

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

February 27, 2020

- 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, Patrick Brewer, Anthony de Movellan, Larry Forester, Karen Mundy, Graham Pohl, Carolyn Plumlee, and Bill Wilson. Absent: Bruce Nicol and Frank Penn.

Planning staff members present: Jim Duncan, Director; Traci Wade, Tom Martin, Hal Baillie, Cheryl Gallt, Parker Sherwood, 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; and Tracy Jones, Department of Law.

- II. **APPROVAL OF MINUTES** – There were no minutes to be considered by the Planning Commission at this time.
- III. **POSTPONEMENTS AND WITHDRAWALS** - Requests for postponement and withdrawal will be considered at this time.

1. **DEVELOPMENT PLANS**

- a. PLN-MJDP-19-00077: WINBURN ESTATES, UNIT 3 (HUTSON-SIRK PROPERTY) (2/23/20)* - located at 1975 RUSSELL CAVE RD., LEXINGTON, KY.
Council District 1
Project Contact: synTerra Corporation

Note: The Planning Commission postponed this item at their January 16, 2020 and February 13, 2020 meetings.

Note: This plan requires the posting of a sign and an affidavit of such. The purpose of this amendment is to revise the development on the property.

The Subdivision Committee Recommends: **Postponement**. There are questions regarding the access to Russell Cave Road per the Winburn Russell Cave Neighborhoods Small Area Plan.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. United States Postal Service Office's approval of kiosk locations or easement.
13. Discuss timing of sanitary sewer improvements and pump station removal.
14. Discuss connectivity and access to Russell Cave Road per the previous plan (PLN-MJDP-17-00017).
15. Discuss group residential design standards.

Petitioner Representation: Fred Eastridge, synTerra Corporation, requested a two week postponement to allow additional time to work with the staff on the proposed development plan.

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

Action: A motion was made by Mr. Wilson, seconded by Ms. Plumlee, and carried 8-0 (Brewer, Nicol and Penn absent) for a postponement of PLN-MJDP-19-00077: WINBURN ESTATES, UNIT 3 (HUTSON-SIRK PROPERTY) to the March 12, 2020 meeting.

2. **NEW ITEMS – ZONING MAP AMENDMENTS**

A. **SCHILLING PROPERTIES ZONING MAP AMENDMENT & MORNINGSIDE ADDITION (BLUE DOOR SMOKEHOUSE EXPANSION) ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-20-00001: SCHILLING PROPERTIES (4/5/20)*- a petition for a zone map amendment from a Single Family Residential (R-1D) zone to a Neighborhood Business (B-1) zone, for 0.061 net (0.095 gross) acres, for property located at 706 Aurora Avenue.

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

COMPREHENSIVE PLAN AND PROPOSED USE

The 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 applicant is seeking a zone change from the Single Family Residential (R-1D) zone to the Neighborhood Business (B-1) zone for the property located at 706 Aurora Avenue. The zone change application is seeking the enlargement of the commercial zoning to allow for the expansion of the current footprint of the Blue Door Smokehouse building. The applicant is also seeking to update their development plan to address pedestrian mobility around the site, and vehicular movement through the site, while also increasing the available off-street parking.

