

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

September 26, 2019

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

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

Planning staff members present: Jim Duncan, Director; Traci Wade, Tom Martin, Hal Baillie, Chris Woodall, Chris Taylor, Jimmy Emmons, Samantha Castro, Valerie Friedman, Grace Coy, Lauren Weaver, 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; Tracy Jones, Department of Law; and Betty Kerr, Historic Preservation.

- II. **APPROVAL OF MINUTES** - A motion was made by Ms. Plumlee, seconded by Ms. Mundy, and carried 8-0 (Brewer, Owens and Wilson absent) to approve the minutes of the August 22, 2019, meeting will be considered at this time.

- 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 (9/26/19)*- 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 19.84 net (19.27 gross) acres, for property located at 2575 Polo Club Boulevard (a portion of).

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 19.84 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) (9/26/19)* - 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.

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

11. Discuss proposed townhome access and the relationship to the single family lots.
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 October 24, 2019 meeting. He said that they have submitted an amended application.

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

Action: A motion was made by Ms. Plumlee, seconded by Ms. Mundy, and carried 8-0 (Brewer, Owens and Wilson absent) for a postponement of PLN-MAR-19-00010: BALL HOMES, INC. and PLN-MJDP-19-00036: HAMBURG EAST (BELHURST) to the October 24, 2019 meeting.

2. APTITUDE DEVELOPMENT ZONING MAP AMENDMENT & LYNTHURST SUBDIVISION BLK D LOTS 2-7 (THE MARSHALL LEXINGTON) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-19-00013: APTITUDE DEVELOPMENT (11/3/19)*- a petition for a zone map amendment from a High Density Apartment (R-4) zone to a Downtown Frame Business (B-2A) zone, for 1.810 net (2.274 gross) acres, for properties located at 201, 207, 209, 211, 215, 221, 225, 227, & 231 E. Maxwell Street, and 245, 247, & 251 Stone Avenue.

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 1.810 net (2.274 gross) acres for the properties located at 201, 207, 209, 211, 215, 221, 225, 227, and 231 E. Maxwell Street, as well as 245, 247, and 251 Stone Avenue. The proposed development is a 10-story multi-family structure, with the first two stories dedicated to parking. The proposed development anticipates 575 bedrooms. The applicant has not provided a dwelling unit count for the calculation of density of dwelling unit per 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 properties, as proposed, does not completely address the development criteria for a zone change within the Downtown Place Type, and the High Density Residential Development Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
 - a. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
 - i. SP.2: Provide as many private, ground level entries to individual units as possible.
 - ii. SP.3: Ensure that all building entries are prominent, visible, and accessible from the street.
 - iii. SP.8: Consider breaking parking lots into multiple, smaller lots to enhance safety, enhance accessibility, and minimize the aesthetic impact of large, unbroken rows of cars.
 - iv. SP.12: Implement traffic calming measures such as limit lane widths, tighter turn radii, narrow street crossing, on-street parking, bulbouts, textured materials and crosswalks, and compatible lighting to reinforce a pedestrian environment and improve walkability.
 - v. SP.17: Create streets that are balanced on both sides in massing and building character.
 - vi. OS.8: Provide stormwater detention areas and link to other open spaces and recreational amenities.
 - vii. AD.3: Break up building mass with facade articulation on all side s by using varying roof shapes, exterior wall setback, material, color, building height, and landscaping.
 - b. A-DS4-2: New construction should be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context in accordance with other Imagine Lexington corridor policies and Placebuilder priorities.
 - c. A-DS5-3: Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
 - d. A-DS5-4: Development should provide a pedestrian-oriented and activated ground level.
 - e. A-DS7-3: Parking structures should activate the ground level.
 - f. E-GR4-1: Developments should incorporate reuse of viable existing structures.
 - g. D-CO2-2: Development should create and/or expand a safe, connected multi-modal transportation network that satisfies all users' needs, including those with disabilities.

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- h. E-ST3-1: Development along major corridors should provide for ride sharing pick up and drop off locations along with considerations for any needed or proposed park and ride functions of the area. (E-GR10, E-GR7).
 - i. A-EQ7-3: Community open spaces should be easily accessible and clearly delineated from private open spaces.
- b. PLN-MJDP-19-00050: THE MARSHALL LEXINGTON (LYNDHURST SUBDIVISION, BLK D, LOTS 2-7) (11/3/19)* - located at 201, 207, 209, 211, 215, 221, 225, 227, & 231 E MAXWELL ST. AND 245, 247 & 251 STONE AVE., LEXINGTON, KY.
Project Contact: Gresham Smith

Note: The purpose of this plan is to rezone the property.

