

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

March 14, 2019

- I. **CALL TO ORDER** - The meeting was called to order at 1:32 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.

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

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

- II. **APPROVAL OF MINUTES** – A motion was made by Ms. Plumlee, seconded by Mr. Pohl and carried 7-0 (Berkley, Brewer; Mundy and Forester absent) to approve the minutes of the February 14, 2019, minutes.

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

- a. PLN-MJDP-18-00090: DISTILLERY DISTRICT - WEST, UNIT 1 (ADAPTIVE REUSE PROJECT) (AMD) (5/20/19)* - 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. The Planning Commission approved this request at their January 10, 2019, meeting, 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.

Note: The applicant is requesting a continued discussion to revise the development plan by adjusting the layout and number of residential units.

The Subdivision Committee Recommends: **Approval**, subject to the following original conditions approved on January 10th, removing conditions #13, #14, #15 and modifying the following condition:

17. Denote: All parking ~~located~~ associated with on 1158 Manchester Street shall be constructed with this amendment.

Representation present – Mark McIntosh, Vision Engineering, requested a two-week postponement of this request to allow additional time to meet with the Division of Engineering staff to review the proposed parking on site.

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

Action - A motion was made by Mr. Owens, seconded by Mr. Bell and carried 7-0 (Berkley, Brewer; Mundy and Forester absent) to postpone **PLN-MJDP-18-00090: DISTILLERY DISTRICT - WEST, UNIT 1 (ADAPTIVE REUSE PROJECT) (AMD)** to the March 28, 2019, meeting.

- b. PLN-FRP-19-00001: RED MILE SQUARE, INC., TRACT D, LOT 3 (AMD) (4/7/19)* - located at 1151 UNITY DRIVE, LEXINGTON, KY.
Council District 11
Project Contact: Endris Engineering

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

Note: The Planning Commission postponed this item at the February 7, 2019, meeting. The purpose of this amendment is to subdivide one lot into 17 lots, and create easements as denoted with two asterisks (**) on the plan.

The Subdivision Committee did not review this plan.

The Technical Committee and Staff Recommends: Postponement. There was a question regarding compliance with the required open space for the R-1T zone.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Addition of street cross-section on plan.
8. Provided the Planning Commission makes a finding on the access easement.
9. Discuss open space for Lot 31, per Article 8-10(o)(3) of the Zoning Ordinance.

Staff Comments – Mr. Martin said that the staff had received communication from the applicant's representative, requesting a one-month postponement to continue working on the open space issues.

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

Action - A motion was made by Mr. Penn, seconded by Mr. Pohl and carried 7-0 (Berkley, Brewer; Mundy and Forester absent) to postpone **PLN-FRP-19-00001: RED MILE SQUARE, INC., TRACT D, LOT 3 (AMD)** to the April 11, 2019, meeting.

IV. LAND SUBDIVISION ITEMS - The Subdivision Committee met on Thursday, March 7, 2019, at 8:30 a.m. The meeting was attended by Commission members: Carolyn Plumlee, Mike Owens, Frank Penn and Karen Mundy. 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, Hal Baillie, Cheryl Gallt, Lauren Hedge, Denice Bullock, Marc Petitfrere; Captain Greg Lengal and Firefighter Embry Beatty, Division of Fire & Emergency Services; & Tracy Jones, Department of Law. The Committee made recommendations on plans as noted.

General Notes

The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.

1. *All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.*
2. *All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.*

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

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

Requests can be made to remove items from the Consent Agenda:

- (1) due to prior postponements and withdrawals,
- (2) from the Planning Commission,
- (3) from the audience, and
- (4) from Petitioners and their representatives.

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

- a. **PLN-MJSUB-19-00003: TUSCANY, UNIT 11, PHASE 2 (5/5/19)*** - located at 1970 WINCHESTER ROAD (A PORTION OF), LEXINGTON, KY.
Council District 12
Project Contact: EA Partners

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Addressing Office's approval of street names and addresses.
4. Urban Forester's approval of tree protection area(s) and required street tree information.
5. Department of Environmental Quality's approval of environmentally sensitive areas.

