

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

August 23, 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, July 12, 2018, July 26, 2018, and August 9, 2018, meetings 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, August 2, 2018, at 8:30 a.m. The meeting was attended by Commission members: Karen Mundy, Frank Penn, Carolyn Plumlee, and Mike Owens. Committee members in attendance were: Vaughan Adkins, Division of Engineering; and Stephen Parker, Division of Traffic Engineering. Staff members in attendance were: Traci Wade; Tom Martin; Cheryl Gallt; Hal Baillie; Denise Bullock; Captain Greg Lengal and Captain Joshua Thiel, Division of Fire & Emergency Services; and Tracy Jones, Department of Law. The Committee made recommendations on plans as noted.

General Notes

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

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

- A. **NO DISCUSSION ITEMS** – 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 agrees with the Subdivision Committee recommendation and 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.

- B. **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.

Note: Requests for additional time, stating the basis for the request, must be submitted to The Subdivision Committee no later than two days prior to the meeting. The Chair will announce his/her decision at the outset of the hearing.

1. FINAL SUBDIVISION PLAN

- a. **PLN-MJSUB-18-00020: LEXMARK INTERNATIONAL (AMAZON - DKY2) (9/30/18)*** - located at 740 W. NEW CIRCLE ROAD, LEXINGTON, KY.
Council District 1
Project Contact: CESO, Inc.

Note: The purpose of this plat is to subdivide one lot into two lots.

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.
4. Addressing Office's approval of street names and addresses.
5. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.

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6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Correct location of access easement per Cabinet R Slide 499.
8. Denote the actual width and direction of the street cross-sections (Newtown Pike, New Circle Road and access easement) on plan face.
9. Addition of maintenance note for access easement per Article 5-4(h)(l)(4) of the Land Subdivision Regulations for private access easement.
10. Addition of existing and proposed easements.
11. Addition of floodplain information and 25' setback.
12. Identify the building line setback using a different line type to clarify the location.
13. Correct surveyor's certification per Article 5-4(h)(2) of the Land Subdivision Regulations.
14. Denote area of amendment on vicinity map.
15. Denote location of Legacy Trail easement (LFUCG) on plan face using a different line type or hatching to clarify the location.
16. Denote location of 100' electrical and communication easement.
17. Addition of "General Notes" on plan.
18. Document compliance with Article 3-2(c) of the Land Subdivision Regulations (Lynn Imaging account).
19. Provided the Planning Commission grants the requested waiver to the Land Subdivision Regulations.

2. PRELIMINARY SUBDIVISION PLANS

- a. PLN-MJSUB-18-00017: EASTLAND PARKWAY SUBDIVISION, TRACT 1-C, BLOCK B, LOT 2 (9/2/18)* - located at 1540 EASTLAND PARKWAY, LEXINGTON, KY
Council District 6
Project Contact: ECSI

Note: The Planning Commission postponed this item at their July 12, 2018, meeting.

The Subdivision Committee Recommended: Postponement. There were concerns with the location of the proposed street.

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. Addressing Office's approval of street names and addresses.
4. Urban Forester's approval of tree preservation plan and required street tree information.
5. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
6. Denote access point for construction vehicles on plan.
7. Denote maintenance responsibility note for the existing access easement.
8. Denote proposed lots with solid lines.
9. Delete Note #9 regarding Street trees.
10. Discuss the need for two utility and sanitary sewer easements through Lots 2 and 7.
11. Discuss access to frontage road on Lot 3.

- b. PLN-MJSUB-18-00018: PENINSULA (9/30/18)* - located at 478 AND 480 SQUIRES ROAD, LEXINGTON, KY.
Council District 7
Project Contact: EA Partners

Note: The purpose of this amendment is to revise the street and lotting layout.

The Subdivision Committee Recommended: Postponement to ensure revisions are submitted to the staff prior to the Planning Commission 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.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.

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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. Denote asbestos construction debris removal shall be addressed through the Infrastructure Improvement Plan process.
13. Denote cemetery protection shall comply with Article 3 of the Zoning Ordinance.
14. Denote flood protection elevation (FPE) where appropriate.
15. Denote known areas of construction debris to be removed.
16. Denote number of dwelling units within conditional zoning restricted area in site statistics.
17. Complete townhouse internal pedestrian system and delete Note #12.
18. Adjust rear townhouses to meet offset requirements.
19. Addition of note addressing timing of Squires Road relocation.
20. Denote HOA ownership and maintenance status of Lots 243, 244 and 246.
21. Discuss location of stormwater basin on Lots 59 and 73.
22. Discuss tree protection plan relative to inventory.
23. Discuss the townhouse access spacing and need for a waiver.
24. Discuss proposed dumpster location.
25. Discuss creation of common open space interior to townhouse development.

