

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

July 25, 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, Ivy Barksdale, Robin Michler, Mike Owens, Graham Pohl, and Judy Worth.

Planning staff members present: Jim Duncan, Traci Wade, Keith Horn, Chris Taylor, Autumn Goderwis, Daniel Crum, Tom Martin, Cheryl Gallt Boyd Sewe, Shaun Denney, SB Stroh, Rachael Lay, and Bill Sheehy. Other staff members present were Tracy Jones and Brittany Smith, Department of Law.

- II. **APPROVAL OF MINUTES** – A motion was made by Ms. Worth, seconded by Ms. Barksdale for the approval of the minutes of the June 13, 2024 public hearing, and carried 7-0 (J. Davis, Forester, and Nicol absent).

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

1. **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.

Staff Comment – Mr. Daniel Crum stated that the applicant had requested a one month postponement to the August 22, 2024 public hearing and that Staff was working on alternate language.

Action – A motion was made by Mr. Wilson, seconded by Mr. Pohl and carried 7-0 to postpone **PLN-ZOTA-24-00003: REGULATION OF SOLAR ENERGY SYSTEMS** to the August 22, 2024 public hearing.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, July 3, 2024 at 8:30 a.m. The meeting was attended by Commission members Ivy Barksdale, Mike Owens, Bruce Nicol, and Judy Worth. Other Committee members present were Vaughan Adkins, Division of Engineering; and Stephen Parker, Division of Traffic Engineering. Staff members in attendance were: Traci Wade, Autumn Goderwis, Tom Martin, Daniel Crum, Cheryl Gallt, James Mills, Paula Schumacher, Eve Miller, Quinn Mullholland; Greg Lengal and Embry Beaty; Division of Fire and Emergency Services; and Tracy Jones and Brittany Smith, 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. PLAT REVOCATION

- a. Note: The following consolidation plat, recorded on April 14, 1997 as PLAT CABINET K, SLIDE 259, is requested for revocation pursuant to KRS 100.285.

94-97C: LUCY CROSBY PROPERTY - located at 6045 and 6097 Highwater Lane (formerly 4895 and 4851 Dry Ridge Road).

(Council District 12)

(McBrayer, PLLC)

The staff will report at the meeting.

Staff Presentation – Mr. Tom Martin presented the Staff recommendations for this plat revocation by stating that these are relatively rare. Mr. Martin showcased the GIS map of the requested area and indicated that the applicant is asking for the revocation of a consolidation plat that was done in 1994 and no deeds were prepared at the that time. Mr. Martin indicated that the applicant signed an affidavit that none of these lots were transferred, as required by KRS, and are meeting all other requirements for plat revocation.

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

Commission Questions – Mr. Mike Owens asked what the acreage of the two pieces were and Mr. Martin checked the plat and indicated one was 50 acres and the other was 25 acres.

Mr. Michler asked if there were any construction of houses or any kind of building permits and Mr. Martin indicated that there were not.

Ms. Worth asked for clarification if these farms are going back to 25 acres and a 50 acres and Mr. Martin agreed with the acreage, but stated that since there were no deeds, these were not farms.

Mr. Owens also asked if this property was owned by the same person, and Mr. Martin said he thought so. Additionally, Mr. Martin stated that the family wants to sell these properties, and the buyer has asked to consolidate the tract from two tracts to one.

Action – A motion was made by Mr. Graham Pohl, seconded by Ms. Barksdale and carried 6-1(Owens opposed) to approve 94-97C: LUCY CROSBY PROPERTY for reasons provided by Staff.

V. ZONING ITEMS – The Zoning Committee met on July 3, 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, Johnathon Davis, Robin Michler, Zach Davis, and William Wilson. Staff members present were Traci Wade, Autumn Goderwis, Daniel Crum, James Mills, Chris Taylor, Hal Baille, Boyd Sewe, Quinn Mulholland, Eve Miller, and SB Stroh; Keith Horn and Shaun Denney from the Commissioner of Planning and Preservation office.

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. KURT R. VOLK EXEMPT FAMILY SHARE TRUST ZONING MAP AMENDMENT AND VOLK ESTATES DEVELOPMENT PLAN

- a. **PLN-MAR-24-00007: KURT R. VOLK EXEMPT FAMILY SHARE TRUST** – a petition for a zone map amendment from an Agricultural Rural (A-R) zone to Agricultural Buffer (A-B) zone, for 144.84 net (147.14 gross) acres for property located at 8200 Bates Creek Road.

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 applicant is seeking to rezone the subject property to the Agricultural Buffer (A-B) zone to allow for the subdivision of the lot into 13 tracts, ranging from 10.1 acres to 19.5 acres.

The Zoning Committee Recommended: Postponement.

