

**AGENDA
URBAN COUNTY PLANNING COMMISSION
COMPREHENSIVE PLAN AND ZONING ITEMS PUBLIC HEARING**

February 28, 2019

- I. **CALL TO ORDER** - The meeting will be called to order at 1:30 p.m. in the Council Chamber, 2nd Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.
- II. **APPROVAL OF MINUTES** - The minutes of the January 24, 2019 meeting will be considered at this time.
- III. **POSTPONEMENTS AND WITHDRAWALS** - Requests for postponement and withdrawal will be considered at this time.
- IV. **2018 COMPREHENSIVE PLAN PUBLIC HEARING**
 - A. Continuation of the Comprehensive Plan public hearing from December 10, 2018.
- V. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, February 7, 2019, at 8:30 a.m. The meeting was attended by Commission members: Will Berkley, Karen Mundy, Mike Owens, and Carolyn Plumlee. Committee members in attendance were: Vaughan Adkins, Division of Engineering; and Casey Kaucher & Stephen Parker, Division of Traffic Engineering. Staff members in attendance were: Traci Wade, Tom Martin, Hal Baillie, Cheryl Gallt, Lauren Hedge, Denice Bullock, Captain Greg Lengal and Firefighter Embry Beatty, Division of Fire & Emergency Services; and Tracy Jones and Chad Edwards, 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.

- VI. **ZONING ITEMS** - The Zoning Committee met on Thursday, February 7, 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; Bruce Nicol; Graham Pohl; and Bill Wilson. Staff members in attendance were: Traci Wade; Tom Martin; Hal Baillie; Lauren Hedge; and Debbie Woods; and Tracy Jones and Chad Edwards, 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. RAYMOND ALLEN WAITS ZONING MAP AMENDMENT & WAITS/MOORE LTD PARTNERSHIP PROPERTY ZONING DEVELOPMENT PLAN

- a. PLN-MAR-17-00029: RAYMOND ALLEN WAITS (4/7/19)*- a petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Single Family Residential (R-1A) zone, for 1.135 net (1.246 gross) acres, for property located at 2200 Old Higbee Mill Road (a portion of).

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

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The 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 subject property from an Agricultural Urban (A-U) zone to a Single Family Residential (R-1A) zone in an effort to modify the property boundaries and allow for the consolidation of the remaining southern portion of the lot (approximately 2.75 acres) to 2100 Old Higbee Mill Road. In the existing Agricultural Urban (A-U) zone, a minimum lot size of 10 acres is required.

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

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

1. The existing Agricultural Urban (A-U) zone is inappropriate, and the proposed Single Family Residential (R-1A) zone is appropriate at this location for the following reasons:
 - a. The intent for the Agricultural Urban (A-U) zone is to manage the growth of the community so to avoid premature or improper development until public facilities and services are adequate to serve urban uses. The availability of these services in this area indicate the inappropriateness of the current zoning.
 - b. The subject property already functions as a single family residential property and has not been utilizing the land for agricultural uses, indicating the appropriateness of the proposed zoning.
2. This recommendation is made subject to the approval and certification of PLN-MJDP-17-00081: Waits / Moore LTD Partnership 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-17-00081: WAITS/MOORE LTD PARTNERSHIP PROPERTY (4/7/19)* - located at 2200 Old Higbee Mill Road.

The Subdivision Committee Recommended: **Postponement**. There are questions regarding the availability of public sanitary sewer to the property.

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

1. Provided the Urban County Council rezones the property R-1A; 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. Department of Environmental Quality's approval of environmentally sensitive areas.
6. Delete note #6.
7. Denote: Old Higbee Mill Road improvements shall be determined at the time of Final Development Plan/Preliminary Subdivision Plan or Final Record Plat.
8. Discuss status of sanitary sewer system and service to proposed lots.
9. Discuss discontinuation of non-conforming business use.

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

- a. PLN-MAR-18-00015: JUSTICE PLAZA, LLC (AMD) (2/28/19)*- an amended petition for a zone map amendment from an Interchange Service Business (B-5P) zone to a Commercial Center (B-6P) zone, for 4.050 net (4.939 gross) acres, for property located at 1916 Justice Drive and 1750 Pleasant Ridge 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 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.

