2017-4 & SRA 2017-2: DIVISION OF ENVIRONMENTAL SERVICES – COMMERCIAL LANDSCAPE EXAMINER** – petition for a Zoning Ordinance text amendment to Articles 5, 8-1, 18, and 26 of the Zoning Ordinance, as well as Article 6-10 of the Land Subdivision Regulations to allow the LFUCG Division of Environmental Services to assume the duties of the former Landscape Examiner in the Division of Building Inspection.

REQUESTED BY: Urban County Planning Commission

PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: **Approval**.

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

1. The proposed text amendments will update the Zoning Ordinance and Land Subdivision Regulations to accurately reflect organizational changes made within the Urban County Government.
2. These changes will ensure more experienced and qualified personnel within the Urban County Government are assigned to monitor and inspect landscape material throughout the community. Adequate enforcement will also ensure that the existing tree canopy on developed land is not diminished.

D. EARLY REHEARING REQUEST

1. **EFR 2017-1: ATCHISON HELLER CONSTRUCTION, LLC** – early rehearing request for a zone change 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.

Zone Change: From: Agricultural Urban (A-U) and Townhouse Residential (R-1T) zones
(If EFR is granted) To: Planned Neighborhood Residential (R-3) zone

Acreage: 11.37 net (11.76 gross) acres and 0.13 net (0.25 gross) acre

Location: 2311 Armstrong Mill Road and 3539 Kenesaw Drive

Related Case: PLN-MAR 17-00002: ATCHISON HELLER CONSTRUCTION, LLC

Past Action: The Planning Commission recommended disapproval of a zone change request from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone and from a Townhouse Residential (R-1T) zone to a Planned Neighborhood Residential (R-3) zone on March 23, 2017. (Withdrawn by applicant prior to Council meeting).

The Zoning Committee Recommended: **Approval**.

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

1. The applicant has made effort to address the staff's and the Planning Commission's previous concerns regarding the future development of the property. A single, private street is now proposed to provide access to townhouse and single family residential uses planned for the subject site, and open space and tree preservation is still envisioned for the site.
2. Although the number of residential dwelling units originally proposed has been reduced slightly by the applicant, a cul-de-sac from Beringer Drive is now proposed to terminate that public street, and allow service vehicles to maneuver properly across the subject property from the existing Summerhill subdivision.
3. A multi-use trail is now proposed along a 100' wide open space along an intermittent stream, which is different from the previous proposal associated with the prior zone change on this site.
4. These, taken together, constitute enough of a change that might have altered the outcome of the prior rezoning request, had they been previously proposed by the petitioner.

VI. COMMISSION ITEMS

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

A. Long Range Planning Activity Report

Imagine Lexington

Staff, with all forms of input in mind, began to draft the Goals and Objectives for the 2018 Comprehensive Plan Update, *Imagine Lexington*. While working on the draft of the Goals and Objectives, Staff also hosted three Planning Commission Work Sessions specifically devoted to discussing the Urban Service Area. At each of these meetings, staff presented data regarding housing trends, vacant land inventory, underutilized corridor properties, etc. so that the Planning Commission could better understand all of the ways to sustain Lexington's continual urban growth.

Staff made major renovations to *Imagine Lexington's* website, www.imaginelexington.com. Staff's desire is to make the website user friendly and attractive so that it serves the public and any interested parties to the best of their ability. Studies, plans, data and presentations are all available so the public to access.

Staff continues to maintain *Imagine Lexington's* three social media sites – Facebook, Twitter and Instagram. Staff will continue to share photos and information as other events and meetings occurs. Staff's intent is to be as transparent as possible and keep the public informed and aware of what all the Division of Planning is a part of.

APA-KY Spring Conference

Staff attended the American Planning Association's Kentucky Chapter's Spring Conference hosted in Lake Cumberland. The conference hosted two subject tracks for the sessions; tools and emerging planning trends. Staff attended sessions learning things from effective public engagement, ethics, law, autonomous vehicles, and shifts in housing demand, etc.

Rural Land Management Plan

Staff met with the RLMP work group to continue to work through the draft for the RLMP update.

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 n

- Attended Director-Manager meetings at LFUCG Division of Planning.
- Conducted MPO / Transportation Section staff meetings.
- Attended LFUCG Pedestrian Safety Work Group.
- Attended Commission for People with Disabilities.
- Attended LFUCG Corridors Commission and prepared map of KYTC projects located along Corridors.
- Attended 3 weekly repaving meetings with Streets and Roads.
- Attended University of Kentucky Bicycle Advisory Committee Meeting.
- Held bi-monthly Project Coordination Team meeting with MPO, KYTC and LFUCG.
- The MPO website had 967 visits from 780 users and 1,810 page views.
- The MPO's Twitter site had 2,056 followers in May.

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- The MPO's Facebook page grew by 51 likes to 808 in May. The page had 1,579 engaged users and reached 160,014 users.
- Submitted annual Title VI report to KYTC.

1.4 Staff Development

- Attended a webinar titled "The Next Disruptive Technology: Autonomous Vehicles."
- Attended 8 to 80 seminar with Gill Penelosa as the guest speaker on transportation design for all people.

