MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS

October 11, 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.

Mr. Penn indicated that Mr. Wilson has laryngitis and would not be able to speak today. He said that he (Mr. Penn) would be chairing the meeting and should Mr. Wilson have any comments or questions, he (Mr. Penn) would voice those for him.

Planning Commission members present – William Wilson; Headley Bell; Will Berkley; Patrick Brewer; Larry Forester; Karen Mundy; Bruce Nicol; Mike Owens; Frank Penn and Carolyn Plumlee.

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

II. **APPROVAL OF MINUTES** – A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 10-0 to approve the minutes of the September 13, 2018, minutes.

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

a. PLN-MJDP-18-00078: LEXINGTON CLINIC (LA BELLE SUBDIVISION, UNIT 1) (12/3/18)* - located at 1203, 1207, 1215, 1221 AND 1225 S. BROADWAY; 1301 DUNCAN AVENUE; 406 AND 410 GIBSON AVENUE & 437, 441, 445, 449 & 453 PARKWAY DRIVE, LEXINGTON, KY.
Council District 11
Project Contact: Carman

Note: The purpose of this amendment is to revise the development. 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. 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 purpose of amendment note.
12. Addition of "amended" in plan title.
13. Clarify bearing and distances for 1225 South Broadway (Lot 2).
14. Denote reciprocal parking and access for Lots 1 and 2.
15. Resolve right-of-way improvements/modification prior to certification.
16. Delete note #18.
17. Clearly delineate easement conflicts to be addressed.
18. Add dimensions to existing ACS Building (Lot 2).
19. Denote lot coverage and FAR in site statistics.
20. Remove R-1C zone from site statistics and proposed zoning information.

Representation present – John Carman, present on behalf of Lexington Clinic, requested a one-month postponement of this request.

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

Action - A motion was made by Ms. Mundy, seconded by Ms. Plumlee and carried 10-0 to postpone **PLN-MJDP-18-00078: LEXINGTON CLINIC (LA BELLE SUBDIVISION, UNIT 1)** to the November 8, 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 Steel Design

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

Note: The Planning Commission postponed this item at their September 13, 2018, meeting. 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.
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, indicated that they would like to withdraw this application. He explained that with the approval from the Board of Adjustment for a reduction to the side yard setback (**PLN-BOA-18-00068**) this application was not longer needed.

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

Action - A motion was made by Ms. Plumlee, seconded by Mr. Forester and carried 10-0 to withdraw **PLN-MJDP-18-00061: SOUTHERN & JONES PROPERTY, LLC**.

c. PLN-MJDP-18-00081: LEESTOWN INDUSTRIAL PARK, UNIT 3 (12/3/18)* - located at 300 ALEXANDRIA DRIVE, LEXINGTON, KY.
Council District 12
Project Contact: Vision Engineering

The Subdivision Committee Recommended: **Postponement**. There were some questions regarding the access to Alexandria Drive and the removal of the access per the Preliminary Development Plan, and the lack of required TPP.

Should this plan be approved, the following requirements should be considered:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Addition of all information from the Preliminary Development Plan.
11. Denote conditional zoning restrictions for the subject property.
12. Correct the Planning Commission certification (remove approval date).
13. Addition of tree Preservation Plan (TPP) per Article 26 of the Zoning Ordinance.
14. Discuss proposed land use.
15. Discuss the proposed access to Alexandria Drive.
16. Discuss access from Over Drive per the Preliminary Development Plan.

Representation present – Matt Carter, Vision Engineering, requested a one-month postponement of this request to allow further discussions with the staff concerning the access to the property.

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

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

Action - A motion was made by Mr. Forester, seconded by Ms. Plumlee and carried 10-0 to postpone **PLN-MJDP-18-00081: LEESTOWN INDUSTRIAL PARK, UNIT 3** to the November 8, 2018, meeting.

d. PLN-MJDP-18-00076: BLACKFORD PROPERTY, PHASE 3 (AMD) (1/2/19)* - located at 3221 BAY SPRINGS PARK AND 3385 BLACKFORD PARKWAY, LEXINGTON, KY.
Council District 12
Project Contact: EA Partners

Note: This plan requires the posting of a sign and an affidavit of such. The purpose of this amendment is to revise layout of the remaining portion of Phase 3.

