

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

May 28, 2009

- I. **CALL TO ORDER** – The meeting will be called to order at 1:30 p.m. in the Council Chamber, 2nd Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.
- II. **POSTPONEMENTS AND WITHDRAWALS** – Requests for postponement and withdrawal will be considered at this time.
- III. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, May 7, 2009, at 8:30 a.m. The meeting was attended by Commission members: Neill Day, Mike Cravens, Mike Owens, Marie Copeland 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: Bill Sallee, Denice Bullock, Chris Taylor, Tom Martin, Cheryl Gallt, Barbara Rackers, and Rob Johnson, as well as Capt. Charles Bowen and Capt. Allen Case, Division of Fire & Emergency Services. 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. **DP 2009-26: BEAUMONT FARM, UNIT 1, SECTION 5 (AMD.) (6/22/09)*** - located at 3194 Beaumont Centre Circle. (Council District 10) **(EA Partners)**

Note: The Planning Commission postponed this plan at its April 9, 2009, and May 14, 2009, meetings. The purpose of this amendment is to revise parking, access and the building layout; and to add a drive-through to lot 3.

The Subdivision Committee Recommended: Postponement. There were questions regarding the proposed access into lot 3 and the internal access between lots 3 and 4.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Urban Forester's approval of tree preservation plan.
5. Division of Fire's approval of emergency access and fire hydrant locations.
6. Division of Solid Waste's approval of refuse collection.
7. Addressing Office's approval of street names and addresses.
8. Addition of dimensions for typical parking space, drive aisle and access points.
9. Denote temporary construction easement.
10. Denote: Provided the Board of Adjustment grants the conditional use for the drive-through.
11. Review by Technical Committee prior to plan certification.
12. Discuss the proposed access.
13. Discuss the proposed internal circulation.
14. Discuss note #10.

- IV. **ZONING ITEMS** - The Zoning Committee met on Thursday, May 7, 2009, at 1:30 p.m. in the Division of Planning Office. The meeting was attended by Commission members Frank Penn, 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)

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

- 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. TODDS ROAD DEVELOPMENT COMPANY, LLC, ZONING MAP AMENDMENT & CAUDILL PROPERTY, LOT 2 & TODDS ROAD DEVELOPMENT, LLC, ZONING DEVELOPMENT PLAN

- a. MAR 2009-6: TODDS ROAD DEVELOPMENT COMPANY, LLC (7/8/09)* - petition for a zone map amendment from a Single Family Residential (R-1D) zone to a Neighborhood Business (B-1) zone, for 1.36 net (1.83 gross) acres, for property located at 2981 Cadentown Road and 3097 Old Todds Road (a portion of).

The Zoning Committee Recommended: Referral to the full Commission.

The Staff Recommends: Disapproval, for the following reasons:

1. The requested rezoning to a Neighborhood Business (B-1) zone cannot be found to be in agreement with the 2007 Comprehensive Plan, which recommends Medium Density Residential (MD) land use, defined as 5-10 dwelling units per net acre, for the subject property. For a majority of the subject property, the existing Single Family Residential (R-1D) zone could be developed in keeping with the residential recommendation of the Plan. The remainder of the subject property has already been developed with a commercial drive aisle to serve the CVS Pharmacy with Board of Adjustment approval; therefore, there is no need to re-zone the property at this time.
 2. Re-zoning at this location may significantly impact the nearby neighborhoods within the area, especially the established Cadentown Historic District.
 3. Although the subject property is situated at the edge of a defined commercial area, and along a recently improved roadway, no justification exists for expansion of business zoning for the subject property. KRS 100 and Article 6 of the Zoning Ordinance require a two-fold justification to support a zone change if it is not in agreement with the Comprehensive Plan, that both the existing zoning is inappropriate AND that the proposed zoning is appropriate.
 4. 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 B-1 zoning for the subject property. The improvements to and the re-alignment of Liberty Road have been planned for many years and were completed to meet the transportation needs in this vicinity.
- b. ZDP 2009-28: CAUDILL PROPERTY, LOT 2 & TODDS ROAD DEVELOPMENT, LLC (7/8/09)* - located at 2981 Cadentown Road & 3097 Old Todds Road. **(Endris Engineering)**

The Subdivision Committee Recommended: Postponement. Not all of the property that is subject to the rezoning request is within the boundary of this development plan.

