MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS

March 8, 2018

I. **CALL TO ORDER** - The meeting was called to order at 1:30 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.

Planning Commission members present – Bill Wilson; Will Berkley; Patrick Brewer; Mike Cravens; Karen Mundy; Mike Owens; Carolyn Plumlee; Carolyn Richardson and Frank Penn. Headley Bell and Larry Forester were absent.

Planning Staff members present – Jim Duncan; Traci Wade; Tom Martin; Cheryl Gallt and Denice Bullock. Other staff members in attendance were Vaughan Adkins, Division of Engineering; Casey Kaucher, Division of Traffic Engineering; Tim Queary, Division of Environmental Quality; Captain Greg Lengal & Captain Joshua Thiel, Division of Fire & Emergency Services; and Tracy Jones and Andrea Brown, Department of Law.

II. **APPROVAL OF MINUTES** – A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 9-0 (Bell and Forester absent) to approve the minutes of the February 8, 2018, meeting.

III. **POSTPONEMENTS OR WITHDRAWALS –** Requests for postponement and withdrawal will be considered at this time.

a. PLN-MJDP-17-00114: LEXINGTON INDUSTRIAL FOUNDATION (BAUMANN PAPER COMPANY) (03/08/2018)*- located at 1601 BAUMANN DR, LEXINGTON, KY.
Council District 2
Project Contact: Gabbert Consulting Co., LLC

Note: The Planning Commission postponed this item at their December 14, 2017, January 11, 2018 and February 8, 2018, meetings. At the request of the applicant, the Subdivision Committee recommended postponement of this item at their December 7, 2017, January 4, 2018 and February 1, 2018 and March 1, 2018, meetings.

The Technical Committee and Staff Recommended: **Postponement**. There were some questions regarding the plan's compliance with Article 21 of the Zoning Ordinance and parking per Article 8-22.

Should this plan be approved, the following requirements should be considered:
1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Addition of written scale.
11. Correct plan title.
12. Name, address and phone number of plan preparer.
13. Identify boundary of property as solid dark lines with bearings and distances.
14. Denote deed book and page or record plat of property in plan title.
15. Denote topography contours at 2-foot intervals.
16. Denote access for construction vehicles.
17. Addition of street cross-section.
18. Denote height of building in feet on plan.
19. Denote floor area for each building in site statistics, lot coverage & FAR per Article 21 requirements.
20. Dimension all buildings.
21. Improve clarity of vicinity map.
22. Denote use of existing building.
23. Document compliance with Article 21-7(b)(3) of the Zoning Ordinance (copies of post-certification).
24. Delete note #1.
25. Denote as Final Development Plan.

Representation present – Rob Gabbert, Gabbert Consulting, requested an indefinite postponement in order for his client to further review their options before moving forward with this request.

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

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

Action - A motion was made by Ms. Mundy, seconded by Ms. Plumlee and carried 9-0 (Bell and Forester were absent) to indefinitely postpone **PLN-MJDP-17-00114: LEXINGTON INDUSTRIAL FOUNDATION (BAUMANN PAPER COMPANY)**.

IV. LAND SUBDIVISION ITEMS - The Subdivision Committee met on Thursday, March 1, 2018, at 8:30 a.m. The meeting was attended by Commission members: Karen Mundy, Carolyn Plumlee, and Headley Bell. Committee members in attendance were: Vaughan Adkins, Division of Engineering; and Casey Kaucher, Division of Traffic Engineering. Staff members in attendance were: Jim Duncan; Traci Wade; Chris Woodall; Tom Martin; Cheryl Gallt; Denice Bullock; Jimmy Emmons; Scott Thompson; Captain Greg Lengal & Captain Joshua Thiel, Division of Fire & Emergency Services; Tracy Jones, Department of Law. The Committee made recommendations on plans as noted.

General Notes

The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.
1. *All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.*
2. *All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.*

A. CONSENT AGENDA – Following requests for postponement or withdrawal, items requiring no discussion will be considered.

Criteria:
(1) the Subdivision Committee recommendation is for approval, as listed on this agenda; and
(2) the Petitioner is in agreement with the Subdivision Committee recommendation and the conditions listed on the agenda; and
(3) no discussion of the item is desired by the Commission; and
(4) no person present at this meeting objects to the Commission acting on the matter without discussion; and
(5) the matter does not involve a waiver of the Land Subdivision Regulations.

