

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

September 13, 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 – Will Berkley; Karen Mundy; Bruce Nicol; Frank Penn; Carolyn Plumlee and William Wilson. Headley Bell; Patrick Brewer; Larry Forester and Mike Owens were absent.

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

Mr. Wilson introduced Bruce Nicol, who is the newest member to join the Planning Commission. Mr. Nicol gave a brief description of his background and indicated that he has developed affordable housing and understands the application process. He said that he was excited to be part of the Planning Commission and hopes to bring a unique perspective to the Commission.

- II. **APPROVAL OF MINUTES** – There were no minutes at this time.

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

- a. PLN-MJDP-17-00070: ZANDALE SHOPPING CENTER & GREENLEAF MOTOR LODGE PROPERTIES (AMD) (10/18/18)*
- located at 2280 NICHOLASVILLE ROAD, LEXINGTON, KY.
Council District 4
Project Contact: Brandstetter Carol

Note: The Planning Commission indefinitely postponed this item at their December 14, 2017, meeting. The purpose of this amendment is to remove the note restricting the drive-through lane for a fast food restaurant and to relocate the dumpster and drive-through lane.

The Subdivision Committee Recommended: **Disapproval**, for the following reasons:

1. The proposed use would cause traffic to increase on Lowry Lane, exacerbating a dangerous situation.
2. The proposed use would create a concern with the sight distance on Lowry Lane, thereby adding to an already dangerous traffic situation.
3. The proposed drive-through, when regulated to a specific business, is a form of "designer zoning."
4. The proposed fast food restaurant use with a drive-through is restricted through a development plan note.

Representation present – Brandon Gross, attorney, requested a one-month postponement to continue to work with the staff on this request.

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 6-0 (Bell, Brewer, Forester and Owens absent) to postpone **PLN-MJDP-17-00070: ZANDALE SHOPPING CENTER & GREENLEAF MOTOR LODGE PROPERTIES (AMD)** to the October 11, 2018, meeting.

- b. PLN-MJDP-18-00061: SOUTHERN & JONES PROPERTY, LLC (11/4/18)* - located at 530 MERINO STREET, LEXINGTON, KY.
Council District 3
Project Contact: TR Steele Design

Note: At the request of the applicant, the Subdivision Committee recommended a one-month postponement.

The Technical Committee and 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. 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. Dimension courtyard in feet on plan.

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

12. Clarify proposed FAR.
13. Revise Tree Protection Plan to meet Article 26 requirements.
14. Clarify proposed parking areas.
15. Denote zoning for adjacent properties.
16. Denote compliance with Article 15-7 of the Zoning Ordinance graphically, where appropriate.
17. Discuss sanitary sewer line along the western property line.
18. Discuss improvements to Poplar Street.

Representation present – Taylor Steele, TR Steele Design, requested a one-month postponement to further investigate the sewer line that was discovered during the Technical Committee meeting.

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

Action - A motion was made by Ms. Plumlee, seconded by Mr. Berkley and carried 6-0 (Bell, Brewer, Forester and Owens absent) to postpone **PLN-MJDP-18-00061: SOUTHERN & JONES PROPERTY, LLC** to the October 11, 2018, meeting.

- c. **PLN-MJSUB-18-00025: HAMBURG PLACE FARM, SIR BARTON WAY OFFICE PARK, PHASE 2, LOT 18-A (AMD) (11/4/18)***
- located at 2540 SIR BARTON WAY, LEXINGTON, KY.
Council District 6
Project Contact: Palmer Engineering

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

The Subdivision Committee Recommended: **Postponement.**

The Technical Committee and Staff Recommended: **Postponement.** There were some questions regarding the realignment of the easement on Sanford Way and sanitary sewer service to the new lot.

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 protection area(s) and required street tree information.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
8. Correct plan type to "Amended Final Record Plat".
9. Revise owner's certification to meet the Land Subdivision Regulation requirements.
10. Add Lot 18B to the plat.
11. Correct Urban County Engineer's certification.
12. Correct labeling of lots-18A and 18C.
13. Provided the Planning Commission grants the requested waiver to Articles 6-2(a)(2) and 6-6(b).
14. Discuss alignment of access easement for Sanford Way to allow access under I-75.

