

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

**October 22, 2020**

**I. CALL TO ORDER** - The meeting will be called to order at 1:30 p.m. **via video teleconference**.

Due to the COVID-19 pandemic, state of emergency and Governor Beshear's Executive Orders regarding social distancing, this meeting is being held via teleconference pursuant to Senate Bill 150 (as signed by the Governor on March 30, 2020) and Attorney General Opinion 20-05, and in accordance with KRS 61.826, because it is not feasible to offer a primary physical location for the meeting.

Please utilize the following information to participate in this public hearing:

<https://zoom.us/join>

Webinar ID: 974 7580 9031

Password: 836520

Call in Number

+1 (929) 436-2866

If participants have items to submit for consideration by the Planning Commission (photos, videos, documents, etc.), please email them to [planningmailbox@lexingtonky.gov](mailto:planningmailbox@lexingtonky.gov) before 10:00 a.m. on the day of the meeting. Information may also be mailed to the Division of Planning, 101 E. Vine Street, Suite 700, Lexington, KY 40507. Members of the public will have the opportunity to speak during the meeting, but will not have the opportunity to share their screens during the video teleconference. If members of the public wish to speak during the meeting, but are unable to connect or have other technical difficulties, please contact the Division of Planning via email at [planningmailbox@lexingtonky.gov](mailto:planningmailbox@lexingtonky.gov), or (859) 258-3160.

If you do not feel comfortable participating in a video teleconference meeting, written comments may be sent to the Division of Planning at the above listed email address, and will be distributed to the Planning Commission members.

The media and public may view the public hearing on LexTV Spectrum channel 185, MetroNet channel 3, Windstream channels 3 and 20, or via live stream at the following link: [http://fucg.granicus.com/MediaPlayer.php?publish\\_id=12](http://fucg.granicus.com/MediaPlayer.php?publish_id=12)

**II. APPROVAL OF MINUTES** – The minutes of the September 10, 2020 and September 24, 2020 meeting 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 1, 2020, at 8:30 a.m. The meeting was attended by Commission members: Ivy Barksdale, Headley Bell, Anthony de Movellan, and Jan Meyer. Committee members in attendance were: Deepika Eyunni, Division of Traffic Engineering and Vaughan Adkins, Division of Engineering. Staff members in attendance were: Traci Wade, Tom Martin, Hal Baillie, Cheryl Gallt, Lauren Hedge, Stephanie Cunningham, Allison Morris; Firefighter Embry Beatty, Division of Fire & 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)

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- 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.

**Note:** Requests for additional time, stating the basis for the request, must be submitted to The Subdivision Committee no later than two days prior to the meeting. The Chair will announce his/her decision at the outset of the hearing.

### 1. **DEVELOPMENT PLANS**

- a. PLN-MJDP-20-00060: SAND LAKE AND ESTES PROPERTIES, SECTION 2, LOT 2 (AMD) (11/29/20)\* - located at 109 SAND LAKE DR. (A PORTION OF), LEXINGTON, KY.  
Council District 7  
Project Contact: Barrett Partners, Inc.

**Note:** The purpose of this amendment is to revise the layout of lots 2, 5 and 6, and show the preliminary subdivision plan for Lot 2.

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 landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. United States Postal Service Office's approval of kiosk locations or easement.
11. Document compliance with Note #14 regarding notice of the public meeting.
12. Discuss timing for construction of pedestrian access from Lake Wales Drive.
13. Denote required landscape buffer area along Lake Wales Drive shall include evergreen trees planted 10' on center with a minimum height of 5' at time of planting.

- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, October 1, 2020, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members: Zach Davis, Larry Forester, Bruce Nicol, Graham Pohl, and Bill Wilson. Staff members in attendance were: Traci Wade, Tom Martin, Hal Baillie, Stephanie Cunningham, and Debbie Woods, and Tracy Jones, Department of Law. The Committee members reviewed application and made recommendations as noted.

