

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

March 28, 2024

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

Planning Commission members present: Zach Davis, William Wilson , Janice Meyer, Judy Worth, and Ivy Barksdale, Bruce Nicol, Robin Michler, Mike Owens, Graham Pohl

Planning staff members present: Traci Wade, Tom Martin, Cheryl Gallt, Daniel Crum, James Mills, and Bill Sheehy. Other staff members present were: Vaughan Adkins, Division of Engineering; Captain Greg Lengal, Division of Fire and Emergency Services; and Tracy Jones, Department of Law.

- II. **APPROVAL OF MINUTES** – A motion was made by Ms. Meyers, seconded by Mr. Owens for the approval of the minutes of the February 22, 2024 public hearing, and carried 9-0 (Forester and Johnathon Davis absent).

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

1. **PLN-MAR-24-00002: ANTHONY HUMPHRESS** – a petition for a zone map amendment from a Single Family Residential (R-1C) zone to a Townhouse Residential (R-1T) zone, for 0.458 gross and 0.600 net acres for property located at 800 and 802 Golfview Drive. The applicant is also requesting a variance to reduce the setback from the floodplain from 25 to 5 feet.

Applicant Comment – Mr. Chris Clendenen, speaking for Mr. Dick Murphy, attorney for the applicant, stated that they are seeking a one month postponement to the April, 2024 meeting to work with Staff on design issues.

Action – A motion was made by Mr. Pohl, seconded by Mr. Wilson and carried 9-0 (Forester and Johnathon Davis absent) to postpone PLN-MAR-24-00002: ANTHONY HUMPHRESS to the April 25, 2024 public hearing.

2. **PLN- ZOTA-23-00004: AMENDMENT TO ARTICLE 8-1, OUTDOOR RECREATION IN THE AGRICULTURAL RURAL(A-R) ZONE**– a text amendment to the Zoning Ordinance to amend Article 8 to remove baseball diamond from an accessory use to a conditional use.

Staff Comment – Mr. Daniel Crum, stated that the applicant had requested a one month postponement to the April 25, 2024 public hearing.

Action – A motion was made by Mr. Owens, seconded by Mr. Pohl and carried 9-0(Forester and Johnathon Davis absent) to postpone PLN- ZOTA-23-00004: AMENDMENT TO ARTICLE 8-1, OUTDOOR RECREATION IN THE AGRICULTURAL RURAL(A-R) ZONE to the April 25, 2024 public hearing.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, March 7, 2024 at 8:30 a.m. The meeting was attended by Commission members Ivy Barksdale, Bruce Nicol, Janice Meyer, Mike Owens, and Judy Worth. 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, Daniel Crum, Cheryl Gallt, James Mills, Boyd Sewe, Paula Schumacher, Greg Lengal and Embry Beaty; Division of Fire and Emergency Services, and Tracy Jones; Department of Law. The Committee made recommendations on plans as noted.

General Notes

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

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

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

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

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

The procedure for these hearings is as follows:

- Staff Report(s), including subcommittee reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) proponents (10 minute maximum OR 3 minutes each)
 - (b) objectors (30 minute maximum OR 3 minutes each)
- Rebuttal & Closing Statements
 - (a) petitioner's comments (5 minute maximum)
 - (b) citizen objectors (5 minute maximum)
 - (c) staff comments (5 minute maximum)
- Commission discusses and/or votes on the plan.

V. ZONING ITEMS – The Zoning Committee met on March 7, 2024, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Larry Forester, Zach Davis, William Wilson, Graham Pohl, and Johnathon Davis. Staff members present were Traci Wade, Autumn Goderwis, Tom Martin, Daniel Crum, James Mills, and Bill Sheehy; as well as 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. ANTHONY HUMPHRESS ZONING MAP AMENDMENT AND KIDWELL & OTIS PROPERTY (GOLF VIEW ESTATES) DEVELOPMENT PLAN

- a. **PLN-MAR-24-00002: ANTHONY HUMPHRESS** – a petition for a zone map amendment from a Single Family Residential (R-1C) zone to a Townhouse Residential (R-1T) zone, for 0.458 gross and 0.600 net acres for property located at 800 and 802 Golfview Drive. The applicant is also requesting a variance to reduce the setback from the floodplain from 25 to 5 feet.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2045 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 is proposing the Townhouse Residential (R-1T) zone in order to construct a 10-unit attached townhome development, for a density of 21.83 units per acre. These structures are proposed to be three stories tall, with second and third floor rear decks. The applicant is proposing to create a rear parking area within the existing floodplain, with access from both Golfview Drive and Garrison Avenue.

The Zoning Committee Recommended: Postponement.

