

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

December 13, 2018

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

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

Planning staff members present: Jim Duncan, Director; Traci Wade; Tom Martin; Hal Baillie; Cheryl Gallt; Chris Woodall; Chris Taylor; Janice Westlund; Joey David; Stephanie Cunningham; and Debbie Woods. Other staff members present were: Vaughan Adkins, Division of Engineering; Casey Kaucher, Division of Traffic Engineering; Captain Joshua Thiel, Division of Fire and Emergency Services; Kristan Curry, Division of Environmental Services; and Tracy Jones and Andrea Brown, Department of Law.

- II. **APPROVAL OF MINUTES** – There were no minutes considered at this meeting.

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

1. 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.

Petitioner Representation: Rory Kahly, EA Partners, said that they would like a one month postponement of this request to the January 10, 2019 meeting. He said that they would like to meet with the staff.

Action: A motion was made by Mr. Owens, seconded by Mr. Brewer, and carried 11-0 to postpone the request for PLN-MJDP-18-00075: WILLOW OAK SHOPPING CENTER (MILLPOND CENTER) (AMD), until January 10, 2019.

- 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.

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

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.

Petitioner Representation: Rory Kahly, EA Partners, said that they would like a one month postponement of this request to the January 10, 2019 meeting. He said that they would like to meet with the staff.

Action: A motion was made by Mr. Berkley, seconded by Mr. Brewer, and carried 11-0 to postpone the request for PLN-MJDP-18-00076: BLACKFORD PROPERTY, PHASE 3 (AMD), until January 10, 2019.

- 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.

Petitioner Representation: Matt Carter, Vision Engineering, said that they would like a one month postponement of this request to the January 10, 2019 meeting. He said that they were unaware of the requirement for a sign posting and associated affidavit.

Action: A motion was made by Mr. Owens, seconded by Ms. Mundy, and carried 11-0 to postpone the request for PLN-MJDP-18-00076: BLACKFORD PROPERTY, PHASE 3 (AMD), until January 10, 2019.

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

- d. 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.

Petitioner Representation: Mr. Martin, said that the staff has received a request for a one month postponement of this request to the January 10, 2019 meeting.

Action: A motion was made by Ms. Mundy, seconded by Ms. Plumlee, and carried 11-0 to postpone the request for PLN-MJDP-18-00094: HAMBURG EAST, LOT 3 (AMD), until January 10, 2019.

B. 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.

Petitioner Representation: Ms. Wade said that the staff would like to request an indefinite postponement of this text amendment.

Action: A motion was made by Mr. Berkley, seconded by Ms. Mundy, and carried 11-0 to indefinitely postpone the request for ZOTA 2018-4: AMENDMENT TO UPDATE ARTICLE 21.

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

2. **ZOTA 2018-5: AMENDMENT TO UPDATE ARTICLE 15-4(b) TO INCREASE THE ALLOWABLE HEIGHT OF FRONT YARD FENCES IN MULIT-FAMILY 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.

Petitioner Representation: Jacob Walbourn, attorney representing the petitioner, said that they would like a one month postponement of this text amendment to the January 24, 2019 meeting. He said that they would like to meet with the staff.

Action: A motion was made by Mr. Penn, seconded by Ms. Plumlee, and carried 11-0 to postpone the request for **ZOTA 2018-5: AMENDMENT TO UPDATE ARTICLE 15-4(b) TO INCREASE THE ALLOWABLE HEIGHT OF FRONT YARD FENCES IN MULIT-FAMILY DEVELOPMENTS**, until January 24, 2019.

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. **CONSENT AGENDA** – Following requests for postponement or withdrawal, items requiring no discussion were considered.

- Criteria:**
- (1) the Subdivision Committee recommendation is for approval, as listed on this agenda; and
 - (2) the Petitioner is in agreement with the Subdivision Committee recommendation and the 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.

Requests can be made to remove items from the Consent Agenda:

- (1) due to prior postponements and withdrawals,
- (2) from the Planning Commission,
- (3) from the audience, and
- (4) from Petitioners and their representatives.

Ms. Wade announced the following agenda items appearing on the Consent Agenda:

1. FINAL SUBDIVISION PLAN FOR CONDITIONAL APPROVAL BY THE SUBDIVISION COMMITTEE

Page 1, Item 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

2. DEVELOPMENT PLAN RECOMMENDED FOR CONDITIONAL APPROVAL BY THE SUBDIVISION COMMITTEE

Page 4, Item 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

3. DEVELOPMENT PLAN RECOMMENDED APPROVAL OF ONE-YEAR EXTENSION BY THE SUBDIVISION COMMITTEE

Page 4, Item 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

Ms. Wade noted that the items identified on the Consent Agenda could be considered for conditional approval at this time by the Commission, as has been recommended, unless there was a request for an item to be removed from consideration by a member of the Commission, or the audience, to allow an opportunity for its discussion. (A copy of the Consent Agenda is attached as an appendix to these minutes).

Audience members requesting full discussion: There were none.

Commission member requesting full discussion: There were none.

Action - A motion was made by Mr. Brewer, seconded by Ms. Plumlee, and carried 11-0 to approve the items listed on the Consent Agenda, as presented by the staff.

B. 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.

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

1. DEVELOPMENT PLANS

- a. 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.

Petitioner Representation: Mr. Martin, asked the Chair to ask if the applicant or their engineer is present at this meeting. Mr. Wilson asked the audience if anyone regarding this plan was present, and there was no response. Mr. Martin said postponement would be appropriate at this time.

Action: A motion was made by Ms. Plumlee, seconded by Ms. Mundy, and carried 11-0 to postpone this request for PLN-MJDP-18-00093: WIGGINS & COMPANY, INC., LOT A-5 (AMD), until January 10, 2019.

- C. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – A motion was made by Mr. Penn, seconded by Ms. Mundy, and carried 11-0 to approve the release and call of bonds as detailed in the memorandum dated December 13, 2018, from Barry Brock, Division of Engineering.

- 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

- C. **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

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

- (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. 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:

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

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.
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.

Staff Presentation - Mr. Baillie distributed a revised staff report to the Planning Commission. He then presented the staff report and recommendations for the zone change. He displayed photographs of the subject property and aerial photographs of the general area. He said that I-1 zoning is traditionally not recommended to be located adjacent to residential developments but since this will be utilized as a Flex Space Project, then it can be appropriate. He said that Sandersville Road is a collector street, but this area is substandard because of the historic properties at this site. He said that the building and the stone walls restrict future development. He said that the staff was concerned about the increase of heavy truck traffic in the immediate area. He added that the road narrows underneath the railroad tracks to the east, which also has limited height, making it necessary that any truck traffic enter this area from Greendale Road.

