Lexington-Fayette Urban County Government

200 E. Main St
Lexington, KY 40507

Tuesday, May 28, 2013

3:00 PM

Packet

Council Chamber

Urban County Council Work Session

URBAN COUNTY COUNCIL
SCHEDULE OF MEETINGS
May 27 – June 3, 2013

Monday, May 27
Memorial Day Holiday – Office Closed

Tuesday, May 28
LexServ Workshop…… ….9:30 am
Conference Room – 5th Floor Government Center

Social Services & Community Development Committee……..……..11:00 am
Council Chamber – 2nd Floor Government Center

Budget COW-Link Report Out Discussion……..…….1:00 pm
Council Chamber – 2nd Floor Government Center

Special Council Meeting – Public Hearing Mayor's Proposed Budget..……3:00 pm
Council Chamber – 2nd Floor Government Center

Council Work Session……..……Immediately Following Council Meeting
Council Chamber – 2nd Floor Government Center

Wednesday, May 29
No Meetings

Thursday, May 30
No Meetings

Friday, May 31
No Meetings

Monday, June 3
Fayette County Rural Land Management Board……3:00 pm
Conference Room – 12th Floor Government Center

URBAN COUNTY COUNCIL

WORK SESSION SUMMARY

TABLE OF MOTIONS

May 21st, 2013

Mayor Jim Gray called the meeting to order at 3:00pm. All Council Members were present.

I. Public Comment – Issues on Agenda – No

II. Requested Rezonings / Docket Approval – Yes

Motion by Beard to approve the docket. Seconded by Clarke.

Motion by Clarke to place on the docket for the May 23, 2013 Council Meeting, an Ordinance changing the zone from a Single Family Residential (R-1D) zone to a Townhouse Residential (R-1T) zone for .95 net (1.28 gross) acres, for property located at 4145 Harrodsburg Road without a public hearing. Seconded by Mossotti. Motion passed without dissent.

Motion by Lawless to place on the docket for the May 23, 2013 Council Meeting, an Ordinance changing the zone from a Planned Neighborhood Residential (R-3) zone to a Neighborhood Business (B-1) zone, for .9798 net and (1.0774 gross) acres, for property located at 417 East Maxwell Street including dimensional variances without a public hearing. Seconded by Ellinger. Motion passed without dissent.

Motion by Myers to a place on the docket for the May 23, 2013 Council Meeting, an Ordinance changing the zone from a Two Family Residential (R-2) zone to a Planned Neighborhood Residential (R-3) zone, for .253 net and gross acres, for property located at 1165 Jones Trail without a public hearing. Seconded by Gorton. Motion passed without dissent.

Motion by Kay to place on the docket for the May 23, 2013 Council Meeting, a resolution authorizing the Mayor to enter into a price contract services agreement with Harshaw Trane to provide scheduled annual preventative maintenance services for HVAC equipment at the Government Center, Police HQ, and Downtown Arts Center for up to three years, with the cost in FY2013 estimated not to exceed $8600.00. Seconded by Lane. Motion passed without dissent.

Motion by Akers to place on the docket for the May 23, 2013 Council Meeting, an Ordinance creating general regulations for mobile food unit vendors and an Ordinance creating a 6 month pilot program for certain mobile food vendors to operate in limited street parking spaces. Seconded by Gorton.

Motion to amend by Kay to delete the area on South Limestone between East Main and West Vine Street. Seconded by Gorton. Motion failed 5-10. Lane, Henson, Clarke, Mossotti, Stinnett, Scutchfield, Beard, Akers, Ford, and Ellinger voted nay.

Motion by Ford to amend the motion to remove the section of Elm Tree Lane from Coral Street to 4th Street from the pilot program. Seconded by Mossotti. Amendment passed without dissent.

Motion by Akers to amend her motion to include the section of Coral Street to Spruce Street in the pilot program. Seconded by Ford. Motion passed without dissent.

Motion by Gorton to call the question. Seconded by Lawless. Motion passed without dissent.

Akers' motion passed 13-1 with 1 abstention. Kay voted nay. Farmer abstained.

Motion by Myers to place on the docket for the May 23, 2013 Council Meeting a resolution authorizing and directing the Division of Traffic Engineering to install a crosswalk at the intersection of Fiddler Creek Way and Clearwater Way. Seconded by Lane. Motion passed without dissent.

Motion to approve the amended docket passed without dissent.

III. Approval of Summary – Yes

Motion by Farmer to approve the summary. Seconded by Scutchfield. Motion passed without dissent.

IV. Budget Amendments – Yes

Motion by Gorton to approve the budget amendments. Seconded by Mossotti. Motion passed without dissent.

V. New Business – Yes

Motion by Gorton to approve the new business. Seconded by Myers. Motion passed without dissent.

VI. Continuing Business / Presentations – Yes

Motion by Gorton to approve the Neighborhood Development Funds. Seconded by Myers. Motion passed without dissent.

VII. Council Reports – Yes

VIII. Mayor's Report – Yes

Motion by Gorton to approve the Mayor's Report. Seconded by Stinnett. Motion passed without dissent.

IX. Public Comment – Issues Not on Agenda – No

Motion by Gorton to enter into Closed Session pursuant to KRS 61.810 (1)(f) for the purpose of discussions which might lead to the appointment of an employee. Seconded by Kay. Motion passed without dissent.

Motion by Kay to return from Closed Session. Seconded by Farmer. Motion passed without dissent.

X. Adjournment – Yes

Motion by Kay to adjourn. Seconded by Farmer. Motion passed without dissent.

Lexington-Fayette Urban County Government
Work Session Agenda
May 28, 2013

I. Public Comment - Issues on Agenda

II. Requested Rezonings/ Docket Approval – No

III. Approval of Summary – Yes, p. 1 - 3

IV. Budget Amendments – No

V. New Business – Yes, p. 8 - 36

VI. Continuing Business/ Presentations

- **a** Neighborhood Development Funds, May 30, 2013, p. 37 - 38
- **b** Environmental Quality Committee Summary, May 2013, p. 39 - 41
- **c** Planning and Public Works Committee Summary May 2013, p. 42 - 47
- **d** Presentation: Recreational ZOTA Work Group Final Report, By: Don Robinson, p. 48 - 88

VII. Council Reports

VIII. Mayor's Report – No

IX. Public Comment - Issues Not on Agenda

X. Adjournment

a **0532-13** Authorization to submit application, and accept award if offered, to the Kentucky Department of Juvenile Justice under the Juvenile Accountability Block Grant Program for FY 2014. (L0532-13) (Gooding/Mills)

This is a request to submit application, and accept award if offered, to the Kentucky Department of Juvenile Justice for an amount of $16,183 under the Juvenile Accountability Block Grant Program for FY 2014. A 10% match of $1,798 is required. Budget amendment in process. p. 8

b **0533-13** Authorization to submit application to the U.S. Department of Justice requesting federal funds for the purchase of bulletproof vests for the Office of Fayette County Sheriff-FY 2014. (L0533-13) (Gooding/Mason)

This is a request to submit application to the U.S. Department of Justice requesting federal funds for an amount of $3,550 for the purchase of bulletproof vests for the Office of Fayette County Sheriff-FY 2014. A 50% match of $3,550 will be provided from the Sheriff's Office budget. p. 9

c **0535-13** Authorization to accept award for Police Training Incentive Grant for FY 2014 from the Kentucky Justice and Public Safety Cabinet under the Kentucky Law Enforcement Foundation Program Fund. (L0535-13) (Gooding/Mason)

This is a request to accept award for Police Training Incentive Grant for FY 2014 in the amount of $2,246,560 from the Kentucky Justice and Public Safety Cabinet under the Kentucky Law Enforcement Foundation Program Fund. No local match is required. Budget amendment in process. p. 10

d **0536-13** Authorization to accept award from the Commission on Fire Protection, Personnel, Standards, and Education for training incentive for firefighters. (L0536-13) (Gooding/Mason)

This is a request to accept award of $2,270,840 in FY 2014 funds from the Commission on Fire Protection, Personnel, Standards, and Education for training incentive for firefighters. No local match is required. Budget amendment in process. p. 11

e **0540-13** Authorization to execute lease agreement with Metro Employees Credit Union (MECU) for space within the Versailles Road Campus. (L0540-13) (Reed)

This is a request to execute a lease agreement with MECU for space within the Versailles Road Campus. The initial term will be for one (1) year effective July 1, 2013, with four (4) renewal terms of one (1) year each and increasing lease payments. The rental revenue for the first year will be $18,977.16. p. 12 - 14

f **0541-13** Authorization to execute agreement with Vision Internet for VisionCMS Upgrade to LFUCG Website. (L0541-13) (Nugent/Hamilton)

This is a request to execute agreement with Vision Internet for an amount of $26,100 for VisionCMS Upgrade to LFUCG Website. Funds are budgeted. p. 15

g **0542-13** Authorization to execute lease agreement with Metro Employees Credit Union (MECU) for space within the Phoenix Building. (L542-13) (Reed)

This is a request to execute lease agreement with MECU for space within the Phoenix Building. The initial term will be for one (1) year effective July 1, 2013, with four (4) renewal terms of one year each and increasing lease payments. The rental revenue for the first year will be $5,650.97. p. 16 - 18

h **0543-13** Authorization to execute lease agreement with Employment Solutions, Inc. for the Division of Police East Sector Roll Call facility located at 1165 Centre Parkway. (L0543-13) (Bastin/Mason)

This is a request to execute lease agreement with Employment Solutions, Inc. for the Division of Police East Sector Roll Call facility located at 1165 Centre Parkway. The term is for five (5) years, at a cost of $2,812 per month ($33,744 per year). Funds are budgeted. p. 19

i **0545-13** Authorization to declare two vacant parcels of land located at 946 & 948 Whitney Avenue as surplus and to Quit-Claim the property to the purchaser of the adjacent parcel. L0545-13) (Reed)

This is a request to declare two vacant parcels of land located at 946 & 948 Whitney Avenue as surplus and to Quit-Claim the property to the purchaser of the adjacent parcel. There is no budgetary impact. p. 20 - 22

j **0547-13** Authorization to submit application, and accept award if offered, to the Kentucky Department of Education for participation in the Child Care Food Program at the Family Care Center- FY 2014. (L0547-13) (Gooding/Mills)

This is a request to submit application, and accept award if offered, to the Kentucky Department of Education for participation in the Child Care Food Program at the Family Care Center- FY 2014. An estimated $79,000 will be collected. No local match is required, however, an additional $21,000 in 2014 General Fund dollars has been requested in the event catering costs exceed actual reimbursement. Budget amendment in process. p. 23

k **0548-13** Authorization to reduce the speed limit on Montavesta Road, from the intersection of Mount Drive to Pepperhill Drive from 35 mph to 25 mph. (L0548-13) (Moloney)

This is a request to reduce the speed limit on Montavesta Road, from the intersection of Mount Drive to Pepperhill Drive from 35 mph to 25 mph. There is no budgetary impact. p. 24 - 25

l **0551-13** Authorization to execute Amendment No. 3 to Agreement with HDR/Quest Engineers for design of Citation Boulevard Phase II. (L0551-13) (Gooding/Paulsen)

This is a request to execute Amendment No. 3 to Agreement with HDR/Quest Engineers for an amount of $114,500 for design of Citation Boulevard Phase II. This increase brings the total new project cost to $1,094,522. Funds are budgeted. p. 26 - 30

m **0555-13** Authorization to submit application to the Bluegrass Workforce Investment Board, and accept award if offered, for operation of a Workforce Investment Act project for Youth Services. (L0555-13) (Gooding/Mills)

This is a request to submit application for an amount of $135,000 to the Bluegrass Workforce Investment Board, and accept award if offered, for operation of a Workforce Investment Act project for Youth Services. Local funds of $30,000 will be documented by time worked by existing Youth Services employees. Budget amendment in process. p. 31

n **0560-13** Authorization to accept award from the Kentucky Transportation Cabinet for ITS/CMS (Intelligent Transportation System/Congestion Management System) Traffic Improvements Project for FY 2014. (L0560-13) (Gooding/Moloney)

This is a request to accept award from the Kentucky Transportation Cabinet for an amount of $460,000 for ITS/CMS Traffic Improvements Project for FY 2014. A 20% local match of $115,000 is required. Budget amendment in process. p. 32

o **0564-13** Authorization to execute Change Order No. 1 with Todd Johnson Construction Co., for construction of Meadows/Northland/Arlington Public Improvements Project, Phase 5A. (L0564-13) (Gooding/Paulsen)

This is a request to execute Change Order No. 1 for $9,659.41 with Todd Johnson Construction Co., for construction of Meadows/Northland/Arlington Public Improvements Project, Phase 5A. This increase brings the new contract total to $1,485,989.57. Funds are budgeted. p. 33 - 36

Mayor Jim Gray

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Grants and Special Programs

TO: **JIM GRAY, MAYOR**
URBAN COUNTY COUNCIL

FROM: **IRENE GOODING, DIRECTOR**
DIVISION OF GRANTS AND SPECIAL PROGRAMS

DATE: **MAY 13. 2013**

SUBJECT: **REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION, AND ACCEPT AWARD IF OFFERED, TO THE KENTUCKY DEPARTMENT OF JUVENILE JUSTICE UNDER THE JUVENILE ACCOUNTABILITY BLOCK GRANT PROGRAM FOR FY 2014**

Department of Social Services, Division of Youth Services has prepared an application for submission to the Kentucky Department of Juvenile Justice requesting federal funds in the amount of $16,183 from the Juvenile Accountability Block Grant.

The Department of Social Services is proposing that the Fayette County allocation of funds be used to continue the funding for the Juvenile Surveillance Program (overtime for police officers), professional services, professional development, drug testing services and supplies, and educational materials. A 10% match ($1,798) is required. The grant match for this project has been requested in Youth Services' 2014 General Fund budget. Total project cost is $17,981.

Public Law 105-119 enacted by Congress on November 26, 1997, established this program. The intent of the program is to provide states and units of local government with funds to develop programs to promote greater accountability in the juvenile justice system. This is not a delinquency prevention program and none of the funds can be used for prevention activities.

Council authorization to submit the application, and accept the award if offered, is hereby requested, subject to the availability of sufficient funds in FY 2014.

Irene Gooding, Director

Xc: Beth Mills, Commissioner of the Department of Social Services

Mayor Jim Gray
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Grants and Special Programs

TO: JIM GRAY, MAYOR
URBAN COUNTY COUNCIL

FROM: IRENE GOODING, DIRECTOR
DIVISION OF GRANTS AND SPECIAL PROGRAMS

DATE: MAY 13, 2013

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE REQUESTING FEDERAL FUNDS FOR THE PURCHASE OF BULLETPROOF VESTS FOR THE OFFICE OF FAYETTE COUNTY SHERIFF– FY 2014

An application has been prepared for submission to the U.S. Department of Justice requesting federal funds for the purchase of bulletproof vests for the Fayette County Sheriff's Office.

The purpose of the Bulletproof Vest Partnership Grant Acts of 1998 (Public Law 105-181 and 2000 Public Law 106-517) is to save the lives of law enforcement officers by helping States and units of local governments equip their law enforcement officers with armor vests. The application can only be submitted by the local government. All law enforcement agencies in Fayette County that want to participate in the program must do so in a unified application with the lead entity being the LFUCG. A 50% local match is required.

The Fayette County Sheriff is requesting funds for ten vests at a cost of $710.00 for a project total of $7,100. The amount of federal funds requested by the Sheriff is $3,550. The Sheriff will provide the match of $3,550 from her own budget.

Council authorization to submit the application is hereby requested.

Irene Gooding, Director

Xc: Clay Mason, Commissioner of Public Safety

Mayor Jim Gray
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Grants and Special Programs

TO: JIM GRAY, MAYOR
URBAN COUNTY COUNCIL

FROM: IRENE GOODING, DIRECTOR
DIVISION OF GRANTS AND SPECIAL PROGRAMS

DATE: MAY 14, 2013

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD FOR POLICE TRAINING INCENTIVE GRANT FOR FY 2014 FROM THE KENTUCKY JUSTICE AND PUBLIC SAFETY CABINET UNDER THE KENTUCKY LAW ENFORCEMENT FOUNDATION PROGRAM FUND

Police Training Incentive funds are used to provide eligible police officers with supplemental pay for participation in training programs. Supplemental pay in the amount of $3,100.00 for each eligible officer (555 sworn positions) is provided for a total of $1,720,500. In addition, the program contributes 30.5758% of that total towards the pension of participants, totaling 526,060. Funds total $2,246,560 with no local match required. Funds are from the state of Kentucky and are awarded by the Kentucky Justice and Public Safety Cabinet from the Kentucky Law Enforcement Foundation Program Fund.

Council authorization to accept the grant is hereby requested.

Irene Gooding, Director

Xc: Clay Mason, Commissioner of Public Safety

Mayor Jim Gray

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Grants and Special Programs

TO: **JIM GRAY, MAYOR**
URBAN COUNTY COUNCIL

FROM: **IRENE GOODING, DIRECTOR**
DIVISION OF GRANTS AND SPECIAL PROGRAMS

DATE: **MAY 14, 2013**

SUBJECT: **REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD OF $2,270,840 IN FY 2014 FUNDS FROM THE COMMISSION ON FIRE PROTECTION, PERSONNEL, STANDARDS, AND EDUCATION FOR TRAINING INCENTIVE FOR FIREFIGHTERS**

The Commission on Fire Protection, Personnel, Standards, and Education makes state funds available to provide eligible firefighters with supplemental pay for participation in various training programs. Supplemental pay in the amount of $3,100 for each eligible firefighter (561 sworn officers) is provided for a total of $1,739,100. In addition, the program contributes 30.5758% of that total towards the pension of participants, totaling $531,740. Total project cost is $2,270,840. No local match is required under this program.

Council authorization to accept award is hereby requested.

Irene Gooding, Director

Xc: Clay Mason, Commissioner of Public Safety

200 East Main Street 6th Fl Lexington, KY 40507 PH (859)258-3070 FAX (859)258-3081 www.lexingtonky.gov

Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

Jim Gray
Mayor

Geoff Reed
Commissioner

MEMORANDUM

TO: Mayor Jim Gray
Sally Hamilton, CAO
Urban County Council

FROM: Geoff Reed
Commissioner of General Services

DATE: May 9, 2013

RE: Lease Agreement with Metro Employees Credit Union – Versailles Road Campus

I am requesting Urban County Council approval to enter into a lease agreement with Metro Employees Credit Union (MECU) for space located at 1306 Versailles Road within the Versailles Road Campus. The area is located on the first floor of the front building and consists of approximately 3,866 S/ft of space. The MECU is a non-profit entity that provides financial products and services to LFUCG employees, partner agencies, and their families and does not serve the general public. They also provide credit and financial counseling.

Council referred the initial lease proposal to the General Government Committee for further review where a recommendation was made for LFUCG to create and enter into a Memorandum of Agreement (MOA) with the credit union in order to define the relationship. MOA terms were agreed upon and it was presented to the General Government Committee on May 7, 2013. General Services now presents a revised lease agreement that will be for a period of five (5) years with an escalating rent. The initial term of the agreement will be for one year and begin on July 1, 2013 and end on June 30, 2014 with an option of automatic annual renewal for four (4) additional one (1) year terms. Chief Administrative Officer Sally Hamilton recommends that LFUCG receive an annual rental rate of $18,977.16 during the first, $25,608.44 during the second, $29,587.21 during the third, $33,565.98 during the fourth, and receive Fair Market Value of $37,544.75 during the final year of the agreement for use of this space.

LEASE AGREEMENT OVERVIEW

Occupant: Metro Employee Credit Union

Location: Versailles Road Campus

Address: 1306 Versailles Road

OVERVIEW	
S/ft of space occupied	3,866
S/ft of shared space (occupant's pro-rata share)	0
Total S/ft	**3,866**
Annual pro-rata share of utilities, O&M and CIP (approx. $2.85 S/ft)	$11,019.62
Annual base (approx. $6.86 S/ft)	$26,525.13
YEAR 1 – O&M plus 30% of Base	
Established Annual Fair Market Value ($/ft)	$9.71
Annual Fair Market Value (FMV) of Space	**$37,544.75**
Recommended Annual Adjustment to FMV	**-$18,567.59**
RECOMMENDED ANNUAL RENTAL RATE	**$18,977.16**
Current annual rental rate	$0.00
Difference	**$18,977.16**
YEAR 2 – O&M plus 55% of Base	
Established Annual Fair Market Value ($/ft)	$9.71
Annual Fair Market Value (FMV) of Space	**$37,544.75**
Recommended Annual Adjustment to FMV	**-$11,936.31**
RECOMMENDED ANNUAL RENTAL RATE	**$25,608.44**
YEAR 3 – O&M plus 70% of Base	
Established Annual Fair Market Value ($/ft)	$9.71
Annual Fair Market Value (FMV) of Space	**$37,544.75**
Recommended Annual Adjustment to FMV	**-$7,957.54**
RECOMMENDED ANNUAL RENTAL RATE	**$29,587.21**
YEAR 4 – O&M plus 85% of Base	
Established Annual Fair Market Value ($/ft)	$9.71
Annual Fair Market Value (FMV) of Space	**$37,544.75**
Recommended Annual Adjustment to FMV	**-$3,978.77**
RECOMMENDED ANNUAL RENTAL RATE	**$33,565.98**
YEAR 5 – Fair Market Value	
Established Annual Fair Market Value ($/ft)	$9.71
Annual Fair Market Value (FMV) of Space	**$37,544.75**
Recommended Annual Adjustment to FMV	**-$0.00**
RECOMMENDED ANNUAL RENTAL RATE	**$37,544.75**

JUSTIFICATION FOR WAIVER

Chief Administrative Officer Sally Hamilton recommends that the following rent schedule be used for lease of space to Metro Employee Credit Union:

- Year one – Pay all of the O&M costs plus 30% of the base rent
- Year two – Pay all of the O&M costs plus 55% of the base rent
- Year three – Pay all of the O&M costs plus 70% of the base rent
- Year four – Pay all of the O&M costs plus 85% of the base rent
- Year five – Pay Fair Market Value for the space

Metro Employees Credit Union is a non-profit organization

MECU serves as a benefit to LFUCG employees by providing them a service that can't be received at other financial institutions

MECU spent $7,319.38 for the Phoenix building renovation and in 2006 they spent $225,376.48 in renovations for the space at the Versailles Road Campus

MECU provides free checking accounts to low income citizens as part of the LFUCG Representative Payee Program and they also provide free check cashing for the 150 youth in the Summer Youth Employment Program

MECU currently pays no annual rent for use of space and the rental schedule allows an opportunity to budget and transition to Full Market Value.

