

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

December 16, 2021

- I. **CALL TO ORDER** - The meeting will be called to order at 1:30 p.m. in the Council Chamber, 2nd Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.
- II. **APPROVAL OF MINUTES** – The minutes of the October 28, 2021, meeting will be considered by the Planning Commission 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, December 2, 2021, at 8:30 a.m. The meeting was attended by Commission members Ivy Barksdale, Headley Bell, Anthony de Movellan, Janice Meyer, Frank Penn, and Judy Worth. Committee members in attendance were: Vaughan Adkins, Division of Engineering; and Stephen Parker, Division of Traffic Engineering. Staff members in attendance were: Traci Wade, Tom Martin, Hal Baillie, Cheryl Gallt, Daniel Crum, Samantha Castro, and Stephanie Cunningham; Captain Greg Lengal and Firefighter Embry Beatty, Division of Fire and Emergency Services; Doug Burton, Division of Engineering; Jennifer Carey, Demetria Mehlhorn, and Kristan Curry, Environmental Quality and Public Works; Rob Poage, Addressing; 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)
- 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.

- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, December 2, 2021, to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members: Zach Davis, Larry Forester, Janice Meyer (non-voting), Robin Michler, and Bruce Nicol. Staff members in attendance were: Traci Wade, Hal Baillie, Tom Martin, Daniel Crum, Samantha Castro, and Debbie Woods; Craig Bencz, Mayor's Office; 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

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

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.

1. HARRODSBURG ROAD LLC ZONING MAP AMENDMENT & SHRINERS HOSPITAL / MASONIC TEMPLE ASSOCIATION OF LEXINGTON KENTUCKY ZONING DEVELOPMENT PLAN

- a. PLN-MAR-21-00016: HARRODSBURG ROAD LLC (12/06/21)*- a petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Highway Service Business (B-3), for 7.88 net (9.245 gross) acres, and from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 3.88 net and gross acres, for property at 4085 Harrodsburg Road.

COMPREHENSIVE PLAN AND PROPOSED USE

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

The applicant is seeking to rezone a portion of the subject property from an Agricultural Urban (A-U) zone to the Highway Service Business (B-3) zone in an effort to construct a continuation of the commercial shopping center located at the corner of Man O War Boulevard and Harrodsburg Road. Additionally, the applicant is seeking to rezone the remaining portion of the subject property from an Agricultural Urban (A-U) zone to the Planned Neighborhood Residential (R-3) zone to develop a separate low density residential development with 14 single family residential lots.

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

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

1. The requested rezoning to Highway Service Business (B-3) zone and the Planned Neighborhood Residential (R-3) are not in agreement with the 2018 Comprehensive Plan for the following reasons:
 - a. The requested zones are not recommended zones within the Comprehensive Plan and the applicant has not provided sufficient information as to how the zones fit the proposed Place-Type or Development Type.
 - b. The requested rezoning is not in agreement with the Goals, Objectives, and Policies of the 2018 Comprehensive Plan.
 - c. The proposed development does not meet the intent of the Medium Density Non-Residential / Mixed Use Development Type.
 - d. The requested rezoning is not in agreement with 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 applicant has not provided evidence as to why the current zoning is inappropriate and the proposed zoning is the most appropriate zone for this location.

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- b. PLN-MJDP-21-00055: SHRINERS HOSPITAL / MASONIC TEMPLE ASSOCIATION OF LEXINGTON KENTUCKY (12/06/21)* - located at 4085 HARRODSBURG ROAD, LEXINGTON, KY.
Project Contact: Vision Engineering

The Subdivision Committee Recommended: **Postponement**. There were questions regarding access to Harrodsburg Road, the lack of a tree inventory map, the number of proposed drive-through facilities, and internal vehicular and pedestrian connections.

