

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION AND ZONING ITEMS PUBLIC HEARING**

August 23, 2018

- I. **CALL TO ORDER** - The meeting was called to order at 1:30 p.m. in the Council Chamber, 2nd Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.

Planning Commission members present: Bill Wilson, Chair; Headley Bell; Will Berkley; Patrick Brewer; Larry Forester; Karen Mundy; Mike Owens; and Carolyn Plumlee; Frank Penn was absent.

Planning staff members present: Jim Duncan, Director; Traci Wade; Tom Martin; Cheryl Gallt; Hal Baillie; and Debbie Woods. Other staff members present were: Vaughan Adkins, Division of Engineering; Casey Kaucher, Division of Traffic Engineering; Captain Greg Lengal and Captain Joshua Thiel, Division of Fire and Emergency Services; Kristan Curry, Division of Environmental Services; and Tracy Jones and Andrea Brown, Department of Law.

- II. **COMMISSION ITEMS** – Mr. Wilson announced to the Planning Commission to shift the agenda to present resolutions to the former Planning Commission members at this time.

- a. **RESOLUTION FOR FORMER PLANNING COMMISSION MEMBERS** - At this time, the Commission and the staff would like to express their sincere appreciation to Mr. Mike Cravens and Ms. Carolyn Richardson for their dedication and service to the Planning Commission and the citizens of Lexington-Fayette County.

Mr. Wilson read the resolutions and presented them to Ms. Carolyn Richardson and Mr. Mike Cravens.

- III. **APPROVAL OF MINUTES** - A motion was made by Ms. Plumlee, seconded by Ms. Mundy, and carried 8-0 (Penn absent) to approve minutes of the June 28, 2018, July 12, 2018, July 26, 2018, and August 9, 2018, meetings.

- IV. **POSTPONEMENTS AND WITHDRAWALS** – There were no requests for postponement and withdrawal at this time.

- V. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, August 2, 2018, at 8:30 a.m. The meeting was attended by Commission members: Karen Mundy, Frank Penn, Carolyn Plumlee, and Mike Owens. Committee members in attendance were: Vaughan Adkins, Division of Engineering; and Stephen Parker, Division of Traffic Engineering. Staff members in attendance were: Traci Wade; Tom Martin; Cheryl Gallt; Hal Baillie; Denise Bullock; Captain Greg Lengal and Captain Joshua Thiel, Division of Fire & Emergency Services; and 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 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. **DEVELOPMENT PLANS RECOMMENDED FOR CONDITIONAL APPROVAL BY THE SUBDIVISION COMMITTEE**

- a. **PLN-MJDP-18-00055: PIPER DEVELOPMENT (THE PAIN TREATMENT CENTER OF THE BLUEGRASS) (AMD) (9/30/18)* - located at 280 PASADENA DRIVE, LEXINGTON, KY.**
Council District 10
Project Contact: Denham Blythe Company

Note: The purpose of this amendment is to add a new parking lot.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

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. Remove name and address of developer from purpose of amendment note and list separately.
 8. Denote area of amendment with a solid line.
 9. Remove shading and add striping for parking lot to delineate spaces and drive aisle.
 10. Clarify street cross-sections C-C (sidewalk both sides) on plan face.
 11. Addition of Tree Protection Plan, per Article 26 of the Zoning Ordinance.
 12. Addition of all the development plan information, including lots and site statistics and Note #12 from the previously approved development plan (DP 95-27).
 13. Denote Board of Adjustment's approval of parking lot prior to certification, including date and case number.
- b. PLN-MJDP-18-00056: HILLENMEYER EAST (AMD) (9/30/18)* - located at 745 AND 803 GREENDALE ROAD, LEXINGTON, KY.
Council District 2
Project Contact: EA Partners

Note: The purpose of this amendment is to revise the Preliminary Subdivision Plan with a Final Development Plan for the apartments.

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.
 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. Addition of open space utility access note.
 13. Remove Note #9 and update detention area maintenance notes per the Engineering Stormwater Manuals.
 14. Correct Tree Protection Plan notes.
 15. Resolve access to Lots 202 & 203 adjacent to the cemetery.
 16. Resolve timing of completion of Sandersville Road to Citation Boulevard and traffic signal.
 17. Resolve location of required cemetery access easement.
 18. Resolve secondary access location.
- d. PLN-MJDP-18-00059: HAMBURG PLACE OFFICE PARK, LOT 12C (AMD) (9/30/18)* - located at 1770 VENDOR WAY, LEXINGTON, KY.
Council District 6
Project Contact: Vision Engineering

Note: The purpose of this amendment is to increase the number of rooms in the hotel.

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. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
4. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
5. Addition of topography.
6. Dimension parking spaces and drive lanes.
7. Correct Planning Commission certification.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

2. DEVELOPMENT PLANS RECOMMENDED FOR REAPPROVAL BY THE SUBDIVISION COMMITTEE

- e. DP 2015-90: MARATHON OIL CO. (SPEEDWAY SUPER AMERICA, LLC) (AMD) (10/23/18)*- located at 140 MERCER ROAD, LEXINGTON, KY.
Council District 2
Project Contact: McBride Dale

Note: The purpose of this amendment is to add a fueling station for commercial trucks behind the existing gas station and convenience store. The Planning Commission originally approved this plan on October 8, 2015 and reapproved it on April 13, 2017, 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 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. Restore and clarify all information for convenience store and site from previous plan.
11. Denote property description of adjoining Lot 2.
12. Reduce size of landscape island at northeast corner of convenience store to place it outside of easement.
13. Denote tree protection area as identified on current development plan.
14. Revise dimensions of storage shed to include gross area.
15. Resolve pedestrian access to Lot 2.
16. Resolve stormwater detention necessary for the proposed use.
17. Resolve 52' wide apron onto Mercer Road from convenience store lot.

Note: This plan has not been certified and the Commission's approval has since expired. The applicant is now requesting reapproval of the plan.

The Subdivision Committee Recommended: Reapproval, subject to the original conditions approved at the October 8, 2015, meeting and changing the following condition:

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

- f. PLN-MJDP-17-00034: NEWTOWN SPRINGS (A PORTION OF TRACT 2) (10/23/18)* - located at 564 ASBURY LANE, LEXINGTON, KY.
Council District 4
Project Contact: Eagle Engineering

Note: The Planning Commission originally approved this plan on May 11, 2017, 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 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. Revise B-1 area and site statistics to reflect current approved/certified plan(s) in that portion of the property.
13. Identify building dimensions for pool house and clubhouse building proposed.
14. Denote: The apartment buildings shall be constructed in substantial compliance with the exhibit on file with Division(s) of Planning and Building Inspection.
14. Resolve timing of connection of street connection to Hollow Creek Road.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

15. Resolve area not a part of this plan (asst. living facility, B-6P area, etc.).
16. Resolve parking proposed (off-street) for clubhouse use, and document compliance with Zoning Ordinance minimum requirements.

