MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS

January 10, 2019

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, Chairman; Will Berkley; Graham Pohl; Karen Mundy; Bruce Nicol; Mike Owens, and Carolyn Plumlee. Headley Bell; Frank Penn; Larry Forester and Patrick Brewer were absent.

Planning Staff members present – Jim Duncan, Director; Traci Wade; Tom Martin; Lauren Hedge; Cheryl Gallt and Denice 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; Tracy Jones, Department of Law.

II. APPROVAL OF MINUTES – There were no minutes.

III. TIRIBUTE TO MS. EMMA TIBBS - Mr. Wilson asked for a moment of silence to pay tribute to Ms. Emma Tibbs. He briefly commented on a newspaper editorial, written by Jamie Lucke, noted Ms. Tibbs pulled all of the neighborhood associations under one umbrella creating the Fayette County Neighborhood Council. She spearheaded the study that detailed the many years of stream and sewage issues in Lexington. As a result of that study, the Consent Decree was created and was the start of stream and sewage clean ups in Lexington. Without the Consent Decree, the City of Lexington would not be experiencing the growth it is experiencing today, neighborhoods would still be flooding and the stormwater problems would be worse.

IV. NEW STAFF MEMBER – Mr. Duncan announced that Ms. Lauren Hedge had accepted the position of Planner with the Planning Services section.

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

a. PLN-MJDP-18-00098: ATKINS PROPERTY, LOT 12 (WATTS FARM) (AMD) (2/24/19)* - located at 3609 WALDEN DRIVE, LEXINGTON, KY.
Council District 4
Project Contact: EA Partners

Note: The purpose of this amendment is to add additional building square footage and reconfigure the parking.

The Subdivision Committee Recommended: **Postponement**. There are questions regarding the proposed development and the lack of information and zoning restrictions listed from the previous plan.

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. 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 all information from previous development plan (DP 2007-88).
12. Addition of record plat designation (Cabinet L, Slide 715).
13. Denote access point for construction vehicles.
14. Denote height of building in feet on plan.
15. Denote use on property.
16. Addition of "zoning restriction note".
17. Discuss compliance with conditional zoning restrictions.

Representation present – Nick Nicholson, attorney, 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 7-0 (Bell, Brewer, Forester and Penn absent) to postpone **PLN-MJDP-18-00098: ATKINS PROPERTY, LOT 12 (WATTS FARM) (AMD)** to the February 14, 2019, meeting.

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

b. PLN-MJDP-18-00099: BLUEGRASS STOCKYARDS PROPERTY (2/24/19)* - located at 375 LISLE INDUSTRIAL AVENUE, LEXINGTON, KY.
Council District 2
Project Contact: AGE Engineering Services, Inc.

The Subdivision Committee Recommended: **Postponement**. There were some questions regarding compliance with Article 8-22(o)(4) of the Zoning Ordinance and lack of adequate infrastructure to serve the proposed use.

Should this plan be approved, the following requirements should be considered:
1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. Dimension all buildings.
13. Dimension court yards, swimming pool and pool house.
14. Denote Floor Area Ratio (FAR) per Article 21 of the Zoning Ordinance.
15. Remove survey notes and manhole elevations.
16. Denote height of retaining wall in feet.
17. Denote cross-sections for S. Forbes Road and Lisle Industrial Avenue.
18. Denote front building setback line.
19. Remove proposed access to S. Forbes Road.
20. Discuss compliance with Article 8-22(o)(4) of the Zoning Ordinance, specifically (a) locational, (c) building setback and (e) mixed-use requirements.
21. Discuss stormwater management.
22. Discuss the adequacy of the area infrastructure to support a residential use.
23. Discuss timing to resolve sanitary sewer conflict with proposed buildings.

Representation present – Nick Nicholson, attorney, 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. Owens, seconded by Ms. Plumlee and carried 7-0 (Bell, Brewer, Forester and Penn absent) to postpone **PLN-MJDP-18-00099: BLUEGRASS STOCKYARDS** to the February 14, 2019, meeting.

c. PLN-MJDP-18-00081: LEESTOWN INDUSTRIAL PARK, UNIT 3 (1/10/19)* - 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, 2018, November 9, 2018 and November 29, 2018, and December 13, 2018 meetings.

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.