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

1. Provided the Urban County Council rezones the property B-1; 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 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 and greenspace.
7. Department of Environmental Quality's approval of environmentally sensitive areas.
8. Addressing Office's approval of street names and addresses.
9. Include all properties proposed for rezoning.
10. Denote all existing and proposed easements.
11. Resolve the use restrictions relative to the proposed access to Liberty Road.

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENT REQUESTS

1. ZOTA 2007-5: AMENDMENTS RELATED TO INFILL AND REDEVELOPMENT – petition for Zoning Ordinance text amendments to Articles 1, 3, 4, 7, 8, 9, 12, 15, 16, 18, 22, 26, 28, and 29, to clarify and modify regulations in the defined Infill and

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Redevelopment Area. These amendments will expand the limits of mixed uses, change parking requirements, add accessory dwelling units, and increase the flexibility of the design of the Neighborhood Character Design Overlay (ND-1) zone.

INITIATED BY: Urban County Planning Commission

PROPOSED TEXT: (Copies of the latest draft for this text are available upon request)

The Zoning Committee Recommended: **Approval of the proposed changes to Articles 1, 4, 7, 8, 9, 12, 15, 16, 18, 22, 26, and 29; and Referral to the full Commission of the proposed changes to Articles 3 and 28.**

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

1. This is a timely (third overall) text amendment to the Zoning Ordinance devoted to promotion of greater infill and redevelopment in Lexington-Fayette County. This proposal has had extensive review over nearly a two-year period of time, by a steering committee comprised of Council members and other citizens dedicated to this purpose.
 2. The text amendments related to parking reductions (portions of Articles 7, 8, 16 and 28) are necessary and appropriate because they will permit a decrease in impermeable surface areas and decrease in stormwater runoff, will increase the use of shared parking arrangements, will respond to a more pedestrian-friendly environment, will help avoid demolition for surface parking lots, and will promote the reuse of neighborhood-oriented businesses inside the Infill & Redevelopment Area.
 3. One of the recommendations of the Infill & Redevelopment Steering Committee Task Force process was to find ways to provide more affordable housing. Provision of accessory dwelling units has been used nationwide as a source of affordable housing, as well as a means to allow persons to age in place, and can be appropriate, if correctly developed and implemented, here in Lexington-Fayette County.
 4. Providing for accessory dwelling units as part of the Infill & Redevelopment regulations will be a benefit to both property owners and potential tenants, as it will be a source of additional income to the property owner and a source of affordable housing for our community.
 5. Expanding ND-1 to include non-residential development(s) will provide a design regulating tool to coincide with and implement the Non-Residential Infill Study that has recently been completed.
 6. Adding the two proposed design standards that can be regulated or imposed through the ND-1 Overlay zoning process will help to maintain consistency with the changes proposed to Article 3 (accessory dwelling units). Being able to regulate floor area ratio through the ND-1 process will provide a measure of control, should property owners choose to allow accessory dwelling units as one of the ND-1 design standards for their neighborhood.
 7. Minor changes proposed to Article 29 (clarification with regard to "applicant" vs. "requesting party" and deletion of the requirement that significant neighborhood support be demonstrated prior to initiation of a request for ND-1) are to simplify the ND-1 zoning process and make it more understandable for those who are interested in pursuing ND-1, as well as those who implement the process.
 8. The provisions for the Mixed-Income Housing Bonuses will give developers an incentive to provide affordable housing units in their developments.
 9. The proposed changes to the mixed use zones will increase the potential number of properties that could request a mixed use zone, while, at the same time, slightly increasing the density within those zones. The proposed changes are also expected to reduce the number and type of variances that have been consistently requested in mixed use zones, over the past few years.
2. **ZOTA 2009-1: AMEND ARTICLE 9 : GROUP RESIDENTIAL PROJECTS** - petition for a Zoning Ordinance text amendment to Article 9 to simplify existing regulations regarding open space and yard setbacks, and to provide for pedestrian accommodations and bicycle parking.