Note: This plan has not been certified and the Commission's approval has since expired. The applicant is now requesting reapproval of the plan.

The Subdivision Committee Recommended: **Reapproval**, subject to the original conditions approved at the May 11, 2017, meeting, changing the following condition:

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

Ms. Wade said that for PLN-MJDP-18-00056: HILLENMEYER EAST (AMD), that a revised plan was submitted and the staff revised the conditions. She said that the plan could be removed from the consent agenda for further review of the new conditions, if needed.

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 Mr. Forester, and carried 8-0 (Penn absent) to approve the items listed on the Consent Agenda, as presented, to include the revised conditions for PLN-MJDP-18-00056: HILLENMEYER EAST (AMD).

- B. NO DISCUSSION ITEMS** – 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 agrees with the Subdivision Committee recommendation and 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.

- 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 Subdivision Committee no later than two days prior to the meeting. The Chair will announce his/her decision at the outset of the hearing.

Note: Mr. Brewer recused himself from the meeting at this time.

1. FINAL SUBDIVISION PLAN

- a. PLN-MJSUB-18-00020: LEXMARK INTERNATIONAL (AMAZON - DKY2) (9/30/18)* - located at 740 W. NEW CIRCLE ROAD, LEXINGTON, KY.
Council District 1
Project Contact: CESO, Inc.

Note: The purpose of this plat is to subdivide one lot into two lots.

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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Correct location of access easement per Cabinet R Slide 499.
8. Denote the actual width and direction of the street cross-sections (Newtown Pike, New Circle Road and access easement) on plan face.
9. Addition of maintenance note for access easement per Article 5-4(h)(1)(4) of the Land Subdivision Regulations for private access easement.
10. Addition of existing and proposed easements.
11. Addition of floodplain information and 25' setback.
12. Identify the building line setback using a different line type to clarify the location.
13. Correct surveyor's certification per Article 5-4(h)(2) of the Land Subdivision Regulations.
14. Denote area of amendment on vicinity map.
15. Denote location of Legacy Trail easement (LFUCG) on plan face using a different line type or hatching to clarify the location.
16. Denote location of 100' electrical and communication easement.
17. Addition of "General Notes" on plan.
18. Document compliance with Article 3-2(c) of the Land Subdivision Regulations (Lynn Imaging account).
19. Provided the Planning Commission grants the requested waiver to the Land Subdivision Regulations.

Staff Presentation – Ms. Gallt presented the proposed final record plat. She said that the applicant is requesting this property be subdivided into two lots. She said the applicant would like to add a temporary structure for an Amazon distribution center. She said that the Subdivision Committee recommended approval of this plan. She said that there are several required sign-offs, including the Divisions of Engineering and Traffic Engineering. She said there were also several clean-up conditions, and condition related to the connections of the utilities and determining maintenance responsibility for the access easement. She said the applicant needs to depict the FEMA floodplain and the existing Legacy Trail easement.

Ms. Gallt said that the applicant has requested a waiver for the required improvements to the property.

Commission Questions – Mr. Owens asked if the applicant plans to purchase or lease this property. Mr. Gallt said that at this time, the property is being leased for 18-36 months. Mr. Owens asked why the property needs to be subdivided for a lease. Ms. Gallt said that the staff gave the applicant options and they choose to subdivide rather than create a development plan for the entire Lexmark Property.

Waiver Presentation - Mr. Martin presented the Staff Report and Findings for a Waiver of Land Subdivision Regulations for Article 6-2(a) & 6-4(c) Subdivision Regulations, pertaining to the required public sanitary sewer and street frontage. He said that the proposed lot will be a floating lot, within an existing parking area. He said in regards to Mr. Owens question that Amazon is proposing a 12,000 square-foot modular delivery station, which will be a temporary structure. He said that staff met with the applicant and stated that a development plan would be needed or the applicant could subdivide the property, which would permit one principal structure on a lot without a development plan. He said that there are still health and building code standards that will need to be met.

Mr. Martin said that one of the requested waivers is for the frontage requirement. He said that there is another requested waiver for the sanitary sewer, which the staff is concerned about. He said that there will be no sanitary sewer provided to the site, and this will be a free-standing transferrable lot. He said the portable accessory building with the sanitary (restroom) facilities fall under state jurisdiction, therefore these are approved and will be monitored by the state.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Mr. Martin said that the staff is recommending approval of the access easement finding. He said staff is also recommending approval of the sanitary sewer waiver request because of the need to build this quickly to maintain Amazon's level of service. He said that creating a lot at this location could require a pump station and possible boring underneath Newtown Pike, which is why the staff didn't recommend a bond. He said that staff agrees that the requested waivers meet the provisions of Article 1-5(a) for Exceptional Hardship. Granting the waivers will not negatively impact public health and safety, which is consistent with the intent of the Land Subdivision Regulations.

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 at this time due to the self-contained and temporary use of the proposed lot.
2. Granting the waiver is consistent with the intent of Article 1-5(a) of the Land Subdivision Regulations for Exceptional Hardship.
3. The temporary use of the property is required to meet all applicable local, state and federal building codes and public health standards.

This recommendation is made subject to the following additional requirements:

- a. Denote on the plat that no future use of Lot 2 shall be allowed until a Final Development Plan has been approved by the Planning Commission and certified.
- b. Denote on the plat that all temporary improvements shall be removed from the lot at such time said facilities are no longer utilized by Amazon, one of its subsidiaries or an Amazon contractor.
- c. Denote on the plat that the lot is not currently served by a public or private sanitary sewer system.

Although the applicant did not request a finding for the access easement per the Land Subdivision Regulations, staff recommends the Planning Commission do so per Article 6-8(m) of the Land Subdivision Regulations that required the Planning Commission make a finding to approve a lot that is proposed to have its sole access provided via an access easement, rather than via a public or private street.

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 subdivision and consistent with Article 1-5(a) the Land Subdivision Regulations.

Commission Questions – Ms. Plumlee asked for clarification of “temporary.” Mr. Martin said the applicant's intention is to use the facility for 18-36 months. Ms. Plumlee asked what if they exceed the 36 months. Mr. Martin said that the waiver will be effective for that time.

Mr. Berkley asked if the easement is located on Freight Blvd. Mr. Martin said that Freight Blvd is a private access easement and the applicant is allowed to use it. He said that the entrance is on Freight Blvd.

Mr. Owens is concerned with what happens to this tract of land after Amazon is done with this facility. Mr. Martin said that staff is recommending that everything be removed from the property, if Amazon does abandon this property as a condition of the waiver. Mr. Owens said that a lot will be created that doesn't have sewer, which may be a hardship to the surrounding property. Mr. Martin said that Lexmark is the surrounding property owner. He said that staff shares the same concern and that this is an unprecedented waiver; however, a new user would need to go through the development plan process and provide all of those required services, including sanitary sewer.

