

Planning and Public Works Committee
April 17th, 2012
Summary and Motions

CM Bill Farmer chaired the meeting and called it to order at 1:15pm. Committee members present were VM Linda Gorton, CM Chris Ford, CM Tom Blues, CM Steve Kay, CM Charles Ellinger, CM Julian Beard, CM Doug Martin, CM Peggy Henson. CM Diane Lawless was absent.

2012 Comprehensive Plan Goals and Objectives

Farmer read the report from the Comprehensive Goals and Objectives Work Group to the members of the Planning and Public Works Committee. He said that the draft Goals and Objectives are much shorter and concise than the current Goals and Objectives. The Work Group membership was diverse and represented both urban and rural interests. They met 8 times and concluded their work on March 22nd, 2012. The Planning Commission presented a document that had been condensed from 19 pages to 4. The Work Group proposed a 5 page document that will allow the Planning Commission more flexibility while still providing a strategic framework for decision-making.

Throughout the process the Work Group added elements such as accessibility and also placed a large emphasis on preserving Fayette County's unique landscape while planning for compact and contiguous mixed-use development within the Urban Service Area. They also added a preamble stating the importance for reviewing the urban growth boundary policies and other land-range planning issues every 5 years as mandated by state statute. The Work Group also created a 'dashboard' document with specific requests and subject matter that was not addressed in the draft Comprehensive Plan Goals and Objectives document. The dashboard was presented to the Planning Committee and will be brought before the whole Council with the draft Goals and Objectives document. Finally, the Work Group added public art and the promotion and enhancement of Fayette County tourism into their draft. Farmer noted that the document as presented was unanimously supported by all Work Group members.

Farmer asked for public comment and Former Mayor Scott Baesler was called to the podium. Baesler did a presentation expressing his concern with not allowing the Urban Service Boundary or any Rural Activity Centers to be expanded. He passed out a binder with supporting documentation to all Committee members. He emphasized that it is an understatement to say that Fayette County does not have a sufficient supply of land, noting that the Chamber of Commerce has said that Fayette County only has 75 acres of land available for light manufacturing or industry.

Baesler said that he wants them to rethink E. 3. in the Goals and Objectives Document and make a provision that will allow people to go before the Planning Commission to ask for a rezoning. He asked them to amend it so that people can come in and ask for a zone change to create opportunities for manufacturing.

Martin told Baesler that he agreed with him and also feels that industry must be condensed and not spread all around out in the rural area. He asked Baesler if he had a specific recommendation and Baesler said that with the Committee's permission he would meet with the Division of Planning to draft one. Beard said that Fayette County does have Economic Development (ED) land but it is very costly and is not ready for development.

Blues commented on whether or not to expand the Urban Service Boundary and reminded Committee members and the public that the decision not to expand the Urban Service Boundary was not made by the Work Group alone. The issue has been debated for years by many entities. Blues said that Fayette County's homerun does not necessarily have to be in manufacturing or industry. He referenced the healthcare sector, small businesses, agriculture, the equine industry and tourism. He encouraged the Committee to consider the character of Lexington and how the community should grow.

Martin disagreed with Blues and said that they should work to make things in Lexington to sell elsewhere in order to grow our economy. He said that we are moving dollars around now, but we need to be bringing them in. He warned that Fayette County's long-term prosperity could be in danger. Blues agreed with Martin that manufacturing is important and went on to mention the satellite industries from Toyota that are in Fayette County. He commended Mayor Gray for thinking regionally.

Beard spoke about the importance of having a local option sales tax but reminded the Committee that it would take a constitutional amendment to get it in Fayette County.

Farmer asked for any other public comment and called Knox van Nagell, Executive Director of the Fayette Alliance, to the podium to speak. She thanked Farmer for allowing her to be a part of the process. She told the Committee that Fayette County has 1500 acres of vacant acres within the Urban Service Boundary. She said that they need to work to make the land more competitive and attractive. van Nagell also said that there are 9000 acres of land currently zoned for manufacturing and development in the BEAM region.

Gorton noted that when Farmer sent the call out to the Work Group members for any additional changes after the final Work Group meeting, there were none submitted.

Motion by Gorton to forward the 2012 Comprehensive Plan Goals and Objectives as drafted to the full Council for approval. The motion was seconded by Blues. The motion passed without dissent.

Motion by Gorton to forward the dashboard to the full Council for approval to then forward them on to the Planning Commission. The motion was seconded by Martin. The motion passed without dissent.