The Staff Recommends: Postponement, for the following reasons:

1. The Townhouse Residential (R-1T) zone is not a recommended zone for the applicant's choice in Place-Type and Development Type. The applicant should provide a justification for the choice in zone.
 2. The applicant should provide further information on how the following Goals, Objectives, and Policies of the 2045 Comprehensive Plan are being met with this request:
 - a. Minimize disruption of natural features when building new communities (Theme A, Goal #3.c)
 - b. Identify and assess potential climate change impacts, including but not limited to, temperature, precipitation, extreme weather, agriculture, and human health (Theme B, Goal #2.b).
 - c. Provide development that is sensitive to the surrounding context (Theme A, Design Policy #4)
 - d. Conserve and protect environmentally sensitive areas, including sensitive natural habitats, greenways, and water bodies (Theme B, Protection Policy #2).
 - e. Reduce and mitigate negative environmental impacts of impervious surfaces and vehicular use areas (Theme B, Sustainability Policy #4).
 3. The applicant should provide further information on how the following Development Criteria of the 2045 Comprehensive Plan are being met with this request:
 - a. B-PR2-1: Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.
 - b. B-PR9-1: Minimize grading and topsoil disturbance by utilizing the existing topography to the greatest extent possible and preserving key natural features.
 - c. B-RE5-1: Dividing floodplains into privately owned parcels with flood insurance should be avoided.
 - d. B-SU4-1: Development should minimize or mitigate impervious surfaces.
 - e. B-RE5-3: Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them.
- b. **VARIANCE** – The applicant is also requesting a variance to reduce the setback from the floodplain from 25 to 5 feet.

The Zoning Committee Recommended: Postponement.

The Staff Recommends: Postponement of the requested variance for the following reasons:

1. The applicant should provide further information on the necessity of the requested variance, and the feasibility of adapting the design or size of the development in order to request a lesser variance, or no variance at all.

- c. **PLN-MJDP-23-00003: KIDWELL & OTIS PROPERTY (GOLF VIEW ESTATES)** (4/1/24)* - located at 802 & 804 GOLFOVIEW DRIVE, LEXINGTON, KY

Council District: 11

Project Contact: Barrett Partners, Inc.

Note: The purpose of this plan is to depict a townhome development of 10 units, in support of the requested zone change from a Single-Family Residential (R-1C) zone to a Townhouse Residential (R-1T) zone.

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

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. Addition of proposed and Clarify purpose of existing 6' easement along western property line.
8. Provided the Planning Commission grants the requested variance to the floodplain setback.
9. Discuss location of dumpster in FEMA floodplain.
10. Discuss Placebuilder criteria.

2. **WILLIAM E MCALPIN ZONING MAP AMENDMENT AND ALEXANDRIA STORAGE DEVELOPMENT PLAN**

- a. **PLN-MAR-24-00003: WILLIAM E MCALPIN** – a petition for a zone map amendment from a Agricultural Rural (A-R) zone to a Light Industrial (I-1) zone, for 0.481 net (1.675 gross) acres for property located at 1120 Alexandria Drive.

COMPREHENSIVE PLAN AND PROPOSED USE

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The petitioner proposes to construct a 6,300 square-foot warehouse to store his personal vehicles and equipment. In addition, the applicant is proposing to provide five parking spaces adjoining the structure.

The Zoning Committee Recommended: **Approval**.

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

1. The current Agricultural Rural (A-R) zone is inappropriate for the following reasons:
 - a. At less than half of an acre in size, the subject property is too small to farm effectively, and is out of character with the standard 40-acre minimum lot size required in the Agricultural Rural (A-R) zone.
 - b. The parcel is physically separated from other nearby agricultural uses by existing roadways, and is located within the Urban Services Area.
 - c. The intensity of Alexandria Drive and New Circle Road, and the lack of existing connections in the vicinity makes the subject property ill-suited for single-family residential development.
2. The proposed Light Industrial (I-1) zone is appropriate, for the following reasons:
 - a. The subject property adjoins an industrial park with existing Light Industrial (I-1) zoning.
 - b. The Light Industrial zone will allow for a low-traffic personal warehouse use on a parcel that due to its size and location is ill-suited for residential, agricultural, or commercial development.
 - c. The proposed use will act as a transition to the more intense industrial uses on Enterprise Court, and will not negatively impact nearby properties outside of the Urban Services Area.
3. This recommendation of approval is made subject to the following conditional zoning restriction:
 - a. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use shall be prohibited:
 1. Advertising signs as defined in Article 17-3(b)(l) of the Zoning Ordinance
This restriction is necessary and appropriate due to the close proximity of residential uses to the southeast, and to prevent potential distractions near at the W. New Circle Road overpass.

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

4. This recommendation is made subject to approval and certification of PLN-MJDP-24-00007: ALEXANDRIA STORAGE 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-24-00007: ALEXANDRIA STORAGE (5/5/24)* - located at 1120 ALEXANDRIA DRIVE, LEXINGTON, KY.

Council District: 11

Project Contact: Eagle Engineering

Note: The purpose of this plan is to depict development of a warehouse and associated parking lot on the site, in support of the requested zone change from an Agricultural Rural (A-R) zone to a Light Industrial (I-1) zone.

