

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

January 24, 2019

- 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; Will Berkley; Larry Forester; Karen Mundy; Bruce Nicol; Mike Owens; Carolyn Plumlee and Graham Pohl. Headley Bell, Patrick Brewer, and Frank Penn were absent.

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

- II. **APPROVAL OF MINUTES** - A motion was made by Ms. Plumlee, seconded by Ms. Mundy, and carried 8-0 (Bell, Brewer and Penn absent) to approve minutes of the November 29, 2018 and December 13, 2018 meetings.
- III. **POSTPONEMENTS AND WITHDRAWALS** - Requests for postponement and withdrawal will be considered at this time.

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

- a. PLN-MAR-18-00023: LATA, LLC (1/24/19)*- an amended petition for a zone map amendment from a restricted Highway Service Business (B-3) zone to a Planned Neighborhood Residential (R-3) zone, for 5.065 net and gross acres, for property located at 1810 Bryant Road.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The Plan's mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World. In addition, the Plan encourages a mix of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

The petitioner proposes rezoning a portion of the parcel to the Planned Residential Neighborhood (R-3) zone to allow for the development of a 72-unit apartment complex with 144 bedrooms, a club house, pool, and associated off-street parking.

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

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

1. The requested rezoning to a Planned Residential Neighborhood (R-3) zone is not in agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. The proposed R-3 zone does not provide for or create a well-designed neighborhood or community, but rather creates an "islanding effect," that isolates residents rather than incorporates them into the broader community.
 - b. The proposed apartment complex will be physically separated from the surrounding neighborhoods, and situated within an area that is heavily focused on commercial activities.
 2. The proposed Planned Neighborhood Residential (R-3) zone is not appropriate for the subject property, for the following reasons:
 - a. The LFUCG Land Subdivision Regulations Article 6-8(q)(3)(a), Land Use Access for Residential Development states that "apartment complexes, condominium developments, as well as all other developments that are accessed through a common private drive or street system, shall be treated as high density residential developments regardless of the actual overall density of the development" and that "high density private driveways should not intersect local streets.
 - b. The high flow of traffic at the intersection of Bryant Road and Pleasant Ridge Drive, and the carrying capacity of Bryant Road creates a safety risk to potential residents.
 3. There have been no unanticipated changes of a physical, social or economic nature within the immediate area since the Comprehensive Plan was adopted in 2013 that would justify a shift from the B-3 zone for the subject property.
- b. PLN- MJDP-18-00088: BRYAN PROPERTY, LOT 2 (AMD) (1/24/19)* - located at 1810 Bryant Road.

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

1. Provided the Urban County Council rezones the property R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Modify parking lot to meet zone to zone and vehicle use area screening requirements in Article 18.

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

Petitioner Representation: Matt Carter, representing the petitioner, said that they would like to request a postponement to the February 28, 2019 meeting. He said that they will continue to work with the staff.

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

Action: A motion was made by Ms. Mundy, seconded by Mr. Owens, and carried 8-0 (Bell, Brewer and Penn absent) for postponement of PLN-MAR-18-00023: LATA, LLC ZONING MAP AMENDMENT & BRYAN PROPERTY, LOT 2 (AMD) ZONING DEVELOPMENT PLAN to the February 28, 2019 meeting.

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: Ms. Wade said that the applicant's representative was not present at today's meeting, but has requested postponement of this item for one month.

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

Action: A motion was made by Mr. Owens, seconded by Mr. Forester, and carried 8-0 (Bell, Brewer and Penn absent) 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 to the February 28, 2019 meeting.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, January 3, 2019, at 8:30 a.m. The meeting was attended by Commission members: Headley Bell, Will Berkley, Frank Penn, Carolyn Plumlee, and Mike Owens. Committee members in attendance were: Vaughan Adkins, Division of Engineering; and Casey Kaucher and Stephen Parker, Division of Traffic Engineering. Staff members in attendance were: Traci Wade; Tom Martin; Cheryl Galt; Valerie Friedman; Captain Greg Lengal and Captain Josh Theil, Division of Fire & Emergency Services; and Tracy Jones, Department of Law. The Committee made recommendations on plans as noted.

General Notes

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

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

- A. **NO DISCUSSION ITEMS** – Following requests for postponement or withdrawal, items requiring no discussion will be considered.

- Criteria:
- (1) The Subdivision Committee recommendation is for approval, as listed on this agenda, and
 - (2) The Petitioner agrees with the Subdivision Committee recommendation and conditions listed on the agenda, and
 - (3) No discussion of the item is desired by the Commission, and
 - (4) No person present at this meeting objects to the Commission acting on the matter without discussion, and
 - (5) The matter does not involve a waiver of the Land Subdivision Regulations.

- B. DISCUSSION ITEMS** – Following requests for postponement, withdrawal and no discussion items, the remaining items will be considered.

The procedure for these hearings is as follows:

- Staff Report(s), including subcommittee reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) Proponents (10 minute maximum OR 3 minutes each)
 - (b) Objectors (30 minute maximum OR 3 minutes each)
- Rebuttal & Closing Statements
 - (a) Petitioner's comments (5 minute maximum)
 - (b) Citizen objectors (5 minute maximum)
 - (c) Staff comments (5 minute maximum)
- Commission discusses and/or votes on the plan.

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

1. DEVELOPMENT PLANS

- a. PLN-MJDP-18-00081: LEESTOWN INDUSTRIAL PARK, UNIT 3 (1/10/19)* - located at 300 ALEXANDRIA DRIVE, LEXINGTON, KY.
Council District 12
Project Contact: Vision Engineering

Note: The Planning Commission postponed this item at their October 11, 2018, November 9, 2018, November 29, 2018, December 13, 2018 and January 10, 2019 meetings.

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

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Addition of all information from the Preliminary Development Plan.
11. Denote conditional zoning restrictions for the subject property.
12. Correct the Planning Commission certification (remove approval date).
13. Addition of tree Preservation Plan (TPP) per Article 26 of the Zoning Ordinance.
14. Discuss proposed land use.
15. Discuss the proposed access to Alexandria Drive.
16. Discuss access from Over Drive per the Preliminary Development Plan.

Staff Presentation – Mr. Martin presented the proposed final development plan. He said that this is an existing building with an existing access off of Alexandria Drive. He said that this was formerly University of Kentucky property and that there is an AT&T cell tower in the area. He said that there was a zone change with a preliminary plan that included the entire property. He said that at that time, the applicant indicated that the building would be removed and that parking would be built on this lot to serve this use and change the access to be for emergency use only. He added that this plan was approved by the Planning Commission as part of the zone change.