Representation present – Stephanie Blain, Palmer Engineering, at the client's request she requested to withdraw 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 6-0 (Bell, Brewer, Forester and Owens absent) to withdraw **PLN-MJSUB-18-00025: HAMBURG PLACE FARM, SIR BARTON WAY OFFICE PARK, PHASE 2, LOT 18-A (AMD).**

- d. **PLN-MJDP-18-00072: BEAUMONT FOREST, UNIT 2 (KMSF PARKING EXPANSION) (11/4/18)*** - located at 2405 GREATSTONE POINT, LEXINGTON, KY.
Council District 10
Project Contact: Element Design

Note: At the request of the applicant, the Subdivision Committee recommended a one-month postponement.

The Technical Committee and Staff Recommended: **Postponement.** The development plan is missing the required information from Article 21 of the Zoning Ordinance.

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.

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

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. Correct plan title to read "BEAUMONT FOREST, UNIT 2 (KMSF PARKING EXPANSION)"
8. Correct plan title to indicate a final development plan.
9. Addition of name and address of developer.
10. Identify boundaries of property as a solid dark line.
11. Addition of bearings and distances on property.
12. Denote record plat information (Cab I, Sl. 251).
13. Complete required information on adjacent properties.
14. Addition of topography lines at 2' intervals.
15. Dimension driveways, walkways, parking spaces and drive lanes in feet on plan.
16. Denote construction access point.
17. Addition of street cross-sections for Greatstone Point and Members Way to include the cul-de-sac denoting public or private roads.
18. Addition of zoning on adjacent property.
19. Addition of 50'x70' retention/detention easement.
20. Addition of utility easements.
21. Addition of 20' building line.
22. Addition of Board of Adjustment approval for parking lot (PLN-BOA-18-00063) prior to certification.
23. Clarify Note #11.
24. Complete information for interior landscaping that is being provided.
25. Remove calculation for required parking (1sp/600 sf.).

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant's representative, requesting a one-month postponement to continue to address the conditions listed on today's agenda.

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

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 6-0 (Bell, Brewer, Forester and Owens absent) to postpone **PLN-MJDP-18-00072: BEAUMONT FOREST, UNIT 2 (KMSF PARKING EXPANSION)** to the October 11, 2018, meeting.

- IV. LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, September 6, 2018, at 8:30 a.m. The meeting was attended by Commission members: Karen Mundy, Carolyn Plumlee, Frank Penn and Headley Bell. Committee members in attendance were: Vaughan Adkins, Division of Engineering; and Casey Kaucher, Division of Traffic Engineering. Staff members in attendance were: Jim Duncan; Traci Wade; Tom Martin; Hal Baillie; Cheryl Gallt; Denice Bullock; Captain Greg, 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:

- a. **PLN-MJSUB-16-00005: GREEN PROPERTY HOLDINGS, LLC** (11/4/18)* - located at 1441 SUNSHINE LANE, LEXINGTON, KY.
Council District 6
Project Contact: Eagle Engineers

Note: The Planning Commission originally approved this plan on August 11, 2016, subject to the following conditions:

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers and finish floor elevations.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
8. Addition of acres in site statistics.
9. Addition of street frontage in site statistics.
10. Addition of property owners name and address.
11. Addition of developer name and address.
12. Show property boundaries as solid dark lines.
13. Addition of street cross-sections for New Circle Road and Sunshine Lane.
14. Addition of building line setback on both lots.
15. Addition of private utilities and providers on plan.
16. Clarify Urban County Engineers certification.
17. Denote: Tree protection areas and possible tree canopy information on rear of lots.
18. Addition of improvements and maintenance note for frontage to Lot 2 and accepting the finding for the access easement.

As part of the Planning Commission's approval on August 11, 2016, the Commission also made a finding on the use of the proposed access easement as sole access to these lots. The approved finding for appropriateness of access easements as sole access for certain lots:

1. Sunshine Lane has been an access easement to industrial businesses and the addition of one lot should not overburden the well-maintained easement.

The applicant now requests a reapproval of this plan.