INITIATED BY: Urban County Planning Commission

PROPOSED TEXT: (Copies of the latest draft for this text are available upon request)

The Zoning Committee Recommended: **Postponement**.

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

1. The proposed text amendment to Article 9 of the Zoning Ordinance, which regulates Group Residential Projects, will allow for more appropriately scaled and designed Group Residential Projects by reducing the required Project perimeter yards, allowing indoor recreational facilities to meet open space requirements, requiring adequate pedestrian connections, limiting over-building of surface parking and requiring bicycle parking spaces.
2. These changes will allow for slightly more dense development of our urban land without compromising open space and recreation amenities that benefit the residents of such Projects.
3. The proposed amendments to Article 9 will simplify Group Residential Project regulations for those designing townhouse and apartment development plans, as well as for the Planning Commission and the LFUCG staff who administer the Zoning Ordinance.

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V. **COMMISSION ITEMS**

- A. **ZONING ORDINANCE TEXT AMENDMENT INITIATION** – The staff will request Commission initiation of a text amendment to Article 27 of the Zoning Ordinance. This text amendment is to prohibit demolition, building, or other permits from being issued by the LFUCG in the instance of an appeal of a decision by the Courthouse Area Design Review Board to the Planning Commission until after the Planning Commission holds a public hearing and takes action on the appeal. If initiated, the requisite public hearing could be held next month.

VI. **STAFF ITEMS**

A. **Planning Services Activity Report**

- During the month of April, the Planning Services staff processed 4 zone map amendments, 3 Zoning Ordinance text amendments, 1 Subdivision Regulations amendment, 31 subdivision and development plan items, and 14 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, one training session for the Board of Adjustment and one Board of Adjustment public hearing. In addition, the staff held 2 pre-application conferences for zoning map amendment requests, and several pre-application meetings for subdivision, development plan and Board of Adjustment items.

Much of the staff's time was spent answering approximately 800 inquiries from people concerning zoning, subdivision plans, development plans, Board of Adjustment appeals and related matters. The staff also provided floodplain assistance for 16 local property inquiries.

- On the evening of April 21, Bill Sallee, Barbara Rackers and Jimmy Emmons attended the first meeting of the working group assembled to consider future land use alternatives and development principals for the Red Mile property on Red Mile Road. This meeting was held at the trotting track, and was attended by neighborhood representatives and several area property owners. Additional meetings are planned to form a consensus about the future of infill development on a portion of the track's property.
- In April, Infill & Redevelopment Senior Planner Jimmy Emmons coordinated several staff-level meetings to advance the Infill & Redevelopment text amendments, and the planned revisions to Article 9 of the Zoning Ordinance. These meetings included discussions on the directions provided by the Infill & Redevelopment Steering Committee, and also considered the addition of new design guidelines for Article 9. These text amendments are scheduled for public hearings later this month by the Planning Commission.
- Last month, Planner Cheryl Gallt finalized Planning Services' participation in PlanTracker, a new web-based information system to communicate the status of "sign-offs" by different administrative agencies after approval of plans by the Commission. With PlanTracker, a developer or engineer can quickly find out the status of agency approvals of their plans intended for certification. This will be a great new tool for local land development professionals to quickly determine which utility companies and LFUCG departments to contact to complete their subdivision and development plans.

