

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

April 28, 2022

- I. **CALL TO ORDER** – Chairman Forester called to order at 1:30 p.m. in the Council Chamber, 2nd Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.

ATTENDANCE – Members present were: Chair Larry Forester, Vice Chair Frank Penn, Ivy Barksdale (arrived at 2:38 p.m.), Zach Davis, Janice Meyer, Robin Michler, Bruce Nicol, Graham Pohl and Judy Worth (Headley Bell and Anthony de Movellan absent). Planning staff members present were: Jim Duncan, Director; Traci Wade, Hal Baillie, Cheryl Gallt, Daniel Crum, Bill Sheehy, and Stephanie Cunningham. Other staff members present were: Vaughn Adkins, Division of Engineering; Stephen Parker, Division of Traffic Engineering; Captain Greg Lengal, Division of Fire and Emergency Services; and Tracy Jones, Department of Law.

- II. **APPROVAL OF MINUTES** – A motion was made by Ms. Worth, seconded by Ms. Meyer for the approval of the minutes of the March 24, 2022 public hearing, and carried 8-0 (Barksdale, Bell, and de Movellan absent).

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

1. **PLN-ZOTA-22-00006: AMENDMENT TO ARTICLE 22, APPENDIX C TO CREATE THE PLANNED UNIT DEVELOPMENT 3 (PUD-3) ZONE** – petition for a Zoning Ordinance text amendment to create a new Planned Unit Development 3 (PUD-3) zone (Article 22) to allow a mixed-use development that would permit a blend of residential, commercial, entertainment, and industrial uses.

INITIATED BY: Turner Property 4, LLC

PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: **Postponement**.

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

1. The proposed text amendment does not yet fully meet the intent and requirements established by Article 22 of the Zoning Ordinance regarding the creation of a Planned Unit Development (PUD). The site criteria, design standards, and proposed uses necessitate greater review.
2. The proposed text amendment does not provide a planning process that is conforming with Article 21 of the Zoning Ordinance.

Applicant Representation: Zach Cato, representing the petitioner, said that they would like a postponement of this text amendment to the May 26, 2022 meeting. He said that he wanted the postponement to further work with staff on this text amendment.

Action: A motion was made by Mr. Penn, seconded by Mr. Pohl, and carried 8-0 (Barksdale, Bell, and de Movellan absent) to postpone **PLN-ZOTA-22-00006: AMENDMENT TO ARTICLE 22, APPENDIX C TO CREATE THE PLANNED UNIT DEVELOPMENT 3 (PUD-3) ZONE** to the May 26, 2022, meeting.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, April 7, 2022, 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: Vaughn Adkins, Division of Engineering; and Stephen Parker, Division of Traffic Engineering. Staff members in attendance were: Jim Duncan, Traci Wade, Autumn Goderwis, Tom Martin, Hal Baillie, Meghan Jennings, Cheryl Gallt, Samantha Castro, and Stephanie Cunningham; Captain Greg Lengal, Division of Fire and Emergency Services; Doug Burton, Division of Engineering; Jeff Neal, Division of Traffic Engineering; and Tracy Jones, Department of Law.

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

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

- (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, April 7, 2022, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Zach Davis, Robin Michler, Graham Pohl, and Larry Forester. Staff members in attendance were: Jim Duncan, Traci Wade, Hal Baillie, Tom Martin, Daniel Crum, Samantha Castro, and Tracy Jones, Department of Law. The Committee members reviewed applications and made recommendations as noted.

A. ABBREVIATED PUBLIC HEARINGS ON ZONING MAP AMENDMENTS

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

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

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

1. MILLENNIUM REALTY, LLC ZONING MAP AMENDMENT & CHARLES A. & DARLENE MARTHA PROPERTY ZONING DEVELOPMENT PLAN

- a. **PLN-MAR-22-00004: MILLENNIUM REALTY, LLC** – a petition for a zone map amendment from a Highway Service Business (B-3) zone to a Light Industrial (I-1) zone, for 7.997 net (8.187 gross) acres, and from a Planned Shopping Center (B-6P) zone to a Light Industrial (I-1) zone, for 0.00 net (0.65 gross) acres, for property located at 2417 Georgetown 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.

This petitioner is proposing the Light Industrial (I-1) zone to attract and support future light industrial uses. The applicant has indicated that the submitted preliminary development plan is speculative, and will be altered with a Final Development Plan for the end user of the site. The preliminary development plan for this request details a 98,900 square-foot industrial facility, with accompanying parking and loading areas, an access drive to help facilitate future connectivity to Innovation Drive to the west, and landscaping. As the applicant has indicated that the proposed preliminary plan is subject to change, it is essential that the Final Development Plan comply with all applicable Placebuilder criteria in order to ensure the appropriateness and compatibility of the development.

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

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

1. The requested Light Industrial (I-1) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed development will activate a large tract of undeveloped land within the Urban Service Area (Theme E, Goal #1.d) and expand industrial land in Lexington.

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- b. The proposed rezoning will help with the creation of a variety of jobs (Theme C, Goal #1.a) by opening the subject property up to future light industrial uses employers.
2. The requested Light Industrial (I-1) zone is in agreement with the 2018 Comprehensive Plan's Policies, for the following reasons:
 - a. The proposed development meets Livability Policy #9, as the request seeks to promote economic development through the preservation of strategically and appropriately located industrial and production zoned land.
 - b. The proposed development meets Diversity Policy #2, as the request seeks to encourage a diverse economic base through the wider array of employment opportunities, which may be provided by the I-1 zoning
3. 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 request creates an appropriately sized industrial development that will allow for the zoning flexibility to generate a wider range of jobs.
 - b. These proposed rezoning addresses the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan, as the proposal will include safe facilities for the potential users of the site and will include designated pedestrian facilities.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it calls for preservation of existing vegetation and significant trees, maintains existing drainage patterns, and limits development to cleared portions of the site.
4. 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. These restrictions support both the applicant's and the 2018 Comprehensive Plan's goals of enhancing the economic development of the area through the addition of a large number of well-paying light industrial jobs.
 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.
5. This recommendation is made subject to approval and certification of PLN-MJDP-22-00012: Charles A & Darlene Martha Property, 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-22-00012: CHARLES A. & DARLENE MARTHA PROPERTY** (06/05/22)* - located at 2417 GEORGETOWN RD, LEXINGTON, KY.
Project Contact: Thoroughbred Engineering

Note: The purpose of this plan is to depict reuse of the subject property with a 98,900 square foot warehouse and associated off-street parking, in support of the requested zone change from a Highway Service Business (B-3) zone to a Light Industrial (I-1) zone.

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

1. Provided the Urban County Council rezones the property I-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.

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5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Correct Note #3.
8. Delete Tree Preservation Plan information intended for Final Development Plan.
9. Delete Note #8.
10. Addition of existing and proposed easements.
11. Clarify Note #11.
12. Discuss connection to Curtsinger Property to the northwest of the subject property.
13. Discuss proposed access along Georgetown Road.
14. Discuss Placebuilder criteria:
 - a. D-CO1-1: Rights-of-way and multi-modal facilities should be designed to reflect and promote the desired Place type.
 - b. D-CO2-1: Safe facilities for all users and modes of transportation should be provided.