Ms. Mundy said that she believes this property is a lease, not a freestanding transferable lot. Mr. Martin said that they are creating a free standing lot that they are proposing to lease to Amazon. Ms. Mundy said that when the lease ends, the lot is still there as a freestanding and transferable lot. Mr. Martin agreed. Ms. Mundy then asked if that is covered in the lease agreement. Mr. Martin said that the staff doesn't have that information.

Mr. Berkley asked if the Planning Commission could require this lot to be consolidated back with the parent tract, at the end. Mr. Martin said that was discussed with Tracy Jones of the Department of Law and concluded that it would satisfy problems in the future and remove the need for the development plan process, but the staff is not aware of how to legally revoke a plan without following KRS and returning to the Planning Commission. He said that only the owner can request a revocation.

Representation – Mark Beaumont, CESO, Inc., said that he representing Amazon. He thanked the staff for their assistance and stated that they are in agreement with the staff's recommendation and that he is available to answer any questions.

Commission Question – Mr. Owens said that he is concerned with the lot being suitable for the next occupant after Amazon is done with it. He asked if they had done this at other locations. Mr. Beaumont said that Lexmark will always own the property, and they are leasing it to them with full knowledge that it won't be served by sanitary sewer and would need to present a final development plan in the future. He said that they would be obligated to disclose that if ever to sell this tract of land.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

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

Commission Questions – Mr. Owens asked the staff if there was any communication with Lexmark. Mr. Martin said that staff has only conferred with the engineers that submitted the plan.

Action - A motion was made by Mr. Berkley, seconded by Ms. Mundy, and carried 6-1 (Plumlee opposed; Brewer recused; Penn absent) to approve PLN-MJSUB-18-00020: LEXMARK INTERNATIONAL (AMAZON - DKY2), as recommended by the staff.

Waiver Action - A motion was made Mr. Berkley, seconded by Ms. Mundy, and carried 5-2 (Owens and Plumlee opposed; Brewer recused; Penn absent) to approve the Findings for a Waiver of Land Subdivision Regulations for Article 6-2(a) & 6-4 (c) Subdivision Regulations, pertaining to the required public sanitary sewer and street frontage, as recommended by the staff.

Note: Mr. Brewer returned to the meeting at this time.

2. PRELIMINARY SUBDIVISION PLANS

- a. PLN-MJSUB-18-00017: EASTLAND PARKWAY SUBDIVISION, TRACT 1-C, BLOCK B, LOT 2 (9/2/18)* - located at 1540 EASTLAND PARKWAY, LEXINGTON, KY
Council District 6
Project Contact: ECSI

Note: The Planning Commission postponed this item at their July 12, 2018, meeting.

The Subdivision Committee Recommended: Postponement. There were concerns with the location of the proposed street.

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. Addressing Office's approval of street names and addresses.
4. Urban Forester's approval of tree preservation plan and required street tree information.
5. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
6. Denote access point for construction vehicles on plan.
7. Denote maintenance responsibility note for the existing access easement.
8. Denote proposed lots with solid lines.
9. Delete Note #9 regarding Street trees.
10. Discuss the need for two utility and sanitary sewer easements through Lots 2 and 7.
11. Discuss access to frontage road on Lot 3.

Staff Presentation - Ms. Gallt directed the Commission's attention to the preliminary subdivision plan, and briefly explained the proposed request. She said that the applicant is proposing to connect a road to Eastland Parkway. She said that all of the proposed lots will have access to this new road. She said there are the typical conditions, and a few clean up conditions. She said condition #7 is regarding the private access easement that is located along the side of the property. She said that a letter was received from Turner Development, which states that they believe the access easement isn't large enough for the traffic associated with the proposed development. She said that there will not be any access to this easement and that all of the traffic will access the proposed new road. She said that condition #10 is for the two utility and sewer easements and condition #11 is regarding the service road that will be used as an access road.

Representation – Fred Eastridge, with ECSI, said that the sewer easements were recorded on the final record plat. He said that the only easement that has a sanitary sewer in it is located in the center of the plan. He said that in regards to condition #11, the only people that will have access to that service road will be Lot 3. He said that he agrees with the staff's conditions and is available for questions.

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

Commission Questions – Mr. Wilson asked if condition #10 and #11 could be changed from "discuss" to "resolve". Ms. Gallt agreed.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Action - A motion was made by Ms. Plumlee, seconded by Mr. Brewer and carried 8-0 (Penn absent) to approve PLN-MJSUB-18-00017: EASTLAND PARKWAY SUBDIVISION, TRACT 1-C, BLOCK B, LOT 2, as recommended by the staff, changing conditions #10 and #11 as follows:

10. ~~Resolve~~ ~~Discuss~~ the need for two utility and sanitary sewer easements through Lots 2 and 7.
11. ~~Resolve~~ ~~Discuss~~ access to frontage road on Lot 3.

- b. PLN-MJSUB-18-00018: PENINSULA (9/30/18)* - located at 478 AND 480 SQUIRES ROAD, LEXINGTON, KY.
Council District 7
Project Contact: EA Partners

Note: The purpose of this amendment is to revise the street and lotting layout.

The Subdivision Committee Recommended: **Postponement** to ensure revisions are submitted to the staff prior to the Planning Commission 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.
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. 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 asbestos construction debris removal shall be addressed through the Infrastructure Improvement Plan process.
13. Denote cemetery protection shall comply with Article 3 of the Zoning Ordinance.
14. Denote flood protection elevation (FPE) where appropriate.
15. Denote known areas of construction debris to be removed.
16. Denote number of dwelling units within conditional zoning restricted area in site statistics.
17. Complete townhouse internal pedestrian system and delete Note #12.
18. Adjust rear townhouses to meet offset requirements.
19. Addition of note addressing timing of Squires Road relocation.
20. Denote HOA ownership and maintenance status of Lots 243, 244 and 246.
21. Discuss location of stormwater basin on Lots 59 and 73.
22. Discuss tree protection plan relative to inventory.
23. Discuss the townhouse access spacing and need for a waiver.
24. Discuss proposed dumpster location.
25. Discuss creation of common open space interior to townhouse development.