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

1. Provided the Urban County Council approves the zone change to I-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. 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 Commission.
8. United States Postal Service Office's approval of kiosk locations or easement.
9. Denote lot coverage and Floor Area Ratio per Article 21 requirements.
10. Denote building height in feet in site statistics.
11. Discuss stormwater detention quality requirements.
12. Discuss access easement from Enterprise Court.
13. Discuss Placebuilder criteria.

Staff Presentation – Mr. Daniel Crum presented the staff report and recommendations for the zone change application. He displayed photographs of the subject property and the general area. He stated that the applicant was seeking a zone map amendment from an Agricultural Rural (A-R) zone to a Light Industrial (I-1) zone, for 0.481 net (1.675 gross) acres for property located at 1120 Alexandria Drive. Mr. Crum stated that the applicant is seeking to establish a storage warehouse use that is inside the Urban Services Boundary. Mr. Crum indicated that the applicant is not arguing this application is in agreement with the Comprehensive Plan, but is instead making an appropriateness argument. The applicant is stating that the existing zoning is inappropriate and that the proposed zoning is appropriate given that this property is not large enough to farm and the proximity to the road makes residential zoning difficult.

Mr. Crum stated that Staff was in agreement with the applicant's justification, with the conditional zoning restriction that the applicant could not use any advertising signs as defined by Article 17-3(b)(l) of the Zoning Ordinance. Mr. Crum concluded his presentation by indicating he could answer any questions from the Planning Commission.

Commission Questions and Comments – Mr. Michler asked the differences between the B-4 zone and I-1 zone and why the B-4 was not used instead. Mr. Crum stated that since there was I-1 already in close proximity, the I-1 was more appropriate and the small size of the site limited the ability for larger production.

Development Plan Presentation – Mr. Tom Martin oriented the Planning Commission to the location and characteristics of the subject property. Mr. Martin highlighted the 6,300 square foot structure with the adjoining parking and the access easement. Mr. Martin indicated there were concerns about access to Alexandria Drive and that would have to be resolved at the time of the final development plan. Additionally Mr. Martin mentioned the storm water detention basin, which would also have to be dealt with at the time of the final development plan. Mr. Martin concluded his presentation by indicating he could answer any questions from the Planning Commission.

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

Commission Questions – Mr. Owens asked if the building would be right on the property line or if there would be some type of setback and Mr. Martin indicated that a setback was not required in the I-1 zone.

Mr. Michler asked what the current access to the property and Mr. Martin indicated that currently there was none and that the applicant would use the access easement to access the existing road.

Applicant Presentation – Bill McAlpin, applicant, stated that he bought this property ten years ago, and wants to use this as a storage facility for family and friends. Mr. McAlpin mentioned the access easement was going to come from a contract with a neighbor.

Commission Comments – Mr. Nicol commented he thought this was a good use of a vacant property.

Action – A motion was made by Mr. Nicol, seconded by Mr. Wilson and carried 9-0 (Forester and Johnathon Davis absent) to approve PLN-MAR-24-00003: WILLIAM E MCALPIN for reasons provided by Staff.

Action – A motion was made by Mr. Nicol, seconded by Ms. Worth and carried 9-0 (Forester and Johnathon Davis absent) to approve PLN-MJDP-24-00007: ALEXANDRIA STORAGE with the revised 13 conditions recommended by Staff.

3. **RED DRAW DEVELOPMENT, LLC ZONING MAP AMENDMENT AND PLEASANT RIDGE SUBDIVISION, LOT 127 DEVELOPMENT PLAN**

- a. **PLN-MAR-24-00004: RED DRAW DEVELOPMENT, LLC**– a petition for a zone map amendment from a Single Family Residential (R-1B) to Medium Density Residential (R-4) zone, for 2.462 net and gross acres for property located at 766 Paradise Lane.

COMPREHENSIVE PLAN AND PROPOSED USE

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The petitioner is proposing to expand a proposed multi-family residential development. The applicant is proposing to increase the total number of dwelling units from 168 to 216, and increase the number of three-story multi-family residential buildings from seven (7) to nine (9). The residential density of the site is proposed to slightly decrease, from 22.3 units per acre to 21.6 units per acre. The applicant is also proposing to increase the overall number of parking spaces in the development from 203 spaces to 333 spaces.

The Zoning Committee Recommended: **Postponement.**

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

1. The applicant should provide information relating to their public outreach efforts.
2. The applicant should provide information on compliance with the following Policies of the 2045 Comprehensive Plan.
 - a. Ensure proper road connections are in place to enhance service times and access to public safety, waste management, and delivery services for all residences (Theme A, Design Policy #2)
 - b. Multi-family residential development must comply with the Multi-Family Design Standards (Theme A, Design Policy #3).
3. The zone change application should remove references to the 2018 Comprehensive Plan.
4. The zone change application for the subject properties does not address the correct criteria for zone change within the Enhanced Neighborhood Place Type, and the Medium Density Residential Development Type within the 2045 Comprehensive Plan.
5. The applicant should provide information relating to the increase in the parking rate relative to their previous development plan at this location.

