

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

May 26, 2022

- 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 April 28, 2022 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, May 5, 2022, at 8:30 a.m. The meeting was attended by Commission members Headley Bell, 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, and Cheryl Gallt; Captain Greg Lengal, Division of Fire and Emergency Services; and Tracy Jones, Department of Law. The Committee made recommendations on plans as noted.

General Notes

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

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

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

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

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

The procedure for these hearings is as follows:

- Staff Report(s), including subcommittee reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) proponents (10 minute maximum OR 3 minutes each)
 - (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, May 5, 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, Frank Penn, and Bruce Nicol. Staff members in attendance were: Jim Duncan, Traci Wade, Hal Baillie, Tom Martin, Daniel Crum, Samantha Castro, Bill Sheehy, 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

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

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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. AU ASSOCIATES, INC ZONING MAP AMENDMENT & SHADOW WOOD PHASE II PROPERTY ZONING DEVELOPMENT PLAN

- a. **PLN-MAR-22-00006: AU ASSOCIATES, INC** – a petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 0.66 net (1.64 Gross) acres, for the properties located at 601 Old Todds Road and 96 Codell Drive, as well as a portion of closed public right-of-way. The applicant has also requested a variance to the project exterior yard setback for a group residential project to reduce the required yard from twenty (20) feet to ten (10) feet.

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 existing Agricultural Urban (A-U) zoning is inappropriate, and the proposed Planned Neighborhood Residential (R-3) zoning is appropriate at this location for the following reasons:
 - a. The existing A-U zone is intended to be a holding zone until public facilities and services are adequate. Generally, urban services have been available to serve this portion of the Urban Service Area since the mid-1980s and the realignment of Old Todds Road updated the roadway system in 1998.
 - b. The proposed R-3 zone is consistent with the adjoining lot that is intended to be consolidated and reconfigured in conjunction with the subject properties. The R-3 zone and the proposed and multifamily dwelling units are compatible with the existing land uses in the immediate vicinity.
 2. This recommendation is made subject to approval and certification of PLN-MJDP-22-00023: Shadow Wood Phase II (Richwood Bend), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
- b. Variance Request: The applicant is seeking to reduce the minimum required side yard or project exterior yard from twenty (20) feet to ten (10) feet, a requirement of Article 9-6(c)(2) of the LFUCG Zoning Ordinance within a Group Residential Project.

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

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The Staff Recommends: **Approval** of the requested reduction of the project exterior yard from twenty (20) feet to ten (10) feet, for the following reasons:

1. Granting a variance of ten (10) feet should not adversely affect the public health, safety, or welfare as the applicant is situating the area impacted by the request along the adjacent clubhouse use and limiting the impact on the neighboring single family dwelling units.
2. The request arises from the unique shape of the parcel, which tapers as the property extends from the frontage.
3. The request is not a result of a willful violation of the Zoning Ordinance. The applicant has taken care to go through the necessary process for this project and has requested the variances prior to commencing construction.

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

- a. Provided the Planning Commission and Urban County Council approve the requested zone change to the R-3 zone, otherwise the requested variances shall be null and void.
 - b. The development shall be constructed in accordance with the approved Final Development Plan, or as amended by the Planning Commission.
 - c. All necessary permits shall be obtained from the Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.
 - d. Action of the Planning Commission shall be noted on the Development Plan for the subject property.
- c. **PLN-MJDP-22-00023: SHADOW WOOD PHASE II (RICHWOOD BEND)**, (07/03/22)* - located at 601 OLD TODDS RD., AND 96 & 100 CODELL DR., LEXINGTON, KY.
Project Contact: Prime AE

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

1. Provided the Urban County Council rezones the property R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. United States Postal Service Office's approval of kiosk locations or easement.
8. Correct plan title to match staff report.
9. Provided the Planning Commission grants the requested side yard variance.
10. Denote: Release of right-of-way for Old Todds Road to be complete prior to certification of the final development plan.
11. Dimension all interior sidewalks.

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

1. **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:

1. 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.
2. 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.

This is a continuation of a public hearing from the Planning Commission meeting held on April 28, 2022.