Staff Presentation - Mr. Martin presented a rendering of the revised preliminary subdivision plan, and he handed out an updated staff report to the Commission with revised conditions, as follows:

The Staff Recommends: **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 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. 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 asbestos construction debris removal shall be addressed through the Infrastructure Improvement Plan process.~~

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

- ~~13. Denote cemetery protection shall comply with Article 3 of the Zoning Ordinance.~~
- ~~14. Denote flood protection elevation (FPE) where appropriate.~~
- ~~15. Denote known areas of construction debris to be removed.~~
- ~~16. Denote number of dwelling units within conditional zoning restricted area in site statistics.~~
- 12. ~~17. Complete townhouse internal pedestrian system and delete Note #12.~~
- ~~18. Adjust rear townhouses to meet offset requirements.~~
- ~~19. Addition of note addressing timing of Squires Road relocation.~~
- ~~20. Denote HOA ownership and maintenance status of Lots 243, 244 and 246.~~
- ~~21. Discuss location of stormwater basin on Lots 59 and 73.~~
- ~~22. Discuss tree protection plan relative to inventory.~~
- ~~23. Discuss the townhouse access spacing and need for a waiver.~~
- 13. ~~24. Discuss Resolve proposed dumpster location.~~
- ~~25. Discuss creation of common open space interior to townhouse development.~~
- 14. ~~Adjust lot lines adjacent to HOA lots along Squires Circle Drive.~~

Mr. Martin said that this plan has combined all of the single family homes that had previously been approved, along with the former school site. He said that there are 30 townhouses on this plan. He said that many of the clean-up items have been addressed by the applicant. He said condition #12 regarding the internal pedestrian system is important to get the residents to the public the right-of-way and to the trail system. He said condition #14 is to adjust the lot lines along Squires Circle Dr. He said that the applicant had already referenced the Zoning Ordinance requirements on how to maintain and delineate the cemetery, which makes a nice green space in the proposed development. He said that the staff had concerns with the water quality and the development of the property; this configuration accounts for detention and the requirements that need to be met adjacent to the reservoir.

Mr. Martin said that a note had been placed on the plan related to the construction debris and asbestos concerns. He said that the applicant's representative stated they are not fully aware of the extent of this and want to be absolutely sure of how to address the issue. He said that as the property is developed, they will expose debris and remove it, as required by state and federal permits. He said that the Planning Commission also received a sample of the improvement plan report, which is required to be submitted at 50% of the development on any site. He said that this development hasn't yet reached that point of development, but the staff wanted to make the Planning Commission aware that one will be submitted for this development.

Mr. Martin said there are a few conditions and the standard sign offs. He said that condition #13, the waste locations will need to be resolved. He said that the staff is recommending approval of this plan.

Commission Question – Mr. Wilson asked that if this area wasn't appropriate for a school to be constructed on, why is it appropriate for single family homes. Mr. Martin said that it isn't a matter of appropriateness, it is a matter of cost. Mr. Wilson asked if it was too costly for the school. Mr. Martin said that the Fayette County Public School Board is bound by different standards in terms of addressing these issues.

Representation – Nick Nicholson, attorney representing the applicant. He said that they are in agreement with the remaining condition proposed by the staff. He said that he has met with the staff and have worked out solutions for condition #12, the internal pedestrian systems and condition #14, the adjustment of the lot lines for the HOA.

Commission Questions – Ms. Plumlee asked Mr. Nicholson what he believes is considered the focal point of the development. He said that the area of the apartments being open to the water and the location of the clubhouse. Ms. Plumlee said that there is a 30% tree canopy requirement in the residential zones, which she asked the applicant to commit to 32% tree canopy or more for this site based on existing tree canopy coverage.

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

Commission Discussion – Mr. Owens thanked the applicant for their work on this plan. He believes that lots 58, 119, and 208, (the corner lots) should be turned into green space for amenities for the residents.

Action - A motion was made by Mr. Owens, seconded by Ms. Mundy and carried 8-0 (Penn absent) to approve PLN-MJSUB-18-00018: PENINSULA, with the revised conditions provided by the staff.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

3. **DEVELOPMENT PLANS**

- a. PLN-MJDP-18-00058: HINDA HEIGHTS SUBDIVISION, BLOCK B (OLD STONE TOWNHOMES) (9/30/18)* - located at 3009, 3013 AND 3021 TATES CREEK ROAD, LEXINGTON, KY.
Council District 4
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.
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. Greenspace Planner's approval of the treatment of greenways and greenspace.
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. Correct plan type.
12. Denote Final Record Plat information.
13. Denote dimensions of driveways and sidewalks.
14. Dimensions parking spaces on south portion of site.
15. Denote private open space per lot (R-1T requirement) on plan face.
16. Discuss circulation within the site.
17. Discuss timing of findings for access easement per the Land Subdivision Regulations.
18. Discuss enhanced landscaping along Bates Creek Road frontage.

Staff Presentation - Mr. Baillie presented a rendering of the revised preliminary development plan, and he handed out an updated staff report to the Commission with revised conditions, as follows:

The Staff Recommends: **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. Greenspace Planner's approval of the treatment of greenways and greenspace.
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. ~~Correct plan type~~ Clarify parking to be provided.
12. ~~Denote Final Record Plat information~~ Remove extraneous comma on Note #11.
13. Denote dimensions of driveways and sidewalks.
14. ~~Dimensions parking spaces on south portion of site.~~
15. ~~Denote private open space per lot (R-1T requirement) on plan face.~~
14. 16. Discuss pedestrian circulation within the site.
15. 17. ~~Discuss timing of~~ Provided the Planning Commission makes a findings for on the proposed access easement per the Land Subdivision Regulations
16. 18. ~~Discuss~~ Denote enhanced landscaping along Bates Creek Road frontage shall comply with the Exhibit on file with the Division of Planning and Landscape Examiner.

Mr. Baillie said that this development plan has been revised to include a gated entrance on Bates Creek Blvd., and enhanced landscaping and a brick wall around the frontage. He displayed exhibits provided to the staff by the applicant. He said that this plan has ten standard sign offs and four clean up conditions. He said that the staff was concerned about the shift to the garages to being an optional basement or a two-car garage. He said that if the garages are part of the required number of parking, they can't be considered optional. He said that there is a discussion item related to pedestrian circulation within the site and to the access of the public right-of-way. He said that this plan also requires a finding for the proposed access easement as sole access, which was distributed to the Planning Commission, as follows:

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

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

1. Allowing for the townhouse lots to be accessed only via the access easements is appropriate for the proposed development and consistent with the intent of the Land Subdivision Regulations and will not negatively impact public health and safety.

This recommendation is made subject to the following additional condition:

- a. Pedestrian accommodations shall be provided from the dwelling units to ensure that the future residents have a safe path to the public right-of-way.

Mr. Baillie said that the applicant proposed to utilize a single access easement to provide vehicular access and frontage to these 14 townhouses. He said that the staff concurs with the use of this easement to better serve the public health and safety of the Land Subdivision Regulations, with a condition that pedestrian accommodations be provided from the dwelling units to ensure the residents have a safe path to the public right-of-way. He said that this plan was recommended approval by the Subdivision Committee.

Commission Questions – Mr. Owens asked if the applicant had provided any examples or pictures of the proposed wall. Mr. Baillie said that at this time, the applicant has not provided any additional photos, but a sample rendering is required before this plan is certified.

Representation - Darby Turner, attorney representing the applicant. He said that the units will have two car garages plus a driveway in the front of the units, and they may have basements. He said that it will depend on the ground once they begin groundbreaking. He said that it is not an either/or for the garages. He said that he was unaware that the barrier walls needed to be certified before the signing of the final development plan. He said that the applicant's intent is to have 6-8 foot wall on sides and the rear of the development. He said that the front will have knee wall, with wrought iron on the top. He said regarding the condition of the sidewalk, the driveways were increased to 24 feet, allowing the residents to access them outside of their doors. He said that the residents will access through the access easement to the sidewalk on Tates Creek Road. He said that there are only 14 units, with no thru traffic, and he believes that adding more sidewalks, will just be adding more concrete.

