

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

April 22, 2021

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: 943 5417 2441

Password: 375242

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://fucg.granicus.com/MediaPlayer.php?publish_id=12

II. APPROVAL OF MINUTES – None 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, April 1, 2021, at 8:30 a.m. The meeting was attended by Commission members Ivy Barksdale, Headley Bell, Frank Penn, and Carolyn Plumlee. Committee members in attendance were: Hillard Newman, Division of Engineering; and Stephen Parker, Division of Traffic Engineering. Staff members in attendance were: Traci Wade; Tom Martin; Hal Baillie; Cheryl Galt; Lauren Hedge; Scott Thompson; Stuart Kearns; Parker Sherwood; and Stephanie Cunningham; Captain Greg Lengal, Division of Fire and Emergency Services; and Tracy Jones, Department of Law. The Committee made recommendations on plans as noted.

General Notes

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

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

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

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

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

The procedure for these hearings is as follows:

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

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

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

1. DEVELOPMENT PLANS

- a. DP 2012-89: NEWMARKET PROPERTY, PHASE 1, UNIT 10 – located at 1501 DEER HAVEN LN. (A PORTION OF), LEXINGTON, KY.
Council District 12
Project Contact: EA Partners, PLC

Note: This property requires the posting of a sign and an affidavit of such. The Planning Commission approved this plan at their February 14, 2013 and reapproved this plan at their April 14, 2016, meeting, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Greenspace Planner's approval of the treatment of greenways and greenspace.
8. Provided the Planning Commission makes a finding that the plan complies with the provisions of the EAMP.
9. Denote the area of storm water management improvements proposed for the adjacent Unit 6 property.
10. Addition of 10' tree protection areas on rear of Lots 30, 31, 33 and 34.
11. Delete duplicated note #15.
12. Revise lot numbering to relocate proposed Lots 147 and 148 (not between Lots 23 & 24).

This plan was certified on March 26, 2013 and April 22, 2016; however, that has been more than five years since the Commission's approval, thus the plan has expired. The applicant has requested an extension of the Planning Commission's previous approval of this plan.

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

1. Addition of a third Planning Commission certification (referencing Planning Commission's reapproval date).
2. United States Postal Service's approval of kiosk locations or easement.

- b. PLN-MJDP-20-00051: QUEEN ESTATE (UNIVERSITY OF KENTUCKY FEDERAL CREDIT UNION) – located at 603, 607, 615, 617 AND 619 BROADWAY AND 405 & 411 CHAIR AVE., LEXINGTON, KY.
Council District 3
Project Contact: Carman

Note: The Planning Commission approved this plan at their October 8, 2020, meeting, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the location of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Remove extraneous information from plan.
11. Denote compliance with the adopted Newtown Pike Corridor Design and Access Standards.
12. Resolve improvements to Chair Avenue per preliminary development plan.
13. Resolve proposed building façade articulation on S. Broadway.

Note: The applicant has requested a continued discussion of the final development plan to address the applicable Newtown Pike Extension Commercial Design and Property Access Standards, and request relief from Item C.1 related to off-street parking lot design standards.

The Staff Recommended: **Approval of the elimination of the off-street parking lot locational standard C-1(e)**, for the following reasons:

1. The 250-foot requirement established in design standard C-1(e) would render the entire block virtually undevelopable because no accessory parking lot could be located on-site to meet the needs of the proposed development or any other development.

The Staff Recommended: **Disapproval of the elimination of the parking lot screening standard C-1(c)**, for the following reasons:

1. In 2009, two years after the completion of the design study, the Urban County Council took into consideration the adoption of the design guidelines and standards for the entire Oliver Lewis Way corridor. At that time, the Council found that the NPE Project combines neighborhood planning with roadway engineering to develop the new road as an amenity for the area and to support its high-quality redevelopment setting a combination of standards and guidelines governing public and private building construction.
2. The urban design objectives of the Standards support high-quality development throughout the entire corridor to ensure "an overall visual continuity of the corridor from opening day".
3. The design standards allow for the applicant's concerns to be addressed while maintaining the intent of the standards to guide appropriately designed and functional sites.
4. This site is important to establish the desired tone and pattern for future development as envisioned for the NPE Project along Oliver Lewis Way by the Urban County Council.

The Subdivision Committee Recommended: **Approval of the elimination of the off-street parking lot locational standard C-1(e)**, and **Disapproval of the elimination of the parking lot screening standard C-1(c)**, for the reasons provided by staff.

- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, April 1, 2021, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members: Zach Davis, Bruce Nicol, Graham Pohl, and Bill Wilson. Staff members in attendance were: Traci Wade, Tom Martin, Hal Baillie, Stuart Kerns, and Debbie Woods, and Tracy Jones, Department of Law. The Committee members reviewed application and made recommendations as noted.

A. ABBREVIATED PUBLIC HEARINGS ON ZONING MAP AMENDMENTS

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

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

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

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

The procedure for these hearings is as follows:

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

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

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1. **RTA FAMILY TRUST ZONING MAP AMENDMENT & SCHROYER PROPERTY (LOTS 3 AND 4) ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-21-00001: RTA FAMILY TRUST (5/2/21)*- a petition for a zone map amendment from a Neighborhood Residential (B-1) zone with conditional zoning restrictions to a High Density Apartment (R-4) zone, for 1.56 net (1.86 gross) acre, for properties located at 1009 & 1017 Wellington Way.