Mr. Baillie said that the applicant was vague regarding the proposed use of this property in the initial meetings. He said that the applicant is proposing to utilize the space and maintain the current structures for four different uses that are permitted in the B-4 and I-1 zones. The original brick warehouse will be divided into three sections for three different uses, which are: (1) historic car restoration; including manufacturing and machining of auto parts, which will be packaged, sold and shipped; (2) for storage of bourbon barrels and the bottling of bourbon, which is also a combination of a B-4 zone use; and (3) the center of the warehouse is being proposed for retail sales of these bottled bourbon and other finished products, as well as a tasting room, where members of the public would be able to also fill their own bottles of bourbon. He said that retail sales are a permitted use within the B-1 zone, and are allowable in a Flex Space Project. He said that the applicant also proposes to store parts and material associated with the rehabilitation of vehicles in this space, which is permitted in the B-4 zone. He said that the staff would like all types of beverages to be included this process. He added that the applicant proposes to utilize the "Lincoln House" (the second historic structure) as office space, which is a permitted use in the B-4 zone.

Mr. Baillie said that staff was hesitant to agree with an I-1 zone in the center of an expanding residential area, but the applicant significantly modified their request and proposed to maintain the existing structures and limit their uses on the subject property. He said that the staff now agrees with the applicant that the proposed rezoning complies with the adopted Goals & Objectives of the 2018 Comprehensive Plan by identifying areas for adaptive reuse and mixed-use development, employ underutilized land to provide greater utility and function, will promote historic preservation, and maximizes the use of property within the Urban Service Area. Additionally, the conditional zoning restrictions will also allow for preservation of cultural resources by maintaining the historic structures, while also incorporating new uses that will incentivize the renovation, restoration, development and maintenance of the historic structures. He added that the staff agrees with these aspects of the petitioner's justification.

Development Plan Presentation – Mr. Martin presented a rendering of the preliminary development plan associated with the zone change. He said that the property fronts on Sandersville Road. He said that there are no physical changes being proposed on the property. He identified the "Lincoln House" building, which will remain on the property and be utilized as the office area. He said that there are 54 parking spaces. He also said that the applicant changed the status of this plan from a final development plan to a preliminary development plan. He said that in the I-1 and B-4 zones there is a restriction on large warehouse and overhead doors in relation to residential zones, which will need to be addressed at the Board of Adjustment and can be deferred to on a final development plan. He added that the applicant has stated that their intent is to have a Flex Space Project, which the staff is supportive of because it allows a variety of uses that may support the nearby residential development. He said that the uses are required to be on the plan, as well as the parking, and these can be solved by submitting a final development plan at a later date.

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

Mr. Martin said that there are a few clean up conditions. Condition #16 and #17 are final development plan items and by changing this plan to a preliminary development plan, these shall be determined at the time of the final development plan. He added that the staff is recommending approval of this plan.

Applicant Presentation – Mr. Nicholson, attorney representing the petitioner, thanked the staff and Mr. Walbourn, who is representing the neighbors. He said that this was a difficult project and three different representatives worked together to gain a compromise. He presented a PowerPoint presentation to the Planning Commission and the audience members and said that this proposal is mostly about saving the historic structures located on this property. He gave a brief history of the property and displayed photos of the structures and the landscaping. One of those photos was of the building located next to Sandersville Road, which will be discussed at the time of the final development plan. He described the building, which is one-story in the front and steps down to a two-story building. The building has skylights that provide natural lighting. He said that there are three separate bays in the rear of the building, which are approximately 100 feet wide. He displayed a photo of the door that is facing the residential zone.

Mr. Nicholson said that the applicant is proposing multiple uses to ensure that the buildings are maintained and protected, agreeing to conditional zoning restrictions that requires that. He said that they will be utilizing the buildings in the manner that they were used historically and engaging the neighborhood and visitors.

Mr. Hillenmeyer was present and said that he supports this zone change and the uses that are being proposed.

Mr. Nicholson confirmed that the applicant agreed to the two revisions to the staff's recommendation. He said that the applicant agrees to the following changes to conditions #16 and #17:

16. ~~Discuss~~ Denote improvements to Sandersville Road to be resolved at the time of the Final Development Plan.
17. ~~Discuss~~ Denote enhanced landscape buffer and lighting next to the R-4 zone to the east to be resolved at the time of the Final Development Plan.

Commission Questions – Mr. Nicol asked if this zone change isn't approved, does the owner have the ability to demolish the building. Mr. Nicholson said that they have the ability to demolish the building, but they prefer not to. He said that the building is not listed on the National Register of Historic Places. He added that while the owner was trying to turn it into residential property for the past decade, which it is currently zoned for, it has been determined that isn't feasible. The design of the building has been the cause of it not being able to convert into residential.

Citizen Comments - Mr. Walbourn, attorney present on behalf of adjacent neighbors D. Gary Bunch and Mr. Joseph Brown, said they have reached agreement with conditional zoning restrictions that have been recommended. He said that his clients have concerns regarding the close proximity of their home to the subject property, and some of the uses permitted in the I-1 zone, which often produce lighting, noise, and truck traffic. He said that he will follow up with the Final Development Plan process to make sure that their concerns are accommodated. He added that they have officially withdrawn their objection.

Commission Comments – Mr. Wilson said that was pleased to hear that all the representatives for this case were able to work together to be able to preserve the historical buildings and able to reutilize them.

Mr. Owens also said that he was pleased for the staff, applicant and neighbors working to agree on this unique property.

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

Zoning Action: A motion was made by Mr. Owens, seconded by Mr. Brewer, and carried 11-0 to approve PLN-MAR-18-00022: CBROTHERS, LLC, for the reasons provided by the staff.

Development Plan Action – A motion was made Mr. Owens, seconded by Mr. Brewer, and carried 110 to approve PLN-MJDP-18-00085: HILLENMEYER PROPERTIES, LLC (AMD), with the revised conditions provided by the staff, as follows:

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.
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.

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

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~~ Denote improvements to Sandersville Road to be resolved at the time of the Final Development Plan.
17. Discuss Denote enhanced landscape buffer and lighting next to the R-4 zone to the east to be resolved at the time of the Final Development Plan.

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.
 - 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.

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

- 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.

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 the applicant is seeking to change the zone of a portion and to remove the conditional zoning restrictions on the remaining portion of the subject property. He said that the applicant is proposing three elderly apartment buildings to be constructed, and to construct a mixture of townhomes and single family residences, which would be a total of 564 units and at a density of 9.64 units per acre. He said that the subject property was rezoned in 2006 for 128 single family residential dwelling units, which were concentrated on the west side of the property, away from the railroad and the creek. This rezoning included conditional zoning restrictions regarding density, setbacks, and environmental conservation.

