

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

June 25, 2020

I. CALL TO ORDER - The meeting was called to order at 1:30 p.m. via video teleconference.

Due to the COVID-19 pandemic, state of emergency and Governor Beshear's Executive Orders regarding social distancing, this meeting is being held via teleconference pursuant to Senate Bill 150 (as signed by the Governor on March 30, 2020) and Attorney General Opinion 20-05, and in accordance with KRS 61.826, because it is not feasible to offer a primary physical location for the meeting.

ATTENDANCE - Chair Mike Owens called the meeting to order at 1:30 p.m. via video teleconference from the Division of Planning, 7th Floor, 101 E. Vine Street, Lexington, KY 40507, on June 25, 2020. Planning Commission Members present via video teleconference were: Headley Bell, Patrick Brewer, Anthony de Movellan, Larry Forester, Karen Mundy, Bruce Nicol, Frank Penn, Carolyn Plumlee, and Bill Wilson. Planning staff members present via video teleconference were Jim Duncan, Director; Traci Wade, Hal Baillie, Cheryl Gallt, Christopher Taylor, Valerie Freidmann, Stephanie Cunningham, and Debbie Woods. Other staff members present were: Jeff Neal and Deepika Eyunni, Division of Traffic Engineering; Vaughan Adkins, Division of Engineering; 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. JUBY, LLC ZONING MAP AMENDMENT & RAMSEY SULLIVAN PROPERTY (FKA BELMONT INDUSTRIAL PARK TRACT 1) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-20-00002: JUBY, LLC (6/25/20)*- a petition for a zone map amendment from a Planned Neighborhood Residential (R-3) zone to a Light Industrial (I-1) zone, for 37.87 net (40.82 gross) acres, from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone, for 7.98 net (9.12 gross) acres, from an Agricultural Rural (A-R) zone to a Neighborhood Business (B-1) zone, for 1.69 gross acres, and from a Planned Neighborhood Residential (R-3) zone to a Neighborhood Business (B-1) zone, for 0.82 gross acre, for properties located at 2501 and 2701 Spurr Road, and 2710 Sullivans Trace.

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 two zone changes for the properties located at 2710 Sullivan Trace, 2701 Spurr Road and 2501 Spurr Road. The first zone change is seeking to rezone 2710 Sullivan Trace, 2701 Spurr Road and a portion of 2501 Spurr Road from a Planned Neighborhood Residential (R-3) zone to a Light Industrial (I-1) zone. The proposed development includes the creation of four (4) industrial lots. Additionally, the petitioner is seeking to rezone the remaining portion of 2501 Spurr Road from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone. The proposed development includes the creation of a retail center and three (3) associated outlots with unspecified businesses. As the application involves two disparate development types and the petitioner has indicated different Place-Types, the review of the application will include a separate discussion of each of both the zone changes followed by a review of how they integrate to the area. A Traffic Impact Study was submitted with the requested zone changes.

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

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

1. The requested rezoning to Light Industrial (I-1) and Neighborhood Business (B-1) are not in agreement with the 2018 Comprehensive Plan for the following reasons:
 - a. The requested rezoning does not address the Goals and Objectives of the 2018 Comprehensive Plan.
 - b. The requested rezoning does not address the Development Criteria of the 2018 Comprehensive Plan.
 2. There have been no major unanticipated changes of an economic, social or physical nature in the area of the subject property since the adoption of the 2018 Comprehensive Plan.
 3. The existing R-3 and P-1 zones remain appropriate for the following reasons:
 - a. The housing needs and demands serve the existing community need.
 - b. The existing landuse and zoning are compatible with adjacent land uses.
 - c. A complete neighborhood can be accomplished via the existing landuse and zoning configurations.
- b. PLN-MJDP-20-00001: RAMSEY SULLIVAN PROPERTY (FKA BELMONT INDUSTRIAL PARK TRACT 1) (6/25/20)* - 2501 & 2701 SPURR RD AND 2710 SULLIVANS TRACE, LEXINGTON, KY.
Project Contact: Strand Associates

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

* - 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 compliance with Article 8, Article 21, proposed access and the Placebuilder criteria. Should this plan be approved, the following requirements should be considered:

1. Provided the Urban County Council rezones the property B-1 and I-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. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. United States Postal Service Office's approval of kiosk locations or easement.
8. Complete site statistics per Article 21 requirements.
9. Revise Tree Protection Plan (TPP) to Tree Inventory Map (TIM) per Article 26.
10. Revise notes #4, #6, #12 and #16.
11. Discuss need for enhanced screening between proposed I-1 and existing R-3 zones.
12. Discuss proposed B-1 zone compliance with setback requirements.
13. Discuss proposed access to Spurr Road.
14. Discuss re-alignment of and improvements to Spurr Road.
15. Discuss proposed access to Georgetown Road.
16. Discuss proposed temporary access easement.
17. Discuss plan status.
18. Discuss Placebuilder criteria.

Petitioner Representation: Branden Gross, attorney representing the petitioner, said that they would like a postponement of this zone change to the July 23, 2020 meeting. He said that they have met with the neighbors and are resolving many of their concerns and he will be submitting revisions to the staff.

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 10-0 (Pohl absent) for a postponement of PLN-MAR-20-00002: JUBY, LLC and PLN-MJDP-20-00001: RAMSEY SULLIVAN PROPERTY (FKA BELMONT INDUSTRIAL PARK TRACT 1) to the July 23, 2020 meeting.

- IV. LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, June 4, 2020, at 8:30 a.m. via Zoom teleconference. The meeting was attended by Commission members: Frank Penn, Mike Owens, Karen Mundy, Carolyn Plumlee, Anthony de Movellan and Headley Bell. Committee members in attendance were: Jeff Neal and Deepika Eyunni, Traffic Engineering and Vaughan Adkins, Division of Engineering. Staff members in attendance were: Traci Wade; Tom Martin; Hal Baillie; Cheryl Gallt; Lauren Hedge; Captain Greg Lengal, Division of Fire & Emergency Services; and Tracy Jones, Department of Law. The Committee made recommendations on plans as noted.

General Notes

The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission:

1. All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.
2. All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.

- A. NO DISCUSSION ITEMS** – Following requests for postponement or withdrawal, items requiring no discussion will be considered.

Criteria: (1) the Subdivision Committee recommendation is for approval, as listed on this agenda, and
(2) the Petitioner agrees with the Subdivision Committee recommendation and conditions listed on the agenda, and
(3) no discussion of the item is desired by the Commission, and
(4) no person present at this meeting objects to the Commission acting on the matter without discussion, and
(5) the matter does not involve a waiver of the Land Subdivision Regulations.

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

The procedure for these hearings is as follows:

- Staff Report(s), including subcommittee reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) proponents (10 minute maximum OR 3 minutes each)
 - (b) objectors (30 minute maximum OR 3 minutes each)

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

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

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

- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, June 4, 2020, at 1:30 p.m. via Zoom Teleconference to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members: Patrick Brewer, Larry Forester, Bruce Nicol, Graham Pohl, and Bill Wilson. Staff members in attendance were: Traci Wade, Hal Baillie, Tom Martin, 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

1. **CENTENNIAL AMERICAN PROPERTIES ZONING MAP AMENDMENT & SHARKEY PROPERTY UNIT 1 LOT 10A & A PORTION OF UNIT 4 SEC 2 (AMD) ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-20-00004: CENTENNIAL AMERICAN PROPERTIES (6/25/20)*- a petition for a zone map amendment from a Neighborhood Business (B-1) zone to a Wholesale and Warehouse Business (B-4) zone, for 0.6 net (0.69 gross) acre, from a Light Industrial (I-1) zone to a Wholesale and Warehouse Business (B-4) zone, for 0.466 net (0.482 gross) acre, and from an Planned Neighborhood Residential (R-3) zone to a Wholesale and Warehouse Business (B-4) zone (ROW), for 0.038 gross acre, for properties located at 132 and 148 Louie Place.

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 a Light Industrial (I-1), Neighborhood Business (B-1) and Planned Neighborhood Residential (R-3) zone to the Wholesale and Warehouse Business (B-4) zone for the properties located at 132 and 148 Louie Place. The zone change application is seeking to allow for the development of a five (5) story, climate controlled self-storage warehouse.