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

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, 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. United States Postal Service Office's approval of kiosk locations or easement.
7. Remove all extraneous information.
8. Denote floor area ratio (F.A.R) per Article 21 of the Zoning Ordinance.
9. Denote height of building in feet for both structures per Article 21 of the Zoning Ordinance.
10. Addition of tree inventory map per Article 21 of the Zoning Ordinance.
11. Remove street tree note.
12. Correct plan title to include subdivision name.
13. Clarify open space requirement per Article 18-8(m) of the Zoning Ordinance.
14. Provided the Planning Commission grants the requested variance to reduce required open space.
15. Dimension proposed building.
16. Discuss timing of closure of Hagerman Court.
17. Discuss compliance with Article 15-7 of the Zoning Ordinance for Infill and Redevelopment.
18. Discuss streetscape and pedestrian facilities adjacent to Maxwell Street and Stone Avenue.
19. Discuss compliance with Placebuilder criteria.

Petitioner Representation: Jacob Walbourn, attorney representing the petitioner, said that they would like a postponement of this zone change to the October 24, 2019 meeting. He said that they received the staff report late Tuesday, and the applicant needs time to meet and discuss options.

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

Action: A motion was made by Ms. Mundy, seconded by Ms. Plumlee, and carried 8-0 (Brewer, Owens and Wilson absent) for a postponement of PLN-MAR-19-00013: APTITUDE DEVELOPMENT and PLN-MJDP-19-00050: THE MARSHALL LEXINGTON (LYNDHURST SUBDIVISION, BLK D, LOTS 2-7) to the October 24, 2019 meeting.

IV. LAND SUBDIVISION ITEMS - The Subdivision Committee met on Thursday, September 5, 2019, at 8:30 a.m. The meeting was attended by Commission members: Headley Bell, Anthony de Movellan, Karen Mundy, Mike Owens, Frank Penn, 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: Tom Martin, Cheryl Gallt, Hal Baillie, Lauren Hedge, Denice Bullock; 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.

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

The procedure for these hearings is as follows:

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

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

1. DEVELOPMENT PLANS

- a. PLN-MJDP-19-00005: JAMES RB MACCOUM, TRACT 2 & PORTION OF TRACT 1 (10/4/19)* - located at 2020 RUSSELL CAVE RD., LEXINGTON, KY.
Council District 1
Project Contact: Thoroughbred Engineering

Note: The Planning Commission approved the zone change associated with this property on April 25, 2019, but indefinitely postponed the final development plan. The Urban County Council approved the zone change on July 2, 2019. The Planning Commission postponed this item at their September 12, 2019 meeting.

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

1. Provided the Urban County Council rezones the property EAR-2; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Correct notation of plan face to reference note #18, not #19, along northern property boundary.
8. Reduce total number of dwelling units to 53 on the plan, per maximum density of six (6) units per gross acre in Article 23A-6.

Staff Presentation - Mr. Martin presented the revised preliminary development plan. He said that this development was postponed at the zone change hearing on April 25, 2019. He said that there are 53 single family lots on this plan. He identified the proposed detention area, Russell Cave Road and the connecting street system that will be extended into the proposed development. He added that there were buffer areas established by the Urban County Council in the zone change, which are adjacent to the single family homes, as well as a setback that impacts this property. He said that there were two cleanup conditions, which have been met with this revised plan. He said that there are only sign-off conditions remaining on this development plan. He said that a final development plan/preliminary subdivision plan is required on this property before any building can begin. At that time, the applicant will provide statements addressing design, infrastructure and other items, as required under the Zoning Ordinance. He said that the Subdivision Committee and the staff are recommending approval of this plan.

Representation present – Zack Cato, attorney representing the petitioner, said that they are in agreement with the staff recommendations. He said that this revised plan depicts the conditional zoning requirements that were placed on this plan at the zone change hearing. Those were buffers and building setbacks to protect the existing adjacent neighborhood. He said that they have met with this neighborhood multiple times during this process, to discuss their concerns. He said that the plan had been revised many times to accommodate their concerns. He said that he met with the property owners of 2060 Russell Cave Road, which is adjacent to the subject property, and they are not in support of this development, but they do seem to be satisfied with the revisions that have been made.

