

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

**December 13, 2018**

- I. **CALL TO ORDER** - The meeting will be called to order at 1:30 p.m. in the Council Chamber, 2<sup>nd</sup> Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.
- II. **APPROVAL OF MINUTES** - The minutes of the November 29, 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, December 6, 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: Jim Duncan; Traci Wade; Tom Martin; Chris Taylor; Hal Baillie; 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.

- 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-18-00046: LANGE AND DEMOVELLAN PROPERTY (2/3/19)\* - located at 1101 WALNUT HILL ROAD, LEXINGTON, KY.  
Council District 12  
Project Contact: Abbie Jones Consulting

Note: This plan requires the posting of a sign and an affidavit of such.

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.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Addition of maintenance note, per Article 5-4(g) of the Land Subdivision Regulations

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8. Addition of street cross-section.
9. Resolve dedication of additional right-of-way.
10. Resolve need for off-site information.
11. Resolve need to denote site improvements.
12. Revise Engineer's and Surveyor's certification.

## 2. DEVELOPMENT PLANS

- a. PLN-MJDP-18-00075: WILLOW OAK SHOPPING CENTER (MILLPOND CENTER) (AMD) (12/13/18)\* - located at 3650 BOSTON ROAD, LEXINGTON, KY.  
Council District 9  
Project Contact: EA Partners

Note: The Planning Commission postponed this item at their October 11, 2018 and November 8, 2018, meetings. The purpose of this amendment is to revise the development for a car wash.

The Subdivision Committee Recommended: **Postponement** until a revised development layout is submitted for review.

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 building dimensions on the development plan.
11. Addition of all sidewalk and VUA dimensions or typical.
12. Revise site statistics to meet new B-6P requirements.

- b. PLN-MJDP-18-00076: BLACKFORD PROPERTY, PHASE 3 (AMD) (1/2/19)\* - located at 3221 BAY SPRINGS PARK AND 3385 BLACKFORD PARKWAY, LEXINGTON, KY.  
Council District 12  
Project Contact: EA Partners

Note: The Planning Commission postponed this item at their October 11, 2018 and November 8, 2018, meetings. This plan requires the posting of a sign and an affidavit of such. The purpose of this amendment is to revise layout of the remaining portion of Phase 3.

The Subdivision Committee Recommended: **Postponement** to discuss local street pattern.

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. 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. Addition of record plat designation.
12. Provided the Planning Commission makes a finding the plan complies with the EAMP.
13. Discuss connectivity of Wading Creek Trail and Bay Springs Park and removing cul-de-sacs.

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- c. PLN-MJDP-18-00090: DISTILLERY DISTRICT - WEST, UNIT 1 (ADAPTIVE REUSE PROJECT) (AMD) (12/30/18)\* - located at 1158 and 1170 MANCHESTER STREET, LEXINGTON, KY.  
Council District 2  
Project Contact: Vision Engineering

Note: The Planning Commission postponed this item at their November 8, 2018, meeting. This plan requires the posting of a sign and an affidavit of such. The purpose of this amendment is to revise the development and parking on 1158 Manchester Street.

The Subdivision Committee Recommended: **Postponement**. There are questions regarding the pedestrian facilities, parking, easement conflicts and sanitary sewer service and capacity.

Should this plan be approved, the following requirements should be considered:

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 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. Addition of vicinity map.
  13. Addition of street cross-sections.
  14. Correct KYDOT note.
  15. Addition of building/use square footage to statistics.
  16. Addition of cumulative parking reduction calculation.
  17. Correct Planning Commission certification.
  18. Discuss resolution of easement conflicts with the proposed buildings.
  19. Discuss pedestrian improvements to Manchester Street.
  20. Discuss internal pedestrian improvements.
  21. Discuss need for additional parking.
  22. Discuss sanitary sewer service and capacity.
- d. PLN-MJDP-18-00093: WIGGINS & COMPANY, INC., LOT A-5 (AMD) (2/3/19)\* - located at 2520 NICHOLASVILLE ROAD, LEXINGTON, KY.  
Council District 4  
Project Contact: CMW

Note: The purpose of this amendment is to add 7,020 sq. ft. building.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Denote height of all buildings in feet on plan.
11. Clarify use of building on Parcel 5.
12. Correct B-1 zone reference in site statistics to B-3 zone.
13. Discuss compliance with Articles 12-8(h) and 12-8(i) of the Zoning Ordinance.
14. Discuss compliance with Article 18-3(b)(1) of the Zoning Ordinance.

