

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

**October 23, 2008**

- I. **CALL TO ORDER** – The meeting will be called to order at 1:30 p.m. in the Council Chamber, 2<sup>nd</sup> Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.
- II. **APPROVAL OF MINUTES** – Prior Planning Commission meeting minutes of August 14, 2008; August 28, 2008; September 11, 2008; and September 25, 2008, will be considered 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, October 2, 2008, at 8:30 a.m. The meeting was attended by Commission members: Neill Day, Mike Cravens, Marie Copeland, Mike Owens and Carolyn Richardson. Committee members in attendance were: Hillard Newman, Division of Engineering; and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Chris King, Director; Bill Sallee, Denise Bullock, Chris Taylor, Cheryl Gallt, Tom Martin, Kenzie Gleason, Frank Boateng, Barb Rackers, and Jimmy Emmons; as well as Rochelle Boland, Department of Law; Captain Charles Bowen, Division of Fire & Emergency Services; and Bob Carpenter, Division of Building Inspection. 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.*

- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, October 2, 2008, at 1:30 p.m. in the Division of Planning Office. The meeting was attended by Commission members Patrick Brewer, Frank Penn, Lynn Roche-Phillips, Randall Vaughn, and Joan Whitman. The Committee reviewed applications, and made recommendations on zoning items as noted.

A. **ABBREVIATED PUBLIC HEARINGS ON ZONE MAP AMENDMENTS AND RELATED PLANS**

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 AND RELATED PLANS** – 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. **THOMAS & CORBETT, LLC, ZONING MAP AMENDMENT & THE RESERVE AT TATES CREEK (AMD.) ZONING DEVELOPMENT PLAN**

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\* - Denotes date by which Commission must either approve or disapprove request.

- a. MAR 2008-23: THOMAS & CORBETT, LLC (10/23/08)\* - petition for a zone map amendment from a Single Family Residential (R-1C) zone to a Planned Neighborhood Residential (R-3) zone, for 7.19 net (9.60 gross) acres, for property located at 1060-1097 Bridlewood Lane, 5200-5205 Tykes Pass, 5121 Middleton Place and 5397 Bates Creek Road.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 11) recommends Low Density Residential future land use for the subject property. The petitioner proposes 38 townhouse and single family (detached) residential units in an R-3 zone.

The Zoning Committee Recommended: **Disapproval**, for the reasons provided by staff.

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

1. The existing Single Family Residential (R-1C) zoning, with conditional zoning restrictions, is in agreement with the 2007 Comprehensive Plan.
  2. The existing R-1C zone is more appropriate than an R-3 zone for the subject property, for the following reasons:
    - a. The existing pattern of residential development in the immediately surrounding neighborhoods is well below 4.0 dwelling units per gross acre.
    - b. The predominant zoning designation in this portion of the Bates Creek Road corridor is R-1C.
    - c. R-1C zoning is much more common along the edge of the Urban Service Area than R-3, as there has been a consistent and historical precedent for lower density residential development along this boundary for decades.
  3. There have been no unanticipated changes of a physical, social or economic nature within the immediate area since the Comprehensive Plan was adopted in early 2007 that would support an argument for R-3 zoning for the subject property.
- b. ZDP 2008-109: THE RESERVE AT BATES CREEK (AMD.) (10/23/08)\* - located 1060-1097 Bridlewood Lane, 5200-5205 Tykes Pass, 5121 Middleton Place and 5397 Bates Creek Road. **(EA Partners)**

Note: The purpose of this amendment is to depict a 38-unit townhouse and single family residential development.

The Subdivision Committee Recommended: Referral to the full Commission. There were questions regarding the location of the sanitary sewer line relative to the location of the proposed townhouses, and compliance with Floor Area Ratio restrictions.

Should this plan be approved, the following requirements should be considered:

1. Provided the Urban County Council rezones the property R-3; otherwise, any Commission action of approval is null and void.
  2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
  3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
  4. Building Inspection's approval of landscape buffer.
  5. Urban Forester's approval of tree inventory map.
  6. Department of Environmental Quality's approval of environmentally sensitive areas.
  7. Depict the tree canopy information on plan.
  8. Denote the square footage in the site statistics information and dimension units (including number of stories).
  9. Denote compliance with floor area ratio requirements (townhouse portion).
  10. Resolve existing conflict with the proposed townhouses and platted easements.
2. **SOUTHERN INDUSTRIAL, LLC, ZONING MAP AMENDMENT & MEADOWTHORPE COMMUNITY BUSINESS CENTER, UNIT 1 (HALIFAX LAND CO.), ZONING DEVELOPMENT PLAN**

- a. MAR 2008-24: SOUTHERN INDUSTRIAL, LLC (10/23/08)\* - petition for a zone map amendment from a Neighborhood Business (B-1) zone to a Wholesale & Warehouse Business (B-4) zone, for 1.8650 net (3.4609 gross) acres, for property located at 1447 Antique Drive.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 5) recommends Retail Trade and Personal Services land use for the subject property. The petitioner proposes a restricted wholesale business/warehouse development on the subject property, to be restricted by conditional zoning.

