

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

November 29, 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. Mr. Wilson introduced Mr. Graham Pohl as the new Commission member.

Planning Commission members present: Bill Wilson, Chair; Headley Bell; Will Berkley; Larry Forester; Karen Mundy; Bruce Nicol; Frank Penn; Graham Pohl and Carolyn Plumlee. Patrick Brewer and Mike Owens were absent.

Planning staff members present: Jim Duncan, Director; Traci Wade; Tom Martin; Hal Baillie and Debbie Woods. Other staff members present were: Vaughan Adkins, Division of Engineering; Stephen Parker, Division of Traffic Engineering; Captain Greg Lengal, Division of Fire and Emergency Services; and Tracy Jones and Andrea Brown, Department of Law.

- II. **APPROVAL OF MINUTES** – A motion was made by Ms. Plumlee, seconded by Ms. Mundy, and carried 9-0 (Brewer and Owens absent) to approve minutes of the October 25, 2018 meeting and the November 8, 2018 meeting, as corrected.

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

- a. PLN-MJDP-18-00081: LEESTOWN INDUSTRIAL PARK, UNIT 3 (12/3/18)* - located at 300 ALEXANDRIA DRIVE, LEXINGTON, KY.
Council District 12
Project Contact: Vision Engineering

Note: The Planning Commission postponed this item at their October 11 and November 9, 2018, meetings.

The Subdivision Committee Recommended: Postponement. There were some questions regarding the access to Alexandria Drive and the removal of the access per the Preliminary Development Plan, and the lack of required TPP.

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. Addition of all information from the Preliminary Development Plan.
11. Denote conditional zoning restrictions for the subject property.
12. Correct the Planning Commission certification (remove approval date).
13. Addition of tree Preservation Plan (TPP) per Article 26 of the Zoning Ordinance.
14. Discuss proposed land use.
15. Discuss the proposed access to Alexandria Drive.
16. Discuss access from Over Drive per the Preliminary Development Plan

Petitioner Representation: Matt Carter, representing the petitioner, said that they would like to request a postponement to the January 10, 2019 meeting. He said that they will continue to work with the staff.

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

Action: A motion was made by Ms. Mundy, seconded by Ms. Plumlee, and carried 9-0 (Brewer and Owens absent) for postponement of PLN-MJDP-18-00081: LEESTOWN INDUSTRIAL PARK, UNIT 3 to the January 10, 2019 meeting.

1. **JUSTICE PLAZA, LLC ZONING MAP AMENDMENT & MAN O' WAR DEVELOPMENT, UNIT 2A, LOT 10 (AMD) ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-18-00015: JUSTICE PLAZA, LLC (11/4/18)*- a petition for a zone map amendment from an Interchange Service Business (B-5P) zone to a Neighborhood Business (B-1) zone, for 1.68 net (2.24 gross) acres, for property located at 1916 Justice Dr. A dimensional variance is also requested.

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

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 mix 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 petitioner proposes a Neighborhood Business (B-1) zone in order to permit a wider range of business uses on the subject property. The site is currently occupied by two restaurants, but a third space within the existing building (constructed in 2017) remains vacant.

