

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

July 23, 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: 939 9377 1489

Password: 634300

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 June 25, 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, July 2, 2020, at 8:30 a.m. The meeting was attended by Commission members: Frank Penn, Carolyn Plumlee and Headley Bell. Committee members in attendance were: Jeff Neal, 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; 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.*

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)

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

- (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. FINAL SUBDIVISION PLAN

- a. PLN-FRP-19-00005: CROSSROADS CHRISTIAN CHURCH (AMD) (9/13/20)* - located at 4128 TODDS ROAD, LEXINGTON, KY.
Council District 12
Project Contact: EA Partners

Note: This plan requires the posting of a sign and an affidavit of such. The purpose of this amendment is to subdivide one tract into two lots. The Planning Commission originally approved this plan on July 11, 2019, 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.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
9. Denote the Planning Commission's approval of the waiver on the final record plat.

As part of the Planning Commission's approval, a waiver to Article 4-7 of the Land Subdivision Regulations, pertaining to the final record plat procedure as required by the regulations was approved for the following reasons:

1. Granting the requested waiver(s) will not adversely affect public health, welfare and safety as the proposed PSP/FDP shall provide for the provision of all public services.
2. Granting the waiver is consistent with the intent of Article 1-5(a) of the Land Subdivision Regulations for Exceptional Hardship.

This recommendation was made subject to the following additional requirements:

- a. Denote: No building permits shall be issued for Lot 2 until sanitary sewer service is provided to the lot.

Note: The Planning Commission certification will expire on July 11, 2020. The applicant has requested a one-year extension of the previous approval.

The Subdivision Committee recommended **Reapproval**, subject to the previously approved conditions on July 11, 2019.

2. DEVELOPMENT PLANS

- a. PLN-MJDP-20-00012: HOOVER AND PHILPOT EVANGELISTIC ASSOCIATION PROPERTY (THE FOUNTAINS AT PALOMAR) (AMD) (7/11/20)* - located at 3801 AND 3901 HARRODSBURG RD., LEXINGTON, KY.
Council District 10
Project Contact: Vision Engineering

Note: The purpose of this amendment is to revise the building square footage, parking circulation and landscaping for Lots 2 through 5. This item was postponed at the Planning Commission's July 9, 2020 meeting.

The Subdivision Committee Recommends: **Postponement**. There are questions concerning the required neighborhood notification.

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

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 & Pedestrian Planner's approval of bike trails and pedestrian facilities.

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

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. Clarify parking generator for restaurants on site 4 & 5.
 12. Denote drive-through order point on Site 2.
 13. Discuss compliance with notification requirement.
 14. Discuss multiuse path adjacent to Harrodsburg Road and Man o' War Boulevard.
 15. Discuss heavy dashed line adjacent to parking lot and underground detention on sites 4 & 5.
 16. Discuss timing of easement modifications per new final record plat.
 17. Discuss orientation and buffering of area adjacent to Harrodsburg Road and Man o' War intersection.
 18. Discuss cross access between site 5 & site 6.
 19. Discuss compliance with notes #12, #16, #19, #21 & #23.
- b. PLN-MJDP-20-00031: HAMBURG EAST (BAPTIST HEALTHCARE CAMPUS) (9/29/20)* - located at 2000 POLO CLUB BLVD, LEXINGTON, KY.
Council District 12
Project Contact: CMW

Note: This plan requires the posting of a sign and an affidavit of such. This item was postponed at the Planning Commission's July 9, 2020 meeting.

The Subdivision Committee Recommends: Postponement. There are questions regarding the Tree Protection Plan (TPP) and the future street alignment.

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

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. 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. United States Postal Service Office's approval of kiosk locations or easement.
12. Provided the Planning Commission makes a finding the plan complies with the EAMP.
13. Discuss tree protection plan (TPP) details and missing information.
14. Discuss alignment of road (cross-section H-H) with proposed road "A" on adjacent property (Meadowcrest) and demarcation of change from private to public street.
15. Discuss timing of traffic impact study per note #22 on Preliminary Development Plan.
16. Discuss use of access easement in lieu of public or private street.

- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, July 2, 2020, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members: Larry Forester, Bruce Nicol, Graham Pohl, and Bill Wilson. Staff members in attendance were: Traci Wade, Hal Baillie, Tom Martin, Jimmy Emmons, and Debbie Woods, and Chad Edwards, 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

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

- a. PLN-MAR-20-00002: JUBY, LLC (7/23/20)*- a 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 Neighborhood Business (B-1) zone, for 7.98 net (9.12 gross) acres, from an Agricultural Rural (A-R) zone to a Neighborhood Business (B-1) zone, for 1.69 gross acres, and from a Planned Neighborhood Residential (R-3) zone to a Neighborhood Business (B-1) zone, for 0.82 gross 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.

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 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. Additionally, the petitioner is seeking to rezone the remaining portion of 2501 Spurr Road from a Professional Office (P-1) zone to a Neighborhood Business (B-1) 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 both 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: **Disapproval**, for the following reasons:

1. The requested rezoning to Light Industrial (I-1) and Neighborhood Business (B-1) are not in agreement with the 2018 Comprehensive Plan for the following reasons:
 - a. The requested rezoning does not address the Goals and Objectives of the 2018 Comprehensive Plan.
 - b. The requested rezoning does not address the Development Criteria of the 2018 Comprehensive Plan.
 2. There have been no major unanticipated changes of an economic, social or physical nature in the area of the subject property since the adoption of the 2018 Comprehensive Plan.
 3. The existing R-3 and P-1 zones remain appropriate for the following reasons:
 - a. The housing needs and demands serve the existing community need.
 - b. The existing landuse and zoning are compatible with adjacent land uses.
 - c. A complete neighborhood can be accomplished via the existing landuse and zoning configurations.
- b. PLN-MJDP-20-00001: RAMSEY SULLIVAN PROPERTY (FKA BELMONT INDUSTRIAL PARK TRACT 1) (7/23/20)* - 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.

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

The Subdivision Committee Recommended: **Postponement**, There were some questions regarding the compliance with Article 8, Article 21, proposed access and the Placebuilder criteria.

1. Provided the Urban County Council rezones the property B-1 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 Tree Protection Plan (TPP) to Tree Inventory Map (TIM) per Article 26.
10. Revise notes #4, #6, #12 and #16.
11. Discuss need for enhanced screening between proposed I-1 and existing R-3 zones.
12. Discuss proposed B-1 zone compliance with setback requirements.
13. Discuss proposed access to Spurr Road.
14. Discuss re-alignment of and improvements to Spurr Road.
15. Discuss proposed access to Georgetown Road.
16. Discuss proposed temporary access easement.
17. Discuss plan status.
18. Discuss Placebuilder criteria.

2. CENTENNIAL AMERICAN PROPERTIES ZONING MAP AMENDMENT & SAND LAKE AND ESTES PROPERTIES, LOT 2, SECTION 2 (AMD) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-20-00008: CENTENNIAL AMERICAN PROPERTIES (8/2/20)*- a petition for a zone map amendment from a Highway Service Business (B-3) zone to a Wholesale and Warehouse Business (B-4) zone, for 2.02 net and gross acres, for property located at 109 Sand Lake (a portion of). A dimensional variance has also been requested.

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.

The applicant is seeking a zone change from a Highway Service Business (B-3) zone to a Wholesale and Warehouse Business (B-4) zone for a portion of the property located at 109 Sand Lake Drive. The zone change application is seeking to allow for the development of a three (3) story, climate controlled self-storage warehouse.

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

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

1. The zone change application should describe in greater detail how they meet the Goals and Objectives, specifically those regarding the context of the area.
 - a. Respect the context & design features of areas surrounding development projects & develop design standards & guidelines to ensure compatibility with existing urban form (Theme A, Goal #2.b).
2. 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, and 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-DS4-2: New construction should be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context in accordance with other Imagine Lexington corridor policies and Placebuilder priorities.
 - b. A-DS5-4: Development should provide a pedestrian-oriented and activated ground level.
 - c. B-SU11-1: Green infrastructure should be implemented in new development. (E-GR3).
 - d. E-GR10-2: Developments should provide walkable service and amenity-oriented commercial spaces.
 - e. A-EQ3-2: Development on corridors should be transit-oriented (dense & intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure & facilities). (B-SU3).
 - f. D-CO1-1: Rights-of-way and multi-modal facilities should be designed to reflect and promote the desired place-type.
 - g. D-CO2-1: Safe facilities for all users and modes of transportation should be provided.