Lexington-Fayette Urban County Government
DIVISION OF COMPUTER SERVICES

Jim Gray
Mayor

Sally Hamilton
CAO

Memorandum

TO: Mayor Jim Gray
Sally Hamilton, CAO
Urban County Councilmembers

FROM: Mike Nugent, Director
Division of Computer Services

DATE: May 15, 2013

RE: VisionCMS™ Upgrade

The Division of Computer Services is requesting a sole source purchase of VisionCMS™ upgrade. This upgrade, through Vision Internet, will provide the city with the newest version of the Vision Content Management System™, content migration, graphic redesign and navigation redesign. Vision Internet is the only vendor that supports Vision CMS.

Continuing to use the current provider will allow for the content currently on the LFUCG website to be migrated to the new site. This will not only prohibit duplication of work by all divisions of the UCG but more importantly, will not hinder the government's transparency mission for the taxpayers. Additionally, website liaisons will not have to be retrained in another content management system as they are already familiar with this system.

The upgrade is fully budgeted within the Division of Computer Services.

Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

Jim Gray
Mayor

Geoff Reed
Commissioner

MEMORANDUM

TO: Mayor Jim Gray
Sally Hamilton, CAO
Urban County Council

FROM: Geoff Reed
Commissioner of General Services

DATE: May 9, 2013

RE: Lease Agreement with Metro Employees Credit Union (MECU) – Phoenix Building

I am requesting Urban County Council approval to enter into a lease agreement with MECU for space located at 101 East Vine Street within the Phoenix Building. The area is located on the first floor of the building and consists of approximately 604 S/ft of space. The MECU is a non-profit entity that provides financial products and services to LFUCG employees, partner agencies, and their families and does not serve the general public. They also provide credit and financial counseling.

Council referred the initial lease proposal to the General Government Committee for further review where a recommendation was made for LFUCG to create and enter into a Memorandum of Agreement (MOA) with the credit union in order to define the relationship. MOA terms were agreed upon and it was presented to the General Government Committee on May 7, 2013. General Services now presents a revised lease agreement that will be for a period of five (5) years with an escalating rent. The initial term of the agreement will be for one year and begin on July 1, 2013 and end on June 30, 2014 with an option of automatic annual renewal for four (4) additional one (1) year terms. Chief Administrative Officer Sally Hamilton recommends that LFUCG receive an annual rental rate of $5,650.97 during the first, $7,065.35 during the second, $7,913.98 during the third, $8,762.62 during the fourth, and receive Fair Market Value of $9,611.25 during the final year of the agreement for use of this space.

LEASE AGREEMENT OVERVIEW

Occupant: Metro Employee Credit Union

Location: Phoenix Building

Address: 101 East Vine Street

OVERVIEW	
S/ft of space occupied	604
S/ft of shared space (occupant's pro-rata share)	0
Total S/ft	**604**
Annual pro-rata share of utilities, O&M and CIP (approx. $6.55 S/ft)	$3,953.71
Annual base (approx. $9.37 S/ft)	$5,657.54
YEAR 1 – O&M plus 30% of Base	
Established Annual Fair Market Value ($/ft)	$15.91
Annual Fair Market Value (FMV) of Space	**$9,611.25**
Recommended Annual Adjustment to FMV	**-$3,960.28**
RECOMMENDED ANNUAL RENTAL RATE	**$5,650.97**
Current annual rental rate	$0.00
Difference	**$5,650.97**
YEAR 2 – O&M plus 55% of Base	
Established Annual Fair Market Value ($/ft)	$15.91
Annual Fair Market Value (FMV) of Space	**$9,611.25**
Recommended Annual Adjustment to FMV	**-$2,545.89**
RECOMMENDED ANNUAL RENTAL RATE	**$7,065.35**
YEAR 3 – O&M plus 70% of Base	
Established Annual Fair Market Value ($/ft)	$15.91
Annual Fair Market Value (FMV) of Space	**$9,611.25**
Recommended Annual Adjustment to FMV	**-$1,697.26**
RECOMMENDED ANNUAL RENTAL RATE	**$7,913.98**
YEAR 4 – O&M plus 85% of Base	
Established Annual Fair Market Value ($/ft)	$15.91
Annual Fair Market Value (FMV) of Space	**$9,611.25**
Recommended Annual Adjustment to FMV	**-$848.63**
RECOMMENDED ANNUAL RENTAL RATE	**$8,762.62**
YEAR 5 – Fair Market Value	
Established Annual Fair Market Value ($/ft)	$15.91
Annual Fair Market Value (FMV) of Space	**$9,611.25**
Recommended Annual Adjustment to FMV	**-$0.00**
RECOMMENDED ANNUAL RENTAL RATE	**$9,611.25**

JUSTIFICATION FOR WAIVER

Chief Administrative Officer Sally Hamilton recommends that the following rent schedule be used for lease of space to Metro Employee Credit Union:

- Year one – Pay all of the O&M costs plus 30% of the base rent
- Year two – Pay all of the O&M costs plus 55% of the base rent
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- Year five – Pay Fair Market Value for the space

Metro Employees Credit Union is a non-profit organization

MECU serves as a benefit to LFUCG employees by providing them a service that can't be received at other financial institutions

MECU spent $7,319.38 for the Phoenix building renovation and in 2006 they spent $225,376.48 in renovations for the space at the Versailles Road Campus

MECU provides free checking accounts to low income citizens as part of the LFUCG Representative Payee Program and they also provide free check cashing for the 150 youth in the Summer Youth Employment Program

MECU currently pays no annual rent for use of space and the rental schedule allows an opportunity to budget and transition to Full Market Value.

LEXINGTON DIVISION OF POLICE
OFFICE OF THE CHIEF

TO: Mayor Jim Gray
Urban County Council

FROM: Chief Ronnie Bastin
Division of Police

DATE: May 13, 2013

RE: Employment Solutions, Inc. Lease – Centre Parkway (East Sector Roll Call)

Please find attached lease with Employment Solutions, Inc. for the Division of Police East Sector Roll Call facility located at 1165 Centre Parkway.

The lease is effective for a term of five (5) years, at a cost of $2,812 per month. The lease is fully budgeted.

The lease will be effective upon Mayor and Council approval. Upon receipt of Mayor Gray's signature, please return original documentation for the Division of Police to acquire additional signature.

If you have any questions or require additional information, please contact my office.

R. Bastin
Ronnie Bastin
Chief of Police

RB/rmh

Attachment

cc: Clay Mason, Commissioner of Public Safety

150 EAST MAIN STREET • LEXINGTON, KY 40507 • (859) 258-3621 • FAX (859) 258-3638

Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

Jim Gray
Mayor

Geoff Reed
Commissioner

MEMORANDUM

TO: Mayor Jim Gray
Sally Hamilton, CAO
Urban County Council

FROM: Geoff Reed
Commissioner of General Services

DATE: May 15, 2013

RE: Request for Declaration as Surplus and Quit Claim of Properties

It is our request that Urban County Council grant approval for authorization of the disposal of the following two parcels of land, where LFUCG is shown as the owner in the PVA records. The parcels are listed as follows:

NO	Street Name	Parcel ID	Acres	Square Ft	Council Dist	Owner
946	Whitney Ave	38245230	0.093	4,050	2	LFUCG
948	Whitney Ave	38245250	0.093	4,050	2	LFUCG

In December, 2010 the Department of General Services disposed of 950 Whitney Avenue as surplus property through the bid process. The disposal was intended to alleviate ongoing maintenance of the parcel and place the property back onto the tax roll. General Services represented to potential buyers that the entire open area was being purchased and has since learned that two additional small parcels were not included in the sale. General Services now seeks Council approval to declare the remaining small parcels as surplus and Quit Claim the property to the purchaser of the 950 Whitney Avenue parcel.

Fayette County Property Valuation Administrator			
Parcel: 38245230 Acres: 0.093 Book: 0194 Page: 238			
Name:	LEXINGTON FAYETTE URBAN CO GOVT	Fair Cash Value	$ 2,200
Site:	946 WHITNEY AVE	Ag Land Value	0
Sale:	0 on 1919-06-28 Reason=U Qual=05	Ag Total Value	0
Mail:	200 E MAIN ST LEXINGTON, KY 40507	Taxable Value	0

The Fayette County Property Valuation Administrator's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER FAYETTE COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS ---THIS IS NOT A SURVEY---

Date printed: 05/15/13 : 11:48:56

Fayette County Property Valuation Administrator			
Parcel: 38245230 Acres: 0.093 Book: 0194 Page: 238			
Name:	LEXINGTON FAYETTE URBAN CO GOVT	Fair Cash Value	$ 2,200
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Date printed: 05/15/13 : 11:48:56

Mayor Jim Gray
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Grants and Special Programs

TO: JIM GRAY, MAYOR
URBAN COUNTY COUNCIL

FROM: IRENE GOODING, DIRECTOR
DIVISION OF GRANTS AND SPECIAL PROGRAMS

DATE: MAY 16, 2013

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION AND ACCEPT AWARD IF OFFERED TO THE KENTUCKY DEPARTMENT OF EDUCATION FOR PARTICIPATION IN THE CHILD CARE FOOD PROGRAM AT THE FAMILY CARE CENTER- FY 2014

The Lexington-Fayette Urban County Government Division of Family Services has prepared an application for submission to the Kentucky Department of Education/Division of School and Community Nutrition for participation in the U.S. Department of Agriculture's Child Care Food Program. This program serves meals at free and reduced rates to infants and toddlers attending the Family Care Center's child care and pre-school programs.

It is estimated that 50,000 meals will be served during the twelve-month period, As of July, 2012, the reimbursement rates for free meals is as follows: $1.55 for breakfast, $2.86 for lunch, and $.78 for a supplement. Approximately 93% of the children enrolled in these programs qualify for free or reduced meals. Based upon current enrollment, an estimated $79,000 in federal funds will be collected. While no match is required, an additional $21,000 in 2014 General Fund dollars has been requested in the event that catering costs exceed actual reimbursement.

Council authorization to submit application and accept award if offered is hereby requested, subject to the availability of sufficient funds in FY 2014.

Irene Gooding, Director

Xc: Beth Mills, Commissioner of the Department of Social Services

Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY & PUBLIC WORKS

Jim Gray
Mayor

Richard Moloney
Commissioner

MEMORANDUM

TO: Bill Farmer, Jr., Councilman 5th District
Office of the Urban County Council

FROM: Jim Woods, P.E., PLS, Acting Director
Division of Traffic Engineering

DATE: April 17, 2013

SUBJECT: Montavesta Road – Speed Limit Reduction

The Division of Traffic Engineering recommends that the speed limit on Montavesta Road, from the intersection of Mount Drive to Pepperhill Road be reduced from 35 mph to 25 mph.

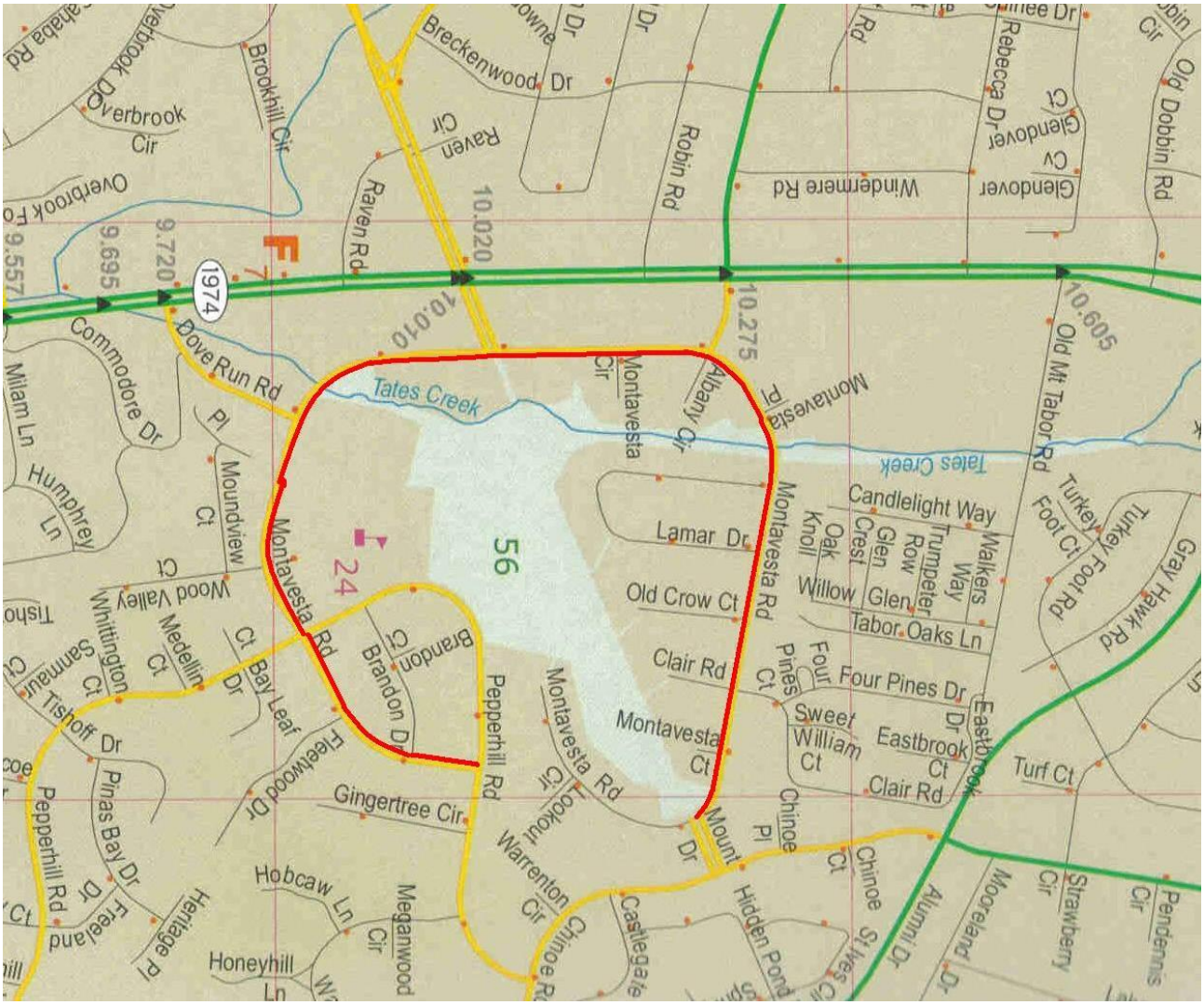
Montavesta Road, classified as a collector, is situated along gently rolling terrain. The two-way road, which is primarily residential, is characterized by turns as it winds counterclockwise from Mount Drive to its intersection with Pepperhill Drive. With parking on both sides of the road, and consistent horizontal and vertical dynamics, the roadway geometrics are not always favorable for providing good sight distance, particularly at residential and commercial access aprons. Based upon the character of service it provides, the road basically functions as a local residential street.

Collision history along Montavesta Road indicate an increase in incidents from previous years. In an effort to improve public safety, and noting the physical characteristics of the roadway and rolling terrain, the Division of Traffic Engineering recommends reducing the speed limit on Montavesta Road from 35 mph to 25 mph. This recommendation is supported by the Department of Environmental Quality and Public Works Commissioner, Richard Moloney.

Reducing the posted speed limit on Montavesta Road requires the approval of The Urban County Council. If you have any questions, please give me a call at 3830.

attachment (map)

c: Richard P. Moloney, Commissioner
George S. Milligan, Construction Supervisor
Joel Weber, P.E., Acting Traffic Engineering Manager
Casey Kaucher, Associate Traffic Engineer


Breckenwood Dr
Overbrook Cir
Brookhill Cir
Raven Cir
Raven Rd
Robin Rd
Windermere Rd
Glendover Cv
Glendover Ct
Rebecca Dr
Old Dobbin Rd
10.020
10.010
10.275
10.605
9.695
9.720
9.557
1974
Dove Run Rd
Commodore Dr
Milam Ln
Humphrey Ln
Moundview Ct
Wood Valley Ct
Tates Creek
Montavesta Cir
Albany Cir
Montavesta Pl
Montavesta Rd
Lamar Dr
Old Crow Ct
Clair Rd
Montavesta Ct
Candlelight Way
Oak Knoll
Crest
Glen Row
Trumpeter
Walkers Way
Willow Glen
Tabor Oaks Ln
Old Mt Tabor Rd
Turkey Foot Ct
Turkey Foot Rd
Gray Hawk Rd
Four Pines Ct
Four Pines Dr
Sweet William Ct
Eastbrook Dr
Eastbrook Ct
Clair Rd
Turf Ct
Chinoe Pl
Chinoe Ct
Chinoe St
Alumni Dr
Moreland Dr
Strawberry Cir
Pendennis Cir
Hidden Pond
Castlegate
Mount Dr
Lookout Cir
Warrenton Cir
Chinoe Rd
Pepperhill Rd
Brandon Ct
Brandon Dr
Bay Leaf Dr
Fleetwood Dr
Gingertree Cir
Hobcaw Ln
Meganwood Cir
Honeyhill Ln
Heritage Pl
Treeland Dr
Pinas Bay Dr
Tishoff Dr
Whittington Ct
Medellin Ct
Sanmaur Ct
56
24

Mayor Jim Gray

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Grants and Special Programs

TO: JIM GRAY, MAYOR
URBAN COUNTY COUNCIL

FROM: IRENE GOODING, DIRECTOR
DIVISION OF GRANTS AND SPECIAL PROGRAMS

DATE: MAY 16, 2013

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE AMENDMENT NO. 3 TO AGREEMENT WITH HDR/QUEST ENGINEERS FOR DESIGN OF CITATION BOULEVARD PHASE II

On September 5, 2001 (Resolution # 515-2001), Council approved execution of an Engineering Services Agreement with Quest Engineers, Inc., in the amount of $768,025 for the design of Citation Boulevard Phase II (Southern Railroad to Leestown Road).

Change Order No. 1 in the amount of $149,282 was approved by Council on November 20, 2008 (Resolution No. 674-2008).

Change Order No. 2 in the amount of $62,500 was approved by Council on July 6, 2010 (Resolution No. 409-2010).

Change Order No. 3 has been negotiated by the Division of Engineering and approved by the Kentucky Transportation Cabinet. Change Order No. 3, in the amount of $114,715, provides for seven project modifications. These are: pavement alternative, additional coordination with CSX Railroad, water quality features, update to erosion control plans to current KYTC standards, updated Letter of Map Revision for Bracktown Branch, incorporation of additional items into construction plans made necessary by project delays, and the inclusion of sanitary sewer relocations in the plans. New total is $1,094,522.

Funds are budgeted as follows:

FUND	DID	SECT	ACCT	PROJECT	BUD REF	ACTIVITY
3160	303201	0001	91715	CIT_BLVD_2002	2002	FED_GRANT

Council authorization to execute Amendment No. 3 with HDR/Quest Engineers is hereby requested.

Irene Gooding, Director

Xc: Derek Paulsen, Commissioner of the Department of Planning, Preservation, and Development

AMENDMENT NO. 3
Citation Boulevard Phase II
Contract Dated September 5, 2001

Purpose/Reason for Amendment:

The purpose will be to amend HDR/Quest Engineering design contract to provide the project with seven modifications to the original scope. First, provide a pavement alternative (this was requested by KYTC). Second, provide additional coordination with CSX Railroad. Third, provide water quality features into the construction plans. Fourth, update Erosion Control Plans to current KYTC Standards (this was requested by KYTC). Fifth, HEC-RAS calculation for Bracktown Branch Bridge (Division of Water Quality requested our calculation to include a recent LOMAR). Sixth, maintain construction plan set in a rapidly developing area of Lexington. Seventh, update plans to account for current Division of Water Quality (Sanitary Sewers) relocation of lines with in the project limits.

Original Contract Amount	.....	$ 768,025.00
Amendment No. 1	.....	$ 149,282.00
Amendment No. 2	.....	$ 62,500.00
Amendment No. 3	.....	$ 114,715.00
NEW CONTRACT AMOUNT	.....	**$ 1,094,522.00**

Owner:

Jim Gray
Mayor
Lexington Fayette Urban County Government
200 East Main Street, 12th Floor
Lexington, Kentucky, 40507

Attest

Consultant:

Ben R. Edelen, P.E, PLS
Vice President
HDR/Quest Engineers
2517 Sir Barton Way
Lexington, Kentucky, 40509-2275

Attest

HDR ONE COMPANY | Many Solutions

November 28, 2012

Mr. Andrew Grunwald, P.E.
Project Manager
Lexington Fayette Urban County Government
Division of Engineering
101 East Vine Street, 4th Floor
Lexington, Kentucky 40507

RE: Citation Boulevard
Fayette County, Kentucky
Item No. 7-226.1 / 7-226.4

Dear Mr. Grunwald:

The Kentucky Transportation Cabinet (KYTC) and Lexington-Fayette Urban County Government (LFUCG) have worked together to progress the right-of-way acquisition phase for this important project and to position the project for a construction letting. We (HDR) have been asked to provide the final construction plans for a March 2013 construction letting.

Several additional services have been required for completion of the final Citation Boulevard construction plans which are outside the original scope of our contract. The following items outline the additional services required:

- **Pavement Alternate –**
  KYTC required inclusion of a Pavement Alternate with the plans. We have developed and added this to the plans which required additional details, a separate pavement summary, a separate general summary, revisions to maintenance of traffic plans, and an additional construction cost estimate.

- **Additional Coordination –**
  Project delays due to lack of funding and additional design features added to the plans have necessitated additional coordination efforts. We have been required to engage with and provide information to Utility Companies, CSX Railroad and the KYTC on an on-going basis to ensure coordination in design and schedules.

- **Add Water Quality Features to the Final Design –**
  LFUCG requested that we (HDR) include water quality features to the final design plans. We presented options to LFUCG and were instructed to include the selected features, including "Stormceptor" type structures and drainage ditch swales where applicable. This required revising the plans, adding details and revising quantities.

HDR Engineering, Inc.
2517 Sir Barton Way
Lexington, KY 40509-2275
Phone: (859) 223-3755
Fax: (859) 223-3150
www.hdrinc.com

HDR ONE COMPANY | Many Solutions

- **Erosion Control Plans Update to current KYTC Method –**
  The plans required an update to meet current design methods for Erosion Control per KYTC standards. We have updated the plans to meet KYTC requirements for Erosion Control plans which included creating new erosion control sheets using new KYTC CADD standards and methods and providing point discharge information to the KYTC for permitting.