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

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

1. The existing Interchange Service Business (B-5P) zone is appropriate for the subject property for the following reasons:
 - a. The B-5P zone is only permitted at the interstate interchanges in Fayette County, and the uses within the B-5P are permitted to accommodate the traveling public and their needs. The intent statement in Article 11 of the Zoning Ordinance clearly indicates that the B-5P zone should be located at limited access highways, which the site has met since 1989.
 - b. In 2015, a rezoning for the adjacent 4.6 acres of land was approved to the B-5P zone because it was determined to be appropriate at this location within the Urban Service Area. The applicant has not provided a justification for why the existing zoning is inappropriate at this site, specifically that which exists along the interstate and Pleasant Ridge Drive area.
 - c. The subject property could be occupied as proposed in 2016 by the petitioner under the existing zoning for many uses that would be compatible with this portion of the Urban Service Area, and with surrounding properties.
2. The proposed Neighborhood Business (B-1) zone is not appropriate for the subject property for the following reasons:
 - a. Reducing the amount of B-5P zoning does not serve the needs of the traveling public, visitors and tourists when they are in Fayette County.
 - b. If the B-1 zone is permitted on the north side of Pleasant Ridge Drive, it would be isolated and physically separated by a collector street (35 mph vehicle speeds) from the nearby neighborhood.
 - c. The width and speed of vehicles along the collector street do not make the subject property easily accessible by the residents of the neighborhood via non-vehicular modes of transportation.
 - d. Although the petitioner contends that the proposed B-1 zone is appropriate, they have not provided a justification.
3. There has been no major unanticipated change in this immediate area since the 2013 Comprehensive Plan was adopted. The only change that has occurred has been to add more B-5P zoned land in 2015 at the request of the petitioner's parent/sister corporation.
4. Numerous other business zones within the immediate area allow an athletic club facility, including the P-1, B-3, B-4, B-6P, I-1 and CC zones, as a principal permitted use. Therefore an athletic club facility can easily occupy an existing structure or construct a new building in any of the above referenced zones. Within the immediate area, five athletic club facilities have already been permitted and are operational to serve the needs of the area. For these reasons, the staff finds that there is no compelling need for the proposed B-1 zone change.

b. REQUESTED VARIANCE

1. Increase the allowable front yard setback from 20 feet to 105 feet.

The Zoning Committee recommended: **Postponement** to the full Commission.

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

- a. The applicant has not provided a justification (required under KRS 100. 243) for their request for a dimensional variance to the front yard setback. Such documentation is needed prior to a substantive recommendation by the staff.
- c. PLN-MJDP-18-00060: MAN O' WAR DEVELOPMENT, UNIT 2A, LOT 10 (AMD) (11/4/18)* - located at 1916 JUSTICE DRIVE AND 1750 PLEASANT RIDGE DRIVE. (Bryant Engineering, Inc.)

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

1. Provided the Urban County Council rezones the property B-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. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.

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

6. Clarify area of amendment on vicinity map.
7. Addition of topography on area of amendment.
8. Denote access points for construction vehicles.
9. Addition of building dimensions.
10. Should the Planning Commission grant the requested variance, it should be denoted on the face of the plan.

Petitioner Representation: Brandon Gross, attorney representing the petitioner, said that they would like to request an indefinite postponement of this zone change request. He said that the applicant may be amending their application to include an additional adjacent piece of property.

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

Action: A motion was made by Mr. Penn, seconded by Mr. Forester, and carried 9-0 (Brewer and Owens absent) to indefinitely postpone the request for JUSTICE PLAZA, LLC ZONING MAP AMENDMENT & MAN O' WAR DEVELOPMENT, UNIT 2A, LOT 10 (AMD) ZONING DEVELOPMENT PLAN.

2. JLG LAND CO. ZONING MAP AMENDMENT & ROLLIE BISHOP CARROLL, SR. PROPERTY ZONING DEVELOPMENT PLAN

- a. PLN-MAR-18-00021: JLG LAND CO. (12/30/18)*- petition for a zone map amendment from a Single Family Residential (R-1C) zone to a Townhouse Residential (R-1T) zone, for 0.885 net (1.021 gross) acres, for property located at 375 Pasadena Drive.

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 Plan's mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World. In addition, the Plan encourages a mix 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 petitioner proposes to rezone the property to a Townhouse Residential (R-1T) zone in order to construct seven townhouses, for a residential density of 7.9 dwelling units per acre.