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

1. Provided the Urban County Council rezones the property R-3/B-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Department of Environmental Quality's approval of environmentally sensitive areas.
6. United States Postal Service Office's approval of kiosk locations or easement.
7. Discuss proposed access to Harrodsburg Road and need for waiver.
8. Discuss proposed number of drive-through facilities and potential traffic conflicts.
9. Discuss internal vehicular and pedestrian access and connectivity.
10. Denote location of existing tree inventory on the site.
11. Discuss Placebuilder criteria.
 - 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.
 - A-DS5-3: Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
 - A-DS5-4: Development should provide a pedestrian-oriented and activated ground level.
 - A-DS7-1: Parking should be oriented to the interior or rear of the property for nonresidential or multi-family developments.
 - A-DS7-2: Any non-residential or multi-family parking not buffered by a building should be screened from the streetscape view and adjacent properties.
 - A-DS7-3: Parking structures should activate the ground level.
 - A-DS8-1: At the individual street level, medium density housing types should be interspersed with single-family detached units and should be context sensitive.
 - A-DS10-1: Residential units should be within reasonable walking distance to a focal point.
 - A-DS11-1: Common public uses that serve as neighborhood focal points, such as parks and schools, should be on single loaded streets.
 - A-DN2-1: Infill residential should aim to increase density.
 - A-DN2-2: Development should minimize significant contrasts in scale, massing and design, particularly along the edges of historic areas and neighborhoods. (D-PL9, E-GR6)
 - A-DN3-1: Pedestrian-oriented commercial opportunities should be incorporated within residential neighborhoods.
 - A-DN3-2: Development should incorporate residential units in commercial centers with context sensitive design.
 - A-EQ3-1: Development should create context sensitive transitions between intense corridor development and existing neighborhoods.
 - B-PR9-1: Minimize disturbances to environmentally sensitive areas by utilizing the existing topography to the greatest extent possible.
 - B-SU11-1: Green infrastructure should be implemented in new development. (E-GR3)
 - C-DI1-1: Consider flexible zoning options that will allow for a wide range of jobs.
 - C-DI5-1: In Opportunity Zones with a clearly defined local context, consider adaptive reuse to enhance the existing context.
 - C-LI2-2: Non-agricultural uses at or near potential and existing gateways, as mapped in the Rural Land Management Plan, should be buffered.
 - C-LI2-3: Design should create a positive gateway character at existing and proposed gateways as identified in the Rural Land Management Plan.
 - C-LI2-4: Setbacks, signage, and screening should complement the iconic Bluegrass landscape along Historic Turnpikes, Scenic Byways, Turnpikes, and other scenic roads listed in the RLMP.
 - C-LI6-1: Developments should incorporate multi-family housing and walkable commercial uses into development along arterials/corridors.
 - C-LI7-1: Developments should create mixed-use neighborhoods with safe access to community facilities, green-space, employment, businesses, shopping, and entertainment.
 - C-PS9-2: Modify current office space to include complementary uses.