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

- h. B-PR7-2: Trees should be incorporated into development plans; prioritize grouping of trees to increase survivability.
 - i. B-PR7-3: Developments should improve the tree canopy.
- b. VARIANCE REQUEST – The applicant is requesting a dimensional variance of the distance between the B-4 zone structures and adjacent residential zoning. Section 8-21(o)(1) of the Zoning Ordinance requires that all structures located within the B-4 zone be at least 100 feet from any residential zone, unless the portion within that distance has no openings except stationary windows and doors that are designed and intended solely for pedestrian access. The applicant is seeking to reduce the required distance from 100 feet to 28 feet.

The Zoning Committee recommended: **Postponement** for the following reason.

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

1. Granting the requested variance would adversely affect the public health, safety, or welfare by creating noise nuisances for the nearby single family residential units located on Lake Wales Court.
 2. The applicant has not provided adequate information as to how they will reduce the sounds and activity produced by the proposed development and have chosen to only develop a small portion of a vacant tract. Therefore, the allowance of the variance would be a willful circumvention of the Zoning Ordinance.
 3. The need for the variance does not arise from the special circumstances of the proposed development, as similar developments in similarly zoned areas have been able to meet the distance requirement.
 4. The strict application of the distance requirement does not create an unnecessary hardship on the proposed development as it is meant to protect the nearby residential land uses.
 5. The request would result in willful violation of the Zoning Ordinance. The applicant has chosen this portion of the subject property, which are currently complying with the Zoning Ordinance. The applicant has the ability to comply with the Ordinance without the need of the variance.
- c. PLN-MJDP-20-000021: SAND LAKE AND ESTES PROPERTIES, LOT 2, SECTION 2 (AMD) (8/2/20)* - located at 109 SAND LAKE DR., LEXINGTON, KY.
Project Contact: Barrett Partners

Note: The purpose of this amendment is to rezone the subject property from B-3 to B-4 for a storage facility.

Note: The applicant submitted a revised development plan on June 2th that addressed a two of the conditions identified by the Technical Committee on May 27th. However, there are concerns regarding pedestrian access and circulation.

The Subdivision Committee Recommended: **Postponement**, There were some questions regarding the pedestrian connectivity and lack of complete development plan information.

1. Provided the Urban County Council rezones the property B-4; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Addition of walkway dimensions.
8. Addition of dimension of entrance width.
9. Clarify directional layout of drive aisles.
10. Recordation of access easement on Lot 2 prior to final development plan approval.
11. Remove parking spaces along southwest edge of property which would prevent cross access with Lot 1.
12. Discuss requested variance to reduce the overhead door opening spacing to residential zone per Article 8-21(o)(1) of the Zoning Ordinance.
13. Discuss pedestrian connectivity to the subject property.
14. Discuss Placebuilder criteria:
 - a. A-DS4-2: New construction should be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context in accordance with other Imagine Lexington corridor policies and Placebuilder priorities.
 - b. A-DS5-4: Development should provide a pedestrian-oriented and activated ground level.
 - c. B-SU11-1: Green infrastructure should be implemented in new development. (E-GR3).
 - d. E-GR10-2: Developments should provide walkable service and amenity-oriented commercial spaces.
 - e. A-EQ3-2: Development on corridors should be transit-oriented (dense & intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure & facilities). (B-SU3).
 - f. D-CO1-1: Rights-of-way and multi-modal facilities should be designed to reflect and promote the desired place-type.
 - g. D-CO2-1: Safe facilities for all users and modes of transportation should be provided.
 - h. B-PR7-2: Trees should be incorporated into development plans; prioritize grouping of trees to increase survivability.
 - i. B-PR7-3: Developments should improve the tree canopy.

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

3. GATEWAY LOFTS LEXINGTON ZONING MAP AMENDMENT & GATEWAY LOFTS (GROGAN AND GROGAN) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-20-00011: GATEWAY LOFTS LEXINGTON (8/2/20)* - a petition for a zone map amendment from a Wholesale and Warehouse Business (B-4) zone to a Neighborhood Business (B-1) zone, for 2.24 net (2.53 gross) acres, for property located at 1016-1024 S. Broadway.

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.

