

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

August 22, 2019

- I. **CALL TO ORDER** - The meeting was called to order at 1:32 p.m. in the Council Chamber, 2nd Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.

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

Planning staff members present: Jim Duncan, Director; Traci Wade, Tom Martin, Hal Baillie, Lauren Hedge, Jimmy Emmons, Scott Thompson, Kenzie Gleason and Debbie Woods. Other staff members present were: Stephen Parker, Division of Traffic Engineering; Vaughan Adkins, Division of Engineering; Captain Greg Lengal and Firefighter Embry Beatty, Division of Fire and Emergency Services; Kristan Curry, Division of Environmental Services; Keith Horn and Chad Edwards, Department of Law.

- II. **APPROVAL OF MINUTES** - A motion was made by Ms. Mundy, seconded by Ms. Plumlee, and carried 9-0 (Brewer and Bell absent) to approve the minutes of the July 25, 2019, meeting.

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

1. BALL HOMES, INC ZONING MAP AMENDMENT & HAMBURG EAST (BELHURST) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-19-00010: BALL HOMES, INC (9/1/19)*- a petition for a zone map amendment from an Agricultural Rural (A-R) zone to an Expansion Area Residential (EAR-1) zone, for 19.84 net (21.22 gross) acres and an Expansion Area Residential (EAR-2), for 18.42 net (19.27 gross) acres, for property located at a portion of 2575 Polo Club Boulevard.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2018 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. 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.

The petitioner has requested a zone change from an Agricultural Rural (A-R) zone to an Expansion Area Residential-1 (EAR-1) zone for 19.84 net (21.22 gross) and an Expansion Area Residential-2 (EAR-2) zone for 18.42 net (19.27 gross) acres for the rear portion of the property located at 2575 Polo Club Blvd. The proposed development consists of 89 detached single family dwelling units and 56 attached single family dwelling units, for an average density of 3.58 dwelling units per gross acre.

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

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

1. The zone change application for the subject property, as proposed, does not address how the petitioner will implement the goals and objectives, nor the policies of the 2018 Comprehensive Plan. Further, the applicant would be best served to review The Placebuilder to address those policies in the most efficient and judicious manner. There are numerous objectives and policies of the 2018 Comprehensive Plan, which have been overlooked. Until the applicant addresses the adopted Comprehensive Plan in a complete manner the staff cannot offer a substantive recommendation.
 2. The zone change application does not adequately describe the inappropriateness of the Agricultural Rural (A-R) zoning.
- b. PLN-MJDP-19-00036: HAMBURG EAST (BELHURST) (9/1/19)* - located at a portion of 2575 POLO CLUB BOULEVARD, LEXINGTON, KY.
Project Contact: EA Partners

The Subdivision Committee Recommended: **Postponement**. There are questions regarding the proposed street system and alignment.

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

1. Provided the Urban County Council rezones the property EAR 1 & 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. Correct plan title to match staff report.
8. Addition of Tree Inventory Map, per Article 26 of the Zoning Ordinance.
9. Discuss Man o' War Boulevard improvements.
10. Discuss proposed local street relationship to the greenway.
11. Discuss proposed townhome access and the relationship to the single family lots.

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

12. Discuss proposed Park Road alignment and cross-section per the Expansion Area Master Plan (EAMP).
13. Discuss single family lot access to Park Road.
14. Discuss Placebuilder criteria.

Petitioner Representation: Nick Nicholson, attorney representing the petitioner, said that they would like a postponement of this zone change to the September 26, 2019 meeting. He said that they are revising their development plan.

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

Action: A motion was made by Mr. Wilson, seconded by Ms. Plumlee, and carried 9-0 (Bell and Brewer absent) for a postponement of PLN-MAR-19-00010: BALL HOMES, INC. and PLN-MJDP-19-00036: HAMBURG EAST (BELHURST) to the September 26, 2019 meeting.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, August 1, 2019, at 8:30 a.m. The meeting was attended by Commission members: Anthony de Movellan, Karen Mundy, Mike Owens, and Carolyn Plumlee. Committee members in attendance were: Vaughan Adkins, Division of Engineering and Stephen Parker, Division of Traffic Engineering. Staff members in attendance were: Traci Wade, Tom Martin, Cheryl Gallt, Hal Baillie, Lauren Hedge, Denice Bullock, Valerie Friedman, Scott Thompson, Captain Greg Lengal, and Firefighter 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.

- 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.

- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, August 1, 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, and Graham Pohl. Staff members in attendance were: Traci Wade, Tom Martin; Hal Baillie, Lauren Hedge, Samantha Castro, and Debbie Woods, and 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. BALL HOMES, INC. (AMD) ZONING MAP AMENDMENT & BLACKFORD PROPERTY (PHASE 4) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-19-00003: BALL HOMES, INC. (AMD) (8/22/19)*- a petition for a zone map amendment from a Community Center (CC) zone to an Expansion Area Residential (EAR-2) zone, for 16.53 net (17.14 gross) acres, and to an Expansion Area Residential (EAR-3) zone, for 8.09 net and gross acres, for property located at 6600 Man O' War Blvd.

COMPREHENSIVE PLAN AND PROPOSED USE

The Expansion Area Master Plan (EAMP), an adopted element of the 2013 Comprehensive Plan (Expansion Area 2a), recommends Community Center (CC) land use for the subject property. The petitioner proposes to rezone the subject property to the Expansion Area Residential – 2 (EAR-2) and the Expansion Area Residential – 3 (EAR-3) zones to allow an apartment complex development, comprised of 10 3-story and 4-story apartment buildings, at an average residential density of 12.84 units per gross acre, with a total 324 dwelling units. Within the remaining CC zoned land, the applicant is proposing a 3-story mixed-use building with 16 dwelling units and 11,600 square feet of non-residential space.

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

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

1. The requested rezoning is not in agreement with the adopted Land Use Element of the Expansion Area Master Plan (EAMP). However, the Expansion Area 2a retains approximately the same number of planned acres of CC zoned land necessary for the development of services for the residents in the area.
2. There have been social, economic and physical changes within the immediate area since the adoption of the EAMP and the 2013 Comprehensive Plan. This is primarily the result of the three zone changes within the Expansion Area 2a that have modified the Land Use Element of the EAMP.
3. The proposal to increase density within Expansion Area 2a meets the Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
 - a. The requested rezoning to EAR-2 and EAR-3 expands housing choices (Theme A, Goal #1) by providing mixed-use and housing near employment and commercial areas (Theme A, Goal #1.b).
 - b. The proposed rezoning encourages compact, contiguous, and/or mixed-use sustainable development within the Urban Services Area, as guided by market demand, to accommodate future growth needs for safe, affordable and accessible housing to meet the needs of older and/or disadvantaged residents (Theme E, Goal #1.b).
 - c. The proposed rezoning and the corollary plan strive for positive and safe social interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians and various modes of transportation (Theme A, Goal #3.b).
4. This recommendation is made subject to approval and certification of PLN-MJDP-19-00009: Blackford Property (Phase 4) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

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

- b. PLN-MJDP-19-00009: BLACKFORD PROPERTY (PHASE 4) (8/22/19)* - located at 6600 MAN O' WAR BLVD., LEXINGTON, KY.
Project Contact: EA Partners

Note: The Planning Commission postponed this item at their May 23, 2019 meeting. The purpose of this amendment is to propose a rezoning of the property.

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

1. Provided the Urban County Council rezones the property EAR 2 & EAR 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. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Remove optional access through LFUCG property.
8. Revise note #11 to include the Division of Traffic Engineering.
9. Denote improvements to Man o' War Boulevard on proposed cross-section.
10. Include Community Center (CC) zone site statistics per Article 21 & 23A-9 of the Zoning Ordinance.
11. Resolve compliance with Article 23A-2(r)2 of the Zoning Ordinance (landscape buffer).
12. Resolve land use relationships as recommended by the Expansion Area Master Plan (EAMP).

Staff Zoning Presentation – Mr. Baillie said that the staff has received 53 letters of opposition and a petition with 1,073 signatures also in opposition, which he distributed to the Planning Commission. He presented the staff report and recommendations for the amended zone change application. He said that the Expansion Area Master Plan (EAMP), an adopted element of the 2013 Comprehensive Plan (Expansion Area 2a), recommends Community Center (CC) land use for the subject property. He stated that this zone change was reviewed under the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan and that this zone change is not subject to. The Placebuilder or other new elements of the 2018 Comprehensive Plan.

Mr. Baillie said the subject property is located within Expansion Area 2a, on the east side of Man o' War Boulevard, between Interstate 75 and Winchester Road. He said there is one local street, Constantine Avenue that stubs into the western boundary of the subject property. He said that a new entrance is expected to be constructed on the property to allow access to Man o' War Boulevard. He said this portion of the Expansion Area is primarily characterized by residential land use of varying types, including some apartments nearby. There is a Community Center (CC) zone located to the south and west of the subject property, which includes a gas station, convenient store, bank, Costco and a future Starbucks. He displayed photos and an aerial photo that depicts the greenways along the subject property, which will remain, but will eventually be dedicated to the city. He said that the applicant is also proposing an extension of Caversham Park Lane that would travel into the property owned by Kentucky Utilities (KU). The subject property was added to the Urban Service Area in 1996 with the approval of the Expansion Area and adoption of the Expansion Area Master Plan (EAMP). The property has remained vacant since the initial rezoning in 2000.

