

**AGENDA
URBAN COUNTY PLANNING COMMISSION
COMPRHENSIVE PLAN AND ZONING ITEMS PUBLIC HEARING**

March 28, 2019

- I. **CALL TO ORDER** - The meeting will be called to order at 1:30 p.m. in the Council Chamber, 2nd Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.
- II. **APPROVAL OF MINUTES** - The minutes of the February 28, 2019 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, March 7, 2019, at 8:30 a.m. The meeting was attended by Commission members: Mike Owens, Frank Penn, Carolyn Plumlee, and Karen Mundy. Committee members in attendance were: Vaughan Adkins, Division of Engineering; and Casey Kaucher, Division of Traffic Engineering. Staff members in attendance were: Traci Wade, Tom Martin, Hal Baillie, Cheryl Gallt, Lauren Hedge, Denice Bullock, Marc Petitfrere; Captain Greg Lengal and 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)
- 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-18-00090: DISTILLERY DISTRICT - WEST, UNIT 1 (ADAPTIVE REUSE PROJECT) (AMD) (5/20/19)*** - located at 1158 and 1170 MANCHESTER STREET, LEXINGTON, KY.
Council District 2
Project Contact: Vision Engineering

Note: This plan requires the posting of a sign and an affidavit of such. The purpose of this amendment is to revise the development and parking on 1158 Manchester Street. The Planning Commission approved this request at their January 10, 2019, meeting, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers and floodplain information.
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.

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8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. Denote sidewalk on cross-sections.
13. Addition of building square footage to statistics for structure proposed on 1158 Manchester Street.
14. Correct Planning Commission certification.
15. Dimension proposed residential structure.
16. Denote internal pedestrian improvements.
17. Denote: All parking located on 1158 Manchester Street shall be constructed with this amendment.

Note: The applicant is requesting a continued discussion to revise the development plan by adjusting the layout and number of residential units.

The Subdivision Committee Recommends: Approval, subject to the following original conditions approved on January 10th, removing conditions #13, #14, #15 and modifying the following condition:

17. Denote: All parking ~~located associated with~~ on 1158 Manchester Street shall be constructed with this amendment.

V. ZONING ITEMS - The Zoning Committee met on Thursday, March 7, 2019 at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members: Patrick Brewer; Larry Forester; Bruce Nicol; Graham Pohl; and Bill Wilson. Staff members in attendance were: Traci Wade; Tom Martin; Hal Baillie; Lauren Hedge; Chris Bencz; Chris Taylor; and Denice Bullock; Tracy Jones and Chad Edwards, Department of Law; and Betty Kerr Historic Preservation. 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:

- 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. CLOVER COMMUNITIES ZONING MAP AMENDMENT & BAPTIST CHURCH OF ANDOVER (CLOVER SENIOR LIVING CENTER) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-19-00001: CLOVER COMMUNITIES (4/7/19)*- a petition for a zone map amendment from an Agricultural Urban (A-U) zone to a High Density Apartment (R-4) zone, for 8.944 net (9.099 gross) acres, for property located at 3330 Todds Road (a portion of).

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic

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development.” The Plan’s mission statement notes that 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. In addition, the Plan encourages a mix of uses, housing types and/or residential densities; providing safe, affordable and accessible housing to meet the needs of older and/or disadvantaged residents; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

The petitioner proposes to rezone the property to the High Density Apartment (R-4) zone to develop a four-story, senior housing development with 128 dwelling units. This represents a residential density of 14.3 dwelling units per net acre.

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

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

1. The subject property as proposed for a senior housing development does not adequately meet the Comprehensive Plan’s goals for connectivity for all modes of transportation, for creating an effective and comprehensive transportation system, or for providing an accessible place to live for older and/or disadvantaged residents. The plan does not meet with the National Fire Protection Association (NFPA) Fire Standard 1141 a development shall have two separate access points for development that contains greater than 100 dwelling units and less than 600 dwelling units.
2. The proposed High Density Residential (R-4) zone does not currently provide for adequate access for emergency services for a growing aging population, nor does it provide for safe and positive social interaction between the development and the adjoining neighborhoods.

- b. PLN-MJDP-19-00002: BAPTIST CHURCH OF ANDOVER (CLOVER SENIOR LIVING CENTER) (4/7/19)* - located at 3330 TODDS ROAD, LEXINGTON, KY.

