

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

August 24, 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 June 22, 2023 and July 27, 2023 meetings 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, August 3, 2023 at 8:30 a.m. The meeting was attended by Commission members Judy Worth, Janice Meyer, and Headley Bell, and Mike Owens. 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, Embry Beatty, Division of Fire and Emergency Services; Tracy Jones, Department of Law; Doug Burton, Division of Engineering. 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 August 3, 2023, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Larry Forester, Robin Michler, and Zach Davis. Staff members present were; Traci Wade, Autumn Goderwis, Tom Martin, Daniel Crum, Boyd Sewe, Bill Sheehy; as well as Brittany Smith and Tracy Jones, 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.

1. **CLEAR OPTIKS, LLC ZONING MAP AMENDMENT AND FIRST SECURITY NATIONAL BANK (AMD) DEVELOPMENT PLAN**

- a. **PLN-MAR-23-00011: CLEAR OPTIKS, LLC** – a petition for a zone map amendment from a Professional Office (P-1) zone to Neighborhood Business (B-1), for 0.6130 net (1.04 gross) acres, for property located at 1617 Clays Mill Road.

COMPREHENSIVE PLAN AND PROPOSED USE

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

The applicant is seeking to utilize the existing 2,322 square-foot vacant bank structure on the property as a restaurant/ coffee shop. The applicant proposes to continue to utilize the existing accessory drive-through facilities present on the site in order to serve the proposed use. The change in use will be accompanied by a minor change in the parking lot configuration to support a 16-seat outdoor dining area and a total of 18 parking spaces.

The Zoning Committee Recommended: **Approval.**

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

1. The requested Neighborhood Business (B-1) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning addresses the goal of growing successful neighborhoods by supporting infill and redevelopment throughout the Urban Service Area (Theme A, Goal #2.b), while also re-activating a site on one of Lexington's most significant corridors (Theme E, Goal #1.d).

- b. The proposed project includes a neighborhood-oriented restaurant use that features extensive connections to several pedestrian networks and neighborhoods (Theme A, Goal #3.b)
 - c. By utilizing an already developed site, the proposed development minimizes the disruption of natural features of the site (Theme E, Goal #3.c)
 - d. At the proposed scale, the development provides an accessible, neighborhood level commercial area (Theme A, Design Policy #12).
 - e. The request introduces a neighborhood restaurant use into an area that lacks walkable dining options (Theme A, Density Policy #3).
 - f. The request will maintain the existing sidewalk networks and provide bicycle facilities on-site in order to promote connectivity (Theme B, Sustainability Policy #2).
2. The justification and corollary development plan are in agreement with the development criteria of the 2018 Comprehensive Plan.
- a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the use remains at an appropriate scale for the low density residential and commercial development in this area, provides for a neighborhood scale restaurant use that is not present in the vicinity, and utilizes outdoor dining areas to activate the frontage for pedestrians.
 - b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity as it maintains an extensive pedestrian network that served the previous bank use, and provides for direct and accessible linkages to transit along a major corridor.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, and limits the impacts on the surrounding environment.
3. This recommendation is made subject to approval and certification of PLN-MJDP-23-00049: FIRST SECURITY NATIONAL BANK (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-23-00043: FIRST SECURITY NATIONAL BANK (AMD)

Council District: 10

Project Contact: Barrett Partners, Inc

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

Note: The purpose of this development plan is to convert a bank to a restaurant, in support of the requested zone change from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone.

Note: The applicant submitted a revised plan on July 31, 2023. Based on that submittal, staff can offer the following revised conditions.

The Staff Recommends: **Approval**, subject to the following revised 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.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Landscape Examiner's approval of landscaping and landscaping buffers.
5. Addressing Office's approval of street names and addresses.
6. Urban Forester's approval of tree preservation plan.
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. Denote area for bicycle parking.
14. Discuss Placebuilder criteria.