Adult Day Care Definition Initiate ZOTA

Ford said that he is hoping to ask the Council to initiate a zoning text amendment to draft a new definition for adult day care. In early December, the New Day Life Center moved onto Martin Luther King Boulevard. When they applied for their certificate of occupancy, they listed themselves as a community center. There was a lack of community engagement in the process. Neighbors did not have an opportunity to express their concerns regarding the center. This text amendment would allow for a public hearing.

Bill Sallee from the Division of Planning said that the planning staff met with Ford and the Department of Law to discuss this issue. Ford expressed a desire to have to notify neighbors when an issue like this comes up. Sallee said that the only process that initiates this is when an entity applies for a conditional use permit. Principle uses and accessory uses are allowed by-right, so there is no need to notify the neighbors.

This use would then be a conditional use in P-1, B-1, P-2, B-2, and B-2A Zones. It would also provide a new parking standard for this use that is not currently in the ordinance. It would require one space for every four persons provided care, plus one space per caregiver on the maximum shift.

Sallee said that if it passes through Council, it will go to the Planning Commission and they will hold a public hearing within 60 days. Registered neighborhood associations will be notified and the Planning Commission will then issue a recommendation back to the Council.

Article 1-11: Definitions, Adult Day Care Center-A facility providing care, protection, and/or guidance for adults in a protective setting during only part of a 24-hour day, with no overnight accommodations. This term does not include public and private educational facilities or any facility offering care to individuals for a full 24-hour period.

8-15n Conditional Uses (Permitted only with Board of Adjustment Approval)

7. Adult day care centers.

Motion by Ford to forward the issue to the full Council to initiate the appropriate zoning ordinance text amendment. The motion was seconded by Kay. Motion passed without dissent.

Fencing Issue

Blues said that last February they sent a text amendment forward to the Planning Commission regarding fence heights. The main concern was safety and visual field issues created by (in some cases) very tall, up to eight feet tall fencing in front yards around Lexington. The Planning Commission did consider the issue and it was rejected. There were aesthetic concerns, opacity issues, questions about distinguishing between fences and walls, ADA concerns, among other issues.

It is now up to the Council to accept their recommendation or go forward with the text amendment. He worked with the Division of Planning and it was decided that they would still go forward with it. They have simplified the proposed amendment to focus on providing more visible access in frontage areas and he is now bringing it back to the Planning and Public Works Committee members to look at the revision.

King said there are many good reasons to go ahead and proceed with it. The Planning Commission was not necessarily opposed to the text amendment. They had a 60-day window which did not give them enough time to thoroughly review it. He mentioned the 6 foot fences that are built right next to sidewalks and also simplifying the requirements. To simplify, there will be a 4 foot maximum height for a fence in the front of a structure. (The current regulation is 6 feet.)

Henson asked about fences that already exist if and they would be grandfathered in. King said that they would become non-conforming and could stay. King said if a fence needs to be rebuilt because of something that was beyond their control, they can rebuild it as non-conforming but would still need to get a variance. For non-conforming uses, it is a 2 part test. (1.) 1 year rule (2.) Gross lack of diligence (over a year).

15-4(b) HEIGHT

1. *Any residential or office zone; any business zone other than B-2, B-2A, B-2B or B-4:*
 - a. *Between any public or private street right-of-way and the front plane of the building, except an alley: 4 feet, with the following exceptions:*
 1. *Where the front or side street yard abuts an alley: 8 feet*
 2. *Where the property is a double-frontage lot, the frontage abutting an arterial highway or collector street where driveway access is prohibited: 8 feet*
 - b. *Side or rear yard: 8 feet*

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2012 Comprehensive Plan Mission Statement and Goals and Objectives
Adopted by Planning Commission on September 22, 2011
Under review by Urban County Council beginning October 2011

Preamble

To ensure that the urban growth boundary policies and other long-range planning issues address the expected needs for new urban development and contribute to the prosperity of Lexington-Fayette County, these goals and objectives have been drafted based upon the determined community needs of today with confidence that they will continue to be reviewed and revised as necessary on the five-year review cycle mandated by state statute.

Mission Statement

The 2012 Comprehensive Plan seeks 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. 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.