Mr. Martin said that the applicant submitted a final development plan, which depict that the building and access point are remaining, that was originally referred to the Final Development Plan during the zone change hearing. He said that the staff was concerned about access and safety on Alexandria Drive. He said that the staff met with the applicant regarding the changes to their plan, conditions #14, 15, and 16. He said that at the time of the zone change hearing the staff was unaware of the exact

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

type of use that the property was going to be used for and the impact that it would have on Alexandria Drive. He said that the applicant plans to store antique vehicles on the subject property. He added that the parking is no longer needed by the adjoining use, and maintaining the structure changes the access to the property. He also said that meeting with the applicant, the staff created language to limit the use of the property to better meet the applicant's desired use, which would be a personal use. He said that the development will need to be amended and approved by the Planning Commission should any change of use occur on this property. He added that if there is any future redevelopment of this property, the staff is recommending that the applicant be required to create an access across the adjoining property to the lot. That access easement on a plat will need to be certified and recorded prior to certification of this plan.

Mr. Martin said that the staff is recommending approval of this plan and to change conditions #14, 15, and 16 from "Discuss" to "Resolve."

Commission Questions – Ms. Mundy asked that at this time will the applicant have will access to the property off of Alexandria Drive and if there are any changes to the property that access will no longer be available. Mr. Martin affirmed and said that it will be documented on the plan. Ms. Mundy also asked if the property is sold that the new owner would be aware of this agreement. Mr. Martin said that is why it will be denoted on the plan.

Applicant - Mr. Carter, Vision Engineering, represented the applicant. He said that they are in agreement with staff's conditions, including creating a final record plat and, dedicating the easement to the adjoining lot, which is the access easement, prior to certification of this plan. He added that they will add the note as stated by the staff.

Commission Question – There were no questions at this time.

Citizen Comments - There were no audience members present to speak to this request.

Action - A motion was made by Mr. Owens, seconded by Ms. Mundy, and carried 8-0 (Bell, Brewer and Penn absent) to approve PLN-MJDP-18-00081: LEESTOWN INDUSTRIAL PARK, UNIT 3, with 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. Addition of all information from the Preliminary Development Plan.
11. Denote conditional zoning restrictions for the subject property.
12. Correct the Planning Commission certification (remove approval date).
13. Addition of tree Preservation Plan (TPP) per Article 26 of the Zoning Ordinance.
14. Resolve ~~Discuss~~ proposed land use.
15. Resolve ~~Discuss~~ the proposed access to Alexandria Drive.
16. Resolve ~~Discuss~~ access from Over Drive per the Preliminary Development Plan.

- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, January 3, 2019 at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members: Patrick Brewer; Larry Forester; Graham Pohl; and Bill Wilson. Staff members in attendance were: Traci Wade; Tom Martin; Hal Baillie; and Debbie Woods; Tracy Jones, Department of Law. The Committee members reviewed applications and made recommendations as noted.

A. **ABBREVIATED PUBLIC HEARINGS ON ZONING MAP AMENDMENTS**

The staff will call for objectors to determine which petitions are eligible for abbreviated hearings.

~~Abbreviated public hearings will be held on petitions meeting the following criteria:~~

- The staff has recommended approval of the zone change petition and related plan(s)
- The petitioner concurs with the staff recommendations
- Petitioner waives oral presentation, but may submit written evidence for the record
- There are no objections to the petition

- B. **FULL PUBLIC HEARINGS ON ZONE MAP AMENDMENTS** - Following abbreviated hearings, the remaining petitions will be considered.

The procedure for these hearings is as follows:

- Staff Reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) Proponents (10 minute maximum OR 3 minutes each)
 - (b) Objectors (30 minute maximum) (3 minutes each)
- Rebuttal & Closing Statements
 - (a) Petitioner's comments (5 minute maximum)
 - (b) Citizen objectors (5 minute maximum)
 - (c) Staff comments (5 minute maximum)
- Hearing closed and Commission votes on zone change petition and related plan(s)

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

- a. PLN-MAR-18-00021: JLG LAND CO. (1/24/19)*- a petition for a zone map amendment from a Single Family Residential (R-1C) zone to a Townhouse Residential (R-1T) zone, for 0.885 net (1.021 gross) acres, for property located at 375 Pasadena Drive.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The Plan's mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World. In addition, the Plan encourages a mix of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

The petitioner proposes to rezone the property to a Townhouse Residential (R-1T) zone in order to construct seven townhouses, for a residential density of 7.9 dwelling units per acre.

The Zoning Committee recommended Approval.

The Staff Recommends: Approval, for the following reasons:

1. The Townhouse Residential (R-1T) zone is in agreement with the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
 - a. The Goals and Objectives of both the 2013 and 2018 Comprehensive Plans prioritize a mix of housing types and densities (Theme A, Goal #1), and recommend supporting infill and redevelopment (Theme A, Goal #1.b. and Goal #2, and Theme E, Goal #1).
 - b. The Comprehensive Plan also encourages maximizing development on vacant land within the Urban Service Area and promoting the use of underutilized land in a way that enhances the existing urban form (Theme E, Goal #1.b.).
 - c. The proposed zone will allow for a slight increase in density, which may allow for a dwelling unit that is more affordable and complements the existing pattern of development pattern within the area, including those properties along Sun Seeker Court, Long Leaf Place and Broadleaf Lane. This proposed development will be compatible with the existing variety of housing, which will respect the context and design features of the area (Theme A, Goal #3.a.), and continue to diversify the variety of dwelling unit types within the immediate area.
 - d. The corollary development plan provides street connections to complete the network between Hill N Dale Road and Pasadena Drive. This will provide direct pedestrian access to Pasadena Drive in support of Theme D, Goal #1.a. This objective recommends support for the Complete Streets concept, prioritizing a pedestrian-first design that also accommodates the needs of bicycle, transit and other vehicles
2. This recommendation is made subject to the approval and certification of PLN-MJDP-18-00084: Rollie Bishop Carroll, Sr. Property, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

- b. PLN- MJDP-18-00084: ROLLIE BISHOP CARROLL, SR. PROPERTY (1/24/19)* - located at 375 Pasadena Drive.

The Subdivision Committee Recommended: Postponement. There were some questions regarding the access and access easement.

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

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

1. Provided the Urban County Council rezones the property R-1T otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Adjust buildings to meet Articles 8-10(h) and 8-10(o)(1) for front yard setback.
7. Denote 10' front building setback on face of plan.
8. Discuss proposed access to Pasadena Drive.
9. Discuss proposed access easement/private access road.

