

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

September 24, 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: 928 9804 3372

Password: 334895

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 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, 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

II. APPROVAL OF MINUTES – The minutes of the August 13, 2020 and August 27, 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, September 3, 2020, at 8:30 a.m. The meeting was attended by Commission members: Headley Bell, Jan Meyer, Frank Penn, Carolyn Plumlee, Ivy Barksdale and Headley Bell. 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, Lauren Hedge, Stephanie Cunningham, Allison Morris; Captain Greg Lengal, 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.*

V. ZONING ITEMS - The Zoning Committee met on Thursday, September 3, 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, Hal Baillie, and Debbie Woods, and Tracy Jones, Department of Law. The Committee members reviewed applications 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:

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

- 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. 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) (9/24/20)*- 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: Postponement to the full Commission.

The Staff Recommends: Postponement, for the following reasons:

1. The zone change application for the subject property, as proposed, does not completely address the Goals and Objectives of the 2018 Comprehensive Plan. The following Goals and Objectives require further discussion by the applicant to address compliance with the Comprehensive Plan:
 - a. Theme A, Goal #3.b: Strive for positive & safe social interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians & various modes of transportation.
 - b. Theme D, Goal #1: Work to achieve an effective and comprehensive transportation system.
 - c. Theme D, Goal #1.c: Concentrate efforts to enhance mass transit along our corridors in order to facilitate better service for our growing population, as well as efficiencies in our transit system.
 - d. Theme D, Goal #1.d: Improve traffic operation strategies.
2. The zone change application for the subject property, as proposed, does not completely address the development criteria for a zone change within the Industrial and Production Place-Type, specifically the Industrial and Production Non-Residential Development Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
 - a. B-SU11-1: Green infrastructure should be implemented in new development.
 - b. D-CO1-1: Rights-of-way and multi-modal facilities should be designed to reflect and promote the desired place-type.
 - c. D-CO2-1: Safe facilities for all users and modes of transportation should be provided.
 - d. B-PR7-2: Trees should be incorporated into development plans; prioritize grouping of trees to increase survivability.
 - e. B-PR7-3: Developments should improve the tree canopy.

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- f. E-ST3-1: Development along major corridors should provide for ride sharing pick up and drop off locations along with considerations for any needed or proposed park and ride functions of the area.
- 3. The zone change application for the subject property, as proposed, does not completely address the development criteria for a zone change within the Corridor Place-Type, specifically the Medium Density Non-Residential / Mixed Use Development Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
 - a. A-DS5-4: Development should provide a pedestrian-oriented and activated ground level.
 - b. A-DS7-1: Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
 - c. A-EQ3-1: Development should create context sensitive transitions between intense corridor development and existing neighborhoods.
 - d. B-SU11-1: Green infrastructure should be implemented in new development.
 - e. D-CO1-1: Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place-type.
- b. PLN-MJDP-20-00001: RAMSEY SULLIVAN PROPERTY (FKA BELMONT INDUSTRIAL PARK TRACT 1) (9/24/20)* - 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.

The Subdivision Committee Recommended: Postponement. There were some questions regarding the compliance with Article 21, proposed access and the Placebuilder criteria.

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. Revise notes #11 and #12.
10. Discuss proposed access to Spurr Road.
11. Discuss re-alignment of and improvements to Spurr Road.
12. Discuss proposed access to Georgetown Road and need for a waiver.
13. Revise cross-sections to meet Land Subdivision Regulations.
14. Discuss cross access between Lots 2, 3, and 4.
15. Discuss Placebuilder criteria.

Proposed Zone Change from the R-3 zone to the I-1 zone

- a. B-SU11-1: Green infrastructure should be implemented in new development.
- b. D-CO1-1: Rights-of-way and multi-modal facilities should be designed to reflect and promote the desired place-type.
- c. D-CO2-1: Safe facilities for all users and modes of transportation should be provided.
- d. B-PR7-2: Trees should be incorporated into development plans; prioritize grouping of trees to increase survivability.
- e. B-PR7-3: Developments should improve the tree canopy.
- f. E-ST3-1: Development along major corridors should provide for ride sharing pick up and drop off locations along with considerations for any needed or proposed park and ride functions of the area.

Proposed Zone Change from the P-1 zone to the B-3 zone

- a. A-DS5-4: Development should provide a pedestrian-oriented and activated ground level.
- b. A-DS7-1: Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
- c. A-EQ3-1: Development should create context sensitive transitions between intense corridor development and existing neighborhoods.
- d. B-SU11-1: Green infrastructure should be implemented in new development.
- e. D-CO1-1: Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place-type.

