

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

December 14, 2017

- I. **CALL TO ORDER** - The meeting was called to order at 1:30 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.

Planning Commission members present – Bill Wilson; Will Berkley; Patrick Brewer (departed at 4:50 p.m.); Mike Cravens; Larry Forester; Karen Mundy; Frank Penn; Carolyn Plumlee; Headley Bell (departed at 4:51 p.m.) and Mike Owens (departed at 5:59 p.m.). Carolyn Richardson was absent.

Planning Staff members present – Jim Duncan; Traci Wade; Chris Woodall; Tom Martin; Chris Taylor, Cheryl Gallt and Denice Bullock. Other staff members in attendance were: Vaughan Adkins, Division of Engineering; Casey Kaucher, Division of Traffic Engineering; Tim Queary, Environmental Policy; and Andrea Brown and Tracy Jones, Department of Law.

- II. **APPROVAL OF MINUTES** – A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 10-0 (Richardson absent) to approve the minutes of the November 9, 2017, meeting.

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

- a. **PLN-MJDP-17-00109: FULLER ET AL PROPERTY & MEADOWTHORPE COMMERCIAL BUSINESS CTR. LOT 3 (AMD) (02/04/2018)***- located at 1315 W. MAIN ST, LEXINGTON, KY. (Council District 2)
Project Contact: Abbie Jones Consulting

Note: The purpose of this amendment is to construct a gymnasium/indoor recreation facility.

The Subdivision Committee Recommended: **Postponement**. There were some questions regarding the proposed new use on the property per the Division of Traffic Engineering and the Division of Fire, Water Control Office.

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. Landscape Examiner'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. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Denote final record plat information for property.
11. Denote adjoining property information.
12. Denote purpose of amendment note.
13. Denote reciprocal parking and access.
14. Resolve difference in new access easement as shown from the approved final development plan.
15. Discuss known stormwater problem and impact of proposed development.

Representation present – Abbie Jones, Abbie Jones Consulting, requested a one-month postponement in order to meet with the Division of Traffic Engineering and the Division of Fire, Water Control Office regarding their concerns with this proposal.

Citizen Comments - There were no audience members present to speak to this request.

Action - A motion was made by Ms. Plumlee, seconded by Mr. Penn, and carried 10-0 (Richardson absent) to postpone **PLN-MJDP-17-00109: FULLER ET AL PROPERTY & MEADOWTHORPE COMMERCIAL BUSINESS CTR. LOT 3 (AMD)** for one-month to the January 11, 2018, meeting.

- b. **PLN-MJDP-17-00070: ZANDALE SHOPPING CENTER & GREENLEAF MOTOR LODGE PROPERTIES (AMD) (12/14/17)*** - located at 2280 Nicholasville Road. (Council District 4)
Project Contact: Brandstetter Carrol

Note: The Planning Commission postponed this item at their August 10, 2017; September 14, 2017; October 12, 2017, and November 9, 2017, meetings. The purpose of this amendment is to remove the note restricting the drive-through lane for a fast food restaurant and to relocate the dumpster and drive-through lane.

The Subdivision Committee Recommended: **Postponement**. There were some questions regarding the public safety benefit of moving the approved location of the proposed drive-through lane along Zandale Drive.

* - Denotes date by which Commission must either approve or disapprove request.

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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Division of Waste Management's approval of refuse collection locations.
8. Identify boundaries of property with bold, solid lines and adjacent property with dashed lines.
9. Clarify area of amendment on vicinity map.
10. Labeled height of contours on plan.
11. Dimension access points, sidewalks and drive aisles on plan.
12. Dimension all buildings on plan.
13. Denote height of building in feet on plan.
14. Addition of street frontage in site statistics for Zandale Drive, Nicholasville Road and Lowry Lane.
15. Addition of record plat designation.
16. Discuss proposed drive-through use and location near access point to Lowry Lane.
17. Discuss proposed dumpster location next to transformer and utility easement.
18. Discuss outside patio area and any proposed seating.
19. Discuss additions to internal pedestrian system.
20. Discuss proposed use in tenant space.
21. Discuss vehicular stacking area for proposed drive-through.

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant's representative, requesting an indefinite postponement.

Citizen Comments - There were no audience members present to speak to this request.

Action - A motion was made by Mr. Owens, seconded by Ms. Plumlee, and carried 10-0 (Richardson absent) to indefinitely postpone **PLN-MJDP-17-00070: ZANDALE SHOPPING CENTER & GREENLEAF MOTOR LODGE PROPERTIES (AMD)**.

- c. PLN-MJDP-17-00114: LEXINGTON INDUSTRIAL FOUNDATION (BAUMANN PAPER COMPANY) (02/04/2018)*- located at 1601 BAUMANN DR, LEXINGTON, KY. (Council District 2)
Project Contact: Gabbert Consulting Co., LLC

Note: At the request of the applicant, the Subdivision Committee recommended postponement of this plan for one-month.

The Technical Committee and Staff Recommended: Postponement. There were some questions regarding the plan's compliance with Article 21 of the Zoning Ordinance and parking per Article 8-22.

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. Landscape Examiner'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. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Addition of written scale.
11. Correct plan title.
12. Name, address and phone number of plan preparer.
13. Identify boundary of property as solid dark lines with bearings and distances.
14. Denote deed book and page or record plat of property in plan title.
15. Denote topography contours at 2 foot intervals.
16. Denote access for construction vehicles.
17. Addition of street cross-section.
18. Denote height of building in feet on plan.
19. Denote floor area for each building in site statistics, lot coverage & FAR per Article 21 requirements.
20. Dimension all buildings.
21. Improve clarity of vicinity map.
22. Denote use of existing building.
23. Document compliance with Article 21-7(b)(3) of the Zoning Ordinance (copies of post-certification).

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24. Delete note #1.
25. Denote as Final Development Plan.

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant's representative, requesting a one-month postponement.

Citizen Comments - There were no audience members present to speak to this request.

Action - A motion was made by Mr. Brewer, seconded by Mr. Forester, and carried 10-0 (Richardson absent) to postpone **PLN-MJDP-17-00114: LEXINGTON INDUSTRIAL FOUNDATION (BAUMANN PAPER COMPANY)** for one-month to the January 11, 2018, meeting.

- IV. LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, December 7, 2017 at 8:30 a.m. The meeting was attended by Commission members: Karen Mundy, Carolyn Plumlee, Frank Penn, Mike Owens, Will Berkley and Headley Bell. Committee members in attendance were: Vaughan Adkins, Division of Engineering; and Casey Kaucher, Division of Traffic Engineering. Staff members in attendance were: Jim Duncan; Traci Wade; Chris Woodall; Tom Martin; Chris Taylor; Jimmy Emmons; Cheryl Gallt; Parker Sherwood; Denice Bullock; Captain Greg Lengal & Lieutenant Joshua Thiel, Division of Fire & Emergency Services; 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. CONSENT AGENDA** – Following requests for postponement or withdrawal, items requiring no discussion will be considered.

- Criteria:**
- (1) the Subdivision Committee recommendation is for approval, as listed on this agenda; and
 - (2) the Petitioner is in agreement with the Subdivision Committee recommendation and the conditions listed on the agenda; and
 - (3) no discussion of the item is desired by the Commission; and
 - (4) no person present at this meeting objects to the Commission acting on the matter without discussion; and
 - (5) the matter does not involve a waiver of the Land Subdivision Regulations.

Requests can be made to remove items from the Consent Agenda:

- (1) due to prior postponements and withdrawals,
- (2) from the Planning Commission,
- (3) from the audience, and
- (4) from Petitioners and their representatives.

Ms. Wade announced the following agenda items appearing on the Consent Agenda:

- a. **PLN-MJSUB-17-00066: NDC PROPERTY, UNIT 1A, LOT 21 F (WELLINGTON) (AMD) (02/04/2018)***- located at 351 MEIJER WAY, LEXINGTON, KY. (Council District 9)
Project Contact: Vision Engineering

Note: The purpose of this amendment is to subdivide one lot into two lots, and to create storm and sanitary sewer easements, as well as two access easements.

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. Landscape Examiner's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s).
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Lotting scale needs to be 1" = 100' or less.

- b. **PLN-MJSUB-17-00067: HAMBURG PLACE MALL, UNIT 1, PARCEL 2, OUTLOT 5 (AMD) (02/04/2018)***- located at 2145 SIR BARTON WAY, LEXINGTON, KY. (Council District 6)
Project Contact: Vision Engineering

Note: The purpose of this amendment is to subdivide Parcel 2 into two lots to create Outlot 5, and to create a sanitary storm easement and access easement.

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.

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3. Landscape Examiner's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s).
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Lotting scale needs to be 1" = 100' or less.
9. Resolve sewer line relocation (private vs. public).

- c. PLN-MJSUB-17-00068: BLACKFORD PROPERTY, PHASE 3, UNIT 1-M (02/04/2018)*- located at 3221 BAY SPRINGS PARK, LEXINGTON, KY. (Council District 12)
Project Contact: EA Partners

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. Addressing Office's approval of street names and addresses.
4. Urban Forester's approval of tree protection area(s) and required street tree information.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Clarify the number of lots in site statistics (greenway/HOA).
8. Denote width of UE that crosses southern portion of the lot.
9. Clarify sanitary sewer easement intersections and crossings.
10. Exactions to the approval of the Division of Planning.
11. Resolve floating 15' storm sewer easement.

- d. PLN-MJSUB-17-00069: TUSCANY, UNIT 9-D (02/04/2018)*- located at 2045 COVINGTON DR, LEXINGTON, KY. (Council District 6)
Project Contact: EA Partners

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. Landscape Examiner'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. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Denote driveway location on Lots 66 & 131.
8. Clarify storm and sanitary sewer easement on Lot 131.

- e. PLN-MJSUB-17-00070: TUSCANY, UNIT 9-E (02/04/2018)*- located at 2045 COVINGTON DR, LEXINGTON, KY. (Council District 6)
Project Contact: EA Partners

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. Landscape Examiner'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. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Denote driveway location on Lots 106 & 115.