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- C-PS10-2: Developments should explore options for shared and flexible parking arrangements for currently underutilized parking lots.
- C-PS10-3: Over-parking of new developments should be avoided. (B-SU5)
- D-PL7-1: Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
- D-PL9-1: Historically significant structures should be preserved.
- D-PL10-1: Activate the streetscape by designating public art easements in prominent locations.
- D-SP3-1: Adequate right-of-way, lease areas and easements for infrastructure, with emphasis on wireless communication networks should be provided to create reliable service throughout Lexington.
- D-SP3-2: Cellular tower antennae should be located to minimize intrusion and negative aesthetic impacts, and stealth towers and landscaping should be used to improve the visual impact from the roadway and residential areas.
- D-SP9-1: Encourage co-housing, shared housing environments, planned communities and accessory dwelling units for flexibility and affordability for senior adults and people with disabilities.
- E-GR4-1: Developments should incorporate reuse of viable existing structures.
- E-GR5-1: Structures with demonstrated historic significance should be preserved or adapted.
- E-GR9-1: Live/work units should be incorporated into residential developments.
- E-GR9-4: Development should intensify underutilized properties and develop vacant and underutilized gaps within neighborhoods. (E-GR6)
- E-GR10-2: Developments should provide walkable service and amenity-oriented commercial spaces.
- E-GR10-3: Shared common space in commercial developments should be provided to encourage experiential retail programming.
- A-DS1-1: Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7).
- A-DS1-2: Direct pedestrian linkages to transit should be provided.
- 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-L17, E-AC5)
- A-DS5-1: Adequate multi-modal infrastructure should be provided to ensure vehicular separation from other modes of transport.
- A-DS5-2: Roadways should provide a vertical edge, such as trees and buildings.
- A-DS10-2: New focal points should be designed with multi-modal connections to the neighborhood.
- A-DS13-1: Stub streets should be connected. (D-CO4)
- A-EQ3-2: Development on corridors should be transit-oriented (dense & intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure & facilities). (B-SU3)
- A-EQ7-2: Multi-modal transportation options for healthcare and social services facilities should be provided. (E-ST3)
- B-SU4-1: Where greenspace/community centers are not located within walking distance of a new development, applicants should attempt to incorporate those amenities. (A-DS9)
- C-PS10-1: Flexible parking and shared parking arrangements should be utilized.
- D-CO1-1: Rights-of-way and multi-modal facilities should be designed to reflect and promote the desired place-type.
- D-CO2-1: Safe facilities for all users and modes of transportation should be provided.
- D-CO2-2: Development should create and/or expand a safe, connected multi-modal transportation network that satisfies all users' needs, including those with disabilities.
- D-CO4-2: Roadway capacity should be increased by providing multiple parallel streets, which alleviate traffic and provide multiple route options, in lieu of additional lanes.
- D-CO5-1: Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.
- D-SP1-3: Developments should provide multi-modal transportation infrastructure to school sites, including sidewalks, shared-use paths, and roadways that can accommodate the bus and vehicle traffic associated with the site.
- 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. (E-GR10, E-GR7)
- A-DS4-3: Development should work with the existing landscape to the greatest extent possible, preserving key natural features.
- A-EQ7-3: Community open spaces should be easily accessible and clearly delineated from private open spaces.
- B-PR2-1: Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.
- B-PR2-2: Dividing floodplains into privately owned parcels with flood insurance should be avoided.
- B-PR2-3: Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them.
- B-PR7-1: Connections to greenways, tree stands, and stream corridors should be provided.

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- 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.
- B-RE1-1: Developments should incorporate street trees to create a walkable streetscape.
- B-RE2-1: Green infrastructure should be used to connect the greenspace network.
- D-SP2-1: Visible, usable greenspace and other natural components should be incorporated into school sites.
- E-GR3-1: Physical and visual connections should be provided to existing greenway networks.
- E-GR3-2: New focal points should emphasize geographic features unique to the site.

2. TALON DEVELOPMENT INC. ZONING MAP AMENDMENT & TALON ESTATES ZONING DEVELOPMENT PLAN

- a. PLN-MAR-21-00019: TALON DEVELOPMENT INC. (01/30/22)*- a petition for a zone map amendment from an Agricultural Rural (A-R) zone to an Agricultural Buffer (A-B) zone, for 134.72 net (135.23 gross) acres, for property at 7086 Bates Creek Road (a portion of).

COMPREHENSIVE PLAN AND PROPOSED USE

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The applicant is seeking to rezone a portion of the subject property from an Agricultural Rural (A-R) zone to the Agricultural Buffer (A-B) zone to allow for the creation of thirteen (13) ten-acre lots and four (4) forty-acre lots.

The Zoning Committee Recommended: **Approval**.

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

1. The requested Agricultural Buffer (A-B) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives and the 2017 Rural Land Management Plan, for the following reasons:
 - a. The proposed project will uphold the Urban Services Area concept (Theme E, Goal #1), by ensuring that all types of development are environmentally, economically and socially sustainable to accommodate the future growth needs of all residents while safeguarding rural land (Theme E, Goal #1.b).
 - b. These plans recommend a Buffer Area land use for the subject property. The petitioner proposes Agricultural Buffer (A-B) zoning for the property, which is the zoning category intended to establish the recommended buffer.
 - c. A total of thirteen lots, all 10-acres in size or larger, are proposed for the subject property, which is consistent with the parcel size recommended in the 2017 Rural Land Management Plan for buffer areas, and complies with the minimum lot size established in the Zoning Ordinance for the A-B zone.
 2. This recommendation is made subject to approval and certification of PLN-MJDP-21-00066: Talon Estates, 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-21-00066: TALON ESTATES (01/30/22)* - located at 7086 TATES CREEK ROAD, LEXINGTON, KY
Project Contact: EA Partners, PLC