Citizen Comment – Catherine Perkins, 258 Swigert Avenue, distributed an exhibit to the Planning Commission. She said that she isn't against infill and redevelopment, but is concerned with density, which was also a concern during the zone change hearing. She said that this property is allowed to have ADU's, which could potentially double the density of this development. She asked if there could be deed restrictions or conditions to limit the density of this property. She is also concerned about the developer selling

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the lots, and then individual builders not following the restrictions placed on the property. Lastly, Ms. Perkins expressed concern with the increase of traffic in the area.

Josie Giurgevich Jones, 689 Kingston Road, said she is concerned with the environmental issues of the land and the increase of traffic. She said that there is a FEMA floodplain in the area and is concerned with the increased potential for flooding.

Applicant Rebuttal - Mr. Cato said that the staff can comment regarding the issue of ADUs, because it hasn't been adopted yet and is not related to this preliminary development plan. He said in regards to the density, at the zone change hearing on April 25, 2019, the density had been set to 53 lots on this property. He said that a tree inventory map and a tree protection plan is on their plan and that the urban forester walked this property after the April hearing. The urban forester removed some trees from the tree protection plan, because they were either diseased or dying. He said that they have preserved trees as much as possible to create an additional buffer around the perimeter of the property to benefit the existing neighborhood. In regards to the concern of increased traffic, he said that this development was small enough that the Division of Traffic Engineering determined that there wasn't a traffic impact study required, which was discussed extensively at the hearing in April.

Citizen Rebuttal - Ms. Perkins said that density was a concern at the April hearing and the staff didn't advise them that the number of dwelling units could double because of what is allowed in this zone. She believes that conditional zoning restrictions should be added to protect more of the trees, as well as a deed restriction to restrict density transfers.

Mr. Penn said that this is a preliminary development plan and that restrictions can be added at the time of the final development plan.

Staff Rebuttal - Mr. Martin said that a final development plan will be submitted by the applicant, which will be presented to the Planning Commission. That plan could address significant trees that will need specific protection, which has been done in the past. He said that there were not many staff concerns with this proposed development. In regards to the concerns from the Division of Traffic Engineering and the Division of Fire and Emergency Services, they were addressed at the time of the hearing on April 25, 2019. He said that this development will be connected to the street system to the north when that adjacent property is developed. He said that in regards to deed restrictions, they are determined by the private property owner or the developer. He said that there was a maximum number of dwelling units placed on this property, which is 53 units. He said that accessory dwellings units are allowed in the Expansion Area zones.

Commission Questions - Ms. Plumlee asked the applicant if there will be a Homeowners Association within this development. Mr. Cato said that there will be one, along with requirements to observe those covenants and restrictions as with any other neighborhood.

Mr. Pohl asked the applicant why the street system is not connected to Russell Cave Road. Mr. Cato said that there is a sight distance issue traveling across the bridge on Russell Cave Road. The Division of Traffic Engineering told them that an entrance there was not feasible. He added that when the property at 2060 Russell Cave Road develops, that access could change. Mr. Martin added that staff is adamantly against any connection to Russell Cave Road at this time.

Development Plan Action - A motion was made by Ms. Mundy, seconded by Mr. Forester, and carried 8-0 (Brewer, Owens and Wilson absent) to approve PLN-MJDP-19-00005: JAMES RB MACCOUM, TRACT 2 & PORTION OF TRACT 1, as presented by the staff.

- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, September 5, 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, Bruce Nicol, and Carolyn Plumlee. Staff members in attendance were: Traci Wade, Tom Martin, Hal Baillie, Jim Duncan, Chris Woodall, Chris Taylor, Samantha Castro, and Debbie Woods; Tracy Jones, Department of Law; and Craig Prater, Department of Environmental Quality & Public Works. 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.

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

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.

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

1. **ZOTA 2019-5: AMENDMENT TO ARTICLES 1, 3, 8, 15, 22 and 23: ACCESSORY DWELLING UNITS** – a petition for a Zoning Ordinance text amendment to update Articles 1, 3, 8, 15, 22 and 23 of the LFUCG Zoning Ordinance to include general zoning provisions for the incorporation and regulation of Accessory Dwelling Units (ADU).