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

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

1. The Townhouse Residential (R-1T) zone is in agreement with the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
 - a. The Goals and Objectives of both the 2013 and 2018 Comprehensive Plans prioritize a mix of housing types and densities (Theme A, Goal #1), and recommend supporting infill and redevelopment (Theme A, Goal #1.b. and Goal #2, and Theme E, Goal #1).
 - b. The Comprehensive Plan also encourages maximizing development on vacant land within the Urban Service Area and promoting the use of underutilized land in a way that enhances the existing urban form (Theme E, Goal #1.b.).
 - c. The proposed zone will allow for a slight increase in density, which may allow for a dwelling unit that is more affordable and complements the existing pattern of development pattern within the area, including those properties along Sun Seeker Court, Long Leaf Place and Broadleaf Lane. This proposed development will be compatible with the existing variety of housing, which will respect the context and design features of the area (Theme A, Goal #3.a.), and continue to diversify the variety of dwelling unit types within the immediate area.
 - d. The corollary development plan provides street connections to complete the network between Hill N Dale Road and Pasadena Drive. This will provide direct pedestrian access to Pasadena Drive in support of Theme D, Goal #1.a. This objective recommends support for the Complete Streets concept, prioritizing a pedestrian-first design that also accommodates the needs of bicycle, transit and other vehicles.
2. This recommendation is made subject to the approval and certification of PLN-MJDP-18-00084: Rollie Bishop Carroll, Sr. 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-18-00084: ROLLIE BISHOP CARROLL, SR. PROPERTY (12/30/18)* - located at 375 PASADENA DRIVE. (Vision Engineering)

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

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

1. Provided the Urban County Council rezones the property R-1T 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. Adjust buildings to meet Articles 8-10(h) and 8-10(o)(1) for front yard setback.
7. Denote 10' front building setback on face of plan.
8. Discuss proposed access to Pasadena Drive.
9. Discuss proposed access easement/private access road.

Petitioner Representation: Matt Carter, representing the petitioner, said that they would like to request a postponement to the January 24, 2019 meeting. He said that they will continue to address concerns of the neighbors.

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

Action: A motion was made by Ms. Plumlee, seconded by Ms. Mundy, and carried 9-0 (Brewer and Owens absent) for postponement of JLG LAND CO. ZONING MAP AMENDMENT & ROLLIE BISHOP CARROLL, SR. PROPERTY ZONING DEVELOPMENT PLAN to the January 24, 2019 meeting.

3. LATA, LLC ZONING MAP AMENDMENT & BRYAN PROPERTY, LOT 2 (AMD) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-18-00023: LATA, LLC (12/30/18)*- a petition for a zone map amendment from a restricted Highway Service Business (B-3) zone to a Planned Neighborhood Residential (R-3) zone, for 5.065 net and gross acres, for property located at 1810 Bryant Road (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 Plan's mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World. In addition, the Plan encourages a mix 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 petitioner proposes rezoning a portion of the parcel to the Planned Residential Neighborhood (R-3) zone to allow for the development of a 72-unit apartment complex with 144 bedrooms, a club house, pool, and associated off-street parking.

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

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

1. The requested rezoning to a Planned Residential Neighborhood (R-3) zone is not in agreement with the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
 - a. The proposed R-3 zone does not provide for or create a well-designed neighborhood or community, but rather creates an "islanding effect," that isolates residents rather than incorporates them into the broader community.
 - b. The proposed apartment complex will be physically separated from the surrounding neighborhoods, and situated within an area that is heavily focused on commercial activities.
 2. The proposed Planned Neighborhood Residential (R-3) zone is not appropriate for the subject property, for the following reasons:
 - a. The LFUCG Land Subdivision Regulations Article 6-8(q)(3)(a), Land Use Access for Residential Development states that "apartment complexes, condominium developments, as well as all other developments that are accessed through a common private drive or street system, shall be treated as high density residential developments regardless of the actual overall density of the development" and that "high density private driveways should not intersect local streets."
 - b. The high flow of traffic at the intersection of Bryant Road and Pleasant Ridge Drive, and the carrying capacity of Bryant Road creates a safety risk to potential residents.
 3. There have been no unanticipated changes of a physical, social or economic nature within the immediate area since the Comprehensive Plan was adopted in 2013 that would justify a shift from the B-3 zone for the subject property.
- b. PLN-MJDP-18-00088: BRYAN PROPERTY, LOT 2 (AMD) (12/30/18)* - located at 1810 BRYANT ROAD. (Vision Engineering)

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

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

1. Provided the Urban County Council rezones the property R-3; 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. Modify parking lot to meet zone to zone and vehicular use area screening requirements in Article 18.