- b. **PLN-MJDP-24-00008: PLEASANT RIDGE SUBDIVISION, LOT 127** (5/5/24)* - located at 2156, 2176, 2184 LIBERTY ROAD, & 766 PARADISE LANE, LEXINGTON, KY.

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

Council District: 7

Project Contact: Vision Engineering

Note: The purpose of this plan is to depict apartments, parking, & community open space in support of the requested zone change from a Single Family Residential (R-1B) zone to a Medium Density Residential (R-4) zone.

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

1. Provided the Urban County Council approves the zone change to R-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. Depict all boundary lines with bearings and distance.
8. Denote: This property to be consolidated prior to certification of the final development plan.
9. Complete vicinity map including property to be rezoned.
10. Addition of sanitary sewer easement, Book 3627, Page 675, with LFUCG.
11. Discuss terminus for Paradise Lane and pedestrian connection.
12. Discuss Placebuilder criteria.

Staff Presentation – Mr. Daniel Crum presented the supplemental staff report and recommendations for the zone change application. He displayed photographs of the subject property and the general area. He stated that the applicant was seeking a zone map amendment from a Single Family Residential (R-1B) to Medium Density Residential (R-4) zone, for 2.462 net and gross acres for property located at 766 Paradise Lane. Mr. Crum stated that the applicant is seeking to expand a proposed multi-family residential development using the Enhanced Neighborhood Place Type and the Medium Density Residential Development Type. Mr. Crum indicated that Staff was in agreement with those selections.

Mr. Crum stated that the applicant had applied for a zone change on the neighboring property that was approved in the past year, and are looking to add this property to the site. Mr. Crum also noted that this property was originally brought to the Planning Commission with a different applicant that was looking to build about 20 townhomes, but staff recommended disapproval at the time due to a lack of adequate facilities and limited access on Paradise Lane.

Mr. Crum highlighted the development plan, noted the primary access on Liberty Road, and the expansion from the original 168 units to 216, with a corresponding increase in parking. Mr., Crum stated that while the Comprehensive Plan changed in since the time of the previous development and this application was reviewed using the 2045 Comprehensive Plan. This application would bring in different housing types to an area that has predominantly single-family residential uses. Additionally, Mr. Crum showcased renderings and noted that the applicant is using the same designs from a zone change that was approved a year ago.

Mr. Crum concluded his presentation by stating that Staff is recommending approval and he could answer any questions from the Planning Commission.

*There was a robust discussion between the Planning Commission, Staff, and the applicant about an incorrect development plan that was uploaded to Granicus. Staff stated that the development plan presented to the Planning Commission was the correct plan and to ignore the one uploaded to Granicus.

Development Plan Presentation – Ms. Cheryl Gallt oriented the Planning Commission to the location and characteristics of the subject property. Ms. Gallt noted the addition of two apartment buildings, the former property line along Paradise Lane, as well as the typical sign-offs and conditions associated with the plan. Other conditions included correcting references to Placebuilder Criteria on the development plan and the inclusion of a complete vicinity map.

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

Ms. Gallt concluded her presentation stating that Staff is recommending approval subject to the following revised conditions:

1. Provided the Urban County Council approves the zone change to R-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. Depict all boundary lines with bearings and distance per plat E-686.
- ~~8. Denote: This property to be consolidated prior to certification of the final development plan.~~
- ~~9. Complete vicinity map including property to be rezoned.~~
- ~~10. Addition of sanitary sewer easement, Book 3627, Page 675, with LFUGG.~~
- ~~11. Resolve terminus for Paradise Lane, pedestrian connection, street improvements, and emergency access.~~
9. Correct references to Placebuilder design criteria on plan.
- ~~10. 13.~~ Discuss Placebuilder criteria.

Commission Questions – Mr. Owens asked if the 30 significant trees on the development plan are being kept and Ms. Gallt referred Mr. Owens to the tree legend on the development plan that showed the difference between existing trees and proposed trees.

Mr. Michler asked if there would be language on the conditions to have a buffer for tree protection and Ms. Galt stated that they could ask the applicant. Mr. Tom Martin chimed in and stated that a request like that is more appropriate at the next stage in consultation with the Urban Forester.

Applicant Presentation – Matt Carter, engineer for the applicant, stated that he apologized for the confusion and stated that this project is an expansion of a previously approved project. Mr. Carter stated that most of the parking is in the interior of the property and not located behind the buildings and there would be 333 parking spaces. Additionally, Mr. Carter indicated that the applicant had been working with Water Quality to remove a pump station on the site that the city wanted to take offline and will work with them to make a gravity sewer tied into existing facilities. Finally, in terms of a second access road, the applicant's preference is to use Wilderness Trace, where the pump station is currently located, but Paradise Lane is an option, but needs considerable improvements.

Mr. Carter indicated that they are in agreement with Staff's recommendations and can answer any questions from the Planning Commission.

Commission Questions – Mr. Owens asked if the second access would be public and Mr. Carter indicated that it would not.

Public Comment – Kevin Fredrick, 716 Wilderness Road, stated that he completely opposed this development and favored having single-family homes with a cul-de-sac because it would be safer.