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

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

1. The requested Wholesale and Warehouse Business Zone (B-4) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning allows for the development of vacant parcels (Theme A, Goal #2.a), while also decreasing the intensity of uses from an unrestricted I-1 zone, to a restricted B-4 zone.
 - b. The proposed development provides a well-designed neighborhood (Theme A, Goal #3) by providing safe connections to the surrounding businesses, preferencing pedestrian safety along Louie Place, and activating the street frontage.
 - c. The proposed development will promote, maintain, and expand the urban forest (Theme A, Goal #3.d) by increasing the canopy coverage, while also maintaining the established tree line along the rear of the subject properties.
 - d. The proposed rezoning will assist in the maintenance of the Urban Service Area concept (Theme E, Goal #1) by allowing greater density of business use, and by maximizing development on a vacant parcel and redevelopment of the other parcel in a manner that enhances existing urban form (Theme E, Goal #1.d).
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.

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

- a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the site creates a business development that supports pedestrian mobility, while also providing cross access between businesses.
 - b. The proposed rezoning includes safe facilities for the potential users, as well as the residents located at the southern portion of the Townley Development by prioritizing multi-modal connections and increasing 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 and buffering restrictions are recommended via conditional zoning:
- a. The following uses would be prohibited:
 1. Laundry, clothes cleaning or dyeing shops.
 2. Ice plant.
 3. Machine shop.
 4. Kennels, animal hospitals or clinics.
 5. Establishments and lots for the display, rental, sale and repair of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles, motorcycles or boats or supplies for such items.
 6. Truck terminals and freight yards.
 7. Establishments for the display and sale of precut, prefabricated or shell homes.
 8. Carnivals.
 9. Retail sale of building materials and lumber.
 10. Pawnshops.
 11. Shredding, sorting and baling of paper scrap and storage of waste paper.
 - b. In addition, any self-storage facility on the premises shall not have outdoor storage, and shall not have direct access to the outdoors from individual units.
 - c. There shall be no exterior lighting along the southwest portion of the building that abuts the residential zoning.
 - d. There shall be a 10-foot landscaping buffer between the Wholesale and Warehouse Business (B-4) zone and the southwest portion of the property that abuts the residential zoning.
4. This recommendation is made subject to approval and certification of PLN-MJDP-20-00007: Sharkey Property, Unit 1, Lot 10A and a Portion of Unit 4, Sec 2 (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.
- b. PLN-MJDP-20-00007: SHARKEY PROPERTY UNIT 1 LOT 10A & A PORTION OF UNIT 4 SEC 2 (AMD) (6/25/20)* - located at 132 AND 148 LOUIE PL., LEXINGTON, KY.
Project Contact: Barrett Partners

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

The Subdivision Committee Recommended: Approval, subject to the following revised 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. Urban Forester's approval of tree inventory map.
5. Discuss Placebuilder criteria:
 - a. A-DS5-4: Development should provide a pedestrian-oriented and activated ground level.
 - 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. (E-GR3).
 - d. D-CO1-1: Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place type.

Staff Zoning Presentation – Mr. Baillie presented the staff report and recommendations for the zone change application. He displayed photographs of the subject property and aerial photographs of the general area. He said the applicant is proposing this zone change to develop a four-story, climate controlled self-storage warehouse and associated retail space. The applicant proposes that there will not be any exterior storage or access to the individual storage units. There will a drive-in entrance door to allow users to drop off their goods and then access their individual unit via elevators and hallways.

Mr. Baillie said that the subject property is located within the Townley Center, known as the Sharkey Property, which is within a mixed type development. The immediate vicinity includes Professional Office (P-1) zoning, Neighborhood Business (B-1), Commercial Center (B-6P) zoning, Light and Heavy Industrial zoning, and residential zoning. He said that the B-1 portion of the subject property is currently vacant, while the I-1 portion has been maintained and utilized as a central maintenance facility by the property owner.

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Mr. Baillie said that the applicant submitted a landscape plan depicting their tree plantings. He said that the staff had concerns with how the applicant would be able to transitioning a residential area and the proposed landuse between the neighborhood serving businesses. He said that the applicant has met with the staff to organize this site so that it connects with the existing development and has access to the public right-of-way. He added that the applicant has agreed to staff's recommendation of developing this facility as a four-story building instead of five-story structure, which was originally proposed. This will be a similar height to the neighboring extended-stay hotel. They have also activated the ground level plane, which include windows, street trees and interior trees, as well as some landscaping between the different zones.

Mr. Baillie said that the staff still had concerns with the intensity of the potential uses for this site. He said that the applicant had provided staff with proposed conditional zoning restrictions that they believed would lessen the intensity of uses. He said that with these changes, the staff is now recommending approval of this application, because the proposed zoning allows the development of vacant parcels, while also decreasing the intensity of uses from an unrestricted I-1 zone, to a restricted B-4 zone. The proposed development provides a well-designed neighborhood by providing safe connections to the surrounding businesses, preferencing pedestrian safety along Louie Place, and activating the street frontage. The proposed development will promote, maintain, and expand the urban forest by increasing the canopy coverage, while also maintaining the established tree line along the rear of the subject properties. The proposed rezoning also will assist in the maintenance of the Urban Service Area concept by allowing greater density of business use, and by maximizing development on a vacant parcel and redevelopment of the other parcel in a manner that enhances existing urban form.

Mr. Baillie said that the justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan by meeting the development criteria for Site Design, Building Form and Location; Transportation and Pedestrian Connectivity and Greenspace and Environmental Health.

Mr. Baillie said that the staff had incorporated the conditional zoning restrictions provided by the applicant, as well as recommending some additional ones. All of the conditional zoning restrictions are as follows:

- a. The following uses would be prohibited:
 1. Laundry, clothes cleaning or dyeing shops.
 2. Ice plant.
 3. Machine shop.
 4. Kennels, animal hospitals or clinics.
 5. Establishments and lots for the display, rental, sale and repair of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles, motorcycles or boats or supplies for such items.
 6. Truck terminals and freight yards.
 7. Establishments for the display and sale of precut, prefabricated or shell homes.
 8. Carnivals.
 9. Retail sale of building materials and lumber.
 10. Pawnshops.
 11. Shredding, sorting and baling of paper scrap and storage of waste paper.
- b. Any self-storage facility on the premises shall not have outdoor storage, and shall not have direct access to the outdoors from individual units.
- c. There shall be no exterior lighting along the southwest portion of the building that abuts the residential zoning.
- d. There shall be a 10-foot landscape buffer between the Wholesale and Warehouse Business (B-4) zone and the southwest portion of the property that abuts the residential zoning.

Commission Questions – Mr. Owens asked if the applicant is in agreement with the additional staff's recommended conditional zoning restrictions. Mr. Baillie said that the applicant is in agreement after having some concern regarding the lighting, which they may comment on.

Development Plan Presentation – Ms. Gallt presented the major development plan associated with this zone change. She displayed a rendering of the proposed development. She pointed to the access points, which will also connect to the adjacent property. She stated that there are a few conditions, which include the Division of Engineering, Division of Traffic Engineering, and also the Urban Forester. There is a discussion item for the Placebuilder criteria, which Mr. Baillie has discussed and this item can be changed to "resolve."

Applicant Presentation – Mr. Dick Murphy, attorney representing the petitioner. He said they are in agreement with the staff's recommendations. He said that the development that has been presented at today's hearing is different from the original at the time of filing. This revision is a result of the process of meetings with the neighborhood associations and the staff.

Commission Question – Mr. Owens thanked the applicant for working together with all of the neighbors and the staff.

Zoning Action – A motion was made by Mr. Forester, seconded by Mr. Brewer, and carried 10-0 (Pohl absent) to approve PLN-MAR-20-00004: CENTENNIAL AMERICAN PROPERTIES, for the reasons provided by the staff.

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

Development Plan Action – A motion was made by Mr. Forester, seconded by Mr. Brewer, and carried 10-0 (Brewer absent) to approve PLN-MJDP-20-00007: SHARKEY PROPERTY UNIT 1 LOT 10A & A PORTION OF UNIT 4 SEC 2 (AMD), for the recommendations presented by the staff and changing condition #5 to the following:

5. Resolve Discuss Placebuilder criteria:
 - a. A-DS5-4: Development should provide a pedestrian-oriented and activated ground level.
 - 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. (E-GR3).
 - d. D-CO1-1: Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place type..