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

1. The requested Agricultural Buffer (A-B) zone is in agreement with the 2045 Comprehensive Plan for the following reasons:
 - a. The proposed project will uphold the Urban Services Area concept (Theme E, Goal #1), by ensuring that all types of development are environmentally, economically and socially sustainable to accommodate the future growth needs of all residents while safeguarding rural land (Theme E, Goal #1.b).
 - b. The request will create a buffer zone to help transition from Fayette County's core agricultural land from potentially incompatible land uses in Jessamine County (Theme E, Goal #2.a).
2. The requested Agricultural Buffer (A-B) zone meets is in agreement with the 2017 Rural Land Management Plan, an adopted element of the 2045 Comprehensive Plan, for the following reasons:

- a. The vast majority of the property is designated as Buffer Area future land use by the Rural Land Management Plan's Future Land Use Element. The petitioner proposes Agricultural Buffer (A-B) zoning for the property, which is the zoning category intended to establish the recommended buffer.
 - b. While a portion of the site is recommended as a Core Agricultural Land, the size, topography, and farming suitability of this portion of the site is out of character with the recommended land use. In addition, the portion of the subject property that has been recommended for Core Agricultural Land is less than 40 acres in size, which does not meet the minimum lot size for the A-R zone.
 - c. The requested Agricultural Buffer (A-B) zone will create consistency in lot pattern and size with existing development along Spears Road.
 - d. The proposed rezoning fulfills the Rural Land Management Plan's goal of providing a compatible transition between the potentially more intense land uses in Jessamine County and the core agricultural uses in Fayette County
3. This recommendation is made subject to approval and certification of PLN-MJSUB-24-00005: VOLK ESTATES 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-MJSUB-24-00005: VOLK ESTATES (8/3/24)* – located at 8200 TATES CREEK ROAD, LEXINGTON, KY.

Council District: 12

Project Contact: EA Partners

Note: The purpose of this plan is to depict proposed subdivision of 147 acres into 13 lots, in support of the requested zone change from an Agricultural Rural (A-R) zone to an Agricultural Buffer (A-B) zone.

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

1. Provided the Urban County Council approves the zone change to A-B; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Department of Environmental Quality's approval of environmentally sensitive areas.
8. Denote the need for Kentucky Transportation Cabinet's approval of driveways to Tates Creek Road and Spears Road in the general notes.
9. Addition of street cross-section and location on plan face.
10. Addition of tree protection plan (30% of existing is required).
11. Addition of proposed and existing easements.
12. Addition of floodplain information with 25' building line setback and vegetative buffer per Article 19 of the Zoning Ordinance.
13. Discuss location of stone fences and denote protection in the right-of-way.
14. Discuss proposed access to lots per Article 6-4(i)(1) Site Access of the Land Subdivision Regulations.
15. 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 Agricultural Buffer (A-B) zone, for 144.84 net (147.14 gross) acres for property located at 8200 Tates Creek Road. Mr. Crum indicated that the applicant is seeking to subdivide the parcel into 13 lots and noted the location's proximity to the Jessamine County line. Additionally, Mr. Crum noted that the impetus behind the A-B zone was to find areas that could potentially be more intense and serve as a buffer for agricultural land.

Mr. Crum showcased the street view on Tates Creek Road, and noted the vegetation on the property and stated that the access would be of particular importance and would need discussion. Mr. Crum highlighted the subdivision plan and repeated that the applicant wanted to subdivide into 13 lots, with most being 10 acres and the largest being about 20 acres.

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

Mr. Crum mentioned the importance of the Rural Land Management Plan and stated it was the guiding document when it comes to preservation of agricultural land. Mr. Crum noted that the current Rural Land Management Plan land use recommendation map recommended for this land to be agricultural buffer, with the exception of a small portion of the largest parcel. Mr. Crum indicated that since the Rural Land Management Plan called for the vast majority of this property to be agricultural buffer land use, Staff was comfortable with the corresponding A-B zone, but once again emphasized a discussion about access.

Mr. Crum concluded stating that Staff was recommending approval of this application, and could answer any questions from the Planning Commission.

Subdivision Plan Presentation – Ms. Cheryl Gallt oriented the Planning Commission to the location and characteristics of the subject property. Ms. Gallt stated that there is a condition to note the location of fences on the property, and Ms. Gallt indicated that the applicant had completed that. Additionally, Ms. Gallt stated that there were the typical Staff sign-offs, but reiterated Mr. Crum's point about making sure the applicant shows how they are going to deal with access to the site. Ms. Gallt indicated that the applicant had agreed to that condition at the time of the final record plat.

Ms. Gallt concluded stating that Staff was recommending approval of this application, and could answer any questions from the Planning Commission had.

Commission Questions – Mr. Mike Owens asked about the possibility of an access easement on this property and Ms. Gallt stated that the applicant, Traffic Engineering, and the Kentucky Department of Transportation will discuss that at the time of the final subdivision plan.

Ms. Worth asked for clarification, asking if the other side of Spears Road was zoned A-R or Natural Area. Ms. Gallt presented a map that showed the southwest portion was indeed zoned Natural Area.

Mr. Pohl stated that it looked like one of the roads looked to be in the bottom of a storm drainage area, and Ms. Wade stated that it was a creek not a road. Ms. Gallt repeated that there are currently no access points on the plan, but there will be at the time of the final plan.