John Brenock, 711 Wilderness Road, is against the development and said it was a bait and switch and had grave concerns about safety and the character of the neighborhood.

Commission Questions and Comments – Mr. Michler asked Captain Lengal about having access from either Paradise Lane or Wilderness Trail and Captain Lengal stated that Paradise Lane is a sub-standard street and would need improvements, as would Wilderness Trace. Captain Lengal also stated that the Division of Fire and Emergency Services were not opposed to having a public access on Liberty Road as well.

Mr. Nicol asked if what is being proposed is a main entrance and exit on Liberty Road, and emergency access onto Paradise Lane. Captain Lengal stated that it was and that Wilderness Trace was in better condition than Paradise Lane at the moment and the Division of Fire and Emergency Services is not against any emergency access as long as the roads can handle the emergency vehicles. Captain Lengal also reiterated the need for proper improvements on Paradise Lane and if the applicant should help with those Improvements.

Mr. Michler asked Mr. Filiatreau of the Division of Traffic Engineering if this was an opportunity to give Wilderness Trace another access point, especially a signalized one and Mr. Filiatreau indicated that it was.

Mr. Owens stated that his questions had been addressed and was in favor of a second public access to alleviate his concerns.

Mr. Michler concurred with Mr. Owens point and would like to craft language included in the conditions to find the best access with Staff.

Mr. Wilson stated that if there is not a second access point, he cannot support this.

Mr. Nicol stated that the best practice here is to have a second access, but we are in a situation where the neighbors do not want an additional access with lead to the development using neighborhood streets, but the emergency access is needed. Mr. Nicol stated he is in favor of this development with the access only being used in emergencies to accommodate the neighbor's request.

Action – A motion was made by Mr. Michler, seconded by Mr. Owens and carried 9-0 (Forester and Johnathon Davis absent) to approve PLN-MAR-24-00004: RED DRAW DEVELOPMENT, LLC for reasons provided by Staff.

Action – A motion was made by Mr. Nicol, seconded by Ms. Worth and carried 8-1 (Nicol opposed) (Forester and Johnathon Davis absent) to approve PLN-MJDP-24-00008: PLEASANT RIDGE SUBDIVISION, LOT 127 with the 9 revised conditions recommended by Staff with the additional conditions that the plan approved is the plan that was shown to the Planning Commission and not the one on Granicus, and that a second public access point to either Paradise or Wilderness Trace be on the final development plan.

4. JENNY TALBOTT DEVELOPMENT, LLC ZONING MAP AMENDMENT AND EAST HILLS SUBDIVISION UNIT 5-D (AMD) DEVELOPMENT PLAN

- a. **PLN-MAR-24-00005: JENNY TALBOTT** – a petition for a zone map amendment from a Professional Office (P-1) to Planned Neighborhood Residential (R-3) zone for 0.404 net (0.522 gross) acres for property located at 592 Eureka Springs Drive.

COMPREHENSIVE PLAN AND PROPOSED USE

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The petitioner is proposing the Planned Neighborhood Residential (R-3) zone in order to adapt an existing two story professional office structure into a total of eight (8) multi-family residential units, for a residential density of 17.24 units per acre. The applicant is proposing the residential use be served by seven (7) parking spaces, located along the eastern property line. The applicant is proposing to locate a patio area to the rear of the structure, as well as removing existing paved vehicular use area in order to establish a picnic area.

The Zoning Committee Recommended: **Approval.**

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

1. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2045 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposal will expand housing choices (Theme A, Goal #1) and will allow for a greater mixture of housing types by introducing new single-family attached residential units within the immediate area (Theme A, Objective #1.b).
 - b. The request will more effectively use an underutilized parcel within the urban service area (Theme E, Goal #1.e).
 - c. By reusing an existing structure, the request ensures that the development will remain at a compatible scale with the surrounding neighborhood (Theme A, Goal #2.b).

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

2. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2045 Comprehensive Plan's Policies, for the following reasons:
 - a. The proposal creates a people first design by providing bicycle facilities, maintaining the existing pedestrian networks, and providing close connections to transit (Theme A, Design Policy #1).
 - b. The proposal is in agreement with the applicable Multi-family Design Standards, emphasizing the continuation of the structure's current design and scale, the continuation of the existing pedestrian network, as well as the increase in open space (Theme A, Design Policy #2).
 - c. The proposal provides additional variety to the housing stock in this area (Theme A, Design Policy #8).
 3. The justification and corollary development plan are in agreement with the policies and development criteria of the 2045 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Land Use, as the request increases the residential density on-site (A-DN-2-1), and introduces an appropriately scaled multi-family residential use into an area characterized by single-family detached and duplex uses (E-GR9-3).
 - b. The proposed rezoning meets the criteria for Transportation, Connectivity, and Walkability as it retains the existing sidewalk network that serves the site (A-DS4-1), and provides for a pedestrian connection to the transit stop at Yellowstone Parkway (A-DS1-2).
 - c. These proposed rezoning addresses the Environmental Sustainability and Resiliency development criteria, as the site does not impact any environmentally sensitive areas (B-PR2-1), reduces the amount of vehicular use area on-site (B-SU4-1), and increases the tree canopy present (B-PR7-1; B-RE1-1).
 - d. The proposal addresses the criteria for Site Design, as the request avoids overparking (C-PS10-2), creates a programmed picnic area in the open space (D-PL4-1), and provides sidewalk connections to the surrounding neighborhood (C-LI8-1).
 - e. The proposed rezoning meets the criteria for Building Form by adaptively re-utilizing the existing structure into a more dense residential use (E-GR4-1) and by meeting the applicable Multi-family Design Standards (A-DS3-1).
 4. This recommendation is made subject to approval and certification of PLN-MJDP-24-00012 East Hills Subdivision Unit 5-D (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-24-00012: EAST HILLS SUBDIVISION, UNIT 5-D (AMD)** (5/5/24)* - located at 592 EUREKA SPRINGS DRIVE, LEXINGTON, KY.