2. CENTENNIAL AMERICAN PROPERTIES ZONING MAP AMENDMENT & EASTLAND PARKWAY SUBDIVISION TRACT 1 BLK B LOT 3 ZONING DEVELOPMENT PLAN

- a. PLN-MAR-20-00005: CENTENNIAL AMERICAN PROPERTIES (6/25/20)*- a petition for a zone map amendment from a Highway Service Business (B-3) zone to a Wholesale and Warehouse Business (B-4) zone, for 1.744 net (2.745 gross) acres, for property located at 1540 Eastland Parkway (a portion of).

COMPREHENSIVE PLAN AND PROPOSED USE

The 2018 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The applicant is seeking a zone change from a Highway Service Business (B-3) zone to a Wholesale and Warehouse Business (B-4) zone for a portion of the property located at 1540 Eastland Parkway. The zone change application is seeking to allow for the development of a three (3) story, climate controlled self-storage warehouse.

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

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

1. The zone change application for the subject property, as proposed, does not completely address the development criteria for a zone change within the Corridor Place-Type, and the Medium Density Non-Residential / Mixed-Use Development Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
 - a. A-DS4-2: New construction should be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context in accordance with other Imagine Lexington corridor policies and Placebuilder priorities.
 - b. A-DS5-4: Development should provide a pedestrian-oriented and activated ground level.
 - c. B-SU11-1: Green infrastructure should be implemented in new development. (E-GR3).
 - d. E-GR10-2: Developments should provide walkable service and amenity-oriented commercial spaces.
 - e. A-EQ3-2: Development on corridors should be transit-oriented (dense & intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure & facilities). (B-SU3).
 - f. D-CO1-1: Rights-of-way and multi-modal facilities should be designed to reflect and promote the desired place-type.
 - g. D-CO2-1: Safe facilities for all users and modes of transportation should be provided.
 - h. B-PR7-2: Trees should be incorporated into development plans; prioritize grouping of trees to increase survivability.
 - i. B-PR7-3: Developments should improve the tree canopy.
 - j. B-RE1-1: Developments should incorporate street trees to create a walkable streetscape.
- b. PLN-MJDP-20-00014: EASTLAND PARKWAY SUBDIVISION TRACT 1 BLK B LOT 3 (6/25/20)* - located at 1540 EASTLAND PKWY., LEXINGTON, KY.
Project Contact: Barrett Partners

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

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

1. Provided the Urban County Council rezones the property B-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. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Resolve preliminary subdivision lot layout and approved final record plat.

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

8. Discuss Placebuilder criteria:
 - a. A-DS4-2: New construction should be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context in accordance with other Imagine Lexington corridor policies and Placebuilder priorities.
 - b. A-DS5-4: Development should provide a pedestrian-oriented and activated ground level.
 - c. B-SU11-1: Green infrastructure should be implemented in new development. (E-GR3).
 - d. E-GR10-2: Developments should provide walkable service and amenity-oriented commercial spaces.
 - e. A-EQ3-2: Development on corridors should be transit-oriented (dense & intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure & facilities). (B-SU3).
 - f. D-CO1-1: Rights-of-way and multi-modal facilities should be designed to reflect and promote the desired place-type.
 - g. D-CO2-1: Safe facilities for all users and modes of transportation should be provided.
 - h. B-PR7-2: Trees should be incorporated into development plans; prioritize grouping of trees to increase survivability.
 - i. B-PR7-3: Developments should improve the tree canopy.
 - j. B-RE1-1: Developments should incorporate street trees to create a walkable streetscape.

Staff Zoning Presentation – Mr. Baillie presented the staff report and recommendations for the zone change application. He displayed photographs of the subject property and aerial photographs of the general area. He said the applicant is proposing this zone change to development of a three-story, climate controlled self-storage warehouse, associated office and retail space. The applicant proposes that there will not be any exterior storage or access to the individual storage units. There will a drive-in entrance door to allow users to drop off their goods and then access their individual units via elevators and hallways. He said the subject property is located along Eastland Court, which has been established between Eastland Parkway, East New Circle Road, and Winchester Road. The property is surrounded by Highway Service Business (B-3) and Light Industrial (I-1) zoning. He said that with the surrounding B-3 businesses, there is a lot of public traffic. Staff had concern with the mobility of this site, as well as producing alternatives to vehicular movement in this area. He said that there is a significant grade difference from the subject property to Winchester Road.

Mr. Baillie said that the applicant chose the Corridor Place-Type and Medium Density Non-Residential / Mixed-Use Development Type. The B-4 zone is not one of the recommended zones for that development type. He said that consideration should be given to the relationship of this zone to the surrounding land uses and the adequacy of the street system to serve the anticipated traffic needs, which include transit-oriented facilities, as well as pedestrian connectivity. At the Zoning Committee meeting, on June 4, 2020, the staff and committee members expressed concern with the pedestrian and transit connectivity, landscaping and tree canopy coverage, and activating the frontage of this property, because Winchester Road is a gateway into the City of Lexington.

Mr. Baillie said that after that committee meeting, the applicant revised their development plan, adding more connectivity and with those changes the staff is now recommending approval of this zone change for the following reasons:

1. The requested Wholesale and Warehouse Business Zone (B-4) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning allows for the development of vacant parcels (Theme A, Goal #2.a) at an increased intensity of use.
 - b. The proposed development provides a well-designed neighborhood (Theme A, Goal #3) by providing safe connections to the surrounding businesses, and preferencing pedestrian safety along the access easement, which connects commercial development to transit opportunities.
 - c. The proposed development will promote, maintain, and expand the urban forest (Theme A, Goal #3.d) by increasing the canopy coverage, while also maintaining the established tree line along the rear of the subject property
 - d. The proposed rezoning will assist in the maintenance of the Urban Service Area concept (Theme E, Goal #1) by allowing greater density of business use, and by maximizing development on a vacant parcel in a manner that will enhance the existing urban form (Theme E, Goal #1.d). The multi-story, self-storage structure respects the existing commercial character of the immediate area.
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 business development that supports pedestrian mobility, while also providing cross access between businesses.
 - b. The proposed rezoning includes safe facilities for the potential users, through the incorporation of a pedestrian walkway along the access easement. The access easement also connects those commercial operations located along the Winchester Road frontage with transit facilities located on Eastland Parkway. 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 increases tree canopy coverage.
3. This recommendation is made subject to approval and certification of PLN-MJDP-20-00014: EASTLAND PARKWAY SUBDIVISION TRACT 1 BLK B 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.

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

Development Plan Presentation – Ms. Gallt presented a rendering of the final development plan associated with this zone change. She identified the access point for the property, the access easement and the parking. She said that the site will connect into the existing shopping center to the east. She stated that there are a few conditions, which include the Division of Engineering, Division of Traffic Engineering, Division of Environmental Quality, Urban Forester, and the Greenspace Planner. She said that the applicant needs to submit an easement plat depicting the access on the adjacent property. There is a discussion item for the Placebuilder criteria, which can be moved to resolve.

Applicant Presentation – Mr. Dick Murphy, attorney representing the petitioner. He said are in agreement with the staff's recommendations and is available for any questions.

Commission Question – Mr. Owens asked for clarification that condition #8 can be changed to resolve. Ms. Gallt confirmed.

