

AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION AND ZONING ITEMS PUBLIC HEARING

November 17, 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 October 27, 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, November 3, 2022, at 8:30 a.m. The meeting was attended by Commission members Ivy Barksdale, Judy Worth, Frank Penn, Headley Bell, and Janice Meyer. Committee members present were Vaughan Adkins, Division of Engineering; and Stephen Parker, Division of Traffic Engineering. Staff members in attendance were: Traci Wade, Tom Martin, Hal Baillie, Cheryl Gallt, Autumn Goderwis, Daniel Crum, Paula Schumacher, and Greg Lengal, Division of Fire and Emergency Services. 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.

1. Development Plans

- a. PLN-MJDP-22-00051: NEWTOWN SPRINGS, LOTS 8 (12/4/2022) – located at 1432 NEWTOWN PASS, LEXINGTON, KY
Council District: 1
Project Contact: EA Partners

Note: The purpose of this plan is to depict buildings and parking layouts on Lot 8.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Greenspace planner's approval of the treatment of greenways and greenspace.
8. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. United States Postal Service Office's approval of kiosk locations or easement.
11. Denote potential cross access locations with Lot 7.
12. Dimension pool and patio area.
13. Correct conditional zoning restrictions.
14. Document Board of Adjustment approval of extended-stay hotel on Lot 8, including parking lot lighting condition.
15. Document compliance with adopted regulations for parking, VUA screening, and VUA internal landscaping per Ordinance 113-2022.

- b. PLN-MJDP-22-00052: SAND LAKE AND ESTES PROPERTIES, LOT 5 (AMD) (12/4/2022)* - located at 121 SAND LAKE DRIVE, LEXINGTON, KY
Council District: 7
Project Contact: EA Partners

Note: The purpose of this plan is to depict building and parking layout for a vehicle rental establishment.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. United States Postal Service Office's approval of kiosk locations or easement.
10. Denote record plat designation, N-419 and S-154.
11. Denote zone line information, and label Lot 5 with acreage.
12. Correct number of total lots in site statistics.

- c. PLN-MJDP-22-00055: COWGILL PARTNERS, LP PROPERTY (MEADOWCREST) (12/4/2022)* - located at 2550 WINCHESTER ROAD, LEXINGTON, KY
Council District: 12
Project Contact: Vision Engineering

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

Note: This plan requires the posting of a sign and an affidavit of such.

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

The Subdivision Committee Recommended: **Postponement**. There are questions regarding the compliance with Article 23A-10 of the Zoning Ordinance.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Landscape Examiner's approval of landscaping and landscaping buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree preservation plan.
 6. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 8. Greenspace planner's approval of the treatment of greenways and greenspace.
 9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
 10. Division of Waste Management's approval of refuse collection locations.
 11. United States Postal Service Office's approval of kiosk locations or easement.
 12. Provided the Planning Commission finds the plan complies with the Expansion Area Master Plan.
 13. Delete right-in/right-out access to Lot 1.
 14. Revise parking on Lot 6 & 9 to meet Article 23A-10(j)(2) of the Zoning Ordinance.
 15. Discuss Hume Road realignment and inclusion on the development plan.
 16. Discuss extension/termination of Paramount Drive at Lot 17.
 17. Discuss square footage for supportive use per Article 23A-10(j)(12)(a) of the Zoning Ordinance.
 18. Discuss compliance with open space requirements.
- d. PLN-MJDP-22-00058: CRESTWOOD MONTESSOURI SCHOOL (REDWOOD CO-OP SCHOOL EXPANSION) (AMD) (1/4/2023)* - located at 166 CRESTWOOD DRIVE, LEXINGTON, KY
Council District: 3
Project Contact: Midwest Engineering, INC

Note: The purpose of this amendment is to construct a new educational building.

The Subdivision Committee Recommended: **Postponement**. There are questions regarding compliance with parking.

