

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

April 12, 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; Headley Bell; Patrick Brewer; Mike Cravens; Larry Forester; Karen Mundy; Mike Owens; Carolyn Plumlee; and Frank Penn. Carolyn Richardson was absent.

Planning Staff members present – Jim Duncan; Traci Wade; Tom Martin; Cheryl Gallt and Denise 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 10-0 (Richardson absent) to approve the minutes of the February 22, 2018 and March 8, 2018, meetings.

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

- a. PLN-MJDP-18-00017: PAPPERT PROPERTY (AMD) (6/3/18)* - located at 2811 SPURR ROAD, LEXINGTON, KY
Council District 12
Project Contact: EA Partners

Note: The purpose of this amendment is to revise the layout and add townhomes.

The Subdivision Committee Recommended: **Postponement**. The proposed plan does not meet the conditional zoning restrictions.

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. Bike & 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, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. Discuss spacing of local street from Spurr Road and the need for a waiver.
13. Discuss access to the pump station.
14. Discuss irregular shape of Lot 5.
15. Discuss compliance with approved conditional zoning restrictions (MAR 2005-40).

Representation present – Rory Kahly, EA Partners, requested a one-month postponement of this request.

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

Action - A motion was made by Mr. Brewer, seconded by Ms. Mundy and carried 10-0 (Richardson absent) to postpone **PLN-MJDP-18-00017: PAPPERT PROPERTY (AMD)** to the May 10, 2018, meeting.

- b. PLN-MJDP-18-00022: LANSLOWNE SUBDIVISION, UNIT 18-D, SEC 2 (TOWNHOMES OF LAREDO) (AMD) (6/3/18)* - located at 3409 LAREDO DRIVE, LEXINGTON, KY
Council District 4
Project Contact: EA Partners

Note: The purpose of this amendment is to create 16 lots and depict the townhouse development.

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.

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

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 stormwater detention location on property per Article 21 requirements.
11. Discuss pedestrian and vehicular access to right-of-way from each unit.

Representation present – Rory Kahly, EA Partners, requested a two-week postponement of this request.

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 10-0 (Richardson absent) to postpone **PLN-MJDP-18-00022: LANSLOWNE SUBDIVISION, UNIT 18-D, SEC 2 (TOWNHOMES OF LAREDO) (AMD)** to the April 26, 2018, meeting.

- c. **PLN-MJDP-18-00015: RICHARDSON PROPERTY (AMD)** (6/3/18)* - located at 300 HANNAH TODD PLACE, LEXINGTON, KY
Council District 7
Project Contact: ECSI, LLC

Note: This development plan requires the posting of a sign, and an affidavit of such. The purpose of this amendment is to add 36 more condominium units.

The Subdivision Committee Recommended: **Postponement**. The applicant failed to post the required signage on the property within a minimum of 14-days prior to the public meeting.

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 record plat designation.
11. Clarify area of amendment on vicinity map.
12. Denote access point for construction vehicles.
13. Addition of exactions to the approval of Division of Planning.
14. Clarify totals of units in site data for EAR-2 zone.
15. Revise building height to meet a maximum of 35' in the EAR-2 zone.

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant's representative, requesting a two-week postponement.

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

Action - A motion was made by Ms. Plumlee, seconded by Mr. Forester and carried 10-0 (Richardson absent) to postpone **PLN-MJDP-18-00015: RICHARDSON PROPERTY (AMD)** to the April 26, 2018, meeting.

- d. **PLN-MJDP-18-00018: EAST SEVENTH STREET ADDITION** (6/3/18)* - located at 661 MAGNOLIA AVENUE, LEXINGTON, KY
Council District 1
Project Contact: Element Design

The Subdivision Committee Recommended: **Postponement**. There are some questions regarding the proposed use(s), required parking and lack of required information.

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.

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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. Remove extraneous architectural information from plan.
11. Denote FAR per Article 21 of the Zoning Ordinance.
12. Correct Note #6.
13. Addition of entire property to development plan.
14. Correct plan title.
15. Denote height of proposed building in feet.
16. Denote adjoining property zoning classification.
17. Addition of topographic information and source.
18. Addition of Planning Commission certification.
19. Addition of Owner's certification.
20. Denote owner/developer information.
21. Addition of street cross-section.
22. Denote dumpster location.
23. Discuss proposed use(s) and required parking generator.
24. Discuss proposed use for remainder of property and access.

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant's representative, requesting a one-month postponement.

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

Action - A motion was made by Mr. Penn, seconded by Ms. Mundy and carried 10-0 (Richardson absent) to postpone **PLN-MJDP-18-00018: EAST SEVENTH STREET ADDITION** to the May 10, 2018, meeting.