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

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

1. The requested Neighborhood Business (B-1) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning supports infill and redevelopment as a strategic component of growth (Theme A, Goal #2 and Theme A, Goal #2.a).
 - b. The expansion of the existing one-story structure will remain in line with the existing building, and will respect the built context and design features of the surrounding development, remaining compatible with the existing urban form (Theme A, Goal #2.b).
 - c. The proposed development provides a location for positive and safe social interactions in the neighborhood (Theme A, Goal #3.b) and those proposed sidewalk and parking improvements will enhance the neighborhood (Theme D, Goal #1.d).
 - d. The proposed enhancement of the restaurant along the edge of an established and walkable neighborhood, helps deemphasize single-occupancy vehicle dependence (Theme B, Goal #2.d).
 - e. The proposed neighborhood business zone can provide for entertainment and other quality of life opportunities that attract young and culturally diverse professionals to Lexington (Theme C, Goal #2.d).
 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 increases safe pedestrian mobility and provides a neighborhood use.
 - b. The proposed rezoning includes safe facilities for the potential users of the site by prioritizing the inclusion of safe 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, limits the impacts on the surrounding environment, and adds tree canopy coverage in the form of street trees and landscape buffers.
 3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are recommended via conditional zoning:
 - a. Prohibited Uses:
 - i. Drive-Through Facilities
 - b. Outdoor speakers or the amplification of live music shall be prohibited on the subject property.
 - c. Lighting shall be a maximum of 10 feet in height and shall be shielded and directed away from the neighborhood adjacent to the property.

These restrictions are appropriate and necessary for the following reasons:

 - 1.To reduce the potential impact of allowable neighborhood business uses on the adjacent neighborhood.
 - 2.To reduce the potential impact of lighting and sound on the adjacent neighborhood.
 4. This recommendation is made subject to approval and certification of PLN-MJDP-20-00003: Morningside Addition (Blue Door Smokehouse Expansion), 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-20-00003: MORNINGSIDE ADDITION (BLUE DOOR SMOKEHOUSE EXPANSION) (4/5/20)* - located at 222, 224 AND 226 WALTON AVENUE AND 706 AURORA AVE., LEXINGTON, KY.
Project Contact: Midwest Engineering

Note: The purpose of this development plan is to rezone the property located at 706 Aurora Avenue and incorporate the lot into the adjoining business area.

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

The Subdivision Committee Recommended: **Postponement**. There were some questions regarding the discussion items.

1. Provided the Urban County Council rezones the property B-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
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, greenspace and open space.
6. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.
7. Denote building height in feet in site statistics.
8. Dimension existing buildings.
9. Discuss proposed access to Aurora Avenue.
10. Discuss use of existing building at 222 Walton Avenue.
11. Discuss timing of shared parking lot construction located on 222 and 224 Walton Avenue and consolidation with one of the adjoining lots.
12. Discuss perimeter (zone to zone) landscape screening along the shared property line with 708 Aurora Avenue.
13. Discuss pedestrian access from parking lot and right-of-way to front entrance.
14. Discuss Placebuilder criteria:
 - a. A-DS5-3: Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
 - b. A-DS7-1: Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
 - c. B-SU11-1: Green infrastructure should be implemented in new development.

Staff Comment: Hal Baillie, said that the applicant asked for a one month postponement of this zone change to the March 26, 2020 meeting, due to illness at this time.

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

Action: A motion was made by Ms. Plumlee, seconded by Mr. Forester, and carried 8-0 (Brewer, Nicol and Penn absent) for a postponement of PLN-MAR-20-00001: SCHILLING PROPERTIES and PLN-MJDP-20-00003: MORNINGSIDE ADDITION (BLUE DOOR SMOKEHOUSE EXPANSION) to the March 26, 2020 meeting.

IV. LAND SUBDIVISION ITEMS - The Subdivision Committee met on Thursday, February 6, 2020, at 8:30 a.m. The meeting was attended by Commission members: Mike Owens, Karen Mundy, Carolyn Plumlee and Headley Bell. Committee members in attendance were: Stephen Parker, Traffic Engineering and Vaughan Adkins, Division of Engineering. Staff members in attendance were: Traci Wade; Tom Martin; Hal Baillie; Cheryl Gallt; Denise Bullock; Lauren Hedge; Jimmy Emmons; Samantha Castro; Parker Sherwood; 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)

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

- (b) objectors (30 minute maximum OR 3 minutes each)
- Rebuttal & Closing Statements
 - (a) petitioner's comments (5 minute maximum)
 - (b) citizen objectors (5 minute maximum)
 - (c) staff comments (5 minute maximum)
- Commission discusses and/or votes on the plan.

