

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

October 27, 2011

- 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 September 22, 2011, Planning Commission meeting will be considered at this time.
- III. **POSTPONEMENTS AND WITHDRAWALS** – Requests for postponement and withdrawal will be considered at this time.
- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, October 6, 2011, at 8:30 a.m. The meeting was attended by Commission members: Derek Paulsen, Eunice Beatty, Mike Owens, Frank Penn, Will Berkley and Marie Copeland. Committee members in attendance were: Hillard Newman, Division of Engineering; and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Tom Martin, Cheryl Gallt, Chris Taylor, Denice Bullock, Jimmy Emmons and Barbara Rackers, as well as Captain Charles Bowen, Division of Fire & Emergency Services and Rochelle Boland, Law Department. 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, October 6, 2011, at 1:30 p.m. in the Division of Planning Office. The meeting was attended by Commission members Carla Blanton, Mike Cravens, Lynn Roche-Phillips, and Bill Wilson. The Committee reviewed applications, and made recommendations on zoning items as noted.

A. ABBREVIATED PUBLIC HEARINGS ON ZONE MAP AMENDMENTS AND RELATED PLANS

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

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

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

B. FULL PUBLIC HEARINGS ON ZONE MAP AMENDMENTS AND RELATED PLANS – Following abbreviated hearings, the remaining petitions will be considered.

~~The procedure for these hearings is as follows:~~

- Staff Reports (30 minute maximum)
- 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. THE LEXINGTON HEARING & SPEECH CENTER, INC., ZONING MAP AMENDMENT & ROGERS & CLARK SUBDIVISION, LOTS 21-24 ZONING DEVELOPMENT PLAN

- a. MARV 2011-12: THE LEXINGTON HEARING & SPEECH CENTER, INC. (10/27/11)* - petition for a zone map amendment from a Single Family Residential (R-1D) zone to a Professional Office (P-1) zone, for 0.99 net (1.19 gross) acres, for property located at 154 and 158-162 North Ashland Avenue. Dimensional variances have also been requested with this zone change.

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

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 3) recommends Semi-Public (SP) future land use for the subject property. The petitioner proposes to rezone the property in order to renovate the existing buildings for limited professional office uses. The applicant has proposed conditional zoning restrictions and requested multiple dimensional variances in association with the requested zone change.

The Zoning Committee Recommended: **Postponement**, for the reason provided by staff.

The Staff Recommended: **Postponement**, for the following reason:

1. The staff needs additional time to assess the requested zone change to further consider the existing on-street parking situation along North Ashland Avenue and to conduct site research as to the petitioner's contention that the structures are no longer viable for residential use.

b. REQUESTED VARIANCES

1. Reduce the minimum off-street parking requirements by 50%, from 49 spaces to 25 spaces.
2. Increase the maximum building height from 8 feet to 20 feet for 154 N. Ashland Ave. and from 0 feet to 24 feet for 158-162 N. Ashland Ave.
3. Reduce the minimum side yard for 158-162 N. Ashland Ave. from 12 feet to 9 feet and the side yard for 154 N. Ashland Ave from 12 feet to 2 feet.
4. Reduce zone-to-zone perimeter screening requirements from 15 feet to 0 feet and to eliminate the requirement for trees and shrubs.
5. Reduce the minimum required interior landscaping for the vehicular use area from 5% to 3% for 158-162 N. Ashland Ave.

The Zoning Committee Recommended: **Withdrawal, Approval, and Postponement**, for the reasons provided by staff.

The Staff Recommended: **Withdrawal** of the requested height variance for 158-162 N. Ashland Ave., for the following reason:

- a. The requested variance is not necessary because the existing 24' tall structure is located 9 feet from the nearest property line, and the P-1 zone height-to-yard ratio will allow up to 27' tall.