The Zoning Committee Recommended: **Postponement**, for the reasons provided by staff.

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

1. The question of whether the proposed B-4 zoning (in total) is more appropriate than the existing B-1 zoning for the subject property is directly dependent upon the following issues:

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- a. The existing B-1 zoning of the subject property directly abuts existing residential uses zoned B-1 and R-1C. However, no landscaping, and no restrictions regarding loudspeakers, building openings or lighting have been offered to buffer the proposed shop of special trade from these adjacent residential uses.
  - b. Since the subject property currently has no impervious surface area, the proposed development means that some type of storm water detention or system improvements will likely be required, so as not to allow any increase in the rate of storm water runoff onto surrounding residential and commercial properties. However, the subject property is not currently proposed for any such improvements, and is technically undevelopable at the present time, as it is entirely designated as a temporary drainage easement. Until such time as a *concept* for storm water improvements is proposed, this rezoning application is premature.
- b. ZDP 2008-108: MEADOWTHORPE COMMUNITY BUSINESS CENTER, UNIT 1 (HALIFAX LAND COMPANY)  
(10/23/08)\* - located at 1447 Antique Drive. (Foster - Roland)

The Subdivision Committee Recommended: Postponement. There were questions regarding the building location relative to the residential structures.

Should this plan be approved, the following requirements should be considered:

1. Provided the Urban County Council rezones the property B-4; otherwise, any Commission action of approval is null and void.
  2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
  3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
  4. Building Inspection's approval of landscape buffer.
  5. Urban Forester's approval of tree inventory map.
  6. Denote: There shall be no development of the property until the Planning Commission approves a final development plan.
  7. Correctly label and depict the 80' easement.
  8. Denote proposed detention areas.
  9. Addition of topographic information per Article 21-6(a) of the Zoning Ordinance.
  10. Addition of site statistics information per Article 21-6(a) of the Zoning Ordinance.
  11. Addition of the tree inventory information as defined in Article 26 and as per Article 21-6(a) of the Zoning Ordinance.
  12. Denote the dimensions and location of the access and parking areas per Article 21-6(a) of the Zoning Ordinance.
  13. Addition of adjacent property zoning information.
  14. Denote the conditional zoning restrictions.
  15. Resolve the building location relative to the residential structures at the time of the final development plan.
  16. Resolve the potential impact of lights and noise on the adjoining properties at the time of the final development plan.
  17. Discuss the apparent drainage feature at the center of the property.
  18. Discuss the proposed uses for the property.
3. MULTICON DEVELOPMENT COMPANY ZONING MAP AMENDMENT & ANGLIANA SUBDIVISION (A PORTION OF) / CNO & TP RAILROAD ZONING DEVELOPMENT PLAN

- a. MARV 2008-25: MULTICON DEVELOPMENT COMPANY (10/9/08)\* - petition for a zone map amendment from a Heavy Industrial (I-2) zone to a High Density Apartment (R-4) zone, for 18.27 net (23.61 gross) acres; and from a Wholesale & Warehouse Business (B-4) zone to a High Density Apartment (R-4) zone, for 1.01 net (1.17 gross) acres, for property located at 474, 475, and 497 Angliana Avenue and 701 South Broadway (a portion of). Dimensional variances are also being requested at this location.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 5) recommends Office/Warehouse (OW) and Downtown Master Plan (DTMP) future land uses. The petitioner proposes a rezoning to a High Density Apartment (R-4) zone in order to permit a group residential apartment complex with 321 dwelling units.

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

The Staff Recommended: Approval, for the following reasons:

1. The existing High Density Apartment (R-4) zone approved immediately to the north of the subject property is an unanticipated change since the adoption of the 2007 Comprehensive Plan that has altered the economic character of the area that includes the subject property. That decision will allow future residential uses in areas previously zoned for warehousing, wholesale business and heavy industrial land uses.
2. The proposed R-4 zone is appropriate at this location for the following reasons:
  - a. R-4 zoning already exists to the north and south of this location.
  - b. A Lexington Transit Authority bus route currently exists to allow the safe transportation of residents to and from the University of Kentucky campus for a modest fee while the university is in session.

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- c. The proposed redevelopment of the subject property will permit a residential land use near the UK campus to provide additional housing opportunities for university students, for which there is a need.
- d. The proposed High Density Apartment (R-4) zone will allow for a less intensive land use than that recommended by the 2007 Comprehensive Plan's Land Use Element, but will still allow for a mixture of land uses in the Angliana Avenue corridor.
3. This recommendation is made subject to the approval and certification of ZDP 2008-111: Angliana Subdivision (a portion of)/CNO & TP Railroad, 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. REQUESTED VARIANCES

1. Reduce the required Group Residential Project frontage yard from 70 feet to 40 feet.
2. Reduce the Group Residential Project exterior yard requirement from the height of the building (40 feet) to 5 feet.
3. Reduce the required front yard setback in the R-4 zone along Angliana Avenue and Curry Avenue from 20 feet to 5 feet.