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 is in agreement with *Imagine Lexington*, the 2018 Comprehensive Plan Theme A, Goals 1 to provide additional housing choice. Accessory dwelling units will provide a needed affordable and accessible housing type that supports aging in place.
2. The proposed text amendment is in agreement with *Imagine Lexington*, the 2018 Comprehensive Plan Theme A, Goals 2 to support infill and Redevelopment throughout the Urban Service Area as a strategic component of growth. Accessory dwelling units will provide an infill opportunity available throughout the Urban Service Boundary, offering equitable access to the entire community.
3. The proposed text amendment is in agreement with *Imagine Lexington*, the 2018 Comprehensive Plan Theme A, Goals 3.a to expand options for mixed-type housing throughout Lexington-Fayette County. Accessory Dwelling Units are a new housing product for Lexington that will provide greater flexibility to all residents.

Note: Mr. Penn stated for the record that there will not be a vote taken today, that the Planning Commission is hearing public comments, and will reconvene on Monday, October 21, 2019, to respond to comments and take action at that time. He said that there are time limits shown on the first page of the agenda and that there hasn't been any requests made for additional time.

Staff Text Amendment Presentation – Mr. Taylor presented and summarized the staff report and recommendations for this text amendment, and said that the staff had shared digital copies of correspondence received, and distributed new correspondence to the Planning Commission. He said that this text amendment was recommended for approval at the Zoning Committee meeting on September 5, 2019.

Mr. Taylor said that the City of Lexington has a unique growth challenge, because of the Urban Services Area boundary and that the 2018 Comprehensive Plan called for accessory dwelling units (ADUs) to address a specific housing need. He said that the staff has worked with community groups, including the Senior Services Commission, as well as neighborhoods, and professional organizations to discuss this concept. He added that the staff has researched national best practices for Accessory Dwelling Units and reviewed all of the challenges, failures, and successes of other communities across the country. He said that in this research, they have learned that communities are not finding problems resulting from ADUs, and they are revisiting their regulations in order to further promote them.

Mr. Taylor said that the City of Lexington is expecting the population to grow by an additional 80,000 people by the year 2035. He said that they are estimating approximately 30,000 of those will be senior citizens and studies from AARP indicate that 87% of seniors prefer to reside in their current homes. The Senior Services Commission stated that senior citizens require a continuum of care that ranges from your current home, 55 and older communities, independent living communities, assisted living facilities, to nursing home facilities. He said that the number of facilities at the early stages are the most affordable, but there are not many of them. The Senior Services Commission recommended ADUs as a way to keep senior citizens in their homes longer.

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Mr. Taylor said that an ADU is a smaller, secondary independent housekeeping establishment on the same lot as a principal dwelling. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, and sanitation. He said that there are four different types of ADUs. There are: new construction, alteration of a structure, addition to an existing structure, or conversion of an existing structure.

Mr. Taylor said that ADUs are currently allowed in the Expansion Area Residential (EAR) zones and the Community Center (CC) zone. He said that the proposed regulations would allow ADUs in all of the residential zones that allow, or that have a single family detached housing type as a principal permitted use, which are the R-1, R-2, R-3, and R-4 zones. He said that the proposed maximum number of units per lot will be one ADU per single family dwelling per lot. There isn't a minimum lot size restriction, so that it doesn't exclude lots that may be able to accommodate a small ADU. He said that the proposed maximum ADU size will be 800 square feet, attached or detached. The maximum floor area and lot coverage of the ADU will remain the same as the underlying zone. There are not any lot coverage and floor area restrictions in the single family zones, except in the Infill and Redevelopment Area. The maximum height restriction will also remain the same as the underlying zone of the principal structure. He said that the existing side and rear yard setbacks for accessory structures is 18 inches, which will remain.

Mr. Taylor said that the staff is recommending three design standards to minimize the visual impact to a single family residential neighborhood. There is a requirement that there be only one pedestrian entrance permitted off of the primary front wall plane, so that any access to the accessory structure will need to be on the side or the rear of the principal structure. He said that the second design standard is to preserve the existing front yards of single family neighborhoods, so that any detached ADU will need to be placed behind the primary wall plane. The third design standard is the location of exterior stairs to access an upper level ADU will need to be on the side or rear of the structure. He said that an additional parking space will not be required, but they would be permitted.

