

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

May 22, 2008

- I. **CALL TO ORDER** – The meeting will be called to order at 1:30 p.m. in the Council Chamber, 2nd Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.
- II. **APPROVAL OF MINUTES** – Prior Planning Commission meeting minutes of April 24, 2008, will be considered at this time.
- III. **POSTPONEMENTS AND WITHDRAWALS** – Requests for postponement and withdrawal will be considered at this time.
- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, May 1, 2008, at 8:30 a.m. The meeting was attended by Commission Members: Neill Day, Lyle Aten, James Mahan, Linda Godfrey and Carolyn Richardson. Committee members in attendance were: Hillard Newman, Division of Engineering; and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Jimmy Emmons, Traci Wade, Denice Bullock, Chris Taylor, Cheryl Gallt, Tom Martin, Rob Johnson, Frank Boateng and Cindy Deitz; as well as Rochelle Boland, Department of Law; Captain Charles Bowen, Division of Fire & Emergency Services; and Bob Carpenter, Division of Building Inspection. 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.*
- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, May 1, 2008, at 1:30 p.m. in the Division of Planning Office. The meeting was attended by Commission members Ed Holmes, Frank Penn, Randall Vaughn, and Joan Whitman. The Committee reviewed applications, and made recommendations on zoning items as noted.

A. **ABBREVIATED PUBLIC HEARINGS ON ZONE MAP AMENDMENTS AND RELATED PLANS**

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 AND RELATED PLANS** – 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. **TATES CREEK HEIGHTS, LLC, ZONING MAP AMENDMENT & PINNACLE, LOT 1 (AMD.) ZONING DEVELOPMENT PLAN**

- a. **MAR 2007-9: TATES CREEK HEIGHTS, LLC (5/22/08)*** – petition for a zone map amendment from a Neighborhood Business (B-1) zone with conditional zoning restrictions to a Neighborhood Business (B-1) zone with modified conditional zoning restrictions, for 4.19 net (5.83 gross) acres, for property located at 1093, 1097 & 1099 Duval Street.

LAND USE PLAN AND PROPOSED USE

* - Denotes date by which Commission must either approve or disapprove request.

The Land Use Element of the 2007 Comprehensive Plan (Sector 10) recommends Retail, Trade and Personal Services land use for the subject property. The petitioner proposes the addition of a coffee shop to the site, which is already approved for a "sit-down" restaurant, offices and a florist shop on the subject property, as well as revisions to the signage and landscaping restrictions previously imposed.

The Zoning Committee Recommended: Referral to the full Commission.

The Staff Recommended: Approval, for the following reasons:

1. Conditions originally put upon the subject property were not done in anticipation of a professional office use across Duval Street from the subject property. This would constitute a change in the physical and economic nature of the area since 1996, which makes this site eligible for a revision to the very limited conditional zoning restrictions originally placed thereon.
2. The expanded uses currently requested are still consistent with the Retail, Trade and Personal Services land use recommendations of the 2007 Comprehensive Plan and the prior 2001 Comprehensive Plan.
3. This recommendation is made subject to the approval and certification of ZDP 2007-50: Pinnacle, Unit 1 (Amd.) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of any Planning Commission approval.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the subject property shall now be subject to the following use restrictions. (with all edits shown below in italicized text from the previous conditions):
 - a. The B-1 site shall contain a maximum of four buildings and be used only as ~~either~~ a sit-down restaurants without drive-through facilities or the service of "fast food," a florist shop, and/or a use permitted in the P-1 zone other than a bank, a credit institution, a television studio or a hospital; *however, notwithstanding any provision to the contrary, a single drive-through shall be permitted solely for the use of a coffee shop (the "permitted drive-through").*
 - b. *In the event the permitted drive-through should cease to be used solely in connection with a coffee shop, or should a coffee shop cease to operate as a coffee shop (excluding any reasonable number of days necessary for repair, remodeling, or reconstruction as a result of or required by a lawful order or decree of a governmental or regulatory authority, a casualty loss, other than such a loss caused by the owner of the property), then the permitted drive-through shall be removed, no future drive-through shall be allowed on the property, and the use of the coffee shop building shall be restricted to the uses permitted herein.*
 - c. *The portion of the property used for the coffee shop shall be permitted to display on the east-facing portion of the building only a single logo, and the words may be displayed a single time on the east-facing façade, the letters of which shall not exceed 18 inches in height, and the logo shall not exceed 36 inches in height, and in no event shall the words or the logo be backlit or internally lit. Signs on the other sides of the building and on the property shall be regulated under the Zoning Ordinance.*
 - d. The existing ("**original**") structure shall be preserved except to the extent it must be modified to permit the construction of additions and/or renovations as described below.
 - e. *An additions* to the existing ("**original**") structure shall be allowed, but shall only be in accordance with a final development plan submitted to and approved by the Planning Commission; and such additions in total shall not exceed 3,000 square feet and shall be governed by all of the restrictions and limitations that apply to the new building as described below.
 - f. Parking will be in accordance with a final development plan submitted to and approved by the Planning Commission; *provided, however, that a visual buffer of hedges and trees shall be placed on the east-facing side of the property.*
 - g. The property owner shall preserve the existing mature trees on site except as necessary for the construction of ~~one new~~ the office building, the additions to the existing structure, the aforementioned coffee shop and accessory parking, all as approved by the Planning Commission on the final development plan for the site and subject to all restrictions and limitations contained herein; and such trees, if removed, shall be replaced in equal number to preserve the buffer between the site and Tates Creek Road.
 - ~~f. Signage shall be limited to the signage shown on and approved by the Planning Commission on the final development plan for the site and in accordance with the limitations contained herein;~~
 - h. Existing trees which provide a visual buffer from surrounding properties shall be preserved, *and* damaged or diseased trees may be removed if also replaced. ~~in equal number and kind on the site; and Deciduous trees shall be planted in the exterior parking lot.~~
 - i. *In addition to the above-referenced coffee shop building, the construction of one a single additional new building shall be permitted (the "office building"); however, such building shall not exceed 36,000 square feet, shall not exceed 36 feet in height at its highest point as measured from the existing grade level as of September 20, 2005, including all fixtures, equipment and any other materials (except that any equipment located on the roof shall be completely screened from view by parapet walls which are permitted to rise an additional 6 feet solely for that purpose), shall primarily utilize only a brick siding or masonry façade which must cover no less than 55% of the exterior surface of the building excluding the roof, windows and doors, and the roof shall vary in height with no less than three (3) articulating roof heights. In addition Furthermore, the easternmost edge of the office such building shall be no closer at any point than 30 feet from the right of way bordering Tates Creek Road at least 100 feet from the easement line on the east side of the property.*

- b. [ZDP 2007-50: PINNACLE, LOT 1 \(AMD.\)](#) (5/22/08)* – located at 1093, 1097 and 1099 Duval Street.
(EA Partners)

Note: The purpose of this amendment is to add a coffee shop with a drive-through, delete sign information, and to relocate buildings and parking.

The Subdivision Committee Recommended: Referral. There were questions regarding compliance with the off-street parking requirements of the Neighborhood Business (B-1) zone and compliance with the applicant's proposed conditional zoning restrictions.

