

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

July 16, 2020

I. CALL TO ORDER - The meeting will be 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.

Please utilize the following information to participate in this public hearing:

<https://zoom.us/join>

Webinar ID: 960 3854 8440

Password: 705084

Call in Number

+1 (929) 436-2866

If participants have items to submit for consideration by the Planning Commission (photos, videos, documents, etc.), please email them to planningmailbox@lexingtonky.gov before 10:00 a.m. on the day of the meeting. Information may also be mailed to the Division of Planning, 101 E. Vine Street, Suite 700, Lexington, KY 40507. Members of the public will have the opportunity to speak during the meeting, but will not have the opportunity to share their screens during the video teleconference. If members of the public wish to speak during the meeting, but are unable to connect or have other technical difficulties, please contact the Division of Planning via email at planningmailbox@lexingtonky.gov, or (859) 258-3160.

If you do not feel comfortable participating in a video teleconference meeting, written comments may be sent to the Division of Planning at the above listed email address, and will be distributed to the Planning Commission members.

The media and public may view the public hearing on LexTV Spectrum channel 185, MetroNet channel 3, Windstream channels 3 and 20, or via live stream at the following link: http://lfucg.granicus.com/MediaPlayer.php?publish_id=12

II. APPROVAL OF MINUTES – The minutes of the June 11, 2020, meeting will be considered at this time.

III. POSTPONEMENTS AND WITHDRAWALS - Requests for postponement and withdrawal will be considered at this time.

IV. LAND SUBDIVISION ITEMS - The Subdivision Committee met on Thursday, July 2, 2020, at 8:30 a.m. The meeting was attended by Commission members: Frank Penn, Carolyn Plumlee and Headley Bell. Committee members in attendance were: Jeff Neal, Division of 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.

V. ZONING ITEMS - The Zoning Committee met on Thursday, July 2, 2020, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members: Larry Forester, Bruce Nicol, Graham Pohl, and Bill Wilson. Staff members in attendance were: Traci Wade, Hal Baillie, Tom Martin, and Debbie Woods, and Chad Edwards, Department of Law. The Committee members reviewed applications and made recommendations as noted.

A. ABBREVIATED PUBLIC HEARINGS ON ZONING MAP AMENDMENTS

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

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

- The staff has recommended approval of the zone change petition and related plan(s)
- The petitioner concurs with the staff recommendations
- Petitioner waives oral presentation, but may submit written evidence for the record
- There are no objections to the petition

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

The procedure for these hearings is as follows:

- Staff Reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)

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

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

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

1. ANDERSON COMMUNITIES, INC. ZONING MAP AMENDMENT & BAPTIST CHURCH AT ANDOVER PROPERTY ZONING DEVELOPMENT PLAN

- a. PLN-MAR-20-00007: ANDERSON COMMUNITIES, INC. (8/2/20)* - a petition for a zone map amendment from an Agricultural Urban (A-U) zone to a High Density Apartment (R-4) zone, for 8.62 net and gross acres, for property located at 3330 Todds Road (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 the Agricultural Urban (A-U) zone to the High Density Apartment (R-4) zone for a portion of the property located at 3330 Todds Road. The applicant is seeking to develop a senior apartment complex that includes three (3) buildings, associated parking, and amenities. To complete this development, the applicant is seeking to extend Putter Lane as a public road, to an intersection with Todds Road. In addition to the apartments, the applicant is proposing to develop ten (10) single family dwellings, fronting on Andover Woods Lane.

The Zoning Committee Recommended: **Referral** 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 how they are meeting the Goals and Objectives of the 2018 Comprehensive Plan. The following Goals and Objectives require further discussion by the applicant to address compliance with the Comprehensive Plan:
 - a. Theme A, Goal #4.c: Establish and promote road network connections in order to reduce police, EMS, and fire response times.
 - b. Theme D, Goal #1.b: Develop a viable network of accessible transportation alternatives for residents and commuters, which may include the use of mass transit, bicycles, walkways, ride-sharing, greenways and other strategies.
 2. The zone change application for the subject property, as proposed, does not completely address the development criteria for a zone change within the Enhanced Neighborhood Place Type, and the Medium-High Density Residential Development Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
 - a. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
 - b. B-SU11-1: Green infrastructure should be implemented in new development, is not applicable for this development.
 - c. C-LI7-1: Developments should create mixed-use neighborhoods with safe access to community facilities, green-space, employment, businesses, shopping, and entertainment.
 - d. A-DS1-2: Direct pedestrian linkages to transit should be provided.
 - e. A-DS4-1: A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided. (A-DS2, A-DN1, B-SU1, B-SU2, C-LI7, E-AC5).
 - f. D-CO2-2: Development should create and/or expand a connected multimodal transportation network that satisfies all users' needs, including those with disabilities.
 - g. A-EQ7-3: Community open spaces should be easily accessible and clearly delineated from private open spaces.
- b. PLN-MJDP-20-00020: BAPTIST CHURCH AT ANDOVER PROPERTY (8/2/20)* - located at 3330 TODDS RD., LEXINGTON, KY.
Project Contact: Barrett Partners