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 Neighborhood Business (B-1) zone to the High Density Apartment (R-4) zone for the properties located at 1009 and 1017. The zone change application is seeking to construct a four story multi-family residential structure. With a total of 88 dwelling units.

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

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 development will accommodate the demand for housing in Lexington responsibly, prioritizing a mixture of housing types (Theme A, Goal #1), by providing a denser type development in an area that is primarily single family detached and duplex dwelling units.
 - b. The proposed rezoning will support infill (Theme A, Goal #2), and add to a well-designed neighborhood and community (Theme A, Goal #3), while upholding the Urban Service Area concept (Theme E, Goal #1).
 - c. The proposed rezoning will achieve an effective and comprehensive transportation system (Theme D, Goal #1) by prioritizing a pedestrian-first design (Theme D, Goal #1.a), by developing a safe pedestrian crossing along Wellington way.
 - d. The proposed rezoning allows for positive and safe social interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians and various modes of transportation (Theme A, Goal #3.b) by providing a safe and more accessible link to the proposed enhanced transit facilities located across Wellington Way.
 - e. The proposed rezoning addresses the goal of absorbing vacant and underutilized land within the Urban Service Area (Theme E, Goal #1.a), and accommodating the demand for housing in Lexington responsibly, prioritizing higher-density and mixture of housing types.
 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 allows increased residential options, provides for safe pedestrian mobility and provides amenities for both residents and the surrounding community. In addition, the development will meet the Multi-Family Design Guidelines.
 - b. The proposed rezoning includes safe facilities for the potential users of the site by enhancing the pedestrian facilities along both Wellington Way and across Wellington Way to the commercial development and transit facilities. The proposed development is providing safe and clear access to the building, and providing covered and safe bike storage 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 adds green infrastructure with the inclusion of permeable pavers and will add viable native tree canopy coverage.
 3. This recommendation is made subject to approval and certification of PLN-MJDP-21-00005: Schroyer Property Lots 3 & 4 (RTA Trust)(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-21-00005: SCHROYER PROPERTY (LOTS 3 AND 4) (5/2/21)* - located at 1009 & 1017 WELLINGTON WAY, LEXINGTON, KY.
Project Contact: Banks Engineering (Council District 10)

Note: The purpose of this amendment is to rezone the property for a residential use.

Note: The applicant submitted a revised plan on March 1, 2021. Based on that submittal, staff offers the following revised conditions.

* - 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 are questions regarding ability to meet tree canopy requirements of Article 26-5 and agreement with the Comprehensive Plan.

1. Provided the Urban County Council rezones the property to the R-4 zone; 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 shall be determined at the time of the Final Development Plan.
7. Provided the Planning Commission grants the requested height variance.
8. Revise Note #15 to state Zoning Compliance Permit.
9. Discuss ability to meet tree canopy requirement of Article 26-5 of the Zoning Ordinance.
10. Discuss additional landscaping adjacent to Single Family Residential.
11. Discuss exterior lighting.
12. Discuss Placebuilder criteria.
 - a. A-DS3-1 Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
 - b. A-DS5-3 Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
 - c. A-DS5-4 Development should provide a pedestrian-oriented and activated ground level.
 - d. A-EQ3-1 Development should create context sensitive transitions between intense corridor development and existing neighborhoods.
 - e. B-SU11-1 Green infrastructure should be implemented in new development.
 - f. C-LI6-1 Developments should incorporate multi-family housing and walkable commercial uses into development along arterials/corridors.
 - g. A-DS1-1 Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes.
 - h. A-DS1-2 Direct pedestrian linkages to transit should be provided.
 - i. A-EQ3-2 Development on corridors should be transit-oriented (dense & intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure & facilities).
 - j. D-CO2-1 Safe facilities for all users and modes of transportation should be provided.
 - k. E-ST3-1 Development along major corridors should provide for ride sharing pick up and drop off locations along with considerations for any needed or proposed park and ride functions of the area.
 - l. A-EQ7-3 Community open spaces should be easily accessible and clearly delineated from private open spaces.
 - m. B-PR7-2 Trees should be incorporated into development plans; prioritize grouping of trees to increase survivability.

2. CAR REAL ESTATE HOLDINGS, LLC ZONING MAP AMENDMENT & EASTLAND SUBDIVISION ZONING DEVELOPMENT PLAN

- a. PLN-MAR-21-00002: CAR REAL ESTATE HOLDINGS, LLC (5/30/21)*- 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 3.97 net (4.11 gross) acres, for property located at 750 E New Circle Road.

COMPREHENSIVE PLAN AND PROPOSED USE

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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 the property located at 750 E New Circle Road. The zone change application is seeking to allow for the reuse of a vacant bowling alley as a climate controlled self-storage warehouse facility.

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

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

1. A restricted 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 will grow successful neighborhoods (Theme A, Goal #2.a) by reusing a vacant bowling alley for a new purpose as a climate-controlled self-storage facility without expanding the building's envelope or proposing modifications to the parking area.

