

C. RECONSIDERATION OF ZONING ITEM

1. JULIE BUTCHER ZONING MAP AMENDMENT & EDGEMORE SUBDIVISION, LOT 3 ZONING DEVELOPMENT PLAN

Note: The Planning Commission considered this request at its public hearing on January 30, 2020, and a motion for approval received a tie vote of 4-4. Under the requirements of KRS 100.211(1), the Planning Commission's tie vote "shall be subject to further consideration" within 30 days.

- a. PLN-MAR-19-00016: JULIE BUTCHER (2/23/20)*- a petition for a zone map amendment from a Single Family Residential (R-1C) zone to the Professional Office (P- 1) zone in order to construct an office building on 0.876 net (1.191 gross) acres of property, located at 1918 and 1922 Nicholasville Road.

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 a zone change to a Professional Office (P-1) zone for the properties located at 1918 and 1922 Nicholasville Road. The applicant is proposing to construct a two-story office building and the associated parking. The applicant has not indicated a specific user for the subject property, but stresses that the P-1 uses are traditionally less intrusive, due to the typical hours of operation and lower intensity.

The Zoning Committee Recommended: Approval to the full Commission.

The Staff Recommends: Approval, for the following reasons:

1. The requested Professional Office (P-1) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning will respect the context and design features of the surrounding development projects and develop design standards and guidelines to ensure compatibility with the existing urban form (Theme A, Goal #2.b) by implementing the Development Criteria and providing a moderate increase in land use intensity.
 - b. The proposed rezoning will provide a well-designed neighborhood (Theme A, Goal #3) by providing for new services accessible by the residents and business along the Nicholasville Road corridor without significantly disrupting the existing nearby residential neighborhood.
 - c. By proposed rezoning supports the Complete Streets concept, encouraging the use of bicycles and public transportation by prioritizing a pedestrian-first design that also accommodates the needs of bicycle, transit, and other vehicles (Theme D, Goal #1.a and c).
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the site creates a residential development that supports pedestrian mobility. Additionally, the proposed rezoning seeks to increase the intensity of use along a major arterial roadway, prioritizing an increase in land uses intensity and allowing for future mixed use.
 - b. The proposed rezoning includes safe facilities for the potential users of the site by prioritizing multi-modal connections and increasing bike and pedestrian facilities. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, and limits the impacts on the surrounding environment.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are recommended via conditional zoning:
 - a. Prohibited Uses:
 - i. Drive-Through Facilities
 - ii. Stand alone parking lots and structures
 - b. Outdoor speakers or amplification shall be prohibited on the subject property.
 - c. Lighting shall be a maximum of 10 feet in height and shall be shielded and directed away from the neighborhood adjacent to the property.

These restrictions are appropriate and necessary for the following reasons:

1. To reduce the potential impact of allowable professional office uses on the adjacent neighborhood.
2. To reduce the potential impact of lighting and sound on the adjacent neighborhood.

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

4. This recommendation is made subject to approval and certification of PLN-MJDP-19-00075: Edgemoor Subdivision, Lot 3, 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-19-00075: EDGEMORE SUBDIVISION, LOT 3 (2/23/20)* - located at 1918 AND 1922 NICHOLASVILLE RD., LEXINGTON, KY.
Project Contact: Barrett Partners

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

The Subdivision Committee Recommended: Postponement. There were some questions regarding the parking requirements and the requested variance.

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 sewers.
 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. Correct number of stories on plan face to "2 story".
 6. Discuss reservation for future bus rapid transit (BRT) on Nicholasville Road including new 30' building line.
 7. Discuss parking variance.
 8. Discuss compliance with Placebuilder criteria:
 - a. B-SU11-1: Green infrastructure should be implemented in new development.
 - b. A-DS1-1: Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes.
 - c. A-DS4-1: A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided.
 - d. A-EQ3-2: Development on corridors should be transit-oriented (dense & intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure & facilities).
- e.E-ST3-1: Development along major corridors should provide for ride sharing pick up and drop off locations along with considerations for any needed or proposed park and ride functions of the area.