Council District: 5

Project Contact: Thoroughbred Engineering

Note: The purpose of this plan is to depict the expansion of an existing structure on the site, in support of the requested zone change from a Professional Office (P-1) zone to a Planned Neighborhood Residential (R-3) zone.

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

1. Provided the Urban County Council approves the zone change to R-3; 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. United States Postal Service Office's approval of kiosk locations or easement.
7. Revise plan title to match staff report.
8. Revise plan type from major to preliminary.
9. Dimension existing building.
10. Dimension parking lot, spaces, and access.
11. Dimension future patio and sidewalk.
12. Remove copyright in information in title block.
13. Delete 5' setback.
14. Clarify Kentucky Utility easement boundary.
15. Delete Notes #10, 11, 12, & 13.
16. Denote Floor Area Ratio (FAR) per Article 21 requirements.

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17. Provide exhibit demonstrating compliance with open space requirements of Article 20 of the Zoning Ordinance.
18. Discuss compliance with zone-to-zone buffer requirements of Article 18 of the Zoning Ordinance.
19. Discuss Placebuilder criteria.

Staff Presentation – Mr. Daniel Crum presented the staff report and recommendations for the zone change application. He displayed photographs of the subject property and the general area. He stated that the applicant was seeking a zone map amendment from Professional Office (P-1) to Planned Neighborhood Residential (R-3) zone for 0.404 net (0.522 gross) acres for property located at 592 Eureka Springs Drive. Mr. Crum stated that the applicant is seeking to establish a multi-family residential development with the Enhanced Neighborhood Place-Type and the Low Density Residential Development-Type. Mr. Crum indicated that the applicant had initially requested Medium Density Residential, but with only two stories, it is more in line with the Low Density, and Staff is in agreement with applicant's selections. Additionally, Mr. Crum showcased the various residentially zoned properties in the area, as well as the businesses including the Lexington Ice Center, and adjoining convenient store.

Mr. Crum indicated that on the current property, there is a residential component on the second story of the current building that is allowed in the P-1 zone, but the applicant wishes to renovate the structure and make the entire building strictly residential. Mr. Crum presented the development plan and mentioned that the building would be staying the same, with the exception of an addition that will allow two additional units to be built.

Mr. Crum concluded his presentation stating that Staff is recommending approval and could answer any questions from the Planning Commission.

Development Plan Presentation – Mr. Tom Martin oriented the Planning Commission to the location and characteristics of the subject property. Mr. Martin reiterated Mr. Crum's point that the applicant is proposing an addition for more residential units, a picnic area, and is keeping the existing parking. Mr. Martin indicated that there was concern initially about meeting Article 18 landscaping and concluded that the applicant will be able to meet that requirement.

Mr. Martin concluded his presentation stating that Staff is recommending approval subject to the following revised conditions:

1. Provided the Urban County Council approves the zone change to R-3; 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. ~~United States Postal Service Office's approval of kiosk locations or easement.~~
7. ~~7.~~ Revise plan title to match staff report.
- ~~8. Revise plan type from major to preliminary.~~
- ~~9. Dimension existing building.~~
- ~~10. Dimension parking lot, spaces, and access.~~
- ~~11. Dimension future patio and sidewalk.~~
- ~~12. Remove copyright in information in title block.~~
- ~~13. Delete 5' setback.~~
- ~~14. Clarify Kentucky Utility easement boundary.~~
- ~~15. Delete Notes #10, 11, 12, & 13.~~
- ~~16. Denote Floor Area Ratio (FAR) per Article 21 requirements.~~
17. ~~17.~~ Provide exhibit demonstrating compliance with open space requirements of Article 20 of the Zoning Ordinance.
18. ~~18.~~ Discuss Resolve compliance with zone-to-zone buffer requirements of Article 18 of the Zoning Ordinance.

9. 19- Discuss Placebuilder criteria.