Requests can be made to remove items from the Consent Agenda:
(1) due to prior postponements and withdrawals,
(2) from the Planning Commission,
(3) from the audience, and
(4) from Petitioners and their representatives.

Ms. Wade announced the following agenda items appearing on the Consent Agenda:

a. PLN-MJDP-18-00009: ELLERSLIE PLACE, LOTS 2 & 2A (THE MIDLANDS) (AMD) (4/29/18)* - located at 222 MIDLAND AVE AND 225 WALTON AVE, LEXINGTON, KY
Council District: 3
Project Contact: Milestone Design

Note: The purpose of this amendment is to revise the parking and building on Lot 2A.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:
1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Provide detailed exhibit with information regarding floorplan and elevations to Division of Planning to ensure compliance with Article 28-5(h) of the Zoning Ordinance.

b. PLN-MJDP-18-00010: BLUEGRASS EXECUTIVE PARK, UNIT 1-C, SEC. 1, BLOCK E & SEC. 2, BLOCK E (PROFESSIONAL OFFICE PROJECT) (4/29/18)* - located at 2140 EXECUTIVE DR AND 2189, 2193, 2197, 2201 & 2205 THUNDERSTICK DR, LEXINGTON, KY
Council District: 6
Project Contact: Vision Engineering

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:
1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.

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

5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Addition of record plat consolidation.

c. PLN-MJDP-18-00011: LEXMARK INTERNATIONAL (AMD) (4/29/18)* - located at 791 FREIGHT BLVD, LEXINGTON, KY
Council District 1
Project Contact: Vision Engineering

Note: The purpose of this amendment is to revise the parking and circulation.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:
1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Division of Waste Management's approval of refuse collection locations.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Denote record plat information for all lots on the Lexmark Property.

d. PLN-MJDP-17-00120: GOLD CIRCLE (TARGET-NICHOLASVILLE & REYNOLDS) (OUTLOT, LOT 1-B) (AMD) (5/22/18)* – located at 131 W. REYNOLDS ROAD, LEXINGTON, KY.
Council District 9
Project Contact: The Roberts Group

Note: The purpose of this amendment is to denote the development of Lot 1B. The Planning Commission approved this plan at their January 11, 2018, meeting, subject to the following conditions:
1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Document compliance with Article 18 VUA requirements of the Zoning Ordinance prior to certification.
11. Denote final record plat information for adjoining property.
12. Addition of tree protection plan for Lots 1-A & 1-B.
13. Delete construction/contractors information notes.

Note: The applicant now requests a continued discussion of the Planning Commissions prior approval.

The Subdivision Committee Recommended: **Approval**, subject to the original conditions previously approved by the Planning Commission, changing condition #10 to read:
10. Document compliance with Article 18 VUA requirements of the Zoning Ordinance prior to ~~certification~~ issuance of Certificate of Occupancy.

e. PLN-MJDP-16-00062: HAMBURG PLACE MALL (HAMBURG PAVILION DEVELOPMENT) (AMD) (5/22/18)* - located at 1940 AND 1970 PAVILION WAY; 2130 SIR BARTON WAY & 1915 AND 1937 STAR SHOOT PARKWAY, LEXINGTON, KY.
Council District 6
Project Contact: Foresite Group, Inc.

Note: The purpose of this amendment is to add 54,651 square feet of buildable area and to reduce the parking by 185 spaces. The Planning Commission approved this plan at their February 9, 2017, meeting, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Document compliance with Art. 21-7(b)(3) of the Zoning Ordinance, prior to plan certification.
11. Identify plan boundary with solid dark lines, per Article 21-6(a)(2) of the Zoning Ordinance.
12. Enlarge vicinity map and denote site location.
13. Dimension existing and proposed driveways, walkways, parking areas, points of ingress and egress, per the previous approved development plan.
14. Dimension proposed drive-through lane on Building T-4 and indicate stacking area on plan.
15. Addition of tree protection plan information and document compliance with Article 26 (20%) canopy requirements for the lot proposed for amendment.
16. Addition of notes #7 & #16 from previous plan.
17. Resolve resolution of easement conflict with proposed Buildings T-1, 2 & 3.
18. Resolve detention basin conflict with proposed Buildings T-1, 2 & 3.