IV. LAND SUBDIVISION ITEMS - The Subdivision Committee met on Thursday, April 5, 2018, at 8:30 a.m. The meeting was attended by Commission members: Karen Mundy, Carolyn Plumlee, Frank Penn, Mike Owens and Will Berkley. Committee members in attendance were: Hillard Newman, Division of Engineering; and Casey Kaucher, Division of Traffic Engineering. Staff members in attendance were: Traci Wade; Tom Martin; Cheryl Gallt; Hal Baillie; Denise Bullock; Captain Greg Lengal & Captain Joshua Thiel, Division of Fire & Emergency Services; Andrea Brown, 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 were 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:

1. **PLN-MJDP-17-00094: LEESTOWN V.A. HOUSING** (4/12/18)* - located at 2250 LEESTOWN ROAD (A PORTION OF), LEXINGTON, KY
Council District 12
Project Contact: EA Partners

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.

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

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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 9. Division of Waste Management's approval of refuse collection locations.
 10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 11. Clarify ownership and maintenance of Opportunity Way.
 12. Delete side yard and rear yard setback labels.
 13. Addition of density of development in site statistics to determine open space requirement per Article 9 of the Zoning Ordinance.
 14. Delete note #10.
 15. Resolve improvements to Opportunity Way.
 16. Resolve pedestrian access to school site.
2. PLN-MJDP-18-00006: HAMBURG PLACE B-5P & B-6P AREA HIGHWAY COMMERCIAL, LOT 9 (AMD) (6/3/18)* - located at 2344 ELKHORN ROAD, LEXINGTON, KY
Council District 6
Project Contact: Vision Engineering

Note: The purpose of this amendment is to revise Outlot 9, adding multi-tenant building with drive-through, parking and vehicle 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. 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 totals in site statistics for individual lots and outlots, and denote overall total for all lots and outlots for entire development plan.
3. PLN-MJDP-18-00016: HAMBURG EAST, LOT 4 (THE POLO CLUB AT HAMBURG PLACE) (AMD) (6/3/18)* - located at 1825 LITTLE HERB WAY, LEXINGTON, KY
Council District 12
Project Contact: Vision Engineering

Note: This development plan requires the posting of a sign, and an affidavit of such. The purpose of this amendment is to add 6,060 square feet of buildable area.

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. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 5. Division of Waste Management's approval of refuse collection locations.
 6. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 7. Compete internal pedestrian system.
4. PLN-MJDP-18-00021: CAMPBELL HOUSE INN & INVESTMENT PROPERTIES (AMD) (6/3/18)* - located at 1375 S. BROADWAY, LEXINGTON, KY
Council District 11
Project Contact: 2020 Land Surveying

Note: The purpose of this amendment is to reflect proposed addition to front of main building.

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

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. Denote proposed use in addition.
 11. Denote name and address of developer.
 12. Dimension access points.
 13. Denote access points for construction vehicles.
 14. Denote height of building in feet.
 15. Denote total building square footage in site statistics.
 16. Remove public utilities from list.
5. PLN-MJDP-18-00023: SHARKEY PROPERTY, UNIT 1, LOT 16 (6/3/18)* - located at 1745 SHARKEY WAY, LEXINGTON, KY
Council District 2
Project Contact: Barrett Partners

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. Adjust proposed building location to meet required Zoning Ordinance setback for B-1 zone or obtain Board of Adjustment's approval for a variance of building line setback in the B-1 zone prior to plan certification.
6. PLN-MJDP-18-00026: COVENTRY (BELMONT FARM) (LBX COMPANY) (6/3/18)* - located at 2490 REMINGTON WAY, LEXINGTON, KY
Council District 2
Project Contact: MLH Civil Engineering

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. Department of Environmental Quality's approval of environmentally sensitive areas (sinkholes).
 7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 9. Division of Waste Management's approval of refuse collection locations.
 10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 11. Specify area for testing of equipment.
 12. Resolve connection to UK dairy farm.
 13. Remove future development areas.
7. PLN-MJDP-18-00027: VILEY HEIGHTS, UNIT 3-C, LOT 1 (CIELO PROPERTIES) (AMD) (6/3/18)* - located at 1389 ALEXANDRIA DRIVE, LEXINGTON, KY
Council District 11
Project Contact: Abacus Engineering & Land Surveying, Inc.

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

Note: The purpose of this amendment is to show the new site development layout and parking circulation.

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.
 5. Urban Forester's approval of tree preservation plan.
 6. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 9. Division of Waste Management's approval of refuse collection locations.
 10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 11. Denote access for construction vehicles.
 12. Label cross-sections on plan face.
 13. Addition of tree canopy calculations and number of trees.
 14. Delete construction information and notes.
 15. Denote: Board of Adjustment's approval of a variance to the 25' floodplain setback prior to plan certification.
 16. Resolve relocating the dumpster.
 17. Remove note to request a variance for the vegetative buffer (Note #19).
8. PLN-MJDP-17-00042: RML-CITATION (HILLENMEYER INTEREST, LTD.) (6/26/18)* - located at 2551 LEESTOWN ROAD, LEXINGTON, KY
Council District 2
Project Contact: Vision Engineering

Note: The Planning Commission originally approved this plan on August 10, 2017, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, 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. Department of Environmental Quality's approval of environmentally sensitive areas and possible sinkhole.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. Label zoning on adjacent property.
12. Denote the timing for installation of a signal at the intersection of Sandersville Road and Citation Boulevard.