Zoning Action – A motion was made by Mr. Wilson, seconded by Mr. Forester, and carried 10-0 (Pohl absent) to approve PLN-MAR-20-00005: CENTENNIAL AMERICAN PROPERTIES, for the revised reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Wilson, seconded by Mr. Forester, and carried 10-0 (Pohl absent) to approve PLN-MJDP-20-00014: EASTLAND PARKWAY SUBDIVISION TRACT 1 BLK B LOT 3, with the recommendations presented by the staff and changing condition #8 to the following:

8. Resolve Discuss Placebuilder criteria:

- a. A-DS4-2: New construction should be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context in accordance with other Imagine Lexington corridor policies and Placebuilder priorities.
- b. A-DS5-4: Development should provide a pedestrian-oriented and activated ground level.
- c. B-SU11-1: Green infrastructure should be implemented in new development. (E-GR3).
- d. E-GR10-2: Developments should provide walkable service and amenity-oriented commercial spaces.
- e. A-EQ3-2: Development on corridors should be transit-oriented (dense & intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure & facilities). (B-SU3).
- f. D-CO1-1: Rights-of-way and multi-modal facilities should be designed to reflect and promote the desired place-type.
- g. D-CO2-1: Safe facilities for all users and modes of transportation should be provided.
- h. B-PR7-2: Trees should be incorporated into development plans; prioritize grouping of trees to increase survivability.
- i. B-PR7-3: Developments should improve the tree canopy.
- j. B-RE1-1: Developments should incorporate street trees to create a walkable streetscape

3. **MVO ACQUISITIONS, LLC ZONING MAP AMENDMENT & MASTERSON STATION CENTER (CITATION VILLAGE)(CITATION FLATS)(AMD) ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-20-00006: MVO ACQUISITIONS, LLC (6/25/20)*- a petition for a zone map amendment from a Highway Service Business (B-3) zone to a High Density Apartment (R-4) zone, for 8.163 net (8.727 gross) acres, and from a Professional Office (P-1) zone to a High Density Apartment (R-4) zone, for 0.027 net (1.352 gross) acre, for property located at 2679 Leestown Road (a portion of). A dimensional variance has also been requested.

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 a Highway Service Business (B-3) zone, and Professional Office (P-1) zone to a High Density Apartment (R-4) zone for a portion of the property located at 2679 Leestown Road. The zone change application is seeking to allow for the development of an apartment complex including two buildings, and associated amenities and parking.

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

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

1. The requested High Density Apartment (R-4) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning expands housing choice (Theme A, Goal #1) by accommodating the demand for housing in Lexington responsibly, prioritizing higher-density and a mixture of housing types (Theme A, Goal #1.b), by introducing multi-family dwelling units into the immediate area.
 - b. The proposed rezoning will support Infill and Redevelopment throughout the Urban Services Area as a strategic component of growth (Theme A, Goal #2) by utilizing currently vacant land.

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

- c. The proposed rezoning and associated development respect the context and design features of areas surrounding development projects by stepping up in height of the buildings as the development extends away from the existing neighborhood and toward Citation Boulevard (Theme A, Goal #2.b), and also incorporates adequate greenspace and open space that would serve the needs of the intended residents and neighboring single family residential development (Theme A, Goal #2.c).
- d. The proposed rezoning and associated development will provide a well-designed neighborhood and community (Theme A, Goal #3) by respecting the context of the existing neighborhoods to and expanding options for mixed type housing (Theme A, Goal #3.a).
- e. The proposed increase in the pedestrian facilities and open and green space will allow for positive and safe social interactions in neighborhoods (Theme A, Goal #3.b), while also minimizing the disruption of natural features when building new communities (Theme A, Goal #3.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 is pedestrian-friendly, while also providing access to focal points and public green space. Additionally, the proposed rezoning seeks to increase the intensity of use on an underutilized, vacant parcel of land, while also minimizing the impacts on the surrounding environment and communities.
 - 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. This recommendation is made subject to approval and certification of PLN-MJDP-20-00011: Masterson Station Center (Citation Village)(Citation Flats)(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.

b. REQUESTED VARIANCE

The applicant is requesting a reduction of the zone to zone buffer between residential zoning and commercial 15 foot buffer zone to 0 feet.

This request will be reviewed by the Landscape Review Committee on Tuesday, June 23rd, 2020. The findings of the committee and the staff report will be presented at the public hearing.

- c. PLN-MJDP-20-00011: MASTERSON STATION CENTER (CITATION VILLAGE)(CITATION FLATS)(AMD) (6/25/20)* - located at 2679 LEESTOWN RD., LEXINGTON, KY.
Project Contact: Tarr Group

Note: The purpose of this amendment is to rezone a section of the property to High Density Apartment (R-4) zone.

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

1. Provided the Urban County Council rezones the property R-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. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.
8. United States Postal Service Office's approval of kiosk locations or easement.
9. Denote required and provided open space.
10. Delete omitted notes and renumber general notes.
11. Correct spelling in cross-sections.
12. Provide required Tree Inventory Map (TIM) per Article 26-4(b) of the Zoning Ordinance.
13. Correct northeastern property boundary per recorded plat (Cab. S, Slide 52) and zoning boundary per Ordinance 1-2019.
14. Resolve enhanced landscaping for parking area adjacent to Citation Blvd at time of Final Development Plan.
15. Resolve enhanced landscaping for parking area adjacent to Robinson Way at time of Final Development Plan.
16. Resolve zone-to-zone screening along Abigail Way per Article 18 of the Zoning Ordinance at time of Final Development Plan.
17. Discuss Placebuilder criteria.

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

Staff Zoning Presentation – Mr. Baillie presented the staff report and recommendations for the zone change application. He displayed photographs of the subject property and aerial photographs of the general area. He said the applicant is proposing this zone change to allow for the development of an apartment complex including two buildings, and associated amenities and parking. The structures are proposed to be three and four-stories in height, with the shorter building located adjacent to Robinson Way. The structures will contain a total of 153 apartments, with a density of 18.68 dwelling units per acre. The structures are proposed to face the greenspace and the tributary of the Bracktown Branch of the Town Branch Creek, which separates this portion of 2679 Leestown Road and the portion that was recently rezoned for townhomes.

The subject property is located along Citation Boulevard, Leestown Road, Robinson Way and Ferndale Pass. The subject property is surrounded by various land uses and zoning. He said that the petitioner is also requesting a variance for the subject property. Residential zoning is located west and north of the subject property. Located to the north of the property there are also two large lots that are zoned Professional Office (P-1). The P-1 zoning is located along the eastern and southern edges of the site, with portions of the property bordering Light Industrial (I-1) zoning in the same areas.

Mr. Baillie said that the access to the subject property will be on Abigal Way. He said the subject property does contain a floodplain area, which the applicant is utilizing to activate the greenspace and the front of their amenities are adjacent to the floodplain. He added that the applicant will be connecting pedestrian facilities between Citation Boulevard and Robinson Way. He said the applicant has indicated that the site is located within the Enhanced Neighborhood Place-Type and is seeking to develop the subject property for a Medium-High Density Residential Development Type and utilizing the High Density Apartment (R-4) zone. He said that the applicant has submitted various examples of how they plan to meet the multi-family design standards, as well as color renderings of their development and elevation plans. He said that the staff is recommending approval of the requested zone change.

Development Plan Presentation – Ms. Wade presented a rendering of the amended preliminary plan associated with this zone change. She displayed a color rendering of the proposed development and said that there are two buildings. She said that the building near Robinson Way is being proposed as three-stories in height and the building near Citation Boulevard is being proposed as four-stories in height. She said that this will allow the single family residential use along Robinson Way to transition to a higher density and height. She said that access to the property will only be available on Abigal Way. She said that staff originally had concerns with the Placebuilder criteria regarding buffering parking lots that are adjacent to the roadways. The applicant has added landscaping in these areas. She said that the two multi-family structures will have 153 dwelling units, with 214 bedrooms. They are proposing 232 parking spaces, which is more than the required number. She said the total combined floor area of all of the buildings is 170,000 sq. ft.

Ms. Wade said that the staff is recommending approval of this development plan. She said that the applicant did submit a slightly revised plan past the deadline for the staff to review for this hearing. She added that the staff report doesn't reflect that plan and that some of these conditions may have been addressed on the revised plan, which will be reviewed before it is certified. She said that, as Mr. Baillie mentioned, the boundary line needs to be corrected along the shared R-3 zone. She said that condition #14 regarding the landscaping for the parking area adjacent to Citation Boulevard and condition #15 regarding the landscaping for the parking area adjacent to Robinson Way, are being met on the current development plan. She said that condition #16 relates to the zone-to-zone screening, along Abigal Way. She said that the staff notified the applicant that a variance may be required for that area and they subsequently filed one in association with the zone change. She suggested a change to condition #16 to the following:

16. ~~Resolve zone-to-zone screening along Abigail Way per Article 18 of the Zoning Ordinance at time of Final Development Plan.~~ Denote Planning Commission action for zone-to-zone screening variance along Abigal Way.