Applicant Presentation – Chris Clendenen, attorney for the applicant, stated that Mr. Crum and Mr. Martin did a nice job of explaining the application, and are in agreement with the recommendations of Staff. Mr. Clendenen indicated that this project is taking an existing piece of property, with 3 housing units, rezoning to R-3, and building an addition, to allow for a total of 8 units.

Mr. Clendenen concluded by stating he could answer any questions from the Planning Commission.

Commission Questions and Comments – Mr. Pohl stated that he would like the applicant to rethink the location of the bike rack and put it closer to the building.

Action – A motion was made by Mr. Wilson, seconded by Ms. Barksdale and carried 9-0 (Forester and Johnathon Davis absent) to approve PLN-MAR-24-00005: JENNY TALBOTT for reasons provided by Staff.

Action – A motion was made by Mr. Wilson seconded by Ms. Barksdale and carried 9-0 (Forester and Johnathon Davis absent) to approve PLN-MJDP-24-00012: EAST HILLS SUBDIVISION, UNIT 5-D (AMD) with the revised 9 conditions recommended by Staff and crossing out condition #9 and replacing it with Mr. Pohl's point on the location of the bicycle rack to a more secure location.

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMEMENDMENTS

1. **PLN-ZOTA-24-00001: AMENDMENT TO ARTICLE 8-16, TRUCK RENTAL IN THE B-1 ZONE** – a text amendment to the Zoning Ordinance to allow truck and trailer rental and leasing businesses as principal uses in the B-1 zone.

INITIATED BY: U-Haul Company of Louisville, Kentucky
PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: **Disapproval.**

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

1. The applicant has not provided any information that demonstrates that the proposed use is appropriate as a principal use in a neighborhood context.
2. The request does not meet the intent of the Neighborhood Business (B-1) zone.
3. The proposal is not supported by the Goals, Objectives, Policies, or Placebuilder Element of the 2045 Comprehensive Plan.
4. The proposal creates inconsistency within the Zoning Ordinance by making an arbitrary distinction between the proposed use and similar vehicular or equipment rental uses that would remain prohibited in the B-1 zone.

Staff Text Amendment Presentation – Mr. Crum presented and summarized the staff report and recommendations for this text amendment. Mr. Crum stated that the current language in the B-1 zone allowed for the rental of trucks as a conditional use with specific parameters tailored for the neighborhood business use and briefly touched on why truck rentals were allowed in the B-3 zone as a principal use. The B-3 zone is more appropriate near higher intensity roadways like main roadways and highways.

Mr. Crum stated that the applicant is seeking to add truck and trailer rentals as a principal use in the B-1 zone with several conditions related to storage areas and proximity to residences. Additionally, Mr. Crum noted the intent of the B-1 zone was to accommodate neighborhood shopping facilities to serve the needs of the surrounding residential area.

Mr. Crum stated that this text amendment came from zoning enforcement action that was taken against businesses in the B-1 zone who were operating as U-Haul sellers while not being in compliance with the ordinance. Mr. Crum indicated that since these facilities were in neighborhoods, where a zone change to the B-3 zone would not make sense, the only way forward for the applicant was to file this text amendment.

Mr. Crum conveyed that Staff had several concerns including compatibility with the neighborhood, the lack of agreement with the Comprehensive Plan, inconsistency with current efforts to modify the B-1 zone, as well as inconsistency with other vehicle/equipment rental uses. Mr. Crum stated that Staff understands the need for having these facilities in our community, but they do not belong in a neighborhood context. For those reasons, Mr. Crum concluded his presentation stating that Staff is recommending disapproval of the text amendment, and could answer any questions from the Planning Commission.

Applicant Comment – Mr. Crum indicated that the applicant had not sent a representative on their behalf, and there was no applicant presentation.

Commission Questions and Comments – Mr. Michler stated he thought it was odd for the applicant to file and ZOTA and then to not show up to the hearing and asked if there had been discussions with the applicant about the hearing date and process. Mr. Crum indicated that the applicant and Staff had been in contact and were aware of the dates and process and that they had not been present for the committee meetings as well.

Mr. Wilson asked if Staff had conveyed the possibility of disapproval to the applicant and if the applicant had any comment. Mr. Crum indicated that they had been informed and did not have any comment.

Mr. Owens asked if there was any connection between this applicant and another that he had seen in subdivision committee and Mr. Martin stated it was the U-Haul Corporation but other than that it was not related at all.

Ms. Barksdale asked what the process would be for those neighborhood businesses that are not in compliance so that they would be and Mr. Crum indicated that the businesses cited did not meet the criteria to apply to the Board of Adjustment, and this text amendment was to bring them into compliance.

Mr. Michler asked if Staff has had conversations with the neighborhood business owners and Mr. Crum indicated that they have and that Staff went over if the zone change process was viable for their needs.

Action – A motion was made by Mr. Wilson, seconded by Ms. Worth and carried 9-0 (Forester and Johnathon Davis absent) to disapprove PLN-ZOTA-24-00001: AMENDMENT TO ARTICLE 8-16. TRUCK RENTAL IN THE B-1 ZONE for reasons provided by Staff.