The applicant has requested a continued discussion concerning the access and building layout.

The Subdivision Committee Recommended: **Approval**, subject to the conditions previously approved.

9. PLN-MNDP-18-00002: LEXINGTON MALL (SOUTHLAND CHRISTIAN CHURCH) (CHICK-FIL-A) (AMD) – located at 2299 RICHMOND ROAD, LEXINGTON, KY
Council District 5
Project Contact: GBC Design, Inc.

Note: The purpose of this minor amendment is to revise the layout and add a canopy for 2299 Richmond Road.

The staff is referring this plan to the Commission under Article 21-7(b)(2) of the Zoning Ordinance.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Add the Planning Commission certification on plan to reflect date of approval.
 2. Remove "minor" from plan title.
10. PLAN 2005-321P: BELMONT FARM, UNIT 7 (COVENTRY) (6/26/18)* - located at 2400 and 2450 GEORGETOWN ROAD (A PORTION OF), LEXINGTON, KY
Council District 2
Project Contact: EA Partners

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

Note: The Planning Commission originally approved this plan on January 12, 2006, subject to the following 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 and required street tree information.
4. Approval of street names as per e911 staff.
5. Urban Forester's approval of tree preservation plan.
6. Greenspace Planner's approval of the treatment of greenways/bike trails and pedestrian movement.
7. Environmental Planner's approval of treatment of the Royal Spring Aquifer Recharge Area.
8. Clarify the zoning boundaries (per MAR 2001-33) and soil floodplain areas.
9. Complete labeling of "greenway" and "future development" areas.
10. Provide pedestrian access to greenway area(s).
11. Provided all sidewalk widths are increased to at least 5 feet.
12. Provided the Commission grants a waiver to Article 6-8(q) of the Subdivision Regulations.

The Planning Commission also granted a waiver to Article 6-8(q) of the Subdivision Regulations, for the following reason:

1. Granting the waiver will permit this street to connect and will increase the overall connectivity of this neighborhood. Therefore, innovative design would be realized, without compromising either public safety or the basic objectives of the Subdivision Regulations.

On May 9, 2013, the Planning Commission reapproved this plan, subject to the original conditions 1-7, and revising the following conditions:

3. Building Inspection's approval of landscaping ~~and required street tree information.~~
4. ~~Addressing Office's Approval of street names as per e911 staff and addresses.~~
5. Urban Forester's approval of tree preservation plan and required street tree information.

Note: This plan was certified on April 20, 2006 and July 8, 2013. The applicant now requests reapproval of the plan.

The Subdivision Committee Recommended: **Reapproval**, subject to the original conditions 1-7, replacing condition #3 and adding conditions #8 and #9:

3. Landscape Examiner's approval of landscaping and landscape buffers.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Revise street cross-sections to the approval of the Division of Traffic Engineering.

11. DP 2012-62: VICTORY APOSTOLIC CHURCH, INC. (6/26/18)* - located at 1420 GREENDALE ROAD, LEXINGTON, KY Council District 2
Project Contact: Renaissance Design Build, Inc.

Note: The Planning Commission originally approved this plan on August 9, 2012, 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. 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 protection plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire's approval of emergency access and fire hydrant locations.
9. Division of Waste Management's approval of refuse collection.
10. Denote developer.
11. Addition of contour information.
12. Clarify sidewalks around building and in right-of-way.
13. Denote construction access point location.
14. Delete note #10.
15. Denote timing of the dedication of Greendale Road right-of-way prior to issuance of a Zoning Compliance Permit.
16. Relocate the dumpster to the southeast corner of the parking lot.

Note: Commission's approval has since expired. The applicant now requests reapproval of the plan.

The Planning Commission reapproved this plan on April 9, 2015, subject to the original conditions previously approved by the Planning Commission, with one additional condition:

17. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.

The Subdivision Committee Recommended: **Reapproval**, subject to the conditions previously reapproved by the Planning Commission and replacing condition #3 and adding the following conditions:

3. Landscape Examiner's approval of landscaping and landscape buffers.
18. Remove reapproval application from title block.

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

19. Addition of "Final Development Plan" in title block.
20. Denote location of street cross-section on plan face.
21. Addition of owner's certification.
22. Addition of Commission's certification.
23. Clarify property on vicinity map.
24. Remove proposed contour lines.
25. Denote tree protection area around Bur Oak.
26. Denote conditional zoning restrictions under its own heading.
27. Remove note listed under "Notice."
28. Denote: Street improvements along the property frontage on Greendale Road shall be provided.