- **HEC-RAS / Bridge over Bracktown Branch –**
  LFUCG requested that we (HDR) incorporate an updated LOMR for Bracktown Branch into the HEC-RAS model for the proposed Bridge over Bracktown Branch.

- **Project Delays - Miscellaneous –**
  Project delays due to lack of funding have made additional items of work a requirement to complete the project plans. These items include miscellaneous printing/plotting and communications with LFUCG Engineering and Sewer Department, additional survey field checks and topo updates to the plans, revisions to the plans for current KYTC standards for signing and lighting, merging the project plans back into one set (they were previously split into two separate plan sets at Mercer Road), and attendance at additional meetings and responding to requests for information.

- **Sanitary Sewer Relocations –**
  LFUCG requested that we include sanitary sewer relocations in our plans for two locations. This included field survey and topo updates, sewer design and meetings. Additional investigation was also required at the Norfolk Southern Railroad to verify the existing force main location did not conflict with the Railroad Bridge design.

Attached is our fee proposal and a detailed breakdown of hours for the above described services. We appreciate your review of our request for additional compensation for these services and can provide additional documentation if so requested.

Please let us know if you require additional information.

Sincerely,

Joseph D. Cochran, PE
Project Manager

cc: file, B. Edelen, S. Farmer

HDR Engineering, Inc.
2517 Sir Barton Way
Lexington, KY 40509-2275
Phone: (859) 223-3755
Fax: (859) 223-3150
www.hdrinc.com

CONTRACT HISTORY FORM

Project Name: Citaion Boulevard Phase II

Contractor: HDR/Quest Engineering

Contract Number and Date: 4616 September 5, 2001

Responsible LFUCG Division: Division of Engineering

CONTRACT AND CHANGE ORDER DETAILS

A. Original Contract Amount:	$ 768,025.00	
Next Lowest Bid Amount: N/A		
B. Amount of Selected Alternate or Phase:	$	
C. Cumulative Amount of All Previous Alternates or Phases:	$	
D. Amended Contract Amount:	$ 768,025.00	
E. Cumulative Amount of All Previous Change Orders:	$ 211,782.00	27.6% (Line E / Line D)
F. Amount of This Change Order:	$ 114,715.00	14.9% (Line F / Line D)
G. Total Contract Amount:	$ 1,094,522.00	

SIGNATURES

Project Manager: Andrew Grunwald, P.E. Date: 5/9/2013

Reviewed by: Robert Bayert, P.E. Date: 5/9/13

Division Director: A. Bradley Frazier, P.E. Date: 5/11/13

Mayor Jim Gray
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Grants and Special Programs

TO: JIM GRAY, MAYOR
URBAN COUNTY COUNCIL

FROM: IRENE GOODING, DIRECTOR
DIVISION OF GRANTS AND SPECIAL PROGRAMS

DATE: MAY 16, 2013

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION TO THE BLUEGRASS WORKFORCE INVESTMENT BOARD AND ACCEPT AWARD IF OFFERED, FOR OPERATION OF A WORKFORCE INVESTMENT ACT PROJECT FOR YOUTH SERVICES

The Division of Youth Services has prepared an application for submission to the Bluegrass Workforce Investment Board requesting federal funds in the amount of $135,000 for operation of a youth services project. This project is targeted toward youth who are ages 16 through 18, low-income, and who are within one or more of the following categories: deficient in basic literacy skills, school dropout, homeless, runaway, or foster child, and/or pregnant or parenting. The object of the project is to prepare youth for the workforce by empowering them with the social, work readiness, and occupational skills that enable them to obtain and retain self-sufficient employment. If approved, award of funds is based upon the successful enrollment of at least 40 youth into the program, and for completion of the following performance outcomes: attainment of a GED, diploma, or certificate, literacy and numeracy gains, and placement in employment or education. The period of performance is July 1, 2013 through September 30, 2014.

Federal funds will be used for the continued employment of full-time Social Worker for 15 months (existing position), youth stipends for GED attainment and for literacy and numeracy skills improvement, individual service needs (transportation, child care, test fees, and work uniform costs), operating supplies, educational materials, and for a limited Summer Youth Employment Program. Local funds in the amount of $30,000 will be documented by time worked on the project by existing Youth Service employees.

These federal funds originate from the U.S. Department of Labor.

Council authorization to submit the application, and accept award if offered, is hereby requested.

Irene Gooding, Director

Xc: Beth Mills, Commissioner of the Department of Social Services

Mayor Jim Gray

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Grants and Special Programs

TO: JIM GRAY, MAYOR
URBAN COUNTY COUNCIL

FROM: IRENE GOODING, DIRECTOR
DIVISION OF GRANTS AND SPECIAL PROGRAMS

DATE: MAY 17, 2013

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD FROM THE KENTUCKY TRANSPORTATION CABINET FOR ITS/CMS (INTELLIGENT TRANSPORTATION SYSTEM/CONGESTION MANAGEMENT SYSTEM) TRAFFIC IMPROVEMENTS PROJECT FOR FY 2014

The Kentucky Transportation Cabinet has offered the Lexington-Fayette Urban County Government an award of $460,000 in federal funds for the ITS/CMS (Intelligent Transportation System/Congestion Management System) Traffic Improvements Project. The Division of Traffic Engineering continuously upgrades and enhances hardware, software, training and development to improve traffic flow and reduce congestion during weekdays, evenings, weekends, special events and incidents. The equipment upgrades or adjustments sometimes require additional labor/overtime by signal technicians. To lessen the impact of this work on lane blockages and improve motorist and technician safety, it is often performed on weekends or evenings during low volume times. Traffic signal system data collection, communication and vehicle detection will be enhanced at a number of locations throughout the community. Traffic signal system communication is crucial to the safe and efficient operation of the signal system and will be improved through the use of digital telephone and fiber optic cable. Vehicle detection will be improved through the use of video, radar, bluetoad (detect vehicle speeds), and in-pavement applications at various signal locations to provide up-to-date, reliable data.

Funds will be used for overtime, professional development, mileage, traffic signs, and traffic signal equipment.

The source of federal funds is the Federal Surface Transportation Program Metropolitan Lexington (SLX). A 20% local match in the amount of $115,000 is required. Total project cost is $575,000. Grant match has been requested in the Division of Traffic Engineering Fiscal Year 2014 general fund budget.

Council authorization to accept the award is hereby requested, subject to the availability of sufficient funds in FY 2014.

Irene Gooding, Director

Xc: Richard Moloney, Commissioner of Environmental Quality and Public Works

Mayor Jim Gray

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Grants and Special Programs

TO: **MAYOR JIM GRAY**
URBAN COUNTY COUNCIL

FROM: **IRENE GOODING, DIRECTOR**
DIVISION OF GRANTS AND SPECIAL PROGRAMS

DATE: **MAY 20, 2013**

SUBJECT: **REQUEST COUNCIL AUTHORIZATION TO EXECUTE CHANGE ORDER NO. 1 WITH TODD JOHNSON CONSTRUCTION CO. IN THE AMOUNT OF $9,659.41 FOR MEADOWS/NORTHLAND/ARLINGTON PUBLIC IMPROVEMENTS PROJECT, PHASE 5A**

The Division of Engineering has recommended the execution of change order No. 1 for $9,659.41 with Todd Johnson Construction, Co. for construction of Meadows/Northland/Arlington Public Improvements Project, Phase 5A. The new contract total is $1,485,989.57.

The change order adjusts quantities to those needed for construction of the project. The Division of Grants and Special Programs concurs with the Division of Engineering's request.

Sufficient funds are budgeted in the following account:

FUND	DEPT ID	SECTION	ACCOUNT	PROJECT	BUD REF	ACTIVITY	AMOUNT
3120	303202	3211	91713	CDBG_2012	2012	C03	9,659.41

Council authorization to execute Change Order No. 1 to agreement with Todd Johnson Construction, Co. in the amount of $9,659.41 is hereby requested.

Irene Gooding, Director

Attachments

Cc: Derek Paulson, Commissioner of the Department of Planning, Preservation, and Development

CONTRACT HISTORY FORM

Project Name: Meadows-Northland-Arlington Phase 5A

Contractor: Todd Johsonn Contracting

Contract Number and Date: 704-2012 12/21/12

Responsible LFUCG Division: Engineering

CONTRACT AND CHANGE ORDER DETAILS

A. Original Contract Amount:	$ 1,476,330.16	
Next Lowest Bid Amount: $1,544,433.00		
B. Amount of Selected Alternate or Phase:	$	
C. Cumulative Amount of All Previous Alternates or Phases:	$ 1,476,330.16	
D. Amended Contract Amount:	$ 1,476,330.16	
E. Cumulative Amount of All Previous Change Orders:	$ 0.00	0.0% (Line E / Line D)
F. Amount of This Change Order:	$ 9,659.41	0.7% (Line F / Line D)
G. Total Contract Amount:	$ 1,485,989.57	

SIGNATURES

Project Manager: Andrew Grunwald, P.E. Date: 5-15-2013

Reviewed by: Robert A. Bayert, P.E. Date: 5/15/13

Division Director: A. Bradley Frazier, P.E. Date: 5/15/13

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
CONTRACT CHANGE ORDER

09-May-13

Project: MNA-5A

Location: Lexington

To (Contractor): Todd Johson Contracting, Inc 497 Dillehay Street Danville, KY 40422

Contract No: 704-2012

Change Order No: 1

You are hereby requested to comply with the following changes from the contract plans and specifications;

Item No.	ADD / DEL	Description of changes	Units	Quantity	Unit Price	Decrease in contract price	Increase in contract price
CDBG Items							
16	DEL	LFUCG Manhole Type "A" 6' Diameter	EA	1	$ 4,573.67	$ 4,573.67	$ -
17	ADD	LFUCG Manhole Type "A" 7' Diameter	EA	1	$ 6,073.08	$ -	$ 6,073.08
43A	ADD	Removal of Three Oak Trees	LS	1	$ 8,160.00	$ -	$ 8,160.00
						$ -	$ -
Totals						$ 4,573.67	$ 14,233.08
Total decrease						$ 4,573.67	
Total increase							$ 14,233.08
Net increase in contract price							$ 9,659.41

Current Contract Amount = $1,476,330.16

New Contract Amount = $1,485,989.57

Recommended by [signature] 5/15 (Proj. Engr.) Date 5-15-13

Accepted by [signature] (Contractor) Date 5-15-13

Approved by [signature] (Urban Co. Engr.) Date 5-15-13

Approved by _____ (Commissioner) Date _____

Approved by _____ (Mayor or CAO) Date _____

35
0564-13

JUSTIFICATION FOR CHANGE	PROJECT:MNA-5A
	CONTRACT NO. 704-2012
	CHANGE ORDER: 1

1. Necessity for change: Adjust Quantities to refelct FIELD modification to the Scope of Work.

2. Is proposed change an alternate bid? ___Yes _X_No

3. Will proposed change alter the physical size of the project? ___Yes _X_No

   If "Yes", explain.

4. Effect of this change on other prime contractors: N/A

5. Has consent of surety been obtained? ___Yes _X_Not Necessary

6. Will this change affect expiration or extent of insurance coverage? ___Yes _X_No

   If "Yes", will the policies be extended? ___Yes ___No

7. Effect on operation and maintenance costs: N/A

8. Effect on contract completion date: N/A

_____ _____

Mayor Date

Neighborhood Development Funds
May 30, 2013
Work Session

Amount	Recipient	Purpose
$ 550.00	Fayette County Sheriff's Office 150 North Limestone, Suite 265 Lexington, KY 40507 Kathy Witt	To provide funds for the graffiti abatement program.
$ 750.00	Bluegrass Aspendale Teen Center 307 Turfway Drive Lexington, KY 40507 Stephen Overstreet	To allocate funding for the OUR PARK program.
$ 1,500.00	Alzheimer's Association Greater Kentucky and 225 North Michigan Avenue, 17th Floor Chicago, IL 60601-7633 Amber Lakin	To provide funds for Walk to End Alzheimer's street banners in downtown Lexington in August.
$ 1,000.00	Residents, Inc. PO Box 8713 Lexington, KY 40533 Carin Lovell	To provide assistance for entryway signage and work.
$ 1,000.00	Cardinal Valley Elementary PTA, Inc. 218 Mandalay Road Lexington, KY 40504 Kathleen Rogers	To provide assistance for building a playground.
$ 500.00	Cardinal Valley Neighborhood Association PO Box 8776 Lexington, KY 40533 Billie Offutt	To provide assistance for Fright Night and community maintenance.
$ 2,000.00	Friends for Versailles Road 110 Hamilton Park Lexington, KY 40504 Paula Singer	To provide assistance for landscaping and aesthetics along the Versailles Road Corridor.
$ 1,000.00	CASA of Lexington, Inc. 1155 Red Mile Road, Suite 50 Lexington, KY 40504 Joseph Schuler	To provide assistance for supplies and training.

$ 500.00	Picadome Neighborhood Association, Inc. PO Box 8125 Lexington, KY 40533 Melinda Ryles-Smith	To provide assistance for neighborhodd watch signs and street trees.

Environmental Quality Committee
May 14 2013
Summary

Stinnett called the meeting to order at 11:00 AM. All committee members were in attendance. Kay also attended.

1. April 23, 2013 Committee Summary

On a motion by Scutchfield, second by Clarke the April 23, 2013 Committee summary was approved unanimously.

2. Drainage Ditch

Henson introduced the subject. Martin provided applicable State legislation and local ordinances that control and regulate maintenance of stormwater control devices. He stated that according to LFUCG Code of Ordinances Sec. 16-87 the private property owner is responsible for non structural maintenance in residential areas. He stated that the ordinance further stated that LFUCG was responsible for structural repairs when a public easement for a stormwater device exists.

Martin stated that UCG Sec. 16-88 also provides some guidance for commercial and industrial areas. He stated that in those cases the property owner was responsible for maintenance and repair of retention and detention basins and other stormwater control devices.

In response to as question from Clarke, Martin stated that the ordinance was not clear regarding non paved ditches.

In response to a question from Henson, Miller stated that Streets & Roads would like to ordinance be made clearer regarding drainage ways.

Katy Stites discussed the maintenance issue at her property on Waller.

Stinnett suggested that the issue remain in Committee to allow the Administration to re draft the ordinance with input from Henson. Martin and staff will also work on mapping the stormwater control devices in the County.

3 Easement Construction Issues

Myers introduced the subject and stated that a few citizens wanted to address the Committee after Martin made his presentation.

Martin discussed the draft Standard Operating Procedure (SOP). He stated that citizens need to be informed when LFUCG is working on or adjacent to their property. He stated that the SOP is a 13 point standard.

1. Crew Foreman will review GIS data to determine if any specific address is impacted;
2. Foreman or designee will make all reason efforts to inform impacted property owners;
3. Direct contact with impacted property owners must occur before any non emergency work begins;

4. Property owners will be provided an updated construction and restoration schedule;
5. All "Before You Dig" procedures must be completed in advance of dig;
6. Foreman must complete an assessment of equipment/manpower needed for dig;
7. Prior to dig foreman is responsible for photos of the work site;
8. Foreman or designee must knock on door of impacted property to give a final overview of work;
9. After work is completed, after site photos must be taken to document condition of site;
10. Foreman is responsible for submitting a Site Restoration Work Order within 3 calendar days after completion; and
11. Supervisor Senior should conduct a weekly review of all outstanding restoration work orders.
12. Supervisor Senior is responsible for conducting site visits every 10 working das until site is restored; and
13. Supervisor must take all steps necessary to ensure that property owner is inconvenienced the minimum amount possible in cases where weather is delaying restoration.

Myers thanked Martin for his and division's work on the SOP.

In response to a question from Clarke, Martin stated that the SOP would apply to outside contractors performing work for LFUCG as well as LFUCG staff.

In response to a question from Farmer, Martin stated that the benchmark was high because citizens should come to expect quality work in a timely manner.

In response to a question from Stinnett, Martin thought that the SOP may be transferrable to other construction/maintenance activities undertaken by LFUCG.

Donald Schoffner, Kim Schroeder and Louis Proctor discussed issues with construction projects in their neighborhoods.

<u>On a motion by Myers, second by Clarke the draft SOP was approved unanimously.</u> Myers requested that the SOP be reviewed after 6 months.

4. Zero Waste Vision for Lexington

Feese discussed the Leadership Lexington Zero Waste presentation and how Waste Management was responding to each recommendation. He discussed community education and marketing of services; expanding organics collection and processing; expanding the Materials Recovery Facility; creating a Construction, Demolition & Debris recycling facility; expanding partnerships for hard to recycle items including electronics; establish a uniform baseline waste collection, recycling and organics services throughout the County; revising the rate structure; and encouraging policy changes to align with the Zero Waste Lexington program. He stated that the Division of Waste Management would start work on a strategic plan which would give direction to future decisions.

West discussed the Operations Efficiency Boost (OEB) project. She stated that the project has already resulted in increased revenue because of more accurate commercial billing; and increased efficiencies

by fewer missed customers. She stated that operational costs for fuel, vehicle maintenance and personnel have started to decrease because of the efficiencies. She stated that the routes will be more balanced in the future. West stated that customer satisfaction and employee safety will be improved. She stated that driver participation has increased substantially.

Lane asked about the cost of the software and implementation. In response West will provide those figures as well as prepare a cost benefit analysis.

5. Monthly Financials

Stinnett noted that the monthly financial reports were in the Committee packet.

In response to a question from Gorton, Martin stated that the Water Quality Fund has more long term obligations than the Fund can absorb at this time. O'Mara discussed the planned management audit of the Water Quality Fund.

In response to a question from Gorton, Stone discussed operating expenditures within the Landfill Fund, Stone stated that the expenses include monitoring of the closed landfills and disposal expenses at the privately operated out of County landfill. By the next meeting those expenditures will be further identified in greater detail.

6. Project Report

Martin highlighted several projects including the Capacity Assurance Program; the Bob O Link trunk sewer design; the Century Hills trunk sewer design; the East Lake trunk sewer design; the Town Branch Waste Water Treatment Plant wet weather storage tank design; the Idle Hour stormwater improvements.

In response to a question from Mossotti, Martin stated that most of the Stormwater Quality Incentive Grants were located on private property.

The meeting adjourned at 12:45 PM.

Pas 4.17.13

DRAFT

Planning and Public Works Committee
May 14th, 2013
Summary and Motions

Chair Bill Farmer Jr. called the meeting to order 1:00pm. Committee members Jennifer Mossotti, VM Linda Gorton, Charles Ellinger, Steve Kay, Chris Ford, Diane Lawless, Julian Beard, Harry Clarke and Peggy Henson were in attendance. Kevin Stinnett attended as a non-voting member.

1. Approval of Summary

Motion by Ellinger to approve the summary. Seconded by Kay. Motion passed without dissent.

2. Exaction Fees

Chris King, the Director of Planning, came to the podium to present. He said that the program was started in 1996 to help development pay for public infrastructure. In 1996, the Urban Service Area was expanded significantly. King said it was a three year debate. The exaction program came out of these lengthy community discussions.

King said that the exaction program only applies to very specific and very limited areas of Fayette County. These areas are Expansion Area 1 (Overbrook Farm area), Expansion Area 2 (Winchester Road, east of the interstate to the Richmond Road, Athens-Boonesboro area), and Expansion Area 3 (Between Newtown Pike and Russell Cave Road, north of the interstate).

King said that the issue that came up during the discussions was who would pay for the infrastructure costs of the new growth? King said that development exactions are a lawful means of mitigating the impact of new growth and development on the public health, safety, and welfare so long as the exaction is "roughly proportional" to the need for capital facilities generated by the new growth and development.

King said that a shopping center generates much more traffic than a residential area per acre. King went on to say that collector roads are the facilities covered under the exaction program (Polo Club Blvd, Blackford Pkwy, Hayes Blvd). Sanitary sewers, sanitary sewer transmission facilities, multi-neighborhood parks, neighborhood parks / non-floodplain greenways, rural open spaces, and storm water management facilities are also covered.

For parks, it is the cost of the land, not the cost of the development that is eligible for calculating the exaction fees.

The non-floodplain portions, there is a dollar amount put aside, but the post-development floodplain is given without charge as part of the program.

For every rural open space acre that is developed, there is a $1,000 assessment to make up for the loss of greenspace.

King said that the exaction program operates as a "Zero Sum Game." He explained further by saying that the goal is to have the total exactions collected equal the total cost of the system improvement facility over the development period.

King said that this is over a $100MM enterprise. The highlights of the program are as follows:

- Exactions are assessed on an acreage basis
- Exactions are due when a building permit is issued
- Amount of exaction varies depending upon specific expansion area and zoning
- Developers can construct exacted infrastructure for exaction credit and reimbursement
- Exaction rates can be updated
- Rates are set by the Urban County Council
- Exactions are tracked for each lot created

King said that the status of the exaction program is as follows:

- Total value of credited system improvements constructed or under construction: $44,781,588
- Total LFUCG bonds: $4,338,741
- Total exactions due/collected on recorded plats: $34,131,242
- Total lots: 4,916

King said that 60% of the land is yet to be developed (2,383 acres).

Gorton asked King about rural open space. King said that the money can be set aside for programs like PDR. King said that all that money has been set aside for credits for other exactions (except for the sewers). King said they are dollar valued credits. They can use exactions to satisfy open space, park exaction, or anything besides sewers.

The developers made the point that if they are paying and building the road, they should get credit (dollar valued credits, instead of being paid back in cash).

There are $45MM in system credits in the ground, and about $35MM has been collected. The financial model is based on 90% development.

King said in expansion area 2C, the traffic models indicated that there was going to be a significant upgrade of Walnut Hill Chilesburg Pike, even without expansion. Hayes Blvd was half the exaction program and half the LFUCG's responsibility.

Stinnett asked King about Polo Club Blvd. King said that the developer approached the LFUCG and entered into an agreement based upon the assumption that the road would cost X dollars. The invoices are tracked through Engineering. They received a $12MM credit for building the road. They can sell them to other developers for exactions as well.

Developers who do not have credit pay the fees with real dollars. Stinnett asked for that total. King said that he can get the number. The Department of Finance keeps track of the money.

Each new home pays an exaction fee and Stinnett and King both said that it will take a long time to recoup the money.

Kay asked how decisions were made regarding improvements prior to and after the exaction program. King said that a previous Council discussed the LFUCG doing the improvements. That Council chose not to do that, except for the bonding done in 2C. King said that most of the infrastructure that has been put in has been done by developers.

King said that in Expansion Area 3, if the Council thought they should have all the roads and sewers in place, the LFUCG could do it, and the money would be recouped through the exaction program, but they would not have an exact timeframe to recoup the money.