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
12. United States Postal Service Office's approval of kiosk locations or easement.
13. Dimension all existing structures and playground areas.
14. Denote: A geotechnical study shall be submitted to the Divisions of Engineering, Environmental Services, and Planning, prior to issuance of a Zoning Compliance Permit.
15. Denote Board of Adjustment approval of the expanded conditional use.
16. Discuss building conflict with existing stormwater facility.

- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, November 3, 2022, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members: Larry Forester and Bruce Nicol. Due to a lack of a quorum, cases were reviewed, but no recommendations were made by the committee. Staff members in attendance were: Traci Wade, Autumn Goderwis, Hal Baillie, Daniel Crum, Bill Sheehy, and Tracy Jones, Department of Law. The Committee members reviewed applications and made recommendations as noted.

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

A. ABBREVIATED PUBLIC HEARINGS ON ZONING MAP AMENDMENTS

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

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

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

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

The procedure for these hearings is as follows:

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

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

1. DUTCH BROS, LLC ZONING MAP AMENDMENT AND WILLARD DAVIS SUBDIVISION (DUTCH BROS – SOUTH LIMESTONE) ZONING DEVELOPMENT PLAN

- a. **PLN-MAR-22-00015: DUTCH BROS, LLC** – a petition for a zone map amendment from a Planned Neighborhood (R-3) zone to a Neighborhood Business (B-1) zone, for 0.2916 net (0.3516 gross) acres, for property located at 507 S Limestone.

COMPREHENSIVE PLAN AND PROPOSED USE

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

The applicant is seeking to construct a two-lane drive-through facility to support a proposed coffee shop use at this location. As proposed, the coffee shop use will have two access points on Colfax Street, with the existing access point along South Limestone being closed. Speakers and order points for the drive-through facility will be provided near the middle of the site.

The coffee shop will be a single story, 950 square-foot building that will be oriented towards South Limestone, with a pick up window located to the rear. While the building will have a walk up window to serve pedestrians along the South Limestone frontage, dine-in service will not be provided.

The Zoning Committee Recommended: No Recommendation.

The Staff Recommends: Disapproval, for the following reasons:

1. The requested rezoning to Commercial Center (B-6P) is not in agreement with the 2018 Comprehensive Plan for the following reasons:
 - a. The requested rezoning is not in agreement with the Goals, Objectives, and Policies of the 2018 Comprehensive Plan.
 1. The proposed development does not seek to construct at a density or intensity that might be reflective of a major corridor in Lexington, and is out of context with the surrounding area (Theme A, Goal #2.b).
 2. The low density and single-user vehicle focus detract from the effectiveness of mass transit in this area (Theme D, Goal #1.c).
 3. The design of the site may reduce the effectiveness of the overall transportation system by introducing additional vehicular conflicts on Colfax Street and South Limestone (Theme D, Goal #1).

4. The application encourages the use of single-occupancy vehicles and will increase greenhouse gas emissions at this location (Theme B, Goal #2.d).
- b. The proposed development is not in agreement with 2021 Imagine Nicholasville Road plan.
 1. The proposal does not increase the intensity of land uses along the corridor (Goal #1).
 2. The scale of the proposed development does is not in accordance with the height design requirements for the Urban Center Typology.
- c. The proposed development does not meet the intent of the Medium Density Non-Residential /Mixed Use Development Type as established on page 272 of the Comprehensive Plan.
- d. The requested rezoning is not in agreement with the Development Criteria of the 2018 Comprehensive Plan. The following Development Criteria are not being met with the proposed rezoning.
 1. A-DS4-2: New construction should be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context in accordance with other Imagine Lexington corridor policies and Placebuilder priorities.
 2. A-DS7-3: Development should create context-sensitive transitions between intense corridor development and existing neighborhoods.
 3. C-L17-1: Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.
 4. DPL7-1: Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
 5. C-LI6-1: Developments should incorporate multi-family housing and walkable commercial uses into development along arterials/corridors.
 6. A-EQ3-2: Development on corridors should be transit-oriented (dense & intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure & facilities)
 7. D-CO2-1: Safe facilities for all users and modes of transportation should be provided.
 8. D-CO2-2: Development should create and/or expand a safe, connected multi-modal transportation network that satisfies all users' needs, including those with disabilities.
 9. B-SU11-1: Green infrastructure should be implemented in new development.
 2. There have been no major unanticipated changes of an economic, social or physical nature in the area of the subject property since the adoption of the 2018 Comprehensive Plan.
 3. The applicant has not provided evidence as to why the current zoning is inappropriate and the proposed zoning is appropriate for this location.
- b. PLN-MJDP-22-00060: WILLARD DAVIS SUBDIVISION (DUTCH BROS – SOUTH LIMESTONE)
(1/1/2023)* - located at 127 COLFAX STREET and 507 SOUTH LIMESTONE
Council District: 3
Project Contact: CMW, INC.
Planning Contact: A. Goderwis