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

1. Provided the Urban County Council revises the conditional B-1 zoning of the property; 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. Building Inspection's approval of landscaping, including arterial screening.
5. Urban Forester's approval of tree inventory map.
6. Greenspace Planner's approval of the treatment of greenways/bike trails and pedestrian movement.
7. Revise conditional zoning restrictions.
8. Denote: There shall be no development of the property until the Planning Commission approves a final development plan.
9. Dimension drive aisles and new buildings.
10. Addition of record plat information for this development.
11. Clarify easement information.
12. Clarify required off-street parking (restaurant and coffee shop use) based on the number of seats.
13. Clarify note number 13.
14. Correct the spelling in site statistics.

2. FORTUNE OFFICES, LLC, ZONING MAP AMENDMENT & EASTWOOD, UNIT 6, SECTION 1, LOT 6 ZONING DEVELOPMENT PLAN

- a. [MAR 2007-20: FORTUNE OFFICES, LLC](#) (5/22/08)* - petition for a zone map amendment from a Professional Office (P-1) zone to a Wholesale & Warehouse Business (B-4) zone, for 5.555 net (5.635 gross) acres, for property located at 2472 Fortune Drive.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 8) recommends Professional Services (PS) future land use for the subject property. The petitioner proposes constructing 57,000 square feet of warehouse and accessory office space, as well as off-street parking and loading areas.

The Zoning Committee Recommended: **Approval**, for the reasons provided by staff.

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

1. The existing Professional Office (P-1) zoning is inappropriate, and the proposed Wholesale and Warehouse Business (B-4) zoning is appropriate at this location for the following reasons:
 - a. The B-4 zone requested would be compatible with adjacent commercial development and will not adversely affect the surrounding area or other 2007 Comprehensive Plan land use recommendations for this area.
 - b. The subject property would function well as a part of the existing business park development along Fortune Drive, and the requested zone change will allow it to function in this manner.
 - c. The subject property is separated from the adjacent P-1 zoned property to the south by an existing tree stand and from the residentially zoned property to the northeast by a large detention basin. The tree stand and detention basin are more appropriate and recognizable land use buffers between the office and residential uses and the proposed wholesale/warehouse use in this instance.
2. This recommendation is made subject to approval and certification of [ZDP 2007-113: Eastwood, Unit 6, Sec. 1, Lot 6](#), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions shall apply to the property via conditional zoning:

PROHIBITED USES

1. Machine shop.
2. Major or minor automobile or truck repair.
3. Tire re-treading and recapping.
4. Truck terminals and freight yards.

* - Denotes date by which Commission must either approve or disapprove request.

5. Circuses and carnivals, even on a temporary basis.
6. Any wholesale or trucking use operating between the hours of 11 p.m. and 7 a.m.

These use restrictions are appropriate and necessary at this location to ensure that the proposed development adequately protects the nearby neighborhood and assisted living facility.

- b. ZDP 2007-113: EASTWOOD, UNIT 6, SECTION 1, LOT 6 (5/22/08)* - located at 2472 Fortune Drive.
(Strand Associates)

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

1. Provided the Urban County Council rezones the property B-4; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Building Inspection's approval of landscaping.
5. Urban Forester's approval of tree inventory map.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Denote: There shall be no development of the property until the Planning Commission approves a final development plan.
8. Revise owner's certification and Planning Commission's certification.
9. Correct plan title.
10. Addition of written scale information.
11. Label building lines.
12. Verify the recordation of drainage easements.
13. Resolve building and drainage easement conflict.

2. CMW, INC., ZONING MAP AMENDMENT & MARK ACRE PROPERTIES, LLC, ZONING DEVELOPMENT PLAN

- a. MARV 2008-7: CMW, INC. (5/22/08)* - petition for a zone map amendment from a Mixed Use 2 – Neighborhood Corridor (MU-2) zone to a Downtown Frame Business (B-2A) zone, for 1.028 net (1.66 gross) acres, for property located at 502-526 South Broadway; 320 Pine Street; and 319 Cedar Street. A dimensional variance to the front setback is also being requested at this location.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 5) recommends Downtown Master Plan future land use for the subject property. The petitioner proposes a mixed-use development for approximately one acre, incorporating retail business, service-oriented business, 80 residential condominium units and associated off-street parking. The condominium units proposed are to be part of a boutique hotel use of the property.

The Zoning Committee Recommended: Approval, for the reasons provided by staff.

The Staff Recommended: Approval, for the following reason:

1. The requested Downtown Frame Business (B-2A) zone is in agreement with the 2007 Comprehensive Plan, and with the *Downtown Lexington Masterplan*, an element of the Comprehensive Plan, for the following reasons:
 - a. The 2007 Plan recommends Commercial Residential Mixed Use (formerly Retail/Office Mixture) for the subject property, and for other sites to the south and west. The proposed mixture of residential condominiums, a "boutique hotel," restaurants and retail stores, along with the necessary off-street parking for those uses, meets this specific land use recommendation.
 - b. The *Masterplan* recommends an "increase in residential development," and to maximize residential density "while keeping new structures compatible in form and character with the existing neighborhood." The proposed development of the subject site will provide a compatible mixed-use development between South Hill and the approved Shelbourne Plaza mixed-use project, at a density of 77.82 dwelling units per net acre.
 - c. The *Masterplan* recommends almost 270,000 square feet of additional multi-family residential use in the entire South Hill area, for an additional 244 dwelling units. This proposed development would supply approximately one-third of that recommended amount.
2. This recommendation is made subject to approval and certification of ZDP 2008-34: Mark Acre Properties, LLC (Amd.), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under Article 6-7 of the Zoning Ordinance, the following uses are to be prohibited on the subject property via conditional zoning:
 - a. Hospitals.
 - b. Drug stores.
 - c. Indoor theatres.
 - d. Bowling alleys.

* - Denotes date by which Commission must either approve or disapprove request.

- e. Establishments for the display, rental or sale of automobiles, motorcycles, trucks and boats.
- f. Passenger transportation terminals.
- g. Wholesale establishments.
- h. Major or minor automobile or truck repair.
- i. Establishments primarily engaged in the sale of supplies and parts for vehicles and farm equipment.
- j. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
- k. Storage yards for delivery vehicles of a permitted use.
- l. Mining of non-metallic minerals.
- m. Gasoline pumps of any kind.

These restrictions are appropriate and necessary to ensure that uses on the subject property will not require large areas for off-street parking, and to ensure a compatible transition from the Historic South Hill Neighborhood to the east and the Shelbourne Plaza development planned to the immediate west of this location.

b. REQUESTED VARIANCE

1. Reduce the required (front yard) setback along South Broadway, Plunkett Street and Cedar Street from 10' to 0'.

The Staff Recommends: **Approval of the variance from 10' to 0'**, for the following reasons:

- a. This variance should not adversely affect the public health, safety or welfare, nor alter the character of the general vicinity, due to the wide sidewalks surrounding the building and the central courtyard feature of the proposed mixed-use development.
- b. This variance will not result in an unreasonable circumvention of the Zoning Ordinance, as the design of the proposed building will include architectural features to vary the appearance of the building along the streetscape.
- c. The special circumstances that contribute to justifying this variance are the relatively narrow width of the subject property, the fact that this property has four street frontages, and the wide sidewalk that will extend around the perimeter of the property.
- d. Strict application of the Zoning Ordinance requirement would likely result in a significantly smaller courtyard, which is one of the defining features of the proposed development.
- e. This variance is not the result of any prior actions of this applicant or the current owner, nor is it a result of a willful violation of the Zoning Ordinance.