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 to utilize a piece of vacant land between Pasadena Drive and Hill N Dale Road. He added that the applicant is proposing to construct seven townhomes along the eastern edge of the site with a proposed access easement extending through the property from Hill N Dale Road and terminating in the property, with no vehicular connection to Pasadena Drive.. He distributed to the Planning Commission revised staff findings as follows:

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

1. The Townhouse Residential (R-1T) zone is in agreement with the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
 - a. The Goals and Objectives of both the 2013 and 2018 Comprehensive Plans prioritize a mix of housing types and densities (Theme A, Goal #1), and recommend supporting infill and redevelopment (Theme A, Goal #1.b. and Goal #2, and Theme E, Goal #1).
 - b. The Comprehensive Plan also encourages maximizing development on vacant land within the Urban Service Area and promoting the use of underutilized land in a way that enhances the existing urban form (Theme E, Goal #1.b.)
 - c. The proposed zone will allow for a slight increase in density, which may allow for a dwelling unit that is more affordable and complements the existing pattern of development pattern within the area, including those properties along Sun Seeker Court, Long Leaf Place and Broadleaf Lane. This proposed development will be compatible with the existing variety of housing, which will respect the context and design features of the area (Theme A, Goal #3.a.), and continue to diversify the variety of dwelling unit types within the immediate area.
 - d. **The corollary development plan will provide direct pedestrian access to Pasadena Drive in support of Theme D, Goal #1.a. This objective recommends support for the Complete Streets concept, prioritizing a pedestrian-first design.**
2. This recommendation is made subject to the approval and certification of PLN-MJDP-18-00084: Rollie Bishop Carroll, Sr. Property, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

Mr. Baillie said that the applicant opines that the rezoning of the subject property to the Townhouse Residential (R-1T) zone aligns with other land uses in this area and is in conformance with the 2013 Comprehensive Plan, as well as the adopted Goals and Objectives of the 2018 Comprehensive Plan. 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, and supports infill and redevelopment throughout the Urban Service Area. He said the applicant contends that the development of the site will allow for greater pedestrian connectivity from Pasadena Drive to Stone Road, as well as a connection between Pasadena Drive and Hill N Dale Road. The connection between Pasadena Drive and Hill N Dale Road provides a connection that allows for a greater emphasis on pedestrian flow between neighborhoods. The staff agrees with the applicant's justification and finds that the rezoning is in agreement with the Comprehensive Plan.

Development Plan Presentation – Mr. Martin presented a rendering of the revised preliminary development plan associated with the zone change. He reiterated to the Planning Commission that a Final Development and Subdivision Plan will need to be approved by the Planning Commission before any development will take place on this property. He said the applicant is proposing an access easement towards Pasadena Drive. He depicted on the plan the location of the townhomes, with a detention area in between them. He said that the subject property is severely impacted by utility easements, which will need to be addressed on the final development plan.

Mr. Martin said that there was concern with the extension to Pasadena Drive. He said that citizens, Planning staff, the Division of Traffic Engineering and the Division of Fire and Emergency Services were all concerned with this intersection functioning with the offset of Stone Road and the possibility of multiple stop signs. He said that in the future Eastway Drive will extend through to intersect with Pasadena Drive, which will provide a better connection for the neighborhood, but will require a waiver. He added that Sun Seeker Court's access to Pasadena Drive will be closed once Hill N Dale Road is extended to connect with it.

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

Mr. Martin said that the applicant will need to submit a Final Development and a Preliminary Subdivision Plan for approval of the access easement, because it isn't a public street. He said that the regulations require the Planning Commission to grant them approval to utilize an access easement in lieu of a public street. He said that at that time the Planning Commission could add conditions on that access easement, which the staff mostly recommends that they get built to public standards. He said that the Division of Fire and Emergency Services wants a turnaround area available so that they can serve this neighborhood. He said that the staff is recommending approval of this plan. With the work that has continued on conditions #8 and #9, they could be changed as follows:

8. Resolve Discuss proposed access to Pasadena Drive.
9. Resolve Discuss proposed access easement/private access road and the time of Final Development Plan or Preliminary Subdivision Plan.

Applicant Presentation – Mr. Matt Carter, representing the petitioner, said that they agree with the 2013 Comprehensive Plan and the 2018 Comprehensive Plan's Goals and Objectives. He said the site does support infill and redevelopment. It is currently vacant. He said that they are requesting seven townhomes units of individual lots. The site is heavily impacted with utility easements, which encumber approximately 40% of the property. He said that the main concern with this development has been the connection between Pasadena Drive and Hill N Dale Road. He said that they have met with the staff and the neighbors regarding the connection at Stone Road. They have agreed to make Hill N Dale Road their only vehicular access point and will seek to make it a private access road. He added that there is pedestrian connectivity depicted between Pasadena Drive and Hill N Dale Road.

Mr. Carter said that during this process they met three times with the neighborhood. During which they had then agreed to create a screening on the west property line, through either a six-foot high hedge or a solid wood fence. He said that the applicant agrees with the staff's recommendations and the revised conditions presented by the staff.

Citizen Comment – Gail Lightner, 279 Clearview Drive. She stated that she is the President of the Hill N Dale Neighborhood Association. She submitted to the record additional signatures to the petition that was submitted to the staff, which makes the total 192 signatures. She said that they are in agreement with the applicant and would like to be notified of future development plan phases.

Jeff Schwab, 2445 Eastway Drive, is concerned about the proposed connectivity on to Eastway Drive and the increased traffic. He believes that a traffic signal will be needed at Eastway Drive and Southland Drive.

Jessica Bartley Jaramillo, 214 Hill N Dale Road, said that this area acts like a cul-de-sac. She advocated the concrete barriers on Pasadena Drive and Hill N Dale Road. She said that she is opposed to this zone change because of the increased traffic. She displayed photos of the area with children playing in the road and the concrete barriers.

Vance Bartley, 214 Hill N Dale Road, is also opposed to this zone change. He said that he uses the dead end portion of Hill N Dale Road as a play area. He is concerned for the safety of children.

John Meurer, 2596 Millbrook Drive, is concerned about the increased traffic, and believes that the subject property should be a single family home. He wants the Planning Commission to disapprove this zone change and not allow the connection of the streets.

Debbie Meurer, 2596 Millbrook Drive, is concerned with the increased traffic, overflow parking on the street, stormwater runoff, and the property values of their homes. She is not in agreement with the Hill N Dale Neighborhood Association recommendation to allow access to Hill N Dale Road. She believes that the neighbors should have a part of the decision of the location of the entrance to the townhomes.