Staff Zoning Presentation – Mr. Crum presented the staff report and recommendation for the zone change application. He displayed photographs of the subject property and of the general area. He stated that the applicant was seeking a zone map amendment from a Highway Service Business (B-3) zone and a Commercial Center (B-6P) zone to a Light Industrial (I-1) zone, for 7.997 net (8.837 gross) acres, for future light industrial use, although there is no final tenant at this time. Due to the lack of a final tenant, Mr. Crum notes that much of this request will be speculative. Mr. Crum presented aerial and zoning maps to orient the Commission to the property, pointing out that the subject properties' proximity to arterial roads like Newton Pike and the interstate made it an attractive location for industrial use. The applicant is seeking to bring in a tenant that can provide high paying jobs in the area. Mr. Crum finalized the presentation with a review of the recommended findings for approval, and recommended conditional zoning restrictions that were covered within the staff report. Mr. Crum noted that the zoning committee recommended approval.

Commission Questions – None.

Staff Development Plan Presentation – Ms. Gallt presented the staff report and recommendations for the associated Development Plan. Ms. Gallt presented a colored rendering of the subject property and reviewed the current development. She then presented the proposed conditions of approval. Ms. Gallt noted that there were two discussion questions: the status of the connection to the Curtsinger Property to the northwest of the subject property (#12), and the proposed access along Georgetown Road (#13). Both of these conditions were discussed in the subdivision meeting; Ms. Gallt stated that since this is a preliminary development plan, these conditions should be resolved by the time of the final development plan. Additionally, there was a final discussion question regarding the Placebuilder Development Criteria, but Ms. Gallt indicated that the discussion regarding the Placebuilder Development Criteria could be deleted, as the applicant had addressed these items, as illustrated by Mr. Crum's presentation.

Commission Questions – Mr. Pohl asked who would be responsible for the access road along Georgetown Road. Mr. Fred Eastridge, Thoroughbred Engineering, stated that at this time, the plan is for it to be a private access road that would be maintained by the property owner. Mr. Eastridge said that might change to a public access road, but the plan right now is for it to be private. Mr. Ed Yancy, attorney for Millennium Realty, gave additional detail regarding the service road, saying that the service road at the moment is owned by the State of Kentucky. They have attempted to buy the road, but the Transportation Cabinet would not sell it.

Commission Questions – Mr. Penn asked Ms. Gallt to clarify if staff was looking to resolve condition #12 and #13 and eliminate #14. Ms. Gallt indicated that that was correct.

Applicant Presentation – Mr. Eastridge and Mr. Yancy acknowledged acceptance of the zone change and associated development plan.

Zoning Action – A motion was made by Mr. Penn, seconded by Mr. Pohl, and carried 8-0 (Barksdale, de Movellan, and Bell absent) to approve PLN-MAR-22-00004: MILLENIUM REALTY, LLC, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Penn, seconded by Mr. Pohl and carried 8-0 (Barksdale, de Movellan, and Bell absent) to approve PLN-MJDP-22-00012: CHARLES A. & DARLENE MARTHA PROPERTY removing condition #14, and resolving conditions #12 and #13 by the time of the final development plan.

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:

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

- 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.

2. COWGILL DEVELOPMENT, LLC ZONING MAP AMENDMENT & MARGARET W. CAMIC PROPERTY (W.E. SAVAGE PROPERTY) ZONING PRELIMINARY PLAN SUBDIVISION PLAN

- a. **PLN-MAR-22-00005: COWGILL DEVELOPMENT, LLC** – a petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 14.773 net (15.519 gross) acres, for property located at 4630 Old Schoolhouse Lane.

COMPREHENSIVE PLAN AND PROPOSED USE

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

The petitioner proposes the rezoning of the subject property to the Planned Neighborhood Residential (R-3) zone to allow for the construction of single family dwelling units and associated infrastructure. The applicant is seeking to develop a total of eighty-eight (88) single family lots, at a residential density of approximately 5.9 dwelling units per net acre.

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

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

1. A Planned Neighborhood Residential (R-3) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning will allow for the development of an vacant and underutilized property located within the Urban Service Area for a residential use (Theme E, Goal #1.d and #1.e).
 - b. The proposed rezoning will support infill and redevelopment (Theme A, Goal #2), by establishing a single family residential area within context of the surrounding development and tying into the established roadway and trail networks (Theme A, Goal#2.b; Theme D, Goal#1.a).
 - c. The proposed development will respect the design features of the area, while providing varied housing choices with the proposed lot layout, which differs slightly from the general area, but retains a similar lot size (Theme A, Goal #1.c; Theme A, Goal #3.a).
 - d. The proposed development will connect with the greenway and nearby park system to provide a safe and well-designed pedestrian and bike system (Theme A, Goal #3.b) and will not impact the floodplain area (Theme B, Goal #3.b).
 - e. The proposed rezoning will uphold the Urban Service Area preservation strategy by providing an appropriate and sustainable development of a long-underutilized parcel (Theme E, Goal #1.b).
2. A Planned Neighborhood Residential (R-3) zone is in agreement with the 2018 Comprehensive Plan's Policies, for the following reasons:
 - a. The proposed project will connect to the future trail network through a dedicated 15-foot easement, integrating pedestrian and bicycle access to established open space amenities within close proximity for residents (Design Policy #9 and #10).
 - b. The proposed project will provide a connected street system that will enhance emergency service accessibility while creating inviting streetscapes (Design Policy #2).
 - c. The proposed rezoning is sensitive to the surrounding context of the adjacent neighborhoods, as it is proposing a similar built form as the adjacent developments (Design Policy #4).
3. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.

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- a. The proposed rezoning meets the criteria for Site Design, Building Form and Location, as the development will provide additional single-family residential dwelling units in a manner that is safe and pedestrian oriented.
- b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity, as the development will connect with the established roadway and future trail network.
- c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will respect the environmentally sensitive area, and will provide street tree canopy coverage.
4. This recommendation is made subject to approval and certification of PLN-MJSUB-22-00001: Margaret W. Camic Property (W.E. Savage Property), 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-MJSUB-22-00001: MARGARET W. CAMIC PROPERTY (W. E. SAVAGE PROPERTY)** (06/05/22)* - located at 4630 OLD SCHOOLHOUSE LANE, LEXINGTON, KY.
Project Contact: Vision Engineering

Note: The purpose of this plan is to depict development of the subject property with 88 single family residential lots, in support of the requested zone change from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone.

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

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 street cross-sections and access.
4. Landscape Examiner's approval of landscaping.
5. Addressing Office's approval of street names and addresses.
6. Urban Forester's approval of tree preservation plan and required street tree information.
7. Department of Environmental Quality's approval of environmentally sensitive areas.
8. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
9. Greenspace Planner's approval of the treatment of greenways and greenspace.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. Resolve street cross-sections and location of street trees.
12. Discuss Placebuilder criteria.