- f. PLN-MJSUB-17-00071: BLACKFORD PROPERTY, PHASE 3, UNIT 1-N (02/04/2018)*- located at 3221 BAY SPRINGS PARK, LEXINGTON, KY. (Council District 12)
Project Contact: EA Partners

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. Addressing Office's approval of street names and addresses.
4. Urban Forester's approval of tree protection area(s) and required street tree information.
5. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.

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6. Remove "future" from Phase 3, Unit 1-P.
7. Clarify adjacent property (greenway vs. HOA open space).
8. Denote driveway location on Lot 17.
9. Exactions to the approval of the Division of Planning.

- g. PLN-MJSUB-17-00072: BLACKFORD PROPERTY, PHASE 3, UNIT 1-P (02/04/2018)*- located at 3221 BAY SPRINGS PARK, LEXINGTON, KY. (Council District 12)
Project Contact: EA Partners

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. Addressing Office's approval of street names and addresses.
4. Urban Forester's approval of tree protection area(s) and required street tree information.
5. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
6. Exactions to the approval of the Division of Planning.

- h. PLN-MJSUB-17-00073: TUSCANY, UNIT 9-F (02/04/2018)*- located at 2045 COVINGTON DR, LEXINGTON, KY. (Council District 6)
Project Contact: EA Partners

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. Landscape Examiner'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. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Denote driveway location on Lots 97 & 105.

- i. PLN-MJDP-17-00107: R. J. REYNOLDS TOBACCO CO PROPERTY (OLD WORLD TIMBER ADAPTIVE REUSE) (02/04/2018)*- located at 1195 VERSAILLES RD, LEXINGTON, KY. (Council District 2)
Project Contact: Thoroughbred Engineers

Note: 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. Landscape Examiner'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. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Delete standard requirement notes #1-4 date and signature lines.
11. Addition of all required notes per Article 21 of the Zoning Ordinance.
12. Denote off-site parking location(s).
13. Provided the Planning Commission makes a finding the plan complies with Article 8-21(o)(4) of the Zoning Ordinance.

- j. PLN-MJDP-17-00110: HAMBURG PLACE MALL, UNIT 1, PARCEL 2, OUTLOT 5 (AMD) (02/04/2018)*- located at 2145 SIR BARTON WAY, LEXINGTON, KY. (Council District 6)
Project Contact: Vision Engineering

Note: The purpose of this amendment is to add 3,600 sq.ft. carwash, associated parking, and drive aisles to Parcel 3, Outlot 5.

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. Landscape Examiner's approval of landscaping and landscape buffers.

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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. Dimension new building and building on Parcel 2, Outlot 4 from previous plan.
 12. Clarify site statistic totals.
 13. Resolve timing of release of easement.
- k. PLN-MJDP-17-00111: NDC PROPERTY, UNIT 1A, LOT 21F (WELLINGTON) (AMD) (02/04/2018)*- located at 351 MEIJER WAY, LEXINGTON, KY. (Council District 9)
Project Contact: Vision Engineering

Note: The purpose of this amendment is to add 3,000 sq.ft. building for a carwash and parking on Outlot 21F.

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. Landscape Examiner'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. Show boundaries of Outlot 21F as a solid dark line.
 12. Addition of proposed and existing easements.
- l. PLN-MJDP-17-00112: B. M. COLE ESTATES (CARMAN PROPERTIES, LLC) (ALDI) (AMD) (02/04/2018)*- located at 1509 COLESBURY CIR, LEXINGTON, KY. (Council District 1)
Project Contact: CMW

Note: The purpose of this amendment is to add additional square footage to the building on Lot 1-A.

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. Landscape Examiner'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. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 8. Division of Waste Management's approval of refuse collection locations.
 9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 10. Denote this property shall be developed in accordance with Article 19 of the Zoning Ordinance.
 11. Addition of note referring to Article 16 of the Code of Ordinance.
 12. Denote review by the Royal Springs Aquifer Committee prior to certification.
- m. PLN-MJDP-17-00115: COLDSTREAM RESEARCH CAMPUS, UNIT 2A, LOT 11 (HAMPTON INN) (AMD) (02/04/2018)*- located at 1801 NEWTOWN PIKE, LEXINGTON, KY. (Council District 2)
Project Contact: Strand Associates

Note: The purpose of this amendment is to add an additional motel and parking to the site.

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. Landscape Examiner's approval of landscaping and landscape buffers.

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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. Revise note #15 to reflect current Articles in the Zoning Ordinance.
 13. Revise special note #6 to reflect current note on DP 2007-17.
 14. Document compliance with the required review by the Design Review Committee per Article 8-24(o)(7).
 15. Add Unit 2A to plan title.
 16. Denote review by the Royal Springs Aquifer Committee prior to certification.
 17. Denote drainage easement per the amended final record plat.
 18. Resolve timing of the building line and scenic easement conflict resolution on Aristides Boulevard frontage.
- n. PLN-MJDP-17-00116: ADAMS/BRIGHTON 3050 & CADENTOWN SUBDIVISION, LOTS 3 & 4 (AMD) (02/04/2018)*- located at 3050 HELMSDALE PLACE, LEXINGTON, KY. (Council District 6)
Project Contact: EA Partners

Note: The purpose of this amendment is to add mail and maintenance building, recycling area and reconfigure parking area.

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. Landscape Examiner's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Department of Environmental Quality's approval of environmentally sensitive areas.
 6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 7. Division of Waste Management's approval of refuse collection locations.
 8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 9. Remove amendment number from plan title.
 10. Denote proposed sanitary sewer easements for buildings closest to Campbell Lane.
 11. Clarify construction access in note #8.
 12. Modify note #12 to address current amendment.
 13. Denote cross access easement location per note #13.
 14. Delete "proposed" and add "existing" to note #18.
 15. Denote density in site statistics to document compliance with Article 9 open space requirements.
 16. Label existing mailbox location.
 17. Update trail connection labels to reflect built conditions.
- o. PLN-MJDP-16-00039: LIBERTY HEIGHTS SUBDIVISION, BLOCK C, LOTS 4-10 & LOTS 44-47 (3/5/18)* - located at 836 WINCHESTER ROAD, LEXINGTON, KY (Council District 5)
Project Contact: Thoroughbred Engineering

Note: The Planning Commission approved this plan at their November 10, 2016, meeting, 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. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Division of Waste Management's approval of refuse collection locations.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Consolidation of property prior to plan certification.
10. Addition of existing and proposed easements on plan.
11. Kentucky Transportation Cabinet's approval of access on Winchester Road.

Note: The applicant now requests a reapproval of the Commission's original approval.

* - Denotes date by which Commission must either approve or disapprove request.

The Staff Recommends: **Reapproval**, subject to the original conditions #1-10 previously approved by the Planning Commission, and the following revised condition:

11. Kentucky Transportation Cabinet's approval of right-in/right-out access on Winchester Road or removal of access point.
- p. PLAN 2014-51F: JOHNSON SUBDIVISION, LOT 26 (AMD) (3/5/18)* - located at 455-457 N. MARTIN LUTHER KING BOULEVARD LEXINGTON, KY. (Council District 1)
Project Contact: Randy Martin

Note: The purpose of this amendment is to subdivide one lot into two lots. The Planning Commission approved this item on August 14, 2014 and reapproved it on July 14, 2016, 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. Addressing Office's approval of street names and addresses.
4. Urban Forester's approval of tree protection area(s) and required street tree information.
5. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
6. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
7. Denote date of plan preparation.
8. Denote addresses on lots.
9. Denote the front yard building line per the Zoning Ordinance.
10. Document existence of separate sewer laterals prior to certification.
11. Increase size of street cross-section (for legibility).
12. Denote that the structure will be a duplex (one unit per lot).
13. Document compliance with building code for separation prior to certification.
14. Addition of storm water easement.

Note: The applicant now requests a reapproval of the Commission's original approval.

The Staff Recommends: **Reapproval**, subject to the original conditions previously approved by the Planning Commission.

Ms. Wade said that the staff had received an affidavit for the sign posting for PLN-MJDP-17-00107: R. J. REYNOLDS TOBACCO CO PROPERTY (OLD WORLD TIMBER ADAPTIVE REUSE), and everything appears to be in order.

Ms. Wade then said that **PLN-MJDP-17-00107: R. J. REYNOLDS TOBACCO CO PROPERTY (OLD WORLD TIMBER ADAPTIVE REUSE)** required the Planning Commission to approve the necessary finding for an Adaptive Reuse Project. The staff had reviewed the applicant's supporting documentation and finds this project meets the minimum filing requirements for consideration as an Adaptive Reuse Project. (A copy of the finding for the Adaptive Reuse Project is attached as an appendix to these minutes).

Ms. Wade indicated that the items identified on the Consent Agenda could be considered for conditional approval at this time by the Commission, as has been recommended, unless there was a request for an item to be removed from consideration by a member of the Commission, or the audience, to allow an opportunity for its discussion. (A copy of the Consent Agenda is attached as an appendix to these minutes).

Audience members requesting full discussion: There were none.

Commission member requesting full discussion: There were none.

Action - A motion was made by Mr. Brewer, seconded by Mr. Forester, and carried 10-0 (Richardson absent) to approve the items listed on the Consent Agenda, as recommended by the Subdivision Committee and staff. This motion acknowledges the Planning Commission's approval of the necessary finding for an Adaptive Reuse Project (**PLN-MJDP-17-00107: R. J. REYNOLDS TOBACCO CO PROPERTY (OLD WORLD TIMBER ADAPTIVE REUSE)**).

- B. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – A motion was made by Mr. Cravens, seconded by Mr. Penn, and carried 10-0 (Richardson absent) to approve the release and call of bonds as detailed in the memorandum dated December 14, 2017 from Barry Brock, Division of Engineering.
- C. **DISCUSSION ITEMS** – Following requests for postponement, withdrawal and no discussion items, the remaining items will be considered.

The procedure for these hearings is as follows:

- Staff Report(s), including subcommittee reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments

* - Denotes date by which Commission must either approve or disapprove request.

