

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

January 30, 2025

- I. **CALL TO ORDER** - The meeting will be called to order at 1:30 p.m. in the Council Chamber, 2nd Floor LFUGG Government Center, 200 East Main Street, Lexington, Kentucky.
- II. **APPROVAL OF MINUTES** – The minutes of the November 21, 2024 and the December 12, 2024 meetings will be considered by the Planning Commission at this time.
- III. **POSTPONEMENTS AND WITHDRAWALS** - Requests for postponement and withdrawal will be considered at this time.
- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, January 9, 2025 at 8:30 a.m. The meeting was attended by Commission members Bruce Nicol, Ivy Barksdale, and Mike Owens. Other Committee members present were Vaughan Adkins, Division of Engineering; and David Filiatreau, Division of Traffic Engineering. Staff members in attendance were Traci Wade, Daniel Crum, Chris Chaney, Cheryl Gallt, Paula Schumacher; Embry Beaty, Division of Fire and Emergency Services; and Tracy Jones, Department of Law. The Committee made recommendations on plans as noted.

General Notes

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

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

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

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

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

The procedure for these hearings is as follows:

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

1. **Development Plans**

- a. PLN-MJDP-24-00095: NEWTOWN SPRINGS, LOT 4 (AMD) (2/23/25)* – located at 1425 Newtown Center Way, LEXINGTON, KY
Council District: 1
Project Contact: EA Partners

Note: The purpose of this amendment is to depict a restaurant, drive-thru, parking, and circulation on Outlot 4.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. United States Postal Service Office's approval of kiosk locations or easement.
13. Denote purpose of plan.
14. Document lighting plan per Article 30 of the Zoning Ordinance.
15. Dimension all access points, drive aisles and walkways. (southeast access point and rear walkway missing).
16. Denote review and recommendations of the Royal Springs Aquifer Wellhead Protection Committee.
17. Denote variances approved by the Board of Adjustment on September 9, 2024.
18. Provided the Board of Adjustment approves the drive-through facilities.

V. **ZONING ITEMS** – The Zoning Committee scheduled for January 9, 2025 was cancelled.

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

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

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. REALTY UNLIMITED BLUEGRASS, LLC ZONING MAP AMENDMENT AND HIGBEE MILL COURT, LOT 11 DEVELOPMENT PLAN

- a. **PLN-MAR-22-00016: REALTY UNLIMITED BLUEGRASS, LLC** (12/5/24)* – a petition for a zone map amendment from a Single Family Residential (R-1C) zone to a Townhouse Residential (R-1T) zone, for 0.520 net (0.756 gross) acres for property located at 940 Higbee Mill 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 petitioner proposes the rezoning of the subject properties to the Townhouse Residential (R-1T) zone to allow the infill of the subject property with single family residential. The applicant is now seeking to construct six (6) single family attached dwelling units at a density of 11.54 dwelling unit per net acre.

The Zoning Committee Recommended: Disapproval.

The Staff Recommends: Disapproval, for the following reasons:

1. The proposed zone change to the R-1T zone is not in agreement with the 2018 Comprehensive Plan or the 2045 Comprehensive Plan, for the following reasons:
 - a. The proposed development oriented towards the parking areas rather than the townhomes, and does not create a pedestrian friendly environment (A-DS5-3; D-C01-1).
 - b. The applicant has not demonstrated that they have made any attempt to engage the surrounding neighborhood regarding the updates to their proposal (D-PL7-1).
 - c. The request does not meet the requirements of the zoning ordinance, and the applicant has not provided any information or justification to support the variances that they are seeking.
 2. The site's existing R-1C zone remains appropriate.
 3. There has not been a significant physical, social, or economic change in the immediate area or to the subject property.
- b. **PLN-MJDP-22-00059: HIGBEE MILL COURT, LOT 11** (1/30/2025) * - located at 940 Higbee Mill Road, LEXINGTON, KY.

Council District: 9

Project Contact: Matt Miniard/Palmer Engineering

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

Note: The purpose of this plan is to depict 6 townhomes, in support of the requested zone change from a Single Family Residential (R-1C) zone to a Townhouse Residential (R-1T) zone.