Note: The purpose of this plan is to depict the size and location of the proposed restaurant with associated drive-through, parking, and circulation, in support of the requested zone change from Planned Neighborhood Residential (R-3) zone to Neighborhood Business (B-1) zone.

The Staff Recommends: **Approval**, subject to the following conditions.

1. Provided the Urban County Council approves the zone change to B-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Urban Forester's approval of tree preservation plan.
5. Addressing office's approval of addresses.
6. Greenspace planner's approval of the treatment of greenways and greenspace.
7. United States Postal Service Office's approval of kiosk locations or easement.
8. Depict property perimeter screening between B-1 and R-1E zones.
9. Correct zoning labels for adjacent properties.
10. Denote canopy along South Limestone as part of the structure (solid line).
11. Discuss Placebuilder criteria.

2. **REALTY UNLIMITED BLUE GRASS, LLC ZONING MAP AMENDMENT & HIGBEE MILL COURT, LOT 11 DEVELOPMENT PLAN**

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

- a. **PLN-MAR-22-00016: REALTY UNLIMITED BLUE GRASS, LLC** – a petition for a zone map amendment from a Single-Family Residential (R-1C) zone to a Townhouse Residential (R-1T) zone, for 0.520 net (0.836 gross) acres, for property located at 940 Higbee Mill Road.

COMPREHENSIVE PLAN AND PROPOSED USE

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The petitioner proposes the rezoning of the subject properties to the Townhouse Residential (R-1T) zone to allow the infill of the subject property with single family residential. The applicant is seeking to construct seven (7) single family attached dwelling units at a density of 13.5 dwelling unit per net acre.

The Zoning Committee Recommended: No Recommendation.

The Staff Recommends: Postponement, for the following reasons:

1. The applicant should review potential connections to the established pedestrian facilities (Theme A, Design Policy #5) and the need for street trees along the frontage of the subject property (Theme B, Restoration Policy #1).
 2. The zone change application for the subject property, as proposed, does not completely address the development criteria for a zone change within the Enhanced Neighborhood Place-Type, and the Low Density Residential Development Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
 - a. A-DS5-3: Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
 - b. A-DS7-1: Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
 - c. B-SU11-1: Green infrastructure should be implemented in new development. (E-GR3)
 - d. C-PS10-3: Over-parking of new developments should be avoided. (B-SU5)
 - e. D-PL7-1 Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
 - f. A-DS5-2: Roadways should provide a vertical edge, such as trees and buildings.
 - g. B-RE1-1: Developments should incorporate street trees to create a walkable streetscape.
- b. **PLN-MJDP-22-00059: HIGBEE MILL COURT, LOT 11 (12/4/2022)*** – located at 940 HIGBEE MILL ROAD, LEXINGTON, KY
Council District: 9
Project Contact: Matt Miniard/Palmer Engineering
Planning Contact: T. Wade

Note: The purpose of this plan is to depict 7 townhomes, in support of the requested zone change from a Single Family Residential (R-1C) zone to a Townhouse Residential (R-1T) zone.

The Staff Recommends Postponement. There are questions regarding compliance with Article 21 and Article 26, as well as general vehicular parking, landscaping and circulation as it relates to the right-of-way.