B. **Long Range Planning Activity Report**

- **Small Area Plans** – The Planning Commission approved both **Central Sector** and **East End** Small Area Plans at a public hearing on April 30. Consultants for both plans explained the planning process, including public input, and summarized the recommendations for the plans. A strong recommendation for both plans is to create a Community Development Corporation that will function as an independent and focused entity to implement each plan. For more information, please visit the **Central Sector** Website at <http://www.lexingtonky.gov/index.aspx?page=602> or the **East End** Website at <http://www.lexingtonky.gov/index.aspx?page=603>.
- **Austin Revitalization Authority** – Staff attended an interactive presentation by Byron C. Marshall, President and CEO of Austin (Texas) Revitalization Authority, in the conference room of the Legacy Center at Blue Grass Community Foundation. The ARA is a 13-year-old community development corporation that was created to implement the Central East Austin Master Plan. Mr. Marshall explained how the CDC was organized and capitalized on and discussed the type of projects that were undertaken. The meeting was organized by Councilmember Andrea James and attended by several councilmembers, business and neighborhood leaders, and Division of Planning staff.
- **Nicholasville Road Corridor Landscape Master Plan Update** – Long-Range Planning staff is participating in a steering committee that is overseeing the work of local consultant M2D in a project to inventory and analyze the condition of the Nicholasville Road corridor between Southland Drive and New Circle Road. The analysis includes: Transit (shelters and signage), Bike and Pedestrian access (bike lanes, sidewalks, safety issues, and conditions), Landscaping (consistency with existing plans),

and Signage. M2D stated they will coordinate with other plans that are in progress, including the North Nicholasville Road Small Area Plan, to help ensure the plans are compatible. This Update is a project of the LFUCG Corridors' Committee.

- Green Work, Greenways and Bike/Ped – Staff attended trail committee meetings to discuss projects as well as meetings with state officials to discuss grants. Staff worked on LFUCG trail database and map and prepared a list of greenway properties for General Services.
- Development Review – Staff conducted a variety of development review duties and meetings, conducted field work, and coordinated greenway and greenspace development issues.
- General Work Activities – Staff prepared for and attended the monthly meetings for the Technical Review Committee. Staff prepared for and attended the monthly **Greenspace Commission** meeting. Staff also 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. Staff also attended LFUCG-sponsored training sessions.

C. Transportation Planning Activity Report

Administration – Committee meeting packets were prepared and distributed for the following Transportation Planning/MPO meetings held in April: Bicycle and Pedestrian Advisory Committee (BPAC), Transportation Technical Coordinating Committee (TTCC), Congestion Management Committee (CMC) and the Transportation Policy Committee (TPC).

- MPO Newsletter - "Bluegrass Traveler" – working on newsletter for next edition.

Transportation Improvement Programming (TIP) –

- TIP Administrative Modifications #10 was sent to routing list partners.
- Continued the development of the new FY 2010 – FY 2013.
- TIP Amendments #12 and #13 were finalized and sent to KYTC for adoption into the STIP. These amendments primarily addressed American Recovery and Reinvestment Act (ARRA) projects.
- Worked with the Division of Engineering to develop project applications for possible earmark funding.

Intelligent Transportation Systems (ITS) –

- The MPO staff continued to monitor ITS issues and pursue additional coordination with the LFUCG Division of Traffic Engineering.

Surveillance –

- MPO Website Development – In April, the website had 681 unique visitors; 1,605 visits; 4,297 page views; total 1.54 GB bandwidth usage; and 15,982 hits. There were 365 links from search engines in April. MPO staff updates the web site with new links, graphics and content on a continual basis.
- Staff attended The Bluegrass ADD Regional Transportation Committee meeting in April.
- Staff attended the April Traffic Safety Coalition meeting.
- Other important meetings with MPO staff participation included: Corridors Committee and WEG.
- Staff attended (as a member) the South Nicholasville Rd SAP Steering Committee meeting 2-9-09.
- Staff attended (as a member) the North Nicholasville Rd SAP Steering Committee meeting 2-10-09.
- Staff attended the Harrodsburg Rd Corridor Plan Advisory Committee 2-19-09 representing the MPO.
- Staff organized the Transportation Coordination Meeting which included an extensive discussion of Local Public Agency (LPA) requirements.
- Staff attended the Statewide Planning meeting.

Transportation Plan Update –

- Public Involvement – The transportation survey for the 2035 Metropolitan Transportation Plan was completed and results were included in the 2035 MTP.
- The Lexington MPO Public Participation/Involvement Access Database continues to be updated. The database now includes over 777 records.
- Travel Demand Model – Staff modeler continues to work with consultants, MPO staff, and public and private groups and individuals to provide travel demand forecasts and interpret modeling forecast results. Model data provided to consultant for Limestone Corridor Study. In addition, the TRANSCAD Modeler worked with KYTC to solve model issues for the 2035 MTP.
- Staff continued to make revisions to the new MTP document.