The Planning Commission's original approval has expired. The applicant now requests a reapproval of this plan.

The Subdivision Committee Recommended: **Reapproval**, subject to the same conditions as previously required by the Commission, replacing condition #3 with the following new condition:

3. Landscape Examiner's approval of landscaping and landscape buffers.

f. DP 2011-41: BLACKFORD PROPERTY, PHASE 1, UNIT 5 & PHASE 3 (AMD) (5/22/18)* - located on BLACKFORD PARKWAY, LEXINGTON, KY.
Council District 12
Project Contact: EA Partners

Note: This development plan requires the posting of a sign, and an affidavit of such. The purpose of this amendment is to revise the single family residential area layout and to revise the Special Design Area near Walnut Grove Lane. The Planning Commission approved this plan at their June 23, 2011, meeting, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree protection plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire's approval of emergency access and fire hydrant locations.
10. Provided the Planning Commission makes a finding that the plan is in compliance with the EAMP.
11. Resolve the details of the greenway connection at Lots 391 & 392.
12. Resolve tree preservation area conflict with the EAMP storm water plans (remove T.P.A).
13. Resolve the extent of the sinkhole (identify closed contour area).
14. Denote: No development of Lots 412-416 until Blackford Parkway is constructed.
15. Denote: No vehicular access to Walnut Grove Lane or Deer Haven Lane.

Note: This plan was certified on October 19, 2011. The Planning Commission granted approval of an extension of their previous approval at their October 9, 2014, meeting. They also made a finding, required by Article 4-4(d)(1) of the Land Subdivision Regulations, which states that "progress has been made in the physical construction of improvements" in order to grant that extension.

The applicant now requests a reapproval for the Preliminary Subdivision Plan portion of this plan.

The Subdivision Committee Recommended: **Reapproval**, subject to the same conditions as previously required by the Commission, replacing condition #3 with the following new condition:

3. Landscape Examiner's approval of landscaping and landscape buffers.

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

Ms. Wade said that the staff had received an affidavit for the sign posting for **DP 2011-41: BLACKFORD PROPERTY, PHASE 1, UNIT 5 & PHASE 3 (AMD)** and everything appears to be in order.

Ms. Wade then said that **DP 2011-41: BLACKFORD PROPERTY, PHASE 1, UNIT 5 & PHASE 3 (AMD)** required the Planning Commission to approve the necessary finding that the plan is in compliance with the Expansion Area Master Plan. The staff finds that this plan to be in compliance with the Future Land Use, Community Design, and Infrastructure elements of the Expansion Area Master. (A copy of the EAMP Compliance Report is attached as an appendix to these minutes

Ms. Wade indicated that the items identified on the Consent Agenda could be considered for conditional approval at this time by the Commission, as has been recommended, unless there was a request for an item to be removed from consideration by a member of the Commission, or the audience, to allow an opportunity for its discussion. (A copy of the Consent Agenda is attached as an appendix to these minutes).

Audience members requesting full discussion – Sam W. Pennebaker requested **DP 2011-41: BLACKFORD PROPERTY, PHASE 1, UNIT 5 & PHASE 3 (AMD)** be removed to allow further discussion.

Commission member requesting full discussion - There were none.

Commission Comments - Mr. Berkley and Mr. Brewer requested to be recused from **PLN-MJDP-18-00011: LEXMARK INTERNATIONAL (AMD)**. Mr. Wilson noted that the record would show that Mr. Berkley and Mr. Brewer would be recused from voting on **PLN-MJDP-18-00011: LEXMARK INTERNATIONAL (AMD**), but not from the remaining items listed on the consent agenda.