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

1. Provided the Urban County Council approves the zone change to R-1T; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Urban Forester's approval of tree preservation plan.
5. Greenspace planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval if environmentally sensitive areas.
7. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Division.

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

8. United States Postal Service Office's approval of kiosk locations or easement.
9. Correct site statistics.
10. Correct plan title to match staff report title.
11. Denote no access to Man O' War Boulevard and depict yard setback for a through lot per Article 15 2(a)(4).
12. Correct side yards per Articles 8-10 and 15-3 of the Zoning Ordinance.
13. Addition of bearings and distances along the property frontage of Higbee Mill Road.
14. Denote final record plat information.
15. Label topographic contour lines.
16. Denote proposed access point for construction vehicles.
17. Addition of cross-section location on plan face.
18. Denote proposed height of townhouses.
19. Correct drainage easement of 3' on each side lot line.
20. Denote: No grading, stripping, excavation, filling or other disturbance of the natural ground cover shall take place prior to approval of an erosion control plan. Such plan must be submitted in accordance with Chapter 16 of the Code of Ordinances.
21. Discuss 30' platted building line for the existing zone.
22. Discuss parking requirements.
23. Discuss 50% pavement limit in front yards for residential zones.
24. Discuss improvements to Higbee Mill Road, including an appropriate termination.
25. Discuss pedestrian access easement parallel to Man O' War Boulevard.
26. Discuss compliance with Article 26 of the Zoning Ordinance (tree inventory map).
27. Discuss vehicular use area landscaping per Article 18.
28. Discuss Placebuilder criteria.

3. **ELMWOOD OZ FUND LLC ZONING MAP AMENDMENT & BARNES SUBDIVISION ZONING DEVELOPMENT PLAN**

- a. **PLN-MAR-22-00018: ELMWOOD OZ FUND LLC** – a petition for a zone map amendment from a High Density Apartment (R-4) zone, to a Professional Office (P-1) zone, for 0.768 net (1.027 gross) acres, for property located at 203 E Fourth Street. This request includes a variance request to reduce the required parking from 34 spaces to 20 spaces.

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 Professional Office (P-1) zone to allow for the renovation of the existing 14,000 square-foot residence for a profession office use. To avoid modifications that would change the character of the property and prevent the loss of trees on site, the applicant is also requesting a variance to the required parking from 34 spaces to 20 spaces?

The Zoning Committee Recommended: No Recommendation.

The Staff Recommends: Approval, for the following reasons:

1. The requested Professional Office (P-1) zone is in agreement with the 2018 Comprehensive Plan's Goals, Objectives and Policies, for the following reasons:
 - a. The proposed development encourages infill and redevelopment (Theme A, Goal #2), while providing for a well-designed neighborhoods (Theme A, Goal #3) that protects historic resources while incentivizing the renovation, restoration, development and maintenance of historic residential and commercial structures (Theme D, Goal #3).
 - b. The proposed project reduces the parking on site, which allowing the conservation of the significant trees on site, and promotes the use of the in-place multi-modal options for employees and clients, which can reduce Lexington-Fayette Urban County's carbon footprint (Theme B, Goal #2).
 - c. The proposed rezoning will allow the inclusion of the office use can support and showcase local assets to further the creation of a variety of jobs (Theme C, Goal #1), which will support the creation of jobs and prosperity (Theme C, Goal #2).

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

2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan. a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the site creates a job producing space within the historic and built context that supports pedestrian mobility, deemphasizes the impact of parking, and provides activated and usable space.
b. The proposed rezoning is located in an area with established safe facilities for the potential users. By requesting the variance to the parking reductions, integrating the site with the established trail facilities, and promoting the established transit stops nearby the site, the applicant is addressing the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will maintain the tree canopy coverage and reduce the impact of the built environment by not adding any addition impervious surfaces.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are recommended via conditional zoning:
 - a. Prohibited uses:
 - i. Drive-through facilities.
 - ii. Banks and other financial institutions.