Staff Zoning Presentation – Mr. Baillie presented the staff report and recommendations for the zone change application. He displayed photographs of the subject property and of the general area. He stated that the applicant was seeking a zone map amendment from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 14.773 net (15.519 gross) acres, to allow for the construction of single family dwelling units and associated infrastructure. The property on 4630 Old School House Lane propose the development within an Enhanced Neighborhood Place Type, and a Low Density Residential Development Type. Mr. Baillie stated that the applicant is seeking to develop approximately 88 detached single family dwelling units, which would leave a residential density of approximately 5.9 dwelling units per acre.

Mr. Baillie presented aerial and zoning maps to orient the commission to the property, noting the location's proximity to Harrodsburg Road, as well as the property's location off of the Old Schoolhouse Lane frontage road, that runs parallel to Harrodsburg Road. Additionally, Mr. Baillie pointed out stub streets at Rosette Drive, Larissa Lane, Rhema Way, and Agape Drive. Mr. Baillie noted the City Council resolution that barricaded Agape Drive. Mr. Baillie continued by giving more background to the various zones in the area, as well as some history of when development began. Starting in the late 1980's, with various periods of growth in the 1990's, and 2010's. Mr. Baillie showed a map of the floodplain and tributaries, noting that the applicant is not seeking to build any homes in the floodplain. Mr. Baillie did note that some of the homes in the neighborhood were inside the floodplain, and that the staff typically cautions against that.

Mr. Baillie moved forward, showing pictures of the view of the property from the various stub streets, along with the barricade at Agape Drive. Mr. Baillie indicated that the staff agreed with the applicant that the project is located within the Enhanced Neighborhood Place-Type and is a Low Density Residential Development Type and how that could be appropriate for this location. Additionally, Mr. Baillie stated that the Planned Neighborhood Residential zone (R-3) was recommended within the Place-Type and Development Type within the Comprehensive Plan.

Mr. Baillie concluded that the proposed project is in agreement of the 2018 Comprehensive Plan for the reasons outlined in the staff reports and that staff and zoning committee have recommended approval.

Commission Questions – None.

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Staff Subdivision Plan Presentation – Ms. Wade presented the staff report and recommendations for the associated Preliminary Subdivision Plan. Ms. Wade presented a colored rendering of the subject property and reviewed the current plan. She then presented the proposed conditions of approval. Ms. Wade noted that the wide time range in development of the neighborhood as the reason that the street network seems so disjointed and that the idea at the time of the original rezoning, was to create a road network that would parallel Harrodsburg Road. This was meant to stop gridlock on the arterial roads.

Ms. Wade went on to give the average footage of the proposed lots and compared them to other existing lots in the area, and stated that there are concerns from the neighborhood about flooding. Ms. Wade then discussed the different types of trees in the associated area mentioning that the Urban Forester identified the tree lines along the southern and northern property lines had trees that were worth preserving. She indicated his desire to ask for a 10 foot preservation area, and stated that this could be at direct odds with the request by some of the neighbors to place a fence at the back of the property.

Ms. Wade gave a brief description of how the Planning Commission and staff consider a zone change, the planning process, what authority staff has, and how different divisions work together

Ms. Wade notified the Commission of a change related to access to the greenway. Another entry point will not be necessary since there is one so close at the end of Larissa Lane. Ms. Wade continued with the conditions for approval, which were to resolve the street cross sections, as well as location of street trees, and to discuss the Placebuilder criteria. The Placebuilder Criteria were discussed in Mr. Baillie's presentation.

Ms. Wade ended by stating the Subdivision Committee recommended approval of the Preliminary Subdivision Plan.

Commission Questions – Mr. Penn asked if the Planning Commission recommended approval for this, would the Commission have to go back to the City Council to have the barricade at Agape opened back up. Ms. Wade indicated that her understanding is that the Council would have to make a resolution to take down that barricade once the streets are available to be connected.

Mr. Nicol commented that the market is currently demanding the frontage, not the zone, and Ms. Wade agreed.

Mr. Pohl asked Ms. Wade about context sensitivity. He said that the staff's mandate for this was not clear and should be addressed.

Mr. Nicol asked about context sensitivity and if the planning staff recommends any R-1 zoning at all. Ms. Wade responded that 2018 Comprehensive Plan does not. Mr. Nicol followed up by saying that his understanding is that the Comprehensive Plan is pointing all single family homes to the R-3 zoning, which Ms. Wade agreed. Finally Mr. Nicol asked if this plan depicts the R-3 zoning as being appropriate, and Ms. Wade indicated that it does

Mr. Michler asked for a clarification on how the tree protection plan works. Ms. Wade referred him to article 26 of the Zoning Ordinance and articulated the process to Mr. Michler.

Applicant Presentation – Mr. Nick Nicholson, attorney for the applicant, introduced himself and the development team, which included Mr. Joe Brumley, and Mr. Carson Baughman of Cowgill Development, Inc. Mr. Nicholson introduced the Preliminary Subdivision, and tried to address some of the concerns that the neighbors had regarding the plan, and how it relates to Agape Drive and Rhema Way. Mr. Nicholson assured the Commission, and those in attendance, that nothing in this plan will remove the barricade from Agape Drive. The Planning Commission does not have the authority to take it down; that solely rests with the Urban County Council. Mr. Nicholson stated that the developer is neutral in regards to what happens to these roads, and he indicated that the various neighborhoods are very split on what to do. He concluded that Development does not need these roads, they have an access point to Old Schoolhouse Lane.

Mr. Nicholson continued stating that the R-3 zone change is in compliance with the Comprehensive Plan, allowing Cowgill Development to use underutilized agricultural land for development. Land which is surrounded by existing residential uses. This R-3 zone has been the most residential zone used in the last 10 years and has been used right around the location, and is mixed in with R-1 zoning successfully.

Mr. Nicholson indicated that the lot sizes are going to be smaller than those that are in the Dogwood Trace neighborhood, but are in compliance with the type of lots that are being built all over Lexington today. According to Mr. Nicholson this will help absorb much needed density while maintaining the single family area. While this type of development might not be the status quo over the past 30 years of development, Mr. Nicholson says that it is the status quo over the past 10 years.

Mr. Nicholson applauded Mr. Baillie's presentation regarding the Comprehensive Plan and the development, but wanted to touch on the themes and how the application is meeting them. According to Mr. Nicholson, this plan expands housing choices, it is in support of infill in the Urban Service Area, they are providing a well-designed neighborhood, are flexible about finding solutions to access the LFUCG shared-use trail, and are adding the 10 foot tree protection on both sides of the property. Additionally, Mr.

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Nicholson noted that after discussions with the neighborhood, they have added a 6 foot wooden fence along the property lines, in conjunction with the tree protection area.

Mr. Nicholson transitioned to the traffic impact study the applicant's engineers prepared for Commission consideration. There has been concern from the neighborhood on increased cut-through traffic into the neighborhood. The traffic impact study presented a model that assumed the worst, and in the end, the numbers do not demonstrate that there is this as a real issue. Additionally, Mr. Nicholson showed various dates of meetings with the neighborhood since early February. Mr. Nicholson ended the presentation with a picture of the post-construction aerial image.