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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 Ms. Plumlee and carried 7-0 (Bell, Brewer, Forester and Penn absent) to postpone **PLN-MJDP-18-00081: LEESTOWN INDUSTRIAL PARK, UNIT 3** to the January 24, 2019, meeting.

d. PLN-MJDP-18-00075: WILLOW OAK SHOPPING CENTER (MILLPOND CENTER) (AMD) (1/10/19)* - 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, 2018, November 8, 2018, and December 13, 2018 meetings. 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 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 7-0 (Bell, Brewer, Forester and Penn absent) to postpone **PLN-MJDP-18-00075: WILLOW OAK SHOPPING CENTER (MILLPOND CENTER) (AMD)** to the February 14, 2019, meeting.

e. PLN-MJDP-18-00076: BLACKFORD PROPERTY, PHASE 3 (AMD) (1/10/19)* - 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, 2018, November 8, 2018, and December 13, 2018 meetings. 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.

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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 Ms. Plumlee, seconded by Ms. Mundy and carried 7-0 (Bell, Brewer, Forester and Penn absent) to postpone **PLN-MJDP-18-00076: BLACKFORD PROPERTY, PHASE 3 (AMD)** to the February 14, 2019, meeting.

VI. LAND SUBDIVISION ITEMS - The Subdivision Committee met on Thursday, January 3, 2019, at 8:30 a.m. The meeting was attended by Commission members: Carolyn Plumlee, Frank Penn, Mike Owens, Will Berkley and Headley Bell. Committee members in attendance were: Vaughan Adkins, Division of Engineering; and Casey Kaucher and Stephen Parker, Division of Traffic Engineering. Staff members in attendance were: Traci Wade; Tom Martin; Cheryl Gallt; Valerie Friedman; Captain Greg Lengal and Captain Josh Thiel, Division of Fire & Emergency Services; and Tracy Jones, Department of Law. The Committee made recommendations on plans as noted.

General Notes

The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.
1. *All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.*
2. *All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.*

A. CONSENT AGENDA – Following requests for postponement or withdrawal, items requiring no discussion were considered.

Criteria:
(1) the Subdivision Committee recommendation is for approval, as listed on this agenda; and
(2) the Petitioner is in agreement with the Subdivision Committee recommendation and the conditions listed on the agenda; and
(3) no discussion of the item is desired by the Commission; and
(4) no person present at this meeting objects to the Commission acting on the matter without discussion; and
(5) the matter does not involve a waiver of the Land Subdivision Regulations.

Requests can be made to remove items from the Consent Agenda:
(1) due to prior postponements and withdrawals,
(2) from the Planning Commission,
(3) from the audience, and
(4) from Petitioners and their representatives.

Ms. Wade announced the following agenda items appearing on the Consent Agenda:

a. PLN-MJDP-18-00101: LOCUST HILL SHOPPING CENTER (CITADEL STORAGE) (2/24/19)* - located at 133 N. LOCUST HILL DRIVE, LEXINGTON, KY.
Council District 7
Project Contact: Barrett Partners

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

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10. Resolve enhanced landscaping per the Preliminary Development Plan.
11. Resolve compliance with Article 18-3(a)(1) for zone-to-zone screening.
12. Resolve compliance with Article 26-5 for tree canopy standards.

b. PLN-MJDP-17-00027: TATTERSALLS SQUARE, LOT 2 (AMD) (3/18/19)* - located at 867 S. BROADWAY, LEXINGTON, KY.
Council District 11
Project Contact: CMW

Note: The purpose of this amendment is to change the use of the building on Lot 2, modify the location of an access point and move a dumpster location. The Planning Commission originally approved this plan on April 13, 2017, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. 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. Identify boundary of property with a solid line.

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

The Subdivision Committee Recommended: **Reapproval**, subject to the conditions previously approved and changing the following 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 Ms. Plumlee, seconded by Ms. Mundy, and carried 7-0 (Bell, Brewer, Forester 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. Berkley, seconded by Mr. Brewer, and carried 10-0 to approve the release and call of bonds as detailed in the memorandum dated January 10, 2019, 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.