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- e. PLN-MJDP-18-00094: HAMBURG EAST, LOT 3 (AMD) (2/3/19)\* - located at 2800 POLO CLUB BOULEVARD, LEXINGTON, KY.  
Council District 12  
Project Contact: Geisler Domigan Engineers, PLLC

Note: At the request of the applicant, the Subdivision Committee recommended a one-month postponement. This plan requires the posting of a sign and an affidavit of such. The purpose of this amendment is to revise the building and parking layout on Lots 3A and 3B.

The Technical Committee and Staff Recommends: **Postponement**. There are questions concerning the compliance with Article 23A-9(k) of the Zoning Ordinance regarding the parking layout, pedestrian access and Article 23B-4 of the Zoning Ordinance regarding EAMP Compliance Statement.

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. Denote Board of Adjustment approval for drive-throughs (PLN-BOA-18-00076).
  10. Addition of record plat designation Cabinet R, Slide 386 on adjacent property.
  11. Clarify area of amendment on vicinity map.
  12. Denote access point for construction vehicles.
  13. Addition of cross-section for access easement.
  14. Addition of dimensions on plan face and use of insert of amendment to improve legibility.
  15. Addition of proposed and existing easements.
  16. Discuss compliance with Article 23A-9(k)(4) of the Zoning Ordinance in reference to minimizing parking between the buildings and the adjoining street.
  17. Discuss compliance with Article 23A-9(k)(5) of the Zoning Ordinance as to connection to pedestrian access way.
  18. Discuss Expansion Area Master Plan compliance and lack of required statement per Article 23B-4(a) of the Zoning Ordinance.
  19. Discuss required Expansion Area Infrastructure Statement, per Article 23B-4(b) of the Zoning Ordinance.
- f. PLN-MJDP-18-00096: FAYETTE INDUSTRIAL PARK, BLOCK A, LOT 3 (AMD) (2/3/19)\* - located at 130 W. TIVERTON WAY, LEXINGTON, KY.  
Council District 9  
Project Contact: Vision Engineering

Note: The purpose of this amendment is to enclose an existing patio, thereby increasing the building square footage by 1,512 sq. ft.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
  2. Urban County Traffic Engineer's approval of street cross-sections and access.
  3. Landscape Examiner's approval of landscaping and landscape buffers.
  4. Addressing Office's approval of street names and addresses.
  5. Urban Forester's approval of tree preservation plan.
  6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
  7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
  8. Division of Waste Management's approval of refuse collection locations.
  9. Clarify number of seats in purpose of amendment note.
  10. Denote location of stormwater detention.
- g. PLN-MJDP-17-00115: COLDSTREAM RESEARCH CAMPUS, UNIT 2A, LOT 11 (HAMPTON INN) (AMD) (02/04/2018)\* - located at 1801 NEWTOWN PIKE, LEXINGTON, KY.  
Council District 2  
Project Contact: Strand Associates

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Note: The purpose of this amendment is to add an additional motel and parking to the site. The Planning Commission approved this item on December 14, 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. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. Revise note #15 to reflect current Articles in the Zoning Ordinance.
13. Revise special note #6 to reflect current note on DP 2007-17.
14. Document compliance with the required review by the Design Review Committee per Article 8-24(o)(7).
15. Add Unit 2A to plan title.
16. Denote review by the Royal Springs Aquifer Committee prior to certification.
17. Denote drainage easement per the amended final record plat.
18. Resolve timing of the building line and scenic easement conflict resolution on Aristides Boulevard frontage.

Note: The applicant now requests a one-year extension of the Commission's original approval.

The Subdivision Committee Recommended: **Approval of one-year extension**, subject to the original conditions previously approved by the Planning Commission.

- 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, December 6, 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; Graham Pohl; and Bill Wilson. Staff members in attendance were: Jim Duncan; Traci Wade; Tom Martin; Hal Baillie; Chris Woodall; Chris Taylor; Jimmy Emmons; and Debbie Woods; Tracy Jones, 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)

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

**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. CBROTHERS, LLC ZONING MAP AMENDMENT & HILLENMEYER PROPERTIES, LLC (AMD) ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-18-00022: CBROTHERS, LLC (12/30/18)\*- a petition for a zone map amendment from a restricted High Density Apartment (R-4) zone to a Light Industrial (I-1) zone, for 4.43 net (4.81 gross) acres, for property located at 2370 Sandersville 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 rezoning the subject property in order to allow for part of the existing warehouse to be used for restoring historic automobiles and related storage and also for storage of equine oriented materials.

