

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

July 26, 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 June 28, 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, July 5, 2018, at 8:30 a.m. The meeting was attended by Commission members: Headley Bell, Karen Mundy, Mike Owens, Frank Penn, and Carolyn Plumlee. Committee members in attendance were: Hillard Newman, Division of Engineering; and Casey Kaucher, Division of Traffic Engineering. Staff members in attendance were: Jim Duncan, Traci Wade; Tom Martin; Cheryl Gallt; Hal Baillie; Denice Bullock; Keyu Yan; Captain Greg Lengal, Division of Fire & Emergency Services; and Andrea Brown and Tracy Jones, Department of Law. The Committee made recommendations on plans as noted.

General Notes

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

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

- A. **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
 - (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.

1. DEVELOPMENT PLAN

- a. **DP 2016-23: SAMS PROPERTY & LARKIN PROPERTY (AMD) (8/1/18)*** - located at 1510 Greendale Road and 2440 Innovation Drive.
Council District 2
Project Contact: Element Design

Note: The purpose of this amendment is to add floor area and parking on Lot 2. The Planning Commission approved this plan at their April 28, 2016 and May 11, 2017, meetings, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. Kentucky Transportation Cabinet's approval of access to Greendale Road (KY 1978).
12. Denote Royal Spring Aquifer Committee's recommendation prior to certification.
13. Denote that improvements to Greendale Road and Spurr Road will be subject to the approval of the Kentucky Transportation Cabinet and the Division of Traffic Engineering.
14. Resolve provision of sanitary sewer service to Lot 1 & Lot 2.
15. Resolve St. Claire spring protection measures, prior to certification.

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16. Identify improvements to Greendale and Spurr Roads, in cross-sections, as approved by the Kentucky Transportation Cabinet, District 7 Office and the Division of Traffic Engineering, prior to certification.

Note: The applicant is now requesting a reapproval.

The Staff Recommends: **Reapproval**, subject to the conditions previously approved by the Planning Commission and changing the following condition:

3. ~~Building Inspection's~~ Landscape Examiner's approval of landscaping and landscape buffers.

V. **ZONING ITEMS** - The Zoning Committee met on Thursday, June 7, 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; Larry Forester; and Bill Wilson. Staff members in attendance were: Traci Wade; Tom Martin; and Debbie Woods; Tracy Jones and 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.

1. **MASH ENTERPRISES, LLC ZONING MAP AMENDMENT & ELKHORN PARK, BLK 8 (PORTION OF)(W.P. LITTLE PROPERTY)(AMD) ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-18-00009: MASH ENTERPRISES, LLC (8/5/18)*- petition for a zone map amendment to modify the conditional zoning restrictions in the Highway Service Business (B-3) zone, for 0.85 net (1.14 gross) acres, for property located at 1709 N. Broadway.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2018 Comprehensive Plan's mission statement is to "provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances 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.

The petitioner requests to remove a conditional zoning restriction on the subject property in order to permit automobile sales as a principal use in a restricted Highway Service Business (B-3) zone. The land use was prohibited on the site by the Urban County Council in 1998.

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

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

1. In accordance with Article 6-7(c) of the Zoning Ordinance, there have been no unanticipated changes of an economic, physical, and social nature in the immediate area since the time the conditional zoning restrictions were imposed in 1988

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that have substantially changed the character of the area of the subject property. In particular, the Elkhorn Park neighborhood adjoining the back of the site remains residential, and the North Broadway corridor remains a prominent entry to the community that needs protections from further impacts to its visual quality.