- (a) proponents (10 minute maximum OR 3 minutes each)
- (b) objectors (30 minute maximum OR 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)
- Commission discusses and/or votes on the plan.

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 meeting. The Chair will announce his/her decision at the outset of the hearing.

1. DEVELOPMENT PLANS

- a. PLN-MJDP-17-00108: DOUGLAS NORMAN PROPERTY (RYAN JOHNSON DEVELOPMENT) (02/04/2018)*-
located at 1730 BRYANT RD, LEXINGTON, KY. (Council District 6)
Project Contact: Midwest Engineers

The Subdivision Committee Recommended: Postponement. There were some questions regarding the relocation of the access through the adjacent property, need for stormwater improvements and connection to the sanitary sewer system.

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. Landscape Examiner'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. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Denote the required parking and show the parking provided.
11. Denote proposed and existing easements.
12. Denote timing of access improvements through adjacent property and closure of current access.
13. Discuss connection to sanitary sewers as noted on ZDP 2004-6.
14. Discuss on-site improvements per ZDP 2004-6.

Staff Presentation – Ms. Gallt presented the staff's report on the Final Development Plan, and noted that the staff had distributed the following revised recommendation of approval to the Commission.

The Staff 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. Landscape Examiner'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. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
- ~~10. Denote the required parking and show the parking provided.~~
- ~~11. Denote proposed and existing easements.~~
- ~~12. Denote timing of access improvements through adjacent property and closure of current access.~~
- ~~13. Discuss connection to sanitary sewers as noted on ZDP 2004-6.~~
- ~~14. Discuss on-site improvements per ZDP 2004-6.~~
10. Document adequacy of existing septic tank by the Board of Health.
11. Document demolition of accessory structure along western property line prior to certification of final development plan.

Commission Questions – Mr. Owens asked if this proposal was a final development plan. Ms. Gallt replied affirmatively, and explained that a preliminary development plan was part of the 2004 zone change on this property. When the applicant obtain the building permit they were not told they were required to amend the developed plan.

* - Denotes date by which Commission must either approve or disapprove request.

Mr. Owens asked when was the building built. Ms. Gallt replied 2016.

Mr. Owens asked if the applicant obtained a building permit without an approved final development plan. Ms. Gallt replied affirmatively. Mr. Owens then asked how did a permit get issued without an approved final development plan. Mr. Martin explained that a computer software is used when issuing permits, and there was a preliminary development plan approved in 2004, but due to the development plan and zone change layer not being activated on the software the staff overlooked the requirement.

Mr. Owens then asked if a Certificate of Occupancy was issued. Mr. Martin said that the applicant filed a variance application with the Board of Adjustment, which was approved and required the filing of this final development plan, but the staff was unaware of the status of the Certificate of Occupancy at this time.

Mr. Owens asked if the plan being presented today was a revision from what the Subdivision Committee reviewed. Mr. Martin replied affirmatively. Mr. Owens indicated that the plan does not look the same as what was shown at the Committee meeting. Ms. Gallt pointed out the location of the existing buildings and the new building associated with this request. Mr. Owens asked for the previous development plan to be shown on the overhead because the plan being presented at the hearing does not look like the same plan shown at the Subdivision Committee meeting. (During this portion of the discussion, Mr. Owens comments were inaudible.) Ms. Gallt presented the development plan shown to Subdivision Committee on the overhead and explained that since this property was re-zoned in 2004 from an agricultural zone, the property was never redeveloped, so there were no easements created for the utilities. She said that the staff would need to consult with Kentucky Utilities regarding new easements since their final signoff is not a typical condition of approval for development plans.

Mr. Owens said that there is a utility easement ending at the edge of this property and it should be fairly easy to verify this with Kentucky Utilities. Ms. Gallt said that this land was originally zoned Agricultural Urban (A-U), so there may not be an easement on the property, but rather a utility line without an easement. Mr. Martin said that even though this property may not have a utility easement, Kentucky Utilities does have a prescriptive easement that could be used. He then said that if an easement needs to be established that could be done through a minor amended record plat.

Mr. Owens expressed his concerns that the final development plan was submitted for this property at the wrong time.

Representation – Steve Baker, engineer, along with Ryan Johnson, applicant, indicated that there are no recorded easements, but there are prescriptive easements on the property. With that being said, Mr. Baker noted their agreement with the staff's revised recommendation and requested approval.

Commission Questions – Mr. Penn said that, for all practical purposes, this is not the normal procedure for final development plans. He then said that, at the Subdivision Committee meeting, there was some discussion about the demolition of the buildings and recommended that the condition #11 be followed. Mr. Baker explained that the larger building has been demolished and the two remaining buildings are pending the outcome of this request.

Mr. Owens asked when Midwest Engineers become involved in this proposal. Mr. Baker responded that they became involved when this request was filed in November of this year.

Citizen Comments - There were no audience members present to speak to this request.

Action - A motion was made by Mr. Cravens, seconded by Mr. Forester, and carried 10-0 (Richardson absent) to approve the development plan for **PLN-MJDP-17-00108: DOUGLAS NORMAN PROPERTY (RYAN JOHNSON DEVELOPMENT)**, as recommended by the staff with the 11 revised conditions.

- b. **PLN-MJDP-17-00113: THE HUB AT LEXINGTON II (SOUTH LIMESTONE & VIRGINIA AVENUE) (02/04/2018)***- located at 119, 121, 123 & 131 VIRGINIA AVENUE; 665, 685 & 693 S. LIMESTONE; AND 662 MAXWELTON COURT LEXINGTON, KY. (Council District 3)
Project Contact: Carman

The Subdivision Committee Recommended: Postponement. There were some questions about the traffic improvements to S. Limestone.

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. Landscape Examiner'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. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.

* - Denotes date by which Commission must either approve or disapprove request.

8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Correct plan title.
11. Delete notes #14 and #15.
12. Clearly denote FAR and lot coverage per Article 21 of the Zoning Ordinance.
13. Provided the Planning Commission makes a finding to approve the Area Context and Character Study.
14. Discuss stormwater management and water quality requirements.
15. Discuss timing of right-of-way improvements.

Staff Presentation – Mr. Martin presented the staff's report on the final development plan, and noted that the Subdivision Committee recommended postponement, due to questions about the traffic improvements to S. Limestone. He noted that the Kentucky Department of Transportation, District 7 will make the appropriate improvements to S. Limestone themselves. With that being said, the staff believes conditions #14 and #15 can be resolved prior to the plan being certified, and suggested the following revisions:

14. ~~Discuss~~ Resolve stormwater management and water quality requirements.
15. ~~Discuss~~ Resolve timing of right-of-way improvements dedication.

Mr. Martin then presented the Area Character Context (including a Massing Study), and the staff's Supplemental report on the B-1 Form Based Neighborhood Business Project. (A copy of this study and staff report is attached as an appendix to these minutes).

Mr. Martin indicated that the staff was making the following recommendations:

The staff believes that the Form-Based Neighborhood Business Project can improve its compliance with the B-1 Form-Based Neighborhood Business Project objectives by providing additional detail on the use of supplemental landscaping in the required Area Character and Context Study.

1. Provide a revised Area Character and Context Study illustrating the supplemental landscaping concepts and provision of defined public space.

Commission Questions – Mr. Penn asked if the staff was comfortable with traffic exiting left on Virginia Avenue. Mr. Martin said that the access is approximately 200 feet back from the intersection, which is not a bad spacing, but with the storage and the double left turn lane on Virginia Avenue, the staff is as comfortable as they can be with this type of situation. The staff would prefer the access to be further back from the intersection, but there are very practical problems in the design of the building and servicing the common spaces that limit the location of access.

Mr. Penn said that he would hope that the second access would be utilized versus all the traffic trying to make a left turn on Virginia Avenue. He then said that if the staff is comfortable with the access points then the Commission has to be also. Mr. Martin said that the staff is as comfortable as they can be and noted that over the years the staff has had limited success with preventing traffic making left turns on S. Limestone.

Ms. Mundy said that there are issues in this area that the Commission has no control over, but asked if a median could be installed. Mr. Martin said that medians are not shown on any current plans, but rather most of the plans relate to safety, traffic movement and right turn lanes.

Mr. Wilson asked for a brief explanation of the proposed bus movement. Mr. Martin briefly explained that, except for buses, all traffic movement at the intersection of S. Limestone and Virginia Avenue will be stopped. This would allow the buses to move through that intersection.

Mr. Wilson said that there are pedestrians, then there are students, who do not pay attention to any type of light. All it will take is for a bus driver not to understand this concept to have an accident. Mr. Martin said that with the number of traffic accidents in this area there is a need for this right-turn lane. Mr. Wilson said that he is concerned that the right-turn lane will create a mess with the stacking of cars.

Petitioner Presentation – Richard Murphy, attorney; Tom Harrington, Jr., Core Spaces; Jeff Zelisko, Antunovich Associates; Kevin Warner, Carman; and Brett Malone, Integrated Engineering were present representing the applicant. Mr. Murphy indicated that they were in agreement with the staff recommendation and requested approval.

Jeff Zelisko, Antunovich Associates submitted a revised Area Character and Context Study into the record, and gave a brief description of the proposal. (A copy of the study is attached as an appendix to these minutes).

Citizen Comments - There were no audience members present to speak to this request.

Commission Questions – Ms. Plumlee asked for Traffic Engineering to comment on the traffic issue on S. Limestone. Ms. Kaucher said that the staff had concerns with the access on Virginia Avenue, but in the end, the staff felt comfortable not opposing the request because of the additional entrance on Maxwellton Court. She then said that during peak times the residents can use Maxwellton Court, but during the off peak times, the residents could make a

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left-turn on to Virginia Avenue. Without the additional access, the staff would have made a different recommendation to the Commission. She said that the staff did consider that this development will be more pedestrian-oriented versus creating a high traffic generator.

Ms. Kaucher said that the KYTC has reviewed the intersection of S. Limestone and Virginia Avenue and it has not been finalized yet, but Virginia Avenue is part of the road swap (referring to an exchange of road right-of-way between the LFUCG and the Commonwealth of Kentucky). She then said that if the road swap is approved then the city would take responsibility of S. Limestone and the KYDOT would take responsibility of Virginia Avenue.