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.
- Worked with consultants to schedule a presentation for June's CM committee meeting in regard to Beaumont Area Traffic Study.
- Contacted UK staff to schedule an update report for June's CM committee meeting regarding Transportation and Traffic data source comparison and analysis.
- Worked with KYTC and Traffic Engineering staff on ITS-CMS project coordination.
- Reviewed a research report titled "Smart Congestion Relief – Comprehensive Evaluation of Traffic Congestion Costs and Congestion Reduction Strategies."
- Reviewed a research article titled "21 Strategies to Solve Congestion."
- 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

- Staff familiarized and is continuing to learn to run the model for upcoming Planning updates.
- Staff continued work on the state-wide SHIFT program and completed project data review/verification.

2.3 Air Quality Activities

- Updated air quality monitoring spreadsheets for the Year 2017 forecast season.
- Began daily air quality index forecasts using ozone and PM2.5 models.

3.1 Transportation - Land Use Impact Analysis

- Provided assistance and answered inquiries on various potential Traffic Impact Studies.
- Provided support concerning transportation and land use issues on various development applications in Fayette County.

3.2 Multimodal/Transportation Enhancement Planning

- Responded to approx. 34 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 11 plans for bike and pedestrian circulation requirements.
- Corresponded on 12 plans approved by the planning commission for compliance with conditional signoff requirements.
- 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.
- Monitored and updated awards for the Lexington Bike Challenge through the Love to Ride platform.
- Continued work on Cooper Dr bike lane improvements from Sports Center Dr. to the edge of UK campus.
- Continued work on a bike share program for Lexington.
- Noon TV appearance on LEX 18 to promote Bike Month activities.
- Worked with VisitLex consulting team on a phone interview to discuss the impacts of bicycling and walkability on tourism in Fayette County.
- Gave bike safety presentation on Lexington Community Radio.
- Participated in the Ride of Silence in remembrance of cyclists killed on Fayette County roads.
- Met with Bluegrass Cycling Club president to discuss signal timing and US68 Trail safety and maintenance.
- Conducted 5 stakeholder meetings for the Bike and Pedestrian Master Plan Update.
- Held a public meeting open house for public input for the Bike and Pedestrian Master Plan update.
- Met with Parks and Recreation to look at aligning our master planning public outreach efforts.

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- Worked with KTYC Central Office on Jessamine County TAP design funds for two trail projects.
- Interviewed with Sherelle Roberts at the Public Safety Operations Center on vehicular cycling safety.
- Gathered and distributed data requests from ALTA for the Bike and Pedestrian Master Plan Update.
- Continued work with My City Bikes for the Life is a Cycle ride event on May 15. Participated as a ride organizer and ride leader for the event.
- Interviewed by WUKY for the Life is a Cycle Bike Ride and National Bike Month events.
- Continued work on the bike rack installation project for District 3.
- Continued work with the DLC for the Bike Lexington Family Fun Ride.
- Reviewed and submitted sidewalk data corrections to KYTC for state routes in Fayette and Jessamine Co.

3.3 Transit Planning

- Staff attended Via Creative board meeting as Co-Chair.
- Coordinating design and placement for transit shelter for Winburn Dr @ Community Action Center slated to be built in 2017.
- Met with Lextran officials concerning long range plans for Lextran and how the Comprehensive Plan can address those concepts and needs.

3.4 Mobility Coordination

- Continued spring marketing campaign including updates to website, TV and social media. The campaign is promoting the MPO website and FB page rather than the Move it People site this season. See stats in 1.1
- Implemented marketing strategy for Bike Month in May and Bike/Pedestrian Master Plan update.

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) and Transportation Technical Coordination Committee (TTCC).
- Submitted Quarterly Report to KYTC for MPO activities & expenditures.

4.2 Transportation Improvement Programming (TIP)

- No activity to report.

4.3 Unified Planning Work Program (UPWP)

- Utilized 2017 UPWP for program element tasks and reviewed comparison of hours/funding budgeted versus expended to date.

C. Zoning Compliance Planning Activity Report

Enforcement
The typical spring upward trend in zoning complaints continued in May, with 61 new case investigations initiated. Over 72% of the new cases involved signage and illegal business activities in residential areas. A total of 70 cases were resolved in May, meaning that necessary actions were taken by a property owner or occupant to fix a zoning compliance problem. During May, 55 conditional uses were inspected, and all were determined to be in substantial compliance. However, staff has been unable to fully resolve a compliance problem relating to the conditional use for an animal hospital on Wellington Way that has been providing unauthorized boarding services for dogs (resulting in noise disturbances to surrounding properties). A revocation hearing for that conditional use has been scheduled for the June 30th Board of Adjustment meeting.

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 May, 71 such permits were issued. Technical assistance was also provided to the Division of Building Inspection (at weekly "Review Board" meetings) in review of 14 applications for new commercial or multi-family building construction, and 27 applications for remodel activity, "fit-ups" or change in use requests.

Board of Adjustment

Four applications/appeals were fully considered by the BOA at the May 19 public hearing, consisting of two variances and two conditional use requests. None of the appeals had any citizen opposition, and all were approved. Perhaps most noteworthy was the granting of a variance for some improvements at the new IGA Supermarket on Romany Road.

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At the April 28th public meeting a revocation hearing took place regarding the conditional use for a plant nursery/commercial greenhouse on Old Richmond Road that had been vacant for a number of years. That conditional use was revoked by the Board.

- 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 July 2017**

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	July	6, 2017
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	July	6, 2017
Subdivision and ND-1 Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	July	13, 2017
Work Session, Thursday, 1:30 p.m., 1:30 p.m., 2nd Floor Council Chambers.....	July	20, 2017
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	July	26, 2017
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	July	27, 2017

X. **ADJOURNMENT**

TLW/TM/WLS/dw

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