2. The petitioner has provided no evidence to support the requested removal of the conditional zoning restriction.

- b. PLN-MJDP-18-00042: ELKHORN PARK, BLK 8 (PORTION OF)(W.P. LITTLE PROPERTY)(AMD) (8/5/18)* - located at 1709 N. BROADWAY, LEXINGTON, KY (Vision Engineering)

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

1. Provided the Urban County Council modifies the conditional zoning restrictions, as requested; 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. Addition of name and address of developer.
6. Denote height of building in feet on plan.
7. Denote use of buildings (application states auto sales) in site statistics.
8. Correct note #7 to reference "Chapter 16 of the Code Ordinances."
9. Addition of pavement information to current conditions on site with adjacent property at 1701 N. Broadway.
10. Addition of required parking (minimum of 5 spaces, per Article 16-1(b) of the Zoning Ordinance).
11. Denote area of interior landscaping in vehicular use area, per Article 18(3)(b) of the Zoning Ordinances.
12. Depict adjacent property at 1701 N. Broadway information to show reciprocal parking and access.
13. Discuss compliance with Article 18-3(a) for property perimeter and vehicular use area screening.
14. Discuss note #12 regarding the timing of a consolidation plat from previous plat.
15. Discuss access to N. Broadway on west side of property in relation to the adjacent property access points on 1701 N. Broadway.

2. NEW LEXINGTON CLINIC, PSC ZONING MAP AMENDMENT & LEXINGTON CLINIC (LABELLE SUBDIVISION, UNIT 1)(AMD)) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-18-00013: NEW LEXINGTON CLINIC, PSC (9/2/18)*- an amended petition for a zone map amendment from a Planned Neighborhood Residential (R-3) zone, for 0.42 net (0.75 gross) acre and from a Single Family Residential (R-1C) zone, for 1.41 net (1.88 gross) acres to a Professional Office (P-1) zone, for properties located at 437, 441, 445, 449 and 453 Parkway Drive and 1221 S. Broadway (a portion of).

COMPREHENSIVE PLAN AND PROPOSED USE

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

The petitioner proposes to redevelop the Lexington Clinic site, and incorporate several single-family lots that front along Parkway Drive into the professional office development. The six-story medical office structure and a secondary office are proposed to be removed, and replaced with two medical office buildings with 120,000 square feet of space. Additional off-street parking is also proposed on the site.

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

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

1. The requested rezoning to a Professional Office (P-1) zone is appropriate, and the existing Single Family Residential (R-1C) and Planned Neighborhood Residential (R-3) zones are no longer appropriate for the following reasons:
 - a. The P-1 zone is compatible with the existing Lexington Clinic and will allow for a uniform redevelopment of the site.
 - b. The expanded P-1 zoning will allow for a consistent redevelopment frontage along South Broadway, disperse traffic by eliminating the front entrance to the clinic on South Broadway and allow the campus to remain in its currently location.
 - c. The existing residential zones are inappropriate because the business and recreational/governmental uses along South Broadway and Parkway Drive have surrounded the subject properties, making residential living uncharacteristic. The existing residential zoning is bound by Parkway Drive, the existing Lexington Clinic medical office zoning and development, and the Division of Parks and Recreation's parking lot for its facilities at the end of Parkway Drive. In addition, a small hotel exists along the south side of Parkway Drive at its intersection with South Broadway.

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- d. The Parkway Drive right-of-way and the existing parking lot are appropriate land use buffers between the remaining residential properties on the opposite side of Parkway Drive and the R-1C zoning associated with the Gay Brewer Jr. golf course.
- e. The existing vacant residential lot at the corner of Parkway Drive and South Broadway has been underutilized along this urban major arterial corridor for more than 30 years.
2. The requested rezoning is supported by several of the recently adopted 2018 Comprehensive Plan's Goals and Objectives. The proposed zone change associated with the expansion and redevelopment of the Lexington Clinic site with a state-of-the-art healthcare facility will support infill and redevelopment throughout the Urban Service Area as a strategic component of growth (Theme A, Goal #2); support local assets to further the creation of a variety of jobs (Theme C, Goal #1); attract the world's finest jobs [employees] (Theme C, Goal #2); work to achieve an effective and comprehensive transportation network, specially by prioritizing pedestrian-first design (Theme D, Goal #1 and #1a.); and uphold the Urban Service Area concept (Theme E, Goal #1).
3. This recommendation is made subject to the approval and certification of PLN-MJDP-18-00053: Lexington Clinic (LaBelle Subdivision, Unit 1) (AMD), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
- b. PLN-MJDP-18-00053: LEXINGTON CLINIC (LABELLE SUBDIVISION, UNIT 1)(AMD) (9/2/18)* - located at 1203, 1207, 1215, 1221, 1225 & S. BROADWAY; 406 & 410 GIBSON AVENUE; 1301 DUNCAN AVENUE; AND 437, 441, 445, 449 & 453 PARKWAY DRIVE, LEXINGTON, KY. **(Carman)**