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- b. The proposed development will reduce Lexington's carbon footprint and provide sustainability for Lexington (Theme B, Goal #2) by reusing the established structure for the shift in use.
- c. The proposed rezoning will also assist in the maintenance of the Urban Service Area concept (Theme E, Goal #1) by allowing greater intensity and flexibility of commercial use on the subject property.
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 commercial development that is within an area with multi-modal connections and allows for cross access between businesses.
 - b. The proposed rezoning includes safe facilities for the potential users, by having safe pedestrian facilities to Eastland Drive. This access addresses 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 maintains the current landscaping, reuses an established structure, 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 shall be prohibited:
 1. Ice plants
 2. Parking lots and structures as a principal use
 3. Truck terminals and freight yards
 4. Pawnshops
 5. Mining of non-metallic minerals
 - b. Any self-storage facility on the premises shall have no outdoor storage of vehicles, supplies or materials, and shall not have direct access to the outdoors from individual storage units.

These restrictions are appropriate and necessary for the following reasons:

1. To reduce the visual impact of wholesale and warehouse uses on the E New Circle Road corridor.
4. This recommendation is made subject to approval and certification of PLN-MJDP-21-00010: Eastland Subdivision, 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-21-00010: EASTLAND SUBDIVISION (5/30/21)* - located at 750 E. NEW CIRCLE RD., LEXINGTON, KY.
Project Contact: Vision Engineering (Council District 5)

Note: The purpose of this amendment is to rezone the property to B-4.

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

1. Provided the Urban County Council rezones the property to the B-4 zone; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Dimension sidewalks.
6. Denote height of building.
7. Denote the proposed use of the structure.
8. Addition of access easement note per final record plat (R-162).
9. Discuss Placebuilder criteria.

3. WYNNDALE DEVELOPMENT, LLC ZONING MAP AMENDMENT & LFUCG, MILLCREEK SUBDIVISION, UNIT 3 & JONESTOWN ZONING DEVELOPMENT PLAN

- a. PLN-MAR-21-00003: WYNNDALE DEVELOPMENT, LLC (5/30/21)*- a petition for a zone map amendment from a Single Family Residential (R-1C) zone to a Planned Neighborhood Residential (R-3) zone, for 5.04 net and gross acres, from a Single Family Residential (R-1D) zone to a Planned Neighborhood Residential (R-3), for 0.18 net (0.38 gross) acre, and from a Townhouse Residential (R-1T) zone to a Planned Neighborhood Residential (R-3) for 0.64 net and gross acre, for property located at 1100 Armstrong Mill Road (a portion of).

COMPREHENSIVE PLAN AND PROPOSED USE

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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-1C and R-1D) zones and the Townhouse Residential (R-1T) zone to the Planned Neighborhood Residential (R-3) zone for a portion of the property located at 1100 Armstrong Mill Road. The zone change application is seeking to construct four, three-story multi-family residential structures (a total of 96 dwelling units) and an accessory clubhouse.

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

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

1. The applicant should provide greater information as to how they are meeting the following Goals and Objectives:
 - a. 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.
 - b. Theme A, Goal #3.c: Minimize disruption of natural features when building new communities.
 2. The applicant should provide greater information as to how they are meeting the Armstrong Mill West Small Area Plan. They should provide greater information as to how they are meeting the following Goals:
 - a. SAP Goal #2: Connectivity and mobility
 - b. SAP Goal #3: Housing
 3. The zone change application does not completely address the development criteria for a zone change within the Enhanced Neighborhood 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. A-DS5-3 Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
 - c. B-PR9-1 Minimize disturbances to environmentally sensitive areas by utilizing the existing topography to the greatest extent possible.
 - d. B-SU11-1 Green infrastructure should be implemented in new development.
 - e. D-PL7-1 Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
 - f. A-DS1-1 Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes.
 - g. A-DS5-1 Adequate multi-modal infrastructure should be provided to ensure vehicular separation from other modes of transport.
 - h. D-CO2-1 Safe facilities for all users and modes of transportation should be provided.
 - i. A-DS4-3 Development should work with the existing landscape to the greatest extent possible, preserving key natural features.
 - j. B-PR2-3 Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them.
 - k. B-PR7-2 Trees should be incorporated into development plans; prioritize grouping of trees to increase survivability.
 - l. B-PR7-3 Developments should improve the tree canopy.
- b. PLN-MJDP-21-00011: LFUCG, MILLCREEK SUBDIVISION, UNIT 3 & JONESTOWN (5/30/21)* - located at 1100 ARMSTRONG MILL RD., LEXINGTON, KY.
Project Contact: EA Partners (Council District 8)

Note: The purpose of this amendment is to rezone the property to R-3.

The Subdivision Committee Recommended: **Postponement**. There are concerns about conflicts with the FEMA floodplain, and floodplain setback.

1. Provided the Urban County Council rezones the property to the R-3 zone; 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. Correct plan title.
9. Denote record plan information for property.
10. Denote 20' perimeter setback per Article 9 of the Zoning Ordinance.
11. Delineate area of existing tree canopy.

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

12. Clarify 25' setback notation and floodplain notation.
13. Discuss timing of sanitary sewer building conflict resolution.
14. Discuss resolution and timing of clubhouse floodplain conflict.
15. Discuss resolution and timing of 25' setback and building conflict.
16. Discuss improvements to Armstrong Mill Road.
17. Discuss potential trail location along creek/greenway.
18. Discuss Placebuilder criteria.
 - a. A-DS3-1 Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
 - b. A-DS5-3 Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
 - c. B-PR9-1 Minimize disturbances to environmentally sensitive areas by utilizing the existing topography to the greatest extent possible.
 - d. B-SU11-1 Green infrastructure should be implemented in new development.
 - e. D-PL7-1 Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
 - f. A-DS1-1 Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes.
 - g. A-DS5-1 Adequate multi-modal infrastructure should be provided to ensure vehicular separation from other modes of transport.
 - h. D-CO2-1 Safe facilities for all users and modes of transportation should be provided.
 - i. A-DS4-3 Development should work with the existing landscape to the greatest extent possible, preserving key natural features.
 - j. B-PR2-3 Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them.
 - k. B-PR7-2 Trees should be incorporated into development plans; prioritize grouping of trees to increase survivability.
 - l. B-PR7-3 Developments should improve the tree canopy.