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

1. Provided the Urban County Council rezones the property A-B; 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 and tree protection plan.
5. Department of Environmental Quality's approval of environmentally sensitive areas.
6. United States Postal Service Office's approval of kiosk locations or easement.
7. Denote building line on Lot #13.
8. Provided the Planning Commission approves the requested waiver for Talon Lane.
9. Provided the Planning Commission makes a finding regarding sole access via an access easement for Lots #13 and #17.

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3. COWGILL, INC. ZONING MAP AMENDMENT & CANDIA CORPORATION ZONING DEVELOPMENT PLAN

- a. PLN-MAR-21-00020: COWGILL, INC. (01/30/22)*- a petition for a zone map amendment from a Neighborhood Business (B-1) zone to a High Rise Apartment (R-5) zone, for 1.5956 net (1.7176 gross) acres, for property at 340 Legion Drive (a portion of). A dimensional variance to reduce the property perimeter landscape buffer from fifteen (15) feet to zero (0) feet and to eliminate the landscaping requirements was also requested with this application.

COMPREHENSIVE PLAN AND PROPOSED USE

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The applicant is seeking to rezone a portion of the subject property from a Neighborhood Business (B-1) zone to the High Rise Apartment (R-5) zone in an effort to construct a five-story multi-family residential structure.

The Zoning Committee Recommended: Postponement.

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-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. 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-DS7-1 Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
 - e. A-DS7-2 Any non-residential or multi-family parking not buffered by a building should be screened from the streetscape view and adjacent properties.
 - f. B-SU11-1 Green infrastructure should be implemented in new development. (E-GR3)
 - g. D-CO2-1 Safe facilities for all users and modes of transportation should be provided.
 - h. D-CO2-2 Development should create and/or expand a safe, connected multi-modal transportation network that satisfies all users' needs, including those with disabilities.
- b. **VARIANCE REQUEST** – One dimensional variance to reduce the required property perimeter requirements between a Neighborhood Business (B-1) zone and a High Rise Apartment (R-5) zone from fifteen (15) feet to zero (0) feet and eliminate all landscape materials.

The Zoning Committee recommended: Postponement, for the reasons provided by staff.

The Staff Recommends: Disapproval, for the following reasons:

1. The applicant has not provided an application that indicates a reason for the proposed reduction of the property perimeter requirements. No evidence has been provided regarding:
 - a. Special circumstances which do not generally apply to land in the general vicinity or in the same zone.
 - b. What provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; or
 - c. The circumstances that are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
- c. PLN-MJDP-21-00065: CANDIA CORPORATION (01/30/22)* - located at 340 LEGION DRIVE, LEXINGTON, KY
Project Contact: Carman

The Subdivision Committee Recommended: Postponement. There are questions regarding compliance with stormwater requirements, tree inventory, proposed B-1 use, and building orientation.

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

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.

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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. Dimension access point at northeast corner of site.
10. Dimension the proposed building.
11. Depict construction access point.
12. Depict street cross-section on plan face.
13. Addition of tree inventory map (TIP) per Article 26.
14. Discuss stormwater detention.
15. Discuss compliance with Multi-Family Design Standards.
16. Discuss building orientation to right-of-way.
17. Discuss need for a conditional use permit for parking lot in a Neighborhood Business (B-1) zone.
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. A-DS5-4 Development should provide a pedestrian-oriented and activated ground level.
 - d. A-DS7-1 Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
 - e. A-DS7-2 Any non-residential or multi-family parking not buffered by a building should be screened from the streetscape view and adjacent properties.
 - f. B-SU11-1 Green infrastructure should be implemented in new development. (E-GR3)
 - g. D-CO2-1 Safe facilities for all users and modes of transportation should be provided.
 - h. D-CO2-2 Development should create and/or expand a safe, connected multi-modal transportation network that satisfies all users' needs, including those with disabilities.