Mr. Baillie said that the subject property was initially rezoned from the Agricultural Rural (A-R) zone in 2000. During that rezoning of the 385-acre farm, the applicant indicated a desire to conform to the Expansion Area Master Plan (EAMP) by mixing the development with Expansion Area Residential-1 and 2 (EAR-1, EAR-2) zoning, Community Center (CC) zoning, Transition Area/Expansion Area Residential-2 (TA/EAR-2) zoning, and including the designation on a Special Design Area (SDA). Subarea 2a of the EAMP recommended a range of 527 to 1,591 dwelling units for the residentially zoned portions of the Blackford Property split between the EAR-1 and EAR-2 zoning. Over the course of the last two decades, the applicant has completed much of the Blackford Property development, which is single family residential, primarily detached with a small portion of attached single family townhomes. The development currently includes 1,288 dwelling units, or a density of 3.63 dwelling units per acre. The current proposal for the portion of the Blackford Property that is within the CC zone will not amend the possible total density of the overall development, but rather seeks to remove the CC land uses to create a purely residential development with greater heights and larger structures in the EAR-2 and EAR-3 zones. The proposed shift from the CC zone to the residential zoning and development would exceed the Expansion Area Master Plan recommendation for a maximum of 1,591 dwelling units for the Blackford Property by 21 dwelling units.

The subject property is recommended by the EAMP for the CC future land use, which would allow for a variety of uses, including residential, retail, and community amenities. There are no restrictions on dwelling unit density within the CC zone; however, there is a limitation on the zone, which states that at least 40% of the aggregated floor area should be designated as residential. He said that other land uses permitted in EAR-3 zone are also allowed in the CC zone, including schools, places of religious assembly and their accessory structures and public buildings. This special provision will allow for either vertical or horizontal mixed-use to serve the new neighborhoods within the Expansion Area. There is a restriction on the size of structures, as well as the floor area ratio (FAR), which were put into place to minimize the impacts on the surrounding neighborhoods. He said that for the CC zone, the maximum height of a structure is 48 feet, and the zone has a maximum FAR of 1.0.

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Mr. Baillie said that while the vision for the CC land use in the Expansion Area 2a is still important, there have been several deviations from the initial plans for development. In 1996, this portion of the CC-zoned land was recommended to mirror a large portion of CC land across Man o' War Boulevard, between Polo Club Boulevard and the North Elkhorn Creek. In 2010, this portion of land was rezoned to the Expansion Area Residential-3 (EAR-3) zone and the CC zone was relocated to the west side of Polo Club Boulevard. The applicant argued that the area east of Polo Club Boulevard was more appropriate for residential development than the area adjacent to I-75, and that the proximity to the proposed greenway system, and a future park, planned to the north along Polo Club Boulevard, was more advantageous to residential development. The Planning Commission agreed, which resulted in the construction of Costco west of Polo Club Boulevard and a multi-family residential development and an assisted living facility south and east of Polo Club Boulevard. Following the flipping of the zoning across Polo Club Boulevard, an additional parcel of CC zoned land was added, located at 2350 Polo Club Boulevard. This portion of property was rezoned from the Expansion Area Residential-3 with a Transition Area Overlay (EAR-3/TA) zone to the CC zone. The zone change was approved to allow for job growth and economic development, provide land uses that are more compatible with the surrounding land uses; and provide for a more appropriate mix of land uses than previously planned. In 2017, a portion of 6800 Man o' War Boulevard was rezoned from the Expansion Area Residential-2 (EAR-2) zone to the Community Center (CC) zone. The change to the zoning in this area and the modification of the plan was to allow for greater community services for the residents of the Justice Property (Meadow Oaks). This inclusion of a greater amount of uses would allow for services for many residents of Expansion Area 2a, as it is connected so as to allow for easier access.

Mr. Baillie said that due to these three zone changes over the last nine years, there has been a significant modification in the location and total need of the CC land uses in the Expansion Area 2a. This proposed zone change retains approximately the same number of planned acres of CC-zoned land necessary for the development of services for the residents in the area. However, it does place a greater need for the proper multi-modal infrastructure and connectivity. By expanding the distances that residents must travel to access goods and services, this could continue to promote auto-centric development within the Expansion Area, but by providing a diverse transportation system, residents can choose how they travel throughout the area.

Mr. Baillie said that since the original submission of this application, the petitioner has requested postponement of their application twice, during the May 23rd and July 25th Public Hearings, in an effort to work with the staff regarding their concerns. Since that date, the applicant has met with staff and amended their application to leave a portion of the CC-zoned land along Man o' War Boulevard, connected to the portion of CC zoning located at 6411 Man o' War Boulevard. The inclusion of the CC-zoned land represents a modification of the plan and a recognition of the need for community services for the surrounding neighborhoods. Furthermore, the applicant has alleviated the staff's concerns regarding the continuity of the land uses and the association with nearby transitional areas by locating EAR-3 zoning adjacent to the existing CC and TA zoned areas. He added that the applicant opines that they are expanding housing choices by providing mixed-use and housing near employment and commercial areas. They also indicated that they will encourage compact, contiguous, and/or mixed-use sustainable development within the Urban Services Area, as guided by market demand, to accommodate future growth needs for safe, affordable and accessible housing to meet the needs of older and/or disadvantaged residents. The applicant also indicates that they will strive for positive and safe social interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians and various modes of transportation.

Mr. Baillie said that the staff agrees with these aspects of the applicant's proposal and that these specific goals and objectives can be met. However, within the applicant's justification, they state they are in agreement with several other Goals and Objectives that the staff believes still needs greater discussion. One of those areas is that the applicant's statement that they will develop a viable network of accessible transportation alternatives for residents and commuters and the staff would like to know what transportation alternatives they are providing for residents at this location.

Commission Questions – Nicol asked how many acres are remaining CC in the zone. Mr. Baillie said that 1.85 net (2.25 gross) acres of CC zoning will remain. The total for the EAR 2 and EAR-3 zones is 24.62 net (25.23 gross) acres. Mr. Nicol then asked what the differences were between the original, current, and proposed CC zoned land in the Expansion Area 2a. Mr. Baillie stated that he would review their data to provide an exact acreage, but due to the previous zone changes, the amount of CC zoned land has increased. By retaining a portion of the CC zoned land the applicant is proposing to return the CC zoned land in the Expansion Area 2a to an acreage closer the original amount recommended by the EAMP.

Mr. Owens said the proposed height of the building could be 48 feet, and asked if that would be three or four stories. Mr. Baillie said that 48 feet could be four stories, depending on the height of each story. Mr. Owens also said that this zone change request is in compliance with Comprehensive Plan, and asked if the CC zone is still appropriate. Mr. Baillie said that the staff believes that the CC zone can still be appropriate, but the applicant's argument that it has remained vacant is not one that supports the appropriateness or inappropriateness.

Development Plan Presentation – Mr. Martin presented a revised rendering of the preliminary development plan associated with this zone change. He indicated that revised conditions were distributed to the Planning Commission, as follows:

1. Provided the Urban County Council rezones the property EAR 2 & EAR 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.

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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. Remove optional access through LFUCG property.~~
- ~~8. Revise note #11 to include the Division of Traffic Engineering.~~
7. 9. Denote improvements to Man o' War Boulevard on proposed cross-section per traffic study recommendation.
- ~~10. Include Community Center (CC) zone site statistics per Article 21 & 23A-9 of the Zoning Ordinance.~~
- ~~11. Resolve compliance with Article 23A-2(r)2 of the Zoning Ordinance (landscape buffer).~~
- ~~12. Resolve land use relationships as recommended by the Expansion Area Master Plan (EAMP).~~
8. Correct note #12 – Denote: Secondary access improvements via Caversham Park Lane shall be resolved at the time of the Final Development Plan.
9. Resolve location of parking within the CC zone at the time of the Final Development Plan to meet Article 23A-(9)(k) of the Zoning Ordinance.

Mr. Martin pointed to Man o' War Boulevard and the proposed entrance into this development and the parking designed in the interior of the subject property. He said that the apartment buildings have been positioned along the perimeter of the property and adjacent to the greenways. He said that the applicant is proposing ten residential buildings with 324 units, which will be a mix of 1, 2, and 3 bedrooms. He said that the floor area ratio (FAR) is 0.41 for the residential development, which is well under the maximum available to them. He said that they are also proposing more than 6 acres of open space, which includes the greenways. There will also be an amenity area for the complex, which will include a 6,100 square foot clubhouse, and 2 pools. He said that the buildings have different bedroom numbers. Typical building number one contains one bedroom units, and typical building number six contains two bedroom units, the other building types include mixes of one and two bedroom units. He said that building numbers three and six will be four-story buildings, 45 feet in height, and the rest of the buildings will be three stories tall and 35 feet in height. He said that the applicant is proposing 517 parking spaces, which will include some located within garages.

Mr. Martin pointed to the CC area and said that the applicant is proposing the commercial building to have commercial on the first floor with two stories of residential above, which would be a total of 34,800 square feet, with 11,600 square feet of commercial. He said that the applicant is proposing a secondary access at Caversham Park Lane, which is mandated for this development for public service vehicles. He said that the applicant is proposing to have a connection onto the KU property as their secondary access. He said that if for any reason that access cannot be completed, the hammerhead termination depicted may need to change. He added that will be determined at the time of the final development plan. He said that there is a specific and strict landscape requirement in the EAMP and the Zoning Ordinance between the CC and residential zones, which the parking area being proposed doesn't meet; however, the revised plan does meet that requirement.