### A. **ABBREVIATED PUBLIC HEARINGS ON ZONING MAP AMENDMENTS**

The staff will call for objectors to determine which petitions are eligible for abbreviated hearings.

Abbreviated public hearings will be held on petitions meeting the following criteria:

- The staff has recommended approval of the zone change petition and related plan(s)
- The petitioner concurs with the staff recommendations
- Petitioner waives oral presentation, but may submit written evidence for the record
- There are no objections to the petition

- B. **FULL PUBLIC HEARINGS ON ZONE MAP AMENDMENTS** - Following abbreviated hearings, the remaining petitions will be considered.

The procedure for these hearings is as follows:

- Staff Reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
  - (a) Proponents (10 minute maximum OR 3 minutes each)
  - (b) Objectors (30 minute maximum) (3 minutes each)
- Rebuttal & Closing Statements
  - (a) Petitioner's comments (5 minute maximum)

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- (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. JUBY, LLC (AMD) ZONING MAP AMENDMENT & RAMSEY SULLIVAN PROPERTY (FKA BELMONT INDUSTRIAL PARK TRACT 1) ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-20-00002: JUBY, LLC (AMD) (10/22/20)\*- an amended petition for a zone map amendment from a Planned Neighborhood Residential (R-3) zone to a Light Industrial (I-1) zone, for 37.87 net (40.82 gross) acres, from a Professional Office (P-1) zone to a Highway Service Business (B-3) zone, for 7.98 net (9.12 gross) acres, from an Agricultural Rural (A-R) zone to a Highway Service Business (B-3) zone, for 1.69 gross and net acre, and from a Planned Neighborhood Residential (R-3) zone to a Highway Service Business (B-3) zone, for 0.82 gross and net acre, for properties located at 2501 and 2701 Spurr Road, and 2710 Sullivans Trace.

**COMPREHENSIVE PLAN AND PROPOSED USE**

The 2018 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.

With this amended application, the petitioner has requested two zone changes for the properties located at 2710 Sullivan Trace, 2701 Spurr Road and 2501 Spurr Road. The first zone change remains the same and is seeking to rezone 2710 Sullivan Trace, 2701 Spurr Road and a portion of 2501 Spurr Road from a Planned Neighborhood Residential (R-3) zone to a Light Industrial (I-1) zone. The proposed development includes the creation of four (4) industrial lots. The petitioner has amended their request for the second area of rezoning and is now seeking to rezone the remaining portion of 2501 Spurr Road from a Professional Office (P-1) zone to a Highway Service Business (B-3) zone. The proposed development includes the creation of a retail center and three (3) associated outlots with unspecified businesses. As the application involves two disparate development types and the petitioner has indicated different Place-Types, the review of the application will include a separate discussion of each of the zone changes, followed by a review of how they integrate to the area. A Traffic Impact Study was submitted with the requested zone changes.

The Zoning Committee Recommended: **Referred** to the full Commission.

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

1. The requested Light Industrial (I-1) and Highway Service Business (B-3) zones are not in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
  - a. The proposed development does not provide a context sensitive development (Design Policy #4) that integrates into the established residential character of the area north of Spurr Road.
  - b. The proposed development does not support the integration of neighborhood serving business, and separates itself from the existing development rather than connecting residential uses to commercial uses (Design Policy #12).
  - c. The proposed development does not adequately create positive & safe social interactions in neighborhoods (Theme A, Goal #3.b), including, but not limited to, neighborhoods that are connected for pedestrians & various modes of transportation; Theme D, Goal #1 stresses the need to work to achieve an effective and comprehensive transportation system, one that is safe for all users; and Theme D, Goal #1.d focuses on the need to improve traffic operation strategies.
  - d. The applicant has not reconciled the potential safety concerns along their frontage of Spurr Road to show that the proposed facilities are safe for the proposed uses (D-CO2-1).
2. There have been no major changes of an economic, physical or social nature within the immediate area, which were not anticipated in the Comprehensive Plan adopted by the Commission and which have substantially altered the basic character of the immediate area.
3. The applicant has not put forth a justification for why the current zoning is inappropriate and the proposed zoning is appropriate for the subject property. The current Planned Neighborhood Residential (R-3) zone remains appropriate, as it provides needed dwelling units within the Urban Service Area and maintains the residential character of the area north of Spurr Road and between the Norfolk Southern Railroad and Georgetown Road. It has been documented within 2017 Fayette County Housing Demand Study that we are in need of additional housing units on vacant land inside the Urban Service Area.