King said that every acre of land has been charged $1000. It is not cash sitting in a bucket. Kay asked if the availability of funds for PDR would come at the end of the process. King answered yes.

Mossotti asked about Developers that go out of business. King said that they can satisfy their exactions by using those credits. The developer could also sell the credits. This must be formally submitted to the Department of Finance. King said that this has not happened very frequently.

Stinnett said there are 2,300 acres available for residential or Economic Development (ED) land. Stinnett said that he would like the Council to review the impact this program has on ED land.

King said that the last fee update was in 2010.

Stinnett said that we cannot afford the upkeep on the greenways we have now. King said that the Greenway Coordinating group has been reviewing this issue.

Kay asked King about the fee structure. King said that any proposal of fee structure changes will come to the Council for approval. King said they are currently looking at that model. It is very transparent, and King said that he has shared it with the development community. King said that there are critical costs coming in regarding sanitary sewers and there are also a couple of projects that are closing out so King hopes to get the proposed changes to the Council within the next few months.

3. B1 ZOTA

King introduced the item. He said that Neighborhood Business Zones can be found throughout Fayette County. In 2007, the Comprehensive Plan implementation chapter called for a completion of the Non-Residential Infill Study, and Neighborhood Business Zone Re-write.

The types of proposed changes are as follows:

- Yard and Height Requirements
- Off-Street Parking
- Special Provisions – Form-Based Neighborhood Business Project
- Principal, Accessory, and Conditional Uses
- Definitions

These changes would impact all the B-1 zones.

Bill Sallee approached the podium and told the Committee members that there is a 25' height limit or 35' limit with top floor residential use, a 20' minimum front yard, and no limitations for side and rear yards (unless adjacent to a P-1 zone or residential zones). The proposed amendment allows for a minimum 10' front yard and a maximum 20' yard. The maximum height of a building would be 35', except as permitted in Section 8-16(o)(3).

Traci Wade said that the Infill study also suggested a reevaluation of the current parking requirements. The proposed changes are as follows:

- Arcades, with or without accessory billiard or pool tables - 1 space for every 250 square feet of floor area
- Shoe Repair Shops, Clothing Alterations, Tailoring Services and Tattoo Parlors - 1 space for every 200 square feet, with a minimum of 3 spaces
- Animal Grooming Facilities - 1 space for every 200 square feet, with a minimum of 3 spaces.

- Mail Service Facilities - 1 space for each 200 square feet of floor area

Wade said that the Infill study also suggested the option of a Form-Based Neighborhood Business Project. Additionally, they are proposing a maximum for structure size.

Wade said that a special provision could be a Form-Based Neighborhood Business Project that must be approved by the Planning Commission and be a minimum of 1 acre in size. The final development plan must be approved by the Planning Commission prior to any building permit. They would also be required to submit an Area Character and Context Study.

Bill Sallee presented on use changes. He said that they received input from the Non-Residential Infill Study, the Downtown Development Authority (DDA), the Infill and Redevelopment Steering Committee, and the Divisions of Planning and Building Inspection.

Sallee told Committee members that the use changes are as follows:

Principal Use Additions:
- Animal Grooming Facilities
- Assisted Living Facilities
- Brew-pubs
- Mail Service Facilities
- Tattoo parlors
- Form-Based Neighborhood Business Projects

Accessory Use Additions:
- Sidewalk Cafes
- Retail sale of Liquid Propane (20lbs or less)

Conditional Use Additions:
- Extended-Stay Hotels
- Independent Parking Lots
- Drive-through facilities

Deletions:
- Hospitals
- Cable TV Distribution centers and studios
- Combination Business, Office and Residential Project

Modifications and Restrictions:
- Parking Structures and Lots
- Drive-through Facilities

Modifications:
- Indoor Theatres
- Truck Rental

Kay asked Sallee what the status of the text amendment is. Sallee said that the Planning Commission held their hearing and voted to recommend the text amendment to the Council 5-3. Kay asked Sallee if they amend the text amendment, will it stand. Sallee answered yes.

Kay asked about drive-through facilities. Sallee said that they are currently an accessory use.

Clarke asked Sallee how they came to the conclusion that 35' should be the height limit. Sallee said that there is a 35' standard placed in the zoning ordinance in the 1960's for the lower density zones. In the 1980's, the B-1 zone was made lower by 25'. This has since been relaxed and the third floor residential option was allowed.

Lawless commented on extended stay hotels. She confirmed with Sallee that these hotels could be conditional uses up to 4 stories. Sallee confirmed her statement. Lawless also commented on surface parking lots.

Lawless said that she does not understand why a theatre would be limited to 3 stages because there are so many large vacant buildings that could house more than 3 stages. Sallee said that the 3 screens will only impact the B-1 zones. Lawless said that she didn't have heartburn over the theatres as much as she had heartburn over rehabilitation homes and extended stay hotels.

Sallee said that extended stay hotels are currently conditional uses in P-1 zones.

Gorton noted that this text amendment was controversial with the Planning Commission. She said that their vote was 5-3 with 3 absentees. Gorton asked Sallee if he has any comment about what occurred during the Planning Commission meeting. Sallee said the 3 Commission members that dissented had different issues with the proposal.

King said that in the end they were not concerned about the entire package, but one Commission member was concerned about the rural B-1's, one was concerned about tattoo parlors, and one was concerned about the form-based aspect.

Henson said that she is still not comfortable with the text amendment. Henson asked for more documentation as to why the Division of Planning proposed this text amendment. Sallee said that they referenced the Non-Residential Infill Study and thus relaxed some criteria and tightened other criteria. Sallee said that some of the uses and new definitions allow for clarification.

Kay asked Sallee what this text amendment is trying to accomplish. Sallee said that it is to implement a portion of the Comprehensive Plan. King said that infill and redevelopment got such a boost in the early 2000's and that the Residential Infill and Redevelopment study led to one of the largest rewrites of the zoning ordinances in our history. King said that they wanted to replicate that with a non-residential. He said that they support one another.

<u>Motion by Kay to forward the proposed ZOTA to the full Council. Seconded by Clarke.</u>

Lawless asked Sallee to consider making rehabilitation homes, community centers and private clubs conditional uses. She went on to ask for better definitions of these types of uses.

Gorton asked about height restrictions. Sallee said that only provision that would allow for additional height would be within the Form-Based neighborhood business zone.

Beard said that he was concerned about a broadcast station. He asked if it would include a 1200 foot tower. Sallee said that towers are usually exempt from zoning, but radio and television are regulated and are conditional uses in the agricultural area. The building code regulates how high they can be on top of a building.

Henson said that she was not comfortable supporting the motion at this time. Henson said that she would prefer that the issue stay in committee.

Gorton agreed with Henson. She asked Sallee if they could schedule a public hearing once the item is forwarded to the full council.

Farmer said that the next meeting needs to include the actual verbiage of the text amendment. Farmer said that he had questions about some of the definitions. Farmer asked Committee members to provide input so they could come to some fruition.

Kay asked for specific proposals for the amending of the text amendment.

Kay withdrew his motion. Clarke withdrew his second.

4. Adult Day Cares

Ford introduced the item. Ford said that his proposal defines Adult Day Cares and sets the zoning parameters to require notification to neighborhoods. Ford said that the Planning Commission passed it 8-1.

Ford said the ZOTA was initiated by Council, it has been adequately researched, passed by the Planning Commission, not objected to by the Mayor's Commission on Homelessness and has been heard by the Planning and Public Works Committee three times. Ford said that he would like to refer the ZOTA to the full Council for their consideration.

Sallee presented new information to the Committee members. Sallee presented the state definitions of the two uses from the state.

Farmer asked Sallee about the proximity of these entities to schools. Sallee said that the original intent was to provide notice to neighbors, and they only way to do it was to make it a conditional use.

Gorton told Sallee that the Local Emergency Planning Committee (LEPC) does have a comprehensive list of schools and daycares. She suggested that the Division of Planning obtain that list.

Gorton also reiterated that the ZOTA was well received by the Planning Commission. She asked Sallee about the state definition of Adult Day Care. Sallee said that this has separated out the name to avoid confusion.

Motion by Ford to refer the Adult Day Care ZOTA to the full Council. Seconded by Gorton. Motion passed without dissent.

Henson said that having two definitions provides clarity, but she does not want to segregate a certain population.

5. Items Referred to Committee

Motion by Gorton to remove Exaction Fees from the Items Referred list. Seconded by Lawless. Motion passed without dissent.

Motion by Ford to remove Adult Day Cares from the Items Referred list. Seconded by Gorton. Motion passed without dissent.

Motion by Ellinger to adjourn. Seconded by Gorton. Motion passed without dissent.

Submitted by Jenifer Benningfield, Council Administrative Specialist

Recreational ZOTA ACRONYMS

A-N	Agricultural-Natural
ESA	Environmentally Sensitive
LCVB	Lexington Convention and Visitors Bureau
NAT	Natural Area
PDR	Purchase of Development Rights
RSALMP	Rural Service Area Land Management Plan
USB	Urban Service Boundary
ZOTA	Zoning Ordinance Text Amendment

ZONING ORDINANCE TEXT AMENDMENT (ZOTA) WORK GROUP
Final Report

Origins and Background

There has been informal conversation among some Council Members and Division of Planning staff about the need for a coordinated, detailed study of the zoning ordinance with a goal of expanding recreational opportunities related to tourism. On February 21, 2012, Vice Mayor Linda Gorton created the Zoning Ordinance Text Amendment (ZOTA) Work Group relating to recreation.

Lexington's Zoning Ordinance, Chapter 20 of the Code of Ordinances, has never been revised specifically in regards to comprehensive changes to permitted recreational uses, county-wide.

The task force was comprised of:

Kevin Atkins	Chief Development Officer of the LFUCG
Todd Clark	Fayette County Farm Bureau
Philip DeSimone	Wineries
Linda Gorton	Vice Mayor
Gina Greathouse	(Kelly Cain) Commerce Lexington
Todd Johnson	Homebuilders Association of Lexington
Ed Lane	Council Member 12th District
Jan Meyer	Board of Adjustment
Mike Owens	Planning Commission
Frank Penn	Planning Commission
Mary Quinn Ramer	Lexington Convention and Visitor's Bureau
Don Robinson (Chair)	Kentucky Thoroughbred Association and the Fayette Alliance
Ryan Sharp	Director of Adventure Programs, Eastern Kentucky University
Emma Tibbs	Fayette County Neighborhood Association
Billy Van Pelt	Purchase of Development Rights (PDR) Program

The task force held 20 meetings, from March 26, 2012 to December 17, 2012. Each meeting was scheduled for 90 minutes and open to the general public, with a 10 minute period reserved for public comment. Business was conducted by parliamentary procedure and all substantive decisions were made by motion and majority vote.

The task force's primary goal was to review the Zoning Ordinance in relation to recreational/tourism uses and to propose revisions.

Goals

The Work Group adopted the following goals on April 9, 2012 by unanimous vote:

To: *Showcase Lexington-Fayette County as the Horse capital of the World by preserving and promoting its unique agricultural industries, environment, cultural landscape and historic resources.*

Encourage agritourism opportunities that are incidental to the primary Agricultural use for signature Fayette County farmland,

Explore recreational and tourism opportunities that support the quality of life, Infrastructure, and environment of urban, neighborhood, and rural areas.

Please refer to Tab 1 for the following documents, which add detail to the origins and background of the Work Group:

2-21-12 Vice Mayor's Memo Appointing Work Group
2-21-12 Press Release
2-29-12 Kentucky.com Article
4-9-12 Purpose and Goals adopted by Work Group
4-20-12 Vice Mayor's Memo Appointing Additional Work Group Member
8-30-12 ZOTA Work Group Interim Report to Council

Work Process

Chris King, Director of the Division of Planning, and his staff, including Bill Sallee, Traci Wade, and Barbara Rackers, assisted throughout the process. The Law Department and GIS assisted as well. Bill Sallee briefed the Work Group on "The Basics of Zoning in Fayette County" and the Intent of each zone as expressed in the Zoning Ordinance. Staff provided inventories and maps identifying current recreational uses in every zone, inside and outside the Urban Service Boundary (USB). They also provided research on what types of recreational uses other communities allow by zones. The Planning staff then developed agritourism and ecotourism grids for every zone in Fayette County, which enabled the group to consider new uses and to work through its recommendations in a methodical manner. Definitions of each use will need to be crafted along with the changes to the zoning ordinance.

The Work Group discussed potential changes to allowable recreation uses in the context of:

-The Intent of each zone as reflected in the Zoning Ordinance (Tab 2)

-The Rural Service Area Land Management Plan (RSALMP), specifically Chapter III ("Recommended Land Use Plan Categories"), Sec B ("Natural Areas Category [NAT]") and Chapter IV ("Special Plan Elements"), Sec B ("Rural Roadways") (Tab 5)

-"Tourism Facts for Lexington 2011" Report by LCVB (Tab 8)

- Preston-Osborne "2011 Conversion Study Results" (Tab 8)
  This study showed the top two reasons for considering Lexington as a vacation destination in 2008 & 2011 were 1)Scenic beauty, and 2)Horse-related activities

Subcommittees

During its work, the members decided to give special attention to two unique zones through subcommittee work: the B-1 zone outside the USB, and the Agricultural-Natural (A-N) zone. The subcommittees made recommendations to the full Work Group, approved and incorporated these into the final Work Group recommendations.

B-1 - Per the RSALMP, "..various pockets of non-agricultural zoning exists from Pre-Urban Service Area" time. (Tab 1)

A-N - An area on the zoning map is identified as A-N; however, currently there are no parcels zoned A-N, so all remain Agricultural-Rural (A-R). A-N uses would first need to be rezoned to A-N.

> "Protection, preservation, and proper management of the environmentally sensitive areas are critical for the quality of life not only in the rural areas of the county, but our urban areas and the region as well."
>
> "Quite often, the special concerns of the ESA's (Environmentally Sensitive Areas) are relatively overlooked in the rural area (in comparison to urban areas) due to low population density and lack of threat of development. However, the proper protection and enhancement of these areas is critical to the overall health of the local and regional environment." (RSALMP Chapter IV, Sec A, page 2)

Short-term Vacation Rental- A separate ZOTA recommendation is included regarding Short-term Vacation Rentals (Tab 7).

REVISED 2.22.12

THE OFFICE OF LINDA GORTON, RN

VICE MAYOR
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

MEMORANDUM

TO: Mayor Jim Gray
Council Members

FROM: Linda Gorton
Linda Gorton
Vice Mayor

CC: Stacey Maynard
Council Administrator

DATE: February 21, 2012

SUBJECT: Zoning Ordinance Text Amendment (ZOTA) Work Group Appointments

The purpose of this memo is to appoint a Work Group to address issues which have been discussed and debated during the past few months regarding tourism in Fayette County. The Work Group will serve as an advisory body, representing key stakeholders and community interests. The purpose of the Work Group is to study the need for and develop recommendations for the Urban County Council and the Planning Commission concerning the preparation of amendments to the Zoning Ordinance of Lexington-Fayette Urban County, Kentucky, governing and regulating commercial and non-commercial recreational activities as they relate to tourism.

The Work Group will issue a report to the Vice Mayor and Council no later than 30 August 2012. My hope is that the Council will take the results of the Work Group and initiate a text amendment, sending it to the Planning Commission for their discussion and action.

I have attached the list of citizens who have agreed to serve on the ZOTA Work Group.

THE OFFICE OF LINDA GORTON, RN

VICE MAYOR
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

MEMORANDUM

TO: Council Members

FROM: Linda Gorton
Linda Gorton
Vice Mayor

DATE: April 20, 2012

I hereby confirm the appointment of Dr. Ryan Sharp, Director of Adventure Programs in Eastern Kentucky University's Campus Recreation Department, to the ZOTA Task Force effective immediately. Dr. Sharp's qualifications include a Masters Degree in Outdoor Recreation and a PhD in Natural Resources Management. He also served on the National Park Service Planning Committee in Denver, Colorado, focusing on outdoor recreation while preserving natural resources.

Purpose of ZOTA Work Group:

...to develop recommendations for LFUCG concerning the preparation of amendments to the Zoning Ordinance, governing and regulating commercial and non-commercial recreational activities as they relate to tourism.

Goals

The following land-use goals should be advanced to further cultural tourism; economic development; and public pride and enjoyment in Lexington-Fayette County and beyond:

I. Showcase Lexington-Fayette County as the Horse Capital of the World by preserving and promoting its unique agricultural industries, environment, cultural landscape, and historic resources.

II. Encourage agritourism opportunities that are incidental to the primary agricultural use of our signature Fayette County farmland.

III. Explore recreational and tourism opportunities that support the quality of life, infrastructure, and environment of urban, neighborhood, and rural areas.

ADOPTED BY TASK FORCE 4-9-12

February 21, 2012

Contact: Jenifer Benningfield
859-258-3828
Jbenningfield@lexingtonky.gov

Vice Mayor Gorton Appoints Zoning Ordinance Text Amendment Work Group

Vice Mayor Linda Gorton announced today the creation of a Zoning Ordinance Text Amendment Work Group to address issues regarding tourism in Fayette County.

"It is important for us to recognize our strengths, such as our strong agricultural farms and businesses in Fayette County. This Work Group will be a mechanism for proactive evaluation of our potential for recreational opportunities," said Gorton.

The Work Group will serve as an advisory body and will represent key stakeholders and community interests. The Work Group will study the need for and develop recommendations for the Urban County Council and the Planning Commission concerning the preparation of amendments to the Zoning Ordinance of the Lexington-Fayette Urban County, Kentucky, which govern and regulate commercial and non-commercial recreational activities as they relate to tourism.

Don Robinson of the Kentucky Thoroughbred Association and the Fayette Alliance will Chair the Work Group. Robinson will issue a report to the Urban County Council no later than August 30th, 2012.

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Kentucky.com

Kentucky.com NEWS, SPORTS AND ENTERTAINMENT FROM THE LEXINGTON HERALD-LEADER

Task force right to look at zoning more recreation

12:00am on Feb 29, 2012; Modified: 1:39am on Feb 29, 2012

Fayette County has many unrealized opportunities and outdoor recreation is one of them.

Located in a temperate climate in the center of the country, with some of the most beautiful countryside in the world and bordered by a river, we should be attracting people from all over to come and play here.

When developer Burgess Carey recently proposed a canopy tour on Boone Creek in southern Fayette County it became apparent that our zoning laws simply don't address that type of project.

Vice Mayor Linda Gorton, seeing the opportunity and the problem, decided to form a work group to study this issue.

The group will develop a zoning proposal for including more recreational opportunities throughout the county while preserving landscape and agricultural use in the rural area and neighborhoods and urban functions in town.

It's an ambitious task but one that has the potential to serve our community, and its visitors well for decades to come. A clear, well-thought-out zoning approach to recreation will give developers like Carey more certainty about what the community requires in a project while also reassuring neighbors like those who expressed concern about aspects of his proposal that their concerns are addressed.

Gorton's 14-member group will begin work in the next couple of weeks with a goal of making a recommendation by the end of August.

There are no specific recreation advocates, such as runners, walkers, cyclists or water sports enthusiasts, Gorton said, because she was concerned about appearing to favor one activity or project over another.

Still, the group would benefit from a member who has experience and knowledge in the field of recreation.

This is an opportunity for those already on the frontlines of outdoor recreation in this area to join the process. All work group meetings will be open to the public and include opportunities for public input. Join the process and help Fayette County realize this opportunity.

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TO: Vice Mayor Linda Gorton
Urban County Council Members

FROM: Don Robinson, Chair

SUBJECT: Zoning Ordinance Text Amendment (ZOTA) Work Group-Interim Report

DATE: August 30, 2012

On February 21, 2012, Vice Mayor Linda Gorton created the ZOTA Work Group, whose purpose is to study the need for and develop recommendations for the Urban County Council and the Planning Commission concerning the preparation of amendments to the Zoning Ordinance of Lexington-Fayette Urban County, Kentucky, governing and regulating commercial and non-commercial recreational activities as they relate to tourism.

The Work Group has met 13 times since February and has adopted the following goals:

To: *Showcase Lexington-Fayette County as the Horse Capital of the World by preserving and promoting its unique agricultural industries, environment, cultural landscape, and historic resources,*

Encourage agritourism opportunities that are incidental to the primary Agricultural use of our signature Fayette County farmland,

Explore recreational and tourism opportunities that support the quality of life, infrastructure, and environment of urban, neighborhood, and rural areas.

The following topics have been explored in depth:

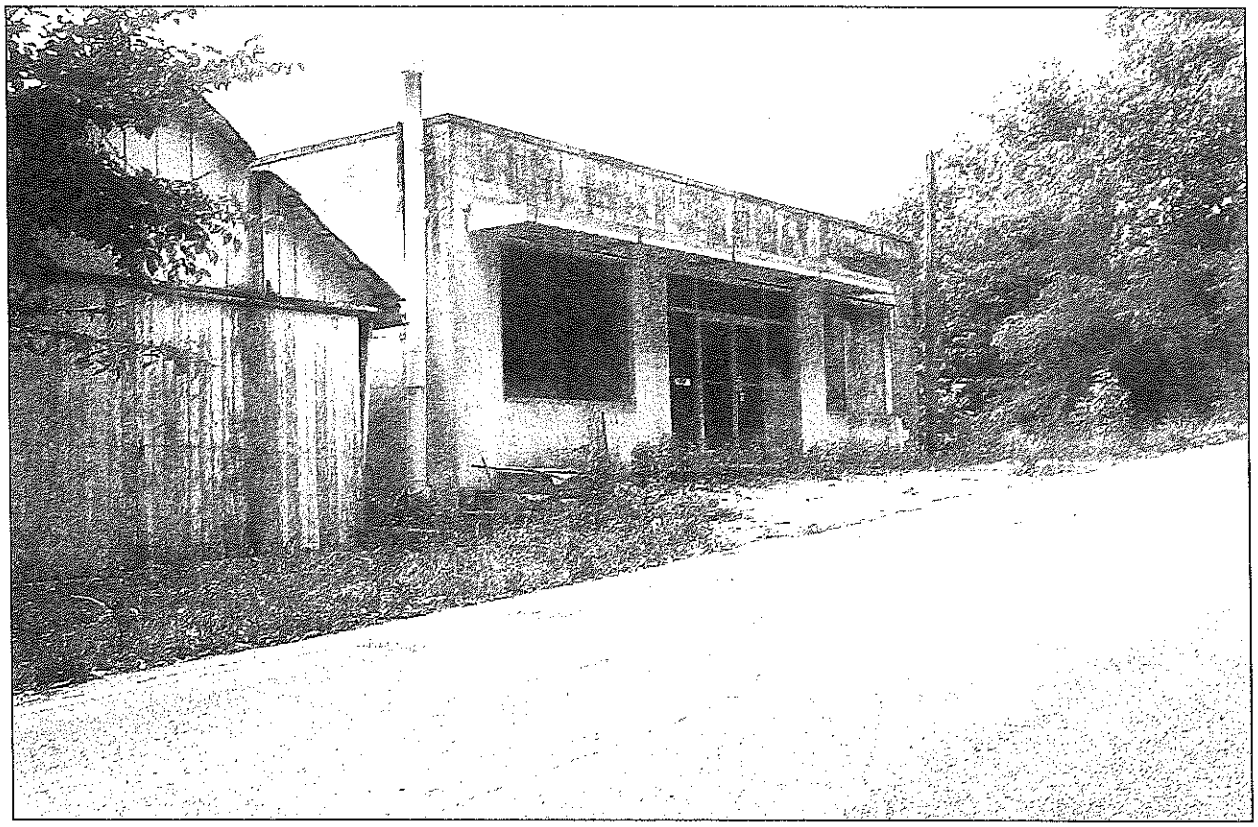
Zoning Basics, including conditional uses & accessory uses
GIS maps, including discussion of the following:
rural area, PDR-protected lands, public lands, Rural Settlements, Bed & Breakfasts, B-1 zoned areas in Rural Service Area, Rural Activity Centers, National Historic Registered areas, Scenic Byways & Viewsheds
Agritourism – definition, matrix of uses
Ecotourism – definition, matrix of uses

Future meetings will involve discussions regarding issues such as commercial/non-commercial, Lexington Convention & Visitors Bureau data, definitions of uses & recommendations. Attached you will find a list of the Work Group members.