Ms. Kaucher then said that Traffic Engineering recognizes the stacking for right-turns on S. Limestone is an existing condition, and that a right-turn lane is needed. Ideally, for safety and cost, the right-turn lane should be constructed at the same time as the development.

Mr. Penn said that there was a discussion at the Subdivision Committee meeting regarding KYTC doing the improvements to the intersection across S. Limestone. Ms. Kaucher indicated that those discussions have not happened yet, and said that there are two projects being discussed: (1) a right-turn on S. Limestone and (2) a right-turn lane extension for the existing right-turn lane on Virginia Avenue. The extension is too far in to the process not to have it completed.

Mr. Owens asked about the timing of the improvements. Ms. Kaucher said that there are so many moving pieces to this project, it is hard to say when those improvements will be completed. She then said that this is an existing problem and the staff feels more comfortable knowing that there is a resolution in place prior to adding more development in this area. The staff is not saying this development is solely responsible, but it is an existing condition in this area.

Mr. Wilson commented that this area is a mess, to which Ms. Kaucher agreed.

Mr. Berkley asked if the land swap goes through will the city be responsible for S. Limestone and the Commonwealth of Kentucky will be responsible for Virginia Avenue. Ms. Kaucher indicated that this is a road swap, not a land swap. Mr. Berkley then asked if the state funding would potentially change for that intersection. Ms. Kaucher replied affirmatively, and said that the funding would come from a different source. She added that the Division of Traffic Engineering is aware of this, and they have discussed possible funding.

Mr. Berkley asked if the city has more ideas about how to fund the improvements versus the state. Ms. Kaucher said that, other than letting Traffic Engineering know what is being proposed, the city is very limited on the control of state funds versus if the improvements projects are city projects that uses city funding.

Mr. Berkley asked if the city has the improvements for S. Limestone on a project list. Ms. Kaucher replied negatively, and said that S. Limestone is the responsibility of the state.

Mr. Bell asked about the timing of the improvements. Mr. Murphy said that, regardless of whether or not the site is developed, the right-turn lane is needed and should be built. He then said that this development will not place the amount of traffic on the roadway to justify his client making the road improvements. He then said that his client is agreeable to a portion of the cost, but not the entire cost.

Mr. Murphy said that, according to a study, there is a high volume of pedestrian traffic at the corner of Virginia Avenue and S. Limestone. Any time there is construction, it does pose a safety issue, but provisions are made to ensure the safety of pedestrians during the construction phase. He said that the stipulation of their land swap agreement with University of Kentucky is that the issues pertaining to this development must be resolved; otherwise, his clients are not obligated to proceed with the project. With that being said, if everything proceeds as they anticipate, the S. Upper Street project will be completed first, then this project will be done one year later. This would leave an extra year for government sources to work out the funding for the improvements to have both the construction of the development and the street improvements done together. He said that this is not a precondition of the project, because through their design there will be a protective area of 3 feet between the right turn lane. This can be safety designed even if the work is done in two stages.

Mr. Bell asked when are they expecting the project to be completed. Mr. Murphy replied that if everything goes as planned, without any glitches, this project will be started in 2019. Mr. Zelisko said that the intent would have the S. Upper Street project completed and opened for the 2019 fall semester and this project would follow the next year.

Rebuttal – Mr. Murphy indicated that he had no comments.

Mr. Martin reiterated that the following two development plan conditions could be changed to read:

14. ~~Discuss~~ Resolve stormwater management and water quality requirements.
15. ~~Discuss~~ Resolve timing of right-of-way improvements dedication.

Commission Questions – Mr. Owens said that the issue is with the resolution of the S. Limestone turn lane. The staff's suggestion would allow the project to move forward without any clear-cut determination of who would be funding the improvements. Ms. Wade responded affirmatively. Mr. Owens said that he would like to see something more definitive and asked for any recommendations.

Mr. Berkley said that the applicant should not be penalized by carrying the entire cost of the improvements. The applicant has stated that they would be dedicating the right-of-way for the future improvements, which is a sizable donation.

Mr. Bell asked if there is a condition in the agreement to address the improvements. Mr. Murphy replied that he did not negotiate the agreement, but he understood, if it comes to a position where his client cannot reasonably build this project they have the ability to walk away.

Mr. Wilson commented that the developer should not bear the full cost of the improvement, in this situation.

Mr. Brewer said that the best-case scenario would be having both projects constructed at the same time, but the Commission has no control over that issue. He then said that the Commission does have control to take action on the development plan. The applicant has submitted an excellent plan and they are giving significant concessions to the public to build it.

Action - A motion was made by Mr. Brewer, seconded by Mr. Mundy, and carried 9-0 (Plumlee opposed; Richardson absent) to approve the development plan for **PLN-MJDP-17-00113: THE HUB AT LEXINGTON II (SOUTH LIMESTONE & VIRGINIA AVENUE)**, as recommended by the staff, including the adoption of the findings as it relates to the Area Character & Context Study (including a Massing Study).

- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, December 7, 2017 at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Mike Cravens, Carolyn Richardson, and Bill Wilson. The Committee members reviewed applications and made recommendations as noted.

A. ABBREVIATED PUBLIC HEARINGS ON ZONING MAP AMENDMENTS

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

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

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

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

The procedure for these hearings is as follows:

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

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

1. ANDERSON LURADANE, LLC ZONING MAP AMENDMENT & SULLIVAN PARK & DEVEREUX SUBDIVISION ZONING DEVELOPMENT PLAN

Note: The Planning Commission postponed this item at their November 30, 2017, meeting.

- a. PLN-MAR-17-00039: ANDERSON LURADANE, LLC (12/31/17)*- petition for a zone map amendment from a Single Family Residential (R-1D) zone to a High Density Apartment (R-4) zone, for 0.92 net (1.06 gross) acres, for properties located at 135, 137 & 139 American Avenue and 112, 114, 116 & 118 Burley Avenue. Dimensional variances are also requested.

COMPREHENSIVE PLAN AND PROPOSED USE

* - Denotes date by which Commission must either approve or disapprove request.

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.

Related to the proposed rezoning, the 2013 Comprehensive Plan Goals and Objectives recommend expanding housing choices (Theme A., Goal #1); supporting infill and redevelopment as a strategic component of growth, including compact and contiguous growth (Theme A., Goal #2 and Theme E., Goal #1b); providing for well-designed neighborhoods and communities (Theme A., Goal #3); reducing Lexington's carbon footprint (Theme B, Goal #2); and improving a desirable community by working to achieve an effective and comprehensive transportation system (Theme D., Goal #1). *Chapter 7: Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land* of the 2013 Plan also address specific recommendations for Infill and Redevelopment within Lexington-Fayette County.

The applicant proposes redeveloping the subject properties with a combination of single-family residences and multi-family dwelling units, as well as associated off-street parking. The corollary development plan depicts 26 dwelling units, with 31 bedrooms, which represents a density of 28.38 dwelling units per net acre. Numerous dimensional variances are requested in conjunction with the requested zone change for the subject properties.

The Zoning Committee Recommended: **Postponement**.

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

1. Currently, the proposed corollary development plan is a hybrid between a group residential development and individual R-4 zoned lots. This creates a myriad of regulatory compliance issues that must be addressed for both types of plans. The staff would like to explore other options with the petitioner to create a plan that supports the 2013 Comprehensive Plan's policy statements, goals and objectives.
2. The compatibility of the High Density Apartment (R-4) zone for the subject property should be further discussed with the petitioner, especially in light of the limited infrastructure within the neighborhood, the need to achieve an effective and comprehensive transportation system, the land use patterns of the neighborhood and the desire to provide context sensitive development that respect's the immediate area's design features.

b. REQUESTED VARIANCES

1. Reduce the required front yard along American Avenue from 20 feet to 8 feet
2. Reduce the required rear yard from 10 feet to 5 feet at 112 and 118 Burley Avenue
3. Eliminate the zone-to-zone screening requirement.

The Zoning Committee recommended: **Postponement**, per the staff recommendations.

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

- a. Generally, when a variance is requested, one of the findings required to grant the variance must be based on special circumstances applicable to the property/properties that would serve as a justification for the variance. "Special circumstances" are typically understood to be physiographic in nature that would prevent a structure or structures from being constructed at the required setback. That situation does not appear to exist with this request; and, until further, more detailed reasoning is provided for needing the variances, the staff is unable to support the applicant's request.
 - b. In reviewing the proposed variances for this zone change request, it was discovered that a fourth variance is needed that was not requested. A postponement will allow the applicant to apply for a side yard variance for 112 and 118 Burley Avenue, as described in the body of this report, and to provide the necessary notification to surrounding property owners.
- c. PLN-MJDP-17-00106 SULLIVAN PARK & DEVEREUX SUBDIVISION (12/31/17)* - located at 135, 137 & 139 American Avenue and 112, 114, 116 & 118 Burley Avenue.
Project Contact: Barrett Partners

Note: The Planning Commission postponed this item at their November 30, 2017, meeting.

The Subdivision Committee Recommended: **Postponement**. There are still questions regarding compliance with Article 8-13 of the Zoning Ordinance as well as concerns with the stormwater management.

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

1. Provided the Urban County Council rezones the property R-4; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Denote height of building in feet on plan.
6. Denote compliance with Article 15-7 shall be determined at time of final development plan.
7. Denote pedestrian access to American Avenue.
8. Demonstrate compliance with open space required.
9. Provided the Planning Commission grants the requested variance to Article 18.

* - Denotes date by which Commission must either approve or disapprove request.

10. Discuss compliance with R-4 zone requirements.
11. Discuss note #12.
12. Discuss water quality/stormwater improvements per the Engineering Manuals.
13. Discuss improvements to Burley and American Avenues.

Staff Presentation – Ms. Wade oriented the Commission to the location of the subject property, the surrounding zoning, and presented a PowerPoint presentation and gave a brief description of the applicant's zone change request.