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- b. PLN-MJDP-20-00001: RAMSEY SULLIVAN PROPERTY (FKA BELMONT INDUSTRIAL PARK TRACT 1) (10/22/20)\* - 2501 & 2701 SPURR RD AND 2710 SULLIVANS TRACE, LEXINGTON, KY.  
Project Contact: Strand Associates

Note: The purpose of this development plan is to rezone the property.

Note: The applicant has submitted several plan revisions and met with staff on numerous occasions since the initial recommendation of postponement. Based on those meetings and the newest plan revision received on September 29, 2020, staff offers the following recommendation.

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

1. Provided the Urban County Council rezones the property B-3 and I-1; 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. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. United States Postal Service Office's approval of kiosk locations or easement.
8. Complete site statistics per Article 21 requirements.
9. Dimension buildings.
10. Denote proposed access to Spurr Road shall be determined at the time of a Preliminary Subdivision Plan and/or Final Development Plan.
11. Denote proposed access to Georgetown Road shall be determined at the time of a Preliminary Subdivision Plan and/or Final Development Plan.
12. Remove proposed access to Spurr Road from B-3 lot at proposed ½ section improvements.
13. Discuss Placebuilder criteria.

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

- a. **ADOPTION OF 2021 MEETING & FILING SCHEDULE** - The Chair will announce that the Commission will consider adoption of the "Official Meeting and Filing Schedule for 2021" at this time. Once adopted, the staff will distribute copies of the 2021 schedule for use by the Commission and the general public.
- b. **WORK SESSION** – The staff would request the Planning Commission cancel their next Work Session, October 29, 2020.

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

**A. Long Range Planning Activity Report**

Imagine Lexington

During the month of September, Long Range Planning staff continued to move forward with a number of implementation items related to the 2018 Comprehensive Plan.

Uncommon Commons

LRP staff continued the Uncommon Commons webinar series "Mornings with Planning," with a discussion titled "Lexington's Parks & Open Spaces: How Are We Planning for the Future?" which took place on Sept. 2, 2020. Senior Planner Valerie Friedmann participated as a panelist for that discussion; Senior Planner Lauren Well. Weaver served as the moderator.

Planning is underway for future editions of the webinar series, with upcoming topics including transportation and public engagement. Staff also continued work on additional offerings for the Uncommon Commons project, including an Urban Design video series.

Chris Woodall contributed to the radio show "Growing Older Together" with Esther Hurlbert, to publicize the October "Mornings with Planning" webinar.

Imagine Lexington Website & Social Media

Staff continued with maintenance and updates to imaginelexington.com in September, with a goal to complete Phases II and III by the end of 2020.

Staff also continues to maintain the Imagine Lexington Facebook, Twitter, and Instagram social media accounts. In August, staff created posts for all Planning Commission and Board of Adjustment agendas, and post-meeting summaries of the votes taken during the meetings.

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### Zoning Ordinance Text Amendments (ZOTAs) and Subdivision Regulation Amendments (SRAs)

In April of 2019, the Planning staff began a division-wide effort to draft and initiate a series of text amendments, many related to the 2018 Comprehensive Plan.

Text amendments that are currently in the “planning and research” phase include: open space (Article 20); Multi-Family Design Standards (multiple locations); parking (multiple locations); street continuity (multiple locations); and revisions to intent statements for multiple articles.

Senior Planner Valerie Friedmann, as part of her ongoing role as leader of the Open Space ZOTA workgroup, gave a presentation titled “Reimagining Open Space” to the Planning Commission at Work Session on Sept. 17, 2020. The Affordable Housing Parking ZOTA (PLN-ZOTA-20-00003) received its second reading by the Urban County Council and was approved on Sept. 3, 2020.