Transit Planning –

- Staff attended S. Limestone Corridor mtg. Discussed what was observed in the field.

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- Staff continues to work extensively with Lextran and the Urban County to locate sites and develop bus shelter plans.
- Staff representing MPO at SNR-SAP and NNR-SAP attending steering committee meetings as well as public input meetings.
- Staff met with Kevin Michler from RLS consulting concerning preliminary results for upcoming LexTran COA.
- Coordinated meeting between LexTran and LRP to illustrate Central Sector Plan implications on LexTran site at Loudon Ave.
- Staff attended LexTran COA Public Input meeting at Central Library.
- Working extensively on MTP2035.

Transportation-Land Use Impact Analysis and Forecasting –

- Staff participated in the Division of Planning's regularly scheduled development review meetings, and provided review and input on transportation, transit, and land use impact issues.
- Staff performed the monthly review of proposed zoning map amendments and proposed development plans for "general consistency" among planning efforts and different Planning units.
- Traffic count and roadway functional classification information was provided to several development professionals, private consultants, and to citizens in April.
- The MPO staff continues to monitor the Jessamine Journal and the Jessamine County Comprehensive Plan to track on-going land development and consults with County officials on a regular basis to keep abreast of development activities.

Multimodal / Intermodal Planning –

- Several meetings were held to begin implementing a Safe Routes to School program at Glendover Elementary. Also, Staff is working with the YMCA to draft a Safe Routes to School grant application for this funding cycle.
- Planning for Bike Month and Bike Lexington is underway. Bike-related activities are planned on every day in May. The 10-mile car-free ride is scheduled for Memorial Day.
- The Legacy Trail Steering Committee is finalizing a final draft of the feasibility study. Two grant applications for Phase 2 and Phase 3 of the trail have been submitted to the KYTC.
- The Mayor's Bicycle Task Force meeting was held in April. The Task Force is planning a community forum for May 5.
- The South Limestone Steering Committee performed site tours of the corridor.
- A grant for Phase 1 of the Streetscape Project is under development. The project is on South Limestone Street from Vine Street to Avenue of Champions.
- With help from the FHWA, staff has secured a free Bicycle & Pedestrian Facility Design training course to be held in Lexington on April 13 & 14.
- Staff developed a draft RFP for Complete Streets design guidelines.
- Staff attended a Steering Committee meeting for the Harrodsburg Road landscaping plan.
- Staff attended the Louisville Bike Summit.
- Freight Planning – The final draft of the Freight Section Extension is complete and available for review by MPO members and interested parties.

Air Quality Activities –

- Staff conducted an AQAC meeting
- Staff attended the LFUCG Spotlight on Climate Change Conference.

Congestion Management Process (CMP) –

- Staff continued to work on the Congestion Management Process Overview document.
- The Congestion Management Committee (CMC) meeting was conducted in April.
- Staff continued to work on the Linking Planning, Engineering, Operations and Safety (LPEOS) program.

Mobility Office Activities –

- The Mobility Office Marketing Campaign started this month, including newly created TV spots (Transit, Carpool, Trip Chain and Bike/Ped) that are rotating on Ch. 27 on Monday mornings and throughout the week on various cable channels on In-sight. A number of radio spots started this month, including two radio spots in Spanish.

Staff Development –

- Staff continues to monitor the latest information from Roads and Bridges, the *Urban Transportation Monitor*, and other important industry planning and engineer publications.

Unified Planning Work Program (UPWP) –

- FY 2010 UPWP was distributed.

VII. 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.

VIII. MEETING DATES FOR JUNE, 2009

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	June 4, 2009
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	June 4, 2009
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	June 11, 2009
Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	June 18, 2009
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	June 24, 2009
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	June 25, 2009

IX. ADJOURNMENT

TLW/TM/BJR/BS/src

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