4. URBAN COUNTY COUNCIL ZONING MAP AMENDMENT

- a. PLN-MAR-21-00021: URBAN COUNTY COUNCIL. (01/30/22)*- a petition for a zone map amendment from an Agricultural Rural (A-R) zone for 136.26 net (172.26 gross) acres, an Agricultural Urban (A-U) zone for 56.33 net (63.17 gross) acres, and a University Research Campus (P-2) zone for 7.41 net and gross acres to a restricted Light Industrial (I-1) zone for the properties located at 2850 Georgetown Road and 1490 Bull Lea Road (a portion of).

COMPREHENSIVE PLAN AND PROPOSED USE

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The Urban County Council is seeking to rezone the subject properties from the Agricultural Rural (A-R), Agricultural Urban (A-U), and University Research Campus (P-2) zone to a restricted Light Industrial (I-1) zone to allow for the development of the Legacy Business Center.

The Zoning Committee Recommended: **Approval**.

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 allows for the procurement and development of publicly-controlled economic development land to meet Fayette County's need for jobs (Theme C, Goal #3).
 - b. The proposed rezoning will promote this area and allow for development that supports and showcases local assets to create a variety of jobs (Theme C, Goal #1).
 - c. The proposed rezoning will attract new business and allow local businesses to expand, encourage entrepreneurial development, and enhance the ability for businesses to recruit and retain a talented and created workforce (Theme C, Goal #2).

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- d. The proposed development will apply environmentally sustainable practices to protect, conserve, and restore landscapes and natural resources (Theme B, Goal #3.b), through the incorporation of green infrastructure (Theme B, Goal #3.c), buffering, and the limitation of uses that would be detrimental to the environment (Theme B, Goal #3.b).
- e. The proposed rezoning will maximize development on underutilized land with the Urban Service Area (Theme E, Goal #1.d) in an effort to preserve the urban and rural balance (Theme E, Goal #1).
- f. The proposed development will provide a well-designed community (Theme A, Goal #3) that establishes positive and safe social interactions, which connect neighborhoods with amenities through pedestrian and bike infrastructure (Theme A, Goal #3.b; Theme D, Goal #1.b).
- g. The proposed development will minimize the disruption of natural features when building (Theme A, Goal #3.c) by preserving and buffering the naturalized area, which will also promote, maintain, and expand the urban forest in Lexington (Theme A, Goal #3.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 development will provide cohesive industrial development that includes amenities, provides connectivity for bike and pedestrian mobility, and promotes the preservation and maintenance of the environmental aspects of the site.
 - b. The proposed rezoning meets the criteria for Transportation and Pedestrian, as development will provide pedestrian access throughout the site and connecting into the established trail system. The proposed internal roadway will also allow for proper circulation for the larger, industrial traffic.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will protect and increases tree canopy coverage, and protects the natural features on the site, including the Royal Springs Aquifer.
- 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. Wholesale establishment, wholesale establishment with warehouses, storage, and warehousing.
 - ii. Laundry (excluding self-service laundry), clothes cleaning or dyeing shop.
 - i. Ice plant.
 - iv. Tire retreading and recapping.
 - v. Parking lots and structures.
 - vi. Machine shop.
 - vii. Kennels, animal hospitals or clinics.
 - viii. Garden centers.
 - ix. Truck terminals and freight yards.
 - x. Automobile service stations, subject to the conditions of Article 16.
 - xi. Major or minor automobile and truck repair.
 - xii. Establishments for the display and sale of precut, prefabricated, or shell homes.
 - xiii. Carnivals.
 - xiv. Retail sale of building materials and lumber.
 - xv. Pawnshops.
 - xvi. Shredding, sorting and baling of paper scrap and storage of waste paper.
 - xvii. Automobile and vehicle refueling stations.
 - xviii. Indoor recreational activities, including, but not limited to, indoor tennis courts; skating rinks; athletic club facilities and bowling alleys.
 - xix. Mining of non-metallic minerals.
 - xx. Circuses.
 - xxi. Ecotourism activities to include campgrounds; commercial hiking, bicycling, equine and zip line trails; tree canopy trails; canoeing and kayaking launch sites; recreational outfitters; fishing and hunting clubs; botanical gardens; nature preserves; and seasonal activities, including associated gift shops as an accessory use.
 - xxii. Market gardens.
 - xxiii. Billboards.
 - xxiv. Recycling, sorting, baling and processing of glass and nonferrous metals, including copper; brass; aluminum; lead and nickel, but not including automobile wrecking yard; building materials salvage; junk yards or other uses first permitted in the I-2 zone. Recycling, and processing of paper shall be permitted only when wholly conducted in a completely enclosed building.
 - xxv. Commercial wood lots.
 - xxvi. Retail sale of liquid propane.
 - xxvii. Automobile, truck, ATV, motorcycle, bicycle motocross, or other vehicle or bicycle race tracks.
 - xxviii. Public utilities and public service uses and structures.
 - xxix. Penal or correctional institutions
 - xxx. Cable television system facilities, including transmitting towers; antennas; earth stations; microwave dishes; relays; business offices; television studios; and storage facilities.
 - xxxi. Vehicle storage yards.