Chrispin Gabriel, 277 Hill N Dale Road, believes that this is an opportunity for the property to make a profit. He believes that traffic connectivity is not the best for this neighborhood. He is concerned about the safety of the children.

Applicant Rebuttal – Mr. Carter said that he appreciates the neighbors' concerns and they did address two of the major concerns. He said that they had withdrawn the connection to Pasadena Drive and screening of the properties on the west side of the subject property. He added that seven units will not produce much traffic and not be a noticeable impact to the neighborhood.

Citizen Rebuttal – Ally Rossi, 249 Hill N Dale, is concerned about the stormwater drainage in the area and asked if this issue has been addressed.

Mr. Carter responded to Ms. Rossi's concern that stormwater drainage has been discussed and there are requirements that need to be met and will be in more detail on the final development plan. He said that there is currently a drainage structure on that north end of the property.

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Mr. Wilson asked Mr. Carter if they intend to meet with the neighbors prior to submitting the final development plan. Mr. Carter said that they would meet with the neighbors one month before submitting the final development plan.

Staff Rebuttal – There was no rebuttal at this time.

Commission Discussion – Mr. Berkley thanked the community for expressing their concerns and said that they will be notified of any upcoming development plan process. He added that the community is moving towards infill and redevelopment which includes increasing density.

Zoning Action – A motion was made by Mr. Berkley, seconded by Ms. Mundy, and carried 7-1 (Plumlee opposed; Bell, Brewer and Penn absent) to approve PLN-MAR-18-00021: JLG LAND CO., for the reasons provided by the staff.

Development Plan Action – A motion was made Mr. Berkley, seconded by Ms. Mundy, to approve PLN- MJDP-18-00084: ROLLIE BISHOP CARROLL, SR. PROPERTY, with the revised conditions provided by the staff, as follows:

8. Resolve Discuss proposed access to Pasadena Drive.
9. Resolve Discuss proposed access easement/private access road and the time of Final Development Plan or Preliminary Subdivision Plan.

Ms. Wade said that the staff would like the applicant to denote on the development plan that notice be provided to the neighborhood association at the time of final development plan is filed. Mr. Carter agreed to do so.

Vote – Carried 7-1 (Plumlee opposed; Bell, Brewer and Penn absent).

2. IVCP ATHENS, LLC ZONING MAP AMENDMENT & JFG ENTERPRISES, INC. (IVCP ATHENS, LLC) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-18-00028: IVCP ATHENS, LLC (2/24/19)*- a petition for a zone map amendment from an Agricultural Rural (A-R) zone to a Light Industrial (I-1) zone, for 11.52 net (11.82 gross) acres, for property located at 5301 Athens Boonesboro 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.

As a component of the 2013 Comprehensive Plan, the 2017 Rural Land Management Plan (RLMP) provides greater guidance regarding our community's needs and desires concerning our agricultural land uses, rural settlements and Rural Activity Centers. The petitioner's proposed rezoning to the Light Industrial (I-1) zone, for approximately 11.5 acres, is consistent with the recommendations of the RLMP for the Blue Sky Rural Activity Center.

The Zoning Committee Recommended: Approval.

The Staff Recommends: Approval, for the following reasons:

1. The requested Light Industrial (I-1) 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 increase in land available for industrial uses will support and showcase local assets to further the creation of a variety of jobs by strengthening efforts to develop a variety of job opportunities (Theme C, Goal #1.a).
 - b. The availability for greater job opportunities can also foster the success and growth of large employment sectors; protect and provide readily available economic development land to meet the needs for jobs; and potentially enable development that creates jobs near where people live. (Theme C, Goal # 1.d).
 - c. The increase in available industrial land will promote sectors of the economy that will aid in the economic opportunities and help attract young professionals (Theme C, Goal #2.a).
 - d. The proposal promotes the use of underutilized land in a way that enhances the existing urban form (Theme E, Goal #1.a and 1.b).
 - e. The Light Industrial (I-1) zone implements the stated goals and objectives to support employment growth, to provide readily available economic development land, and utilizes vacant land in a compatible manner.
2. The requested Light Industrial (I-1) zone is in agreement with the 2017 Rural Land Management Plan as it emphasizes the maximization of the land use to produce employment opportunities without modifying the current boundaries. The future land use element recommends Light Industrial land use.

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

3. This recommendation is made subject to approval and certification of PLN-MJDP-18-00102: JFG Enterprises, Inc. (IVCP Athens, 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.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions shall apply to the subject property via conditional zoning:

Prohibited Uses:

- a. Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
- b. Ice Plant.
- c. Tire re-treading and recapping.
- d. Truck terminals and freight yards.
- e. Major or minor automobile and truck repair.
- f. Establishments for the display and sale of precut, prefabricated, or shell homes.
- g. Rental Storage yard.
- h. Commercial wood lots.
- i. Outdoor material storage and sales as otherwise permitted.
- j. Advertising signs, also known as billboards, as regulated by Article 17 of the Zoning Ordinance.

These restrictions are necessary and appropriate in order to restrict the most intense land uses on the subject property, which could have a negative impact on the surrounding agricultural zones and Athens Boonesboro Road, a major gateway into the Lexington Fayette Urban County. These restrictions will protect the aesthetic character of the Athens Boonesboro Road gateway, as recommended by the 2017 Rural Land Management Plan (RLMP).

- b. PLN- MJDP-18- 00102: JFG ENTERPRISES, INC. (IVCP ATHENS, LLC) (2/24/19)* - located at 5191 AND 5301 Athens Boonesboro Road.

The Subdivision Committee Recommended: **Postponement**. There were some questions regarding the proposal complying with Article 21 requirements and plan status.

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

1. Provided the Urban County Council rezones the property [1]; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Addition of graphic scale to the face of the plan.
8. Denote and clarify lot coverage and Floor Area Ratio (FAR) per Article 21 of the Zoning Ordinance.
9. Denote: A Final Development Plan shall be required for all lots proposed for Light Industrial zoning.
10. Denote: Timing of the pump station relocation shall be determined at the time of a PSP/Final Development Plan to the approval of the Divisions of Engineering and Water Quality.
11. Denote: Stormwater management shall be resolved at time of a PSP/Final Development Plan.
12. Discuss status and width of proposed street.
13. Discuss potential access to adjoining property.

