

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

April 26, 2018

- I. **CALL TO ORDER** - The meeting was called to order at 1:30 p.m. in the Council Chamber, 2nd Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.

Planning Commission members present: Bill Wilson, Chair; Headley Bell; Will Berkley; Patrick Brewer; Mike Cravens; Larry Forester; Mike Owens; Frank Penn; Carolyn Plumlee; and Carolyn Richardson. Karen Mundy was absent.

Planning staff members present: Jim Duncan, Director; Traci Wade; Tom Martin; Aliza Tourkow; Cheryl Gallt; Hal Baillie; and Stephanie Cunningham. Other staff members present were: Vaughan Adkins, Division of Engineering; Casey Kaucher, Division of Traffic Engineering; Captain Greg Lengal, Division of Fire and Emergency Services; Kristan Curry and Tim Queary, Division of Environmental Services; and Tracy Jones and Andrea Brown, Department of Law.

- II. **APPROVAL OF MINUTES** - A motion was made by Ms. Plumlee, seconded by Ms. Richardson, and carried 10-0 (Mundy absent) to approve the minutes of the March 22, 2018 meeting.

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

1. **WINCHESTER 836, LLC ZONING MAP AMENDMENT & ARLINGTON WEEKLY PAYMENT LOT & INVESTMENT COMPANY'S ADDITION ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-17-00041: WINCHESTER 836, LLC (4/26/18)*- petition for a zone map amendment from a Neighborhood Business (B-1) zone to a High Rise Apartment (R-5) zone, for 0.842 net (1.202 gross) acres, for property located at 1104, 1106, 1186 & 1190-1194 N. Limestone. Dimensional variances are also requested.

COMPREHENSIVE PLAN AND PROPOSED USE

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

The subject properties are located within the boundary of the Central Sector Small Area Plan (CSSAP), adopted by the Planning Commission in April 2009, specifically Subarea "D". The CSSAP recommends significant streetscape improvements along North Limestone, retention of North Limestone's unique character as a traditional neighborhood retail corridor, utilization of Best Management Practices for stormwater improvements, preservation of structures with historical and cultural value, and provision of adequate and quality affordable housing.

The petitioner proposes to redevelop the entire site with a multi-family apartment building and associated off-street parking. A total of 36 dwelling units are proposed, for a residential density of 42.8 dwelling units per acre. Dimensional variances are also requested in association with the proposed zone change.

The Zoning Committee Recommended: **Postponement**; for the reasons provided by staff.

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

1. The requested High Rise Apartment (R-5) zone is not in agreement with the 2013 Comprehensive Plan, and the Central Sector Small Area Plan (CSSAP), for the following reasons:
 - a. The subject property is located within Sub-Area D of the Central Sector Small Area Plan, and North Limestone has been designated as a "neighborhood connector" corridor within this particular area and a "focus area."
 - b. The Central Sector Small Area Plan, within the recommendations stated for Sub-Area D, establishes the priority of retaining the "unique character of North Limestone as a traditional neighborhood retail corridor" and also indicates a need to upgrade the North Limestone streetscape and building façades.
 - c. The Central Sector Small Area Plan encourages providing affordable housing, utilizing Best Management Practices for stormwater improvements, preservation of structures with historical and cultural value, and offering goods and services for local residents. Although the petitioner indicates their intent to offer affordable housing units within the corridor, they have not provided any documentation in that regard.
 - d. The 2013 and 2018 Comprehensive Plan's Goals and Objectives both encourage compact and contiguous development, but such infill or redevelopment project should "respect the context and design features of areas surrounding development projects" (Theme A, Goal #2b).
 - e. The R-5 zone allows a Floor Area Ratio of 1.3, far higher than any of the surrounding land uses, and in stark contrast to the R-1C zoning and single-family homes within the Highlawn neighborhood to the southeast. In addition, the applicant is also requesting a front yard setback variance, and has eliminated the usable open space at ground level, both of which would help to improve the urban fabric and the streetscape along N. Limestone. Instead, the proposed residential structure has very little architectural character, with a mass and scale that does not have a positive impact on the streetscape (based upon rendering provided by the applicant).