Commission Questions – Mr. Nicol verified that the building heights in the CC zone can be 45 feet. He understood that two of the apartment buildings will be 45 feet and all of the others will be 35 feet in height. He then asked if that is the same height requirements for the R-1 zones. Mr. Martin replied that single-family zoning allows a 35-foot tall structure.

Ms. Plumlee said that vehicles can't cross LFUCG land nor has the access on the KU property been given, therefore the applicant will need to seek a second access into this development. Mr. Martin replied that the applicant will need to resolve this access issue at the time of the final development plan, should this zone change be approved.

Mr. Owens asked for the clarification of the buildings that appear on the development plan to have 3-4 stories. Mr. Martin replied that part of those buildings are three stories and part of them is four stories. He added that the applicant can explain their intent during their presentation. Mr. Owens then asked if the secondary access could go through the KU property directly on to Polo Club Boulevard. Mr. Martin said that option will not meet the Subdivision Regulation's spacing standards for an intersection. Mr. Owens also asked if there was any discussion regarding parking on a through access roadway. Mr. Martin said that there was and that concern will be revisited at the time of the final development plan. He said that it is a private residential apartment complex with parking and a pedestrian path that travels through the development to the CC area.

Traffic Study – Mr. Emmons presented the traffic study summary review for the traffic study that was submitted by the applicant. He said that some the major intersections that were reviewed are the applicant's proposed primary access located point on Man o' War Boulevard, as well as the intersection of Barrington Lane and Polo Club Boulevard. He said that they reviewed the distribution of the traffic from this development and said approximately 85-90% of this traffic will use Man o' War Boulevard as the main access. He added that the study was amended with an addendum, which caused a slight increase in the amount of traffic generated. He said that the only thing changed with the addendum was the access point on Man o' War Boulevard went from a Level of Service D to E, which measures the length of time one would need to wait at an intersection. He said that a Level of Service D is actually very desirable and provides a safer environment. He added that the staff was not significantly concerned about this change and that it will only be impacted during peak travel times.

Mr. Emmons stated that the applicant's traffic study recommended both right and left turn lanes into their development on Man o' War Boulevard, which the staff agrees with. He said that the staff is recommending the applicant provide half-section improvements, especially a sidewalk or multi-use path along Man o' War Boulevard, to the approval of the Divisions of Engineering, Traffic

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Engineering, the Bicycle and Pedestrian Planner, and the Kentucky Transportation Cabinet (KYTC). He said that the KYTC recognizes that this area is urbanizing, but this section is currently classified as a rural road. He added that they would be supportive if the Planning Commission were to require the half-section urban improvements, and would hold the developer to those standards during the permitting process. He said that the staff also expressed concern about the transportation alternatives, since this area is developing and does not have the available infrastructure.

Note: Mr. Owens stated for the record that there are time limits that are shown on the first page of the agenda and that there hasn't been any requests made for additional time.

Applicant Presentation – Mr. Nick Nicholson, attorney, Buddy Goodwin, Ball Homes, LLC and Rory Kahly, EA Partners, and Bill Blackford, were present to represent the petitioner. He said that they are happy to answer any questions about this zone change, the development plan and about the history of the property. He said that this property was recommended for CC future land use about 25 years ago, with the Expansion Area Master Plan, in which the owner has had little to no success being able to develop the property for commercial and residential consistent with the CC zone. He said that he believes that this zone change has come at an opportune time because Lexington is in a housing crisis. He presented aerial photos of the history of the property, which has remained vacant in the 23 history. He said that when a community commits to an Urban Service Boundary, that doesn't mean to not continue to grow. It is a recognition that we have something to protect and that we are committing to grow internally, which means that we need to maximize infill sites, provide a mix of housing, reduce vehicle miles traveled, and plan new development near existing infrastructure. He said most communities that are well known for their urban growth boundaries, have desired densities around 6 to 18 dwelling units per acre and our updated 2018 Comprehensive Plan also aims to meet that goal. He said that the existing Blackford Neighborhood contains 1,250 dwelling units with a density of 3.52 per acre, which is different from the staff's because they included HOA lots. The total of the current neighborhood and this proposed development will be only 4.14 dwelling units per acre.

Mr. Nicholson said that instead of discussing the compliance with the Comprehensive Plan he is focusing on the appropriateness of this development and inappropriateness of the majority of this property to be a CC zone. He said that this is an ideal location for density and multi-family, because it is located directly on arterial roadways, which is what the Comprehensive Plan has stressed. He said that while this development is introducing a new use inside the Blackford neighborhood, it is not introducing a new use to this area. There is a development directly across the street that is multi-story, multi-family and very similar in height. He said one of the reasons why this site will work so well for multi-family is the buffer, which is approximately 100 feet wide of thick dense trees. This buffer will be retained between the existing single family and proposed multi-family residential. He said that there is another buffer between the commercial use and the proposed multi-family use, which is the type of transitions that are encouraged by the Comprehensive Plan.

In regards to the inappropriateness of the existing zoning, Mr. Nicholson said that Mr. Baillie mentioned a few of the changes, but he missed the Gleneagles apartments. He said that Gleneagles was originally slated for EAR-3 zone, but it is currently EAR-2 and that the area had lost 30 acres of what was supposed to be high-density multi-family residential, according to the Expansion Area Master Plan and that has yet to be recovered. He said that after the all of the rezonings, there was a larger CC zone area than was previously planned. Mr. Nicholson displayed a graph depicting the EAMP's recommended acreage and said that in regards to Mr. Nicol's question, the total acres recommended for the CC zone was 62.29, and there are currently 94.19 zoned. With this proposed development it will be 65.32 acres, which still exceeds the original amount. He said that there have also been changes in the community and to the way people shop, interact and engage. He said that with the rise of Amazon and other online retailers, as well as social media, the way we interact as a society has changed. He displayed an aerial photo of the area and said that there is 3.5 million square feet of commercial area and one million square feet of office space and he believes that continuing to serve commercial, office, and neighborhood engagement is no longer appropriate. He added that there is 14.97 acres of vacant CC land that has major traffic generators directly across the street from this proposed development. He said that the days of the neighborhood centers are starting to see their end, which has been seen throughout the entire community. He said that they are keeping 1.85 acres as CC zone, in order to make sure the community still has some form of neighborhood services available. He added that they will be connected with pedestrian pathways so that the existing community could benefit from the access to services.

Mr. Nicholson said that Mr. Baillie reviewed many of the reasons why this development is in compliance with the Comprehensive Plan, but he reiterated that this proposal will allow them to take advantage of a major infill project at an appropriate density and adds multi-family residential to complete the neighborhood. He then displayed some of the Goals and Objectives from the Comprehensive Plan and said that this is an infill project and that in order to maintain the urban service boundary, we must take advantage of infill and redevelopment throughout the Urban Service Area. He said that the need for more residential housing is because, according to the housing study, the population is increasing by 40,000 people in a span of ten years. He added that we are losing a percentage of that to other counties. He said that in 2014, less than 50% people live and work in Lexington. More than 50% of our workforce is driving in from our surrounding communities and that is where traffic problems stem from. He said that we must provide renter occupied (non-student) housing so that our population can live near where they work, which would necessitate an additional 7,408 more units, and 6,335 of those units are designated to be multi-family units.

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Mr. Nicholson said that the main concerns of the neighbors are that they don't want apartments at this location, the connection to Constantine Avenue, the height of the buildings near single family houses, and the buffer area. He said that he has met with the board twice and these issues have been addressed. The access on Constantine Avenue was originally vehicular and has been changed to pedestrian access only, so that the neighborhood could walk to the CC land uses. He said that Ms. Plumlee's comment is correct regarding the rear access and that it will need to be addressed at the time of the final development plan. He said that there will be another public meeting to address that access. He doesn't believe that it will connect, because it doesn't logistically make sense for the apartment users to travel through the development; therefore, it would mostly be access for the single family residents to access Man o' War Boulevard. In regards to the height of the buildings adjacent to the single family, he said that all of the structures have been reduced to 35 feet. He said that Mr. Nicol's comment was correct and that 35 feet is in the maximum height in the R-1A zone. He added that some of the buildings will have a greater setback of 130 feet from the property line, which doesn't include the significant buffer along the single family side. He displayed photos of the buffer along Constantine Avenue. He said that in regards to the traffic concerns that this development will be adding trips from existing conditions, but that will be a fraction of what would be generated if it were developed under the existing CC zone, which could be four times the amount projected by this proposed development. He said, with the existing conditions, this development will add a one second delay on Man o' War Boulevard. In regards to the concern that there is already too many multi-family residences in this area, he displayed the aerial photographs again. He said that multi-family residences are encourage along arterial and collector streets.

Commission Questions – Mr. Wilson said that the staff report states that the market demand is to accommodate future growth needs for safe, affordable and accessible housing to meet the needs of older and/or disadvantaged residents. He asked the applicant for verification that the market for this development is not towards students. Mr. Nicholson said that is correct. Mr. Wilson then asked for the definition of older residents. Mr. Nicholson said that they're target demographic is just out of the student range.