Staff Zoning Presentation – Mr. Baillie 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 petitioner is proposing to develop an industrial complex but has not provided any details regarding the proposed usage. He said that the subject property is not located within the Urban Service Area; the subject property is located within the Blue Sky Rural Activity Center (RAC). He said that there is a pump station located on the subject property, which the applicant is seeking to relocate to create more developable space, which will necessitate another zone change. He said that the site does have topographical issues.

Mr. Baillie said that the Blue Sky RAC is 406 acres; it is the only not publicly owned RAC and it is currently recommended for warehousing; light industrial; or interstate commercial uses. He said that the petitioner is requesting this zone change in an effort to add available land to support the nearby industry in the Blue Sky RAC. He said that the Rural Land Management Plan provided two recommendations for the RAC's: to maximize employment potential within the existing boundaries of the RAC while avoiding impacts to surrounding agriculture, Rural Settlements and viewsheds; and to conduct a small area plan for the Blue Sky RAC in order to evaluate its potential for maximizing jobs and economic development. These focus on utilizing the limited land for the best possible jobs and economic development, which have only been bolstered by the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan. He said that the staff believes that it is best to seek the intensity of the land, which does not impact viewsheds and employs land uses that engage a larger work force at better wages. He said that the location of the subject property has also been identified by the Rural Land Management Plan as a gateway into the City of

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Lexington and by the state as a Scenic Corridor. Gateways form the first impression for people entering the Rural Service Area and should be developed in a lasting and favorable manner.

Mr. Baillie said that staff distributed the revised recommendations for conditional zoning restrictions to the Planning Commission. The staff is recommending a landscape buffer to protect the viewsheds and restriction of uses to encourage the best possible uses and to reduce the possibility for underutilized land. He added that there will be zone-to-zone buffering as per the Zoning Ordinance along the northern portion of the property. He said that this request is in compliance with the 2013 Comprehensive Plan, the adopted Goals and Objectives of the 2018 Comprehensive Plan, and the 2017 Rural Land Management Plan. Through the increase in land available for industrial uses, the petitioner suggests that the rezoning will support and showcase local assets to further the creation of a variety of jobs and opportunities. The availability for greater job opportunities can also foster the success and growth of large employment sectors; protect and provide readily available economic development land to meet the needs for jobs; and potentially enable development that creates jobs near where people live. Additionally, the petitioner suggests that the increase in available industrial land will promote sectors of the economy that will aid in the economic opportunities and help attract young professionals. He said that the proposed plan would add to the available industrial land within Lexington, while also supporting the maintenance of the Urban Service Boundary and this proposal promotes the use of underutilized land in a way that enhances the existing urban form. Additionally, the 2017 Rural Land Management Plan (RLMP) emphasizes the maximization of the land use to produce employment opportunities, while maintaining the RAC boundaries and minimizing the impacts to the surrounding agriculture, Rural Settlements and viewsheds. He said that the staff agrees and is recommending approval with the revised conditional zoning restrictions.

Commission Questions – Ms. Mundy asked if the landscape buffers would be required on the agriculture zone. Mr. Baillie said that there is some zone-to-zone buffering along agricultural and industrial zones.

Mr. Berkley asked if the Rural Land Management Plan states how the gateways should be used. Mr. Baillie said that the Rural Land Management Plan states that staff monitor gateways so that uses won't block the viewsheds or impact the agricultural area. Mr. Berkley asked for clarification of the staff's first prohibited use. Mr. Baillie said that this use is being limited because of the close proximity of this use on the other side of the Blue Sky RAC. He added that it isn't a good use for the site and also does not produce much employment.

Mr. Owens asked for more information regarding the land swap that happened in 1996. Mr. Baillie said the original property owner sought to incorporate it into the Rural Activity Center, but during the Comprehensive Plan process it became known that there wasn't any desire to expand the Rural Activity Centers. He said that after that process there was a verbal agreement that some of the southern property would be swapped out for a portion on the northern side of the Blue Sky RAC, which was part of the B-5P zone area. Ms. Wade said that the previous property owner agreed to remove a portion of the Blue Sky RAC, on the southern boundary, in order to add part to the northern boundary, and in 1996, the Planning Commission agreed to this swap. She pointed to those areas on the aerial photo. She said that in 2008, the property owner applied for two zone changes, simultaneously, to change the northern boundary from A-R zone to B-5P zone, which was approved. They also asked to change the southern boundary from B-5P zone to A-R zone. The applicant then said that the circumstances had changed and asked the Planning Commission to disapprove the application. The Planning Commission did recommend disapproval and the application was withdrawn. Mr. Owens then asked if the B-5P zone is part of this zone change. Ms. Wade said that it is depicted on the development plan to provide access to the subject property. Mr. Owens also asked if the B-5P zone is active. Ms. Wade said that it is currently vacant and that the preliminary development plan had expired, so the applicant is also asking for re-approval of that portion of the plan.

Ms. Plumlee said that in the 1996 Comprehensive Plan, it was stated that Rural Activity Centers were to maintain their boundaries. Ms. Wade said that the Comprehensive Plan's Goals and Objectives recommend maintaining the Rural Activity boundaries. Ms. Plumlee then asked if these boundaries have been maintained within this Rural Activity Center. Ms. Wade stated that during the process of the 1996 Comprehensive Plan, the map was updated to depict the land swap. She said that the acreage remained the same and the uses should have remained the same also. She added that in 2001, a property was added to the Rural Activity Center on the east side.

Ms. Mundy asked for clarification of a private Rural Activity Center. Mr. Baillie said that the Blue Sky RAC is owned and operated by private owners, not owned by the city or state, similar to the Bluegrass Airport and Spindletop. Ms. Mundy asked how the Planning Commission sets the limitations on a private Rural Activity Center. Mr. Baillie said that they are currently proceeding with the zone change process, like all other properties, the staff and Planning Commission has the opportunity to establish conditional zoning restrictions.