Ms. Wade indicated that the staff had originally recommended postponement of this request for the reasons provided on the agenda. However, since the Zoning Committee meeting, the staff had met with the applicant twice and they provided additional information as well as discussed revisions to the corollary development plan in order to meet the requirements of the R-4 zone and the Group Residential Project provisions established by the Zoning Ordinance, and to discuss agreement with the Comprehensive Plan.

Ms. Wade noted that the staff had distributed a Supplemental Report, and is now recommending approval, for the following reasons:

1. The proposed High Density Apartment (R-4) zone is in substantial agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. The Goals and Objectives recommend growing successful neighborhoods through expanded housing choices that address the market needs for all residents (Theme A, Goal #1b.). The petitioner proposes the addition of 24 one-bedroom dwelling units, and maintaining four 3-4 bedroom units, which creates a variety of dwelling unit types in the immediate area that complement the existing neighborhood. Such mixing of housing types also encourages stability in the neighborhood.
 - b. The Goals and Objectives encourage infill development throughout the Urban Service Area as a strategic component of growth for our community (Theme A, Goal #2) and to encourage compact, contiguous and/or mixed-use sustainable development within the Urban Service Area, as guided by market demand, to accommodate future growth (Theme E, Goal #1b). The petitioner proposes to increase the density of the subject property, from 7.6 dwelling units per acre to 30.57 dwelling units per acre. These Goals and Objectives are furthered by the applicant's proposal to create affordable, safe/secure high density residential dwelling units, which will allow students and others to live near the University of Kentucky.
 - c. The Goals and Objectives recommend providing well-designed neighborhoods that are connected for all modes of transportation (Theme A, Goal #3b.), and working to achieve an effective and comprehensive transportation system for the community (Theme D, Goal #1). The petitioner is providing sidewalks and increased right-of-way pavement to provide adequate infrastructure to accommodate all modes of transportation.
 - d. Chapter 3 (Growing Successful Neighborhoods) and Chapter 7 (Maintaining a Balance Between Planning for Urban Uses and Safeguarding Rural Land) of the Comprehensive Plan emphasize the importance of safe, secure, well-designed neighborhoods that are context sensitive, compatible with the surrounding area, and compact, contiguous and/or mixed-use sustainable development. The proposed two-story development will be consistent in scale and mass with the surrounding neighborhood.
2. This recommendation is made subject to approval and certification of PLN-MJDP-17-00106: SULLIVAN PARK AND DEVEREUX 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.

Commission Questions – Ms. Mundy said that as lots are redeveloped as single family homes they were not required to install curb and gutter. Ms. Wade replied affirmatively. Ms. Mundy then asked since this is a larger development will the applicant be required to install curb and gutter. Ms. Wade replied affirmatively. Ms. Mundy said that this development will create an odd curb and gutter situation next to the properties that do not have the curb and gutter. She asked who would be responsible for installing curb and gutter on the other properties. Ms. Wade said that should another large development come into the area then that developer would be responsible to ensure that the improvements match the cross-section. She added that single family homes are generally not required to install curb and gutter so for those lots, it would be the responsibility of the government.

Mr. Martin presented the revised staff's report on the preliminary development plan, and noted that the staff had distributed the following revised recommendation of approval to the Commission.

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

1. Provided the Urban County Council rezones the property R-4; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Denote height of building in feet on plan.
- ~~6. Denote compliance with Article 15-7 shall be determined at time of final development plan.~~
7. Denote pedestrian access to American Avenue.
8. Demonstrate compliance with open space required.
9. Provided the Planning Commission grants the requested variance to Article 48-13(h).
- ~~10. Discuss compliance with R-4 zone requirements.~~

- ~~11. Discuss note #12.~~
10. ~~12. Discuss Denote~~ water quality/stormwater improvements ~~per the Engineering Manuals~~ shall be determined at the time of final development plan.
11. ~~13. Discuss Denote~~ improvements to Burley and American Avenues shall be determined at the time of final development plan.

Mr. Martin presented several schematics and briefly explained that when reviewing the entire area there are different lot sizes that range from 25 foot in width to one-and two-acre lots.

Commission Questions – Ms. Plumlee asked why would this request need Board of Adjustment's approval. Mr. Martin explained that the applicant would need to seek the Board of Adjustment approval if they cannot meet 20 percent of the lot depth in the rear yard. He noted that this is a variable dimension, so the applicant can request a reduction from the Board of Adjustment; otherwise, the applicant will need to make this plan comply before it is certified.

Mr. Berkley asked if the setback should be addressed today. Mr. Martin indicated that the setback needs to be resolved prior to certification of the plan. Ms. Wade said that the Planning Commission cannot approve a variance that has not been advertised in the newspaper or where property owners had not received the required notification by mail.

Ms. Rackers presented the staff's revised report on the variance request, and noted that the staff had distributed the following revised recommendation of approval to the Commission.

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

- a. Granting the requested variance will not adversely affect the public health, safety or welfare, will not alter the character of the general vicinity, and will not cause a hazard or nuisance to the public. In fact, granting the variance will help to promote and maintain public health, safety and welfare by allowing a development that will include infrastructure improvements in an area that has been known and recommended for these types of improvements, as well as improved and mixed housing, since at least the 1990s when the *South Broadway Corridor Plan* was written and adopted as an element of the Comprehensive Plan.
- b. Granting the requested variance will not result in an unreasonable circumvention of the Zoning Ordinance. The building and parking, as proposed, are designed to maximize the site, replacing three older residential structures with a safer, more modern living space for students or others who might wish to take advantage of "live where you work" opportunities, both of which are endorsed by the Comprehensive Plan. Additionally, granting the variance will allow the parking for the entire development to be completely interior to the project and not in front of the building, something also supported by the Comprehensive Plan as well as the infill regulations.
- c. One special circumstance that applies to this site that does not generally apply to land in the general vicinity is its size, which would not allow the redevelopment as proposed without the variance. Another circumstance is that this is an urban infill project located near the University of Kentucky campus that will continue to provide rental housing, which is always in demand. The new building proposed will replace three older structures with a new, safe structure that will contain only sixteen dwelling units.
- d. Strict application of the requirements of the Zoning Ordinance would prevent the most efficient layout of the parking area that is currently proposed, or would require an off-setting decrease in the number of dwelling units for this redevelopment project.
- e. Although the circumstances surrounding the requested variance are associated with the proposed zone change, the variance is requested in an effort to accomplish an efficient design of the off-street parking area, which will be totally interior to the project. Additionally, the apartment building will be at a setback more in line with what is existing on two of the three American Avenue properties that are proposed for redevelopment. Improved infrastructure will be provided in an area that has been either inadequate or lacking, and will provide greater safety for pedestrians as well as vehicular traffic. In the staff's opinion, this is just as important and may even outweigh the fact that if the property weren't proposed to be re-zoned and developed in this manner, the variance would not be needed.

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

1. Provided the Urban County Council rezones the property R-4; otherwise, any Commission action of approval of this variance is null and void.
2. Should the property be rezoned, it shall be developed in accordance with the approved Development Plan, as amended by a future Development Plan approved by the Commission, or as a Minor Amendment permitted under Article 21-7 of the Zoning Ordinance.
3. A note shall be placed on the Zoning Development Plan indicating the variance that the Planning Commission has approved for this property [under Article 6-4(c) of the Zoning Ordinance].
4. Prior to obtaining an Occupancy Permit, the applicant shall obtain a Zoning Compliance Permit from the Division of Planning.

Petitioner Presentation – Richard Murphy, attorney; Dennis Anderson, applicant; Tony Barrett, Barrett Partners; were present to represent the applicant. Mr. Murphy presented a PowerPoint presentation, and gave a brief description of each slide. He indicated that they were in agreement with the staff recommendations and requested approval.

Citizen Comments in support – Lee Rose and John Dauer, owners of Luradane, LLC, were present to speak in support of this request. They expressed their excitement in collaborating with Anderson Communities. They believe the project will greatly enhance the neighborhood and represents the best use for the property.

Mr. Wilson noted that Ms. Ginny Daley had requested additional time; however, all others who are present to speak regarding this request will be limited to 3 minutes.

Citizen Comments in opposition - Ginny Daley, 136 Burley Avenue, presented a PowerPoint presentation and gave a brief description of each slide. She voiced her concerns about the negative impacts that this project will have on the neighborhood, and indicated that this development is too dense and it would do more harm than good. She requested that the Planning Commission deny the zone change because it does not support the Comprehensive Plan.

Walt Gaffield, 2001 Bamboo Drive, spoke in opposition to the rezoning and indicated that this development was in poor design and out of context, and this is the beginning of university housing for under graduate students. He suggested the Commission consider a conditional use to only allow one-bedroom units. He is concerned that this proposal will set a precedent for this neighborhood and other neighborhoods.

Frances Hisle, 166 and 170 American Avenue, spoke in opposition to the rezoning and indicated the streets in this area could not handle an increase in traffic. She said that the traffic and parking issue in this area has made the neighborhood unsafe for pedestrians.

Amy Clark, 628 Kastle Road, presented a PowerPoint presentation and gave a brief description of each slide. She spoke in opposition to the rezoning and indicated that the front yard variance proposed for this request is incompatible with the existing setbacks; and some properties have enclosed their front porches, which projects toward the street. She indicated that KRS 100.247 states that a variance shall not alter the density requirements of that zone. The requested variance is not specifically altering the density requirements, but it is altering the parking requirements, which bear an immediate relationship to density. She added that parking requirements are a way to control what density is allowed in an area. She indicated that staff had cited Article 15-7(d) in their report, but the Zoning Ordinance states that the intent of the Infill and Redevelopment regulations is to allow new construction that is compatible and grants the relief of unusual hardship. She said that there is nothing unusual to the R-4 zone about needing room for parking and there is nothing unusual to the neighborhood about having very little room. To her, the hardship seems to be that the land is too small for this development.

Petitioner Rebuttal – Mr. Murphy said that traffic impacts to the neighborhood are minimal. If this development has 35 cars then for every 12 hours, there would be 3 cars per hour or 1 car every 40-minutes added to the street, which is not significant.

