

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

May 9, 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; Headley Bell; Bruce Nicol; Graham Pohl; Mike Owens; Frank Penn; Carolyn Plumlee; Will Berkley; Karen Mundy and Patrick Brewer. Larry Forester was absent.

Planning Staff members present – 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; Kristan Curry, Division of Environmental Quality and Tracy Jones, Law Department.

- II. **APPROVAL OF MINUTES** – There were none.

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

- a. PLN-MJDP-19-00020: WEBB PROPERTIES, UNIT 1, BLK A, OUTLOT 2 (REGENCY POINT) (AMD) (6/30/19)* - located at 150 W. LOWERY LANE AND 2350 NORMAN LANE, LEXINGTON, KY.
Council District 10
Project Contact: CMW

Note: The purpose of this amendment is to add a 4,550 sq. ft. building and associated parking on Outlot 2, Block A; add a new access drive on Nicholasville Road; revise interior parking layout on Lots 1 & 2, Block B and to revise the site statistics.

The Subdivision Committee Recommends: Postponement. There are concerns with the overall developments compliance with Article 18 VUA, Article 12 Commercial Center of the Zoning Ordinance, and the development of a regional detention basin.

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. Department of Highway's approval of access on Nicholasville Road.
11. Denote use of proposed and existing buildings.
12. Correct vicinity map.
13. Addition of proposed and existing utility easements.
14. Correct zoning category name in site statistics.
15. Delete notes requesting FAR waivers (not necessary).
16. Discuss requested tree canopy waiver per note #24.
17. Discuss compliance with VUA landscaping per Article 18 of the Zoning Ordinance.
18. Discuss compliance with Article 12-8(h) multi-modal accommodations.
19. Discuss access to Nicholasville Road (US 27).
20. Discuss proposed use of underground detention for a 50+ acre watershed for stormwater management.

Representation – Adam Bender-Saunders, CMW, requested a two-week postponement to allow additional time to work with the Divisions of Water Quality and Engineering regarding the development of a regional detention basin.

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

Action - A motion was made by Mr. Penn, seconded by Ms. Plumlee and carried 10-0 (Forester absent) to postpone **PLN-MJDP-19-00020: WEBB PROPERTIES, UNIT 1, BLK A, OUTLOT 2 (REGENCY POINT) (AMD)** to the May 23, 2019, meeting.

- b. PLAN 2005-302F: DENTON FARM, INC. UNIT 3 SECTION A (7/30/19)* - located at 3900-4000 RICHMOND ROAD, LEXINGTON, KY.
Council District 7
Project Contact: Delong Estates Development, LLC

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

The Planning Commission original approved this item at their November 10, 2005, meeting, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
5. Approval of street addressing by e911 staff.
6. Urban Forester's approval of tree preservation plan.

The plat was recorded on February 15, 2006. The applicant is now requesting a waiver to Article 6 of the Land Subdivision Regulations for street trees.

Representation – John Barlow, Delong Estates Development, LLC, requested a two-week postponement in order to speak with the HOA regarding the added conditions on the waiver report.

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

Action - A motion was made by Mr. Penn, seconded by Ms. Mundy and carried 10-0 (Forester absent) to postpone **PLAN 2005-302F: DENTON FARM, INC. UNIT 3 SECTION A** to the May 27, 2019, meeting.

- c. **PLN-FRP-19-00005: CROSSROADS CHRISTIAN CHURCH (AMD)** (6/2/19)* - located at 4128 TODDS ROAD, LEXINGTON, KY.
Council District 12
Project Contact: EA Partners

Note: The Planning Commission postponed this item at their April 11, 2019, meeting. This plan requires the posting of a sign and an affidavit of such. The purpose of this amendment is to subdivide one tract into two lots.

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. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
9. Discuss sanitary sewer line to A-R lot.
10. Discuss location of proposed access point(s).
11. Discuss right-of-way improvements to Todds Road.

Staff Comments – Mr. Martin said that the staff had received communication from the applicant's representative requesting a one-month postponement.

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

Action - A motion was made by Mr. Brewer, seconded by Mr. Pohl and carried 10-0 (Forester absent) to postpone **PLN-FRP-19-00005: CROSSROADS CHRISTIAN CHURCH (AMD)** to the June 13, 2019, meeting.