Note: The applicant submitted a revised plan on December 17, 2024 to address side yard requirements and street improvements. Based on that submittal, staff can offer the following revised recommendation

The Subdivision Committee Recommended: **Approval**, subject to the following revised 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.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Urban Forester's approval of tree preservation plan.
5. Greenspace planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Modify vehicular use area in front yards to comply with Article 16-5(a) and (b).
8. Modify dwelling unit setbacks to meet staggering requirements of Article 8-10 (o)(1).
9. Discuss Placebuilder criteria.

2. ROSE HOLDINGS LEXINGTON, LLC ZONING MAP AMENDMENT AND LANE ALLEN PARK, LOTS 2 AND 3 DEVELOPMENT PLAN

- a. **PLN-MAR-24-00017: ROSE HOLDINGS-LEXINGTON, LLC (1/5/25)*** – a petition for a zone map amendment from a Single Family Residential (R-1A) zone to a Planned Neighborhood Residential (R-3) zone, for 11.587 net (11.92 gross) acres for property located at 1899 Parkers Mill 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 petitioner proposes the rezoning of the subject property to the Planned Neighborhood Residential (R-3) zone to construct a 25 lot detached single-family residential development.

The Zoning Committee Recommended: **Postponement**.

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

1. The applicant should conduct a flood study to determine the extent of the flood hazard areas present on the property prior to the consideration of the proposed zone change to substantially increase the allowable density on the subject property.
2. The applicant should address the following Goals, Objectives, and Criteria of the 2045 Comprehensive Plan:
 - a. Theme D, Goal #1.a: Implement the Complete Streets policy, prioritizing a pedestrian-first design that also accommodates the needs of bicycle, transit and other vehicles;
 - b. Theme D, Connectivity Policy #2: Create multi-modal streets that satisfy all user needs and provide equitable multi-modal access for those who do not drive due to age, disability, expense, or choice.
 - c. Theme D, Goal #3.b: Incentivize the renovation, restoration, development and maintenance of historic residential and commercial structures;
 - d. Theme D, Goal #3.c: Develop incentives to retain, restore, preserve and continue use of historic resources such as historic sites, rural settlements and urban and rural neighborhoods;
 - e. Theme D, Growth Policy #5: Identify and preserve Lexington's historic assets, while minimizing unsubstantiated calls for preservation that can hinder the city's future growth
 - f. Theme B, Protection Policy #2: Conserve and protect environmentally sensitive areas, including sensitive natural habitats, greenways, wetlands and water bodies;
 - g. Theme B, Protection Policy #9: Respect the geographic context of natural land, encourage development to protect steep slopes, and locate building structures to reduce unnecessary earth disruption.
3. The applicant should address the following development criteria for the Enhanced Neighborhood Place-Type, and Low Density Residential Development Type
 - a. E-ST8-2: Development should provide community oriented places and services.

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- b. A-DS4-1: A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided
- c. B-PR2-1 Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site;
- d. B-RE5-1: Dividing floodplains into privately owned parcels with flood insurance should be avoided;
- e. B-RE5-2: Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them
- f. A-DS9-1: Development should provide active and engaging amenities within neighborhood focused open spaces.
- g. C-LI8-1: Development should enhance a well-connected and activated public realm.
- h. E-GR4-1: Developments should incorporate reuse of viable existing structures
- i. E-GR5-1: Structures with demonstrated historic significance should be preserved or adapted.

b. PLN-MJDP-24-00081: LANE ALLEN PARK, LOTS 2 & 3 (1/5/25)* – located at 1899 PARKERS MILL ROAD, LEXINGTON, KY

Council District: 10

Project Contact: Vision Engineering

Note: The purpose of this plan is to depict lotting layout for 25 single-family homes, in support of the requested zone change from a Single Family Residential (R-1A) zone to a Planned Neighborhood Residential (R-3) zone.

The Subdivision Committee Recommends: **Postponement.** There are questions regarding the historic nature of the existing home and need for a floodplain study to identify the extent of the floodplain.

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

1. Provided the Urban County Council approves the zone change to R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Urban Forester's approval of tree preservation plan.
5. Department of Environmental Quality's approval if environmentally sensitive areas.
6. Discuss preservation of existing residential structure.
7. Discuss need for a floodplain study to identify the extent of the floodplain.
8. Discuss street improvements or right-of-way reservation for Parkers Mill Road.
9. Discuss Placebuilder criteria.

