

The motion failed 3-6 (Cravens, Owens, Wilson, Beatty, Berkley and Mundy opposed; Brewer and Penn absent).

Planning Commission Comment - Mr. Wilson also applauded what Mr. Hayes was trying to do, but noted that the law is the law. He then said that it is one thing to get forgiveness and one thing to ask for permission, and there was ample time for the appellant to submit an application to do that.

Action - A motion was made by Mr. Wilson, seconded by Mr. Berkley, and carried 7-2 (Blanton and Roche-Phillips opposed; Brewer and Penn absent) to uphold the BOAR decision and adopt the findings, for the reasons provided by the staff.

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

- A. ZONING ORDINANCE TEXT AMENDMENT INITIATION** – The staff will request that the Planning Commission initiate a text amendment to the Zoning Ordinance in order to create and clarify zoning regulations for sidewalks located in close proximity to driveways. New regulations are necessary, especially in the defined Infill & Redevelopment Area, to prohibit the construction of private walkways in a manner which would facilitate illegal vehicular parking.

Staff Presentation – Mr. King said that the staff is requesting that the Planning Commission initiate a text amendment to the Zoning Ordinance to clarify the zoning regulations for areas that particularly involve student housing. He directed the Commission's attention to the first photograph to illustrate how an additional sidewalk was constructed in close proximity to an existing driveway. He said that, in general, all driveways extend to the rear of the property and driveways are subject to restrictions, permitting requirements and parking restrictions. However, smaller sidewalks are not clearly articulated in the Zoning Ordinance and are not directly defined as part of an existing driveway. He noted that under the Kentucky Building Code, these smaller sidewalks are not defined as a structure, such as patios are. Therefore, when property owners decide to build the smaller sidewalks, parking area, they are not shown on the permit application. He then said that what is being seen in this type of situation is a de facto that is circumventing the requirement that there be no parking in the front yard.

Mr. King then directed the Commission's attention to the next photograph, noting that this image was taken that same morning and explained that an existing driveway is shown on the left side of the property, and a traditional sidewalk leading to the front of the house is in the center of the front yard. He said that the property owner has constructed a smaller paved area between the driveway and sidewalk. The photograph does not show a car parked in the front of the property; and until a car is parked in that location, the additional paved area is not illegal. He added that there is a small strip of paved area that has been added to the existing driveway. The property owner did obtain a permit for the additional paved area to the driveway, but the smaller paved area was not shown on the approved permit.

Mr. King said that the staff believes that this is a situation could potentially encourage violating the law. He then said that the staff would be working on the language to deal with this situation and requested the Commission to approve the initiation of this text amendment.

Planning Commission Question – Ms. Roche-Phillips asked if these properties have common ownership. Mr. King replied that he could not say; but, in general, this situation is within the student housing area.

Action - A motion was made by Ms. Roche-Phillips, seconded by Ms. Mundy, and carried 9-0 (Brewer and Penn absent) to initiate the text amendment to the Zoning Ordinance to develop new regulations to prohibit the construction of private walkways in a manner which would facilitate illegal vehicular parking.

- B. ZONING ORDINANCE TEXT AMENDMENT INITIATION** – The staff will request that the Planning Commission initiate a text amendment to Article 6 of the Zoning Ordinance to modify the notification requirements for zone change applications - increasing the notification area to a distance of 500 feet from the area proposed for rezoning. Following notification to all registered neighborhood associations, and review by the Commission's Zoning Committee, the required public hearing could be scheduled as early as September 27, 2012.

Staff Presentation – Mr. Sallee noted that this request is related to the recent change to the notification area for the Board of Adjustment conditional use permits. He directed the Commission's attention to Article 6 of the Zoning Ordinance that was previously distributed. He said that this initiation would modify the notification requirements for zone change applications from the current 400-foot radius to the proposed 500-foot radius from the area being proposed for a rezoning. He then said that there have been occasions when a zone change and a conditional use permit were being requested, at the same time. This change would simplify the notification requirement to prevent any issues of a property owner not being notified. He added that this change would provide an additional level of notice for the typical zone change that does not involve a conditional use permit.

Mr. Sallee concluded by saying that the only change being made to Article 6 is the notification area from 400 feet to a distance of 500 feet.

Planning Commission Question – Mr. Cravens asked how many more property owners would be notified with this proposed change and what is the cost to the applicant. Mr. Sallee said that, during the conditional use permit review, the staff had determined there would be an increase, and referred the question to Mr. Emmons. Mr. Emmons said that, using the 2011

conditional use applications and changing the notification area to 500 feet, it was estimated that there would be a 20 percent increase in the number of properties, as well as cost.

Mr. Cravens said that "he should have seen this coming" when the change in the conditional use notification area was initiated. Mr. Sallee said that the staff did not initiate the conditional use permit text amendment, but rather that was requested by the Urban County Council.

Action - A motion was made by Mr. Cravens to disapprove the initiation of a text amendment to Article 6 of the Zoning Ordinance to modify the notification requirements for zone change applications - increasing the notification area to a distance of 500 feet from the area proposed for rezoning.

The motion failed due to lack of a second.

Action - A motion was made by Mr. Wilson, seconded by Ms. Plumlee, and carried 7-2 (Cravens and Berkley opposed; Brewer and Penn absent) to approve the initiation of a text amendment to Article 6 of the Zoning Ordinance to modify the notification requirements for zone change applications - increasing the notification area to a distance of 500 feet from the area proposed for rezoning.

**VII. COMMISSION ITEM (continued)** – The Chair will announce that any item a Commission member would like to present will be heard at this time.

**A. RESOLUTION FOR FORMER PLANNING COMMISSION MEMBER** – At this time, the Commission and the staff would like to express their sincere appreciation to Ms. Marie Copeland for her dedication and service to the Planning Commission and the citizens of Lexington-Fayette County.

Mr. Owens said that, as everyone knows, Ms. Copeland was part of this body for 4 years and after 4 years of heart felt openness, she has developed a shyness and deferred being present to accept her resolution. He then said that, at this time, the Commission and the staff would like to recognize Ms. Copeland for her dedication and service to the Planning Commission and the citizens of Lexington-Fayette County. He added that there was not a development that Ms. Copeland did not visit or provide input when making her decision. Mr. Owens said that he appreciated the time Ms. Copeland gave and wished her the best. He then said that he had spoken with Ms. Copeland and she is preparing for a 2013 bike ride that will be held in France.

**IX. 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.

**X. NEXT MEETING DATES**

Work Session, Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers .....	August 16, 2012
<b>Zoning Items Public Hearing</b> , Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers .....	<b>August 23, 2012</b>
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) .....	August 29, 2012
Work Session, Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers .....	August 30, 2012
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) .....	September 6, 2012
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building).....	September 6, 2012
<b>Subdivision Items Public Meeting</b> , Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers.....	<b>September 13, 2012</b>

**X. ADJOURNMENT** - There being no further business, a motion was made to adjourn the meeting at 3:23 PM.

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Mike Owens, Chair

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Lynn Roche-Phillips, Secretary

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