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2. The proposed R-5 zone is not compatible with the character of N. Limestone, nor the nearby single-family residential neighborhood. The petitioner should consider a development that complies with the existing zoning, which would support the Central Sector Small Area Plan, or a less intense residential zone that would be more compatible with the nearby neighborhoods.
3. There have been no unanticipated changes of an economic, physical, or social nature in the immediate area since the adoption of the 2013 Comprehensive Plan that have significantly changed the basic character of the immediate area.

b. REQUESTED VARIANCE

1. Reduce the number of required parking spaces from 55 to 52.
2. Reduce the required front yard from 20 feet to 10 feet.

The Zoning Committee recommended: **Postponement** for the reasons provided by the staff.

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

- a. Granting the requested front yard variance may alter the character of the general vicinity, which generally respects a 20-foot setback along the N. Limestone corridor.
 - b. Strict application of the requirements of the Zoning Ordinance would require a redesign of the associated preliminary development plan and a potential decrease in the number of dwelling units for this redevelopment project. A postponement will provide an opportunity to reconsider the design of the property to more closely reflect the character of the surrounding neighborhood.
 - c. The staff is not supportive of the requested R-5 zone, which the variances are generally contingent upon. Modification of the requested zone and associated floor area ratio may eliminate the need for both variances on the site.
- c. PLN-MJDP-17-00121: ARLINGTON WEEKLY PAYMENT LOT & INVESTMENT COMPANY'S ADDITION (4/26/18)* - located at 1104, 1106, 1186 AND 1190-1194 N. LIMESTONE. (**Vision Engineering**)

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

1. Provided the Urban County Council rezones the property R-5; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Denote location of covered bus transit stop.
7. Denote diameter of existing trees within the Tree Inventory information.
8. Denote review by the Royal Spring Aquifer Committee required at Final Development Plan.
9. Denote construction access on plan.
10. Provided the Planning Commission grants the requested variances to reduce the N. Limestone front yard and to reduce the required parking.
11. Denote compliance with Article 15-7 Infill and Redevelopment requirements shall be resolved at time of Final Development Plan.
12. Denote compliance with Central Sector Small Area Plan recommendations shall be resolved at time of Final Development Plan.
13. Denote the ability to meet tree canopy requirements shall be resolved at time of Final Development Plan.
14. Discuss cross-section widths for N. Limestone and Carlisle Avenue.
15. Discuss usable open space requirements and compliance utilizing roof top space

Petitioner Representation: Matt Carter, representing the petitioner, said that they would like to request a postponement to the May 24, 2018 meeting.

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

Action: A motion was made by Ms. Plumlee, seconded by Mr. Bell, and carried 10-0 (Mundy absent) for postponement of PLN-MAR-17-00041: WINCHESTER 836, LLC and PLN-MJDP-17-00121: ARLINGTON WEEKLY PAYMENT LOT & INVESTMENT COMPANY'S ADDITION to the May 24, 2018 meeting.

2. **OVERBROOK FARM, LLC ZONING MAP AMENDMENT & SAMFORD & MCCracken FARMS, UNIT 2 & ALFORD PROPERTY ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-18-00002: OVERBROOK FARM, LLC (4/2918)*- petition for a zone map amendment from an Agricultural Rural (A-R) zone to a High Density Apartment (R-4) zone, for 19.34 net (20.79 gross) acres and to Planned Neighborhood Residential (R-3) zone, for 32.19 net (33.76 gross) acres for property located at 2451 and 2525 Armstrong Mill Road.

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COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World. In addition, the Comprehensive Plan has established six themes, with goals and objectives to support each of the themes, which include: Growing Successful Neighborhoods (Theme A), Protecting the Environment (Theme B), Creating Jobs and Prosperity (Theme C), Improving a Desirable Community (Theme D), Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land (Theme E) and Implementing the Plan for Lexington-Fayette County (Theme F).

The petitioner proposes to rezone the subject site in order to develop a mix of single family homes, townhouses, and apartment buildings on 51.53 net acres. A total of 363 dwelling units are proposed, for a residential density of approximately 7 dwelling units per acre. A traffic study was submitted with the requested zone change.

The Zoning Committee Recommended: **Referral** to the full Commission.