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

1. Provided the Urban County Council rezones the property P-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Dimension all buildings.
6. Denote Final Record Plat information on plan.
7. Denote existing and any proposed easements.
8. Delete side and rear yard setback lines.
9. Discuss improvements to Harrodsburg Road.
10. Discuss transit stop and shelter.
11. Discuss pedestrian access to exiting & proposed buildings.

VI. COMMISSION ITEMS

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

A. 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.
- Attended Commission for People with Disabilities meeting.
- Attended KYTC/LFUCG Maintenance and operations meeting.
- Attended weekly LFUCG paving meetings.
- Finalized and received TPC approval of the MPO Title VI Program Plan.
- The MPO website had 5,140 visits from 4,439 users (89% new users) and 7,362 page views in June.
- The MPO's Twitter site had 2,093 followers in June.
- The MPO's Facebook page had 949 likes in June; reached 131,487 users; and had 3,136 engaged users.
- Updated MPO website including MTP infographics, public survey, TIP modifications and air quality forecasts.

1.2 Staff Development

- Attended Course: Travel Demand Forecasting (TDF) Modeling 101.
- Attended webinar on FTA funding opportunity for TOD corridor planning.

2.1 Congestion Management Process (CMP)

- Worked with KYTC, Traffic Engineering and Grants Programs staff on ITS-CMS project coordination and submitted a request for funding for FY 2019. Worked with KYTC staff to seek FHWA approval.

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- Coordinated LFUCG Police Department Traffic Analyst to schedule a presentation at the June Congestion Management Committee meeting. The presentation topic was The Lexington 2017 Annual Traffic Report and focused on worst collision/incident locations and to identify whether there were roadway issues that contributed to the collisions/incidents.
- Reviewed road and lane closures planned for the 2018 road construction and maintenance season.
- 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

- Concluded MTP Public Survey. Compiled and presented results to the TPC. There were 2,244 respondents.
- Reviewed and drafted changes to the MTP Goals & Objectives.
- Participated in KYTC SHIFT 2020 work group.

2.3 Air Quality Activities

- Conducted daily air quality index (AQI) forecasts for Ozone & PM2.5 concentrations.
- Posted 4-day Ozone & PM2.5 forecast AQI data on the MPO website daily.
- Recorded Ozone & PM2.5 concentrations and AQI data on air quality monitoring spreadsheets.

3.1 Transportation - Land Use Impact Analysis

- Provided assistance and answered inquiries on various Traffic Impact Studies, including 1 new zone change application in Fayette County.
- Provided support concerning transportation and land use issues on various development applications in Fayette County and Jessamine County, including 2 filed applications in Jessamine County.
- Attended Lexington Comprehensive Plan update meetings.