The applicant is seeking a zone change from the Wholesale and Warehouse Business (B-4) zone to the Neighborhood Business (B-1) zone for the property located at 1016-1024 South Broadway. The zone change application is seeking to construct a mixed-use business and multi-family residential development that includes commercial operations on the first floor, and structured parking and residential on the five (5) floors above. Their application also indicates a desire to designate the site a Form-Based Neighborhood Business Project.

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 development criteria for a zone change within the Corridor Place-Type, specifically the High 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-DS4-2: New construction should be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context in accordance with other Imagine Lexington corridor policies and Placebuilder priorities.
 - b. A-DS7-3: Parking structures should activate the ground level.
 - c. C-LI7-1: Developments should create mixed-use neighborhoods with safe access to community facilities, green-space, employment, businesses, shopping, and entertainment.
 - d. A-DS1-1: Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7).
 - e. D-CO2-1: Safe facilities for all users and modes of transportation should be provided.
- b. PLN-MJDP-20-00028: GATEWAY LOFTS (GROGAN AND GROGAN) (8/2/20)* - located at 1016 S. BROADWAY, LEXINGTON, KY.
Project Contact: Edge

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

Note: The applicant submitted a revised development plan on June 30th that addressed several of the conditions identified by the Technical Committee on June 24. However, the plan needs further refinement in order to comply with the requirements of the Zoning Ordinance.

The Subdivision Committee Recommended: **Postponement**, There are still questions about compliance with the principal uses allowed in the B-1 zone, Article 8-16(b) of the Zoning Ordinance and lack of information in the Form-Based Neighborhood Business Project.

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, 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. Discuss compliance with Article 8-16(b) of the Zoning Ordinance specifically the proposed use along S. Broadway.
8. Discuss stormwater quality and detention.
9. Discuss street improvements and addition of right-of-way.
10. Discuss mass transit enhancement/accommodations.

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

11. Discuss required parking for first floor along S. Broadway.
12. Discuss Form-Based Neighborhood Business Project Context and Character Study submitted per Article 8-16(o)(3) of the Zoning Ordinance.
13. Discuss Placebuilder criteria:
 - a. A-DS4-2: New construction should be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context in accordance with other Imagine Lexington corridor policies and Placebuilder priorities.
 - b. A-DS7-3: Parking structures should activate the ground level.
 - c. C-LI7-1: Developments should create mixed-use neighborhoods with safe access to community facilities, green-space, employment, businesses, shopping, and entertainment.
 - d. A-DS1-1: Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7).
 - e. D-CO2-1: Safe facilities for all users and modes of transportation should be provided.

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMEMENDMENTS

1. **PLN-ZOTA 20-00003: ARTICLES 8 AND 16 - REVISE PARKING REQUIREMENTS FOR MIXED-INCOME HOUSING DEVELOPMENTS** (12/2/20)* – a petition for a Zoning Ordinance text amendment to update Articles 8 and 16 of the Zoning Ordinance to revise parking requirements for mixed-income housing developments.

INITIATED BY: URBAN COUNTY PLANNING COMMISSION

PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: **Approval.**

The Staff Recommends: **Approval,** of the staff alternative text for the following reasons:

1. The proposed text amendment is in agreement with *Imagine Lexington*, the 2018 Comprehensive Plan for the following reasons:
 - a) The proposed text allows for additional flexibility for affordable housing and provides for additional housing choice for disadvantaged residents. (Theme A, Goal #1).
 - b) The proposed text supports the provision of safe, affordable and accessible housing to meet the needs of Lexington-Fayette County's older and disadvantaged residents. (Theme A, Goal #1.c.).
 - c) The proposed text creates incentives and strengthens opportunities for housing affordability throughout Lexington-Fayette County. (Theme A, Goal #1.d.).

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 June, Long Range Planning staff continued to move forward with a number of implementation items relating to the 2018 Comprehensive Plan.

The Uncommon Commons

Due to the recommended social distancing guidelines set in response to COVID-19, the Division of Planning has been tasked with finding new and engaging ways to connect with people digitally in lieu of in-person workshops and meetings. LRP's efforts have focused on developing a series of virtual engagement offerings for the upcoming season, which will be titled "The Uncommon Commons." This series will include materials that can be accessed from anywhere and seek to further Imagine Lexington's public outreach mission. The materials will include a host of evolving tools that intend to respond to the real-time needs of the Lexington community. Such offerings include (but are not limited to): informational videos, interactive webinars, published online materials, and virtual walking tours. An overview of "The Uncommon Commons" series was given to the Planning Commission during the June 18th work session via video teleconference.