Commission Questions – This was not a question for any of the presenters, but Mr. Nicol asked if the Commission wanted to include questions of connectivity since the Commission has no authority over it. Mr. Forrester said he thought that was clear in the previous presentation, but the Commission could talk about. Mr. Nicol said we only need one 4 hour meeting, not two to discuss this. Mr. Forrester agreed. Ms. Wade explained where the Commission does and does not have authority regarding this issue.

Public Comment – Mark Amann, 2449 La Cross Ct, president of the Dogwood Trace Neighborhood Association presented a PowerPoint with the main concerns of the neighborhood, and what they would like to see. Their requests include:

- Single family detached housing;
- Larger lot sizes similar to English Station and Dogwood Trace;
- Traffic calming and creative solutions to reduce traffic on Agape Drive and Rhema Way;
- Privacy barrier between Old Schoolhouse & Dogwood Trace;
- Beautification of new entrances to Dogwood Trace;
- Opportunity to review the plan's stormwater drainage, retention, and floodplain prior to approval; and
- Easement larger than 15-feet to allow switchbacks for bicycle access to the greenway

Mike Crocetti, 4785 Rhema Way, wants to focus on the overall goals of the Comprehensive Plan. He would like to find creative solutions to disperse the traffic and to connect bicycle lanes.

Bennett Clark, 2441 La Cross Ct, stated he was initially against the zone change, but changed his mind once he saw it was single family housing only. He stated that he thought larger lot sizes, with a larger frontage, would be more contextually sensitive.

Jann Geddes, 4764 Rhema Way, conveyed her concern over flooding in the area and said that it is imperative that the proposed retention basins be sufficient enough to not make the flooding problem worse.

Kim Crocetti, 4785 Rhema Way, stated she was concerned about access to the greenway trail, the proposed access would only be available next to a busy street and said it would be dangerous. Overall she asked to have more access points to the greenways.

Gayle Page, 4761 Rhema Way, Ms. Page stated that the plan does not make a community and implored the Commission to consider the neighborhood's alternative plan presented instead.

Karen Springate- 4760 Rhema Way- expressed her dissatisfaction with the level of neighborhood engagement , and said today was the first day she had heard about a project website. The community does not feel heard.

Jim Geddes, 4764 Rhema Way, indicated that he is not an objector to the development plan; he and some other residents in the neighborhood just want to make a few tweaks and enhance the plan.

Reece Stagnolia, 2436 La Cross Ct, suggested that the neighborhood's alternative plan be considered, and asked for more attractive trees.

Dan Danford, 4709 Scenic View Rd, stated that the alternative plan proposed earlier alleviated a lot of his concerns. He opined that what the Commission had in front of them was premature and that there were things that the Commission did not know.

David Kolpek, 2408 Doubletree Court, concurred with Mr. Danford and stated that the alternative plan makes a lot of sense. He made the assertion that Agape Drive is not a collector street and said he measured it himself.

Keith Messinger, 2460 English Station Drive, provided some background about his time living in the neighborhoods and told the Commission his biggest concern is about density in the neighborhood.

Tom Connolly, 4600 Old Schoolhouse Lane, indicated his satisfaction regarding the applicant's willingness to install a 6 foot fence on the property line, but requested more communication with the English Station residents.

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Applicant Rebuttal – Mr. Nicholson started his rebuttal by saying he would jump around and try to answer the questions that came up in the neighbor's comments. On traffic calming and speeding, he pointed out that Agape Drive is barricaded, and that Larissa Lane has a spring, which means that they will not be able to be connected. Additionally, he mentioned the curvature of the roads in the neighborhood are natural traffic calming measures.

Mr. Nicholson went on to discuss the issues of context sensitivity and lot sizes. Mr. Nicholson pointed out that the types of the ideas mentioned from doubling the lots sizes, to having similar homes to those in the neighborhood are in direct opposition to what the Comprehensive Plan actually says when it asks for a diversity of housing everywhere. Mr. Nicholson mentioned recent articles from the newspaper about Lexington's current lack of housing, and how there is desperate need for single-family homes like those proposed in the development.

Mr. Nicholson brought up the storm water/flooding issue and stated that they have to prove that post-development is better than pre-development and they are showing two different basins on the property. A majority of the drainage goes toward Harrodsburg Road. Mr. Nicholson also mentioned the measures they are putting in place to capture the water before it even gets into the storm gutter system. Additionally, he stated that not one person mentioned anything about house flooding, all the flooding problems are within the greenway, associated with the stream.

On the greenway entrance, Mr. Nicholson said that the original plan had one, but Planning staff did not think that it should go in that original location, and that the nearby access was adequate. However, that has changed, and Planning staff would like an access point, which Mr. Nicholson had no issue with.

Mr. Nicholson moved on to talk about the issues with neighborhood engagement that some citizens had brought up, and gave a couple of examples of various ways the neighborhoods were contacted. He did note that English Station did not have an HOA and that those in that particular neighborhood might not have heard about it because of that.

Mr. Nicholson stated that the alternative plan brought forth by the citizens violates the Kentucky Fire Code. This plan would leave about 350 units with only a single exit. Mr. Nicholson said that the alternative plan might be great to foster a sense of community for Dogwood Trace, but it ultimately violates the Fire Code and has not been reviewed by the Planning staff.

Commission Questions – Mr. Penn asked if Mr. Nicholson if he would agree that the Commission require access to the greenway. Mr. Nicholson responded that he would be happy to have a condition that required an access point subject to an Environmental Service review. Ms. Worth asked for additional information on what exactly Mr. Nicholson is willing to agree to in regards to access to the greenway.

Mr. Nicholson responded by showing where exactly the greenway access was previously. There were concerns about the slope at the site, but Mr. Nicholson assured the Commission that if they want an access point, they will make it happen. Ms. Worth continued, asking what exactly the alternative plan that was presented to them was asking for and if they would be willing to agree to that. Mr. Nicholson said they were not willing to use the alternative plans' suggestion. Additionally, he gave the original measurements of the access point, 15 feet.

Mr. Michler asked about the location of the access to the greenway, and the way the note on the plan is written, as of now. He asked about what they are approving today and was the note in front of him changed. Mr. Nicholson gave a breakdown of his communications with staff about the access and how it has changed over time.

Mr. Pohl asked if the access point to the greenway would be ADA compliant. Mr. Nicholson stated that that would be up to Environmental Services and he could not answer that.

Public Comment Rebuttal – Mark Amann, 2449 La Cross Ct, president of the Dogwood Trace Neighborhood Association, responded to some of the comments from Mr. Nicholson. First, there has been contact between his HOA and the English Station residents. Additionally, Mr. Amann does not understand why they cannot go ahead and install traffic calming measures in the area, and how it would not hurt anything if they did.

In regard to context sensitivity, Mr. Amann said that the only issue they had was in regards to the lot size. Finally, Mr. Amann was encouraged with the access to the greenway, and he hopes they can speak with the applicant about it.