Mr. Baillie said that the applicant indicated in their justification that the previously applied conditional zoning is now inappropriate for this site and that there have been significant changes of an economic, physical and social nature within the area, not anticipated when the conditional zoning was imposed, and that these changes have substantially altered the character of the area, resulting in the restrictions becoming inappropriate or improper. He said that the 50-foot building setback was to preserve the rural character of Spurr Road and as new development has occurred in this area, Spurr Road has become more urbanized and the roadway is now proposed to be improved to urban standards. He added that subsequent neighboring subdivisions have been constructed and proposed without observing a 50-foot setback.

Mr. Baillie said that in terms of the 16.4 acres of wooded land determined to be environmentally sensitive, the applicant suggests that the area has been more precisely studied since its designation. He said that the applicant will seek to locate their proposed development in areas outside of the vegetative buffer associated with the creek and alluvial areas, which will allow for the majority of protected land to remain as open space. He said that there have also been changes to the LFUCG Zoning Ordinance, as well as the Stormwater Manual, that further protects environmentally sensitive areas, and the vegetative buffer zone. He added that this buffer allows for the protection of the environmentally sensitive areas that were the concern of the Planning Commission when the conditional zoning restriction was put into place.

Mr. Baillie said that the petitioner opines that both the zone change to R-4 and the removal of conditional zoning is consistent with the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan by maintaining the Urban Service Boundary, while increasing the density of housing. The petitioner indicates that the rezoning of the site will accommodate the demand for housing in Lexington by prioritizing higher-density, adding a mixture of housing types, and supports infill and redevelopment throughout the Urban Service Area. Additionally, the applicant opines that this proposal also maximizes development on vacant land within the Urban Service Area and promotes use of underutilized land. The staff concurs with these elements of the applicant's justification and supports the requested rezoning for the subject site.

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

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.

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

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.~~

Mr. Martin said that this is combination plan, a preliminary development plan and a preliminary subdivision plan. He said that there are three, five-story buildings, with a total of 210 units, and 163 parking spaces, which will be the elderly apartment buildings. He said that there is proposed an emergency access off of Spurr Road. He added that there are 130 single family lots and 25 townhouses also being proposed. He said that there was concern with the street pattern being proposed. He pointed out the access off of Sandersville Road, which will be a collector street. He said that this revised plan added medians that prevent conflicts and direct traffic near the entrance at to Spurr Road. He said the applicant is proposing that all of the single family lots be rear loaded, with all vehicular access at the rear of the units. He also pointed out the greenway and environmentally sensitive area, as well as the temporary pump station that will go offline as the sanitary sewers in this area are improved.

Mr. Martin said that there are two waivers associated with this proposal, which are connected to the design of the development. He said that one of the waivers is asking to waive the geometric requirements of the streets, which will affect the right-of-way. He said that the applicant is proposing to maintain the required pavement width. He said that a portion of the right-of-way will be in the easement, allowing the homes to be closer to the street, because the setback will be off of the right-of-way. He said that the second waiver request is for the right-of-way of the collector street. He added that the Division of Traffic of Engineering was concerned with the first waiver, because of the operational issues of the easement. He said that there is another waiver for terminating a public street into a private access easement. He said that it will not be gated and will allow public safety vehicles full access. He said that the staff is recommending approval of this plan and the associated waivers, along with a condition, which states the easement language shall be developed with the approval of the Division of Law.

Commission Question – Mr. Penn asked Mr. Martin if the streets are 31 feet wide. Mr. Martin said that the streets are 31 feet from curb to curb, as required.

Applicant Presentation – Mr. Dick Murphy, attorney representing the petitioner, said that the applicant is in agreement with the staff's recommendations and conditions. He said that they agree with the 2013 Comprehensive Plan and the 2018 Comprehensive Plan's Goals and Objectives by increasing density, utilizing overlooked parcels, encouraging pedestrian friendly communities, and preserving the Urban Service Boundary. He displayed the development plan that was presented at the Subdivision Committee meeting on December 6, which depicted the intersection at Spurr Road. He then displayed the revised development plan with the new median, the new location of the parking area, the open space, and the pedestrian access.

Mr. Murphy then displayed an aerial of Townley Center, which is similar to this development, with the exception of wider streets in this subdivision; they will be an additional five feet wide. He said that the waiver request will allow the houses to be closer to the sidewalk. He added that the streets will be dominated by houses and porches, which he believes is what the 2018 Comprehensive Plan recommends. The driveways will be located in the rear with an access street so that pedestrians can walk safely along the street. He said that there will be a combined utility and street tree easement. He added that they have agreed to work out the language for the easement, as required by the government.

Mr. Murphy said that they had met with the neighbors and he was informed that there was a graveyard located on the subject property. He said that they were unaware of that and that the two previous plans, from 2006 and 2017, also didn't depict a graveyard. He said that the property will be checked for such and if there is, there are Zoning Ordinance provisions that will need to be followed. He said that they were concerned with traffic running through the development and the narrow streets and medians are traffic calming features. He added that locating houses closer to the streets is also a traffic calming feature.

Commission Questions – Mr. Owens said that most of the single family lots are similar in size with the exception of a few. He asked how much variation will there be with these units. Mr. Dennis Anderson said that the lot sizes are 26-36 feet. He added that there are three different floor plans and three different elevations, which is the same model that was built in Townley Center. The units will be approximately 1,350 square feet.

Ms. Plumlee asked where the utilities will be located. Mr. Murphy said that they will be underground, between the curb and sidewalk.

Citizen Comment – Karen Winn, 2965 Spurr Road, is concerned about fencing along the agricultural boundary on the west side of this development. She said that there is a historical cemetery on this property, which is comprised of six stones dating back to 1814. She is also concerned about improvements being made to Spurr Road, which is currently very narrow.

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

Angel Reed, 3009 Laguna Court, is concerned about the increased traffic on Sandersville Road and the cut through traffic in their neighborhood. She also said that Spurr Road will need to be improved. Lastly, she stated she is also concerned about the increase of students in the schools.

Tiffany Roland, 3108 Movado Court, said that she is also concerned with the school size and the safety of children. She also said that she believes the infrastructure of the street will need to be increased.