4. COLLINS AND MILLER PROPERTIES, LLC ZONING MAP AMENDMENT & NEWTOWN DISTRIBUTION CENTER, LOTS 1 & 2 (AMD) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-21-00004: COLLINS AND MILLER PROPERTIES, LLC (5/30/21)*- a petition for a zone map amendment from a Neighborhood Residential (B-1) zone to a Light Industrial (I-1) zone for 3.13 net (6.97 gross) acres, and from a Wholesale and Warehouse Business (B-4) zone to a Light Industrial (I-1) zone, for 1.69 net (1.83 gross) acre, for properties located at 804-808 and 805 Newtown Circle. A dimensional variance has also been requested.

COMPREHENSIVE PLAN AND PROPOSED USE

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The applicant is seeking a zone change from the Neighborhood Business (B-1) and Wholesale and Warehouse Business (B-4) zones to the Light Industrial (I-1) zone for the properties located at 804-808 and 805 Newtown Circle Road. The zone change application is seeking to allow for greater flexibility for the use of the established structures. The applicant is not proposing any major modification of the current properties. A dimension variance is also requested by the applicant.

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

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

1. A restricted Light Industrial (I-1) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning will create jobs and prosperity (Theme C) by allowing for the creation of a variety of jobs that will lead to prosperity for all (Theme C, Goal #2.a).
 - b. The proposed rezoning will improve opportunities for small businesses (Theme C, Goal #2.b) by providing space for businesses that exceed the intensity of use typically found in B-1 and B-4 zones.
 - c. The proposed rezoning will also reduce the pressure on the Urban Service Area (Theme E, Goal #1.a) by allowing greater utilization of the subject property, which is currently underutilized (Theme E, Goal #1.c and 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 an industrial development that works with the established infrastructure and will allow for safe pedestrian mobility.

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- b. The proposed rezoning will include safe facilities for the potential users of the site and include 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 limits the impacts on the surrounding environment, and will add tree canopy coverage.
- 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. Self-storage warehousing
 - ii. Outdoor storage
 - iii. Billboards
 - iv. All above ground and underground storage tanks.
 - v. On-site disposal of any hazardous waste materials.
 - vi. Mining of non-metallic minerals and/or radium extraction.
- b. All establishments and facilities that store, or transport hazardous materials shall be designed to provide spill containment facilities and shall have emergency response plans approved by the appropriate Hazmat regulator (DEEM, Fire Department, or EPA, as necessary).

These restrictions are appropriate and necessary for the following reasons:

- 1. To protect the appearance of the Newtown Pike corridor as a gateway into Lexington, while promoting employment that is appropriate along Lexington's freight corridor.
- 2. The Planning Commission has adopted a Wellhead Protection Plan for the Royal Spring Aquifer, which sets forth a plan to ensure a continual source of potable groundwater from Royal Spring for Georgetown and Scott County, and to preserve the integrity of surface waters. This plan has been adopted by both the Planning Commissions of Fayette and Scott Counties, and has most recently been approved by the Kentucky Division of Water on 8/28/03.
- 3. The proposed restrictions within the Wellhead Protection Area will better protect the surface and groundwater in the area by prohibiting some uses and requiring "best management practices" for other uses that could potentially be harmful to the wellhead, thus ensuring greater compliance with the Royal Spring Wellhead Protection Plan.
- 4. This recommendation is made subject to approval and certification of PLN-MJDP-21-00013: Newtown Distribution Center, Lots 1 & 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. VARIANCE REQUEST - a variance to reduce the required property perimeter requirements between a Light Industrial (I-1) zone and a Neighborhood Business (B-1) zone from fifteen (15) feet to zero (0) feet and eliminate all landscape materials.

The Zoning Committee recommended: **Approval** with a sixth condition that requires the use of permeable pavement if existing open space areas are removed.

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

- 1. The variance will not adversely affect the public health, safety or welfare, will not alter the character of the general vicinity, and will not cause a hazard or nuisance to the public because the layout of the property will not change as a result of this zone change.
- 2. The variance will not be an unreasonable circumvention of the requirements of the Zoning Ordinance because the buildings and parking on this property were constructed in the mid 1980's and have successfully functioned since then.
- 3. The need for the variance arises from the special circumstances of the proposed development, due to the interrelated nature of the properties and the variable zoning between the two properties.
- 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 during the rezoning process.

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

- a. Provided the Urban County Council approves the requested zone change to the I-1 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, 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. The applicant shall provide 4,000 square feet of canopy coverage, which is the average of ten (10) medium trees, utilizing trees from Group A, B, or C.

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- c. PLN-MJDP-21-00013: NEWTOWN DISTRIBUTION CENTER, LOTS 1 & 2 (AMD) (5/30/21)* - located at 804 - 808 & 805 NEWTOWN CIR., LEXINGTON, KY.
Project Contact: Endris Engineering (Council District 1)

Note: The purpose of this amendment is to reflect rezoning information.