The Subdivision Committee Recommended: **Postponement** to discuss local street pattern.

Should this plan be approved, the following requirements should be considered:
1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Addition of record plat designation.
12. Provided the Planning Commission makes a finding the plan complies with the EAMP.
13. Discuss connectivity of Wading Creek Trail and Bay Springs Park and removing cul-de-sacs.

Representation present – Rory Kahly, EA Partners, requested a one-month postponement of this request to allow further discussions with the staff concerning condition #13.

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

Action - A motion was made by Ms. Mundy, seconded by Mr. Bell and carried 10-0 to postpone **PLN-MJDP-18-00076: BLACKFORD PROPERTY, PHASE 3 (AMD)** to the November 8, 2018, meeting.

e. PLN-MJDP-18-00075: WILLOW OAK SHOPPING CENTER (MILLPOND CENTER) (AMD) (12/3/18)* - located at 3650 BOSTON ROAD, LEXINGTON, KY.
Council District 9
Project Contact: EA Partners

Note: The purpose of this amendment is to revise the development for a car wash.

The Subdivision Committee Recommended: **Postponement** until a revised development layout is submitted for review.

Should this plan be approved, the following requirements should be considered:
1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Addition of all building dimensions on the development plan.
11. Addition of all sidewalk and VUA dimensions or typical.
12. Revise site statistics to meet new B-6P requirements.

Representation present – Rory Kahly, EA Partners, requested a one-month postponement of this plan to allow more time to bring a revised development plan to the staff for review.

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

Action - A motion was made by Mr. Owens, seconded by Mr. Forester and carried 10-0 to postpone **PLN-MJDP-18-00075: WILLOW OAK SHOPPING CENTER (MILLPOND CENTER) (AMD)** to the November 8, 2018, meeting.

f. 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 Carrol

Note: The Planning Commission postponed this item at their September 13, 2018, 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.

Staff comment – Mr. Martin said that the applicant's representative was not present at today's meeting, but at the October 4th Subdivision Committee meeting they did inform the Committee that they would be requesting postponement of this item for one month.

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

Action - A motion was made by Ms. Plumlee, seconded by Mr. Brewer and carried 10-0 to postpone **PLN-MJDP-17-00070: ZANDALE SHOPPING CENTER & GREENLEAF MOTOR LODGE PROPERTIES (AMD)** to the November 8, 2018, meeting.

Representative present – Brandon Gross, attorney, apologized to the Planning Commission for being late, and explained that there was an accident on Winchester Road. He indicated that they were in agreement the one-month postponement just approved by the Planning Commission.

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, Mike Owens, Will Berkley and Headley Bell. Committee members in attendance were: Jake Stephens, Division of Engineering; and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Traci Wade; Tom Martin; Cheryl Gallt; Denice Bullock; Captain Greg Lengal and Captain Josh Theil, Division of Fire & Emergency Services; and Mike Sanner, 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-17-00003: FULLER ET. AL. PROPERTY & MEADOWTHORPE COMMERCIAL BUSINESS CENTER, UNIT 1 (AMD) (12/25/18)* - located at 1315, 1317, 1325 and 1353 W. MAIN STREET, LEXINGTON, KY.
Council District 2
Project Contact: Abbie Jones Consulting

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

Note: The purpose of this amendment is to subdivide one lot from two others. The Planning Commission approved this plan at their March 9, 2017, meeting, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
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 site statistics per Art. 5-2(f) of the Land Subdivision Regulations to include Lot 2.
9. Addition of dashed line in center of Lot 5 for utility easement.
10. Addition of Owner's Certification signatures for owners of Lot 2.
11. Include Lot 2 on plat to create proposed access easement located on Lots 2 & 3.
12. Clarify Purpose of Amendment note to include creation of an easements(s) accordingly.
13. Clarify location and size of new access easement on Lots 2 & 3.
14. Resolve possible need for an access easement out the rear of Lot 5, based on public safety concerns.