These restrictions are appropriate and necessary to reduce the potential impact of vehicular flow on established pedestrian facilities and the Legacy trail.
4. This recommendation is made subject to approval and certification of PLN-MJDP-22-00064: Barnes Subdivision (Elmwood Oz Fund, LLC), 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** - As part of their application, the petitioner is also requesting a reduction of the minimum required parking for an office within the Professional Office (P-1) zone from 34 parking spaces to 20 parking spaces (41% reduction), a requirement of Article 8-15(n) of the LFUCG Zoning Ordinance.

The Zoning Committee Recommended: **No Recommendation.**

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

1. Approval of the variance should not adversely affect the public health, safety, or welfare, nor should it create a hazard or nuisance to the public. This property has historically been utilized with a lesser amount of parking provided.
2. The variance allows for the retention of significant trees on site, which will continue to mitigate stormwater runoff, while not increasing impervious surfaces and the heat island effect.
3. Walk Score rating for the area is 85, which is considered very walkable and a Bike Score of 75, which is considered very bikeable.
4. Other parking is available in the area, including metered on-street parking and on-street parking for those with residential permits, which may be acquired through LexPark for residents of the street.
5. The property is located within close proximity to various amenities, including but not limited to Gratz Park, Duncan Park, Phoenix Park, and Charles Young Park, and the neighborhood businesses located along North Limestone and downtown.

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 P-1 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-22-00064: BARNES SUBDIVISION (ELMWOOD OZ FUND LLC) (1/1/2023)* - located at 203 East Fourth Street.
Council District: 1
Project Contact: Vision Engineering
Planning Contact: T. Martin

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

Note: The purpose of the plan is to depict development of the property, in support of the requested zone change from High Density Apartment (R-4) zone to Professional Office (P-1) zone.

The Staff Recommends Approval, subject to the following conditions:

1. Provided the Urban County Council approves the zone change to P-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers, and floodplain information.
4. Urban County Traffic Engineer's approval of street cross-sections and access.
5. Urban Forester's approval of tree preservation plan.
6. Greenspace planner's approval of the treatment of greenways and greenspace.
7. United States Postal Service Office's approval of kiosk locations or easement.
8. Dimension existing building.
9. Dimension sidewalks and porches.
10. Denote height of building in site statistics.
11. Clarify location of trees relative to Kleiser Alley right-of-way.
12. Revise Tree Protection Plan to Tree Inventory Map per Article 26 of the Zoning Ordinance.
13. Addition of street cross-sections.
14. Discuss Placebuilder criteria.

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

1. **PLN-ZOTA-22-00016: AMENDMENT TO ARTICLE 8-16 RE-CATEGORIZING COMMUNITY CENTER DAY SHELTER, AND ADULT DAY CARE USES FROM A PRINCIPAL USE TO A CONDITIONAL USE** – a petition for a Zoning Ordinance text amendment to re-categorizing Community Center Day Shelter, and Adult Day Care uses from a Principal Use to a Conditional Use.

INITIATED BY: Keith Clark

PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: **No Recommendation.**

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

1. Community centers, day shelters, and adult day care facilities provide services which are substantially similar to principal uses within the Neighborhood Business (B-1) zone, thus should remain principal uses.
2. The applicant provides no details or information as to how community centers, day shelters, and adult day care facilities necessitate greater review by the Board of Adjustment (BOA) within a commercial zone.
3. The proposed text amendment is contrary to the findings of the Planning Commission and the Urban County Council in the establishment of community centers, day shelters, and adult day care centers in the B-1 zone.
4. The addition of barriers to community serving facilities proposed by the applicant is not in agreement with the 2018 Comprehensive Plan as it reduces the ability to provide community facilities that are integrated within neighborhoods (Theme A, Equity Policy #7) and can limit social service community facilities that address homelessness, substance abuse, mental health, and other significant issues (Theme D, Support Policy #5).
5. The proposed text diminishes the ability to achieve the goals laid out in the Five-Year Strategic Plan to Enhance Affordable Housing and Reduce and Effectively End Homelessness in Fayette County.
6. The proposed text amendment adds barriers to community servicing facilities, which disproportionately impacts people of color and individuals with a disability.
7. The proposed text is substantially similar to the 2012 text amendment, which resulted in a complaint by the United States Department of Justice and the Department of Housing and Urban Development. The proposed text could result in legal challenges and loss of funding for programs that support individuals who are economically insecure or experiencing homelessness.
2. **PLN-ZOTA-22-00017: AMENDMENTS TO ARTICLES 1, 8, 9, 10, 11, 12, 20, 21, 23 & 28 UPDATING AND CONSOLIDATING OPEN SPACE REGULATIONS INTO ARTICLE 20** – a petition for a Zoning Ordinance text amendment to amend Articles 1, 8, 9, 10, 11, 12, 20, 21, 23 & 28 to consolidate open space regulations into Article 20.