- d. **PLN-MJSUB-19-00006: TUSCANY, UNIT 15** (6/2/19)* - located at 1970 WINCHESTER ROAD (A PORTION OF), LEXINGTON, KY.
Council District 6
Project Contact: EA Partners

Note: The Planning Commission postponed this item at their April 11, 2019, meeting.

The Subdivision Committee Recommends: Postponement. There were significant concerns regarding the proposed street system and future connections, and compliance with the preliminary development 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.
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.

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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 proposed and existing easements.
11. Delete note #12.
12. Depict connection of Eastmont Road to Haymaker Parkway.
13. Depict connection of Haymaker Parkway to Fortune Drive via Trade Center Drive.
14. Include remainder of adjacent land within Tuscany development on this preliminary subdivision plan.
15. Discuss connecting cul-de-sacs to provide a loop street.
16. Discuss shifting Haymaker Parkway closer to greenway to provide access to open space.
17. Discuss compliance with approved preliminary development plan.

Staff Comments – Mr. Martin said that the staff had received communication from the applicant's representative requesting a one-month 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. Mundy and carried 10-0 (Forester absent) to postpone **PLN-MJSUB-19-00006: TUSCANY, UNIT 15** to the June 13, 2019, meeting.

- IV. LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, May 2, 2019, at 8:30 a.m. The meeting was attended by Commission members: Carolyn Plumlee, Mike Owens, Frank Penn, Headley Bell, Will Berkley 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, Chris Woodall, Tom Martin, Chris Taylor, Cheryl Gallt, Lauren Hedge, Denice Bullock, Captain Greg Lengal, Division of Fire & Emergency Services & Tracy Jones and Chad Edwards, 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-19-00016: RAMSEY/SULLIVAN PROPERTY, UNIT 3 (KEARNEY HALL) (AMD) (6/30/19)* - located at 2750 MEADOWSWEET LANE, LEXINGTON, KY.
Council District 12
Project Contact: Integrated Engineering

Note: The purpose of this amendment is to revise the previous development plan from 3 apartment buildings to a single elderly housing unit.

The Subdivision Committee Recommends: **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. 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.

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11. United States Postal Service Office's approval of kiosk locations.
12. Denote the Royal Springs Aquifer Committee's consideration and/or approval prior to certification.
13. Denote total proposed square footage in site statistics.
14. Correct typos in purpose of amendment note.

- b. PLN-MJDP-19-00018: INTERSTATE PARK (BOONESBORO MANOR) (LOT 1) (AMD) (6/30/19)* - located at 5350 ATHENS-BOONESBORO ROAD, LEXINGTON, KY.
Council District 12
Project Contact: Geisler Domigan Engineers, PLLC

Note: The purpose of this amendment is to amend the existing development plan (DP 2015-24) in regards to development area "B", Lot 1.

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. 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. Provide floor area ratio and lot coverage per Article 21 of the Zoning Ordinance.
 12. Include specific uses of proposed buildings in purpose of amendment statement and in site statistics.
 13. Correct typos in site statistics.
- c. PLN-MJDP-19-00021: MANCHESTER DEVELOPMENT (DISTILLERY DISTRICT EAST, UNIT 1) (DISTILLERY HEIGHTS) (AMD) (6/30/19)* - located at 856, 886, 890 AND 896 MANCHESTER STREET, LEXINGTON, KY.
Council District 2
Project Contact: Endris Engineering

Note: This plan requires the posting of a sign and an affidavit of such. The purpose of this amendment is to expand the area of the Adaptive Reuse Project and to depict a 9,300 sq. ft. building and the associated parking.

The Subdivision Committee Recommends: **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. Provided the Planning Commission makes a finding the development plan complies with Article 8-21(o)(4) of the Zoning Ordinance.
 11. Resolve proposed access to Manchester Street.
- d. PLN-MJDP-19-00022: PINNACLE LOT 3 (AMD) (6/30/19)* - located at 1093, 1097 AND 1099 DUVAL STREET, LEXINGTON, KY.
Council District 8
Project Contact: CDP Engineers, Inc.

Note: The purpose of this amendment is to revise the layout of the building sign and free standing sign on Lot 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.
3. Addressing Office's approval of street names and addresses.
4. Division of Building Inspection's approval of signage in compliance with Article 17 of the Zoning Ordinance.