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: **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 and steep slopes.
7. Denote 25' setback adjacent to A-U zone on single family Lot #10.
8. Denote enhanced landscaping adjacent to single family lots.
9. Discuss vehicular access to Andover Woods Lane.
10. Discuss access to Todds Road and need for a waiver.
11. Discuss access points along Putter Lane cul-de-sac.
12. Discuss Placebuilder criteria.
 - a. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
 - b. B-SU11-1: Green infrastructure should be implemented in new development, is not applicable for this development
 - c. C-LI7-1: Developments should create mixed-use neighborhoods with safe access to community facilities, green-space, employment, businesses, shopping, and entertainment.
 - d. A-DS1-2: Direct pedestrian linkages to transit should be provided.
 - e. A-DS4-1: A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided. (A-DS2, A-DN1, B-SU1, B-SU2, C-LI7, E-AC5).
 - f. D-CO2-2: Development should create and/or expand a connected multimodal transportation network that satisfies all users' needs, including those with disabilities.
 - g. A-EQ7-3: Community open spaces should be easily accessible and clearly delineated from private open spaces.

2. **BLACKBURN DEVELOPMENT LLC ZONING MAP AMENDMENT & YELLMAN'S SUBDIVISION (POWERHOUSE CHURCH OF GOD)(BLACKBURN DEVELOPMENT) ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-20-00009: BLACKBURN DEVELOPMENT LLC (8/20/20)* - a petition for a zone map amendment from a Two Family Residential (R-2) zone to a High Rise Apartment (R-5) zone, for 0.655 net (0.717 gross) acre, for property located at 325, 329, and 333 Blackburn Avenue. Two dimensional variances and a parking variance have also been requested.

COMPREHENSIVE PLAN AND PROPOSED USE

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The applicant is seeking a zone change from the Two Family Residential (R-2) zone to the High Rise Apartment (R-5) zone for the properties located at 325, 329, and 333 Blackburn Avenue. The applicant is seeking to develop an apartment building associated with an established apartment development located at the corner of West Fourth Street and Blackburn Avenue. The applicant is seeking to replace one single family building and two vacant lots with the proposed structure. Two dimensional variances and a parking reduction are also requested with the zone change application.

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 how they are meeting the Goals and Objectives of the 2018 Comprehensive Plan. The following Goals and Objectives require further discussion by the applicant to address compliance with the Comprehensive Plan:
 - a. Theme B, Goal #2.d: Prioritize multi-modal options that de-emphasize single-occupancy vehicle dependence.
 - b. Theme D, Goal #1.a: Support the Complete Streets concept, prioritizing a pedestrian-first design that also accommodates the needs of bicycle, transit and other vehicles.
2. The zone change application for the subject property, as proposed, does not completely address the development criteria for a zone change within the 2nd Tier Urban Place Type, and the Medium-Density Residential Development Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
 - a. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
 - b. B-SU11-1: Green infrastructure should be implemented in new development, is not applicable for this development.
 - c. C-PS10-2: Flexible parking and shared parking arrangements should be utilized.
 - d. A-DS1-1: Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7).

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- e. D-CO2-1: Safe facilities for all users and modes of transportation should be provided.
- b. **VARIANCE REQUEST** – The applicant is requesting a reduction of front yard setback from 20 feet to 14 feet, side yard setback from 10 feet to 0 feet and a reduction of the required parking spaces from 46 spaces to 41 spaces (reduction of 5 required spaces).

The Subdivision Committee Recommended: **Postponement**, for the following reasons:

- 1. The applicant has not notified those individuals within the required notification area to seek a reduction for the property at 345 Blackburn Avenue.
 - 2. The applicant should consider the use of Group Residential Project standards to allow for greater reductions in the required parking, as well as remove the need for the side yard setback variance request.
 - 3. The requested front yard variance does not transition to the lower density residential setbacks that are established along Blackburn Avenue.
- c. **PLN-MJDP-20-00019: YELLMAN'S SUBDIVISION (POWERHOUSE CHURCH OF GOD)(BLACKBURN DEVELOPMENT) (8/20/20)*** - located at 325,329, 333 AND 345 BLACKBURN AVENUE, LEXINGTON, KY.
Project Contact: Carman

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

The Subdivision Committee Recommended: **Postponement**, There were questions the development meeting Article 9-6(c)(1) front yard setback and Article 9-6(f) parking.