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

1. Provided the Urban County Council rezones the property B-2A; otherwise, any Commission action of approval of this variance is null and void.
2. Should the property be rezoned, it shall be developed in accordance with the approved Preliminary Development Plan, or as approved by the Planning Commission via a certified Final Development Plan.
3. A note shall be placed on the Preliminary Development Plan indicating the dimensional variance that the Planning Commission has approved for this property under Article 6-4(c) of the Zoning Ordinance.
4. All necessary permits shall be obtained from Building Inspection prior to construction, after certification of a Final Development Plan, should this property be rezoned.

- c. ZDP 2008-34: MARK ACRE PROPERTIES, LLC (AMD.) (5/22/08)* - located on South Broadway, Pine Street and Cedar Street.
(CMW, Inc.)

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

1. Provided the Urban County Council rezones the property B-2A; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage and storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Building Inspection's approval of landscape buffers.
5. Urban Forester's approval of tree inventory map.
6. Denote: There shall be no development of the property until the Planning Commission approves a final development plan.
7. Clarify street tree details.

3. **HUGH BENNETT & ROLAND VAUGHAN ZONING MAP AMENDMENT & BENNETT/VAUGHAN RESIDENTIAL DEVELOPMENT ZONING DEVELOPMENT PLAN**

- a. MARV 2008-9: HUGH BENNETT & ROLAND VAUGHAN (6/12/08)* - petition for a zone map amendment from a Professional Office (P-1) zone to a Downtown Frame Business (B-2A) zone, for 0.16 net (0.19 gross) acre; and from a Planned Neighborhood Residential (R-3) zone to a Downtown Frame Business (B-2A) zone, for 0.24 net (0.42 gross)

* - Denotes date by which Commission must either approve or disapprove request.

acre, for property located at 522-528 East Main Street and 109 Kentucky Avenue. Dimensional variances are also being requested at this location.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan recommends Downtown Master Plan future land use for the subject property. The applicant is proposing a 6-story residential structure.

The Zoning Committee Recommended: Referral to the full Commission.

The Staff Recommended: Postponement, for the following reason:

1. More time is needed to evaluate the requested Downtown Frame Business (B-2A) zone to determine whether or not it is in agreement with the 2007 Comprehensive Plan, and with the *Downtown Lexington Masterplan*, an element of the Comprehensive Plan, for the following reasons:
 - a. The 2007 Plan recommends Downtown Mixed Use for the subject property, and for other sites along East Main Street. It is unclear whether the proposed residential condominium development is in agreement with this recommendation at the present time.
 - b. Insufficient information has been provided to assess whether or not the proposed building will be compatible in form and character with the existing neighborhood. The proposed zoning development plan does not address how the building will orient to East Main Street.
 - c. There is a discrepancy between the zoning application which is for up to 12 residential units and the submitted development plan which proposes only 10 residential units. The proposed residential density for this site would be between 16.4 dwelling units per net acre and 19.6 dwelling units per net acre, based on the number of units constructed.

b. REQUESTED VARIANCES

1. Reduce the required (front yard) setback along East Main Street from 10' to 4'.
2. Reduce the rear yard adjoining the P-1 zone at 518 East Main Street from 12' to 8'.
3. Reduce the perimeter landscape requirement adjacent to the R-3 zone at 111 & 113-A East Main Street from 5' to 4', with required plant material to still be provided.

The Staff Recommends: Postponement, for the following reason:

- a. Although the Planning Commission will have the authority to either approve or disapprove the final site design at a later point in time, there is currently insufficient information as to how the Main Street façade of the building will be addressed to allow a substantive recommendation regarding the requested variance to four feet.
- c. ZDP 2008-59: BENNETT/VAUGHAN RESIDENTIAL DEVELOPMENT (6/12/08)* - located at 522-528 East Main Street and 109 Kentucky Avenue. **(Wheat and Ladenburger)**

The Subdivision Committee Recommended: Referral. There were questions as to whether or not the open space requirements are being met for this proposed development.

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

1. Provided the Urban County Council rezones the property B-2A; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage and storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Building Inspection's approval of landscape buffers.
5. Urban Forester's approval of tree inventory map.
6. Denote: There shall be no development of the property until the Planning Commission approves a final development plan.
7. Denote: A consolidation plat shall be recorded prior to certification of a final development plan.
8. Addition of note for private street or access easements.
9. Addition of 3' buffer.
10. Denote useable open space.
11. Resolve compliance with Article 15-7 of the Zoning Ordinance prior to the final development plan.
12. Discuss compliance of the parking/orientation to the street.

4. JULIE A. BUTCHER ZONING MAP AMENDMENT & EDGEMOOR SUBDIVISION, LOTS 2 & 3 ZONING DEVELOPMENT PLAN

- a. MAR 2008-15: JULIE A. BUTCHER (6/25/08)* - petition for a zone map amendment from a Single Family Residential (R-1C) zone to a Professional Office (P-1) zone, for 0.8827 net (1.1911 gross) acres, for property located at 1918 & 1922 Nicholasville Road.

* - Denotes date by which Commission must either approve or disapprove request.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 3) recommends Low Density Residential (LD) land use for the subject property, which is also located within the identified study area for the Nicholasville Road Corridor North Small Area Plan, which is now underway. The petitioner proposes to re-use the residential structure on the property for a professional office with associated off-street parking.

The Zoning Committee Recommended: **Disapproval**, for the reasons provided by staff.

The Staff Recommended: **Disapproval**, for the following reasons:

1. The 2007 Comprehensive Plan recommends Low Density Residential (LD) land use of the subject property, defined as up to five residential dwelling units per net acre. The requested restricted Professional Office (P-1) zone is not in agreement with this land use recommendation, but the existing R-1C zoning is in agreement with the Plan.
 2. The subject property is located within the study area for the Nicholasville Road Corridor North Small Area Plan (SAP), and the initial stages of data gathering have commenced for this study. The Plan will likely address the current land use along this corridor and suggest future land use recommendations. Rezoning the subject property ahead of this detailed study is premature.
 3. The proposed P-1 zoning is inappropriate because Edgemoor Drive is a well established land use boundary between residential and office land use in this location. A six-foot brick wall even further delineates that boundary along the south side of Edgemoor Drive. It is appropriate for this boundary to remain at its current location rather than where the applicant proposes – along the northern property line of the subject property, which is mid-block along Nicholasville Road.
 4. There has been no unanticipated change in this area that has affected the basic character of the area since the adoption of the Comprehensive Plan within the past year. Thus, there is no clear justification for this rezoning request.
- b. ZDP 2008-70: EDGEMOOR SUBDIVISION, LOTS 2 & 3 (6/25/08)* - located 1918 and 1922 Nicholasville Road.
(Barrett Partners)

The Subdivision Committee Recommended: Postponement.