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

1. The applicant has not demonstrated consideration of Comprehensive Plan recommendations related to the placement of the higher density uses (those within the R-4 zone) along the higher intensity roadway of Armstrong Mill Road.
 2. The applicant has not provided a plan that creates a sense of place, properly locates dwellings with differing densities, has single-loaded streets, and is centered around a neighborhood focal point.
 3. Environmentally sensitive features need to be discussed and possibly better protected, including topography and floodplains.
 4. Placement of a trail within the floodplain around the Armstrong Mill Road tributary needs to be discussed, as this natural feature should be an amenity to all residents of this development. Staff and the applicant need to meet to determine whether this should be a greenway dedicated to LFUCG or if the HOA should maintain ownership.
 5. The ownership and upkeep of the community park needs to be determined. Staff and the applicant need to meet with the Division of Parks and Recreation to determine if LFUCG ownership is advisable or if the HOA should maintain ownership.[T1]
- b. PLN-MJDP-18-00008: SAMFORD & MCCracken FARMS, UNIT 2 & ALFORD PROPERTY (4/29/18)* - located at 2451 and 2525 ARMSTRONG MILL RD. (Vision Engineering)

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

1. Provided the Urban County Council rezones the property R-3 & 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. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas & steep slopes.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Denote 25' floodplain setback.
9. Denote no access to Armstrong Mill except for street intersections.
10. Clarify number of townhomes in the site statistics.
11. Provided the Planning Commission grants a waiver to Article 6-8(q)(2)(d) of the Land Subdivision Regulations.
12. Denote connection (entrance) to future Squires Trail shall be resolved at time of Final Development Plan.
13. Discuss capacity of existing pump station.
14. Discuss relocation of proposed multifamily units between floodplain and Armstrong Mill Road.
15. Discuss landscaping adjacent to Armstrong Mill Road.

Petitioner Representation: Nick Nicholson, attorney, said that they would like to request a postponement to the May 24, 2018 meeting.

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

Action: A motion was made by Mr. Owens, seconded by Mr. Forester, and carried 9-0 (Richardson abstained; Mundy absent) for postponement of PLN-MAR-18-00002: OVERBROOK FARM, LLC and PLN-MJDP-18-00008: SAMFORD & MCCracken FARMS, UNIT 2 & ALFORD PROPERTY to the May 24, 2018 meeting.

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- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, April 5, 2018, at 8:30 a.m. The meeting was attended by Commission members: Karen Mundy, Carolyn Plumlee, Frank Penn, Mike Owens and Will Berkley. Committee members in attendance were: Hillard Newman, Division of Engineering; and Casey Kaucher, Division of Traffic Engineering. Staff members in attendance were: Traci Wade; Tom Martin; Cheryl Gallt; Hal Baillie; Denice Bullock; Captain Greg Lengal & Captain Joshua Thiel, Division of Fire & Emergency Services; Andrea Brown, Department of Law. The Committee made recommendations on plans as noted.

General Notes

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

1. *All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.*
2. *All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.*

A. **DEVELOPMENT PLANS**

1. PLN-MJDP-18-00015: RICHARDSON PROPERTY (AMD) (6/3/18)* - located at 300 HANNAH TODD PLACE, LEXINGTON, KY (Council District 7; Project Contact: ECSI, LLC)

Note: This development plan requires the posting of a sign, and an affidavit of such. The purpose of this amendment is to add 36 more condominium units.

The Subdivision Committee Recommended: Postponement. The applicant failed to post the required signage on the property within a minimum of 14-days prior to the public meeting.

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 record plat designation.
11. Clarify area of amendment on vicinity map.
12. Denote access point for construction vehicles.
13. Addition of exactions to the approval of Division of Planning.
14. Clarify totals of units in site data for EAR-2 zone.
15. Revise building height to meet a maximum of 35' in the EAR-2 zone.

Staff Presentation - Ms. Gallt presented revised staff conditions, which was distributed to the Planning Commission, on this major development plan. The revised staff report is as follows:

The Staff Recommends: 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 record plat designation.
- ~~11. Clarify area of amendment on vicinity map.~~
- ~~12. Denote access point for construction vehicles.~~
- ~~13. Addition of exactions to the approval of Division of Planning.~~
- ~~11.~~ 14. Clarify totals of units in site data for EAR-2 zone.

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~~15. — Revise building height to meet a maximum of 35' in the EAR-2 zone.~~

Ms. Gallt said the applicant amended their original proposal, which was three condominium buildings with 104 units. She said the applicant is proposing to construct an additional 36 condominium units, for a total of 140 units in this area. She said the staff's new conditions consist of 11 standard conditions, which involve approval from several agencies. She said that condition #11 concerns the staff because they want the applicant to clarify the totals of units in the site data for EAR-2 zone. She said that staff is recommending approval.