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C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

1. **PLN-ZOTA 20-00004: AMENDMENT TO ARTICLE 1: DEFINITION OF TENANT HOMES** (12/2/20)* – a petition for a Zoning Ordinance text amendment to update Article 1 of the Zoning Ordinance to replace the definition of “Tenant Home.”

INITIATED BY: URBAN COUNTY PLANNING COMMISSION

PROPOSED TEXT:

~~TENANT HOME – An accessory residence, located in an agricultural zone, occupied by a person other than the owner’s family or the farm manager, engaged full time in an agricultural use on the property.~~

DWELLING UNIT, FARM EMPLOYEE – Any accessory residence located in an agricultural zone, maintained exclusively for the occupancy of employees and their families, or the owner’s immediate family, in connection with an agricultural use on the property.

The Zoning Committee Recommended: **Approval of the alternative text.**

The Staff Recommends: **Approval of the staff alternative text**, which includes updating all references within the Zoning Ordinance (Articles 8-1, 8-2, 8-3, and 10-12), for the following reason:

1. The proposed text amendment is in agreement with *Imagine Lexington*, the 2018 Comprehensive Plan for the following reasons:
 - a) The proposed text supports the agricultural economy, horse farms, general agricultural farms, and rural character of the rural service area, by allowing for employees of the farm, no matter the relationship to the owner, to live and work on site (Theme E, Goal #3).
 - b) The proposed text supports the PDR program, allowing for its expansion and the preservation of farms in the area (Theme E, Goal #3.b).

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

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

A. Long Range Planning Activity Report

Imagine Lexington

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

Uncommon Commons

In August, LRP staff continued the Uncommon Commons webinar series “Mornings with Planning,” with a discussion on how Planning is responding to the “new normal” of the COVID-19 pandemic. Planning is underway for future editions of the webinar series, with upcoming topics including parks and open space and transportation. Staff also continued work on additional offerings for the Uncommon Commons project, including an Urban Design video series.

Imagine Lexington Website & Social Media

Staff continued with maintenance and updates to imaginelexington.com in August, 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.

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); and revisions to intent statements for multiple articles.

Senior Planner Valerie Friedmann, as part of her ongoing efforts in leading the Open Space ZOTA workgroup, met with staff from the Divisions of Parks and Recreation and Environmental Services to discuss coordination of open space data and the creation of an open space system map.

Long Range Planning staff participated in research and discussion on further regulation changes to promote missing middle housing.

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Development Handbook

Staff continued meeting with the Development Handbook advisory group in August, 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.

Infographics

In August, Chris Woodall and Senior Planner Lauren Well. Weaver began to finalize a large, ongoing project to provide and classify various data for the city of Lexington, organized as a series of attractive, readable infographics. The goal for this project is to provide the infographics to Councilmembers for use in their districts, and present them to the Planning Commission at their September work session.

Coordination with Outside Agencies

Chris Woodall attended the meeting of the Mayor's Sustainable Growth Task Force, and continued his participation on the FCPS Long Range Planning Committee process.

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' 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 20201.1 Inventory/Monitor; Title VI/ADA; Participation; Coordination/Consultation

- Attended 4 weekly paving meetings.
- Attended KYTC/LFUCG Maintenance and Operations meeting.
- Attended LFUCG Corridors Commission
- Continued work with the Equity in Planning work group.

1.2 Staff Development –

- Attended Webinar: Global Launch of Designing Streets for Kids: Presenting New Design Guidance for Child-Focused Urban Streets
- Attended Webinar: Parking Reform Made Easy

2.1 Congestion Management Process (CMP) –

- Worked with various LFUCG Divisions and KYTC agencies on the Lexington Area Congestion Management (CM) Bottleneck Study including evaluating proposals and selecting a professional consultant.
- Established a project Steering Committee for the Bottleneck Study.
- Improved the CMP vision, mission, goals and objectives for the Congestion Management Committee (CMC) to review at the next CMC meeting.

2.2 Transportation Plan Update & Implementation –

- Continued in-house development of a Freight Plan.

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- Collected and provided data for the feasibility study of a potential connector road in the Hamburg area - across I-75 from Polo Club Blvd to Sir Barton Way.