The Staff Recommended: **Approval** of the requested setback and height variance for 154 N. Ashland Ave., for the following reasons:

- a. Granting the requested variances should not adversely affect the public health, safety or welfare, nor alter the character of the general vicinity. The existing structures were originally built as residences and have been used as the school and daycare over the past 50 years. The proposed adaptive reuse of these structures is a reasonable justification for the yard and height variances.
- b. Approval of the variances will not result in an unreasonable circumvention of the Zoning Ordinance. The purpose of the ordinance related to setbacks and height is to increase compatibility with surrounding uses. The adaptive reuse of these buildings accomplishes the same goal.
- c. The special circumstances that apply to the subject properties that serve to justify the variances are the adaptive reuse of the existing development.
- d. Strict application of the requirements of the Zoning Ordinance would create an unnecessary hardship to the applicant, and would likely lead to destruction of the existing structures.
- e. The circumstances surrounding this request are not the result of actions taken by the applicant since the adoption of the Zoning Ordinance.

This recommendation of approval is made subject to the following conditions:

1. Provided the Urban County Council rezones the property P-1; otherwise, any Commission action of approval of this variance is null and void.
2. Should the property be rezoned, it shall be developed in accordance with the approved Development Plan, or as amended by a future Development Plan approved by the Commission, or as a Minor Amendment permitted under Article 21-7 of the Zoning Ordinance.
3. A note shall be placed on the Zoning Development Plan indicating the variance that the Planning Commission has approved for this property (under Article 6-4(c) of the Zoning Ordinance).
4. Prior to any construction, the applicant shall obtain a building permit and all applicable Federal, State, and Local approvals associated with the identified floodplain.
5. The side yard and height variances are conditioned upon the adaptive reuse of the existing structures as depicted on the preliminary development plan. If the structures are to be purposefully demolished, any new structures built on the property shall comply with the required yard and height restrictions in the P-1 zone.

The Staff Recommended: **Postponement** of the requested landscaping and parking variances, for the following reasons:

- a. The Landscape Review Committee is scheduled to meet on August 16, 2011, and may make a substantive recommendation on the requested landscaping variances.
- b. More time is needed to review the impact that the parking variance may have on the on-street parking on N. Ashland Ave. Public Schools restart on August 11, 2011, and a site evaluation of the on-street parking while school is in session may have an impact on the parking variance recommendation.
- c. ZDP 2011-69: ROGERS & CLARK SUBDIVISION, LOTS 21, 22, 23 & 24 (LEXINGTON HEARING & SPEECH CENTER) (10/27/11)* - located at 154-162 North Ashland Avenue. **(Mark McCain)**

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Provided the Urban County Council rezones the property P-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewer information, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Building Inspection's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree inventory map.
6. Correct plan title.
7. List name and address of developer, if applicable.
8. Denote written scale.
9. Reorient the plan such that the north arrow is toward top of page.
10. Denote: Signage shall be in accordance with Article 17 of the Zoning Ordinance.
11. Correct note #5 and delete tree protection note #7.
12. Denote that there will be reciprocal access and parking.
13. Resolve entrance encroachment into 164 North Ashland Avenue.

VI. COMMISSION ITEMS

- A. **MEADOWTHORPE NEIGHBORHOOD ZONE CHANGE INITIATION REQUEST** – petition request received from residents of the Meadowthorpe neighborhood for Planning Commission initiation of an ND-1 overlay zone.

The staff will report at the meeting.

- B. **ADOPTION OF THE OFFICIAL MEETING & FILING SCHEDULE FOR 2012** – The staff will present copies of the recommended "Official Meeting and Filing Schedule for 2012" and will request that the Commission consider its adoption. After adoption by the Commission and by the Board of Adjustment, the 2012 schedule will be distributed.