3. DEVELOPMENT PLANS

- a. PLN-MJDP-18-00055: PIPER DEVELOPMENT (THE PAIN TREATMENT CENTER OF THE BLUEGRASS) (AMD) (9/30/18)* - located at 280 PASADENA DRIVE, LEXINGTON, KY.
Council District 10
Project Contact: Denham Blythe Company

Note: The purpose of this amendment is to add a new parking lot.

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. Remove name and address of developer from purpose of amendment note and list separately.
 8. Denote area of amendment with a solid line.
 9. Remove shading and add striping for parking lot to delineate spaces and drive aisle.
 10. Clarify street cross-sections C-C (sidewalk both sides) on plan face.
 11. Addition of Tree Protection Plan, per Article 26 of the Zoning Ordinance.
 12. Addition of all the development plan information, including lots and site statistics and Note #12 from the previously approved development plan (DP 95-27).
 13. Denote Board of Adjustment's approval of parking lot prior to certification, including date and case number.
- b. PLN-MJDP-18-00056: HILLENMEYER EAST (AMD) (9/30/18)* - located at 745 AND 803 GREENDALE ROAD, LEXINGTON, KY.
Council District 2
Project Contact: EA Partners

Note: The purpose of this amendment is to revise the Preliminary Subdivision Plan with a Final Development Plan for the apartments.

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.

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8. Greenspace Planner's approval of the treatment of greenways and greenspace.
 9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 10. Division of Waste Management's approval of refuse collection locations.
 11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 12. Addition of open space utility access note.
 13. Remove Note #9 and update detention area maintenance notes per the Engineering Stormwater Manuals.
 14. Correct Tree Protection Plan notes.
 15. Resolve access to Lots 202 & 203 adjacent to the cemetery.
 16. Resolve timing of completion of Sandersville Road to Citation Boulevard and traffic signal.
 17. Resolve location of required cemetery access easement.
 18. Resolve secondary access location.
- c. PLN-MJDP-18-00058: HINDA HEIGHTS SUBDIVISION, BLOCK B (OLD STONE TOWNHOMES) (9/30/18)* - located at 3009, 3013 AND 3021 TATES CREEK ROAD, LEXINGTON, KY.
Council District 4
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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 7. Greenspace Planner's approval of the treatment of greenways and greenspace.
 8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 9. Division of Waste Management's approval of refuse collection locations.
 10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 11. Correct plan type.
 12. Denote Final Record Plat information.
 13. Denote dimensions of driveways and sidewalks.
 14. Dimensions parking spaces on south portion of site.
 15. Denote private open space per lot (R-1T requirement) on plan face.
 16. Discuss circulation within the site.
 17. Discuss timing of findings for access easement per the Land Subdivision Regulations.
 18. Discuss enhanced landscaping along Bates Creek Road frontage.
- d. PLN-MJDP-18-00059: HAMBURG PLACE OFFICE PARK, LOT 12C (AMD) (9/30/18)* - located at 1770 VENDOR WAY, LEXINGTON, KY.
Council District 6
Project Contact: Vision Engineering

Note: The purpose of this amendment is to increase the number of rooms in the hotel.

- 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. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 4. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 5. Addition of topography.
 6. Dimension parking spaces and drive lanes.
 7. Correct Planning Commission certification.
- e. DP 2015-90: MARATHON OIL CO. (SPEEDWAY SUPER AMERICA, LLC) (AMD) (10/23/18)*- located at 140 MERCER ROAD, LEXINGTON, KY.
Council District 2
Project Contact: McBride Dale

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

Note: The purpose of this amendment is to add a fueling station for commercial trucks behind the existing gas station and convenience store. The Planning Commission originally approved this plan on October 8, 2015 and reapproved it on April 13, 2017, 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. 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. Restore and clarify all information for convenience store and site from previous plan.
11. Denote property description of adjoining Lot 2.
12. Reduce size of landscape island at northeast corner of convenience store to place it outside of easement.
13. Denote tree protection area as identified on current development plan.
14. Revise dimensions of storage shed to include gross area.
15. Resolve pedestrian access to Lot 2.
16. Resolve stormwater detention necessary for the proposed use.
17. Resolve 52' wide apron onto Mercer Road from convenience store lot.