3.1 Transportation - Land Use Impact Analysis –

- Conducted several project team meetings for the Imagine Nicholasville Road 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.
- Continued work and research on curbside management policy and solutions for increasing demands on the curb in the public right of way.
- Began work to update various elements of Traffic Impact Study requirements.

3.2 Multimodal/Transportation Enhancement Planning –

- Responded to approx. 34 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 15 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.
- Continued work to implement Shared Mobility Vehicle permits, managed current licensees, and associated data and enforcement.
- Continued work with Populus, a third party data-management company platform, to process and evaluate multiple shared mobility companies' data.
- 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
- Completed one repaving striping plan to include bike lanes and pedestrian markings and submitted to Traffic Engineering for review and approval.
- Coordinated with Engineering to address a sidewalk gap left incomplete by a developer and requested by a citizen.
- Coordinated with Streets and Roads on sidewalk and bike lane design for a section of roadway in Veterans Park.
- Coordinated with Traffic Engineering and D7 to have damaged Share the Road signs replaced and repaired.
- Coordinated with Parks and Recreation to provide an accessible detour for the Legacy Trail in response to a trail closure for sewer line maintenance.
- Coordinated with Environmental Quality to add bike-related items to the Green Check business certification program.
- Distributed information on Shared Mobility Data and Bicycle Infrastructure as requested by the Downtown Lexington Partnership for their annual update.

3.3 Transit Planning –

- Attended Lextran board meeting virtually
- Held multiple virtual meetings with developers and Lextran staff concerning transit aspects on submitted plans.

3.4 Public Participation & Outreach

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- Conducted several meetings with the Division of Environmental Quality to coordinate outreach activities.
- Consolidated Bike Lexington and Legacy Trail Facebook pages.
- Concluded the 30-day public review period for the draft TIP, summarized public comment and presented to the TPC.
- Presented on “Responsible Infrastructure” during the LFUCG Citizens Planning Academy.
- Coordinated with the local chapter of the Sierra Club to present at their upcoming September meeting.
- 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 806 visits from 610 users (85% new users) and 1,677 page views in August.
- The MPO’s Twitter site had 2,047 followers in August.
- The MPO’s Facebook page had 3,530 followers in August; reached 236 users; and had 22 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, Transportation Technical Coordination Committee (TTCC) and Transportation Policy Committee (TPC).
- Participated in several financial/reporting meetings with LFUCG Grants Dept.

4.2 Transportation Improvement Programming (TIP) –

- Made final revisions to the FY 2021-2024 TIP Update.
- Presented the FY 2021-2024 TIP to the TPC and received approval at the August 26 meeting.
- Completed TIP Mod #33 - I-64 Pavement MP 81.037 to MP 82.19 - Added new KYTC project with \$175,000 for Design Phase (\$140,000 NH (80%) + \$35,000 State Match (20%))
- Held several meetings to discuss funding strategies for fulfilling Newtown Pike Sunset Agreement environmental mitigation commitments.
- Reviewed draft plans and participated in a Highway Safety Improvement Project meeting for KY 353 in Fayette County.
- Participated in a site visit regarding a KYTC sound wall project on New Circle Rd.

4.3 Unified Planning Work Program (UPWP) –

- No activity.

C. Zoning Compliance Planning Activity Report

Enforcement

During the month of August, 24 cases were initiated consisting of the usual mix of illegal business activities, sight triangle issues, parking on unpaved surfaces, occupancy complaints and vehicle repair in residential zones. The majority involved the operation of businesses in residential zones and sight triangle issues. Thirty cases 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 26 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

Seven appeals were considered by the BOA in August 2020. Two of these appeals were requests for variances. One of the requests was approved and the other one was denied by the Board. Four of the appeals were requests for conditional uses and all four requests were approved by the Board. One of the applications before the Board was a request for both a conditional use and a variance. The Board approved both.

- 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.

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IX. MEETING DATES FOR OCTOBER 2020

Subdivision Committee, Thursday, 8:30 a.m., via teleconference.....	October 1, 2020
Zoning Committee, Thursday, 1:30 p.m., via teleconference.....	October 1, 2020
Subdivision Items Public Meeting , Thursday, 1:30 p.m., via teleconference	October 8, 2020
Work Session, Thursday, 1:30 p.m., via teleconference	October 15, 2020
Zoning Items Public Hearing , Thursday, 1:30 p.m., via teleconference.....	October 22, 2020
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building).....	October 23, 2020
Work Session, Thursday, 1:30 p.m., via teleconference	October 29, 2020

X. ADJOURNMENT

TLW/TM/HB/dw

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