Mr. Taylor said that the elements relating to style and materials will not be included in the ordinance. The Access Dwelling Units manual has all of the best practices for determining the existing neighborhood character on a case-by-case basis as an applicant requests a zoning compliance permit. The staff would work with each applicant to address neighborhood context on the unit.

Mr. Taylor said that there is not an owner-occupancy requirement for ADUs unless either dwelling unit is used as short-term rental. He said that the City currently doesn't regulate any other housing type in terms of residential uses by ownership, which is to maintain consistency with other residential zones. He said that the City also wants to prevent significant barriers to financing; requiring owner-occupancy has been one of the biggest detriments nationwide. However, the staff is recommending that there be an owner-occupancy requirement for short-term rentals, which will be regulating the use of a property in a residential zone. There are currently regulations for bed-and-breakfasts that require an owner/operator to live on site.

Mr. Taylor said that these proposed regulations are based on national best practices, using lessons learned from a multitude of other cities across the country to ensure that our ADU regulations are equitable and consistent. The staff reviewed Durham, North Carolina, which is comparable to Lexington, and in 2012 that municipality had removed the owner occupancy requirement. They also reviewed Fayetteville, Arkansas, which is smaller than Lexington, and they also removed the owner occupancy requirement specifically to encourage the construction of more ADUs. Both are cities with large student populations.

Mr. Taylor displayed a timeline of the community response and public meetings and said that the idea for accessory dwelling units originated from discussions regarding Theme A of the 2018 Comprehensive Plan. He said that the ADU Manual was completed and released to the public in January 2019. He said that the Division of Planning and the Senior Services Commission had hosted several input meetings, which were advertised through 1,000 television commercials and social media posts. He said that a draft proposal was proposed to the Planning Commission. He said that some of the concerns raised were: students living in the ADUs, up to eight unrelated people living on a single family lot, no requirements for off-street parking, how they shouldn't be allowed to be detached from the principal residence, and that no other Kentucky community offers this. He added that none of these concerns have caused any issues in the other communities, which have almost a twenty year history of legal accessory dwelling units.

Mr. Taylor said that in regards to some of the neighbors' concerns, ADUs would be a small fraction of potential student housing and the other cities, that allow ADUs, have not reported any problem with student housing. He said that ADUs can also provide a stabilizing effect through incremental density for some existing neighborhoods. He said that short-term rentals are a separate issue and are regulated by the Code of Ordinances. The design and neighborhood context will be kept in scale to the existing single family neighborhood and the visual character will not be disrupted and that is why minimal design standards are included to make sure that the homeowner can conform to those characteristics. In regards to the storm and sanitary sewers, he said that they are also regulated by the Code of Ordinances and that additional bathrooms are currently allowed. However, constructing an accessory dwelling unit under the proposed regulations would need to go through the Capacity Assurance Program, because it will be adding a dwelling unit. He added that one of the largest problems related to storm and sanitary sewers throughout neighborhoods, is the number of improperly connected sump pumps. An ADU application would ensure that improperly connected sump pumps would be redirected.

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Mr. Taylor said that there were also comments about the demonstrated need for accessory dwelling units, ranging from the single person wanting to be able to afford to live in a certain neighborhood, to seniors and families that have disabled children, which makes it difficult to design a set of regulations that will be targeted to a certain group of people. He said that the real land use impact of ADUs is projected to be quite small, but allowing the development of these structures will have a significant impact for the people that need them to ensure their quality of life.

Chairman Penn invited citizens and members of the audience to share comments.

Citizens in Support

The following individuals were in attendance:

Brittany Roethemeier, Fayette Alliance
Blake Hall, 36 Richmond Avenue
Kristi Stambaugh, Director of Aging and Disability Services
Susan Bachner, 874 McMeekin Place
Ginger Watkins, 259 Rand Avenue
Chris Wininger, 259 Rand Avenue
Kathleen Winter, 151 Kentucky Avenue
Ginny Daley, 136 Burley Avenue
Aimee Miles, 628 Price Avenue
Gail Reece, 608 Lakeshore Drive
Marie Allison, 1753 Appomattox Road
Vicky Roark, 936 Gregory Way
Wendy Wheeler-Mullins, 3881 Hidden Springs Drive
Patty Logsdon, 3310 Coldstream Drive
Patty Draus, 608 Allen Court