Applicant Rebuttal – Mr. Murphy addressed Ms. Winn's concern regarding the fencing along the agricultural zones. He stated they will meet the requirements of the Subdivision Regulations and that fencing will be addressed on the final development plan or the subdivision plat. He said that there is a provision that will need to be addressed with Ms. Winn regarding the types of fence. He said that the cemetery will be researched since it was not on any of the previous plans and there are ordinances that will need to be complied with and this will also be on the final development plan. He said that there was some discussion regarding Spurr Road at the Subdivision Committee meeting. He added that they will construct a 1/2 urban section on their portion, which includes curb, gutter, and sidewalks along Spurr Road. He said that the connection onto Sandersville Road is also a requirement and they will be in compliance, including traffic calming. He said that in regards to the increase of students in the school system, that impact should be minimum, because the majority of these units are elderly housing.

Citizen Rebuttal – There was no rebuttal at this time.

Staff Rebuttal - There was no rebuttal at this time.

Zoning Action – A motion was made by Mr. Berkley, seconded by Mr. Forester, and carried 11-0 to approve PLN-MAR-18-00024: ANDERSON COMMUNITIES, for the reasons provided by the staff.

Development Plan Action – A motion was made Mr. Berkley, seconded by Mr. Forester, and carried 11-0 to approve PLN-MJDP-18-00083: PAPPERT PROPERTY (AMD), with the revised conditions provided by the staff.

Waivers Action – A motion was made Mr. Berkley, seconded by Mr. Forester, and carried 11-0 to approve the waivers associated with the development plan, for the reasons provided by the staff with the addition of the recommendation made with the easement language being sufficient to provide the government full ability to meet all operational and maintenance requirement on the public streets.

Note: Planning Commission took a recess at 3:23 p.m. until 3:33 p.m.

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).

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

- 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.
- 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.

Staff Zoning Presentation – Mr. Baillie stated that he circulated to the Planning Commission twenty-five letters of opposition and three letters of support. He said that within one of the letters of opposition, there is both, opposition and support. He also said that there is a letter and a presentation from the representative of the neighborhood association on the front of the packet. He then presented the staff report and recommendations for the zone change. He displayed photographs of the subject property and aerial photographs of the general area. He said that the applicant is proposing to construct eight townhouse units with a residential density of 10.85 units per acre. He said the subject property is currently a non-conforming use in this zone, existing as a boarding house. Boarding houses were removed from all single family residential zones, connecting to issues regarding the definition of "family." He said that the subject property is more contextually associated with the lotting patterns of Nicholasville Road, than of Penmoken Park, which exemplifies large lots with larger structures.

Mr. Baillie said the petitioner opines that the zone change is consistent with the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan, as it adds to the density of housing within Lexington, while also supporting the maintenance of the Urban Service Boundary. 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. The proposed development also supports infill and redevelopment throughout the Urban Service Area. In addition, through the incorporation of townhouse residential along a major arterial corridor, the applicant is able to add dwelling units to the neighborhood, which will help to uphold the Urban Service Area concept. This proposal also promotes use of underutilized land in a way that enhances the existing urban form. The petitioner posits that the proposed development will provide well-designed neighborhoods and communities that will enable existing neighborhoods to flourish through expanded opportunities for neighborhood character preservation, and public commitment to expand options for mixed-type housing. He said that the staff and the Zoning Committee recommended approval of this zone change.

Development Plan Presentation – Mr. Martin presented a rendering of the preliminary development plan associated with the zone change and said that the applicant is proposing eight townhouses on this site. He said that they had originally planned to utilize an existing access point, but this revised plan has located the access point at the rear of the property. He said that this access was a concern of staff to avoid any traffic conflicts at Nicholasville Road and Penmoken Park. He said that they are proposing a potential future connection to the adjoining property should it develop to allow for traffic flow between the properties, without having to access Nicholasville Road.

Mr. Martin said that the townhouses are approximately a 700 square foot footprint, three stories high, which is thirty-five feet high and the development will have a total of nineteen bedrooms. He said that this revision indicates that the applicant will subdivide these properties, which changes the evaluation of the standards. He said that the applicant will need to file a combination final development plan and preliminary subdivision plan. He said that there are standards for design feature requirements that need to be met in the Infill and Redevelopment Area, which will be noted on the final development plan. He said that there is a reservation in the front of the property for potential expansion of Nicholasville Road, based on the 2040 Transportation Plan, which includes a rapid transit lane. He added that the Subdivision Committee recommended approval of this plan. He said that condition #7 could be removed since this access has been relocated to the rear of the property.

Applicant Presentation – Mr. Bruce Simpson, attorney representing the petitioner, gave a brief history of the property. He opines that the property has been unable to develop as zoned. He said he met with staff and was encouraged to increase the density

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

at this location. He said that the single family house, as staff had mentioned, is a non-conforming use in an R-1C zone. He said that it is an 8,000 square-foot lot, which is above the minimum for an R-1C lot. He added that for the last fifty years this property has been a boarding house, with rooms to rent to ten single men. There is a shared kitchen and bathroom, which is no longer a permissible use in this zone; however, it was already being used as such when this property was rezoned in 1969 and was grandfathered in.

Mr. Simpson said the property owner proposed the townhomes with an estimated price of \$250,000 with amenities primarily designed to serve the professional medical community. He said that letters were sent to the neighbors, before the zone change was filed, to introduce them to the concept. He met with these neighbors in September and the reaction was not favorable then. The neighbors would prefer that the house remain as it is. He added that they are concerned with increased traffic and the proposed conceptual design of the townhomes. He said that he had met with staff and presented to the Technical Review Committee, the Subdivision and Zoning Committees and received approval recommendations at all stages. He added that there were not any citizens present in opposition at any of those meetings.

Mr. Simpson said that increasing density is a large part of the 2013 Comprehensive Plan and the 2018 Comprehensive Plan's Goals and Objectives. He said that he believes that these eight townhomes will fit in with the neighborhood. They will have one story below ground and one story above ground, and each will have a two car garage. The development will be screened with an eight-foot wood fence and ten-foot trees. He said that the staff gave positive comments and that this conceptually fits in with the design of the neighborhood. He added that he shared with the neighbors, back in September, that they were open to alternative design concepts and haven't received any. He then displayed photographs of the existing structure and the parking lot. He also displayed photos of other structures in the area that are similar to the type of structure that is being proposed, as well the proposed design. He added that the stone wall on Nicholasville road will remain as part of the development. He said that he believes that this is good alternative to the subject property and is willing to make adjustments to make the design work with the neighbors.

Note: Mr. Headley Bell left the meeting at 4:02.