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

1. Provided the Urban County Council rezones the property to the I-1 zone; 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 street cross-sections and access.
4. Urban Forester's approval of tree preservation plan.
5. Landscape Examiner's approval of landscaping and landscape buffers.
6. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.
7. Correct plan type in Purpose of Plan.
8. Addition of missing property boundary dimensions.
9. Addition of driveway entrance widths.
10. Correct language in Note 6 to reference Chapter 16 of the Code of Ordinances.
11. Provided the Planning Commission approves the requested variance of the Landscape Buffer Area.
12. Remove "future" from parking in Site Statistics.
13. Discuss Placebuilder criteria.
 - C-PS10-3 Over-parking of new developments should be avoided. (B-SU5)
 - D-CO2-2 Development should create and/or expand a connected multi-modal transportation network that satisfies all users' needs, including those with disabilities.
 - B-PR7-2 Trees should be incorporated into development plans; prioritize grouping of trees to increase survivability.
 - B-PR7-3 Developments should improve the tree canopy.

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

1. PLN-ZOTA 21-00001: AMENDMENT TO ARTICLE 12-3: ALLOW KENNELS IN THE B-6P ZONE (5/30/21)* – a petition for a Zoning Ordinance text amendment to Article 12 of the Zoning Ordinance to allow kennels for the boarding and sale of dogs as a principal permitted use in the Commercial Center (B-6P) zone.

INITIATED BY: CHELSI, LLC

PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: **Disapproval**.

The Staff Recommends: **Disapproval**, of the proposed Text Amendment to the Zoning Ordinance, for the following reasons:

1. The proposed text amendment does not meet the intent of the B-6P zone as it does not
 - a. The amendment will not enhance the investments of existing B-6P developments by providing redevelopment opportunities that unlock additional potential to better utilize existing zoned land.
 - b. Inclusion of kennels in the B-6P zone is not compatible with increasing the supply and mixture of housing types.
2. The proposed text amendment does not meet the intent of the mixed-use zones within the Zoning Ordinance as it adds potential sound and air nuisances into an area that is meant to blend commercial and residential.
3. The proposed text amendment is not in agreement with the 2018 Comprehensive Plan as it does not enable new neighborhoods to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment to expand options for mixed-use and mixed-type housing throughout Lexington-Fayette County (Theme A, Goal #3.a).

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

- A. AMENDMENT OF 2021 MEETING & FILING SCHEDULE** - The staff will recommend that the Planning Commission take action to amend their Official Meeting & Filing Schedule for 2021 to formally add a Public Hearing on Thursday, May 20, 2021, beginning at 1:30 p.m., to consider adopting the *Imagine Nicholasville Road Corridor Plan*.

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

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A. Long Range Planning Activity Report

During the months of February and March, Long Range Planning staff continued to move forward with a number of implementation items related to the 2018 Comprehensive Plan.

To summarize the progress on implementation items for 2020-2021, Long-Range Planning staff compiled an annual report. The details of this report and the included action items were presented during the Mar. 18, 2021 Planning Commission Work Session. The annual report is now publicly accessible on the Imagine Lexington website.

Uncommon Commons

LRP staff continued the Uncommon Commons webinar series “Mornings with Planning.” March’s discussion topic, which was rescheduled in February due to some technical issues, was titled “Planning for Basic Human Needs During a Pandemic” and took place on Mar. 6, 2021. For this panel, the Commissioner of Social Services, Chris Ford, served as the moderator in place of Lauren Well. Weaver, GISP, who stepped into a panelist role for March’s discussion. Other panelists included local leaders who work directly in social and community services in Lexington and the Bluegrass Region.

This webinar was determined eligible for 1 CE credit for APA and AICP members.

Staff plans to continue the “Mornings with Planning” series on a monthly basis throughout 2021.

Imagine Lexington Website & Social Media

Staff continued with maintenance and updates to imaginelexington.com in February and March.

Staff has continued to expand the site’s project pages that feature information related to the various Zoning Ordinance Text Amendments and Subdivision Regulation Amendments, which have been set in motion by the recommendations within *Imagine Lexington*. This section is housed under the “Implement” section of the site and the overall Imagine Lexington approach.

In March, staff also added an “Imagine Lexington Annual Reports” section to provide access to reports from 2019-2020 and the most recently released report for 2020-2021.

Staff also continues to maintain the Imagine Lexington Facebook, Twitter, and Instagram social media accounts. In addition, staff has been keeping in touch with our public audience through the use of Mailchimp, a tool allowing for the creation and distribution of email campaigns to an audience of subscribers.

Zoning Ordinance Text Amendments (ZOTAs) and Subdivision Regulation Amendments (SRAs)

In April of 2019, the Planning staff began a division-wide effort to draft and initiate a series of text amendments, many related to the 2018 Comprehensive Plan.

Text amendments that are currently in the “planning and research” phase include: notification expansion; open space (Article 20); Multi-Family Design Standards (multiple locations); parking (multiple locations); complete streets (multiple locations); agritourism (multiple locations); and intent statement revisions for multiple articles.

During the Mar. 18, 2021 Planning Commission Work Session, Planning staff presented on the Division of Planning’s upcoming proposal for parking reform in Lexington. The presentation, titled “Rethink Parking,” was given by Chris Taylor, Administrative Officer for Long-Range Planning, Valerie Friedmann, Senior Planner for Long-Range Planning, and Jimmy Emmons, Senior Planner for Transportation Services. Information was structured around the *foundation*, *motivation*, and *framework* for responsive parking standards for the Zoning Ordinance. This proposal is still being reviewed by staff and has been shared online for public review as well.