Goals and Objectives

A. Growing Successful Neighborhoods

Goal

1. Expand housing choices.
 - a. Pursue incentives and regulatory approaches that encourage creativity and sustainability in housing development.
 - b. Plan for housing that addresses the market needs for all of Lexington-Fayette County's residents, including, but not limited to, mixed-use and housing near employment and commercial areas.
 - c. Plan for safe, affordable, and accessible housing to meet the needs of older and/or disadvantaged residents.
 - d. Create and implement housing incentives that strengthen the opportunity for economic development, new business, and jobs, including, but not limited to, higher density and housing affordability.
2. Support infill and redevelopment throughout the Urban Service Area as a strategic component of growth.
 - a. Identify areas of opportunity for infill, redevelopment, and adaptive reuse that respects the area's context and design features whenever possible.
 - b. Implement innovative programs, such as the land bank, to facilitate sustainable development, including, but not limited to, affordable housing and commercial and economic activity.

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- c. Create materials that educate the public about infill and redevelopment.
3. Provide well-designed neighborhoods and communities.
 - a. Enable existing and new neighborhoods to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment to expanded options for mixed-use and mixed-type housing throughout Lexington-Fayette County.
 - b. Strive for positive and safe social interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians and various modes of transportation.
 - c. Minimize disruption of natural features when building new communities.
 - d. Promote, maintain, and expand the urban forest in existing neighborhoods.

B. Protecting the Environment

Goal

1. Continue to implement the Consent Decree, including the capacity assurance program, as directed by the Environmental Protection Agency.
2. Reduce Lexington-Fayette County's carbon footprint.
 - a. Implement adopted environmental policy.
 - b. Anticipate the community's needs by encouraging environmentally sustainable uses of natural resources.
 - c. Provide incentives for green building, sustainable development, and transit-oriented development with civic agencies leading by example through the use of green building standards.
3. Support the funding, planning, and management of a green infrastructure program.
 - a. Identify and protect natural resources and landscapes before development occurs.
 - b. Incorporate green infrastructure principles in new plans and policies, including, but not limited to, land use and transportation.

C. Creating Jobs and Prosperity

Goal

1. Support and showcase local assets to further the creation of a variety of jobs.
 - a. Strengthen efforts to develop a variety of job opportunities that lead to prosperity for all.
 - b. Strengthen regulations and policies that propel the agricultural economy, including, but not limited to, local food production and distribution, agritourism, and the equine industry that showcases Lexington-Fayette County as the Horse Capital of the World.

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- c. Collaborate with institutions of higher learning to foster a capable and skilled work force while engaging agencies that address the lack of prosperity for residents by reducing joblessness.
 - d. Foster the success and growth of large employment sectors; protect and provide readily available economic development land to meet the needs for jobs; and enable infill and redevelopment that creates jobs where people live.
 - e. Encourage the development of appropriate attractions and supporting uses that promote and enhance tourism.
2. Attract the world’s finest jobs, encourage an entrepreneurial spirit, and enhance our ability to recruit and retain a talented, creative workforce by establishing opportunities that embrace diversity and inclusion in our community.
 - a. Identify and promote sectors of the economy that will flourish in Lexington-Fayette County.
 - b. Improve opportunities for small business development and workers who rely on personal technology.
 - c. Review and improve regulations and policies that attract and retain high paying jobs through close collaboration with agencies that focus on economic development.
 - d. Provide entertainment and other quality of life opportunities that attract young professionals and a workforce of all ages and talents to Lexington.

D. Improving a Desirable Community

Goal

1. Work to achieve an effective and comprehensive transportation system.
 - a. Support the Complete Streets concept which includes, but is not limited to, the design and use of the right-of-way for cars, bicycles, and pedestrians.
 - b. Develop a viable network of accessible transportation alternatives for residents and commuters, which may include the use of mass transit, bicycles, walkways, ridesharing, greenways, and other strategies.
 - c. Improve traffic operation strategies.
2. Provide for accessible community facilities and services to meet the health, safety, and quality of life needs of Lexington-Fayette County’s residents and visitors.
 - a. Encourage public safety and social sustainability by supporting Secured by Design concepts and other policies and programs for the built and natural environments of neighborhoods to help reduce opportunities for crimes.
 - b. Collaborate with educational and healthcare entities to meet the needs of Lexington-Fayette County’s residents and visitors.
3. Protect and enhance the natural and cultural landscape that gives Lexington-Fayette County its unique identity and image.

- a. Protect historic resources and archeological sites.
 - b. Incentivize the renovation, restoration, development, and maintenance of historic residential and commercial structures.
 - c. Develop incentives to retain, restore, preserve, and continue use of historic sites and structures, rural settlements, and urban and rural neighborhoods.
4. Promote, support, encourage, and provide incentives for public art.

E. Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land.