Ms. Wade said that the staff had received an affidavit for the sign posting for **PLN-MJDP-18-00016: HAMBURG EAST, LOT 4 (THE POLO CLUB AT HAMBURG PLACE) (AMD)** and everything appears to be in order.

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: There were none.

Commission member requesting full discussion: There were none.

Action - A motion was made by Ms. Mundy, seconded by Ms. Plumlee, and carried 10-0 (Richardson absent) to approve the items listed on the Consent Agenda, as recommended by the Subdivision Committee.

- B. PERFORMANCE BONDS AND LETTERS OF CREDIT** – A motion was made by Mr. Cravens, seconded by Mr. Forester, and carried 10-0 (Richardson absent) to approve the release and call of bonds as detailed in the memorandum dated April 12, 2018, from Barry Brock, Division of Engineering.
- C. DISCUSSION ITEMS** – Following requests for postponement, withdrawal and no discussion items, the remaining items were 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-18-00010: MASJID BILAL IBNRABAH, INC. PROPERTY (6/3/18)*** - located at 1545 RUSSELL CAVE ROAD, LEXINGTON, KY
Council District 1
Project Contact: 2020 Land Surveying

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.
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. Denote: This property shall be developed in accordance with the site plan as approved by the Board of Adjustment on September 30, 2011 (C-2011-56).
8. Dimension access easements.
9. Addition of required access easement note per the Land Subdivision Regulations.

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

10. Provided the Planning Commission grants a waiver to Article 6-4(c) of the Land Subdivision Regulations.
11. Provided the Planning Commission makes a finding on the proposed access easement per Article 6-8(m) of the Land Subdivision Regulations.
12. Discuss the need for a waiver of the sanitary sewer requirement.

Staff Presentation - Mr. Martin directed the Commission's attention to the final record plat, and briefly explained the proposed request. He indicated that the staff was recommending approval of the proposed request, subject to the conditions listed on the agenda.

Mr. Martin then presented the Staff Report and Findings for a Waiver of Land Subdivision Regulations for Articles 6-4(c) and 6-6(e) of the Land Subdivision Regulations, pertaining to the required street frontage and minimum lot size for the subdivision of one A-U zoned lot into two lots.

The Staff Recommended: 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 lots are governed by a BOA approved site plan and functions as a unified development for a place of worship.
2. Granting the waiver is consistent with the intent of Article 1-5(a) of the Land Subdivision Regulations for Exceptional Hardship.

Findings for appropriateness of access easements as sole access for certain lots:

1. Allowing the single lot to be accessed only via the access easement is appropriate for the proposed development and consistent with Article 1-5(a) the Land Subdivision Regulations.
2. The property is subject to a BOA approved site development plan, and the use of the access easement for this one lot will not negatively impact public health and safety. This is consistent with the intent of the Land Subdivision Regulations.

Representation – Justin Drury, 2020 Land Surveying, indicated that the applicant was in agreement with the staff's recommendation, as well as the recommendation made on the waiver report.

Commission Questions – Mr. Penn asked if the property would remain under the same ownership. Mr. Drury replied affirmatively. Mr. Penn then asked once the properties were subdivided would there be separate deeds. Mr. Drury replied affirmatively.

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

Commission Questions – Mr. Berkley asked if condition #12 should be deleted from the staff's recommendation. Mr. Wilson confirmed that condition #12 could be removed. Mr. Martin replied affirmatively.

Action - A motion was made by Mr. Berkley, seconded by Mr. Forester and carried 10-0 (Richardson absent) to approve **PLN-MJSUB-18-00010: MASJID BILAL IBNRABAH, INC. PROPERTY**, as recommended by the staff, deleting conditions #12.

Action - A motion was made by Mr. Berkley, seconded by Mr. Forester and carried 10-0 (Richardson absent) to approve the findings for the waivers of Articles 6-4(c) and 6-6(e) of the Land Subdivision Regulations, as recommended by the staff.

2. **PRELIMINARY SUBDIVISION PLAN**

- a. **PLN-MJSUB-18-00009: TED OSBORN & THOMAS WOOD PROPERTY, MILLPOND, UNIT 1-B, SEC 2A (6/3/18)*** - located at 3900 BOSTON ROAD & 761-781 MILLRIDGE ROAD, LEXINGTON, KY
Council District 9
Project Contact: Abbie Jones Consulting

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.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Denote linear feet of street per Land Subdivision Regulations requirement.
11. Revise purpose of amendment note to delete release, relocate and dedication references.
12. Adjust Lot 12 frontage to 25' per the Zoning Ordinance.