Note: This plan has not been certified and the Commission's approval has since expired. The applicant is now requesting reapproval of the plan.

The Subdivision Committee Recommended: Reapproval, subject to the original conditions approved at the October 8, 2015, meeting and changing the following condition:

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

- f. PLN-MJDP-17-00034: NEWTOWN SPRINGS (A PORTION OF TRACT 2) (10/23/18)* - located at 564 ASBURY LANE, LEXINGTON, KY.
Council District 4
Project Contact: Eagle Engineering

Note: The Planning Commission originally approved this plan on May 11, 2017, 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. 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 B-1 area and site statistics to reflect current approved/certified plan(s) in that portion of the property.
13. Identify building dimensions for pool house and clubhouse building proposed.
14. Denote: The apartment buildings shall be constructed in substantial compliance with the exhibit on file with Division(s) of Planning and Building Inspection.
14. Resolve timing of connection of street connection to Hollow Creek Road.
15. Resolve area not a part of this plan (asst. living facility, B-6P area, etc.).
16. Resolve parking proposed (off-street) for clubhouse use, and document compliance with Zoning Ordinance minimum requirements.

Note: This plan has not been certified and the Commission's approval has since expired. The applicant is now requesting reapproval of the plan.

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The Subdivision Committee Recommended: **Reapproval**, subject to the original conditions approved at the May 11, 2017, meeting, changing the following condition:

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

- C. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – Any bonds or letters of credit requiring Commission action will be considered at this time. The Division of Engineering will report at the meeting.

- 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. **COWGILL PARTNERS LP ZONING MAP AMENDMENT & COWGILL PARTNERS, L.P. PROPERTY (MEADOWCREST) ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-18-00014: COWGILL PARTNERS LP (9/3018)*- petition for a zone map amendment from an Agricultural Rural (A-R) zone to an Economic Development (ED) zone, for 85.54 net (102.41 gross) acres, for property located at 2550 Winchester Rd.

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 Plan encourages a mixture of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

The Implementation chapter of the 2013 Comprehensive Plan also recommends an Expansion Area ED Land Development Study (page 117), that is, a comprehensive assessment of the barriers to development within Economic Development (ED) zone. The Goals and Objectives of the 2018 Comprehensive Plan address Growing Successful Neighborhood (Theme A); Protecting the Environment (Theme B); Creating Job and Prosperity (Theme C); Improving a Desirable Community (Theme D); and Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land (Theme E).

The subject property is located within the Expansion Area, more specifically Subarea 2A. The adopted 1996 Expansion Area Master Plan, which continues to be implemented as part of the 2013 Comprehensive Plan, recommends Economic Develop-

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ment (ED) future land use for the subject property. The petitioner proposes to develop this property with a mixture of commercial land uses as well as supportive uses. The petitioner is rezoning the property in order to construct an assisted living and nursing home facility, termed a continuous care retirement community, which is a principal permitted use in the ED zone.