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

6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Greenspace Planner's approval of the treatment of greenways and greenspace.
8. United States Postal Service Office's approval of kiosk locations.
9. Addition of property owner's name on the adjacent floodplain property.
10. Denote pedestrian access easement within Lot 103 (HOA lot).

- b. PLN-MJSUB-19-00005: TUSCANY, UNIT 14 (5/5/19)* - located at 1970 WINCHESTER ROAD & 2599 OLD ROSEBUD ROAD (A PORTION OF), LEXINGTON, KY.

Council District 12

Project Contact: EA Partners

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Delete note #12.
11. United States Postal Service Office's approval of kiosk locations.
12. Resolve Old Rosebud Road extension.
13. Resolve locations for additional pedestrian access points to the greenway.

- c. PLN-MJDP-18-00075: WILLOW OAK SHOPPING CENTER (MILLPOND CENTER) (AMD) (3/14/19)* - 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, December 13, 2018, January 10, 2019 and February 14, 2019, meetings. The purpose of this amendment is to revise the development for a car wash.

The Subdivision Committee did not make a recommendation on this plan, but previously recommended postponement on February 7, 2019.

The Staff Recommends: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. 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 add insert for typical.
12. Revise site statistics to meet new B-6P requirements for lot coverage, floor area ratio (FAR) and parking.

- d. PLN-MJDP-18-00076: BLACKFORD PROPERTY, PHASE 3 (AMD) (3/14/19)* - 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, December 13, 2018, January 10, 2019 and February 7, 2019, 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 Recommends: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.

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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. United States Postal Service Office's approval of kiosk locations.
 11. Provided the Planning Commission makes a finding the plan complies with the EAMP.
- e. PLN-MJDP-19-00003: HOOVER AND FORD PHILPOT EVANGELISTIC ASSOCIATION PROPERTY (4/7/19)* - located at 3801, 3901 & 3955 HARRODSURG ROAD, LEXINGTON, KY.
Council District 6
Project Contact: GRW Engineering

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Landscape Examiner's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree preservation plan.
 6. 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. Clarify extension of access easement to the adjoining property to the west.
 12. Resolve note #12.
 13. Resolve free-standing signage per conditional zoning restrictions.
 14. Resolve timing of landscaping improvements along the frontage.
- f. PLN-MJDP-19-00010: SEBASTIAN PROPERTY, UNIT 2 (AMD) (5/5/19)* - located at 2944 TRAILWOOD LANE (A PORTION OF) LEXINGTON, KY.
Council District 2
Project Contact: EA Partners

Note: The purpose of this amendment is to realign Units 48-63 and 91-100, which will shift the common access drive; and reduce surface parking by 6 spaces.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Landscape Examiner's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree preservation plan.
 6. Division of Waste Management's approval of refuse collection locations.
- g. PLN-MJDP-18-00006: HAMBURG PLACE B-5P & B-6P AREA HIGHWAY COMMERCIAL, LOT 9 (AMD) (5/20/19)* - located at 2344 ELKHORN ROAD, LEXINGTON, KY
Council District 6
Project Contact: Vision Engineering

Note: The purpose of this amendment is to revise Outlot 9, adding multi-tenant building with drive-through, parking and vehicle circulation. The Planning Commission approved this request at their April 12, 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.

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9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Denote totals in site statistics for individual lots and outlots, and denote overall total for all lots and outlots for entire development plan.

Note: The applicant is requesting a continued discussion to revise the development plan by adjusting the building site area to accommodate the future tenants and work within the property easement limits.

The Subdivision Committee Recommends: **Approval**, subject to the original conditions approved by the Planning Commission on April 12, 2018.