David Jones, property owner since 2005, said that he cares deeply how this property is developed. He said that in the past thirteen years, he has seen Nicholasville Road and other major arterial roadways in Lexington expand and he respects the protection of the Urban Service Area boundary by increasing density. He said that he sees an opportunity to have eight homeowners live on this property. It will be a walkable community to the nearby medical centers. This will be an asset and an improvement, not only to this neighborhood, but to the entire Nicholasville Road corridor. He said that this land use is between high density apartments and single family residential. He noted that which many families don't want the high traffic of Nicholasville Road. He said that the townhouses will be all brick, will sell for approximately \$250,000, and will be 1,500 square feet in size, with a full basement with two car garage. He said that he distributed preliminary color renderings, to give the idea of the streetscape. He said that at the initial meeting with the neighbors, there was concern with the architectural style and they want the neighborhood to have a craftsman style. He said that he was open to other ideas. He said that they were present at the Subdivision Committee and the Zoning Committee meeting and there were no representatives of opposition present at any of those meeting nor any feedback received since they met with the neighbors in September. He added that projects work best when everyone is comfortable with the changes. He understands that some are opposed to any change.

Mr. Simpson added that one of the concerns that the neighbors expressed at the meeting was that this proposal would devalue their property. He referenced the applicant's exhibit materials, which listed the average PVA assessed value of the houses and the square footage of the homes located on Penmoken Park and the average home value is approximately \$145,000. He added that the lots on Penmoken Park don't conform to the 8,000 minimum requirement of the R-1C zone. He said that the Zoning Ordinance in respect to the non-conforming uses states to "permit non-conformities established in Article 4.1, to continue until they are removed, but not to encourage their survival." He added that there was an email submitted in favor of this proposal, which he read to the Planning Commission.

Citizens in Favor – David Hensen, graduate student at University of Kentucky, said that he wrote the letter that was just read into the record, in support of this development. He added that he had reviewed the Comprehensive Plan and he believes that this project fits into that plan. He said that having density on urban corridors and along urban public transit routes promotes the use of that route. He believes that the city should invest in having density on the major corridors and have people live in places where they can access the University of Kentucky and the downtown area.

T.L. Wise, 1855 Nicholasville Road, said that he appreciates what Mr. Jones is proposing. He said that it is removing an eyesore, a danger zone with transient residents staying in the rooms. He said that he respects the knowledge of the staff, the Subdivision Committee and the Zoning Committee, who have all recommended approval of this proposal. He said that he believes that this meets the Comprehensive Plan for infill and redevelopment, and that it will enhance his property, as well the city as a whole.

Citizen's in Opposition - Juliette Symons, attorney representing the Pensacola Park neighborhood. She said that the neighbors are concerned that a 93 year old home is being demolished in favor of a development that has poor design and doesn't fit with

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

the Comprehensive Plan. She said that one of the citizens that spoke before her that is in favor of this development, stands to benefit financially from this development. She said that on the site plan that was submitted on December 10, 2018, there is a future connection allowed that will presumably be to a future development on the neighboring property, which could eventually be a row of townhouses on the block. She said that a revised plan was submitted after they had submitted their response, which was on December 10, 2018. Some of these changes are recommendations made by the Subdivision Committee. She added that the proposed development plan doesn't clearly meet R-3, R-1T zones or Article 15 of the Zoning Ordinance, which are all applicable to this property. She said that there hasn't been a lack of input from the citizens for this proposal. She said that the neighborhood was told that their opportunity to be heard was at this meeting. She said that there were representatives at the Subdivision Committee and the Zoning Committee meetings. She displayed a chart, Figure 5 of the response, highlights that this proposal doesn't meet any of the sections of the Zoning Ordinance. She said that the main one is the setbacks, that this proposal doesn't meet any of the requirements, it is nonconforming to the surrounding neighborhood, and is not appropriate for single family neighborhood. She said that the design doesn't have any contextual sensitivity for the existing neighborhood and will change the fabric of the neighborhood. She displayed photographs of area.

Ms. Symons said that the residents are against the push for infill and high density from the Comprehensive Plan. She said that if a development is going to remove a home like this, then it should fit the Comprehensive Plan and employ an architect and use smart design. She said that this neighborhood has flourished because of the setback requirements. The existing structure is housing ten men, who will be displaced, in exchange for approximately 370 more square feet, according to an old site plan and with full occupancy, nine more residents. She said that this isn't clear as to how it will promote high density. She believes that this isn't environmentally sustainable and that the existing property could be rehabilitated to reach the same level of occupancy. She also said that this will not preserve neighborhood character and doesn't bring any unique or creative architectural elements. The proposed development is just like other Southern & Jones properties that are located along Bates Creek Road that are beginning to look dilapidated after only three years. She also mentioned other problems with the plan, for example, the slopes of the property, not being ADA compliant and drainage issues. She said that the subject property also has drainage issues that the Subdivision Committee requested more information on the accommodations of the stormwater sewers.

Ms. Symons said that this proposal is not adding any affordable housing, because there is reason to believe that these will be renter occupied because the owner's other properties are mostly renter occupied. These will not be assessable for the elderly since they will be multi-story townhomes. She said that Penmoken Park is a cul-de-sac with an outlet to Nicholasville Road and there is a one-way alley with access to Rosemont Garden, which does have a traffic signal at its intersection with Nicholasville Road. This proposal will increase traffic on Rosemont Garden, and no traffic study was submitted with this proposal. She said that they are requesting a postponement of this zone change until they have the opportunity to create a Small Area Plan so that the neighborhood could weigh in on what is an appropriate design. She added that there was no evidence that the neighborhood was offered this option. She said that they would also like to request design elements that the developer must meet to ensure that it is appropriate for the neighborhood and contextually sensitive. She would also like them to employ an architect who can complete a site plan, a feasibility study with water mitigation, describe how the balconies and garages will work and a form, height, slope and soil studies. A tree plan was already recommended at the Subdivision Committee.

Jessica Boyd, private architect and resident of 1859 Nicholasville Road. She is a former resident of California and said that she is familiar with correct infill and redevelopment. She said that she is concerned with the idea of density of the Comprehensive Plan without thinking of what is appropriate. She displayed the proposed development plan and said that this proposal has not investigated the integration of this development into this historic neighborhood. She said that all design features of the existing site shouldn't be abandoned. She said there are identity markers that need to be acknowledged in the density of the area, which are the historic homes. She asked why this area needs to be densified, and change the identity. She said that this proposal pushes the pedestrian up against the road. She said that the Comprehensive Plan is redefining the boundaries and Nicholasville Road to be progressive and asked how developments are being proposed that don't address the pedestrian from a neighborhood or walkable standpoint. She said that Mr. Jones said that he can't afford to rehabilitate the existing home, and that is why the neighborhood has asked for an architect and feasibility study. She said that this proposed design is the same as his other properties, which the neighbors don't want; she opined that they want uniqueness. She displayed a photo of progressive townhomes in other locations nationally and internationally. She asked for a postponement of this zone change so that the developer can hire a professional architect.