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

- a. If the properties are re-zoned to R-4, as requested, granting these variances should not adversely affect the public health, safety or welfare, nor will it alter the character of the general vicinity. The redevelopment of these properties will be consistent with the change in character along South Broadway and Foreman Avenue, across South Broadway from the subject properties.
- b. Granting the variances will not allow a circumvention of the Zoning Ordinance, as some building setbacks will still be maintained. If approved, it will help to implement the Downtown Master Plan recommendations for the area.
- c. Special circumstances relating to the subject properties that help to justify the variances are their size and configuration, as well as the incorporation of the larger tract alongside the Norfolk-Southern Railroad line into the proposed development, all of which provide development constraints for the property.
- d. Strict application of the Zoning Ordinance would severely restrict the applicant's ability to redevelop the properties in an efficient manner and that would help to alleviate the need for student housing in this part of the community.
- e. The requested variances are not the result of any prior actions of the applicant that could be construed as a willful violation of the Zoning Ordinance.

This recommendation of approval is subject to the following conditions:

1. Provided the Urban County Council rezones the property R-4; otherwise, any Commission action for approval of these variances is null and void.
2. Should the property be rezoned, it shall be developed in accordance with the approved Preliminary Development Plan, or as amended by the Planning Commission.
3. A note shall be placed on the Development Plan, indicating the dimensional variances granted by the Planning Commission under Article 6-4(c) of the Zoning Ordinance.
4. All necessary permits shall be obtained from the Division of Building Inspection prior to demolition of any structures (if applicable), grading and construction; and after certification of a Final Development Plan for the properties.
5. Any additional variances determined to be needed for the proposed development shall be subject to approval of the Board of Adjustment.

- c. ZDP 2008-111: ANGLIANA SUBDIVISION (A PORTION OF) / CNO & TP RAILROAD (10/23/08)\* - located at 474, 475, and 497 Angliana Avenue and 701 South Broadway (a portion of). **(Strand Associates)**

The Subdivision Committee Recommended: **Referral to the full Commission**. There were questions regarding the orientation of the buildings to Angliana Avenue, pedestrian connections, variances requested and the industrial access road.

Should this plan be approved, the following requirements should be considered:

1. Provided the Urban County Council rezones the property R-4; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Building Inspection's approval of landscape buffer.
5. Urban Forester's approval of tree inventory map.
6. Greenspace Planner's approval of the treatment of greenways.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Department of Environmental Quality's approval of environmentally sensitive areas.
9. Denote: There shall be no development of the property until the Planning Commission approves a final development plan.
10. Delete note number 11.
11. Correct note number 4.
12. Clarify cross-section information.
13. Correct site statistics to provide lot coverage and floor area ratio (FAR) information.

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14. Delete note number 9.
15. Denote: Compliance with Article 15-7 of the Zoning Ordinance shall be determined at the time of the final development plan.
16. Denote: The location and design of a LexTran bus stop will be determined at the time of the final development plan.
17. Discuss the parking that is provided versus the minimum required.
18. Discuss the industrial access road proposed to rail spur.
19. Discuss the pedestrian bridges' accessibility to the public.

#### **4. MULTICON DEVELOPMENT COMPANY ZONING MAP AMENDMENT & SCOTT STREET MULTI-USE PROJECT ZONING DEVELOPMENT PLAN**

- a. MARV 2008-26: MULTICON DEVELOPMENT COMPANY (10/23/08)\* - petition for a zone map amendment from a Wholesale & Warehouse Business (B-4) zone to a Mixed-Use 2: Neighborhood Corridor (MU-2) zone, for 2.07 net (3.42 gross) acres, for property located at 300, 307, 313, 315, 317, 319, 321, 322, 324, 325 & 328 Scott Street and 701 South Broadway (a portion of). Dimensional variances are also being requested at this location.

##### LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 5) recommends High Density Residential (HD) for properties on the east side of Scott Street and Industrial Mixed Use (IMU) for properties on the west side of Scott Street. The petitioner proposes MU-2 zoning for a combination residential and commercial development. They propose 60 dwelling units and 10,165 square feet of commercial space.

