

AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION AND ZONING ITEMS PUBLIC HEARING

May 25, 2023

- 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 27, 2023 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 4, 2023 at 8:30 a.m. The meeting was attended by Commission members Ivy Barksdale, Judy Worth, Headley Bell, and Anthony de Movellan. Other Committee members present were Vaughan Adkins, Division of Engineering; and David Filiatreau, Division of Traffic Engineering. Staff members in attendance were: Traci Wade, Tom Martin, Cheryl Gallt, Autumn Goderwis, Daniel Crum, Boyd Sewe, Paula Schumacher, 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.

1. Development Plans

- a. PLN-MJDP-23-00025: ROSE H. BRIGDEN & MARK MCCLURE PROPERTY, TRACT A (7/2/2023)* -
located at 2819 LIBERTY ROAD, LEXINGTON, KY
Council District: 6
Project Contact: Vision Engineering

Note: The purpose of this plan is to depict 14 townhomes and associated parking.

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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
6. Greenspace planner's approval of the treatment of greenways and greenspace.
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. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
10. United States Postal Service Office's approval of kiosk locations or easement.
11. Correct Note #7, to read as Section 21-6 (a)(14) of the Zoning Ordinance.
12. Correct notation regarding front yard setbacks on face of plan to reference Note #15.
13. Addition of floor area and open space in site statistics.
14. Provided the Planning Commission grants the requested waiver to Article 6-6 (d) of the Land Subdivision Regulations.

- V. **ZONING ITEMS** - The Zoning Committee met on May 4, 2023, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Bruce Nicol, Larry Forester, and Robin Michler. Staff members present were; Traci Wade, Autumn Goderwis, Tom Martin, Daniel Crum, Boyd Sewe, Bill Sheehy; as well as Tracy Jones and Brittany Smith, Department of Law.

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.

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

1. 763 NEWTOWN, LLC AND A-1 SANITATION SERVICE & EDSTER PROPERTY DEVELOPMENT PLAN

- a. **PLN-MAR-23-00006: 763 NEWTOWN, LLC** – a petition for a zone map amendment from a Highway Service Business (B-3) zone to a Wholesale and Warehouse Business (B-4) zone, for 0.91 net (1.16 gross) acres, for property located at 763 Newtown Pike (a portion of).

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 a restricted Wholesale and Warehouse Business (B-4) zone in order to construct an additional structure within an existing warehousing project. As proposed, this portion of the development will consist of a new 10,080 square-foot building, divided into four (4) separate bays, along with corresponding parking areas and landscaping.

The Zoning Committee Recommended: Approval.

The Staff Recommends: Approval, for the following reasons:

1. A restricted Wholesale and Warehouse Business (B-4) zone is in agreement with the 2018 Comprehensive Plan's Goals, Objectives, and Policies for the following reasons:
 - a. The proposed project will support infill and redevelopment by intensifying a vacant and underutilized portion of the property within the Urban Service Boundary (Theme A, Goal #2).
 - b. The proposed facility strengthen job opportunities (Theme C, Goal #2) by providing additional warehouse space for small businesses and contractors to operate (Theme C, Goal #2.b), similar to the existing units on the site.
 - c. The proposal strengthens the Newtown corridor by redeveloping the vacant portion of the property closest to the roadway. (Theme E, Goal 1.c)(Theme D, Goal #2.c).
 - d. The proposal supports the redevelopment of underutilized property (Growth Policy #10).
 - e. The request creates a development that is sensitive to the surrounding context (Design Policy #4).
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 proposal expands employment opportunities for shops of special trade, minimizes the impact on environmentally sensitive areas, and avoids overparking.
 - b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity, as the proposal will provide pedestrian connectivity throughout the entire development, and will connect into the existing pedestrian networks along Newtown Pike.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will decrease the overall amount of impervious surface, increase tree canopy coverage, and protects the natural features on the site, including the Royal Springs Aquifer.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are recommended via conditional zoning:

Prohibited Uses:

- i. Ice Plants.
- ii. Tire re-treading and re-capping.
- iii. Outdoor storage and display of equipment and inventory associated with establishments and lots for rental, repair or sale of automobiles, trucks, mobile homes, recreational vehicles, motorcycles or boats.
- iv. Truck terminals and freight yards.
- v. Automobile service stations.
- vi. Establishments for the display and sale of pre-cut, pre-fabricated, or shell homes.
- vii. Circuses and carnivals.
- viii. Mining.
- ix. Kennels and animal hospitals.

- x. Major or minor automobile and truck repair.
- xi. Parking lots and structures as principal uses.
- xii. All above ground and underground storage tanks.

Landscaping and Buffering

- 1. A 50-foot building setback shall be established from any mobile home (at their present locations; excluding any porches, stairs or attached accessory structures) located within the mobile home park to the north of the subject property.
- 2. A 10-foot land use buffer shall be provided along the property line adjoining the mobile home park, consisting of a 6-foot tall privacy fence, with one tree per 20 feet, planted on center.
- 3. There shall be no outside loudspeakers.
- 4. Exterior lighting shall be designed to prevent light shining directly from the source to the adjoining mobile home park to the north.

