

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

November 21, 2019

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

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

Planning staff members present: Jim Duncan, Director; Traci Wade, Tom Martin, Hal Baillie, Jimmy Emmons, 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; Keith Horn, Department of Law; and Betty Kerr, Historic Preservation.

- II. **APPROVAL OF MINUTES** - A motion was made by Ms. Plumlee, seconded by Mr. Wilson, and carried 10-0 (Brewer absent) to approve the minutes of the October 21, 2019 and October 24, 2019, meetings.

- III. **POSTPONEMENTS AND WITHDRAWALS** - No requests were presented.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, November 7, 2019, at 8:30 a.m. The meeting was attended by Commission members: Anthony de Movellan, Karen Mundy, 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: Traci Wade; Tom Martin; Cheryl Galt; Hal Baillie; Denice Bullock; Valerie Friedmann; 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, November 7, 2019 at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members: Larry Forester, Bruce Nicol, Graham Pohl and Bill Wilson. Staff members in attendance were: Hal Baillie, Tom Martin, Traci Wade, Samantha Castro, and Debbie Woods; Stephen Parker, Division of Traffic Engineering; Thad Scott, Division of Code Enforcement; 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.

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

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

1. **F2 COMPANIES ZONING MAP AMENDMENT & HAYNES BROTHERS PROPERTY, LLC ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-19-00014: F2 COMPANIES (11/21/19)*- a petition for a zone map amendment from a Wholesale and Warehouse Business (B-4) zone to a High Rise Apartment (R-5) zone, for 5.6 net (5.951 gross) acres, for property located at 840 Angliana 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 Wholesale and Warehouse Business (B-4) zone to the High Rise Apartment (R-5) zone in order to construct a multi-family development for 5.6 net (5.91 gross) acres for the properties located at 840 Angliana Avenue. The proposed development includes five (5) multi-family apartment buildings, with a total of 385 dwelling units. The proposed development represents a density of 68.75 dwelling units per acre. Associated with the dwelling units, the petitioner is seeking to include resident amenities on-site. A variance is also requested to reduce the off-street parking requirements.

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 completely address the development criteria for a zone change within the 2nd Tier Urban Place Type, and the Medium 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.
 1. Site Planning.
 2. Open Space and Landscaping.
 3. Architectural Design
 - b. A-DS1-1: Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7).
 - c. A-DS1-2: Direct pedestrian linkages to transit should be provided.
 - d. 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).
- b. REQUESTED VARIANCE
 1. To reduce the number of required parking spaces from 491 to 387 within the Infill and Redevelopment Area.

The Zoning Committee recommended: **Approval** for the following reason.

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

1. Granting the requested variance should not adversely affect the public health, safety, or welfare; nor should it affect the character of the general vicinity. The property is located within the defined Infill & Redevelopment Area where parking variances of up to 50% may be granted. The general vicinity has adequate pedestrian facilities, on-street parking and public transportation is available.
2. The need for the variance arises from the special circumstances of the proposed development, which is a redevelopment of an already built out parcel at a higher level of density.
3. The project is unique in comparison to similar projects, as the applicant is proposing a high proportion of one-bedroom units, which substantially increases the amount of dwelling units on the site. This is reinforced by average bed count per dwelling unit of 1.12 beds per unit. The strict application of the off-street parking regulation would create an unnecessary hardship on the proposed development as it would reduce the available F.A.R. and the associated density for the site for parking that surrounding development has not needed.
4. The request is not a result of a willful violation of the Zoning Ordinance. The applicant has taken care to go through the necessary process for this project and has requested the variance prior to commencing construction.

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

This recommendation of Approval is made subject to the following conditions:

- a. Provided the Planning Commission approves the requested zone change to the R-5 zone, otherwise the requested variance shall be null and void.
 - b. The development shall be constructed in accordance with the approved Final Development Plan, or as that plan is amended to address design requirements of the Divisions of Engineering, Traffic Engineering, or Building Inspection.
 - c. All necessary permits shall be obtained from the Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.
 - d. Action of the Planning Commission shall be noted on the Development Plan for the subject property.
- c. PLN-MJDP-19-00045: HAYNES BROTHERS PROPERTY, LLC (11/21/19)* - located at 840 ANGLIANA AVE., LEXINGTON, KY.
Project Contact: Vision Engineering

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 R-5; 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. Denote lot coverage and building height per Article 21 of the Zoning Ordinance.
8. Denote pool and pool courtyard dimensions.
9. Denote Building F open plaza dimensions and remove plus/minus ($\pm$) from the typical building layout on the plan.
10. Discuss access to Porter Place.
11. Discuss compliance with Article 15-7 of the Zoning Ordinance regarding Infill and Redevelopment requirements.
12. Resolve stormwater quantity and quality features at the time of the final development plan.
13. Discuss open space compliance.
14. Discuss requested parking variance.
15. Discuss compliance with Placebuilder criteria:
 - a. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
 - b. A-DS1-1: Mass transit infrastructure, such as seating and shelters, should be provided/enhanced along transit routes.
 - c. A-DS1-2: Direct pedestrian linkages to transit should be provided.
 - d. 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.

Staff Zoning Presentation – Mr. Baillie presented the revised staff report and recommendations for the zone change application. He displayed photographs of the subject property and aerial photographs of the general area. He said the applicant is proposing this zone change to allow for six multi-family apartment buildings, a total of 385 dwelling units, which will be a residential density of approximately 69 dwelling units per acre. He said that the petitioner is also requesting a variance for the subject property. The subject property is surrounded by residential zones to the west, and warehouse, light industrial, and heavy industrial zones to the east. He added that this property is located along the railway, therefore it was utilized in the past as warehousing. Over time, many of those properties have been rezoned to allow for the construction of multi-family residential. He said that the current building is a tobacco warehouse and covers most of the property. He pointed out Porter Place, a local street that connects to Porter Alley, which is primarily used for commercial use for the shops of specialty trade. He said that the staff is recommending approval of this zone change and directed the Planning Commission to the revised staff recommendation, as follows:

1. The requested High Rise Apartment (R-5) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning accommodates the demand for housing in Lexington responsibly, prioritizing higher density apartments, at a density of 68.75 dwelling units per acre, (Theme A, Goal #1), while also supporting infill and redevelopment of an underutilized property, and replacing a warehouse structure with modern, safe, and dense housing (Theme A, Goal #2).
 - b. The proposed development provides a well-designed neighborhood (Theme A, Goal #3) by varying the mobility patterns of potential residents, and promoting alternative modes of transportation, specifically focusing on the availability of transit services including Lextran Routes 8, 12, 13, and 15.
 - c. The proposed new transit stop along the frontage of the subject property will help reduce dependency on passenger vehicles in the area (Theme D, Goal #1.a and c).
 - d. The proposed development's proximity to the University of Kentucky's campus and the increased opportunities for various mobility patterns can reduce Lexington-Fayette County's reliance on automotive-centric mobility patterns and reduce our carbon footprint (Theme B, Goal #2).

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2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the site creates a residential development that supports pedestrian mobility, while also providing access to focal points and private open space. Additionally, the proposed rezoning seeks to increase the intensity of use along a collector street, prioritizing a higher density residential development.
 - b. The proposed rezoning includes safe facilities for the potential residents of the site by prioritizing multi-modal connections and increasing bike and pedestrian facilities. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, reduces the amount of impervious surfaces, limits the impacts on the surrounding environment, and provides new private amenities and access to open space.
3. This recommendation is made subject to approval and certification of PLN-MJDP-19-00045: Haynes Brothers Properties, LLC, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

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 R-5; 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. Denote lot coverage and building height per Article 21 of the Zoning Ordinance.
8. ~~Denote pool and pool courtyard dimensions.~~
9. ~~Denote Building F open plaza dimensions and remove plus/minus ($\pm$) from the typical building layout on the plan.~~
10. ~~Discuss access to Porter Place.~~
8. 11. ~~Discuss~~ Denote compliance with Article 15-7 of the Zoning Ordinance regarding Infill and Redevelopment requirements shall be determined at time of Final Development Plan.
9. 12. Resolve stormwater quantity and quality features at the time of the final development plan.
10. 13. ~~Discuss~~ Revise open space compliance statistics to meet Group Residential requirements.
11. 14. ~~Discuss~~ Provided the Planning Commission grants the requested parking variance.
12. 15. ~~Discuss~~ Resolve compliance with Placebuilder criteria per the Zone Map Amendment Request (MAR) Staff Report:
 - a. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
 - b. A-DS1-1: Mass transit infrastructure, such as seating and shelters, should be provided/enhanced along transit routes.
 - c. A-DS1-2: Direct pedestrian linkages to transit should be provided.
 - d. 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.