Applicant Presentation – Mr. John Barlow, the petitioner, stated that he is in agreement with the staff's recommendations and is available for questions.

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

Staff Comment – Ms. Wade added that staff has received an email regarding this development plan. She circulated the message to the Planning Commission. She also stated that Mr. Barlow did provide his affidavit regarding the sign posting for this development.

Development Plan Action – A motion was made by Mr. Cravens, seconded by Mr. Forester, and carried 10-0 (Mundy absent) to approve PLN-MJDP-18-00015: RICHARDSON PROPERTY (AMD), for the revised reasons provided by the staff.

2. PLN-MJDP-18-00022: LANSLOWNE SUBDIVISION, UNIT 18-D, SEC 2 (TOWNHOMES OF LAREDO) (AMD) (6/3/18)* - located at 3409 LAREDO DRIVE, LEXINGTON, KY (Council District 4; Project Contact: EA Partners)

Note: The purpose of this amendment is to create 16 lots and depict the townhouse development.

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. Denote stormwater detention location on property per Article 21 requirements.
11. Discuss pedestrian and vehicular access to right-of-way from each unit.

Staff Presentation - Mr. Martin presented a revised staff report, which was distributed to the Planning Commission, on this major development plan. The revised staff recommendation is as follows:

The Staff Recommends: **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 stormwater detention location on property per Article 21 requirements~~ Correct Note #8 to state Laredo Court.
11. ~~Discuss pedestrian and vehicular access to right-of-way from each unit~~ Delete Note #12.

Mr. Martin said the applicant is proposing to construct 17 townhouses, which will be 1,275 square feet, in size each, and two-stories high. He said that the applicant is providing 17 parking spaces. He said that staff had concerns with the driveway

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access to Laredo Drive because of the curvature of the street and the high travel speeds in the area. He said that this amended plan has reduced the access onto Laredo Drive by making the townhouses have shared driveways.

Mr. Martin said that staff met with Divisions of Water Quality and Traffic Engineering to discuss the traffic concerns. He said the applicant has agreed to work with Traffic Engineering on some additional measures to slow traffic in this area and raise driver's awareness of these access points. He said the applicant also needs to meet the water quality and detention requirements.

Mr. Martin said the staff's new conditions consist of 11 standard conditions, which involve approval from several agencies. He said that condition #10 states to correct Note #8 to state Laredo Court. He said that condition #11 states to delete Note #12. He said that staff is recommending of this plan.

Commission Questions – Mr. Owens asked for clarification of what the white area in the middle of the greenspace is. Mr. Martin that is the proposed area where the applicant will be placing the detention basin. Mr. Martin said the applicant will need to describe the details at the time of the Final development Plan.

Applicant Presentation – Mr. Walbourn, attorney representing the petitioner, stated that the applicant is in agreement with the staff's recommendations. He said that to answer Mr. Owens question regarding the open space, the detention area may be grassy or underground and that area between the units is planned to remain greenspace. He also corrected Mr. Martin, who said the applicant is proposing to construct 17 units; Mr. Walbourn said they are proposing to build 16 units with 16 parking spaces. He said that the shared driveways will have curb bump-outs to increase sight distance and provide the residents more space to exit their driveways. He stated that Traffic Engineering has said that is acceptable.

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

Development Plan Action – A motion was made by Mr. Owens, seconded by Ms. Richardson, and carried 10-0 (Mundy absent) to approve PLN-MJDP-18-00022: LANSLOWNE SUBDIVISION, UNIT 18-D, SEC 2 (TOWNHOMES OF LAREDO) (AMD), for the revised reasons provided by the staff.

- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, April 5, 2018 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. Staff members in attendance were: Traci Wade; Tom Martin; Aliza Tourkow; Hal Baillie; Jimmy Emmons; Debbie Woods; Andrea Brown, Department of Law. 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.