2. **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)

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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.

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

- a. **PFR 2022-4: BLUEGRASS COMMUNITY AND TECHNICAL COLLEGE NORTH CAMPUS EXPANSION** – a Public Facility Review to construct a new classroom building, additional parking, and a new vehicular access on property located at 690 Newtown Pike.

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

A. LONG RANGE PLANNING ACTIVITY REPORT

Imagine Lexington

During the month of April, 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. Public outreach began officially in April with the remainder of the Organizational Input meetings with civic groups, the On the Table Event from April 10-16, and the Commerce Lexington roundtable events. Long-Range Planning staff has been collecting public input and began compiling and organizing it for a public input report to be released in May.

Imagine Lexington Website & Social Media

Staff continued with maintenance and updates to imaginelexington.com.

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.

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); agritourism (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 13 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 April, planning staff worked with the consultants to develop an existing conditions report.

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Planning Commission Work Session

April Planning Commission work session took place on April 21, 2022 where long-range planning staff gave a brief update on the public input that had taken place through On the Table, and the Organizational Meetings, and Commerce Lexington roundtable discussions.

Coordination with Other Agencies

In April, long-range planning staff continued to coordinate with other agencies both inside and outside of LFUCG.

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.

B. ZONING COMPLIANCE PLANNING ACTIVITY REPORTZoning Enforcement/Compliance

In April, 2022, thirty-one (31) new cases were initiated, with the majority, thirty-nine percent (39%), of those being reports of businesses operating in residential areas. Only three (3) complaints were resolved in April, meaning that necessary actions were taken by the property owner or occupant to correct a zoning compliance problem.

Annual inspections were completed on seventeen (17) properties with conditional uses during April. 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

Two (2) applications were considered by the Board of Adjustment in April of 2022. Both of the applications were requests for variances. The Board voted to approve both applications.

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 follow 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.
- Contacted Blue Grass Airport Director of Development & Facilities and scheduled a meeting with him in regard to Airport Master Plan and Air Freight Logistics.
- Staff reviewed proposals and recommended StreetLight Data as the Transportation Analytics Platform consultant.
- 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.
- Began update of Title VI, Environmental Justice and Limited English Proficiency maps based on 2020 Census data.
- Verified road classes on one new streets with GIS section

2.0 Identify & Prioritize Projects

- Began developing a project website and public survey for the East Lexington Trail Connectivity and Traffic Safety Study.
- Coordinated and assisted LFUCG administration regarding project application for the federal RAISE program.
- Discussed project opportunities for the federal Mega / Infra / Rural grant notice of funding opportunity.

3.0 Program & Project Implementation

- Conducted multiple meetings with Shared Mobility providers.

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- 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.
- Reviewed and processed ITS-CMS FY 2023 Proposal that includes the recommended projects from July 2022 to June 2024.
- Attended 4 weekly paving coordination meetings.
- Consulted with Lextran on 2 bus stop sites for consideration of shelter installation.
- Processed TIP Amendment #2: Citation Blvd - Section IIIA
- Continued work on a MPO-Level Complete Streets Policy
- Continued work on a Local (City of Lexington) Complete Streets Policy
- Conducted a site visit and project scoping exercise for the Wilmore Trail Feasibility Study
- Conducted a meeting with stakeholder interests regarding the Citation / Winburn Extension Project

4.0 Land Use & Transportation Impact

- Reviewed and submitted comments in Accela for bike/pedestrian circulation requirements associated with development plans.
- Contacted Long Range Planning (LRP) Manager to schedule a presentation at the Congestion Management Air Quality (CMAQ) committee meeting for an update on Imagine Lexington Comprehensive Plan.
- 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 four 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.
- Developed a project website and public survey for the Northeast New Circle Road Corridor Plan. Conducted one team site visit.
- Assisted with coding community input from On the Table event.
- Presented the Imagine Nicholasville Road (INR) plan with Lextran at UK's International Seminar on Emerging Transportation.
- Prepared and submitted a proposal to present the INR plan at the annual Association of Metropolitan Planning Organization conference.