These restrictions are appropriate and necessary for the following reasons:

- 1. The restrictions help protect and buffer the adjoining residential and public uses from potentially incompatible land uses and development.
- 2. These restrictions help preserve the integrity of the Royal Springs Aquifer Recharge Area,
- 3. The modification of the permitted uses maintains consistency with existing conditional use restrictions in this area, and helps promote employment that is appropriate along Lexington's designated freight corridor.
- 4. This recommendation is made subject to approval and certification of PLN-MJDP-23-00026: A-1 Service and Edster Property (AMD), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

- b. PLN-MJDP-23-00026: A-1 SERVICE AND EDSTER PROPERTY (AMD) (7/29/2023)* - located at 763 NEWTOWN PIKE, LEXINGTON, KY
Council District: 1
Project Contact: MHL Civil

Note: The purpose of this amendment is to depict development of the site, in support of the requested zone change from a Highway Service (B-3) zone, to a Wholesale and Warehouse Business (B-4) zone.

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

- 1. Provided the Urban County Council approves the zone change to B-4; 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. United States Postal Service Office's approval of kiosk locations or easement.
- 8. Denote required canopy coverage in site statistics.
- 9. Complete all required tree inventory information per Article 26.
- 10. Denote compliance with Article 20 open space requirements.
- 11. Discuss Placebuilder criteria.

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

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 2023-2: LFUCG PARKS AND RECREATION, CARDINAL RUN NORTH** – a Public Facility Review regarding construction of a new regional park on property located at 3280 Versailles Road, and 2001 & 2075 Parkers Mill Road.

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

VII. STAFF ITEMS – The staff will report at the meeting.**LONG RANGE PLANNING ACTIVITY REPORT**

April 2023

Planning Commission Work Session

The Planning Commission held a work session on April 20, 2023 where they were presented an update on Imagine New Circle Road. Additionally, staff presented Theme C – Creating Jobs & Prosperity from Imagine Lexington 2045. With the presentation, the Planning Commission received a copy of Theme C – Creating Jobs and Prosperity.

Accessory Dwelling Units

Staff had 1 new ADU pre-app in April.

Imagine Lexington

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

Long-Range staff continued work on Imagine Lexington 2045 Goals & Objectives and began initial preparation for the elements and implementation phase.

Social Media

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

ZONING COMPLIANCE PLANNING ACTIVITY REPORT

During the month of April, there were Twelve (12) applications on the agenda for consideration by the Board of Adjustment at their regular meeting on April 10, 2023. Three (3) of the applications were requests for variances; all of which were approved by the Board. There were also three (3) applications requesting conditional use permits on the agenda. The Board granted two (2) of those requests and voted to continue the third application to the May 8, 2023 meeting.

There were six (6) applications for administrative appeals on the April agenda. The Board voted to disapprove all five (5) of the applications; and remand one to the Division of Building Inspection.

TRANSPORTATION PLANNING / MPO ACTIVITY REPORT**1.0 Transportation System Data & Monitoring**

- Continued to collect system data and conducting data analysis tasks for the 2050 Metropolitan Transportation Plan (MTP).
- Updated transportation-related GIS layers.
- Continued work constructing and formatting GIS Story Map for the MPO website to show transportation projects.

2.0 Identify & Prioritize Projects

- Presented a draft project selection process for MPO sub-allocated funding to MPO committees for their review and comment.
- Attended 4 pavement coordination meetings at Streets and Roads.
- Met to discuss public outreach strategies for the 2050 MTP update.
- Attended 4 project team meetings for the Lexington Safety Action Plan. Conducted a stakeholder meeting with safety partners.
- Presented SHIFT Project Sponsorship recommendations to MPO Subcommittees for their input.
- Received TPC approval of “Sponsored Project” list for the KYTC Strategic Highway Investment Formula for Tomorrow (SHIFT) planning process that is used to identify and prioritize projects for inclusion in the State Highway Plan.
- Continued work on the Empower Lexington Transportation and Land Use draft recommendations.
- Met with BGCAP in Frankfort to discuss MTP 2050 as it relates to regional transit and Lexington.