- h. DP 2015-111: URBAN 221 (A PORTION OF) (5/20/19)* - located at 221 CORRAL STREET, LEXINGTON, KY.
Council District 1
Project Contact: Carman & Associates

Note: The Planning Commission approved this plan at their November 19, 2015, 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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Denote the date of the Board of Adjustment's approval of requested variances prior to certification.
11. Denote all existing and proposed easements.
12. Review by Technical Committee prior to plan certification.
13. Denote compliance with open space requirements.
14. Denote vehicular use area screening on surface parking lot on plan.
15. Denote location of gated entrance and details to the approval of the Division of Fire and Emergency Services.
16. Revise "building footprint edge" information on eastern corner, to match rest of plan.

On October 13, 2016, the Planning Commission reapproved this plan, subject to the following revised conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
- ~~10. Denote the date of the Board of Adjustment's approval of requested variances prior to certification.~~
10. 11. Denote all existing and proposed easements.
- ~~12. Review by Technical Committee prior to plan certification.~~
11. 13. Denote compliance with open space requirements.
12. 14. Denote vehicular use area screening on surface parking lot on plan.
13. 15. Denote location of gated entrance and details to the approval of the Division of Fire and Emergency Services.
14. 16. Revise "building footprint edge" information on eastern corner, to match rest of plan.
15. 17. Resolve the open space issue in the parking lot.

Note: The applicant now requests reapproval of the plan to reduce the total square footage and the height of the building. The number of units has been increased as has the required parking.

The Subdivision Committee Recommends: **Reapproval**, subject to the conditions previously reapproved on October 13, 2016, modifying the following conditions:

3. ~~Building Inspection's~~ Landscape Examiner's approval of landscaping and landscape buffers.
11. 13. ~~Denote~~ Clarify compliance with open space requirements.

Ms. Wade said that the staff had received and reviewed the affidavit for the sign posting for PLN-MJDP-18-00076: BLACKFORD PROPERTY, PHASE 3 (AMD) and it appeared to be in order. She then said that the staff had also

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distributed a memorandum to the Commission, which indicated PLN-MJDP-18-00076: BLACKFORD PROPERTY, PHASE 3 (AMD) does meet the requirements for an Expansion Area Master Plan.

In conclusion, Ms. Wade said that the items identified on the Consent Agenda could be considered for conditional approval at this time by the Commission, unless there was a request for an item to be removed from consideration by a member of the Commission, or the audience, in order to permit further discussion. (A copy of the Consent Agenda is attached as an appendix to these minutes)

Citizen Comments - Vickie Stevens requested that PLN-MJDP-19-00003: HOOVER AND FORD PHILPOT EVANGELISTIC ASSOCIATION PROPERTY be presented to the full Commission to permit further discussion.

Action - A motion was made by Mr. Owens, seconded by Ms. Plumlee and carried 7-0 (Berkley, Brewer; Mundy and Forester absent) to approve the items listed on the Consent Agenda, as recommended by the Subdivision Committee, removing PLN-MJDP-19-00003: HOOVER AND FORD PHILPOT EVANGELISTIC ASSOCIATION PROPERTY.

- B. PERFORMANCE BONDS AND LETTERS OF CREDIT** – A motion was made by Mr. Owens, seconded by Mr. Bell, and carried 7-0 (Berkley, Brewer; Mundy and Forester absent) to approve the release and call of bonds as detailed in the memorandum dated March 14, 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.

1. PRELIMINARY SUBDIVISION PLANS

- a. PLN-MJSUB-19-00004: TUSCANY, UNIT 13 (5/5/19)* - located at 1970 WINCHESTER ROAD (A PORTION OF), LEXINGTON, KY.
Council District 12
Project Contact: EA Partners

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. United States Postal Service Office's approval of kiosk locations.
11. Discuss the alignment of Haymaker Parkway and Frederick Douglas High School access points.
12. Discuss proposed right-of-way into gas easement.

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.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.