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- e. PLN-MJDP-19-00023: TOWNBRANCH INDUSTRIAL (FRM LAWSON, LLC PARCEL) (6/30/19)* - located at 404 ALEXANDRIA DRIVE, LEXINGTON, KY.
Council District 12
Project Contact: Vision 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. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. Addition of building line.
13. Addition of adjacent property information to the north of property.
14. Complete conditional zoning restrictions note from previous development plan (ZDP 2001-42).
15. Denote tree inventory/protection areas from previous plan.
16. Resolve timing of post-development floodplain and current building conflicts.

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 - Chris Clendenen, attorney, requested **PLN-MJDP-19-00021: MANCHESTER DEVELOPMENT (DISTILLERY DISTRICT EAST, UNIT 1) (DISTILLERY HEIGHTS) (AMD)** be removed to allow further discussion.

Zach Cato, attorney, requested **PLN-MJDP-19-00023: TOWNBRANCH INDUSTRIAL (FRM LAWSON, LLC PARCEL)** be removed to allow further discussion.

Commission member requesting full discussion - There were none.

Action - A motion was made by Ms. Plumlee, seconded by Mr. Brewer, and carried 10-0 (Forester absent) to approve the items listed on the Consent Agenda, as presented by the staff, removing **PLN-MJDP-19-00021: MANCHESTER DEVELOPMENT (DISTILLERY DISTRICT EAST, UNIT 1) (DISTILLERY HEIGHTS) (AMD)** and **PLN-MJDP-19-00023: TOWNBRANCH INDUSTRIAL (FRM LAWSON, LLC PARCEL)** to allow further discussion.

- B. PERFORMANCE BONDS AND LETTERS OF CREDIT** – A motion was made by Mr. Berkley, seconded by Ms. Mundy, and carried 11-0 to approve the release and call of bonds as detailed in the memorandum dated May 9, 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. **DEVELOPMENT PLANS**

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

- a. PLN-MJDP-19-00021: MANCHESTER DEVELOPMENT (DISTILLERY DISTRICT EAST, UNIT 1) (DISTILLERY HEIGHTS) (AMD) (6/30/19)* - located at 856, 886, 890 AND 896 MANCHESTER STREET, LEXINGTON, KY.
Council District 2
Project Contact: Endris Engineering

Note: This plan requires the posting of a sign and an affidavit of such. The purpose of this amendment is to expand the area of the Adaptive Reuse Project and to depict a 9,300 sq. ft. building and the associated parking.

The Subdivision Committee Recommends: 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. Provided the Planning Commission makes a finding the development plan complies with Article 8-21(o)(4) of the Zoning Ordinance.
11. Resolve proposed access to Manchester Street.

Staff Presentation - Mr. Martin directed the Commission's attention to the final development plan, and briefly explained the proposed request. He said that this proposal is part of the Distillery District, East so it must meet the criteria of an Adaptive Reuse Project by providing amenities like public art areas, pedestrian orientation and bicycle racks. As part of the Commission's approval, the Planning Commission will need to make a finding noting that the development plan does comply with Article 8-21(o)(4) of the Zoning Ordinance. The staff had received and reviewed the affidavit for the sign posting for **PLN-MJDP-19-00021: MANCHESTER DEVELOPMENT (DISTILLERY DISTRICT EAST, UNIT 1) (DISTILLERY HEIGHTS) (AMD)** and it appeared to be in order.

Mr. Martin said that the Subdivision Committee had concerns with the access on Manchester Street. The applicant claims, due to the grade change of the land, having access on Tarr Trace would create a significant problem with the layout of the parking lot and the number of parking spaces provided would decrease. He said that parking has become a large issue in the west and the staff wanted to stay ahead of any potential problems on this end of the corridor.

Mr. Martin said that the Subdivision Committee had recommended approval, subject to the conditions listed on today's agenda.

Commission Question – Mr. Owens said that Tarr Trace has a grade change and asked if there were any other proposals to address access to Manchester Street (condition #11). Mr. Martin replied there have been no further discussions since the Subdivision Committee meeting. The grade difference is the primary challenge that the applicant faces for the site.

Mr. Wilson asked what is the staff recommending. Mr. Martin said that the staff had originally recommended postponement, but the applicant submitted a revised plan before the Subdivision Committee, which resulted in the staff changing their recommendation to approval. The staff then submitted that recommendation to the Subdivision Committee with the one discussion item regarding access to Manchester Street.