F. EXISITING NON-AGRICULTURAL ZONING IN THE RSA

The RSA contains various pockets of non-agricultural zoning left over from the "Pre-Urban Service Area" era. The majority of this land is residentially zoned and associated with the rural settlements, which are discussed elsewhere in this report. Also, there are areas not zoned agricultural which are associated with Rural Activity Centers as defined in the Comprehensive Plan. However, there are certain locations where business zoning was established for businesses which no longer exist, or for which no business use was ever developed. Many of these sites have the potential for being developed in a manner incompatible with a program of rural preservation. It is recommended that most of the sites be zoned to A-R or another appropriate category unless the site is currently supporting a business which serves the rural area.

The following sites were identified through review of the zoning maps, and a windshield survey taken to ascertain the existence of commercial uses. The following is a list of these non-residential sites, their current zoning, and commentary as to existing uses and structures with recommendations for future rezoning consideration. A map depicting the sites appears as Figure 4-14.



An abandoned store along Old Richmond Rd. near the Kentucky River.

B. RURAL ROADWAYS

Overview

The rural road network provides the framework for land use in the RSA. The network serves the needs of the agricultural economy and links its residents to urban areas and adjoining counties. The narrow roadways with numerous small hills and curves are adequate for the slow moving agricultural vehicles that are often found in the rural area. Conflicts arise when non-agricultural traffic fails to respect the farmer's needs.

The rural roadways form the "window" through which the RSA is viewed and appreciated as a landscape. Proper planning for the RSA must take into account both the need for traffic management and viewshed management to protect and enhance the basic rural character of the rural road network. The primary objective should be to manage growth in the rural area so that only minimal road improvement is needed.

Traffic Management

Traffic, in particular, roadway capacity, is clearly a significant factor to take into account as part of the Rural Service Area Land Management Plan. To a large degree, the rural character of Fayette County is dependent upon low volumes of traffic on the rural roadways. High traffic volumes can lead to safety concern which, in turn, can result in the public need or desire to improve roadways, oftentimes with a corresponding loss of scenic character.

The Siemon, Larsen & Marsh Tentative Draft Rural Landscape Management Plan (October 1996) expressed this concern in great detail, and advocated a travel shed analysis approach as an adjunct to approval of most types of rural development. However, that plan did not attempt to quantify the capacity of the rural roadways of Fayette County. Rather, it was assumed that traffic impact would be analyzed as a part of the development review process. The staff felt that it was preferable to attempt to develop this information as a part of the *planning* phase of the rural plan rather than at the *regulatory* phase. In that way, the limitations of the rural road network can be taken into account in determining the appropriate levels of on-site development in the rural service area. If additional traffic limitations are needed at the regulatory implementation phase, base data will exist to guide decision-making on the specific development proposal.

The Transportation Planning Section developed rural road capacity principles utilizing recognized sources for determining roadway capacity. Factors influencing the capacity included such features as terrain, percent of no passing zones, percent of truck traffic, peak volumes, design speed, lane and shoulder width, and other factors. Field measurements and observations were utilized as a part of the process. Due to time limitations, this analysis was targeted to the areas of the county where the information would be most beneficial to policy decisions. That information was presented in the Rural Service Area Land Management Report #2 (Division of Planning, February 1998).

BASIC "INTENT" OF ZONES

8-1 AGRICULTURAL RURAL (A-R) ZONE

8-1(a) Intent - This zone is established to preserve the rural character of the agricultural service area by promoting agriculture and related uses, and by discouraging all forms of urban development except for a limited amount of conditional uses.

8-2 AGRICULTURAL BUFFER (A-B) ZONE

8-2(a) Intent - This zone is established to preserve the rural character of the agricultural service area by establishing agricultural land that can serve as buffer areas between urban uses and agricultural land, and between land outside Fayette County and agricultural uses. It is the intent of this zone to provide separation between conflicting uses by requiring appropriate landscaping, fencing, and compatible uses. The Land Use Element of the Comprehensive Plan shall be used to determine the appropriate location for the Agricultural Buffer (A-B) zone.

8-3 AGRICULTURAL NATURAL AREAS (A-N) ZONE

8-3(a) Intent - This zone is established to preserve areas within the Rural Service Area that are physically unique, primarily due to their association with the Kentucky River and its tributaries. This area is characterized by steeper slopes, forested areas, and thinner/poorer soils, and is known as a habitat for rare and unusual flora and fauna. Because these lands are environmentally sensitive, special care is needed to ensure that the uses that are permitted are compatible with the goal of conservation and preservation of these lands. The Land Use Element of the Comprehensive Plan shall be used to determine the appropriate locations for the Agricultural Natural Areas (A-N) Zone.

8-4 AGRICULTURAL URBAN (A-U) ZONE

8-4(a) Intent - This zone is intended to control the development of rural land within the Urban Service Area over a period of time so as to manage the growth of the community. In order to avoid premature or improper development, land should remain in this zone until public facilities and services are or will be adequate to serve urban uses.

8-5 SINGLE FAMILY RESIDENTIAL (R-1A) ZONE

8-5(a) Intent - These zones are established to provide for single family detached residences and supporting uses. The zones should be located in areas of the community where services and facilities will be adequate to serve the anticipated population. The Comprehensive Plan should be used to determine the location and density (units/acre) of each single family zone.

8-6 SINGLE FAMILY RESIDENTIAL (R-1B) ZONE

8-6(a) Intent - As for R-1A.

8-7 SINGLE FAMILY RESIDENTIAL (R-1C) ZONE

8-7(a) Intent - As for R-1A.

8-8 SINGLE FAMILY RESIDENTIAL (R-1D) ZONE

8-8(a) Intent - As for R-1A.

8-9 SINGLE FAMILY RESIDENTIAL (R-1E) ZONE

8-9(a) Intent - This zone is intended to provide for single family detached residences on small lots, and at a higher density than would be possible in other detached single family zones. It may be used for zero-lot-line houses and for patio houses. This zone should be at locations and at the density (units/acre) recommended by the Comprehensive Plan and in areas of the community where necessary services and facilities will be adequate to serve the anticipated population.

8-10 TOWNHOUSE RESIDENTIAL (R-1T) ZONE

8-10(a) Intent - This zone is intended to provide for attached single family dwellings and supporting uses. This zone should be at locations and at the density (units/acre) recommended by the Comprehensive Plan and in areas of the community where necessary services and facilities will be adequate to serve the anticipated population.

8-11 TWO-FAMILY RESIDENTIAL (R-2) ZONE

8-11(a) Intent - This zone is primarily for two-family dwellings (duplexes). This zone should be at locations and at the density (units/acre) recommended by the Comprehensive Plan and in areas of the community where necessary services and facilities will be adequate to serve the anticipated population.

8-12 PLANNED NEIGHBORHOOD RESIDEN- TIAL (R-3) ZONE

8-12(a) Intent - This zone is primarily for multi-family dwellings and other residential uses. This zone should be at locations and at the density (units/acre) recommended by the Comprehensive Plan, and in areas of the community where necessary services and facilities will be adequate to serve the anticipated population.

8-13 HIGH DENSITY APARTMENT (R-4) ZONE

8-13(a) Intent - This zone is primarily for multi-family dwellings, but at a higher density than the R-3 zone. The R-4 zone should be at locations and at the density (units/acre) recommended by the Comprehensive Plan, and in areas of the community where necessary services and facilities will be adequate to serve the anticipated population.

8-14 HIGH RISE APARTMENT (R-5) ZONE

8-14(a) Intent - This zone is primarily for multi- family dwellings and particularly for high rise apartments. The R-5 zone should be at locations and at the density (units/acre) recommended by the Comprehensive Plan, and in areas of the community where necessary services and facilities will be adequate to serve the anticipated population.

8-15 PROFESSIONAL OFFICE (P-1) ZONE

8-15(a) Intent - This zone is primarily for offices and related uses. Retail sales are prohibited, except where directly related to office functions. This zone should be located as recommended in the Comprehensive Plan.

8-16 NEIGHBORHOOD BUSINESS (B-1) ZONE

8-16(a) Intent - This zone is intended to accommodate neighborhood shopping facilities to serve the needs of the surrounding residential area. Generally, they should be planned facilities and should be located as recommended in the Comprehensive Plan. This zone should be oriented to the residential neighborhood, and should have a roadway system which will be adequate to accommodate the anticipated vehicular traffic.

8-17 DOWNTOWN BUSINESS (B-2) ZONE

8-17(a) Intent - This zone is intended to accommodate existing and future development in the Central Business District.

8-18 DOWNTOWN FRAME BUSINESS (B-2A) ZONE

8-18(a) Intent - This zone is intended to accommodate existing and proposed development in the transitional "frame," which surrounds the downtown core area, by providing for comparable and compatible uses while anticipating the future expansion of the downtown core area.

8-19 LEXINGTON CENTER BUSINESS (B-2B) ZONE

8-19(a) Intent - This zone is intended to ensure compatible land uses, the preservation of existing attractions compatible with the Lexington Center, and the encouragement of new uses necessary to the proper development of the downtown area. The permitted land uses in the zone should have some logical relation to the Lexington Center and to the downtown core, should promote tourism, should promote the economic health of the community, should provide for an aesthetically pleasing environment, and should prevent the creation of influences adverse to the prospering of the Lexington Center and the downtown area.

8-20 HIGHWAY SERVICE BUSINESS (B-3) ZONE

8-20(a) Intent - This zone is intended to provide for retail and other uses, which are necessary to the economic vitality of the community but may be inappropriate in other zones. The Comprehensive Plan should be used to determine the locations for this zone. Special consideration should be given to the relationship of the uses in the zone to the surrounding land uses and to the adequacy of the street system to serve the traffic needs.

8-21 WHOLESALE AND WAREHOUSE BUSI- NESS (B-4) ZONE

8-21(a) Intent - This zone is intended primarily for wholesaling, warehousing, storage operations and establishments whose activity is of the same general character as the above. To a lesser extent, this zone is also intended to provide for the mixture of professional offices and warehouses that promote reuse and redevelopment of older warehouses, allowing businesses to combine their entire operation in one building, as recommended for the Office/ Warehouse land use category in the Comprehensive Plan. This zone is also intended to encourage the adaptive reuse of older structures in or adjoining the Infill and Redevelopment Area to promote revitalization of these buildings. The Comprehensive Plan should be used to determine the appropriate locations for this zone. Consideration should be given to the relationship of this zone to the surrounding land uses and the adequacy of the street system to serve the anticipated traffic needs.

8-22 LIGHT INDUSTRIAL (I-1) ZONE

8-22(a) Intent - This zone is intended for manufacturing, industrial and related uses not involving a potential nuisance in terms of smoke, noise, odor, vibration, heat, light or industrial waste. In addition, the Comprehensive Plan recognizes that it is important to promote adaptive reuse of older industrial areas and to allow Industrial Mixed-Use projects and Adaptive Reuse Projects. The Comprehensive Plan should be used to determine appropriate locations for this zone and for Industrial Mixed-Use Projects. Consideration should be given to the relationship of this zone to the surrounding land uses and to the adequacy of the street system to serve the anticipated traffic needs.

8-23 HEAVY INDUSTRIAL (I-2) ZONE

8-23(a) Intent - This zone is intended for manufacturing, industrial, and related uses that involve potential nuisance factors. It is also intended to encourage Adaptive Reuse Projects of older structures in or adjoining the Infill and Redevelopment Area. The Comprehensive Plan should be used to determine the appropriate locations for this zone. Consideration should be given to the relationship of this zone to the surrounding land uses and to the adequacy of the street system to serve the anticipated traffic needs.

8-24 OFFICE, INDUSTRY AND RESEARCH PARK (P-2) ZONE

8-24(a) Intent - This zoning category is created to provide for a mixture of compatible office, research, warehouse and industrial uses in a park-like setting with high quality standards of development. This zone shall be located as recommended by the Comprehensive Plan. While it is recognized that actual development of property zoned P-2 may occur in increments smaller than the total acreage shown on the Comprehensive Plan, the terms "P-2 area" and "P-2 park" as used herein are intended to mean the entire contiguous area of ORP as designated on the Comprehensive Plan. The limitations on retail and hotel/motel uses stated herein have been drafted with the expectation that a P-2 project will include all such property as shown on the plan.

11 INTERCHANGE SERVICE BUSINESS (B-5P) ZONE

11-1 INTENT - The intent of the Interchange Service Business (B-5P) zone is to permit the establishment of limited commercial facilities at limited access highway interchange areas so that the traveling public is conveniently provided with transient type services without endangering the movement along, as well as access to and from, the limited access highway. The standards contained in this Article are intended to provide adequate protection for, and consideration of, the traveling public.

12 PLANNED SHOPPING CENTER (B-6P) ZONE

12-1 INTENT - The intent of the Planned Shopping Center (B-6P) zone is to encourage the logical and timely development of land for commercial purposes and the expansion of existing shopping centers in accordance with the Comprehensive Plan. The protective standards contained in this provision are intended to:

Assure convenience by providing commercial areas of sufficient size and in the proper location to serve conveniently the people of the area in relation to their purchasing power and their needs and demands for goods and services;

Assure traffic safety and provide for the improvement of major thoroughfare traffic capacities by properly locating and grouping commercial areas and by designing such commercial areas so as to provide safe and convenient access thereto and adequate off-street parking for automotive vehicles and by effectively separating vehicular from pedestrian traffic both within the commercial area and on adjacent public rights-of-way;

Provide for service vehicles by including convenient access and loading facilities in the design of commercial areas;

Protect adjacent residential neighborhoods from depreciation of property values resulting from commercial over-zoning, from the over-development or intrusion of undesirable commercial uses, and from the possible blighting effect of failed "big-box" retail establishments;

Promote community attractiveness by encouraging the design of commercial areas and "big-box" retail establishments which will integrate with residential areas by utilizing effectively topographic features, transitional areas, and the liberal application of landscaping and screening devices, thus minimizing any adverse effect of any such commercial area upon adjacent land uses and providing a pleasant environment for the shopping and working experience;

Improve the economic base and tax structure of the Lexington metropolitan area by encouraging the development of stable, economically sound commercial concentrations;

Protect the investments of existing and future commercial concentrations by providing the basis for convenient and stable commercial development through the application of sound planning principles.

EXPANSION AREA ZONES

23A-4 CONSERVATION DISTRICT (CD) ZONE

23A-4(a) INTENT - This zone is intended to provide areas within the Expansion Area for active and passive recreation and to provide neighborhood and community recreational facilities needed to serve the residents of the Expansion Area.

23A-5 EXPANSION AREA RESIDENTIAL 1 (EAR-1) ZONE

23A-5(a) INTENT - This zone is intended to provide a mixture of low density residential uses which will serve as a transition between the more intensely developed suburban neighborhoods and the Rural Service Area.

23A-6 EXPANSION AREA RESIDENTIAL 2 (EAR-2) ZONE

23A-6(a) INTENT - The intent of the Expansion Area Residential 2 Zone is to provide a mixture of residential uses and housing types, to allow density transfer from areas which should not be developed, and to provide for well-designed neighborhoods.

23A-7 EXPANSION AREA RESIDENTIAL 3 (EAR-3) ZONE

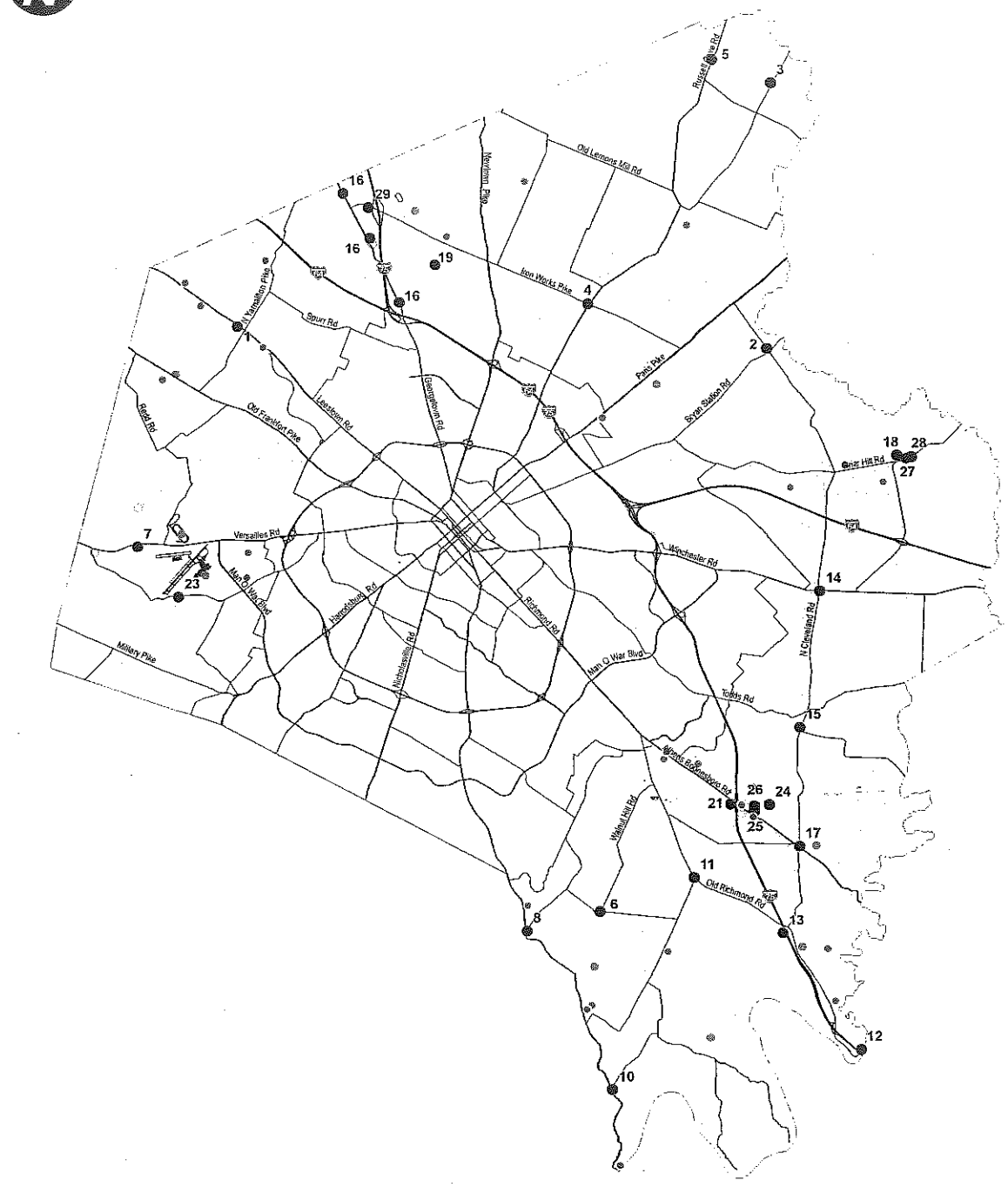
23A-7(a) INTENT - The intent of the Expansion Area Residential 3 Zone is to provide a mixture of residential uses and housing types at a higher density than the other Expansion Area Residential zones, to allow density transfer from areas that should not be developed and to provide for well-designed neighborhoods.

23A-9 COMMUNITY CENTER (CC) ZONE

23A-9(a) INTENT -The intent of this zone is to implement the Community Center land use designation in the Expansion Area Master Plan by providing a mixture of residential uses and non-residential uses which serve the needs of the surrounding residential neighborhoods.

ARTICLE 23A-10 ECONOMIC DEVELOPMENT (ED) ZONE

23A-10(a) INTENT - The purpose of the Economic Development zone is to provide land within the Expansion Area for employment opportunities compatible with the overall character of development as provided in the Expansion Area Master Plan.