The FAR ZOTA (PLN-ZOTA-00002), after having the second reading postponed in August, received its second reading and was approved by the Urban County Council on Sept. 24, 2020.

LRP staff has taken on the task of development informational one-pagers for each of the ZOTAs that summarize the proposed amendments to succinctly communicate the proposed changes and provide additional material resources to Planning Commission members, the Urban County Council, and the public.

### Development Handbook

Staff continued meeting with the Development Handbook advisory group in September, reviewing how legal requirements at the state and local level affect and shape the development process in Lexington. Staff also meets bi-weekly to support the advisory group's efforts and prepare for upcoming meetings.

As part of the Development Handbook process, Senior Planner Lauren Well. Weaver has continued working with staff from other sections to develop a series of detailed process workflows for zone change requests, subdivision and development plans, and Board of Adjustment applications.

### Imagine Nicholasville Road

The Imagine Nicholasville project team, including representatives from Long-Range Planning and the Metropolitan Planning Organization (MPO) continued concept work on the project relative to land use and transportation recommendations for the corridor.

Senior Planner Sam Castro met with members working within the UK College of Design and the Department of Landscape Architecture to participate in briefings on the progress of this corridor study.

### Council District Infographics

Chris Woodall and Senior Planner Lauren Well. Weaver continued work on a large, ongoing project to provide and classify various data for the city of Lexington, organized as a series of attractive, readable infographics. The completed infographics were presented at the Planning Commission Work Session on Sept. 27, 2020. The goal for this project is to provide the infographics to Councilmembers for use in their districts.

### Coordination with Outside Agencies

Chris Woodall attended the kickoff meeting for the Sustainable Growth Task Force with the consultants, and continued his participation on the FCPS Long Range Planning Committee process. He also met with Planners from the City of Tallahassee, Florida to discuss public outreach strategies.

Senior Planner Valerie Friedmann presented a guest lecture to Professor Liz Swanson's architecture studio titled “Public Space Design Details.” She also participated in the Reimagining the Civic Commons (RCC) Place Driving Equity Working Group (Sept. 29, 2020) and attended an RCC-hosted tour of the NoLi CDC Julietta Market housed within the Greyline Station (Sept. 30, 2020).

Senior Planner Sam Castro gave a presentation on Urban Design Primer to students participating in the UK College of Design Nicholasville Road Studio.

Senior Planner Lauren Well. Weaver continued work with the Communications Committee of the APA Kentucky Chapter, where she aided in the design and development of the association's quarterly newsletter, which will be released later this fall.

### Study Group

Several Long Range Planning and Planning Services staff members continued their participation in a self-guided “study group” that meets every other week to discuss planning topics. The group was formed in order to develop and enhance the participants'

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understanding of different planning process, the Zoning Ordinance and Subdivision Regulations, and existing and upcoming studies and plans.

#### General Work Activities

Using GIS and census data, staff created maps and data sets for the Urban County Council, other LFUCG departments, and agencies and officials outside the government. In addition, Chris Woodall and Lauren Well. Weaver have continued work on projects related to Lexington demographics and land use classification.

Staff also continued participation in review of zoning applications and development plans.

### **B. Transportation Planning / MPO Activity Report August 2020**

#### 1.1 Inventory/Monitor; Title VI/ADA; Coordination/Consultation

- Attended 4 weekly paving meetings.
- Attended KYTC/LFUCG Maintenance and Operations meeting.
- Attended LFUCG Corridors Commission
- Attended Commission for People with Disabilities meeting.
- Attended KY's Regional Air Quality Meeting.