Commission Questions – Mr. Owens asked if the wall in front of the development will be a 4-foot brick knee wall with wrought iron on the top of it. Mr. Turner agreed. Ms. Wade said that the brick wall and the wrought iron combined cannot be higher than 4 feet in total. Mr. Owens also asked about the covered entry and the pedestrian sidewalk from their private entry. Mr. Turner said that the covered entry adjoins with the driveway.

Mr. Wilson asked for verification of the conditions that the applicant would like to have removed. Mr. Turner said that conditions #13 and #14 were discussed and for the Findings for Use of Access Easement, he said the last paragraph related to the pedestrian accommodations also be removed. Mr. Baillie said that the safe pedestrian traffic from the door entry to the drive doesn't need to be a sidewalk; there are many options. He said that a safe pedestrian access could also be done through one-way vehicular traffic. Ms. Wade agreed to remove condition #14 and stated that the recommendation on the Findings for Use of Access Easement should remain. Mr. Turner said that the pedestrian access is through the access easement as it stands. Ms. Wade said that could create conflict between vehicles and pedestrians.

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

Commission Discussion – Mr. Berkley asked if there are separate finding for condition #15. Staff distributed a copy of the findings to Mr. Berkley.

Mr. Wilson asked if condition #14 should be changed to "resolve." Ms. Wade said that this discussion will resolve that condition, therefore, it will be deleted.

Action - A motion was made by Mr. Berkley, seconded by Mr. Brewer and carried 8-0 (Penn absent) to approve PLN-MJDP-18-00058: HINDA HEIGHTS SUBDIVISION, BLOCK B (OLD STONE TOWNHOMES), for the conditions provided by the staff, with the following revisions:

The Staff Recommends: **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. Greenspace Planner's approval of the treatment of greenways and greenspace.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.

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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 parking to be provided.
12. Remove extraneous comma on Note #11.
13. Denote dimensions of driveways ~~and sidewalks.~~
- ~~14. Discuss pedestrian circulation within the site.~~
15. Provided the Planning Commission makes a findings on the proposed access easement.
16. Denote enhanced landscaping along Tates Creek Road frontage shall comply with the Exhibit on file with the Division of Planning and Landscape Examiner.

Action - A motion was made by Mr. Berkley, seconded by Mr. Brewer and carried 8-0 (Penn absent) to approve the Findings for use of Access Easement associated with PLN-MJDP-18-00058: HINDA HEIGHTS SUBDIVISION, BLOCK B (OLD STONE TOWNHOMES), for the recommendations provided by the staff, with the following revisions:

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

1. Allowing for the townhouse lots to be accessed only via the access easements is appropriate for the proposed development and consistent with the intent of the Land Subdivision Regulations and will not negatively impact public health and safety.

This recommendation is made subject to the following additional condition:

- ~~a. Pedestrian accommodations shall be provided from the dwelling units to ensure that the future residents have a safe path to the public right-of-way.~~

D. PERFORMANCE BONDS AND LETTERS OF CREDIT – A motion was made by Mr. Berkley, seconded by Mr. Forester, and carried 9-0 (Penn absent) to approve the release and call of bonds as detailed in the memorandum dated August 9, 2018, from Barry Brock, Division of Engineering.

VI. ZONING ITEMS - The Zoning Committee met on Thursday, August 2, 2018 at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members: Patrick Brewer; Larry Forester; and Bill Wilson. Staff members in attendance were: Traci Wade; Tom Martin; and Debbie Woods; Tracy Jones and Andrea Brown, Department of Law. The Committee members reviewed applications and made recommendations as noted.

A. ABBREVIATED PUBLIC HEARINGS ON ZONING MAP AMENDMENTS

The staff will call for objectors to determine which petitions are eligible for abbreviated hearings.

Abbreviated public hearings will be held on petitions meeting the following criteria:

- The staff has recommended approval of the zone change petition and related plan(s)
- The petitioner concurs with the staff recommendations
- Petitioner waives oral presentation, but may submit written evidence for the record
- There are no objections to the petition

B. FULL PUBLIC HEARINGS ON ZONE MAP AMENDMENTS - Following abbreviated hearings, the remaining petitions will be considered.

The procedure for these hearings is as follows:

- Staff 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) (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)
- Hearing closed and Commission votes on zone change petition and related plan(s)

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 hearing. The Chair will announce its decision at the outset of the hearing.

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1. COWGILL PARTNERS LP ZONING MAP AMENDMENT & COWGILL PARTNERS, L.P. PROPERTY (MEADOWCREST) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-18-00014: COWGILL PARTNERS LP (9/3018)*- petition for a zone map amendment from an Agricultural Rural (A-R) zone to an Economic Development (ED) zone, for 85.54 net (102.41 gross) acres, for property located at 2550 Winchester Rd.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World. In addition, the Plan encourages a mixture of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

The Implementation chapter of the 2013 Comprehensive Plan also recommends an Expansion Area ED Land Development Study (page 117), that is, a comprehensive assessment of the barriers to development within Economic Development (ED) zone. The Goals and Objectives of the 2018 Comprehensive Plan address Growing Successful Neighborhood (Theme A); Protecting the Environment (Theme B); Creating Job and Prosperity (Theme C); Improving a Desirable Community (Theme D); and Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land (Theme E).

The subject property is located within the Expansion Area, more specifically Subarea 2A. The adopted 1996 Expansion Area Master Plan, which continues to be implemented as part of the 2013 Comprehensive Plan, recommends Economic Development (ED) future land use for the subject property. The petitioner proposes to develop this property with a mixture of commercial land uses as well as supportive uses. The petitioner is rezoning the property in order to construct an assisted living and nursing home facility, termed a continuous care retirement community, which is a principal permitted use in the ED zone.

The Zoning Committee Recommended: **Approval** to the full Commission.