Those individuals in support of the text amendment, made the following comments:

- Community must be open to change and progress.
- More diverse housing is critical to support our growing city.
- ADUs are not intended to solve our housing needs, but could be an option.
- The City should do more to foster an inclusive culture by offering a variety of housing types and welcoming spaces for everybody.
- Need of flexible housing options for seniors and individuals with disabilities.
- Need for accessibility and affordability in housing for people with disabilities.
- ADUs can be expensive, which will keep the return of investment low.
- There are currently no restrictions from purchasing a house and renting it to students.
- Owner-occupancy is currently not required within the city.
- This ordinance is allowing the construction of ADUs, not mandating them.
- Allows housing without new infrastructure.
- Impacts will be minimal.
- Will be a benefit to the City of Lexington.
- Allowing ADUs will improve safety in construction, materials and practice.
- Will allow registering addresses to assist with emergency responses.
- Provide a home for the caregiver of elderly citizens living in the primary dwelling, so that they can keep their independence.
- Supplementing primary dwellings income.
- People face challenges at any time and age.
- Enables privacy to the individuals, while being close to be able to give or receive support.
- Improves community livability, housing affordability, environmental sustainability, and infrastructure efficiency.
- Preserve agricultural land, contributing to food security.
- Create more livable/vibrant neighborhoods.
- Diversity of ages, ethnicity and economic situations.
- Support walkable and bicycle lifestyles.
- Consider renters to be neighbors.
- New affordable housing.
- Offers way for family members to be able to support each other.
- Increased density can help maintain transportation.
- Another tool to address growth in the city without expanding the Urban Service Area boundary.
- Expand housing options in a responsible way.
- Homeowners would prefer to redevelopment their own property rather than sell it to a developer.
- Opposes any owner-occupancy requirement.
- Opportunity to age in place.

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- Necessity of density.
- Senior homeowners prefer single family homes, attached or detached, per Housing Demand Study.
- By 2025, the population will be heavily concentrated with senior households, per Kentucky State Data Center.
- Seniors living on fixed income and trying to afford the care they need.
- Lexington is a retirement destination, with regional medical care and regional shopping areas.
- Would like others to not need to petition and get approval to allow caregivers to live on property for their disabled children, to maintain stability and safety for them.
- Option to allow caregivers a place to live while caring for the aging population.
- Families should be kept together.
- Rentals are currently happening in neighborhoods already.
- Properly guided infill and redevelopment can relieve the pressure off the city and the Urban Service Area boundary.
- Need to regulate short-term rental of dwelling units, and require them pay licensing fees and occupancy taxes.
- New housing developments have covenants that don't allow ADUs.
- Prohibit the extra parking space, on-street parking only

Citizens in Opposition

The following individuals were in attendance:

Anne Graham, 1225 Providence Lane

Walt Gaffield, 2001 Bamboo Drive, President of Fayette County Neighborhood Council

Janet Cabaniss, 704 Cumberland Road, Stonewall Community Association Board of Directors

Sarah Smith, 307 Desha Road, vice president of the Ashland Park Neighborhood Association

Mary Campbell, 328 South Mill Street, Historic South Hill Neighborhood Association

Dana Manning, 1120 Slashes Road

Jennifer Braddock, 424 West Third Street, Northside Neighborhood Association

Mark Streety, 1020 Fincastle Road

Mike Kirwin, 1225 Cooper Drive

Kathy Simon, 237 Desha Road

Jean Jacobs, 1347 Strawberry Lane

Jack McKinney, 726 Melrose Avenue

Patricia Kwik Elperin, 1306 Fincastle Road, Member of the Ashland Neighborhood Association

Catherine Adams, 202 Tahoma Road

Beverly Salehi, 340 Cassidy Avenue

Gigi Bray, 3704 St. Andrews Walk

John Hackworth, 220 Market Street

Those individuals in opposition to the text amendment, made the following comments:

- Negative impact of neighborhoods becoming mostly rentals.
- Business opportunity.
- Increase demand on of stormwater and sanitary sewer infrastructure.
- Increase of parking, traffic and population.
- No requirement for owner occupancy, two rental units would be permitted per lot.
- Increase of density, renters.
- Lack of design standard requirements.
- Lack of adequate enforcement.
- Licensing and inspection of units is critical.
- ADU Manual only provides "guidelines" and not rules.
- Negative impact on the tree canopy.
- Minimum setback of 18 inches.
- Maintaining neighborhood character.
- This is a county-wide zone change, without the process of notification to neighbors.
- Renting of ADUs as short-term rentals, like hotels.
- Allow community to have input on materials being utilized, via a conditional use permit.
- Only a building permit will be required to construct an ADU, without any review of appropriateness.
- Not being restricted to elderly and children with special needs.
- Quality of life of adjacent homeowners will be impacted.
- Lack of public input.
- Need for a rental registry requirement.
- Should be offered as an "opt-in" proposal; if the neighborhood wishes to allow in their neighborhood, they can petition for it.
- Should not make this applicable to all residential areas without recognition of neighborhood conditions or their character.

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- Should be allowed with a conditional use permit and not city-wide.
- Lack of services, such as waste removal.
- Safety of apartment complexes vs. a stranger's backyard.
- Unrestricted design standards is irresponsible.
- Increase of impervious surfaces.
- Apartment renters have a credit and background check, which may not be asked for with these units.
- More burden on emergency services.
- Residential zoning is negated if the density is allowed to be doubled.

Note: Planning Commission took a recess at 3:25 p.m. until 3:35 p.m.

Mr. Penn closed the public hearing and stated they will reconvene on Monday, October 21, 2019. He said that up until that hearing, the public can send other comments to the staff, which will then be forwarded to the Planning Commission.

Commission Comments:

Mr. Nicol appreciated the staff for suggesting to hold the public hearing today, and then having the decision making at a later date. He said that Lexington is unique because of its passion of its citizens and with its geography. He said that with the constraints of the Urban Service Area boundary, unique challenges had been created, that include growth and affordability. He believes that the ADU text amendment is not a solution for the City's unique growth challenge, but it is a creative solution for the affordability problem. He added that he will be taking all of this into consideration over the three weeks.

Ms. Plumlee thanked citizens for attending today's hearing. She said that within the next three weeks they will carefully analyze all of the material and hopefully make the correct decision for what is best for Lexington going forward.

Mr. Mundy also thanked citizens for their opinions. She said that she has researched this and discovered that ADUs began in 1970. She said that she will continue to research with the public's comments in mind. She added that this is one of the Planning Commission's first decisions, to begin implementing the 2018 Comprehensive Plan. She believes that the original intent of ADUs is very important, but she is concerned with the rental side of them.

Mr. Penn said today's hearing is different than the City Council because the Planning Commission is an appointed body that tries to look at the City of Lexington and tries to do what is best for the overall community. We have the opportunity to look into the future and to try to make the best decision we can make based on looking at the entire City as a whole. The Planning Commission forwards their recommendation to the Urban County Council. He added that he appreciated the citizens input at today's hearing.

Zoning Action – A motion was made by Mr. Pohl, seconded by Mr. de Movellan, and carried 8-0 (Brewer, Owens and Wilson absent) to continue the ZOTA 2019-5: AMENDMENT TO ARTICLES 1, 3, 8, 15, 22 and 23: ACCESSORY DWELLING UNITS, to a special hearing on Monday, October 21, 2019, at 1:30 p.m.

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

VII. STAFF ITEMS – Mr. Duncan thanked the Planning Commission for participating in the public hearing today and for their willingness to hold a special hearing on Monday, October 21, 2019. He encouraged the citizens that came today and others who would want to attend to continue this conversation. He said that the staff will continue to take public comment through October 7, 2019, in order to be prepared for a discussion. The comments will be forwarded to the Planning Commission and will be incorporated into the report to be presented at that meeting.

Mr. Duncan also reminded the Planning Commission of the Committee meetings will be held next Thursday, October 3rd, in the Phoenix Building on the 3rd Floor.

VIII. AUDIENCE ITEMS – No such items were presented.

IX. MEETING DATES FOR OCTOBER 2019

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	October	3, 2019
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	October	3, 2019
Subdivision and ND-1 Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	October	10, 2019
Work Session, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building.....	October	17, 2019
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	October	24, 2019
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	October	30, 2019
Work Session, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building.....	October	31, 2019

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- X. **ADJOURNMENT** - There being no further business, Chairman Owens declared the meeting adjourned at 5:00 p.m.

Mike Owens, Chair

Karen Mundy, Secretary

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