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1. DEVELOPMENT PLANS

a. PLN-MJDP-18-00090: DISTILLERY DISTRICT - WEST, UNIT 1 (ADAPTIVE REUSE PROJECT) (AMD) (1/10/19)* - located at 1158 and 1170 MANCHESTER STREET, LEXINGTON, KY.
Council District 2
Project Contact: Vision Engineering

Note: The Planning Commission postponed this item at their November 8, 2018 and December 13, 2018, meetings. 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.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. Denote sidewalk on cross-sections.
13. Addition of building square footage to statistics for structure proposed on 1158 Manchester Street.
14. Correct Planning Commission certification.
15. Dimension proposed residential structure.
16. Denote internal pedestrian improvements.
17. Denote: All parking located on 1158 Manchester Street shall be constructed with this amendment.

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

Commission Questions – Mr. Owens said that pedestrian access is needed in this area and believes that a study of some sort needs to be conducted to ensure that the necessary improvements are done. The improvements should not be the responsibility of a sole individual, but rather it should be a collaborative effort between the stakeholders, the city and the state.

Representation present – Kyle Virgin, attorney, along with Matt Carter, Vision Engineering, indicated that the applicant was in agreement with the staff's recommendation, and requested approval.

Commission Questions – Mr. Pohl asked how the site is connected to the Planned Town Branch Trail in this area. Mr. Martin explained that the Town Branch Trail runs along the opposite side of Manchester Street and the last phase of the trails' development is currently under design. He said that, as far as pedestrian safety, one possibility is to run the trail along Manchester Street to Thompson Street utilizing the intersection.

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

Action - A motion was made by Mr. Berkley, seconded by Ms. Mundy, and carried 7-0 (Bell, Brewer, Forester and Penn absent) to approve **PLN-MJDP-18-00090: DISTILLERY DISTRICT - WEST, UNIT 1 (ADAPTIVE REUSE PROJECT) (AMD)**, as recommended by the staff.

b. PLN-MJDP-18-00094: HAMBURG EAST, LOT 3 (AMD) (2/3/19)* - located at 2800 POLO CLUB BOULEVARD, LEXINGTON, KY.
Council District 12
Project Contact: Geisler Domigan Engineers, PLLC

The Subdivision Committee Recommends: **Postponement**. There are questions concerning the compliance with Article 23A-9(k) of the Zoning Ordinance regarding the parking layout, pedestrian access and Article 23B-4 of the Zoning Ordinance regarding EAMP Compliance Statement.

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

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

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2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Discuss compliance with Article 23A-9(k)(4) of the Zoning Ordinance in reference to minimizing parking between the buildings and the adjoining street, and required drive-through stacking.
10. Discuss compliance with Community Design Element of the Expansion Area Master Plan compliance.
11. Discuss required Expansion Area Infrastructure Statement, per Article 23B-4(b) of the Zoning Ordinance, and provide documentation of distribution of the Infrastructure Statement.

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 conditions listed on today's agenda. However, the final development plan, as submitted, does not comply with the Community Design Element of the EAMP. The staff therefore makes the following recommendations:

1. Revise the parking and circulation per Article 23A-9(K)(4) to provide greater compliance with the EAMP Community Design Element.
2. Said revisions should be to the approval of the Division of Planning and the Division of Traffic Engineering.

Commission Questions – Mr. Owens asked if the staff and the applicant had made an effort to address the discussion issues. Ms. Gallt replied said that some concerns were addressed, but the staff view has not changed.

Mr. Wilson asked what the staff meant by minimizing the parking between the buildings. Ms. Gallt explained that the required parking for the coffee shop is 10 spaces, but the applicant is proposing 18 parking spaces. The staff wants the applicant to eliminate the parking along the frontage of the road. Mr. Wilson then asked if the staff wants the applicant to remove 8 parking spaces. Ms. Gallt replied affirmatively. Mr. Wilson said that the word minimize was confusing and the Commission needs to understand what the staff means as it relates to parking. He asked if the staff would be agreeable with removing two parking spaces. Ms. Gallt indicated that the staff wants fewer parking spaces. Mr. Martin said that minimizing the parking means to reduce the number of parking spaces to the absolute smallest number while still allowing the use to function. A number cannot be placed on the development since each development is different from the next. For this particular site, the parking should be located to the rear and side of the lot, but the vast majority of the parking proposed is between the right-of-way and the building.

