

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

February 22, 2018

- I. **CALL TO ORDER** - The meeting will be called to order at 1:30 p.m. in the Council Chamber, 2nd Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.
- II. **APPROVAL OF MINUTES** - The minutes of the January 25, 2018 meeting will be considered at this time.
- III. **POSTPONEMENTS AND WITHDRAWALS** - Requests for postponement and withdrawal will be considered at this time.
- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, February 1, 2018, at 8:30 a.m. The meeting was attended by Commission members: Karen Mundy, Carolyn Plumlee, 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; Tom Martin; Cheryl Gallt; Denice Bullock; Captain Greg Lengal & Captain Joshua Thiel, Division of Fire & Emergency Services; Tracy Jones, Department of Law. The Committee made recommendations on plans as noted.

1. DEVELOPMENT PLANS

- a. **PLN-MJDP-18-00001: HARPER WOODS (4/14/18)*** - located at 2311 ARMSTRONG MILL ROAD AND 3539 KENESAW DRIVE.
(Council District 8)
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 and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. Provided the Planning Commission makes a finding for the access easement.
13. Denote lot dimensions for single family lots.
14. Resolve timing of construction of Beringer Drive cul-de-sac.
15. Resolve enhanced VUA screening adjacent to single-family lots.
16. Resolve stormwater issues at northwest corner of the property.
17. Resolve proposed lotting pattern for Lots 6 & 7.
18. Resolve location of required street trees.
19. Resolve accessibility to trail.

General Notes

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

1. All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.
 2. All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.
- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, February 1, 2018 at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Patrick Brewer, Mike Cravens, Larry Forester, and Bill Wilson. The Committee members reviewed applications and made recommendations as noted.

A. ABBREVIATED PUBLIC HEARINGS ON ZONING MAP AMENDMENTS

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

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

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

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

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

The procedure for these hearings is as follows:

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

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

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

1. **ZOTA 2018-1: AMENDMENT TO ARTICLE 8-1 FOR ACCESSORY STRUCTURES FOR PLACES OF WORSHIP** - petition for a Zoning Ordinance text amendment to Article 8-1 of the Zoning Ordinance to increase the size of allowable accessory structures.

REQUESTED BY: Bharatiya Temple and Cultural Center

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

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

8-1(d)Conditional Uses (Permitted only with Board of Adjustment approval.)

20. Places of religious assembly which may be allowed an additional 10,000 square feet of building over and above their existing square footage, provided that the structure(s) existed or the religious entity had approval of the Board of Adjustment and owned 20 or more contiguous acres prior to the adoption of the Rural Land Management Plan on April 8, 1999.

Places of religious assembly may erect accessory structures, without permanent walls, provided that the size of the accessory structures shall not exceed thirty-five percent (35%) of the floor area of the principal structure. The accessory structures shall not count against the otherwise allowed 10,000 square feet for a principal structure.

STAFF ALTERNATIVE TEXT:

(Note: Staff alternative text is noted with **bold underline** text below)

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Places of religious assembly may erect accessory structures, without permanent walls, provided that the size of the accessory structures shall not exceed thirty-five percent (35%) of the floor area of the principal structure. **These** accessory structures shall not count against the otherwise allowed 10,000 square feet for a principal structure.

The Zoning Committee Recommended: **Approval**.

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

1. The proposed text amendment to allow accessory structures for places of religious assembly is consistent with the community's goals of preservation of the agricultural and rural character that makes Lexington-Fayette County unique. The proposed restriction will limit accessory structures in size and scope so they will not have a detrimental effect on the Agricultural Rural (A-R) zoned land in the Rural Service Area.
2. The proposed text amendment complies with the requirements of the federal Religious Land Use and Institutionalized Persons Act (RLUIPA).

VI. **COMMISSION ITEMS**

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

A. **Long Range Planning Activity Report**

Imagine Lexington

Staff met with the Planning Commission during a work session on January 18th to discuss metrics and upcoming implementation tasks. Staff reviewed the 2018 work session timeline and how Staff will work through phase 2 of the Comprehensive Plan, Elements & Implementation, theme-by-theme. To accompany the change of focus to phase 2, Staff updated www.imaginelexington.com to host the approved Goals & Objectives as well as all resources from phase 1 and phase 2 so far.