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

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

1. The requested Mixed Use 2: Neighborhood Corridor (MU-2) zone is appropriate and the existing Wholesale and Warehouse Business (B-4) zone is inappropriate, for the following reasons:
    - a. The Plan recommends a mixture of High Density Residential (HD) and Industrial Mixed Use (IMU) future land use. The existing B-4 zoning does not allow either residential or industrial mixed use, as currently written.
    - b. The applicant is proposing a Mixed Use 2: Neighborhood Corridor zone, and a mixture of business and residential land use, as suggested by the Newtown Pike Extension Corridor Plan. The Newtown Pike Extension Corridor Plan recommends redevelopment strategies that promote mixed use projects and "critical mass" developments because these types of projects provide good transitions to residential developments or neighborhoods, and provide a variety of uses, which helps revive areas and extend the hours of activity in certain areas.
    - c. The proposed zone and corollary development plan are appropriate at this location in that the development will be pedestrian-oriented; provide student housing close to campus; be compatible with the immediate area; and complement the proposed University of Kentucky Law School building, as well as the "Reynolds Project," just north and east of this location, which is anticipated for a mixture of uses by the University of Kentucky.
    - d. Several of the properties have legal, but non-conforming uses that will be eliminated through this re-zoning.
  2. The proposed location of the MU-2 zoning is appropriate because it is located in a commercial area of Scott Street that is recommended for a mixed use, including a residential future land use. Scott Street is planned to become an extension of Newtown Pike, which is specifically included in the current locational criteria for the MU-2 zone.
  3. This recommendation is made subject to approval and certification of ZDP 2008-112: Scott Street Multi-Use Project, 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. REQUESTED VARIANCES

1. Reduce the required open space from 10% to 5%.
2. Reduce the required front yard setback from 15' to 0' for the 3<sup>rd</sup> and 4<sup>th</sup> building stories.
3. Reduce the required side yard from 10' to 2'.
4. Increase the required setback for 40% of the front building walls from 0' to 15'.
5. Reduce the required rear yard setback (adjacent to the railroad) from 10' to 5'.
6. Reduce the required landscape buffer width (adjacent to the KU substation) from 5' to 2'.

The Staff Recommends: **Approval of (1) a rear yard reduction from 10' to 5', (2) a side yard reduction from 10' to 3', and (3) elimination of the requirement that the third and fourth stories of the proposed buildings have a front yard setback of at least 15'**, for the following reasons:

- a. Granting these variances should not adversely affect the public health, safety or welfare, nor alter the character of the general vicinity. Surrounding properties, which include a railroad line, parking lots, a utility substation and a warehouse building, are not anticipated to be adversely impacted. The overall character of the neighborhood is likely to improve as a result of the proposed mixed-use development.

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- b. The irregular shape of the westerly portion of the subject property, and the small size and location of the easterly portion of the subject property relative to Scott Street and the balance of the subject property, are special circumstances that contribute to justifying these variances.
- c. Strict application of the Zoning Ordinance requirements would likely compromise the overall design of the development, resulting in a less efficient use of available land and forcing certain features (such as access locations) that are less desirable from the standpoint of public health and safety.

The Staff Recommends: **Disapproval of the requested open space reduction, from 10% to 5%**, for the following reasons:

- a. A 5% reduction in the required open space does not appear to be needed for this proposed mixed-use development. The most recently submitted Preliminary Development Plan indicates that nearly 9,000 square feet of open space will be provided, with a pedestrian plaza of 550 square feet to be connected to a 6' wide walkway along Scott Street.
- b. Insufficient justification of the requested variance has been offered by the applicant. Although the proposed open space areas are small and somewhat disconnected, they do provide valuable space for at least some passive outdoor activities and should be retained.

This recommendation of approval is made subject to the following conditions:

1. Provided the Urban County Council rezones the property MU-2; otherwise, any Commission action of approval of these variances is null and void.
  2. Should the property be rezoned, it shall be developed in accordance with the approved Development Plan, or as amended by the Planning Commission.
  3. A note shall be placed on the Development Plan indicating the dimensional variances that the Planning Commission has approved for this property under Article 6-4(c) of the Zoning Ordinance.
  4. All necessary permits shall be obtained from Building Inspection prior to construction, after certification of a Final Development Plan, should this property be rezoned.
  5. A side yard of at least 5' shall be provided where the subject property adjoins the Kentucky Utilities substation, at 301 through 303 Scott Street, with a 5' wide landscape buffer to be provided there according to the provisions of Article 18-3(a)(1)6 of the Zoning Ordinance.
- c. [ZDP 2008-112: SCOTT STREET MULTI-USE PROJECT](#) (10/23/08)\* - located at 300, 307, 313, 315, 317, 319, 321, 322, 324, 325 and 328 Scott Street and 701 South Broadway (a portion of). **(Strand Associates)**

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

1. Provided the Urban County Council rezones the property MU-2; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Building Inspection's approval of landscape buffer.
5. Urban Forester's approval of tree inventory map.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Department of Environmental Quality's approval of environmentally sensitive areas.
8. Denote: There shall be no development of the property until the Planning Commission approves a final development plan.
9. Label topographic contours.
10. Denote: Access to Scott Street shall be determined at the time of a final development plan for compliance with the Newtown Pike access standards.
11. Clarify open space site statistic for each parcel.
12. Depict vehicular use area and property perimeter landscaping and buffer.
13. Provided the Planning Commission approves the requested variances, or revise the development plan accordingly.
14. Denote: Resolve the Scott Street cross-section proposed at the time of the final development plan.
15. Resolve building features at the time of the final development plan.