Mr. Penn asked the applicant to clarify their justification of no longer needing the CC land use. Mr. Nicholson said that there is currently 90 acres of CC land, where the intent was 62 acres of CC land, and since the Planning Commission increased the CC land on the adjacent parcel, he believes that is no longer necessary to have this acreage as CC. Mr. Penn said that the neighbors are concerned about the density and said that this still isn't the amount of density that the city is requesting.

Ms. Mundy asked for verification that the floor area ratio (FAR) is below the maximum allowed in this zone. Mr. Nicholson said that the structures could be higher.

Mr. Owens said that the CC building does have a business component to it and asked the applicant what they foresee going it there. Mr. Nicholson said it could be retail, restaurant, or office space.

Ms. Plumlee asked if the CC could be a neighborhood market store. Mr. Nicholson said that it could and that is why they are showing the pedestrian connection to that area.

Mr. Pohl asked Mr. Nicholson to address the neighborhood concern with the wetlands area. Mr. Nicholson pointed to the floodplain area on the map and said that area won't be disturbed. He added that there hasn't been any wetlands identified on this site, but it has been identified as floodplain.

Mr. Wilson asked Mr. Nicholson if they are in agreement with the traffic study recommendations. Mr. Nicholson said that they are and the improvements are on the updated development plan.

Mr. Nicol asked Mr. Nicholson where the social interactions may occur. Mr. Nicholson said that the ability to interact will increase with the trail going through the property. The trail will not have any vehicular access. Mr. Nicol then asked what size the sidewalk will be along Man o' War Boulevard. Mr. Nicholson said the sidewalk will be a four-foot wide sidewalk.

Citizens in Favor: There were no citizens present to speak in favor of this application.

Note: Mr. Owens asked the citizens if there is any one person as a spokesperson for the group. He said that anyone is welcome to speak that wants to, however there is a three minute time limit for speaking. He asked that they not be repetitive in the situation.

Citizens in Opposition:

Ronald Gifford, 3109 Scottish Trace said he is delighted to hear about a major traffic improvements at the entrance into this proposed development, however he is concerned with traffic traveling onto Barrington Lane. He believes that the intersection of Barrington Lane and Polo Club Boulevard is dangerous and perhaps the developer could improve it. He is also concerned with their property values and the landscape buffer. He doesn't want these apartments to be visible from his backyard.

Heather Claycomb, 3273 Tranquility Point, representing Blackford Oaks Place Owners Association, said that they believe the CC zone is still appropriate for this area because it would serve the needs of the neighborhood surrounding the development. She said that amenities are lacking in their area and that it would be a place to network with their neighbors, to improve their quality of life. There isn't a grocery store, coffee shop or post office to travel to without driving a significant distance or crossing the interstate

and creating more traffic. She said that the proposed CC zone only shows one little small commercial building and it is only going to be partially commercial. She asked the Planning Commission to deny this zone change.

Jeremy Perryman, 3492 Jacob Court, representing Blackford Oaks Homeowners Association, and also a real estate agent in the area. He displayed a presentation and said that these apartments may be needed in Lexington, but they are not needed at this location because they will negatively affect their property values. He said they currently have most of the factors that maintain a home property values with the exception of a shopping center. However, with this proposed development they would gain increased traffic and possibly more crime. This would cause less of their neighborhood appeal, causing their property values will decrease. He said that they desire coffee shops or restaurants. He displayed photos of home value comparisons from nearby neighborhoods. He then asked the Planning Commission if it is ethical to change the zone if it will affect property values.

Nick Ratliff, 3101 Sunningdale Court, said he is also a real estate agent and that every home value in that neighborhood was determined based upon the current zoning of this property. This will have a negative impact on the single family residential. He said that it isn't their fault that the property owner wants more than the land is worth. He said that there has been an uprising of "shop local" rather than in the big box stores. He said that he is for infill and redevelopment but would like to see it be more compatible with the surrounding area.

Mercedes McClean, 2873 Mahala Lane, is concerned about the property value and resale of their home.

Keith Rice, 3116 Timberneck Cove, said that there are enough apartments in the area already. He believes that this area should be a park with a playground and shops for the elderly.

Amanda Akers, 3488 Jacob Court, is concerned about the safety of children and the increase of students in the schools.

Lee Carolan, 1826 Rachels Run, said that Mr. Nicholson misrepresented the wetland that is located in the front of this property, which runs along the creek system. However, he was correct about the floodplain. She said that the overall needs of the area should be reviewed. She is concerned with the traffic on Barrington Lane, since there is parking on both sides of the street.

Mary Takhtjian, 3424 Scottish Trace, agrees with Ms. Carolan's comments, but added that she is concerned with the density of this development. She also believes that the buffer should be greater than 25-feet wide.

Linda Nardin, 3416 Bay Springs Park, is also concerned with the increase of traffic, crime and the type of people that apartment buildings attract. She encouraged the Planning Commission to look at the entire Hamburg area.

Brian Rugman, 3196 Caversham Park Lane, said that there are 1,073 signatures of citizens that are concerned about this property and ignoring them will set a precedence for any other group. He asked for the Planning Commission to deny this zone change.

Mike Lutz, 1873 Rachel's Run, also asked the Planning Commission to consider all of the citizens that signed the petition. He said that their neighborhood wasn't ever fully developed and that the comment regarding the Gleneagles apartment area not being recovered is strictly a profit issue.

Mike Atkins, property manager for Blackford Oaks Homeowners Association, said that the height of the proposed apartments will be taller than their homes. He asked the Planning Commission to deny this zone change and wait for a developer that will build than a better community center.

Brad Wallace, 2848 Mahala Lane, said this development will be in their view from their front door. He said that it will affect their property value and that this community needs more single family houses not apartments.

Note: Planning Commission took a recess at 3:20 p.m. until 3:30 p.m.

Applicant Rebuttal - Mr. Nicholson said in regards to the buffer meaning that the apartments will not be visible is incorrect. Buffers are to mitigate any type of adverse impact, such as noise, light, and traffic. He added that the nearest single family house is approximately 250 feet away with a solid line of 100 feet of trees. In regards to the CC still being needed for groceries, coffee, he said that there are two grocery stores within a mile of this site, and a coffee shop within 1/2 mile, and several restaurants also within a mile. He said that he feels that the Blackford neighborhood does not having a true neighborhood commercial center, as well as the majority of Lexington, because they don't last. In regards to the comments that no one wants to live next to apartments, he said that there has been successful apartment developments within neighborhoods, such as the Tracery and Chilesburg. In regards to the comment that this was the plan to wait twenty years to build apartments, he said that Mr. Blackford has actively tried to develop this property. He said that apartments are ideal for school districts, because they have a very low unit to child ratio. In regards to the wetlands, he said that they are not aware of any on this specific property, and if there are, they will be in the buffer area and left undisturbed. He said that according to the Comprehensive Plan, Lexington needs density.

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Mr. Nicholson said that with all due respect to the 1,073 citizens that signed the petition against this zone change, there has been many discussions over the past eight months with over 11,000 citizens that have come forward stating the need to protect the Urban Service Area boundary, and the need for diverse neighborhoods. He said that the community has spoken and it is necessary to put this type of density on vacant properties and he believes that this development won't have an adverse impact on this neighborhood.

Mr. Blackford, property owner, said that he has incongruent uses that he can't sustain (agricultural next to residential). He listed all of the contracts to sell this land, but all have fallen through.

Citizen Rebuttal – Ms. Claycomb, said that their understanding of the CC is for alternative ways of traffic, such as walk, bike, or run. She said that there are other shopping areas but they are not leased. She said that LFUCG had told their homeowners association that they couldn't mow a specific part of the property because it was designated as a wetland. She doesn't believe that the intent of the CC zone is being achieved with this plan and the zoning is not achieving goals of the CC land use. She then asked the Planning Commission to consider the citizens that would be impacted by this zone change first.

Staff Rebuttal - Mr. Martin clarified that this is a preliminary development plan, and under the Expansion Area requirements, at the time of the final development plan the applicant will need to submit compliance statements, which the staff will evaluate and issue a compliance report. He said that there are not any identified wetlands on the property. There are greenways, drainage ways and floodplains. He added that per the stormwater plan, the applicant will not be allowed to negatively impact those environmental areas. He said that the issue regarding the buffer will be addressed at the time of the final development plan.

Mr. Baillie clarified that the CC zone has no restriction on dwelling unit density and that the greatest limitation is "at least 40% of the aggregated floor area of the buildings within the CC zone shall be devoted to residential uses as permitted in the EAR-3 zone." He added that the EAR-3 zone has a higher height limit, which is 60 feet, where the CC zone allows 48 feet. There is also a difference with the FAR, the CC zone allows 1.0 and there isn't any requirement in the EAR-3 zone. He said that the applicant is allowed to build an apartment complex within the CC zone, as it stands now.

Commission Questions - Ms. Mundy asked if staff could address the concern with emergency services within the area. Mr. Greg Lengal, Division of Fire and Emergency Services, said that this complex will not add any more burden to their services. He said that Fire Station (No. 21) is located about 2.5 miles southwest of the subject property, and Fire Station No. 17 is located approximately 2.7 miles northeast of the subject property. He said that regarding the public comments about the street width, and if anyone has further concerns, they should contact the Division of Fire and Emergency Services.