Rural Land Management Plan Presentation – Gloria Martin, chair of the Rural Land Management Board, stated that she was here to talk about the history of the A-B zone, and not provide a recommendation for this zone change, at the request of the Planning Commission. Ms. Martin stated that in the 1990's the creation of the A-B zone was a multi-year process where a committee met every week for two years to discuss these new zones.

Ms. Martin thanked the Planning Commission for the opportunity to present, and stated that she thought it was in the best interest for the Planning Commission and Rural Land Management Board to work together more often.

Ms. Margaret Graves, of the Rural Land Management Board, gave a brief history of the A-B zone stating that since 1958, Lexington has known the importance of maintaining and preserving agricultural land. Ms. Graves stated that in 1986 and 1988 the Planning Commission saw the need to buffer agriculturally sensitive areas. In 1990 the Greenspace Commission was created and in 1994 that commission adopted the Greenspace Plan, identified those agriculturally sensitive areas, and played an important role in the 1999 Rural Land Management Plan.

Ms. Graves stated that in 1998 a moratorium, enacted by the Council, on the subdivision of land in the A-R zone due to the increasing number of 10 acre tracts that were being created. Ms. Graves pointed out that the committee Ms. Martin mentioned, was instrumental in getting that moratorium and stated that their conclusion was that the 10 acre tracts were not a good use of agricultural land. In 1999, the Council adopted a text amendment that increased the allowable lot size from 10 acres to 40 acres in the A-R zone, as well as the creation of the A-B zone.

Ms. Graves stated that the intent of the A-B zone was to create a land use zone that would have limited applicability in very specific areas and serve as a buffer between urban and agricultural areas. Ms. Graves continued, stating that at that time there was a land use map that only called for just over 2,000 acres of land they had designated as appropriate for the A-B zone. Ms. Graves stated that in 2017, the Rural Land

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Management Plan included a map that showed areas that would be appropriate for the A-B zone. Additionally, Ms. Graves stated that the 2023 Comprehensive Plan reaffirmed the Planning Commission's and Rural Land Management Board's commitment to the preservation of agricultural land.

Ms. Graves concluded saying that the intent of the A-B zone from the beginning was to create a zone that was limited in scope and the total number of acres, and to create a transitional buffer zone between rural and urban uses. Ms. Graves concluded by stating they she can show the Planning Commission the maps she was talking about if they wished.

Ms. Martin showcased the maps discussed and stated that there had only been three A-B zone changes that have ever been approved.

Applicant Presentation – Nick Nicholson, attorney for the applicant, stated that he was in complete agreement with the Staff's recommendations and the conditions for approval, but wanted to highlight a few points. First, Mr. Nicholson displayed an aerial photo of the property and noted that this was a very unusually shaped plat, as well as the large amount of vegetation. Mr. Nicholson stated that there was no agricultural use taking place today and the only potential use would be for timber, which the applicant is against using. Mr. Nicholson indicated that this zone change was for estate planning and that any kind of development is not imminent. He stated that the applicant has a significant farming operation on the Jessamine County side. The applicant is worried about a significant "death tax bill" and Mr. Nicholson noted that this application is to potentially offset that and offer some flexibility so the applicant could sell these lots when that time comes.

Mr. Nicholson showcased a map that showed that the subject property is on the 2017 Land Use map provided by the Rural Land Management Board, and shows that this area was designated as buffer area and that this was the only portion of Spears Road that was recommended for the Agricultural Buffer use and A-B zone. Mr. Nicholson further explained that the justification for having 10 acre lots, and one lot that was around 20, was because they are following the recommendations on the RLMB map in order to make the A-B zoned parcels smaller, and the ones recommended for the A-R zone, larger.

Mr. Nicholson noted the discussion on access into the property, and used language from a previously approved plan, that says that this is a preliminary plan, and the access should be discussed at the time of the final subdivision plan. Mr. Nicholson then called on the applicant, Ms. Horn to come discuss her thought process on this application.

Ms. Donna Horn, owner of the property, stated she agreed with Ms. Martin and the goals of the RLMB, and stated that she was a farmer and a therapist and that she had 294 acres. Ms. Horn gave a brief history of her ownership of the property, stating that they had plans to move their cattle farm on this property, but an illness to her husband changed their plans. Ms. Horn stated that she was the kind of rural land owner that the Planning Commission wanted and her intention was keeping the farm together, with an emphasis on how the farm can sustain itself when she is gone. Ms. Horn concluded by stating she could answer any questions that the Planning Commission had and invited the members to come out and walk the farm to see how beautiful the land is.

Commission Questions – Mr. Wilson asked what public engagement occurred for this application and Mr. Nicholson stated there was a neighborhood meeting that included a realtor that was interested in the property, and their attorney.

Public Comment – Frank Penn, 4741 Mt. Horeb Road, stated that he thought this application was filed to circumvent the 40 acre rule, and that as one of the men in the room when the A-B zone was created, he thought the A-B zone was made to buffer what was done made in Jessamine County.

Brittany Roethemeier, Director of Fayette Alliance, stated that the RLMB should be asked if this application meets their own standards for the intent of the A-B zone.

