

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

November 8, 2018

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

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

Planning Staff members present – Derek Paulsen; Jim Duncan; Traci Wade; Jimmy Emmons; Tom Martin; Cheryl Galt and Denise Bullock. Other staff members in attendance were Casey Kaucher, Traffic Engineering; Vaughan Adkins, Division of Engineering; Captain Greg Lengal and Captain Josh Theil, Division of Fire & Emergency Services; Keith Horn, Department of Law and Beth Overman, Purchase of Development Rights.

- II. **APPROVAL OF MINUTES** – A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 8-0 (Brewer and Penn absent) to approve the corrected minutes of the September 27, 2018, meeting.

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

- a. 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

Note: The Planning Commission postponed this item at their October 11, meeting.

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 two-week postponement of this request to allow additional time to address the reasons for postponement.

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 8-0 (Brewer and Penn absent) to postpone **PLN-MJDP-18-00081: LEESTOWN INDUSTRIAL PARK, UNIT 3** to the November 29, 2018, meeting.

- b. 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 Planning Commission postponed this item at their October 11, meeting. 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.

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

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 request to allow additional time to address the reasons for postponement.

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 8-0 (Brewer and Penn absent) to postpone **PLN-MJDP-18-00075: WILLOW OAK SHOPPING CENTER (MILLPOND CENTER) (AMD)** to the December 13, 2018, meeting.

- c. **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: The Planning Commission postponed this item at their October 11, meeting. 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 additional time to address the reasons for postponement.

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

Action - A motion was made by Mr. Forester, seconded by Ms. Plumlee and carried 8-0 (Brewer and Penn absent) to postpone **PLN-MJDP-18-00076: BLACKFORD PROPERTY, PHASE 3 (AMD)** to the December 13, 2018, meeting.

- d. **PLN-MJDP-18-00090: DISTILLERY DISTRICT - WEST, UNIT 1 (ADAPTIVE REUSE PROJECT) (AMD) (12/30/18)*** - located at 1158 and 1170 MANCHESTER STREET, LEXINGTON, KY.
Council District 2
Project Contact: Vision Engineering

Note: This plan requires the posting of a sign and an affidavit of such. The purpose of this amendment is to revise the development and parking on 1158 Manchester Street.

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

The Subdivision Committee Recommended: **Postponement**. There are questions regarding the pedestrian facilities, parking, easement conflicts and sanitary sewer service and capacity.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. Addition of vicinity map.
13. Addition of street cross-sections.
14. Correct KYDOT note.
15. Addition of building/use square footage to statistics.
16. Addition of cumulative parking reduction calculation.
17. Correct Planning Commission certification.
18. Discuss resolution of easement conflicts with the proposed buildings.
19. Discuss pedestrian improvements to Manchester Street.
20. Discuss internal pedestrian improvements.
21. Discuss need for additional parking.
22. Discuss sanitary sewer service and capacity.

Representation present – Matt Carter, Vision Engineering, requested a one-month postponement of this request to allow additional time to address the reasons for postponement.

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 8-0 (Brewer and Penn absent) to postpone **PLN-MJDP-18-00090: DISTILLERY DISTRICT - WEST, UNIT 1 (ADAPTIVE REUSE PROJECT) (AMD)** to the December 13, 2018, meeting.

IV. LAND SUBDIVISION ITEMS - The Subdivision Committee met on Thursday, November 1, 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: Vaughan Adkins, Division of Engineering; and Casey Kaucher, 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 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-MJDP-17-00042: RML-CITATION (HILLENMEYER INTEREST, LTD.) (1/22/19)* - located at 2551 LEESTOWN ROAD, LEXINGTON, KY
Council District 2
Project Contact: Vision Engineering

Note: The Planning Commission originally approved this plan on August 10, 2017 and reapproved it on April 12, 2018, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas and possible sinkhole.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. Label zoning on adjacent property.
12. Denote the timing for installation of a signal at the intersection of Sandersville Road and Citation Boulevard.

The applicant has requested a continued discussion to increase the square footage of a self-storage warehouse facility.

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-18-00078: 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 Planning Commission postponed this item at their September 13, 2018 and October 11, 2018, meetings. The purpose of this amendment is to revise the development.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
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. Resolve right-of-way improvements/modification prior to certification.

- c. PLN-MJDP-18-00082: BEAUMONT FARM, UNIT 10 (B-6P AREA) (LOT 11) (AMD) (12/30/18)* - located at 3199 BEAUMONT CENTRE CIRCLE, LEXINGTON, KY.
Council District 10
Project Contact: Palmer Engineering

Note: The purpose of this amendment is to add additional building square footage and parking layout to Out Lot 11.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.