The Subdivision Committee Recommended: **Postponement**. There are questions regarding the street connectivity and access to Todds Road.

1. Provided the Urban County Council rezones the property R-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. Greenspace Planner’s approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality’s approval of environmentally sensitive areas.
7. Adjust location of owner’s and Planning Commission certification to improve legibility and correct meeting date information.
8. Discuss proposed access to Todds Road.
9. Discuss connection of Putter Lane to Andover Woods Lane, per the Preliminary Development Plan.
10. Discuss stormwater detention.
11. Discuss pedestrian connection to adjoining subdivisions (Stonecase Valley and Williams Property).
12. Discuss need for Board of Adjustment approval of the revised church access, additional square footage, and parking circulation.

2. TRUST EQUITY, LLC ZONING MAP AMENDMENT & JAMES RB MACCOUM, TRACT 2 & PORTION OF TRACT 1 ZONING DEVELOPMENT PLAN

- a. PLN-MAR-19-00002: TRUST EQUITY, LLC (5/5/19)*- a petition for a zone map amendment from an Agricultural Urban (A-U) zone to an Expansion Area Residential-2 (EAR-2) zone, for 8.48 net (8.94 gross) acres, for property located at 2020 Russell Cave Road.

COMPREHENSIVE PLAN AND PROPOSED USE

The Expansion Area Master Plan (EAMP), an adopted element of the 2013 Comprehensive Plan (Expansion Area 3), recommends Expansion Area Residential-2 (EAR-2) land use for the subject property, defined as 3 to 6 dwelling units per gross acre. The petitioner proposes 23 attached single-family units and 30 detached single-family units or townhouses (a residential density of 5.92 units per gross acre) for the subject property, which is within the density range recommended by the EAMP.

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

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

1. The requested EAR-2 zoning is in agreement with the 2013 Comprehensive Plan, the adopted Goals and Objectives of the 2018 Comprehensive Plan, and the 1996 Expansion Area Master Plan, for the following reasons:

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- a. The Plan recommends Expansion Area Residential-2 (EAR-2) future land use for the subject property, which is proposed by the petitioner.
 - b. The future EAR-2 land use recommendation of the Plan would suggest a density of between 26 and 53 dwelling units for the subject property. The proposed EAR-2 zone, for 53 single-family dwelling units, is in agreement with this recommendation of the Plan.
 - c. The site will accommodate the demand for housing in Lexington responsibly, prioritizing a mixture of housing types (Theme A, Goal #1) and supports infill and redevelopment throughout the Urban Service Area (Theme A, Goal #1.b. and #2). The proposed development will include single family and townhouse dwelling units.
 - d. The proposed development will expand options for mixed-type housing, while also provide a neighborhood which is connected for pedestrians and will utilize various modes of transportation (Theme A, Goals #3.a & 3.b.). The proposed development allows for connectivity to existing neighborhoods, as well as stub streets to the adjoining parcels for future connectivity.
 - e. This proposal maximizes development on vacant land within the Urban Service Area and promote use of underutilized land in a way that enhances the existing urban form (Theme E, Goal #1.a, 1.b, and 1.d).
2. The existing Agricultural Urban (A-U) zone is inappropriate, and the proposed Expansion Area Residential-2 (EAR-2) zone is appropriate at this location for the following reason:
- a. The intent for the Agricultural Urban (A-U) zone is to manage the growth of the community so to avoid premature or improper development until public facilities and services are adequate to serve urban uses. The availability of these services at this time in this area indicate the inappropriateness of the current zoning.
3. This recommendation is made subject to approval and certification of the applicable portion of PLN-MJDP-19-00005: James RB Maccoum, Tract 2 and a Portion of Tract 1, prior to being forwarded to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the property shall be subject to the following use and buffering restrictions via conditional zoning:
- a. No principal or accessory structures shall be located within fifty (50) feet of any property platted as any unit of the Shandon Park or Foxborough Manor subdivisions, and the property located at 2060 Russell Cave Road.
 - b. Within three hundred (300) feet of any property platted as any unit of the Shandon Park or Foxborough Manor subdivisions, and the property located at 2060 Russell Cave Road, the subject property shall be limited to single-family detached or attached (townhouse) residential uses.
 - c. A twenty-five foot (25') buffer yard shall be provided immediately adjacent to any property platted as any unit of the Shandon Park or Foxborough Manor subdivisions and the property located at 2060 Russell Cave Road. Existing trees with a three inch (3") DBH shall remain within the buffer, unless dead, dying or diseased. Existing trees should be supplemented to meet the following standards: The landscape buffer shall contain one tree every forty (40) feet of linear boundary from group A, B, or C of the Plant List as referenced by Article 18 of the Zoning Ordinance, and shall contain a fence, hedge, wall or earth mound (or combination thereof) a minimum of six (6) feet in height. Existing trees that are dead, dying or diseased may only be removed with written consent of the Urban Forester.