Mr. Martin displayed a rendering of the proposed development. He said that there are four buildings oriented along the exterior of the property, and one larger building located in the center. He pointed to the location of the pool and the pool house. He also pointed out the access points onto Angliana Avenue and Porter Place. Mr. Martin then pointed out an access road located along the rear of the property that services the Red Mile Race Track. He said that the buildings are 4-stories in height, and will house 385 units. He said that they are required to have 491 parking spaces; however, they are requesting a variance to reduce the total parking required to 387 parking spaces. He said the total combined floor area of all these buildings is 312,432 sq. ft. He said that buildings C, D, and F will be built on platforms with parking below taking advantage of the grade of the property, which slopes down to the rear of the property. He pointed to an open courtyard and said that condition #10 is to revise the statistics to meet Group Residential requirements. He said in regards to condition #8, there are some requirements for infill and redevelopment standards. These are for architectural issues that need to be met in order to be in compliance with Article 15-7 of the Zoning Ordinance. He added that compliance will need to be addressed on the final development plan. He said that the Subdivision Committee and the staff recommended approval with these revisions, as well as, resolving stormwater features and compliance with Placebuilder criteria per the Zone Map Amendment Request.

Variance Presentation – Mr. Baillie presented the variance associated with this zone change. He said that the applicant is requesting a reduction in the number of parking spaces for this development. He said that the Planning Commission must abide by the following criteria: 1) that the variance will not adversely affect the public health, safety or welfare; 2) will not alter the essential character of the general vicinity; and 3) will not allow an unreasonable circumvention of the site. He added that this request arises from a special circumstance of the site. The current parking regulations for this zone require 0.9 spaces per bed, or 1.5 spaces per dwelling unit. The reduction for the Infill and Redevelopment Area include bike racks (up to 5% for lots that have greater than 50 parking spaces), and another 10% for a covered transit stop within 300 feet of the site. This is a 15% reduction from the required per unit count, which is 577 parking spaces, to 490 parking spaces. He said that within the Infill and Redevelopment Area, the Planning Commission, may grant a variance to reduce the number of parking spaces by 50% of the otherwise required

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number in accordance with Article 16-10 for projects within the defined Infill & Redevelopment Area. He said that the Planning Commission can grant up to a 50% parking reduction.

Mr. Baillie said that the applicant is requesting to reduce the number of parking spaces to the required per the number of bedrooms, which is 0.9 spaces per bedroom (387 spaces). He said that the staff is recommending approval for this variance request. This development consists of more studio and one bedroom apartments rather than two and three bedroom apartments, which will benefit the student wants and needs, as well as those transitioning from college to young professionals.

Commission Questions – Mr. Wilson asked if the reduction of parking spaces has any impact on the required number of handicap spaces. Mr. Baillie replied that it doesn't affect that number.

Applicant Presentation – Mr. Jacob Walbourn, attorney representing the petitioner. He said they are in agreement with the staff's recommendations and findings. He expressed his appreciation to the staff for working with them to get this approval. He said that this request for the R-5 zone is not for a high-rise building, but for the floor area ratio (FAR). He said that in regard to the variance, that the 0.9 parking spaces per bed requirement is being met before applying any reductions they are entitled to. However, because of the higher number of units, instead of the bed count, they are held accountable to the per unit requirement, which he believes would lead to over-parking of the development. He added that he and Matt Carter, Vision Engineering are available for any questions and that they are requesting the Planning Commission's approval.

Commission Question – Mr. Penn asked if this development is only for students. Mr. Walbourn said that is the intent of the development, but it is not only for them.

Zoning Action – A motion was made by Mr. Penn, seconded by Mr. Forester, and carried 10-0 (Brewer absent) to approve PLN-MAR-19-00014: F2 COMPANIES, for the reasons provided by the staff.

Variance Action – A motion was made by Mr. Penn, seconded by Mr. Forester, and carried 10-0 (Brewer absent) to approve the VARIANCE REQUEST, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Penn, seconded by Mr. Forester, and carried 10-0 (Brewer absent) to approve PLN-MJDP-19-00045: HAYNES BROTHERS PROPERTY, LLC, for the revised recommendations presented by the staff.

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

- a. PLN-MAR-19-00013: APTITUDE DEVELOPMENT (11/21/19)*- 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.

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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 208 dwelling units for a density of 114.9 dwelling unit per acre.

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

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

1. The requested Downtown Frame Business (B-2A) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning encourages the expansion of housing choices by prioritizing a higher density residential development (Theme A, Goal #1.b), while also supporting infill and redevelopment that replaces an aging housing stock with modern, safe, and dense housing types (Theme A, Goal #2.a, b and c).
 - b. The proposed rezoning seeks to provide a well-designed neighborhood (Theme A, Goal #3.b) by varying the mobility patterns of potential residents, and promoting alternative modes of transportation including pedestrian, cycling, and mass transit.
 - c. By situating higher density development in a downtown area, located between the University of Kentucky's campus and the core of the city, and by increasing opportunities for various mobility patterns, the applicant is seeking to reduce Lexington-Fayette County's carbon footprint (Theme B, Goal #2).
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the site creates a residential development that supports pedestrian mobility, while also providing access to focal points and public green space. Additionally, the proposed rezoning seeks to increase the intensity of use along a corridor, prioritizing a higher density residential development.
 - b. The proposed rezoning includes safe facilities for the potential residents of the site by prioritizing multi-modal connections and increasing bike and pedestrian facilities along the frontage of the proposed development and within the East Maxwell Street right-of-way. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
 - 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 provides new public amenities and access to open space along Stone Avenue.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use and buffering restrictions are recommended via conditional zoning:
 - a. Prohibited Uses:
 - i. Establishments for the display, rental, or sale of automobiles, motorcycles, trucks not exceeding one and one-half (1½) tons, and boats limited to runabout boats.
 - ii. Passenger transportation terminals.
 - iii. Wholesale establishments.
 - iv. Minor automobile and truck repair.
 - v. Establishments primarily engaged in the sale of supplies and parts for vehicles and farm equipment.
 - vi. Pawnshops.
 - vii. Stadium and exhibition halls.
 - viii. Telephone exchanges; radio and television studios.
 - ix. Cable television system signal distribution centers and studios.
 - x. Adult entertainment establishments.
 - xi. Parking lots and structures.
 - xii. Automobile service stations.
 - xiii. Retail sale of plant nursery or greenhouse products.
 - xiv. Miniature golf or putting courses.
 - xv. Carnivals, special events, festivals, or concerts on a temporary basis.
 - xvi. Rental of equipment whose retail sale would be permitted in the B-1 zone.
 - xvii. Drive-through facilities.
 - b. The maximum height of any structure or portion of a structure with frontage along East Maxwell Street shall be 75 feet.
 - c. The maximum height of any structure or portion of a structure with frontage along Lexington Avenue shall be 50 feet.
 - d. The maximum height of any structure or portion of a structure with frontage along Stone Avenue shall be 47 feet.