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

13. Clarify 20' setback on all lots on cul-de-sac.
14. Delete side and rear setback lines.
15. Correct cul-de-sac to meet Land Subdivision Regulations.
16. Delete heavy dashed line on Lots 1 & 13 and street.
17. Resolve detention per approved plan (PLN-MJDP-17-00105).
18. Resolve driveway locations on Boston Road to the approval of the Division of Traffic Engineering.
19. Resolve landscaping per previous plan.
20. Discuss lot geometry proposed for Lot 12.
21. Discuss sewer waiver reference on Lots 4, 8, 11, 12 & 13.

Staff Presentation - Mr. Martin directed the Commission's attention to the preliminary subdivision plan, and briefly explained the proposed request. He noted that the staff had distributed the following revised recommendation of approval to the Commission.

The Staff Recommends: **Approval**, subject to the revised 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.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. ~~Denote linear foot of street per Land Subdivision Regulations requirement~~ Delete note #14.
11. ~~Revise purpose of amendment note to delete release, relocate and dedication references~~ Delete vegetative buffer reference in note #13.
12. Adjust Lot 12 frontage to 25' per the Zoning Ordinance.
13. ~~Clarify 20' setback on all lots on cul-de-sac~~ Provided the Planning Commission grants the requested waivers to Articles 6-2(a)(2), 6-4(b), 6-4(d), 6-6(d) and 6-8(a) of the Land Subdivision Regulations.
14. ~~Delete side and rear setback lines.~~
15. ~~Correct cul-de-sac to meet Land Subdivision Regulations.~~
16. ~~Delete heavy dashed line on Lots 1 & 13 and street.~~
14. ~~17. Resolve detention per approved plan (PLN-MJDP-17-00105).~~
15. ~~18. Resolve driveway locations on Boston Road to the approval of the Division of Traffic Engineering.~~
16. ~~19. Resolve landscaping per previous plan.~~
20. ~~Discuss lot geometry proposed for Lot 12.~~
21. ~~Discuss sewer waiver reference on Lots 4, 8, 11, 12 & 13.~~

Mr. Martin then presented the Staff Report and Findings for a Waiver of Land Subdivision Regulations for Articles 6-2(a), 6-6(b), 6-4(b), 6-4(d) and 6-8(a), pertaining to the required sanitary sewers, lot configuration and street geometrics.

The Staff Recommended: **Approval of the requested waiver to Article 6-4(b) & (d)**, for the following reasons:

1. Granting the requested waiver to the lot configurations will not adversely affect public health, welfare and safety in compliance with the intent of the Land Subdivision Regulations.
2. Granting the waiver is consistent with the intent of Article 1-5(a) of the Land Subdivision Regulations for Exceptional Hardship due to the odd shape of the tract and the site constraints.

The Staff Recommended: **Approval of the requested waiver to Article 6-8(a)**, for the following reasons:

1. Granting the requested waiver to the street geometrics will not adversely affect public health, welfare and safety in compliance with the intent of the Land Subdivision Regulations.
2. Granting the waiver is consistent with the intent of Article 1-5(a) of the Land Subdivision Regulations for Exceptional Hardship due to the odd shape of the tract and the site constraints.

The Staff Recommended: **Disapproval of the requested waiver to Article 6-2(a)(2) and 6-6**, for the following reasons:

1. The applicant has not demonstrated that designing the required sanitary sewer system in full compliance with the Engineering Manuals and the Land Subdivision Regulations constitutes a hardship as required by Article 1-5 of the Land Subdivision Regulations.
2. The required sanitary sewer system can be designed and constructed in compliance with the regulations thereby meeting the public health and safety intent of the Land Subdivision Regulations.
3. Designing the system as proposed will have impacts on the owners of the adjoining lots that are conforming to the requirements of the Land Subdivision Regulations.

Representation – Abbie Jones, Abbie Jones Consulting, and Tony Barrett, Barrett Partners, were present on behalf of the developer.

Ms. Jones directed the Commission's attention to the staff's rendering, and noted that the rendering shows no access to Boston Road for Lots 5 through 7. However, the label was added in the incorrect location. She explained that there would be no access for Lots 4-6, but there would be access for Lot 7. Mr. Martin replied that there is a note on the plan stating there would be no access allowed for Lots 4, 5 and 6. Mr. Wilson confirmed that both the staff and the representatives agreed there would be no access from Boston Road for Lots 4, 5 and 6.

Tony Barrett briefly explained that they have communicated with the homeowner's association and decided to make the landscape plan a part of the HOA review, prior to submitting a resolution for the Planning Commission and/or the staff to consider.

Ms. Jones indicated that the applicant was in agreement with the staff's revised recommendation, as well as the recommendation made on the waiver report.

Commission Questions – Mr. Berkley asked if the waiver was not approved would that prevent some lots from having basements. Ms. Jones clarified that it may be that some lots would not have bathrooms in their basement. Mr. Barrett said that to accomplish what their client wants they plan to explore several options.