These conditional zoning restrictions are appropriate and necessary to minimizing the impacts of new development on the existing residential units within Shandon Park and Foxborough Manor subdivisions, and the existing residence at 2060 Russell Cave Road.

- b. PLN-MJDP-19-00005: JAMES RB MACCOUM, TRACT 2 & PORTION OF TRACT 1 (5/5/19)* - located at 2020 RUSSELL CAVE ROAD

The Subdivision Committee Recommended: **Postponement** due to concerns with protecting the significant tree stand on the property.

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

1. Provided the Urban County Council rezones the property EAR-2; 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. Denote height of townhouse in feet on plan.
8. Denote 25' setback adjacent to A-U or A-R zones per Article 15-3 of the Zoning Ordinance.
9. Discuss preservation of significant tree stand per the Expansion Area Master Plan and Article 23A-2(v) of the Zoning Ordinance.
10. Discuss driveway access to Lots 24, 41, 49 and 51.

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

A. PENSACOLA PARK NEIGHBORHOOD LOCAL HISTORIC DISTRICT (H-1) OVERLAY ZONE – a request for the Planning Commission to initiate an H-1 Overlay zone for the Pensacola Park Neighborhood, including 96-171 Goodrich Avenue; 101-224 Lacawanna Road; 1733-1915 Nicholasville Road (west side of roadway); 101-177 Penmoken Park; 1847-1877 Pensacola Drive; 108-199 Rosemount Garden; 105-175 Suburban Court; and 101-166 Wabash Drive.

The staff will report at the meeting.

B. INITIATION OF ZONING ORDINANCE TEXT AMENDMENT TO UPDATE ARTICLE 17 – SIGN REGULATIONS – The Urban County Council requests that the Planning Commission initiate an amendment to Article 17 of the Zoning Ordinance to address content neutrality. If initiated, the requisite public hearing would be held after mailed notices are sent.

VII. STAFF ITEMS – The Chair will announce that any item a Staff member would like to present will be heard at this time.

A. Zoning Compliance Planning Activity Report

Enforcement

A total of 22 new case investigations were initiated in February. Thirty-five old cases were resolved, meaning that necessary actions were taken by a property owner or occupant to fix a zoning compliance problem. Annual inspections were completed on 14 properties with conditional uses, and all except one were determined to be in substantial compliance with conditions imposed by the Board of Adjustment. The possible compliance issue was for a church with a child care facility, which appears to be operating over the number of children authorized by their conditional use.

The major enforcement case relating to a used car sales establishment on North Broadway violating conditional zoning restrictions remains unresolved. A sizeable citation issued on February 20th has been appealed to the Infrastructure Hearing Board, and a hearing officer will consider that appeal on March 21st.

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. In February, six ZCP's were issued, including one for an AirBnB home rental activity.

Technical assistance was also provided to the Division of Building Inspection (at weekly "Review Board" meetings) in review of 7 applications for new commercial or multi-family building construction, and 20 applications for remodel activity, "fit-ups" or change in use requests. Permitting staff also devoted much time to issuing official zoning certification letters (4 for the month), responding to numerous citizen inquiries about a diversity of zoning issues, and providing assistance to citizens with getting through the Accela online application process.

Board of Adjustment

Seven appeals were fully considered by the BOA at the February 11th public hearing, consisting of four variances and three conditional use requests. One of the variances was disapproved, which will require that an unpermitted 30' wide driveway in a residential zone be reduced to 24' in width. All of the conditional use appeals were approved, which included an extended stay hotel on Waller Avenue and a temporary sanctuary building for the Christian Student Fellowship on Columbia Avenue, near the UK campus.

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 APRIL 2019

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	April	4, 2019
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	April	4, 2019
Subdivision and ND-1 Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	April	11, 2019
Work Session, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building.....	April	18, 2019
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	April	24, 2019
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	April	25, 2019

X. ADJOURNMENT

TLW/TM/HB/dw

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