Ms. Wade said that in regards to condition #17, Discuss Placebuilder criteria, the applicant has met all of the requirements that were relevant to the site. She said that the applicant is meeting the multi-family design standards at this stage, the staff would like the applicant to further denote that they will be met at the next stage of the final development plan, as well.

Variance Presentation – Mr. Baillie presented the variance associated with this zone change. He said that the applicant is requesting a reduction of the property perimeter (also known as zone-to-zone screening) between the proposed residential development and the established commercial zone from 15 feet to zero feet. He said that there is an issue with the established water line along the Abigal Way boundary. He said that the zoning ordinance requires the applicant is required to plant a tree every 40 feet, combined with a six foot high double hedge. He said that the applicant met with the Landscape Review Committee; however, they did not have a quorum, which resulted in a discussion of this request. The present committee members discussed many different options, including what is depicted on the current development plan, and the addition of landscape islands to meet the treed aspect of the zone-to-zone screening. He said that the staff is recommending approval of the variance request for the following reasons:

1. Granting the requested variance should not adversely affect the public health, safety, or welfare; nor should it affect the character of the general vicinity as landscaping can be dispersed in the parking lot (trees) and in the buffer (hedgerow).
2. The need for the variance arises from the special circumstances of the proposed development, including the location of a 20 foot water line along the proposed parking area and property boundary.

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3. The strict application of the property perimeter screening landscape buffer requirements would create an unnecessary hardship on the proposed development as it would put the development in opposition to the needs of the utility company that the current easement is in favour of.
4. The request is not a result of a willful violation of the Zoning Ordinance. The applicant has taken care to go through the necessary process for this project and has requested the variance prior to commencing construction.

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

- a. Provided the Planning Commission approves the requested zone change to the R-4 zone, otherwise the requested variance shall be null and void.
- b. The development shall be constructed in accordance with the approved Final Development Plan, or as amended to address design requirements of the Divisions of Engineering, Traffic Engineering, or Building Inspection.
- c. All necessary permits shall be obtained from the Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.
- d. Action of the Planning Commission shall be noted on the Development Plan for the subject property.
- e. There shall be the inclusion of (4) trees from Group A or B of the Plant List in the parking area located south of the 4-story apartment building utilizing landscape islands.

Applicant Presentation – Mr. Bruce Simpson, attorney representing the petitioner. He said that based on the staff's recommendations, they urge the Planning Commission to approve this zone change request.

Zoning Action – A motion was made by Mr. Penn, seconded by Mr. de Movellan, and carried 10-0 (Pohl absent) to approve PLN-MAR-20-00006: MVO ACQUISITIONS, LLC, for the reasons provided by the staff.

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

Development Plan Action – A motion was made by Mr. Penn, seconded by Mr. de Movellan, and carried 10-0 (Pohl absent) to approve PLN-MJDP-20-00011: MASTERSON STATION CENTER (CITATION VILLAGE)(CITATION FLATS)(AMD), for the recommendations presented by the staff, with the following changes:

16. ~~Resolve zone-to-zone screening along Abigail Way per Article 18 of the Zoning Ordinance at time of Final Development Plan.~~
16. Denote: Documentation of compliance with the Multi-family Design Standards shall be provided at the time of Final Development Plan.
17. Resolve Discuss Placebuilder criteria.

Note: Planning Commission took a recess at 2:53 p.m. until 3:00 p.m.

Note: Ms. Mundy left the meeting at 2:53 p.m.

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.

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

- a. PLN-MAR-20-00001: SCHILLING PROPERTIES (6/25/20)*- 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.

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.

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- b. PLN-MJDP-20-00003: MORNINGSIDE ADDITION (BLUE DOOR SMOKEHOUSE EXPANSION) (6/25/20)* - 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.

The Subdivision Committee Recommended: Postponement. There were some questions regarding the discussion items. Should this plan be approved, the following requirements should be considered:

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 Zoning Presentation – Mr. Baillie said that a public citizen has a presentation and at the appropriate time the staff will be sharing the screen in order for them to verbally give their presentation. He presented the staff report and recommendations for the zone change application. He displayed photographs of the subject property and aerial photographs of the general area. He said the applicant is proposing this zone change to allow the enlargement of the commercial zoning and to expand 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. He said that the subject property is located along Aurora Avenue. The subject property is surrounded by various land uses and zoning, which represents the historical development pattern of this area. He gave a brief history of the subject property and said that this area became R-1D zoning in 1998. He added that subject property is within the Infill and Redevelopment area, therefore is not considered a non-conforming property. He said that there have been 11 businesses at this location prior to The Blue Door Smokehouse.

Mr. Baillie said that the applicant indicated that they were part of the Enhanced Neighborhood Place-Type, which is typically in existing residential areas in which amenities are added in. He said that the applicant also characterized this property as a Low Density Non-Residential / Mixed-Use Development Type, and they have chosen a recommended zone for this Place-type. He said that the staff agreed with this Place-type. He said that the B-1 zoning is located in areas of the community where services and facilities will be adequate to serve the anticipated population and that the proposed B-1 zone expansion is intended to accommodate neighborhood shopping facilities to serve the needs of the surrounding residential area. He added that the B-1 zone should be oriented to the residential neighborhood, and should have a roadway system which will be adequate to accommodate the anticipated vehicular traffic. He then discussed the differences in the zoning regulations. He added the subject property is currently vacant and is not covered by a Historic District Overlay zone.

Mr. Baillie said that at the June 4, 2020 Committee meeting, the members and staff expressed concern with the application regarding the Placebuilder criteria. He then displayed the initial development plan, which depicted an exit lane onto Aurora Avenue. Staff was concerned about the distance to travel to Walton Avenue, the parking in front of the building, the phasing of the parking in the lot and the exit onto Aurora Avenue. He said that with the revised application, the applicant is seeking to move the pedestrian service to connect with the existing services and to remove the parking in front of the structure, which would allow amenities such as outdoor tables. He said that with these changes, the staff is now recommending approval of this zone change with conditional zoning restrictions, such as prohibiting drive-through facilities, outdoor speakers or the amplification of live music, and limiting lighting to 10 feet in height and shielded and directed away from the neighborhood adjacent to the property. He stated that these

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conditional zoning restrictions are only for the property of 706 Aurora Avenue, as the Planning Commission can't apply them on other properties, since they are not being rezoned at this time.

Commission Questions – Mr. de Movellan asked if there is going to be an outdoor eating area in the driveway area. Mr. Baillie said that the applicant has removed that driveway from the front of the building.

Mr. Bell asked where the parking is going to be located. Mr. Baillie said that will be discussed by Ms. Wade when she presents on the development plan.

Development Plan Presentation – Ms. Wade said that the recommendation on the agenda is from the Subdivision meeting that was held on February 6, 2020. She presented a revised rendering of the preliminary development plan associated with this zone change. She said that the subject property for the development plan includes four parcels. This plan, which the Subdivision and Zoning committees reviewed in February, indicates one-way circulation through the site and an exit onto Aurora Avenue, the existing restaurant with the proposed expansion. She said that the existing restaurant is approximately 1,100 square-feet and the expansion is the same size and there is an existing 1,400 square-foot building to the south, which is being utilized as an office. She said that after the committee meetings with the applicant, the applicant revised the development plan, which depicted the buildings in the same location, however the vehicular circulation and parking located in the area in front of the building was removed. This plan depicts the lot between the restaurant location and office building to be the primary parking lot. The plan also depicts the green infrastructure has been implemented by adding greenspace in front of the building.

Ms. Wade said that the applicant submitted a revised plan in late February to the staff digitally and in paper copy. They also submitted a color rendering in May, which the staff only received a digital copy, which depicts the removal of the dumpster. She said that the original development plan depicted one way vehicular circulation and the revised plan no longer has that one-way circulation. The revised development plan depicts a wider entrance onto Walton Avenue with in internal parking lot. She said that this configuration is a Traffic Engineering and zoning ordinance issue because of the different types of parking. She displayed the aerial photograph of the subject property and said that the staff has concern because there are currently four controlled access points on Walton Avenue, and the applicant is asking for another one, between two existing access points. She said that the staff is recommending approval of this development plan, however, there is a condition that the plan depict the one-way movement from the previous plan, which had vehicular traffic entering from Walton Avenue and exiting onto Aurora Avenue. She said that access onto Aurora Avenue will help to alleviate the possible traffic conflicts, which is the safer movement at this location.