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

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

Bluegrass Area Development District

Staff attended the Bluegrass ADD's Regional Planning Council meeting.

Courthouse Area Design Review Board

Staff presented the CADRB's annual report to the Planning Commission; reporting on reviewed applications.

APA Audio Conferences

For many years, Staff has hosted APA Audio Conferences for continuing-education credits for both LFUCG and AICP. There were three APA Audio Conference hosted in the month of January, whose titles are as follows: *A Regional Approach for Age-Friendly Communities*, *Enhancing Social Engagement to Achieve Sustainability in Transportation Planning*, and *Getting Credit for Open Space*.

General Work Activities

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

B. **Transportation Planning Activity Report**

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

- Attended LFUCG Pedestrian Safety Work Group.
- Attended LFUCG Corridors Commission.
- Attended University of Kentucky Bicycle Advisory Committee Meeting.
- Drafted the updated 2018 Participation plan and solicited input from the TTCC and TPC.
- The MPO website had 624 visits from 454 users and 1,213 page views in January.
- The MPO's Twitter site had 2,067 followers in January.
- The MPO's Facebook page had 870likes in January. The page had 75 engaged users and reached 1,098 users.

1.2 Staff Development

- Attended Safe Streets Academy Distance Learning Module: Planning and Design for Transit.
- Attended Safe Streets Academy Distance Learning Module: Creative Place-Making & Prototyping to Reduce Speed.

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- Attended Kentuckians for Better Transportation Conference.
- Attended APA Webinar: Enhancing social engagement to achieve sustainability in transportation planning.

2.1 Congestion Management Process (CMP)

- Worked on spreadsheets to document annual congestion trends on selected corridors in the CM network using Blue TOAD system Travel Time Index (TTI) data.
- Reviewed and studied FHWA Performance Management requirements in 23 CFR 490 Subparts A & E.
- Met with KYTC and Traffic Engineering staff to evaluate potential new data sources to replace the Blue TOAD data and comply with the FHWA's Performance Management requirements.
- Worked with KYTC and Traffic Engineering staff on ITS-CMS project coordination.
- Reviewed "Evaluating arterial congestion and travel time reliability performance."
- Used live and typical Google Traffic maps to document annual congestion trends at most congested time-of-day in a week and most congested month in a year for recurring congestion, such as bottlenecks and poor signal timing.

2.2 Transportation Plan Update & Implementation

- Continued data collection and analysis phase of the Metropolitan Transportation Plan update.
- Reviewed the Draft KYTC Six-Year Highway Plan with the TPC and compared with locally submitted priorities identified in the SHIFT process.
- Attended meeting with KYTC to discuss FHWA/KYTC performance measure requirements.
- Requested approval from the TPC to formally support KYTC's statewide safety performance targets.

2.3 Air Quality Activities

- No activity to report.

3.1 Transportation - Land Use Impact Analysis

- Provided assistance and answered inquiries on various potential Traffic Impact Studies, including 3 potential zone change applications in Fayette County.
- Provided support concerning transportation and land use issues on various development applications in Fayette County and Jessamine County.
- Participated in several LFUCG Comprehensive Plan development meetings.
- Submitted a request for FHWA Planning (PL) funding for a Corridor Land Use & Transportation Plan for the Nicholasville Rd Corridor.

3.2 Multimodal/Transportation Enhancement Planning

- Responded to approx. 26 citizen/agency requests for information on bike and pedestrian issues.
- Worked on various intersection safety design projects and bike facility maintenance projects funded by MAP money for FY 2016.
- Reviewed and submitted comments in Plan Tracker for 12 plans for bike and pedestrian circulation requirements.
- Corresponded on 4 plans approved by the planning commission for compliance with conditional signoff requirements.
- Continued preparation for the Safe Streets Academy Team visits to the Lexington Demonstration project and Workshop.
- Met with Citizens Environmental Committee and Noli CDC to discuss the location and implementation of the Safe Streets Academy pilot demonstration project.
- Prepared exhibits for and conducted two public meetings regarding the Safe Streets Academy demonstration project to gather public input in a listening session format well as a follow up meeting on the conceptual project.
- Held 4 calls with the consulting team for the BPMP to discuss plan progress and presentation of the draft networks.
- Reviewed and requested final BPMP update deliverables in various digital and GIS formats for use, maintenance and implementation of the plan.
- Attended meetings with UK and the DLP to discuss coordination efforts for dockless bike share programs.
- Requested information from 6 different bike share companies and in person/digital meetings to learn more about the different business models.
- Organized and formed a Bike Share Advisory Committee to review and evaluate bike share companies.
- Met with Parks & Recreation to discuss the 6th district wayfinding and signage project request.
- Gathered and organized multiple transportation data sets for Environmental Quality and Public Works Department grant application.

