

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

March 28, 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: Mike Owens, Chair; Will Berkley; Patrick Brewer; Karen Mundy; Bruce Nicol; Carolyn Plumlee and Graham Pohl. Headley Bell, Larry Forester, Frank Penn, Bill Wilson 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; Casey Kaucher, Division of Traffic Engineering; Captain Greg Lengal, Division of Fire and Emergency Services; and Tracy Jones, Department of Law.

- II. **APPROVAL OF MINUTES** – A motion was made by Ms. Plumlee, seconded by Ms. Mundy, and carried 7-0 (Bell, Forester, Penn, Wilson absent) to approve the February 28, 2019 meeting.

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

1. **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)*- a 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.

- 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.

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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.

Petitioner Representation: Nick Nicholson, attorney representing the petitioner, said that they would like a one month postponement of this zone change to the April 25, 2019 meeting. He said that they have amended their application would like to meet with the staff.

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

Action: A motion was made by Ms. Mundy, seconded by Ms. Plumlee, and carried 7-0 (Bell, Forester, Penn, Wilson absent) for a postponement of PLN-MAR-19-00001: CLOVER COMMUNITIES ZONING MAP AMENDMENT & PLN-MJDP-19-00002: BAPTIST CHURCH OF ANDOVER (CLOVER SENIOR LIVING CENTER) ZONING DEVELOPMENT PLAN to the April 25, 2019 meeting.

2. TRUST EQUITY, LLC ZONING MAP AMENDMENT & JAMES RB MACCOUM, TRACT 2 & PORTION OF TRACT 1 ZONING DEVELOPMENT PLAN

- a. PLN-MAR-19-00002: TRUST EQUITY, LLC (5/5/19)*- a petition for a zone map amendment from an Agricultural Urban (A-U) zone to an Expansion Area Residential-2 (EAR-2) zone, for 8.48 net (8.94 gross) acres, for property located at 2020 Russell Cave Road.

COMPREHENSIVE PLAN AND PROPOSED USE

The Expansion Area Master Plan (EAMP), an adopted element of the 2013 Comprehensive Plan (Expansion Area 3), recommends Expansion Area Residential-2 (EAR-2) land use for the subject property, defined as 3 to 6 dwelling units per gross acre. The petitioner proposes 23 attached single-family units and 30 detached single-family units or townhouses (a residential density of 5.92 units per gross acre) for the subject property, which is within the density range recommended by the EAMP.

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

The Staff Recommends: Approval, for the following reasons

1. The requested EAR-2 zoning is in agreement with the 2013 Comprehensive Plan, the adopted Goals and Objectives of the 2018 Comprehensive Plan, and the 1996 Expansion Area Master Plan, for the following reasons:
 - a. The Plan recommends Expansion Area Residential-2 (EAR-2) future land use for the subject property, which is proposed by the petitioner.
 - b. The future EAR-2 land use recommendation of the Plan would suggest a density of between 26 and 53 dwelling units for the subject property. The proposed EAR-2 zone, for 53 single-family dwelling units, is in agreement with this recommendation of the Plan.
 - c. The site will accommodate the demand for housing in Lexington responsibly, prioritizing a mixture of housing types (Theme A, Goal #1) and supports infill and redevelopment throughout the Urban Service Area (Theme A, Goal #1.b. and #2). The proposed development will include single family and townhouse dwelling units.
 - d. The proposed development will expand options for mixed-type housing, while also provide a neighborhood which is connected for pedestrians and will utilize various modes of transportation (Theme A, Goals #3.a & 3.b.). The proposed development allows for connectivity to existing neighborhoods, as well as stub streets to the adjoining parcels for future connectivity.
 - e. This proposal maximizes development on vacant land within the Urban Service Area and promote use of underutilized land in a way that enhances the existing urban form (Theme E, Goal #1.a, 1.b, and 1.d).
2. The existing Agricultural Urban (A-U) zone is inappropriate, and the proposed Expansion Area Residential-2 (EAR-2) zone is appropriate at this location for the following reason:
 - 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 at this time in this area indicate the inappropriateness of the current zoning.
3. This recommendation is made subject to approval and certification of the applicable portion of PLN-MJDP-19-00005: James RB Maccoum, Tract 2 and a Portion of Tract 1, prior to being forwarded 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 property shall be subject to the following use and buffering restrictions via conditional zoning:
 - a. No principal or accessory structures shall be located within fifty (50) feet of any property platted as any unit of the Shandon Park or Foxborough Manor subdivisions, and the property located at 2060 Russell Cave Road.
 - b. Within three hundred (300) feet of any property platted as any unit of the Shandon Park or Foxborough Manor subdivisions, and the property located at 2060 Russell Cave Road, the subject property shall be limited to single-family detached or attached (townhouse) residential uses.