Legend

- Major Road
- Tourism Conditional Use
- Rural Non-Agricultural Zone
- Accomodation*
- Attraction*
- Blue Grass Airport
- Horse Track
- Rural Service Area

*Source: Lexington Convention and Visitors Bureau

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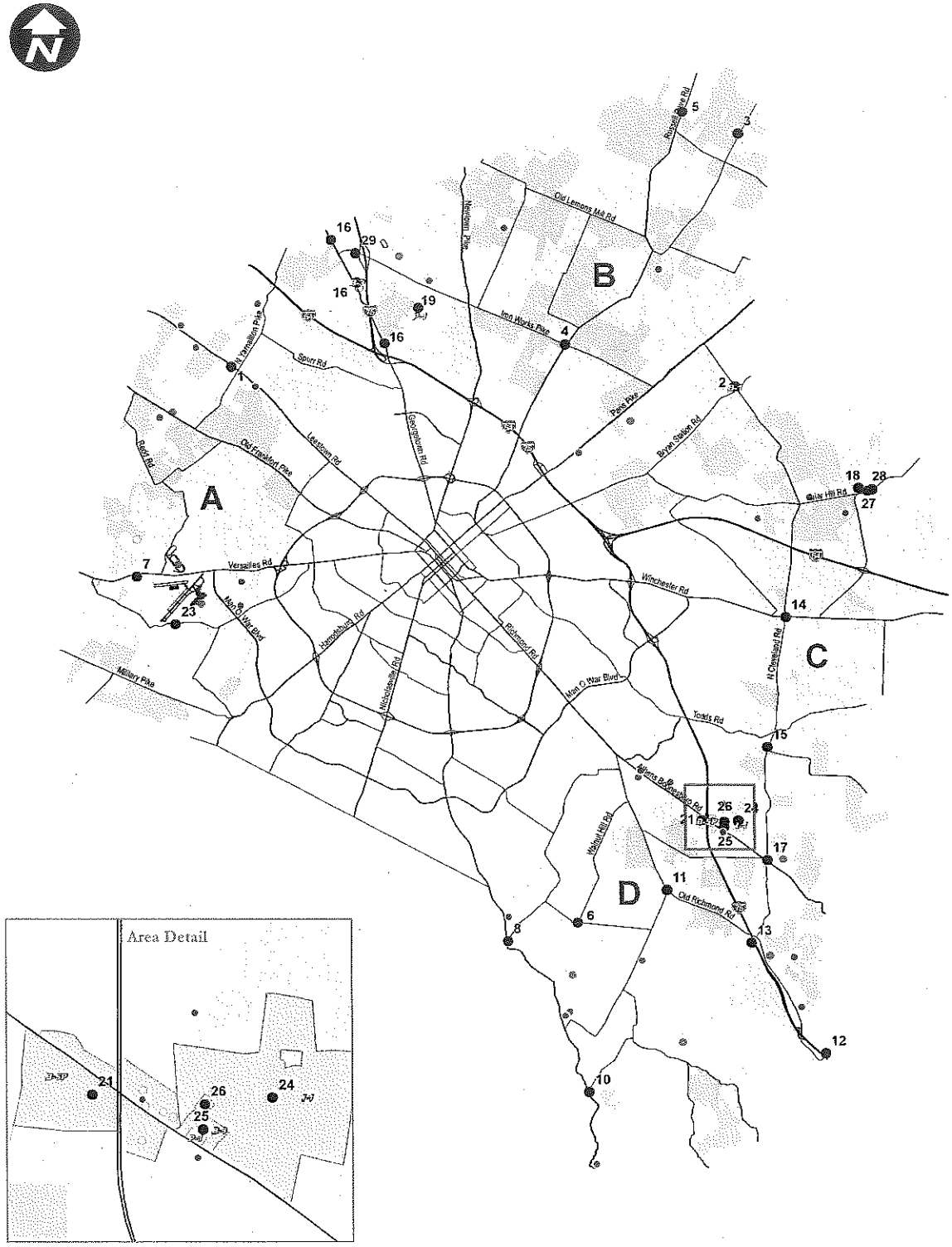
ZOTA Work Group

Existing Non-Agricultural Zoning in the Rural Service Area

Rural, Non-Agricultural Zones

Location	Zone	Acres	Location	Zone	Acres	Location	Zone	Acres
1	B-1	11.80	11	B-1	9.56	21	B-5P	166.60
2	B-1	12.12	12	B-3	8.65	22	*Down Zoned*	
3	B-1	3.10	13	B-1	9.81	23	B-1	3.69
4	B-1	1.42	14	B-1	1.92	24	I-1	281.10
5	B-1	3.99	15	B-1	2.59	25	B-3	13.22
6	B-1	0.66	16	B-3	56.41	26	P-1	2.75
7	B-1	6.78	17	B-1	5.68	27	I-1	1.24
8	B-1	2.42	18	I-2	38.20	28	B-1	4.93
9	*Down Zoned*		19	P-1	559.23	29	B-1	1.20
10	B-1	4.05	20	*Down Zoned*				



Legend

- Major Road
- Tourism Conditional Use
- Rural Non-Agricultural Zone
- Accomodation*
- Attraction*
- Blue Grass Airport
- Horse Track
- Rural Settlement
- Existing Rural Residential
- Business Zone
- Industrial Zone
- Professional Zone
- Conservation Easement & Public Land
- PDR Protected Farm
- Rural Service Area

*Source: Lexington Convention and Visitors Bureau

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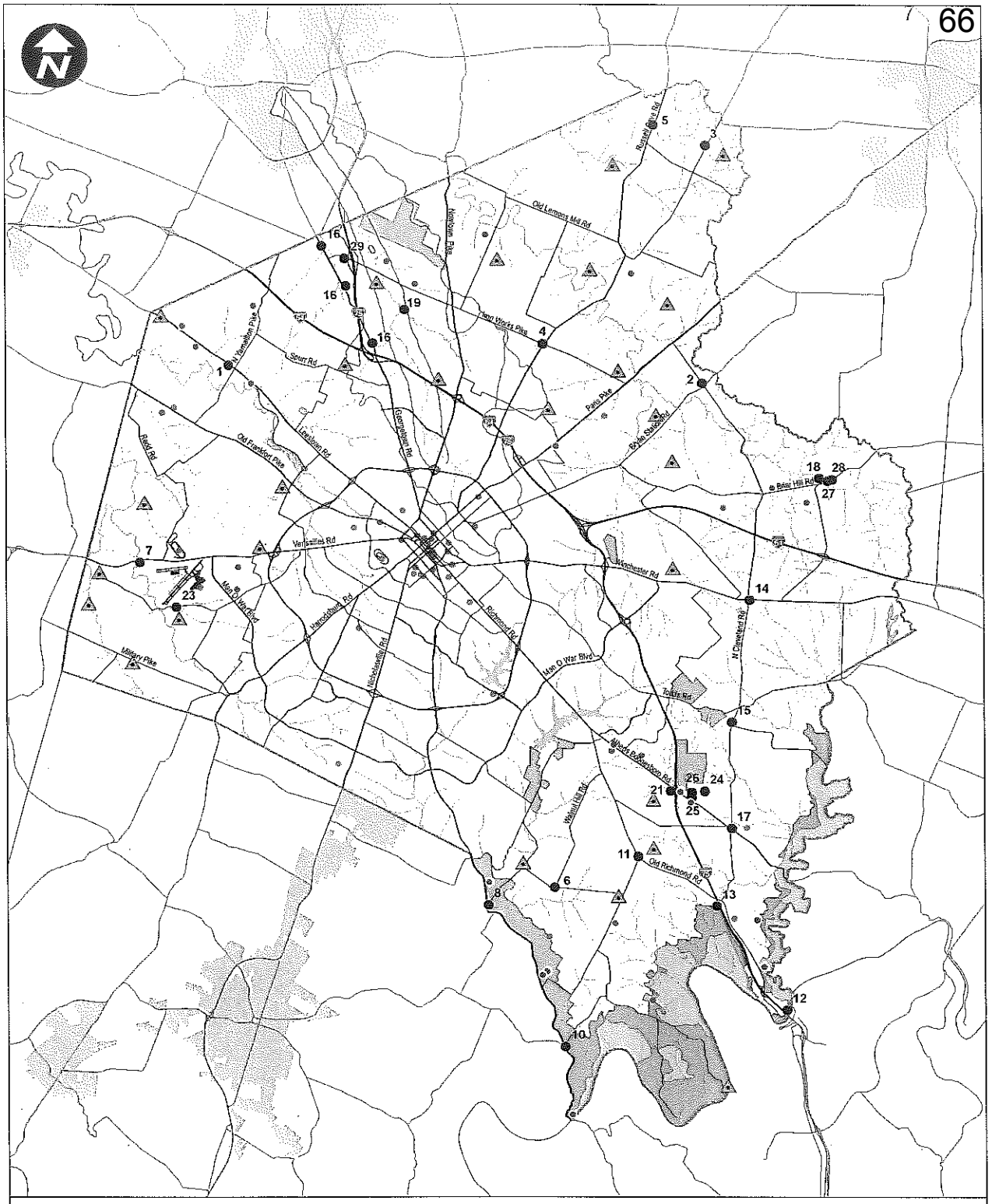
2	B-1	12.12	12	B-3	8.65	22	Down Zoned	
3	B-1	3.10	13	B-1	9.81	23	B-1	3.69
4	B-1	1.42	14	B-1	1.92	24	I-1	281.10
5	B-1	3.99	15	B-1	2.59	25	B-3	13.22
6	B-1	0.66	16	B-3	56.41	26	P-1	2.75
7	B-1	6.78	17	B-1	5.68	27	I-1	1.24
8	B-1	2.42	18	I-2	38.20	28	B-1	4.93
9	Down Zoned		19	P-1	559.23	29	B-1	1.20
10	B-1	4.05	20	Down Zoned				



Legend

- Tourism Conditional Use
- Accomodation*
- Attraction*
- Natural Protection Area - B Priority
- Natural Protection Area - A Priority
- Buffer Area
- Natural Area
- Royal Spring Wellhead Protection Area

*Source: Lexington Convention and Visitors Bureau

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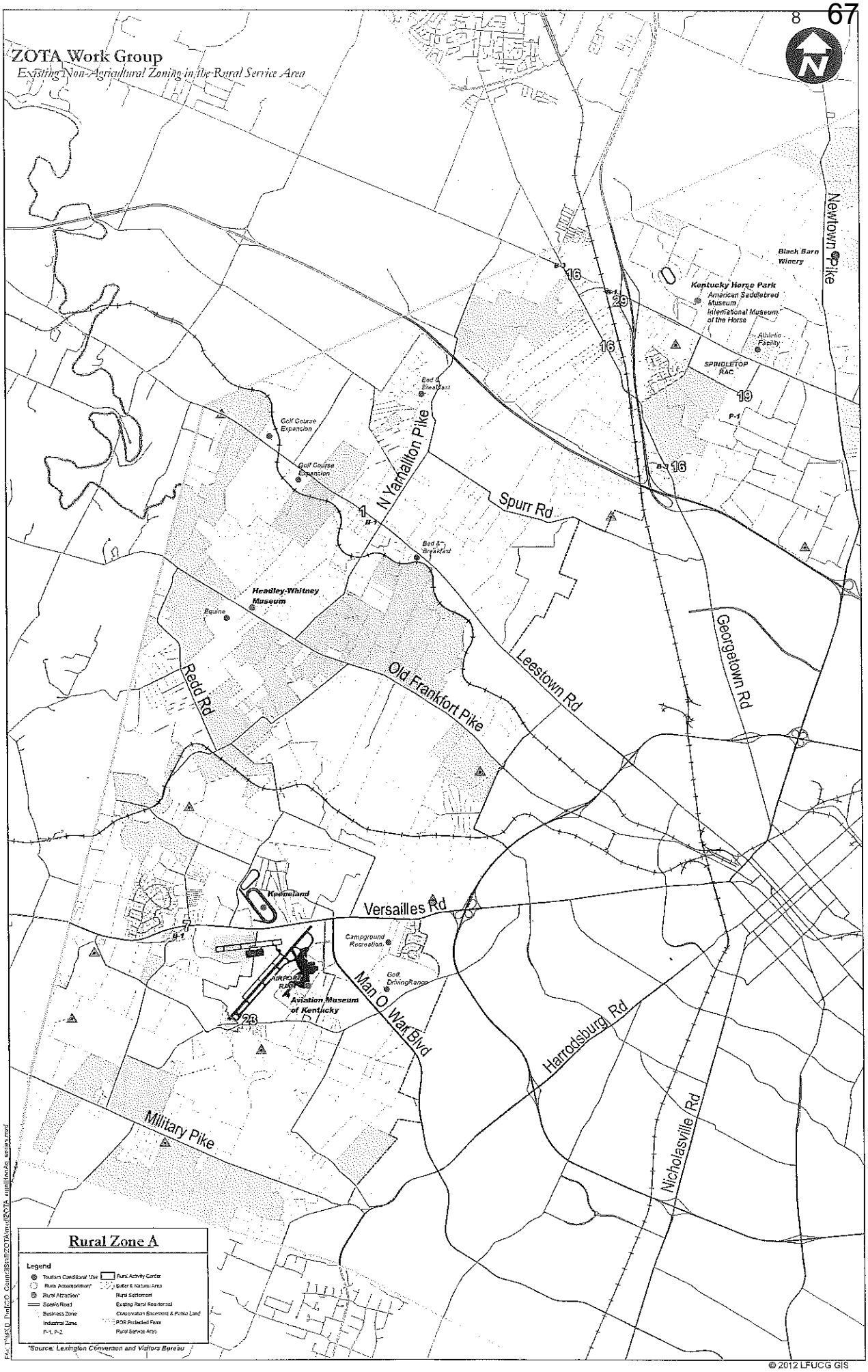
5	B-1	3.99	15	B-1	2.59	25	B-3	13.22
6	B-1	0.66	16	B-3	56.41	26	P-1	2.75
7	B-1	6.78	17	B-1	5.68	27	I-1	1.24
8	B-1	2.42	18	I-2	38.20	28	B-1	4.93
9	*Down Zoned*		19	P-1	559.23	29	B-1	1.20
10	B-1	4.05	20	*Down Zoned*				

ZOTA Work Group

Existing Non-Agricultural Zoning in the Rural Service Area



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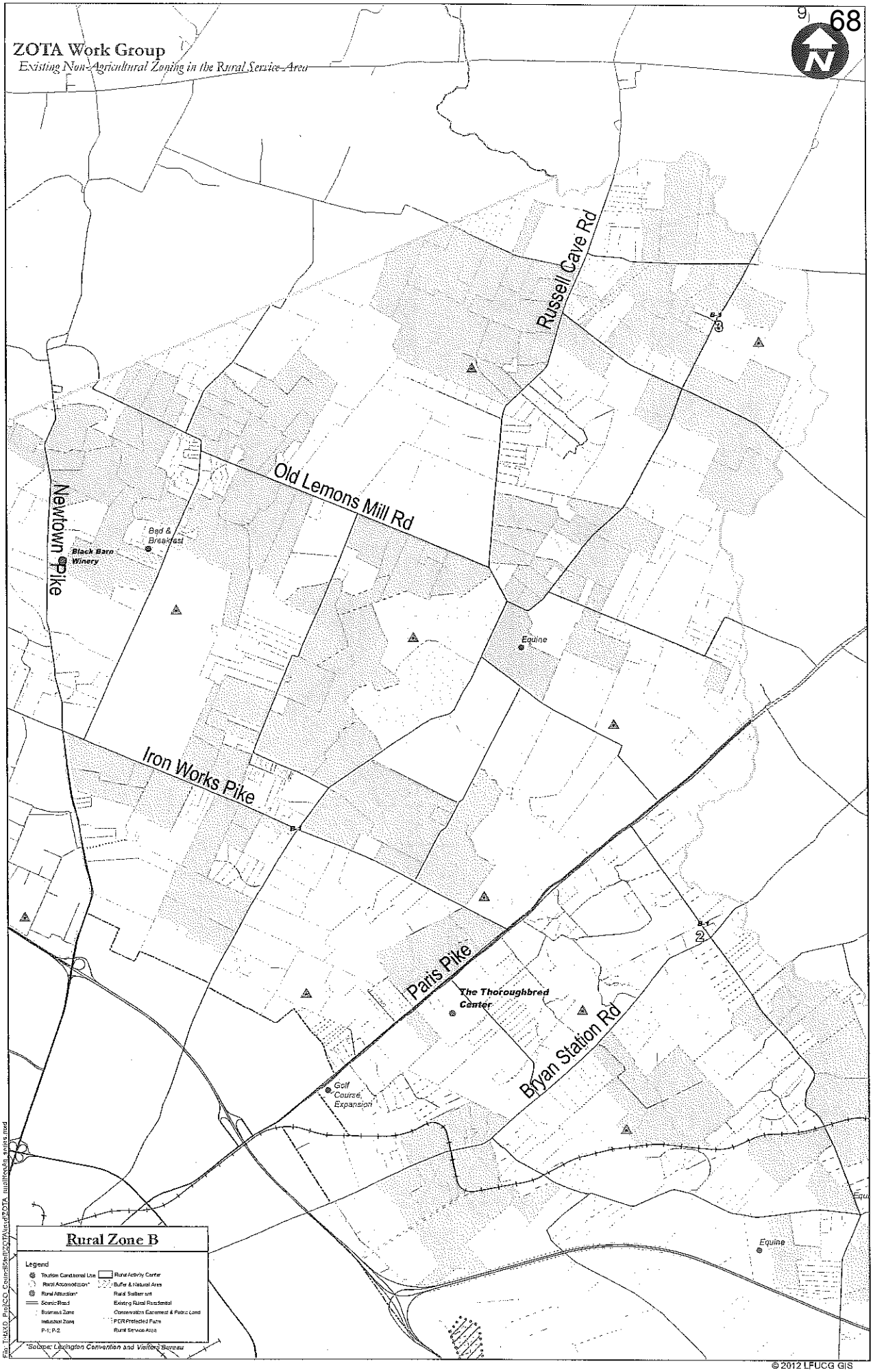

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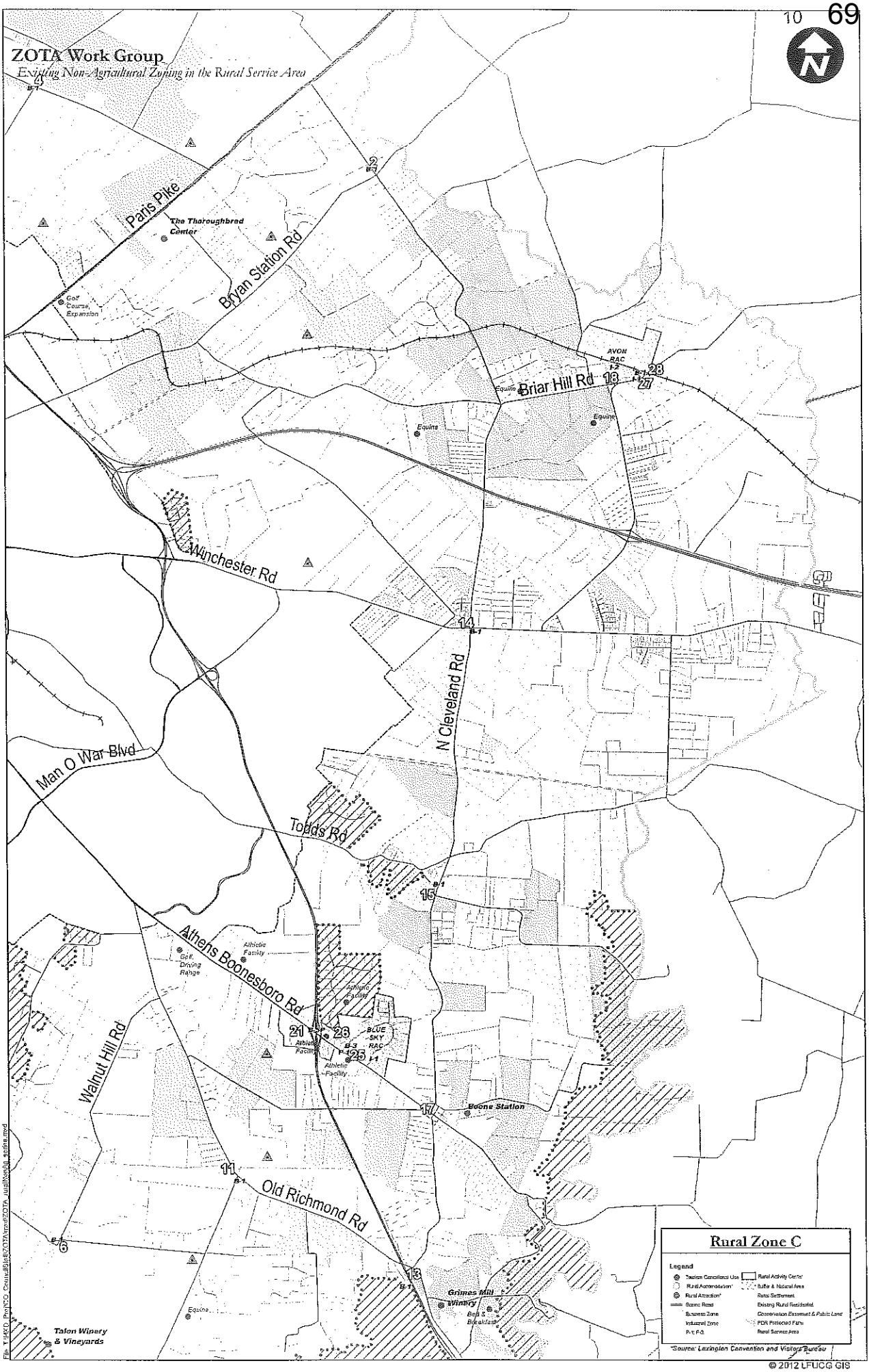

ZOTA Work Group

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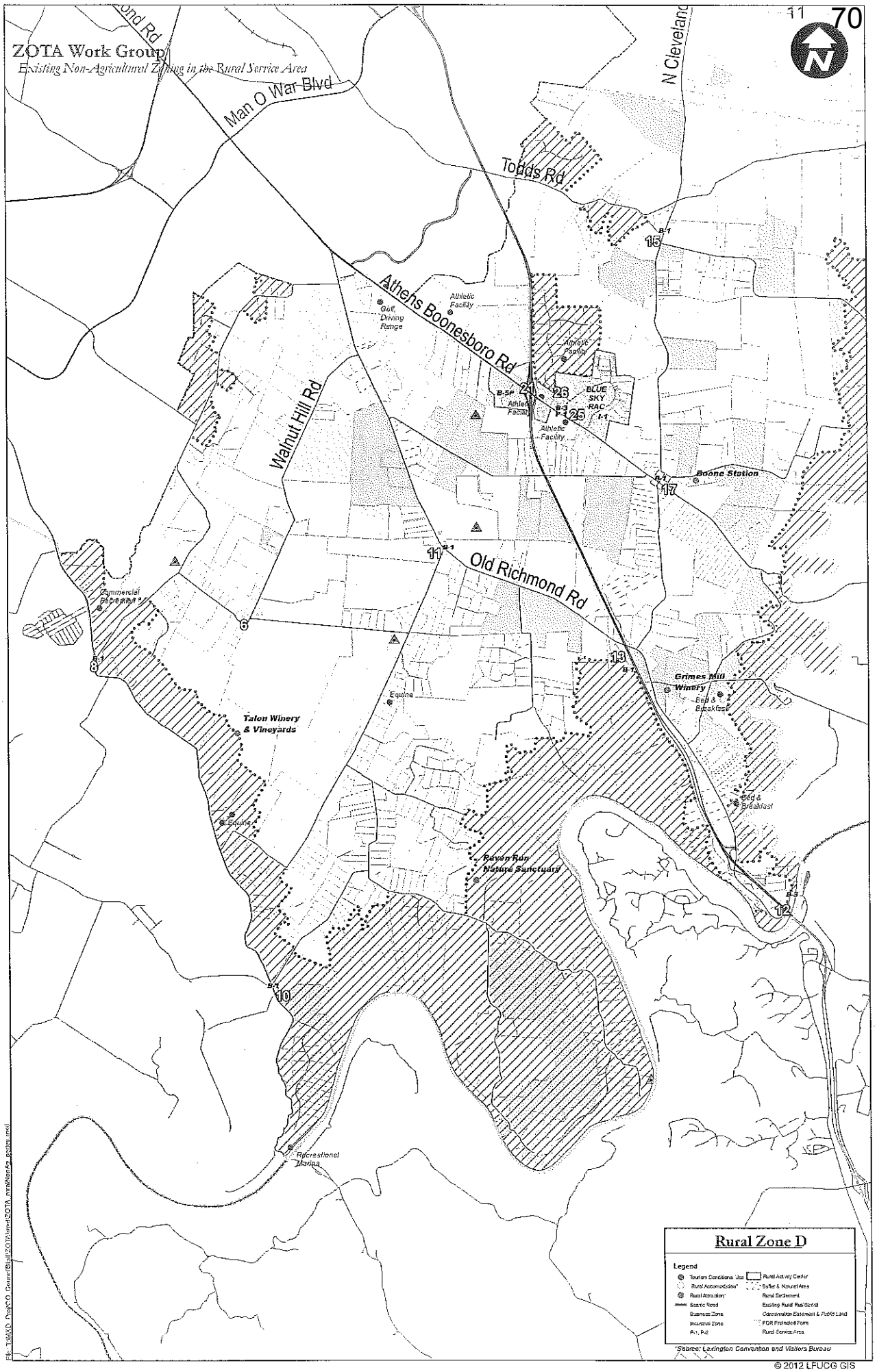

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Definition as Approved by the Work Group on October 8th, 2012

ECOTOURISM – Activities conducted in natural or green space or environmentally sensitive areas that are offered to the public for the purpose of enjoyment, education, and active involvement in the conservation of these areas. These activities shall conserve and safeguard the integrity of a natural feature, habitat or ecosystem.