Mr. Owens said the applicant stated that this development would strive for positive social interaction with neighborhoods, while enabling existing and new neighborhoods to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and asked Mr. Nicholson if this request would be accomplishing those goals and objectives. Mr. Nicholson said that he believes that it can, even though it is not necessarily what the citizens in the room desire, he believes that multi-family can be integrated into this community.

Mr. Penn asked the applicant if the roadway improvements should be a condition on the development plan. Mr. Nicholson said that it is currently condition #7, and said that the revised development plan does depict those improvements.

Commission Comments – Ms. Plumlee thanked the neighbors for this input. In regards to the school overcrowding, she said that the Planning Commission doesn't have any input on that. She said that the Comprehensive Plan has promoted walkable neighborhoods and they are asking for support for successful neighborhoods. She said that this is one and the citizens are trying to promote it as such. She would like to see more CC zoned area to accommodate the neighbors, the apartments to address the housing need in Lexington, and avoid expanding the Urban Service Area boundary. She added that she supports neighborhoods and said that this, as it has been presented, isn't supporting the existing neighborhood.

Mr. Pohl said that he also appreciates the neighbors for attending this hearing and pointed out that the Planning Commission has seen this project multiple times and stated that their lack of asking questions may be a result of already seeing this plan, and it is not for a lack of interest.

Mr. Penn said that the Planning Commission's duty is to do what is best for the City of Lexington, and the 2018 Comprehensive Plan states that in order to accomplish their goals for the next 40-50 years and to not expand the Urban Service Area boundary, that infill and redevelopment is a priority. He said that the task at this hearing is to determine whether this zone change is appropriate or not appropriate. He said that he reviews the staff reasoning and most of the time their first reason is that the case complies with the EAMP, and the second reason is that there has been a social, economic and/or physical change in the area.

Mr. Owens said that he has been conflicted since this application was first presented. He is usually a proponent for mixed-use, which he believes that the CC zone should be. He agrees that the neighbors do not have a place to call their own and that this community center should be, as well as be located in the middle the property, not on the outside fringe. He said that currently within the CC zone, residential could be built; however, this proposal has lesser height than what is allowed to be built. He also

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thanked the citizens for attending the hearing and said that when 1,073 people sign a petition, the Planning Commission does take it seriously.

Zoning Action – A motion was made by Mr. Nicol, seconded by Ms. Mundy, and carried 7-2 (Plumlee and Pohl opposed; Bell and Brewer absent) to approve PLN-MAR-19-00003: BALL HOMES, INC. (AMD), for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Nicol, seconded by Ms. Mundy, and carried 8-1 (Plumlee opposed; Bell and Brewer absent) to approve PLN-MJDP-19-00009: BLACKFORD PROPERTY (PHASE 4), as presented by the staff.

Note: Mr. Owens said that the staff has requested to alter the agenda and hear the Commission Item first because there are citizens present in the audience that have limited transportation and may need to leave this hearing early.

VI. COMMISSION ITEMS -

A. PUBLIC HEARINGS ON SUBDIVISION REGULATIONS AMEMENDMENTS

1. **SRA 2019-1: UPDATE ARTICLE 6 FOR SIDEWALKS AND SHARE-USE PATHS** – The staff will present the proposed amendment to Article 6 of the LFUCG Subdivision Regulations to update the requirements for sidewalks and shared-use paths.

REQUESTED BY: Urban County Planning Commission

PROPOSED TEXT: Copies are available from the staff.

The Subdivision Committee recommended: Referral.

The Staff Recommends: Approval of the Staff Alternative Text, for the following reasons:

1. The proposed amendment to Article 6 of the Land Subdivision Regulations to update the requirements for sidewalks and shared-use paths will provide a more diverse transportation network with options for residents and visitors to our community, while also promoting economic growth, public health, and the quality of life of the Lexington's current and future residents.
2. The proposed text amendment will work to achieve an effective and comprehensive transportation network (Theme D, Goal #1), by supporting the Complete Streets concept, prioritizing a pedestrian-first design that also accommodates the needs of bicycle, transit and other vehicles (Theme D, Goal #1.a).
3. The proposed text amendment meets the minimum design standards established by the Kentucky Transportation Cabinet, the United States Access Board, and the Americans with Disabilities Act (ADA).

Staff Presentation – Mr. Baillie presented a PowerPoint presentation, and said that this update is for Article 6 of the Land Subdivision Regulations, which establishes the basic and minimum design and improvement standards, which will be required as a precondition to development or in conjunction with development for lots, streets, utilities, and other physical elements in a subdivision. He added that this is a precondition to construction and not an active change, and that anything that is proposed in this section is focused on new and updated construction. He said that this amendment is to promote development that is most harmonious with the existing environment, while providing guidelines and standards to protect the public health, safety and welfare of the community.

Mr. Baillie said that the focus of these changes is Article 6-8, which provides the elements of Street Standards. The amendments seek to promote connectivity and equity as it relates to the transportation network in urbanized areas. The amendments also promote greater mobility and will impact how the built environment directly affects economic growth, public health, and quality of life of our city's current and future residents.

Mr. Baillie said that the staff has received five letters of support, which he distributed to the Planning Commission. He said that sidewalks and shared-use paths are part of the required infrastructure in our community, and that a greater emphasis on connectivity should be applied to future development taking into account context-sensitive design as it relates to multi-modal transportation networks. Design of this infrastructure should include both micro- and macro-views of the context of current and future use, so that more sustainable development patterns are promoted. In an effort to ensure that the preferred types of multi-modal networks become the normal development type, this amendment provides guidance for the construction of this infrastructure. This will ensure that we are in compliance with Federal Standards while also protecting the health, safety, and welfare of our community. He said there are three changes to Article 6-8. The first is the modification of sidewalk widths for new construction of non-residential, industrial collectors and connectors, residential collectors and connectors and industrial locals, and local residential, local residential cul-de-sac, arterial major and minor roadways. Most sidewalks will be required to be five feet wide. For arterial streets, sidewalks will be increased to a six-foot minimum, with a minimum of 8 feet in high use areas, such as downtown, schools, shopping centers,

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civic facilities, etc. These proposed changes are in compliance with local, state, and federal guidance, and will enable sidewalk construction that is context sensitive.

Mr. Baillie said the second change is focused on the definition of the shared-use paths, which is where these paths are indicated in the Comprehensive Plan, as outlined in the Lexington area MPO Bike and Pedestrian Master Plan, and where existing trails provide opportunities for connections, the Commission shall require the dedication of right-of-way, or an easement of sufficient width for the construction and use of the path. If a shared-use path is required by the Commission in lieu of a sidewalk, the developer shall build the shared-use path at a minimum width of ten (10) feet. The shared-use path shall be designed and constructed in conformance with the adopted Roadway Manual. He added that these were not defined previously and we have an incredible network of shared-use paths that are developing throughout our community.

Mr. Baillie said that the third change is to the language of this section of the Subdivision Regulations. He said that the Subdivision Regulations and Zoning Ordinances are living documents and require updating to remove outdated terms and to include texts that have been adopted by the Planning Commission, as well as other LFUCG divisions and the Urban County Council.

- Mr. Baillie said that the main reason for these updates are for compliance with the minimum design standards of the federal government, the Kentucky Transportation Cabinet, and the MPO Bicycle and Pedestrian Master Plan. The LFUCG Subdivision Regulations states that "all sidewalks and shared-use paths primarily provided for convenience and/or improved flow shall conform to the following standards and shall be designed in accordance with the Division of Engineering Roadway Manual, the Division of Engineering Standard Drawings, and in conformance with the Americans with Disabilities Act (ADA)." He said that the ADA guidelines minimum requirements state "the minimum clear width of a pedestrian access route shall be 60 inches, or 5 feet, exclusive of the width of the curb. Additional width where possible, especially in high use areas such as in downtown urban environments, near shopping centers, schools, civic facilities, which is recommended that the pedestrian access route be no less than 72 inches wide."

Mr. Baillie then displayed photos of differences of the ability for an individual to maneuver in a wheel chair in areas where sidewalks are three feet, four feet, and five feet. He also displayed photos of an individual riding a motorized wheelchair in the roadway because there is no other way for him to get around town. Another photo of individuals walking on the grass because the sidewalk is too narrow or the sidewalk just terminates.

Mr. Baillie said that it is also important to have facilities that will allow for individuals who have a disability to be accompanied by others. He added that compliance with the ADA standards is also complimentary to bringing the minimum standards for development in line with the Kentucky Transportation Cabinet's design guidelines and comply with the United States Access Board's standards for access in the public right-of-way. He said that compliance with federal requirements for accessibility protects future funding for transportation system projects and aligns with LFUCG's efforts to provide a more comprehensive transportation network. The proposed Land Subdivision Regulation changes also support LFUCG's larger safety and transportation goals, which emphasize the well-being of people of all ages and abilities across all modes of transportation operating within the public right-of-way. This text amendment supports development that serves the needs of all people consistent with the community's equity goals. This amendment to the Land Subdivision Regulations is in agreement with the 2018 Comprehensive Plan. The proposed text amendment will work to achieve an effective and comprehensive transportation network, by supporting the Complete Streets concept, prioritizing a pedestrian-first design that also accommodates the needs of bicycle, transit and other vehicles. He said that the staff is recommending approval of this Land Subdivision Regulation amendment. However, the Subdivision Committee recommended referral to the full Planning Commission due to the concern of members of the Division of Engineering and Traffic Engineering that haven't been involved with this process. He stated while the representative members on the Subdivision Committee were not involved in the outreach process, the managers and directors were, and they agreed with the proposed change. He announced that Scott Thompson, MPO Bicycle and Pedestrian Planner is available for questions.