Petitioner Representation: Matt Carter, representing the petitioner, said that they would like to request a postponement to the January 24, 2019 meeting. He said that they will continue to work with the staff.

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

Action: A motion was made by Mr. Penn, seconded by Mr. Bell, and carried 9-0 (Brewer and Owens absent) for postponement of LATA, LLC ZONING MAP AMENDMENT & BRYAN PROPERTY, LOT 2 (AMD) ZONING DEVELOPMENT PLAN to the January 24, 2019 meeting.

- IV. LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, November 1, 2018, at 8:30 a.m. The meeting was attended by Commission members: Headley Bell, Will Berkley, Karen Mundy, Mike Owens, Frank Penn, and Carolyn Plumlee. Committee members in attendance were: Vaughan Adkins, Division of Engineering; and Casey Kaucher, Division of Traffic Engineering. Staff members in attendance were: Traci Wade; Tom Martin; Cheryl Gallt; Denice Bullock; Captain Greg Lengal and Captain Josh Theil, 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.*

- V. ZONING ITEMS** - The Zoning Committee met on Thursday, November 1, 2018 at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members: Patrick Brewer, Bruce Nicol and Bill Wilson. Staff members in attendance were: Traci Wade; Tom Martin; Hal Baillie; and Debbie Woods; Tracy Jones, Department of Law; and Vaughan Adkins, Division of Engineering. 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)

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

- (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. WHITESBURG RE DEVELOPMENT CO., LTD ZONING MAP AMENDMENT & MASTERSON STATION CENTER (CITATION VILLAGE) (AMD) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-18-00025: WHITESBURG RE DEVELOPMENT CO., LTD (12/3018)*- a petition for a zone map amendment from a restricted Highway Service Business (B-3) zone to a Planned Neighborhood Residential (R-3) zone, for 6.41 net (8.69 gross) acre, for property located at 2679 Leestown Road.

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 Plan's mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World. In addition, the Plan encourages a mix 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 petitioner proposes a rezoning to the Planned Neighborhood Residential (R-3) zone to construct 39 townhouse dwelling units at a residential density of 6.1 units per acre.

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

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

1. The Planned Neighborhood Residential (R-3) zone is in agreement with the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
 - a. The R-3 zone allows for a mix of housing types and densities within the broader neighborhood (Theme A, Goal #1).
 - b. The Comprehensive Plan allows for the supporting infill and redevelopment (Theme A, Goal #1.b. and Goal #2), while increasing the density of the development, which will help to uphold the Urban Service Area concept (Theme E, Goal #1).
 - c. The proposal maximizes development on vacant land within the Urban Service Area and promote use of underutilized or vacant land in a way that enhances the existing urban form (Theme E, Goal #1.a and 1.b.).
 - d. The plan provides a neighborhood which is connected for pedestrians and various modes of transportation, through the connections of sidewalks, bike paths, and the use of trail systems (Theme A, Goal #3.b.).
 - e. The plan allows for the protection of natural resources and landscapes before development occurs by protecting the stream that crosses the property (Theme B, Goal #3.b). The open space associated with the stream will also enhance the quality of the proposed residential development and provide a land use buffer to the remaining B-3 zone
 2. This recommendation is made subject to the approval and certification of PLN-MJDP-18-00091: Masterson Station Center (Citation Village)(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-18-00091: MASTERSON STATION CENTER (CITATION VILLAGE) (AMD) (12/30/18)* - located at 2679 LEESTOWN ROAD. (EA Partners)

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

1. Provided the Urban County Council rezones the property R-3; 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 building permits shall be issued unless and until a final development plan is approved by the Planning Commission.
8. Denote that screening and building articulation for proposed retail building shall be determined at final development plan.
9. Denote timing of resolution of townhouse and water line easement conflict.
10. Discuss status of stone fence per note #13.
11. Discuss need for note #15.