Mr. Wilson asked if the number of parking spaces being reduced was negotiable. Mr. Martin replied affirmatively, adding that the staff and the applicant have discussed reducing the number of parking spaces, but it's not just the matter of minimizing the number of parking spaces along the right-of-way, it's also about how the traffic circulation will function through the site. He explained that there is an access easement serving both lots and on a portion of the property there is a landscaped area between the easement and the building, which allows traffic to freely move with no one backing into traffic. However, there is a section of the property without a landscaped area, which changes the relationship by allowing traffic to back out into oncoming traffic. As the drive-through traffic begins to backup this creates a problem with incoming traffic. He said that the issue is not just to minimize the number of parking spaces, but it's also about creating a good efficient traffic flow around the building. Mr. Martin said that the Zoning Ordinance states to minimize parking along the right-of-way, but on this site the majority of the parking is along the right-of-way so the applicant needs to reduce that number.

Representation present – Nick Nicholson, attorney, expressed his disagreement with the staff's definition of minimize parking, and said that the Zoning Ordinance in no way references the lowest point, it just says to minimize the number of parking spaces. They have not maximized the total number of parking spaces on this site, and they do not have parking along Polo Club Blvd or Man o' War Blvd.

Mr. Nicholson directed the Commission's attention to the overhead, and gave a brief explanation of how the property is designed, adding they are not requesting any waivers and this proposal is in compliance with the Zoning Ordinance, the Land Subdivision Regulations and the Expansion Area Master Plan.

Mr. Nicholson said that the EAMP Compliance Statement, condition #1 says to provide greater compliance with the EAMP Community Design Element. This condition assumes that the staff believes that the proposed development is already in compliance, but they are requesting more compliance. The regulation in the Community Center area notes that developments shall be designed so as to minimize the placement of parking between the building and the adjoining streets. It does not say to eliminate parking and it does not say to the greatest extent possible. The regulation does not provide a maximum number of spaces or a percentage of spaces, it only says minimize. This lot only has 13 parking spaces, which is under 1/3 of the total parking spaces for the two parcels.

Mr. Nicholson explained that on the opposite side of the street there is a development with the exact same zone, same regulations applies, with parking directly on Man o' War Blvd. He said that out of a total of 67 parking spaces that development minimized their parking down to 39 parking spaces. Another example, is the other use at the intersection of Man o' War Blvd and Polo Club Blvd that is listed under a different zoning category has parking on Man o' War Blvd and Polo Club Blvd. If they were trying to maximize the parking spaces on this development they could have proposed the parking along the right-of-way, but they are not.

Mr. Nicholson said that the staff voiced their concerns with the vehicles backing into traffic, but this proposal functions the same exact way as every other fast food restaurants throughout Lexington. He explained that the access easement runs the length of the two lots, but once someone crosses over into the outer lot the view is not obstructed and the turnaround time will be quick.

Mr. Nicholson said that the definition of minimize is not clear, and this proposal is in compliance with the Zoning Ordinance, the Land Subdivision Regulations and the Expansion Area Master Plan, and requested approval.

Commission Questions – Mr. Wilson said that the Subdivision Committee and the staff had discussed condition #10, but it was not resolved at that time. Mr. Nicholson said that conditions #9 and #10 are essentially the exact same condition, just two separate documents, which is why those are listed as they are. Mr. Owens said that the Subdivision Committee wanted the staff and the applicant to come together to work on those discussion items and whether or not improvements could be made. It seems that the improvements have been pushed as far as they can.

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

Staff Rebuttal – Ms. Wade said that previously the fast food restaurant Freddie's was mentioned, and for that particular development the applicant was asked to minimize the parking between the building and Polo Club Blvd. The concept with the Expansion Area Master Plan Community Design Element was to create village settings with walkable communities. As time has moved forward, more shopping centers were built, but the question remains how does the development comply with the EAMP. This is a standard of Article 23 in the Zoning Ordinance and it notes that Community Center buildings should be developed relatively close to the streets right-of-way. This is done by eliminating the parking between the street right-of-way and the building. In this example, only four parking spaces were allowed between the building and the street right-of-way. Ms. Wade directed the Commission's attention to the overhead, and explained that Freddie's does have an access easement, but vehicles do not back out into traffic. The access easement is being utilized as a roadway and not part of the parking lot. The staff met with Mr. Carter to discuss other ways of improving the site plan, but those changes were not made.