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

6. 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. Remove text from areas that are shaded, easements or contours.
 12. Remove labels regarding "future", "proposed" or "new" on existing structures.
- d. PLN-MJDP-18-00087: BROOKHAVEN SUBDIVISION, UNIT 1F, BUILDING B (AMD) (12/30/18)* - located at 120 MALABU DRIVE, LEXINGTON, KY.
Council District 4
Project Contact: Vision Engineering

Note: The purpose of this amendment is to revise the building square footage, parking and circulation.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Landscape Examiner's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. 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. Denote Final Record Plat metes and bounds information for lot containing Building "B".
- e. PLN-MJDP-18-00089: BRYAN PROPERTY, LOT 1 (AMD) (12/30/18)* - located at 1810 BRYANT ROAD, LEXINGTON, KY.
Council District 6
Project Contact: Vision Engineering

Note: The purpose of this amendment is to revise the hotel and parking proposed for Lot 1.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Landscape Examiner's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree preservation plan.
 6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 8. Division of Waste Management's approval of refuse collection locations.
 9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 10. Resolve circulation and access.
 11. Resolve stormwater detention.
- f. PLN-MJDP-18-00092: JOYCE FIELDS PROPERTY, LOT E (AMD) (12/30/18)* - located at 721 RED MILE ROAD, LEXINGTON, KY.
Project Contact: Banks Engineering
Council District 11

Note: The purpose of this amendment is to add additional square footage.

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.

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

9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. Denote height of building in feet on plan.
12. Improve legibility of plan.
13. Denote use on property to verify parking requirements.

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). Ms. Wade also noted a change to the conditions for reapproval of PLN-MJDP-17-00042: RML-CITATION (HILLENMEYER INTEREST, LTD.). Chairman Wilson asked for confirmation that the applicant acknowledged and accepted the modification. Mr. Matt Carter agreed on behalf of the applicant.

Audience members requesting full discussion: There were none.

Commission member requesting full discussion: There were none.

Action - A motion was made by Mr. Forester, seconded by Mr. Owens, and carried 8-0 (Brewer and Penn absent) to approve the items listed on the Consent Agenda, as presented by the staff.

- B. PERFORMANCE BONDS AND LETTERS OF CREDIT** – A motion was made by Mr. Owens, seconded by Ms. Mundy, and carried 8-0 (Brewer and Penn absent) to approve the release and call of bonds as detailed in the memorandum dated November 8, 2018, from Barry Brock, Division of Engineering.
- C. DISCUSSION ITEMS** – Following requests for postponement, withdrawal and no discussion items, the remaining items will be considered.

The procedure for these hearings is as follows:

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

Note: Requests for additional time, stating the basis for the request, must be submitted to The 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. DEVELOPMENT PLANS

- a. PLN-MJDP-17-00070: ZANDALE SHOPPING CENTER & GREENLEAF MOTOR LODGE PROPERTIES (AMD)
(11/8/18)* - 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 and October 11, 2018, meetings. 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.

Mr. Martin directed the Commission's attention to the final development plan, and briefly explained the proposed request. He noted that the development of this site has been postponed several times to address the potential traffic impact of the proposed drive-through. He indicated that the staff had distributed the Staff Revised Recommendation report and a Traffic Impact report.

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

Mr. Martin briefly oriented the members to the street system and the nearby uses. He said that the Planning Commission first approved this development plan with a note restricting fast food restaurants with a drive-through on the outparcel known as 135 Lowry Lane. He explained that the staff's concern with the proposed drive-through was due to the potential traffic increase on E. Lowry Lane, as well as the number of access points and the poor sight distance of each access on E. Lowry Lane. In an attempt to address the staff's concerns, the applicant had reduced the square footage of the proposed fast-food restaurant (a Smoothie King) to a maximum of 1,900 square feet. Based on the Institute of Transportation Engineer's (ITE) Trip Generation Manual (10th Edition), the reduction in square footage would also reduce the number of projected vehicular trips generated by the drive-through. He directed the Commission's attention to an aerial photograph, and explained that there are multiple unrestricted full access points along E. Lowry Lane, most of which do not comply with the current sight distance standards. He also noted that to address the traffic concern on E. Lowry Lane, bollards were set up near the intersection of Nicholasville Road to help restrict any movement across E. Lowry Lane. He said that over time E. Lowry Lane, which is a local street, operates as a collector street due to the increased amount of traffic.

Mr. Martin submitted an email to the members, and said that the neighborhood has expressed their concern with the proposed fast food restaurant and shared their experiences with the access points, sight issues and increased traffic problems on E. Lowry Lane.

Mr. Martin said that, in researching accident data, within the last 5 years there has been 714 vehicular accidents around the Zandale Shopping Center. There has been 14 vehicular accidents on E. Lowry Lane. Although, that number does not seem like a lot out of 714 accidents, 11 of those accidents occurred in the last year since the athletic facility opened. This is an example of how a new use can bring additional traffic impacting an area.