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

12. Discuss stormwater detention.
13. Discuss orientation of townhouses nearest the creek (type B units).
14. Discuss access spacing on Robinson Way and need for a waiver.
15. Discuss access to existing shared use trail.

Staff Zoning Presentation – Mr. Baillie presented the staff report and recommendations for the zone change. He displayed photographs of the subject properties and aerial photographs of the general area. He said that this development is along Leestown Road, but will have access to Ferndale Pass and Robinson Way. He said the subject property is surrounded by various land uses and zoning. Residential zoning is located to the west and north, Professional Office zoning to the north and east, Agricultural Urban zoning to the south, and industrial development to the southeast. He added that the southern portion of the property that is not seeking a zone change will remain in a Restricted Highway Service Business (B-3) zone. He said the majority of 2679 Leestown Road was rezoned from an Agricultural Urban (A-U) zone to Highway Service Business (B-3) zone in 1996 and the other portion was changed at a later date just to conform to the overall lot. He added that many development plans have been approved and one subdivision plat, which created the Houchens Grocery Store site and Abigail Way that extends off of Robinson Way into the site, providing internal access for future development. He added that some of the recent plans for the site were small strip shops and a big box store, which led to the tributary stream that runs west to east through the site being put underground. The stream would have needed to be covered if the area was redeveloped under the previous plans, which would have resulted in complex engineering and significant modifications to the natural environment of the area.

Mr. Baillie said the applicant is proposing this zone change in order to construct 41 townhouse dwelling units at a residential density of 6.4 units per acre, which is an increase of two townhouses since the Zoning Committee meeting on November 1, 2018. He said that the applicant opined that the application is consistent with 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan because it supports maintaining the Urban Service Boundary, while increasing the density of housing. He added that the petitioner indicates that the rezoning of the site will accommodate the demand for housing in Lexington responsibly, prioritizing higher-density and a mixture of housing types, supports infill and redevelopment throughout the Urban Service Area, and will provide a neighborhood which is connected for pedestrians and will utilize various modes of transportation. He said that this proposal also maximizes development on vacant land within the Urban Service Area and promote use of underutilized land in a way that enhances the existing urban form. The staff concurs with the applicant's justification, and the staff also believes this development allows for the protection of natural resources and landscapes before development occurs. He added that by protecting and maintaining the stream that crosses the property, leaving it sunlit and in its natural state, the plan is supporting the natural environmental features of the area. He said that the staff and the Zoning Committee are recommending approval of this zone change.

Development Plan Presentation – Mr. Martin presented a rendering of the revised preliminary development plan, and he distributed an updated staff report to the Commission with revised conditions, as follows:

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

1. Provided the Urban County Council rezones the property R-3; 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 building permits shall be issued unless and until a final development plan is approved by the Planning Commission.~~
8. ~~Denote that screening and building articulation for proposed retail building shall be determined at final development plan.~~
9. Denote timing of resolution of townhouse and water line easement conflict shall be resolved at time of final development plan.
10. ~~Discuss status of stone fence per note #13.~~
11. ~~Discuss need for note #15.~~
12. ~~Discuss stormwater detention.~~
13. ~~Discuss~~ Resolve orientation of townhouses nearest the creek (type B units) at time of final development plan.
14. ~~Discuss access spacing on Robinson Way and need for a waiver.~~
15. ~~Discuss~~ Resolve access to existing shared use trail at time of final development plan.

Mr. Martin pointed out the proposed access points to the subject property. He said that the applicant originally had multiple access points along Ferndale Pass and one along Robinson Way. He said that this revised development plan depicts a single access point, which reduces conflict and the concerns for a waiver. He said that the townhouses are oriented to the street with parking in the rear, with an exception of a few on the rear of the property that will be front loaded with garages, which is condition #8, to be resolved at the time of final development plan. He said that staff would like the applicant to emphasize the creek as

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

an amenity. He said that this creek was to be piped and the applicant attempted to do mitigation, which didn't get completed. He added that there is a proposed trail system in the area, which is condition #9, to be resolved at the time of final development plan. He said that there is also a water line that will need to be released to be resolved at the time of final development plan, which is condition # 7. He said the staff is aware of the topographical concerns of this property and is recommending approval of this development plan.