3.2 Multimodal/Transportation Enhancement Planning

- Responded to approx. 50 citizen/agency requests for information on bike and pedestrian issues.
- Reviewed and submitted comments in Plan Tracker for 5 plans for bike and pedestrian circulation requirements.
- Corresponded on 8 plans approved by the planning commission for compliance with conditional signoff requirements.
- Worked on changes to the subdivision regulations as it relates to connectivity and Theme D of the Comprehensive Plan update.
- Continued work to launch the bike share pilot program.
- Worked with GIS to build a collector map to inventory bike share parking locations and geo-fence no parking zones.
- Participated as a presenter in a national webinar for the Safe Streets Academy: "Creating Safer Streets with Demonstration Projects."
- Continued work with GIS to begin updating the Bike Lexington Map to a digital and print version.
- Attended Town Branch Commons coordinating committee meeting.
- Participated in a panel discussion on the future of transportation at the Planetary.
- Conducted meeting with American Heart Association representatives regarding the benefits of multi-modal streets and how they can be champions for the health benefits of multi modal streets.
- Held meetings and coordinated with Mayor's Communications Office on PR campaign for launch of the bike share pilot program.

3.3 Transit Planning

- Continued work to install the Via Creative bus shelter on Winburn Dr.
- Building walk through with board of FTSB. FTSB acquiring new facilities building.
- Field checked transit stop inventory data collected by consultants for Lextran.
- Attended Via Creative board meeting as Co-chair.
- Attended bus stop improvement public meeting at Lextran headquarters.

3.4 Mobility Coordination

- Continued alternative transportation marketing campaign including TV ads and social media.
- Processed final grant invoice and related documentation.

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3.5 Travel Demand Modeling and Project Forecasting

- Completed new TAZ updates to the 2017 base year TDM update.
- Received one-on-one training in the modeling process and data development procedures from Stantec.
- Gathered data and set meetings with planners to work on future horizon years of 2020, 2030 and 2045.
- Stantec completed network improvements and the 2017 base year TDM update.

4.1 Program Administration

- Committee meeting packets were prepared for the Bicycle & Pedestrian Advisory Committee (BPAC) and Congestion Management Committee (CMC) and Transportation Policy Committee.

4.2 Transportation Improvement Programming (TIP)

- Continued work on TIP Modification 10 to reconcile the TIP with the approved 2018 State Highway Plan.

4.3 Unified Planning Work Program (UPWP)

- Worked with LFUCG Grants & Special Programs to set up budgets for FY2019.

B. Zoning Compliance Planning Activity Report

Enforcement:

A total of 29 new case investigations were initiated in June. Not Quite 50% of the new cases related to signage and illegal business activities in residential areas. The remainder of the cases related primarily to parking issues, vehicle repairs, yard sales and sight triangles (impaired windows of visibility at street intersections). A total of 49 cases were resolved in the month of June, meaning that necessary actions were taken by a property owner or occupant to fix a zoning compliance problem. Annual inspections were completed on 34 properties with conditional uses, and all were determined to be in substantial compliance with conditions imposed by the Board of Adjustment.

Permitting:

Since January 1, 2012 a Zoning Compliance Permit (ZCP) has 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 June, just five ZCP's were issued. Technical assistance was also provided to the Division of Building Inspection (at weekly "Review Board" meetings) in review of six applications for new commercial or multi-family building construction, and 24 applications for remodel activity, "fit-ups" or change in use requests.

Board of Adjustment:

Six appeals were fully considered by the BOA at the June 11 public hearing, consisting of three variance requests, two conditional use requests, and one administrative appeal. Two of the variance requests were approved, involving side and rear building lines and allowable projections into the front yard. Both of the conditional use requests were also approved, including an expansion to a place of religious assembly in the rural area and occupancy of an existing building as a place religious assembly. The administrative appeal, which requested approval of a change in non-conforming use (from a carpet cleaning business to a towing business), was disapproved by the Board.

VIII. AUDIENCE ITEMS – Citizens may bring a planning related matter before the Commission at this time for general discussion or future action. Items that will NOT be heard are those requiring the Commission's formal action, such as zoning items for early 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 AUGUST 2018

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	August	2, 2018
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	August	2, 2018
Subdivision and ND-1 Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	August	9, 2018
Work Session, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building (101 East Vine Street).....	August	16, 2018
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	August	23, 2018
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	August	29, 2018
Work Session, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building (101 East Vine Street).....	August	30, 2018

X. ADJOURNMENT