Definition as Approved by the Work Group on November 28th, 2012

AGRITOURISM – Activities conducted on an active farm; or at an agricultural, horticultural or agribusiness operation that are offered to the public for the purpose of enjoyment, education or active involvement in the activities of the active farm or facility. These activities shall be integrated into, directly associated with, and incidental and subordinate to the principal agricultural production on the property.

Recreation Zoning Ordinance Text Amendment (ZOTA) Work Group

Summary: Meeting #20

December 17th, 2012
1:30pm
5th Floor Conference Room
Government Center

Work Group Members in Attendance: Chair Don Robinson, Vice Mayor Linda Gorton, Chris King, Kevin Atkins, Jan Meyer, Frank Penn, Mike Owens, Mary Quinn Ramer, Philip DeSimone, Todd Johnson, CM Ed Lane, Billy Van Pelt, Ryan Sharp, Margaret Ridley

Others in Attendance: Tyler Scott, Traci Wade, Burgess Carey, Jim Lurton, Chas Martin, Knox Van Nagell, Barb Rackers, Mike Sanner, Jim Griggs, John Park, Nick Nicholson

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Chair Robinson called the meeting to order at 1:40pm.

Robinson said the first order of business would be to vote on the summaries from October 29th, November 5th, and November 19th.

Atkins made a motion to approve all three summaries and Gorton seconded the motion. The summaries were approved without dissent.

Robinson then asked the group to vote on the Ecotourism Matrix decisions from the November 5th and 19th meetings.

Gorton made a motion to approve the decisions on zones B2-2A, B-2B, B-3, B-4, B-5P, I-1, I-2, P-1P-2, EAR-1-2-3, CC, and ED. Van Pelt seconded the motion. The decisions were approved without dissent.

Robinson asked Gorton to give a report on the recommendations of the A-N Subcommittee. Gorton read excerpts from the Zoning Ordinance and Rural Land Management Plan which were used by the subcommittee as a guide and gave a summary of the group's three meetings.

Gorton then referred to the handout titled "A-N Subcommittee Recommendations to the Recreational ZOTA Work Group." She gave a summary of each of the recommendations.

The group began discussion of recommendation #1. Johnson and Atkins spoke out against it as being an additional burden to landowners. Sharp and Owens provided the reasoning behind their decision to include it which was due to the additional use options they recommended in the A-N zone.

Robinson called for a separate vote on recommendation #1. The recommendation was approved with Atkins and Owens opposed.

Robinson asked for discussion on recommendation #2. Gorton explained that the source of this recommendation comes from an earlier recommendation in the Rural Land Management Plan which calls upon LFUCG to investigate the feasibility of A-N uses in Raven Run. The group discussed this further, mainly focusing on the issue of activities being allowed on public property as opposed to private.

Robinson asked for a motion to move on recommendation #2.

Van Pelt made a motion to approve recommendation #2 and Sharp seconded the motion. The recommendation was approved without dissent.

Robinson asked for discussion on recommendation #3. Gorton said it was based on recommendation #4 from the Rural Land Management Plan. Atkins asked if there were any KRS conflicts with 8 and 9 as stated in #10. Sallee and King did not think there would be.

DeSimone made a motion to accept all of recommendation #3 and Meyer seconded the motion. Robinson asked for discussion on the motion.

Johnson moved to amend the motion so that it would not remove 8, 9, and 10 and Atkins seconded that motion.

Gorton moved to delete #8 from the Johnson amendment so it would be deleted and Sharp seconded that motion.

Robinson called for a vote to leave #8 in the recommendation. The vote passed with Atkins and Johnson opposed.

Robinson then called for a vote on the amended motion to delete #9 and 10 from the recommendation. The amended motion passed with Owens, Robinson, DeSimone, and Meyer opposed.

Robinson then called for a vote on recommendation #3 which now included removal of 2, 3, 5, and 8 from the Zoning Ordinance. The recommendation was approved without dissent.

Gorton began describing the A-N zone column of the matrix. She stated that the column was initially filled out as the Zoning Ordinance currently allows. The subcommittee then decided that Tree Canopy Tours should be changed from Conditional to Prohibited. Sharp gave an

explanation of Canopy Tours which can include Zip Lines and has an educational component to it where zip lines do not necessarily include that. Zip lines typically require poles to be installed where Canopy Tours rely on existing trees mostly.

Atkins asked why we would not allow Zip Lines then. Robinson said the educational aspect is the difference.

Meyer asked if a requirement could be added that prohibits Zip Lines in Canopy Tours and the response was yes.

Johnson said that many of the Conditional uses should be changed to Accessory with the earlier change to "shall" in the Zoning Ordinance. Gorton said there would be no Principal use for them if they were Accessory though.

Sharp made a motion to change Canopy Tours to Conditional use and Owens seconded the motion. The change passed with Gorton, DeSimone, and Meyer opposed.

Johnson made a motion to make Zip lines a Principal use and it was seconded by Atkins. Sharp asked for clarification on whether there would be any outside oversight on Zip Lines if it was a Principal use. It was determined that there would not be. **Atkins withdrew his second. The motion died.**

Meyer made a motion to Prohibit Zip Lines in the AN and DeSimone seconded the motion. Robinson asked for discussion on the motion. A definition was asked for and Sharp said it was essentially for thrills.

The vote was approved to Prohibit Zip Lines in the AN with Johnson and Atkins opposed.

The group began a discussion on Recreational Outfitters- Sales because the subcommittee had recommended separating it from Rentals. Sales would be Prohibited and King said the intent is clear, it would take some work by the Planning Staff to get it right though.

Meyer asked why RV Camping was Conditional and not Prohibited since it requires infrastructure to occur. Van Pelt said that the existing ordinance already allows it as Conditional and it can be done in an environmentally sensitive way.

Owens made a motion to change Campgrounds (RVs/Trailers) to Prohibited and Meyer seconded the motion.

Van Pelt asked if there was a definition of campgrounds in the current ordinance. Sallee said it is not defined but it is allowed in the AR zone.

The vote to change Campgrounds (RVs/Trailers) to Prohibited passed without dissent.

Gorton made a motion to approve Hiking Trails, Equine Trails, Canoeing/Kayaking, Fishing Clubs, Hunting Clubs, Bird Watching, Recreational Outfitters-Rentals, Nature Preserve, and Camping-Primitive as Conditional Uses. The motion was seconded by Sharp.

The vote to approve the above mentioned as Conditional Uses passed without dissent.

Gorton brought up discussion of Bike Trails. Van Pelt said that Bike Trails are allowed in the AR in the right-of-ways but this would involve private property.

Sharp made a motion to approve Bicycle Trails as Conditional Use and Gorton seconded the motion. The group voted in favor of changing Bicycle Trails to Conditional Use with DeSimone and Meyer opposing.

Atkins made a motion to approve Recreational Outfitters-Sales to Prohibited Use and Van Pelt seconded the motion. The vote passed without dissent.

Penn gave a summary of the B-1 and B-6P Subcommittee meetings. Gorton asked if the Conditional Use for Campgrounds (Trailers/RVs) was based on the septic approved by the Health Department and Penn said it was. Robinson asked if there were more questions on this.

Gorton made a motion to approve the B-1 and B-6P recommendations and Van Pelt seconded the motion. The recommendations were approved unanimously.

King led a discussion of the Argitourism Matrix recommendations. Atkins asked if there were any state issues with country Inns or if they were treated the same as a Bed and Breakfast. Sallee said the LFUCG limits Bed and Breakfast to five rooms but the state allows more.

Lane asked about Horse Shows and added that he had received complaints in his district about parking and noise. Sallee said that certain Horse Shows were permitted under state law.

Owens said he was opposed to allowing Concerts and Special Events in the AR zone. He was fine with allowing Gift Shops as a Conditional Use.

Owens made a motion to make Special Events, Parties or Festivals and Concerts on a commercial basis, Prohibited in all Agricultural Zones and Van Pelt seconded the motion.

King said he could make them Conditional for charity events and add notes to ensure those that are operating legally right now are grandfathered in.

The vote to approve Special Events, Parties, or Festivals and Concerts as Prohibited Uses in all Agricultural zones passed with Atkins opposed.

Van Pelt made a motion to change Farm Tours and Hayrides to Accessory uses in the AN, AR, and AB zones and Owens seconded the motion. The change passed without dissent.

Van Pelt made a motion for Special Events, and Concerts to be Prohibited in the AN and AB and Conditional in the AU for commercial purposes. Gorton seconded that motion. The motion passed without dissent.

Van Pelt made a motion to Prohibit Gift Shops in the AN zone and was seconded by Sharp. The motion passed without dissent.

Owens made a motion to Prohibit Children's Rides in the AR and AN and was seconded by Meyer. The motion passed with Atkins opposed.

Van Pelt made a motion to approve the matrix as amended and was seconded by Owens. The motion was approved without dissent.

Robinson asked the group about Short Term Vacation Rentals which had been listed under Future Topics in the Agenda. Gorton said it could go forward as a text amendment and that it could go to the Planning Committee in Council first.

Gorton made a motion to put Short Term Vacation Rentals in Planning Committee of Council and was seconded by Owens. The motion passed without dissent.

Robinson asked if the group was still interested in hearing presentations from the public. Penn said that there will be a public hearing for the text amendment. Atkins said it was a concern for him but there will be many more opportunities for the public in the rest of the process.

King asked if this report will go to the full Council and Van Pelt said he was not in favor of it going to a committee. King said he felt he had been given good guidance and could figure out an appropriate route.

Public Comment

Martin spoke.

Griggs spoke.

Gorton made a motion to include definitions for Horse Shows, Zip Lines, Canopy Tours, and Recreational Outfitters and was seconded by Owens. The motion passed without dissent.

Carey spoke.

The meeting adjourned at 4:08 pm.

Respectfully submitted by Tyler Scott, Legislative Aide to Vice Mayor Linda Gorton

Recommendations by the B-1 Subcommittee

Recreational Land Use	Agricultural Zones				Residential Zones				Office, Business, & Industrial Zones										Expansion Area Zones			Adapt Reuse	Comments
	AR	AN	AB	AU	R-1-2	R-3	R-4	R-5	B-1	B-2-2A	B-2B	B-3	B-4	B-5P	B-6P	I-1	I-2	P-1P-2	EAR-1-2-3	C	CC	ED	
Camping (Primitive)	X	In A-N Subcommittee	C	C	X	X	X	X	X	X	X	C	C	X	X	C	C	X	X	Planning To Make Recommendations	X	C	To Be Addressed by B-4 and I-1 Recommendations
Campgrounds(RVs/Trailers)	X		X	C	X	X	X	X	C*	X	X	C	C	X	C*	C	C	X	X		C*	C	* consider distance requirement from interstate interchange
Hiking Trails	X		C	C	A	A	A	A	P	C	C	C	C	X	P	C	C	A	A		P	C	
Bicycle Trails	X		C	C	A	A	A	A	P	C	C	C	C	X	P	C	C	A	A		P	C	
Equine Trails	C		C	C	C	C	X	X	P	C	C	C	C	X	P	C	C	C	C		P	C	
Zip Line Trails	X		C	C	X	X	X	X	C	C	C	C	C	X	C	C	C	C	X		C	C	
Tree Canopy Tours	X		C	C	X	X	X	X	C	C	C	C	C	X	C	C	C	C	X		C	C	
Canoeing/Kayaking	X		C	C	X	X	X	X	P	C	C	C	C	X	P	C	C	C	X		P	C	
Recreational Outfitters (Sales-Rental)	X		X	C	X	X	X	X	P	C	C	P	C	X	P	C	C	X	X		P	C	
Fishing Clubs (No Lodging)	C		C	C	X	X	X	X	C	C	C	C	C	X	C	C	C	C	X		C	C	
Hunting Clubs (No Lodging)	C		C	C	X	X	X	X	C*	X	X	C	C	X	C*	C	C	X	X		C*	C	* consider distance requirement from residential zone and/or use
Bird-Watching	C		C	C	X	X	X	X	C	C	C	C	C	X	C	C	C	A	X		C	C	
Nature Preserve	C		C	C	X	X	X	X	C	C	C	C	C	X	C	C	C	A	X		C	C	

Key
P- Principal
C- Conditional Use (BoA)
A- Accessory
x- Prohibited

Bold and Blue Marks- Approved

Bold and Gray Marks- Recommended for Approval

Bold & Orange = Recommendation of the B-1 Sub-Committee

A-N Subcommittee Recommendations to the Recreational ZOTA Work Group

1. Recommend change in the Zoning Ordinance on page 8-15, 8-3 Agricultural Natural Areas (A-N) Zone, 8-3(d) Conditional Uses: In the last sentence, the word "may" should be replaced with the word "shall" and should read "In making its determination, the Board of Adjustment shall require the submission of an environmental assessment prepared by a qualified professional."

2. Recommend exploration of the A-N zone uses and feasibility at Raven Run as per RLMP sec. 3, para. B, recommendation #6.

3. Recommend deleting the following Conditional Uses from the Zoning Ordinance on page 8-15, 8-3 Agricultural Natural Areas (A-N) Zone, 8-3(d) Conditional Uses:

   2, 3, 5, 8, 9, and 10

* 1 and 2 were voted on and approved by the Work Group on December 17th, 2012. The group voted to remove 9 and 10 from recommendation number 3 and then approved recommendation 3.

8-3 AGRICULTURAL NATURAL AREAS (A-N) ZONE

8-3(a) Intent - This zone is established to preserve areas within the Rural Service Area that are physically unique, primarily due to their association with the Kentucky River and its tributaries. This area is characterized by steeper slopes, forested areas, and thinner/poorer soils, and is known as a habitat for rare and unusual flora and fauna. Because these lands are environmentally sensitive, special care is needed to ensure that the uses that are permitted are compatible with the goal of conservation and preservation of these lands. The Land Use Element of the Comprehensive Plan shall be used to determine the appropriate locations for the Agricultural Natural Areas (A-N) Zone.

8-3(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Land used solely for agricultural purposes, including small farm wineries, as outlined in KRS 100.
2. Single family detached dwellings.

8-3(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Accessory uses in connection with agriculture, farming, dairying, stock raising or similar uses, such as agricultural structures; stables; and parking areas, provided all yard requirements for a principal residence are met.
2. Those specific agricultural uses outlined in KRS 100 that are incidental only to a small farm winery licensed as such by the Commonwealth of Kentucky, such as the manufacture and bottling of wines; tasting rooms for the purpose of serving complimentary samples; sale by the drink or bottle, either on or off premises; and sale and shipment of wine, either wholesale or retail.
3. Home offices and home occupations.
4. Temporary roadside stands offering for sale only agricultural products grown on the premises.
5. Keeping of not more than two (2) roomers or boarders by a resident family.
6. Non-commercial recreational facilities, such as baseball fields; soccer fields; polo fields; swimming pools; tennis courts and the like.
7. Private garages, storage sheds, parking lots, and private farm vehicle fueling facilities.
8. Living quarters, without kitchen facilities and not used for rental purposes, for guests and employees of the premises.
9. Satellite dish antennas, as regulated in Article 15-8.
10. Family child care for up to six (6) children, provided that the total number of children living or being cared for on the premises shall not exceed six (6).
11. Mobile homes, as provided in Article 10.
12. Tenant homes, provided all yard requirements for a principal residence are met.

8-3(d) Conditional Uses (Permitted only with Board of Adjustment approval.) For any of the following conditional uses established after January 26, 1995, a total of 10,000 square feet shall be the maximum allowable for all structures proposed for such uses. Prior to the approval of any conditional use containing environmentally sensitive land, such as flood hazard areas; areas of significant tree stands; sinkhole and karst areas; slopes exceeding 15%; "special natural protection" areas, as designated in the Comprehensive Plan; and stone fences, the applicant must prove, and the Board of Adjustment must find, that adequate safeguards will be in place to ensure the least negative impact on the land. This proof and finding shall extend to uses accessory to permitted conditional uses. In making its determination, the Board of Adjustment may require the submission of an environmental assessment prepared by a qualified professional.

must or *shall*

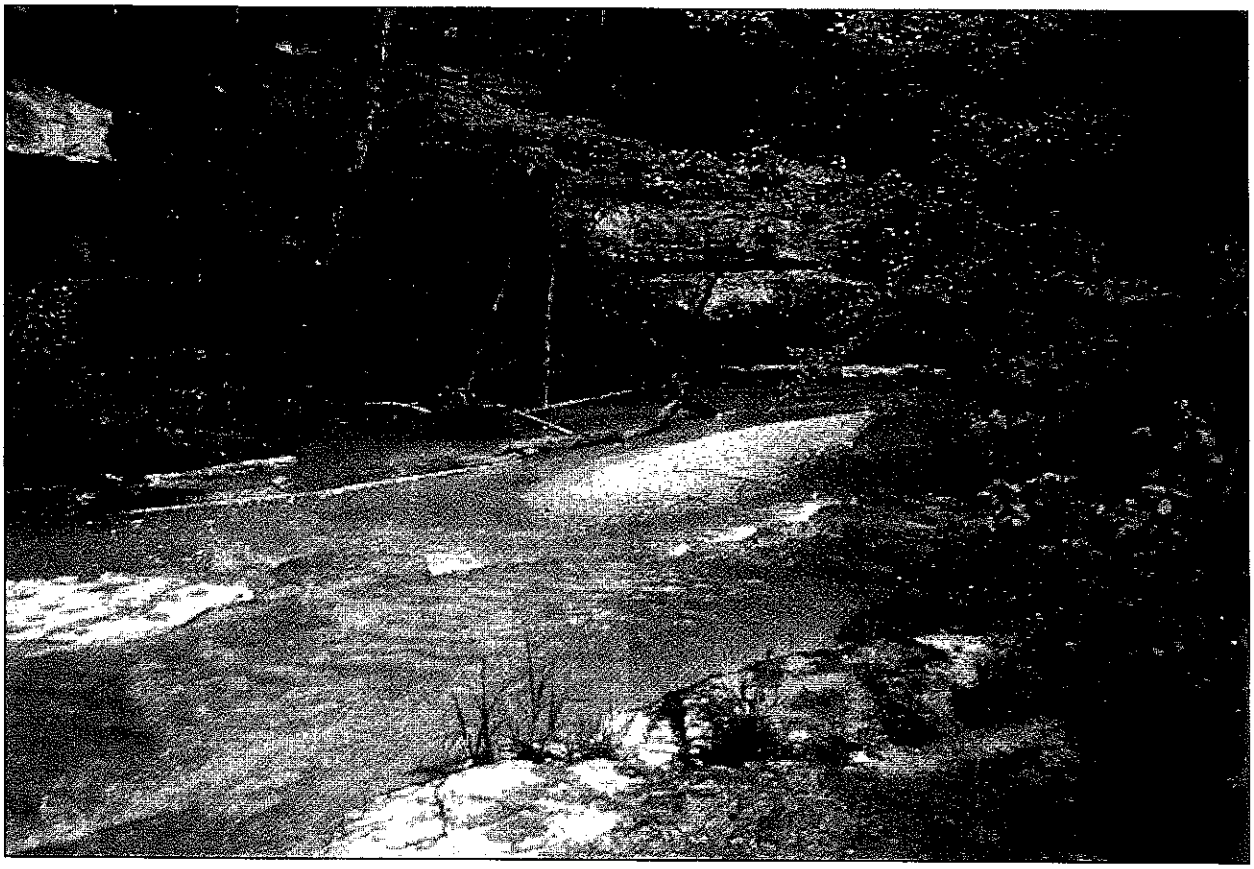
1. Cemeteries, crematories, columbariums, mausoleums, including animal burial grounds.
2. Kindergartens and nursery schools for four (4) and not more than twelve (12) children, only when accessory to a residential use. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
3. Family child care for seven (7) and not more than twelve (12) children, provided that the total number of children living or being cared for on the premises shall not exceed twelve (12). A fenced outdoor play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
4. Churches, Sunday schools, and parish houses.
5. Kindergartens, nursery schools and child care centers for four (4) or more children when accessory to a church or school as permitted herein. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
6. Non-service facilities of public utilities and common carriers by rail, including office, garage, and warehouse space when not incidental to a service facility as provided in KRS 100.324.
7. Commercial and non-commercial outdoor recreational facilities (without outdoor lighting, loud speakers, retail sales of merchandise, restaurants or food service, and the like), including zoological gardens; sportsmen's farms (including outdoor rifle and other firearm ranges); native animal game preserves; outdoor rodeos; hunting and trapping; riding stables; campgrounds; and fishing lakes, including private clubs for only these uses.