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- xxxii. Commercial composting.
- xxxiii. Helistops and heliports.
- xxxiv. Community Centers.
- xxxv. Day Shelters.

b. All development sites within the Legacy Business Center shall be governed by a final development plan.

These restrictions are appropriate and necessary for the following reasons:

1. To protect the appearance of the Georgetown 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.

- 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.

A. **Transportation Planning / MPO Activity Report August 2020**

1.0 Transportation System Data & Monitoring

- Worked with Populus and Remix, a third party data-management company platform, to process and evaluate multiple shared mobility companies' data.
- Logged data for various bike counters on local trails.
- Reviewed regional freight study data requirements and sources and collected relevant freight study data.
- Worked with Bluegrass Area Development District staff to obtain regional freight study data.
- Reviewed transportation planning data acquisition requirements for a Request for Proposal for a Multimodal Mobility Data Analytics Platform.
- Worked on a bike/pedestrian data collection and evaluation plan.
- Updated GIS layers for traffic counts, truck volumes, bridge condition, traffic crashes and severity.

2.0 Identify & Prioritize Projects

- Attended review meetings for the Congestion Management (CM) Bottleneck Study draft reports. Addressed draft report comments received from the Steering Committee members.
- Reviewed CM Bottleneck Study progress report and processed invoice.
- Prepared contract with the selected consultant for the East Lexington Trail Connectivity and Traffic Safety Study and submitted for Council approval.

3.0 Program & Project Implementation

- Conducted multiple meetings with Shared Mobility providers.
- Evaluated Shared Mobility Vehicle permits for compliance with the ordinance, managed current licensees and associated data, and completed daily enforcement activities regarding the rebalancing requirement.
- Reviewed paving lists for bicycle facility improvement opportunities during upcoming resurfacing projects.
- Attended 4 weekly paving coordination meetings.
- Coordinated with Populus and other pilot cities on curb management innovations to reduce congestion at the curb, in vehicular lanes and bike lanes and improve safety at the curb.
- Conducted a KYTC/MPO/LFUCG Project Team Meeting to track progress of projects in the TIP.
- Attended a coordination meeting with LFUCG Engineering regarding the N Limestone sidewalk and roadway improvement project.
- Completed TIP Modification 9: Liberty Rd project; Valley View Ferry (Purchase 2 Engines); and Lextran (Purchase 2 Electric Buses/Chargers).

4.0 Land Use & Transportation Impact

- Reviewed and submitted comments in Accela for bike/pedestrian circulation requirements associated with development plans.