The Staff Recommended: **Approval**, for the following reasons:

1. The requested Economic Development (ED) zone is in agreement with the 2013 Comprehensive Plan, the recently adopted 2018 Plan's Goals and Objectives, and the 1996 Expansion Area Master Plan (EAMP), for the following reasons:
 - a. The EAMP recommends Economic Development (ED) future land use for the subject property, which is the primary employment land use in the Expansion Area. The applicant has requested Economic Development (ED) zoning for the subject property, in agreement with the Plan's recommendation.
 - b. The 2013 Comprehensive Plan's Goals and Objectives recommend creating prosperity and jobs (Theme C), and more specifically, to "foster the success and growth of large employment sectors; protect and provide readily available economic development land to meet the needs for jobs; and enable infill and redevelopment that creates jobs where people live" (Goal #2d.). The subject property will allow for potential economic development opportunities with easy access to the interstate corridor within the Lexington-Fayette, as envisioned by the EAMP.
 - c. The 2013 Comprehensive Plan also recommends there be a supply of "jobs infrastructure" ready for development in a variety of manners (pg 72), including office, industrial and healthcare, all of which can be accommodated by the proposed Economic Development zone. The proposed rezoning will allow community services on 20 acres and work to create "shovel ready" economic development land for the remaining 65 acres. Infrastructure will be constructed to serve the immediate area to allow the land to be readily available for future development.
 - d. The proposed rezoning upholds the Urban Service Area concept, and encourages development of underutilized and/or vacant property within the current boundary (Theme E, Goal #1). The subject property was added to the Urban Service Area in 1996, but has remained undeveloped.
 - e. The 2013 Comprehensive Plan encourages providing accessible community facilities and services to meet the health, safety and quality of life need of residents and visitors, alike (Theme D, Goal #2). Additionally, the 2018 Goals and Objectives recommend prioritizing the success and growth of strategically-targeted employment sectors, including healthcare (Theme C, Goal #2). The proposed continuous care retirement community offers a unique opportunity for healthcare-related employment, and the provision of accessible community facilities to meet the needs of the residents of Lexington-Fayette County at the same time.
 2. This recommendation is made subject to approval and certification of PLN-MJDP-18-00057: Cowgill Partners, L.P. Property prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
- b. PLN-MJDP-18-00057: COWGILL PARTNERS, L.P. PROPERTY (MEADOWCREST) (9/30/18)* - located at 2550 WINCHESTER ROAD, LEXINGTON, KY. (Carman)

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

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

1. Provided the Urban County Council rezones the property ED; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Denote: No development of Lots 1-8 & 10-14 until a Final Development Plan is approved.
8. Delete extraneous lines on face of plan.
9. Correct site statistics.
10. Resolve the proposed access easement for Lots 1-8 and required service road at the time of the Final Development Plan.
11. Resolve proposed right-in/right-out from Winchester Road and improvements to Winchester Road at the time of the Final Development Plan.

Staff Zoning Presentation – Ms. Wade presented the staff report and recommendations for the zone change. She displayed photographs of the subject property and aerial photographs of the general area. She said that subject property is located within Expansion Area 2A, which was adopted as part of the 1996 Expansion Area Master Plan (EAMP). She said that this is also within an area recommended for the Economic Development (ED) land use, which is for more than 150 acres in this area. She said that a large portion of this area was rezoned for Baptist Health. She said that recently the ED zone was updated to accommodate additional uses, as well as to reduce barriers for development, resulting in an increased number of principal permitted uses.

Ms. Wade said that the applicant is proposing the zone change for 20 acres of the 87-acre site, an assisted living and nursing home facility (continuous care retirement community), which is a principal permitted use in the ED zone. She said the 2013 Comprehensive Plan identified that economic development is an important aspect for our community and emphasized the need for jobs, infrastructure and shovel ready economic development land. She said that the Goals and Objectives that relate to employment include: improving prosperity and jobs; fostering the success of large employment sectors; providing accessible community facilities to meet health, safety, and quality of life needs of visitors and residents; upholding the Urban Service Area Boundary concept; and encouraging the development of underutilized and/or vacant properties.

Ms. Wade said that the applicant opined that this application was in agreement with the 2013 Comprehensive Plan and several of the Goals & Objectives from the 2018 Comprehensive Plan, and the 1996 Expansion Area Master Plan. She said the staff and the Zoning Committee agrees that the requested Economic Development (ED) zone is in agreement with the 2013 Comprehensive Plan, the 2018 Comprehensive Plan's Goals and Objectives, as well as the adopted 1996 Expansion Area Master Plan for the subject property, and recommended approval to the full Planning Commission.

Development Plan Presentation – Mr. Martin presented a rendering of the preliminary development plan associated with this zone change. He said that the applicant is proposing an internal local street and access to Winchester Road. He said that the lots will vary in size from one acre up to 14 acres, none of which will be developed until there is a Final Development Plan. He said that this property has been identified in the Expansion Area Master Plan associated with a regional stormwater management plan, and some environmentally sensitive areas also exist on the site. He said that a sinkhole has been identified, which will be addressed in full at the time of the Final Development Plan. At that time, reports will need to be submitted on how the application complied with the Expansion Area Master Plan.

Mr. Martin said that Polo Club Boulevard access points have already been approved on a Final Development Plan and no additional access is permitted onto Polo Club Boulevard. He said that access to Winchester Road will be resolved at the time of the Final Development Plan. He said that staff is concerned with the access to Winchester Road. He said the applicant is proposing a right-in/right-out and staff's concern is safety where there is not a median located across from those areas. He said that a traffic signal will eventually be placed at Winchester Road and Polo Club Boulevard. He said the applicant has resolved the staff's concern of the connection to Hamburg, underneath the interstate with a note. He said that the staff is recommending approval of this plan.

Traffic Impact Study – Max Conyers presented the traffic study associated with this zone change. He said that most of the staff's concerns have been resolved. He displayed a graphic of the existing signalized locations and proposed right-in/right-out, on Winchester Road. He displayed the proposed Sir Barton Way/Polo Club Boulevard connector project road, which was recommended from the 2016 Man o' War Blvd./I-75 Congestion Study.

Mr. Conyers said that the staff agrees with the need for signalization and that they prefer the applicant's connection underneath the interstate to connect to the internal road, which would distribute traffic more evenly throughout the area. He said that in regards to the right-in/right-out, the applicant is proposing to close the median in front of this access point, and the staff agreed. He said that the applicant will note on their plan that the right-out will be further discussed at the time of the final development

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plan. He said that the resident to the north of the subject property has an opening in the median to access their property. He said that during peak times, the traffic demand will be traveling west into Lexington, which will mean making a U-turn at the nearest access. Furthermore, he stated that the staff believes that it will be very dangerous to make the turn because Winchester Road has a high level of heavy (large) vehicles and there isn't a deceleration lane at this location. He said that the staff believes that the right-in/right-out will operate properly if the access is closed and moved further to the east, at Polo Club Boulevard.

Mr. Conyers said that safety is the priority. He said that the staff recommends removing the right-in/right-out at this time, but to leave the note that it be discussed at the time of the Final Development Plan.

Commission Question – Ms. Mundy asked for clarification regarding the connection underneath the interstate. She believes that there is a sinkhole and floodplain at that location. Mr. Conyers said that the alignment is preliminary and will need to be designed by the developer and the engineers. Ms. Mundy asked if this connection has been confirmed. Mr. Conyers said that it has not been confirmed at this time.