Imagine Lexington Website & Social Media

Long Range Planning staff continued with maintenance and updates to imaginelexington.com throughout June. Phases II & III of the website, known as "Inform" and "Implement," will be fully available by the end of 2020 to allow the public to learn about ways to get involved in the planning process, and see the Plan in action with updates on metrics, implementation project pages and more.

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

Long Range staff's main goal is to provide the user with a more interactive platform to engage with the comprehensive plan without having to download and search through the full document. When all components of the site are developed, it will also serve as a much needed mechanism to connect people with current goings-on in Planning and ways to get involved.

Staff continues to maintain *Imagine Lexington's* three social media sites – Facebook, Twitter and Instagram. Beginning in late June, the Division of Planning began reporting the results of Planning Commission Public Hearings, both Zoning and Subdivision, across the Imagine Lexington social media platforms. This is, in part, as response to feedback gleaned throughout the development of the Public Engagement Toolkit, which emphasized that residents and other interested parties may have some difficulty finding information about development projects as they move through the planning process. In July, Planning Staff will also work to share links to the agendas for all planning-related meetings (including work session and BOA) as well as reporting the results of any votes taken during the hearing.

Outside of reporting PC meeting results, Staff will continue to share photos and information as other events and meetings occur. Staff's intent is to be as transparent as possible and keep the public informed and aware of all in which the Division of Planning is involved.

Zoning Ordinance Text Amendments (ZOTAs)

Beginning in late April of 2019, a Division-wide effort to discuss the initiation of a series of ZOTAs, many related to the 2018 Comprehensive Plan, took place. Throughout March and May, select groups continued discussions regarding these ZOTAs for 2020. Certain members of LRP staff also participated in the overarching ZOTA workgroup, which acts as a general overseer and shepherd to all the ZOTAs coming into the pipeline over the next year.

During the Planning Commission Zoning Items Public Hearing on June 25th. Planning staff members Chris Taylor and Valerie Friedmann gave a presentation on a proposed Zoning Ordinance Text Amendment to sections of Article 8 related to Floor Area Ratio (see details below).

ZOTAs that are now currently in the "planning and research" phase include – open space (Article 20), Multi-Family Design Standards (multiple loc.), tree protection (Article 26), parking (multiple loc.), street continuity (multiple loc.), and revisions to intent statements for multiple articles.

During the June 25th Zoning Items Public Meeting, the Planning Commission **approved** two ZOTA applications:

- **ZOTA 2020-1: AMENDMENT TO ARTICLE 23 FOR EXACTION CREDITS** – petition for a Zoning Ordinance text amendment to update Article 23C-7(c) of the Zoning Ordinance to clarify the application and reallocation of exaction credits in the Expansion Areas of the Urban County.
- **ZOTA 2020-2: AMENDMENT TO ARTICLE 8 - FLOOR AREA RATIO & LOT COVERAGE** – petition for a Zoning Ordinance text amendment to Article 8 to modify the allowable Floor Area Ratio (F.A.R) and Lot Coverage in the Planned Neighborhood Residential (R-3), High Density Apartment (R-4) and High Rise Apartment (R-5) zones.
 - On March 11th, the details of this ZOTA were presented to the Building Industry Association of Central Kentucky by Chris Taylor, Administrative Officer, and Valerie Friedmann, Senior Planner.

Public Engagement Toolkit (PET)

During the June 18th Planning Commission Work Session, Sam Castro, AICP, LEED, presented an overview of the PET for the purpose of passing a resolution on the document. The resolution was passed on that day following discussion by commission members.

From there, Staff has continued discussing next steps regarding the action items within the Toolkit, one of which challenges staff to evaluate different mechanisms that would make Planning Commission Public Hearings (and other related meetings), more accessible to the broader public. Mechanisms might include shifting meeting times (or providing additional meetings) or providing the public with better means and access to submitting virtual comments via web form. LRP Senior Planner, Lauren Weaver, GISP, was working with a third-party contact with PeopleSpeak – a digital engagement platform for use in public hearings – to discuss the feasibility of employing this platform to facilitate accessible, online engagement during Planning Commission Hearings (and other meetings). These discussions are indefinitely on hold for budget reasons.