#### 1.2 Staff Development

- Attended Webinar: Avoiding Gridlock – Strategies to Keep Cities Moving in a Pandemic & Beyond Confirmation.
- Attended the following KY-GIS Virtual Conference Sessions:
  - Community GIS
  - ArcGIS Pro: Editing Overview
  - Web Mapping Tools
  - ArcGIS Pro: Analysis and Geoprocessing Overview
  - LOJIC Open Data Portal
- Attended Webinar: Right of Way: Race, Class, and the Silent Epidemic of Pedestrian Deaths in America – a conversation with author Angie Schmitt.

#### 2.1 Congestion Management Process (CMP)

- Attended CM Bottleneck Study scope of work meetings and worked on project contract for Council approval.
- Improved the CMP vision, mission, goals and objectives for the Congestion Management Committee (CMC) to review at the next CMC meeting.
- Prepared for the October's CMC meeting agenda and materials.

#### 2.2 Transportation Plan Update & Implementation

- Continued in-house development of a Freight Plan.
- Attend stakeholder meeting for the Jessamine/Fayette Connectivity study. A project website was launched at <http://www.jess-faystudy.com/>

#### 3.1 Transportation - Land Use Impact Analysis

- Conducted eight project team meetings for the Imagine Nicholasville Road Study. Began preparations for the second round of public input for the study.
- Provided assistance and answered inquiries on various traffic related issues.
- Attended two pre-application meetings to provide transportation planning input on future land-use applications.
- Assisted LFUCG planning staff on transportation related issues.
- Continued coordination and presented staff recommendations on two traffic impact studies for zone change proposals in Fayette County.
- Attended regular LFUCG Subdivision and Zoning Committee meetings.
- Continued work on the Street Continuity SRA, Parking ZOTA and Greenspace ZOTA. Kicked off the Complete Streets SRA and Curbside Management ZOTA.
- Began work to update various elements of Traffic Impact Study requirements.

#### 3.2 Multimodal/Transportation Enhancement Planning

- Responded to approx. 25 various citizen/agency requests for information on bike and pedestrian issues.
- Reviewed and submitted comments in Accela for bike/pedestrian circulation requirements.
- Corresponded on plans approved by the Planning Commission for compliance with conditional signoff requirements.
- Responded to 20 inquiries with development groups to work through requirements for multi-modal compliance with the subdivision regulations.
- Continued work on the print version of the Lexington Bike Map.
- Conducted multiple meetings with Shared Mobility providers.

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- Continued work with Populus, a third party data-management company platform, to process and evaluate multiple shared mobility companies' data.
- Continued data management tasks for various bike counters on local trails.
- Responded to request for clarification on driveway ramps for new developments and ADA compliance as it relates to approved gutter types.
- Presented to the Sierra Club on local and regional bikeway planning.
- Attended meeting with CM's Reynolds and Ellinger regarding curbside management and the bike lane task force.
- Continued work to implement Shared Mobility Vehicle permits, managed current licensees, and associated data and enforcement.
- Continued work on developing conceptual level plans for connections to the Town Branch Commons.
- Reviewed paving lists for inclusion and/or refreshing of on-road bicycle facilities during upcoming resurfacing projects
- Coordinated with Streets and Roads on sidewalk and bike lane design for a section of roadway in Veterans Park.

### 3.3 Transit Planning

- Attended Lextran board meeting virtually.
- Coordinated with FTSB board members for evaluation of FTSB director.
- Attended FTSB board meeting as chair.
- Held multiple virtual meetings with Lextran staff concerning transit aspects on submitted plans.

### 3.4 Public Participation & Outreach

- Conducted several meetings with the Division of Environmental Quality to coordinate outreach activities.
- Updated the MPO Participation Plan and initiated a 45-day public review period of the draft Participation Plan.
- Continued work on a major update of the MPO website including a revamp of the MPO "Projects" page and related digital Story/Projects Map.
- The MPO website had 705 visits from 553 users (86% new users) and 1,253 page views in September.
- The MPO's Twitter site had 2,047 followers in September.
- The MPO's Facebook page had 3,539 followers in September; reached 390 users; and had 45 engaged users.