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6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. United States Postal Service Office's approval of kiosk locations.
11. ~~Discuss~~ Resolve the alignment of Haymaker Parkway and Frederick Douglas High School access points to the approval of Traffic Engineering.
12. ~~Discuss proposed right-of-way into gas easement~~ Update Meeting Street cross-section to include street trees in the right-of-way.

Representation present – Rory Kahly, EA Partners, indicated that the applicant was in agreement with the staff's revised recommendation, and requested approval.

Commission Questions – There were none.

Citizen Comments - There were none.

Action - A motion was made by Mr. Penn, seconded by Mr. Pohl, and carried 7-0 (Berkley, Brewer; Mundy and Forester absent) to approve **PLN-MJSUB-19-00004: TUSCANY, UNIT 13**, as recommended by the staff.

2. **DEVELOPMENT PLANS**

- a. **PLN-MJDP-19-00003: HOOVER AND FORD PHILPOT EVANGELISTIC ASSOCIATION PROPERTY (4/7/19)*** - located at 3801, 3901 & 3955 HARRODSBURG ROAD, LEXINGTON, KY.
Council District 6
Project Contact: GRW Engineering

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. 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. Clarify extension of access easement to the adjoining property to the west.
12. Resolve note #12.
13. Resolve free-standing signage per conditional zoning restrictions.
14. Resolve timing of landscaping improvements along the frontage.

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 approval, subject to the conditions listed on today's agenda. He noted that there is a TIF application associated with this plan, and that the applicant's representative could go into more detail about that aspect of the project.

Commission Questions – Mr. Penn asked if the connection into the adjoining subdivision was part of the preliminary development plan. Mr. Martin replied affirmatively. Mr. Penn clarified that the road is associated with the final development plan and the connection to the adjoining neighborhood is associated with the preliminary development plan, but will not be connected until the final development plan stage. Mr. Martin said that the connection to the adjoining neighborhood would be resolved at the final development plan stage.

Representation present – Bruce Simpson, attorney, along with Rodrick Saylor, GRW Engineering, was present representing the applicant. He indicated that they did meet with the Palomar Neighborhood Board of Directors, as well as the residents within the 500 foot notification area about the proposed development. He added that Don Hollis, Glades Neighborhood Association, was present in support of this request.

Mr. Simpson briefly explained the proposed development of the property, and indicated that they had received state approval for the signalized intersection on Harrodsburg Road. He said that they will be providing landscape screening along Harrodsburg Road and Man o' War Boulevard.

Mr. Simpson then explained that they would be proposing a Tax Increment Financing (TIF) for the subject site in the future. The TIF would provide such amenities by upgrading the sanitary sewer system versus using two pump

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stations; add stormwater drainage features like detention basins to slow the rate of the water down; offer public shared use trails along Harrodsburg Road; and increase the length of the turn lane on Harrodsburg Road to allow more cars to move through the intersection turning left onto Man o' War Boulevard. Mr. Simpson said that the TIF application must be approved by the state, but the Commission would be hearing more details about the application in the future.

Mr. Simpson said that, as for the access easement to the adjoining parcel to the south, at this time, it is not feasible to construct the access due to the grade change, but by placing an easement at that location, it does allow the connection to be made by the applicant in the future.

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

Commission Questions – Ms. Plumlee asked if constructing the sewer line would help fulfill the CAP requirements. Mr. Simpson said that they had already received the Division of Water Quality's approval of the Capacity Assurance Program requirements.

Mr. Penn asked if the sewer line near Ramsey restaurant is conditioned on the TIF approval. Mr. Simpson replied affirmatively.

Citizen Comments – Vickie Stevens, 2020 Glade Lane, indicated that there were at least four properties that have new homeowners, and she was concerned that not all of the property owners were contacted about the meetings. She wanted assurance that the correct property owners were receiving the notifications about the proposed development.