Action - A motion was made by Mr. Owens, seconded by Ms. Richardson, and carried 9-0 (Berkley and Brewer recused **PLN-MJDP-18-00011: LEXMARK INTERNATIONAL (AMD);** Bell and Forester absent) to approve the items listed on the Consent Agenda, as recommended by the Subdivision Committee, removing **DP 2011-41: BLACKFORD PROPERTY, PHASE 1, UNIT 5 & PHASE 3 (AMD)**.

B. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 9-0 (Bell and Forester absent) to approve the release and call of bonds as detailed in the memorandum dated March 8, 2018, from Barry Brock, Division of Engineering.

C. **DISCUSSION ITEMS** – Following requests for postponement, withdrawal and no discussion items, the remaining items will be considered.

The procedure for these hearings is as follows:

- Staff Report(s), including subcommittee reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
  (a) proponents (10 minute maximum OR 3 minutes each)
  (b) objectors (30 minute maximum OR 3 minutes each)
- Rebuttal & Closing Statements
  (a) petitioner's comments (5 minute maximum)
  (b) citizen objectors (5 minute maximum)
  (c) staff comments (5 minute maximum)
- Commission discusses and/or votes on the plan.

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the meeting. The Chair will announce his/her decision at the outset of the hearing.

1. **FINAL SUBDIVISION PLAN**

a. PLN-MJSUB-17-00048: THE GARDEN OF HARTLAND, UNIT 3 (AMD) (5/31/18)* - located at 5116 IVYBRIDGE DRIVE, LEXINGTON, KY.
Council District 12
Project Contact: Wes Witt

Note: The Planning Commission indefinitely postponed this item at October 12, 2017, meeting. The purpose of this amendment is to subdivide one lot into two lots.

The Subdivision Committee Recommended: **Postponement**. There are some questions regarding the ability to provide sanitary sewer service to a proposed new lot.

Should this plan be approved, the following requirements should be considered:
1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.

3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
8. Document release of Ashland Oil easement.
9. Denote monument information, per Article 6 of the Land Subdivision Regulations.
10. Provided the Planning Commission grants a waiver of the required lot frontage.
11. Discuss provision of sanitary sewer service to Lots 5116 and 5121.
12. Discuss engineer's certification.
13. Discuss Urban County Engineers certification.
14. Discuss the need for Improvement Plan(s).

Note: The applicant has requested this item be placed on the docket for consideration.

Staff Presentation – Mr. Martin presented the staff report on the final record plat, and briefly explained that the property was encumbered by a large Ashland Oil Company easement that was recently released when the transmission line was relocated. The proposed amended final subdivision plan (record plat) will create two R-1C lots out of what is currently an HOA property. This amendment would then allow the third lot to be buildable, and provide an access easement back to the HOA lot.

Mr. Martin then said that the applicant has proposed a 10' access off Ivybridge Drive, which would be used by pedestrians, as well as provide a path to allow maintenance of the HOA lot. He noted that with the required frontage being reduced, a waiver to Article 6-4(c) of the Land Subdivision Regulations is required. He explained that the R-1C zone requires a minimum of 8,000 square feet per lot; and although the proposed lot has 122' of frontage, (the R-1C zoning only requires 60' of frontage), there is not enough square footage to create two lots.

Mr. Martin said that the reason this item was postponed by the Subdivision Committee was due to questions regarding the ability to provide sanitary sewer service to a proposed lot (5116 Ivybridge Drive). The applicant has resolved this issue by procuring an easement on the adjoining property to install a lateral connection to the existing sanitary sewer.

Mr. Martin said that the staff is recommending approval of the final record plat, subject to the following revised conditions:
1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
8. Document release of Ashland Oil easement.
9. Denote monument information, per Article 6 of the Land Subdivision Regulations.
10. Provided the Planning Commission grants a waiver of the required lot frontage.
11. ~~Discuss~~ Resolve provision of sanitary sewer service to Lots 5116 and 5121.
12. ~~Discuss~~ Resolve engineer's certification.
13. ~~Discuss~~ Resolve Urban County Engineers certification.
14. ~~Discuss the need for Improvement Plan(s).~~

Mr. Martin then said that the staff is recommending approval of the requested waiver, for the following reasons:
1. Granting the requested waiver will not adversely affect public health, welfare and safety as the residential lots meet the requirements of the Land Subdivision Regulations and the HOA lot is common open space.
2. Not granting the waiver would constitute a hardship for the applicant and is consistent with the intent of Article 1-5(a) of the Land Subdivision Regulations.