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

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

1. The requested Economic Development (ED) zone is in agreement with the 2013 Comprehensive Plan, the recently adopted 2018 Plan's Goals and Objectives, and the 1996 Expansion Area Master Plan (EAMP), for the following reasons:
 - a. The EAMP recommends Economic Development (ED) future land use for the subject property, which is the primary employment land use in the Expansion Area. The applicant has requested Economic Development (ED) zoning for the subject property, in agreement with the Plan's recommendation.
 - b. The 2013 Comprehensive Plan's Goals and Objectives recommend creating prosperity and jobs (Theme C), and more specifically, to "foster the success and growth of large employment sectors; protect and provide readily available economic development land to meet the needs for jobs; and enable infill and redevelopment that creates jobs where people live" (Goal #2d.). The subject property will allow for potential economic development opportunities with easy access to the interstate corridor within the Lexington-Fayette, as envisioned by the EAMP.
 - c. The 2013 Comprehensive Plan also recommends there be a supply of "jobs infrastructure" ready for development in a variety of manners (pg 72), including office, industrial and healthcare, all of which can be accommodated by the proposed Economic Development zone. The proposed rezoning will allow community services on 20 acres and work to create "shovel ready" economic development land for the remaining 65 acres. Infrastructure will be constructed to serve the immediate area to allow the land to be readily available for future development.
 - d. The proposed rezoning upholds the Urban Service Area concept, and encourages development of underutilized and/or vacant property within the current boundary (Theme E, Goal #1). The subject property was added to the Urban Service Area in 1996, but has remained undeveloped.
 - e. The 2013 Comprehensive Plan encourages providing accessible community facilities and services to meet the health, safety and quality of life need of residents and visitors, alike (Theme D, Goal #2). Additionally, the 2018 Goals and Objectives recommend prioritizing the success and growth of strategically-targeted employment sectors, including healthcare (Theme C, Goal #2). The proposed continuous care retirement community offers a unique opportunity for healthcare-related employment, and the provision of accessible community facilities to meet the needs of the residents of Lexington-Fayette County at the same time.
2. This recommendation is made subject to approval and certification of PLN-MJDP-18-00057: Cowgill Partners, L.P. Property prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
- b. PLN-MJDP-18-00057: COWGILL PARTNERS, L.P. PROPERTY (MEADOWCREST) (9/30/18)* - located at 2550 WINCHESTER ROAD, LEXINGTON, KY. (Carman)

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

1. Provided the Urban County Council rezones the property ED; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Denote: No development of Lots 1-8 & 10-14 until a Final Development Plan is approved.
8. Delete extraneous lines on face of plan.
9. Correct site statistics.
10. Resolve the proposed access easement for Lots 1-8 and required service road at the time of the Final Development Plan.
11. Resolve proposed right-in/right-out from Winchester Road and improvements to Winchester Road at the time of the Final Development Plan.

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

1. 2018-2: AMENDMENT TO EXPAND ACCESSORY USES TO AN AGRICULTURAL MARKET IN THE AGRICULTURAL RURAL (A-R) ZONE - petition for a Zoning Ordinance text amendment to Article 8-1 of the Zoning Ordinance to expand the allowable accessory uses for an Agricultural Market.

INITIATED BY: Urban County Council

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PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: **Approval**.

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

1. The text amendment will grant flexibility to an agricultural market to expand the scope and scale of accessory uses to support the agricultural economy of Lexington-Fayette County. Where expanded uses are permitted, they should be co-located with other agribusiness activities in places that have the necessary infrastructure to support the land use.
2. An agricultural market, including its accessory uses, is an agribusiness operation that can provide learning opportunities, hospitality, tourism and ag-related recreation for the general public while protecting agricultural operations. The success of such agribusiness operations should be supported in a balanced manner to meet the recommendations of the 2017 Rural Land Management Plan, an adopted element of the 2013 Comprehensive Plan.

VI. COMMISSION ITEMS – The Chair will announce that any item a Commission member would like to present will be heard at this time.

- a. **RESOLUTION FOR FORMER PLANNING COMMISSION MEMBERS** - At this time, the Commission and the staff would like to express their sincere appreciation to Mr. Mike Cravens and Ms. Carolyn Richardson for their dedication and service to the Planning Commission and the citizens of Lexington-Fayette County.
- b. **INITIATION OF SUBDIVISION REGULATION TEXT AMENDMENT TO UPDATE ARTICLE 6-8 FOR SIDEWALKS AND SHARE-USE PATHS** – The staff will request that the Planning Commission initiate amendments to Article 6-8 of the Land Subdivision Regulations to update the requirements for sidewalks and shared-use paths. If initiated, the requisite public hearing would be held this fall, after mailed notices are sent.

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.
- Attended Statewide Planning meeting.
- Coordinated meeting with statewide representatives to discuss barriers and opportunities to implement connected and autonomous vehicle programs/policies in KY.
- The MPO website had 960 visits from 726 users (80% new users) and 2,475 page views in July.
- The MPO's Twitter site had 2,048 followers in July.
- The MPO's Facebook page had 954 likes in July; reached 646 users; and had 282 engaged users.
- Updated MPO website including MTP information, TIP modifications and air quality forecasts.

1.2 Staff Development

- Attended APA Webcast - Publication Spotlight: The 2018 State of Transportation Planning.