Commission Question – Ms. Mundy asked Mr. Martin if topographical concerns could be dealt with by locating the garages underneath the townhouse rather in the rear. Mr. Martin said that is part of the discussion because the elevation changes as the property slopes down towards the creek.

Applicant Presentation – Mr. Bruce Simpson, attorney representing the petitioner, said that the applicant is in agreement with the staff's recommendations, and will continue to resolve the concerns at the time of the final development plan.

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

Zoning Action – A motion was made by Ms. Mundy, seconded by Mr. Forester, and carried 9-0 (Brewer and Owens absent) to approve PLN-MAR-18-00025: WHITESBURG RE DEVELOPMENT CO., LTD. for the reasons provided by the staff.

Development Plan Action – A motion was made Ms. Mundy, seconded by Mr. Forester, and carried 9-0 (Brewer and Owens absent) to approve PLN-MJDP-18-00091: MASTERTON STATION CENTER (CITATION VILLAGE) (AMD), with the revised conditions provided by the staff.

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

A. AMENDMENT OF 2018 MEETING & FILING SCHEDULE - The staff will recommend that the Planning Commission take action to amend their Official Meeting & Filing Schedule for 2018 to formally add a Public Hearing to receive public input for the Draft 2018 Comprehensive Plan, Monday, 6:00 p.m., 2nd Floor Council Chambers on December 10, 2018.

Action – A motion was made by Ms. Plumlee, seconded by Ms. Mundy, and carried 9-0 (Brewer and Owens absent) to adopt the AMENDMENT OF 2018 MEETING & FILING SCHEDULE.

VII. STAFF ITEMS – Mr. Duncan reminded the Planning Commission of the Sub-Committee meetings next Thursday, December 6th, in the Phoenix Building on the 7th Floor, the Comprehensive Plan Public Hearing on Monday, December 10th, at 6:00 p.m., in the 2nd Floor Council Chambers, and on December 13th, there will be a combined Subdivision and Zoning Hearing, as well as, the final hearing for the Comprehensive Plan.

Ms. Jones distributed a Consent Order and Judgment from the Federal Court to the Planning Commission, regarding the cell tower on Houghman Mill that was disapproved by the Planning Commission. She said there was agreement made between Lexington-Fayette Urban County Government, Department of Law and the attorneys representing New Cingular Wireless PCS, LLC to allow the judge to submit this order. This order allows the applicant to construct the cell tower at 1811 Iron Works Pike. She added that this order has been entered into the Federal Court and distributed to the members of the Urban County Council and will also be distributed to the appropriate divisions of the County Government.

Mr. Duncan said that a packet of comments from the Fayette County Neighborhood Council and other associations, were distributed for the Comprehensive Plan so that they could be reviewed prior to the public comment meeting on December 10th.

VIII. AUDIENCE ITEMS – No such items were presented.

IX. MEETING DATES FOR DECEMBER 2018

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	December	6, 2018
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	December	6, 2018
Planning Commission Public Hearing , Public Input for the Draft 2018 Comprehensive Plan, Monday, 6:00 p.m., 2 nd Floor Council Chambers	December	10, 2018
Subdivision and Zoning Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	December	13, 2018
Adoption of the 2018 Comprehensive Plan , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	December	13, 2018
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	December	19, 2018

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

- X. **ADJOURNMENT** - There being no further business, Chairman Wilson declared the meeting adjourned at 2:07 p.m.

William Wilson, Chair

Carolyn Plumlee, Secretary

TLW/TM/HB/dw

Lex TV broadcasts live government meeting coverage, original programming and bulletin board information. You can find us on cable channel 185, view our [live stream](#) and [archived meetings](#) online or watch programming on our [YouTube](#) channel.

Archived videos and minutes can be viewed at <https://www.lexingtonky.gov/public-meetings-videos>

TLW/TM/HB/dw