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1. **CLAY INGELS COMPANY, INC ZONING MAP AMENDMENT & LIBERTY HEIGHTS SUBDIVISION (CLAY INGELS, CO., LLC) ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-18-00005: CLAY INGELS COMPANY, INC. (6/3/18)*- petition for a zone map amendment from a Two-Family Residential (R-2) zone to a Light Industrial (I-1) zone, for 0.24 net (0.28 gross) acres, for property located at 910 and 912 Delaware Avenue.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2018 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World. In addition, the 2013 Comprehensive Plan has established six themes, with goals and objectives to support each of the themes, which include: *Growing Successful Neighborhoods* (Theme A), *Protecting the Environment* (Theme B), *Creating Jobs and Prosperity* (Theme C), *Improving a Desirable Community* (Theme D), *Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land* (Theme E) and *Implementing the Plan for Lexington-Fayette County* (Theme F).

The petitioner proposes to rezone the subject site in order to construct a wider, realigned entrance driveway. The subject site is approximately a quarter of an acre in size.

The Zoning Committee Recommended: **Approval** to the full Commission.

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

1. The requested Light Industrial (I-1) zone is appropriate for the subject site, for the following reasons:
 - a. The site is surrounded on three sides by either Light Industrial (I-1) or Wholesale and Warehousing (B-4) zones and uses.
 - b. Historically, landscape buffering was not provided between the residential lots and the industrial/warehousing lots.
 - c. The residential structures on the subject property were vacant for many years, eventually leading to their demolition, most likely due to the close proximity of active industrial sites and the lack of transition between the industrial and residential uses.
2. The existing Two-Family Residential (R-2) zone is not appropriate for the subject site, for the following reasons:
 - a. Single family homes and duplexes located in an area surrounded by industrial and warehousing zones and uses are generally considered incompatible, unless substantial buffering exists between the uses.
 - b. Article 3-1(a) of the Zoning Ordinance states that no land shall be used or occupied except in conformance with the zone in which it is located (paraphrased), meaning that if a use is not allowed in a zoning district, one cannot put that prohibited use on a piece of land in that zone. Also, Article 8-11 states that off-street parking lots and their associated vehicle use areas (driveways) are not allowed in an R-2 zone as a principle use. In this manner, industrially zoned property cannot be accessed through a residentially zoned property.
3. This recommendation is made subject to the approval and certification of PLN-MJDP-18-00020: Liberty Heights Subdivision (Clay Ingels, Co., LLC), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses shall be restricted on the property:
 - a. Any outdoor lighting directed towards nearby R-2 property.
 - b. Any freestanding signage shall be limited to one freestanding sign, not to exceed 15-feet in height and 32 square feet in area.

These restrictions are appropriate and proper because the site lies immediately adjacent to existing single family uses across Delaware Avenue.

- b. PLN-MJDP-18-00020: LIBERTY HEIGHTS SUBDIVISION (CLAY INGELS, CO., LLC) (6/3/18)* - located at 910, 912 AND 914 DELAWARE AVENUE, LEXINGTON, KY (**EA Partners**)

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

1. Provided the Urban County Council rezones the property I-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Landscape Examiner's approval of landscaping and landscape buffers.
5. Denote proposed land use in site statistics (Industrial access).

Staff Zoning Presentation – Ms. Tourkow presented the staff report and recommendations for the zone change. She displayed photographs of the subject property and aerial photographs of the general area. She described the vicinity using the aerial

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photograph, pointing out the subject property, the adjacent railroad, intersections, and the existing driveway to the Clay Ingles Company.

Ms. Tourkow said the applicant is proposing this zone change in order to construct a wider, realigned entrance driveway to better accommodate the truck traffic to and from the subject property. She said that the applicant states the 2013 Comprehensive Plan doesn't speak toward this type of rezoning, therefore the rezoning can't be justified utilizing that finding, and the staff concurred. However, the staff then looked at appropriateness of the proposed zone versus inappropriateness of the existing zone. She said the applicant stated that the appropriateness of the proposed zone change is that the Light Industrial I-1 zone is appropriate for the following reasons: the subject property is bounded on three side by either Light Industrial (I-1) or Wholesale and Warehousing (B-4) zones; buffering has been non-existent between the residential lots and the industrial/warehousing lots; the residences that were in close proximity had been vacant and eventually demolished; and the access to an industrial zone is not permitted through a residential zone. She said the staff and the Zoning Committee recommended approval of this zone change with conditional zoning restrictions, noting a small change to one of the conditional zoning restrictions, as follows:

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

1. The requested Light Industrial (I-1) zone is appropriate for the subject site, for the following reasons:
 - a. The site is surrounded on three sides by either Light Industrial (I-1) or Wholesale and Warehousing (B-4) zones and uses.
 - b. Historically, landscape buffering was not provided between the residential lots and the industrial/warehousing lots.
 - c. The residential structures on the subject property were vacant for many years, eventually leading to their demolition, most likely due to the close proximity of active industrial sites and the lack of transition between the industrial and residential uses.
2. The existing Two-Family Residential (R-2) zone is not appropriate for the subject site, for the following reasons:
 - a. Single family homes and duplexes located in an area surrounded by industrial and warehousing zones and uses are generally considered incompatible, unless substantial buffering exists between the uses.
 - b. Article 3-1(a) of the Zoning Ordinance states that no land shall be used or occupied except in conformance with the zone in which it is located (paraphrased), meaning that if a use is not allowed in a zoning district, one cannot put that prohibited use on a piece of land in that zone. Also, Article 8-11 states that off-street parking lots and their associated vehicle use areas (driveways) are not allowed in an R-2 zone as a principle use. In this manner, industrially zoned property cannot be accessed through a residentially zoned property.
3. This recommendation is made subject to the approval and certification of PLN-MJDP-18-00020: Liberty Heights Subdivision (Clay Ingles, Co., LLC), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses shall be restricted on the property:
 - a. Any outdoor lighting **shall not be** directed towards nearby **residential properties**.
 - b. Any freestanding signage shall be limited to one freestanding sign, not to exceed 15-feet in height and 32 square feet in area.

These restrictions are appropriate and proper because the site lies immediately adjacent to existing single family uses across Delaware Avenue.

Development Plan Presentation – Mr. Martin presented a rendering of the preliminary development plan associated with the zone change. He said that the applicant is proposing a driveway to serve the large trucks that access the Clay Ingles Company site. He said that the staff and the Subdivision Committee are recommending approval.

Applicant Presentation – Mr. Nicholson, attorney representing the petitioner, said that this zone change is to widen and re-align the existing industrial access point to direct the traffic in a more efficient manner. He said that it is not introducing a new use or business to the area, nor increasing traffic in any way. He said the applicant will continue to work with the staff in regards to any landscape buffering that is necessary to meet Article 18 of the Zoning Ordinance. He also stated that the applicant is in agreement with the staff's recommendations and is available for questions.

Commission Questions – Mr. Cravens asked if a fire hydrant could be relocated. Mr. Nicholson said it will be relocated, if necessary.

Ms. Plumlee asked if a landscape buffer will be installed. Mr. Nicholson said that the applicant will coordinate with the staff for the appropriate buffering.

Mr. Owens asked if the property will be exiting onto Winchester Road. Mr. Nicholson said that the site currently forces the trucks to make a full 90 degree turn to enter and exit the site. This proposal will allow the applicant to make a more natural turn onto Delaware Avenue, toward Winchester Road and not into the residential neighborhood to the southeast of the site.

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

Zoning Action – A motion was made by Mr. Brewer, seconded by Ms. Richardson, and carried 10-0 (Mundy absent) to approve PLN-MAR-18-00005: CLAY INGELS COMPANY, INC., for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Brewer, seconded by Ms. Richardson, and carried 10-0 (Mundy absent) to approve PLN-MJDP-18-00020: LIBERTY HEIGHTS SUBDIVISION (CLAY INGELS, CO., LLC), for the reasons provided by the staff.

- VI. **COMMISSION ITEMS** - No such items were presented.
- VII. **STAFF ITEMS** – Mr. Duncan reminded the Planning Commission of the Sub-Committee meetings next Thursday in the Phoenix Building on the 7th Floor
- VIII. **AUDIENCE ITEMS** – No such items were presented.
- IX. **MEETING DATES FOR MAY 2018**
- | | | |
|---|------------|-----------------|
| Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street)..... | May | 3, 2018 |
| Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street)..... | May | 3, 2018 |
| Subdivision and ND-1 Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers..... | May | 10, 2018 |
| Work Session, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building (101 East Vine Street)..... | May | 17, 2018 |
| Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers..... | May | 24, 2018 |
| Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street)..... | May | 30, 2018 |
| Work Session, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building (101 East Vine Street)..... | May | 31, 2018 |
- X. **ADJOURNMENT** - There being no further business, Chairman Wilson declared the meeting adjourned at 2:01 p.m.

William Wilson, Chair

Carolyn Plumlee, Secretary

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