These restrictions are appropriate and necessary for the following reasons:

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1. To reduce the potential impact of the most intense uses allowable in the B-2A zone on the existing residential land uses in the immediate area.
 2. To establish an appropriate scale of development to respect the context of neighboring structures and intensify corridors consistent with the policies of the 2018 Comprehensive Plan.
4. This recommendation is made subject to approval and certification of PLN-MJDP-19-00050: The Marshall Lexington (Lyndhurst Subdivision, BLK D, Lots 2-7), 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-19-00050: THE MARSHALL LEXINGTON (LYNDHURST SUBDIVISION, BLK D, LOTS 2-7) (11/21/19)* - 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.

Staff Zoning Presentation – Mr. Baillie presented the staff report and recommendations for the amended zone change application. He distributed a packet of information with a memo from Planning staff and Historic Preservation staff describing the historic background of this property, a letter from the Historic Commission and 87 letters of opposition. He displayed photographs of the subject property and aerial photographs of the general area. He said the applicant is proposing this zone change to allow for a 10-story multi-family structure, with structured parking on the first two stories containing 235 parking spaces, 208 dwelling units, and associated resident amenities. He said that the applicant stated that this development will be geared towards student housing; however, it won't be limited to that population.

Mr. Baillie said that Maxwell Street is a minor-arterial roadway, providing southeast bound, one-way traffic from Versailles Road to East High Street. The roadway carries approximately 11,000 average daily trips. He pointed to the three local roads that intersect or border the subject properties, which are Lexington Avenue, Hagerman Court, and Stone Avenue. He said that the subject properties are located within an area that is primarily comprised of multi-family residential zoning. He added that these properties have been zoned as R-4 (High Density Apartments) since before the 1969 comprehensive rezoning of the Urban County. The residential nature of this portion of East Maxwell Street is primarily focused on student housing, with a smaller population of longer term residents. There is a small portion of Professional Office (P-1) zoning located across Lexington Avenue that is utilized for parking for the surrounding uses. The majority of the properties located along the southwest side of East Maxwell Street are owned and operated by the University of Kentucky and are not subject to the zoning restrictions of the LFUCG and are currently being operated as office, classroom, and research space. The two remaining properties are multi-family dwelling units. The property located at 200 East Maxwell Street is a 10-unit apartment building, and the property located at 238 East Maxwell Street is a sorority house that is owned and operated by the Kappa Kappa Gamma Sorority.

Mr. Baillie said that the proposed rezoning is located within the original core of the urban county and there is a tremendous amount of history associated with the area. The properties are located within the Southeastern Lexington Residential and Commercial District, which was registered in the National Register in August of 1984. This district recognized a total of 393 contributing structures, which are primarily comprised of residential structures, with pockets of commercial areas. He said that the nomination packet was distributed to the Planning Commission. He said that the Historic Preservation Office has also provided photos and

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descriptions of the properties. He said that the uses in this area have modified over time. Businesses have shifted to residential use and residential have shifted to professional office uses.

Mr. Baillie said that there is an Historic Overlay (H-1) zone nearby, the Aylesford Historic District; however, the proposed zone change is not located in the H-1 zone. This district was established in 1988 and contains the same architecture styles as the subject properties and are of the same construction period described in the Nomination Form. Additionally, the South Hill Historic District is located nearby, to the northwest of the proposed rezoning, and is also protected by an H-1 overlay zone. The historical attributes of the South Hill Historic Neighborhood differ in both form and context from those properties located within the Aylesford and the Southeastern Lexington Residential and Commercial District.

Mr. Baillie said that the applicant opines that they are in compliance with the adopted Goals and Objectives of the 2018 Comprehensive Plan. They state that the proposed rezoning encourages the expansion of housing choices by prioritizing a higher density residential development, while also supporting infill and redevelopment that replaces an aging housing stock with modern, safe, and dense housing types. The applicant also indicates that they are seeking to provide a well-designed neighborhood by varying the mobility patterns of potential residents, and promoting alternative modes of transportation including pedestrian, cycling, and mass transit. The proposed site is located near the LexTran transit center and is also nearby a major transit corridor. The applicant has also indicated that they are working with LexTran to review a possible stop at this location. Finally, the petitioner opines that by locating their development in a downtown area, situated between the University of Kentucky's campus and the core of the city, and by increasing opportunities for various mobility patterns, they are able to reduce Lexington-Fayette County's carbon footprint. He said that the staff agrees with these aspects of the applicant's proposal and that these goals and objectives can be met

Mr. Baillie said that in the period after the Subdivision and Zoning committee meetings, the applicant met with the staff to revise their development plan in order to address concerns from those meetings, which were focused on the pedestrian nature of the area, activation of the frontage of the property, and the context of the development. However, there were still continued concerns for staff as to how the development integrated into the surrounding area. He said that the staff agrees with the applicant's assertion that the Downtown Place Type is appropriate for this location. The subject properties are located along the western edge of the downtown where the Downtown and 2nd Tier Urban Place Types converge, which necessitates the restriction of some of those uses that would impact the nearby neighborhood adversely. In an effort to reduce the impact of the proposed use and development on the neighborhood, and lessen potential impacts caused by future redevelopment, staff recommends the promotion of uses that are typical of a mixed-use, walkable landscape. This necessitates the restriction of uses that are not conducive to a walkable environment nor should abut neighborhoods, as follows:

- a. Prohibited Uses:
 - i. Establishments for the display, rental, or sale of automobiles, motorcycles, trucks not exceeding one and one-half (1½) tons, and boats limited to runabout boats.
 - ii. Passenger transportation terminals.
 - iii. Wholesale establishments.
 - iv. Minor automobile and truck repair.
 - v. Establishments primarily engaged in the sale of supplies and parts for vehicles and farm equipment.
 - vi. Pawnshops.
 - vii. Stadium and exhibition halls.
 - viii. Telephone exchanges; radio and television studios.
 - ix. Cable television system signal distribution centers and studios.
 - x. Adult entertainment establishments.
 - xi. Parking lots and structures.
 - xii. Automobile service stations.
 - xiii. Retail sale of plant nursery or greenhouse products.
 - xiv. Miniature golf or putting courses.
 - xv. Carnivals, special events, festivals, or concerts on a temporary basis.
 - xvi. Rental of equipment whose retail sale would be permitted in the B-1 zone.
 - xvii. Drive-through facilities.
- b. The maximum height of any structure or portion of a structure with frontage along East Maxwell Street shall be 75 feet.
- c. The maximum height of any structure or portion of a structure with frontage along Lexington Avenue shall be 50 feet.
- d. The maximum height of any structure or portion of a structure with frontage along Stone Avenue shall be 47 feet.

These restrictions are appropriate and necessary for the following reasons:

1. To reduce the potential impact of the most intense uses allowable in the B-2A zone on the existing residential land uses in the immediate area.
2. To establish an appropriate scale of development to respect the context of neighboring structures and intensify corridors consistent with the policies of the 2018 Comprehensive Plan.

Mr. Baillie stated that the Comprehensive Plan encourages new construction to 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 Lex-

ington corridor policies and Placebuilder priorities. The proposed structure is both situated along the edge of a historic neighborhood and is located along an arterial roadway. Since the likelihood of any modification of the properties located along the southern portion of East Maxwell Street is very low, and the proposed development is situated along the edge of the Aylesford Neighborhood, it is important that the height of development incrementally increase. The staff recommends that the portions of the proposed structure established along the East Maxwell Street frontage be limited to a maximum of 75 feet. In addition, any portion of the structure with frontage along Lexington Avenue shall be no taller than 50 feet and any portion of the structure with frontage along Stone Avenue shall be no taller than 47 feet.

The height of 75 feet is similar to other developments that have occurred in Lexington, which are located within nearby historic neighborhoods and support similar uses. For new development located along established neighborhoods, urban design principles suggest that incremental growth of development can be tied to the width of the fronting roadway. For properties within a residential context and located along an arterial or collector roadway, an incremental increase in height should allow for structures 1.5 times that of the right-of-way width (1:1.5 ratio). For properties within a residential context and located along local roadways, an incremental increase in height should allow for structures equal to the right-of-way width (1:1 ratio). These height limitations, along with the prohibition of certain land uses, will ensure that the proposed redevelopment meets the Comprehensive Plan's goal, objectives, policies and development criteria, while also appropriately increasing the intensity of structures.