The Zoning Committee made no recommendation.

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

1. The requested rezoning to a Light Industrial (I-1) zone is not in agreement with the 2013 Comprehensive Plan, for the following reasons:
    - a. The Goals and Objectives and policy statements of the Plan encourage the consideration of how proposals relate to existing development in the immediate vicinity, and focus on protecting neighborhoods and residential areas from incompatible land uses. The current residential areas are buffered from the nearby industrial uses by manmade buffers, including the Norfolk Southern Railroad to the east, Greendale Road to the west, and the Spring Lake Country Club to the south.
    - b. The Comprehensive Plan supports infill and redevelopment that is respectful of the area's context and design features. In this case, the context of the area is neighborhood businesses and low density residential. Incorporating a warehouse facility within the neighborhood is out of character.
  2. The proposed I-1 zone is not appropriate for the subject property, for the following reasons:
    - a. The proximity of the structure to residential zones as it stands violates the ordinance, Which states that, "except for Industrial Mixed Use Projects, all buildings and structures shall be at least 100 feet from any residential zone, unless the portion within that distance has no openings except stationary windows and doors that are designed and intended solely for pedestrian access" [Article 8-22(o)(2)].
    - b. No other I-1 zoning or land uses compatible with I-1 uses are located within the immediate vicinity.
    - c. Roadway access to the site is limited for large vehicles due to the historic nature of the roadway. The underpass associated with the Norfolk-Southern Railroad, less than a ¼ mile east of the subject property, causes a narrowing of the roadway and constricts the height of vehicles able to access the area.
  3. The existing High Density (R-4) zone is appropriate for the subject property as it is consistent with the surrounding agricultural and residential land uses and zoning.
  4. 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 an I-1 zone for the subject property.
- b. PLN-MJDP-18-00085: HILLENMEYER PROPERTIES, LLC (AMD) (12/30/18)\* - located at 2370 SANDERSVILLE ROAD, LEXINGTON, KY.  
Project Contact: EA Partners

Note: The purpose of this amendment is to rezone the property.

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

1. Provided the Urban County Council rezones the property I-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Landscape Examiner's approval of landscaping and landscape buffers.
5. Addressing Office's approval of street names and addresses.

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

6. Urban Forester's approval of tree preservation plan.
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. Correct note #6.
12. Replace tree inventory map with required Tree Preservation Plan (TPP).
13. Denote height of buildings in feet on plan.
14. Addition of purpose of amendment note.
15. Denote proposed stormwater detention area on plan.
16. Discuss improvements to Sandersville Road.
17. Discuss enhanced landscape buffer next to the R-4 zone to the east.

## 2. **ANDERSON COMMUNITIES ZONING MAP AMENDMENT & PAPPERT PROPERTY (AMD) ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-18-00024: ANDERSON COMMUNITIES (12/30/18)\*- an amended petition for a zone map amendment from a restricted Planned Neighborhood Residential (R-3) zone to an unrestricted Planned Neighborhood Residential (R-3) zone, for 28.44 net (29.74 gross) acres, and from a restricted Planned Neighborhood Residential (R-3) zone to a High Density Apartment (R-4) zone, for 9.3 net (12.81 gross) acres, for property located at 2811 Spurr Road.

### COMPREHENSIVE PLAN AND PROPOSED USE

The 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 subject property to a High Density Apartment (R-4) zone to allow for the construction of three elderly apartment buildings. Additionally, the applicant proposes to remove the conditional zoning on the remaining portion of the subject property to allow for the construction of the apartment buildings, while also allowing for a higher density and mixture of housing options. The proposed zone change would include the development of 364 total units at a density of 9.64 units per acre.