B. NATURAL AREAS CATEGORY (NAT)

This land category is designed to encompass certain areas that are physically unique from other portions of Fayette County in that they are important for preservation, but not primarily for their association with agriculture. Located generally in the extreme southeastern portion of the Rural Service Area, these lands are associated with a number of factors that distinguish them from the CARL and other rural land categories. The total land area proposed for this category is 8,550 acres.

Lands in this area exhibit a combination of characteristics including an association with the Kentucky River and its tributaries. Compared to other areas of the Rural Service Area, the land generally contains steeper slopes, forested areas, poorer/thinner soils and similar characteristics. Portions of the area are recognized as historic/scenic areas, and are known as habitat for rare and unusual flora and fauna. Approximately 90% of the land has a high degree of environmental sensitivity, including floodplain/riparian areas, steep slopes, and woodlands. Although agriculture can and does occur in portions of this area, it is not the predominant character of the area as a whole.

The policy emphasis for land in this category should be for preservation and enhancement of the land in a natural state with a minimum of intrusions.



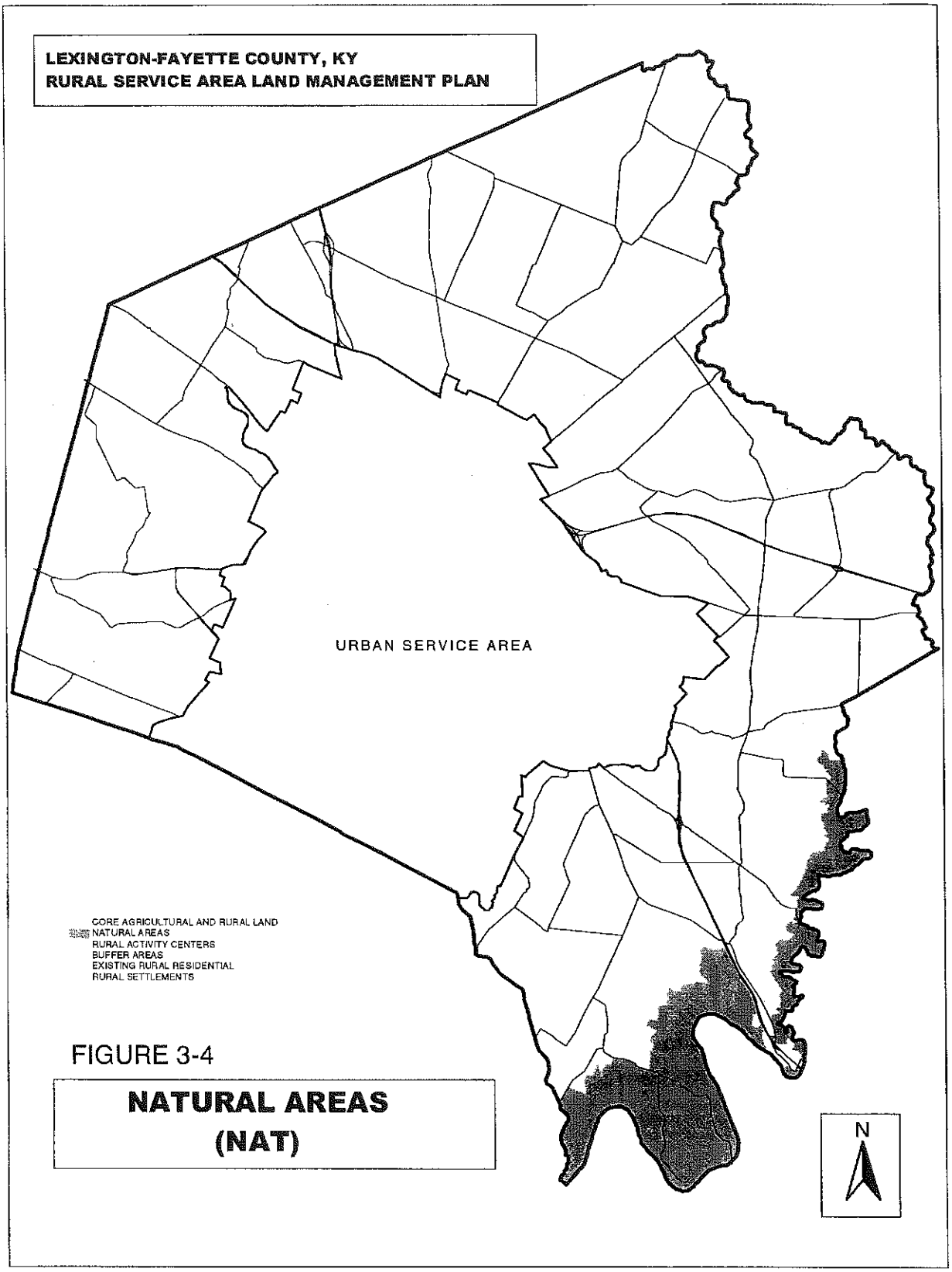


FIGURE 3-4

NATURAL AREAS (NAT)

The following programs are recommended for this area:

1. *The minimum parcel size for the creation of new tracts should be established at 40 acres to ensure the preservation of parcels of a size conducive to minimal disturbance of the natural features of this land. Consideration should be given to even larger minimum lot sizes in this area.*

2. *Existing tracts under 40 acres in size shall be permitted to remain. However, programs should be created which are designed to offer incentives for the eventual consolidation of undeveloped small tracts into larger parcels.*

3. *The NAT category shall be a priority area for a Purchase of Development Rights (PDR) Program. The PDR program should be designed to preserve lands which are environmentally sensitive and which can serve multiple purposes of conservation of natural resources, public access for passive recreations such as hiking and nature trails, protection of wildlife habitat, environmental education, and similar uses.*

4. *Principal uses permitted in this area should be those associated with agriculture and rural housing in a natural setting with minimal disturbance to the land and vegetation. Conditional uses for this area should be kept to a minimum.*

5. *The NAT area will serve as a "sender" area for development rights eligible for transfer to another area of the community under any permitted Transfer of Development Rights (TDR) Program implemented under this plan.*

6. *The LFUCG should seek to implement programs throughout this area designed to improve and manage public accessibility to the resources in this area. These programs should utilize the Raven Run sanctuary as a focus and staging area for such programs.*

7. *Public acquisition of NAT land should be priority. A major preserve of 1000 acres to 2000 acres would be desirable. The land to be acquired should be in a location that would provide links to areas that have already been acquired or where conservation/scenic easements are proposed.*

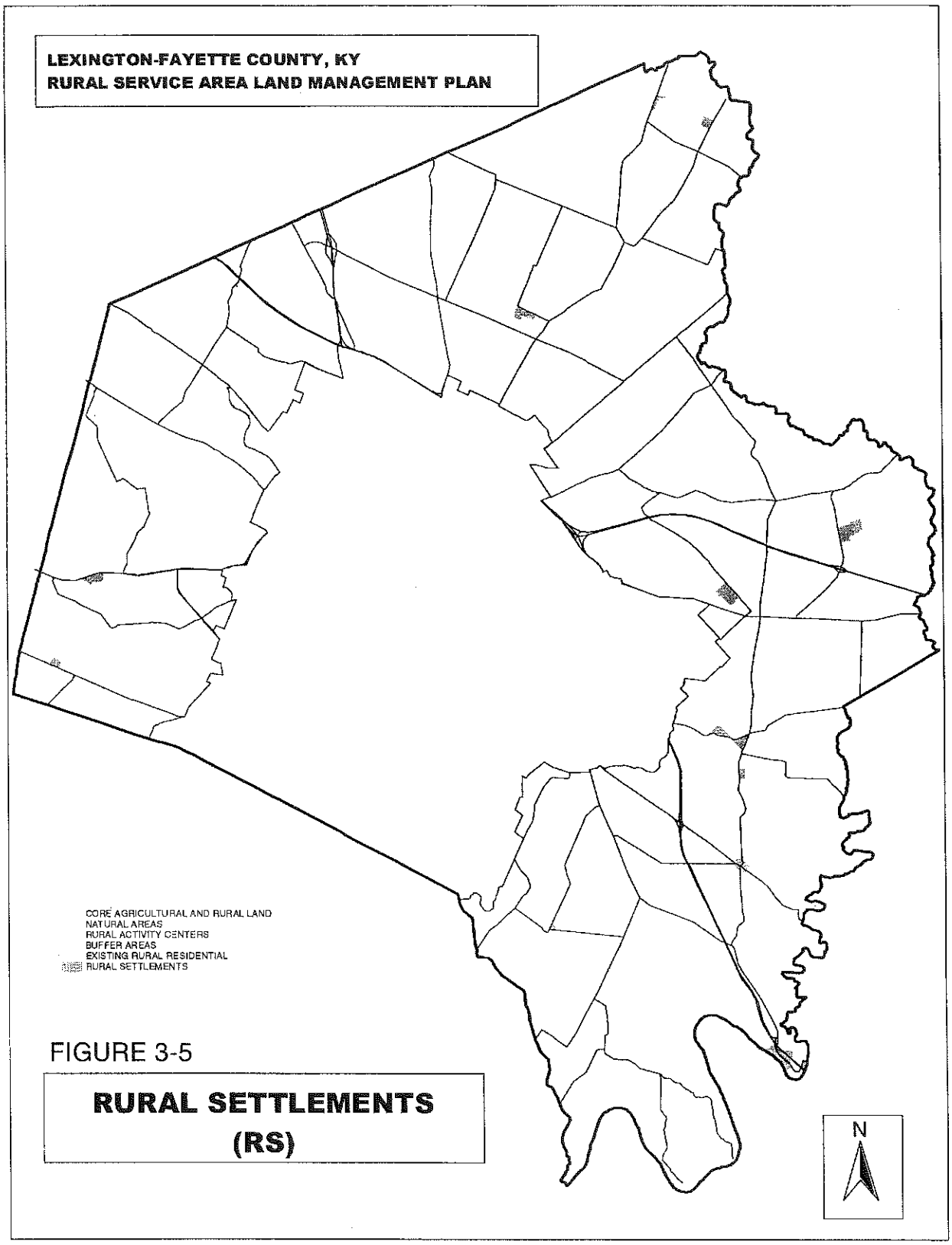


FIGURE 3-5

RURAL SETTLEMENTS (RS)

Argitourism/Ecotourism Recommendations Summary:

The Work Group reviewed the current zoning regulations for recreational uses in the community, and found that the regulations were general in nature and often without many qualifying restrictions. For example, outdoor recreational uses are permitted in many zoning categories, but without many limitations on lighting, noise or hours of operation. Additionally, many contemporary recreational land uses were not contemplated in the 1990s when the Zoning Ordinance was updated for rural areas of the county by the Planning Commission and Urban County Council. As a result, the Work Group recommends several new land uses and accompanying definitions be added to the Zoning Ordinance. The Task Force discussed the following table, which provides a list of new land uses and recommends whether they should be principal permitted, accessory, conditional or prohibited uses in each zoning category. Further restrictions may be necessary to ensure compatible and sustainable development within the community.

Agritourism and Ecotourism Recommendations by Zoning Category (Submitted by the Recreational ZOTA Work Group, 12/17/12)

Proposed	Agricultural Zones				Residential Zones				Office, Business, & Industrial Zones										Expansion Area Zones				Adapt Reuse	Comments
Recreational Land Use	A-R	A-N	A-B	A-U	R-1 & R-2	R-3	R-4	R-5	B-1	B-2 & B-2A	B-2B	B-3	B-4	B-5P	B-6P	I-1	I-2	P-1 & P-2	EAR-1-2-3	C	CC	ED		
Ecotourism																								
Camping (Primitive)	X	C	C	C	X	X	X	X	X	X	X	C	C	X	X	C	C	X	X	Planning To Make Recommendations	X	C	See B-4 and I-1 Recommendations	
Campgrounds(RVs/Trailers)	X	C	X	C	X	X	X	X	C*	X	X	C	C	X	C*	C	C	X	X		C*	C		* consider distance requirement from interstate interchange
Hiking Trails	X	C	C	C	A	A	A	A	P	C	C	C	C	X	P	C	C	A	A		P	C		
Bicycle Trails	X	C	C	C	A	A	A	A	P	C	C	C	C	X	P	C	C	A	A		P	C		
Equine Trails	C	C	C	C	C	C	X	X	P	C	C	C	C	X	P	C	C	C	C		P	C		
Zip Line Trails	X	X	C	C	X	X	X	X	C	C	C	C	C	X	C	C	C	C	X		C	C		
Tree Canopy Tours	X	C	C	C	X	X	X	X	C	C	C	C	C	X	C	C	C	C	X		C	C		
Canoeing/Kayaking	X	C	C	C	X	X	X	X	P	C	C	C	C	X	P	C	C	C	X		P	C		
Recreational Outfitters (Sales-Rental)	X	X/C	X	C	X	X	X	X	P	C	C	P	C	X	P	C	C	X	X		P	C		
Fishing Clubs (No Lodging)	C	C	C	C	X	X	X	X	C	C	C	C	C	X	C	C	C	C	X		C	C		
Hunting Clubs (No Lodging)	C	C	C	C	X	X	X	X	C*	X	X	C	C	X	C*	C	C	X	X		C*	C		* consider distance requirement from residential zone and/or use
Bird-Watching	C	C	C	C	X	X	X	X	C	C	C	C	C	X	C	C	C	A	X		C	C		
Nature Preserve	C	C	C	C	X	X	X	X	C	C	C	C	C	X	C	C	C	A	X		C	C		
Agritourism																								
farm tours	P	P	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
hayrides	P	P	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
corn mazes	C	C	C	C	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
roadside stands	A	A	A	A	X	X	X	X	P[1]	P[1]	P[1]	P[1]	X	P[1]	P[1]	X	X	X	X	X	P[1]	X	P[1]	
country inns	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
farm markets	C	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
wine tasting rooms	A	A	A	A	X	X	X	X	P/C	P	P	P	X	P	P/C	X	X	X	X	X	P/C	X	P	
homegrown restaurants	C	C	C	C	X	X	X	X	P	P	P	P	X	P	P	X	X	X	X	X	P	X	P	
special events, parties, or festivals	C	C	C	C	X/A	X/A	X/A	X/A	P	P	P	P	X	X	P	X	X	X	X	X	P	X	P	
concerts	C	C	C	C	X	X	X	X	P	P	P	P	X	X	P	X	X	X	X	X	P	X	P	
children's rides	C	C	C	C	X	X	X	X	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	X	X	X	X	X	P[2]	X	P[2]	
horse race tracks	C	X	X	C	X	X	X	X	X	X	P	C	X	X	X	X	X	X	X	X	X	X	X	
outdoor rodeos	C	C	C	C	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	
riding stables	C	C	C	C	C	C	C	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	
horse shows	P	P	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
fishing lakes, hunting or trapping	C	C	C	C	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
historic house museums	C	X	X	X	C	C	C	C	P	P	P	X	X	X	P	X	X	P	C	X	C	X	P	
other museums	X	X	X	X	X	X	X	X	P	P	P	X	X	X	P	X	X	P	X	X	P	A	P	
sportsman's farm	C	C	C	C	C	C	C	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	
zoological garden	C	C	C	C	C	C	C	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	
value-added product sales	A	A	A	A	X	X	X	X	P[1]	P[1]	P[1]	P[1]	X	P[1]	P[1]	X	X	X	X	X	P[1]	X	P[1]	
petting zoos	A	A	A	A	X	X	X	X	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	X	X	X	X	X	P[2]	X	P[2]	
pony rides	A	A	A	A	X	X	X	X	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	X	X	X	X	X	P[2]	X	P[2]	
gift shops	C	C	C	C	X	X	X	A	P[1]	P[1]	P[1]	P[1]	A[3]	P[1]	P[1]	A[3]	X	X	X	X	P[1]	X	P[1]	
classes related to ag. products or skills	C	C	C	C	X	X	X	X	P	P	X	P	X	X	P	X	X	P	X	X	P	X	P	
seasonal activities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	

LEGEND

Principal Use	P
Accessory Use	A
Conditional Use	C
Use Permitted; Situational	P/A, P/C, X/C or X/A

1 Retail sales are already permitted in this zone.
2 Temporary carnivals are already permitted in this zone.
3 Retail sales of products manufactured or created on-site are already an accessory use in this zone.

DIVISION OF PLANNING SUGGESTED RECOMMENDATION
ECO-TOURISM USES AND THE EXPANSION AREA "CONSERVATION" ZONING CATEGORY

RECREATIONAL LAND USE	CONSERVATION ZONE
Camping (Primitive)	C
Campgrounds (RVs/Trailers)	X
Hiking Trails	P
Bicycle Trails	P
Equine Trails	P
Zip Line Trails	P
Tree Canopy Tours	P
Canoeing/Kayaking	P
Recreational Outfitters (Sales-Rental)	X
Fishing Clubs (No Lodging)	C
Hunting Clubs (No Lodging)	C
Bird Watching	P
Narure Preserve	P

Key:
P=Principal
C=Conditional
A=Accessory
X=Prohibited

*These recommendations by the Division of Planning were not voted on by the Recreational ZOTA Work Group.

DRAFT

GENERAL PROVISIONS AND DEFINITIONS

BED AND BREAKFAST FACILITY - A use which provides short-term transient lodging, including serving only breakfast to overnight lodgers, for which rent is paid and subject to the following conditions:

(1) The use shall be clearly incidental and secondary to the use for dwelling purposes;
(2) The use shall be carried on only by owners with at least a fifty-one percent (51%) ownership interest, and who reside on the premises;
(3) The use shall not require external alteration of the dwelling except as may be required to meet fire and building codes;
(4) Each room to be rented shall be designed and intended to accommodate no more than two persons;
(5) Each room shall be rented for no longer than seven (7) days. Any facility which rents rooms for more than seven days shall be regulated as a boarding house;
(6) The use shall not adversely affect the uses permitted in the notification area and in the immediate neighborhood by excessive traffic generation, noise and the like;
(7) The owner-operator shall maintain a guest log and other records, which shall be subject to annual review and inspection;
(8) The use shall not be conducted within any accessory building in a residential zone;
(9) The conditional use permit shall become null and void upon the sale or transfer of the property;
(10) All off-street parking areas shall be completely screened with landscaping;
(11) The use shall be in compliance with all applicable state and local laws, including Health Department rules and regulations.

DWELLING, SINGLE FAMILY – A building occupied exclusively for residential purposes by one family or one housekeeping unit.

DWELLING UNIT – One room or rooms connected together, constituting a separate, independent housekeeping establishment for occupancy by a family as owner, by rental or lease on a weekly, monthly or longer basis; physically separated from any other rooms or dwelling units which may be in the same building, and containing independent kitchen and sleeping facilities.

EXTENDED-STAY HOTEL - Multiple family dwelling(s) with rental or lease of less than one week, provided such rentals or leases of less than one week shall comprise less than 50% of the total dwelling units within the structure(s).

SHORT-TERM VACATION RENTAL – A dwelling unit, as defined herein, that is rented (in part or entirely) for not longer than 30 days, and advertised as such, where a permanent residence is not established by the occupant(s) (mailing address, vehicle registration, etc.). This use may also be known as a "short-term residential rental" but does not include hotels, motels, extended-stay hotels, bed and breakfast facilities, boarding or lodging houses, nursing homes or assisted living facilities. This use is also subject to all of the following requirements:

(1) The property shall not be rented for events such as weddings and wedding receptions, business meetings, parties, or similar group events;
(2) There shall be no more than five (5) sleeping rooms;
(3) The property owner shall maintain a guest log, as required by (insert law or regulation), which shall be subject to annual review and inspection;
(4) Any applicable Transient Room Taxes as required by (insert name of law or regulation), are to be paid on an annual (or more frequent) basis;
(5) No freestanding or wall signage shall be permitted on the premises advertising the short-term vacation rental;
(6) No additional blacktop, concrete or gravel parking shall be permitted beyond that normally provided in comparable neighborhood residences.
(7) A standard gauge diamond mesh wire fence, of durable construction, at least 52" in height, set on 7½-foot posts with a required 6" top board, shall be constructed along the property boundary between this use and land that is being actively used for agricultural purposes, unless the owner of the agricultural property agrees to an exemption.

HOTEL - A building or group of buildings containing individual sleeping or living units, designed for the temporary occupancy of transient guests; and including hotels, tourist courts, motor lodges, motor hotels or auto courts, but not including boarding or lodging houses.

MOTEL - A building or group of buildings, containing individual sleeping or living units, designed for the temporary occupancy of transient guests and including hotels; tourist courts; motor lodges; motor hotels or auto courts; but not including boarding or lodging houses.

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ARTICLE 8

AGRICULTURAL RURAL (A-R) ZONE

8-1(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

For any of the following conditional uses established after January 26, 1995, a total of 10,000 square feet shall be the maximum allowable for all structures proposed for such uses.

25. Bed and breakfast facilities, limited to the rental of not more than five (5) rooms per property, provided that no use permitted under this section shall be located less than one (1) mile, as measured from the facility, from another use permitted under this section. The Board of Adjustment, in considering approval of such conditional use, shall consider and make a finding that the number of rooms granted shall not have an adverse effect on surrounding properties. In addition, in considering such a conditional use, the Board of Adjustment shall take into consideration the number of bed and breakfast facilities, if any, within the general neighborhood of the property being considered for such use.
28. Short-term vacation rentals.

AGRICULTURAL BUFFER (A-B) ZONE

8-2(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

For any of the following conditional uses established after January 26, 1995, except where the A-B zone is adjacent to the county boundary, and the property is a minimum of 10 acres and has frontage on a state highway, a total of 10,000 square feet shall be the maximum allowable for all structures proposed for such uses.

15. Bed and breakfast facilities, limited to the rental of not more than five (5) rooms per property, provided that no use permitted under this section shall be located less than one (1) mile, as measured from the facility, from another use permitted under this section. The Board of Adjustment, in considering approval of such conditional use, shall consider and make a finding that the number of rooms granted shall not have an adverse effect on surrounding properties. In addition, in considering such a conditional use, the Board of Adjustment shall take into consideration the number of bed and breakfast facilities, if any, within the general neighborhood of the property being considered for such use.
17. Short-term vacation rentals.