Chair Comments – Mr. Owens said that this is only for reconsideration of the vote that ended in a tie on January 30, 2020. He said that this is not a continuation. Last month, the Planning Commission heard from all of the parties and citizens. He said that the public comments section was closed and there was a 4-4 tie vote. According to the bylaws and the Kentucky Revised Statutes, the Commission shall reconsider within thirty (30) days. He said that there are two Commission members present today that did not take part in last month's vote, and he asked them to voice their plan for today's vote. Mr. Brewer said that he was present for most of the hearing and has reviewed the video and material that he missed and stated that he is prepared to vote. Ms. Plumlee said that she has also reviewed that material and is prepared to vote.

Zoning Action – A motion was made by Ms. Plumlee, seconded by Mr. Brewer, to disapprove PLN-MAR-19-00016: JULIE BUTCHER, for the following findings:

1. The subject property is appropriately zoned and creates a well-established land-use boundary between residential business/office uses along the east side of Nicholasville Road, and to the south of Edgemoor Drive.
2. The request is in conflict with the Design Policy #4 under Theme A, Growing Successful Neighborhoods. "Respect the context and design features of areas surrounding development projects and develop design standards and guidelines to ensure compatibility with existing urban form."
3. The proposed zoning is in conflict with Theme A, Growing Successful Neighborhoods as rezoning and demolition will remove, without replacing, a housing choice from the marketplace.
4. The proposed development does not "grow a successful community through well-designed neighborhoods by encouraging existing neighborhoods to flourish through the use of neighborhood character preservation (Theme A. Goal #3.a.) by demolishing a well-preserved and architecturally significant example of the Dutch Colonial Revival architectural style. It is a viable residential property that contributes to the history and architecture of the established Southern Heights Neighborhood.
5. The proposed development is destructive of several mature trees that contribute to the urban forest without significant replacement (A-DS4-3 and B-PR7-3).
6. The development does not create a context sensitive transition between intense corridor development and an existing neighborhood (A-EQ3-1).

Discussion or Comments – Mr. Wilson asked if the staff would like to respond to these findings. Ms. Jones stated that the findings are adequate to support the motion.

Mr. Pohl commented about the Herald Leader attacking the process of the Comprehensive Plan, PlaceBuilder, and even how the staff has reviewed the past three projects that shared the characteristic of being sensitive because of their historic context. He

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said that the Comprehensive Plan is very clear about the tremendous challenge that the Commission has. We are a community needing to develop greater density within the Urban Service Area boundary, in order to protect our agricultural land. Part of that strategy involves densifying corridors. However, the Comprehensive Plan is also very clear about protecting and enhancing historic neighborhoods, which creates a dilemma. He said that the Planning Commission is taking a stance that is not agreeing with the staff, but is agreeing with the Comprehensive Plan in other respects. He said that the Comprehensive Plan is working exactly the way that it should and he encouraged citizens to be patient and continue discussions.

Mr. Owens said that the findings presented seem to all concur with preserving and protecting existing neighborhoods. He said that Nicholasville Road has transformed itself and now it isn't a neighborhood street. He said that he could have removed all of the Nicholasville Road parcels out of the recent H-1 Overlay. He said that there is corridor development language within the Comprehensive Plan that must also be considered. He said that this is balancing act between neighborhoods, corridors, and development.

Mr. Brewer said that he looks at the staff as the professionals that they are, and he doesn't vote against their recommendations lightly. He agreed with Mr. Pohl in regards to having two competing goals and he believes that protecting the neighborhood outweighs the other.

Mr. Bell asked the staff what could be built at this site under the current zone and what all could be under the proposed zone. Mr. Baillie said that the structure is not protected. The adjacent H-1 Overlay zone provides greater protection of structures. He said the under the current R-1C zone, four single family houses can be developed. With the proposed P-1 zone, the applicant is proposing to develop one structure for a professional office with the option for mixed-use. He added that the staff is seeking to protect those historic properties within our area, within all zone changes. However, the staff also reviews what can be done by right on a property, and this property could be subdivided to create four single family lots.

Action - Motion passes with a vote of 5-4 (de Movellan, Forester, Owens, and Wilson opposed; Nicol and Penn absent).

Development Plan Action - A motion was made by Ms. Plumlee, seconded by Mr. Brewer, and carried 9-0 (Plumlee abstained; Brewer and Penn absent) to indefinitely postpone PLN-MJDP-19-00075: EDGEMORE SUBDIVISION, LOT 3.