There are several supplemental products that are being developed in response to recommendations from the Toolkit, including handouts, meeting materials, educational videos, signage, and much more for the use of both developers and neighborhoods. Currently, Staff is working directly with the Bluegrass Community Land Trust to pilot the use of these materials for local development initiative. Some of these materials have also been tied in with "The Uncommon Commons," which is a digital engagement series being developed to address limitations to public engagement at this time.

Development Handbook

Following the success of the PET Advisory Group model, Staff has reconvened multiple members of that group, with some new additions, to provide insight for the update of the Development Handbook (formerly the Developer's Handbook). Sam Castro, Senior Planner, has begun work on a preliminary outline, project scope, and revised project schedule for the update, which is expected to be completed by the end of the year. The kick-off meeting for the Development Handbook Advisory Group took place on June 17th, with the next meeting planned to take place in mid-July. Planning Staff, including members from Planning Services, are also participating in bi-weekly meetings internally to continue discussions relating to the update and feedback received from the advisory group.

In complement to the revisions being proposed by the advisory group and Staff for the Development Handbook, Lauren Well Weaver, Senior Planner, has been working with other sections within the Division of Planning to develop a series of detailed planning process workflows. Through consulting with other Planning Staff members, Lauren plans to develop detailed workflows for multiple planning processes, including zone change requests, subdivisions, development plans, and Board of Adjustment. Once completed, these workflows will be translated into a visual and legible format for public use and learning.

Imagine Nicholasville Road

Consultants with the wsp firm have continued to work with Planning staff, including the Lexington Area MPO, throughout the months of June to keep the Nicholasville Corridor study on track for completion in 2020.

In June, Chris Woodall, AICP, and Sam Castro, AICP, LEED, and other members of the project workgroup participated in an interactive webinar hosted by the wsp firm and featuring representatives from IndyGo (Indianapolis Public Transportation Corporation). The topic of the webinar related specifically to the project's focus on Bus Rapid Transit (BRT), which is a new element to Indianapolis' transit system, and how it might inform Imagine Nicholasville Road. From there, Planning Staff worked with the consulting team on identifying a Nicholasville Road catalyst site for the corridor study.

The consultants have been continually updating the project website, imaginenicholasvilleroad.com, as the project progresses. Notably, they have uploaded a summary presentation of the public input received from March's in-person and online offerings.

As the study progresses, staff will be providing support in various ways, such as with data preparation and analysis as well as coordination for potential collaborations with the UK College of Design in the fall. The study is set to conclude in Fall of 2020.

Lexington Bicycle Map

Resulting from a collaboration with the Division of Planning, Lexington Area MPO, Bike Lexington, and Cricket Press, the 2020 Bike Lexington Interactive Map was released this month. This fully interactive online map is intended to serve as a companion to cyclists navigating the various paths and roads in Lexington. LRP Senior Planner, Lauren Weaver, GISP, played an integral role in the design and functionality of the map and created a video that walks the viewer through the various functions of the map and how to use them. Lauren, along with Scott Thompson (MPO), initially demoed the map during the June 5th BPAC meeting. They went on to present the final map and instructional video to the Planning Commission during the June 18th work session.

A printed brochure style of the map is currently being adapted by Cricket Press; Lauren has been providing design support for this endeavor for much of 2020.

Greenspace Commission

On Thursday, June 17th, Valerie Friedmann, Planner Senior, attended the Greenspace Commission meeting via video teleconference.

Sustainable Growth Task Force

Long Range Planning Manager, Chris Woodall, AICP, attended the Mayor's Sustainable Growth Task Force meeting on June 17th.

Urban Land Institute – Kentucky Chapter

Senior Planner Sam Castro, AICP, LEED, now serves as the head of programming for the Urban Land Institute (ULI) in Lexington. During the month of June, Sam attended the Executive Committee meeting.

KY-APA Newsletter

Lauren Weaver (Senior Planner) and Grace Coy (Planner Tech) have joined the Communications Committee of the APA Kentucky Chapter. Part of their responsibilities revolve around designing and developing the 2019 Annual Report, which was completed in June, and the KY-APA quarterly newsletters. Work on the next quarterly newsletter began in late June for a release later in the fall.