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

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

1. The requested High Density Apartment (R-4) and Planned Neighborhood Residential (R-3) zones are in agreement with the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
  - a. Both the R-3 and R-4 zones allows for a mix of housing types and densities within the broader neighborhood (Theme A, Goal #1). The petitioner proposes a higher density development with direct access to open space.
  - 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). The overall residential density is increasing to 9.64 dwelling units per acre.
  - c. The proposal also maximizes development on vacant land within the Urban Service Area and promotes the use of underutilized or vacant land in a way that enhances the existing urban form (Theme E, Goal #1.a and 1.b). The subject property has remained vacant, yet rezoned to an urban zone, for more than a decade.
2. The removal of the conditional zoning restrictions on the property is appropriate, for the following reasons:
  - a. There have been significant changes of an economic, physical and social nature within the area surrounding the subject property that have substantially altered the character of the area, resulting in the restrictions becoming inappropriate.
  - b. New development has occurred in this area, and Spurr Road has become more urbanized; thus, making removal of the 50-foot setback appropriate. In addition, the petitioner plans to front dwelling units to Spurr Road, creating an improved street orientation and aesthetic.
  - c. Per Article 19-7(g)(4)(c) – Vegetative Buffer, the applicant must locate their development in areas outside of the creek and alluvial areas.

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- d. The additional density proposed on the site is located along the collector street system and with direct access to available open spaces in the immediate vicinity.
3. This recommendation is made subject to the approval and certification of PLN-MJDP-18-00083: Pappert Property (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-18-00083: PAPPERT PROPERTY (AMD) (12/30/18)\* - located at 2811 SPURR ROAD (A PORTION OF), LEXINGTON, KY.  
Project Contact: EA Partners

Note: The purpose of this amendment is to rezone a portion of the property.

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

1. Provided the Urban County Council rezones the property to R-4 and remove conditional zoning; 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 existing and/or proposed easements.
8. Provided the Planning Commission grants a waiver to Articles 6-8(b) & 6-8(f).
9. Provided the Planning Commission grants a waiver to Article 6-8 and Exhibit 6-1.
10. Discuss single family lot orientation to the greenspace area.
11. Discuss proposed street intersection at townhouses.
12. Discuss access to the townhouse area.

3. **SOUTHERN & JONES PROPERTIES, LLC ZONING MAP AMENDMENT & PENMOKEN PARK, LOT P-104 (SOUTHERN & JONES PROPERTIES, LLC) ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-18-00026: SOUTHERN & JONES PROPERTIES, LLC (2/3/19)\*- a petition for a zone map amendment from a Single Family Residential (R-1C) zone to a Planned Neighborhood Residential (R-3) zone, for 0.525 net (0.737 gross) acres, for property located at 1847 Nicholasville 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 eight townhouse dwelling units at a residential density of 10.85 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 supports infill and redevelopment (Theme A, Goal #1.b. and Goal #2), that increases the density of the neighborhood, which will help to uphold the Urban Service Area concept (Theme E, Goal #1).
  - c. The proposal also promotes the use of underutilized or vacant land in a way that enhances the existing urban form (Theme E, Goal #1.a and 1.b) by incorporating development that is similar in size and scale to the existing neighborhood.
  - d. The proposed development will provide well-designed neighborhoods and communities that will enable existing neighborhoods to flourish through expanded opportunities for mixed-type housing (Theme A, Goal #3.a).
2. This recommendation is made subject to the approval and certification of PLN-MJDP-18-00095: Penmoken Park, Lot P-104 (Southern & Jones Properties LLC), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

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- b. PLN-MJDP-18-00095: PENMOKEN PARK, LOT P-104 (SOUTHERN & JONES PROPERTIES, LLC) (2/3/19)\* - located at 1847 NICHOLASVILLE ROAD, LEXINGTON, KY.  
Project Contact: ECSI, LLC

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. Addition of street cross-sections to plan.
6. Denote existing and proposed easements.
7. Discuss access to Penmoken Park.

### C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

1. **ZOTA 2018-4: AMENDMENT TO UPDATE ARTICLE 21** - petition for a Zoning Ordinance text amendment to update Article 21 to address compliance with the Comprehensive Plan.

INITIATED BY: URBAN COUNTY PLANNING COMMISSION

PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: **Indefinite Postponement**.

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

1. The staff is requesting additional time to further refine the proposed text amendment in order to more adequately address concerns.