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- Gave a presentation to UK engineering students as a client for a transportation design project they will complete and present during the semester.
- Reviewed major and minor arterials and collectors for the inclusion of bicycle and pedestrian improvements.
- Organized and developed reports from the Metro Count Data counters on the Arboretum Woods Trail and the Legacy Trail and reported to BPAC, UK and LFUCG Engineering.
- Completed the Bi-annual review of Freight Assessment for the MPO area with FHWA.

3.3 Transit Planning

- Staff attended Via Creative board meeting as Co-Chair.
- Staff attended FTSB board meeting as Chair.
- Reviewed Transit Inventory samples from consultant and provided feedback towards final product.

3.4 Mobility Coordination

- Held kick off meeting with the selected marketing firm to discuss scope of project.

3.5 Travel Demand Modeling and Project Forecasting

- Reviewed TDM needs for upcoming MTP and began coordination efforts with KYTC.

4.1 Program Administration

- Committee meeting packets were prepared for the Bicycle & Pedestrian Advisory Committee (BPAC), Transportation Technical Committee (TTCC), Transportation Policy Committee (TPC) & Project Coordination Team (PCT).
- Conducted interviews to fill the vacant Sr Planning position.

4.2 Transportation Improvement Programming (TIP)

- Completed TIP Modification #6 for the Legacy Trail Phase 3 and New Circle Rd widening project.

4.3 Unified Planning Work Program (UPWP)

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

C. Zoning Compliance Planning Activity Report

Enforcement

Only 27 new case investigations were initiated in January, which is typical for the winter season. Nearly 50% of the new cases related to signage and illegal business activities in residential areas. A total of 23 cases (some old, some new) were resolved, meaning that necessary actions were taken by a property owner or occupant to fix a zoning compliance problem. Annual inspections were completed on 28 properties with conditional uses, and all were determined to be in substantial compliance.

Permitting

Since January 1, 2012 Zoning Compliance Permits have been required before a building or premises can be occupied for a specific use or a change in use, with some exceptions for agricultural uses and single family or two-family residences. In January, 12 such permits were issued. Technical assistance was also provided to the Division of Building Inspection (at weekly "Review Board" meetings) in review of 7 applications for new commercial or multi-family building construction, and 22 applications for remodel activity, "fit-ups" or change in use requests.

As part of the permitting process, Zoning Ordinance interpretations are often required to provide definitive answers regarding how certain uses are regulated. One of the most interesting assessments initiated in January involved the production and sale of hemp oil in a Neighborhood Business (B-1) zone near Fayette Mall. The requested activity was ultimately permitted in early February, after it was confirmed that the production activity would be taking place on a small scale, with the bottled product only sold on the premises and not distributed to other locations.

Board of Adjustment

Just two appeals were considered by the BOA at the January 8 public hearing. Most noteworthy was a conditional use request to use an existing greenhouse building on Old Richmond Road for the growing of aquatic plants. That request generated a lot of interest from some of the surrounding neighbors, due in part to the fact that a prior conditional use for a similar activity on the subject property (which resulted in the greenhouse building being constructed) had recently been revoked by the BOA due to lack of compliance with adopted conditions. After a long discussion, motions for disapproval and then approval each resulted in a tie vote, meaning that the request was not granted.

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

IX. **MEETING DATES FOR MARCH 2018**

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	March 1, 2018
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	March 1, 2018
Subdivision and ND-1 Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	March 8, 2018
Work Session, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building (101 East Vine Street).....	March 15, 2018
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	March 22, 2018
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	March 28, 2018
Work Session, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building (101 East Vine Street).....	March 29, 2018

X. **ADJOURNMENT**

TLW/TM/dw

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