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

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, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
4. Building Inspection's approval of landscape buffers.
5. Urban Forester's approval of tree inventory map.
6. Denote: There shall be no development of the property until the Planning Commission approves a final development plan.
7. Correct Nicholasville Road cross-section.
8. Denote landscape buffer areas.
9. Discuss landscaping adjacent to residential zones.
10. Discuss access to Nicholasville Road and Edgemoor Drive.

5. URBAN COUNTY PLANNING COMMISSION ZONING MAP AMENDMENT & SOUTHBEND PARK, SECTION 1 ZONING DEVELOPMENT PLAN

- a. MAR 2008-16: URBAN COUNTY PLANNING COMMISSION (6/25/08)* - petition for a zone map amendment from a Light Industrial (I-1) zone to a Planned Neighborhood Residential (R-3) zone, for 21.13 net (23.02 gross) acres; from a Light Industrial (I-1) zone to a Mixed Use 2 – Neighborhood Corridor (MU-2) zone, for 4.40 net and gross acres; and from a Light Industrial (I-1) zone to a Highway Service Business (B-3) zone with conditional zoning restrictions, for 0.87 net (1.94 gross) acres, for properties located at 709-715 Byars Street; 600-606 DeRoode Street (portions of); 607-870 DeRoode Street (excluding 757 & 763 DeRoode); 714-726 Deshort Circle; 555-561 McKinley Street (portions of odd addresses only); 564-621 McKinley Street; 555-565 Merino Street (portions of odd addresses only); 800-833 Neville Street; 637 Patterson Street (a portion of); and 812-816 Pine Street.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 5), which incorporated the Newtown Pike Extension Corridor Plan, recommends a combination of High Density Residential (HD), Mixed Use (MU), Public Recreation (PR), and Other Public Uses (OPU) future land use for the subject area. The configuration of these future land uses, as depicted by the Comprehensive Plan, is based on the more detailed *Southend Park Urban Village Plan*, approved by the Planning Commission in November 2003.

* - Denotes date by which Commission must either approve or disapprove request.

The Zoning Committee did not make a recommendation, due to lack of a quorum.

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

1. The proposed Planned Neighborhood Residential (R-3) zone and Mixed-Use 2: "Neighborhood Corridor" (MU-2) zone are in agreement with the 2007 Comprehensive Plan for the following reasons:
 - a. The Plan recommends High Density Residential (HD) future land use, defined as 10-25 dwelling units per net acre, for a portion of the subject area along its western boundary. The corollary development plan identifies 85 dwelling units within about 7.2 acres, for a residential density of 11.81 dwelling units per net acre, which is within the residential density range recommended by the Plan.
 - b. The Plan recommends Mixed Use (MU) future land use near the future intersection of Newtown Pike with the Scott Street connector for approximately four acres of property. This corner is proposed for MU-2 zoning, which allows for the Comprehensive Plan's recommendation for a mixture of retail, office and residential uses.
 - c. The Plan recommends Other Public Uses (OPU) future land use for just under three acres of property along the eastern side of the subject area, north of the proposed mixed-use area. This designation recognizes the desire for the Nathaniel United Methodist Mission to remain a prominent part of the Southend Park Neighborhood to continue to provide valuable outreach services. This area is proposed for R-3 zoning, which permits a community center or church as a conditional use with Board of Adjustment approval.
 - d. The Plan recommends Public Recreation (PR) future land use for about eleven acres of property to serve this neighborhood. R-3 zoning is proposed to accommodate the proposed park, which will be expanded, and will continue to be operated by the Urban County Government.
2. Although the proposed B-3 zone does not allow residential uses, as recommended by the Mixed Use future land use designation of the Comprehensive Plan, it is far more appropriate for a significant gateway and prominent intersection along the corridor than the existing Light Industrial zone, which is inferior and entirely inappropriate at this location.
3. This recommendation is made subject to approval and certification of ZDP 2008-71: Southend Park, Section 1, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses shall be prohibited for the B-3 zone via conditional zoning:
 - a. Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
 - b. Automobile service stations.
 - c. Car washing establishments.
 - d. Drive-in restaurants.
 - e. Minor automobile and truck repair.
 - f. Circuses and carnivals, even on a temporary basis.
 - g. Taxidermy establishments.
 - h. Pawnshops.
 - i. Liquor stores
 - j. Parking lots and structures, as a principal use.
 - k. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
 - l. Drive-through facilities for sale of goods or products or provision of services otherwise permitted herein.
 - m. Advertising signs and billboards, as defined by Article 17-3(b) of the Zoning Ordinance.
 - n. No free-standing business signs taller than 8' in height, or larger than 32 square feet in size.

These use restrictions are appropriate and necessary for land at the southwest corner of the intersection of Newtown Pike and Pine Street in order to protect the gateway entrance to the Southend Park Neighborhood from the most intrusive and intensive commercial land uses, and to help implement the Comprehensive Plan's vision for the Newtown Pike corridor.

- b. ZDP 2008-71: SOUTHEND PARK, SECTION 1 (6/25/08)* - located at DeRoode Street, Versailles Road and Patterson Street.
(Hall/Harmon)

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

1. Provided the Urban County Council rezones the property R-3, MU-2 and B-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
4. Building Inspection's approval of landscape buffers.
5. Urban Forester's approval of tree inventory map.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Denote: There shall be no development of the property until the Planning Commission approves a final development plan.
8. Approval of street names per e911 staff.

* - Denotes date by which Commission must either approve or disapprove request.

6. ESTES PROPERTY NO. 1, LLC & ESTES PROPERTY NO. 2, LLC, ZONING MAP AMENDMENT & ESTES PROPERTY (AMD.) ZONING DEVELOPMENT PLAN

- a. MAR 2008-17: ESTES PROPERTY NO. 1, LLC & ESTES PROPERTY NO. 2, LLC (6/25/08)* - petition for a zone map amendment from a Highway Service Business (B-3) zone with conditional zoning restrictions, to a Highway Service Business (B-3) zone with modified conditional zoning restrictions, for 2.04 net (2.77 gross) acres, for property located at 3294 Richmond Road and 101 South Eagle Creek Drive (a portion of).

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 9a) recommends Professional Service future land use for the subject property. The petitioner proposes to revise the conditional zoning restrictions previously imposed on this property, and to construct two restaurants with accessory drive-through windows.

The Zoning Committee Recommended: **Approval**, for the reasons provided by staff.