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

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

3. ~~Building Inspection's~~ Landscape Examiner's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree protection area(s) ~~and required street tree information~~.

b. PLN-MJSUB-18-00033: TUSCANY, UNIT 12 (AMD) (12/3/18)* - located at 1970 WINCHESTER ROAD, LEXINGTON, KY.
Council District 6
Project Contact: EA Partners

Note: The purpose of this amendment is to denote proposed lotting of property.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Denote type(s) of proposed easement (U.E).
11. Resolve Old Rosebud Road extension alignment and Piero Way/Flying Ebony Drive intersection.

c. 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

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. Dimension retention/detention easement.
8. Addition of Board of Adjustment approval date for parking lot (PLN-BOA-18-00063).
9. Addition of note "screening & landscaping shall conform to Article 18 of the Zoning Ordinance".

d. PLN-MJDP-18-00074: JAMES MOTOR COMPANY & KATHRYN M MCBRAYER PROPERTY (AMD) (12/3/18)* - located at 2440 RICHMOND ROAD & 2350 LAKE PARK ROAD, LEXINGTON, KY.
Council District 5
Project Contact: EA Partners

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

Note: The purpose of this amendment is to add 157 new parking spaces and revise existing layout.

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. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Division of Waste Management's approval of refuse collection locations.
8. Identify area of amendment on vicinity map.
9. Correct conditional zoning restriction note (missing #6 & #7).

e. PLN-MJDP-18-00077: STONEWALL SHOPPING CENTER (AMD) (12/3/18)* - located at 3101 CLAYS MILL ROAD, LEXINGTON, KY.
Council District 9
Project Contact: CMW

Note: The purpose of this amendment is to add square footage and review the parking and pedestrian facilities.

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 building line per the B-1 zone requirements (10-20).
11. Resolve location of drive-through in detention easement to the approval of Division(s) of Engineering and Water Quality.
12. Depict drive-through stacking for proposed restaurant.
13. Resolve proposed location of cross access drive with 3197 Clays Mill Road.

f. PLN-MJDP-18-00080: MASTERSON STATION, UNIT 8-B, SEC 2, LOT 1 (LEXINGTON TABERNACLE, INC) (AMD) (12/3/18)* - located at 130 FERNDALE PASS, LEXINGTON, KY.
Council District 2
Project Contact: T.H.E. Engineers, Inc.

Note: The purpose of this amendment is to depict the revised building and parking layout.

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 adjacent property information per DP 2002-32.
11. Addition of record plat information (Cab L, Slide 647).
12. Dimension access drive on plan from Spring Valley Loop.
13. Denote area for detention.

g. PLN-MJDP-17-00051: FULLER ET., AL., PROPERTY, LOT 3 (MEADOWTHORPE COMMUNITY BUSINESS CENTER) (1321 WEST MAIN MINI WAREHOUSES) (12/25/18)* - located at 1321 W. MAIN STREET LEXINGTON, KY.

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

Council District 2
Project Contact: Abbie Jones Consulting

Note: The Planning Commission approved this plan at their June 8, 2017, meeting, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. 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. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Division of Waste Management's approval of refuse collection locations.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Clarify vicinity map.
10. Clarify access across Lot 2.
11. Remove public utility providers from plan.
12. Clarify site statistics of existing and proposed building square footage.
13. Clarify dimensions on plan face.
14. Clarify parking spaces.
15. Resolve deleting and restriping of parking spaces on "city street" (right-of-way).

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

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.

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 Mr. Brewer, seconded by Ms. Mundy, and carried 10-0 to approve the items listed on the Consent Agenda, as presented by the staff.

B. 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.

1. FINAL SUBDIVISION PLAN

a. PLN-MJSUB-18-00030: SHARKEY PROPERTY, UNIT 1, LOT 16 (AMD) (12/3/18)* - located at 1745 SHARKEY WAY, LEXINGTON, KY.
Council District 2
Project Contact: EA Partners

Note: The purpose of this amendment is to subdivide Lot 16 into two lots.

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

<u>The Subdivision Committee Recommended:</u> **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. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
6. Addition of name and address of property owner and developer.
7. Addition of utility providers.
8. Indicate minimum and maximum building line setback.
9. Provided the Planning Commission grants the requested waiver to the Land Subdivision Regulations.