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

1. **CONTINUED DISCUSSION ITEM**

- a. PLN-MJDP-18-00030: ETHINGTON & ETHINGTON PROPERTY, TRACT 1 (AMD) (4/30/20)* - located at 4145 AND 4235 HARRODSBURG ROAD, LEXINGTON, KY
Council District 10
Project Contact: Vision Engineering

Note: The Planning Commission postponed this item at their February 13, 2020, meeting.

Note: The purpose of this amendment is to depict the development of Lots 2 & 3. The Planning Commission approved this item at their May 10, 2018, meeting and reapproved it at their July 11, 2019, meeting, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas (sinkholes).
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. Denote: A Geotechnical Report for identified sinkhole areas shall be submitted to the Division(s) of Environmental Quality and Planning prior to plan certification.
12. Board of Adjustment's approval of the requested B-1 variance prior to certification of the plan.
13. Denote architectural details for commercial buildings façade on Harrodsburg Road frontage shall comply with exhibit on file with the Division of Planning and Building Inspection.
14. Resolve note #11 and scope of proposed landscaping.

Note: The applicant has requested a continued discussion to change the purpose of amendment to include Lot 1 within the commercial area and to include the townhome area and single family residential, as well as request a waiver to Article 6-8(a) and Exhibit 6-3 of the Land Subdivision Regulations to reduce the local street right-of-way to the back of curb and place the required utility strip and sidewalks in an easement.

The Subdivision Committee took no action.

The staff will report at the meeting.

Staff Presentation - Mr. Martin displayed an aerial photo of the property and the development plan. He pointed to the proposed areas of the townhomes and single family homes. He said this development plan was originally brought back for approval due to extensive modifications. He said that this is a revised plan, which has adjusted the building layout in the commercial area and the footprint of the townhouses. He said that the commercial buildings have been moved further away from the residential area. To do so, they had to go before the Board of Adjustment to increase the B-1 front yard setback. He said that the revised conditions were distributed to the Planning Commission, as follows:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas (sinkholes).
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.

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8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
- ~~11. Denote: A Geotechnical Report for identified sinkhole area shall be submitted to the Division(s) of Environmental Quality and Planning prior to the plan certification.~~
- ~~12. Board of Adjustment's approval of the requested B-1 variance prior to certification of the plan.~~
- ~~13. Denote architectural details for commercial buildings façade on Harrodsburg Road frontage shall comply with exhibit on file with the division of Planning and Building Inspection.~~
11. ~~14.~~ Resolve note #11 and scope of proposed landscaping.

Mr. Martin said that the revised plan has met several of the conditions. He said in regards to condition #11, the landscaping is actually more than the requirement of Article 18 from the Zoning Ordinance, but the condition is remaining for the examiner to reevaluate. He added that there is a waiver request, which has also been distributed to the Planning Commission. He said that the waiver request is to reduce the width of the right-of-way, from the back of curb instead of the back of sidewalk along Syringa Drive, which will allow them a thirty (30) foot setback. He said that the applicant has sited topographical issues and the relationship concerns with the existing neighborhood in the rear of the site. They believe they need to construct a retaining wall, due to grading issues. They have stated that are trying to avoiding the tree protection area.

Mr. Martin displayed photos of the site and said that the planning staff has discussed this with the Division of Engineering and the Division of Traffic Engineering regarding the topography of the area. He said that in 1994, the Planning Commission granted a smaller waiver to the adjoining subdivision, so that they could reduce the width of their right-of-way. This allowed them to adjust the placement of the houses. He said that after meeting with the Division of Engineering and the Division of Traffic Engineering, the staff agreed that the topography is standard to the area and there are not unique or unusual circumstances. He added that the applicant hasn't cited any additional details to elaborate on the issue with the topography. He said that staff doesn't believe that the applicant has demonstrated the hardship provision under Article 1-5(a) of the Land Subdivision Regulations, which cites unique topographic or other natural or man-made physical conditions encountered on the particular land. He said that the applicant choose this zoning, with this particular setback. He added that these lots still have 2,400 square feet of buildable area, which makes this type of waiver unjustified and not one that the staff wants to encourage (a reduction in the right-of-way). He said that there will not be any health of safety issues associated with this. The infrastructure, stormwater, curb and gutters, and sidewalks will all be constructed. However, the Division of Traffic Engineering has some operational concerns regarding the use of easements on right-of-ways. He said that the staff is recommending disapproval of this waiver request.