Don Hollis, Glades Neighborhood Association, said that he had spoken to several new property owners and they are very much aware of the proposed development

Rebuttal – Mr. Simpson said that they submitted the notification letters to the staff, who then mailed out those letters to the homeowners listed on the 500 foot notification map. The names listed on the notification list were generated by using the information provided by the Property Valuation Administrator's office (PVA).

Ms. Stevens said that even though Mr. Hollis verbally spoke to the residents in this area, she was concerned that those residents are not receiving notification through the mail about the neighborhood or the Planning Commission meetings.

Mr. Martin explained that Article 21 of the Zoning Ordinance requires the developer either show the final record plat information of the adjoining property or the property owner's names on the development plan. As for notification, that is a different issue, and the source of ownership addresses is a different issue than the development plan that is being presented to the Planning Commission. He said that the notification list was compiled by using the information provided by the Property Valuation Administrator's office (PVA).

Commission Questions – Mr. Wilson clarified that no notification was necessary. Mr. Martin replied that development plans do not require notification, but notification can be requested. He indicated that if notification is requested then the applicant would not take the information from the development plan, but rather they would use a different source to gather the property owner's information, such as PVA. Ms. Wade said that, at the time the Council took action on the zone change, Mr. Simpson did agree to provide notification to the property owners within 500 foot of the property. She confirmed that for this request, Mr. Simpson did submit notification letters to the staff who in turn checked the list of property owners against the notification map, but the staff did not know if the list was updated since the zone change hearing. Mr. Simpson said that it was the same list that was used for the zone change application. He explained that there have been multiple meetings and letters sent out prior to the Planning Commission meeting. The proposed development of this property has been completely transparent in an attempt to remove any ambiguity about the future plans of this site. They intend to keep the neighborhood informed of any development plans in the future.

Commission Questions – Mr. Pohl said that according to Ms. Stevens there are at least four properties mislabeled on the development plan, and asked if the Planning Commission could have some assurance in the future that properties are properly contacted. Ms. Wade replied, should there be another filing, the staff will ensure that the list is updated with the correct property owners.

Mr. Wilson asked if Ms. Stevens was comfortable. Ms. Stevens replied there are at least six houses that have changed property owners and there should be some type of assurance that the correct property owners are being contacted. However she is comfortable knowing the PVA is the source being used when generating the list of property owners. Mr. Wilson said that the staff has indicated that they would do everything to make sure the correct property owners are being contacted.

Mr. Penn said that he went on record at the zone change hearing, indicating his concern with the size of the property and the issues of the proposed development. However, he wanted to thank the developer for how they had addressed the issues from the zone change hearing.

Mr. Owens agreed with Mr. Penn and added that the homeowners association and the applicant did attempt to reach out to everyone in the area.

Action - A motion was made by Mr. Owens, seconded by Mr. Nicol, and carried 7-0 (Berkley, Brewer; Mundy and Forester absent) to approve **PLN-MJDP-19-00003: HOOVER AND FORD PHILPOT EVANGELISTIC ASSOCIATION PROPERTY**, as recommended by the staff.

- b. **PLN-MJDP-19-00008: RICHARDSON PROPERTY (AMD)** (6/4/19)* - located at 320 HANNAH TODD PLACE, LEXINGTON, KY.
Council District 7
Project Contact: ECSI, LLC

Note: This development plan requires the posting of a sign, and an affidavit of such. The purpose of this amendment is to add 9 units to the condominium building for a total of 149 units and one townhome.

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

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Addressing Office's approval of street names and addresses.
4. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
5. Clarify vicinity map.
6. Delete extraneous information on face of plan.
7. Correct site statistics to match face of plan to correct dwelling unit totals and density.
8. Provided the Planning Commission makes a finding the plan complies with the EAMP.

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.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Addressing Office's approval of street names and addresses.
4. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
5. ~~Clarify vicinity map.~~
6. ~~Delete extraneous information on face of plan.~~
7. ~~Correct site statistics to match face of plan to correct dwelling unit totals and density.~~
5. 8. Provided the Planning Commission makes a finding the plan complies with the EAMP.