Ms. Wade displayed the revised recommendation and conditions that were distributed to the Planning Commission, as follows:

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.~~
- ~~6.~~ 7. Denote building height (existing and proposed) in feet in site statistics.
- ~~8. Dimension existing buildings.~~
- ~~7.~~ 9. Discuss proposed access. Revise plan to depict one-way access to Aurora Avenue at rear of proposed addition.
- ~~8.~~ 10. Discuss Denote use of existing building at 222 Walton Avenue and adjust parking accordingly.
- ~~9.~~ 11. Discuss Denote timing of shared parking lot construction located on 222 and 224 Walton Avenue and consolidation with one of the adjoining lots shall be determined at time of Final Development Plan.
- ~~10.~~ 12. Discuss Denote property perimeter (zone to zone) landscape screening along the shared property line with 708 Aurora Avenue in its entirety.
- ~~13. Discuss pedestrian access from parking lot and right-of-way to front entrance.~~
11. 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.

She said that the Subdivision Committee recommended postponement; however, the staff is recommending approval subject to 11 conditions. She said that condition #6 needs to be addressed to the existing and the proposed, in feet in their site statistics. Condition #8, which the applicant verbally stated that it will be used as an office space, but the parking calculation is consistent with retail or restaurant use. Condition #9, the applicant needs to denote the when the shared parking will be constructed. Condition #10, the applicant needs to correct the property perimeter landscaping along the rear, which is adjacent to single family property. She said in regards to condition #11, the Placebuilder criteria has been met. Ms. Wade said that the staff is recommending condition #7, returning to the proposed change to the plan because the staff believes it is a safety concern.

Commission Questions – Mr. de Movellan asked for clarification regarding the dumpster. Ms. Wade said that typically the Division of Solid Waste isn't a sign-off on a preliminary development plan, because it is usually on the final development plan. She said that the properties are currently being served via roll carts, which the applicant wants to continue and Solid Waste agreed. However, the plan that was received in February depicted a dumpster and the recent plan does not.

Mr. Nicol said the revised development plan has 19 parking spaces and asked how many spaces were on the previous plan. Ms. Wade said that there were 21 parking spaces on the previous development plan. She added that only 13 parking spaces are required per the zoning ordinance. Mr. Nicol then said that if the parallel spaces were removed, they would still meet the required number of spaces. Ms. Wade agreed.

Mr. Owens asked for clarification regarding the parking area on the far end of the lot with the striping on the plan. Mr. Baillie said that there is a shed currently located on the single-family residential property. The applicant has been indicated that it will be removed prior to this development. Ms. Wade said that she believed that area would be thicker pavement for solid waste vehicles to be able to turn around. She said that the applicant may be able to inform them of the use of this area.

Ms. Wade added that the staff received letters from the citizens, which have been shared with the Planning Commission. These letters include 2 letters of support, 12 letters of opposition and 10 letters that support the neighborhood choice.

Applicant Presentation – Mr. Dick Murphy, attorney; Tyler Lee, Steve Baker, Midwest Engineering; and Jeff Newman, petitioner, were present. He said that The Blue Door Smokehouse needs more space to provide a larger kitchen for catering services and to build better restroom facilities. In order to do that, they wanted to add an addition to their building, which would be located on a parcel that needs to be rezoned and that parcel is less than 1/16th of an acre. He said that on the initial development plan, the staff recommended that the parking in the front of the building be removed. The revised development plan was submitted because of the Placebuilder process, which the applicant believes they have accomplished, after they have met with the staff and the Mentelle Neighborhood Association. He said that they met with the Neighborhood Association in late December, 2019, at which point they believed there would not be any common ground. Since that meeting, there were many discussions and gradually a solution was found. He said that the revised development plan depicts the removal of the parking area in front of the building, which could now be used as outdoor seating and they added parking on the 224 Walton Avenue parcel. He said that they also agreed with the conditional zoning restrictions. The applicant has also agreed to a private deed restriction on 708 Walton Avenue, which is also owned by Mr. Schilling, to restrict any rezoning for 20 years. There will be no vinyl siding will be used on the building, the on-street parking on Aurora Avenue will remain, and there will not be a driveway onto Aurora Avenue.

Mr. Murphy said that the neighbors have genuine concern regarding the exit onto Aurora Avenue. The applicant redesigned the parking to only be accessible from Walton Avenue, which they believe provides a safe entrance/exit. He said that this design respects the neighborhood concern of not having an exit onto Aurora Avenue, and acknowledged that it was a collaborative process. He also agreed to the conditional zoning restrictions that the staff had proposed, which were also concerns of the neighborhood. He added that The Blue Door Smokehouse has limited hours, they closed at 3:00 p.m., Monday – Thursday and closes at 8:00 p.m. on Friday and Saturday, or earlier if they run out of their prepared foods.

Mr. Murphy said that they understand the staff's concerns; however, they believe that they have designed a reasonable solution to the traffic situation. He said that Placebuilder is a process to lead to a solution, which is acceptable to the property owner, the neighborhood stakeholders, and all involved.

Note: Mr. Brewer left the meeting at 4:00 p.m.

Commission Questions – Mr. Bell thanked Mr. Murphy and the neighborhood for working together and utilizing Placebuilder. He then asked how many parking spaces employees will be using, and how the services will impact the parking. Mr. Murphy said that currently there are 5 parking spaces. Mr. Newman said that there are usually 4 employees and some carpool to work and park in the on-street parking along Walton Avenue.

Ms. Plumlee asked if there is indoor seating or is it only pick-up service. Mr. Newman said that there are six tables indoors. He said that their main goal is to increase the kitchen area so that they can increase their catering business. He added that with the COVID-19 concerns, they are currently carry-out only.

Ms. Wade said that the development depicts that there are 15 seats indoors and they are proposing an additional 10 seats.

Mr. Nicol asked Mr. Murphy why he believes their access is the safest solution along Walton Avenue and asked for the details provided by Traffic Engineering to lead to this proposal. Mr. Murphy said that Traffic Engineering and the staff stated that the parking in front of the building must be removed. He said that Traffic Engineering agreed with the original plan with the one-way circulation and both access points on Aurora Avenue, but the Planning staff still had concerns, as well as the neighborhood association. They relocated the entrance driveway to Walton Avenue. He said that it is safer than the current parking configuration.

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Mr. Owens asked again for clarification regarding the cross-hatched area at the end of the parking lot. Mr. Murphy said that area will be the turnaround area, when all the parking spaces are occupied at one time.

Citizens in Favor – Ms. Jamie Lucke, 914 Aurora Avenue, representing the Mentelle Neighborhood Association, said they support the plan, as proposed by the petitioner. They don't support the driveway onto Aurora Avenue. It would be intrusive and fundamentally change the character of the street. She thanked Mr. Schilling for listening to their concerns. She said that they believe this proposed plan protects the character of the residential street and improves the safety at the corner of Aurora Avenue and Walton Avenue. She displayed photos of the front of the current building, with the parking. She agreed with Mr. Murphy in regards to Placebuilder by showing that a developer and a neighborhood can work together to make a better place. She did express concern that the conditional zoning restriction of no drive-through applies only to the 706 Aurora Avenue parcel and not to the parcel of the existing building. She believed that it would apply to the entire site, and in the future, if another business moves in and builds a drive-through, it would be intrusive and change the character of the street. She asked the Planning commission to approve the plan.

Chad Walker, 246 Walton Avenue, as well as multiple commercial properties in the neighborhood, said that his property has three access points, with one onto Walton Avenue that is just like The Blue Door Smokehouse, located near the corner with little distance from Aurora Avenue. He said that in the past 25 years, there hasn't been a vehicle or pedestrian accident at either of their access points. He said that The Blue Door Smokehouse's current parking lot is working. He believes that the proposed access of 110 feet from Aurora Avenue is sufficient. He stated that the collaboration of the petitioner and the neighborhood working together to compromise illustrates the philosophy behind Placebuilder. He doesn't want to see that this entire process could be derailed by overly cautious traffic guidelines that don't take into consideration the specific application of this neighborhood. He said that as the representative of multiple businesses, they support this plan with the exit onto Walton Avenue, and oppose to it going onto Aurora Avenue.