Commission Questions - Mr. Owens asked if the Planning Commission needs to take any action on the waiver. Mr. Martin said that the development plan will need to be approved, since it has been revised.

Applicant - Mr. Carter, Vision Engineering; Jake Riordan, property owner; Jimmy Nash, Jimmy Nash Homes, were all present. He said that they are in agreement with the staff's conditions on the development plan. He said in regards to the waiver request that the lots are only one hundred (100) feet deep, which is similar to adjacent lots in the adjoining neighborhood. He said that there is currently a fence and berm and a tree protection area along the rear of this development, which is located entirely on this development. He displayed photos of this area and said that the tree line is located five (5) feet away from the property line and the protection area is ten (10) feet from the fence, which protects the root zone of the trees. He said that in the current zone there is a ten (10) foot setback, which would be the entire tree protection area. He said that they are requesting this waiver so that they would be able to move houses back because of this hardship. He said that there is some grade change, which is also not allowing them to provide a usable back yard with these homes. He said that there are possible sink holes on this development. They have been identified on the plat, according the U.S.G.S. map. They have completed geotechnical testing, but they haven't found any. Therefore, they are asking for relief to be able to shift the houses on the lot to be able to avoid these areas. He said that another hardship that they have encountered is that the dirt is shallow and most of the property is rock, which will be costly to cut through.

Mr. Carter said that they didn't ask for a zone change because in an R-1D zone the setback is thirty (30) feet and R-3 zone the setback is twenty (20) feet, which is what they are replicating. He said that the neighborhood to the rear of them had also asked for this same waiver and was granted it by the Planning Commission. He said that in regard to the concerns of the Division of Traffic Engineering with the operational use of the road, he disagrees and that the road will be the same. There isn't a waiver for the design of the road, only for the right-of-way width. The road is designed to meet city standards. From curb to curb it is the same distance and the sidewalks are the correct width. He said that notes could be added to the plat that give the City the right to place street signs as needed. He added that the waiver is not affecting the design of the townhomes.

Mr. Carter said that Mr. Nash has agreed to purchase many of these lots and build on them. He displayed a photo of the proposed houses and townhouses that are proposed to be built on this development and said that he is available for any questions.

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Commission Questions - Ms. Mundy asked how many square feet is the proposed house. Mr. Carter said that the home depicted in the rendering is approximately 2,700 square feet.

Mr. Owens asked what the average projection of the square footage for the residential units would be. Mr. Carter said that the average house will be 3,000 square feet. Mr. Owens asked if the waiver will affect both the single family homes and the townhomes. Mr. Carter stated that the waiver will not affect the townhomes, only the detached homes.

Mr. de Movellan asked what kind of impact the townhomes would have on the houses. Mr. Nash said that they are trying to design ranch style houses, which would result in a backyard of only ten (10) feet. He said that there is a concern if the backyard is only ten (10) feet and the private alley for the garage entrances of the townhomes. There will be elevation change and drainage issues. With a twenty (20) foot backyard, that would allow some flexibility on the footprints by having the house ten (10) feet from the property line. He said that with the lots adjacent to Palomar, the required ten (10) foot would require them to remove the trees because of the dripline of the trees.

Mr. Bell asked if this waiver was anticipated before the road was constructed. Mr. Carter said that this development was created as a mixed-use area. He said that they believed one hundred (100) feet of lot depth was enough for each lot. He said that they can build slightly over the setback line, averaging to match the roadway, which is up to five (5) feet and could be porch areas, which means that they are only requesting an additional 4 ½ feet.