Applicant Rebuttal – Mr. Nicholson stated that the RLMB Land Use Map from 2017 specifies nine parcels for potential subdivision, two of which have already occurred next door to this application. Mr. Nicholson addressed Mr. Penn's concerns stating that the RLMB helped create the A-B zone, and the 40 acre rule, and now the RLMB map called for this land to be A-B land. How can this circumvent the 40 acre rule if the same entity that made it, says that the subject property is appropriate for the A-B zone?

Staff Rebuttal – Mr. Crum reiterated that the current Rural Land Management Plan Land Use Map recommends for this land to be agricultural buffer, with the exception of a portion of the 20 acre parcel, which Staff deemed was appropriate.

Commission Comments and Questions – Ms. Worth asked if this application would have an impact on adjoining A-R zoned properties next to the application, and Mr. Crum stated that those properties are residential and do not have large farming operations. Mr. Crum finished by stating that Staff did not think this was in conflict with the adjoining properties.

Mr. Pohl asked if there had been discussions with Ms. Martin and Ms. Graves about Mr. Penn's point about the properties on Spears Road not operating as buffers. Mr. Crum indicated that he was unsure of what Mr. Pohl was talking about, but repeated that Staff felt comfortable with their approval because this application would fill in some needed buffer. Mr. Crum also highlighted how limited the A-B zone is, and would not be a lot besides family residences.

Mr. Pohl asked if Mr. Crum understood why there were 10 acre lots established behind 10 acre lots on the west side that are true buffers and those on the east side that are not, and if it makes sense to continue that precedent. Mr. Crum indicated that Ms. Martin and Ms. Graves, might have better insight than he would on the history, but many of the existing 10 acre tracts predated the RLMP. Mr. Crum also provided some information on the larger lotting patterns along this portion of Bates Creek Road.

Mr. Owens asked if the RLMB was asked for a recommendation on this application and Mr. Crum indicated that Staff had not, per usual of Staff's analysis of the RLMP.

Ms. Wade stated that the RLMB could comment on this application, but it is not a Staff practice to ask for their insight on a zone change.

Mr. Michler referred to Mr. Crum's slide about Goals and Objectives of the Comprehensive Plan, as well as Rural Development, he stated that continuing to divide 10 acre lots is not intuitive and that the RLMB map calls to buffer nothing. Mr. Crum responded by stating that he understood Mr. Michler's concerns, but when you are looking at a map based plan, this request meets the standards for all but 15% of the land.

Ms. Worth commented that she thought that the language had shifted from talking about the buffer area from "can be" to "should be" and the map calls for "potential for subdivision" not that it is required or should be subdivided. Ms. Worth stated that she thought we were discussing an area that did not need buffering right now. Ms. Worth concluded by stating that she felt for Ms. Horn, but thought the Planning Commission was being asked to solve a financial problem that was not of the Planning Commission's making.

Applicant Rebuttal – Mr. Nicholson addressed Mr. Michler's comment about buffering nothing and stated that it is buffering a mobile home park on the other side of Bates Creek and the B-1 zoned property that is adjacent to this property. Mr. Nicholson stated that ignoring the RLMB map would have disastrous ramifications and would say that the map no longer has any meaning for all of Fayette County.

Commission Comments and Questions – Ms. Worth asked how long the mobile home park has been there and Mr. Nicholson stated since before 1999. Mr. Nicholson stated that this strip of land is specifically designed to implement the RLMB map and he urged them not to ignore that.

Mr. Owens stated that he was conflicted and he could not figure out what the applicant was trying to buffer. Additionally, Mr. Owens had concerns with Spears Road as well as the larger parcel which he stated should be A-R land. Mr. Owens stated that he thought they could do better here and he could not accept this as it is right now.

Mr. Owens asked if the Planning Commission could ask for the RLMB for their recommendation, and Ms. Tracy Jones, Department of Law, stated that they could, but the Board did not vote on a recommendation.

Ms. Graves chimed in and stated that they were here today to provide information, not to give a recommendation and that if they wanted a recommendation from them, they would have to meet to discuss it.

Mr. Wilson stated that he did not have a problem with the RLMB going back and discussing this because he would like to know what they thought.

Ms. Wade stated that at this point the Planning Commission does not have any more time because of the 90 day deadline, unless the applicant is willing to postpone.

Mr. Nicholson stated that he did not want to postpone the zone change, but he was willing to indefinitely postpone the subdivision plan if the layout is the problem. He repeated that this is not imminent and would be willing to postpone the subdivision plan.

Mr. Davis stated that he agreed with all of the points mentioned by Mr. Owens, Ms. Worth, and Mr. Pohl.

Mr. Owens stated that he appreciated what Mr. Nicholson said, but he thought that an entirely new plan would be better suited because of his concerns with Spears Road.

Action – A motion was made by Mr. Owens, seconded by Ms. Worth and carried 7-0(Pohl abstained) (Forester, Nicol, and Johnathon Davis absent) to disapprove PLN-MAR-24-00007: KURT R. VOLK EXEMPT FAMILY SHARE TRUST because the rezoning does not follow the RLMB Plan, it does not fall in line with the 2045 Comprehensive Plan, does not fall in line with the intent of the RLMB Plan, and because are no developments in close proximity that would justify the need for a buffer.