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- c. A twenty-five foot (25') buffer yard shall be provided immediately adjacent to any property platted as any unit of the Shandon Park or Foxborough Manor subdivisions and the property located at 2060 Russell Cave Road. Existing trees with a three inch (3") DBH shall remain within the buffer, unless dead, dying or diseased. Existing trees should be supplemented to meet the following standards: The landscape buffer shall contain one tree every forty (40) feet of linear boundary from group A, B, or C of the Plant List as referenced by Article 18 of the Zoning Ordinance, and shall contain a fence, hedge, wall or earth mound (or combination thereof) a minimum of six (6) feet in height. Existing trees that are dead, dying or diseased may only be removed with written consent of the Urban Forester.

These conditional zoning restrictions are appropriate and necessary to minimizing the impacts of new development on the existing residential units within Shandon Park and Foxborough Manor subdivisions, and the existing residence at 2060 Russell Cave Road.

- b. PLN-MJDP-19-00005: JAMES RB MACCOUM, TRACT 2 & PORTION OF TRACT 1 (5/5/19)* - located at 2020 RUSSELL CAVE ROAD

The Subdivision Committee Recommended: **Postponement** due to concerns with protecting the significant tree stand on the property.

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

1. Provided the Urban County Council rezones the property EAR-2; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Denote height of townhouse in feet on plan.
8. Denote 25' setback adjacent to A-U or A-R zones per Article 15-3 of the Zoning Ordinance.
9. Discuss preservation of significant tree stand per the Expansion Area Master Plan and Article 23A-2(v) of the Zoning Ordinance.
10. Discuss driveway access to Lots 24, 41, 49 and 51.

Petitioner Representation: Nathan Billings, attorney representing the petitioner, said that they would like a one month postponement of this zone change to the April 25, 2019 meeting. He said that they have submitted a revised development plan and would like to go before the Subcommittee to make their final changes to the development plan.

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

Action: A motion was made by Ms. Mundy, seconded by Mr. Pohl, and carried 7-0 (Bell, Forester, Penn, Wilson absent) for a postponement of TRUST EQUITY, LLC ZONING MAP AMENDMENT & JAMES RB MACCOUM, TRACT 2 & PORTION OF TRACT 1 ZONING DEVELOPMENT PLAN to the April 25, 2019 meeting.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, March 7, 2019, at 8:30 a.m. The meeting was attended by Commission members: Mike Owens, Frank Penn, Carolyn Plumlee, and Karen Mundy. Committee members in attendance were: Vaughan Adkins, Division of Engineering; and Casey Kaucher, Division of Traffic Engineering. Staff members in attendance were: Traci Wade, Tom Martin, Hal Baillie, Cheryl Gallt, Lauren Hedge, Denice Bullock, Marc Petitfrere; Captain Greg Lengal and Fire-fighter Embry Beatty, 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.

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- 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-18-00090: DISTILLERY DISTRICT - WEST, UNIT 1 (ADAPTIVE REUSE PROJECT) (AMD) (5/20/19)* - located at 1158 and 1170 MANCHESTER STREET, LEXINGTON, KY.
Council District 2
Project Contact: Vision Engineering

Note: This plan requires the posting of a sign and an affidavit of such. The purpose of this amendment is to revise the development and parking on 1158 and 1170 Manchester Street. The Planning Commission approved this request at their January 10, 2019, meeting, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. Denote sidewalk on cross-sections.
13. Addition of building square footage to statistics for structure proposed on 1158 Manchester Street.
14. Correct Planning Commission certification.
15. Dimension proposed residential structure.
16. Denote internal pedestrian improvements.
17. Denote: All parking located on 1158 Manchester Street shall be constructed with this amendment.

Note: The applicant is requesting a continued discussion to revise the development plan by adjusting the layout and number of residential units.