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-2024-1: FAYETTE COUNTY PUBLIC SCHOOLS – HARRISON ELEMENTARY** – a Public Facility Review regarding the construction of a new addition to Harrison Elementary School, on property located at 161 Bruce Street.

PFR Staff Presentation - Ms. Autumn Goderwis began by stating that the Planning Commission's job here is to advise if the application is in accordance with the Comprehensive Plan, and not to approve or disprove the application. Ms. Goderwis informed the Commission that Harrison Elementary School is seeking to construct a 3,200 square foot addition and to make modifications to the site. Ms. Goderwis oriented the Planning Commission to the location and displayed photographs of the proposed plan, highlighting the addition for 3 new preschool classrooms. Additionally, Ms. Goderwis noted the removal of 14 parking spaces on Bruce Street, the inclusion of new rubber playground surface material with a playground, and a new access point from Jefferson Street for drop off and dismissal.

Ms. Goderwis stated that after review of this application, Staff determined that the best Place Type was Enhanced Neighborhood and the best Development Type was Low Density Non Residential/ Mixed use. Ms. Goderwis stated that Staff also found that the addition will serve the needs of the community, and that this plan is not in opposition to the Comprehensive Plan, but offered suggestions for improvements. Those suggestions included reducing the paved area on Jefferson Street to offset the removal of trees and that two distinct access points should be created to allow for a landscaped area with trees to be retained. Additionally, Staff suggests coordination with the Division of Traffic Engineering to ensure the frontage on Jefferson Street is safe and the addition of 10% vegetated open space be

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provided in this location. Finally, Ms. Goderwis stated that Staff recommends the new parking area be landscaped in accordance with Article 18 of Zoning Ordinance.

Ms. Goderwis concluded her presentation and said that she could answer any questions from the Planning Commission.

Commission Questions and Comments - Ms. Worth stated that she was happy to see Staff's recommendation of additional vegetative space, and cited a study she had seen recently that stated vegetation corresponds with more brain activity. Additionally she stated she thought it was a mistake to not have more greenspace for children.

Mr. Wilson asked the number of students currently enrolled at Harrison Elementary and Ms. Goderwis stated she was unsure of the answer to that question.

Mr. Michler asked for clarification on the "pervious poured in place surfacing for increased impervious area" note on the development plan and Ms. Goderwis stated that means the pervious play area will offset the impervious areathat is being provided by the additional asphalt.

Applicant Presentation – Sarah Lamere with Ross Tarrant Architects, answered Mr. Wilson's question about attendance, stating that there are just under 300 students that attend currently and the preschool classrooms are designed for 20 students each.

Commission Questions and Comments – Mr. Michler asked Ms. Lamere to show where the greenspace would be added, and she informed Mr. Michler that they would not be adding any greenspace and would be reducing the playground size. Ms. Lamere stated that this was to accommodate the removal of the current drop-off space for the preschool classrooms. Additionally, Ms. Lamere indicated that an additional playground would be added.

Ms. Meyer asked if the applicant could accomplish any of the recommendations provided by Staff and the removal of the trees on Jefferson Street and Ms. Lamere indicated that the reason for the tree removal was to accommodate dumpster pick-up from Waste Management.

Mr. Michler stated that this is a site plan that he cannot support and that it was not in compliance with the Comprehensive Plan.

Ms. Worth agreed with Mr. Michler.

Mr. Wilson asked if Staff thought this was in compliance with the Comprehensive Plan and Ms. Goderwis explained that generally maintaining a neighborhood school is in compliance with the Comprehensive Plan, but Staff agreed with the Planning Commission's frustrations.

Action – A motion was made by Mr. Michler, seconded by Ms. Worth and carried 6-2 (Forester and Johnathon Davis absent) to find that PFR-2024-1: FAYETTE COUNTY PUBLIC SCHOOLS – HARRISON ELEMENTARY is not in compliance with the Comprehensive Plan for the following reasons: (1) the location in the 2nd tier Urban Neighborhood, (2) the removal of the greenspace, (3) the increase of the vehicular use area, and (4) the change in location of the dumpster to the pedestrian area on Jefferson Street.

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

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 April 2024

Subdivision Committee, Thursday, 8:30 a.m., in 3 rd Floor Conf Room, Phoenix Building	April 4, 2024
Zoning Committee, Thursday, 1:30 p.m., in 3 rd Floor Conf Room, Phoenix Building	April 4, 2024
Subdivision Items Public Hearing , Thursday, 1:30 p.m. in Council Chambers, 2 nd Floor, Gov't Center.....	April 11, 2024
Work Session, Thursday, 1:30 p.m., in 3 rd Floor Conf Room, Phoenix Building	April 18, 2024
Technical Committee, Wednesday, 8:30 a.m., in Council Chambers	April 24, 2024
Zoning Items Public Hearing , Thursday, 1:30 p.m. in Council Chambers, 2 nd Floor, Gov't Center.....	April 25, 2024

Larry Forester, Chair

Janice Meyer, Secretary

TW/TM/DC/RS-4/23/24