Mr. Martin said that the applicant had presented the revised plan to the Subdivision Committee at the end of their meeting. At that time, the staff had not reviewed the plan so the Subdivision Committee recommended postponement to allow the staff additional time to review the plan and make their recommendation. The staff reviewed the revised plan and their reasoning, but the issues that led to the disapproval recommendation have not been met. The staff's recommendation is in conjunction with the Subdivision Committee's previous recommendation of disapproval, for the reasons listed on today's agenda.

Commission Questions – Mr. Owens asked if the staff would be agreeable with a fast food restaurant without a drive-through. Mr. Martin replied negatively, and said that the staff would be opposed to any use that generates a significant amount of traffic. Mr. Owens said that any use that occupies the building will generate traffic. Mr. Martin said that some uses will generate more traffic than other uses. The applicant will agree that the site is not suitable for many uses, but they believe their proposed use is appropriate.

Mr. Berkley asked if the staff knows what the traffic count is on E. Lowry Lane. Mr. Martin replied negatively, and said that the staff tried to obtain that information, but the sensors are not active at this time. Mr. Berkley said that the staff cannot make any assessment since the traffic count is unknown. He asked how many years it took to generate the 714 traffic accidents. Mr. Martin replied 5 years. Mr. Berkley then asked if the trip generation is comparable to the previously approved development plan and the size reduction of the building on the revised plan. Mr. Martin said that what was previously approved did not permit a fast food restaurant with an accessory drive-through. Now the applicant is requesting approval for a fast food restaurant with a drive-through. Mr. Berkley asked, in terms of the number of trips generated, would the approved development plan be comparable to what is being proposed. Mr. Martin said that there are no assumptions with the trip generation on the current certified plan, and what the staff has reviewed and made a recommendation on this revised plan. The certified plan depicts a retail use. Mr. Berkley asked how many trips does a retail use generate. Mr. Martin replied that that is unknown until the analysis is done. Mr. Berkley asked what is the issue if the proposed plan does not generate any more traffic than the approved plan. Mr. Martin said that it would be a square footage issue based on the use, but the transportation staff would be better to answer that questions. Mr. Berkley said that the staff indicated that they were recommending disapproval same as the previous recommendation made by the Subdivision Committee, but that recommendation was based on a different plan, not the revised plan. He then said that the Subdivision Committee did not recommend disapproval of the revised plan. Mr. Martin said that the Subdivision Committee recommended postponement of the revised plan. Mr. Berkley said that it was postponed in order to give the staff time to meet with the applicant. He asked if the staff was able to meet with the applicant. Mr. Martin indicated that the staff met internally, not with the applicant. Mr. Berkley said that the Subdivision Committee was under the impression that the staff would meet with the applicant. Mr. Martin replied that everyone's schedules did not permit them to meet.

Ms. Plumlee said that the original development plan did not allow fast food restaurants. Mr. Martin replied negatively, clarifying that the plan did not permit fast food restaurants with a drive-through. Ms. Plumlee said if the Smoothie King is allowed, but fails, what happens if another fast food restaurants comes in. Mr. Martin said that once there is a restaurant with a drive-through another restaurant with a drive-through could occupy this location. He then said that a smoothie restaurant is not in the ITE Manual, but it is comparable to a coffee shop in terms of the number of trips. The staff's original concerns arose out of the potential impact that a fast food restaurant with a drive-through can have on a street system.

Mr. Wilson asked if Transportation had any additional comments. Mr. Emmons directed the Commission's attention to the Trip Generation Comparison study, and said that a 5,000 sq. ft. retail building would generate 185 trips in a typical day, but for this proposal, the 4,000 sq. ft. mixed use building (fast food/retail) would generate 967 trips in a typical day, resulting in 5 times as much traffic. Mr. Berkley asked if the counts included retail with a drive-through. Mr. Emmons replied negatively, and said that the numbers shown on the report reflect general retail uses. Mr. Berkley said that the applicant is already approved for a drive-through and asked if the report accurately reflects projected traffic if a drive-through is not accounted for. Mr. Martin said that the staff did compare uses with drive-throughs such as banks and pharmacies. Mr. Emmons said that the report does show banks with drive-through produce about 20 trips during the PM peak hours versus a fast food restaurant with a drive-through produces about 30 trips during the PM peak hours. He then said that depending on the type of fast food restaurants, it could produce more traffic with a drive-through versus ones without a drive-through. As with retail uses, certain ones will generate more traffic than others. For this request, the applicants have proposed a 4,000 sq. ft. building with a mix of restaurant and retail only reflecting the evening trips, not the morning trips, which typically is the busiest. The staff wanted to make the Planning Commission aware to help with their decision on this request.

Representation – Branden Gross, attorney, was present presenting the applicant. He said that they are not in disagreement with the staff's facts, but they are in disagreement with the staff overall conclusion regarding the result the revised plan would bring to this site. He presented a PowerPoint presentation and gave a brief description of each.