The Staff Recommended: **Approval** for the following reasons:

1. Past zoning decisions and an amendment to the Richmond Road Traffic and Safety Ordinance by the Urban County Council constitute major changes to this area of a physical and economic nature which were not anticipated at the time the restrictions were imposed on the subject property in 2004, thus justifying a modification to the conditional zoning on the subject property.
 2. Although the addition of drive-through windows accessory to restaurants will most likely increase traffic to the site, the new public roadway system should adequately accommodate the additional traffic.
 3. This recommendation is made subject to approval and certification of ZDP 2008-69: Estes Property (Amd.) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
 4. Under the provisions of Article 6-7 of the Zoning Ordinance, the subject property shall now be restricted with the following prohibited uses (with all edits shown below in italicized text from the previous conditions):
PROHIBITED USES:
 - a. Adult entertainment establishments, adult bookstores, and adult video stores.
 - ~~b. Drive-through windows accessory to restaurants.~~
 - c. Cocktail lounges not associated with restaurants.
 - d. Nightclubs.
 - e. Billboards.
 - f. Cellular telephone towers.
 - g. Amusement parks and fairgrounds.
 - h. Lighting shall be directed away from the abutting residential properties.
 - i. No outdoor loud speakers or music.
 - j. Hotels and motels.
- b. ZDP 2008-69: ESTES PROPERTY (AMD.) (6/25/08)* - located 3294 Richmond Road. **(EA Partners)**

Note: The purpose of this amendment is to allow drive-through windows on lots 3 & 4.

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

1. Provided the Urban County Council revises the conditional zoning of the B-3 property; 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. Building Inspection's approval of landscape buffers.
 5. Urban Forester's approval of tree inventory map.
 6. Greenspace Planner's approval of the treatment of greenways and greenspace.
 7. Department of Environmental Quality's approval of environmentally sensitive areas.
 8. Denote: There shall be no development of the property until the Planning Commission approves a final development plan.
 9. Addition of building dimensions for lot 4.
- 7. HABITAT FOR HUMANITY, INC., ZONING MAP AMENDMENT & FOREST HILL LAND CO. SUBDIVISION, BLOCK "H," LOTS 33 & 34 PRELIMINARY SUBDIVISION PLAN**

* - Denotes date by which Commission must either approve or disapprove request.

- a. MAR 2008-18: HABITAT FOR HUMANITY, INC. (6/25/08)* - petition for a zone map amendment from a Two Family Residential (R-2) zone to a Single Family Residential (R-1E) zone, for 0.2340 net (0.2977 gross) acre, for property located at 422 Michigan Street.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 2) recommends Medium Density Residential (MD) future land use for the subject property. The petitioner proposes an R-1E zone in order to construct two single-family dwellings on the subject property. A subdivision of the property into two lots is also proposed.

The Zoning Committee Recommended: **Approval**, for the reasons provided by staff.

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

1. The requested Single Family Residential (R-1E) zone is in agreement with the 2007 Comprehensive Plan, for the following reasons:
 - a. The Plan's Land Use Element recommends Medium Density Residential (MD) future land use for the subject property, defined as 5–10 dwelling units per net acre.
 - b. The petitioner proposed to redevelop the property with two single-family residences, for a density of 8.55 dwelling units per net acre, which is within the density range recommended by the Plan.
 2. This recommendation is made subject to approval and certification of PLAN 2008-56P: Forest Hill Land Company Subdivision, Block H, Lots 33 & 34, 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. PLAN 2008-56P: FOREST HILL LAND COMPANY SUBDIVISION, BLOCK H, LOTS 33 & 34 (6/25/08)* - located at 422 Michigan Street. **(Foster – Roland)**

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

1. Provided the Urban County Council rezones the property to R-1E; 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. Building Inspection's approval of landscape buffers.
5. Urban Forester's approval of tree inventory map.
6. Place site statistics within a box.
7. Addition of building lines.
8. Correct plan title.
9. Correct site statistics for existing R-2 zoning.
10. Document compliance with side yard setback for existing structure.
11. Renumber lots per record plat.
12. Discuss adjacent property driveway encroachment and side yard requirements.

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENT REQUESTS

1. ZOTA 2008-4: AMEND ARTICLE 19 TO UPDATE D-FIRM ADOPTION DATE - a Zoning Ordinance text amendment to Article 19 in order to change the effective date of the Flood Insurance Rate Maps, due to the acceptance of the new maps by FEMA, and other changes to strengthen flood protection.

REQUESTED BY: Urban County Planning Commission (at the request of the staff)

PROPOSED TEXT: *(Copies of the entire text and the proposed changes are available from the Division of Planning)*

The Zoning Committee Recommended: **Approval**, for the reasons provided by staff.

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

1. Article 19 of the Zoning Ordinance must be amended to reflect the adoption September 17, 2008, Digital Flood Insurance Rate Maps by the Federal Emergency Management Agency. Otherwise, the LFUCG will be suspended from the National Flood Insurance Program (NFIP), and our citizens will not be protected from flooding losses under this Federal program.
2. The proposed changes will increase LFUCG's regulatory compliance with NFIP regulations, and will clarify potentially confusing language currently in the Ordinance.
3. The proposed changes are intended to ensure more reliable and accurate floodplain maps for Fayette County residents in the future.

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2. ZOTA 2008-5 & SRA 2008-1: TRANSFER GRADING PERMIT RESPONSIBILITIES TO THE DIVISION OF ENGINEERING – a Zoning Ordinance text amendment to Articles 5 and 20 of the Zoning Ordinance and Article 4 of the Land Subdivision Regulations to transfer authority for the issuance of grading permits from the Division of Building Inspection to the Division of Engineering.

INITIATED BY: Urban County Planning Commission (at the request of the Division of Engineering)

PROPOSED TEXT: (Text underlined indicates an addition; text ~~dashed through~~ indicates a deletion) to the Zoning Ordinance.

ZONING ORDINANCE

ARTICLE 5 - ADMINISTRATION, ENFORCEMENT AND VIOLATIONS

5-2 PERMITS REQUIRED FOR CONSTRUCTION, DEMOLITION, AND LOCATION OF STRUCTURES - Permits shall be required for the following activities and shall be issued by the Division of Building Inspection in conformity with the provisions of this Zoning Ordinance.

5-2(b) WRECKING PERMITS - No building or other structures shall be razed, demolished or removed, either entirely or in part; nor shall any of said activities be commenced without a wrecking permit ~~therefore~~, issued by the Division of Building Inspection and any required grading permit has been obtained from the Division of Engineering.

5-2(c) GRADING PERMITS - Grading permits shall be required as provided in Article 20.

5-4 PERMIT APPLICATION REQUIREMENTS AND PROCEDURES - All applications for permits shall be accompanied by such plans and information as the Division of Building Inspection or the Division of Engineering deems to be necessary to determine compliance and provide for enforcement of this Zoning Ordinance. After reviewing the application materials, the Director of the Division of Building Inspection or the Director of the Division of Engineering shall mark the application either as "Approved" or "Disapproved" and attest to the same by signature on such copy. The original, similarly marked, shall be retained by the appropriate division ~~Division of Building Inspection~~.

5-4(a) BUILDING PERMITS FOR SINGLE FAMILY AND TWO-FAMILY DWELLINGS - All applications for permits for detached single family and two-family dwellings and their accessory buildings shall be accompanied by plans showing the location and dimension of any existing or proposed principal or accessory buildings on the lot; the location and dimension of all required yards; height of the building; and the location and dimension of the required parking, as well as any other information deemed necessary by the Division of Building Inspection to determine compliance with this Zoning Ordinance.