Jim Geddes, 4764 Rhema Way, stated that Mr. Nicholson's assertion that the alternative plan was in violation of the Kentucky Fire Code was incorrect.

Staff Rebuttal- Mr. Baillie gave some clarifying comments about staff and how the process of reviewing a plan works. Citing the professional staff in Engineering and Water Quality that reviews these plans daily. These reviews make sure that these plans meet the requirements of all the Engineering and Storm Water Manuals. For the public to see that, they would just need to make

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an open records request. Mr. Baillie asserted that we have an excellent professional and licensed staff in the engineering Division of Engineering to ensure we get the best development possible.

Mr. Baillie clarified dispersal vs funneling in regards to traffic and that Planning staff focuses on dispersing traffic. The applicant must connect roadways, as discussed in the Comprehensive Plan. Additionally, Mr. Baillie mentioned that the suggestion for a right in, right out on Harrodsburg Road would be in violation of the Land Subdivision Regulations.

Commission Questions - Mr. Nicol asked what the Planning Commission approved as a Zoning Ordinance text amendment to provide signage for stub streets. Mr. Baillie responded saying that approximately three years ago, an Ordinance was passed that said all new stub streets needed stub street signage. Mr. Nicol asked about the cost of putting signage on every stub street and if that was a proposal that the Commission could make. Mr. Baillie said it was possible, but that would be quite a bit of work and money to make happen.

Ms. Worth asked a question about doing traffic calming devices with the development and not after the fact and if that is on the table or if it comes later. Mr. Baillie said that was something that the Commission could add, and gave a few examples of things they could add, such as speed tables.

Mr. Penn said that the Commission needed to focus on the plan in front of them and not the plan down the line. Mr. Penn did ask if Mr. Baillie saw anything in the alternative plan that would work. Mr. Baillie responded that the alternative plan unfortunately would not be supported as it would not meet the regulations.

Mr. Pohl asked if it would be appropriate for the Commission to have a condition indicating that should connecting Agape Drive or Larissa Lane be impossible for motorized vehicles, they be developed for bike and pedestrian traffic. Mr. Baillie indicated that a condition like that could work for Agape Drive, but would not make sense for Larissa Lane.

Mr. Michler asked what the Comprehensive Plan says about bringing greenways up to roads and parks, and the design and visibility of the city's greenspaces. Mr. Baillie indicated that we did not have regulations in regards to that framework at this time.

Mr. Nicol made a comment about context sensitivity, saying it's not the Commission's job to determine lot size.

Mr. Penn wanted to add a condition to the development plan to keep meaningful access to the greenway.

Zoning Action – A motion was made by Mr. Nicol, seconded by Mr. Penn, and carried 9-0 (Barksdale abstaining, de Movellan, and Bell absent) to approve PLN-MAR-22-00005: COWGILL DEVELOPMENT, LLC., for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Nicol, seconded by Mr. Pohl and carried 9-0 (Barksdale abstaining, de Movellan, and Bell absent) to approve PLN-MJSUB-22-00001: MARGARET W. CAMIC PROPERTY (W.E. SAVAGE PROPERTY) deleting the 12th condition and replacing it with a condition to keep a meaningful access to the greenway.

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

** The Planning Commission voted to take Zoning Ordinance text amendments items out of order.*

1. **PLN-ZOTA-22-00003: AMENDMENT TO ARTICLES 1, 8, AND 23 TO UPDATE REGULATIONS FOR FAMILY CHILD CARE HOMES** – petition for a Zoning Ordinance text amendment to Article 1, 8 and 23 to update the regulations related to family child care in a residential zone. Current terms and their definitions must be updated to meet adopted changes to KRS 100.

INITIATED BY: Urban County Planning Commission

PROPOSED TEXT: Copies are available from the staff.

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

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

1. The proposed text amendment supports and implements the 2018 Comprehensive Plan, in the following ways:
 - a. The amendment responds to the implementation item calling for an increase in flexibility on types of home occupations allowed (Theme C, Policy #6).

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- b. The proposed changes will maximize context-sensitive employment opportunities within the opportunity zone tracts, providing equitable community development and prioritizing local residents for advancement opportunities (Theme C, Diversity Policy #5).
 - c. The amendment will encourage a diverse economic base to provide a variety of job opportunities, allowing upward mobility for lower income residents of Fayette County (Theme C, Policy #2).
 - d. The amendment will strengthen efforts to develop a variety of job opportunities that lead to prosperity for all (Theme C, Goal #1.a).
2. The amendment will modernize the Zoning Ordinance, reconciling its requirements with relevant state laws.

Staff Text Amendment Presentation – Ms. Autumn Goderwis presented and summarized the staff report and recommendations for this text amendment. Ms. Goderwis stated that this text amendment is to allow more flexibility in regard to at home childcare and to reconcile the current Zoning Ordinance to align with new Kentucky state law.

The current ordinance allows for in home childcare up to six children as an accessory, and seven to twelve children as a conditional use. Ms. Goderwis said that this text amendment will change the current definition, and add two new definitions that better suit the accessory and conditional use options.

The “Type II Childcare Center” is a licensed in-home childcare center where care is provided for seven (7) to twelve (12) children, including children related to the licensee. The “Family Childcare Home” is for six or fewer children, with up to four children related to the licensee, for a total of up to 10 children.

Ms. Goderwis concluded her presentation by stating that staff is recommending approval for this text amendment.

Commission Question – None.

Citizen Comment – None.

Motion – A motion was made by Ms. Worth, seconded by Ms. Barksdale, and carried 9-0 (Bell and de Movellan absent) to approve PLN-ZOTA-22-00003: AMENDMENT TO ARTICLES 1, 8, AND 23 TO UPDATE REGULATIONS FOR FAMILY CHILD CARE HOMES for the reasons provided by the staff.

2. **PLN-ZOTA-22-00004: AMENDMENT TO PROFESSIONAL OFFICE (P-1) ZONE TO MODIFY RESTRICTIONS ON BEAUTY SHOPS AND BARBER SHOPS** – petition for a Zoning Ordinance text amendment to remove the current limitations (number of cosmetologists and square footage) on Beauty Shops and Barber Shops in the Professional Office (P-1) zone (Article 8-15).

INITIATED BY: Courtney and Rodney Carpenter

PROPOSED TEXT: Copies are available from the staff.

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

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

1. The proposed text amendment to remove restrictions for beauty shops and barber shops in the Professional Office (P-1) zone will increase the opportunity to utilize land inside the Urban Service Area for professional services that are necessary for the community. Allowing beauty shops and barber shops to expand may help to reduce vacant office space within the community, as recommended by Theme C: Jobs and Prosperity, Prosperity Policy #9 of the 2018 Comprehensive Plan.

Staff Text Amendment Presentation – Ms. Traci Wade presented and summarized the staff report and recommendations for this text amendment. Ms. Wade gave background on the text amendment and the reasoning behind the restriction that this text amendment is attempting to change. At the time, the Urban County Council was concerned with large barber/beauty shops selling retail items in the P-1 zone, and those concerns have not materialized because of this restriction.