The Subdivision Committee Recommends: **Approval**, subject to the following original conditions approved on January 10th, removing conditions #13, #14, #15 and modifying the following condition:

17. Denote: All parking ~~located associated with~~ on 1158 Manchester Street shall be constructed with this amendment.

Staff Presentation - Mr. Martin directed the Commission's attention to the major development plan, and noted that the staff did receive the affidavit for the sign posting, as required by the Zoning Ordinance. He said the original development plan had two parking decks with five residential levels above them. This amended development plan has one parking deck with five levels of residential above it, providing ninety-five units. He added that the large distillery warehouse will have more residential units located on the top floors, totaling 135 units for the subject property. He said that the applicant has reconfigured the building and added a small two story commercial building.

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

Mr. Martin stated that there is a continued discussion regarding the location of the parking. He said that there are concerns with the parking. There will be parking on the deck, as well as 236 spaces, all in excess of their requirement. He said that there is a proposed bridge crossing Town Branch into a proposed parking area. The applicant will maintain or possibly move a pedestrian bridge that currently exists. He said that this parking area is currently being used as storage and industrial activities. He said that access to this space is along the railroad spur. The current user has an agreement with the railroad company to utilize the access. He added that the applicant will not be able to use that access and will need to build a bridge.

Mr. Martin said that the Divisions of Engineering and Water Quality are concerned with the floodway and extensive floodplain covering most of this property. He said that the staff reviewed with the applicant, the requirements for this type of development in the floodplain. He said that these requirements will be very strict and will have three levels of government involved in the permitting - local, state, and federal. He added that there will be an amended map filed with FEMA to adjust the floodway and possibly the floodplain in this area. He said that the applicant will need to comply with Article 19 of the Zoning Ordinance, which is very specific and detailed of the requirements necessary and the levels of review needed.

Mr. Martin said that the conditions of approval on the development plan are standard. He made note that the revised condition #17 states that "all parking associated with 1158 Manchester Street shall be constructed with this amendment." He said that the Subdivision Committee and the staff are recommending approval of this plan.

Representation present – Jacob Walbourn, attorney representing the petitioner, said that they are in agreement with the staff, with the exception of the access along the railroad. He believes that access could be used, but it isn't a very prudent use for heavier traffic. He agreed with Mr. Martin that this will be an extremely complicated process. They have met with the Division of Engineering and are mindful of the requirements on all levels of constructing the bridge. He added that they have initiated the FEMA process. He pointed out on the map the floodway line, which runs through the building. The applicant is studying the floodplain and is proposing to move the floodway line. He is available for questions and would to request approval of this plan.

Commission Questions – Mr. Owens asked if the proposed bridge will be for vehicles or remain a pedestrian bridge. Mr. Walbourn replied that the bridge will be for vehicles. He added that the reconfiguring of the building was to address a concern of the Division of Traffic Engineering regarding stacking into the right-of-way at the parking entrance. He also said that the existing pedestrian bridge most likely will be maintained. Mr. Owens also asked for clarification of the building at the corner of the parking lot. Mr. Walbourn said that building is being used for storage for the property owner. He said that since this is a significant undertaking, the construction will be completed in phases.

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

Commission Comments – Mr. Owens said that improvements along Manchester Street should not rely on one body to approve. He believes that the city, the state and the stakeholders should all be involved.

Motion - A motion was made by Mr. Berkley, seconded by Mr. Brewer, to approve PLN-MJDP-18-00090: DISTILLERY DISTRICT - WEST, UNIT 1 (ADAPTIVE REUSE PROJECT) (AMD), as recommended by the staff, with the revised condition #17.

Ms. Wade said that the staff is asking to delete condition #13, #14, and #15, which will leave a total of 14 conditions.

Action – Motion carried 7-0 (Bell, Forester, Penn, Wilson absent), as follows:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. Denote sidewalk on cross-sections.
- ~~13. Addition of building square footage to statistics for structure proposed on 1158 Manchester Street.~~
- ~~14. Correct Planning Commission certification.~~
- ~~15. Dimension proposed residential structure.~~
- ~~13. 16. Denote internal pedestrian improvements.~~
- ~~14. 17. Denote: All parking located associated with on 1158 Manchester Street shall be constructed with this amendment.~~

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- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, March 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; Chris Bencz; Chris Taylor; and Denice Bullock; Tracy Jones and Chad Edwards, Department of Law; and Betty Kerr Historic Preservation. 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.