**5. LEXINGTON LOFTS, LLC, ZONING MAP AMENDMENT & LEXINGTON LOFTS, LLC, PROPERTY (AMD.) ZONING DEVELOPMENT PLAN**

- a. MAR 2008-30: LEXINGTON LOFTS, LLC (12/8/08)\* - petition for a zone map amendment from a High Density Apartment (R-4) zone to a Wholesale & Warehouse Business (B-4) zone, for 6.73 net (9.59 gross) acres, for property located at 201 Price Road (a portion of).

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 2) recommends High Density Residential future land use for the subject property. The petitioner proposes a mixed-use redevelopment of a former tobacco warehouse/processing plant to allow for residential uses, professional office and warehouse and wholesale business uses on the property.

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

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

1. The proposed Wholesale and Warehouse Business (B-4) zoning is more appropriate than the existing High Density Apartment (R-4) zoning on this portion of the subject property, for the following reasons:
    - a. A portion of the existing R-4 zoning and the existing P-1 zoning will be retained such that the property can still be developed for a mixture of land uses, including residential condominiums.
    - b. The mixture of zoning proposed will allow for the possible reuse of the existing vacant warehouse structures.
    - c. The proposed zoning, in combination with the existing R-4 and P-1 zoning, would allow more options for innovative reuse of the existing structure than the existing zoning at this location.
    - d. The existing warehouse that is the majority of the building's floor area is appropriate for a B-4 zone, and warehouse uses.
  2. Although not in agreement with the 2007 Comprehensive Plan, the requested rezoning will further these Goals and Objectives contained within the Plan:
    - a. Goal 5 of the adopted Comprehensive Plan encourages the renovation and compatible adaptive reuse of historic commercial structures. While not in a local historic district nor designated as a local historic landmark, the opportunity to convert a former tobacco processing facility to other uses is precisely what Goal 5 contemplates.
    - b. Goal 8 encourages "the rehabilitation and adaptive reuse of all existing underutilized structures to the greatest extent possible." The subject property contains such an underutilized building sited between the nearby mobile home park and the Melrose subdivision to the south.
  3. This recommendation is made subject to approval and certification of ZDP 2008-132: Lexington Lofts, LLC, Property (Amd.), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
- b. ZDP 2008-132: LEXINGTON LOFTS, LLC PROPERTY (AMD.) (12/8/08)\* - located at 201 Price Road.  
(Carman and Associates)

Note: The purpose of this amendment is to change the zone and depict the associated off-street parking.

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

1. Provided the Urban County Council rezones the property B-4; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
4. Building Inspection's approval of landscape buffers.
5. Urban Forester's approval of tree inventory map.
6. Denote: There shall be no development of the property until the Planning Commission approves a final development plan.
7. Place site statistics in box.
8. Correct note number 12.
9. Clarify tree canopy statistics.
10. Remove floor area ratio (FAR) statistic for B-4 area, and denote height of building instead.
11. Correct Planning Commission certification.
12. Display interior parking arrangement on plan face.
13. Identify all proposed and existing easements.
14. Denote interior landscaping requirements.
15. Addition of Main Street cross-section.
16. Denote: No building permit shall be issued unless and until a final development plan is approved by the Planning Commission.

VI. **COMMISSION ITEMS** – Commission items, if any, will be considered at this time.

VII. **STAFF ITEMS** – Staff items, if any, will be considered at this time.

#### A. **Planning Services Activity Report**

- During the month of September, the Planning Services staff processed 8 zone map amendments, 2 Zoning Ordinance text amendments, 39 subdivision and development plan items, 2 Tax Increment Financing applications, 1 Public Facility Review, 1 Board of Architectural Review appeal, and 21 Board of Adjustment appeals. Processing of the above items included attendance and/or preparation of materials and presentations for the following: Technical, Subdivision and Zoning Committee meetings, one Planning Commission public hearing, one Planning Commission public meeting, one Planning Commission work session, and one Board of Adjustment public hearing. In addition, the staff held 3 pre-applications conferences for zoning changes, and several other pre-application meetings for subdivision, development plan and Board of Adjustment items.

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Much of the staff's time was spent answering approximately 900 inquiries from people concerning zoning, subdivision plans, development plans, Board of Adjustment appeals and related matters. The staff also provided floodplain assistance for approximately 15 property inquiries.