Ms. Wade relayed that staff is recommending approval because this text amendment will allow barbers/beauty shops to utilize more existing square footage, which is consistent with the Jobs and Prosperity Policy #9 of the Comprehensive Plan.

Commission Question – None.

Citizen Comment – None.

Motion – A motion was made by Ms. Meyer, seconded by Mr. Pohl, and carried 9-0 (Bell and de Movellan absent) to approve PLN-ZOTA-22-00004: AMENDMENT TO PROFESSIONAL OFFICE (P-1) ZONE TO MODIFY RESTRICTIONS ON BEAUTY SHOPS AND BARBER SHOPS for the reason provided by the staff.

3. **PLN-ZOTA-22-00005: AMENDMENT TO LIGHT INDUSTRIAL (I-1) ZONE TO ALLOW CRAFT DISTILLERIES** – petition for a Zoning Ordinance text amendment to add Craft Distilleries as a principal permitted use in the Light Industrial (I-1) zone (Article 8-22). Craft Distilleries are further regulated by the Commonwealth of Kentucky as Class B Distilleries in KRS 243.

INITIATED BY: Turner Property 4, LLC

PROPOSED TEXT: Copies are available from the staff.

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

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

1. Providing for craft distilleries in the I-1 zone, and by reference the I-2 zones, will permit additional opportunities to utilize land for production in support of the local economy.
2. The proposed text amendment will allow for stepdown from the most intense distillation of alcohol, and is consistent with other similar uses currently allowed in the Light Industrial (I-1) zone.
3. The inclusion of the craft distillery use in the Zoning Ordinance is in agreement with the 2018 Comprehensive Plan for the following reasons:
 - a. Craft distilleries are a growing industry that will support and showcase local assets to further the creation of jobs (Theme C, Goal #1)
 - b. The establishment of craft distilleries can attract the world's finest jobs, encourage an entrepreneurial spirit and enhance our ability to recruit & retain a talented, creative workforce by establishing opportunities that embrace diversity with inclusion in our community (Theme C, Goal #2).

Staff Text Amendment Presentation – Mr. Hal Baillie presented and summarized the staff report and recommendations for this text amendment. Mr. Baillie discussed a similar text amendment passed in 1996 regarding microbreweries, mentioning how that has progressed over the past 20 years. Mr. Baillie went on to describe the differences between a distillery and a craft distillery, stating that it comes down to the amount distilled spirits produced. For a Class A, or a distillery, they can produce more than 50,000 gallons of distillate and a Class B, or craft distillery, can produce up to 50,000 gallons of distillate. There is a base level of 600 gallons required to recoup tax costs.

Mr. Baillie stated that the applicant's original proposal was too wordy, but ended his presentation saying that staff has recommended approval of the staff alternative.

Commission Question – Mr. Penn asked if the applicant was ok with the staff's alternative and Mr. Zach Cato, representative of the applicant, stated he was.

Citizen Comment – None.

Motion – A motion was made by Mr. Penn, seconded by Ms. Worth and carried 9-0 (Bell and de Movellan absent) to approve the staff alternative text of PLN-ZOTA-22-00005: AMENDMENT TO LIGHT INDUSTRIAL (I-1) ZONE TO ALLOW CRAFT DISTILLERIES, for the reasons provided by the staff.

4. **PLN-ZOTA-22-00001: AMENDMENT TO ARTICLE 17: SIGNAGE REGULATIONS TO ALLOW A DIGITAL MARQUEE (ELECTRONIC MESSAGE DISPLAY)** – petition for a Zoning Ordinance text amendment to Article 17: Signage Regulations to allow digital (electronic message display) marquee signs in the Lexington Center Business (B-2B) Zone.

INITIATED BY: Big Picture Ventures, LLC

PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: **Postponement**.

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

2. The proposed staff alternative text amendment allows for the expansion of the use of electronic message display systems within the Lexington Center Business (B-2B) zone to allow an increase in signage opportunity, while also complementing the surrounding land use and can help promote the surrounding attractions.

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3. The proposed staff alternative text amendment provides greater limitations that prevent the creation of influences adverse or would negatively impact the overall health, safety, and welfare of the Lexington community and visitors to the Urban County.

Staff Text Amendment Presentation – Mr. Hal Baillie presented and summarized the staff report and recommendations for this text amendment. Mr. Baillie stated that staff has recommended significant changes, keeping some of what the applicant has requested, while providing more context and connection with the current Ordinance. Mr. Baillie stated that staff's recommendation is consistent with the current sign regulations, adds new language that would allow for the use of new technologies, and protects of the safety and welfare of the community.

Mr. Baillie went on to discuss the definition of a marquee sign and where one is allowed, showing the Commission examples of different types of marquees. From there, Mr. Baillie gave a list of the current regulations of Electronic Message Display Systems, as well as mentioning that our Zoning Ordinance is a living document. Mr. Baillie continued by showing where Electronic Message Display Systems can currently be utilized and in what specific zones they can appear. Additionally, Mr. Baillie gave examples of digital signs currently in Lexington that are not under LFUCG jurisdiction, including the marquee at the Opera House, or the large sign on the corner of South Limestone and Avenue of Champions operated by the University of Kentucky. These signs are exempt from the Zoning Ordinance because of their connection to a government related agency/activity.

Mr. Baillie went on to discuss some of staff's concerns regarding the duration that the images could stay on the sign, recommending a duration of 45 seconds between images. This time span is intended to lower the amount of distractions that drivers will see as they are driving downtown. Mr. Baillie stated that during staff's research they found that the amount of changeover in the images should be related to the speed at which cars are traveling. Mr. Baillie continued the staff presentation discussing size of marquees, luminance, and presenting justification for the 45 seconds between images, and a condition on what times of the day the images can be displayed.

Mr. Baillie ended by stating that the staff is recommending approval of the Staff alternative language.

Commission Question – Mr. Nicol asked if he could propose adding the Mixed-Use Zones 1, 2, and 3 along with the B-3, B-2, B-2A, and B-2B zones. Mr. Baillie responded that Mr. Nicol's proposal would be an expansion of the staff review. He went on to state that if that request was something the Planning Commission wanted staff to broadly consider, they can look at a later date.

Applicant Presentation – Mr. Dick Murphy, attorney for the applicant, introduced himself, Mr. Harold Tate and Mr. George Krikorian. Mr. Murphy provided background on Mr. Krikorian and why he loves this community and how important the theater was to the community and Mr. Krikorian. He continued discussing the many amenities of the theater and the varied types of people that come to LexLive. He ended by saying they need the digital signage so that people know what's going on at LexLive.

Mr. Murphy went on to give examples of locations in Lexington that have the types of digital signs that they are looking to add to the theater, and mentioned that they do not meet the parameters that the staff is mentioning. Mr. Murphy continued to explain the differences between on-premises signs and off-premises signs, as well as a Supreme Court decision recently that is potentially relevant to this case. With the help of Mr. Tate, Mr. Murphy showed slides that would depict the proportions of a sign and how it would relate to the theater, and said he thought these proportions were in line with what should be acceptable for a digital sign. Mr. Murphy contends that sites close to LexLive, like Rupp Arena, have large signs because they need large signs, and so does the applicant's building. Mr. Murphy directed the Commission to look at the handout he brought with him and guided them through examples of digital signage throughout the state and country and how they compare to what the applicant wants to do.