Note: Mr. Graham Pohl left the meeting at 4:33.

Jodi McKee, 128 Penmoken Park, said she is concerned with erosion of the fabric of the neighborhood and the increased traffic. She said that this is a pedestrian friendly street, with limited open space and kids play in the street. She is also concerned about the proposed design matching their existing neighborhood and that the townhomes will be rental units, not owner occupied.

Gerry Gillespie, 164 Penmoken Park, agree with Ms. McKee and added that Sophia Alley is one lane and dangerous. He asked the developer to present the neighbors other options. He said that Mr. Simpson stated that the residents within 500 feet were notified, but not the homeowners at the far end of the street and the cul-de-sac, who will also be affected. He said that his lot is not conforming to the current zone either. He added that he isn't opposed to infill and development as long as it fits the continuity of the existing neighborhood.

Peggy Williams, 123 Penmoken Park, said she also didn't receive any written notification of the zone change or the meetings.

Hanley Loller, 197 Rosemont Garden, said he invested in his home located in this neighborhood, and he believes that this development is insulting to them. He requested that the Planning Commission postpone the application

Val Stansfield, 135 Penmoken Park, said that there are young families with children in this neighborhood. She said that she isn't opposed to redeveloping the existing home, but would like it to stay with the historical architect style of the neighborhood.

Chris Shotwell, 131 Penmoken Park, said that he believes that this is a comical proposal for this neighborhood and that the architectural renderings are very bland. He added that Mr. Jones doesn't respect the neighborhood enough to develop a good project, and that he should find another buyer. He said that he doesn't believe this neighborhood will support this proposal.

Rebecca Glasscock, 145 Wabash Drive, said she does support infill and redevelopment, such as what was constructed on Angliana Avenue. She said that it needs to protect our horse farms and provide decent housing for Lexington, but also needs to preserve character and the history of the city. She gave a brief history of the existing house and asked for disapproval of this zone change.

Michael Stansfield, 135 Penmoken Park, said that he has rehabilitated his property and would like the rest of the neighborhood to do the same. He urged the Planning Commission to take the advice of the neighborhood representatives. He is also concerned about increased traffic.

Barbara Subinska, 104 Wabash Drive, said she chose this neighborhood because it is safe and close to shops and restaurants, and walkable. She believes that this proposal will damage the character of the neighborhood, is against the recommendations of the Comprehensive Plan, and will add a chain reaction of cookie cutter developments in this area. She also said that she is isn't against the development, but opposes a project that will harm their neighborhood and would welcome a project that would remodel the existing structure into a multi-family structure.

Dave Alford, 131 Suburban Court, said that he respects the Planning Commission's intent of infill and redevelopment and protecting the Urban Service Area boundary, but that does not mean there is a blanket approval for multifamily developments to be constructed anywhere. He also believes that this is a demolition project, and that the existing structure could be restored.

Candice Wallace, 130 Goodrich Avenue, said she would like have on the record that unlike Mr. Simpson has characterized their neighborhood, they are not being territorial and possessive and that is not their purpose for being present at today's hearing. She also said that this property was a single family home initially. She said that they do allow development into their neighborhood, but the developer needs to be held to a higher standard because when profit is the guiding factor for how their neighborhood is changing, it is not positive for the City of Lexington and not what needs to be done in this area.

Peggy Somsel, 127 Penmoken Park, said that this neighborhood is like a family to her and supports the statements of their representative.

Carol Hulse, 120 Wabash, said that the ten men currently living at the house are very heavily screened, low income, and subsidized. She added that some have disabilities. She is concerned about where will they go.

Dennis Webb, 120 Suburban Court, read a statement from Linda Whitely, which stated that she is not opposed to infill and redevelopment, but does not feel that this proposal will fit in the existing neighborhood both in function and aesthetics. He added that the proposal from Dennis Anderson, that was presented earlier, looks just like Pensacola Park. He read from the 2018 Comprehensive Plan, "to build owner occupied, higher density, and multifamily dwellings, designed by architects so they are functional and attractive and worth owning."

Nicole Gauthier, 157 Suburban Court, said that walkability is important to her, but she does not walk to work because the sidewalk is too close to Nicholasville Road. She is concerned about the increased traffic exiting their neighborhood to make a left turn onto Nicholasville Road.

Tenlee Tarrier, 99 Goodrich Avenue, wanted to thank Mr. Owens for his comment, on an earlier case, regarding how the applicants worked with the neighbors. She said that is what they are asking for. They want development, but also want to restore the buildings that are already present. She added that there hasn't been a study of the sewer and stormwater capacity in the area.

Amy Clark, 628 Kastle Road, said that in a zone change the question is how much density shall be allowed on this lot. She said that the findings of fact prepared by the staff are quoted exclusively from the 2018 Comprehensive Plan's Goals and Objectives. She said that the entire Plan is still in draft form and has not been approved yet. She added that the 2018 Comprehensive Plan

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

states that "old is not necessarily historic." She said that the 2018 Comprehensive Plan's Goals and Objectives should not be used to decide this zone change because it is not complete yet. She referenced the 2013 Comprehensive Plan regarding density.

Anne Rhoten, 165 Rosemont Garden, said that she and her neighbors are in opposition of this proposal. She said that building a \$250,000 townhouse couldn't buy the quality and charm of the neighborhood and won't fit in the character of their homes. She said that the townhomes across the street are rentals and are an eyesore in her opinion.

Joe Miller, 141 Goodrich Avenue, said that he is not opposed to change, but is opposed to this project because he believes that it is not done appropriately and will not enhance the neighborhood. He is concerned that this will set a precedent for the neighborhood.

Garret Hansen, 135 Suburban Court, said that this is a friendly and supportive community.

Applicant Rebuttal – Mr. Simpson said that he appreciates the neighbors and their participation, but it's not about the citizens supporting development but not here. This body appointed a Small Area Plan in 2007 to study the northern Nicholasville Road area, but the neighbors refused to participate and that plan failed. He said that he met with the staff regarding this zone change and increased density was proposed. He said that when this proposal was submitted there was no negative feedback from the staff and that it did meet the conceptual guidelines of scale, massing and size to the surrounding buildings. He said that he is following the guidelines and believes they have complied with the Comprehensive Plan and are entitled to an approval recommendation to the council.