Mr. Murphy directed the Commission's attention to the overhead, and said that the rent on the existing house is between \$1,400 and \$1,500 per month, which is not affordable housing. He then said that the location of this property is next to the University of Kentucky campus, which creates a heavy demand for student housing. This is the reason why the rental properties are priced as they are.

Mr. Murphy said that the staff agreed this proposal is in compliance with the Comprehensive Plan. They did not recommended disapproval, but they recommended postponement due to the number of variances being requested. He then said that they revised their proposal, which only required one variance then the staff changed their recommendation to approval.

Mr. Murphy said that they understand the neighbors are concerned with not wanting a new single family development next to an older single family development, but they are not proposing to construct the same type of housing as what is already in the area. They will be building a better development with one-bedroom apartments, which are needed in this area. They are enhancing the neighborhood by adding curb and gutter, sidewalks, and other infrastructure. He said that they understand the concerns with changing the neighborhood, but this change will improve the neighborhood.

Mr. Murphy said that there were comments made about what is allowed in this zone, but the issues that are being raised are beyond the scope of the Planning Commission. He said that the Commission has no control over conversions or teardowns of one or two-story houses or the type of material being use. This area is already zoned single family and the property owners have the right to change their property. He said that they believe their proposal is a better development.

Note: Mr. Brewer departed at this time.

Citizen Rebuttal – Ms. Daley expressed her concern with the proposed development being too dense for this area.

Ms. Clark expressed her concerns that this proposed development will increased traffic on Burley Avenue, and the improvement made to the street will not be maintained. She referenced a Board of Adjustment case where individual 25' wide lots were determined to existing buildable lots, which has contributed to the changing character of the neighborhood.

Staff Rebuttal – The staff had no rebuttal at this time.

Commission Questions – Mr. Wilson directed the staff's attention to the revised staff report for the variance, and asked for clarification if Item b would be appropriate to approving this request. Ms. Jones replied affirmatively.

Mr. Penn indicated that he is reluctantly supporting this proposal, but commented that this neighborhood is changing because there is housing that cannot be renovated, so different housing styles are being constructed. He said that what happened in the past cannot be changed and as developments are proposed, the 2013 Comprehensive Plan will be referenced. He added that because of the infrastructure and the problems in this area, he does not believe this neighborhood will work if each lot develops differently from the next.

Mr. Wilson said that the issue raised about gentrification is a problem and he has already spoke about that issue with the staff. He understands that is a concern that relates to new development coming into an area.

Mr. Cravens indicated his agreement with Mr. Penn, and said that some of the older houses cannot be repaired, so new development would be a good solution.

Zoning Action – A motion was made by Mr. Cravens, seconded by Mr. Forester, and carried 9-0 (Brewer and Richardson absent) to approve **PLN-MAR-17-00039: ANDERSON LURADANE, LLC**, for the reasons provided by the staff.

Variance Action – A motion was made by Mr. Cravens, seconded by Mr. Forester, carried 9-0 (Brewer and Richardson absent) to approve the requested front yard variance along American Avenue, for the reasons provided by the staff, and with the recommended conditions.

Development Plan Action – A motion was made by Mr. Cravens, seconded by Mr. Fosterer, and carried 9-0 (Brewer and Richardson absent) to approve **PLN-MJDP-17-00106 SULLIVAN PARK & DEVEREUX SUBDIVISION**, subject to the revised conditions provided by the staff.

Note: Mr. Bell departed at this time.

VI. COMMISSION ITEMS

A. PUBLIC HEARINGS ON SUBDIVISION REGULATIONS AMENDMENTS

1. SRA 2017-4: AMENDMENT TO ARTICLE 6 TO UPDATE STANDARD CROSS SECTIONS TO REFLECT ON-STREET PARKING LIMITATIONS AND TO DELETE NEO-TRADITIONAL STANDARDS

REQUESTED BY: Lexington-Fayette Urban County Council

PROPOSED TEXT: Copies are available from the staff.

The Subdivision Committee recommended: **Approval**.

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

1. The proposed text amendment to Article 6 of the Land Subdivision Regulations will maintain standard right-of-way widths, but restrict on-street parking to maintain large vehicle clearance within residential subdivisions. In this regard, the public health, safety and welfare of the community is preserved and the general intent of the regulations to "encourage the development of sound, healthful and economically stable residential areas; to provide for safe, convenient and efficient traffic circulation; and to provide for the overall harmonious development of the community in accordance with the adopted Comprehensive Plan" is upheld.
2. The proposed text amendment to Article 6 will allow for traffic calming measures in accordance with the LFUCG *Neighborhood Traffic Management Manual* to be integrated into all street designs in order to improve overall public safety by ensuring safe operating speeds. Traffic calming measures will also help to facilitate context sensitive design that results in a safe multi-modal street network.

Staff Presentation – Ms. Wade presented a PowerPoint presentation, and gave a brief description of each slide. Ms. Wade described the proposed changes to the standard cross-sections, noting that parking would be restricted on one side of residential local streets if the developer elects to build a street that is less than 30 feet wide. She stated that the right-of-way widths are not proposed to be altered with this text amendment. She indicated that the staff was recommending approval of the text amendment to Article 6 of the Land Subdivision Regulations, subject to the reasons provided on today's agenda.

Commission Questions – Ms. Mundy said that she had lived in an area where the streets were very narrow and designated as private. The neighborhood association had restricted parking to one side of the street, opposite of the fire hydrants. She explained that there was a situation in that neighborhood where the street was not wide enough for the fire trucks to maneuver around the parked cars to access the fire hydrants. She asked if there was a way to ensure the fire hydrants are open and available to the fire trucks. Ms. Wade said that the Fire Department can restrict the parking to the opposite side of the fire hydrants. Ms. Mundy said that the fire hydrants was on the opposite side of the street, but there were cars parked directly across from the fire hydrants. Captain Legal explained that the Fire Department will restrict the parking in front of the

fire hydrants, but as far as cars parked directly across from the fire hydrants, that is associated with the street width not being adequate. He said that the Fire Department prefers the street width to be 30 feet, but they can compromise with a street width of 27 feet. If the streets are restricted to parking on one side, then the 27 foot width would allow the fire trucks to maneuver through the area, as needed. Mr. Martin said that the Land Subdivision Regulations require private streets to meet all public standards as well as acquire the Commission's approval. If this text amendment becomes an approved regulation, then private streets will have to comply.

Mr. Cravens asked if the text amendment would apply to access easements. Ms. Wade replied that access easements are created with a separate finding, which is approved by the Commission. Mr. Martin also said that the Commission has the authority to impose additional conditions on an access easement. Ms. Wade noted that the Division of Traffic Engineering could also impose a restriction of no parking on the access easement.

Mr. Wilson asked if the Commission is initiating this text amendment. Ms. Wade indicated that the Urban County Council initiated the text amendment, at which time the Commission has 60-days to review the proposed amendment.

Ms. Wade noted that the Staff and the Subdivision Committee recommend approval of the Staff Alternative Text, for the following reasons:

1. The proposed text amendment to Article 6 of the Land Subdivision Regulations will maintain standard right-of-way widths, but restrict on-street parking to maintain large vehicle clearance within residential subdivisions. In this regard, the public health, safety and welfare of the community is preserved and the general intent of the regulations to "encourage the development of sound, healthful and economically stable residential areas; to provide for safe, convenient and efficient traffic circulation; and to provide for the overall harmonious development of the community in accordance with the adopted Comprehensive Plan" is upheld.
2. The proposed text amendment to Article 6 will allow for traffic calming measures in accordance with the LFUCG *Neighborhood Traffic Management Manual* to be integrated into all street designs in order to improve overall public safety by ensuring safe operating speeds. Traffic calming measures will also help to facilitate context sensitive design that results in a safe multi-modal street network.

Citizen Comments – Walt Gaffield, Fayette County Neighborhood Council, believed that if 30 feet was needed to accommodate the fire trucks, it would be easier to require 30 feet than compromising with 27 feet. He indicated that existing neighborhoods do not want narrow streets because it will harm the real estate values, as well as making the area less desirable. He asked who would be responsible with informing a potential homeowner that parking is restricted to one side of the street and who would be responsible for maintaining the sign posting. He expressed that if Traffic Engineering calls for traffic calming devices then they should be able to require that as a condition versus making a suggestion.

Amy Clark, 628 Kastle Road, indicated what is being introduced is a retro fit to a complaint driven problem and asked if the Commission could consider type II physical barrier traffic calming devices. She noted that in her neighborhood the resident's park on both sides of the street, which acts as traffic calming devices to reduce the speed. She believe a parking pattern along the street would accommodate what the Fire Department needs.

Staff Rebuttal – Captain Legal said that, with regards to the complaint driven comment, when someone calls in saying a fire truck cannot access their road, the Fire Department takes those types of calls very seriously. He then said that they do not turn a blind eye to the citizens' concerns and should there be an emergency, they want a clear path with no obstacles. This issue has been a talking point for the Fire Department for 10 years and recently it has picked up speed due to Council involvement. He added that 27 feet of width was a doable compromise with all the parties involved.

Ms. Wade said that this text amendment would allow the Division of Traffic Engineering to make suggestions, but require those particular changes on the street through their signoff. If the applicant disagrees, they could present their proposal to the Commission for further consideration. She said that the type II traffic calming devices are not typically suggested for existing streets because it costs the city money, so less invasive solutions are done first, then if more is required the Division of Traffic Engineering can investigate the problem through a very detailed study.

Citizen Rebuttal - Mr. Gaffield said that it is his experience the best traffic calming is to park cars on both sides of the street.

Action – A motion was made by Mr. Berkley, seconded by Ms. Mundy, and carried 8-0 (Brewer, Bell and Richardson absent) to approve **SRA 2017-4: AMENDMENT TO ARTICLE 6 TO UPDATE STANDARD CROSS SECTIONS TO REFLECT ON-STREET PARKING LIMITATIONS AND TO DELETE NEO-TRADITIONAL STANDARDS**, for the reasons provided by the staff.