Mr. Gross indicated the following reasons for why the revised plan should be approved:

1. A better plan than existing plan.
2. Enhanced pedestrian and traffic safety.
3. Minimal effect on traffic intensity on Lowry Lane.
4. No proposed "Designer Zoning".
5. Reasonable modification of drive-through development plan restriction.
6. Unfavorable site conditions for "fast food" restaurants.

Mr. Gross directed the Commission's attention to the previous development plan that was approved with a drive-through, and briefly summarized the location of the drive-through, pedestrian access and so forth. He noted that after meeting with the staff, it was determined that the construction access at the rear of the site should not be closed since there were service vehicles utilizing that road.

Mr. Gross said that they believe a reasonable modification of the development plan note could read "Fast-food user with drive-through facilities shall be limited to a space/unit with a maximum of 1,900 sq. ft." This change would minimize an increase of traffic on Lowry Lane between the previous plan and the proposed plan.

Mr. Gross briefly reviewed the Trip Generation Manual report, adding that their numbers were based upon PM peak hours.

Mr. Gross said that the proposed Smoothie King is affiliated with the Smoothie King franchisee and based upon Fairfield, Ohio location the peak drive-through hours are between noon and 5 pm and 7 pm to 9 pm, with an hourly volume of 30 to 40 vehicles during these times. The menu is limited to smoothies and pre-packaged retail snacks; no hot foods or meals are served. The closest locations are in the Louisville and Cincinnati areas.

Mr. Gross then said that not many restaurants would want to use this site because there is a minimal building size requirements, as well as a minimal land area requirements. The building is a stand-alone building and the location of the building is not visibility from an arterial road/intersection. Also, the typical restaurant wants to use a larger pylon sign.

Mr. Gross requested approval of the revised development plan for the following reasons:

1. The proposed modification of the restrictive note related to fast food use with a drive-through reduces the projected vehicular trips generated from the proposed use, thereby being comparable, in scope, to the restrictive note on the existing development plan.
2. The proposed use and allowed uses under the existing development plan (2015-73) have projected vehicular trips generated that are comparable, and therefore, the proposed use would not cause additional traffic on Lowry Lane.
3. The proposed development plan does not create any new issues with the sight distance on Lowry Lane, and it elevates some concern by discouraging use of the easternmost access point to Lowry Lane.
4. The proposed development plan is better from a pedestrian and traffic safety perspective over the existing development plan (2015-73) by including a pedestrian walkway, controlling internal traffic movement and relocating the drive-thru lane.
5. The proposed development does not regulate any specific business.

Commission Questions – Mr. Owens asked if Smoothie King is normally housed within a fitness facility or in a separate building. Mr. Gross said that the building in Ohio has their Smoothie King in a separate building. Mr. Owens then asked if there is any evidence of the people using the fitness facility also go the Smoothie King. Mr. Gross said that it is projected that 70 percent of the sales will be from the drive-through and 30 percent from walk in customers.

Mr. Berkley said that 70 percent could be from people who are using the fitness facility. Mr. Gross replied affirmatively.

Mr. Wilson asked if the applicant met with the staff. Mr. Gross replied that there were meetings in the beginning, but they were not available to meet after the Subdivision Committee meeting. It is his understanding that the staff is not necessarily opposed to the development plan, but rather they are opposed to the drive-through.

Citizen Comments – Barbara Grinnell, 2041 Dellwood Drive, was present to voice her concerns about the proposed revisions to the development plan. She indicated that her experience as a neighbor is that the heaviest traffic flows are toward Planet Fitness and Trader Joes. She explained that the traffic at the two intersections is very heavy at times creating a dangerous situation. She added that vehicles exiting onto Lowery Lane from the apartment building cannot see the oncoming traffic due to the on-street parking. If the on-street parking were to be eliminated, then those residents would not have any parking because there is a limited amount on their site.

Rebuttal – Mr. Gross indicated that he had nothing more to add.

Staff Rebuttal - Ms. Wade said that the staff's concern is not about the existing application, but they are concerned with the changes in use that are not presented to the Planning Commission for further assessment. A change in use would only need an occupancy permit from Building Inspection to move forward. She said that a change in use can exacerbate the traffic pattern in this area. If the door is open for a fast food restaurant with a drive-through, that means any fast food restaurant with a drive-through could relocate to this lot.

Traffic Engineering - Ms. Kaucher said that she had met with the applicant multiple times and they feel confident of the information provided to the staff regarding the trip generators. From a traffic standpoint, just looking at the Smoothie King with the drive-through is not the traffic concern. The concern is with the existing roadway, geometry, site distance and the potential of the next use using the drive-through at this location like a McDonald's.