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

Action - A motion was made by Mr. Berkley, seconded by Mr. Cravens and carried 10-0 (Richardson absent) to approve **PLN-MJSUB-18-00009: TED OSBORN & THOMAS WOOD PROPERTY, MILLPOND, UNIT 1-B, SEC 2A,** as recommended by the staff, adding condition #17 to read: "No access to Boston Road from Lots 4, 5 and 6".

Action - A motion was made by Mr. Berkley, seconded by Mr. Cravens and carried 10-0 (Richardson absent) to approve the findings for the waivers of Land Subdivision Regulations for Articles 6-4(b) & (d) and 6-8(a), and disapproving the requested waiver to Article 6-2(a)(2) and 6-6, as recommended by the staff.

3. DEVELOPMENT PLANS

- a. PLN-MJDP-18-00019: MAN O' WAR DEVELOPMENT, UNIT 2-A (HOME 2) (AMD) (6/3/18)* - located at 1750 PLEASANT RIDGE DRIVE, LEXINGTON, KY
Council District 6
Project Contact: Bryant Engineering

Note: The purpose of this amendment is to show building and parking layout for "Hotel B".

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. Addition of purpose of amendment note.
10. Correct type of plan to "Amended Final Development Plan."
11. Clarify area of amendment on vicinity map.
12. Denote access point for construction vehicles.
13. Delete Note #18 and reference on face of plan.
14. Dimension building and height of building in feet.
15. Dimension drive-through at canopy.
16. Addition of street cross-section and location on plan.
17. Addition of Commission's certification.
18. Addition of Owner's certification.
19. Label Parcel 7.
20. Clarify building lot coverage for Hotel B.
21. Discuss enhanced VUA landscaping along frontage per approved plan.

Staff Presentation - Ms. Gallt directed the Commission's attention to the amended final development plan, and briefly explained the proposed request. She noted that the staff had distributed the following revised recommendation of approval to the Commission.

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

The Staff Recommends: **Approval**, subject to the 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. ~~Addition of purpose of amendment note Remove "±" symbol from face of plan in site statistics.~~
10. ~~Correct type of plan to "Amended Final Development Plan."~~
11. ~~Clarify area of amendment on vicinity map.~~
12. ~~Denote access point for construction vehicles.~~
13. ~~Delete Note #18 and reference on face of plan.~~
14. ~~Dimension building and height of building in feet.~~
15. ~~Dimension drive through at canopy.~~
16. ~~Addition of street cross section and location on plan.~~
17. ~~Addition of Commission's certification.~~
18. ~~Addition of Owner's certification.~~
19. ~~Label Parcel 7.~~
20. ~~Clarify building lot coverage for Hotel B.~~
21. ~~Discuss enhanced VUA landscaping along frontage per approved plan.~~

Representation – Jason Baker, Bryant Engineering, indicated that the applicant was in agreement with the staff's revised recommendation.

Commission Questions – Mr. Penn thanked Mr. Baker for submitting the revised plan to the staff.

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

Action - A motion was made by Ms. Mundy, seconded by Mr. Brewer and carried 10-0 (Richardson absent) to approve **PLN-MJDP-18-00019: MAN O' WAR DEVELOPMENT, UNIT 2-A (HOME 2) (AMD)**, as recommended by the staff.

- b. **PLN-MJDP-18-00024: HAMBURG PLACE COMMUNITY, PHASE II (AMD)** (6/3/18)* - located at 2412, 2416, 2420, AND 2424 FLYING EBONY DRIVE, LEXINGTON, KY
Council District 6
Project Contact: Vision Engineering

Note: The purpose of this amendment is to reconfigure the lotting for Lots 269-272 along Flying Ebony Drive and replace the street cross-section "I-I" on Flying Ebony Drive.

The Subdivision Committee Recommended: **Postponement**. There are still questions regarding the timing of the street extensions.

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. Bike & 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, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. Denote record plat designation (M-910).
13. Clarify proposed lotting pattern.
14. Clarify building coverage and FAR.
15. Addition of conditional zoning restrictions.
16. Resolve location of driveway at the intersection of Old Rosebud and Flying Ebony Drive.
17. Resolve physical barrier on Flying Ebony Drive (Note #31).
18. Denote plan type as Preliminary Subdivision Plan and Final Development Plan (AMD).

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

19. Denote Old Rosebud Lane right-of-way reservation.
20. Discuss use and access for area across the floodplain.
21. Discuss modification to cross-section to remove subdivision entrance features.

Staff Presentation - Ms. Gallt directed the Commission's attention to the amended preliminary subdivision plan and final development plan, and briefly explained the proposed request. She noted that the staff had distributed the following revised recommendation of approval to the Commission.