Action – A motion was made by Mr. Owens, seconded by Ms. Worth and carried 7-0(Pohl abstained) (Forester, Nicol, and Johnathon Davis absent) to indefinitely postpone PLN-MJSUB-24-00005: VOLK ESTATES

2. CLASSIC TRADITIONS, INC ZONING MAP AMENDMENT AND VERNON & ROXIE HARRIS PROPERTY DEVELOPMENT PLAN

- a. **PLN-MAR-24-00012: CLASSIC TRADITIONS, INC** – a petition for a zone map amendment from a Single Family Residential (R-1C) to Townhouse Residential (R-1T) for 2.114 net (2.214 gross) acres for property located at 363 Pasadena Drive.

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 an 11 unit attached townhome development, for a density of 5.2 dwelling units per acre. Access to the site is proposed as a private access easement that will connect to extensions of the public roadways at Hill N Dale Road and Eastway Drive.

The Zoning Committee Recommended: **Postponement.**

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

1. The proposed Townhouse Residential (R-1T) zone is in agreement with the Imagine Lexington 2045 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The request will increase the residential density of the area, and introduce additional housing variety in an area predominantly characterized with single-family detached development (Theme A, Goal #1.b; Theme A, Goal #2.b).
 - b. By completing the last sections of Hill N Dale and Eastway Road, the proposal improves the connectivity of the Hill N Dale neighborhood (Theme A, Goal #3.b).
 - c. The expansion of the pedestrian sidewalk network will further connect the neighborhood and will encourage safe social interactions (Theme A, Goal #3.e).

2. The proposal is in agreement with the Policies of the 2045 Comprehensive Plan for the following reasons:
 - a. The request will provide additional variety in housing choice (Theme A, Design Policy #8), that will increase the density of the area in a context-sensitive manner (Theme A, Density Policy #2).
 - b. The proposal improves the pedestrian system within the neighborhood by adding sidewalk facilities and connectivity to Hill N Dale Road, Eastway Drive, and Pasadena Drive (Theme A, Design Policy #1).
3. The justification and corollary development plan are in agreement with the Development Criteria of the 2045 Comprehensive Plan, as follows:
 - a. The proposed rezoning meets the criteria for Land Use, as the request increases density by increasing the number of dwelling units on an underutilized parcel, (A-DN2-1), while providing for a more compact single-family attached housing type in a primarily comprised of single-family detached residential development (A-DN4-1).
 - b. The proposed rezoning addresses the Transportation and Pedestrian Connectivity Development Criteria, as the proposed development connects existing stub streets to create additional connectivity for the subject property, as well as the adjoining neighborhood (A-DS13-1). The request expands upon the existing sidewalk network to provide new pedestrian connectivity between Hill N Dale Road, Eastway Drive, and Pasadena Drive.
 - c. The proposed rezoning meets the criteria for Environmental Sustainability and Resiliency, as the development does not impact environmentally sensitive areas (B-PR2-1).
 - d. The request meets the requirements for Site Design, as the request provides connections to Hill N Dale Road, Eastway Drive, and Sun Seeker court that will improve connectivity and circulation for the subject property as well as the larger neighborhood (C-LI8-1).
 - e. The request meets the criteria for Building Form, as the townhomes mirror the orientation of the adjoining development along Leland Drive and reinforce the proposed access drive (A-DS5-3).
4. This recommendation is made subject to approval and certification of PLN-MJDP-24-00045: Vernon & Roxie Harris Property, 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-24-00045: VERNON & ROXIE HARRIS PROPERTY (9/1/24)* - located at 363 PASADENA DRIVE, LEXINGTON, KY

Council District: 10

Project Contact: Vision Engineering

Note: The purpose of this plan is to depict construction of 11 townhomes 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 inventory map.
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 existing easements.
8. Addition of building line setback on Pasadena Drive and Hill N Dale Road.
9. Modify driveway locations to achieve driveway pairing as required by Article 16-5(b)(3).
10. Discuss purpose of remnant tract north of Hill N Dale Road extension.
11. Discuss waiver of public street frontage and providing a vehicle turnaround onsite.
12. Discuss connection to adjoining townhouse development (Rollie Bishop Carroll Sr. Property).
13. Discuss timing of street connections.

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 a Single Family Residential (R-1C) zone to a Townhouse Residential (R-1T) zone for 2.114 net (2.214 gross) acres for property located at 363 Pasadena Drive. Mr. Crum indicated that the applicant is seeking to construct an 11 unit townhome development within

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the Enhanced Neighborhood Place-Type and the Low Density Residential Development Type. Mr. Crum stated that Staff was in agreement with those selections.

Mr. Crum stated that there is currently one single family home on the property, and that the property is located at the end of a few stub streets including Eastway Drive, Hill N Dale Road, and Sun Seeker Court. Mr. Crum indicated that this neighborhood was developed in a piecemeal fashion at different times and those streets were meant to be connected at some point, as recommended by the Subdivision Regulations.