3.0 Program & Project Implementation

- Continued work with LFUCG Mayor's Office to establish the Complete Streets Committee and to develop an approach and timeline for developing the Complete Streets Action Plan.
- Secured funding for an LFUCG Complete Street Design Standards project for FY 24.
- Worked with LFUCG Traffic Engineering to present the ITS-CMS FY2024 Budget Request Proposal to the KYTC D7's office for their review and approval.
- Recommended an MPO goal of zero traffic fatalities or serious injuries in Fayette/Jessamine Counties by the year 2050 to the MPO Committees to their approvals. The recommendation was adopted by the TPC at their April meeting.
- Prepared for the second round of public input for the East Lexington Trail Connectivity & Traffic Safety Study.
- 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 2023 repaving list for possible bike lane striping improvements as a part of routine maintenance.
- Processed TIP Modification #29: Rosemont Garden Sidewalks, KY 169 Spot Imp, High Friction Surface Treatments, Various Continuing Programs
- Processed TIP Modification #30: Complete Streets Design Standards, Alexandria Drive at Trailwood Lane, South Broadway at Red Mile
- Submitted request for Corridors Commission to fund change out of art panels in 2 bus shelters (Newtown Pike and 3rd & Elm Tree Lane).
- Participated in stakeholder meeting with Corridors Commission and Gresham-Smith for the Corridor Design Guidebook.

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 inquiries and conducted meetings with development groups to work through requirements for multi-modal compliance with the subdivision regulations.
- Attended two (2) 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.
- Concluded the public input survey for the Imagine New Circle Rd Plan. Held 2 project team meetings. Presented draft recommendations to the LFUCG Planning Commission.
- Submitted draft transportation-related updates for Theme C of the LFUCG 2045 Comprehensive Plan.

5.0 Participation & Outreach

- Finalized Lexington Bicycle Map and sent to print.
- Continued planning and coordination for the second annual Streetfest
- Prepped for Bike to Work breakfast event during Bike Month
- Started seasonal Safety City school visits
- Coordinated Safe Cycling Courses for May
- Met with representatives of the Hartland Gardens Neighborhood Association to discuss concerns regarding Tates Creek Road
- Attended Nehemiah Action Assembly for the Building a United Interfaith Lexington through Direct Action caucus regarding proposal to consider microtransit services
- Continued coordination with EQPW PIE team for social media outreach:
- Promoted monthly BPAC meeting
- Promoted bi-monthly TPC meeting
- Promoted May 13th Streetfest
- Promoted Safe Cycling Courses
- Shared out community call for Bike Month events
- Shared info about League-certified cycling courses offered by MPO

- Shared KYTC and District 7 updates; projects with traffic impacts
- Posted about Water Quality project with traffic impacts (Greentree Road)
- Posted info about LFUCG Emergency Management bridge repair
- Shared survey opportunity for Imagine New Circle Road plan (Long Range Planning)
- MPO Facebook has 3,661 followers (11 followers); 12 posts; reached 1,014 users; and had 25 engagements in April.
- MPO Twitter account deleted; approved by PIO
- LexBikeWalk Facebook page had 4,639 followers (+7); 13 posts; reached 2,425 users; and had 82 engagements in April.
- LexBikeWalk Instagram page had 614 followers (+19 followers); 9 posts; reached 1,754 users; and had 180 engagements in April.
- MPO Twitter account deleted; approved by PIO

6.0 Program Administration

- Prepared meeting packets and minutes for the Bicycle Pedestrian Advisory Committee (BPAC), Congestion Management Air Quality (CMAQ), Transportation Technical Coordinating Committee (TTCC), and Transportation Policy Committee (TPC).
- Conducted interviews for the vacant Planner position
- Met with LFUCG Councilmember Denise Gray to review TPC new member orientation
- Presented and received TPC approval of the MPO's draft FY 2024 Unified Planning Work Program.
- Attended Lextran board meeting.
- Attended Statewide Planning meeting.
- Attended Statewide MPO meeting.
- Attended Bluegrass Airport Master Plan Leadership Committee Meeting
- Attend statewide MPO Council meeting.
- Attended Reimagining the Civic Commons meeting to share information on multimodal transportation planning efforts and issues.
- Conducted weekly MPO Staff meetings.
- Attended Access Lexington Commission meeting.
- Coordinated with FTSB Director to oversee financial matters.
- Attended Corridors Commission meeting.
- Attended AMPO Emerging Technologies leadership team meeting
- Attended the following Webinars / Workshops / Conferences:
 - Equity & Roadway Safety Leadership Panel

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 2023

Subdivision Committee, Thursday, 8:30 a.m., in 3rd Floor Conf Room, Phoenix Building June 1, 2023
 Zoning Committee, Thursday, 1:30 p.m., in 3rd Floor Conf Room, Phoenix Building June 1, 2023
Subdivision Items Public Hearing, Thursday, 1:30 p.m. in Council Chambers, 2nd Floor, Gov't Center..... **June 8, 2023**
 Work Session, Thursday, 1:30 p.m., in 3rd Floor Conf Room, Phoenix Building June 15, 2023
 Zoning Items Public Hearing, Thursday, 1:30 p.m. in Council Chambers, 2nd Floor, Gov't Center June 22, 2023
 Technical Committee, Wednesday, 8:30 a.m., in 3rd Floor Conf Room, Phoenix Building June 28, 2023
Work Session, Thursday, 1:30 p.m., in 3rd Floor Conf Room, Phoenix Building..... June 29, 2023

X. ADJOURNMENT

TW/AG/DC/RS-5/13/23