The Subdivision Committee Recommended: **Reapproval**, subject to the conditions previously approved and adding the following new condition:

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

- b. PLN-MJDP-18-00063: HIGHWOOD CENTER, LOT 4 (PANDA EXPRESS LEXINGTON) (AMD) (11/4/18)* - located at 506 W. NEW CIRCLE ROAD, LEXINGTON, KY.
Council District 1
Project Contact: Civil Engineering Services

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. 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. Delete copyright statement from plan.
 12. Addition of Tree Protection Plan.
 13. Addition of total site statistics for the Commercial Center.
 14. Clarify total site statistics for Lot 4 to meet the current requirements of the B-6P zone.
 15. Denote review by the Royal Springs Aquifer Committee prior to certification.
- c. PLN-MJDP-18-00065: NDC PROPERTY, UNIT 1B, LOT 19B (STAYBRIDGE EXTENDED-STAY HOTEL) (AMD) (11/4/18)* - located at 209 RUCCIO WAY, LEXINGTON, KY.
Council District 9
Project Contact: Carman

Note: The purpose of this amendment is to revise the development on Lot 19B.

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

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

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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 height of building in feet on plan.
 11. Complete adjacent property information.
 12. Denote reciprocal parking and access as appropriate for the properties.
 13. Denote Board of Adjustment approval of conditional use permit (case number and date).
- d. PLN-MJDP-18-00066: GREYLINE STATION & MARKET (FKA TRANSIT AUTHORITY OF THE LFUCG) (11/4/18)* - located at 101 AND 109 W. LOUDON AVENUE, LEXINGTON, KY.
Council District 1
Project Contact: Gresham, Smith & Partners

Note: This plan requires the posting of a sign and an affidavit of such.

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 the Royal Spring Aquifer Committee approval prior to plan certification.
 11. Provided the Planning Commission makes a finding that the plan complies with Article 8-21(o)(4).
 12. Denote any proposed phasing of parking construction.
- e. PLN-MJDP-18-00069: COVENANT CHURCH, INC (MILK & HONEY DAYCARE/PRESCHOOL) (AMD) (11/4/18)* - located at 2700 OLD TODDS ROAD, LEXINGTON, KY.
Council District 7
Project Contact: Abacus Engineering & Land Surveying, Inc.

Note: The purpose of this amendment is to denote additional building square footage and a pavilion.

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. Addition of 2' contours on property.
11. Label all sidewalks including ones in front of building.
12. Addition of all VUA screening from the previous development plan including parking area in front of building.
13. Label and dimension play areas adjacent to building per previous plan.
14. Delete building square footage in the purpose of amendment note and correct total in site statistics.
15. Complete site statistics to include the building coverage, floor area, open space, etc., per Article 21 requirements.
16. Remove information related to the proposed subdivision of the property.

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

- f. PLN-MJDP-18-00070: SANTA BARBARA LAND COMPANY, LOT 1 (AMD) (11/4/18)* - located at 709 MILES POINT WAY, LEXINGTON, KY.
Council District 12
Project Contact: Banks Engineering, Inc.

Note: The purpose of this amendment is to remove the outdoor courts and add parking and a loading dock to the facility.

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 (steep slopes).
 7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 8. Division of Waste Management's approval of refuse collection locations.
 9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 10. Addition of plat recordation information (Cab N, SI 928).
 11. Addition of walkway from building to street right-of-way.
 12. Denote driveways across Miles Point Way.
 13. Denote construction access points on plan.
 14. Denote tree canopy inventory (10%).
 15. Delete note regarding conditional use if no longer applicable.
 16. Denote location and height of proposed engineered retaining wall.
- g. PLN-MJDP-18-00031: INDIAN HILLS SUBDIVISION, UNIT 1, BLOCK "A," LOTS 8, 9 & 10 (AMD) (11/26/18)* - located at 3090, 3094 AND 3098 HARRODSBURG ROAD, LEXINGTON, KY
Council District 10
Project Contact: CDP Engineers

Note: The purpose of this amendment is to establish the final layout to Unit 1, Block A, Lots 9 and 10 and to depict proposed improvements per the P-1 zone, establish a landscape screening detail and continue a 10' landscape easement established on Lot 8 (DP 2004-25). The Planning Commission originally approved this plan on May 10, 2018, 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. 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. Addition of owner's/developers name and address.
12. Remove existing building line on Lots 9 and 10 and denote that the amended final record plat must be recorded prior to certification of the development plan.
13. Addition of all dimensions to structure on Lot 10.
14. Denote record plan designation for Lots 9 and 10.
15. Correct site statistics to reflect proposed parking on Lots 9 and 10 as depicted.
16. Resolve stormwater management for all lots.