Study Group

Some members to Planning Staff have continued their participation in a "study group" that meets every other week to discuss different planning topics. The group was formed in order to develop and enhance the participants' understanding of different planning processes, the Zoning Ordinance & Subdivision Regulations, and existing and up-and-coming studies/plans. Additionally,

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

they are able to hear different perspectives from other Staff members working in different sections. During the month of June, the focus has been on development of leadership skills in the office and, from the Zoning Ordinance, an overview of Article 18 – Landscape and Land Use Buffers.

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. Some highlights of this work from June include:

- Providing detailed development review for incoming applications on topics relating to access, building orientation, connectivity, and urban design features.
- Collecting data and mapping neighborhood assets in Lexington.
- Development of a system for land use classification for Lexington.
- Creating council district related infographics.
- Analyzing data relating to building age in Lexington.
- Developing system for tracking metrics/infographics related to implementation of the 2018 Comprehensive Plan using Esri.
- Assisting Transportation Planning with the content and design of a new bicycle map for 2019; also in collaboration with Cricket Press and Broomwagon.
- Creating supporting material in the form of maps for Staff Zoning Review meetings.

Staff also attended and provided technical support for virtual pre-application meetings arranged by Planning Services, Zoning/Technical Review Committee meetings, Board of Adjustment meetings, & LFUCG-sponsored trainings/orientations. Staff also listened in on various Urban County Council meetings, including work sessions and Committee of the Whole.

Planning-Related Webinars

With COVID-19 placing a high demand on various forms of digital engagement, there has been a large increase in offerings for planning-related webinars and digital conferences. LRP Staff has participated in a variety of these offerings each week, in part to gain insight/research on current division projects, but also to stay up-to-date on how current events are affected (and being affected by) urban planning at levels extending from local to international.

B. Transportation Planning Report

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

- Attended 4 weekly paving meetings.
- Attended KYTC/LFUCG Maintenance and Operations meeting.
- Drafted the annual MPO Title VI Program Plan. Presented and received approval of the plan from the TPC at their June 24 meeting.
- Prepared and presented a methodology to prioritize annual ADA curb ramp improvements to various LFUCG coordinating divisions.
- Conducted 2 meetings with Group CJ to coordinate a major update of the MPO website.
- The MPO website had 917 visits from 631 users (84% new users) and 1,804 page views in June.
- The MPO's Twitter site had 2,044 followers in June.
- The MPO's Facebook page had 3,529 followers in June; reached 65 users; and had 36 engaged users.

1.2 Staff Development

- No activity.

2.1 Congestion Management Process (CMP)

- Revised and refined the RFP for Congestion Management Bottleneck Study project and formed a consultant selection committee for the project.
- Presented the CMP vision, mission, goals and objectives to the Congestion Management Committee (CMC) to review.
- Arranged a presentation of the Intelligent Transportation System (ITS) Architecture final report to the Congestion Management Committee.
- Arranged a presentation by the Lexington Police Traffic Analyst to the Congestion Management Committee on the Lexington Police 2019 Annual Traffic Report.

2.2 Transportation Plan Update & Implementation

- Continued in-house development of a Freight Plan.
- Incorporated the KYTC Draft Highway Plan into the draft Transportation Improvement Program update,

3.1 Transportation - Land Use Impact Analysis

- Conducted several project team meetings for the Imagine Nicholasville Road Study.
- Held a project solutions workshop with IndyGo and various local transportation agencies.

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

- Presented updates on INR to the Lextran Board, Transportation Policy Committee and Planning Commission.
- Completed updates to the INR website including posting the Existing Conditions Summary, Case Study Report and Public Input Summary.
- Emailed our public contact database, including all INR public survey respondents and public meeting attendees a summary of public input received and an additional survey to provide them the opportunity to comment on that summary.
- 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 and Jessamine County planning staff on transportation related issues.
- Continued to review of three traffic impact studies related to a current zone change proposal in Fayette County, including meeting with the applicants to discuss the assertions and conclusions of the study and to request further information from them.
- Attended LFUCG Subdivision and Zoning Committee meetings.
- Continued work on the Street Connectivity SRA, parking ZOTA and greenspace ZOTA.