- New FEMA Floodplain Maps for Lexington-Fayette County - After four years of hard work, Planning Services is proud to announce that the new FEMA Digital Flood Insurance Rate Maps for Lexington-Fayette County became effective on September 17. These new maps are much more reliable and will be of great use to the community, not just for insurance determinations, but for floodplain management. They contain much newer and more accurate base map information, which will help those relying upon these maps for important decision-making.
- Annual Community Rating System - Planning Services has completed the yearly Community Rating System (CRS) certification for LFUCG. FEMA's CRS program rewards communities that go above and beyond the minimum flood protection requirements by awarding points to the community. The more points a community scores, the lower the CRS rating. A lower CRS rating equals higher discounts on flood insurance for those property owners that are required to purchase flood insurance. This year LFUCG expects to maintain the rating of 7 that was attained for the first time last year. Planning Services would like to thank the Division of Engineering on their tremendous support and expertise in accomplishing this task.
- Bill Sallee attends Stuart Hall Neighborhood Association meeting – Planning Manager Bill Sallee attended a meeting of the Stuart Hall Neighborhood Association, held at the Edith Hayes Middle School, on the evening of Wednesday, September 3. The restrictions on the currently approved development plan for the Richardson Property were presented and discussed at that meeting. The neighborhood is reviewing pedestrian and vehicular movements, and planned improvements in their neighborhood area.

#### **B. Long Range Planning Activity Report**

- Central Sector Small Area Plan – Ratio, the consultants for the Central Sector Small Area Plan, reported their progress and presented their final outline for the plan to a meeting of the steering committee. The steering committee discussed several issues and offered suggestions related to the plan. Ratio stated they will have preliminary drafts of the plan for the steering committee to review in November and a complete draft for a public input meeting in January.
- East End Small Area Plan – EHI, Inc. led the steering committee through the status of the small area plan. The committee reviewed proposals to create sub-planning areas within East End, which include a focus on underutilized properties and rehab housing. The steering committee discussed several issues and offered suggestions related to the plan. A public input meeting to review the sub-area concepts is scheduled for October 14 at the William Wells Brown Elementary School.
- Consultant Coordination Meeting – Staff organized a meeting and conference call for the consultants working on the Central Sector and East End Small Area Plans, the Housing Market Study, and the Nonresidential Infill and Redevelopment Design and Market Study. The purpose of the meeting was to introduce the consultants to each other and to foster coordination and help minimize duplication of effort and conflicts in the study and plan recommendations. The 90-minute meeting included 16 participants in the offices of the Division of Planning and on the phone in Indianapolis and Atlanta.
- PEO Presentation – Staff made a presentation about the work of the Division of Planning to PEO Chapter 7 at their monthly meeting at Second Presbyterian Church. Staff discussed the history and role of Planning in Fayette County and answered questions about current development activities.
- General Work Activities – Staff answered questions about land use and other comprehensive plan issues as well as neighborhood association issues. Staff updated the Neighborhood Association data base. Using GIS, Census data, and PCensus software, staff created maps and data sets for the Urban County Council, other LFUCG Departments, and agencies and officials outside the government.

#### **C. Transportation Planning Activity Report**

- Administration – Committee meeting packets were prepared and distributed for the following Transportation Planning/MPO meetings in September: the Transportation Technical Coordinating Committee (TTCC) was held on September 10, and the TTCC Subcommittee's Bicycle and Pedestrian Advisory Committee (BPAC) was held on September 5. Other important meetings with MPO staff participation included: the I-75 Working Group meeting on September 4; the Bluegrass Area Development District Regional Transportation Advisory Board on September 8; LFUCG Corridors Committee Meeting on September 16; World Equestrian Games Committee; Federated Transportation Services of the Bluegrass (FTSB) Board meeting; and the Bluegrass Airport Board of Directors meeting. Also, staff participated in the Division of Planning's regularly scheduled development review meetings, and provided review and input on transportation and traffic impact study-related issues.
- Transportation Improvement Programming (TIP) – The primary program activities in September included the re-evaluation and comparison of the existing TIP versus the KYTC's recommended YOE Expenditures and upcoming FY 2009-FY 2012

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TIP program. An appraisal of program funding figures and an examination of SAFETEA-LU regulatory requirements are under review, consideration, and development. In October, the state and local transportation partners will meet to assess the Lexington (SLX) Roadway program to analyze project funding, to include recommendations against the current project phasing and program funding while awaiting the pending Kentucky Transportation Cabinet recommended Six-Year Plan to be voted on by the Kentucky's decision-makers later this year. The Kentucky Legislature's Six-Year Plan recommendations will determine the future funding amounts and provide a revised direction for approved project funding amounts. The firm of Wilbur Smith Associates was selected to perform the South Limestone Study and meetings were arranged for October.