Mr. Pohl asked for clarification of the tree preservation area and asked if the private property owners could remove them at a later date. Mr. Carter said that they are noted on the plat as a tree protection area, as well as on the development plan. Mr. Pohl then asked if there is a lien on the property relative to that. Mr. Carter said that there isn't a lien on the property, but it would be recorded on the development plan. Ms. Wade said that Article 26 of the Zoning Ordinance only covers and protects the trees during the construction process. Once they are on private property, the owners can do as they wish. Mr. Martin added that this area was not conditionally zoned during the zone change process. Mr. Carter said that when the property was zoned, it was a concern of the neighbors and the applicant had agreed to keep those trees as a buffer.

Mr. Owens asked if the waiver is approved, what would be the consequences moving forward. Mr. Martin said that the infrastructure would be in place and the houses would be twenty (20) feet away from the right-of-way. The Division of Traffic Engineering still has operational concerns with signs and traffic control devices being placed in easements, as opposed to being placed in the right-of-way area.

Citizen Comments - There were no audience members present to speak to this request.

Motion for Development Plan - A motion was made by Ms. Plumlee, seconded by Mr. Wilson, to approve PLN-MJDP-18-00030: ETHINGTON & ETHINGTON PROPERTY, TRACT 1 (AMD), with the staff's revised conditions.

Discussion – Mr. Pohl asked how to regulate the consistency of notes regarding the elevations of the commercial properties and document that was submitted. Mr. Martin said the Division of Building Inspection reviews that note and that exhibit and then our Zoning Compliance staff will review then plans versus the exhibit. He said that once all staff is in agreement, then the permits will be approved. Mr. Pohl then asked if that is procedural. Mr. Martin said that it is, but the staff's authority is limited when it pertains to architectural features and details, by the law.

Action – Motion passes with a vote of 9-0 (Nicol and Penn absent).

Motion for Waiver - A motion was made by Ms. Plumlee, seconded by Mr. Wilson, carried 5-4 (Forester, Mundy, Owens, and Pohl opposed; Nicol and Penn absent) to disapprove the waiver due to the potential impact on the trees and she noted the lack of protection currently provided by the Zoning Ordinance.

Action – Motion to disapprove passes with a vote of 5-4 (Nicol and Penn absent).

- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, February 6, 2020, 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 and Bill Wilson. Staff members in attendance were: Hal Baillie, Tom Martin, Traci Wade, Jimmy Emmons, Parker Sherwood, and Debbie Woods, and Tracy Jones, Department of Law. The Committee members reviewed applications and made recommendations as noted.

A. **ABBREVIATED PUBLIC HEARINGS ON ZONING MAP AMENDMENTS**

The staff will call for objectors to determine which petitions are eligible for abbreviated hearings.

Abbreviated public hearings will be held on petitions meeting the following criteria:

- The staff has recommended approval of the zone change petition and related plan(s)
- The petitioner concurs with the staff recommendations
- Petitioner waives oral presentation, but may submit written evidence for the record

- There are no objections to the petition

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

The procedure for these hearings is as follows:

- Staff Reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) Proponents (10 minute maximum OR 3 minutes each)
 - (b) Objectors (30 minute maximum) (3 minutes each)
- Rebuttal & Closing Statements
 - (a) Petitioner's comments (5 minute maximum)
 - (b) Citizen objectors (5 minute maximum)
 - (c) Staff comments (5 minute maximum)
- Hearing closed and Commission votes on zone change petition and related plan(s).

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the hearing. The Chair will announce its decision at the outset of the hearing.

C. RECONSIDERATION OF ZONING ITEM

1. JULIE BUTCHER ZONING MAP AMENDMENT & EDMORE SUBDIVISION, LOT 3 ZONING DEVELOPMENT PLAN

Note: The Planning Commission considered this request at its public hearing on January 30, 2020, and a motion for approval received a tie vote of 4-4. Under the requirements of KRS 100.211(1), the Planning Commission's tie vote "shall be subject to further consideration" within 30 days.