Commission Questions – Ms. Mundy said that there was a lot of discussion on the development across Man o' War Blvd and that parking was allowed next to the right-of-way. Ms. Wade confirmed that Ms. Mundy was speaking about the residential zone. Ms. Mundy replied affirmatively. Ms. Wade said that, at that time, the Zoning Ordinance did not permit any parking in front of buildings so the applicant requested a text amendment. The Expansion Area Master Plan's main focus was to minimize the view of parking and even in that situation there was a particular amount of parking that was permitted, but it was restricted to 25 percent, in front of the building.

Ms. Mundy said that there are two handicap parking spaces along the side of the building, but where are the other parking spaces located. Ms. Wade said that there are five parking spaces on the Man o' War Blvd side, 8 parking spaces on the Polo Club Blvd side, plus five parking spaces at the rear near the drive-through lane.

Ms. Mundy said that the greenspace would be removed. Ms. Wade replied negatively, and said that the parking and greenspace would be shifted around.

Ms. Mundy said that there are two handicap parking spaces along the Polo Club Blvd side. Ms. Wade replied affirmatively, and said that those would remain. The staff suggested relocating the five parking spaces on the Man o' War Blvd. side to the rear of the lot. Ms. Mundy said that the traffic would be backing out into the drive-through traffic. Ms. Wade replied negatively and said that there is enough space, plus a barrier would be installed to divide the two movements.

Mr. Berkley said that comparing Freddie's to this site is like comparing apples to oranges. The orientation of the proposed building has five parking spaces on the narrow side. Ms. Wade said that the staff could request for the applicant to reorient the building. Mr. Berkley said that the size of the site will not allow the building to be reoriented, and the parking spaces are located at the ends of the building. Ms. Wade said that the five parking spaces on Man o' War Blvd side can be relocated to the rear of the building. Mr. Berkley said that what the applicant is proposing is significantly less that what the staff is recommending. Ms. Wade said that the applicant can retain the parking spaces along Polo Club Blvd. Mr. Berkley said that the staff wants to remove five parking spaces when the Freddie's has four. Ms. Wade said that the staff is willing to work with the applicant on the parking. The word minimizing does not mean to remove only one parking space. Mr. Berkley said that the way the building is oriented removing parking spaces would not be a good suggestion and he does not see a problem with this applicant's proposal.

Mr. Pohl understood the staffs concerns and relocating the parking spaces would be in more compliance with the EAMP. However, there are other developments in this area going against the regulations by having their parking next to the right-of-way. Ms. Wade said that the staff is continually working to provide better developments even if those are at a slower pace. Mr. Pohl then asked if this type of development will be corrected overtime. Ms. Wade said that the way the Community Centers are developing there is no way to meet the overall intent of the Expansion Area Master Plan at this point. So incrementally the staff is trying to make each development work better.

Representation Rebuttal – Mr. Nicholson agreed that comparing this site to Freddie's is apples to oranges. The only other area that can be compared to this site is the Community Center zone at the corner of Polo Club Blvd. and Man o' War Blvd. Freddie's restaurant is at the corner of an access easement in the Costco development.

Mr. Nicholson said that their proposed location places the five parking spaces near the restaurant's front doors. There is also a walkway leading to the doors to ensure pedestrian safety. If those five parking spaces are moved to the rear, it will create a worse situation because a pedestrian would have to cross through the drive-through traffic.

Mr. Nicholson said that they did work with the staff and decreased the parking by five spaces. They understood that this decrease would address the staff's concerns. He said that they believe their proposal is in compliance and requested approval from the Commission.

Commission Questions – Mr. Wilson asked if the reason the Subdivision Committee recommended postponement was to allow the staff and the applicant to talk about the discussion issues. However, from the testimony given, it seems that the staff and the applicant have gone as far as they can. Mr. Owens replied affirmatively, and said that he believes the applicant has done what they can with this development.

Action - A motion was made by Mr. Berkley, seconded by Mr. Nicol, to approve **PLN-MJDP-18-00094: HAMBURG EAST, LOT 3 (AMD)**, as recommended by the staff, removing conditions #9, #10 and #11.

Discuss of Motion – Mr. Wilson asked for clarification regarding the motion on the floor, and suggested that conditions #9, #10 and #11 could be changed to resolve. Mr. Berkley replied that those issues have been resolved through the discussions. Mr. Wilson said that the issue of compliance is satisfactory. Mr. Martin said that if the Commission finds that the development plan complies with the EAMP that would take care of those discussion items.