- Intelligent Transportation Systems (ITS) – The MPO staff continued to assist with implementation of the Bluegrass ITS (BITS) regional planning initiative on an as-needed basis. Staff is now reviewing program funds to see how ITS will be continued to be implemented in the MPO's Long Range Transportation Plan and Transportation Improvement Program.
- MPO Website Development – The stand-alone MPO web site can be accessed at <http://www.lexareampo.org/>. In September, the website had **745** unique visitors; **1,424** visits; **3,748** page views; total 1.64 GB bandwidth usage; and **21,963** hits. There were **313** links from search engines in September. MPO staff updates the web site with new links, graphics and content on a continual basis and recommends that all visit and revisit on a regular basis to see the improvements.
- Fayette & Jessamine Counties Cooperative Planning - The MPO staff continued to work with Jessamine County officials and the Bluegrass Area Development District to assess transportation system impacts in Jessamine County. A recent staff roadway project field visit in Northern Jessamine County reports continued and moderate growth in commercial and residential sectors. The staff attended the Bluegrass ADD Transportation Coordination Committee. Staff continues to provide information to MPO counties and the Bluegrass Area Development District, and records the requests in the MPO's database. Typical questions fielded range from land access and accessibility to zoning regulations for street cross-section standards.
- Public Involvement – Staff worked on arranging for the upcoming 2035 Long Range Transportation Plan public meetings at Southland Christian Church on September 23. There was a good turnout and attendees asked MPO and Kentucky Transportation District 7 planning staff many questions about transportation planning, transportation project existing funding and phasing, and how these projects could impact their properties, and their daily commute. Channel 27 News, local elected officials, and the public engaged the staff with questions and staff provided information and answers, and pointed out future changes on maps. The final version of the 2035 Long Range Transportation Plan survey was completed in September, including several improvements based on comments received. Surveys were brought to a presentation to KU employees (16 were turned in) and to the public meeting at Southland (28 were turned in) as well as placed on [www.lexareampo.org](http://www.lexareampo.org). The Lexington MPO Public Participation/Involvement Access database continues to be updated for use as an advanced input/management tool for public comments. The Public Involvement Database now includes **700** records. The Lexington Area MPO's stand-alone web-site ([www.lexareampo.org](http://www.lexareampo.org)) was updated and improved.
- Transit Planning – Staff met with Rocky Burke of Lextran and Yvette Hurt of Art-in-Motion to discuss preliminary plans to apply for CMAQ and TE grants this coming year for an art bus shelter proposal of approximately 12 – 15 shelters. Staff plans to analyze shelter placement in Lexington with other criteria to come up with specific sites that may be pre-permitted to illustrate suitability and intent. Staff also met with Ms. Hurt and Chris King to discuss intent to apply for grants with coordination from LFUCG Planning Staff and the Lexarea MPO. Staff continues to coordinate aspects of the Bottlestop fabrication hoping to get the shelter installed asap. Transit Planner participated in the LRTP Public Meeting held at Southland Christian Church 9-23-08. Staff attended the Bluegrass Tomorrow Innovision session which included a discussion on regional transit. Staff met with Rick Gersony, Brad Flowers and Kenzie Gleason concerning a proposal to interact with Google to supply bike trail information. The Mayor's Bike Task Force will discuss this and get back to us. Staff attended ribbon cutting ceremony for the new Lextran bus washing facility and the completion of phase one of Lextran renovation/improvements. Staff continues to work on the LRTP.
- Newtown Pike Extension Project – Staff will continue to be involved in (when needed) and monitor ongoing work that includes plan development, any changes in important design issues, funding strategies, meetings/discussions, Transportation Improvement Program amendments and modifications. Also, staff will continue to coordinate transportation and land use activities and the Newtown Pike Extension Project Team and any remaining Small Area Plan Process issues.
- MPO Newsletter - "Bluegrass Traveler" – The next "Bluegrass Traveler" newsletter is planned for a 2008 Fall Edition.
- Traffic Impact and Forecasting – The staff coordinated with the Division of Planning: Planning Services Section staff, and the monthly Zoning Review Committee, to review, analyze and assess recently submitted plans for potential positive and negative traffic impacts; to include reviewing zoning map amendment applications and text amendments. All proposed developments were reviewed for "general consistency" among planning documents, ordinances, and subdivision regulations. Upon request, traffic count and roadway functional classification information was provided to development professionals, private consultants, and to citizens in September. The MPO staff continues to monitor the *Jessamine Journal* to track on-going land development

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and consults with Jessamine County officials on a regular basis to keep the Urban County abreast of on-going and future land development activities.