Shelby Reynolds, agrees with the previous comments. She stated that if all of the traffic from Blue Door Smokehouse exits onto Aurora Avenue it would be disruptive and negatively impact the neighborhood, essentially taking away their quiet, walkable neighborhood street. If another business moves into that location in the future, with even later hours, the lights would be more of a problem. The exit would also make this street less pedestrian friendly. He asked the Planning Commission to allow The Blue Door Smokehouse's business to grow without having a major impact on the neighborhood.

Citizens in Opposition:

There were no citizens present to speak in opposition to this application.

Applicant Rebuttal - Mr. Murphy said that three of the Mentelle Neighborhood Association representative are in favor, as well as many more citizens. He said that at the neighborhood meetings, he learned of the traffic backups along Aurora Avenue and they don't want to exacerbate that concern by having all of their traffic travel that road. He also said that the parallel spaces in front of the office building will be mostly utilized by the staff, and drop-off space for office supplies.

Citizen Rebuttal - Ms. Lucke said that she believes that no one should have a bigger say on the safety of the intersection of Aurora Avenue and Walton Avenue than the people who drive it every day. She believes that this proposal is safer for pedestrians. She also thanked the staff for being open and responsive.

Staff Rebuttal - Mr. Baillie said that in regards to the conditional zoning restrictions that what the staff is recommending is only for 706 Aurora Avenue, they can't be added, by law, to an already unrestricted site. He said that Ms. Lucke is correct that if in the future another occupant would like a drive-through, it would be permitted on the 226 Walton Avenue parcel.

Ms. Wade said that the Planning Commission could restrict the property with the development plan, which could be applied to the entire site. She added that it would be difficult to acquire the required space for five cars to stack within the parking lot. She said that in regards to Mr. Murphy's statement that the improvements on the property will reduce the safety issues on the front corner of the lot for a drive-through. She said that it is the staff's duty to make their best recommendations to the Planning Commission and she believes that the applicant has proposed a solution that is better than the current conditions, whereas the staff proposed the best recommendation for safety improvements and traffic.

Commission Questions – Mr. Nicol asked for clarification of the improvements being made by this access on Walton Avenue. Mr. Murphy said that improvements have made to the apron, the access, and the paving. Mr. Baker said that the existing entrance is 16 feet, which will be widened to 24 feet.

Mr. Wilson asked what Traffic Engineering to comment is regarding to the proposed access. Mr. Jeff Neal said that as Ms. Wade stated, they prefer the one-way circulation from Walton Avenue to Aurora Avenue. However, this will be a low-generator of traffic and that it won't be a safety concern either way. He also said that one of their concerns was service to the waste dumpster, and how it can be serviced with the applicant's proposed plan. Mr. Nicol asked if the applicant's proposal is acceptable. Mr. Neal said that is acceptable.

Commission Comments – Mr. Wilson thanked the applicant and the community for working together and that when they approved the Comprehensive Plan, this was the end goal.

Mr. Bell also expressed his appreciation of everybody working together.

Mr. Owens said that he applauded the extra work on this application. He added that the property owners usually know what is going on and know what they need to operate successfully.

Zoning Action – A motion was made by Mr. Wilson, seconded by Mr. Bell, and carried 8-0 (Brewer, Mundy, and Pohl absent) to approve PLN-MAR-20-00001: SCHILLING PROPERTIES, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Wilson, seconded by Mr. Bell, and carried 8-0 (Brewer, Mundy, and Pohl absent) to approve PLN-MJDP-20-00003: MORNINGSIDE ADDITION (BLUE DOOR SMOKEHOUSE EXPANSION), as for the reasons provided by the staff, and the development plan the applicant presented, with the following changes:

- ~~7. 9. Discuss proposed access. Revise plan to depict one way access to Aurora Avenue at rear of proposed addition.~~
11. 14. Resolve 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.
12. Denote no drive-through facilities on the property.

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

1. PLN-ZOTA 20-00001: ARTICLE 23 - REALLOCATION OF EXACTION CREDITS (9/2/20)* – a petition for a Zoning Ordinance text amendment to update Article 23C-7(c) of the Zoning Ordinance to clarify the application and reallocation of exaction credits in the Expansion Areas of the Urban County.

INITIATED BY: URBAN COUNTY PLANNING COMMISSION

PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: Approval.

The Staff Recommends: Approval, of the staff alternative text for the following reasons:

1. The proposed text amendments will satisfy the intent of Article 23 by providing an accurate depiction of the improvements, costs, and credits associate with the development in the expansion areas.
2. The proposed text streamlines the government process, providing the public with the most accurate information on official documentation.

Staff Presentation – Mr. Baillie presented a PowerPoint presentation, and said that this update is for Article 23C-7(c) regarding allocation of exaction credits. The request to amend the LFUCG Zoning Ordinance was made by the planning staff and was initiated by the Urban County Planning Commission on October 24, 2019. He said that Article 23C-Expansion Areas Development Exactions was established to implement and facilitate orderly growth consistent with the Expansion Area Master Plan (EAMP) by assuring that new development activity is served by adequate public facilities and bears a proportionate share of the cost of improvements necessary to provide roads, parks, open space and sanitary sewer treatment, sanitary sewer transmission capacity and storm water management facilities in the Expansion Areas of Lexington-Fayette County; and to mitigate the loss of rural landscape in the Expansion Areas by providing for an exaction for preservation of undeveloped land within the Rural Service Area in the vicinity of the Expansion Areas or of community-wide significance. Exactions are defined as a fee or a land dedication in lieu of a fee, and calculated based upon the cost of capital improvements in reasonable relationship and in a proportionate share to new development activities creating the need for such capital improvements.

Mr. Baillie said that Section 23C-7 outlines the system improvements and the calculation of credits against exactions. Those improvements, costs, and credits are noted on development plans and subdivision plats, and are subsequently recorded in the EAMP Database. Over the course of the exactions program, developers have been able to reallocate applied exaction credits from one property to another. This has often created some of the issues that are present in the accounting program, which is essentially creating a mismatched number at times and the need for further accounting. Additionally, once a plat or development plan is recorded, it records those aspects of the agreement and the credits applied to certain areas. The allocations of those credits have often been reapplied or reallocated and those development plans and subdivision plats become out of date.

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Mr. Baillie said the Staff is recommending a slight modification to the language that was originally initiated by the Planning Commission, which is italicized below.

23C-7(c)(9) Unless otherwise provided for in this Article, credits shall only be applied against exactions due once. Exaction credits may only be reallocated subsequent to the recordation of an amended plat or development plan that results in lot or *development* reconfiguration.

He said that this change is proposed primarily to make sure that the development plans and subdivision plats are correct, and staff has the appropriate information for the accounting of all of these exaction credits. He said that the staff is recommending approval of the staff alternative.

Zoning Action – A motion was made by Mr. Forester, seconded by Mr. Bell, and carried 8-0 (Brewer, Mundy, and Pohl absent) to approve PLN-ZOTA 20-00001: ARTICLE 23 - REALLOCATION OF EXACTION CREDITS, for the reasons provided by the staff.

2. **PLN- ZOTA-20-00002: ARTICLE 8 - FLOOR AREA RATIO (FAR) UPDATES FOR R-3, R-4, AND R-5 ZONES** (9/4/20)*– a petition for a Zoning Ordinance text amendment to update Article 8 to modify the allowable Floor Area Ratio (FAR) and Lot Coverage in the Planned Neighborhood Residential (R-3), High Density Apartment (R-4) and High Rise Apartment (R-5) zones.

INITIATED BY: URBAN COUNTY PLANNING COMMISSION

PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: **Approval.**

The Staff Recommends: **Approval,** of the staff alternative text for the following reasons:

1. The proposed text amendment is in agreement with *Imagine Lexington*, the 2018 Comprehensive Plan.
 - a) The proposed text allows for additional flexibility for different multi-family housing types and provides for additional housing choice. (Theme A, Goals 1).
 - b) The proposed text supports infill and redevelopment throughout the Urban Service Area as a strategic component of growth (Theme A, Goals 2) by aiding the development of smaller sites that come into conflict the current FAR and lot coverage limitations.
 - c) The proposed text expands options for mixed-type housing throughout Lexington-Fayette County by promoting the urbanized form of multi-family housing that is more consistent with Lexington's historic built environment prior to city and county merger. (Theme A, Goals 3).