2.1 Congestion Management Process (CMP)

- Worked with Traffic Engineering and Purchasing staff on ITS-CMS travel-time data acquisition FY 2019 project and advertised a request for proposals.
- Prepared a presentation titled "Why and how to prepare for fall season traffic congestion in Lexington area?" for the August Congestion Management Committee meeting.
- Reviewed FHWA transportation performance management website articles regarding transportation and congestion management performance measures, metrics and targets.
- 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.

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2.2 Transportation Plan Update & Implementation

- Reviewed and compiled a list of 100+ projects, their limits and scope for prioritization during for MTP's development. Submitted list to partner agencies for review.
- Began work on MTP financial projections and met with KYTC liaison.
- Began work to create 20+ maps and related data for inclusion in the MTP.
- Participated in KYTC SHIFT 2020 work group.

2.3 Air Quality Activities

- Conducted daily air quality index (AQI) forecasts for Ozone & PM2.5 concentrations.
- Recorded Ozone & PM2.5 concentrations and AQI data on air quality monitoring spreadsheets.
- Posted 4-day Ozone & PM2.5 forecast AQI data on the MPO website daily.
- Prepared a brief air quality report for the August Congestion Management Committee meeting.

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.
- Attended 7 pre-application coordination meetings to provide transportation planning input on future land use applications.
- Attended regional planning coordination meeting with Bluegrass Tomorrow.

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.
- Launched 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.
- Continued work with GIS to begin updating the Bike Lexington Map to a digital and print version.
- Attended Town Branch Commons coordinating committee meeting.

3.3 Transit Planning

- Continued work to install the Via Creative bus shelter on Winburn Dr.
- Attended Via Creative board meeting as Co-chair.
- Attend FTSB Board meeting acting as Chair.

3.4 Mobility Coordination

- Concluded alternative transportation marketing campaign.
- Processed final grant invoice and related documentation.

3.5 Travel Demand Modeling and Project Forecasting

- Reallocated SE data to match KY State Data Center predications for HH and Pop in the 2017 base year TDM update.
- Received additional assistance and training in the modeling process and data development procedures from Stantec.
- Worked on SE updates for future horizon years of 2020, 2030 and 2045.

4.1 Program Administration

- Committee meeting packets were prepared for the Bicycle & Pedestrian Advisory Committee (BPAC) and Transportation Technical Coordination Committee (TTCC).

4.2 Transportation Improvement Programming (TIP)

- Completed TIP Modification 10 to reconcile the TIP with the approved 2018 State Highway Plan.

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- Completed TIP Modification 11 to add a new HSIP project on US 68 (Harrodsburg Rd.) in Jessamine County Conducted Project Coordination Team meeting to review status of TIP projects.

4.3 Unified Planning Work Program (UPWP)

- Prepared and submitted quarterly report for May – July, 2018.

B. Zoning Compliance Planning Activity Report

Enforcement

A total of 62 new case investigations were initiated in July. Nearly 65% of the new cases related to signage, and almost all of those were initiated proactively by enforcement officers (not in response to a citizen complaint). The need for proactive enforcement arises frequently due to a proliferation of certain types of temporary signage (e.g., feather flag signs) that build up along our street corridors. Other cases related primarily to parking issues. A total of 46 cases 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 20 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 July, just eight ZCP's were issued. Technical assistance was also provided to the Division of Building Inspection (at weekly "Review Board" meetings) in review of 4 applications for new commercial or multi-family building construction, and 29 applications for remodel activity, "fit-ups" or change in use requests.

Board of Adjustment

Five appeals were fully considered by the BOA at the July 9th public hearing, consisting of four variance requests and one conditional use. All of those appeals were approved, which included a new extended stay hotel to be built on Ruccio Way near the Meijer store on the south side of town. A front yard variance for the Ethington & Ethington development on Harrodsburg Road (a mix of residential and a small neighborhood shopping center) will allow the commercial buildings to be built further back from Harrodsburg Road than what is normally allowed for the Neighborhood Business (B-1) zone. While not controversial, the extent of the variance granted involved some fairly detailed design considerations, in an effort to strike a good balance between limiting the mass of parking along Harrodsburg Road while also getting the buildings well integrated with the residential component of the development.

- 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 SEPTEMBER 2018

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	September	6, 2018
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	September	6, 2018
Subdivision and ND-1 Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	September	13, 2018
Work Session, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building (101 East Vine Street).....	September	20, 2018
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	September	26, 2018
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	September	27, 2018

X. ADJOURNMENT

TLW/TM/dw

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