Commission Question – Mr. Owens asked if the waiver request affects the remaining HOA lot. Mr. Martin replied affirmatively.

Representation – Wesley Witt indicated that the applicant was in agreement with the staff's revised recommendation, as well as the recommendation made on the waiver report.

Commission Question – Mr. Owens asked how would the lot be sewered. Mr. Witt explained that there is an existing public sewer line to the north and south of Ivybridge Drive, as well as a manhole on the adjacent lot that can be used to connect a private lateral sewer line to the proposed lot.

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

Action - A motion was made by Ms. Plumlee, seconded by Mr. Brewer and carried 9-0 (Bell and Forester absent) to approve the final subdivision plan for **PLN-MJSUB-17-00048: THE GARDEN OF HARTLAND, UNIT 3 (AMD)**, as recommended by the staff.

Action - A motion was made by Ms. Plumlee, seconded by Mr. Brewer and carried 9-0 (Bell and Forester were absent) to approve the waiver to Article 6-4(c) of the Land Subdivision Regulations for **PLN-MJSUB-17-00048: THE GARDEN OF HARTLAND, UNIT 3 (AMD)**, as recommended by the staff.

2. **DEVELOPMENT PLANS**

a. PLN-MJDP-17-00109: FULLER ET AL PROPERTY & MEADOWTHORPE COMMERCIAL BUSINESS CTR, LOT 3 (AMD) (03/08/2018)*- located at 1315 W. MAIN ST, LEXINGTON, KY.
Council District 2
Project Contact: Abbie Jones Consulting

Note: The Planning Commission postponed this item at their December 14, 2017, January 11, 2017 and February 8, 2018, meetings. The purpose of this amendment is to construct a gymnasium/indoor recreation facility.

Note: The revised plan removes the indoor recreation facility.

The Subdivision Committee Recommended: **Postponement**. There were some questions regarding the proposed angle parking, access easement and proposed gate.

Should this plan be approved, the following requirements should be considered:
1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Denote final record plat information for property.
11. Revise note #13.
12. Denote reciprocal parking and access.
13. Discuss known stormwater problem and impact of proposed development.
14. Discuss angle parking, access easement and proposed gate.

Staff Presentation – Mr. Martin presented the staff report on the final development plan, and gave the history of the property. He explained that the purpose of the amendment was to construct a gymnasium/indoor recreation facility. However, due to concerns regarding the proposed angled parking, access easement and proposed gate, the Subdivision Committee recommended postponement. The applicant offered an almost identical plan to the preliminary development plan approved at the time of the zone change, that replaces the indoor recreation facility with mini-warehouses and office space. However, the need for gates and the access leading to the back still posed a concern for the staff as to how that would function for people who do not enter the rear lot. The key to resolve this issue is to provide a gate further away from mini-warehouse, which Traffic Engineering is agreeable with. He then indicated that the Division of Engineering has also reached an agreement with the applicant regarding stormwater.

Mr. Martin said that the staff could now recommend **Approval**, subject to the following revised conditions:
1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections

and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Denote final record plat information for property.
11. Revise note #13.
12. Denote reciprocal parking and access.
13. ~~Discuss~~ Resolve known stormwater problem and impact of proposed development.
14. ~~Discuss~~ Resolve angle parking, access easement and proposed gate.

Commission Questions – Ms. Mundy asked if there will be signage to show one-way access. Mr. Martin said that the Commission could add that requirement to the development plan.

Mr. Wilson asked for comments from Traffic Engineering. Ms. Kaucher said that the staff did express concerns with the proposed use creating a heavier traffic volume, but since the use is being changed back to mini-warehouses, the amount of traffic will be minimal. With that change, the staff is more comfortable with egress and ingress movement.