2. **SRA 2017-5: AMENDMENT TO ARTICLE 5-4(B) TO INCREASE ALLOWABLE PLAT SIZE**

REQUESTED BY: Lexington-Fayette County Clerk's Office

PROPOSED TEXT: (Note: Text ~~dashed through~~ indicates a deletion, and text underlined indicates an addition to the existing Land Subdivision Regulations.)

5-4(b) MATERIALS

* - Denotes date by which Commission must either approve or disapprove request.

5-4(b) MATERIALS - The final plan shall be prepared on mylar or other material capable of clear reproduction using the ozalid print process. The sheet size may not exceed 24" x 36" ~~17" x 22"~~, and all plan information will be shown clearly and legibly. In addition, the final plan shall be submitted in digital format containing the information required by the Division of Engineering. In all cases, the mylar submission shall be considered the official submission.

The Subdivision Committee recommended: **Approval**.

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

1. The proposed text revision to Article 5-4(b) will allow for plats to be a maximum of 24"x36" providing for better clarity and presentation of the required information.
2. The proposed addition will maintain public health and safety, consistent with the intent of the Land Subdivision Regulations.

Staff Presentation – Mr. Martin presented the text amendment report, and noted that the staff was approached by the Kentucky Professional Surveyor's Association, who requested an increase in the plat size. In turn, the staff approached the Fayette County Clerk staff, who agreed to make a formal request for the Land Subdivision Regulations to be amended to allow a maximum plat size of 24"x36" in compliance with Kentucky State Law. The staff is recommending approval of this change for the reasons provided on today's agenda.

Action – A motion was made by Ms. Mundy, seconded by Mr. Owens, and carried 8-0 (Brewer, Bell and Richardson absent) to approve **SRA 2017-5: AMENDMENT TO ARTICLE 5-4(B) TO INCREASE ALLOWABLE PLAT SIZE**, for the reasons provided by the staff.

B. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

Note: The Planning Commission postponed this item at their November 30, 2017, meeting.

1. **ZOTA 2017-6: AMENDMENT TO ALLOW OFF-SITE AIRPORT PARKING AS A CONDITIONAL USE IN THE AGRICULTURAL RURAL (A-R) ZONE** - petition for a Zoning Ordinance text amendment to Article 8-1(d) of the Zoning Ordinance to allow off-site airport parking as a Conditional Use in the Agricultural Rural (A-R) zone.

REQUESTED BY: Steve Clark and Lexington Airport Parking

PROPOSED TEXT: (Note: Underlined text indicates an addition to the existing Zoning Ordinance.)

ARTICLE 8-1: AGRICULTURAL RURAL (A-R) ZONE

8-1(d) Conditional Uses (Permitted Only with Board of Adjustment Approval)

32. Parking lots, but only when the following conditions are met:

- a. The parking lot must have been constructed by January 1, 2017.
- b. The parking lot must be paved with an all-weather surface of either asphalt or concrete. No new paving shall be permitted to create or expand a parking lot; however, resurfacing of any existing areas shall be permitted.
- c. The parking lot must have a minimum of one-hundred (100) spaces.
- d. The parking lot must be within one and one-half (1 1/2) miles of an airport providing regular, commercial air service.
- e. Screening must be provided in accordance with the Vehicular Use Area screening requirements.
- f. Any lighting installed must be directed away from residential or agricultural uses.

The Zoning Committee Recommended: **Referral**.

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

1. The proposed addition to the Zoning Ordinance to permit an off-site parking lot for a commercial airport is not consistent with the adopted Rural Land Management Plan, nor the draft update to the Plan which is to be considered by the Planning Commission within the next two months. Further, the adopted 2013 Comprehensive Plan recommends protecting the natural landscapes that make our county unique. Permitting commercial parking lots does not support this vision.
2. The Blue Grass Airport has adopted a Master Plan for the airport in 2013 that includes developing additional on-site parking. Additionally, the airport has bonds already secured to add 2,500 parking spaces in phases over the 3 to 17 years. The proposed text amendment could have a negative impact on the airport's ability to re-pay bonds for that parking by reducing potential revenue.
3. The petitioner's proposed text amendment is not consistent with the intent of the Agricultural Rural (A-R) zone to preserve the rural character of the Rural Service Area by promoting agriculture and related uses. An off-site parking lot for a commercial airport does not purport to promote agriculture or related uses, nor does the proposed use have any specific need to be located within the rural service area due to space requirements.

Staff Presentation – Ms. Wade presented a PowerPoint presentation, and gave a brief description of each slide. She indicated that the applicant is proposing a text amendment to Article 8-1(d) of the Zoning Ordinance to allow off-site airport parking as a conditional use in the Agricultural Rural (A-R) zone.

Ms. Wade noted that the staff is recommending disapproval, for the reasons provided on today's agenda.

Petitioner Presentation – Jacob Walbourn, attorney, was present representing the applicant. He presented a PowerPoint presentation, and gave a brief description of each slide. He indicated that they were in agreement with some of the staff recommendation, but they believe this amendment would be an asset to this area with very little impact.

Mr. Walbourn said that allowing off-site airport parking as a conditional use in the Agricultural Rural (A-R) zone would need Board of Adjustment approval. He then said that the text amendment limits the use to a parking lot that is already constructed of asphalt with a minimum of 100 parking spaces, and there would be no expansion of the existing parking lot. The existing parking lot must be within a mile of the airport and conform to the requirements for landscape screening and restrictions of keeping the lights directed away from surrounding areas. He explained that the benefits of the text amendment would allow a continued viability of the church camp use or other large parking lots, while alleviating a financial strain. He said that churches are allowed in the A-R zone, but when these churches hit a financial strain those buildings can become vacant. This text amendment would help those churches continue to be viable because there will be another source of income. He then said that this type of use would have a buffer to lessen the negative impact.

Mr. Walbourn said that existing lots that are 10-acres in size in the A-R zone are not agriculturally viable. He said that parking lots in the A-R zone would not be a high traffic generator and this type of use is essentially overnight airport parking. He then said that the church is taxed exempted, but this type of use is not and it will generator tax dollars for Fayette County.

Mr. Walbourn said that the proposed use does not conflict with the Rural Land Management Plan, the Comprehensive Plan and the intent of the agricultural zone all go to viable agricultural operations. He then said that a 10-acre church camp is not core agricultural land and it is not viable as core agricultural land. There are certain type of lots and areas where a limited number of conditional uses are clearly acceptable under the RLMP and the A-R zone. This proposal is one of these situations. The text amendment is drafted in a manner that there will not be a domino effect and there are no unintended consequences. The text amendment will be limited in scope so if a property had 100+ parking spaces then that property would qualify; otherwise, it would not. This parcel is already developed with a non-agricultural use and if that use is unable to succeed, it is unknown how that property would effectively be redeveloped with the limited uses that are allowed in the A-R zone. Even assuming the building were to be demolished and the parking lot was removed, this property is too close to the Urban Service Area boundary and too small to qualify for such programs as the PDR. This parcel is under 40 acres, which is the threshold that is looked at for a viable agricultural operation. Mr. Walbourn said that the staff noted that this use would be permitted in the Urban Service Area boundary. However, during recent Comprehensive Plan update discussions, it was emphasized that the community wants a better use of land within the Urban Service Area boundary. This proposal is not a dense use and it is not very effective use of our precious urban land.

Mr. Walbourn said that this proposal does not conflict with the Comprehensive Plan Goals and Objectives. The Goals and Objectives are geared toward existing farms and farms that are operational, not the conditional use such as the church camps. With the exception of installing gates, this proposal will not have any physical changes made to the building, parking lot or viewshed. The text amendment is written in a manner that the property cannot expand. He said that prohibiting what is essentially an adaptive reuse of these properties does not help to support the goal of urban infill.

Mr. Walbourn said that the A-R zone already allows the following conditional uses:

- Cemeteries
- Commercial outdoor recreation facilities
- Airports
- Mining/extraction of natural resources
- Radio/TV transmitting facilities
- Kindergarten/child care/school
- Concrete mixing and asphalt plants
- Bed and breakfast

Mr. Walbourn said that permitted conditional uses would have a higher impact on the viability of the core agricultural land than allowing this property to adaptively reuse the existing parking lot.

Mr. Walbourn said that the 2013 Airport Master Plan indicates the airport would expand the parking lot through phases, but the airport's future plan involves land that is under a different ownership. There is no record of the airport presenting a Public Facility Review to the Commission and they have not gained title to the adjacent property. While the expansion of the airport may be in the distant future, there is a market for this type of opportunity right now. He said that the airport has a captive market and the airport is the only facility providing overnight parking. The airport's current situation offers no incentive in providing a better, cheaper or more efficient product. There should be competitive prices or the ability to have an alternative location. The regional nature of airports means people are unable to utilize an alternative form of transport and are forced to pay the airports established rates. He said that this concept is used in other cities, such as Louisville,

* - Denotes date by which Commission must either approve or disapprove request.

Cincinnati and Dayton. He then said that when comparing the data of the nearby airports, Lexington and Dayton are very similar, the only difference is the offsite parking.

Mr. Walbourn said that this text amendment will only apply to the existing uses. It will not change the rural area or have a dramatic impact on it. The text amendment does not conflict with the adopted plans and it is written in a way that an application will receive additional reviews before anyone can begin their operations. The text amendment will help existing uses better utilize their property while maintaining viability. It is not the Planning Commission's, nor the staff's role to protect the airport from competition. The airport still has the advantage, but this type of service should be allowed.

Mr. Walbourn requested the Planning Commission recommend approval of the proposed text amendment.

Commission Questions – Mr. Penn asked how will the lights be addressed. Mr. Walbourn replied that the lights would be directed downward and away from the surrounding area. Mr. Penn then asked if the lights would be on 24 hours a day, 7 days a week. Mr. Walbourn indicated that there would be safety lights, but not throughout the parking lot. Mr. Penn said that Cincinnati and Dayton has their lights on 24 hours a day, 7 days a week.