The applicant now requests a continued discussion of this plan in order to reconfigure the building and parking layout.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions, (deleting conditions #11, #12, #13 and #15, and adding a new condition):

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.

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

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. Addition of owner's/developers name and address.~~
 - ~~12. Remove existing building line on Lots 9 and 10 and denote that the amended final record plat must be recorded prior to certification of the development plan.~~
 - ~~13. Addition of all dimensions to structure on Lot 10.~~
 11. 44. Denote record plan designation for Lots 9 and 10.
 - ~~15. Correct site statistics to reflect proposed parking on Lots 9 and 10 as depicted.~~
 12. 46. Resolve stormwater management for all lots.
 13. Dimension structure off-sets on Lots 9 & 10.
- h. PLN-MJDP-16-00003: LEXMARK INTERNATIONAL, INC. (11/4/18)* - located at 740 W. NEW CIRCLE ROAD, LEXINGTON, KY.
Council District 1
Project Contact: EA Partners

Note: The Planning Commission originally approved this plan on August 11, 2016, and granted a one-year extension on August 10, 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. Denote width of all easements.
13. Addition of floor area, lot coverage, and building height, per Article 21 requirements.
14. Denote use of existing building and clarify utility sub-station owner/user.
15. Denote "1.6 acres landscape material" location(s) on plan, as part of the Tree Protection Plan.
16. Denote the Royal Spring Aquifer Committee approval prior to plan certification.
17. Denote: There shall be no permits issued for the proposed parking in the A-U zone until such time as a zone change is approved.
18. Denote that any future redevelopment of this property shall be reviewed for compliance with the recommendations in the Winburn Small Area Plan.
19. Resolve parking and vehicular use areas from the "Permanent Legacy Trail Easement" areas, prior to certification.

The Planning Commission approval has expired and the applicant now requests a one-year extension of the Commission's prior approval.

The Subdivision Committee Recommended: Approval of a one-year extension, subject to the conditions previously approved and adding the following new condition:

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

Ms. Wade said that the staff had received an affidavit for the sign posting for **PLN-MJDP-18-00066: GREYLINE STATION & MARKET (FKA TRANSIT AUTHORITY OF THE LFUCG)** and everything appears to be in order.

Ms. Wade then said that **PLN-MJDP-18-00066: GREYLINE STATION & MARKET (FKA TRANSIT AUTHORITY OF THE LFUCG)** required the Planning Commission to approve the necessary finding for an Adaptive Reuse Project. The staff had reviewed the applicant's supporting documentation and finds this project meets the minimum filing requirements for consideration as an Adaptive Reuse Project. (A copy of the finding for the Adaptive Reuse Project is attached as an appendix to these minutes).

Ms. Wade also indicated that **PLN-MJSUB-16-00005: GREEN PROPERTY HOLDINGS, LLC** requires the Planning Commission to make a finding on the use of the proposed access easement as sole access to these lots. The approved findings for appropriateness of access easements as sole access for certain lots are noted on today's agenda.

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

Ms. Wade noted 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. Penn, seconded by Ms. Plumlee, and carried 6-0 (Bell, Brewer, Forester and Owens absent) to approve the items listed on the Consent Agenda, as presented, to include the findings for appropriateness of an access easements as sole access for certain lots as noted on today's agenda for **PLN-MJSUB-16-00005: GREEN PROPERTY HOLDINGS, LLC** and to approve the necessary finding for an Adaptive Reuse Project for **PLN-MJDP-18-00066: GREYLINE STATION & MARKET (FKA TRANSIT AUTHORITY OF THE LFUCG)**.

B. PERFORMANCE BONDS AND LETTERS OF CREDIT – A motion was made by Mr. Berkley, seconded by Ms. Mundy, and carried 6-0 (Bell, Brewer, Forester and Owens absent) to approve the release and call of bonds as detailed in the memorandum dated September 13, 2018, from Barry Brock, Division of Engineering.

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

a. TIF REPORT – STATEMENT OF COMPLIANCE WITH COMPREHENSIVE PLAN – a review of a Tax Increment Financing application for The Lexington Center Development Area, for property located along W. High Street, W. Main Street, W. Vine Street, S. Broadway, Tucker Street and Manchester Street. (Council District 2)

Staff Presentation – Ms. Wade explained that KRS 65.7043 requires the Planning Commission to review the TIF District and provide a compliance statement related to the 2013 Comprehensive Plan. Afterwards, the TIF request will be forwarded to the Urban County Council for the public hearing and the decision for the TIF proposal.