INITIATED BY: URBAN COUNTY PLANNING COMMISSION

PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: **No Recommendation.**

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 supports infill and redevelopment throughout the Urban Service Area by incorporating adequate greenspace and open space into all development projects, which serve the needs of the intended population (Theme A, Goal #2.c).
 - b. The amendment provides well-designed neighborhoods and communities by ensuring all new development includes walkable, accessible open space and greenspaces which lead to positive and safe social interactions (Theme A, Goal #3.b).
 - c. The amendment promotes improvements for quality of life by putting standards in place that ensure open space is walkable, accessible, and usable, which attracts new businesses and residents (Theme C, Livability Policy 8).
 - d. The amendment incentivizes green building and sustainable development (Theme B, Goal #3.c), and promotes, maintains, and expands the urban forest (Theme A, Goal #3.d) through reductions in vegetated area in exchange for green infrastructure, green roofs, tree stands, and other innovative designs.
 - e. The amendment upholds the Urban Service Area concept (Theme E, Goal #1) by accommodating additional development, in exchange for more intentionally designed open space, and maximizing the developable area of property near other existing or planned open spaces.
3. **PLN-ZOTA-22-0018: AMENDMENTS TO ARTICLES 5 & 7 REGARDING ZONING ENFORCEMENT** – a petition for a Zoning Ordinance text amendment to amend Articles 5 and 7 regarding Zoning Enforcement.

INITIATED BY: URBAN COUNTY PLANNING COMMISSION

PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: **No Recommendation.**

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

1. These amendments to the Zoning Ordinance are necessary to implement the adopted organizational changes within the Divisions of Building Inspection and Planning in order to better manage interpretation and enforcement of the Ordinance, as well as the permitting process.

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.

LONG RANGE PLANNING ACTIVITY REPORT

October 2022

Planning Commission Work Session

September Planning Commission work session took place on October 20, 2022. The Commission heard an annual update presentation on the Municipal Separate Storm Sewer System (MS4) given by Lindsie Nicholas, PE. High school student, Erin Aycock presented a Housing Affordability Simulation with participation from the Commission, the staff, and the audience. The Planning Commission also heard an update on the Open Space ZOTA, the Complete Streets Policy, and the Official Meeting & Filing Schedule.

Goal 4 Work Group

The Goal 4 group met four times in October, and finalized the Goal 4 Workgroup Report. This report is to be presented to the Planning Commission and the Council for further input and action.

Accessory Dwelling Units

Staff had two pre-applications for ADUs in October.

Parking ZOTA

The "Rethink Parking" initiative is directly linked to the Planning Commission's efforts to implement Imagine Lexington by modernizing our parking regulations in the Zoning Ordinance in a way that balances the needs of parking demand and supply in Lexington while also creating safe, walkable, sustainable, and livable neighborhoods, workplaces, and amenities. The Parking ZOTA got first reading from the Council on October 13, 2022 and was unanimously approved on October 27, 2022.

Imagine Lexington

Staff continued to implement items of the 2018 Comprehensive Plan and updated the Imagine Lexington Website to reflect these implementations.