Mr. Murphy ended by saying that the applicant needs this text amendment so that people know what is going on at LexLive.

Citizen Comment – Ms. Amy Clark had some questions about when a sign becomes a sign and how digital signs are different than regular signs. Ms. Clark also had some concerns that this type of signage would affect greenspaces and people's enjoyment of Lexington's wonderful outdoor amenities. Ms. Clark provided alternative language.

Applicant Comments - George Krikorian, owner of LexLive, spoke about the reasons that LexLive needs this type of signage, and how they are not asking for anything dissimilar to other places in town.

Applicant Rebuttal - Mr. Murphy returned and said they have agreed to more restrictions than other places in Lexington, and said that what they are proposing is reasonable. Mr. Murphy asserted that no data that they have seen proves that whatever time interval is more or less likely to cause an accident, and this text amendment is much needed.

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Commission Questions - Mr. Nicol mentioned that proportionality is important and that the kind of examples that Mr. Murphy showed the Commission excited him and thinks it will help lead to a vibrant downtown.

Citizen Rebuttal - Ms. Amy Clark said that while it was important to have a tourist center as it relates to the convention center, it's also important that we are keeping the heart of Lexington for the people of Lexington. Ms. Clark stated that the proposed text is too much.

Staff Rebuttal - Mr. Baillie began his rebuttal discussing proportionality and the amount of messages this specific text amendment would allow their digital signage to display in a day. According to Mr. Baillie, with the staff proposed time limit of 45 seconds, LexLive would get over 1,200 messages via the sign every day. Mr. Baillie indicated that there is a fair amount of data that is really tied to downtown signage and small screens and how they can impact a driver's behavior. Mr. Baillie stated that he recognizes that the applicant wants to maximize the use of the screen and advertise at a greater rate, but the 8 seconds, as requested by the applicant is based on billboard signage in a zone where people are driving faster and are less likely to be distracted by a message moving that quickly.

Commission Questions - Mr. Penn asked Mr. Baillie if he was more concerned with the size of the sign or how often the sign changes. Mr. Baillie stated that they go in concert and there is not one the staff is more worried about than the other.

Motion – A motion was made by Mr. Penn, seconded by Mr. Pohl, and carried 9-0 (Bell and de Movellan absent) to continue discussions on PLN-ZOTA-22-00001: AMENDMENT TO ARTICLE 17: SIGNAGE REGULATIONS TO ALLOW A DIGITAL MARQUEE (ELECTRONIC MESSAGE DISPLAY), to the Planning Commission Public Hearing on May 26th.

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. LONG RANGE PLANNING ACTIVITY REPORT

Imagine Lexington

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

Staff continued discussion on the upcoming update to *Imagine Lexington* which will be finalized in 2023. Continued discussions focused on the public outreach efforts that will be done in support of providing input to the planning process, specifically "On the Table," which will be done in collaboration with local non-profit Civic Lex. Staff hosted several "Community Organizational Input Meetings" throughout the month of March.

In partnership with Lex TV, Staff developed a video for the public audience that explains the purpose of *Imagine Lexington* and the importance of public input during the long-range planning process. The video features interviews with a variety of community members in Lexington who provide their perspective on topics and experiences related to the five themes within *Imagine Lexington* – Neighborhoods, Environment, Jobs & Prosperity, Community, and Balance.

Mornings with Planning

LRP staff continued the Uncommon Commons webinar series "Mornings with Planning." March's topic was titled "Directors Roundtable" and took place on March 2, 2022. Three of the panelists for this discussion were planning experts from across the nation, with representatives from the cities of Greensboro, NC, Knoxville, TN and Louisville, KY. Planning Director Jim Duncan participated as a panelist for that discussion as well, to provide a Lexington perspective.

Imagine Lexington Website & Social Media

Staff continued with maintenance and updates to imaginelexington.com in 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*.

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 Mail Chimp, a tool allowing for the creation and distribution of email campaigns to an audience of subscribers.

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

As part of the implementation of the 2018 Comprehensive Plan, the Planning staff has undertaken a division-wide effort to draft and initiate a series of text amendments.

Text amendments that are currently in various stages of the process include: Two-Family Residential (R-2); open space (Article 20); Multi-Family Design Standards (multiple locations); parking (Article 16 and other locations); complete streets (multiple locations); agritourist (multiple locations); home occupations; curbside management; traffic impact study; floodplain; and intent statement revisions for multiple articles.

Accessory Dwelling Units

Since the ordinance was passed in late October, Staff has met with about 12 applicants for the required pre-application and feasibility meetings for planned Accessory Dwelling Units.

Imagine New Circle Road

This corridor study will be the second to emerge from *Imagine Lexington*, with the first being the *Imagine Nicholasville Road* corridor study finalized in 2021. This study will focus on the signalized portion of New Circle road that spans from Richmond Road to Winchester Road. Challenges along this corridor include: lack of safety, heavy congestion, and disconnected land uses.

In March, Senior Planner Sam Castro conducted an engagement strategy meeting, met with the consulting team and met with the PVA to discuss data for the study.

Planning Commission Work Session

March's Planning Commission work session took place on March 17, 2022 where planning staff presented various data and information gathered by staff in reference to the upcoming Comprehensive Plan. The structure was set up similar to an open house where commission members could walk around at each station to gather and converse the information presented. There were four stations: National Trends, Current Trends, Diversity & Equity and Transportation. After commission members had time to view the boards, a discussion took place at the end where staff could answer any questions the commission may have. Administrative Office Autumn Goderwis presented an update on the In-Home Childcare ZOTA. The March 31 work session was canceled.

On the Table

Throughout the month of March, multiple Long-Range Planning Staff members participated in various On the Table subcommittees and advisory groups. In March, Manager Chris Woodall and Senior Planners Sam Castro and Valerie Friedmann participated in On the Table Advisory Group, Marketing Work Group, and Data Work Group which will guide the planning, data collection and advertising for the event to take place from April 10-16. Staff is also meeting with the key event organizers, Civic Lex, to craft marketing and messaging strategies to promote and implement the event.

Coordination with Other Agencies

In March, Senior Planner Sam Castro participated in the APA-KY Diversity Equity and Inclusion Committee.

On March 1, Senior Planners Sam Castro and Valerie Friedmann presented an overview of their work as Senior Planners to the University of Tennessee School of Landscape Architecture Professional Practice class via Zoom.

On March 2, Senior Planner Valerie Friedmann presented an overview of her work as a Senior Planner to an Environmental Science class at Centre College in Danville, KY

On March 8, Senior Planner Sam Castro attended the Emerge Conference and moderated a session titled "Won't You Be My Neighbor" with other planning professionals

On March 8, Long-Range Planning manager Chris Woodall attended the Reimagining Home meeting

On March 11, Senior Planner Valerie Friedmann participated in the University of Kentucky Landscape Architecture Program mid-term design studio reviews

On March 15, Senior Planner Valerie Friedmann participated in the Reimagining Civic Commons (RCC) Place Driving Equity and Prosperity working group

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From March 31-April 1 attended the Kentucky American Society of Landscape Architects (KY ASLA) Annual Conference in Lexington and presented a one-hour session titled *Greenspace in the Bluegrass: Planning for Connectivity in our Unique Landscape*

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.