5-4(a)(1) DIVISION OF ENGINEERING APPROVAL REQUIRED - The building permit shall not be issued unless and until the Division of Engineering has approved an erosion control plan.

ARTICLE 20 - EROSION AND SEDIMENT CONTROL

20-2 DEFINITIONS - Unless specifically defined below, words and phrases used in this Article shall be interpreted so as to give the meaning they have in common usage and to give this Article the most reasonable application.

NATURAL GROUND SURFACE - Any ground surface in its original state before any grading, excavation or filling, and shall be established by the ~~Division of Building Inspection~~ or Division of Engineering when there is any question of its location.

20-3 SCOPE OF COVERAGE - The following are included within the scope of this ordinance:

- a. Grading, stripping, excavating, filling or otherwise disturbing the natural ground cover associated with construction and/or demolition shall only be permitted in conformance with this Article.
- b. All persons submitting major subdivision plans (see Article 2 of Land Subdivision Regulations for definition of major subdivision class) or development plans must include a note on the preliminary plan stating that no grading, excavating, stripping, filling or other disturbance of the natural ground cover shall take place prior to submission of an erosion and sediment control plan. Where critical conditions exist on the subject property, the Planning Commission may require the developer to indicate on the preliminary plan the methods which will be used to comply with this Article. An erosion and sediment control plan shall be submitted as a part of the required improvement plan materials.
- c. Any person disturbing the natural ground cover in an area for which there is an erosion control plan shall conform to the requirements of such plan without exception.

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20-4 PROCEDURES AND STANDARDS FOR SUBMISSION OF EROSION AND SEDIMENT CONTROL PLANS AND FOR ISSUING PERMITS

- 20-4(d) SUBMISSION OF THE PLAN AND ISSUANCE OF A GRADING PERMIT** - All erosion and sediment control plans shall be submitted to the Division of Engineering, which shall conduct an administrative review of the plan. The purpose of the administrative review shall be to verify that all items have been submitted as required in the Technical and Procedures Manuals. It shall be the sole responsibility of the landscape architect or the project engineer, as appropriate, to ensure the accuracy and completeness of all drawings, calculations, and reports, and to ensure construction feasibility of the design. Within ten (10) working days after receipt of a plan, the Division of Engineering shall notify the project engineer or the landscape architect, as appropriate, in writing, of any omissions or shall ~~notify the Division of Building Inspection and~~ authorize the issuance of a grading permit. Upon such ~~authorization, the Division of Engineering notice, the Division of Building Inspection~~ shall issue a grading permit, provided all other permit requirements are met. Upon completion of the work required under the erosion and sediment control plan, the project engineer or landscape architect shall certify to the Division of Engineering that the work has been completed.
- 20-4(e) EXTENSION OF TIME** - Every grading permit issued to implement an erosion and sediment control plan shall expire six (6) months from the issuance of a grading permit unless work has been commenced in accordance with the plan. If work is not completed within the terms of the permit, or work is not commenced within six (6) months after issuance, the permit holder may, prior to the expiration of the permit, request in writing an extension. The Division of ~~Engineering Building Inspection~~ may extend the deadlines contained in the permit upon a showing by the applicant:
- (1) that there is sufficient justification for the delay;
 - (2) that delay will not create a new erosion hazard or permit an existing one to continue; and
 - (3) that a new completion date has been set.

LAND SUBDIVISION REGULATIONS

ARTICLE 4 - MAJOR SUBDIVISION PLAN PROCEDURE

4-6 CONSTRUCTION OF THE PUBLIC IMPROVEMENTS - The project engineer shall notify the Division of Engineering, the Division of Sanitary Sewers, and the Division of Traffic Engineering when construction of the infrastructure begins. Within two weeks after the commencing of construction, the developer and project engineer shall give at least 72 hours notice to the representatives of the above divisions and conduct a meeting to discuss the construction schedule. The project engineer shall prepare notes of the meeting and submit them to the various divisions. All construction shall be in conformance with the submitted improvement plan.

- 4-6(a) GRADING PERMIT** - ~~Upon notice to proceed from the~~ The Division of Engineering, ~~the Division of Building Inspection~~ shall issue permits in conformance with the Division's established procedure.

The Zoning Committee Recommended: **Approval**, for the reasons provided by staff.

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

1. The proposed Zoning Ordinance and Subdivision Regulations changes would make grading permits the sole responsibility of the Division of Engineering, thereby eliminating the need for an applicant to seek approval for a grading permit from one division, and obtain the permit from another division. By eliminating the Division of Building Inspection from this permit process, it is anticipated that the process will be streamlined and more efficient, thereby allowing issuance of permits in a timelier manner.
2. These proposed changes will help to adequately address surface drainage during and immediately after construction on single-family and two-family residential lots, as well as vacant lots post-demolition.
3. These proposed changes will help to protect our streams, rivers and aquifers from unnecessary soil erosion and runoff on single-family residential, two-family residential, and vacant lots.
4. The Goals and Objectives of the 2007 Comprehensive Plan are furthered by this proposed text amendment to the Zoning Ordinance and Land Subdivision Regulations; namely, Goal 3, Objective G (ensure that appropriate facilities and structures are used to accommodate surface drainage); Goal 8, Objective B (streamlining the development review process); Goal 17, Objective B (protect and enhance overall water quality); and Goal 21, Objective A (sensible regulatory procedures).

VI. COMMISSION ITEMS – Commission items, if any, will be considered at this time.

VII. STAFF ITEMS – Staff items, if any, will be considered at this time.

A. Planning Services Activity Report

- During the month of April, the Planning Services staff processed 14 zone map amendments, 3 Zoning Ordinance text amendments, 56 subdivision and development plan items, and 26 Board of Adjustment appeals. Processing of the above items included attendance and/or preparation of materials and presentations for the following: Technical, Subdivision and Zoning Committee meetings, one Planning Commission public hearing, one Planning Commission public meeting, one Planning Commission work session, and one Board of Adjustment public hearing. In addition, the staff held 4 pre-applications conferences for zoning changes, and several other pre-application meetings for subdivision, development plan and Board of Adjustment items.

Much of the staff's time was spent answering approximately 1,000 inquiries from people concerning zoning, subdivision plans, development plans, Board of Adjustment appeals and related matters. The staff also provided floodplain assistance for 16 property inquiries.

B. Long Range Planning Activity Report

- Central Sector Small Area Plan – Representatives of neighborhoods, schools, and community service agencies met for the first time with consultants who will lead a year-long project to develop a small area plan for the Central Sector. This group, known as the Central Sector Steering Committee, will review and advise the work of Ratio Architects, Inc., an Indianapolis-based planning and design firm, with the goal of creating an adopted community plan that will guide development decisions.
- The consultant led the steering committee through a SWOT analysis that examined the Strengths, Weaknesses, Opportunities, and Threats of the Central Sector. The consultants also discussed the role of the steering committee and a general timeline for future meetings, including public input and comment meetings. The steering committee includes Councilmembers Andrea James and Tom Blues and Planning Commission member Joan Whitman.

Prior to the steering committee meeting, Ratio met with staff and toured the Central Sector area. Ratio plans to hold a public input meeting in early June.