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

1. PLN-ZOTA-23-00002: AMENDMENT TO ARTICLE 17 FOR ADDITIONAL ELECTRONIC MESSAGE DISPLAY SIGNAGE INCLUDING VIDEO IN THE LEXINGTON CENTER BUSINESS (B-2B) ZONE - a petition for a Zoning Ordinance text amendment to allow additional electronic message display signage including video displays (dynamic content) in association with a civic center in the Lexington Center Business (B-2B) zone.

INITIATED BY: LEXINGTON CENTER CORPORATION
PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: **Postponement**

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

1. The proposed text amendment allows for the expansion of the use of electronic message display systems within the Lexington Center Business (B-2B) zone in a manner not currently allowed in the Urban County. Additional research and analysis is necessary regarding the implications of introducing dynamic content to any sign. Any new signage should not have an adverse influence or negatively impact the overall health, safety, and welfare of the Lexington community and visitors to the Urban County.
2. Additional time is necessary to research best practices and other ordinances that regulate the proposed signage type, including size, location, timing/duration, lighting, and related definitions.
3. The applicant should provide justification for the proposed size of the sign and identify the legitimate need for dynamic content over static content.

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

July 2023

Planning Commission Work Session

The Planning Commission held a work session on July 20, 2023 where they were presented Imagine Lexington 2045, Theme E: Urban & Rural Balance. They were also given a presentation on the Accessory Dwelling Units Zoning Ordinance Text Amendment.

Accessory Dwelling Units

Staff had 2 new ADU pre-apps in July.

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

Board of Adjustment

In July, there were only two (2) applications on the agenda for consideration by the Board of Adjustment at their meeting on July 10, 2023. The first application the Board considered was a request for a variance to reduce the side street side yard setback for a deep building, and variances to reduce the required Vehicular Use Area buffer width along both the southwestern and northeastern property lines in order to construct an addition and associated parking within the defined Infill and Redevelopment Area in a Neighborhood Business (B-1) zone. The second application was for a

conditional use permit to establish a personal care facility within a Neighborhood Design Character Overlay (ND-1) zone in a Planned Neighborhood Residential (R-3) zone. Both applications were approved by the Board.

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 2050).
- Reviewed and updated the Air Quality (AQ) monitoring data and charts to document the AQ monitoring and improvement efforts.
- Updated transportation-related GIS layers.
- Continued work on constructing and formatting GIS Story Map with Experience Builder for the MPO website to show transportation projects.

2.0 Identify & Prioritize Projects

- Reviewed draft and finalized the Lexington Safety Action Plan.
- Continued work on the MTP 2050 update.
- Conducted and attended meetings with KYTC staff to discuss the MPO project boosting scores for the KYTC Strategic Highway Investment Formula for Tomorrow (SHIFT) 2024 Program.

3.0 Program & Project Implementation

- Held 6 meetings with LFUCG Mayor's Office to coordinate work on the Complete Streets Action Plan. Continued to host stakeholder meetings to inform the plan.
- Met with Mayor's Office to discuss possible LFUCG submittal for a federal Reconnecting Communities grant.
- Assisted in the preparation and submission of a Safe Streets for All (SS4A) grant application for safety improvements along New Circle Rd (Boardwalk to Bryan Station), to fund a Vision Zero Coordinator, and fund a multi-year safety education campaign.
- 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.
- Attended 4-paving coordination meetings as an advisor for ADA sidewalk ramps and bike facilities design modifications.
- Continued Coordination with UK Occupational Vision Impaired program to do a field exercise for designers to improve crossings for the visually impaired at non-signal controlled intersections such as roundabouts and diverging diamond intersections.
- Conducted a Project Coordination Team meeting to track the status of projects in the TIP
- Processed TIP Modification #34 - D7 Wrong Way Signs
- Processed TIP Modification #35 - US 68 Safety Improvements Study (Near KY River)
- Processed TIP Modification #36 - Valley View Ferry - Drydock Restoration & Preservation, Armstrong Mill Bike/Ped Improvements