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

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

1. Provided the Urban County Council rezones the property L-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.

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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. Addition of graphic scale to the face of the plan.~~
7. Denote and clarify lot coverage and Floor Area Ratio (FAR) per Article 21 of the Zoning Ordinance.
- ~~8. Denote: A Final Development Plan shall be required for all lots proposed for Light Industrial zoning.~~
- ~~9. Denote: Timing of the pump station relocation shall be determined at the time of a PSP/Final Development Plan to the approval of the Divisions of Engineering and Water Quality and delete existing note.~~
- ~~10. Denote: Stormwater management shall be resolved at time of a PSP/Final Development Plan.~~
- ~~11. Discuss status and width of proposed street right-of-way to meet the requirements of the Land Subdivision Regulations and delete cross-sections "C-C" and "D-D".~~
- ~~12. Discuss potential access to adjoining property.~~

Mr. Martin pointed out the B-5P zone and said that it has a physical and functional relationship with this Rural Activity Center. He said that the uses were previously approved on the preliminary development plan, which include a restaurant and a three-story hotel. He said staff was concerned with the topography of this property, which include streams, detention areas and steep slopes that will require a tremendous amount of fill in order for it to serve their purpose. He said that there is a pump and indicated on the map the proposed location, should the applicant chose to relocate it. He added that this revised plan has met the concerns of the staff regarding that a note was made to the final development plan. He said that the Subdivision Regulations state that the right-of-way is to be 60 feet, but the applicant has a transition of 60-40-50 feet. He said that condition #10 regarding the right-of-way will serve the neighboring property in the future, which is not currently in the Urban Service Area. Regarding the pump station, condition #9, should it be relocated the staff is recommending that they delete the current note on the plan and that it be to the approval of the Divisions of Engineering and Water Quality. He said the staff is recommending approval of this plan.

Commission Question – Ms. Plumlee asked if the pump station is city owned. Mr. Martin said that the LFUCG does own the pump station.

Mr. Owens asked what the applicant is going to do with the easements on this property. Mr. Martin said they cannot build off of this plan and they will need address those easements. Mr. Owens said that there isn't annotation on the plan that nothing can be done until the time of the final development plan. Mr. Martin said that there is a note currently on the plan and that this a revised plan.

Applicant Presentation – Mr. Nathan Billings, attorney representing the petitioner, said that the applicant is in agreement with most of the staff's recommendations. He said that they disagree with the types of the conditional uses that should be placed on the property. He said that in regards to Mr. Owens comment about the land swap, he said that his client purchased this property in August 2018 and knew that the land swap had happened. He presented a PowerPoint presentation to the Planning Commission and the audience members and said that this area is important to the City of Lexington because it is one of four corners to the gateway into the city and because it is one the largest acreage areas in the Blue Sky RAC that can be developed. He said that this property is vacant, has significant topographical issues, a stream and utility easements.

Mr. Billings said that he believes that this will support employment growth in the Blue Sky RAC, supports the Urban Service Area boundary and hopes that it will lead to job growth in the area. He said that this is agreement with the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan and the existing classification is inappropriate. He said that the zone change is only for 5301 Athens Boonesboro Road, the rear piece of the property whereas the preliminary development plan is for 5191 Athens Boonesboro Road and the preliminary subdivision plan is only for the proposed zone change area. He said that the preliminary development plan is amended because it has expired. He added that the development for the front property is only for access because the subject property is land locked. He then said that the light industrial zone has recommended in the Comprehensive Plan ever since 1980. He said that many of the Comprehensive Plan's recommended a Small Area Plan for the Blue sky area, which have not been completed. He said that there are two components that there isn't any guidance for development in the area: how to promote economic growth in the Blue Sky area and the recommendation from the 2017 Rural Land Management Plan that this should be a gateway, but there are no guidelines for that definition.

Mr. Billings said that there are twelve parcels in the Blue sky RAC that are B-5P and they are all vacant and underutilized, which shows that they can't find end users for those parcels. He said that restaurants and hotels are not the desired use at this time in this area. He believes that continued industrial and light warehousing uses are in the foreseeable future. He added that the more restrictive the uses are on the property, the more there will be underutilized parcels. He said that there are two conceptual ideas of a gateway. He said that this entrance is the second in Fayette County from the south and it is vacant of any development. The proposed development will be between 10-15 feet below the grade of the roadway. He said that as gateway into the city this entire interchange needs to be revamped, so that travelers would be proud to enter the City of Lexington. He also said that this is the last

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business interchange if you're exiting the city and it looks abandoned. He said that there will economic activity at this interchange. He said that this request will create jobs and prosperity and provide goods and services to other businesses in Lexington, will be a desirable community that will improve this interchange and will continue to maintain the Urban Service Area boundary.

Mr. Billings displayed photos and said that they don't agree with all of the staff's restricted uses. He said that the proposed development would be approximately between 25-40 feet tall and only the top of the building will be visible. He said that the staff has recommended the landscape buffering be to create a 25-foot wide landscape buffer along I-75, which they are in agreement to, but he said that there is already a 50-foot building setback and believes that a 25-foot landscape buffer will be appropriate. He also said that they would adjust the buffer to narrow as the property narrows down along the eastern boundary. He said that there is a pump station in the center of the property and a powerline easement that runs through the property and then over the interstate. He said that they want the development to be visible for marketing reasons.

Mr. Billings said that the staff also recommended ten conditional zoning restrictions, and he believes that they are restricting a third of the uses that are allowed in the I-1 zone. He said that he believes there some conditional uses that are appropriate, as follows: the auto and truck repair, tire re-treading and recapping, advertising signs, commercial wood lots, prefabricated homes, and ice plants. They are in agreement with the 25-foot landscape buffer, but requested that they can narrow it at the southern point of the property. He asked that the tree buffer not be required because of visibility and cost. He distributed a motion to the Planning Commission. He added that they are in agreement with the concerns of the property owner to the north, which include the access to the property, the right-of-way, and if the pump station gets relocated they would like an easement into it.

Mr. Billings's motion is as follows:

1. For the reasons stated in the Applicant's justification letter and the Staff Report, the requested Light Industrial (I-1) zone is in agreement with the 2013 Comprehensive Plan and adopted Goals and Objectives of the 2018 Comprehensive Plan.
2. The requested Light Industrial (I-1) zone is in agreement with the 2017 Rural Land Management Plan as it emphasizes the maximization of the land use to produce employment opportunities without modifying the current boundaries. The future land use element recommends Light Industrial land use.
3. This approval is made subject to approval and certification of PLN-MJDP-18-00102: JFG Enterprises, Inc. (IVCP Athens, 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.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions shall apply to the subject property via conditional zoning:
 - a. Landscape Buffers (in addition to the requirements of Article 18 of the Zoning Ordinance)
 - 1) Along the eastern boundary of the subject property, adjacent to Interstate 75, a 25-foot wide landscape buffer shall be provided.
 - b. Prohibited Uses:
 - 1) Principle use for outdoor automobile and truck repair;
 - 2) Outdoor tire re-treading and recapping;
 - 3) Advertising signs, also known as billboards, as regulated by Article 17 of the Zoning Ordinance;
 - 4) Commercial wood lots;
 - 5) Establishments for the display and sale of precut, prefabricated, or shell homes; and
 - 6) Ice plants.