Mr. Berkley asked if the staff's recommendations of relocating the median, installing the traffic signal, and the proposed tunnels; could be made exactable items. Mr. Duncan said that Winchester Road is not part of the beneficiary of the exactions, therefore these improvements cannot be subject to exactions. Mr. Duncan added that the proposed tunnel would best be accomplished when the interstate was being widened, then the cost would be covered by the interstate improvements and not by the developer. Mr. Conyers said that the 2016 Man o' War Blvd./I-75 Congestion Study also suggested construction of an auxiliary lane from Winchester Road to Man o' War Blvd.

Applicant Presentation – Mr. Jacob Walbourn, attorney representing the petitioner, said that the applicant is in agreement with the staff's recommendations. He said the applicant uses the term a "continuous care retirement community" to mean an assisted living and nursing home facility. He said that this facility will have independent living units up through the skilled memory care facilities.

Mr. Walbourn said that regarding the development plan, the access easements on the plan did show curb and gutter. He said that these will be constructed to Urban County standards because of the amount of traffic they may carry. He said that this will be resolved at the time of the Final Development Plan, because at this time, the lotting patterns are preliminary. He said that the tunnel is near a drainage area on the property and more work will need to be completed to determine the appropriate location. He said that he has spoken with the Kentucky Transportation Cabinet, who has jurisdiction over Winchester Road, and they remain open to the proposed right-in/right-out. He said that there are significant improvements and alterations that will need to be made to Winchester Road as this project is developed. He said that the applicant is committed to evaluating the appropriateness of the right-in/right-out when the Final Development Plan is submitted. He asked the Planning Commission to approve the development plan with the notation that access to Winchester Road be resolved at the time of the Final Development Plan.

Commission Question – Ms. Plumlee asked how many employees would be needed at this facility. Mr. Walbourn said it will employ more than 80 people and could be phased as it gets developed. He said that it will be a wide range of jobs from grounds keepers to highly trained doctors and nurses. He said that it could be a total of 150-200 employees, approximately 80 people per shift. Ms. Wade said that the applicant didn't specify a number of proposed jobs in their justification statement, but according to the development plan, the staff report indicated a minimum of 80 employees would be working on the maximum shift.

Citizen Comment – There were no citizens present to speak to this application.

Zoning Action – A motion was made by Mr. Owens, seconded by Mr. Forester, and carried 8-0 (Penn absent) to approve PLN-MAR-18-00014: COWGILL PARTNERS LP, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Owens, seconded by Mr. Forester, and carried 8-0 (Penn absent) to approve PLN-MJDP-18-00057: COWGILL PARTNERS, L.P. PROPERTY (MEADOWCREST), for the reasons provided by the staff.

Note: Planning Commission took a recess at 3:35 p.m. until 3:45 p.m.

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

1. 2018-2: AMENDMENT TO EXPAND ACCESSORY USES TO AN AGRICULTURAL MARKET IN THE AGRICULTURAL RURAL (A-R) ZONE - petition for a Zoning Ordinance text amendment to Article 8-1 of the Zoning Ordinance to expand the allowable accessory uses for an Agricultural Market.

INITIATED BY: Urban County Council

PROPOSED TEXT: Copies are available from the staff.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

The Zoning Committee Recommended: **Approval.**

The Staff Recommends: **Approval of the Staff Alternative text amendment**, for the following reasons:

1. The text amendment will grant flexibility to an agricultural market to expand the scope and scale of accessory uses to support the agricultural economy of Lexington-Fayette County. Where expanded uses are permitted, they should be co-located with other agribusiness activities in places that have the necessary infrastructure to support the land use.
2. An agricultural market, including its accessory uses, is an agribusiness operation that can provide learning opportunities, hospitality, tourism and ag-related recreation for the general public while protecting agricultural operations. The success of such agribusiness operations should be supported in a balanced manner to meet the recommendations of the 2017 Rural Land Management Plan, an adopted element of the 2013 Comprehensive Plan.

Staff Zoning Presentation – Ms. Wade presented and summarized the staff report and recommendations for this text amendment, which were distributed to the Planning Commission. She said this text amendment is on a 60 day timeline because the Council initiated this text amendment in July. She said that Article 8-1 of the Zoning Ordinance defines an Agricultural Market as a place to buy or sell agricultural or farm products, which includes stockyards, aquaculture, horticulture, floriculture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products grown, raised or made by farm producers. She said that the agricultural market is permitted in two ways via our Zoning Ordinance: through a conditional use in the A-R zone, and via an overlay zone, which is the Agricultural Market Overlay (AM) zone in Article 24B of the Zoning Ordinance.

Ms. Wade said currently an agricultural market has location criteria: it must be located on a 40-acre site; located within one mile of an interstate interchange; and also have frontage along a state or federal highway in order to qualify. She also said the facility associated with an agricultural market has additional setback requirements, which is at least 1,000 feet from a residential zone, a rural settlement or an existing rural residential land use, and land designated on the national register of historic places. It must also be located outside of any environmentally sensitive areas.

Ms. Wade said that this text amendment proposes to: clarify the definition of “facility”, to include stockyard activity; to eliminate the size limitations for accessory uses; allow additional accessory uses, such as retail sale of farm machinery, repair, and a covered arena for agricultural and agritourism events; expand the size of accessory uses; increase the size of free-standing signs; add the phrase “except as provide herein” in the prohibited use section for offices, museums and institutional uses; and modify small farm winery restaurant and bistro parking requirements.

Ms. Wade said that the Zoning Committee recommended to bring the text to the full Planning Commission at a work session, which was done on August 16, 2018. She also stated that staff has conferred with the Blue Grass Stockyards regarding the changes to the proposed text. She summarized the staff alternative text below:

Staff Alternative Text Changes

1. Simplify sub-section (7)(f) to maintain 1,000 foot setback for a livestock marketing and sales building, but not for other structures on the site, including clarification language that the setback will not apply to accessory uses or agricultural uses on the site (*page 1*).
2. Maintain overall accessory use maximum of 50% in sub-section (7)(n) (*page 2*).
3. Restaurant or coffee shop must be located within the facility's principal structure, and not in an independent structure sub-section (7)(n)(2) (*page 2*).
4. Add agriculture-related museums as an accessory use sub-section (7)(n)(9) (*page 2*).
5. No expansion of signage, removal of accessory use limitation in sub-section (7)(p) (*page 2*).
6. No exception for Automobile Service Stations in the prohibited uses in section 8-1(e) (*page 3*).
7. No change to parking requirements in section 8-1(n) (*page 3*).
8. Update Agricultural Market (AM-1) Overlay Zone (Article 24B) to be consistent.

Ms. Wade said that the staff and the Zoning Committee are recommending approval of the staff alternative text. She said that Fayette Alliance submitted a letter of support, which was distributed to the Planning Commission.

Commission Question – Mr. Owens asked if it is appropriate to include Article 24B with this text amendment. Ms. Wade said that Article 24B hasn't been utilized and the staff believes that changes to it won't impact any current landowners, only future landowners. Mr. Owens asked if Article 24B will be included with this text amendment. Ms. Wade said that the staff will revise the title to include Article 24B.