Ms. Wade directed the Commission to the overhead, and said that the TIF application was submitted by the Lexington Center Development Area. She explained that the development area consists of approximately 54 acres of land within downtown Lexington. She pointed out that the development area is generally bound by W. Maxwell Street, S. Broadway, W. Main Street, Jefferson Street, Oliver Lewis Way, Manchester Street, and W. High Street.

Ms. Wade then said that the Planning Commission does not see the “typical” development plan with TIF applications, but rather they only see the general land uses that are being proposed within the development area boundaries. For this application, the development area does not include the existing hotel, but would include the redevelopment of the convention center, which does include parts of Rupp Arena, as well as a new 160-bed hotel, retail and restaurant uses. The eligible public infrastructure and improvements as components of the TIF Development Area would include structured parking, utility improvements, sanitary and storm sewer improvements; roadways, pathways and walkways; park and public space improvements and public buildings. The public building improvements are able to be included as public infrastructure and so that investment can be reimbursed.

Ms. Wade said that the 2013 Comprehensive Plan contains six general themes, all of which apply to and support, either directly or indirectly, the proposed Lexington Center TIF Development Area and its conceptual development plan:

- Theme A. Growing Successful Neighborhoods
- Theme B. Protecting the Environment
- Theme C. Creating Jobs and Prosperity
- Theme D. Improving a Desirable Community
- Theme E. Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land
- Theme F. Implementing the Plan for Lexington-Fayette County and the Bluegrass

Ms. Wade said that, in reviewing the 2013 Comprehensive Plan goals and objectives, as well as Destination 2040, the staff determined that the proposed TIF development was consistent with 2013 Comprehensive Plan's recommendations for the downtown area. She explained that a portion of the lower Rupp Arena parking lot is within the development area and this is the future site of the Town Branch Park, which would allow the community the opportunity to utilize the open space and park facilities in the downtown area. In addition, the TIF development area would promote mixed-use, sustainable development, generate jobs and economic development for the community. Ms. Wade said that eligible improvements to be reimbursed total an estimated at 337 million, but the economic multiplier affect associated with this TIF development area will be in the billions for the community as a whole. She then said that Destination 2040 does mention a specific goal to construct a new civic center arena in the downtown area.

Ms. Wade said that at this time, re-zoning, text amendments or other changes are not necessary to accommodate the proposed TIF Development Plan. She then said that the staff does find the TIF application for The Lexington Center Development Area to be in compliance with the 2013 Comprehensive Plan for Lexington.

Commission Questions – Mr. Berkley asked if a separate entity could annex into the TIF Development Area once it has been established or would they need to file a separate application. Ms. Wade replied that the staff does not believe the entity can be made part of the TIF development area afterwards. Casey Bolton, Commonwealth Economics, LCC, explained that another entity could be made part of the TIF application, but the procedure would need to start over.

Mr. Berkley said that the Salvation Army may want to redevelop their site after this area redevelops, and asked why they couldn't be included in this application afterwards. Mr. Bolton said that there have been ongoing discussions with the Salvation Army, but they have not shown any interest in redeveloping their site.

Mr. Penn asked what is the rationale of putting the park in the TIF. Ms. Wade said that the improvements associated with the park can be reimbursed. Mr. Penn said that no revenue is being generated by the park. Ms. Wade agreed, but said that the rest of the TIF District will generate revenue. Mr. Bolton said that money that is spent on infrastructure that is generated with incremental revenues within the district has to be spent within the development area so if any of the funds were to be spent on the park it would have to be included. Also there is a finding in the TIF documents that public spaces and parks will be included as part of the project. When looking at the project as a whole, this makes sense to include the parks because it is a city project and it goes hand-in-hand with the redevelopment of the convention center and the High Street parking lot.

Mr. Penn said that some TIF Districts have expanded their boundaries in an effort to generate more tax revenue, such as the Yum Center. Mr. Bolton replied that the Yum Center actually decreased in size due to businesses leaving the district. He then said that the only TIF District in Lexington that was expanded was the Red Mile to include a project that was not originally included in the district. Should the Salvation Army wish to join this district in the future, another application can be submitted for the Planning Commission to review.

Mr. Penn said that a TIF District can be expanded or reduced. Mr. Bolton replied affirmatively, but not without a public hearing to change the boundary.