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The petitioner has amended their zone change request and now proposes a Commercial Center (B-6P) zone in order to permit a wider range of business uses on the subject properties. One of the existing lots is currently occupied by two restaurants, but a third space within an existing building (constructed in 2017) remains vacant. The second lot is currently under construction with a 107-room hotel and associated off-street parking.

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

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

1. The proposed Commercial Center (B-6P) zone is in substantial agreement with the 2013 Comprehensive Plan and the Goals and Objectives of the 2018 Comprehensive Plan for the following reasons:
 - a. The proposed B-6P zone is compatible with the existing zoning and land use currently established within the Bryant Road and Pleasant Ridge Drive immediate area. The area is a mixture of commercial uses that support the nearby residential neighborhoods, as well as the traveling public along Interstate 75.
 - b. Historically, future land use recommendations within the immediate area supported the mixture of commercial uses. The land use recommendation have been implemented with a mixture of B-5P and B-6P zoning. These two zones permit a wide range of commercial uses such as offices, restaurants, retail sales, and hotels.
 - c. The character established by the B-6P zone is in keeping and consistent with the existing context and design features of the immediate area as recommended by Theme A, Goal #2 of the 2013 and 2018 Comprehensive Plans.
 - d. The B-6P zone also includes requirements for transit and multi-modal accommodations, consistent with the recommendations of Theme D, Goal #1 of the 2013 and 2018 Comprehensive Plans to achieve an effective and comprehensive transportation network, including accessible transportation alternatives.
 - e. The subject site is less than ten (10) acres in size; however, it will be incorporated into the existing B-6P development within the immediate area in order to meet the requirements of Article 12-2 of the Zoning Ordinance for a minimum development size of ten (10) acres for a community commercial center along a collector street.
2. This recommendation is made subject to approval and certification of PLN-MJDP-18-00060: Man O' War, Unit 2-A (Amd) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
- b. PLN-MJDP-18-00060: MAN O' WAR DEVELOPMENT, UNIT 2A, LOT 10 (AMD) (2/28/19)* - located at 1916 JUSTICE DRIVE AND 1750 PLEASANT RIDGE DRIVE.

The Subdivision Committee Recommended: **Postponement** until a revised plan is submitted demonstrating compliance with the B-6P zone.

1. Provided the Urban County Council rezones the property B-6P; 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 Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Include the entire B-6P area on the plan in compliance with Article 21 of the Zoning Ordinance and to demonstrate the site is a minimum of 10 acres.
6. Provide the required multimodal plan per Article 12-8(h) of the Zoning Ordinance.
7. Denote required transit facilities per Article 12-8(i) of the Zoning Ordinance.

3. 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.

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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.

4. CLOVER COMMUNITIES ZONING MAP AMENDMENT & BAPTIST CHURCH OF ANDOVER (CLOVER SENIOR LIVING CENTER) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-19-00001: CLOVER COMMUNITIES (4/7/19)*- an amended petition for a zone map amendment from an Agricultural Urban (A-U) zone to a High Density Apartment (R-4) zone, for 8.944 net (9.099 gross) acres, for property located at 3330 Todds Road (a portion of).

COMPREHENSIVE PLAN AND PROPOSED USE

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

The petitioner proposes to rezone the property to the High Density Apartment (R-4) zone to develop a four-story, senior housing development with 128 dwelling units. This represents a residential density of 14.3 dwelling units per net acre.

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

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

1. The subject property as proposed for a senior housing development does not adequately meet the Comprehensive Plan's goals for connectivity for all modes of transportation, for creating an effective and comprehensive transportation system, or for providing an accessible place to live for older and/or disadvantaged residents. The plan does not meet with the National Fire Protection Association (NFPA) Fire Standard 1141 a development shall have two separate access points for development that contains greater than 100 dwelling units and less than 600 dwelling units.
2. The proposed High Density Residential (R-4) zone does not currently provide for adequate access for emergency services for a growing aging population, nor does it provide for safe and positive social interaction between the development and the adjoining neighborhoods.

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- b. PLN-MJDP-19-00002: BAPTIST CHURCH OF ANDOVER (CLOVER SENIOR LIVING CENTER) (4/7/19)* - located at 3330 TODDS ROAD, LEXINGTON, KY.