These conditions and restrictions are necessary and appropriate in order to restrict the most intense land uses on the subject property, which could have a negative impact on the surrounding agricultural zones and Athens Boonesboro Road, a major gateway into Lexington-Fayette County. These restrictions will protect the aesthetic character of the Athens Boonesboro Road gateway, as recommended by the 2017 Rural Land Management Plan (RLMP).

Commission Questions – Mr. Nicol asked what 2007 Future Land Use map depicted this property as on the map. Mr. Billings said that the Future Land Use map from the 1988, 1996, 2001, and 2007 Comprehensive Plan's identified the subject property as Light Industrial. Mr. Nicol said that this property was not included in the Rural Activity Center, it was still shown as Light Industrial. Mr. Billings said that 2007 is depicting both the Blue Sky RAC and the recommended classifications within that area. Ms. Wade clarified that the piece of property that was swapped is not the subject property.

Note: Mr. Pohl left the meeting at 3:50 p.m.

Note: Planning Commission took a recess at 3:50 p.m. until 3:55 p.m.

Citizen Comment – Fred Eastridge, ECSI, LLC; 340 South Broadway, representing JFG Enterprises, distributed a resolution, a letter from Charlie Martin, and an agreement for the pump station to the Planning Commission. He said the property owner is in agreement with this zone change. He said that they have a very strong interest in the pump station since they built it. He said that it was built to service the property in the Rural Activity Center and they want to be sure that if it is relocated that it be designed and built to the requirements by LFUCG. He added that the applicant has rights to the pump station that it service their property.

Bub Crutcher, 284 Blue Sky Pkwy, said that growth in this area will be a significant change. He said that the sewer issue has been the most concern with this property. He said that he would like to see more development in this area, but doesn't believe that this proposed zone is appropriate.

Mr. Dick Murphy, attorney present on behalf of adjoining property owners, Encore Partners, distributed proposed notes to the Planning Commission, as follows:

PROPOSED ADDITIONAL NOTES FOR AMENDED PRELIMINARY DEVELOPMENT PLAN/PRELIMINARY SUBDIVISION PLAN FOR JFG ENTERPRISES, INC. (IVCP ATHENS, LLC)

1. Show northern edge of right-of-way as the northern property line adjacent to the property to the north.
2. Show sanitary sewer easement from property to the north to the proposed relocation site of new pump station.

Mr. Murphy said that they are not objecting to the zone change, but they have concerns with the development plan. He said that Encore Partners owns the property to the north of the subject property and will have the greatest impact from this development. He said that many of their concerns on the development have been addressed, and he is requesting some notes to confirm. He said that one of their concerns was the configuration of the roadway off of Athens Boonesboro Road, which has been addressed and they approve. He said that their second concern was the access to the entrance roadway. He said that Mr. Billings stated the right-of-way was designed to touch their property line so that there wouldn't be a strip to prevent one owner from accessing the road. He requested that the development plan depict that strip. He added that staff and Mr. Billings has seen this and is agreeable. They are also requesting the sanitary sewer easement be shown from the property to the north to the proposed relocation site of the new pump stations. He said that there currently is an easement from their property into the pump station and they are seeking to preserve the status quo into whatever happens to that pump station. He added that they would like a potential easement into the pump station on the development plan.

Mr. Murphy said that the resolution that was distributed by Mr. Eastridge, on behalf of the Wilson brothers, limits the pump station to a capacity in gallons not to certain properties. He said that if this property is going to be used as warehousing type, it would generate a small usage on the pump station, unlike a hospital.

Mr. Murphy said that there is a third note, that isn't noted on the handout, it is as follows:

3. The adjoining property owner will be notified upon filing of final or amended development plans or plats.
- He added that all the parties have agreed on that, as well.

Petitioner Rebuttal – Mr. Billings said that they are in agreement with the resolution that was distributed. He said that the capacity of the pump station is there to be reserved, there are upgrades that could be completed. He said that they have a private agreement with the property owners and they are in support of this zone change. He said that they are in agreement with Mr. Murphy's notes. He clarified that as of now they don't know where the pump station will be relocated to and where the easement will be.

Staff Rebuttal – Mr. Baillie said that their concern is the conditional zoning on this site. There isn't a proposed use, there are no buildings, nor a site design for this property. He said that conditional zoning is required to protect this area as a gateway into the city, as well as protecting it from some of the nuisance uses, such as condition #8, commercial wood lots, which are typically located in the I-1 zone and condition #9, outdoor material storage and sales, which is an accessory use in the I-1 zone. He said that rest are carried over from the B-4 zone. He added that staff is making these suggestions from what has been done in the past in the I-1 zone and they are seeking to promote a greater I-1 use at this location. He said that any modifications of the landscape need to be monitored so that they don't impact the viewshed of the area.

Commission Questions – Mr. Wilson asked if the staff has reviewed the three additional conditions proposed by Mr. Murphy. Mr. Baillie said that they have and they are in agreement.

Mr. Owens asked for clarification of the approval of the development plan on the B-5P zone. Mr. Baillie said that it is part of this request as a whole. Mr. Martin added that the petitioner has incorporated the previous plan with this request, so that this action will also be a re-approval of that existing plan. Mr. Owens also asked Mr. Billings if the B-5P has also been purchased. Mr. Billings said that is correct and added that there hasn't been any development on that parcel. Mr. Owens asked for clarification of relocating the pump station, since it is on the plan to be relocated. Mr. Billings said at this time, they are unsure of relocating it because it will be very complicated and costly and will be done so as per the Division of Engineering and Water Quality's requirements.

Mr. Nicol said that staff stated a fulfillment center is allowed in the I-1 zone and asked Mr. Billings if they are in agreement of keeping condition #4 of the prohibited uses. Mr. Billings said that they are not in agreement to that condition. He said that he believes there are potential uses of that and they want as little restrictions as possible on this property.

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Commission Discussion – Ms. Plumlee said that the Comprehensive Plan has been neglected regarding the Small Area Plan for the Rural Activity Centers.

Mr. Owens said that he is concerned with the preliminary subdivision plan without a preliminary development plan. He said that there are many problematic situations with this plan because there is no proposed building or layout. He said that he would like to see more on the development plan.

Mr. Berkley said that he believes the applicant is not at that point to create a layout. He said agrees that they need the zone change first. He said that some of the prohibited uses that are permitted at other interchanges along I-75. He agrees with most of the conditions, but would like to strike condition #1. He asked for clarification of the staff's reasoning for all of the prohibited uses. Mr. Baillie reviewed all of the conditional zoning restrictions. Mr. Berkley said that the property in the Blue Sky RAC is underutilized.