- a. PLN-MAR-19-00016: JULIE BUTCHER (2/23/20)*- a petition for a zone map amendment from a Single Family Residential (R-1C) zone to the Professional Office (P- 1) zone in order to construct an office building on 0.876 net (1.191 gross) acres of property, located at 1918 and 1922 Nicholasville Road.

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 to a Professional Office (P-1) zone for the properties located at 1918 and 1922 Nicholasville Road. The applicant is proposing to construct a two-story office building and the associated parking. The applicant has not indicated a specific user for the subject property, but stresses that the P-1 uses are traditionally less intrusive, due to the typical hours of operation and lower intensity.

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

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

1. The requested Professional Office (P-1) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning will respect the context and design features of the surrounding development projects and develop design standards and guidelines to ensure compatibility with the existing urban form (Theme A, Goal #2.b) by implementing the Development Criteria and providing a moderate increase in land use intensity.
 - b. The proposed rezoning will provide a well-designed neighborhood (Theme A, Goal #3) by providing for new services accessible by the residents and business along the Nicholasville Road corridor without significantly disrupting the existing nearby residential neighborhood.
 - c. By proposed rezoning supports the Complete Streets concept, encouraging the use of bicycles and public transportation by prioritizing a pedestrian-first design that also accommodates the needs of bicycle, transit, and other vehicles (Theme D, Goal #1.a and c).
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. Additionally, the proposed rezoning seeks to increase the intensity

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- of use along a major arterial roadway, prioritizing an increase in land uses intensity and allowing for future mixed use.
- b. The proposed rezoning includes safe facilities for the potential users 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, and limits the impacts on the surrounding environment.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are recommended via conditional zoning:
- a. Prohibited Uses:
 - i. Drive-Through Facilities
 - ii. Stand alone parking lots and structures
 - b. Outdoor speakers or amplification shall be prohibited on the subject property.
 - c. Lighting shall be a maximum of 10 feet in height and shall be shielded and directed away from the neighborhood adjacent to the property.

These restrictions are appropriate and necessary for the following reasons:

1. To reduce the potential impact of allowable professional office uses on the adjacent neighborhood.
 2. To reduce the potential impact of lighting and sound on the adjacent neighborhood.
4. This recommendation is made subject to approval and certification of PLN-MJDP-19-00075: Edgemoor Subdivision, Lot 3, 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-19-00075: EDMORE SUBDIVISION, LOT 3 (2/23/20)* - located at 1918 AND 1922 NICHOLASVILLE RD., LEXINGTON, KY.
Project Contact: Barrett Partners

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

The Subdivision Committee Recommended: Postponement. There were some questions regarding the parking requirements and the requested variance.

1. Provided the Urban County Council rezones the property P-1; otherwise, any Commission action of approval is null and void.
 2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
 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. Correct number of stories on plan face to "2 story".
 6. Discuss reservation for future bus rapid transit (BRT) on Nicholasville Road including new 30' building line.
 7. Discuss parking variance.
 8. Discuss compliance with Placebuilder criteria:
 - a. B-SU11-1: Green infrastructure should be implemented in new development.
 - b. A-DS1-1: Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes.
 - c. A-DS4-1: A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided.
 - d. A-EQ3-2: Development on corridors should be transit-oriented (dense & intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure & facilities).
- e.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.

Chair Comments – Mr. Owens said that this is only for reconsideration of the vote that ended in a tie on January 30, 2020. He said that this is not a continuation. Last month, the Planning Commission heard from all of the parties and citizens. He said that the public comments section was closed and there was a 4-4 tie vote. According to the bylaws and the Kentucky Revised Statutes, the Commission shall reconsider within thirty (30) days. He said that there are two Commission members present today that did not take part in last month's vote, and he asked them to voice their plan for today's vote. Mr. Brewer said that he was present for most of the hearing and has reviewed the video and material that he missed and stated that he is prepared to vote. Ms. Plumlee said that she has also reviewed that material and is prepared to vote.