Commission Question – Mr. Nicol asked if the staff has received any letters of opposition. Mr. Baillie said that there are no letters of opposition. He also said that they reached out to the Builders Association and provided them information and they have not responded in any positive or negative way. He said that they have only asked for more information.

Citizens in Support - Ashley Smith, 1171 Redwood Drive, representing the Fayette Alliance. She said that they are in support of this amendment and commend the staff for amendments that helps our community be more people-centric beyond the automobile. She said that the staff expresses how they will achieve their vision of diversifying transit opportunities and making communities more pedestrian friendly, which will reap benefits in many areas, such as economic development, quality of life, accessibility, and more. Many people prefer to live, work, and shop in walkable places with good transit access. She stated that there is a correlation between transit and property values, which has been shown. Additionally, with demographics continuing to change, a need for better facilities is even more robust. She said that improved design, planning, and building of streets and public spaces are crucial to provide citizens with what they desire from their city, and the proposed amendment is an example of how our planning staff is diligently working toward those goals that our community outlined in the 2018 Comprehensive Plan.

Laura Thomas, 301 Ash Street, said that her neighborhood is not accessible for her. She said that beyond her house are 3-foot sidewalks and they are not wide enough for her wheelchair. She has fallen out of her chair because of this. She travels by

paratransit and they are the only reason she gets out because they do door-to-door service. She added that the sidewalks in this city are not adequate.

Sandra Broadus, 441 Kingswood Drive, Chairperson of the Lexington Bicycle & Pedestrian Advisory Committee. She said that the committee supports this amendment. She said that the ability to get around your community creates sense of place.

Kerry Churchill, 2901 Richmond Road, said that she is in support of this amendment. She said that she is a nurse and has helped many people that have sustained a pedestrian accident. She said that the wheelchair and mobility device widths have increased, and the sidewalks are too narrow to travel safely.

Kristy Stambaugh, Director of Aging and Disability Services. She is also in support of this amendment.

Commission Question – Mr. Nicol asked for clarification about how this regulation change will be implemented. Mr. Martin said that it would need to a major redevelopment that would be impacting the public improvements. He added that this is a Land Subdivision Regulation so that it would affect subdivision of properties and not every development plan. Mr. Nicol then asked if there would a retrofit of the 3-foot sidewalks within our city. Mr. Martin said that only if it is a public project.

Action – A motion was made by Mr. Wilson, seconded by Mr. Forester, and carried 9-0 (Bell and Brewer absent) to approve SRA 2019-1: UPDATE ARTICLE 6 FOR SIDEWALKS AND SHARE-USE PATHS, for the reasons provided by the staff.

V. ZONING ITEMS

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

2. THE CLIFTON, LLC ZONING MAP AMENDMENT & SAUNIER LIVERY ZONING DEVELOPMENT PLAN

- a. PLN-MAR-19-00012: THE CLIFTON, LLC (9/29/19)*- a petition for a zone map amendment from a High Density Apartment (R-4) zone to a Downtown Frame Business (B-2A) zone, for 0.119 net (0.135 gross) acres, for property located at 171 Saunier Street.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2018 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. 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.

The petitioner has requested a zone change from a High Density Apartment (R-4) zone to a Downtown Frame Business (B-2A) zone for 0.119 net (0.135 gross) acres for the property located at 171 Saunier Street. The proposed development seeks to retain the current structure and adapt it for special event space.

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

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

1. The requested Downtown Business Frame (B-2A) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning supports infill and redevelopment (Theme A, Goal #2), by identifying areas of opportunity for adaptive reuse (Theme A, Goal #2.a), while also respecting the context and design features of surrounding development projects to ensure compatibility with the existing urban form (Theme A, Goal #2.b).
 - b. The proposal seeks to support & showcase local assets to allow for the creation of a variety of jobs (Theme C, Goal #1), while also adding services that promote and enhance tourism in the area (Theme C, Goal #1.d).
 - c. The applicant states that through the inclusion of the use, event space or banquet facility, that they will provide entertainment and other quality of life opportunities that attract young, and culturally diverse professionals, and a work force of all ages and talents to Lexington (Theme C, Goal #2.d).
 - d. The proposed development of the subject property seeks to protect and enhance the natural and cultural landscapes that give Lexington-Fayette County its unique identity and image (Theme D, Goal #3), by protecting historic resources (Theme D, Goal #3.a), including the renovation, restoration and maintenance of a historic commercial structure (Theme D, Goal #3.c).
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan:

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- a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the site adaptively reuses an older structure that is located within a highly walkable area. Additionally, the proposed rezoning seeks to add new job opportunities, while increasing potential entertainment and quality of life opportunities that can draw more people into our downtown commercial areas.
 - b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity, as the applicant is working with the surrounding property owners to provide shared parking arrangements that will reduce the proliferation of parking lots in the downtown area.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, limits the impacts on the surrounding environment, and does not impact the current tree lines and canopy.
3. This recommendation is made subject to approval and certification of PLN-MJDP-19-00046: Saunier Livery, 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-19-00046: SAUNIER LIVERY (9/29/19)* - located at 171 SAUNIER STREET, LEXINGTON, KY.
Project Contact: Barrett Partners

The Subdivision Committee Recommended: **Approval**, for the following reasons:

1. Provided the Urban County Council rezones the property B-2A; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Landscape Examiner's approval of landscaping and landscape buffers.
5. Addressing Office's approval of street names and addresses.
6. Urban Forester's approval of tree preservation plan.
7. 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.

Subsequent to the Technical Committee meeting, Planning Staff completed an evaluation of the Placebuilder development criteria.

10. Resolve the following Placebuilder criteria:
- I. B-SU11-1: Green infrastructure should be implemented in new development. (E-GR3).

Staff Zoning Presentation – Mr. Baillie said that the staff has received three letters of opposition, which he distributed to the Planning Commission. He presented the staff report and recommendations for the amended zone change. He displayed photographs of the subject property and aerial photographs of the general area. He said that the applicant is proposing this zone change to adaptively reuse the current structure for special event space or as a banquet facility. He said that the proposed B-2A zone allows for such activities and provides for a reduction in the required parking, due to the high level of walkability downtown and availability of on-street parking, as well as private lots and structured parking. He said that Saunier Street is categorized as a street, but it performs more like an alley by providing access to and from parking for the businesses, churches, and schools in the area. He added that the cross-section of the street doesn't meet current local street standards.

Mr. Baillie said that the subject property is located within a mixed-use neighborhood that currently includes various residential, business, and office land uses. The zoning surrounding the property includes the High Density Apartment (R-4), Downtown Frame Business (B-2A), and Downtown Center Business (B-2B) zones. The B-2A and B-2B zones offer a wide variety of potential uses and the fewest site restrictions, which are meant to allow for the greatest utilization of the downtown environment. The subject property was previously within the General Business District (B-4) zone, which was changed to Wholesale and Warehouse Business (B-4) zone with the 1975 update to the LFUCG Zoning Ordinance. The subject property was rezoned from the B-4 zone to the High Density Apartment (R-4) zone in 1969, during the comprehensive modification of the county wide zoning. This change was made to allow greater continuity with the multi-family residential uses located along Second Street and Short Street.

Mr. Baillie said that the subject property borders the eastern edge of the Historic Western Suburb Neighborhood and the eastern edge of Historic Northside Neighborhood. The Western Suburb neighborhood achieved its Historic District (H-1) Overlay zone in 1975 and expanded the overlay in 2014. The Northside neighborhood achieved its H-1 Overlay zone in two different sections in 1986. While this property does not fall under either of the H-1 overlay zones, the property does have a historic background. The property was originally constructed between 1890 and 1896 as a horse and carriage stable. Use as a livery continued until recently. The LFUCG mounted police utilized the site to stable their horses, before moving their facilities to Coolivan Park.

Mr. Baillie said that one of the concerns of this zone change is the parking. He said that the B-2A zone allows for a reduction down to 25% of the required parking for any use. He said that this proposal only requires 6 parking spaces. He said that the applicant is proposing two separate lots; one of them would provide the necessary 6 spaces, within 300-foot area of the property, and the

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other providing an additional 84 spaces. He added that there are various different lot and structured parking through-out the area. He said that this is also located within the downtown area and that there is the connection to the walkability of downtown Lexington, as well as access to multi-modal transportation.

Mr. Baillie said that the applicant opines that the proposed development is in agreement with the Goals and Objectives of the 2018 Comprehensive Plan and states that the proposed rezoning supports infill and redevelopment by identifying areas of opportunity for adaptive reuse, while also respecting the context and design features of surrounding development projects to ensure compatibility with the existing urban form. He said the petitioner indicates that their plan seeks to support and showcase local assets to allow for the creation of a variety of jobs, while also adding services that promote and enhance tourism in the area. The applicant states that through the inclusion of the use, event space or banquet facility, that they will provide entertainment and other quality of life opportunities that attract young, and culturally diverse professionals, and a work force of all ages and talents to Lexington. He added that the applicant opines that their proposed rezoning will protect and enhance the natural and cultural landscapes that give Lexington-Fayette County its unique identity and image by protecting historic resources, including the renovation, restoration and maintenance of a historic commercial structure.