Citizen Comment – There were no citizens present to speak to this application.

Zoning Action – A motion was made by Mr. Owens, seconded by Mr. Forester, and carried 8-0 (Penn absent) to approve 2018-2: AMENDMENT TO EXPAND ACCESSORY USES TO AN AGRICULTURAL MARKET IN THE AGRICULTURAL RURAL (A-R) ZONE, for the reasons provided by the staff.

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

- a. **INITIATION OF SUBDIVISION REGULATION TEXT AMENDMENT TO UPDATE ARTICLE 6-8 FOR SIDEWALKS AND SHARE-USE PATHS** – The staff will request that the Planning Commission initiate amendments to Article 6-8 of the Land Subdivision Regulations to update the requirements for sidewalks and shared-use paths. If initiated, the requisite public hearing would be held this fall, after mailed notices are sent.

Staff Presentation – Ms. Wade distributed the staff alternative text of to the Planning Commission. She asked the Planning Commission to initiate this text. She said that the next step is to continue to work with stakeholders related to this change to address the concerns about costs and to assure the proposed changes are understood.

Commission Questions: Mr. Berkley said that he is concerned about the six-foot minimum width for sidewalks. He said that he spoke with the Builders Association and they said that it costs approximately \$800.00 to construct sidewalks on a 45-foot lot. He said that he would like to know the justification for the need to go over and beyond the National ADA requirements. He also said that he would like justification for Non-Residential and Industrial Collectors to increase their sidewalk widths from four-foot to eight-foot. He said that the Planning Commission initially were presented, by Mr. Scott Thompson, a five-foot sidewalk, along with a reduction on the width of streets. He said that he is not in favor of advancing this initiation.

Ms. Wade said that the ADA requirement states there be a five-foot clear at landing locations to allow for turning movements of wheelchairs. She said that the desired width of sidewalks is six feet, to allow for two mobility chairs or strollers to pass side-by-side, without one of them going off the sidewalk to allow the other to pass. Mr. Berkley said that five-foot also meets ADA requirements. Ms. Wade stated that a five-foot landing does but six-foot entirely meets the requirements.

Mr. Berkley gave an example of a 45-foot wide lot with a 25-foot wide driveway, why can't the pedestrians pass at the driveways. Ms. Wade said that sidewalks are not only provided in residential areas, sidewalks are also present in apartment, townhomes, commercial developments, and ED land. She said that the staff wants to ensure the sidewalk requirements are being met across all land uses. Mr. Berkley asked why a sidewalk needs to be eight-foot wide along a non-residential and industrial collector. Ms. Wade said that she discussed that with Mr. Thompson and he said that in the industrial and business zones there would be a large number of people working and people coming in to visit, therefore, there would be more people utilizing the sidewalks in those areas. She said that the Lexington Area Bicycle and Pedestrian Master Plan has a matrix system that calculates that higher volume of traffic on a street, necessitates wider to accommodate the pedestrian traffic. Mr. Berkley said that there is no regard to cost, the engineering of the projects, the greater amount of land used, and more non-permeable surfaces. He also stated that the Planning Commission should have been presented the reduction of the streets at the same time. Ms. Wade said that the cross-sections will be updated based upon the final decisions, reflecting what has been adopted. She said that Mr. Thompson said that the less pavement/street reduction is in a result of traffic calming. She said that in some places where the sidewalks are wider, the sidewalk doesn't need to be completely located within the right-of-way, there is an allowance for an easement onto the property, which also allows the setback to remain from the right-of-way, in single family residential areas.

Ms. Mundy asked if there will be accommodations for additional runoff for storm sewer system. Mr. Martin said that all of that is taken into account in new subdivisions. Ms. Mundy asked if the homeowner would be responsible for replacing their sidewalk. Ms. Wade said that the homeowner would be responsible for replacing their existing sidewalk and that they wouldn't have to increase the current sidewalk along their frontage to six feet. Ms. Mundy is concerned that when the homeowner's sidewalk begins to buckle, they would be responsible for replacing a six-foot sidewalk, which will be costly to them. Ms. Wade said that ultimately the homeowner pays for whatever the builder is putting into that lot, which includes sidewalks and other infrastructure. She added that the staff is looking at ways to improve our community's quality of life and that includes wider sidewalks.

Mr. Owens said that the ADA minimum requirement is five feet. Ms. Wade said that it is a minimum of five feet at landings so that people can maneuver and turn around in a wheelchair. Mr. Owens said that he believes a five-foot sidewalk is adequate and that six feet is excessive, as well as an eight-foot sidewalk, unless it will be a shared-use trail. Ms. Wade said that six feet is the minimum to allow two people in mobility challenged situations to pass, which meets ADA requirements. Mr. Owens asked the staff to provide them with examples of other areas that have already made these requirements. Ms. Wade agreed to work with staff to provide such examples.

Mr. Bell said that he is concerned about the passing of two wheelchairs and not having one of them go off the sidewalk to allow the other to pass. He agrees with the staff in trying to anticipate the future of walking and biking.

Ms. Mundy said that she searched the internet for ADA requirements for sidewalks, she said that it states "a defined walkway is required across all driveways, which will consist of a paved four-foot wide, at minimum, with a cross slope of one percent to meet ADA standards." Ms. Wade said that she has been told differently by the Bicycle & Pedestrian Planner.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Mr. Duncan said that the staff isn't asking to approve these changes, at this time. We are asking for the initiation of the discussion so that it can continue through work sessions and meetings. He said that with the Planning Commission initiating the text amendment, there will not be a timeline to address.

Action - A motion was made by Ms. Plumlee, seconded by Mr. Brewer, and carried 6-2 (Berkley and Mundy opposed; Penn absent) to approve INITIATION OF SUBDIVISION REGULATION TEXT AMENDMENT TO UPDATE ARTICLE 6-8 FOR SIDEWALKS AND SHARE-USE PATHS, for the reasons provided by the staff.

VIII. STAFF ITEMS – Mr. Duncan announced that Hal Baillie has been hired as the new Zoning Planner Senior, effective immediately.

Mr. Wilson asked when the two vacant Planning Commission positions will be filled. Mr. Duncan said that the Council has scheduled a confirmation hearing for the two nominees on August 30, 2018.

Mr. Duncan reminded the Planning Commission of the Work Session next Thursday in the Phoenix Building on the 3rd Floor.

IX. AUDIENCE ITEMS – No such items were presented.

X. MEETING DATES FOR SEPTEMBER 2018

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	September	6, 2018
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	September	6, 2018
Subdivision and ND-1 Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	September	13, 2018
Work Session, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building (101 East Vine Street).....	September	20, 2018
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	September	26, 2018
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	September	27, 2018

XI. ADJOURNMENT - There being no further business, Chairman Wilson declared the meeting adjourned at 4:23 p.m.

William Wilson, Chair

Carolyn Plumlee, Secretary

TLW/TM/HB/dw

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