Commission Questions – Ms. Plumlee asked for verification of the zone change from the R-4 zone to the Downtown Frame Business (B-2A) zone. Mr. Baillie said that the B-2A zone is meant to frame the outside of the core of the downtown area and incrementally decrease the intensity and uses. Ms. Plumlee said that to put in reference, the downtown area would be the picture and this would be the frame, the next level. She then asked what the height limit is currently in the R-4 zone. Mr. Martin said that depends on the applicant's ability to meet the requirements, which includes setback, floor area ratio, and lot coverage. Mr. Baillie added that there isn't a set maximum height in the R-4 or R-5 zones, they primarily have a height-to-yard ratio.

Mr. Nicol asked for clarification of the Downtown Place Type as opposed to the 2nd Tier Urban Place Type. Mr. Baillie said that based on the applicant's justification, that was the Place Type they had selected. He said that the staff then reviews that and makes their recommendation. He added that at this location, there has much discussion of which type this should be. He added that the 2018 Comprehensive Plan doesn't always delineate what category of Place Type should be in a particular area. Mr. Nicol asked to see on the map where the western edge of the downtown and the 2nd Tier Urban Place Types converge. Mr. Baillie said that staff doesn't map the different Place Types and said that it is more related to policy. He added that when the staff was reviewing this application, they focused on the downtown zoning and types of development that have been occurring and agreed with the applicant that this area should be a Downtown Place Type, because there has been an increase in the density of housing. In regards to the converging with the 2nd Tier Urban Place Type, the staff was viewing the Aylesford Neighborhood as that category, which is residential with some pockets of commercial.

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 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.~~
7. 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.~~
8. 16. Discuss Denote timing of closure of Hagerman Court shall be resolved at time of Final Development Plan.
9. 17. Discuss Denote compliance with Article 15-7 of the Zoning Ordinance for Infill and Redevelopment shall be resolved at time of Final Development Plan.
10. 18. Discuss Denote streetscape and pedestrian facilities adjacent to Maxwell Street and Stone Avenue shall be resolved at time of Final Development Plan.
11. 19. Discuss compliance with Placebuilder criteria Denote conditional zoning restrictions and revise plan to comply with the restrictions as detailed in the associated Zoning Map Amendment Request (MAR) staff report.

Mr. Martin said that the Subdivision Committee reviews the development plans as if the zoning is already in place and they determine if these plans will meet the requirements of the Zoning Ordinance. He displayed a rendering of the proposed development

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and said that the Subdivision Committee recommended approval of this plan. He said that the applicant is proposing a 10-story building with a three-story attachment. He said that there will be a two-story parking garage, with 235 parking spaces. He said that the access to the development will be on Maxwell Street and there is a proposed access point along Hagerman Court. He said the applicant is proposing 208 units with a total lot coverage of 54,873 square feet, which is the footprint of the building. In regards to Ms. Plumlee's question, he said that the proposed zone doesn't have any floor area ratio requirement and the increased height gives them a larger floor area ratio. He added the applicant is proposing 122 feet in height, at the highest level. He said they are proposing more than 260,000 square feet of residential space, and 11,870 square feet of amenities, which include an open space and a deck area on the roof of the building. In regards to condition #9, he said that the staff was concerned with the orientation to the street, the activation, and various amenities, which will need to be in compliance with Article 15-17 of the Zoning Ordinance. He said that the Division of Traffic Engineering has agreed to install a bump-out to restrict parking in some areas. He added that there will be sidewalk and bike lane improvements along Maxwell Street. He said that the staff is recommending approval of this revised development plan with the conditional zoning restrictions regarding the height and limited uses; however, a final development plan will be needed to build any structure or improvements.

Commission Questions – Mr. Nicol asked for clarification of condition #7 along with the approval of this development plan and the conditional zoning restrictions for the maximum height requirement. Mr. Martin said that this plan will need to comply, if it is approved with the conditional zoning, which includes the height restriction. He said that in regards to condition #7, the Zoning Ordinance requires the applicant to state the height of the building on their development plan. He said that the applicant had denoted a 10-story building, but the staff requires a measurement of feet. He added that the building is 122 feet in height, which needs to be denoted on the plan. Mr. Nicol then asked for clarification of the different building heights on the development plan. Mr. Martin pointed to the different buildings and stated their heights.

Mr. Owens asked for clarification of process of condition #11, if this plan is approved. Mr. Martin said if this development plan is approved at this public hearing, subject to conditional zoning restrictions, this plan will need to be revised to reflect those conditions placed on it. He said that this plan will return to the Planning Commission as a final development plan and need to meet all of those conditions.

Note: Mr. Forester left the meeting at 2:30 p.m.

Applicant Presentation – Mr. Jacob Walbourn, attorney, Jerod Hunter and Brian Rosen, Aptitude Development, John Abish, BSB Design, and Erin Hathaway and John Henney, Gresham Smith, were present to represent the petitioner. Mr. Walbourn distributed a copy of his PowerPoint presentation, two studies that he referenced, and a letter to the Planning Commission regarding a request that one of the Commission members recuse themselves. He said that the staff outlined the request and they are in agreement with them, with the exception of the 75-foot height restriction that they have proposed along Maxwell Street. He said that this is 1.1 acre site and to address Ms. Plumlee's question regarding the R-4 or R-5 zones, they would have a height-to-yard ratio, which is not practical on this site because of parking requirements.

Mr. Walbourn said that Aptitude Development has projects in New York, South Carolina, Arkansas, and Louisville, Kentucky. He said that they are not the current owner of the properties that are the subject of this application. He said that they initially met with the staff on June 28, 2019, and filed this application on August 5, 2019. He stated that he had received the amended staff report on September 24, 2019, which was the first time they had learned of a height restriction. After that staff report was received, they had met with staff and the neighborhood again to design the best plan in order to proceed.

Mr. Walbourn said that the staff had explained why this proposal is in agreement with the Comprehensive Plan. He said that the Downtown Place Type was selected because the properties location, the zoning patterns, the recent development of the area, and because they believe this will set the context for future development along Maxwell Street. He displayed a map of the downtown area and said that it is bordered by E. Third Street, Midland Avenue, Maxwell Street, and Newtown Pike (Oliver Lewis Extension), which he said was described to him by former Planning staff as to where B-2, B-2A and B-2B zones may be permitted. He added that the majority of the zoning within those borders are currently zoned B-2. He displayed photos of nearby structures to show the height of some of the buildings in the area. He said that they didn't select 2nd Tier Urban; however, it states that high-rise opportunities are not precluded provided context sensitive connections are attempted. He said that the intent of the 2nd Tier Urban is to frame the downtown, whereas the B-2A zone is to frame the urban core.

Mr. Walbourn said that this development will need to integrate with the existing neighborhood by addressing the context. He said that they are providing step down structures on the ends of the development, near the neighborhoods, along Lexington Avenue and Stone Avenue. He said that they have addressed the development criteria of the Placebuilder in various ways and that they are attempting to address the context of the neighborhood, including public open space, and improving pedestrian facilities.

Mr. Walbourn said that they had a number of meetings with the neighborhood and have made revisions to address those concerns. He said this development was reconfigured to remove the need for any variance requests and fully complies with the B-2A requirements outlined in the Zoning Ordinance. He said that Mr. Martin pointed out that a bump-out is proposed along Maxwell Street, which will deal with traffic and parking concerns along this frontage. There is also a space for loading/unloading for Uber/Lyft and food delivery parking, which are going to continue to increase in the future. He said that a public art easement is proposed along

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two of the main pedestrian entrances, as well as a pedestrian safety system with signage at the garage access points. They are also proposing bicycle storage areas within the structure. He said that they have provided architectural renderings to also show their compliance with the Placebuilder criteria and the multi-family design standards, which he displayed.