Valerie Friedmann presented and overview of the Open Space ZOTA to various groups in February and March, including the Building Industry Association of Central Kentucky and the Greenspace Commission. On Feb. 25, 2021, an initial stakeholder engagement meeting with neighborhood and advocacy groups was held. This digital meeting provided an opportunity for the public to learn about the Open Space ZOTA and provide initial feedback in small break-out room discussions led by Planning Staff. Direct invitations were sent to over 80 individuals, all Neighborhood Association emails on file, and all Council Aides. Multiple social media posts were to promote the event. There were approximately 25 attendees at this digital meeting, not including Planning Staff.

The Street Patterns and Continuity SRA, which is being led, in part, by Senior Planners Samantha Castro and Valerie Friedmann, was presented to the Planning Commission during the work session on Jan. 28, 2021, which was paired with the release of the first draft of the updated regulatory text. The SRA has since gone before the Planning Commission during the Apr. 8, 2021 Subdivision Items Public Hearing and received a recommendation of approval.

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LRP staff has taken on the task of developing informational one-pagers for each of the ZOTAs that summarize the proposed amendments to succinctly communicate the proposed changes and provide additional material resources to Planning Commission members, the Urban County Council, and the public. These are able to be accessed on each of the respective ZOTA or SRA project pages on the website.

Development Handbook

Staff continued working with the Development Handbook advisory group throughout February and March, putting advisory group meetings on hold while the initial draft of the document is being refined and reviewed by Planning staff. A meeting to review the draft with the advisory group is planned for late spring.

Imagine Nicholasville Road

Consultants completed the Imagine Nicholasville Road corridor study in February, distributing a draft for internal review to Planning staff. Consultants from wsp firm gave a presentation on the completed study during the Feb. 18, 2021 Planning Commission Work Session. The project team also gave a presentation to the Planning and Public Safety Committee on Mar. 2, 2021. A public release of the plan is set for late spring.

Coordination with Outside Agencies

Chris Woodall, Long-Range Planning Manager, attended the meeting for the Sustainable Growth Task Force on Feb. 17, 2021 and Mar. 24, 2021. Administrative Specialist for Long-Range Planning, Elizabeth Jefferson, authored summaries relating to the project and the progress made so far.

C. Woodall continued his participation on the Infill and Redevelopment Steering Committee, attending meetings on Feb. 3, 2021 and Mar. 3, 2021.

V. Friedmann presented "Planning for Trees: Implementing a Holistic Regulatory Approach for Lexington's Urban Trees" at the Tree Board's monthly meeting on Feb. 10, 2021.

V. Friedmann and S. Castro gave a virtual "Planning 101" presentation for Fayette Alliance's Grow Smart 101 series hosted for the University of Kentucky community.

Senior Planner Lauren Well. Weaver and Planning Technician Grace Coy continued work with the Communications Committee of the APA Kentucky Chapter. In February and March, they continued to assist in the development of the 2020 KY-APA Annual Report.

Study Group

Several Long Range Planning and Planning Services staff members continued their participation in a self-guided "study group" that meets every other week to discuss planning topics. The group was formed in order to develop and enhance the participants' understanding of different planning process, the Zoning Ordinance and Subdivision Regulations, and existing and upcoming studies and plans.

General Work Activities

Using GIS and census data, staff created maps and data sets for the Urban County Council, other LFUCG departments, and agencies and officials outside the government. In addition, Chris Woodall and Lauren Well. Weaver have continued work on projects related to Lexington demographics and land use classification.

Staff also continued participation in review of zoning applications and development plans.

APA Audio Conferences

For many years, Staff has hosted APA Audio Conferences for continuing-education credits for both LFUCG and AICP. There were two APA Audio Conferences hosted during the months of February and March, whose titles/dates were:

- *Resilience in Vulnerable Communities*, Feb, 19th, 2021
- *Github for Planners*, Mar. 26, 2021

B. Transportation Planning / MPO Activity Report August 2020

1.1 Inventory/Monitor; Title VI/ADA; Coordination/Consultation

- Attended 2 Commission for People with Disabilities meeting.
- Attended 2 Lexington Corridors Commission meeting.
- Attended 1 Bluegrass ADD Regional Transportation Committee.
- Attended 1 Pedestrian Safety Committee Meeting.
- Attended 2 planning meetings for the KYTC Transportation Safety Workshop to be held in May.

1.2 Staff Development

- Attended Populus webinar: Mobility as a Service: The Transportation Holy Grail.
- Attended Zoom Breakout Primer offered in-house.
- Attended Webinar - AMPO - Census Bureau Briefing with Jennifer Zaroni.
- Attended Webinar - Smart Growth America - Dangerous By Design 2021.
- Attended Live Q & A webinar with Richard Rothstein - Author of The Color of Law.
- Attended Sasaki Town Branch Park presentation.