Goal

1. Uphold the Urban Service Area concept.
 - a. Continue to monitor the absorption of vacant and underutilized land within the Urban Service Area.
 - b. Encourage compact, contiguous, and/or mixed-use sustainable development within the Urban Service Area, as guided by market demand, to accommodate future growth needs.
2. Support the agricultural economy, horse farms, general agricultural farms, and the rural character of the Rural Service Area.
 - a. Update, reaffirm, and readopt the Rural Service Area Land Management Plan to continue as the community's framework for preserving and enhancing rural resources.
 - b. Protect and enhance the natural, cultural, historic, and environmental resources of Lexington-Fayette County's Rural Service Area and Bluegrass farmland to help promote the general agricultural brand and ensure Lexington-Fayette County remains the Horse Capital of the World.
 - c. Support the Purchase of Development Rights and private sector farmland conservation programs to protect, preserve, and enhance our signature agricultural industries, historic structures, cultural landscapes, natural environments, and community welfare.
3. Maintain the current boundaries of the Urban Service Area and Rural Activity Centers; and create no new Rural Activity Centers.

F. Implementing the Plan for Lexington-Fayette County and the Bluegrass

Goal

1. Engage the residents of Lexington-Fayette County in the planning process
 - a. Pursue all venues of communication, including, but not limited to, electronic and social media to involve residents.

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- b. Establish early and continuous communication with residents.
 - c. Develop a network of diverse contacts and a means to engage them.
 - d. Collaborate with other agencies in Lexington-Fayette County to meet local standards in order to achieve compatible developments and accomplish the community's vision as articulated in *Destination 2040*.
2. Implement the 2012 Comprehensive Plan.
- a. Develop and update a work program for the 2012 Comprehensive Plan that can be measured and analyzed.
 - b. Provide an annual public report about the progress of implementation.
3. Increase regional planning.
- a. Set the standard through leadership and engagement to identify and resolve regional issues.
 - b. Support legislative efforts and cross-border actions that improve regional planning, including, but not limited to, developing regional policies; sharing information; and planning for regional systems of transportation, open space, water supply, and infrastructure.

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Comprehensive Plan Goals and Objectives Work Group

Dashboard Issues

- Historic Preservation
- Mixed-use Activity Centers
- Open Space (*Improving Desirable Communities*)
- Green Housing
- Adaptive Reuse
- Regionalism: Who will take the lead?
- Encouraging job creation while ensuring a balance between urban and rural space
- The restrictive nature of getting a text amendment or zone change passed (*Chair Farmer suggested referring this issue to Planning Committee*)
- Identifying barriers to land suitable for employment.

Glossary

- Definition of Complete Streets
- Definition of Secured by Design

SCHEDULE OF ZONES

<u>Section</u>	<u>Zone</u>	<u>Zone Title</u>
8-1	A-R	Agricultural Rural
8-2	A-B	Agricultural Buffer
8-3	A-N	Agricultural Natural Areas
8-4	A-U	Agricultural Urban
8-5	R-1A	Single Family Residential
8-6	R-1B	Single Family Residential
8-7	R-1C	Single Family Residential
8-8	R-1D	Single Family Residential
8-9	R-1E	Single Family Residential
8-10	R-1T	Townhouse Residential
8-11	R-2	Two-Family Residential
8-12	R-3	Planned Neighborhood Residential
8-13	R-4	High Density Apartment
8-14	R-5	High Rise Apartment
8-15	P-1	Professional Office
8-16	B-1	Neighborhood Business
8-17	B-2	Downtown Business
8-18	B-2A	Downtown Frame Business
8-19	B-2B	Lexington Center Business
8-20	B-3	Highway Service Business
8-21	B-4	Wholesale and Warehouse Business
8-22	I-1	Light Industrial
8-23	I-2	Heavy Industrial
8-24	P-2	Office, Industry and Research Park
8-20	B-3	Highway Service Business
10	M-1P	Mobile Home Park
11	B-5P	Interchange Services Business
12	B-6P	Planned Shopping Center
22A	PUD-1	Planned Unit Development 1
23A-4	CD	Conservation District
23A-5	EAR-12	Expansion Area Residential 1
23A-6	EAR-2	Expansion Area Residential 2
23A-7	EAR-3	Expansion Area Residential 3
23A-8	TA	Transition Area
23A-9	CC	Community Center
23A-10	ED	Economic Development

(Note: Underlined text below indicates an addition to the Zoning Ordinance.)

ARTICLE 1-11: DEFINITIONS

ADULT DAY CARE CENTER - A facility providing care, protection and/or guidance for adults in a protective setting during only part of a 24-hour day, with no overnight accommodations. This term does not include public and private educational facilities or any facility offering care to individuals for a full 24-hour period.