Mr. Walbourn said that this much density is proposed to meet the 2018 Comprehensive Plan. Imagine Lexington calls for a dramatic increase in density to accommodate the housing needs along our significant corridors. He said that the City of Lexington is not meeting its housing obligation and that the University of Kentucky had to sublease several private facilities for additional campus housing. He said that infill and redevelopment in Lexington must dramatically increase in density in the higher value areas or development will not be cost effective. He said that these properties were chosen because they are contiguous and are available, and that the existing structures are substandard. He had a file of violations from the Division of Code Enforcement, which contained 614 pages of violations from 2016 to the present. He said that these properties are not in good repair. He said that other areas for growth were extremely limited due to the presence of the H-1 Overlay restrictions and the University of Kentucky. He said that the proposed development can serve multiple populations, including students because of its proximity to the campus, but it isn't limited to them. It is a very walkable community within the urban core, near major employers that are served by public transit and the transit center is one block away. He added that they have been conversing with LexTran regarding provision of service at this location.

Mr. Walbourn said that this will be a significant investment to the community. He submitted an article regarding Multifamily Market Commentary from the March 2017 Fannie Mae Report, which states that the national average cost per square foot is \$233, for high rise structures, eight to twenty-four stories in height. He said that the PVA value of the land for these parcels is \$3.28 million. He also said that Lexington is actually 1% above the national building cost. He added that infill is costly due to the relocation of sewers, easements, and utilities, as well as the added cost of demolition. Each of these element are considered when trying to make infill work financially. He said that density is needed to support the dramatic land cost, the construction cost and the infill expense at this location. He added that there is emphasis in the 2018 Comprehensive Plan for integrating parking into the development, particularly with higher density uses. He displayed a chart of the national cost per parking space and said that as of May 2019 the average cost is \$21,500 per space for structured parking. He said that they are providing 214 parking spaces, which will cost approximately \$4.6 million to build the garage for this development. 60-70% of the cost is for the structural support for structured parking. He said that in this case, the more units that are built, the less expensive the total cost will be.

Mr. Walbourn said that in regards to the staff's proposal of limiting the development to seventy-five feet this will limit this project to six-stories, which will not make it financially viable because it wouldn't have the density to support the financial investment that would be required. He said that this standard has not been applied to any other prior development nor is it mentioned in the Comprehensive Plan. He said that when they met with the neighborhood, it was suggested that they reduce the height to four-stories, which would be a 72% reduction of density and a 48% reduction if they constructed a six-story building. He added that the land cost doesn't change, neither does the infill cost. Furthermore, the construction costs don't decrease on a one-to-one basis. He said that they are currently proposing an eight-story building, which will be a reduction of 7,730 square feet of the building, 46 units, 21 parking spaces, and 2,200 square feet of open space. He added that this is a level that is sufficient financially and could proceed. He displayed comparison of the massing studies of the eight-story and the 10-story buildings and said they believe the 10-story building is more attractive, functionally a better building and meets the Goals & Objectives of the Comprehensive Plan and the Design Criteria of the Placebuilder.

John Abish, BSB Design, said that the design of the development aligns with the traditional architectural styles in Lexington and it respects and encourages pedestrian friendly street frontage. The scale reflects the neighboring buildings by stepping down to their height at the street level. The scale addresses the major corridor along Maxwell Street and is suitable for this corridor. He said that the massing also provides significant relief with the taller masses located to the rear of the property, stepping down to the elevated courtyard for more sensitive design. He said that the design also reflects the setback that is needed to break up the massing along Maxwell Street. Most of the façade will be the two-story parking garage, with a courtyard above it. He added that the University of Kentucky is a Tier 1 school that students will continue to target for the best educational experience and this development will provide housing of the same quality. He said that it will also strengthen the pedestrian experience, which will create a safer environment for this area. Currently, this area has very dark parking lots that seem to be unsafe. This development will provide access to controlled parking at the ground level and an enriched residential experience at the ground level and above. He said that this design will meet the requirements of the High-Density Residential-Downtown development criteria, as well as the multi-family design standards.

Mr. Walbourn said that he and Mr. Abish and others are available for questions and asked approval.

Commission Questions – Mr. Nicol said that the staff recommended to limit the height with conditional zoning with a 1:1 ratio of right-of-way to building height. He asked the applicant to point out the right-of-way on Maxwell Street, Lexington Avenue, and Stone Avenue. Mr. Walbourn said those would be reflected on the development plan. He also stated that he isn't going to reply for the staff, but he believes that they applied two different standards, 1:1 ratio and 1.5:1 ratio. Mr. Ballie responded that within the arterial roadway the staff was suggesting a ratio of 1:1.5, which is the width of Maxwell Street. He said the staff recommends a 1:1 ratio for Stone Avenue, which would be 47 feet height, and a height of 50 feet on Lexington Avenue.

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Mr. Bell asked Mr. Abish for clarification of the rear of building renderings. Mr. Abish displayed the rendering and said there are recesses to break up the elevation and there is also two levels of parking with eight levels of residential above them, along the rear side. He said that along Lexington Avenue, the structure is three stories in height to better match the area.

Mr. Wilson asked the applicant how many feet an eight-story building will be. Mr. Walbourn said that has been estimated between 96-100 feet in height. He said that many of the zones have a foot limit in the Zoning Ordinance; however, the B-2A zone has a story height limit, which permits 10 stories. Mr. Wilson clarified that the 10-story building was 122 feet in height. Mr. Walbourn agreed. Mr. Wilson said that the staff is recommending a total of 75 feet in height and asked the applicant if that would be a deal breaker if it were less than eight-stories. Mr. Walbourn said that this project wouldn't be viable at six-stories. Mr. Wilson also asked if the code violations are in effect now or have they been addressed. Mr. Walbourn said that many of them are in effect and some of them have been addressed. He added that some of them are structural violations, two of the properties have been condemned. Mr. Wilson then asked the staff if they have been apprised with the revised proposal that was presented today. Mr. Baillie said that it was discussed, but a development plan had not been submitted to the staff.

Citizens in Support

Blake Hall, 36 Richmond Avenue, said he prefers more urban development and for it to be less car-centric. He agrees with the applicant because the R-4 zone requirements do not allow high density in an urban context. He said that the current zone would force a smaller building with more parking. He believes that this is the exact location for high density, particularly with its proximity to a seven-story hospital and a stadium. He added that neighborhoods grow and change and need the permission to do so.

Note: Planning Commission took a recess at 3:08 p.m. until 3:17 p.m.

Mr. Owens asked the applicant if they are in agreement with the staff's recommended conditional use restrictions. Mr. Walbourn said that they are in agreement with all of the staff's recommendations, with the exception of the height restriction along Maxwell Street.

Citizens in Opposition - Jessica Winters, attorney representing Aylesford Place Neighborhood Assoc., presented a PowerPoint presentation and distributed a packet containing the opposition statement and more than 60 letters from area residents, to the Planning Commission. She said this proposal is not consistent with the Imagine Lexington development criteria because the proposed development is not at an appropriate scale to respect the context of the surround neighborhood, a two-story parking garage at the street level is not pedestrian-oriented and doesn't activate the ground level, and the demolition of the current structures that are included in the National Register of Historic Places doesn't constitute adaptive reuse of these properties. She displayed photos of the buildings that would be demolished for this proposed development.