Applicant Rebuttal - Mr. Gross illustrated the Trip Generation Manual report, and briefly explained that their numbers were based on different fast food restaurants with and without a drive-through. The restaurants without a drive-through generate 70 trips versus restaurants with a drive-through generate 62 trips.

Mr. Martin said that regardless of the number of trips generated, this area is currently not a safe stretch of roadway. This roadway is difficult and problematic resulting in dangerous accidents. The sight distance on E. Lowry Lane has created a dangerous area for traffic movement.

Commission Questions – Ms. Mundy asked if the staff is comfortable with the dumpster location. Mr. Martin replied negatively, adding Waste Management is listed as a signoff.

Mr. Owens said that the Smoothie King is approximately 1,900 sq. ft. and the retail side makes up the rest of the 4,000 sq. ft. space. He asked if the proposed drive-through is limited to only the 1,900 sq. ft. space or can the next restaurant access the other side of the building. Mr. Martin replied affirmatively, adding that part of the staff's concern is a different user generating more traffic. Mr. Owens confirmed that the next user could access more of the building than what is being proposed (1,900 sq. ft.). Mr. Martin replied affirmatively, adding that the next user could obtain a remodeling permit to move an interior wall.

Mr. Owens said that during the Subdivision Committee meeting it was mentioned that part of this developments internal access had apparently been closed off. Mr. Martin replied that the staff had discussed that issue with the Zoning Enforcement staff, so that problem could be addressed.

Ms. Plumlee extended her appreciation to the resident of the nearby neighborhood for coming out to voice her concerns.

Mr. Berkley asked for clarification to the possible expansion of the 1,900 sq. ft. Mr. Gross said that they have a note restriction stating that fast food users with a drive-through cannot be larger than 1,900 sq. ft. He then said that should the Smoothie King shut down, the next user cannot be larger than 1,900 sq. ft. if they want to use the drive-through without being in violation of the restriction. Mr. Berkley asked if the staff was in agreement. Mr. Martin said that a use can be expanded and remodeling permits can be issued.

Mr. Bell asked if this commercial site is limited. Mr. Gross said that they recognize the issues with this site and at some point practicality (associated with the proposed fast food restaurant with a drive-through) needs to come in. This site is limited in the viability for other restaurants. He said that this site is only 1,900 sq. ft., it is not a stand-alone building, and it is not on a major roadway, so the likelihood of another restaurant coming in to this site would be very low. Mr. Bell asked if there are any legal restrictions that could be imposed in order for the next use to be heard by the Planning Commission. Mr. Gross said that the Law Department did not believe it would be a good idea to restrict specific users. He then said that they proposed to place a restrictive note on the development plan itself.

Mr. Bell said that the existing problems, as well as the next user is a significant concern to the staff. Mr. Martin replied affirmatively.

Ms. Plumlee said that listening to the testimony the proposed development plan does not paint a rosy picture for this area.

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy to disapprove **PLN-MJDP-17-00070: ZANDALE SHOPPING CENTER & GREENLEAF MOTOR LODGE PROPERTIES (AMD)**, as recommended by the staff.

Discussion of motion – Mr. Berkley clarified that Ms. Plumlee stated that this site was not appropriate for a drive-through, but the original development plan already approved a drive-through.

Ms. Plumlee replied that she stood corrected, but her motion on the floor still stands for the reasons provided by the staff.

Mr. Wilson indicated the members who are in favor of the staff's recommendation of disapproval their vote would be yes, and the members who want to support the applicant their vote would be to the no.

The motion tied 4-4 (Berkley, Forester, Owens and Nicol opposed; Brewer & Penn absent).

Mr. Wilson said that according to Parliamentary procedures the motion fails. Mr. Berkley asked if that means the development plan is approved. Mr. Wilson replied negatively, and said that the motion failed so it was not approved, nor was it disapproved. Mr. Horn said that until there is another development plan approved by the Planning Commission, the applicant would default to the already approved development plan for this site. Ms. Wade indicated that the applicant could file another development plan and go through the process again.

- b. **PLN-MJDP-18-00069: COVENANT CHURCH, INC (MILK & HONEY DAYCARE/PRESCHOOL) (AMD) (1/22/19)*** - located at 2700 OLD TODDS ROAD, LEXINGTON, KY.
Council District 7
Project Contact: Abacus Engineering & Land Surveying/Geisler Domigan Engineers, PLLC

Note: The purpose of this amendment is to denote additional building square footage and a pavilion. The Planning Commission approved this plan at their September 13, 2018, meeting, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. 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.

Note: The applicant now requests a continued discussion of the Commission's prior approval to build a church and associated parking.

The Subdivision Committee Recommended: **Postponement**, due to lack of representation.