PROFESSIONAL OFFICE (P-1) ZONE

8-15(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

14. Kindergartens, nursery schools and child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
20. Assisted living facilities and rehabilitation homes, but only when more than five hundred (500) feet from a residential zone.

8-15(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

5. Assisted living facilities and rehabilitation homes, when located closer than five hundred (500) feet from a residential zone.
6. Extended-stay hotels, except as permitted in a Professional Office Project.
7. Adult day care centers.

8-15(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Adult Day Care Center – One (1) space for every four (4) persons provided care, plus one space per caregiver on the maximum shift.

Kindergartens, Nursery Schools, and Child Care Centers - Three (3) spaces for the first twelve (12) children, plus one (1) space for every ten (10) (or fraction thereof) additional children.

Assisted Living Facilities - Three (3) spaces for each four (4) bedrooms, plus one (1) space for each employee on the maximum shift.

NEIGHBORHOOD BUSINESS (B-1) ZONE

8-16(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

10. Assisted living facilities and rehabilitation homes, but only when more than five hundred (500) feet from a residential zone.
13. Adult day care centers.

8-16(n) Off-Street Parking (See Article 16 for additional parking regulations.)

As for P-1.

DOWNTOWN BUSINESS (B-2) ZONE

8-17(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

6. Assisted living facilities and rehabilitation homes,

when located closer than five hundred (500) feet from a residential zone.

9. Adult day care centers.

8-17(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Dwelling Units - No requirements, except for buildings with 25 or more dwelling units; then one (1) space for every two thousand (2,000) square feet of residential floor area.

All Other Permitted Uses - Off-street parking not required.

DOWNTOWN FRAME BUSINESS (B-2A) ZONE

8-18(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. The permitted conditional uses in the B-2 zone.

8-18(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Twenty-five percent (25%) of the least parking area required in any zone, other than the B-2 or B-2B zones which permit the principal or a similar use. Off-street loading and unloading areas shall be as required in Article 16.

OFFICE, INDUSTRY & RESEARCH PARK (P-2) ZONE

8-18(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

9. Community centers and private clubs.
25. Kindergartens, nursery schools, and child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain not less than twenty-five square feet per child.
26. Adult day care centers.
27. Temporary cellular telephone transmitting facility; not to exceed 70' in height and with a 1:1 height-to-yard ratio.
28. One designated retail sales area per P-2 project, limited to the following uses:
Offices...Banks...laboratories...Restaurants, cocktail lounges and night clubs...Beauty shops...Automobile service stations...Quick copy services...Laundry and laundry pick-up stations...Kindergartens, nursery schools and child care centers...Athletic club facilities.

8-24(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Adult Day Care Center – One (1) space for every four (4) persons provided care, plus one space per caregiver on the maximum shift.

Art. 1&8 – Adult Day Care ZOTA

**ARTICLE 15: GENERAL REGULATIONS FOR HEIGHTS, YARDS, WALLS, FENCES,
PROJECTIONS, ACCESSORY STRUCTURES and INFILL/REDEVELOPMENT
CONSTRUCTION**

15-4(b) HEIGHT – The maximum height of walls and fences shall be regulated in accordance with the following table:

<u>ZONE</u>	<u>MAXIMUM HEIGHT</u>
1. Any residential or office zone; any business zone other than B-2, B-2A, B-2B or B-4.	a. Between any public or private street right-of-way and the front plane of the building, except an alley: 4 feet , with the following exceptions: <ol style="list-style-type: none"> 1. Where the front or side street side yard abuts an alley: 8 feet. 2. Where the property is a double-frontage lot, the frontage abutting an arterial highway or collector street where driveway access is prohibited (e.g., New Circle Road, Man o' War Boulevard, etc.): 8 feet. b. Side or rear yard (behind the front plane of the building): 8 feet . c. Any side street side yard abutting a street other than an alley, within 3 feet of the public or private right-of-way: 4 feet ; greater than 3 feet from the right-of-way: 6 feet .
2. Any B-2, B-2A or B-2B zone	a. Front yard: 6 feet b. Side or Rear Yard: 8 feet
3. Any agricultural, B-4 or Industrial Zone	a. No limitation

For the purpose of this section, the height of a wall or fence shall be the vertical distance from the established grade at the fence or wall to the top of the fence or wall.

15-4(c) FENCE ORIENTATION ABUTTING PUBLIC PROPERTY - In all zones other than agricultural zones, where fencing is located adjacent to a public street, park, or other publicly owned property the fencing shall be installed with the structural members or framing directed inward toward the property.