Mr. Penn said that this text amendment is very close to being site specific. Mr. Walbourn said that there are a handful of other properties that could benefit from this text amendment. He then said that his goal was not to be site specific, but rather to avoid any unintended consequences.

Mr. Berkley asked if the proposed use would be operating in conjunction with the church activities. Mr. Walbourn replied affirmatively, and said that the details have not been finalized as of yet since this use is not a legal use in Fayette County. He indicated that if the text amendment were approved then this question, as would the lights, would be discussed at the Board of Adjustment hearing.

Mr. Berkley said that he appreciated the creativity, but the one thing he did not hear was the need or who would need this type of use. He then said that this type of use is an opportunity, and it is limited to a few sites, but there may be some issue with the traffic trying to go to the airport. Mr. Walbourn said that, as far as the need is concerned, how does one define need. If his client offers a less expensive alternative to overnight parking than what the airport is charging then that would constitute the need. As far as the traffic is concerned, the Board of Adjustment would review that information if they were to receive a conditional use application. He said that there is a market need for this type of use whether the property is in Lexington or the neighboring county, or inside or outside the Urban Service Area. Mr. Berkley disagreed and said that there is no reason to grant a conditional use when there is not a need. He then said that there has not been any testimony given saying there is a parking problem at the airport or to make the Commission believe that there is a need for this type of use. Mr. Walbourn said that in terms of market need versus literal need, he respectively disagreed. He then said that if the airport parking lot were overflowing, it would cause a "catastrophe" because there would no other place for cars to park.

Ms. Mundy asked if the parking lot would be used at the same time the camp activities were going on. Mr. Walbourn replied affirmatively, and said that the details of the use would be established by the Board of Adjustment. Ms. Mundy indicated that having strangers come to a parking lot where kids are attending a camp gives her some discomfort. Mr. Walbourn said that the parking lot is very well segregated from the camp activities.

Mr. Owens said that a text amendment is supposed to be non-site specific, but this request seems very site specific, because not very many other places would be able to have this type of use. He then said that he has never used long-term parking at the airport, and he has never had a problem with parking in general at the airport. He added that even though at some point the airport plans to expand their parking area, he does not believe the price will matter to people.

Citizen Comment – Steve Clark, applicant, explained that the viewshed of this property would look exactly the same empty or full of cars because the parking lot is not visible from the road. He said that parking lot would provide full service valet parking to their customers at a cheaper price. Depending on the traffic, the distance from this site to the airport is under 5 minutes. This type of use is needed for this area and he is trying to give Lexington other options. He requested the Commission approve this text amendment.

Commission comments – Mr. Wilson said that when he travels he uses the dealership, who picks up, cleans and returns his car to the airport.

Staff Rebuttal – Ms. Wade said that the staff was concerned with the site specific information that the Commission received because that is not the point of the text amendment public hearing. What the applicant wishes to do on a piece of property is not something the Planning Commission should take into consideration when making their recommendation. She added that it is somewhat disappointing to hear the site specific information as part of a text amendment presentation.

Ms. Wade asked the Commission to think about what the impact could be if other properties were to utilize their parking lots in the A-R zone for airport parking. She then asked what type of impact would there be to the rural land should Keeneland propose the same or what would the impact be to the viewshed should the Baptist College use their parking lot

for the same use. She asked the Commission to look at the bigger picture, not just this site, when considering the text amendment.

Applicant Rebuttal – Mr. Clark said that there is a need for this type of service in Lexington, and he is trying to use an existing condition to satisfy the need.

Action – A motion was made by Ms. Plumlee, seconded by Mr. Penn, and carried 8-0 (Brewer, Bell and Richardson absent) to support the staff recommendation of disapproval of **ZOTA 2017-6: AMENDMENT TO ALLOW OFF-SITE AIRPORT PARKING AS A CONDITIONAL USE IN THE AGRICULTURAL RURAL (A-R) ZONE**, for the reasons provided by the staff.

Note: Mr. Owens departed at this time.

2. **ZOTA 2017-8: AMENDMENT TO ARTICLE 12 - PARKING STANDARDS; LOT COVERAGE AND FLOOR AREA REQUIREMENTS; TRANSIT FACILITIES; AND DESIGN STANDARDS** – petition for a Zoning Ordinance text amendment to update the B-6P zone.

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 amendment will reduce the impact of parking on land consumption, and encourage shared parking across complementary professional office, retail and residential uses.
2. The proposed text amendment will enhance the viability of existing B-6P developments by providing redevelopment opportunities that unlock additional potential to better utilize existing zoned land.
3. The proposed text amendment will encourage walkable developments and accessible transit facilities that have been long neglected in our major corridors.
4. The proposed text amendment will assist in creating a variety of employment, retail and residential opportunities throughout Lexington, improving overall housing affordability.

Staff Presentation – Mr. Taylor presented a PowerPoint presentation, and gave a brief description of each slide. He indicated that the staff was recommending approval of the text amendment to Article 12 of the Zoning Ordinance, subject to the reasons provided on today's agenda.

Commission Questions – Mr. Berkley asked if the B-1 and B-3 zones will be impacted by the proposed text amendment. Mr. Taylor said that there are other sections within the Zoning Ordinance that could be updated in the future as deemed necessary.

Mr. Berkley said that, during the Comprehensive Plan update, there were certain assumptions made that there would be 100 percent utilization for the land along the corridors and asked if this text amendment would compromise those calculations. Mr. Taylor said that the staff assumed over 20 years there would be a 50 percent redevelopment along the corridors. Mr. Berkley said that, during the Comprehensive Plan update, the Commission members and staff discussed this topic and the members were told that there would be 100 percent utilization a number of times. He then said that, when the calculations were determined, it was assumed that there would be 35 units to the acre. The staff is now saying this text amendment would only be applied to 10-acre tracts. He said that it seems that the text amendment is cutting back the parking versus what was originally planned with the Comprehensive Plan. Mr. Taylor disagreed, and said that the update to the B-6P zone is not in any way a cutback. Mr. Berkley replied maybe not to the B-6P zone, but it was with the staff's overall assumptions. Mr. Taylor said that the staff believes the B-6P zone will be the go to zone along the corridors and the staff does not believe the B-1 zone will be a corridor zone, nor is it intended to be a corridor zone.

Mr. Berkley asked how many tracts are under 10-acres along Nicholasville Road. Mr. Taylor replied there are many 10-acre tracts along Nicholasville Road. Mr. Berkley replied exactly. Mr. Taylor said that this text amendment is far more flexible than what is currently established and the B-6P zone is a more expansive zone to use. Mr. Berkley said that he is not arguing that point, and he is not saying this is not a good idea for B-6P zone, but it is only being applied to 10-acre tracts and larger. Mr. Taylor said that the size of the lot is independent of the overall development plan. He said that there could be a development plan or a 1-acre lot on Nicholasville Road and if there are enough parcels totaling 10-acres or more that development plan could be eligible for the B-6P zone. Mr. Berkley asked what if there are 10 different owners. Mr. Taylor replied different property owners within a shopping center is not uncommon, such as Fayette Mall.

Mr. Duncan said that this is something that can be addressed right now prior to any studies or anything else that is being done. He said that the staff plans to still follow-up on the corridor study, which is part of the Goals and Objectives and will be implemented over time in 2018. This text amendment is setting the stage now and is something that can be done immediately. The staff is expecting the studies to show what else can be done; and, at the appropriate time, the staff would report those findings to the Commission. This text amendment is the beginning of addressing the residential needs and intensification desires along our corridors.

* - Denotes date by which Commission must either approve or disapprove request.

Mr. Berkley said that he does not have a problem with the text amendment and it should go forward. However, it is limited in its scope compared to what was discussed during the Comprehensive Plan updates. Mr. Taylor said that the B-1 zone offers considerable flexibility under the form-based project, as seen with the two approved developments for The Hub projects. However, the form-based option can handle small sites; whereas this text amendment would be better suited to handle the larger sites.

Mr. Cravens asked if the text amendment applied to any existing B-6P zones. Mr. Taylor replied affirmatively. Mr. Cravens then asked if there is a size restriction. Mr. Taylor replied negatively and said that this text amendment would also apply to future requests for B-6P zoning. Mr. Cravens said that there would be no more less than 10-acre sites approved for B-6P zoning. Mr. Taylor replied that was correct.

Citizen Comments – Amy Clark, 628 Kastle Road, expressed her concerns with the current proposed text amendment, and requested postponement of this request to allow the neighborhood associations to have a say in the matter, as well as to allow the staff more time to gather more information.

Staff Comment - Mr. Taylor indicated that the staff had met with the Fayette County Neighborhood Council on two occasions, and they indicated that they were not in opposition to this request. He said that a member of the Fayette County Neighborhood Council was present to show their support, but they had to leave. He then said that the staff had received a letter of support from them, which was placed at the Commission member's seats for their review.

Commission Comments – Mr. Berkley said that he is in support of this text amendment, and hopes no one misunderstood his concerns.

Action – A motion was made by Mr. Berkley, seconded by Mr. Penn, and carried 7-0 (Owens, Brewer, Bell and Richardson absent) to approve **ZOTA 2017-8: AMENDMENT TO ARTICLE 12 - PARKING STANDARDS; LOT COVERAGE AND FLOOR AREA REQUIREMENTS; TRANSIT FACILITIES; AND DESIGN STANDARDS**, for the reasons provided by the staff.

Note: Mr. Forester departed at this time.

C. ANNUAL REPORT FOR THE COURTHOUSE AREA

Ms. Yan presented a PowerPoint presentation on the Annual Report from the Courthouse Area Design Review Board and gave a brief description of each slide.

VII. STAFF ITEMS – There were none.

VIII. AUDIENCE ITEMS – There were none.

IX. NEXT MEETING DATES

Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	December 20, 2017
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	January 4, 2018
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building).....	January 4, 2018
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	January 11, 2018
Work Session, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building.....	January 18, 2018
Zoning Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	January 25, 2018

X. ADJOURNMENT - There being no further business, the Chair adjourned the meeting at 6:23 PM.

William Wilson, Chair

Carolyn Plumlee, Secretary

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