Mr. Owens said that he believes that condition #3, tire re-treading and recapping will be good if it is located within a building. He doesn't want any outside storage.

Ms. Plumlee said that she is in favor of the staff's recommendations. She believes that this area should be as attractive as possible and have as high employment as possible.

Mr. Nicol said that this property has been marketed as a gateway to the City of Lexington, which it can be. He agrees with the staff is removing the nuisance uses in the zone. He also believes that the market should be able to determine what businesses could be successful in the area.

Mr. Wilson said that he would also like to see some design on the development plan. He said that the zone change should be approved with the staff's recommendations and err on side of caution.

Zoning Action – A motion was made by Mr. Berkley, seconded by Ms. Mundy, to approve PLN-MAR-18-00028: IVCP ATHENS, LLC, for the reasons provided by the staff, with the removal of #4.b.1.

Mr. Nicol asked to leave condition #4.b.1, but only strike mobile homes. Mr. Berkley said that he agrees with that modification, as follows:

4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following **prohibited uses and landscape buffers** shall apply to the subject property via conditional zoning:
 - a. **Landscape Buffers (in addition to the requirements of Article 18 of the Zoning Ordinance)**
 - 1) **Along the eastern boundary of the subject property, adjacent to Interstate 75, a 25-foot wide landscape buffer shall be provided.**
 - 2) **Included in the landscape buffer shall be evergreen trees planted every 20 feet, staggered on center in two rows.**
 - b. **Prohibited Uses:**
 - 1) Establishments and lots for the display, rental, sale, service, and minor repair of ~~farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.~~
 - 2) Ice Plant.
 - 3) Tire re-treading and recapping.
 - 4) Truck terminals and freight yards.
 - 5) Major or minor automobile and truck repair.
 - 6) Establishments for the display and sale of precut, prefabricated, or shell homes.
 - 7) Rental Storage yard.
 - 8) Commercial wood lots.
 - 9) Outdoor material storage and sales as otherwise permitted.
 - 10) Advertising signs, also known as billboards, as regulated by Article 17 of the Zoning Ordinance.

These restrictions are necessary and appropriate in order to restrict the most intense land uses on the subject property, which could have a negative impact on the surrounding agricultural zones and Athens Boonesboro Road, a major gateway into the Lexington Fayette Urban County. These restrictions will protect the aesthetic character of the Athens Boonesboro Road gateway, as recommended by the 2017 Rural Land Management Plan (RLMP).

Action – Motion carried 6-1 (Plumlee opposed: Bell, Brewer, Penn and Pohl absent).

Development Plan Action – A motion was made Mr. Berkley, seconded by Ms. Mundy, and carried 5-2 (Owens and Plumlee opposed: Bell, Brewer, Penn and Pohl absent) to approve PLN- MJD-18- 00102: JFG ENTERPRISES, INC. (IVCP ATHENS, LLC), with the revised conditions provided by the staff and the proposed additional notes provided by Mr. Murphy, 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, 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. Addition of graphic scale to the face of the plan.~~
- ~~7.~~ 8. Denote and clarify lot coverage and Floor Area Ratio (FAR) per Article 21 of the Zoning Ordinance.
- ~~8.~~ 9. Denote: A Final Development Plan shall be required for all lots proposed for Light Industrial zoning Conditional Zoning Restrictions.
- ~~9.~~ 10. Denote: Timing of the pump station relocation shall be determined at the time of a PSP/Final Development Plan to the approval of the Divisions of Engineering and Water Quality and delete existing note.
- ~~11.~~ Denote: Stormwater management shall be resolved at time of a PSP/Final Development Plan.
- ~~10.~~ 12. Discuss status and width of Revise proposed street right-of-way to meet the requirements of the Land Subdivision Regulations and delete cross-sections "C-C" and "D-D".
- ~~13.~~ Discuss potential access to adjoining property.
- ~~11.~~ Show northern edge of right-of-way as the northern property line adjacent to the property to the north.
- ~~12.~~ Show sanitary sewer easement from property to the north to the proposed relocation site of new pump station.
- ~~13.~~ The adjoining property owner will be notified upon filing of final or amended development plans or plats.

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

VII. **STAFF ITEMS**

1. **PLN-MNSUB-19-00005: FAYETTE MALL, LOTS 1 & 1-A** (4/22/19)* - located at 3297 AND 3301 NICHOLASVILLE ROAD, LEXINGTON, KY.

Staff Presentation – Mr. Martin said that staff is referring to the Planning Commission this minor development plan because they are dedicating some right-of-way. He said that the staff does not have the authority to accept right-of-way, and the Planning Commission has to accept right-of-way dedication. He distributed a staff report with the condition as follows:

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. Delete the Urban County Engineering certification.

Mr. Martin presented the plat and said that the applicant is consolidating an additional part of the parking lot to better serve their customers. He said that the original dedication of this right-of-way got misplaced during the public improvements that were completed in 2001. He said that the applicant was made aware of this and need to move forward with their property. He said that the staff is recommending approval of this plan.

Representation – Kevin Philips, Endris Engineering, representing the clients, wanted to thank the staff for their assistance and the Planning Commission to get move this plan forward.

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy, and carried 7-0 (Bell, Brewer, Penn and Pohl absent) to approve PLN-MNSUB-19-00005: FAYETTE MALL, LOTS 1 & 1-A, as recommended by the staff.

2. **Staff Report** – Mr. Duncan reminded the Planning Commission of the upcoming meeting next Thursday, January 31st, at 6:00 p.m., in the 2nd Floor Council Chambers, for the continuation of the Comprehensive Plan Public Hearing.

Mr. Duncan that Andrea Brown, Department of Law, has resigned and Chad Edwards will now be assisting Ms. Tracey Jones.

Mr. Wilson said that on January 25th, the staff will be posting the updated revisions of the Place Builder from the Comprehensive Plan.

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

IX. **MEETING DATES FOR FEBRUARY 2019**

Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	January	30, 2019
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	February	7, 2019
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	February	7, 2019
Subdivision and ND-1 Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	February	14, 2019
Work Session, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building.....	February	21, 2019
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	February	28, 2019

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

- X. **ADJOURNMENT** - There being no further business, Chairman Wilson declared the meeting adjourned at 4:55 p.m.

William Wilson, Chair

Carolyn Plumlee, Secretary

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