- US 27 to I-75 Corridor Scoping Study – Staff attended, as a member of the Project Work Group, the group's third meeting to examine the need for and feasibility of a new road from US 27 to Interstate 75 in Jessamine, Fayette, and/or Madison Counties. Consultants presented an evaluation matrix for 18 corridor options. The matrix compared system and traffic operations, environmental factors, and cost. After discussion, the work group eliminated several corridor options, including all the ones in Fayette County. The consultants committed to continue to evaluate the remaining six corridors, along with a no-build option. The work group includes elected officials from Madison and Jessamine Counties and other officials and stakeholders from all three counties. The 15-month study schedule will include several meetings of the Project Work Group and public input meetings.
- Findlay Market – At the invitation of the University of Kentucky and EHI Consultants, staff toured Findlay Market, the historic public market in the Over-the-Rhine section of Cincinnati. Others on the tour included Urban County Councilmembers Andrea James and Linda Gorton, as well as other community service leaders. The purpose of the tour was to learn more about public markets and the role of Findlay Market in the community. The market, which is owned by the city of Cincinnati and managed by a nonprofit organization, is the center of economic development in Over-the-Rhine. It provides opportunities for emerging businesses and employment in a setting that enables community interaction. Neighbors and visitors can buy fresh meats, breads, cheeses, vegetables, and fruits as well as prepared meals and a variety of ethnic foods. Several community leaders have suggested that a public market should be considered for the Third Street area of East End. EHI will be leading the small area plan for East End.
- General Work Activities – Staff answered questions about land use and other comprehensive plan issues as well as neighborhood association issues. Staff updated the Neighborhood Association data base. Using GIS, Census data, and PCensus software, staff created maps and data sets for other LFUCG offices, Fayette County Public Schools, and other citizens and officials outside the government.

C. Transportation Planning Activity Report

- Administration – Committee packets were prepared and distributed for the following Transportation Planning/MPO meetings in April: the Transportation Policy Committee (TPC); the Transportation Technical Coordinating Committee (TTCC); the Bicycle and Pedestrian Advisory Committee (BPAC); the Air Quality Advisory Committee (AQAC); and the Congestion Management Committee meeting. Other important meetings with MPO staff participation during April included: I-75 work group meeting; State Wide Transportation Planning meetings; KY Lifesavers Conference; the Downtown Lexington Streetscape committee; Infill & Redevelopment meetings; World Equestrian Games committee; Federated Transportation Services of the Bluegrass (FTSB) Board meeting, and the Bluegrass Airport Board of Directors meeting. Staff participated in the Planning Commis-

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sion's regularly scheduled development review meetings and provided input on transportation issues and the review of submitted traffic impact studies.

- Transportation Improvement Programming (TIP) – TIP Program activities in April included the review of the future TIP Program schedule and document requirements. A TIP stakeholders meeting was held on April 18, 2008, to discuss the TIP's SLX projects. This meeting provided the MPO, the Division of Engineering, and the KYTC Division of Planning an opportunity to go over the SLX project phasing and program funding estimates. Staff is currently preparing TIP financial data and checking the "bigger picture" for FHWA required fiscal constraint in balancing expenditures versus estimated costs. The Division of Planning Transportation Planning Section/Lexington Area MPO, LFUCG Division of Engineering, and the Kentucky Transportation Cabinet was well-represented. In May, the financial data for the TIP and LRTP will be further refined for making adjustments to the new TIP.
- Intelligent Transportation Systems (ITS) – The MPO staff continued to assist with implementation of the Bluegrass ITS (BITS) regional planning initiative on an as-needed basis.
- MPO Website Development – The stand-alone MPO web site can be accessed at <http://www.lexareampo.org/>. In April the website had 747 unique visitors; 1,882 visits; 4,929 page views; .73 GB bandwidth usage; and 24,084 hits. There were 320 links from search engines in April. MPO staff updated the web site with new links, graphics and content.
- Fayette & Jessamine Counties Cooperative Planning - The MPO staff continued to work with Jessamine County officials and the Bluegrass Area Development District to assess transportation system impacts in Jessamine County. The staff attended the Bluegrass ADD Transportation Coordination Committee. Staff continues to provide information to MPO counties, and records the requests in the MPO's database.
- Public Involvement – The Lexington MPO Public Participation/Involvement Access database continues to be updated for use as an advanced input/management tool for public comments. The Public Involvement Database now includes 545 records. The Lexington Area MPO's stand-alone website (www.lexareampo.org) was updated and improved. The Mobility Office Marketing Campaign is focusing this year on reaching out to traditionally underserved persons covered by Title VI. The advertising on cable TV this year will include BET, Telemundo, ESPN, ESPN2, Hallmark Channel and Fox News, among other stations that include high percentages of minority and elderly viewership.
- Transit Planning – The Transit Planner was off for three weeks in April on family medical leave for the birth of a baby. Staff met with Rocky Burke, head of Lextran, and the Art-in-Motion president to get Mr. Burke educated about what AIM does and how. Future design of bus shelters is now being considered. Lextran is looking for new designs that can be prototypes of different sizes for different applications throughout the city, depending on physical characteristics/constraints of the chosen site. Collaboration on a bus shelter conference/summit has been proposed for the fall of 2008 to get public input on the direction of AIM for the future.
- Newtown Pike Extension Study – Staff will continue to be involved in (when needed) and monitor ongoing work that includes plan development, design issues, funding strategies, meetings/discussions, TIP amendments, presentations and other various works to assist and coordinate with the Newtown Pike Extension Corridor Study and Small Area Plan Process.
- MPO Newsletter - "Bluegrass Traveler" – The next "Bluegrass Traveler" newsletter is planned for a Spring/Summer 2008 edition.
- Traffic Impact and Forecasting – The staff coordinated with the Planning Services staff and the Zoning Committee to review recently submitted preliminary and final development plans, zoning map amendment applications, and text amendments for the monthly zoning review meeting. Upon request, information was provided to real estate professionals, consultants and citizens in April. All proposed developments were reviewed for "general consistency" among planning documents, ordinances, and subdivision regulations. The proposed application for zoning map amendment for the Old Schoolhouse Lane development is being redesigned to address staff concerns. The Twain Ridge Drive to US 68 Harrodsburg Road collector/connector system would relieve congestion and provide an alternative route for all transportation modes. Staff members encouraged the completion of the collector roadway system and had division-wide support. Staff continues to monitor the *Jessamine Journal* to track on-going land development. On-going work on the City of Nicholasville's Main Street project was reported and the consultant has provided alternatives to improve this busy street. An update on this project will be requested at the May 14, 2008, TTCC meeting. Jessamine County land development information is provided by Jesse Jackson, Nancy Stone and Greg Bonnett at our regular coordination meeting.
- Bicycle and Pedestrian Planning - The LFUCG Bicycle and Pedestrian section is found in the Strategic Planning monthly report. The BPAC closely coordinates all bike and pedestrian activities with the MPO, BPAC members, the KYTC District 7, and the Kentucky Transportation Cabinet's project programming personnel. A BPAC meeting was held in April and was well attended.