VII. STAFF ITEMS

A. **Planning Services Activity Report**

- During the month of September, the Planning Services staff processed 2 zoning map amendments and 3 text amendments to the Zoning Ordinance. Also, 14 Board of Adjustment appeals were processed, 4 of which were for filed the Board's September meeting. All of the new written staff reports for the Board's September meeting were forwarded to those appellants at least five working days in advance of that public hearing.
- In September, 31 subdivision and development plans were processed by the Planning Services staff. Of those, 11 were minor plans, all of which were reviewed within two working days of their filing. In September, 9 major plans were submitted for certification, all of which were reviewed for compliance with the Planning Commission's conditions of approval within five working days of their submission to the staff. These plans required an additional 16 follow-up contacts made by Planning Services staff with the plan preparers, all of which were made within two days of the receipt of the revised submissions. The staff also provided floodplain assistance for 3 local property inquiries in September.
- Processing of the above items included attendance and/or preparation of materials and presentations for the following: Technical, Subdivision and Zoning Committee meetings, one Planning Commission work session, one Planning Commission public hearing, one Planning Commission public meeting, and one Board of Adjustment public hearing. In addition, the staff held 3 pre-application conferences for zoning applications, and several other pre-application meetings for subdivision plans, development plans and appeals to the Board of Adjustment.
- Also during September, there were 26 updates made to the Registered Neighborhood Association data base, and Planning Services staff assisted 46 unscheduled "walk-in" visitors to the office. Those office visitors were placed with a professional

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staff member in an average of 1.59 minutes. Much of the remainder of the staff's time was spent answering numerous telephone inquiries from people concerning zoning regulations, subdivision plans, Board of Adjustment appeals, development plans and related items.

- On Wednesday, September 7, Administrative Officer Barbara Rackers attended an Itinerant Merchants Task Force meeting for Chris King, held in the Council Office conference room.
- The New Development Character & Design Workgroup, including Senior Planners Tom Martin, Jim Marx and Jimmy Emmons, continued to meet in September, for the purpose of testing the draft development review score sheet, further assessing its potential utility in development review, and determining what review criteria need additional refinement. Efforts will also be undertaken to incorporate some workgroup ideas and products into the Comprehensive Plan update.
- On Tuesday evening, September 13, Barbara Rackers attended a meeting of the Ashland Park Neighborhood Association, held at Temple Adath Israel. Those present held a discussion of potential H-1 overlay for a portion of Ashland Park neighborhood.
- In September, the Floodplain Management Plan was completed, and submitted to the Urban County Council for adoption.
- On September 14, 22 and 29, Barbara Rackers attended the regular meetings of the Newtown Pike Extension work group. She also attended the regular monthly Neighborhood meeting held on September 22 at the Carver Center.
- Senior Planner Tom Martin attended the Fall KAPA conference, held on the 15th & 16th of September.
- On Wednesday, September 28, Barbara Rackers and Jimmy Emmons attended the Infill and Redevelopment Steering Committee meeting held in the Division of Planning conference room.

B. Long Range Planning Activity Report

- 2012 Comprehensive Plan – The Planning Commission adopted the Goals and Objectives for the 2012 Comprehensive Plan and forwarded them to the Urban County Council for further consideration. For more information or to contact staff, citizens can visit the Web page <http://www.lexingtonky.gov/index.aspx?page=2841> or email staff at 2012CompPlan@lexingtonky.gov.
- Bluegrass Regional Planning Council – Staff attended the bi-monthly meeting of the Bluegrass Regional Planning Council for a presentation about Green Buildings and Sustainability by Donald Colliver, Professor and Associate Director of the Power and Energy Institute at the University of Kentucky. Dr. Colliver presented a set of guiding principles for sustainable development, which include anticipating and preventing potential environmental degradation. He also discussed green buildings, including examples of net-zero energy buildings in Kentucky and Lexington and possible national legislation about energy use in buildings. He concluded that sustainability is a community planning issue with many components, of which green building is only a part.
- Council Redistricting – Staff completed its work as advisors to a citizen committee that recommended an updated council district map to the Urban County Council based on 2010 Census data. During the five-month process, planning staff provided an assessment of where Lexington will likely grow, which was incorporated into a GIS tool that informed the committee's work as they adjusted district boundaries. Each Council member appointed a citizen to review data and provide input. The Council will make the final decision about the district boundaries, which become effective upon adoption.
- Urban Tree Canopy Forum – Staff attended a one-day seminar about the future of urban forestry at Mt. Airy Forest in Cincinnati. There were presentations about local tree canopy data and analysis and the latest tools to help collect and organize data. Discussions of benefits included economic development, water and air quality, storm water management, and community character. Presenters also discussed challenges opportunities to fund and maintain an urban forest program.
- Greenspace Commission – Greenspace Commissioner Kristan Curry and staff discussed with the Commission issues related to cultural landscapes in Fayette County and the work plan for the Commission. They also discussed the 2012 Comprehensive Plan and their ongoing role as advisors to the Planning Commission about green issues.
- Development Review – Staff conducted a variety of development review duties and meetings, conducted field work, and coordinated greenway and greenspace development issues.
- General Work Activities – Staff worked with the Lexington Downtown Development Authority to prepare an application for a Community Challenge grant that would result in a community plan for a 250-acre study area along Newtown Pike in the vicinity of the new BCTC campus.