The motion carried 5-2 (Pohl, Plumlee opposed; Bell, Brewer, Forester and Penn absent)

Action - A motion was made by Mr. Berkley, seconded by Mr. Owens, and carried 5-2 (Pohl, Plumlee opposed; Bell, Brewer, Forester and Penn absent) to approve the findings as noted EAMP Compliance **PLN-MJDP-18-00094: HAMBURG EAST, LOT 3 (AMD)**, as recommended by the staff.

c. PLN-MJDP-18-00097: RIDDELL PLAZA, LOT 3 (PARKER PROPERTY) (AMD) (2/24/19)* - located at 1100 AND 1108 S. BROADWAY, LEXINGTON, KY.
Council District 3
Project Contact: Vision Engineering

Note: The purpose of this amendment is to increase the building 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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Resolve compliance with Board of Adjustment conditions of approval for S. Broadway front yard setback.
11. Discuss timing of required stormwater study per note #14.

Staff Presentation - Mr. Martin directed the Commission's attention to the development plan, and briefly explained the proposed request. He indicated that the staff was recommending approval, subject to the conditions listed on today's agenda, changing condition #11 to read: "Resolve timing of required stormwater study, per note #14."

Commission Questions – Ms. Plumlee said that when the adjacent lot is developed the stormwater study will need to be completed. Mr. Martin replied affirmatively. Ms. Plumlee asked who is financially responsible. Mr. Martin replied the property owner.

Representation present – Matt Carter, Vision Engineering, explained that they have agreed to put a canopy over the front of the building. This would place the eating area under a covered area and made part of the building, meeting

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

the setback requirements. He asked if condition #10 could be removed. Mr. Martin replied that the staff would prefer for condition #10 to remain until the mylar is officially submitted for review.

Mr. Carter indicated that he met with the staff from the different divisions and the box culvert will be removed from the plan. This should alleviate any concerns that the staff may have with the preliminary development plan for the rear property.

Mr. Carter indicated that the applicant was in agreement with the staff's recommendation, and requested approval.

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

Action - A motion was made by Mr. Owens, seconded by Mr. Pohl, and carried 7-0 (Bell, Brewer, Forester and Penn absent) to approve **PLN-MJDP-18-00097: RIDDELL PLAZA, LOT 3 (PARKER PROPERTY) (AMD)**, as recommended by the staff.

d. PLN-MJDP-18-00100: BEAUMONT CENTRE, UNIT 3-B, LOT 1 (AMD) (2/24/19)* - located at 3071 LAKECREST CIRCLE (aka 3101 WALL STREET), LEXINGTON, KY.
Council District 10
Project Contact: CMW

Note: The purpose of this amendment is to orient the building and parking layout to Lakecrest Circle.

The Subdivision Committee Recommended: **Postponement**. There are questions regarding the spacing between the collector and local street, per Article 6-8(q)(2)(e) of the Land Subdivision Regulations.

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. Denote access point for construction vehicles.
10. Label location of cross-sections on plan face.
11. Denote lot frontage on Wall Street in site statistics.
12. Addition of note from previous plan regarding conditional zoning restrictions "Commercial parking lots and structures (pay-for-parking) is prohibited."
13. Discuss spacing between a collector and proposed access, per Article 6-8(q)(2)(e) of the Land Subdivision Regulations.

Staff Presentation - Ms. Gallt directed the Commission's attention to the minor development plan, and briefly explained the proposed request. She indicated that the staff was recommending approval, subject to the conditions listed on today's agenda, including the location of the proposed access point for the site.

Commission Questions – Ms. Mundy asked if it would be safer to have the access on Lakecrest Circle versus the curve along Wall Street. Ms. Casey Kaucher said that normally the staff would not advise placing an access in a curve, but for this situation the staff's preference would be for the site's access to be located along Wall Street. Having the access on Lakecrest Circle would only add another conflict point for traffic between Wall Street and Beaumont Centre Circle.

Ms. Mundy asked if the staff would prefer to have the access on a private street rather than a public street to transfer maintenance responsibly to the property owner. Ms. Kaucher replied that the staff wants those lots served through the access easement because it creates less of a conflict, and that recommendation is not based on maintenance responsibility.