Representation present – John Barlow, developer, indicated that he was in agreement with the staff's recommendation, and requested approval.

Commission Question – Mr. Penn said that the only reason the Subdivision Committee had recommended postponement was due to no one being present at the meeting to answer questions about the proposed development plan. Mr. Barlow apologized for not attending the meeting.

Citizen Comments - There were none.

Action - A motion was made by Mr. Penn, seconded by Mr. Bell, and carried 7-0 (Berkley, Brewer; Mundy and Forester absent) to approve **PLN-MJDP-19-00008: RICHARDSON PROPERTY (AMD)**, as recommended by the staff, to include the memorandum, which indicated **PLN-MJDP-19-00008: RICHARDSON PROPERTY (AMD)**, does meet the requirements for an Expansion Area Master Plan.

- c. **PLN-MJDP-19-00011: ENTERPRISE BUSINESS CENTER (AMD)** (5/5/19)* - located at 817 WINCHESTER ROAD, LEXINGTON, KY.
Council District 1
Project Contact: S. Mark McCain, RLA

Note: The purpose of this amendment is to add 3 proposed buildings and a proposed expansion to the existing one-story building.

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

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

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

6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Denote purpose of amendment.
11. Denote proposed use of new buildings on the face of plan.
12. Addition of proposed and existing easements on plan.
13. Addition of building height for proposed buildings in feet.
14. Addition of floor area ratio (FAR) in the site statistics per Article 21 of the Zoning Ordinance.
15. Discuss ability to meet tree canopy requirements per Article 26 of the Zoning Ordinance.

Staff Presentation - Ms. Hedge 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.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
- ~~10. Denote purpose of amendment.~~
- ~~11. Denote proposed use of new buildings on the face of plan.~~
- ~~12. Addition of proposed and existing easements on plan.~~
- ~~13. Addition of building height for proposed buildings in feet.~~
- ~~14. Addition of floor area ratio (FAR) in the site statistics per Article 21 of the Zoning Ordinance.~~
10. ~~Discuss~~ Provide landscape exhibit to document ability to meet tree canopy requirements per Article 26 of the Zoning Ordinance.
11. Delete Tree Protection Plan note #6.

Representation present – Mark McCain indicated that the applicant was in agreement with the staff's recommendation, and requested approval.

Citizen Comments - There were none.

Commission Questions – Mr. Wilson asked if the tree protection plan is being deleted (condition #11). Ms. Hedge replied affirmatively.

Action - A motion was made by Mr. Pohl, seconded by Ms. Plumlee, and carried 7-0 (Bell, Brewer, Forester and Penn absent) to approve **PLN-MJSUB-19-00004: TUSCANY, UNIT 13**, as recommended by the staff, deleting condition #11.

Staff Comment – Ms. Hedge indicated that condition #11 should remain listed as part of the Commission's recommendations. She explained that only note #6 within the Tree Protection Plan needed to be deleted. Mr. Wilson asked if Mr. Pohl and Ms. Plumlee agreed to amend their motion to include the 11th condition, to which they both agreed. Mr. Wilson indicated that the motion was amended to include condition #11.

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

- a. **PFR 2019-1: UNIVERSITY OF KENTUCKY HEALTH CARE** – a public facility review to change the use of the existing building located on Waller Avenue from a vacant hotel for the University of Kentucky Hospital to an office, training and conference rooms and associated off-street parking at 1201 South Limestone.

Ms. Wade directed the Commission's attention to a PowerPoint presentation, and briefly explained that the University of Kentucky is proposing to change the use of the existing building located on Waller Avenue from a vacant hotel for the University of Kentucky Hospital to an office, training and conference rooms and associated off-street parking at 1201 South Limestone.