Mr. Penn asked if the TIF District had an expiration date or duration of time. Mr. Bolton said that the TIF District can run up to 30 years under the signature project program with the state.

Ms. Mundy asked if the Cox Street parking lot is where the amphitheater will be placed. Mr. Bolton replied yes, and said that since parking will be lost to the park, they believed it would be a good reason to include the park into the overall TIF project.

Ms. Mundy then asked if the loss of parking would be accommodated through a parking garage. Mr. Bolton said that, from a planning perspective, there is value in redeveloping the High Street lot and such redevelopment has been listed on the Master Plan for years. He said that the difficulty in providing structured parking, in a dense area, is the cost associated with the structure.

Ms. Mundy asked how many spaces are proposed in the parking garage. Mr. Bolton said that there could be between 2,000 to 2,500 parking spaces throughout the district. Without adding a new parking structure, the net loss would be around 500 parking spaces.

Staff Comment - Ms. Wade said that the Commission will need to sign the Compliance Statement in order for this item to be presented to the Council.

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

Action – A motion was made by Mr. Penn, seconded by Mr. Berkley, and carried 6-0 (Bell, Brewer, Forester and Owens absent) that The Lexington Center Development Area TIF District is in compliance with the 2013 Comprehensive Plan, as presented by the staff for property located along W. High Street, W. Main Street, W. Vine Street, S. Broadway, Tucker Street and Manchester Street.

- b. **PFR 2018-2: LEXINGTON POLICE CANINE FACILITY** - a Public Facility Review for a proposed kennel, office and training facility for the Division of Police, located at 689 Thurman Drive.

Staff Presentation – Ms. Gallt presented the staff report and recommendations for this request made by the Lexington Police Department. She displayed aerial photographs of the general area, and oriented the Commission to the location of the subject property and the nearby street system. The subject property is located at 689 Byrd Thurman Drive and is surrounded by Light Industrial (I-1) zoning. The property is approximately 30 acres in size, with a floodplain running on the outer portion of the property. There is an existing LFUCG sanitary sewer pump station on the property. The Police Department proposes a new 4,980 square-foot, single story, pre-engineered metal building, as well as 18 parking spaces. Access to the building will be off Byrd Thurman Drive.

Ms. Gallt said that the staff had reviewed the 2013 Comprehensive Plan, as well as the adopted Goals and Objectives of the upcoming 2018 Plan, and determined that the Comprehensive Plan is supportive of the proposed project. Several themes, goals and objectives directly support the intended improvements to the subject property, as does the text of the Plan. The following 2013 Goals and Objectives apply to this proposal:

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

- Theme B, Goal 3, Objective a: Identify and protect natural resources and landscapes before development occurs.
- Theme D, Goal 2: Provide for accessible community facilities and services to meet the health, safety and quality of life needs of Lexington-Fayette County's residents and visitors.
- Theme E, Goal 1: Uphold the Urban Services Area concept.

Ms. Gallt said that the new canine facility will be located on a vacant portion of land that the LFUCG owns within the Urban Service Area and outside of the floodplain area. This request protects the existing environmentally sensitive areas and natural resources in the immediate area. The building is for the habitation and training for canine officers and their police trainers for the Lexington Police Department, which will enable the department to continue to operate in a manner that maintains the public safety of the community.

Ms. Gallt then said that the staff recommends that any permits that would generally be applicable to construction, including a land disturbance and building permit, and an inspection by Lexington-Fayette County's Fire Marshall, be obtained prior to construction and/or occupancy of the building.

Commission Questions – Mr. Wilson asked where the canine facility is located now. Ms. Gallt replied off Manchester Street.

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

Commission Comments - Mr. Wilson noted that the Planning Commission is not required to take action of this request. This is strictly for informational purposes only.

- c. **PFR 2018-3: BLUEGRASS AIRPORT** - a Public Facility Review to construct and improve facilities at the Blue Grass Airport, including a firehouse, taxiways, parking expansion, baggage system, ARTT Training Center and rehabilitation of existing runway, located at 4000 Terminal Drive, 4478 and 4832 Versailles Road & 4015 and 4835 Parkers Mill Road.