2.1 Congestion Management Process (CMP) and Air Quality (AQ)

- Attended 2 Congestion Management (CM) Bottleneck Study Steering Committee meetings and held several coordination meetings with the study consultants.
- Reviewed CM bottleneck location data and maps and submitted comments to consulting team.
- Established a Bottleneck Study Stakeholder Group and prepared for Stakeholder meeting.
- Reviewed Bottleneck Study progress report and processed invoice.
- Sent preliminary CMAQ committee meeting agenda to core stakeholders for review and comment.
- Reviewed FHWA Congestion Bottleneck reduction strategies.
- Attended FHWA KY's Regional Air Quality Web-meeting.

2.2 Transportation Plan Update & Implementation

- Coordinated with D7 and KYTC Central Office Planning on I-75 crossing study for the Hamburg area.
- Participated in a Jessamine/Fayette County Connectivity Study team meeting.
- Met 3 times with representatives from KYTC District 7 and BGADD to discuss SHIFT 2022 Sponsorships.

3.1 Transportation - Land Use Impact Analysis

- Conducted several project team meeting for the Imagine Nicholasville Road Study.
- Presented IRN study to LFUCG Planning & Public Safety Council Committee and Southland Drive Business Association.
- Met with CM Baxter and CM LeGris regarding the Imagine Nicholasville Study.
- Reviewed and submitted revisions on final INR draft report to consulting team.
- Participated in LFUCG Sustainable Growth Study stakeholder meeting.
- Provided assistance and answered inquiries on various traffic related issues.
- Attended seven pre-application meetings to provide transportation planning input on future land-use applications.
- Attended regular LFUCG Subdivision and Zoning Committee meetings.
- Continued work on the Street Continuity SRA, Parking ZOTA, Greenspace ZOTA, Complete Streets SRA and Curbside Management ZOTA.
- Continued work to update various elements of Traffic Impact Study requirements.
- Initial coordination with GIS and Traffic Engineering to establish protocol for updates to LFUCG road classifications.

3.2 Multimodal/Transportation Enhancement Planning

- Responded to approx. 28 various citizen/agency requests for information on bike and pedestrian issues.
- Reviewed and submitted comments in Accela for bike/pedestrian circulation requirements.
- Corresponded on plans approved by the Planning Commission for compliance with conditional signoff requirements.
- Responded to 37 inquiries with development groups to work through requirements for multi-modal compliance with the subdivision regulations.
- Continued work on the print version of the Lexington Bike Map.
- Conducted multiple meetings with Shared Mobility providers.
- Continued work with Populus and Remix, third party data-management platform companies, to process and evaluate multiple shared mobility companies' data.
- Continued data management tasks for various bike counters on local trails.
- Continued work on developing curbside management policy and smart city curbside initiatives for council members.
- Continued work on the development of traffic calming roadway interventions for intersections and thru-ways.
- Continued work on parking lot designs interventions for traffic calming and connectivity.
- Continued work to implement Shared Mobility Vehicle permits, managed current licensees, and associated data and enforcement.
- Continued work on developing conceptual level plans for connections to the Town Branch Commons.

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- Reviewed paving lists for inclusion and/or refreshing of on-road bicycle facilities during upcoming resurfacing projects.
- Attended a project kick-off meeting for the University of Kentucky CE539 class for the Rose Street Corridor in the role as a client for the students' project.
- Reviewed and submitted comments to UK regarding their draft UK Bicycle Plan.
- Interviewed by Student from Providence Montessori School regarding Bicycle infrastructure in Lexington.

3.3 Transit Planning

- Attended Lextran virtual board meeting.
- Coordinated with FTSB Director to oversee financial matters.
- Held virtual meeting with Lextran staff concerning transit aspects on submitted plans.
- Attended FTSB board meeting as chairman.

3.4 Public Participation & Outreach

- Coordinated with Dept. of Environmental Quality on various upcoming spring public education efforts.
- Presented on "Sustainable Infrastructure" as part of Fayette Alliance's Grow Smart webinar series.
- The MPO website had 560 visits from 459 users (85% new users) and 1,010 page views in February and March.
- The MPO's Twitter site had 2,021 followers in February and March.
- The MPO's Facebook page had 3,553 followers in February and March; reached 868 users; and had 84 engaged users.

3.5 Travel Demand Modeling and Project Forecasting

- Performed LAMPO model maintenance.
- Prepared a 2025 Development Scenario for the model. Updated future years 2030 and 2045.
- Coordinated with KYTC modeling division on improvements to the LAMPO regional model.
- Coordinated with consultants regarding modeling for the Lexington Bottleneck Study.

4.1 Program Administration

- Packets and meeting minutes were prepared for the Bicycle & Pedestrian Advisory Committee, Transportation Technical Coordinating Committee, Congestion Management Committee and Transportation Policy Committee (TPC).

4.2 Transportation Improvement Programming (TIP)

- Completed the following Administrative Modifications to the FY 2021-2024 TIP:
- TIP Mod #2 – Lextran / UK Mobility as a Service (MaaS).
- TIP Mod #3 – Jessamine County HSIP Projects.
- TIP Mod #4 - NHPP Resurfacing Projects (US 25, US 27 & US 68).
- Attended meeting with Rep. Cherlynn Stevenson regarding the Richmond Road safety project.
- Attended preliminary line and grade meeting for Richmond Road safety project.
- Held one meeting of the MPO Project Coordination Team to track the status of TIP projects.

4.3 Unified Planning Work Program (UPWP)

- Worked to address KYTC and FHWA comments on draft FY 2022 UPWP.
- Coordinated with LFUCG on FY21 financial reporting activities & FY22 contracts for MPO funding.
- Prepared and submitted 5303 funding application for transit planning activities for FY22.