Should this plan be reapproved, it shall be subject to the conditions previously approved, and adding the following new condition:

17. Resolve road improvements on Old Todds Road.

Staff Presentation - Ms. Gallt directed the Commission's attention to the final development plan, and briefly explained the proposed request. She indicated that the staff was recommending approval, subject to the following revised conditions:

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

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

2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. 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.~~
10. ~~12. Addition of all VUA screening from the previous development plan including for the parking area in front of building.~~
- ~~13. Label and dimension play areas adjacent to building per previous plan.~~
11. ~~14. Delete building square footage in~~ Correct the purpose of amendment note ~~and correct total in site statistics to~~ read "The purpose of amendment of this plan is to amend the existing development plan to show the addition to the main building for the daycare, addition of pavilion and pavement modifications for the day care, and to show the development of a church and associated off-street parking configuration".
12. ~~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.~~
13. ~~17. Resolve~~ The applicant shall construct the required ~~road~~ street improvements on Old Todds Road to the approval of the Divisions of Engineering and Traffic Engineering.
14. Addition of note for the Board of Adjustment approval date and case number.
15. Delete note #10.

Representation – Mary Domigan, Geisler Domigan Engineers, explained that up until 4 years ago a church had existed on this property where the Milk and Honey Daycare now is located. The proposed church will have 144 seats in the sanctuary and its hours will be Wednesday night and Sunday, which is different from the daycare hours. She said that there has been discussion concerning the access to the property and they do not believe this use will cause an increase in traffic on Old Todds Road. She then said that they are requesting condition #13 be removed and leave access to the property as it currently exists.

Commission Questions – Mr. Mundy asked if the church would be holding any special events, such as a weddings, vacation bible school, and so forth, where it would create an increase in traffic at other times. Ms. Domigan indicated that there will be a few, but not many.

Mr. Wilson said that the staff is recommending approval, but the applicant is opposed to condition #13. Ms. Domigan said that in the beginning they were under the impression her client would install the sidewalks up to the right-of-way then the state would come in later with the road improvements. She then said that a week before today's meeting the staff had informed her that they would be requesting the road improvements.

Mr. Wilson confirmed that the applicant is objecting to condition #13 and is requesting it be removed. Ms. Domigan replied affirmatively. Mr. Kent Pittard, Milk & Honey Preschool and Daycare, said that the driveway would be a shared driveway between the church and the daycare. They are not planning to make any improvements or modifications to the property or the parking lot and request condition #10 be removed, as well.

Mr. Wilson clarified there are now concerns with conditions #10 and #13. Mr. Pittard said that they have school buses coming into the daycare in the morning and afternoon and they would prefer not to remove any parking areas for landscaping because it would make it more challenging for the bus drivers. Ms. Wade said that condition #10 was a condition of approval for the last plan, and the new parking needs to comply with Article 18 of the Zoning Ordinance. She then said that if the applicant feels that they cannot meet that requirement then they would need to request a variance from the Board of Adjustment. Mr. Pittard said that he believed that condition pertained to the center of the parking where the plan indicates no parking. Ms. Wade directed Mr. Pittard's attention to old condition #12 and said that when this development plan was previously approved, the applicant agreed to the condition, and with the new building, it will also need to meet Article 18 of the Zoning Ordinance. Mr. Pittard asked if condition #10 is referencing the church parking lot. Ms. Wade replied affirmatively. Mr. Pittard said that he misunderstood and the only issue is to the improvement to Old Todds Road.

Mr. Martin said that this is a continued discussion to build a church and associated parking. He said that since this is a continued discussion, it is the entire plan and the conditions listed speak to both the daycare side and the church side. He then said that the applicant must meet the VUA requirement of Article 18 in the Zoning Ordinance and if they cannot meet that requirement then they will need to seek relief from the Board of Adjustment, as Ms. Wade previously stated. He added that because this request is a continued discussion Old Todds Road improvements are back on the table for discussion. The daycare deferred the improvements pending any future development of this property and now this request changes the situation. Mr. Martin said that there is a public project to have sidewalks

along Old Todds Road frontage and this is an appropriate time to enhance the public project with the standard road improvements to Old Todds Road. The new condition #13 came about through discussions with Traffic Engineering.

Ms. Kaucher said that the Division of Engineering is currently working on a project to provide sidewalks along Old Todds Road and it compasses the entire frontage of this property. Typically the city will ask a developer to provide road widening, curb and gutter and sidewalks, but for this situation the applicant would not be required to build sidewalks because the Division of Engineering project would take care of this section. She said that the staff and the city are working together as a partnership to help with the widening of Old Todds Road.

Mr. Berkley asked what is the timing of the project. Ms. Kaucher said that it is currently under design and as soon as the funds are available it would be constructed thereafter. Mr. Berkley then asked if the road widening is a KYTC project. Ms. Kaucher said that the city is requesting the applicant to widen the road. Mr. Berkley said that he is speaking to the entire project. Ms. Kaucher said that the project right now is only sidewalks and the road widening is not part of the city project. Mr. Berkley asked if there is a project to widen the road sometime in the future. Ms. Kaucher replied that there is a plan but she does not know if it has been funded.