Social Media

Staff continued to maintain the Imagine Lexington Facebook, Twitter, and Instagram social media accounts.

ZONING COMPLIANCE PLANNING ACTIVITY REPORTBoard of Adjustment

Seven (7) applications were on the agenda for consideration by the Board of Adjustment at their regular meeting on October 10, 2022. Two (2) of the applications were requests for variances, and five (5) applications were requests for conditional uses. Both of the requests for variances were approved. Two (2) of the conditional use applications were heard by the Board and approved. Another application was heard and continued to the November 14, 2022 meeting and the other two (2) applications were postponed to the November 14, 2022 meeting, at the request of the applicants.

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.

1.0 Transportation System Data & Monitoring

- Worked with Populus, a third party data-management company platform, to process and evaluate multiple shared mobility companies' data.
- Continued to review and collect relevant regional freight study data, and to perform National Highway Freight Network (NHFN) and Primary Highway Freight System (PHFS) data analysis.
- Several staff continued StreetLight tutorials for the transportation insight data platform that has been acquired in partnership with Traffic Engineering.
- Met with Traffic Engineering staff to prepare StreetLight Insight traffic data analytics and demos for the CMAQ committee meeting of December.
- Established access to the Kentucky State Police (KSP) crash reporting data source for transportation safety analysis.
- Continued update of GIS layers for traffic counts, truck volumes, bridge condition, traffic crashes and severity.
- Continued work constructing and formatting GIS Story Map for the MPO website to show transportation projects.
- Analyzed KYTC and MPO area bridge condition data and recommended related performance targets for the MPO area. Submitted the TPC approved targets to KYTC and FHWA.
- Set up two new bicycle and pedestrian counters on the Town Branch Commons trail.
- Compiled count data for bicycle and pedestrian use on shared use paths in Lexington.

2.0 Identify & Prioritize Projects

- Used FHWA recommended Emissions Calculator ToolKit to calculate pollutant emission rate (kg/day) reductions for some CMAQ project applications.
- Used FHWA recommended methodology to calculate cost-effectiveness of CMAQ project applications during the lifespan of a project.
- Provided CMAQ project application priority recommendations to the MPO CMAQ, TTCC & TPC Committees. Submitted TPC approved prioritizations to KYTC.
- Attended a meeting and provided input on the Statewide Bicycle & Pedestrian Master Plan being developed by KYTC.
- Assisted KYTC with distribution of the draft KYTC Statewide Long Range Transportation Plan.

3.0 Program & Project Implementation

- 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 approved two Shared Mobility Vehicle Licenses for Lexington.
- Presented on bicycle and pedestrian planning to new planning staff and board of adjustment members for an orientation session.

- Reviewed and evaluated UKLA student projects as a guest juror for a greenways and trail planning project.
- Attended 4 weekly paving coordination meetings.
- Continued work on a MPO-Level Complete Streets Policy.
- Continued work on a Lexington Complete Streets Policy.
- Met with Louisville Vision Zero coordinator to discuss safety topics of mutual interest to the Louisville and Lexington area.
- Continued work on Main St traffic calming solutions from Ashland Ave to Midland Ave.
- Addressed 3 bus shelter inquiries, including field visits
- Attended KYTC public meeting for the Winchester Rd widening project from Polo Club Blvd to Haley Pike.
- Attended ribbon cutting ceremony for the Town Branch Commons project.
- Presented and received TPC approval to allocate supplemental STBG-SLX funds to the Mt Tabor and Town Branch Trail Crossing projects.

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 and conducted meeting 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.
- Held transportation-focused project team meeting for the Imagine New Circle Plan.