Representation – John Woodall, attorney, along with Kevin Phillips, Endris Engineering and Phil Holoubek, Lexington's Real Estate Company agreed with the Subdivision Committee recommendation of approval. Mr. Phillips submitted several photographs and explained that the reason the access is on Manchester Street was due to the grade change on Tarr Trace as well as the two utility pole that would need to be relocated. He added that relocating the utility poles would be substantial cost on the applicant.

Commission Questions – Mr. Penn asked what is the distance between the intersections of Manchester Street and Tarr Trace to the proposed access point into the site. Mr. Phillips said that the distance is about 35 feet to the center of the intersection and 80 feet back toward Tarr Trace near the proposed dumpsters. The difficulty would be relocating the utility poles if the access were relocated to Tarr Trace.

Mr. Penn confirmed that the applicant wants access to Manchester Street. Mr. Phillips and Mr. Woodall indicated their agreement. Mr. Phillips said that the existing entrance is closer to Tarr Trace and they are proposing to align the entrance with Manchester Music Hall entrance directly across Manchester Street. Mr. Holoubek presented a

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PowerPoint presentation and briefly explained what they are proposing for this site, including rendering of the proposed mixed-use building.

Citizen Comments - Chris Clendenen, attorney, was present on behalf of Distillery Heights, LLC. He presented a PowerPoint presentation and briefly explained why his clients are in opposition of the proposed development plan. He expressed concern about the total required parking compared to the real demand for parking in the area.

Commission Questions – Mr. Nicol asked if his clients have the ability to park on their site. Mr. Clendenen replied affirmatively, and explained that part of the townhouse development is gated and some of the townhomes have covered garages, but the parking on Tarr Trace is limited to one side of the street. He said that there is not enough room for additional off-street parking.

Mr. Nicol said that the townhouse development met the requirements of the development plan and it has the ability to self-park. He then asked if Mr. Clendenen believes that the shared parking on Tarr Trace will not be available because of this proposed development. Mr. Clendenen said that Tarr Trace has limited parking to one side of the street and there will not be enough parking to accommodate this proposed development or whomever decides to park on Tarr Trace.

Rebuttal – Mr. Holoubek said that Lot A (referring to Mr. Clendenen's presentation) has nothing to do with the proposed development and this development will not be taking any parking spaces from Lot A. He then said that the applicant's parking will be on their lot, and they will not be using any parking spaces from the gated townhouse community.

Commission Questions – Mr. Berkley said that the 12 available parking spaces currently on the subject property will not be available after the proposed development is completed. Mr. Holoubek said that Lot A has nothing to do with this development and as for their site (Lot B), the lot is vacant most of the time. He then said that Lot B currently holds 12 parking spaces and after this lot is developed there will be 34 parking spaces.

Mr. Berkley asked if the applicant owns the lot across from this site. Mr. Holoubek replied they do not. Mr. Berkley said that Manchester Music Hall is using Lot B for their parking and asked if there is a shared parking agreement. Mr. Holoubek explained that the Manchester Coffee Company is currently using the parking lot for their customers, but once this development is completed the coffee company will be moving over into this development.

Mr. Berkley asked if the Manchester Music Hall was using this lot for parking spaces. Mr. Holoubek replied they do not know if the Manchester Music Hall is using this lot for parking spaces. They do know the Manchester Coffee Company is currently using it for their customers.

Rebuttal continued - Mr. Woodall said that it seems that Mr. Clendenen's concerns are when this site is developed, they believe people will try to park in the gated townhouse community. He then said that this development has met the requirements for onsite parking as noted in the Zoning Ordinance. He opined that having a commercial and residential development next to each other will benefit each other.

Mr. Clendenen clarified that Lot A is currently available to serve the entire area and when reviewing the development plan, there is a note stating this site would be leasing 8 parking spaces. This makes him believe those 8 parking spaces are needed to meet the parking requirement.

Mr. Clendenen presented two photographs and said that the signs on Lots A & B read "Manchester Music Hall patrons only." Should this proposal be approved, that extra parking will be absorbed in the proposed development. The lack of parking can create a pedestrian safety hazard and traffic issues. If there is no place to park, people will become frustrated and stop coming to this area.

Mr. Martin indicated that the staff had nothing to rebut.

Commission Questions and Comments – Mr. Pohl said that the complaint has to do with the needs of the Manchester Music Hall not the needs of the applicant, who has covered their parking requirements. He then said that if you review the site plan, the Manchester Music Hall has a considerable amount of parking with the potential to construct more. It is irrelevant to worry about the Manchester Music Hall parking problem when there are two different property owners for two different sites. He said that it is pretty evident that the Manchester Music Hall has options if they ever want to deal with the parking issue.