Mr. Baillie said that staff agrees with these aspects of the applicant's proposal and that these specific goals and objectives can be met. He said that applicant's justification states that meets the development criteria for this subject property regarding transportation and pedestrian connections, and greenspace and environmental health. Despite compliance for the majority of the criteria for site design, building form, and location, there is one area of concern that the applicant should expand upon at today's hearing. In response to Development Criterion B-SU11-1: Green infrastructure should be implemented in new development, the applicant stated that they would further contemplate the inclusion of green infrastructure, to the extent possible. He said that during the Zoning Committee meeting, the applicant discussed the inclusion of pavers or other type of green infrastructure in the rear of the property. Mr. Baillie said that the staff and the Zoning Committee recommended approval of this proposed zone change.

Development Plan Presentation – Mr. Martin presented a rendering of the final development plan associated with this zone change. He said that it is a final development because the applicant is proposing to use the existing structure, which is approximately 4,000 square feet. He pointed to the main entrance off of Saunier Street. He said that the applicant is proposing a covered walkway. He added that they are proposing a new, 900 square foot building that will have restroom facilities and preparation areas for the activities that will be taking place on the site. He also pointed to a large open space in the rear of the property.

Mr. Martin said that the Subdivision Committee recommended approval of this development plan, subject to the sign-off conditions. He also said that the type of green infrastructure that will be used on the property needs to be noted on the plan.

Mr. Baillie said that there was a mistake on one of the slides in his presentation. He said that in the findings, located on the slides there was a different zone noted, and that the agenda has the correct findings.

Applicant Presentation – Mr. Nick Nicholson, attorney; Tony Barret, engineer; and Calhoun Clifton, applicant, were present. He believes that this is a great downtown core project that will be able to be inviting to tourism and Lexingtonians alike. He said that this is a recognition of the historic use of this property versus trying to change the spectrum of use that is allowed on this property. He said that in the 134 year history of this structure, there is no indication that any residential use has ever occurred. It has always been a commercial property. He showed a presentation of photos of the existing structure and gave a brief history of it. He said that the exterior shell of the building will be preserved, but the interior does need to be fully renovated, since there are stables inside. He said that the roof's condition will be addressed. He said that the rear of the property will be renovated to add a covered walkway and an accessory type building. He said that in regards to the green infrastructure, they don't know which type of material will be used at this time.

Mr. Nicholson said that the subject property is mostly surrounded by commercial uses, with the exception of a multi-family nearby. There is one single family residence adjacent and there will be landscaping buffer between them, as well as the accessory building. He then displayed an aerial photo of the property and said that due to its size, any type of true multi-family structure would compromise the historic façade and would be very difficult to construct in compliance with Zoning Ordinance. He said that the building is approximately 2,300 square feet. He said that this will be an adaptive reuse project on historic property according to the Comprehensive Plan, which he believes this project is in compliance with.

Mr. Nicholson said that in regards to the development plan, they are proposing to create a covered walkway, which will be made out of pavers to reduce the impervious surface, as well to catch additional stormwater. He pointed to the proposed accessory structure, which is located off of the rear wall and meets the required setback. He added that there will be a fence along the entire property boundary.

Mr. Nicholson said that he has spoken with several of the neighbors and some of their concerns were noise and parking. He said that in regards to the noise, they added a note to the development, which states the time events must end on this property. He said that by adding to the development, if this property ever sells or the use turns into something else, the owner will need to submit an amended development plan. He said those time limits are ending at 10:00 p.m. on Sunday, 11:00 p.m. Monday through

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Thursday and 12:00 a.m. on Friday and Saturday nights. In regards to the parking concerns, he said that there are over 780 public spaces, within 1,000 feet of this property. He said that he doesn't believe that this use will generate much parking to be an issue. He added that the city is trying to get away from being an auto centric society, especially in the downtown area.

Commission Questions – Wilson asked the applicant if there will be any reserved parking spaces for this property. Mr. Nicholson said that they have the ability to reserve 90 spaces for this use. Mr. Wilson then asked if they can only be reserved when no other event is going on in the area. Mr. Nicholson said that is why they have those spaces reserved.

Ms. Plumlee asked if they had any proposed hours of operation. Mr. Nicholson said that since this will event driven, there are not any set hours but will have ending hours.

Mr. Owens asked if there would be any live outdoor entertainment. Mr. Nicholson said that there will not be any live outdoor entertainment.

Mr. Penn asked if there was any entertainment that it would be indoors. Mr. Nicholson said that it would be.

Citizen in opposition – Mr. Bob Millward, Millward Funeral home, said that he received the staff report and that the statement in the applicant and community engagement section is false. He said that the petitioner states that they have reached out to the surrounding neighborhoods and haven't received any responses. He said that his property is adjacent to the subject property and that he hasn't spoken with anyone. He said that he is opposed to this zone change because there are many undesirable businesses allowed in the B-2A zone and he fears what could go into this property. He said that he also opposed to any use of this building because there isn't any parking, not even for their staff. He added that many of the parking lots in the area either belong to the Christian Church, St. Paul Catholic Church or to his funeral home, and that none of them are available as public parking. He also said that the public parking Mr. Nicholson said is available for parking is adjacent to his property and he doesn't want these people cutting through his lots for liability issues. He said that Saunier Street is an alley and that there isn't any parking to unload food or equipment and he is concerned about moving his clients out of the funeral home safely when there is an event happening. He asked the Planning Commission to not approve this zone change.

John Pica, President of Sts. Peter and Paul Regional Catholic School, said that he is opposed to this zone change. He said that the parking lot of the Catholic Church, and the parking lot and play yard of the school abut the subject property. Since the proposed property doesn't have any parking to offer their patrons of a business establishment, he is in agreement with their neighbors to oppose this zone change. He said that the Church will need to expend extra resources in order to ensure that parking is monitored for the availability of parishioners, school families, and guests of both the school and the church. He added that their programs vary throughout the week and weekends. He also said that the proposed establishment will change the areas culture, which is comprised of churches, a funeral home, an opera house, and a school. He is also concerned of the future use of this property.

Windell Reading, 417 W. 2nd Street, said that he representing his immediate neighbors and said that none of them were contacted by the applicant. He said that he had contacted them to inquire of this proposal. He said that this will be disturbing to a residential neighborhood. He said that he is concerned of what could move into this property in the future and added that there is currently a concern with the public parking in the private lots. He said that there could be other adaptive use for this site, but doesn't believe that this is the best choice for those that live in the neighborhood.

Doug Piatt, Executive Pastor of Broadway Christian Church, 187 N. Broadway. He said that he concurs with his neighbors to object to this zone change. He said that that Ms. Clifton had met with him to ask of provisional use of his property. He said that his church is not a one day a week church, there are activities here every day. He said that they were unable to share space with Ms. Clifton. He said that their church shares a border with the subject property and they are also concerned with the future use of this property. He also said that their Church will not offer any parking and is asking the Planning Commission to not approve this plan.

Sister Clara Fehringer, St. Paul Catholic Church, is concerned for the safety of their parishioners because some are elderly and some are children. She said that they also have activities every day and she is concerned about the increased traffic and the parking issues. She said that they would need a fulltime attendant to keep their parking spaces for their parishioners.

Tom Brown, superintendent schools for the Roman Catholic Diocese of Lexington, said that he is opposed to this zone change because of the safety of his students. He said that his school is also not only open during the daytime, they have night activities almost every night. He said that he has agreements with their neighbors to share parking, which is a major issue and concern. He said that they have small children attending their school and they work very hard to maintain a safe environment for all of their students.

Applicant Rebuttal - Mr. Nicholson said this application was submitted to the staff approximately six weeks ago and that they have had conversations with the neighbors since that time. He said that he spoke with Mr. Millward, the churches, and Mr. Reading. He added that he sent notices to the Northside Neighborhood Association and didn't get any response in return. In regards to this

leading to improper uses, he said that those individuals are currently in B-2A or B-2B zoned properties and that those individuals are acceptable with an adaptive re-use but just not this one. He then said that anything that is not multi-family residential requires a zone change to the B-2A or B-2B zones. He said that the question is should this property remain zoned as R-4 or should it change to recognize the commercial nature of it. He added that all the neighboring B-2A or B-2B zoned properties are eligible to be these toxic uses that they all are fearful of this becoming. He added that this will not be a full time operation and that they are projecting three to four events per week, lasting one to four hours each. He said in regards to the parking, that none of the church lots or the funeral home, were counted. He only counted public parking lots, not street parking.

Staff Rebuttal – Mr. Baillie clarified that what the applicant is proposing does meet the guidelines for parking. He said that for the B-2A zone they are required six parking spaces within 300 feet, which they are providing.

Commission Question – Mr. Wilson asked what else could go in this site. Mr. Baillie said that many activities could occur in the B-2A zone, including the one being proposed today, and all of those principal permitted uses in B-2 and B-1 zones, which there are 17 principal permitted uses exclusive to the B-2 zone, and 47 other uses permitted in the B-1 zone. Mr. Wilson then asked if adult uses or massage parlors. Mr. Baillie said that those should not be permitted because of their proximity to residences, schools and churches.

Mr. Owens said that Mr. Nicholson had offered to note on the development plan that if any other use will need to come back to Planning Commission. Mr. Nicholson said that the note on the development plan is related to timing of operation. Mr. Baillie added that there is a concern regarding parking at this time. He added that if there was a change in the use that would necessitate a greater amount of parking, they would need to return to the Planning Commission. Mr. Nicholson reiterated that if there is any change in use, it would return to the Planning Commission.