- 1. Provided the Urban County Council rezones the property R-5; otherwise, any Commission action of approval is null and void.
- 2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
- 3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
- 4. Urban Forester's approval of tree inventory map.
- 5. Greenspace Planner's approval of the treatment of greenways and greenspace.
- 6. United States Postal Service Office's approval of kiosk locations or easement.
- 7. Provided the Planning Commission grants the requested variances.
- 8. Denote who will be responsible for the maintenance for access easement.
- 9. Discuss Placebuilder criteria:
 - a. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
 - b. B-SU11-1: Green infrastructure should be implemented in new development, is not applicable for this development.
 - c. C-PS10-2: Flexible parking and shared parking arrangements should be utilized.
 - d. A-DS1-1: Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7).
 - e. D-CO2-1: Safe facilities for all users and modes of transportation should be provided.

3. BALL HOMES LLC ZONING MAP AMENDMENT & SPRING LAKE ZONING DEVELOPMENT PLAN

- a. **PLN-MAR-20-00010: BALL HOMES, LLC (8/2/20)***- a petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 138.20 net (143.01 gross) acres, for property located at 2300 Sandersville Road.

COMPREHENSIVE PLAN AND PROPOSED USE

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The applicant is seeking a zone change from the Agricultural Urban (A-U) zone to the Planned Neighborhood Residential (R-3) zone for the property located at 2300 Sandersville Road. The zone change application is seeking to construct a residential development that includes single family detached and attached homes, as well as apartment buildings.

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

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

- 1. The zone change application for the subject properties, as proposed, does not completely address the Goals and Objectives of the 2018 Comprehensive Plan. The following Goals and Objectives require further discussion by the applicant to address compliance with the Comprehensive Plan:

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- a. Theme A, Goal #2.b: Respect the context & design features of areas surrounding development projects & develop design standards & guidelines to ensure compatibility with existing urban form.
 - b. Theme A, Goal #2.c: Incorporate adequate greenspace and open space into all development projects, which serve the needs of the intended population.
 - c. Theme A, Goal #3.b: Strive for positive & safe social interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians & various modes of transportation.
 - d. Theme A, Goal #3.d: Promote, maintain, and expand the urban forest throughout Lexington.
 - e. Theme E, Goal #1.b: Ensure all types of development are environmentally, economically, and socially sustainable to accommodate the future growth needs of all residents while safeguarding rural land.
2. The zone change application for the subject property, as proposed, does not completely address the development criteria for a zone change within the New Complete Neighborhood Place-Type, specifically the Medium Density Residential Development Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
- a. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
 - b. A-DS7-1: Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
 - c. D-CO4-1: Dead-end streets and cul-de-sacs should be discouraged except where connections are not topographically or environmentally feasible.
 - d. D-CO5-1: Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.
 - e. A-DS4-3 Development should work with the existing landscape to the greatest extent possible, preserving key natural features.
- b. PLN-MJDP-20-00027: SPRING LAKE (8/2/20)* - located at 2300 SANDERSVILLE RD., LEXINGTON, KY.
Project Contact: EA Partners

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

The Subdivision Committee Recommended: Postponement, due to the number of conditions.

1. Provided the Urban County Council rezones the property R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. 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 location of springs.
8. Denote: Treatment of springs shall be determined at time of Preliminary Subdivision Plan/Final Development Plan.
9. Discuss road improvements for Greendale Road and Sandersville Road.
10. Discuss treatment of stonewall.
11. Discuss odd geometry of Lot 237.
12. Discuss enhanced landscaping adjacent to railroad.
13. Discuss proposed parking area adjacent to Lots 95 and 96.
14. Discuss extending pedestrian system to townhouses on Lot 332.
15. Discuss location of multi-family housing and roadway capacity.
16. Discuss greenway use and dedication.
17. Discuss traffic calming.
18. Discuss location of possible neighborhood park per Parks and Recreation Master Plan.
19. Discuss Placebuilder criteria:
 - a. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
 - b. A-DS7-1: Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
 - c. D-CO4-1: Dead-end streets and cul-de-sacs should be discouraged except where connections are not topographically or environmentally feasible.
 - d. D-CO5-1: Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.
 - e. A-DS4-3 Development should work with the existing landscape to the greatest extent possible, preserving key natural features.

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

VII. STAFF ITEMS – The staff will report at the meeting.

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

IX. **MEETING DATES FOR JULY & AUGUST 2020**

Zoning Items Public Hearing , Thursday, 1:30 p.m., via teleconference	July 23, 2020
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (via teleconference)	July 29, 2020
Work Session, Thursday, 1:30 p.m., via teleconference	July 30, 2020
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (via teleconference)	August 6, 2020
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (via teleconference).....	August 6, 2020
Subdivision Items Public Meeting , Thursday, 1:30 p.m., via teleconference	August 13, 2020
Work Session, Thursday, 1:30 p.m., via teleconference	August 20, 2020
Zoning Items Public Hearing , Thursday, 1:30 p.m., via teleconference	August 27, 2020

X. **ADJOURNMENT**

TLW/TM/HB/dw

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