Ms. Wade explained that the site is situated on 1.56 acres, and currently there is an existing 3-story structure that has approximately 41,239 square feet of space, plus a full basement, as well as 54 available parking spaces. There is an approved final development plan for this location, but since the site is already built out, the staff does not anticipate any improvements being made to the exterior portion of the building. Should any modifications be made to the interior portion of the building, the University

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of Kentucky is encouraged to seek any building permits from the properly authorities. She said that with the change in use, the parking requirements would normally be increasing from 54 parking spaces to 174 parking spaces. To offset the parking requirement, the University of Kentucky has stated that they would be providing off-site parking at the nearby garage structures or at the Commonwealth Stadium, at which time a shuttle system would be utilized.

Ms. Wade said that the staff did find that the requested PFR is consistent with the 2013 and 2018 Comprehensive Plan in terms of promoting healthcare and its entities related to education related to healthcare. She explained that the University of Kentucky will be modifying the vacant building in order for it to be used for offices, training rooms and a conference facility for the University of Kentucky Healthcare System.

Ms. Wade indicated that Mr. John Hunt is present representing the University of Kentucky should the Planning Commission have any questions.

Commission Questions – Mr. Wilson said that the reason the Planning Commission is reviewing the Public Facility Review is due to KRS 100.324(4), which states "any proposal for acquisition or disposition of land for public facilities, or changes in the character, location or extent of structures or land for public facilities, excluding state and federal highways and public utilities and common carriers by rail mentioned in this section, shall be referred to the commission to be reviewed." Ms. Wade indicated her agreement.

Action - A motion was made by Mr. Owens, seconded by Mr. Pohl, and carried 7-0 (Bell, Brewer, Forester and Penn absent) to approve **PFR 2019-1: UNIVERSITY OF KENTUCKY HEALTH CARE**, noting that this request is in agreement with the Comprehensive Plan.

- b. **WORK SESSION** – Mr. Duncan reminded the Commission members that their next work session will be held Thursday, March 21, 2019.
- c. **HOUSE BILL 346** – Mr. Duncan briefly explained that the staff became aware of House Bill 346 on March 13, 2019, and the bill appears to be related to the Cabinet for Economic Development. The bill offers some pretty stark changes to the way the Comprehensive Plan would be done in the community. It appears that much of it is targeting some of the decisions that the Planning Commission has recently made. Primarily, the amendment to the bill would require the Commission to evaluate the vacant land to ensure that there is no less than 20 years' worth of vacant land for economic development purposes, housing purposes and other community purposes. That evaluation shall be based on the absorption and intensities and densities of land over the past 10 years. This is a departure from the way the current evaluations are done. This would compel us to look backwards only to determine what our future needs would be. While that is an input the staff provides to the Commission during the Comprehensive Plan process, it is also extremely important, not to only do what has been done in the past, but to look at projections, the emerging trends and best practices, as well as the infrastructure and other inputs in the community. This is very troublesome for the staff because the staff believes that would then require that the Planning Commission recognize within the land use element of the Comprehensive Plan a substantial amount of vacant land far beyond what is shown now, effectively ending the Urban Service Boundary as it had been planned.

Mr. Duncan said that House Bill 346 would also change the way the Planning Commissions review development plans, making them more ministerial, subject to specific standards similar to how final record plats are handled. If that were to happen, it would remove the Commission's (and perhaps the Council's) ability to review the information in the community and the specific needs for that particular development and make a determination on whether or not that type of development would be appropriate for that area.

Mr. Duncan said that according to this legislation the evaluation requirement for the last 10 years and the 20 year projection would have to be completed within 15 months (June 30, 2020). This means that the Comprehensive Plan would be back on the table for the next year. The new process to consider the future of the Urban Service Boundary, the Nicholasville Road Corridor Plan or the other implementation tasks would not be pursued. This bill would certainly undo the majority of the effort of the Planning Commission and it would undo the unanimous decision of the Urban County Council with regard to the Urban Service Boundary. As importantly, it would go against the number of citizens who joined in the public input process for the future growth.