Mr. Crum showcased the development plan and stated that the proposed townhomes match the character of the low density development around them and noted that there would be no connection to Pasadena Drive due to safety concerns from a potential intersection there.

Mr. Crum mentioned the neighborhood meeting he attended the week previously and stated that most of concerns from the neighborhood stemmed from the connectivity and the stormwater retention.

Mr. Crum concluded stating that Staff was recommending approval of this application, and could answer any questions for the Planning Commission.

Commission Questions – Mr. Davis asked for clarification about the Sunseeker plat that Mr. Crum presented and asked if every owner had to agree to be amended today or when it was initially approved in 2004, and Mr. Crum indicated that it would be the owners today.

Mr. Michler asked what was the discussion about not connecting this property with Pasadena Drive and Mr. Crum indicated that since an increase in the number of units on the property is proposed and the way the site functions, there was no way to provide safe access spacing along Pasadena Drive. It is better to make this property connected internally to the neighborhood.

Development Plan Presentation – Ms. Cheryl Gallt oriented the Planning Commission to the location and characteristics of the subject property. Ms. Gallt stated that there would be the typical sign-off conditions and that the applicant would need to fix a few driveways to achieve driveway pairing, and there would be discussion of what to do with the open space on the property at the time of the final development plan.

Ms. Gallt concluded stating that Staff was recommending approval of this application, and could answer any questions for the Planning Commission.

Applicant Presentation – Matt Carter, engineer for the applicant, gave a brief history of the area and noted that the applicant purchased the property in August of 2023. Mr. Carter stated that per KRS 100, the property must be in compliance with the Comprehensive Plan. He stated that the planned connections to the previously mentioned streets ensure that they are. Mr. Carter mentioned the neighborhood meeting and stated the biggest concern was not wanting the connectivity that the Comprehensive Plan recommended and the Land Subdivision Regulations required.

Mr. Carter concluded by stating that are in complete agreement with Staff's recommendations and could answer any questions for the Planning Commission.

Commission Questions – Mr. Michler asked if Mr. Carter could speak to the orientation of the townhomes and what their goal was. Mr. Carter stated that the orientation was influenced by the orientation of a very similar townhome property that was just next to the property.

Mr. Michler also stated that given that a waiver would be necessary to provide a private access easement, he would like to see that the applicant is doing as much as possible establish good visual and aesthetic connections down the public streets.

Mr. Pohl stated that he had worries about the side of a garage facing Pasadena Drive, which would not be the most friendly possible façade design. Mr. Pohl further stated that the applicant hoped he would listen to the neighbors and the Planning Commission on how to make the frontage more appealing. Mr. Carter showed Mr. Pohl how the ends of the unit would look to hopefully alleviate his concerns.

Public Comment – Gail Lightner, 279 Clearview Drive, stated she had concerns with the potential connections, stormwater run-off, as well as these townhomes becoming short term rentals.

Jeff Schwab, 2445 Eastway Drive, stated he had concerns about cut through traffic because of these new connections, and that a traffic light on Eastway within six months.

Carla Rodriguez, 2509 Sun Seeker Court, stated she did not want Hill N Dale Road to be connected, and read a letter from Ms. Jessica Winters, their attorney, about their opposition to the application.

Steve Justus, 2424 Eastway Drive, stated he was against the roadway connections, and stated that the developers never placed signs up to say that this was a possibility. Mr. Justus requested a postponement because the neighborhood feels like this is moving too quickly.

Terry Ackerman, 2409 Eastway Drive, stated she was against this because the first set of townhomes are not completed yet and they have no idea how that will affect the neighborhood.

Jennifer Bailey, 2489 Eastway Drive, stated that she had concerns about the potential flooding that could take place, as well as the potential problems with the sanitary sewers.

John Hayes, 2322 Southview Drive, stated that connecting the streets would lead to properties losing value, asked the applicant to come up with different solutions so that the streets would not be connected, and affirmed Ms. Bailey's point on the potential flooding problems.

** Mr. Zach Davis left the meeting.*

Eric Spangler, 2489 Eastway Drive, stated he had concerns with the infrastructure such as the sanitary sewer, and requested a postponement.

John Straley, 258 Hill N Dale Road, is concerned about the safety of connecting these streets. He stated that people will use this as a shortcut and that this project would not improve the neighborhood.

Amy Clark, 428 Kastle Road, had concerns about the roadway connections and that the neighborhood would not have access to the closest collector street.

Applicant Rebuttal – Mr. Carter stated that he understood the neighbors' concerns but stated that the details they are discussing are better discussed at the time of a final development plan. Mr. Carter stated that when it comes to safety, connecting the stubbed roads is the best way to ensure the neighborhoods are safe and provide better response times for emergency situations.

Staff Rebuttal – Mr. Crum repeated Mr. Carter's assertion that the neighbors' concerns would be better suited for the final development plan discussion that will also take place in a public meeting. Additionally, Mr. Crum indicated it was important to look at the connectivity of how it will affect the neighborhood broadly and in the long term will lead to the dispersal of traffic. Mr. Crum also stated that just about every document when it comes to traffic management will tell you that increasing connectivity is generally considered a best practice.