Referencing condition #14, Mr. Penn said that the access easement and proposed gate were talked about, but not the angled parking. He asked if access will be one- or two-way movement. Ms. Kaucher said that on the previous plan's angled parking was being shown, but the revised plan had omitted the angled parking and now the flow of traffic would function as a one-way into the site and one-way out of the site. Mr. Penn then asked if "angled parking" can be removed from condition #14. Mr. Wilson said that the condition says resolve and asked if the staff can work that issue out. Ms. Kaucher replied affirmatively, and said that "angle parking" could be removed from condition #14 to read "Resolve access easement and proposed gate".

Ms. Mundy asked if staff agreed that one-way signage should be added. Ms. Kaucher replied affirmatively, and said that a note can be placed on the development plan to ensure the signage is added.

Mr. Owens said that originally, the parking was outside the gated area, but now the staff is suggesting having the parking inside the gate. Ms. Kaucher replied affirmatively. Mr. Owens then asked if the parking was for the basketball court or another building. Ms. Kaucher said that the basketball court is off the table and the use is only the mini-warehouse facility. Five parking spaces is the minimum requirement for the mini-warehouse facility.

Representation – Abbie Jones indicated that they were in agreement with the staff's revised recommendation, and noted that they would stripe the access, and add a note to the development plan to ensure that signage would be installed.

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

Action - A motion was made by Ms. Mundy, seconded by Ms. Plumlee and carried 9-0 (Bell and Forester absent) to approve the final subdivision plan for **PLN-MJDP-17-00109: FULLER ET AL PROPERTY & MEADOWTHORPE COMMERCIAL BUSINESS CTR, LOT 3 (AMD)**, as recommended by the staff, changing and adding the following conditions:
13. ~~Discuss~~ Resolve known stormwater problem and impact of proposed development.
14. ~~Discuss~~ Resolve ~~angle parking,~~ access easement and proposed gate
15. Denote: one-way signage on ingress and egress.

b. DP 2011-41: BLACKFORD PROPERTY, PHASE 1, UNIT 5 & PHASE 3 (AMD) (5/22/18)* - located on BLACKFORD PARKWAY, LEXINGTON, KY.
Council District 12
Project Contact: EA Partners

Note: This development plan requires the posting of a sign, and an affidavit of such. The purpose of this amendment is to revise the single family residential area layout and to revise the Special Design Area near Walnut Grove Lane. The Planning Commission approved this plan at their June 23, 2011, meeting, subject to the following conditions:
1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree protection plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire's approval of emergency access and fire hydrant locations.
10. Provided the Planning Commission makes a finding that the plan is in compliance with the EAMP.

11. Resolve the details of the greenway connection at Lots 391 & 392.
12. Resolve tree preservation area conflict with the EAMP storm water plans (remove T.P.A).
13. Resolve the extent of the sinkhole (identify closed contour area).
14. Denote: No development of Lots 412-416 until Blackford Parkway is constructed.
15. Denote: No vehicular access to Walnut Grove Lane or Deer Haven Lane.

Note: This plan was certified on October 19, 2011. The Planning Commission granted approval of an extension of their previous approval at their October 9, 2014, meeting. They also made a finding, required by Article 4-4(d)(1) of the Land Subdivision Regulations, which states that "progress has been made in the physical construction of improvements" in order to grant that extension.

The applicant now requests a reapproval for the Preliminary Subdivision Plan portion of this plan.

The Subdivision Committee Recommended: **Reapproval**, subject to the same conditions as previously required by the Commission, replacing condition #3 with the following new condition:
3. Landscape Examiner's approval of landscaping and landscape buffers.

Staff Presentation – Mr. Martin presented the staff's report on the final development plan, and said that the Planning Commission previously approved this request on June 23, 2011 and granted an extension of their previous approval at their October 9, 2014, subject to the conditions listed on the agenda. As part of the Planning Commission approval, a finding was granted as required by Article 4-4(d)(1) of the Land Subdivision Regulations, which states that "progress has been made in the physical construction of improvements" in order to grant that extension.

Mr. Martin then said that the Subdivision Committee recommended reapproval, subject to the same conditions as previously approved, changing condition #3 as noted on today's agenda.