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 1 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.
- Assisted in developing transportation-related recommendations for Theme E of the LFUCG 2045 Comprehensive Plan and attended related Planning Commission Work Session.
- Held project kick-off Steering Committee meeting for the Nicholasville Rd Transportation Feasibility Study, Traffic and Transit Analysis

5.0 Participation & Outreach

- Continued seasonal Safety City school visits
- Presented/led activity at Teacher's Environmental Academy (high school)
- Prepared a digital survey for the public outreach effort to develop the 2050 MTP
- Announced Paula Nye Grant #2 Award: 3-day LCI seminar with scholarships to fund bilingual participants
- Filmed introductory video for MTP 2050 update survey & engagement
- Held Bike Camp with elementary and middle school students
- Presented on Bicycle and Pedestrian Transportation Planning at the Fayette Alliance Smart Growth Academy
- Continued planning Cycle September
- Developed transportation and safety component of curriculum for school year programming
- Continued coordination with EQPW PIE team for social media outreach:
 - Promoted monthly BPAC meeting
 - Shared LFUCG road construction updates
 - Promoted Paula Nye grant-funded LCI seminar
 - Shared quarterly scooter stats
 - Reposted about June bike camp
 - Cross-posted KYTC statewide and D7 announcements and roadway guides (e.g., navigating work zones safely)
 - Shared general info and behavior change posts on @LBW Instagram
- MPO Facebook has 3,683 followers (+14 followers); 10 posts; reached 1,902 users; and had 95 engagements in June.
- LexBikeWalk Facebook page had 4,666 followers (+10); 7 posts; reached 1,602 users; and had 64 engagements in June.
- LexBikeWalk Instagram page had 657 followers (+16 followers); 6 posts; reached 1,054 users; and had 73 engagements in June.

6.0 Program Administration

- Prepared meeting packets and minutes for the Bicycle Pedestrian Advisory Committee (BPAC).
- Attended Statewide Planning meeting
- Met with Nicholasville City Representatives to discuss long-term transportation needs
- MPO Director provided testimony to the Kentucky Legislature Joint Budget Review Subcommittee on Transportation regarding the MPO role in implementing and funding transportation projects
- Prepared the FY 2023 Unified Planning Work Program Q4 quarterly report
- Attended Lextran board meeting.
- Coordinated with FTSB Director to oversee financial matters.
- Attended Via Creative board meeting.
- Attended Access Lexington meeting
- Attended Bluegrass ADD Regional Transportation Committee meeting
- Attended Pedestrian Safety Work Group meeting
- Conducted weekly MPO Staff meetings.
- Participated in Planning division-wide staff meeting
- Attended AMPO Emerging Technologies leadership team meeting.
- Attended the following Webinars / Workshops / Conferences:
 - LEED for Communities: Planning for Sustainability, Resilience and Equity webcast.
 - Quality Assurance Project Plans for EPA Climate Pollution Reduction Grant

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 September 2023

Subdivision Committee, Thursday, 8:30 a.m., in 3 rd Floor Conf Room, Phoenix Building	September 7, 2023
Zoning Committee, Thursday, 1:30 p.m., in 3 rd Floor Conf Room, Phoenix Building	September 7, 2023
Subdivision Items Public Hearing , Thursday, 1:30 p.m. in Council Chambers, 2 nd Floor, Gov't Center.....	September 14, 2023
Work Session, Thursday, 1:30 p.m., in 3 rd Floor Conf Room, Phoenix Building	September 21, 2023
Technical Committee, Wednesday, 8:30 a.m., in 3 rd Floor Conf Room, Phoenix Building.....	September 27, 2023
Zoning Items Public Hearing, Thursday, 1:30 p.m. in Council Chambers, 2nd Floor, Gov't Center.....	September 28, 2023

X. ADJOURNMENT

TW/DC/RS-8/16/23