### 3.5 Travel Demand Modeling and Project Forecasting

- No activity to report

### 4.1 Program Administration

- Packets and meeting minutes were prepared for the Bicycle & Pedestrian Advisory Committee. A special meeting of the TPC was held on Sept 2.

### 4.2 Transportation Improvement Programming (TIP)

- Presented the FY 2021-2024 TIP to the TPC and received approval at the September 2 meeting.
- Sent TPC-approved TIP on to FHWA/FTA for final review.
- Completed TIP Mod #34 - KYTC-LFUCG Joint Roadway Safety Plan for All Public Roads in Fayette County
- Conducted a KYTC/LFUCG/MPO Project Coordination Team meeting to review the status of projects in the MPO TIP.\
- Reviewed draft plans and participated in a Highway Safety Improvement Project meeting for Squires Rd and Yorkshire Blvd

### 4.3 Unified Planning Work Program (UPWP)

- Submitted FY19-20 Annual Performance and Expenditure Report to KYTC documenting all MPO expenditures and work activities as outlined in the MPO's FY19-20 UPWP.

## **C. Zoning Compliance Planning Activity Report**

### Enforcement

During the month of September, 35 cases were initiated consisting of the usual mix of illegal business activities, sight triangle issues, signage, occupancy etc. The majority of the new cases (17) involved the operation of businesses in residential zones and sight triangle issues (6). Twenty-five complaints were also resolved, meaning that necessary actions were taken by the property owner or occupant to correct a zoning compliance problem.

Annual inspections were completed on 17 properties with conditional uses, and all were determined to be in substantial compliance with conditions imposed by the Board of Adjustment or conditions have been permanently satisfied, requiring no further inspections.

### Board of Adjustment

Five appeals were considered by the BOA in September 2020. One of these appeals was a request for a variance and that request was approved. The remaining four appeals were requests for conditional uses. Three of the four requests were approved by the Board. The fourth was continued to the October 2020 Board of Adjustment hearing.

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Permitting & Zoning Compliance

Since January 1, 2012 a Zoning Compliance Permit (ZCP) has been required before a building or premises can be occupied for a specific use or a change in use, with some exceptions for agricultural uses and single-family or two-family residences. Zoning Compliance signoff in the ACCELA permitting system may also suffice for a Zoning Compliance Permit. All commercial building and paving permit applications originating in Building Inspection during the month are forwarded to Zoning Compliance for review and approval. During September, a total of 120 commercial, paving and residential permits were reviewed in ACCELA by Zoning Compliance. Due to the continuing restrictions on public access, no commercial plan review sessions are being scheduled by Building Inspection at this time; all construction plan review is performed online.

During the month of September, a total of 2 Zoning Compliance Permits were issued, which included Family Child Care in the home, and documentation for an existing child care/early learning center. Technical assistance was also provided to customers and Building Inspection with regard to review of second kitchens within residences, interpretation of Article 15 yard requirements, accessory structures, proposed uses within a zone, and review of plans for residential projects within ND-1 areas. A total of 3 zoning certification letters were requested and provided during September to various law offices and due diligence zoning research firms. State forms required for liquor licenses, auto dealerships, and salons are also being managed at this time via e-mail, and 13 of these application forms were reviewed and approved during September. In addition, numerous calls from design professionals, investors, real estate agents, attorneys and the general public were taken, and several persons were assisted with navigating through the on-line Accela application process.

**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 OCTOBER & NOVEMBER 2020**

Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building).....	October 28, 2020
Work Session, Thursday, 1:30 p.m., via teleconference .....	October 29, 2020
Subdivision Committee, Thursday, 8:30 a.m., via teleconference.....	November 5, 2020
Zoning Committee, Thursday, 1:30 p.m., via teleconference .....	November 5, 2020
<b>Subdivision Items Public Meeting</b> , Thursday, 1:30 p.m., via teleconference .....	<b>November 12, 2020</b>
<b>Zoning Items Public Hearing</b> , Thursday, 1:30 p.m., via teleconference.....	<b>November 19, 2020</b>
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building).....	November 25, 2020

**X. ADJOURNMENT**

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