The Staff 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. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & 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, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. Denote record plat designation (M-910).
- ~~13. Clarify proposed lotting pattern.~~
13. 14. Clarify building coverage and FAR.
- ~~14. 15. Addition of conditional zoning restrictions.~~
14. 16. Resolve location of driveway at the intersection of Old Rosebud and Flying Ebony Drive.
15. 17. Resolve physical barrier on Flying Ebony Drive (Note #31).
- ~~18. Denote plan type as Preliminary Subdivision Plan and Final Development Plan (AMD).~~
- ~~19. Denote Old Rosebud Lane right-of-way reservation.~~
16. 20. Discuss use and access for **Denote: No development of** area across the floodplain **until Old Rosebud is extended to provide street frontage.**
- ~~21. Discuss modification to cross-section to remove subdivision entrance features.~~

Representation – Matt Carter, Vision Engineering, indicated that the applicant was in agreement with the staff's revised recommendation, with the exception of conditions #16. He requested the Planning Commission to alter the language to read: "Resolve access to the rear property, should it be developed, at the time of a final development plan." He explained that his client does not control the property where the bridge would be built so they are unaware of the timing as to when that land would be developed. However, they do have the possibility to install a private entrance through an easement to serve the rear property.

Commission Questions – Mr. Wilson asked if the request is to change condition #16 to read: "Resolve access to the rear development at the time of a future final development plan." Mr. Carter replied affirmatively. Mr. Martin said that this request is a final development plan. The extension of Old Rosebud has been recommended by the Comprehensive Plan since Tuscany was first proposed. The extension of Old Rosebud is a collector street that will connect to Liberty Road. He then said that the applicant does not control that land, but they are agreeing to provide a right-of-way reservation to help with the alignment when the time comes. Mr. Martin said that the staff would be agreeable to state the applicant would need to file an amended final development plan for the rear portion of the property. At that time, the staff could review any issues pertaining to that area of the development.

Mr. Wilson asked how should condition #16 read. Mr. Martin replied that no development of that parcel until such time an amended final development plan has been approved and certified. Mr. Wilson confirmed the staff is suggesting the condition to read "No development of area across floodplain until such time an amended final development plan has been approved by the Planning Commission and certified." Mr. Martin replied affirmatively. Mr. Carter indicated that he was in agreement.

Mr. Owens said that the area being discussed is across the floodplain. Mr. Martin replied affirmatively. Mr. Owens then asked if the staff wants a second access. Mr. Martin said that if it is built as it is intended, there would be access from Old Rosebud. He then said that the concern is when that land would be developed.

Ms. Wade illustrated the following revised condition #16:

"Denote: No development of area across floodplain until an amended final development plan has been approved by the Planning Commission and certified."

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

Action - A motion was made by Mr. Berkley, seconded by Mr. Brewer and carried 10-0 (Richardson absent) to approve **PLN-MJDP-18-00024: HAMBURG PLACE COMMUNITY, PHASE II (AMD)**, as recommended by the staff.

- c. **PLN-MJDP-18-00025: RIDDELL PLAZA, LOT 3 (PARKER PROPERTY) (6/3/18)*** - located at 1100 AND 1108 S. BROADWAY, LEXINGTON, KY
Council District 3
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.
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. Resolve compliance with B-1 setback requirements or obtain Board of Adjustment's approval for a variance of building line setback prior to plan certification.
11. Resolve compliance with Article 18 VUA requirements.
12. Discuss proposed site circulation pattern.
13. Discuss access to S. Broadway.

Staff Presentation - Mr. Martin directed the Commission's attention to the final development plan, and briefly explained the proposed request. He noted that the staff had distributed the following revised recommendation of approval to the Commission.

The Staff 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. Resolve compliance with B-1 setback requirements or obtain Board of Adjustment's approval for a variance of building line setback prior to plan certification.
- ~~11. Resolve compliance with Article 18 VUA requirements.~~
- ~~12. Discuss proposed site circulation pattern.~~
11. 13. Discuss access to S. Broadway.

Mr. Martin explained that the proposed development plan does not meet the B-1 zone's setback requirements so the applicant will need to obtain a variance to the building line setback from the Board of Adjustment. Should the Board not approve the variance, the development plan would need to be reconfigured, which could impact the circulation, parking and possibly the access. He indicated that the applicant had filed an application with the Board of Adjustment and their case should be heard in the near future.

Mr. Martin said that the staff was concerned with the access points near the intersection of S. Broadway and Simpson Avenue and along S. Broadway. He explained that the applicant had removed the access very near the intersection, as well as others, but the proposed full access on S. Broadway could create potential traffic problems making a left turn onto S. Broadway. It would be the staff's preference to remove that access from S. Broadway, and the staff believes a right-in only would be sufficient to minimize any potential traffic conflict.

Commission Questions – Mr. Owens indicated that the development plan uploaded to Granicus shows another access on Simpson Avenue, near the dumpster. Mr. Martin explained the locations of the proposed accesses on Simpson Avenue and indicated that the extra arrow was a graphical error.

