

- (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. **BERNARD JEFFERY AND PATRICIA M. QUEEN ZONING MAP AMENDMENT & QUEEN ESTATE**

- a. **PLN-MAR-16-00020: BERNARD JEFFERY AND PATRICIA M. QUEEN (AMD)** – an amended petition for a zone map amendment from Light Industrial (I-1) zone to a Neighborhood Business (B-1) zone, for 0.21 net (0.47 gross) acres, and from a Wholesale and Warehouse Business (B-4) zone to a Neighborhood Business (B-1) zone, 0.45 net (0.79 gross) acres, for properties located at 411 Chair Avenue and 410 DeRoode Street and 603, 607, 615, 617, and 619 S. Broadway.

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 development." The 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.

The 2013 Plan's Goals and Objectives emphasize the importance of growing successful neighborhoods (Theme A), protecting the environment (Theme B), creating jobs and prosperity (Theme C), improving a desirable community (Theme D) and maintaining a balance between planning for urban uses and safeguarding rural land (Theme E). The Newtown Pike Extension Corridor Small Area Plan, adopted by the Planning Commission in January 2003, recommends Retail/Office Mixture, including a residential component future land use for the subject properties. The Plan also makes more general recommendations for streetscape improvements such as wide sidewalks along South Broadway, developing major intersections as gateways, encouraging commercial development along key corridors and at major intersections, enhancing community services and improving access to jobs.

The petitioner has amended their zone change request and now proposes (B-1) a Neighborhood Business zone. The petitioner proposes a 10,550 square-foot structure and associated off-street parking.

The Zoning Committee Recommended: Approval.

The Staff Recommends: Approval, for the following reason:

1. The proposed Neighborhood Business (B-1) zone is in agreement with the 2013 Comprehensive Plan, and the adopted Newtown Pike Extension Corridor Small Area Plan, which preceded it, for the following reasons:
 - a. The Newtown Pike Extension Corridor Small Area Plan recommends Retail/Office Mixture, including a residential component (RO) future land use for the subject properties. The B-1 zone meets the intent of the SAP land use recommendation because residential is a permitted use in the zone, and the proposed developed depicts a mixed-use at this location.
 - b. The proposed B-1 zone, along with the supporting design and access standards adopted by the Urban County Council, will ensure that this prominent corner at the intersection of Oliver Lewis Way and South Broadway will improve the Southend Park neighborhood, and contribute to the redevelopment envisioned by the Small Area Plan for this new corridor connection into downtown.
 - c. The proposed B-1 zone (and land use) will be compatible and appropriate at this location to create jobs near where people live, in close proximity to the University of Kentucky and downtown.
 - d. Mixed-use development tends to reduce Lexington's carbon footprint by reducing vehicle miles traveled. The mixed use nature of the intersection may indeed reduce automobile transportation demands if the development supports the nearby residential dwelling units.
 2. This recommendation is made subject to the approval and certification of **PLN-MJDP-16-00047: Queen Estate (fka J Forbing & Son's)**, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
- b. **PLN-MJDP-16-00047: QUEEN ESTATE (2/9/17)*** - located at 411 Chair Avenue and 410 DeRoode Street and 603, 607, 615, 617, and 619 S. Broadway. **(EA Partners)**

Note: The Planning Commission postponed this item at their December 15, 2016 and January 12, 2017, meetings.

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

1. Provided the Urban County Council rezones the property **B-1**; otherwise, any Commission action of approval is null and void.

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

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. Denote: No building permit shall be issued unless and until a final development plan is approved by the Planning Commission.
6. Denote that compliance with the Newtown Pike Extension Design Ordinance shall be determined at the Final Development Plan.
7. Denote height of building in feet.
8. Denote building/lot line conflict shall be resolved at the Final Development Plan.
9. Revise "floor area" site statistics, and add floor area ratio statistics.
10. Add general information about tree sizes at diameter of breast height, per Article 26 requirements.
11. Addition of conditional zoning restrictions, if any.
12. Resolve right-of-way on Chair Avenue at time of the Final Development Plan.

Staff Presentation – Ms. Wade presented the staff report on this zone change, as well as displayed aerial photographs of the subject property. She summarized the staff recommendations for the proposed zone change, indicating that the Zoning Committee recommended Approval as did the staff, subject to the reasons listed on today's agenda. She noted that the zone change is contingent upon the zoning development plan being certified in two-weeks.

Zoning Development Plan Presentation – Mr. Martin presented the staff report and a rendering of the corollary zoning development plan. He indicated that the Subdivision Committee recommended approval, subject to the conditions listed on today's agenda.

Petitioner Presentation – Jacob Walbourn, attorney, was present representing the applicant. He indicated that his client was in agreement with the staff's recommendations, and requested approval.

Commission Comments – Mr. Owens indicated that there was a conversation at a Subdivision Committee meeting about the zero setback. Mr. Walbourn indicated that when the application was first submitted they were requesting a B-3 zone, not a B-1 zone, but they understood the staff's concern with the possible uses, and that they feel B-1 zone is more appropriate. He said that the Zoning Ordinance determines what the setback will be for that zone, and the intent of the Newtown Pike Small Area Plan, the Design Standards Ordinance, and the Urban County Council Ordinance are designed to encourage more of an urban streetscape. In this case, the Council Ordinance requires the building to be two-stories tall and located at the right-of-way with a zero foot setback.

Mr. Owens said that the applicant was proposing a two-story building, and asked if the building could go higher. Mr. Walbourn replied affirmatively, and said that the Ordinance requires at least a two-story building in height for the B-1 zone, but they would be permitted to go higher.

Citizen Comments - There were no audience members present to speak to this request.

Zoning Action – A motion was made by Mr. Owens, seconded by Ms. Richardson, and carried 9-0 (Brewer and Penn absent) to approve **PLN-MAR-16-00020: BERNARD JEFFERY AND PATRICIA M. QUEEN (AMD)**, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Owens, seconded by Ms. Richardson, carried 9-0 (Brewer and Penn absent) to approve **PLN-MJDP-16-00047: QUEEN ESTATE**, as recommended by the Subdivision Committee.

VI. COMMISSION ITEMS –

- A. **MR. WALBOURN** - The Chair extended the Commission's condolence on the loss of Mr. Walbourn's father.
- B. **ANNUAL REPORT FOR THE COURTHOUSE AREA** – The Commission will hear from Ms. Brandi Peacher, who will present the required Annual Report from the Courthouse Area Design Review Board.

Staff Presentation – Ms. Peacher presented a PowerPoint presentation on the Annual Report from the Courthouse Area Design Review Board. (Attached as an exhibit to the minutes).

Commission Comments – The Chair asked when is the complete date for some of the activities. Ms. Peacher indicated that some projects have obtained permits, but some have never come to fruition and would need to come back for reapproval before proceeding again. Other projects have already begun work on the inside and hopefully will be done by the spring.

VII. STAFF ITEMS

- A. **WORK SESSION** – Mr. Sallee indicated that the next Work Session is scheduled for February 16, 2017.
- B. **COMPREHENSIVE PLAN PUBLIC MEETING** - Mr. Duncan informed the Commission of the upcoming public input meetings for the Comprehensive Plan:

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