2. **ZOTA 2018-5: AMENDMENT TO UPDATE ARTICLE 15-4(b) TO INCREASE THE ALLOWABLE HEIGHT OF FRONT YARD FENCES IN MULTIFAMILY DEVELOPMENTS** - petition for a Zoning Ordinance text amendment to update Article 15-4(b) to permit apartment and multi-family uses to construct taller fences than 4 feet in the front yard.

INITIATED BY: Wynndale Development, LLC

PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: **Disapproval**.

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

1. The proposed text amendment will negatively impact the social interaction of individuals within apartments and the surrounding community.
2. The increased height of fences does not adequately include Crime Prevention through Environmental Design (CPTED) principles by addressing alternative solutions. CPTED is a framework to design, develop, redevelop, and maintain the urban landscape while seeking to foster positive social interactions and deter criminal behavior within communities (APA 2013).
3. The applicant has not provided justification for their perceived increase in criminal activity or victimization of residents of apartments.
4. The increased height of fences negatively impacts natural surveillance of apartment complexes. Recently, the perspective of "eyes on the street" has been incorporated into the encounter model of crime prevention (Paulsen 2013). By walling or fencing off buildings the ability to naturally surveil an area is reduced and the physical separation between neighbors can lead to a social separation and disregard.

### VI. COMMISSION ITEMS

- A. **2018 COMPREHENSIVE PLAN PUBLIC HEARING** – continuation of the Comprehensive Plan public hearing from December 10, 2018.

### 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.

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- Attended LFUCG Corridors Commission.
- Attended LFUCG Neighborhoods in Transition Task Force meeting.
- Attended University of Kentucky Bicycle Advisory Committee meeting.
- Attended Bluegrass ADD Regional Transportation Committee meeting
- Attended KYTC/LFUCG Maintenance and Operations meeting.
- Attended weekly LFUCG paving meetings.
- The MPO website had 346 visits from 279 users (82% new users) and 772 page views in October.
- The MPO's Twitter site had 2,052 followers in November.
- The MPO's Facebook page had 959 likes in November; reached 80 users; and had 14 engaged users.

### 1.2 Staff Development

- Attended as a presenter and student at the Smart Growth America Safe Streets Smart Cities Workshop in Huntsville AL.
- Attended Webinar titled Innovative Financing for Transportation Projects.
- Attended Webinar titled Smart Columbus Program: Connected Vehicle Environment System Requirements.
- Attended Webinar titled Coalition for Smarter Transportation Overview of AV 3.0 (Automated Vehicles).

### 2.1 Congestion Management Process (CMP)

- Worked with KYTC Planning, LFUCG Traffic Engineering and Law staff on ITS-CMS travel-time data acquisition contract FY 2019 Travel Time Analytics Platform project.
- Reviewed FHWA transportation performance management requirements in regard to congestion management performance measures and metrics such as Level of Travel Time Reliability (LOTTR) and Truck Travel Time Reliability (TTTR) Indices.
- Worked on the Metropolitan Transportation Plan (MTP) to establish policies, strategies and processes to monitor congestion trends and achieve the congestion management system performance targets.
- Attended FHWA Transportation Systems Management and Operations (TSMO) teleconference. Working to plan a TSMO workshop in early 2019.
- Used typical Google Traffic maps to document annual congestion trends at most congested time-of-day in a week and most congested month in a year for recurring congestion, such as bottlenecks and poor signal timing.

### 2.2 Transportation Plan Update & Implementation

- Continued work on MTP financial projections/plan, project prioritization and plan document.
- Completed draft of 2045 MTP short-range financial plan for KYTC review.
- Attended several meetings with District 7 and BGADD to coordinate and prepare projects in the CHAF database in preparation for SHIFT 2018.

### 2.3 Air Quality Activities

- No activity

### 3.1 Transportation - Land Use Impact Analysis

- Provided assistance and answered inquiries on various Traffic related issues.
- Attended 2 pre-application coordination meetings to provide transportation planning input on future land use applications.
- Provided assistance to LFUCG planning staff on transportation related issues associated with 1 new application.