Ms. Mundy then asked if the staff prefers to have the access in the curve. Ms. Kaucher replied it would be the staff's preference to have it more in the straight section of Wall Street.

Ms. Mundy said that there is a development with access on Lakecrest Circle. Ms. Gallt clarified that the lot is located in a P-1 zone, not a B-3 zone, like the subject property.

Mr. Pohl asked if the developer can provide a drop-off point on the Wall Street side. Ms. Kaucher said that the staff had concerns with the proximity of the entrance and the drop-off point because it could cause congestion and impact the adjacent street. The staff had discussed with the applicant about relocating the entrance to Wall Street so it

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would eliminate the possible congestion. Mr. Pohl replied that there would be parking spaces lost. Ms. Kaucher said that the parking spaces can be relocated to the Lakecrest Circle side.

Representation present – Brian Hill and Adam Bender, CMW, along with Robert Cannia, Skip Alexander & Dave Hemlong, Baptist Health Lexington were presented representing the application.

Mr. Hill noted that they had offered adding a note to the plan indicating that should the use of the property change from a medical office use to a more intense use, the Planning Commission would have the right to review the Lakecrest Circle entrance.

Mr. Cannia briefly spoke to the reasons why they oriented the building toward Lakecrest Circle, and explained the type of offices that would be located there, as an extension of the other buildings, in the immediate area classes they could offer.

Mr. Alexander briefly spoke to the reasons why they are requesting the entrance on Lakecrest Circle, and explained how the traffic flow and patience drop-off and stacking would work under the canopy. Mr. Alexander noted that the drop-off would be self-service, not valet parking.

Mr. Bender directed the Planning Commission's attention to the overhead, and gave a brief description of other uses in the general vicinity, and the distance the entrances for the uses are from the Beaumont Centre Circle. He added that the medial office use is less intense than the nearby commercial development. Mr. Bender also stated that he visited the site and did not experience a backup of traffic along Beaumont Centre Circle. He noted that should the use ever change to a more intense use, then the entrance to Wall Street could be reviewed at that time.

Mr. Hill indicated that they were willing to work with the staff, that the Lakecrest Circle access point was critical, and requested approval.

Traffic Engineering – Ms. Kaucher said that the staff does not see any problem with someone finding this site, and if needed, a sign showing people where to go can be utilized. She said that the lot address is on Wall Street so it makes sense to have the building access on Wall Street.

Ms. Kaucher said that the difference with the examples that's were given, is that those lots have two frontages. For this location, there are three frontages. It is the staff's view that the entrance should be on Wall Street. The staff is aware there are concerns with the traffic backing up in the Beaumont area and the city has funded a study regarding the existing traffic situation. As this site develops, medical offices do produce a lot of trip generation on a daily basis that impact total traffic volume. The staff does see a problem with traffic coming into the site from Lakecrest Circle because there is not enough room for sufficient stacking.

Commission Questions – Mr. Berkley asked if the staff would be agreeable to conditioning the development plan to only one particular use. Mr. Martin replied affirmatively, and said that if this access point is approved then the staff and the Planning Commission should have another opportunity to revisit the issue if another use is proposed.

Mr. Wilson asked why a waiver has not been requested. Mr. Martin said that waivers of the Land Subdivision Regulations only apply to subdivision plans. This is an engineering standard in the Land Subdivision Regulations and the staff utilizes it to evaluate access points. This is strictly a development plan issue.

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

Commission Comments and Discussions – Mr. Owens understood that the applicant wishes to have the access on Lakecrest Circle; however, with the lot already having a Wall Street address that takes care of the wayfinding aspect of it. He indicated that the key factor was that Traffic Engineering has stated that Wall Street is the most appropriate location for the access point. He suggested that the development plan be postponed or continued until this issues can be resolved.

Mr. Pohl agreed with Mr. Owens, and said that he does not believe an entrance on Wall Street would damage wayfinding in any way. He then said that the canopy will be very visible, people will be able to see the building and it will be quite obvious where the vehicle needs to enter the site even if the access is located along Wall Street.

Mr. Wilson asked the Commission and staff what would be appropriate a postponement or continued discussion recommendation. Ms. Wade said that this was the only issue that could not be resolved. If the Planning Commission has a decision based on that, then the Commission should take action today. If you want the applicant to work on the issue further then a continuance would be appropriate.