Mr. Berkley said that when the state acquires land the property owners are paid, and then questioned how is it reasonable when one property makes those improvements, but another property does not and both get paid. Ms. Kaucher explained that there are several properties in this area that have already made the improvements. Mr. Berkley said that if someone develops a lot in this area they will either have to provide those improvements or wait until the improvements are made through city funding. Ms. Kaucher replied affirmatively. Mr. Martin said that no additional right-of-way is required for this project. Ms. Kaucher said that they worked with the Division of Engineering and their design resulted in the sidewalk being pushed back to where it should be located. Now that this development is back for a more intense development, the staff feels that this is the time to require the improvements. Mr. Pittard indicated that there are more properties along Old Todds Road that have no improvements versus the properties that have been improved. He then said that it would be a significant impact if they have to provide the improvements.

Mr. Berkley said that the east end of the applicant's property there is a stream with a bridge and asked if the applicant has to provide the curb and gutter will it have any implications on the stream and does the applicant have to do anything to the stream. Ms. Kaucher said that, unlike the sidewalk project, the staff does not believe the stream will be a concern and with a typical development, the applicant is responsible for the grading and design work. However, for this situation the sidewalk is coming in with the city project, so the city would be clearing the land and grading the site to the property owner's benefit.

Mr. Berkley then asked if there is a safety concern with Old Todds Road being wider here than along other sections. Ms. Kaucher said that it is typical to have roads widened in sections and the city gets the improvements where they can. Mr. Berkley then asked if the land could be reserved versus having the applicant build the improvements. Ms. Kaucher replied that the right-of-way is already there.

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

Commission Questions - Mr. Wilson said that the staff is recommending approval of the development plan, subject to the revised conditions previously distributed. He said that the applicant is in agreement with the conditions with the exception of condition #13.

Mr. Berkley said that there may be some unknown issues with the creek, and he would be in favor of removing condition #13.

Ms. Plumlee said that if the applicant does not provide the improvements, who will. Ms. Wade said that the project that was mentioned did not involve widening and paving any roadway, it was only to provide the sidewalks. She then clarified that, even though there is an idea or a plan to widen the road, it is not on any list or has been funded so it is unknown as to when that would occur. Mr. Berkley said that he understood, but he has some knowledge that the first section of Old Todds Road widening was done through a state project. Ms. Wade asked what section would that be. Mr. Berkley replied the area closet to Richmond Road. Ms. Wade replied the part that was done several decades ago. Mr. Berkley said that the LFUCG was involved in that project.

Mr. Owens said that there is a residential area within the general vicinity and he would think that people may like the idea of walking to the church or daycare versus driving to those places. For years there have been many situations with trying to have improvements done and it is always a tough call. He then said that he supported the improvements for this site four years ago and he will support the road improvements being constructed now.

Action - A motion was made by Mr. Owens, seconded by Ms. Plumlee, to approve **PLN-MJDP-18-00069: COVENANT CHURCH, INC (MILK & HONEY DAYCARE/PRESCHOOL) (AMD)**, as recommended by the staff.

Discussion of motion – Mr. Berkley said that his comments pertained to street improvements, not sidewalks improvements. Ms. Gallt said that as development happens across Lexington the properties that do not have road

improvements done, typically Traffic Engineering will require for those improvements to be done. Mr. Berkley wanted to clarify the motion on the floor, which referenced sidewalks, not street improvements. Mr. Owens said that his comments referenced sidewalks, but the motion reflected the revised conditions which referenced street improvements. Mr. Wilson asked if Ms. Plumlee was agreeable. Ms. Plumlee indicated affirmatively.

Mr. Wilson said that the motion on the floor is to approve **PLN-MJDP-18-00069: COVENANT CHURCH, INC (MILK & HONEY DAYCARE/PRESCHOOL) (AMD)**, subject to the 15 conditions provided by the staff.

The motion was carried 8-0 (Brewer & Penn absent).

Note: A recess was declared by the Chair at 3:28 p.m. and the meeting re-convened at 3:36 p.m.

Note: Mr. Forester recused himself at this time.

- c. **PLN-MJDP-16-00055: COMMUNITY VENTURES PROPERTIES** (1/22/19)* - located at 225 MIDLAND AVENUE, LEXINGTON, KY.
Council District 11
Project Contact: Carman

The Planning Commission approved this plan at their January 12, 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. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. Revise the proposed Midland Avenue access and improvements to US 60, to the approval of KYDOT and the Division of Traffic Engineering.
13. Denote: Buildings A & B shall be constructed in substantial conformance with rendering the Exhibit on file with the Divisions of Planning and Building Inspection.
14. Correct note #14 to read: "Midland Avenue right-of-way improvements shall be coordinated with the Design and construction of the Town Branch Commons Trail".
15. Correct note #17 to read: "Two-way movement of Lewis Street must be approved by the Urban County Council."
16. Denote: A consolidation plat must be certified and recorded prior to the issuance of a building permit for Buildings A, B & C.
17. Denote: Lewis Street improvements on the cross-section.
18. Provide ½ section improvements to Withrow Alley to the approval of the Division of Traffic Engineering.

