

idea as to how height could be taken off, if it becomes necessary. Mr. Murphy requested time to consult with his client. The Chair agreed.

Ms. Blanton said that this proposal has met every standard under the Zoning Ordinance and they are providing infill, which is what people have said they want. She said that this project has been praised by the Mayor's office and they are saving an area that has been blighted for many years. There is no reason for the Commission to vote against this request. Should the Commission do that, they are sending a chilling effect to anyone who wants to come into this community and invest money in a development. She said that it would be a huge detriment to Lexington and everything that the Commission is trying accomplish.

Ms. Plumlee thanked the residents for coming down to speak on this request. She said that she understands it is hard to accept a change to a neighborhood and hoped that before the meeting was over, a compromise could be reached with this development.

Ms. Roche-Phillips said that under Article 21, the Planning Commission has leeway in things that are at least superficially ministerial, if given the proper evidence. Ms. Jones said that, primarily this is a ministerial function, and this is an amended development plan. She said that the Planning Commission can review Article 21-7(e) of the Zoning Ordinance that speaks to the Commission making a finding, based upon factual evidence presented at today's hearing, that the plan has a negative impact on public health, safety or welfare, or alters the essential character of the development as it was originally approved by the Commission.

Mr. Murphy said that, in consulting with his client, they have determined that the height of the building can be lowered from 65' to 60' along Laketower Drive. He then said that they cannot determine what the height of the building would be at the rear of the property, but this would be the starting point. He added that this would be an additional 5 feet and would result in a total of 10 feet less height than the original proposal.

Ms. Roche-Phillips asked if the height is lowered if the height-to-yard ratio is also decreased. Mr. Taylor said that the height-to-yard ratio would be 30 feet, and the building would be able to move toward Laketower Drive an additional 2 feet. Ms. Roche-Phillips said that the net effect of lowering the height is more mass. Mr. Taylor said that this gives the applicant the ability to move the building closer to the property line within that ratio, but it doesn't mean that they would. He then said that the setback requirements would still need to be met for the R-4 zone.

Ms. Beatty said that there needs to be a compromise on this request. She said that she understands the neighborhoods' concerns, and the applicant has indicated that they are willing to lower the height to 60 feet. She asked if the residents could respond to the applicant's proposal. Mr. Duzky said that they had tried to discuss this issue with the applicant before coming in front of the Commission, and if the applicant is agreeable, they are willing to continue the discussion. He then said that they are at a disadvantage without their technical support present. He said that, by dropping the height from 70 feet to 65 feet, the height of each story would become 13 feet. Now they are suggesting removing an additional 5 feet to go back to two shorter stories. He said that, as opposed to a compromise, they request that the Commission pass on any vote in order to allow them to further discuss this issue with the applicant.

The Chair said that he appreciated everyone coming to the Commission meeting to voice their concerns. He said that this is a ministerial matter and the staff is recommending approval, subject to the standard signoffs from the different divisions in the government. He said that the issue comes down to the height of the building, traffic and the number of units, but there was a previous development already on site. He then said that most of the issues are not relevant; and in reviewing the viewshed for this area, the building would be 60 feet and he sees 60-foot trees in the photo. He added that this is a tough call; but at this point in time, he is in favor of the proposed request.

Action - A motion was made by Ms. Blanton to approve DP 2012-104: LAKEVIEW ESTATES, UNIT 2B, BLKS J & K, UNIT 2E (AMD), subject to the revised conditions, as presented by the staff.

Discussion of Motion – Mr. Wilson asked if the approval included the height of building being lowered to 60 feet. Ms. Blanton replied affirmatively, and said that she would like to amend her motion since the applicant had stated that they are agreeable to the 60-foot height limit along the Laketower Drive.

The motion was seconded by Ms. Mundy, and carried 8-0 (Brewer, Cravens and Penn absent).