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- Corresponded on development plans approved by the Planning Commission for compliance with conditional signoff requirements.
- Responded to various inquiries with development groups to work through requirements for multi-modal compliance with the subdivision regulations.
- Held virtual meetings with Lextran staff concerning transit aspects on submitted plans.
- Attended one pre-application meetings to provide transportation planning input on future land-use applications.
- Attended regular LFUCG Subdivision and Zoning Committee meetings.
- Continued review of Traffic Impact Study for 4085 Harrodsburg Road.
- Attended Board of Adjustment new case review meeting.
- Participated in monthly ZOTA work group meeting.
- Presented information on the Street Continuity SRA to the Planning & Public Safety Committee.
- Continued work on the Parking ZOTA and Greenspace ZOTA.
- Prepared a contract with the selected consultant for the Northeast New Circle Road Corridor Plan and submitted for Council approval.

5.0 Participation & Outreach (report for both October & November)

- Responded to various citizen/agency requests for information on bike and pedestrian issues.
- Held one team meetings to coordinate upcoming public outreach efforts for KYTC's Richmond Rd Safety Project.
- A newsletter including information on transportation planning related ZOTAs and SRA updates was delivered to ~90,000 homes. The newsletter was also included in packets sent to approximately 300 new homeowners in Lexington.
- Updated Safe Streets website to include information about the MPO and current outreach programs.
- Tabled at St. Martin's Village Neighborhood Association resource fair--talked about multi-modal safety to ~60 attendees, gave away 40 'Slow Down' yard signs.
- Led bike safety lesson as part of larger multi-modal safety curriculum at Safety City to three classes of second graders from Clays Mill Elementary ~60 students total.
- Met with officers at Safety City to discuss continuing partnership to incorporate a fleet of bikes into the curriculum next year.
- Print ads for the Glow Ride were published in Smiley Pete publications and Hamburg Journal/Ace Weekly; digital ads were placed in Lextropolis. Glow Ride promotional spots also aired on WEKU and WUKY radio.
- Participated in an interview on RadioLex promoting the Glow Ride.
- Promoted Glow Ride through social media and distributed flyers at community centers and events.
- Held Glow Ride event--approximately 150-200 attendees, many of them young or relatively new to biking. Passed out reflective gear, talked about visibility and safety at night, organized resource fair with other multi-modal transportation focused partners that distributed information to participants at the event.
- Two staff members received training and were certified as safe cycling instructors through the League of American Bicyclist to provide bike safety curriculum as part of outreach efforts.
- Participated in a panel discussion at the University of Kentucky Lewis Honors College on Town Branch Trail and Transportation Sustainability.
- Distributed the KYTC Statewide Long Range Transportation Plan public input surveys via digital sources, community-based locations, and collected in-person surveys at the LexTran Transit Center.
- Guest lecturer on the Imagine Nicholasville Road project for a UK Intro to Planning class and UK Civil Engineering class.
- Attended meetings for two Kids Bike Safety Days planned for Summer 2022 in Jessamine County.
- Re-initiated work on the MPO's web-based Project Story Map.
- The MPO website had 716 users (89% new users) and 1,553 page views in October and November.
- The MPO's Twitter site had 2,027 followers (9 new followers); 6 tweets; 4,754 impressions; 354 profile visits; and 42 engagements in November.
- The LexAreaMPO Facebook page had 3,540 followers (2 new followers); 7 posts; reached 1,485 users; and 52 engagements in November.
- The LexBikeWalk Facebook page had 4,396 followers (37 new followers); 7 posts; reached 4,300 users (post reach up by 21.3% from October); 238 engagements in November (up to 52.6%)
- The LexBikeWalk Instagram page had 252 followers (54 new followers); 9 posts; reached 1,285 users (reached 16.5% more accounts compared to October); and had 183 engagements in November. Instagram reach was up to 188% with 93 total accounts engaged.

6.0 Program Administration

- Attended Lextran board meeting.
- Coordinated with FTSB Director to oversee financial matters.
- Attended KPTA Conference in Lexington KY at Convention Center.