3.2 Multimodal/Transportation Enhancement Planning

- Responded to approx. 37 various citizen/agency requests for information on bike and pedestrian issues.
- Reviewed and submitted comments in Accela for various plans for bike and pedestrian circulation requirements.
- Corresponded on various plans approved by the Planning Commission for compliance with conditional signoff requirements.
- Responded to 22 inquiries with development groups to work through requirements for multi-modal compliance with the subdivision regulations.
- Publically launched the digital bike map and continued work on the print version.
- Conducted multiple meetings with shared mobility providers.
- Continued work to implement Shared Mobility Vehicle permits, managed current licensees, and associated data and enforcement.
- Prepared a report for the Planning and Public Safety Subcommittee on Shared Mobility Vehicle usage and licensed company's performance in Lexington.
- Began work on a database of missing sidewalk connections to the public right of way from private property, on private streets and access easements.
- Continued work on developing conceptual level plans for connections to the Town Branch Commons.
- Reviewed paving lists for the inclusion or refreshing of on road bicycle facilities.
- Inventoried existing bike facilities in need of refreshed striping and lane markings for Streets and Roads.
- Continued work with Populus, a third party data-management company platform, to process and evaluate multiple shared mobility companies' data.

3.3 Transit Planning

- Attended Via Creative meeting as Co-Chair virtually.
- Met with Kre8now Makerspace group and Lextran to plan a unique bus shelter at the shop's property on Codell Dr.
- Attended Lextran board meeting virtually
- Met virtually with developers concerning transit aspects on submitted plans.

3.4 Public Outreach

- Conducted several meetings with the Division of Environmental Quality to coordinate FY 21 outreach plans.
- Completed several public outreach activities in relation to the Imagine Nicholasville Road Project (see 3.1)

3.5 Travel Demand Modeling and Project Forecasting

- Performed Travel Demand Model maintenance.
- Worked on familiarization with Trans Modeler.

4.1 Program Administration

- Packets and meeting minutes were prepared for the Bicycle & Pedestrian Advisory Committee, Transportation Technical Coordinating Committee, Congestion Management Committee and Transportation Policy Committee.
- Participated in several grants coordination meetings regarding year end close outs and set up for FY 21.

4.2 Transportation Improvement Programming (TIP)

- Continued work on the FY 2021-FY 2024 TIP Update
- Completed TIP Mod #30 – Add 7 new HSIP-funded safety projects
- Participated in two meetings regarding an HSIP project on Richmond Rd,

4.3 Unified Planning Work Program (UPWP)

Presented and received TPC approval of the FY 21 UPWP.

C. Zoning Compliance Planning Activity Report

Enforcement

During the month of June, 35 cases were initiated consisting of the usual mix of illegal business activities, occupancy complaints, signage, etc. The majority involved reports of illegal businesses in residential zones and sight triangle issues. Thirty-five cases were also resolved, meaning that necessary actions were taken by a property owner or occupant to fix a zoning compliance problem.

Annual inspections were completed on 10 properties with conditional uses, and all were determined to be in substantial compliance with conditions imposed by the Board of Adjustment.

Board of Adjustment

Twelve appeals were considered by the BOA in June 2020. These appeals consisted of seven variances, three conditional uses, and two administrative appeals, one of which was a third-party appeal. Six of the variances were approved and one was withdrawn by the applicant. Two of the conditional uses were approved and one was withdrawn by the applicant. Both the administrative appeal and the third-party appeal were disapproved.

Permitting

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 June, a total of 35 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 June, a total of 4 Zoning Compliance Permits were issued, which included uses such as Family Child Care in the home, an auto repair/sales lot, a Residential Care Facility in a single-family residence, and documentation for an existing child care 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, rural unplatted lots, and review of plans for residential projects within ND-1 areas. A total of 8 zoning certification letters were requested and provided during June 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 ten of these application forms were reviewed and approved during June. 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 AUGUST 2020

Technical Committee, Wednesday, 8:30 a.m., via teleconference.....	July 29, 2020
Zoning Items Public Hearing , Thursday, 1:30 p.m., via teleconference.....	July 23, 2020
Subdivision Committee, Thursday, 8:30 a.m., via teleconference.....	August 6, 2020
Zoning Committee, Thursday, 1:30 p.m., via teleconference.....	August 6, 2020
Subdivision Items Public Meeting , Thursday, 1:30 p.m., via teleconference.....	August 13, 2020
Work Session, Thursday, 1:30 p.m., via teleconference.....	August 20, 2020
Zoning Items Public Hearing , Thursday, 1:30 p.m., via teleconference.....	August 27, 2020

X. ADJOURNMENT