Public Rebuttal – Amy Clark, 428 Kastle Road, stated that there was a large sinkhole on the site and asked for the Planning Commission to postpone the development plan so that these issues could be discussed further.

Staff Rebuttal – David Filiatreau, Traffic Engineering, stated that they encourage connectivity for the reasons provided previously and that that most of the Hill N Dale Neighborhood already connects, so this is adding to that. Mr. Filiatreau stated that members of the neighborhood using neighborhood streets as cut through is a reasonable thing and he thought it was very unlikely that the end of Eastway would ever warrant a traffic signal.

Commission Comments and Questions – Mr. Michler asked Mr. Filiatreau what kind of tools the city has for traffic calming measures for new developments and Mr. Filiatreau stated that a study can be requested to see what potentially could be helpful. Additionally, Mr. Filiatreau stated that they are currently doing a Complete Street Revision and will be looking to incorporate more traffic calming elements in existing and future developments.

Ms. Worth asked what the typical time between a preliminary development plan and a final development plan. Ms. Wade stated that it depends, but generally between six months to two years. Ms. Worth told the crowd that none of this was in stone and they have plenty of time to help make sure the development works for everyone.

Mr. Wilson stated that he appreciated the crowds patience, that the Planning Commission's job was to see if a zone change is appropriate using the Comprehensive Plan, and there will be plenty of time to shape the development plan in a way that works for the neighborhood.

Action – A motion was made by Mr. Wilson, seconded by Mr. Owens and carried 6-0 (Forester, Nicol, Johnathon, and Zack Davis absent) to approve PLN-MAR-24-00012: CLASSIC TRADITIONS, INC for reasons provided by Staff.

Action – A motion was made by Mr. Wilson, seconded by Ms. Barksdale and carried 6-0 (Forester, Nicol, Johnathon Davis, and Zack Davis absent) to approve PLN-MJDP-24-00045: VERNON & ROXIE HARRIS PROPERTY with the 11 conditions recommended by Staff.

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

1. **PLN-ZOTA-24-00005: AMENDMENT TO ARTICLES 5, 18, AND 26: LANDSCAPING AND TREE PROTECTION** – a text amendment to amend Articles 5, 18, and 26 to update landscaping and tree protection standards.

INITIATED BY: URBAN COUNTY PLANNING COMMISSION
 PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: **Approval**, for the reasons provided by Staff.

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

1. The proposed text amendment supports and implements the 2045 Comprehensive Plan, in the following ways:
 - a. The amendment supports collaboration with LFUCG Environmental Services by pursuing incentives and regulatory approaches that encourage creativity and sustainability in housing development (Theme A, Goal #1.a).
 - b. The amendment provides well-designed neighborhoods and communities by ensuring all new development includes minimizing the disruption of natural features when building new communities and promotes, maintains, and expands the urban forest throughout Lexington (Theme A, Goal #3.c & #3.d).
 - c. The amendment promotes the synchronization of intragovernmental planning, funding, programs, and activities across LFUCG departments and divisions; ensuring that all planning and operational activities that impact the protection, conservation and restoration of landscapes, natural resources, and our natural environment are aligned, helping to identify and protect natural resources and landscapes before development occurs (Theme B, Goal #3.b & #3.c).
 - d. The amendment incentivizes green building and sustainable development (Theme B, Goal #3.c), and promotes, maintains, and expands the urban forest (Theme A, Goal #3.d) through innovative open space and greenspace designs.

Staff Presentation – Ms. Eve Miller, Senior Planner, stated that Articles 5, 18, and 26 were implemented in 1983 and have not been significantly updated since. Ms. Miller indicated that the proposed text amendment consolidates enforcement and citation regulations, updates landscape regulations, and provides clearer and more modern tree protection standards. Ms. Miller indicated that all of these changes would help incentivize green infrastructure and best practices.

Ms. Miller stated that the Division of Environmental Services coordinated with the Division of Planning and reviewed the Zoning Ordinance with the goal to update processes, and modernize landscaping and tree protection standards in support of the Goals and Objectives of the 2045 Comprehensive Plan. Ms. Miller showcased the various events and public engagement that went on during this process including meeting with the Lexington Tree Board, Greenspace Trust, and showing up to events like Reforest the Bluegrass and Streetfest to get further public engagement.

Ms. Miller broke down the updates by each article, stating the update to Article 5 would add Environmental Services to the list of enforcement agents, update the enforcement parameters to match KRS 100 and increase the administrative abatement fee. The updates for Article 18 included: updating zone to zone landscape perimeter requirements, updating landscaping plan requirements, a preference for low-impact landscaping, columnar trees prohibited for required landscaping, new language to reference the city's Planting Manual, and dissolving the Landscape Review Committee. Finally Ms. Miller indicated that the changes to Article 26 included updating the purpose of Article 26 to focus on discussing trees' positive impact, updating definitions, updates to significant tree definitions by lowering the current diameter at breast height (DBH), updating tree protection plan requirements, and replacing gender-specific language with gender neutral language.