5.0 Participation & Outreach

- Launched community outreach efforts for the LFUCG Complete Streets Policy.
- Participated in WRFL Trivial Thursdays to promote Glow Ride
 - <https://intranet.lexingtonky.gov/Home/Components/News/News/2272/15>
 - <https://lexfun4kids.com/events/lex-glow-ride-110522/>
 - <https://lextoday.6amcity.com/lexington-kentucky-glow-ride>
- Distributed PSAs on RadioLex and RadioVida
- Continued work on the Lexington Bicycle Map
- Continued work to update the MPO's Participation Plan
- Met with DEQ regarding FY23 outreach plan, messaging goals and budget.
- Social media:
 - Shared update on road closure and traffic impact (Clays Mill Rd)
 - Shared updates on construction, trail closures, and travel impacts (Legacy Trail)
 - Shared news of Town Branch Trail completion and celebration
 - Promoted input opportunity for KYTC's draft Long Range Plan
 - Promoted TPC meeting (rescheduled for Wed Nov 2)
 - Promoted monthly BPAC meeting
 - Promoted 2nd Annual Glow Ride event
 - Shared information about Complete Streets and Council's upcoming consideration of adopting a Complete Streets policy
 - Promoted Safe Streets tabling at Chevy Chase Street Fair
 - Shared Safety City engagement with second graders
 - Shared KY Office of Highway Safety tips for safe school bus travel
 - Shared announcement of KYTC's publication of Complete Streets, Roads, Highways Manual
- MPO website had 419 users (90% new users) and 932 page views in September.
- MPO Facebook has 3,638 followers (-6 followers); 4 posts; reached 731 users; and had 5 engagements in September.
- MPO Twitter has 2,035 followers, reached 3,219; had 3 tweets with 3 engagements; and 572 profile visits in September.
- LexBikeWalk Facebook page had 4,600 followers (+1 followers); 2 posts; reached 1,213 users; and had 11 engagements in September.
 - Despite lower posting, engagements on Facebook doubled
- LexBikeWalk Instagram page had 473 followers (+27 followers); 5 posts; reached 1,195 users; and had 129 engagements in September.
 - Instagram reach was up nearly 43%, engagements were up 43% too
 - Instagram story reach was up nearly 52%

6.0 Program Administration

- Prepared meeting packet and minute for the Bicycle Pedestrian Advisory Committee, Congestion Management & Air Quality Committee, Transportation Technical Coordinating Committee and Transportation Policy Committee.
- Prepared and submitted Q1 quarterly report to KYTC.

- Prepared and presented an orientation regarding the MPO and transportation planning process for new Planning Division staff and members of the Board of Adjustment.
- Attended KYTC Statewide Planning Meeting.
- Attended KYTC Statewide MPO meeting.
- Attended MPO Council meeting.
- Attended Lextran board meeting.
- Conducted weekly MPO Staff Meetings.
- Assisted Commission for People with Disabilities with draft revisions to committee Bylaws and Ordinance
- Coordinated with FTSB Director to oversee financial matters.
- Attended FTSB board meeting.
- Attended Corridors Commission meeting.
- Attended ribbon cutting ceremony for the Town Branch Trail.
- Attended the following Webinars / Workshops / Conferences:
 - Attended the Association of Metropolitan Planning Organization annual conference. MPO staff presented on the Imagine Nicholasville Road plan and on coordinating performance measures and project selection processes
 - Webinar - The Essential Value of Street Trees in City Making and Sustainable Urban Design
 - Webcast – Creating Policy for Local Electric Vehicle Infrastructure
 - Webinar – USDOT PROTECT formula program

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 NOVEMBER 2022

Subdivision Committee, Thursday, 8:30 a.m., in 3 rd Floor Conf Room, Phoenix Building	December 1, 2022
Zoning Committee, Thursday, 1:30 p.m., in 3 rd Floor Conf Room, Phoenix Building	December 1, 2022
Subdivision Items Public Hearing, Thursday, 1:30 p.m. in Council Chambers, 2nd Floor, Gov't Center.....	December 8, 2022
Zoning Items Public Hearing, Thursday, 1:30 p.m. in Council Chambers, 2nd Floor, Gov't Center	December 15, 2022
Technical Committee, Wednesday, 8:30 a.m., in 3 rd Floor Conf Room, Phoenix Building	December 21, 2022

X. ADJOURNMENT

HB/RS

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