- Using GIS, Census data, and PCensus software, staff created maps and data sets for the Urban County Council, other LFUCG Departments, and agencies and officials outside the government. Staff also attended LFUCG-sponsored trainings and presentations.

C. Transportation Planning Activity Report

1.1 Surveillance –

- The MPO staff continues to monitor the Comprehensive Plan(s) and land development activities through participation in the LFUCG Division of Planning activities and monitoring Fayette and Jessamine County news media and their legal ads on a daily, weekly, and monthly basis.
- Staff attended BG Airport Board Meeting
- Attended the Kentucky American Planning Association's 2011 Fall Planning Conference. The latest in community growth, transportation planning funding and "best practices" were presented.

1.2 Title VI/ADA

- Commissioner Roger Daman attended the Mayor's Commission on Citizen's with Disabilities.
- The final draft of the ADA Transition Plan for Lexington Fayette Urban County Government was sent to Council this month.
- Roger Daman attended Minority Purchasing Liaison Meeting this month. Planning was started for the upcoming LFUCG Minority Business Connection on October 28th.

1.3 Participation Process

- MPO Website Development – In September, the MPO website had 242 unique visitors; 622 visits; and 1,393 page views.
- The MPO's Twitter site increased its followers to 956 at the end of September up from 943 at the end of August. Among the 53 MPOs in the United States on Twitter, the Lexington Area MPO ranked 6th overall, but 1st among MPO's with under 1 million in population.
- The MPO's Facebook sites had 421 friends and 535 likes at the end of September. The MPO's Facebook fan page had 10,105 post views and 5 wall posts/comments.
- The Lexington Area MPO Youtube channel has a total of 21 videos. The channel has received 751 channel views and the videos have had 21,251 views.
- The Lexington Area MPO Public Participation/Involvement Access Database continues to be updated. The database now includes 1,161 records.

1.4 Staff Development –

- Staff continues to monitor the latest information from planning, engineering, and traffic engineering publications.
- Staff hosted a webinar on Safety and Mobility Benefits of Modern Roundabouts.

2.1 Congestion Management Process (CMP) –

- Staff met with the Kentucky Transportation Cabinet (KYTC) and Kentucky Transportation Center (KTC) staff to review the newly purchased GPS-probe speed data and plan how to utilize the speed data for the congestion management process.
- Staff identified two Man O War projects which SLX funding may be applied to. One project was at the intersection of Man O War and Pink Pigeon Pkwy. The other project was at the intersection of Man O War and Alumni Drive.
- Staff continued to work on the Downtown Lexington Traffic Movement and Revitalization Study request for proposal.
- Staff continued to work on developing a congestion management database that would be used for calculating and documenting congestion management performance measures.

2.2 Transportation Plan Update –

- Staff worked with the District Office to develop a District Transportation Plan based on gaps between data derived analysis and existing UPL and MTP projects.
- Staff provided copies of the presentation on project prioritization methodology to Arizona DOT.

2.3 Air Quality Activities –

- Staff attended the monthly meeting of the LFUCG Climate Action Plan effort and completed a survey on the proposed recommendations.
- Staff completed air quality forecasting for the ozone season.
- Staff issued an Air Quality Alert for 2 days in September.

2.4 Intelligent Transportation Systems (ITS) –

- Staff monitors ITS topics through federal, state, district and local informational e-mail updates, professional literature, and federal and state Traffic Operations guidance manuals.