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

- A. **PENSACOLA PARK NEIGHBORHOOD LOCAL HISTORIC DISTRICT (H-1) OVERLAY ZONE** – a request for the Planning Commission to initiate an H-1 Overlay zone for the Pensacola Park Neighborhood, including 96-171 Goodrich Avenue; 101-224 Lacawanna Road; 1733-1915 Nicholasville Road (west side of roadway); 101-177 Penmoken Park; 1847-1877 Pensacola Drive; 108-199 Rosemount Garden; 105-175 Suburban Court; and 101-166 Wabash Drive.

Staff Zoning Presentation – Mr. Baillie distributed maps, the petition, the initiation letter, and two letters: one letter of opposition and one letter of support. He said that this initiation process began on October 29, 2018, when members of the neighborhood attended a meeting to discuss the various aspects of this process. The neighbors then met with the Division of Historic Preservation for more information on the H-1 Overlay Zone. On February 4, 2019, they filed their application with the Division of Planning, which officially started the request process. He added that the Historic Overlay Zone has various different elements that can restrict certain uses of property, as well as a more in-depth process to go through, outlined in the Zoning Ordinance. This process begins with a study and a Board of Architectural Review (BOAR) hearing. He said that the staff sent the surrounding neighbors letters with return postcards to gather information and the neighbors' comments on February 18, 2019. He said that 426 households were contacted and as of today, 54.5 percent of the neighborhood has responded. He displayed a map depicting the households that have responded in support (72 percent) the households in opposition (26 percent) and those that expressed "no opinion" (one percent).

Mr. Baillie said that there were various different comments provided on the returned postcards. He said that some of them in support focused on retaining and promoting historic character; maintaining the neighborhood friendly character and original construction methods; need for better design and materials; need to protect from development and want for rehabilitation rather than demolition. He said that the opposition focused on the cost of future modifications or regular up keep for property; preference for the ND-1 Overlay Zone; want for business development along corridors; and other interests that were not consistent with the H-1 Overlay Zone. He said that if the Planning Commission initiates the H-1 Overlay Zone, it will begin with the Board of Architectural Review and the study that is produced for their review. It will then proceed, per their recommendation, to the Planning Commission and then to the Urban County Council. He added that with the size of this area, there is the potential to need to extend the beginning phases, so that the report can be produced.

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Commission Question – Mr. Berkley asked how this would impact the future corridor study that was part of the previous zone change. Mr. Baillie said that an H-1 Overlay Zone does not preclude a zone change, demolition or modification to the landscape. However, it would add another level of review. He added that there may be more conditions and considerations for the corridor study within this area.

Mr. Berkley asked if this is under a moratorium. Mr. Baillie said that the Urban County Council voted on March 7, 2019 for a six month moratorium. Mr. Baillie added that is for the entire project area, with the exception of certain properties, 1847 Nicholasville Road and a few homes along Goodrich Avenue because of various stormwater projects that are currently underway.

Mr. Owens stated that the moratorium was imposed by the Urban County Council and any action regarding an extension would have to be made from them and not the Planning Commission.

Ms. Wade stated that the moratorium only effects zone change applications and demolitions, not additions or other building permits that residents may seek in the meantime.

Division of Historic Preservation – Betty Kerr, Director, thanked the Planning Commission for taking the initiation under consideration. She added that the moratorium is for six months and the Council's final meeting to take full action on this application will not occur within that six month time period. It is, per the Zoning Ordinance, more of an eight to ten month process.

Ms. Kerr said that there are no existing surveys completed for this neighborhood and everything will need to be created for the study, which will necessitate three to four months to be completed. She added that the first month is with the Council to authorize the hiring of the consultant to perform the study. She said that a consultant has been selected and is awaiting the Council's approval. The study is being funded through a grant that was received from the Kentucky Heritage Council. She then said that the second month is compiling data. It will need to be completed and available to the hearing body two weeks prior to the hearing. She is requesting an additional ninety days, so that the study can be completed properly.

Commission Question – Ms. Plumlee asked for clarification if the area were to receive an H-1 Overlay Zone, all of the properties within the boundary would be included. Ms. Kerr agreed and stated that all of the homes within the boundary are being proposed for the study, which will determine if the entire area should be nominated for the Historic Overlay Zone. She said that these findings will be presented at the first hearing, which will be the Board of Architectural Review.