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

1. PLN-ZOTA-24-00006: REVISIONS TO ARTICLE 23A-10 FOR THE ECONOMIC DEVELOPMENT (ED) ZONE – a text amendment to modify the Economic Development (ED) zone.

INITIATED BY: Hamburg East, LLC.

PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: **Postponement.**

The Staff Recommends: **Approval of the Staff Alternative Text,** for the following reasons:

1. The changes to the supportive uses within the Economic Development (ED) zone will encourage a denser, more efficient use of land consistent with Theme A, Goal #1.b and Theme A Goal #5.f of the 2045 Comprehensive Plan
2. The proposed text amendment increases flexibility for future developers of the Economic Development land, while maintaining a majority of the land within the development for principal, jobs-producing uses consistent with the intent of the zone to foster future job creation.
3. The proposed text amendment retains consistency with the provisions of the adopted Expansion Area Master Plan, which call for specific levels of green open space and limitations on residential density in support of Theme A, Goal C of the 2045 Comprehensive Plan.

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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

LONG RANGE PLANNING ACTIVITY REPORT

December 2024

Planning Commission Work Session

The Planning Commission did not hold a work session in December.

Imagine Lexington

Staff continued to implement items of the 2045 Comprehensive Plan and updated the Imagine Lexington Website to reflect these implementations. Long-Range Staff attended an outreach event on December 3, 2024, with the Bluegrass Youth Sustainability Council.

Social Media

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

ZONING COMPLIANCE PLANNING ACTIVITY REPORT

Board of Adjustment

There were twenty (20) applications on the agenda for consideration by the Board of Adjustment at their meeting on January 13, 2025. Two (2) of those applications were requests for variances and both of the applications were approved by the Board.

The remaining eighteen (18) applications were requests for conditional use permits. Two (2) of which were postponed to the February 10, 2025, meeting. Both postponed applications were for un-hosted short-term rentals. Two (2) of these applications were withdrawn by the applicant. One (1) of these applications was for a bed and breakfast and the other was for an un-hosted short-term rental.

Of the remaining fourteen (14) applications for conditional use permits, one (1) was for a childcare center and the other application was for a bar with indoor live entertainment (this application also included a request for a variance). The Board voted to approve both applications

The remaining twelve (12) cases were for un-hosted short-term rentals. The Board voted to approve eight (8) of those applications and voted for disapproval of the other four (4).

Transportation Planning / MPO Activity Report –

1.0 Transportation System Data & Monitoring

- Updated transportation-related GIS layers
- Continued collecting trip data on shared use paths
- Continued work on the Travel Demand Forecasting Model update
- Continued review the MPO area highway/roadway functional classifications to coordinate designations across FHWA, KYTC and LFUCG
- Working through tutorials in ArcGIS Pro.

2.0 Identify & Prioritize Projects

- Attended one team meeting, Transportation Technical Focus Group meeting, and public input meeting for the Lexington Area MSA Comprehensive Climate Action Plan.
- Continued exploration of the use of StreetLight Data to identify congestion bottlenecks in MPO region.

3.0 Program & Project Implementation

- Began evaluation of project applications submitted for MPO-dedicated federal funding call for projects for FY 2024-2028.
- Attended 3 paving meetings to review repaving projects for bicycle and pedestrian improvements as a part of repaving.
- Attended 1 Vulnerable Road User Field Safety Audits and associated follow-up meetings
- Attended 2 project team meetings for the Nicholasville Rd Transportation Feasibility Study, Traffic & Transit Analysis
- Continued work on Lexington Complete Streets Design Manual.
- Continued work on Safe System Intersection evaluation and design alternatives
- Evaluated Shared Mobility Vehicle permits for compliance with the ordinance, managed current licensees and associated data, and completed daily enforcement activities regarding the rebalancing requirement
- Continued work with EQPW greenway management team on the Greenways Management Plan
- Met with LFUCG's Complete Streets Coordinator to discuss upcoming priorities and work in progress
- Presented to the TTCC in regard to the Recommendation to the TPC regarding a proposed amendment (AMD #1) of the Lexington Area 2050 MTP. The recommended project is located on Waller Avenue between Elizabeth Street and S Limestone/Nicholasville Rd (US 27).
- Presented to the TTCC updates of two Studies: Complete Streets Design Standards for LFUCG and Nicholasville Rd Transportation feasibility study, Traffic & Transit Analysis.
- Conducted the last Congestion Management Air Quality (CMAQ) committee meeting. The CMAQ committee transitions to CMAQ Work Group beginning in January 2025.