The Subdivision Committee Recommended: **Postponement**. There are questions regarding the street connectivity and access to Todds Road.

1. Provided the Urban County Council rezones the property R-4; 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. Adjust location of owner's and Planning Commission certification to improve legibility and correct meeting date information.
8. Discuss proposed access to Todds Road.
9. Discuss connection of Putter Lane to Andover Woods Lane, per the Preliminary Development Plan.
10. Discuss stormwater detention.
11. Discuss pedestrian connection to adjoining subdivisions (Stonecase Valley and Williams Property).
12. Discuss need for Board of Adjustment approval of the revised church access, additional square footage, and parking circulation.

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMEMENDMENTS

1. 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.

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

- A. INITIATION OF ZONING ORDINANCE TEXT AMENDMENT TO UPDATE ARTICLE 6-4 through 6-6 – ZONE CHANGE PRO-CESS – The Urban County Council requests that the Planning Commission initiates an amendment to Article 6 of the Zoning Ordinance to address compliance with the Comprehensive Plan. If initiated, the requisite public hearing would be held after mailed notices are sent.

VIII. STAFF ITEMS – The staff will report at the meeting.

A. Transportation Planning Activity Report

1.1 Inventory/Monitor; Title VI/ADA; Participation; Coordination/Consultation

- Attended LFUCG Pedestrian Safety Work Group.
- Attended LFUCG Corridors Commission.
- Attended Commission for People with Disabilities meeting.
- Attended Jessamine County Transportation Task Force meeting.

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- Attended University of Kentucky Bicycle Advisory Committee meeting.
- Attended Bluegrass ADD Regional Transportation Committee meeting.
- Attended KYTC/LFUCG Maintenance and Operations meeting.
- Attended KYTC Statewide Planning meeting.
- Attended several SHIFT 2020 coordination meetings with District 7, BGADD, and multiple elected officials.
- The MPO website had 390 visits from 326 users (84% new users) and 958 page views in January.
- The MPO's Twitter site had 2,049 followers in January.
- The MPO's Facebook page had 962 likes in January; reached 40 users; and had 15 engaged users.

1.2 Staff Development

- No activity.

2.1 Congestion Management Process (CMP)

- Worked with Traffic Engineering staff to create congestion annual trend maps for 2017 and 2018 using INRIX roadway analytics data, and prepared INRIX platform application presentation for the CMC meeting.
- Reviewed "Recurring Traffic Bottlenecks: A Primer, Focus on Low-Cost Operational Improvement, Fourth Edition" published by FHWA.
- Reviewed "Smart Congestion Relief – Comprehensive Evaluation of Traffic Congestion Costs and Congestion Reduction Strategies" published by Todd Litman of Victoria Transport Policy Institute.
- Reviewed "Transportation Systems Management and Operations (TSMO) in Action" published by FHWA.
- Used typical Google Traffic maps to document annual congestion trends at most congested time-of-day in a week and most congested month in a year for recurring congestion, such as bottlenecks and poor signal timing.

2.2 Transportation Plan Update & Implementation

- Continued work on MTP plan elements and draft document.
- Presented prioritized project list to the Jessamine County Transportation Task Force, KYTC District 7 and Transportation Policy Committee for feedback.

2.3 Air Quality Activities

- No activity.

3.1 Transportation - Land Use Impact Analysis

- Provided assistance and answered inquiries on various traffic related issues.
- Attended 2 pre-application coordination meetings to provide transportation planning input on future land use applications.
- Coordinated with an applicant about a traffic impact study for a proposed zone change in Lexington.
- Provided assistance to LFUCG planning staff on transportation related issues.

3.2 Multimodal/Transportation Enhancement Planning

- Responded to approx. 18 citizen/agency requests for information on bike and pedestrian issues.
- Reviewed and submitted comments in Plan Tracker for 12 plans for bike and pedestrian circulation requirements.
- Corresponded on 6 plans approved by the planning commission for compliance with conditional signoff requirements.
- Continued worked on changes to the subdivision regulations as it relates to connectivity and Theme D of the Comprehensive Plan update.
- Continued data organization and evaluation for the bike share pilot program.
- Continued work with GIS to begin updating the Bike Lexington Map to a digital and print version.
- Attended 2 advisory committee meetings for the development of a Statewide Bicycle and Pedestrian Advocacy group.
- Answered questions on transportation issues at LFUCG Comp Plan public meetings.
- Conducted meeting/ interview with UK student regarding graduate school project around complete streets, place making and walkability.
- Interviewed by Providence Montessori School regarding the shared mobility vehicle pilot program.
- Met with CM Jake Gibbs regarding a Zone Change.