Citizen Rebuttal – Ms. Symons said that this zone change is not appropriate because the development plan does not meet the Zoning Ordinance regulations and that it is not supported by the Comprehensive Plan. She thanked the Planning Commission for listening to all of the citizens present.

Staff Rebuttal – Mr. Martin said that the development plan does meet the Zoning Ordinance and wouldn't be here with their recommendation of approval if it didn't. He said that Sophia Alley got its name by the police and fire department.

Mr. Baillie said that through the 2013 and 2018 Comprehensive Plans, which staff has gained the knowledge from the public that said they do want densification along arterial roadways in Lexington and the staff agrees. He clarified that the citizens that didn't receive notification of the zone change reside outside of the 500-foot required notification area. He added that notification was posted on signs on the site, and the legal notice was published in the newspaper. He said that this proposal is for attached single-family dwellings.

Commission Question – Mr. Owens asked Mr. Simpson what kind of guarantee is there to prevent these townhomes from being rental units. Mr. Simpson said that 37% of Penmoken Park is currently rental and the developer's intent is to sell the units. Mr. Owens said that the plan depicts all brick, and asked if that change to vinyl. Mr. Simpson said that they will not submit a final development plan without it being all brick. This will be a well-designed project, and there will be an architect at the final development plan to be queried about all of that.

Ms. Mundy clarified that architects are not required at the zone change hearing phase. Mr. Simpson agreed and said that the law requires conceptual representation of the intent. Staff reviews these thoroughly.

Mr. Wilson asked Mr. Simpson what will happen to the ten men that will be displaced. Mr. Simpson said that Mr. Jones has met with them and notified them of this proposal. He has offered to make accommodations for them at his other properties.

Commission Comment - Mr. Penn said that the 2018 Comprehensive Plan is based on the fact that 10,000 citizens said that they do not want to expand the Urban Service Area boundary and that infill can be developed in many spaces. He said that the Final Development Plan will look like what the citizens are expecting. He said that it is not his intention to change the neighborhood; however it is his intention to change the density along the corridor of Nicholasville Road. He said that he will support this zone change because of that and that commitment has already been made in the Goals and Objectives. He added that he does not like the development plan and stated that this is a place holder and the plan will be returning before the Planning Commission again. He said that the citizens will be notified of those plan hearings.

Ms. Plumlee, thank citizens for attending. She said that she agrees with Mr. Penn. The goal is sustainable neighborhoods, but they are also bound by the 2018 Comprehensive Plan and their commitment to corridors. She said that the big picture of the area, which is to develop the corridors and not expand the Urban Service Area boundary. She said that she also supports this zone change.

Mr. Berkley, said that the community has been heading in this direction for some time. He said that this is a preliminary development plan and there is room for improvement. He also said that he is supporting this zone change.

Zoning Action – A motion was made by Mr. Berkley, seconded by Ms. Mundy, and carried 9-0 (Bell and Pohl absent) to approve PLN-MAR-18-00026: SOUTHERN & JONES PROPERTIES, LLC, for the reasons provided by the staff.

Development Plan Action – A motion was made Mr. Berkley, seconded by Ms. Mundy, and carried 9-0 (Bell and Pohl absent) to approve PLN-MJDP-18-00095: PENMOKEN PARK, LOT P-104 (SOUTHERN & JONES PROPERTIES, LLC), with the conditions provided by the staff, as follows:

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.~~

VI. COMMISSION ITEMS

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

Mr. Woodall began the staff's presentation for the continuation of the Comprehensive Plan public hearing by noting that there was no legal question that the current draft of the plan could be adopted and implemented immediately, in its current form.

Commission Question: Mr. Wilson asked Ms. Jones to provide a legal opinion as to whether the current draft of the plan was adoptable and ready for implementation. Ms. Jones responded that, based on comments made during the public input portion of the hearing, the staff had modified terms like "shall" and "must" in The Placebuilder to be more suggestive and guidance-oriented than mandatory. She added that, given those changes and the staff's recommendation for postponement of the proposed text amendment to Article 21, she believed that the Comprehensive Plan draft was fully legal and approvable by the Planning Commission at this hearing.

Staff Presentation: Mr. Woodall summarized the *Imagine Lexington* process to date, noting the extensive amount of public input received, the unanimous Council approval of the Goals & Objectives in November of 2017, and the plan's fulfillment of all the necessary Kentucky Revised Statutes (KRS) requirements. He said that, based on the input from the public at the Commission's hearing a few days prior to this meeting, the staff had softened the language of The Placebuilder, removing "shall" and "must," and replacing "suitable development" with "most suitable." The staff also relaxed the language referring to Appendix A, the Multifamily Design Standards. Mr. Woodall said that the staff is confident that, with those changes, they had addressed the public's concerns, and the Comprehensive Plan could be adopted at this hearing.

Mr. Taylor responded to the comments from the public input portion of the hearing regarding removal of The Placebuilder from the comprehensive plan. He explained that the 2013 Comprehensive Plan implementation table called for the creation of criteria against which to measure rezoning requests; the 2018 Goals & Objectives took that a step further, including a Goal specifically aimed at the creation of such criteria. The Placebuilder is, therefore, one of the few implementation items specifically outlined in the Goals & Objectives.

Mr. Taylor stated that, following the removal of the land use map from the 2013 Comprehensive Plan, the Planning Commission and the public have demanded better guidance for consideration of zone change requests. The Long Range Planning staff has worked for the past two years to develop the basis for The Placebuilder document and its focus on planning best practices, including seeking and incorporating changes from neighborhoods, various industry professionals, and development stakeholders in the community. Mr. Taylor noted that the staff had committed to neighborhood representatives to provide better guidance, and they could not equivocate on that.

Mr. Taylor noted that the staff does not agree with several public comments that The Placebuilder is an anti-growth tool; on the contrary, the staff believes that the document is full of pro-growth policies, and represents a way to reach consensus between neighbors and developers. As evidenced by a number of contentious zone changes in recent years, that type of consensus building has been missing from the development process and is necessary for the community going forward.

Mr. Taylor concluded by noting that The Placebuilder was, at its heart, a document full of optimism for Lexington's future, and the stakeholders who participated in the process understood and supported that. He said that it was developed based on the Goals & Objectives; it was outlined with clear policies, and it included a list of criteria with which to implement those policies. Mr. Taylor emphasized that The Placebuilder was the "backbone of the Comprehensive Plan," and the plan could not be implemented without it.