Mr. Penn indicated that the issue that was discussed during the Subdivision Committee was access to Manchester Street, not the parking problem. He then said that the applicant was supposed to meet with the staff to discuss the potential access on Tarr Trace. The Subdivision Committee had a concern with having the access on Manchester Street, but there has been no discussion of that issue.

Mr. Penn asked if this development plan was a final development plan. Ms. Wade replied affirmatively. Mr. Penn said that if these problems are not resolved today then when. Ms. Wade said that unless the applicant or Traffic

Engineering is willing to bend, most likely resolution would be what the applicant is proposing. She then said that the Division of Planning's preference is not to have access on Manchester Street because of the proximity between Tarr Trace and the entrance to the site. The staff understands there is a grade difference, but the safest entrance would be on Tarr Trace.

Mr. Penn said that the real issue is the entrance to the site, which has not been discussed.

Mr. Wilson asked if the applicant met with the staff. Mr. Phillip replied no, and said that at the Subdivision Committee meeting it was noted that the entrance on Manchester Street was the best location. Ms. Kaucher said that there has been no further discussion since the Subdivision Committee meeting, but prior to the Committee meeting the staff and the applicant had discussed the entrance on Manchester Street. She explained in a perfect world, the entrance would be on Tarr Trace, but for this situation if Tarr Trace was used there could be a loss of 8 parking spaces according to the applicant. She noted that Tarr Trace is a dead end street, there is no cul-de-sac and it has not been properly terminated. This could create more problems for people who are trying to turn around. The staff is now more agreeable with leaving the entrance on Manchester Street as it is shown on the development plan verses having it relocated on Tarr Trace.

Mr. Owens said that when he previously asked if condition #11 could be resolved, but no one offered any solutions. He then said that he asked if it would be feasible to have the entrance on Tarr Trace, but according to the staff there would be a loss of parking spaces. He added that he is fine with the proposed entrance and suggested deleting condition #11.

Mr. Penn clarified that there is 80 feet between the entrance and Tarr Trace would be "aright" with the staff. Ms. Kaucher replied affirmatively and said that there would be more room between the signalized light at Oliver Lewis Way and this site. She believed it would be a larger problem if parking spaces were lost.

Mr. Brewer said that the way this area is being developed the trail should continue. He then said that there are areas that may need more accommodations than others, but the parking requirement in the Infill and Redevelopment Areas may need to be updated. This is a beautiful plan, it will enhance the area and it will attract young professionals, which is needed.

Mr. Berkley said that every lot in this area has a sign that states no parking unless you are shopping at that store. There is a parking problem in this area and asked if there is a way to make an agreement for 12 parking spaces to be used on the Manchester Music Hall site. Mr. Holoubek said that allocating parking will create more of a problem for this area.

Mr. Berkley again asked if it was a possibility to have a parking agreement with the Manchester Music Hall for the 12 parking spaces. Mr. Woodall replied that he cannot speak for the Manchester Music Hall. Mr. Berkley said that there is shared parking setup on Jefferson Street and he believes this would be the first step for the area to work together. Mr. Woodall said that that could be a conversation to have with the owners of the Manchester Music Hall. Mr. Berkley said that in the past when there is a lack of parking a conditional use requirement was placed on the development plan. It does not make any sense to have that much parking across the street and not be able to utilize it in some fashion. Mr. Woodall said that the property across the street clearly has the room for extra parking, but the question remains when will the lot be developed.

Mr. Berkley said that it does not make sense to spend money when Manchester Music Hall has ample room. Mr. Woodall said that when this property develops, 12 parking spaces will be lost, so everyone in this area will have to get along. Mr. Berkley said that that is what is he trying to facilitate today.

Mr. Owens said that, not just the proposed, but the entire area needs more parking and suggested the applicant start a task force. Mr. Holoubek said that he is agreeable to sit on a task force.

Mr. Wilson said that since the staff does not have findings how should condition #10 be handled. Ms. Jones said that the Planning Commission could make a statement that the development plan complies with Article 8-21(o)(4) of the Zoning Ordinance.