- Met with CM Jake Gibbs and representatives from UK about the Cooper Drive minor widening, bikelane and repaving project.
- Continued to work on plan drawings for multi modal improvements on Alexandria, Pasadena and Malibu corridor and completed a parking inventory assessment.

3.3 Transit Planning

- Attended Via Creative board meeting as Co-Chair.
- Responded to 1 citizen regarding transit bus stop concerns.
- Attended Lextran board meeting.

3.4 Mobility Coordination

- No activity.

3.5 Travel Demand Modeling and Project Forecasting

- Completed roadway network updates for future year 2045.
- Developed "Build" vs "Non Build" scenarios for the 2045 MTP draft.
- Continued to work on socioeconomic and network updates for future horizon years of 2020 and 2030.

4.1 Program Administration

- Committee meeting packets were prepared for the Bicycle & Pedestrian Advisory & the Transportation Policy Committee (TPC).

4.2 Transportation Improvement Programming (TIP)

- Drafted and submitted Toll Credit application for construction of several phases of Town Branch Trail.
- Completed TIP Mod #14 – Armstrong Mill Sidewalks.
- Held MPO Project Coordination team meeting with KYTC and local project sponsors to track the status of projects in the TIP.

4.3 Unified Planning Work Program (UPWP)

- Began drafting FY 20 UPWP.
- Worked with LFUCG Grants on FY 20 budgets and grant match requests for FHWA/SLX programmatic funds.

B. Zoning Compliance Planning Activity Report

Enforcement

A total of 35 new case investigations were initiated in January of 2019. Nearly 75% of the new cases related to commercial signage (mostly feather flags) and illegal business activities in residential areas. Fifty-two cases (a mix of old and new) were resolved, meaning that necessary actions were taken by a property owner or occupant to fix a zoning compliance problem. Annual inspections were completed on 23 properties with conditional uses, and all were determined to be in substantial compliance with conditions imposed by the Board of Adjustment.

Permitting

Since January 1, 2012 a Zoning Compliance Permit (ZCP) has been required before a building or premises can be occupied for a specific use or a change in use, with some exceptions for agricultural uses and single family or two-family residences. In December, just three ZCP's were issued.

Technical assistance was also provided to the Division of Building Inspection (at weekly "Review Board" meetings) in review of 4 applications for new commercial or multi-family building construction, and 28 applications for remodel activity, "fit-ups" or change in use requests. Permitting staff also devoted much time to issuing official zoning certification letters (15 for the month), responding to numerous citizen inquiries about a diversity of zoning issues, and providing assistance to citizens with getting through the Accela online application process.

Board of Adjustment

Five appeals were fully considered by the BOA at the January 14th public hearing, consisting of one variance, three conditional use requests and one administrative appeal. All of the appeals were approved. Perhaps most noteworthy was the approval of a plant nursery on Swigert Avenue, on a split-zoned property at the edge of the Urban Service Area boundary. That request

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generated considerable neighborhood concern, partly related to the operation of a landscaping business in conjunction with the plant nursery.

IX. **AUDIENCE ITEMS** – Citizens may bring a planning related matter before the Commission at this time for general discussion or future action. Items that will NOT be heard are those requiring the Commission’s formal action, such as zoning items for early rehearing, map or text amendments; subdivision or development plans, etc. These last mentioned items must be filed in advance of this meeting in conformance with the adopted filing schedule.

X. **MEETING DATES FOR MARCH 2019**

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	March 7, 2019
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	March 7, 2019
Subdivision and ND-1 Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	March 14, 2019
Work Session, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building.....	March 21, 2019
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	March 27, 2019
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	March 28, 2019

XI. **ADJOURNMENT**

TLW/TM/HB/dw

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