5.0 Participation & Outreach

- 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.
- Purchased bikes for youth through Paula Nye grant award.
- Received TPC approval of an MOU with the League of American Bicyclists to develop a youth Smart Cycling Guide.
- Coordinated with KYTC to promote public input opportunities for the Richmond Rd Safety Project.
- On social media:
 - Promoted BPAC monthly meeting
 - Promoted Lexington's Bike Month
 - Promoted National Bike Month
 - Promoted KYTC's web-based public engagement platform for the Richmond Rd HSIP safety improvement project
 - Promoted TPC meeting
 - Promoted call-for-events for Bike Month
 - Provided updates on road projects and traffic safety improvements
 - Promoted On The Table engagement opportunities
 - Promoted open comment period for TIP and MTP amendments
- Attended press conference and promoted the award of Transportation Alternative funds to construct Citation Trail Phase 3 and Alumni Drive Trail.

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- Attended stakeholder engagement meeting regarding the NE New Circle Rd Land Use Transportation Study
- The MPO website had 780 users (94.7% new users) and 1,971 page views in April.
- The LexAreaMPO Facebook had 3,603 users (564 more followers – influx likely due in part to changes to platform insights collection); 9 posts; reached 5,081 users; and had 92 engagements in April.
- The LexAreaMPO Twitter reached 1,039; had 2 tweets with 5 engagements; and 179 profile visits in April.
- The LexBikeWalk Facebook page had 4,558 followers (5 fewer followers); 9 posts; reached 4,817 users; and had 68 engagements in April.
- The LexBikeWalk Instagram page had 324 followers (17 new followers); 2 posts; reached 370 users; and had 71 engagements in April.

6.0 Program Administration

- Conducted regularly scheduled meetings for the Congestion Mitigation Air Quality Committee, Bicycle Pedestrian Advisory Committee, Transportation Technical Coordinating Committee and Transportation Policy Committee.
- Attended Lextran board meeting.
- Conducted weekly 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), Congestion Management Air Quality (CMAQ) Committee, Transportation Technical Coordinating Committee (TTCC), and Transportation Policy Committee (TPC).
- Prepared a final draft and received TPC approval of the FY 23 Unified Planning Work Program (UPWP).
- Submitted FTA 5303 Planning grant for FY 2023 UPWP activities.
- Prepared Q3 progress report for the FY 2022 UPWP.
- Began preparing the annual Title VI Program Plan.
- Attended Corridors Commission meeting.
- Attended KYTC Statewide Planning meeting
- Attended MPO Planning meeting.
- Attended KY MPO Council meeting.
- Attended Association of MPOs Performance Based Planning and Programming Work Group Meeting
- Attended the following Webinars / Workshops:
 - FHWA Talking Freight for All: Defining Equity Considerations in Goods Movement
 - Right of Way: Addressing the Epidemic of Pedestrian Deaths in America
 - Boosting Innovation within your Organization
 - Diversity, Equity and Inclusion workshop
 - 2022 ESRI Geodesign Summit
- Prepared and submitted 2 presentation proposals for the annual Association of Metropolitan Planning Organizations conference.

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 JUNE 2022

Subdivision Committee, Thursday, 8:30 a.m., in 3 rd Floor Conf Room, Phoenix Building.....	June 2, 2022
Zoning Committee, Thursday, 1:30 p.m., in 3 rd Floor Conf Room, Phoenix Building	June 2, 2022
Subdivision Items Public Hearing , Thursday, 1:30 p.m. in Council Chambers, 2 nd Floor, Gov't Center	June 9, 2022
Work Session, Thursday, 1:30 p.m., in 3 rd Floor Conf Room, Phoenix Building	June 16, 2022
Technical Committee, Wednesday, 8:30 a.m., in 3 rd Floor Conf Room, Phoenix Building.....	June 23, 2022
Zoning Items Public Hearing , Thursday, 1:30 p.m. in Council Chambers, 2 nd Floor, Gov't Center.....	June 29, 2022
Work Session, Thursday, 1:30 p.m., in 3 rd Floor Conf Room, Phoenix Building	June 30, 2022

X. ADJOURNMENT

TLW/HB/RS

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