4.0 Land Use & Transportation Impact

- Reviewed and submitted comments in Accela for bike/pedestrian circulation requirements associated with development plans
- Corresponded on development plans approved by the Planning Commission for compliance with conditional signoff requirements
- Responded to inquiries and conducted meetings with development groups to work through requirements for multi-modal compliance with the subdivision regulations
- Attended regular LFUCG Subdivision and Zoning Committee meetings
- Attended regular Zoning Staff Review meeting
- Attended LFUCG Board of Adjustment new case review meeting
- Began work on several bike/ped/transit updates.
- Participated in several discussions regarding Reimagining the Civic Commons project to identify potential project locations and selection criteria
- Participated in a meeting to discuss possible LFUCG development regulation changes required as a result of HB 443
- Investigating and reporting property values on adjacent parcels to Town Branch Commons Trail.

5.0 Participation & Outreach

- Assisted division-wide effort to transfer content from old to new LFUCG website
- Continued coordination with DES PIE team for social media outreach:
 - Announced cancelled BPAC Dec meeting
 - Announced lane closure and speed table installation on W High Street
 - Announced new crosswalk at Clays Mill and Harrodsburg Rd
 - Promoted bike safety and shared helmet-wearing tips
 - Shared KYTC's tips for winter travel
 - Shared KYTC District 7 updates
- Held conversations with peer communities about asphalt art as a community engagement tool
- MPO website had 438 users and 934 views in December
- MPO Facebook had 3,669 followers, 6 posts, reached 836 users, and had 11 engagements
- LexBikeWalk Facebook had 4,763 followers, 5 posts, reached 1,421 users, and had 14 interactions
- LexBikeWalk Instagram had 953 followers, 4 posts, reached 1,797, and had 152 interactions

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6.0 Program Administration

- Prepared meeting packet and minutes for the Bicycle Pedestrian Advisory Committee (BPAC), Congestion Management Air Quality (CMAQ) Committee, and Transportation Technical Coordinating Committee (TTCC) meetings.
- Reviewed applications and established interviews for the Vision Zero Coordinator position
- Attended Lextran board meeting
- Attended Access Lexington meeting
- Attended Corridors Commission meeting
- Attended an AMPO Data & GIS Interest Group leadership kick-off meeting
- Attended a meeting of the BGADD Regional Transportation Committee
- Attended FTSB Board meeting
- Coordinated with FTSB Director to oversee financial matters
- Conducted weekly MPO Staff meetings
- Met with incoming Councilmember Amy Beasley to review the transportation planning process and to discuss transportation concerns within district 8.
- Met with staff from the Association of MPOs regarding the possibility of Lexington hosting the 2026 AMPO Tools & Training Symposium.
- Attended and presented to the Bluegrass Youth Sustainability Council, Green Career Spotlight
- Attended the following Webinars / Workshops / Conferences:
 - StreetLight Data: The data to solve the toughest transportation challenges
 - Planning Reports: New Year, New You, New Staff Report
 - APA 2024 Ethics Roundup conducted by the Ohio Chapter of APA

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 January and February 2024

Subdivision Committee, Thursday, 8:30 a.m., in 3 rd Floor Conf Room, Phoenix Building	February 6, 2025
Zoning Committee, Thursday, 1:30 p.m., in 3 rd Floor Conf Room, Phoenix Building	February 6, 2025
Subdivision Items Public Hearing , Thursday, 1:30 p.m. in Council Chambers, 2 nd Floor, Gov’t Center.....	February 13, 2025
Work Session, Wednesday, 8:30 a.m., in 3 rd Floor Conf Room, Phoenix Building	February 20, 2025
Technical Committee, Wednesday, 8:30 a.m., in 3 rd Floor Conf Room, Phoenix Building	February 26, 2025
Zoning Items Public Hearing , Thursday, 1:30 p.m., in Council Chambers, 2 nd Floor, Gov’t Center.....	February 27, 2025

TW/DC/RS-1/24/25

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