C. Zoning Compliance Planning Activity Report

Zoning Enforcement/Compliance

During the months of February and March, 2021 twenty-seven (27) new cases were initiated, mainly complaints regarding illegal businesses operating in residential zones and parking on unpaved surfaces. Twenty (20) complaints were resolved, meaning that necessary actions were taken by the property owner or occupant to correct a zoning compliance problem.

Annual inspections were completed on thirty-four (34) properties with conditional uses during February and March. All were determined to be in substantial compliance with conditions imposed by the Board of Adjustment, or conditions have been permanently satisfied, requiring no further inspections.

Board of Adjustment

Four appeals were filed for consideration by the BOA in February 2021. Three of the appeals were for variances. One of which was postponed to the March hearing. The fourth appeal was a third party appeal to contest the Division of Planning's certification of a retracement plat (PLN-MNSUB-19-00049) within the defined Infill and Redevelopment Area. The Board determined they did not have jurisdiction to act on this appeal. The remaining two appeals for variances were approved by the Board.

Five appeals were filed for consideration by the BOA in March 2021. One of those appeals was postponed from the February hearing. At the March hearing, the applicant requested postponement again, to the May 2021 hearing. Two other appeals for variances were heard by the Board, and both were approved. There were two requests for conditional use permits, one of which was withdrawn prior to the hearing. The other request for a conditional use permit was approved by the Board.

Permitting & Zoning Compliance

Since January 1, 2012 a Zoning Compliance Permit (ZCP) has been required before a building or premises can be occupied for a specific use or a change in use, with some exceptions for agricultural uses and single-family or two-family residences. Zoning Compliance signoff in the ACCELA permitting system is the equivalent of a Zoning Compliance Permit. All commercial building and paving permit applications, and some residential applications, originating in Building Inspection during the month are forwarded to Zoning Compliance for review and approval. During February, a total of 67 commercial, paving, residential permits and applications for certificates of occupancy were reviewed in ACCELA by Zoning Compliance. Due to the continuing restrictions on public access, no commercial plan review sessions are being scheduled by Building Inspection at this time; all construction plan review is performed online.

During the month of February, one Zoning Compliance Permit was issued, which was requested by the applicant for a Child Care/Early Learning Center in a P-1 Professional Office Zone. Technical assistance was also provided to customers and Building Inspection with regard to review of second kitchens within residences, interpretation of Article 15 yard requirements, accessory structures, proposed uses within a zone, and review of plans for residential projects within ND-1 areas. A total of 5 zoning certification letters were requested and/or provided during February to various law offices and due diligence zoning research firms. State forms required for liquor licenses, auto dealerships, and salons are also being managed at this time via e-mail, and 13 of these application forms were reviewed and approved during February. In addition, a number of phone calls from design professionals, investors, real estate agents, attorneys and the general public were taken, and several persons were assisted with navigating through the on-line Accela application process.

Permitting & Zoning Compliance Section (March 2021)

Since January 1, 2012 a Zoning Compliance Permit (ZCP) has been required before a building or premises can be occupied for a specific use or a change in use, with some exceptions for agricultural uses and single-family or two-family residences. Zoning Compliance signoff in the ACCELA permitting system is the equivalent of a Zoning Compliance Permit. All commercial building and paving permit applications, and some residential applications, originating in Building Inspection during the month are forwarded to Zoning Compliance for review and approval. During March, a total of 101 commercial, paving, residential permits and applications for certificates of occupancy were reviewed in ACCELA by Zoning Compliance. Due to the continuing restrictions on public access, no commercial plan review sessions are being scheduled by Building Inspection at this time; all construction plan review is performed online.

During the month of March, a total of six Zoning Compliance Permits were issued, including uses such as two Child Care/Early Learning Centers, a residential care facility in a single-family residence, a short-term rental in a single-family residence, temporary (seasonal) garden center sales in a B-6P zoned lot, and for retail sales of storage sheds on a B-3 zoned lot. Technical assistance was also provided to customers and Building Inspection with regard to review of second kitchens within residences, interpretation of Article 15 yard requirements, accessory structures, proposed uses within a zone, and review of plans for residential projects within ND-1 areas. A total of 12 zoning certification letters were requested and provided during March to various law offices and due diligence zoning research firms. State forms required for liquor licenses, auto dealerships, and salons are also being managed at this time via e-mail, and 9 of these application forms were reviewed and approved during March. In addition, a number of phone calls from design professionals, investors, real estate agents, attorneys and the general public were taken, and several persons were assisted with navigating through the on-line Accela application process.

- 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.

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IX. MEETING DATES FOR APRIL AND MAY 2021

Technical Committee, Wednesday, 8:30 a.m., via teleconference	April 28, 2021
Work Session, Thursday, 1:30 p.m., via teleconference	April 29, 2021
Subdivision Committee, Thursday, 8:30 a.m., via teleconference	May 6, 2021
Zoning Committee, Thursday, 1:30 p.m., via teleconference	May 6, 2021
Subdivision Items Public Meeting , Thursday, 1:30 p.m., via teleconference	May 13, 2021
Work Session, Thursday, 1:30 p.m., via teleconference	May 20, 2021
Technical Committee, Wednesday, 8:30 a.m., via teleconference	May 26, 2021
Zoning Items Public Hearing , Thursday, 1:30 p.m., via teleconference	May 27, 2021

X. ADJOURNMENT

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