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 eight APA Audio Conferences hosted during the month of March, whose titles/dates were:

- *City Planning to Reduce GHG Emissions and Enhance Resilience*, Mar. 9, 2022
- *Digital Planning in a Digital World*, Mar. 25

B. ZONING COMPLIANCE PLANNING ACTIVITY REPORT

Zoning Enforcement/Compliance

In March, 2022, twenty-four (24) new cases were initiated, with the majority of those being reports of businesses operating in residential areas. Thirty-one (31) 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 eighteen (18) properties with conditional uses during March. 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

Three (3) applications were considered by the Board of Adjustment in March of 2022. One (1) of the applications was a request for a variance to increase the allowable height of a fence in the front yard from 4' to 5'. This request was denied by the Board. The other two applications were for conditional uses; one request to establish a family childcare for up to 12 children in a Single Family Residential zone, and the other for a conditional use to establish a rehabilitation home within 500' of a residential zone. There was considerable opposition to both requests from neighbors. The Board voted to approve both conditional uses.

C. TRANSPORTATION PLANNING / MPO ACTIVITY REPORT

The MPO outlines an annual scope of work for transportation planning activities in the [Unified Planning Work Program](#) which contains the following six work elements. Progress over the last month is reported by work element.

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.
- Continued to review and collect relevant regional freight study data, such as average daily truck traffic and commercial vehicle involved crashes per million vehicle miles of travel.
- Worked with Bluegrass Area Development District and Kentucky Transportation Cabinet staff to obtain regional freight study data.
- Advertised a Request for Proposal for a Transportation Analytics Platform.
- Worked on a bike/pedestrian data collection and evaluation plan.
- Continued update of GIS layers for traffic counts, truck volumes, bridge condition, traffic crashes and severity.
- Verified road classes on three new streets with GIS section

2.0 Identify & Prioritize Projects

- Began preparing public outreach materials for the East Lexington Trail Connectivity and Traffic Safety Study.
- Attended KYTC Statewide Interstate and Parkways Plan meeting and provided input on the plan scoring tool.

3.0 Program & Project Implementation

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- 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.
- Continued work on 2022 bicycle map
- Conducted meetings with Council members and continued work on and on a local complete streets policy for the Urban County Council.
- Consulted with Lextran on 3 bus stop sites for consideration of shelter installation.
- Processed TIP Mod #15: Mt Tabor Multimodal Improvements & North Limestone Improvements
- Processed TIP Mod #16: Lextran: FTA - Grant for Buses and Bus Facilities
- Continued work on a MPO-Level Complete Streets Policy
- Conducted an MPO/KYTC/LFUCG Project Coordination Team meeting to track the progress of projects in the Transportation Improvement Program.

4.0 Land Use & Transportation Impact

- Reviewed and submitted comments in Accela for bike/pedestrian circulation requirements associated with development plans.
- 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.
- Attended two LFUCG pre-application meetings to provide transportation planning input on future land-use applications.
- Attended regular LFUCG Subdivision and Zoning Committee meetings.
- Attended LFUCG Board of Adjustment new case review meeting.
- Participated in monthly ZOTA work group meeting.
- Continued work on the Parking ZOTA, Greenspace ZOTA and Complete Streets SRA.
- Began preparing public outreach materials for the Northeast New Circle Road Corridor Plan.
- Prepared transportation Comprehensive Plan data & trends materials and presented these during the March LFUCG Planning Commission Work Session.

5.0 Participation & Outreach

- Continued work to develop public outreach materials for the KYTC Richmond Road safety improvement project and promoted KYTC's web-based public engagement platform for the project.
- Continued work on 2022 Bike Map for May release.
- Continued work for Bike Month activities including "Streetfest" (an open streets event), Bike-to-Work week and day events, and Smart Cycling/Vehicular Cycling training
- Moved forward in process to purchase bikes for youth through Paula Nye grant
- On social media:
 - Promoted BPAC monthly meeting
 - Shared scooter usage stats
 - Shared Legacy Trail usage stats
 - Provided updates for Legacy Trail project
 - Promoted LexTran COA public meetings
 - Promoted KYTC's web-based public engagement platform for the Richmond Rd HSIP safety improvement project
 - Provided updates on road projects and traffic safety improvements
- The MPO website had 471 users (94.3% new users) and 911 page views in March.
- The LexBikeWalk Facebook page had 4,563 followers (117 new followers); 8 posts; reached 6,349 users; and had 121 engagements in March.
 - The LexBikeWalk Instagram page had 307 followers (20 new followers); 7 posts; reached 1,047 users; and had 155 engagements in March.
- Attended Lextran COA public input meeting at Village Branch Library 3-10-22
- Attended Lextran COA public input meeting on Facebook Live 3-9-22

6.0 Program Administration

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- Attended Lextran board meeting.
- Conducted 4 MPO Staff Meetings.
- Coordinated with FTSB Director to oversee financial matters.
- Packets and meeting minutes were prepared for the Bicycle and Pedestrian Advisory Committee (BPAC).
- Prepared Job Position Questionnaires for all MPO staff.
- Attended Commission for People with Disabilities meeting.
- Attended Pedestrian Safety Workgroup meeting
- Attended two TPM & Decision-Making Round Table meetings hosted by KYTC & FHWA.
- Attended KY Electric Vehicle Infrastructure Deployment Plan Stakeholder meeting
- Attended Corridors Commission meeting.
- Attended Bluegrass ADD Regional Transportation Committee meeting.
- Attended Association of MPOs Emerging Technology Work Group Leadership Meeting
- Attended the following Webinars / Workshops:
 - LFUCH Diversity & Inclusion Workshop
 - FHWA Complete Streets Primer Workshop
 - LFUCG Grants 101
- Advancing Transportation Performance Management & Decision Making

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 MAY 2022

Subdivision Committee, Thursday, 8:30 a.m., in 3 rd Floor Conf Room, Phoenix Building	May 5, 2022
Zoning Committee, Thursday, 1:30 p.m., in 3 rd Floor Conf Room, Phoenix Building	May 5, 2022
Subdivision Items Public Hearing , Thursday, 1:30 p.m. in Council Chambers, 2 nd Floor, Gov't Center.....	May 12, 2022
Work Session, Thursday, 1:30 p.m., in 3 rd Floor Conf Room, Phoenix Building	May 19, 2022
Technical Committee, Wednesday, 8:30 a.m., in 3 rd Floor Conf Room, Phoenix Building.....	May 25, 2022
Zoning Items Public Hearing , Thursday, 1:30 p.m. in Council Chambers, 2 nd Floor, Gov't Center	May 26, 2022

X. ADJOURNMENT

Larry Forester, Chair

Janice Meyer, Secretary

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TLW/HB/rs

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