Note: This plan has not been certified and Commission approval has since expired. The applicant now requests a reapproval by the Commission of a revised development plan.

The Subdivision Committee Recommended: Reapproval, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. Revise the proposed Midland Avenue access and improvements to US 60, to the approval of KYDOT, the Division of Traffic Engineering and the Mayor's Office, Director Project Management.
13. Denote: Buildings A shall be constructed in substantial conformance with the Exhibit on file with the Divisions of Planning and Building Inspection.
14. Provide ½ section improvements to Withrow Alley to the approval of the Division of Traffic Engineering.

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

15. Correct site statistics to reflect plan changes.
16. Remove door details from inside the building "A" footprint.
17. Denote conditional zoning restrictions and variances approved for the subject property.
18. Provide rendering of proposed buildings for the file per Note #17.
19. Denote intent of Phase 1/Phase 2 lines depicted on face of plan.

Staff Presentation - Mr. Martin directed the Commission's attention to the final development plan, and briefly explained the proposed development of the property. He indicated that the staff was recommending reapproval, subject to the conditions listed on today's agenda.

Commission Questions – Mr. Bell asked how pedestrian or bicyclist would move through the property. Mr. Martin said that there were discussions with having a deceleration lane, but that would have significantly conflicted with the Town Branch Trail design along the Midland Avenue frontage.

Mr. Berkley asked what is a bio-swale. Mr. Martin said that it is similar to a rain garden. Mr. Berkley commented that the staff would rather have a rain garden versus having the property be safer for pedestrians. Mr. Martin replied that the design that the staff has reviewed does show a bio-swale.

Representation – Chris Howard, Carman, indicated that the applicant was in agreement with the staff's recommendation, and requested reapproval. He said that the bio-swale typically acts as a filtration system by taking water off of the street and hold it for a period of time while the water infiltrates into the ground.

Commission Questions – Mr. Owens confirmed that the staff is requesting to add a 20th condition to read "Resolve landscaping adjacent to the Town Branch Trail and the parking lot."

Action - A motion was made by Mr. Owens, seconded by Mr. Bell, and carried 8-0 (Forester recused; Brewer and Penn absent) to reapprove **PLN-MJDP-16-00055: COMMUNITY VENTURES PROPERTIES**, as recommended by the staff, adding a condition #20 to read "Resolve landscaping adjacent to the Town Branch Trail and the parking lot."

Note: Mr. Forester returned at this time.

V. **COMMISSION ITEMS**

- A. **CLOSED SESSION** – Mr. Wilson noted that at this time the Planning Commission will enter a closed session.

Action - A motion was made by Ms. Mundy, seconded by Mr. Bell, and carried 8-0 (Brewer and Penn absent) to enter into a closed session pursuant to KRS 61.810(1)(f) for the discussion that may lead to the appointment of a member of the Commission.

Note: A closed session was declared by the Chair at 3:47 p.m. and the meeting re-convened at 4:13 p.m.

Mr. Wilson noted that the Planning Commission took no official action during the closed session.

Action - A motion was made by Mr. Owens, seconded by Ms. Plumlee, and carried 8-0 (Brewer and Penn absent) to approve the appointment of Graham Pohl as a member of the Planning Commission.

- B. **ANNUAL REPORT FROM PURCHASE OF DEVELOPMENT RIGHTS PROGRAM** – The Commission heard from Ms. Beth Overman, who presented the required Annual Report from the Rural Land Management Board.

Representation – Beth Overman presented a PowerPoint presentation on the Annual Report from the Purchase of Development Rights Program and gave a brief description of each slide.

VI. **STAFF ITEMS**

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

VII. **AUDIENCE ITEMS** – There were none.

VIII. **NEXT MEETING DATES**

Work Session, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building.....	November 15, 2018
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	November 28, 2018
Zoning Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	November 29, 2018
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	December 6, 2018
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	December 6, 2018
Planning Commission Public Hearing , Public Input for the Draft 2018 Comprehensive Plan, Monday, 6:00 p.m., 2 nd Floor Council Chambers	December 10, 2018

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

Subdivision and Zoning Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers **December 13, 2018**
Adoption of the 2018 Comprehensive Plan, Thursday, 1:30 p.m., 2nd Floor Council Chambers **December 13, 2018**

X. **ADJOURNMENT** - There being no further business, the Chair adjourned the meeting at 4:44 PM.

William Wilson, Chair

Carolyn Plumlee, Secretary

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