

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

May 23, 2024

- 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 25, 2024 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 2, 2024 at 8:30 a.m. The meeting was attended by Commission members Ivy Barksdale, Janice Meyer, 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, Autumn Goderwis, Tom Martin, Daniel Crum, Cheryl Gallt, James Mills, Paula Schumacher, Greg Lengal and Embry Beaty; Division of Fire and Emergency Services, Stephen Parker: Division of Traffic Engineering, 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 May 2, 2024, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Robin Michler, Zach Davis,

William Wilson, and Graham Pohl. Staff members present were Traci Wade, 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.

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMEMENDMENTS

- 1. 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.

INITIATED BY: Dr. Thomas Larkin
PROPOSED TEXT: Copies are available from the staff.

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

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

1. Accessory baseball diamond uses in the A-R zone were examined during the Recreation and Tourism ZOTA in 2014, and at that time, were found to be appropriate to operate in the agricultural areas without any additional conditions. No information has been presented that there has been any substantial change that impacts the appropriateness of this accessory use in this zone, or that the applicant's issue is more widespread.
2. The proposal creates inconsistency between baseball uses and other similar outdoor non-commercial recreational uses.
3. The proposal creates inconsistency between the Agricultural Rural (A-R) zone and other agricultural zones.
4. The proposal would unreasonably restrict individuals wishing to utilize their property for recreational use.

- 2. PLN-ZOTA-24-00003: REGULATION OF SOLAR ENERGY SYSTEMS** – a text amendment to create a new article in the Zoning Ordinance to facilitate the siting, development, construction, installation, and decommissioning of solar energy systems.

INITIATED BY: Silicon Ranch
PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: **Postponement**

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

1. Additional research and analysis is necessary regarding the implications of introducing these new technologies across the county, both in the urban and rural areas. Any new Solar Energy Systems should not have an adverse influence or negatively impact the overall health, safety, and welfare of the community.
2. Additional time is necessary to research best practices and other ordinances that regulate Solar Energy Systems.
3. The applicant should provide further information on their ongoing public engagement efforts and solicit feedback from noted stakeholders related to the proposal.

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

A. Work Session – at the end of today's public hearing, the Planning Commission will hold a work session to receive an update on the 2024 Urban Growth Plan and other business.

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

LONG RANGE PLANNING ACTIVITY REPORT

April 2024

Planning Commission Work Session

The Planning Commission held a work session on April 18, 2024, where they received an update on the Urban Growth Master Plan, discussed the Trees and Landscape Ordinance, discussed the Purchase of Development Rights Annual Report of 2023, and discussed the Lighting Zoning Ordinance text amendment.

Imagine Lexington

Staff continued to implement items of the 2045 Comprehensive Plan and updated the Imagine Lexington Website to reflect these implementations. Long Range staff attended several outreach events in April to highlight the various implementation items. These events included: an Environmental Commission Meeting, a meeting with the Tree Board, a meeting with Greenspace Trust, a presentation at an Environmental Policy Class, and a meeting with the Fayette County Neighborhood Council. Staff also attended tabling events, such as Reforest the Bluegrass and Plants and Prints, to highlight the ongoing and upcoming Zoning Ordinance text amendments. In addition, staff attended all the Urban Growth Festival workshops, and the Urban Growth Festival.

Long Range staff and the consultants for the Urban Growth Master Plan continued to work with members of the community, private organizations, and other Divisions of the Urban County Government to gather information and input that will provide the foundation for the existing conditions.

Social Media

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

ZONING COMPLIANCE PLANNING ACTIVITY REPORTBoard of Adjustment

There were twenty applications on the agenda for consideration by the Board of Adjustment at their meeting on April 8, 2024. Six of those applications were requests for variances and three of the requests were approved by the Board.

Twelve applications before the Board were requests were for conditional uses; eight of which were requests for short term rentals. Five of the applications for short term rentals were approved, one was disapproved, and two failed due to a tie vote by the Board.

The other four applications for conditional use permits consisted of a request to expand a country club; two requests to expand places of religious assembly; and a request for a home-based business (cosmetology). One request for an expanded place of religious assembly was postpone. The remaining three conditional use permits were approved by the Board.

There was one administrative appeal contesting the Division of Planning’s refusal to issue Zoning Compliance Permits for five existing short term rentals. The Board approved the application, ruling in favor of the applicant.

There was one request for an early re-hearing due to new information regarding an application for a short term rental. The early re-hearing request was approved, allowing the applicant to file a new application for a previously disapproved short term rental.

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 2024

Subdivision Committee, Thursday, 8:30 a.m., in 3 rd Floor Conf Room, Phoenix Building.....	June 6, 2024
Zoning Committee, Thursday, 1:30 p.m., in 3 rd Floor Conf Room, Phoenix Building.....	June 6, 2024
Subdivision Items Public Hearing , Thursday, 1:30 p.m. in Council Chambers, 2 nd Floor, Gov’t Center	June 13, 2024
Work Session, Thursday, 1:30 p.m., in 3 rd Floor Conf Room, Phoenix Building	June 20, 2024
Technical Committee, Wednesday, 8:30 a.m., in Council Chambers	June 26, 2024
Zoning Items Public Hearing , Thursday, 1:30 p.m., in Council Chambers, 2 nd Floor, Gov’t Center	June 27, 2024