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

Mr. Duncan stated that neighborhoods are distressed about change. Earlier in this hearing, the Planning Commission underwent yet another contentious zone change, with neighborhood opponents who were concerned that redevelopment would result in negative changes for their area, including loss of open space to new development. Mr. Duncan said that neighborhood residents will always be concerned about increased traffic and stormwater issues; no matter what process is in place or how much land is available for development, zone changes are likely to be contentious, and potentially result in litigation.

Mr. Duncan stated that both the 2013 and 2018 Comprehensive Plans are pro-growth; the elimination of the land use map in 2013 was intended to create flexibility for developers. The 2013 plan was also supposed to include criteria for implementation, but, since the staff was not able to complete that item, they wanted to ensure that it was accomplished with the 2018 plan.

Mr. Duncan noted that Council approved the Goals & Objectives for this plan, affirming that no land will be included for expansion at this time, and the upcoming study process will not guarantee future expansion. Neighborhoods have made it very clear through the zone change process that they are satisfied with the status quo and do not want new development or redevelopment to take place near them. Lexington, however, is a growing community, with jobs, services, and educational opportunities that bring in new residents. Mr. Duncan stated that the staff believes that those three disparate ideas have to be considered—together—in order for Lexington to be able to move forward.

The Placebuilder was intended, Mr. Duncan explained, to provide a sensible response to this growth and development conundrum, similar to the 1958 creation of the Urban Service Boundary. The Goals & Objectives called for criteria, and The Placebuilder concept is intended to provide that criteria. Mr. Duncan emphasized that The Placebuilder concept was not new; the framework was provided to the Commission in August and fleshed out in September, and the public was given six opportunities to comment on it in October. During that process, ample opportunities for input or change were given to the development community, but the staff received no helpful feedback.

Mr. Duncan stated that the staff was prepared to go forward with the plan today, but was also willing to admit that there could be room for improvement. In the spirit of outreach and ongoing improvement, the staff is currently offering to hold feedback and workshop sessions on The Placebuilder in January, in order to allow developers, neighborhoods, and other stakeholders the change to offer constructive criticism and suggestions for improvement. The staff is not, however, interested in hearing about making The Placebuilder go away, since it is an integral part of the plan. Mr. Duncan explained that the staff is suggesting that, following that series of workshops, the Commission could then reopen this public hearing on January 31st to hear public input and additional suggestions. He distributed to the Commission members a tentative schedule for the January workshops, should they choose to continue this public hearing.

Commission Questions: Mr. Berkley asked, with regard to the proposed workshop schedule, if the staff intended to only offer two workshop sessions on the same day at different times. He was concerned that not all the issues could be vetted in that amount of time. Mr. Woodall answered that those two focus groups are proposed to be conducted as identical sessions, at two different times, to allow for attendance either during the day or in the evening. He said that there would also be a workshop on January 16th, at 6:00 pm, to allow the staff to respond to the public input from the focus groups, and hear additional comments. The staff would then incorporate all of that input into a last set of proposed changes, to be presented for adoption at the continuation of the hearing on January 31st.

Mr. Penn asked if the workshops would be conducted on a parallel track with the proposed amendment to Article 21. Mr. Duncan responded that the staff is not working on Article 21 at this time; it will continue to be indefinitely postponed until the comprehensive plan is adopted.

Mr. Owens stated that he appreciated the staff's efforts in proposing additional workshops, and he liked that the timeline has a definite end date of January 31st. He asked that the staff consider improving the table of contents and the appendices.

Mr. Berkley indicated that he had not received the appendices in his printed draft packet, and asked how he could print it from the website. Mr. Woodall assured him that staff could provide instructions on how to download and print the appendices from the website.

Mr. Brewer stated that he had not been able to attend the public input portion of the hearing on Monday evening, but he had watched the video. He said that he was usually not one to extend time on things that could be done more quickly, but in this case the public input indicated that there were still questions that needed to be addressed. He added that he was pleased to see the proposed changes to the language, addressing the "checklist issues."

Mr. Brewer opined that the timeframe for gathering additional input seems ambitious, but he noted that the plan has been in process for 26 months. He believes that the staff has done a good job with the proposed compromise, and he was fully supportive of their efforts.

Mr. Penn said that there would always be contentious zone change hearings, so the Planning Commission would need as much education as possible on how to implement the plan, since the document will only be as successful as its use and enforcement.

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

He opined that it was time to “fish or cut bait,” noting that too much discussion could paralyze a project and the comprehensive plan needed to move forward with a set end date. Mr. Penn saluted the staff’s efforts, adding that he believed that the plan was legally adoptable today.

Ms. Plumlee opined that the current version of the plan is a good document, although she believes that sometimes “neighborhoods get a raw deal.”

Motion: A motion was made by Mr. Penn and seconded by Mr. Owens to continue this comprehensive plan public hearing to January 31st.

Discussion of Motion: Mr. Brewer asked if the Commission was obliged to reopen the hearing for public comments following the January workshops, given the number of opportunities the public had already been offered for providing input on the plan. He said that it seemed unnecessary to conduct another four-hour public hearing at this point.

Ms. Jones responded that the staff had discussed the possibility of reopening the hearing for public comments, and they agreed that, by continuing the hearing to January 31st, the existing public input could be incorporated. She noted, however, that there would likely be discussions at the workshops that could bring up new information; if the public needs additional information on any items, or would like to propose alternative language, it would be helpful to have it provided at the workshops, rather than waiting until the public hearing. Ms. Jones noted that, to date, the only message received from the public on The Placebuilder was “take it out.” If new information comes out of the workshop sessions, the Planning Commission could possibly need to provide opportunity for additional public input at the hearing on the 31st. Ms. Jones added that the Commission would not necessarily need to fully reopen the hearing, but they should allow for provision of new information.

Mr. Wilson suggested that the Commission hear the discussion that comes from the January workshops, and withhold a decision about whether to reopen the hearing until they have some idea of what the public has to say.

Ms. Mundy asked how notice of the workshops would be provided. Mr. Woodall responded that the staff would notify the email distribution list that was used for all public input meetings, as well as notifying neighborhood associations and using social media to its fullest potential.

Action: Mr. Penn’s motion carried, 9-0 (Bell and Pohl absent).

VII. **STAFF ITEMS** – No such items were presented. The staff will report at the meeting.

VIII. **AUDIENCE ITEMS** – No such items were presented.

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
Subdivision and ND-1 Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	January 10, 2019
Work Session, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building.....	January 17, 2019
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	January 24, 2019
Work Session, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building.....	January 31, 2019

X. **ADJOURNMENT** - There being no further business, Chairman Wilson declared the meeting adjourned at 6:25 p.m.

William Wilson, Chair

Carolyn Plumlee, Secretary

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

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

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