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

A. INITIATION OF ZONING ORDINANCE TEXT AMENDMENTS – The staff will request initiation of four Zoning Ordinance Text Amendments related to Zoning Enforcement:

1. Vehicle Repairs Accessory to a Residential Use
2. Parking and Storage of Vehicles, Trailers, Equipment and Materials in Residential Zones

- 3. Temporary Signage
- 4. Zoning Enforcement Abatement Authority

Staff presentation – Mr. Marx said that the staff had presented these text amendments to the Commission at their November, 2012, Work Session. He then said that these text amendments are related to issues that have been problematic since the Division of Planning had taken over the responsibilities of the Zoning Enforcement at the beginning of 2012. He requested that the Planning Commission initiate these Zoning Ordinance text amendments in order to address these issues.

Action - A motion was made by Mr. Wilson, seconded by Ms. Plumlee, and carried 8-0 (Brewer, Cravens and Penn absent) to initiate the four Zoning Ordinance text amendments, as presented by the staff.

- B. **COMMISSION COMMENTS** – The Chair reminded the Commission members to give their financial statements to the staff before departing today’s meeting.
- C. **UPCOMING WORK SESSION** – The Chair then reminded the Commission members of the upcoming work session scheduled for January 24, 2013.

VI. **STAFF ITEMS** – No such items were presented.

VII. **AUDIENCE ITEMS** – No such items were presented.

VIII. **NEXT MEETING DATES**

Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers	January 24, 2013
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	January 30, 2013
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	January 31, 2013
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	February 7, 2013
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	February 7, 2013
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	February 14, 2013

IX. **ADJOURNMENT** - There being no further business, a motion was made to adjourn the meeting at 4:37 PM.

Mike Owens, Chair

Lynn Roche-Phillips, Secretary

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

ZOTA 2013-4: VEHICLE REPAIRS ACCESSORY TO A RESIDENTIAL USE

ZONING ORDINANCE

(Note: Underlined text below indicates an addition, and ~~stricken-through~~ text indicated a deletion to the current Zoning Ordinance.)

ARTICLE 1-11: Definitions

AUTOMOBILE AND TRUCK REPAIR, MAJOR - Rebuilding or reconditioning of engines or transmissions, vehicles or trailers; repair and collision service, such as body, frame, or fender straightening; painting and clear coating; upholstery; auto glass work, and the like.

AUTOMOBILE AND TRUCK REPAIR, MINOR - Minor repairs and routine maintenance, including oil and filter change ~~auto inspection lanes~~, lubrication, engine tune-up, troubleshooting ~~adjusting~~ and replacement of lights, and brakes, and other prepackaged components, and tire rotation or replacement; but not including any operation specified under "Automobile and Truck Repair, Major."

ARTICLE 3: GENERAL REGULATIONS

3-8 General Regulations for Vehicle Repairs Accessory to a Residential Use

- a. Vehicles being repaired shall be parked/stored on a paved surface or on a permitted or legally non-conforming gravel surface if a paved surface is not available.
- b. Major repairs shall be confined to the interior of a garage or other enclosed building, and shall not include any finish painting or clear coating operations.
- c. At outdoor locations, including any unenclosed structure such as a carport, only minor repairs are allowed. Only one vehicle per dwelling at an outdoor location can be under repair at any given time, and repairs must be completed within three days.
- d. Repairs are only allowed on vehicles that are registered to an occupant of the dwelling on the subject property.
- e. Repairs may not be conducted as a business or as part of a commercial operation of any kind.
- f. All waste oil and fluids shall be recycled or disposed of at an approved off-site location in compliance with local, state and federal environmental regulations. Auto parts and tires shall be recycled or disposed of in accordance with current LFUCG Division of Waste Management guidelines and in compliance with local, state and federal environmental regulations.

ARTICLE 8: SCHEDULE OF ZONES

8-1 AGRICULTURAL RURAL (A-R) ZONE

8-1(e) Prohibited Uses

11. Major or minor automobile and truck repair, except as permitted by Article 3-8.

8-2 AGRICULTURAL BUFFER (A-B) ZONE

8-2(e) Prohibited Uses

11. Major or minor automobile and truck repair, except as permitted by Article 3-8.

8-3 AGRICULTURAL NATURAL (A-N) ZONE

8-3(e) Prohibited Uses

11. Major or minor automobile and truck repair, except as permitted by Article 3-8.