Citizens in Opposition - Mr. Nathan Billings, attorney representing the property owner of 1739 Nicholasville Road. He said that the discussions over the next year are going to rely heavily upon the 2018 Comprehensive Plan and the interaction with the Nicholasville Road Corridor. He said that they are in favor of an H-1 Overlay Zone for the majority of the area, but oppose it for the properties located along Nicholasville Road. He said that this can be discussed in more detail as the process moves forward, but he wanted to make it known that this will be a fight. He added that a zone change on Nicholasville Road happened and spurred this process. He said that according to the map displayed by the staff, very few homeowners along the Nicholasville Road corridor responded in favor; rather, most did not respond or responded that they are opposed to it.

Ms. Candace Wallace, 130 Goodrich Avenue, said that she one of the homeowners that initiated this overlay process. She said that most of the neighbors signed their petition, but not all of them responded with the postcards. She added that most of the homeowners that responded in opposition are the landlords that do not want the additional steps to have their designs approved. She said that this overlay will only add one additional step that does meet the Comprehensive Plan. She asked that since this was filed prior to the adoption of the 2018 Comprehensive Plan, this should be reviewed only with the Goals & Objectives of the 2018 Comprehensive Plan. She said that the application was prepared as such and they believe that they meet all of those standards.

Commission Comments – Mr. Owens asked for clarification of adding the extension. Ms. Wade said that it would be best to grant it to the BOAR, which would allow them to have 180 days total.

Mr. Berkley asked if when recommendations are made for that corridor, the neighborhood would be taken into consideration as a part of the study. Ms. Wade said that the RFP and project scope for the Nicholasville Study has not been finalized yet. She said that the idea would be to concentrate on the land use, the transportation and other planning concerns just along the corridor. Mr. Berkley added that he is struggling with supporting this because he believes that this request is partially in response to the recently approved zone change.

Mr. Owens asked for clarification of the time frame for this process and asked if a date should be placed on this. Ms. Wade said that the Planning Commission should give the BOAR the extra time and then, once they act, the time frame for the Planning Commission begins. She added that the BOAR may not need all of the time allotted to them.

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Zoning Action – A motion was made by Mr. Plumlee, seconded by Mr. Pohl, and carried 5-2 (Berkley and Nicol opposed; Bell, Forester, Penn, Wilson absent) for the INITIATION OF THE PENSACOLA PARK NEIGHBORHOOD LOCAL HISTORIC DISTRICT (H-1) OVERLAY ZONE, including an extra 90 days, if necessary.

- B. INITIATION OF ZONING ORDINANCE TEXT AMENDMENT TO UPDATE ARTICLE 17 – SIGN REGULATIONS** – The Urban County Council requests that the Planning Commission initiate an amendment to Article 17 of the Zoning Ordinance to address content neutrality. If initiated, the requisite public hearing would be held after mailed notices are sent.

Staff Zoning Presentation – Mr. Bencz said that the Urban County Council is asking the Planning Commission to initiate a text amendment to update Article 17 of the Zoning Ordinance. He said that this item originated from a Supreme Court decision, Reed v. Town of Gilbert, which required content neutral sign ordinance language. He said that a staff work group included members from the divisions of Planning, Building Inspection, and the Department of Law. This work group completed a line-by-line review of the existing ordinance, which was distributed to the Planning Commission. He said that they are requesting and considering public comment before this returns to the Commission for approval. He said that he already received comments from the Fayette County Neighborhood Council. He added that they have requested comment specifically from land use attorneys in the community, Commerce Lexington, the Fayette Alliance, LBAR, the Commercial Property Association, and the Building Industry of Central Kentucky. He said that the staff requests that the Planning Commission initiate this amendment and is available for any questions.

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

Zoning Action – A motion was made by Mr. Brewer, seconded by Mr. Nicol, and carried 7-0 (Bell, Forester, Penn, Wilson absent) for the INITIATION OF ZONING ORDINANCE TEXT AMENDMENT TO UPDATE ARTICLE 17 – SIGN REGULATIONS.

- VII. STAFF ITEMS** – Mr. Duncan reminded the Planning Commission of the Sub-Committee meetings next Thursday, April 4th, in the Phoenix Building on the 7th Floor.

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

- IX. MEETING DATES FOR APRIL 2019**

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	April	4, 2019
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	April	4, 2019
Subdivision and ND-1 Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	April	11, 2019
Work Session, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building.....	April	18, 2019
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	April	24, 2019
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	April	25, 2019

- X. ADJOURNMENT** - There being no further business, Chairman Wilson declared the meeting adjourned at 2:19 p.m.

William Wilson, Chair

Carolyn Plumlee, Secretary

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TLW/TM/HB/dw

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