<u>Staff Presentation</u> - Mr. Martin directed the Commission's attention to the final record plat, and briefly explained the proposed request. He noted that there is an approved final development plan for this site for a coffee shop as well as a variance to modify the front yard setback requirements, which was recently approved by the Board of Adjustment. The applicant is proposing to subdivide the existing lot, creating a 0.69-acre lot and a 0.34-acre lot, in order to develop the property.

Mr. Martin then presented the Staff Report and Findings for a Waiver of Land Subdivision Regulations for Articles 4-7(d) and 6-2(a)(2) of the Subdivision Regulations, pertaining to the required public sanitary sewer in order to subdivide an existing lot into two lots. He explained that the applicant wishes to coordinate the installation of the sanitary sewer line with the construction of the coffee shop.

Mr. Martin said that the staff was recommending approval of the final record plat, subject to the conditions listed on today's agenda.

Mr. Martin then said that the staff was recommending 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.
2. Granting the waiver is consistent with the intent of Article 1-5(a) of the Land Subdivision Regulations for Exceptional Hardship.

Mr. Martin noted that this recommendation was made subject to the following additional requirement:
a. The applicant shall post a bond for the sanitary sewer consistent with the requirements of the Land Subdivision Regulations.

<u>Representation</u> – Rory Kahly, EA Partners, indicated that the applicant was in agreement with the staff's recommendation, as well as the recommendation made on the waiver report.

<u>Action</u> - A motion was made by Ms. Mundy, seconded by Mr. Forester, and carried 10-0 to approve **<u>PLN-MJSUB-18-00030: SHARKEY PROPERTY, UNIT 1, LOT 16 (AMD)</u>** as recommended by the staff, including the approval of the findings for the waivers of Articles 4-7(d) and 6-2(a)(2) of the Subdivision Regulations.

C. <u>PERFORMANCE BONDS AND LETTERS OF CREDIT</u> – A motion was made by Mr. Berkley, seconded by Mr. Brewer, and carried 10-0 to approve the release and call of bonds as detailed in the memorandum dated October 11, 2018, from Barry Brock, Division of Engineering.

V. <u>COMMISSION ITEMS</u> – The Chair announced that any item a Commission member would like to present would be heard at this time.

A. <u>WORK SESSION</u>

Mr. Duncan requested the Planning Commission cancel their next work session because of the public input meeting later that evening for the Comprehensive Plan. The meeting begins at 6 o'clock at the Senior Center on Richmond Road.

Mr. Owens asked if this would be the first public input meeting. Mr. Duncan said that this would be the only public input meeting of this type. However, throughout this week there have been a series of public outreach sessions located throughout Lexington.

<u>Action</u> - A motion was made by Mr. Owens, seconded by Ms. Mundy, and carried 10-0 to cancel the October 18, 2018, Work Session.

B. <u>PLANNING AND ZONING TRAINING</u>

Mr. Duncan reminded the Planning Commission of the training opportunity hosted by David Pike on Friday, October 12th from 8 a.m. to 4:30 p.m., 3rd Floor Phoenix Building. He said that the members of the Planning Commission and the Board of Adjustment, as well as the staff, would have the opportunity to attend the training, then about mid-day the training would break for a tour of the old Courthouse.

C. PLANNING COMMISSION VACANCY

Mr. Penn said that some of the members have asked about filling the vacancy on the Planning Commission. He indicated that the Planning Commission as a whole could wait on the Mayor's Office to make a recommendation within two weeks, or create a 3-person Committee to review the applications then make a recommendation to the full Commission.

Ms. Plumlee indicated that the Commission should go forward in allowing the Mayor's Office to make a recommendation because going forward on their own would be uncharted territory for the Planning Commission.

Mr. Berkley disagreed, and said that he does not see a problem with the Commission moving forward, but he is not in favor of a 3-person Committee and he felt that the decision should be handled by the entire Planning Commission. He said that each member should review all the applications, select three names, then present those names to the full Commission.

Mr. Owens was agreeable to allow the Mayor's Office to make a recommendation, but said the Commission should have a discussion to start the process of selecting someone in case the Mayor's Office does not move forward.