Zoning Action – A motion was made by Ms. Plumlee, seconded by Mr. Brewer, to disapprove PLN-MAR-19-00016: JULIE BUTCHER, for the following findings:

1. The subject property is appropriately zoned and creates a well-established land-use boundary between residential business/office uses along the east side of Nicholasville Road, and to the south of Edgemoor Drive.

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2. The request is in conflict with the Design Policy #4 under Theme A, Growing Successful Neighborhoods. "Respect the context and design features of areas surrounding development projects and develop design standards and guidelines to ensure compatibility with existing urban form."
3. The proposed zoning is in conflict with Theme A, Growing Successful Neighborhoods as rezoning and demolition will remove, without replacing, a housing choice from the marketplace.
4. The proposed development does not "grow a successful community through well-designed neighborhoods by encouraging existing neighborhoods to flourish through the use of neighborhood character preservation (Theme A. Goal #3.a.) by demolishing a well-preserved and architecturally significant example of the Dutch Colonial Revival architectural style. It is a viable residential property that contributes to the history and architecture of the established Southern Heights Neighborhood.
5. The proposed development is destructive of several mature trees that contribute to the urban forest without significant replacement (A-DS4-3 and B-PR7-3).
6. The development does not create a context sensitive transition between intense corridor development and an existing neighborhood (A-EQ3-1).

Discussion or Comments – Mr. Wilson asked if the staff would like to respond to these findings. Ms. Jones stated that the findings are adequate to support the motion.

Mr. Pohl commented about the Herald Leader attacking the process of the Comprehensive Plan, PlaceBuilder, and even how the staff has reviewed the past three projects that shared the characteristic of being sensitive because of their historic context. He said that the Comprehensive Plan is very clear about the tremendous challenge that the Commission has. We are a community needing to develop greater density within the Urban Service Area boundary, in order to protect our agricultural land. Part of that strategy involves densifying corridors. However, the Comprehensive Plan is also very clear about protecting and enhancing historic neighborhoods, which creates a dilemma. He said that the Planning Commission is taking a stance that is not agreeing with the staff, but is agreeing with the Comprehensive Plan in other respects. He said that the Comprehensive Plan is working exactly the way that it should and he encouraged citizens to be patient and continue discussions.

Mr. Owens said that the findings presented seem to all concur with preserving and protecting existing neighborhoods. He said that Nicholasville Road has transformed itself and now it isn't a neighborhood street. He said that he could have removed all of the Nicholasville Road parcels out of the recent H-1 Overlay. He said that there is corridor development language within the Comprehensive Plan that must also be considered. He said that this is balancing act between neighborhoods, corridors, and development.

Mr. Brewer said that he looks at the staff as the professionals that they are, and he doesn't vote against their recommendations lightly. He agreed with Mr. Pohl in regards to having two competing goals and he believes that protecting the neighborhood outweighs the other.

Mr. Bell asked the staff what could be built at this site under the current zone and what all could be under the proposed zone. Mr. Baillie said that the structure is not protected. The adjacent H-1 Overlay zone provides greater protection of structures. He said the under the current R-1C zone, four single family houses can be developed. With the proposed P-1 zone, the applicant is proposing to develop one structure for a professional office with the option for mixed-use. He added that the staff is seeking to protect those historic properties within our area, within all zone changes. However, the staff also reviews what can be done by right on a property, and this property could be subdivided to create four single family lots.

Action - Motion passes with a vote of 5-4 (de Movellan, Forester, Owens, and Wilson opposed; Nicol and Penn absent).

Development Plan Action – A motion was made by Ms. Plumlee, seconded by Mr. Brewer, and carried 9-0 (Plumlee abstained; Brewer and Penn absent) to indefinitely postpone PLN-MJDP-19-00075: EDMORE SUBDIVISION, LOT 3.