Action - A motion was made by Mr. Brewer, seconded by Mr. Owens, and carried 10-0 (Forester absent) to approve **PLN-MJDP-19-00021: MANCHESTER DEVELOPMENT (DISTILLERY DISTRICT EAST, UNIT 1) (DISTILLERY HEIGHTS) (AMD)**, as presented by the staff, deleting condition #11 and finding that the development plan complies with Article 8-21(o)(4) of the Zoning Ordinance.

- b. PLN-MJDP-19-00023: TOWNBRANCH INDUSTRIAL (FRM LAWSON, LLC PARCEL) (6/30/19)* - located at 404 ALEXANDRIA DRIVE, LEXINGTON, KY.
Council District 12
Project Contact: Vision Engineering

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

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. Addition of building line.
13. Addition of adjacent property information to the north of property.
14. Complete conditional zoning restrictions note from previous development plan (ZDP 2001-42).
15. Denote tree inventory/protection areas from previous plan.
16. Resolve timing of post-development floodplain and current building conflicts.

Staff Presentation - Ms. Gallt directed the Commission's attention to the final development plan, and briefly explained the proposed request. She said that the Subdivision Committee recommended approval, subject to the conditions listed on today's agenda.

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

Commission Questions - Mr. Nicol asked if the applicant was in agreement with conditions #15 and #16. Mr. Carter replied affirmatively.

Citizen Comments – Zach Cato, attorney, was present on behalf of Lexington-Fayette Scenic Corridor, Inc. He presented a PowerPoint presentation and briefly explained why his clients are in opposition to the proposed development plan.

Rebuttal – Mr. Carter said that before any permits are obtained, the landscaping must be in compliance with the Old Frankfort Pike Corridor Plan. He then said that the applicant was agreeable to work with the Lexington-Fayette Scenic Corridor, Inc. to have some of the landscaping in place before the dedication of the statue inside the roundabout.

Mr. Carter explained that at the request of the Division of Water Quality, the applicant submitted the development plan so that the Technical Committee could review the request. He said that they have submitted their study to the Division of Water Quality and they must obtain the CLOMR before moving forward with the project, otherwise; it is stalled. After the Division of Water Quality signs off on the study, then that report will be reviewed by FEMA. Mr. Carter said that there is a lot of concern about the floodplain, but the process to obtain a CLOMR is not taken lightly. Once the CLOMR is approved, there will be no detrimental impact to the floodplain.

Mr. Carter said that there is no reason to postpone this request because that will only make the process of obtaining the CLOMR longer. He then said that the applicant did obtain a land disturbance permit and the fill that is currently onsite will stay out of the 100-year floodplain. Any fill material is hard to come by, so the applicant is storing it on site until construction can begin.

Mr. Cato said that he does not disagree with Mr. Carter, and he understands the process, but he is bringing his clients concerns to the Planning Commission.

Mr. Martin explained that the Old Frankfort Pike Landscaping Ordinance is a Council Ordinance and it does require the landscaping to be installed at the time of a building permit. The Old Frankfort Pike Landscaping Ordinance requires a development plan for those properties that front on Old Frankfort Pike only. He said that under the Ordinance, once the development plan is approved by the Planning Commission, the applicant has five years to file for a building permit. There is no mechanism in the Ordinance to make the applicant file for a building permit at any time so they could even let the Commission's approval expire. He said that it would take a precipitating event to require the landscaping, independent of the actual development of the property, which is the building permit.

Mr. Martin said that the applicant will have to obtain the CLOMR and submit the necessary information before any permits are issued to the applicant for development of this property. He then said that the Division(s) of Water Quality and Engineering, will have to sign off on the request, as well as the different levels of the local, state and federal government.

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Mr. Martin said that there is no timing requirement for the applicant to install the landscaping. However, it would be ideal if the applicant could come to an agreement with the Lexington-Fayette Scenic Corridor, Inc., but the city would not be part of that agreement.

Commission Questions and Comments – Mr. Penn asked if the material being stockpiled would be used for the development. Mr. Carter replied affirmatively. Mr. Penn then asked if this site is not being used as a storage area, would the fill be taken to another site. Mr. Carter replied negatively.

Mr. Penn said that he understands the applicant has 5 years to file for a building permit, but he does not want the fill to sit on the site for that length of time. He then said that if the material on site is useable, then that is one thing, but if it is not, then that is another thing. He asked if the material on site will be used for the development of this property. Mr. Carter replied affirmatively.