Commission Questions – Mr. Penn asked if this request is a preliminary plan. Mr. Martin explained that the infrastructure in the expansion area are built off either a Final Development Plan or a Preliminary Subdivision Plan. To obtain permits to build the individual houses, a Final Record Plat is submitted to create the lots that are depicted on the Preliminary Subdivision Plan. Mr. Penn then asked if the infrastructure is being done from the Preliminary Development Plan. Mr. Martin replied negatively, and said they are being completed from a Preliminary Subdivision Plan.

Representation – Rory Kahly, EA Partners with Nick Nicholson, attorney, indicated that they were in agreement with the staff's recommendation.

Citizen Comment – Sam W. Pennebaker expressed his concerns with the traffic congestion and increased density in this area. He indicated that the sign posting for this request was posted two days before this meeting and the residents cannot be present to show their opposition. He added that the sight distance at the intersection of Man o' War Boulevard and Blackford Parkway poses a hazard to vehicular traffic due to the large Ball Homes signs and pillars at each of the corners. He believes that the remaining vacant land should be left as greenspace.

Commission Questions – Mr. Wilson asked how long has Mr. Baker lived in the neighborhood. Mr. Baker replied 4 years. Mr. Wilson then asked if Mr. Baker was aware that this request had already been approved twice by the Commission. Mr. Baker responded negatively, and said that he understood when he purchased his home this development was already planned, but he would be remiss if he did not say something.

Rebuttal – Mr. Nicholson indicated that this plan is a reapproval that is in full compliance with the Expansion Area Master Plan, the Land Subdivision Regulations and any applicable provisions of the Zoning Ordinance. He said that anything that has been constructed, to-date, is as it was approved on the preliminary plan. He then said that the notice requirements were complied with, as the affidavit shows and was submitted into the record. The remaining area is not a greenspace area, it has been slated for development at this density since 1996. Mr. Nicholson said that the Commission approved this request on June 23, 2011 and granted an extension of their previous approval at their October 9, 2014, and they are requesting the Commission to reapprove the plan at this time.

Commission Questions – Mr. Penn asked if the sign at the intersection of Man o' War Boulevard and Blackford Parkway could be looked at. Mr. Nicholson replied affirmatively. Mr. Martin said that he spoke with Traffic Engineering, who indicated that they would review the sign location to see if something needed to be addressed.

Citizen Rebuttal – Mr. Pennebaker said that the remaining land is beautiful greenspace and he encouraged everyone to go see this area. He then said that he understands this request was previously approved, but that does not necessarily make it right. He added that you have to live here to appreciate this area.

Staff Comment – Ms. Wade illustrated the affidavit and picture of the sign on the overhead for the Commission to review, and said that the sign was posted on February 22nd by EA Partners.

Action - A motion was made by Ms. Mundy to reapproval **DP 2011-41: BLACKFORD PROPERTY, PHASE 1, UNIT 5 & PHASE 3 (AMD)**, subject to the same conditions as previously required by the Commission, replacing condition #3 with the following new condition:
3. Landscape Examiner's approval of landscaping and landscape buffers.

Ms. Mundy amended the motion to include the EAMP Compliance Report.

The motion was seconded by Ms. Richardson and carried 9-0 (Bell and Forester absent).

VI. COMMISSION ITEMS – There was none.

VII. STAFF ITEMS

A. WORK SESSION – Mr. Duncan reminded the Commission that the next Work Session is scheduled for Thursday, March 15th.

VIII. AUDIENCE ITEMS – There was none.

IX. NEXT MEETING DATES

Work Session, Thursday, 1:30 p.m., 3rd Floor Phoenix Building .... March 15, 2018
Zoning Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers .... **March 22, 2018**
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) .... March 28, 2018
Work Session, Thursday, 1:30 p.m., 3rd Floor Phoenix Building .... March 29, 2018
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) .... April 5, 2018
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building) .... April 5, 2018
Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers .... **April 12, 2018**

X. ADJOURNMENT - There being no further business, the Chair adjourned the meeting at 2:23 PM.

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William Wilson, Chair

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Carolyn Plumlee, Secretary

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