Mr. Duncan said that once the staff became aware of House Bill 346 everyone came together, including the Law Department, to discuss this matter and to make sure everyone was interpreting the bill correctly. He then said that the staff had also received phone calls from the League of Cities, Fayette Alliance, Kentucky Association of Counties and so forth, all started weighing in on this concern. The staff had started taking efforts that they believe to be appropriate to make the legislator aware this bill is not in the best interest of Fayette County or any other communities in Kentucky who regulate their land for zoning. This bill truly does take away so much local control about the future decisions and this troubles the staff. This is a direct reaction to the recently adopted Comprehensive Plan and it is a way to override the decision of the Planning Commission and the Council's, as well as the input from the community.

Commission Questions – Mr. Penn said that Kentucky Farm Bureau looked at this bill from a farmer's perspective. Kentucky Farm Bureau believes in local control of planning decision, not state. If this bill is amended it would effectively take control away from the counties that have a Planning Commission and give control to the state, who would then determine what can and cannot be developed. He then said that it is very short sighted and his concern is there was a tremendous overreaction to

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what happened with the recent Comprehensive Plan and in a rush to try to change the plan it created something, if the bill passes that would directly affect every Planning Commission and their staff in the state of Kentucky. He hoped that was not the intent, but as far as he could tell House Bill 346 was the result.

Mr. Wilson said that the house bill was an amendment attached to HB 246 and amendments are not required to be read. He said that the bill was listed as HB 346 and asked if it is a standalone bill now. Mr. Duncan indicated that the bill is still an amendment, and there was some confusion as to which bill the amendment should have been attached to, but that has since been corrected. This amendment was brought forward very quickly as part of a bill that had been properly introduced.

Mr. Wilson asked what bill is being amended. Mr. Duncan briefly explained the new section of subchapter 12 of the KRS Chapter 4 154 is created to read as follows (A copy of the House Bill 346 is attached as an appendix to these minutes):

- (1) It is the finding of the General Assembly that the path to increased prosperity, economic security, and growth of Kentucky's tax base depends upon the accelerated growth of business and associated jobs from business startups, the expansion of existing businesses and industries, and the recruitment of new employers to the Commonwealth. The success of the Commonwealth in growing its economy through new and expanded business and industries is a collaborative effort that requires close cooperation and support between state agencies charged with economic development responsibilities and local communities. It is the responsibility of the General Assembly to enact laws to effectuate this collaboration.
- (2) The Cabinet for Economic Development, with input from the Department for Local Government, shall prepare and submit biennially to the General Assembly, no later than September 1 of each odd-numbered year beginning on September 1, 2019, a report detailing the following:
 - (a) The best practices currently in place at the municipal and county level within the Commonwealth for assisting the creation and expansion of businesses and the attraction of new business; and
 - (b) Any practices, procedures, rules, or regulations currently in place at the municipal or county level that impair the ability of the Commonwealth or the local community to create and expand businesses or to attract new businesses with employees and to provide the necessary support structures for those businesses and employees.

Mr. Wilson asked how much time is there and what will be the process. Mr. Duncan said that the decision is down to hours and it is the last day to vote on this type of legislation.

Ms. Plumlee asked if it is too late for the Planning Commission to consider a resolution to oppose the amendment for the reasons that were stated during the discussion. Mr. Duncan said that in speaking with the Law Department there is not a meaningful way to convey the objection at this point. However, the Planning Commission's word on record would indicate the Commission's concern about the amendment.

VI. **STAFF ITEMS** – There were none.

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

VIII. **NEXT MEETING DATES**

Work Session, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building.....	March 21, 2019
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	March 27, 2019
Zoning Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	March 28, 2019
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	April 4, 2019
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building).....	April 4, 2019
Subdivision and Zoning Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	April 11, 2019

IX. **ADJOURNMENT** - There being no further business, the Chair adjourned the meeting at 2:49 PM.

William Wilson, Chair

Carolyn Plumlee, Secretary

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