Staff Presentation – Ms. Wade presented the staff report and recommendations for this request made by the Blue Grass Airport. She displayed aerial photographs of the general area, and oriented the Commission to the location of the project on the airport property. The subject site is located at 4000 Terminal Drive, 4478 and 4832 Versailles Road & 4015 and 4835 Parkers Mill Road and is surrounded by Agricultural Rural (A-R) zoning. Access to the subject site is primarily from Man o' War Boulevard and there is an existing internal roadway system that serves the many buildings on the airport property.

Ms. Wade said that the airport is approximately 1,000 acres in size, but only 700 acres of that land is located within the Rural Activity Center. In terms of the improvements, there are numerous buildings already on the airport property, but the proposed land uses include a new firehouse, expansion of the existing airport rescue and fire fighter training center, taxiway and runway system improvements, replacement of the baggage handling system and additional off-street parking areas.

Ms. Wade said that the 2013 Comprehensive Plan, in terms of the Blue Grass Airport, points to the Comprehensive Transportation Plan, which ensures that all types of transportation is being provided, to include a regional airport for the community. The following 2013 Goals and Objectives support the proposal:

Theme C, Goal #1, Objective e: Encourage the development of appropriate attractions and supporting uses that promote and enhance tourism.

Theme D, Goal #1: Work to achieve an effective and comprehensive transportation system.

Theme D, Goal #2: Provide for accessible community facilities and services to meet the health, safety and quality of life needs of Lexington-Fayette County's residents and visitors.

Theme E, Goal #3: Maintain the current boundaries of the Urban Service Area and Rural Activity Centers; and create no new Rural Activity Centers.

Ms. Wade said that, in the last five years, the airport has continued to make improvements to the existing airport, making it better for our community. With the airport expanding beyond the Rural Activity Center, the improvements being made outside the boundary could pose some concerns. However, with this application, the improvements are not square footage additions, but rather replacing pavement or if there are improvements those improvements are staying within the existing footprint.

Ms. Wade said that the staff concluded that the Goals and Objectives of the 2013 Comprehensive Plan are being met. The airport supports tourism and economic development in the area while maintaining the rural character of the area. She then said that the staff recommends that the Airport Board acquire the necessary building permits especially for the new firehouse since it will be habitable.

Commission Questions – Mr. Penn asked what the nearby rural settlements are named. Ms. Wade replied Little Georgetown and Fort Springs.

Mr. Penn asked if the access directly across from Keeneland front gate will be made permanent or just used for construction vehicles. Mark Day, Director of Engineering and Maintenance for the Bluegrass Airport, said that the access directly across from Keeneland front gate is a permanent exit for vehicles. He then said that there is the potential to use that exit for the larger moving vehicles such as horse unloading/transportation from the airport.

Mr. Penn asked if the access would be used to unload horses, would the access be made two-way. Mr. Day replied negatively, and said that they already have an entrance at a different location. He then said that if the access on Versailles Road were to be made two-way then they would need to seek the approval from KYTC, District 7.

Mr. Wilson asked Mr. Day to explain in greater detail about "replacement of the baggage handling system." Mr. Day explained what the replacement of the baggage handling system will consist of.

Mr. Wilson then asked what is an "international customs facility" as shown in the master plan. Mr. Day explained that this is part of the 2013 Master Plan and would be completed if a demand exists in the future. .

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

Commission Comments - Mr. Wilson noted that the Planning Commission is not required to take action of this request. This is strictly for informational purposes only.

VI. STAFF ITEMS

- a. WORK SESSION – Mr. Duncan indicated that the next Work Session is scheduled for September 20th, and would be held on the 3rd floor of Phoenix Building.
- b. CLOSED SESSION – Pursuant to KRS 61.810(1)(c), a motion was made by Ms. Mundy, seconded by Ms. Plumlee, and carried 6-0 (Bell, Brewer, Forester and Owens absent) to go into a closed session for the purpose of discussing litigation matters involving the Urban County Planning Commission.

Note: The Planning Commission meeting entered into a closed session at 2:21 PM, and resumed the meeting at 3:01 PM.

VII. AUDIENCE ITEMS – There were none.

VIII. NEXT MEETING DATES

Work Session, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building	September 20, 2018
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	September 26, 2018
Zoning Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	September 27, 2018
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	October 4, 2018
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	October 4, 2018
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	October 11, 2018

X. ADJOURNMENT - There being no further business, the Chair adjourned the meeting at 3:03 PM.

William Wilson, Chair

Carolyn Plumlee, Secretary

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