Ms. Winters said that Imagine Lexington describes the Downtown Place Type as the "Urban Epicenter of Commerce and Entertainment" and that the core should be anchored by high-rise structures with activated ground levels surrounded by mid-rise buildings that offer dense residential uses. She said that a mix of uses and a variety of transportation options should be prioritized and parking should be addressed as a shared urban asset. This needs to be contrasted with the description for the 2nd Tier Urban Place Type, where significant infill and redevelopment opportunities exist in order to compliment the urban core and high-rise opportunities are not precluded, provided that measures are taken to address the adjacent context. She said that the surrounding area are overwhelming residential zones. She added that this neighborhood has seen itself as a 2nd Tier Urban Place Type and that this site was selected without any input from the neighborhood.

Ms. Winters said that the Placebuilder criteria states that a B-2A zone, while appropriate in a Downtown Place Type, is not appropriate in a 2nd Tier Urban Place Type and that high-density residential is permitted in the current R-4 zone. This zone change will create an isolated block of downtown frame zoning in a residential neighborhood. The increased height and density will make this development out of context of the adjacent neighborhood and violates the guidelines outline of the Comprehensive Plan for well-designed transitions from the downtown core to the 2nd Tier Urban neighborhood.

Ms. Winters said that the Planning Commission should require the applicant to detail the analysis employed to determine how many units could fit into a development that works within a structure of the current zoning versus the number of units that are being proposed. She also stated that the applicant will also be destroying tree canopy and that there isn't any tree canopy requirement in the proposed zone. She said that the city of Lexington has established a goal to increase the urban tree canopy to 30%. She said that they challenge the Planning Commission to encourage smart infill of urban neighborhoods, including adaptive reuse of historic structures with pedestrian and bicycle uses at the forefront of the design to maintain the character of these communities.

The following individuals were in attendance:

Kevin Benzie, 129 Hagerman Court
Maureen Peters, 535 Russell Avenue
Kathleen Winter, 151 Kentucky Avenue
Tom Self, 163 Kentucky Avenue

Alice Christ, 430 East Maxwell Street
 Vida Vitagliano, 240 Stone Avenue
 Judith Sparks, 513 Park Avenue
 Walt Gaffield, Fayette County Neighborhood Council
 Wendy McAllister, 221 Stone Avenue
 Brittany Sams, Bluegrass Trust for Historic Preservation
 Claudia Michler, 415 E. Maxwell Street
 James Dickinson, 368 Transylvania Park
 Peggy McAllister, 225 Stone Avenue
 Kathy Reynolds, 138 S. Hanover Avenue
 Amy Clark, 628 Kastle Road
 Neal Mize, 339 Transylvania Park
 Ginny Daley, 136 Burley Ave
 Mark Streety, 1020 Fincastle Road
 Carlotta Abbott, 14 Preston Court
 Sue Mize, 339 Transylvania Park
 John Michler, 415 E. Maxwell Street
 Lynn Dunn, former manager for Touchstone Properties
 Jean Scott, 371 S. Mill Street
 Lina Jean Armstrong, 121 Kentucky Avenue
 Janet Cabaniss, 704 Cumberland Road
 Phil Johnston, 171 Old Georgetown Street
 Esther Murphy, 211 Clay Ave

Those individuals in opposition of the proposed zone change, made the following comments:

- Proposal is not consistent with the Imagine Lexington development criteria.
- Development is not at an appropriate scale to respect the context of the surrounding neighborhood.
- Parking garage at the street level is not pedestrian-oriented and doesn't activate the ground level.
- Demolition of the current structures that are listed on the National Register of Historic Places doesn't constitute adaptive reuse of these properties.
- Destructive to the tree canopy and there will be a loss of greenspace.
- Inappropriate for this "2nd Tier Urban" neighborhood.
- Height of the building will block the sunlight.
- Increase of noise.
- Increase of traffic.
- Increase of neighborhood's carbon footprint.
- Lack of parking in the area and applicant not providing adequate parking for proposed number of units.
- Students prefer private houses.
- Loss of historic properties and diversity in the neighborhood.
- Changing of character of existing neighborhood.
- Proposed Place Type is not consistent with the Comprehensive Plan.
- Demolition of current structures is damaging to the integrity of the neighborhood; the structures should be rehabilitated/renovated.
- Dissolution of the current neighborhood.
- Currently have vacant apartments in the general vicinity.
- Maxwell Street is not a corridor and shouldn't allow high density.
- This size of a building is not justifiable on a minor arterial roadway.
- Apartments are currently allowed without changing to an urban place-type.
- On-street parking on Stone Avenue makes the road narrow for through traffic.
- Development is not in keeping with the surrounding neighborhood.
- Topography of the site, grade change.
- Will set a negative precedent.
- Need to preserve and protect this neighborhood.
- Narrow street and difficulty moving emergency vehicles through.
- Prefer to expand the Urban Service Area boundary rather than locating density in neighborhoods.
- Developer only wants to make an investment.

Applicant Rebuttal – Mr. Walbourn said that he may not be able to rebut every comment due to the number of them. He said that they are not the current owners of these properties and he can't speak to what has happened to them in the past. He said that these properties have fallen into a significant state of disrepair. In regards to the 2nd Tier Urban Place Type, he said that Place

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Type is not a static concept and that the Comprehensive Plan states that they evolve over time. He added that the zones listed with those Place Types, there is an asterisk for a notation, which states that those zones are not exclusive. He said that the 2nd Tier Urban Place Type does permit high-density residential, but it doesn't contemplate single-family residential. He reminded the Planning Commission that the University of Kentucky is not subject to zoning regulations and will most likely not maintain that corridor the same way forever. In regards to leaving the residential areas in the shadow of this development, he said that they had also completed a shadow study, which he submitted for the record. He said as far as street classification, those are designated by the staff. In regards to the trees, he said that the large oak tree located on Stone Avenue will be preserved and retained and 49 new trees will be planted with this proposed development, as required by the Planting Manual. He said that with regards to preserving houses in a historic neighborhood, these houses are not located within an H-1 Overlay. However, they are listed on the National Historic Register, however that designation doesn't carry any weight and there are no restrictions requiring them to be preserved. The only way to protect them is through a designation of an H-1 Overlay. He said that rezoning to a B-2A zone would generate more traffic than residential zoning. He said that this body made the determination to grow up and not out, which isn't going to be pain free. Things will not be able to be preserved forever, things will need to change.

Jerod Hunter, Aptitude Development, said that they would not build a project that isn't viable with the parking that they proposed. He said that they have developed a site in Syracuse, NY that doesn't have any parking. He said that they extensively review parking, that every market is certainly very different, and they believe there is more than enough parking on this site.

Citizens Rebuttal - Ms. Winters said that there isn't a demonstrated need for this zone change. She said that this goal could be accomplished within the existing zone and with development that respects the character of the neighborhood. She said that adaptive re-use of existing structures, combined with modern additions or additional infill will create housing that is more diverse and in accordance with the Comprehensive Plan. She submitted proposed Findings of Facts to the Planning Commission, as follows: The Planning Commission hereby recommends DISAPPROVAL of PLN-MAR-19-00013, for the following reasons:

1. The proposed development area is a 2nd Tier Urban Place Type, not a Downtown Place Type under Imagine Lexington's Place Builder designation of Place Type.
2. The B-2A zone is not appropriate within a 2nd Tier Urban Place Type.
3. The existing R-4 zone allows for density residential development. In fact, the R-4 zone is referred to as a "high density apartment" zone in the Zoning Ordinance.
4. Multi-level residential housing is not precluded in the current zone. The current zone would in fact potentially allow for several-story structures with the appropriate yard to height ratios, which are 2:1 within an R-4 zone.
5. The requested zone change is necessary for a personal development of this scale because the change allows the development with a diminished parking space requirement, less restrictive yard to height ratios, and destruction of the existing tree canopy. These changes concern the neighborhood association and many Aylesford residents.
6. There is no demonstrated need for the requested zone change. The Comprehensive Plan's objective of increasing diverse housing options can be accomplished within the existing zone and with development that respects the character of the neighborhood.
7. The current design proposed by Aptitude Development is not consistent with the Imagine Lexington Comprehensive Plan Development Criteria for the following reasons:
 - a. The proposed development is not at an appropriate scale to respect the context of neighborhood structures (Criteria A-DS4-2). The proposed height is inappropriate and out of context with the surrounding areas. The sight line along the 200 block of East Maxwell Street reveals structures no taller than 3 stories. This is directly in conflict with criteria A-DN2-2 and A-DN3-2 and does not create a context-sensitive transition with the existing neighborhood (A-EQ3-1). A maximum height of 56' is more context sensitive and meets the Comprehensive Plan criteria, and should be the maximum permitted.
 - b. Two stories of parking garage at the street level along the corridor is not pedestrian-oriented and does not activate the ground level; furthermore, the visibility of the parking garage from the streetscape is not addressed (A-DS7-1, A-DS7-2, A-DS7-3, and A-DS5-4). There is no evidence of bicycle infrastructure (A-DS5-1, and D-CO2-1). Importantly, the parking structure spans nearly the entire portion of the development fronting Maxwell Street.
 - c. The demolition of structures that are included in the National Register of Historic Places does not constitute adaptive reuse of these properties and historic structures (Criteria C-DIS-1, E-GR5-1).
 - d. The proposed development does not provide a neighborhood-serving use that does not already exist in the vicinity as rental housing is already available in excess (D-PL2-1).
 - e. The proposed development is destructive of the existing 37% tree canopy, including several mature trees, without significant replacement, further reducing the tree canopy of the neighborhood which is already well below the city-wide goal (A-DS4-3 and B-PR7-3).
 - f. The proposed rezoning and development do not provide a well-designed neighborhood (Theme A, Goal #3.b) by varying the mobility patterns of potential residents, and promoting alternative modes of transportation including pedestrian, cycling, and mass transit.

Staff Rebuttal - Mr. Baillie clarified that the proposed 10-story building is not by-right, it would need to be approved by the Planning Commission. If the by-right was established as B-2A, it would be three-stories in height and that any height is at the discretion of the Planning Commission. He said that E. Maxwell Street, from Versailles Road to High Street, is identified as a minor arterial roadway, as well as a corridor. He displayed a map depicting the city's corridors. He said that staff has recommended for the increase of density in the area, which is supported by the housing study, which is included within the Comprehensive Plan. He

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said that the city is anticipating an increase of individuals into our area and with the restriction of the Urban Service Area boundary, the staff is seeking to grow up and not out, which will include high-density apartment complexes or a variety of different forms of residential dwelling units.

Commission Questions – Mr. Wilson asked the staff how they came to the recommendation of a height of 75 feet. Mr. Baillie said it is a technique commonly utilized in urban design practices along corridor or arterial roadways, so that the height can be increased in areas that abut other residential neighborhoods. He said that in downtown areas, it is expected to go up, but when located on the edge of the downtown area, the expectation is to increase incrementally. Mr. Wilson then asked if this standard could be applied across the community to all the corridors. Mr. Baillie said that this is being utilized specifically on a corridor that abuts the edge of a 2nd Tier Urban, which allows them to step up and increase as development moves towards the downtown area.

Mr. Bell asked the staff about the increased traffic and parking and asked how it is being remedied at the HUB development. Mr. Baillie said the HUB development had concerns with the layout of the parking that led to the creation of more parking elsewhere. He added that the HUB is both retail and residential, which also necessitates additional parking. He said that with student-oriented developments, the traffic counts are reviewed differently. He said that the applicant is utilizing a metric that they believe in and it has been replicated in other areas of town. He said the staff is supportive of reducing some of the surface parking because it does create an underutilized space. He said that the applicant is actually proposing more than what is required for this zone. Mr. Bell said the HUB was given relief of their required parking because of alternative modes of transportation, and asked if that will be an option for this proposed development. Mr. Baillie said that the staff doesn't have specific facts for the HUB, but the retail store and the residents in the South Hill neighborhood seem to be pleased with that development.

Mr. Nicol asked what the total setback would be with the right-of-way. Mr. Baillie said that the front yard setback from the sidewalk is approximately 17 feet, plus the 50-foot right-of-way, would be a total of 67 feet. He said that at 1:1.5 ratio, that would be approximately 100 feet in height.

Mr. Pohl asked the staff what is their procedure and decision making for interpreting the Comprehensive Plan. He said that he noted elements of the Comprehensive Plan that had been violated or ignored in the justification. He then asked the staff how they decide which elements of the Comprehensive Plan they use to review an application. Mr. Baillie said that they didn't ignore any aspects of the Comprehensive Plan. He said that the staff report does acknowledge and review some of the historic aspects of this location, which is compared with other Goals and Objectives of the Comprehensive Plan, particularly in the areas where there is already a large portion of historic properties that are preserved and maintained with an establishment of an H-1 Overlay.

Ms. Mundy thanked the staff for clarifying the classification of the roadway. She asked if there is a consideration of needing less parking, because the City of Lexington is moving toward a multimodal system, such as bike lanes and scooters. Mr. Baillie said that the Comprehensive Plan does promote a more walkable/bikeable and multi-modal community, which includes various policies. Therefore, the City of Lexington is promoting more transit-oriented development. Also by providing high-density residential in areas that individuals don't need to drive to the store, work, or school. He added that with the proposed development, the applicant is increasing the sidewalk widths and assisting with sheltered transit stops.

Commission Comments - Ms. Plumlee thanked citizens for attending today's hearing. She reminded them that staff has recommended approval of this plan, which the citizens don't agree with. She said this places a burden on the Planning Commission to consider the many facets. She said that the site is currently zoned R-4, which means that tomorrow another developer could build something that they may also object to and that they may not want to leave their neighborhood to chance at this point.

Mr. Nicol said that it has been identified that there is a student housing deficiency and that there is a fear of student housing increasing in residential neighborhoods. He believes this is an appropriate location for student housing and this proposal. He said the applicant has worked diligently with the staff to get to this point of approval; however, he doesn't prefer the conditional zoning restrictions, therefore he asked the clarifying questions to better understand the ratio of the right-of-way and the setbacks. He believes that this should be approved either without conditions (allow the 10-story building) or place a condition that allows the applicant the eight-story or 100 feet in height.

Mr. Penn said that he agrees with the increased density and change where it can be accommodated. He believes that student housing can be located at this site, and agrees that it will change the character of the neighborhood because of the size of the proposed development. He said that he agrees with Ms. Plumlee's statement of the Planning Commission being burdened with the decision to have the least impact on the surrounding area.

Mr. Wilson agrees with Mr. Penn and added that the infill and redevelopment raises challenges. He said that the intent is to not throw a neighborhood out of character by building a 10-story building next door.

Mr. Bell agrees with the Planning Commission and would like to find the balance with the relevancy of student housing, because there is currently some that doesn't reflect the character of the neighborhood that he has heard today. He said that they regard highly of the staff's recommendation and their professionalism.

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Mr. Pohl said that he is opposed to development and the zone change because of the historic preservation and placemaking of the Comprehensive Plan and that was why he asked the staff which part of that plan they emphasize on. He believes that this application highlights a dilemma that the Planning Commission has in regard to preservation concerns. He said that these are 12 structures, all of which are at least 100 years old, with one of them being 132 years old, and it is cynical to ignore that fact. He cited areas of the Comprehensive Plan that he is concerned with, they are: the growth policy, placemaking, increasing density, preservation of historic sites and structures, and infill and redevelopment.

Mr. Nicol said that he believes this is a viable project and that eight-stories could be cost feasible.

Mr. Owens said that he also appreciates the citizens for the comments and the applicant and his group. He said that the Planning Commission is constantly looking to provide housing and increase density, which is a serious matter. He believes that the staff would concur that since the updated 2018 Comprehensive Plan, with all zone change applications, it has been reiterated the need to preserve and protect existing neighborhoods. He said that he appreciated the colored renderings provided from the applicant, but he believes that 10 stories is too much. He said that the Comprehensive Plan says that with developments that abut existing or historic neighborhoods, it is appropriate to step-down or create context sensitive elements to minimize intrusion.