To show the changes and what the trees would be comparable to, Ms. Miller presented the Planning Commission a block of wood with the particular diameter that the text amendment calls for. Ms. Miller also stated that the main goal for phase one of this text amendment is to codify the processes and modernize the Zoning Ordinance. Additionally, Ms. Miller stated that a second phase text amendment would be forthcoming to achieve the additional policies.

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Ms. Miller concluded by stating Staff is recommending approval of the text amendment and could answer any questions from the Planning Commission.

Commission Comments and Questions – Mr. Wilson stated that he thought that Staff had done a wonderful job on this text amendment and thank them for their consistency.

Mr. Owens stated that this was a very important text amendment and echoed Mr. Wilson's praise for Staff.

Public Comment – Dick Murphy, representing the Building Industry Association of Central Kentucky, stated that he could not fully support the text amendments until phase two because they do not know how this will impact them yet.

Leandro Braga, 2013 Dunkirk Drive, voiced his support for this text amendment and stated that it gave him pride as a Lexingtonian to see a modern, forward thinking, text amendment.

Commission Comments and Questions – Mr. Wilson asked how Staff would feel about approving Phase 1 and then waiting for Phase 2 later, and Ms. Miller indicated that Staff was having trouble protecting tree canopy, and Phase 1 (this amendment) would serve as a foundation for what they want to do down the line.

Action – A motion was made by Ms. Worth, seconded by Mr. Pohl and carried 6-0 (Forester, Nicol, Johnathon Davis, and Zack Davis absent) to approve PLN-ZOTA-24-00005: AMENDMENT TO ARTICLES 5, 18, AND 26: LANDSCAPING AND TREE PROTECTION 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.

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

A. PLN-MJDP-23-00076: SHRINERS HOSPITAL/MASONIC TEMPLE ASSOCIATION OF LEXINGTON, INC(AMD)
(8/18/24)* - located at 4085 HARRODSBURG ROAD, LEXINGTON, KY
Council District: 9
Project Contact: Vision Engineering

The Staff will report at the meeting. There is a conflict between the existing conditions on the site and the tree protection area identified on the amended final development plan. Mitigation for the removal of trees that were identified to be protected by the certified final development plan will be discussed. The proposed amendment was approved on March 14, 2024 carrying forward the same tree protection area (TPA) that must now be amended.

The Planning Commission continued the discussion regarding tree mitigation at the June 13, 2024 June 27, 2024 public meeting in order to review detailed landscape plans.

Staff Presentation – Ms. Traci Wade gave a brief summary on the discussion related to this application, stating that Staff was looking to mitigate mature trees that had been removed from the site. Ms. Wade presented the original plan, and stated that the Division of Environmental Services was requesting plant 83 large trees to mitigate the removed canopy, and Vision Engineering was proposing 40. Ms. Wade continued showcasing the revised landscape map and stating that the applicant had found a way to plant the 83 trees for mitigation as requested by Environmental Services. Additionally, Ms. Wade indicated that the applicant met with Environmental Services and placed the six notes called for to address the trees and how they will be reviewed and approved over the course of the next several years.

Ms. Wade concluded by stating the Planning Commission would need to approve or accept the mitigation plan as presented if they wished.

Commission Comments and Questions – Ms. Worth asked if all the parties who had input into this process are signing off on this plan, and Ms. Wade and Mr. Matt Carter indicated that they were.

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Applicant Presentation – Matt Carter, engineer for the development, stated it was hard to follow the previously presented ZOTA about tree protection with this discussion, but stated that he had agreed to all of the conditions, and that this allowed them some flexibility if other problems were to arise.

Action – A motion was made by Mr. Owens, seconded by Mr. Wilson and carried 6-0 (Forester, Nicol, Johnathon Davis, and Zack Davis absent) to reapprove PLN-MJDP-23-00076: SHRINERS HOSPITAL/MASONIC TEMPLE ASSOCIATION OF LEXINGTON, INC(AMD) with the 19 conditions recommended by Staff.

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 August 2024

Subdivision Committee, Thursday, 8:30 a.m., in 3 rd Floor Conf Room, Phoenix Building	August 1, 2024
Zoning Committee, Thursday, 1:30 p.m., in 3 rd Floor Conf Room, Phoenix Building	August 1, 2024
Subdivision Items Public Hearing , Thursday, 1:30 p.m. in Council Chambers, 2 nd Floor, Gov't Center.....	August 8, 2024
Work Session, Thursday, 1:30 p.m., in 3 rd Floor Conf Room, Phoenix Building	August 15, 2024
Zoning Items Public Hearing , Thursday, 1:30 p.m., in Council Chambers, 2 nd Floor, Gov't Center.....	August 22, 2024
Technical Committee, Wednesday, 8:30 a.m., in Council Chambers	August 28, 2024
Work Session, Thursday, 1:30 p.m., in 3 rd Floor Conf Room, Phoenix Building	August 29, 2024

Larry Forester, Chair

Robin Michler, Secretary

TW/DC/RS-8/21/24