Representation – Matt Carter, Vision Engineering, indicated that the applicant was in agreement with the staff's revised recommendation. He noted that they had filed an application with the Board of Adjustment and their case would be heard in April. He then presented two schematic sketches to the Commission and gave a brief description of

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

each as well as explained their trip generator calculations (a copy of the mentioned items is attached as an appendix to these minutes).

Commission Questions – Mr. Brewer asked if the applicant would be agreeable with removing the full access on S. Broadway to prevent left turns and only allowing right-in and right-out movement. Mr. Carter said that he does not believe his client would be agreeable, because the user for this site needs a full access for larger truck movement. He then said that it would be very difficult to control traffic onto S. Broadway because there is no median in the middle of the road to prevent traffic crossing over. They could use signage, but people will still try to make a left turn out of the site.

Ms. Kaucher said that Traffic Engineering has the same concerns as the Planning Commission. She explained that when trying to restrict an access to a right-in and right-out, without a median, it creates more traffic problems because not all motorists will obey the rules. She added that all the accesses on S. Broadway are full accesses and from a traffic standpoint, the staff does not like traffic crossing the road making that left turn onto S. Broadway. Since there is no median to help control the traffic movement, this site should either not have an access at all or a full access should be allowed. She noted that other than during the peak times, the staff believes this proposal was making the situation on S. Broadway better. She informed the Commission that S. Broadway was a State roadway and their Engineers are aware of the plan.

Ms. Plumlee asked if a pork chop could be used. Ms. Kaucher said that, in this situation without a median, traffic would still attempt a left turn on S. Broadway.

Mr. Berkley asked how does the Zaxby's development plan differ from this proposal. Ms. Kaucher briefly explained how Zaxby's obtained a full access to the property.

Mr. Wilson asked if staff would prefer no access to S. Broadway, or would they be agreeable to right-in and right-out only. Ms. Kaucher said that a right-in only could be designed not to allow the option of exiting the site. Mr. Martin said that the Subdivision Committee recommended approval of the proposed development plan, subject to the discussion of the access on S. Broadway. The staff reviewed the revised plan, leaving that discussion for the Commission to consider.

Mr. Wilson asked if Mr. Carter had any final thoughts. Mr. Carter requested the Commission to approve the full access for this development.

Ms. Plumlee asked if there would be two underground detention basins. Mr. Carter replied affirmatively, and said that each lot will have their own basin that would be a combination of underground retention and water quality.

Mr. Owens asked where does his client stand if the full access was not approved. Mr. Carter said that his client needs a full access for larger trucks to pull into the site. He then said that the trucks may not exit onto S. Broadway but they will enter from S. Broadway.

Mr. Owens asked if the "exit only" near the S. Broadway entrance could be closed to force traffic through the site toward the access on Simpson Avenue. Mr. Carter replied that he would need to speak with his clients, but believed that they would not be agreeable to removing that exit point.

Staff Comment – Mr. Martin clarified that with the Zaxby's development staff recommended removal of two access points and a shared access with the gas station. They compromised on two so the larger trucks could maneuver through the site.

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

Commission Discussion – Mr. Wilson asked if condition #11 were changed to resolve would that give the applicant more latitude. Mr. Carter replied affirmatively.

Mr. Wilson indicated that the following options could be considered by the Commission:

1. No access to S. Broadway.
2. Right-in only.
3. Right-in and right-out only.

Mr. Cravens asked if the property next to this site would use the same access as this development. Mr. Carter replied that the adjacent property has their own access on S. Broadway. Mr. Cravens asked if there is a signalized light at the intersection of S. Broadway and Simpson Avenue. Mr. Carter replied negatively. Mr. Cravens then asked if the proposed development is creating one or two lots. Mr. Carter replied two lots. Mr. Cravens commented that the traffic from one lot was being forced on the other lot. This is problematic for a property owner. Mr. Carter replied affirmatively.

Mr. Owens said that only having one access on S. Broadway was much better than having multiple accesses. He believed that what the applicant was proposing was also improving Simpson Avenue as well.

Action - A motion was made by Mr. Owens, seconded by Ms. Mundy and carried 10-0 (Richardson absent) to approve **PLN-MJDP-18-00025: RIDDELL PLAZA, LOT 3 (PARKER PROPERTY)**, as recommended by the staff, changing condition #11 to read: "Resolve access to S. Broadway".

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, April 19th.

VIII. **AUDIENCE ITEMS** – There was none.

IX. **NEXT MEETING DATES**

Work Session, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building.....	April 19, 2018
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	April 25, 2018
Zoning Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	April 26, 2018
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	May 3, 2018
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building).....	May 3, 2018
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	May 10, 2018
Work Session, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building.....	May 17, 2018

X. **ADJOURNMENT** - There being no further business, the Chair adjourned the meeting at 3:05 PM.

William Wilson, Chair

Carolyn Plumlee, Secretary

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