Mr. Wilson asked if the staff felt comfortable with the applicant's offer to work with the staff. Mr. Wade said that Traffic Engineering has been clear where they want the access point to be located.

Mr. Owens said that the Commission is either looking at continuing or disapproving the item. Mr. Wilson said that a disapproval recommendation would not be in the best interest of Lexington. Mr. Owens said that the Commission is under a 90-day deadline before they need to take action on this plan. Ms. Wade said that this plan meets all of the aspects of the Zoning Ordinance, so typically the applicant is given time to resolve that issue with the appropriate division while still approving the development plan. Mr. Wilson asked if the staff is recommending approving the development, changing the condition to read: ~~Discuss~~ Resolve spacing between a collector and proposed access, per Article 6-8(q)(2)(e) of the Land Subdivision Regulations." Ms. Wade proposed adding "to the approval of Traffic Engineering" to condition #13. Mr. Owens agreed to the change, as did Mr. Wilson.

Action - A motion was made by Mr. Owens, seconded by Ms. Plumlee, and carried 7-0 (Bell, Brewer, Forester and Penn absent) to approve **PLN-MJDP-18-00100: BEAUMONT CENTRE, UNIT 3-B, LOT 1 (AMD)**, as recommended by the staff, changing the following condition to read:

13. ~~Discuss~~ Resolve spacing between a collector and proposed access, per Article 6-8(q)(2)(e) of the Land Subdivision Regulations to the approval of Traffic Engineering.

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

A. PLACEBUILDER PUBLIC COMMENT SESSION – Mr. Duncan reminded the Commission that there is a follow-up work shop scheduled for Thursday, January 16th in the Farish Theater, Central Library.

B. WORK SESSION – Mr. Duncan then reminded the Commission that their continued discussion on the 2018 Comprehensive Plan is scheduled for Thursday, January 31st. As for the January 17th Work Session, the staff will determine whether or not there is anything to present to the Commission members; and if not, the staff will recommend for the meeting to be cancelled.

VI. STAFF ITEMS – The Chair will announce that any item a Staff member would like to present would be heard at this time.

1. MINOR SUBDIVISION PLAN

a. PLN-MNDP-18-00046: THE HUB @ LEXINGTON II (LOT 20A) - located at 119, 121, 123 & 131 VIRGINIA AVENUE; 665, 685 & 693 S. LIMESTONE; AND 662 MAXWELTON COURT, LEXINGTON, KY.
Council District 3
Project Contact: Carman

Note: The Zoning Ordinance requires the finding of compliance for an Area Character and Context Study associated with a Form-Based Neighborhood Business Project. This project was previously approved by the Planning Commission on December 14, 2017, based on the rendering and drawings of the Area Character and Context Study.

Staff Presentation - Mr. Martin directed the Commission's attention to the minor development plan, and briefly explained the proposed request. He indicated that the staff was recommending approval, subject to the following conditions:
1. Addressing Office's approval of street names and addresses.
2. Provided the Planning Commission Adopts the revised Area Character and Context Study.

Representation present – Richard Murphy, attorney, along with Kevin Warner, Carman, indicated that the applicant was in agreement with the staff's recommendation, and requested approval.

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

Action - A motion was made by Mr. Berkley, seconded by Mr. Owens, and carried 7-0 (Bell, Brewer, Forester and Penn absent) to adopt the Area Character and Context Study for **PLN-MNDP-18-00046: THE HUB @ LEXINGTON II (LOT 20A)**, as recommended by the staff.

Action - A motion was made by Mr. Berkley, seconded by Ms. Mundy, and carried 7-0 (Bell, Brewer, Forester and Penn absent) to approve **PLN-MNDP-18-00046: THE HUB @ LEXINGTON II (LOT 20A)**, as recommended by the staff.

VII. AUDIENCE ITEMS – There were none.

VIII. NEXT MEETING DATES
Work Session, Thursday, 1:30 p.m., 3rd Floor Phoenix Building .... January 17, 2019
Zoning Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers .... **January 24, 2019**
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) .... January 30, 2019
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) .... February 7, 2019
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building) .... February 7, 2019
Subdivision and Zoning Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers .... **February 14, 2019**

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

IX. ADJOURNMENT - There being no further business, the Chair adjourned the meeting at 3:33 PM.

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William Wilson, Chair

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Carolyn Plumlee, Secretary