### 3.2 Multimodal/Transportation Enhancement Planning

- Responded to approx. 17 citizen/agency requests for information on bike and pedestrian issues.
- Reviewed and submitted comments in Plan Tracker for 12 plans for bike and pedestrian circulation requirements.
- Corresponded on 10 plans approved by the planning commission for compliance with conditional signoff requirements.
- Continued worked on changes to the subdivision regulations as it relates to connectivity and Theme D of the Comprehensive Plan update.
- Continued data organization and evaluation for the bike share pilot program.
- Continued work with GIS to begin updating the Bike Lexington Map to a digital and print version.
- Presented at Bicycle Friendly Business Application encouragement seminar.
- Worked with UK graduate engineering students on a project to connect to the TBC via MLK Blvd.
- Evaluated Alexandria, Pasadena and Malibu corridor and completed a parking inventory assessment.

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3.3 Transit Planning

- Attended Via Creative board meeting as Co-Chair.
- Responded to 1 citizen regarding transit bus stop concerns.
- Attended Lextran board meeting.
- Made edits to GIS inventory for Lextran transit routes.
- Closed out Corridors Commission Grant after completing Winburn bus shelter project.

Mobility Coordination

- Held planning meetings with consultants, Lextran and Lexpark regarding employer-based travel demand programs.
- Attended Travel Demand Management Forum to learn about national best practices in TDM.

3.5 Travel Demand Modeling and Project Forecasting

- Continued work on reallocated SE data to match KY State Data Center predications for HH and Pop in the 2017 base year TDM update.
- Continued to work 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 and a special meeting of the Transportation Policy Committee.

4.2 Transportation Improvement Programming (TIP)

- Received TPC approval of funds to supplement KYTC's addition of a grade-separated crossing for the Legacy Trail into the Newtown Improvement Project.
- Began work on FY 2018 Annual Obligations report.
- Met with Engineering to initiate Toll Credit application for construction of Polo Club Blvd connector.
- Held MPO Project Coordination team meeting with KYTC and local project sponsors to track the status of projects in the TIP.

Unified Planning Work Program (UPWP)

- No activity

**B. Zoning Compliance Planning Activity Report**Enforcement

A total of 18 new case investigations were initiated in November, a sharp reduction from October and an early indication of the typical winter slow-down in enforcement activity. Twenty three 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 10 properties with conditional uses, and all were determined to be in substantial compliance with conditions imposed by the Board of Adjustment.

An appeal of a major citation issued to an auto sales business on North Broadway that was violating conditional zoning restrictions was considered by a hearing officer on November 21<sup>st</sup>. The citation was upheld, but the fine amount was reduced by several thousand dollars and the business was given until January 20, 2019 to come into compliance.

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 November, just four ZCP's were issued. One of those permits was for an "Air BnB" facility in a single family residential zone, which is an allowable use provided that rentals are on a weekly or longer basis. Staff is monitoring the "Air BnB" phenomenon very carefully to determine if any amendments to the current Zoning Ordinance are warranted.

Technical assistance was also provided to the Division of Building Inspection (at weekly "Review Board" meetings) in review of 5 applications for new commercial or multi-family building construction, and 12 applications for remodel activity, "fit-ups" or change in use requests. Permitting staff also devoted much time to issuing official zoning certification letters and providing assistance to citizens with getting through the Accela online application process.

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Board of Adjustment

Just one appeal was fully considered by the BOA at the November 12th public hearing, which was a conditional use request to expand the parking lot for a church at the corner of Iron Works Pike and Berea Road. That request was approved, after much discussion and assistance from the Division of Traffic Engineering in addressing several design issues. The Board also adopted the meeting schedule for 2019 – hearings will continue to be held on the second Monday of each month, but will begin at 1:30 instead of 1:00.

- 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 JANUARY 2019**

|                                                                                                                   |                |                 |
|-------------------------------------------------------------------------------------------------------------------|----------------|-----------------|
| Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....                   | December       | 19, 2018        |
| Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....                  | January        | 3, 2019         |
| Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....                       | January        | 3, 2019         |
| <b>Subdivision and ND-1 Items Public Meeting, Thursday, 1:30 p.m., 2<sup>nd</sup> Floor Council Chambers.....</b> | <b>January</b> | <b>10, 2019</b> |
| Work Session, Thursday, 1:30 p.m., 3 <sup>rd</sup> Floor Phoenix Building.....                                    | January        | 17, 2019        |
| <b>Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....</b>                          | <b>January</b> | <b>24, 2019</b> |
| Work Session, Thursday, 1:30 p.m., 3 <sup>rd</sup> Floor Phoenix Building.....                                    | January        | 31, 2019        |

X. **ADJOURNMENT**

TLW/TM/HB/dw

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