- Bicycle and Pedestrian Planning - The LFUCG Bicycle and Pedestrian section is found in the Strategic Planning monthly report. The BPAC will closely coordinate all bike and pedestrian activities with the MPO, BPAC members, the KYTC District 7, and the Kentucky Transportation Cabinet's project programming personnel. A BPAC meeting was held in September and was well attended.
- Travel Demand Model – Staff continued to work with the consultants and MPO staff on different projects, providing travel demand forecasts.
- Freight Planning – The final draft of the Freight Section Extension is complete and available for review by MPO members and interested parties. The section received a commendation from Certification Review Panel and been used as an example for other MPOs. Staff is working on: data collection to update the freight section; Freight Participation Plan and Request for Proposals (RFP) for a Freight Study. In September, FHWA Transportation Planner, Ms. Bernadette Dupont, provided transportation planners with several new freight planning informational resources on freight carrier statistics and new developments in the freight industry. This information is available upon request.
- Air Quality Activities – Sam Hu is temporarily performing the Air Quality reporting until the MPO gets a new Air Quality Planner. A new Senior Transportation Planner was hired and will be assisting the MPO with Air Quality and other important on-going transportation planning activities.
- Congestion Management Process (CMP) - The MPO manager has initiated a bimonthly CMC meeting format to increase efficiency of personnel resources. The CMC meeting was held on September 10. Ms. Julia Shaw presented the Traffic Collision Analysis Summary & Comparison and Mr. Gary Means presented the Lexington-Fayette County Parking Program update at the September CMC meeting. MPO staff attended Bicycle Pedestrian Advisory Committee meeting and other transportation planning related meetings. Staff made suggestions during these meetings. Staff continued to review and revise the Congestion Management Process Overview document. A deadline has been set by management and further information will be submitted upon completion. Staff worked on the Year 2035 Long Range Transportation Plan Update, prepared for 2035 Transportation Plan Update public meetings, and worked on the monthly, quarterly, and annual reporting documents.
- Mobility Office Activities – Roger Daman attended a meeting at UK to answer questions and give advice regarding the implementation of a pilot vanpool program. Staff presented information regarding carpooling to KU employees this month. The staff received a large number of phone calls and emails regarding carpooling and vanpooling to work this month. The waiting list for the vanpool program reached a total of 17 groups waiting for vans. Staff is awaiting an announcement regarding a CMAQ application for six vans in October.

#### **D. Strategic Planning Activity Report**

- Infill and Redevelopment Activities – The Steering Committee met on September 11<sup>th</sup> to review the implementation status of the task force recommendations.
- Housing Market Study - The Steering Committee met on September 17<sup>th</sup> with the consultants. RCLCO presented preliminary housing market conditions. The consultant conducted three focus group meetings on September 16<sup>th</sup> to help obtain information regarding housing affordability.
- Neighborhood Conservation Zoning – Staff met with a representative of the Lansdowne Neighborhood Association to discuss ND-1 requirements and process.
- Newtown Pike Extension/Southend Park Redevelopment Plans – The construction of the temporary housing is underway. The Urban County Council held a public hearing on September 9<sup>th</sup> and approved the rezoning for the Southend Park redevelopment.
- Greenspace Commission – Staff prepared for and attended the Greenspace Commission meeting.
- Technical Meetings - Staff prepared for and attended the monthly meetings for the Technical Review Committee.
- Development Review - Staff conducted a variety of development review duties and meetings and coordinated greenway and greenspace development issues.
- Greenways – Staff attended trail committee meetings to discuss projects.
- Bluegrass Partnership for a Green Community - Staff attended with the steering committee members.

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- Complete Streets – Staff worked on maps and recommendations regarding street cross-sections and connectivity.
- Other – Staff participated in conducting a bike count survey on UK campus.
- South Limestone Multimodal Study – A consultant has been selected for the project. A contract will be submitted for Council approval.
- Safe Routes to School – A community workshop has been scheduled for November 6 at William Wells Brown Elementary. Anyone wishing to attend should contact Kenzie Gleason at 258-3605.
- Roadway Projects/Issues – The LFUCG is working to install Share the Road Signage on county-maintained rural bike routes.
- Bike Lexington – On-going planning for May 2009 is underway.
- 2<sup>nd</sup> Sunday – Approximately 2,000 people attended the Fayette County event to bike, walk and exercise on and along Limestone Street. There were 70 counties who participated across the state.
- Mayor's Bicycle Task Force – The Committee is working to develop maps and a signage system for a regional system of rural road bike routes. They are also working to develop a Complete Streets resolution for Council adoption. The committee is also developing recommended changes to the bike traffic ordinance.
- Legacy Trail – This trail will extend from downtown to the Kentucky Horse Park. A consultant has been hired to begin a feasibility study design. A kick-off 'Party on the Trail' public input event has been scheduled for October 25. For more information visit [www.legacycenter.ning.com](http://www.legacycenter.ning.com)
- UK Bike Count - Staff participated in a cordon bicycle count on September 30. The count was a 10-year follow-up to a previous study. Preliminary data shows a 37% increase in bicycling into the UK Campus from 1998 to 2008. Comparatively, there has been a 9% increase in the student/employee population during that same time.

**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 NOVEMBER, 2008**

|                                                                                                            |                          |
|------------------------------------------------------------------------------------------------------------|--------------------------|
| Work Session, Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers.....                             | October 30, 2008         |
| Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....           | November 6, 2008         |
| Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....                | November 6, 2008         |
| <b>Subdivision Items Public Hearing</b> , Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers..... | <b>November 13, 2008</b> |
| <b>Zoning Items Public Hearing</b> , Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers.....      | <b>November 20, 2008</b> |
| Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....            | November 26, 2008        |

**X. ADJOURNMENT**

TLW/TM/JWE/BJR/BS/src

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