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

- a. **PFR 2020-1: FIRE STATION NO. 9 ADDITION** – a Public Facility Review to construct and improve facilities at Fire Station 9, including two firetruck bays and driveway and parking, located at 2234 Richmond Road.

Staff Comment: Ms. Gallt said that this proposal is to add approximately 2,484 square feet for additional garages storage, recreational room, and a foyer to the building, as well as additional access driveway, and parking. She displayed an aerial photo of the property and stated that they currently only have one access drive to Richmond Road. She said that this proposal meets several of the Goals & Objectives and Policies & Implementation items of the 2018 Comprehensive Plan. The site is located along the Richmond Road corridor, which the staff believes that the fire station fits within the Corridor Place-Type, and the Medium Density Non-Residential/Mixed-Use Development Type. Within the development criteria for this Place and Development Type, the need for adequate pedestrian infrastructure is emphasized, as is the need to support pedestrian linkages to existing transit stops along the corridor. The development criteria also support the use of green infrastructure.

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Ms. Gallt displayed elevations of the proposed addition and said these improvements will allow the Division of Fire and Emergency Services to more fully serve the needs of the community. She said that the Division of Fire and Emergency Services have contacted the Kentucky Transportation Cabinet for the right-of-way permit to construct the second driveway.

Citizen Comment –Charlie Schneider, Grant Center Carrol, said that they have met with the Kentucky Transportation Cabinet and received verbal approval for the access. He said that he is available for any questions.

Commission Questions – Ms. Plumlee asked the staff if more shrubs could be placed along the building. Ms. Gallt said that the development criteria supports the use of green infrastructure, and a possible rain garden. Mr. Schneider said that there is an island space between the two driveways, which could be a rain garden to assist with increased drainage. He said that the construction of the sidewalk will be only in front of this property, since Richmond Road doesn't have any sidewalks on either side of the street.

Mr. Pohl asked why the sidewalk isn't shown on the drawings. Mr. Schneider said it wasn't on the drawings because there isn't anything to connect them to. Mr. Martin added that there is a Council Ordinance that requires sidewalks along Richmond Road and that they will be being built in segments for future connections.

Ms. Mundy asked if Kentucky American Water built a sidewalk while they were doing renovations. Mr. Martin said that they are a regulated utility and are exempt from many ordinances.

Mr. Pohl said that this is public building, and that used to represent who we are as a community. He stated that Richmond Road is a major corridor, and asked if this building should be making a public statement. Mr. Schneider said that this is existing facility and there is a limitation of public funds.

Mr. Owens said that since they are asking others to add landscaping into other developments, that they should lead by example and add landscaping and sidewalks to this request.

Action: A motion was made by Mr. Wilson, seconded by Mr. deMovellan, and carried 9-0 (Nicol and Penn absent) to approve PFR 2020-1: FIRE STATION NO. 9 ADDITION, for the reasons provided by the staff, with the addition of landscaping and sidewalks.

VII. STAFF ITEMS – Mr. Duncan reminded them of the Committee meetings will be held next Thursday, March 5th, in the Phoenix Building on the 3rd Floor. He said that the first public input meeting for the Nicholasville Road Corridor Study has been scheduled on Wednesday, March 4th at 6:00 p.m., located in the atrium area at Lexington Green. He also said that the Division of Planning will be launching the new website for the Comprehensive Plan on Friday, February 28th.

VIII. AUDIENCE ITEMS – No such items were presented.

IX. MEETING DATES FOR MARCH 2020

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	March	5, 2020
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	March	5, 2020
Subdivision and ND-1 Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	March	12, 2020
Work Session, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building.....	March	19, 2020
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	March	25, 2020
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	March	26, 2020

X. ADJOURNMENT - There being no further business, Chairman Owens declared the meeting adjourned at 2:43 p.m.

Mike Owens, Chair

Karen Mundy, Secretary

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TLW/CW/CT/dw

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