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- Served as Transit Rodeo Judge at KPTA Conference.
- Packets and meeting minutes were prepared for the Bicycle and Pedestrian Advisory Committee (BPAC).
- Attended Commission for People with Disabilities meeting.
- Attended Corridors Commission meeting.
- Attended Bluegrass ADD Regional Transportation Committee meeting.
- Held a meeting with KYTC District 7 representatives to discuss projects and initiatives of mutual interest.
- Participated in a FHWA interview/survey regarding Integrated Planning between MPOs and Federal Land Management agencies.
- Participated as a panelist in the Mornings with Planning webinar - Connected and Automated Vehicles Preparedness and Readiness.
- Attended webinar: Trains, Buses, People: An Atlas of US and Canadian Transit.
- Participated in LFUCG Council Planning and Public Safety Committee Meeting.
- Reviewed applicants for vacant Transportation Planner Senior positions.
- Processed budget amendments for FTA 5303 funds.
- Processed KYTC contract amendment to carryover FTA 5303 funds for Lextran Comprehensive Operational Analysis.
- Attended USDOT Public Meeting on Justice 40 Initiative.
- Attended APA Webcast: Planning for Innovation in Transportation.
- Attended Webinar: Short Term Bike Parking and the Law of Attraction, hosted by Dero and the League of American Bicyclists.
- Attended Webinar: The Art and Science of Virtual Public Engagement for Transportation Planning.
- Attended Webinar: Everything you need to know about the new infrastructure bill.
- Attended the Joint AMPO GIS & Data Visualization and Data Working Group Coffee Chat via Zoom.

C. **Zoning Compliance Planning Activity Report**

Zoning Enforcement/Compliance

During the month of November 2021, eighteen (18) new cases were initiated, with the majority of those being reports of miscellaneous zoning violations. Those included complaints of lighting (light pollution), violations of landscape buffers and storage sheds. Seventeen (17) 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 ten (10) properties with conditional uses during November. All were determined to be either under construction, in substantial compliance with conditions imposed by the Board of Adjustment, or conditions have been permanently satisfied, requiring no further inspections.

Board of Adjustment

Seven (7) applications were on the agenda for consideration by the Board of Adjustment in November 2021. One (1) request for a variance was withdrawn by the applicant, and two (2) requests were postponed to the December 13, 2021 meeting. One of those being a request for variances and the other for a conditional use. Both were postponed to allow the applicants more time to work on their applications and site plans. One (1) request for a variance was denied by the Board. Three (3) requests for conditional use permits were approved by the Board.

Permitting & Zoning Compliance Section

Under Article 5 of the Zoning Ordinance, 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 approval of a permit application in the ACCELA permitting system is the equivalent of issuance of a Zoning Compliance Permit. All commercial building and paving permit applications, and certain residential applications, originating in Building Inspection during the month are forwarded to Zoning Compliance for review and approval. During November, a total of 90 commercial, paving, residential permits and applications for certificates of occupancy were reviewed in ACCELA by Zoning Compliance. Commercial plan review (live) was conducted by Building Inspection on three Tuesdays during November. Two applications for residential Accessory Dwelling Units (ADU's) were reviewed during the month, with one of those being approved.

During the month of November, one Zoning Compliance Permit was requested and issued, for a Home Occupation in a single-family residence (as an accessory use). Technical assistance was provided to citizen customers and to Building Inspection with regard to review of second kitchens within residences, interpretation of Article 15 yard requirements, accessory structures, set-back questions, proposed uses within a zone, and review of plans for residential projects within ND-1 areas. A total of 20 zoning certification letters were requested and provided during November to various law firms, real estate offices, and due diligence zoning research firms. State forms required for liquor licenses, auto dealerships, and salons are also reviewed and approved by Zoning Compliance, and 8 of these application forms were reviewed and approved during the month. In addition, a number

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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. The One-Stop Shop office was also staffed on Monday and Tuesday afternoons during the month.

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 JANUARY 2022

Technical Committee, Wednesday, 8:30 a.m., via video teleconference	December 22, 2021
Subdivision Committee, Thursday, 8:30 a.m., via video teleconference	January 6, 2022
Zoning Committee, Thursday, 1:30 p.m., via video teleconference	January 6, 2022
Subdivision Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	January 13, 2022
Work Session, Thursday, 1:30 p.m., 3 rd Floor Conference Room, Phoenix Building	January 20, 2022
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers, Government Center	January 27, 2022

X. ADJOURNMENT

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