Mr. Penn asked if the Planning Commission would have access to the applications before the Mayor makes his decision. Mr. Duncan said that he does not know what the response would be from the Mayor's Office, but the staff could certainly ask for those applications.

Mr. Penn then asked if the Planning Commission is adhering to the KRS 100 requirements. Ms. Jones replied that KRS 100 says if the appointing authority does not make a recommendation within 60 days after the term expires, the Planning Commission has the authority to make its own appointment. The Planning Commission would need to create their own process in selecting a candidate.

Mr. Penn said that should the Mayor's Office not make a recommendation, the Planning Commission can create a process to review the candidates. Ms. Jones replied that is correct, and said that the Commission can do that at any time since the 60-day deadline was at the end of August.

Mr. Berkley said that he sees no issues with the Mayor's Office making a recommendation, but these discussions are now in the Planning Commission hands and the process needs to be started to select a member. Mr. Wilson indicated his agreement.

Mr. Nicol agreed that the Planning Commission should review each of the applications then start the process on their own to make a selection.

Mr. Forester concurred with Mr. Nicol.

Ms. Mundy agreed, and said that whether or not the Commission was waiting on the Mayor's Office, the Commission should establish a process.

Mr. Penn asked if Mr. Bell was in agreement. Mr. Bell indicated his agreement.

Mr. Penn said that there is an agreement among the Planning Commission for this process to go forward to the Committee of the Whole, not a 3-person Committee. Ms. Plumlee indicated that she would request that any sensitive personal information, such as background information or other, be removed from the packets.

Mr. Penn agreed, and asked if the personal information could be omitted before the application was giving to the Planning Commission.

Mr. Forester said that if the applications are received via email some computers are not as protected as others, and asked if the applications could be hand delivered to the members.

Mr. Owens asked if the Commission would know whether or not the applicant was still willing to serve on the Commission. Mr. Penn said that someone could contact the applicants to see if they are still interested in serving on the Commission.

Mr. Penn said that each of the applicants needs to be vetted before moving forward. Mr. Duncan said that the staff could ask the Mayor's Office for the applications, and anyone who has indicated they are no longer interested in serving would be removed from the list. He then said that the staff could give the Commission all of the applications so a short list could be created, then the Commission could make their final determination of the top choices. The staff can at that time, contact those candidates and report back to the Commission with the ones who are still interested in serving.

Mr. Brewer said that each of the applicants should be asked if they are still interested beforehand; and if they are not, remove their name from the list. Removing those candidate first would prevent someone not willing to serve to be considered by the Commission. Mr. Duncan said that the staff could request the list from the Mayor's Office, but they may not be obligated to produce that list. He indicated that he has seen the list of candidates and some are not suited to serve on the Planning

Commission. He explained that there are some candidates that the Planning Commission would not be interested in and by contacting them first could be misleading.

Mr. Penn asked if the Commission's deliberations would occur in executive session. Ms. Jones replied that once the Commission has a list or even one candidate in mind, the members would decide whether or not that person would be appropriate for the Commission. The Planning Commission's internal discussions would be in a closed session. However, today's discussion or a future official appointment would be in an open session. She said that if the Commission decided to interview each of the candidates, the same questions would need to be asked to each person, in front of the Committee of the Whole.

Mr. Nicol said that, just as the Council determined the current members, an interview process would be appropriate to determine the future member.

Mr. Penn said that the interview process is not the problem, but how does the Commission receive the applications and determine what steps should be taken before the candidates are interviewed. The first step is to request the applications from the Mayor's Office.

Ms. Jones said that the staff could request the list from the Mayor's Office, but if they do not produce that list then the Commission needs to determine what direction the process should move and how they would compile their own list of candidates. Once the Commission has a pool of candidates, she asked how does the Commission want to move forward as the Committee of the Whole to narrow the list down to the final candidates.

Mr. Wilson indicated his agreement, and noted that during the interview there would be a set of prepared questions to ask each of the candidates. This would be the last step of the process in selecting the new member.

Mr. Penn said that there is a consensus on the floor for the following items:
1. Utilize a Committee of the Whole.
2. Request the applications from the Mayor's Office.
3. Narrow the list to the top 3 or 5 candidates to interview.