3.1 Transportation/Traffic and Land Use Impact Analysis

- Reviewed 8 Subdivision, one (1) Zoning Development Plan, six (6) Board of Adjustment cases, and participated in one (1) review meetings.
- Monitored Urban County Zoning and Subdivision Regulations as submitted as part of Planning Services Section continual and on-going improvement process; meet once a month to discuss transportation, traffic, and land-use and on-site/off-site issues and requirements.
- Traffic counts and roadway functional classification information were provided to four (4) persons; two (2) development professionals, one (1) student, and one (1) FHWA professional in September.
- Reviewed one (1) Zoning Ordinance Text Amendments.
- Analyzed transportation functions and land use as team member to ascertain appropriate functional classification of the KYTC Primary Roadway System.
- Provided examples of large area development plans/conceptual plans to a consultant.
- Provided Traffic Impact Study Pre-application overview and Zoning Ordinance Article 6.

3.2 Multimodal / Transportation Enhancement Planning / Intermodal Planning –

- Complete Streets – Staff assisted with review and coordination for the Complete Streets project. A meeting was held between LFUCG Transportation Planning and the KY Transportation Cabinet to discuss updates to street classifications per Complete Streets and FHWA guidance.
- On-road projects –Several meetings were held with the University of Kentucky to initiate bike facilities improvements on campus. Twelve month traffic counts were conducted for the Vine Street Floating Bike Lane RTE. The BPAC committee drafted a letter requesting the KY Transportation Cabinet consider a bike lane installation on High Street. The committee also requested the review of 12 downtown/north side intersections for possible pedestrian improvements. A meeting was held with Engineering, Traffic Engineering and the Parking Authority to discuss a process/policy for bike lane installations that impact on-street parking.
- Outreach – Share the Road Campaign marketing outreach including bus ads and billboards was lined up for October. A meeting was held with LFUCG Police to discuss a bicycle light educational campaign and draft revisions to the bicycle traffic ordinance. Staff presented information about bicycle commuting to approximately 50 participants at a Transy 'Lunch & Learn' event. A meeting was held with the Bluegrass Community Foundation to discuss the development and publication of a commuter bike map. The Bike Lexington Facebook page grew by 127 members to 3,073 during September.

3.3 Transit Planning –

- Staff working on art shelter sites to be implemented in 2011 and 2012. Still pursuing solar information from KU.
- Researched and assisted with grant extension for Hill n Dale Neighborhood Association.
- Staff working with intern on preliminary Transit Plan research.
- Staff attended ESRI seminar and User Group meeting.
- Attended Corridors Commission to accept \$5000 general fund allotment to Art in Motion for retro work on Bluegrass Shelter on Newtown Pike.

3.4 Mobility Office Activities –

- Regular mobility office activities continued this month including: creating and sending bills to 12 LexVan coordinators, and processing 4 LexVan payments.
- Received 18 phone calls this month: 2 regional transit, 10 vanpool, 1 new vanpool, 1 paratransit, 2 other government, 1 Bluegrass Mobiliy, and 1 air quality.

3.5 Project Forecasts -

- Travel Demand Model – Staff modeler continues to provide travel demand forecasts upon request and interprets modeling forecast results.

4.1 Administration –

- Committee meeting packets were prepared and distributed for the following Transportation Planning/MPO meetings held in September: Bicycle and Pedestrian Advisory Committee (BPAC), the Transportation Technical Committee (TTCC).
- Staff worked with LFUCG Community Development staff to set up and amend the People Soft time-billing combo codes with the UPWP work elements.

4.2 Transportation Improvement Programming (TIP) –

- TIP Modification #20 and #21 were processed.
- Staff met with LFUCG and KYTC to discuss further funding for the Legacy Trail project.

4.3 Unified Planning Work Program (UPWP) –

- Staff continued to monitor UPWP activities and expenditures.
- Staff completed the annual Performance and Expenditure Report and submitted it to KYTC.

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 re-hearing, 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 NOVEMBER, 2011

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	November 3, 2011
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	November 3, 2011
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	November 10, 2011
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	November 17, 2011
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	November 23, 2011

X. ADJOURNMENT

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