Ms. Plumlee asked what will happen to the fill that is currently on site. Mr. Carter explained that the fill will be moved around the site and monitored by a Geo-technician.

Ms. Plumlee then asked what will happen if the CLOMR is not granted. Mr. Carter replied that they are fairly confident that they will get the CLOMR, but if they do not then the development plan will be amended.

Mr. Owens said presuming this development plan moves forward what will be the finished elevation at the back side near the creek. Mr. Carter said that there will be a 3 to 1 slope toward the creek. The construction has to be 50 feet from the creek and at the base of the creek they are proposing a planting area.

Mr. Owens asked if they knew when they would receive word about the CLOMR. Mr. Carter replied that it is about a 6 week process.

Mr. Nicol asked in order for the CLOMR to be submitted the Planning Commission must approve the development plan. Mr. Carter replied affirmatively and said that the Floodplain Coordinator must sign the CLOMR. Mr. Martin said that the Floodplain Coordinator makes a recommendation to the Urban County Engineer who then must sign off on the applicant's application. Mr. Carter said that part of the review process is for the Floodplain Coordinator to review the model and concur with their conclusions before submitting the study to the Urban County Engineer.

Mr. Wilson asked if the building permit took longer to obtain, would the applicant be willing to work with the Lexington-Fayette Scenic Corridor, Inc., to have the landscaping installed earlier. Mr. Carter replied affirmatively.

Mr. Owens said that he understands where Mr. Cato's clients are coming from as far as the scenic corridors are concerned, because Old Frankfort Pike has a very hard transition between rural and scenic character along the Urban Service Boundary. Anything that the applicant can do to help buffer the property would be appreciated.

Action - A motion was made by Mr. Penn, seconded by Mr. Nicol, to approve **PLN-MJDP-19-00023: TOWNBRANCH INDUSTRIAL (FRM LAWSON, LLC PARCEL)**, as presented by the staff.

Discuss of motion – Mr. Owens asked if a condition should be added to reflect the landscape buffer. Mr. Penn asked what would the landscaping be tied to. Mr. Owens replied that he is not sure and asked for staff input. Mr. Martin said that the landscaping is tied to the building permit. Mr. Owens said that a building permit could take up to 5 years. Mr. Martin replied affirmatively. Mr. Owens said that the request was to have the landscaping in place this year. Mr. Martin said that the staff did not see any participating event that would trigger the landscaping to be installed under the Ordinance. Mr. Wilson said that legally there is nothing that can be done, but that is why he had asked Mr. Carter if the applicant was willing to work with the Lexington-Fayette Scenic Corridor, Inc.

The motion carried 9-1 (Plumlee opposed; Forester absent).

V. COMMISSION ITEMS

- a. **WORK SESSION** – Mr. Duncan reminded the Commission members that their next work session will be held Thursday, May 16, 2019.

VI. STAFF ITEMS

- a. **Article 4-5(b) IMPROVEMENT PLAN PROGRESS REPORT** - When the project engineer has completed approximately fifty percent (50%) of the infrastructure design for the development, the project engineer shall submit a preliminary report to the Planning Commission informing the Commission of how stormwater, sanitary sewer and environmental conditions imposed by the Commission at the time of the approval of the preliminary subdivision plan will be addressed in the improvement plan. The report shall be distributed to the Commission at the next convenient meeting. The report is for information only, and no action by the Commission shall be taken; however, there shall be no issuance of the Notice To Proceed, as outlined in section 4-5(d), until the Planning Commission meeting is complete.

1. PLN-MJDP-19-00015: HARPER WOODS (FEATHERSTON PROPERTY, LOT 2) (AMD) (6/2/19)* - located at 2311 ARMSTRONG MILL ROAD, LEXINGTON, KY.
Council District 8
Project Contact: EA Partners

Staff Presentation - Ms. Wade directed the Commission's attention to the Improvement Plan Progress Report, and briefly explained what the report entails and it is only for the Commissions information.

VIII. AUDIENCE ITEMS – There were none.

IX. NEXT MEETING DATES

Work Session, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building	May 16, 2019
Zoning Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	May 23, 2019
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	May 29, 2019
Work Session, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building	May 30, 2019
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	June 6, 2019
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	June 6, 2019
Subdivision and Zoning Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	June 13, 2019

X. ADJOURNMENT - There being no further business, the Chair adjourned the meeting at 3:28 PM.

William Wilson, Chair

Carolyn Plumlee, Secretary

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