- Travel Demand Model – Staff continued to work with the consultants and MPO staff on different projects, providing travel demand forecasts. Staff met with two different consultants to review the model and received an estimation for technical support for one of them.
- Freight Planning – The final draft of the Freight Section Extension is complete and available for review by MPO members and interested parties. Staff continues to work toward a Freight Participation Plan with stakeholders. A freight study proposal was accepted for the next fiscal year staff work on the RFP.
- Air Quality Activities – The MPO staff met with the selection committee to discuss the Requests for Proposal (RFP) to manage the Bluegrass Mobility Office/Air Quality program marketing campaign. The committee chose Ad Success, Inc. to manage the campaign for Fiscal Year 2009 beginning on July 1, 2009. The MPO provided an information booth at the Regional Air Quality conference held in Frankfort, KY, on April 24, 2008. The Air Quality Planner served as a board member at the April 10 Federated Transportation Service of the Bluegrass meeting, and also participated in the State Wide Transportation planning meetings held in Frankfort, KY, on April 17th. Staff received a great deal of useful information at the KY Lifesavers Conference held in Louisville, KY, on April 21 – 23. Staff completed the committee packets and materials for the April 23rd Air Quality Advisory Committee meeting.
- Congestion Management Process (CMP) - Staff attended a number of transportation planning related committee meetings, such as Transportation Policy Committee (TPC); Transportation Technical Coordinating Committee (TTCC); Traffic Safety Coalition (TSC); Bicycle Pedestrian Advisory Committee (BPAC), etc. Staff reviewed the newly published 2007 Comprehensive Plan and Long Range Transit Plan for the Long Range Transportation Planning process. Staff organized the April 9th Congestion Management Committee (CMC) meeting. In the CMC meeting, Mr. Bob Kennedy made a presentation concerning the recently completed Chapman Highway Corridor Improvement Study in Knoxville, TN. Staff, along with staff members from the Division of Traffic Engineering, presented the KY-4 New Circle Road Case Study. Staff, along with the MPO, presented the Linking Planning and Operations program update. One of the GeoLoggers on loan to the Division of Traffic Engineering malfunctioned in March and April. Staff worked with the Division of Traffic Engineering staff and GeoStats staff, attempting to resolve the malfunctioning issues. Staff had to send the GeoLogger unit to GeoStats for testing and repair in April. Staff continued to work on the Congestion Management Process Overview document. Staff continued to work on the monthly, quarterly, and annual reporting.
- Downtown Development Plan - The staff advised and provided information to the Lexington Downtown Development Authority (LDDA) and the selected consultants for the transportation element of this study. The MPO staff has received comments to the draft report that details the Air Quality Analysis and MPO Position for Initial Review of the Downtown Lexington Transportation Analysis (One-Way to Two-Way Streets Conversion Analysis).
- Mobility Office Activities – The Mobility Office marketing campaign continued in April and includes radio ads; spots on WLEX-TV; cable TV spots; streamed spots and links on the internet; creation of a two sided vertical banner for events (which was delivered in April and used at the Regional Air Quality Conference in Frankfort, where we received many compliments from Kentucky Transportation Cabinet and Federal Highway Administration officials); and promotion of Bike Lexington, including a silver level sponsorship of the event for the first time. Staff worked on the new Ridepro ridematching software program, entering data into the program. The staff received an increased number of phone calls and emails regarding carpooling and vanpooling to work this month.

D. Strategic Planning Activity Report

- Infill and Redevelopment Activities – The Infill and Redevelopment Steering Committee met on April 10th to finalize the recommendations and the implementation plan. The Steering Committee will meet in a couple of months to review the implementation status.
- Underutilized Property Survey – The survey is complete and information is available to the public. The next phase of the project will include strategies for utilization.
- Housing Market Study - The RFP Selection Committee met on April 17th to review four proposals submitted for the study. The Committee narrowed the selection to two firms and requested additional information from each. A selection process will be finalized by the end of April and forwarded on to the Council in May.
- Non-Residential Market Study - The Steering Committee had their first meeting on April 23rd to launch the kick-off to the study. At the meeting, the consultants Kinzelman Kline Gossman introduced the scope of the project, timeline and next steps.
- Neighborhood Conservation Zoning – The ND-1 Subcommittee of the Chevy Chase Neighborhood Association began the petition drive to submit for the zone change initiation. The subcommittee will finalize the drive and will submit all the materials required to Planning staff in May.

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- Newtown Pike Extension/Southend Park Redevelopment Plans – The construction of the temporary housing is underway. The Planning Commission has initiated the rezoning of Southend Park. Staff met to further discuss which properties are to be included in the Access Management and Commercial Design Standard Ordinance.
- Greenspace Commission - The Greenspace Commission meeting was cancelled.
- Technical Meetings - Staff prepared for and attended the monthly meetings for the Technical Review Committee and the Greenway Coordinating Committee.
- Development Review - Staff conducted a variety of development review duties and meetings and coordinated greenway and greenspace development issues.
- Greenways – Staff met with the McConnells Trace Neighborhood Greenway Committee to discuss a potential grant application. Staff met with other Divisions to discuss greenway trail projects.
- Bluegrass Partnership for a Green Community - Staff led classes at Bryan Station High School for students participating in the parks project. Staff attended the monthly Steering Committee meeting.
- Downtown Streetscape Plan – Staff met with the consultants and attended design committee meetings.
- Education and Outreach - Staff attended a UK Landscape Architecture class presentation on corridor visual assessments.
- Complete Streets – Staff met to discuss recommendations regarding street cross-sections and connectivity.
- Continuing Education - Staff attended a seminar on Sustainability at Transylvania University.
- Other – Staff was on the selection committee to hire a consultant for two corridor plans.
- Downtown Streetscape Plan – Staff met with the consultants and attended design committee meetings.
- Complete Streets – A draft set of recommendations regarding street cross-sections and connectivity was distributed to Planning staff.
- Regional Bike/Pedestrian Plan – The final draft is available in digital format. Hard copies will be available in June.
- Bike Lane Restriping Study – The scope of the project has been revised. The project will be underway this summer.
- South Limestone Multimodal Study - The contract has been finalized. An RFP is under development.
- Safe Routes to School – Planning is underway for a pilot project to be conducted this year at William Wells Brown (Bluegrass Aspendale) School.
- Bike Lexington – A month-long calendar of events to promote bicycling for transportation and recreation is available at www.bikelexington.com. The Bike Lexington Rally will be held Saturday, May 17. Races will be held May 16 through 18.

VIII. AUDIENCE ITEMS – Citizens may bring a planning related matter before the Commission at this time for general discussion or future action. Items that will NOT be heard are those requiring the Commission's formal action, such as zoning items for early rehearing, map or text amendments; subdivision or development plans, etc. These last mentioned items must be filed in advance of this meeting in conformance with the adopted filing schedule.

IX. MEETING DATES FOR JUNE, 2008

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	June 5, 2008
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	June 5, 2008
Subdivision Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	June 12, 2008
Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	June 19, 2008
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	June 25, 2008
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	June 26, 2008

X. ADJOURNMENT

TLW/TM/JWE/BJR/BS/src

* - Denotes date by which Commission must either approve or disapprove request.