Staff Presentation: Chris Taylor, Administrative Officer for Long Range Planning, began the staff's presentation by outlining the history of the multi-family zoning categories. He explained that, throughout the 1990s, most single-family zoning was in one of the R-1 zones; multi-family was typically limited to the R-3, R-4, and R-5 zones. During that time, 122 zone changes were requested for the R-3, R-4, or R-5 zones; nearly 70% of those were for R-3 zoning. In the 2000s, 117 zone changes requested R-3, R-4, or R-5 zoning, with 77% requested for R-3 zoning. The R-3 zone eventually became the dominant single-family zone, primarily for its flexibility and ability to accommodate all housing types. However, in the last decade, there was a large decline in the number of requests to rezone to R-3, and a corollary increase in R-4 zone and R-5 zone applications. As infill and redevelopment projects became more common, staff noticed that the R-3 zone was "struggling to keep up."

Mr. Taylor stated that, through discussions and pre-application conferences with zone change applicants, the staff has found that the R-3 zone does not function well for applications that include any type of dwelling unit other than single-family detached, or for projects smaller than 10 to 15 acres in size. Each proposed development project must meet the Zoning Ordinance requirements for floor area ratio (FAR), open space, and parking. But, for nearly every rezoning to R-3, applicants indicated that their projects would require a higher FAR than what is currently allowed in the Zoning Ordinance.

Valerie Friedmann, Senior Planner for Long Range Planning, explained to the Planning Commission that FAR refers to the relationship between the square footage of the building, and the square footage of the lot; those regulations determine "how much" building can be placed on a lot. FAR is calculated by dividing the total floor area (total square feet of all floors in a building) by the lot area (the total square feet of the lot). The maximum FAR for each zone is regulated by the Zoning Ordinance.

Ms. Friedmann referred to several visual examples of how FAR relates to total lot area, as well as lot coverage, which is the relationship between the ground floor area of the building and the area of the lot. She explained that scenarios with the same FAR, but different lot coverage, can produce varying types of development with regard to whether the buildings are low-rise or high-rise. These principles, working in concert with established setback requirements, are what determine the building density of a development.

Mr. Taylor stated the 2018 Comprehensive Plan, through The Placebuilder development criteria, emphasizes that a three-story development can be contextually sensitive in nearly any neighborhood. Ms. Friedmann's visual examples demonstrate how the

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limitations on FAR, lot coverage, and setbacks combine to render the R-3 zone an essentially “non-functional” zone for smaller sites and infill development.

Mr. Taylor stated that the Comprehensive Plan also emphasizes housing, density and equity, through several policies. He stated that, if the community wants to support “missing middle” housing types, the only way to do so is through updates to the Zoning Ordinance: lifting FAR barriers to allow for three-story development in the R-3 zone, four-story in the R-4 zone, and five-story in the R-5 zone is the first step in that strategy. The proposed text amendment will create a linear relationship between the FAR and the lot coverage in the R-3, R-4, and R-5 zones. The result is that the allowable FAR is be three times the lot coverage for the R-3 zone, four times the lot coverage for the R-4 zone, and five times for the R-5 zone. In many cases, there are other restrictions that will apply which could constrain a development, but the staff believes that the proposed text amendment will eliminate FAR as a limiting factor.

Mr. Taylor noted that adjusting the allowable FAR is a very important first step toward achieving the goals of the Comprehensive Plan; other future text amendments will consider various aspects of development, including context sensitivity (setbacks and height), open space requirements, and parking. He explained that the FAR and lot coverage requirements have not changed since the early 1970s, while the cost of land has increased exponentially. As land becomes increasingly constrained and development costs continue to rise, staff contends that the R-3 zone, in particular, will become less and less usable, and that the proposed text amendment is timely and necessary.

Commission Questions: Mr. Owens stated that he appreciated the staff’s clear examples of FAR, which he now understands much better.

Citizen Opposition: Amy Clark, 628 Kastle Road, stated that, although she appreciated the staff’s concern about increasing affordable housing, she believes that it should be accomplished via a zone map amendment, rather than a text amendment to the R-3 zone. She contends that, because of the prevalence of R-3 and R-4 zoning in the downtown core area, the proposed text amendment could allow development that is incompatible with the neighborhoods that have historically been used for single-family residences. In addition, Ms. Clark believes that the proposed increase in FAR for the R-3 zone could effectively “upzone” that category, making it no longer suitable for low-density multi-family developments, which are essential to truly varied housing.

Ms. Clark stated that she believes that the proposed text amendment might also be premature, given the staff’s ongoing work on several other text amendments that affect density. She urged the Planning Commission to recommend disapproval of the proposed text amendment. In addition, she contends, drastically increasing the allowable density could have negative effects on the work of the Neighborhoods in Transition task force, by creating “instability in zoning.” Ms. Clark asked the Planning Commission to instead consider this issue via a zone map amendment to the Infill and Redevelopment area.

Citizen Support: Brittany Roethemeier, Director of Fayette Alliance, stated that her organization had submitted a letter in support of the proposed text amendment. She said that Fayette Alliance believes that this text amendment will work to help developers eliminate barriers to quality infill and redevelopment projects, while creating the type of opportunities for density and growth that were envisioned by the Comprehensive Plan. Ms. Roethemeier applauded the Planning staff for attempting to strategically update the Zoning Ordinance, which is not always easy, noting that “we can’t allow the perfect to be the enemy of the good.” She asked that the Planning Commission recommend approval of the proposed text amendment.

Richard Murphy, attorney, stated that he and his partner, Chris Clendenen, are in full support of the proposed text amendment, which they believe will help to accommodate the community’s expected population growth.

Action: A motion was made by Mr. Nicol, seconded by Mr. deMovellan, and carried 8-0 (Brewer, Mundy, and Pohl absent) to approve PLN-ZOTA-20-00002, for the reasons provided by staff.

- VI. COMMISSION ITEMS** – Mr. Owens said that he appreciates the staff and the commission members that he has served with over the years. He appreciates the attorneys and all of the applicants that have presented to them over the years. He added that this wouldn’t work without the citizens and today’s hearing was a great way to exit.

Mr. Penn added that Mr. Owens is the example of what they would like to have on the Commission and thanked him for his contributions.

Mr. Wilson thanked Mr. Owens for mentoring him and said that it was pleasure working with him.

- VII. STAFF ITEMS** – Mr. Duncan thanked the Planning Commission for participating in the public hearing today and reminded them of the Committee meetings will be held next Thursday, July 2nd, via Zoom video teleconference. He thanked the staff for making these meetings possible. He said to Mr. Owens, Mr. Brewer, and Ms. Mundy that together, they have given 32 years of service, which is significant. On behalf of the staff, he thanked Mr. Owens, Mr. Brewer, and Ms. Mundy for all of their contributions, for their love of the community and for working with the staff.

- VIII. AUDIENCE ITEMS** – No such items were presented.

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IX. **MEETING DATES FOR JULY 2020**

Subdivision Committee, Thursday, 8:30 a.m., via video teleconference	July 2, 2020
Zoning Committee, Thursday, 1:30 p.m., via video teleconference	July 2, 2020
Subdivision Items Public Meeting , Thursday, 1:30 p.m., via video teleconference	July 9, 2020
Zoning Items Public Hearing and Work Session , Thursday, 1:30 p.m., via video teleconference.....	July 16, 2020
Zoning Items Public Hearing , Thursday, 1:30 p.m., via video teleconference.....	July 23, 2020
Technical Committee, Wednesday, 8:30 a.m., via video teleconference	July 29, 2020
Work Session, Thursday, 1:30 p.m., via video teleconference	July 30, 2020

X. **ADJOURNMENT** - There being no further business, Chairman Owens declared the meeting adjourned at 5:23 p.m.

Mike Owens, Chair

Karen Mundy, Secretary

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