Zoning Action – A motion was made by Ms. Plumlee, seconded by Mr. Pohl, and carried 6-3 (Mundy, Nicol, and Owens opposed; Brewer and Forester absent) to disapprove PLN-MAR-19-00013: APTITUDE DEVELOPMENT, for the following reasons:

1. The requested Downtown Frame Business (B-2A) zone is not in agreement with the 2018 Comprehensive Plan's Goals and Objectives, Policies and Development Criteria for the following reasons:
 - a. The proposed rezoning and redevelopment of a ten-story structure along E. Maxwell Street is not compatible with the existing character of the corridor which includes residential structures that front onto the public street with front porches and direct access to the street. Theme A, Goal #2b. states that development should "respect the context & design features of areas surrounding development projects & develop design standards & guidelines to ensure compatibility with existing urban form." The proposed project disregards the existing urban form.
 - b. Theme A, Goal #3a. encourages existing and new neighborhoods to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment to expand options for mixed-use and mixed-type housing throughout Lexington-Fayette County. Although the proposed development would provide new residential dwelling units, it does not provide for mixed-used or mixed-type development, nor does the proposed development preserve the character of the neighborhood in which it would be located.
 - c. Although a business zone is proposed, the proposed rezoning would not contribute to the creation or growth of jobs in the downtown area or creation of jobs where people live, as is recommended by Theme C, Goal #2.
 - d. The proposed demolition and redevelopment does not promote and protect historic preservation of the community's resources, which are part of the cultural landscape that gives Lexington its unique identity and image. Theme D, Goal #3 encourages that protection of historic resources, including the renovation and restoration of structures. The existing residential structures on the subject site were constructed between 1885 and 1915, and are part of a district which was listed on the National Register of Historic Places in 1984.
2. The existing High Density Apartment (R-4) zone is appropriate in that it allows high density residential land use and has for over a century at this location. The current zoning permits renovation and restoration of the existing structures, which can continue to provide necessary housing for the community.
3. The requested Downtown Frame Business (B-2A) zone is not appropriate for the subject site in that the site is not adjacent to the existing core downtown business zone or land use. Although the Zoning Ordinance indicates that the B-2A zone is meant to allow expansion on the downtown, the subject site has not historically been considered part of downtown.
4. There has been no significant unanticipated changes of a physical, social or economic nature since the Comprehensive Plan was adopted in February 2019 which would warrant the requested rezoning.

Development Plan Action – A motion was made by Ms. Plumlee, seconded by Mr. Wilson, and carried 6-3 (Mundy, Nicol, and Owens opposed; Brewer and Forester absent) to indefinitely postpone PLN-MJDP-19-00050: THE MARSHALL LEXINGTON (LYNDHURST SUBDIVISION, BLK D, LOTS 2-7).

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

- A. BOAR 2019-3: 359 SOUTH MILL STREET** – An appeal to the Planning Commission of the Board of Architectural Review (BOAR) decision to disapprove the Certificate of Appropriateness with respect to altering the utility strip along the frontage of the property located at 359 South Mill Street, in the South Hill Historic District.

The staff will report at the meeting.

Staff Presentation – Mr. Baillie presented the staff report and recommendations for the appeal. He displayed photographs of the subject property and aerial photographs of the general area. He said that the action made by the BOAR, on August 28, 2019, was to disapprove a Certificate of Appropriateness to modify the utility strip. He said that the applicant made improvements, then asked for the changes to be approved by the BOAR. The BOAR found that the applicant expanded the walkway without a certificate of

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appropriateness and that they expanded it with a visually dominant or intrusive type of false sense of history. He said that the staff has recommended that the brick pavers remain, but that the applicant add street trees within the pavers, which will remove the option of that area being used as a sidewalk and will increase the availability of stormwater retainage in this area. Street trees in this area are very important because there isn't any underground stormwater facilities at this location. He said that filling in the area with impermeable pavers actually reduced the ability for that area to absorb and retain water. He said that the staff is also recommending the appellant reduce the area of the pavers in two, 12 square-foot sections in order to allow for the planting of two street trees, in concordance with the LFUCG Planting Manual. He said the applicant is agreeable to the staff's recommendations.

Mr. Baillie said that the staff is recommending approval of the Certificate of Appropriateness for the following reasons:

1. The appellant provided further information regarding the variability of the types of improvements utilized within the utility strip, which includes brick pavers.
2. Brick and limestone pavers are representative of past modifications to utility strips within the South Hill Historic District. By including two, 12 square-foot planting areas within the utility strip at 359 South Mill Street, the staff finds that the use of the pavers is:
 - a. Compatible in material and design with the structures on the property and surrounding historic properties (III-4.b); and
 - b. Not visually dominant, intrusive or suggestive of a false sense of history (III-4.c).
3. The inclusion of the pavers and street trees will protect and enhance the natural and cultural landscapes that give Lexington-Fayette County its unique identity and image. This includes the protection of historic and archaeological resources (Theme D, Goal #3.a), and the renovation, restoration, development and maintenance of historic residential and commercial structures, settlements, and neighborhoods (Theme D, Goal #3.b).
4. The inclusion of street trees will help improve Lexington's urban forest by strategically planting new trees and creating walkable streetscapes (Theme B, Restoration Policy #1).

Subject to the following condition:

1. Two street trees shall be added to the frontage of the property within exposed portions of the utility strip, each measuring 6 feet by 2 feet for a total of 24 square feet of landscape planting area. The street trees shall be two small trees identified in the LFUCG Planting Manual and approved by the LFUCG Urban Forester and the Office of Historic Preservation.

Ms. Bettie Kerr, Division of Historic Preservation, said that the decision of the BOAR to deny the application as built without a permit, and paving the entire utility strip, was consistent with the actions taken on the utility strip applications throughout the years with the Board and is in keeping with the Design Guidelines. However, the proposed solution to create two long 6x2 feet each to allow for the planting of trees, which the property owner has agree to, is also a solution that the Historic Preservation staff could strongly support.

Applicant – Bill Hilliard, property owner, said that he agrees. He said for the record that there are 12 other properties on this road that have either concrete from their house all the way to the road, or concrete and brick, therefore he believed that he was being consistent with the others in the neighborhood and objects to Ms. Kerr's statement on behalf of the Board. However, he does agree with the staff's recommendation and he does agree with the trees and the historic nature of the neighborhood. He asked for approval of two types of trees that may not be listed in the Planting Manual, the liquid amber and an almas frontier, both of these grow in columnar ways.

Commission Comments – Mr. Owens said that the Planning Commission does not have the authority to specify the types of trees to be planted. He said that approval of the types of trees can be given by the Urban Forester. Ms. Kerr said that the appellant will also be receiving a permit from the Division of Historic Preservation, who will be working with the Urban Forester. Ms. Kerr added that the other properties on the street with concrete to the road all pre-date the historic district being put in place.

Action – A motion was made by Mr. Penn, seconded by Mr. Bell, and carried 9-0 (Brewer and Forester) to approve the decision of the Certificate of Appropriateness for the BOAR 2019-3: 359 SOUTH MILL STREET, subject to the condition and for the reasons provided by staff.

VII. STAFF ITEMS – Mr. Duncan thanked the Planning Commission for participating in the public hearing today and reminded the Planning Commission that the Committee meetings will be held on Thursday, December 5th, in the Phoenix Building on the 3rd Floor.

VIII. AUDIENCE ITEMS – No such items were presented.

IX. MEETING DATES FOR DECEMBER 2019

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	December 5, 2019
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	December 5, 2019
Subdivision and ND-1 Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	December 12, 2019
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	December 18, 2019
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	December 19, 2019

X. ADJOURNMENT - There being no further business, Chairman Owens declared the meeting adjourned at 5:32 p.m.

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Mike Owens, Chair

Karen Mundy, Secretary

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