Mr. Duncan said that the Planning Commission can direct the staff to move forward in requesting the list from the Mayor's Office. Mr. Penn asked the full Commission if they wished the staff to move forward in requesting the applications. He indicated that all members were in agreement. Mr. Penn then asked if there needs to be a motion on this request. Mr. Duncan replied negatively, and said that if the staff receives the applications from the Mayor's Office, the staff could remove any sensitive information from the packet before distributing those to the Planning Commission either at a future meeting or through the USPS.

Ms. Plumlee asked the staff to outline the legal process for the Commission to follow, reflective of what has been discussed today. Mr. Penn said that when the staff receives the affirmative on the applications, he asked the staff to take what has been agreed upon in today's meeting to develop an outlined process as to how this would work.

Mr. Berkley said that when the Council has their confirmation hearings, set questions is not the format. He said that the set of questions may warrant follow up questions of the candidate. He indicated that he would not be in favor of limiting the number of questions. Mr. Penn said that the questions would not be limited, but each of the candidates would be asked the same set of questions. This does not mean a question would not allow a follow-up question, but rather it means the last person would be given the same questions as the first person.

Ms. Mundy said that each candidate's interview should be done one-on-one.

Mr. Wilson said that it is fine to ask the questions, but the members must be aware of inappropriate questions.

Mr. Penn said that he does not believe the Commission would ask inappropriate questions to a candidate, but it could happen.

Ms. Jones said that if the staff is going to draft a procedure or process, they need to make sure they are understanding what the Commission wants them to do. She asked will each member have their own top 3 candidates to give to the staff, who in turn would present those names to the full Commission at a later date; or is the Committee of the Whole going to decide the top 3 candidates.

Mr. Berkley said that the process needs to be simple, by each member making their choice, each member submitting their choice and consider the top 3 candidates. He believes that the Commission should not complicate the process by taking additional time to discuss each of the candidates, but rather the Commission should spend their time reviewing each application and forming their own opinion.

Mr. Bell asked if the gentleman that was not approved by the Council was still available. Mr. Duncan said that if the staff receives the list from the Mayor's Office and if his name is on the list the Commission would have access to his background.

Mr. Penn suggested that the Chairman work with the staff on the details of the process and how it would be worked out.

Mr. Berkley said that once the recommendation has been determined, as a courtesy, the Council should have a confirmation hearing. Mr. Duncan said that the statute does not make a provision for that request, because at this point, the Council has no say in the matter. Mr. Penn replied that the Council already had their chance to make a recommendation.

Mr. Penn said that the process has been started and now the Chairman and staff would work together.

VI. <u>STAFF ITEMS</u> – The Chair will announced that any item a Staff member would like to present would be heard at this time.

A. <u>REVIEW OF THE DRAFT 2019 MEETING & FILING SCHEDULE</u> - The staff would like to share the "Official Meeting and Filing Schedule for 2019" at this time.

Ms. Wade presented and briefly explained there are two changes to the 2019 Meeting and Filing Schedule. These changes included the deadline for the applicant to submit a colored rendering to the staff to be presented at the Planning Commission meetings, and moving back the deadline for continued discussions, reapproval and extensions for those plats to be reviewed by the staff and placed on the Technical Committee agenda. She indicated that the schedule would be placed on the October 25th docket and once adopted, it would be distributed to the general public and staff.

Mr. Penn said that this change would save the applicant 20 days. Ms. Wade replied affirmatively. Mr. Penn asked if the staff wanted the Planning Commission to approve the schedule or wait until the end of October. Ms. Wade indicated the end of October would be preferred to allow time for review of the draft.

VII. <u>AUDIENCE ITEMS</u> – There were none.

VIII. <u>NEXT MEETING DATES</u>

Work Session, Thursday, 1:30 p.m., 3rd Floor Phoenix Building ....October 18, 2018
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) ....October 24, 2018
Zoning Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers....................**October 25, 2018**
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) ....November 1, 2018
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building) ....November 1, 2018
Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers ....**November 8, 2018**

IX. ADJOURNMENT - There being no further business, the Chair adjourned the meeting at 2:28 PM.

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William Wilson, Chair

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Carolyn Plumlee, Secretary

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