Ms. Plumlee asked if conditional uses could be added at this time. Mr. Baillie said that they could be added at this time.

Mr. Forester asked the applicant to address the safety concerns near the schools. Mr. Nicholson said that the events happening at the same time as school is in session would be more business-like, which wouldn't cause grave concern to students. He said that this property may operate for a maximum of 16 hours per week.

Mr. Owens asked how many residential units would be allowed in the R-4 zone, the current zoning of the property. Mr. Baillie said that it would be very difficult to do multi-family residential at this location, because of the need for various different waivers, and the required parking.

Ms. Mundy asked that the R-4 zone is inappropriate. Mr. Baillie said that the R-4 uses would be very difficult to meet requirements.

Citizen Comment – Mr. Pica said that since the operating hours of the schools was mentioned, he said there are activities in the evening, many times until 9 pm.

Mr. Nicholson said that this proposed use is allowed in this area at this time.

Ms. Plumlee asked if the staff has any conditional use restrictions to suggest in regards to the future of this property.

Mr. Martin said that any change in the use of this property will need to have an amended development plan to address the change in parking. Ms. Plumlee said that she is just trying to accommodate the neighbors so they know that they have been heard.

Mr. Nicol asked for confirmation this property is not included in H-1 Overlay. Mr. Baillie said that it is not located within the overlay. Mr. Nicol then asked if this property remained R-4 zone, could the building be demolished. Mr. Baillie said that they could demolish the current building, however, the parking issue would remain because of the small size of the lot. Mr. Martin said that there are many criteria to meet in order to determine how many units will fit on a lot, such as parking, open space, setbacks, etc.

Commission Comments – Mr. Penn said that the fear of the unknown is driving the opposition to this zone change request. He said that they are in between trying to assure the neighbors that the unknown isn't as fearful as they are thinking and all of the B-1 and B-2 uses that could be used on this property. He then asked one of the Zoning Committee members if they could advise the other Planning Commission members as to why they made their decision to approve this zone change.

Mr. Nicol said that at the Zoning Committee meeting held on August 5, 2019, they were tasked to determine if this proposal is appropriate or inappropriate. He said that no one from the neighborhood was present at that meeting. He said that from strictly from a land use perspective, he recommended approval of this zone change. He continued, and said that now this has become something more than strictly a land use issue.

Mr. Forester said that he concurs with Mr. Nicol regarding the Zoning Committee recommendation and added that there wasn't anyone in opposition.

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Mr. Owens said that this is land use issue and as far as infill and redevelopment and adaptive re-use, however the concerns of the neighbors are very valid and he appreciates them. He said that the request is to provide a business in the area, which will have the same type of activities that is currently happening at the neighboring locations. He said that it may add more traffic but is that enough to deny this request.

Note: Mr. Pohl said that he need to abstain from this vote, because he is friends with two of the neighbors. Mr. de Movellan also need to abstain from this vote, because he is related to Mr. Millward. Mr. Forester recused himself because his son attends Sts. Peter and Paul Regional Catholic School.

Ms. Wade asked if the Planning Commission would like for the staff to draft conditional zoning restrictions. Mr. Owens said that they will review them.

Mr. Baillie said that based on the comments made at today's hearing, the staff is recommending a prohibited use list, which is as follows:

4. The subject property shall be restricted via conditional zoning in the following ways.

Prohibited Uses

- a. Automobile service stations, and auto repair.
- b. Amusement enterprises.
- c. Pawnshops.
- d. Community Centers, private clubs and day shelter.
- e. Outdoor live entertainment.
- f. Cocktail lounges and nightclubs.

Other

- a. Operating hours shall end at 10:00 p.m. Sunday, 11:00 p.m. Monday – Thursday, and midnight on Friday and Saturday.

Mr. Nicol asked about the proximity to the school, all of the adult uses are not permitted. Mr. Baillie agreed that the adult entertainment uses are not allowed due to the proximity of the school, residential, and to the churches.

Mr. Owens asked the applicant if they are in agreement with the restrictions recommended by the staff. Mr. Nicholson said that are in agreement with the staff's recommendation.

Zoning Action – A motion was made by Mr. Penn, seconded by Ms. Mundy, and carried 6-0 (de Movellan and Pohl abstained; Forester recused; Bell and Brewer absent) to approve PLN-MAR-19-00012: THE CLIFTON, LLC, for the reasons provided by the staff, including the conditional restrictions to protect the adjoining the property owners.

Development Plan Action – A motion was made by Mr. Penn, seconded by Ms. Mundy, and carried 5-1 (de Movellan and Pohl abstained; Forester recused; Plumlee opposed; Bell and Brewer absent) to approve PLN-MJDP-19-00046: SAUNIER LIVERY, as presented by the staff.

Note: Mr. Wilson left the meeting at 5:45 p.m.

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

1. **ZOTA 2019-4: AMENDMENT TO ARTICLE 8: B-2 ZONES FOR TOWN BRANCH COMMONS** - petition for a Zoning Ordinance text amendment to update Article 8 to require compliance with the Town Branch Commons Masterplan and Design Standards in the downtown business zones.

INITIATED BY: Urban County Planning Commission

PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: Approval.

The Staff Recommends: Approval, for the following reasons:

1. The proposed text amendment to Article 8 of the LFUCG Zoning Ordinance to require compliance with the Town Branch Commons Masterplan and Design Standards between the Town Branch Commons Corridor and development that is adjacent to, connected to, or interacts directly with the Town Branch Common Corridor supports the Complete Streets concept, prioritizing a pedestrian-first design that also accommodates the needs of bicycle, transit and other vehicles (Theme D, Goal #1.a). Additionally, through the implementation of the Masterplan and the Design Standards, the Urban County will also be

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providing quality of life opportunities that attract young, and culturally diverse professionals, and a work force of all ages and talents to Lexington (Theme C, Goal #1.d).

2. The proposed text amendment will implement Appendix B of the Comprehensive Plan, while also supporting the Policies of the Comprehensive Plan (Growth Policy #2, Livability Policy #8, and Sustainability Policy #4).

Staff Text Amendment Presentation – Mr. Baillie presented and summarized the staff report and recommendations for this text amendment, and said that the Urban County Council initiated this Zoning Ordinance text amendment to require compliance with the Town Branch Commons Master Plan and Design Standards between the Town Branch Commons Corridor and development that is adjacent to, connected to, or interacts directly with the Town Branch Common Corridor. This requirement will only apply in the Downtown Business zones (B-2, B-2A, B-2B). The following provision has been proposed for the special provisions for the B-2, B-2A, B-2B zones:

For any development that is located adjacent to, connects to, or interacts directly with the Town Branch Commons corridor, such development of the site shall comply with the Town Branch Commons Masterplan & Design standards; taking precedent over the Downtown Streetscape Master Plan where conflicts occur.

Mr. Baillie said that the Town Branch Commons Corridor is not only improving mobility, it will also restore and reveal water features, clean-up rainfall areas, and connect mobility patterns throughout the area. He displayed a drawing of the proposed roadway and trails, and photos of the design improvements. He said that by incorporating compliance with the Town Branch Commons Masterplan and Design Standards for those properties adjacent to, connected to, or interacts directly with the Town Branch Common Corridor, subsequent development will need to consider the impacts that they may have to this vital portion of the community's multi-modal infrastructure, but also the surrounding context of their development. It is necessary to apply such standards within the context of the downtown area, as these developments will be a major beneficiary of the improvements made by the City, but can also lead to the most detrimental impacts to the trail, if not regulated. Furthermore, by maintaining consistent design standards along the Corridor, the Urban County Government will be able to create a more enticing space for potential residents, visitors, and businesses into the downtown commercial area.

Mr. Baillie said that in addition to the language recommended by the Urban County Council, staff is recommending the deletion of two sections of the LFUCG Zoning Ordinance: 8-17(o)(1) and 8-19(o)(1). Each of these sections reference the Urban Renewal Project Area and the Urban Renewal Plan. Both of the Area and the Plan are outdated and are no longer utilized by the Planning Commission in review of development in the B-2 and the B-2B zones. He said that the staff is recommending approval of this text amendment, including these minor deletions.

Zoning Action – A motion was made by Mr. Forester, seconded by Ms. Mundy, and carried 8-0 (Bell, Brewer, and Wilson absent) to approve ZOTA 2019-4: AMENDMENT TO ARTICLE 8: B-2 ZONES FOR TOWN BRANCH COMMONS, for the reasons provided by the staff.

VII. STAFF ITEMS - Mr. Duncan reminded the Planning Commission of the Work Session next Thursday, August 29th, in the Phoenix Building on the 3rd Floor.

VIII. AUDIENCE ITEMS - No such items were presented.

IX. MEETING DATES FOR AUGUST 2019

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	August	1, 2019
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	August	1, 2019
Subdivision and ND-1 Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	August	8, 2019
Work Session, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building.....	August	15, 2019
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	August	22, 2019
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	August	28, 2019
Work Session, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building.....	August	29, 2019

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- X. **ADJOURNMENT** – There being no further business, Chairman Owens declared the meeting adjourned at 6:00 p.m.

Mike Owens, Chair

Karen Mundy, Secretary

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