

**AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

June 13, 2019

- I. **CALL TO ORDER** - The meeting will be called to order at 1:30 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.
- II. **APPROVAL OF MINUTES** – The minutes of the April 25, 2019 and May 9, 2019, meetings will be considered by the Planning Commission at this time.
- III. **POSTPONEMENTS OR WITHDRAWALS** – Requests for postponement and withdrawal will be considered at this time.
- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, June 6, 2019, at 8:30 a.m. The meeting was attended by Commission members: Carolyn Plumlee, Mike Owens (arrived at 8:48 am), Frank Penn, Will Berkley and Karen Mundy. Committee members in attendance were: Vaughan Adkins, Division of Engineering; and Stephen Parker, Division of Traffic Engineering. Staff members in attendance were: Traci Wade, Tom Martin, Cheryl Gallit, Lauren Hedge, Denice Bullock, Hal Baillie, Chris Taylor, Jimmy Emmons; Captain Greg Lengal, Division of Fire & Emergency Services; & 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. **NO DISCUSSION ITEMS** – Following requests for postponement or withdrawal, items requiring no discussion will be considered.

Criteria:

- (1) the Subdivision Committee recommendation is for approval, as listed on this agenda, and
- (2) the Petitioner agrees with the Subdivision Committee recommendation and 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.

- B. **DISCUSSION ITEMS** – Following requests for postponement, withdrawal and no discussion items, the remaining items will be considered.

The procedure for these hearings is as follows:

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

Note: Requests for additional time, stating the basis for the request, must be submitted to The Subdivision Committee no later than two days prior to the meeting. The Chair will announce his/her decision at the outset of the hearing.

1. FINAL SUBDIVISION PLANS

- a. **PLN-FRP-19-00005: CROSSROADS CHRISTIAN CHURCH (AMD) (6/13/19)*** - 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 and May 9, 2019, meetings. 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.

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

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.

- b. PLN-FRP-19-00014: WAITS/MOORE LTD. PARTNERSHIP PROPERTY (AMD) (8/4/19)* - located at 2100 AND 2200 OLD HIGBEE MILL ROAD, LEXINGTON, KY.
Council District 10
Project Contact: Vision Engineering

Note: The purpose of this amendment is to subdivide one lot into two lots.

The Subdivision Committee did not make a recommendation on this item.

The Technical Committee and Staff Recommends: Postponement. There are questions regarding the sanitary sewer service to the property and right-of-way dedication.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers and floodplain information.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Landscape Examiner's approval of landscaping.
 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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 9. Correct purpose of plat.
 10. Denote Agricultural Urban (A-U) zone front yard setback.
 11. Denote non-conforming use discontinuation agreement (Note #19 from Preliminary Subdivision Plan).
 12. Document notification to consenting property owners (Note #17 from Preliminary Subdivision Plan).
 13. Discuss land surveyor certification.
 14. Discuss removal of temporary structure.
 15. Discuss Urban County Engineer's certification.
 16. Discuss sanitary sewer service.
 17. Discuss improvements to Old Higbee Mill Road.
 18. Discuss need for waiver(s).
- c. PLN-MJSUB-18-00041: HAMBURG EAST, LOT 3-C (AMD) (9/3/19)* - located at 2800 POLO CLUB BOULEVARD, LEXINGTON, KY.
Council District 12
Project Contact: Vision Engineering

Note: The purpose of this amendment is to subdivide one lot into two lots. The Technical Committee and Staff Recommended: Approval on November 28, 2018, 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).
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Denote: This property shall be developed in accordance with the approved final development plan.
9. Addition of all bearings and distances (see Cabinet R, Slide 33).
10. Addition of street cross-section for Man o' War Boulevard and access easement.
11. Remove platted lots not subject to this amendment.
12. Enlarge area of amendment on vicinity map.
13. Remove street cross-section for Conservation Way.
14. Denote location of street cross-section on plan face.
15. Addition of notes from previous plat (Cabinet R, Slide 33).

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16. Correct owner's certification.
17. Denote exactions due on property.
18. Denote Cabinet R, Slide 386 for adjacent property.
19. Denote location of stormwater detention.
20. Denote adjacent property boundaries as dash lines.
21. Correct lot labeling to match development DP 2016-35.
22. Denote access easement to Lot 3B.
23. Resolve changing plan to 22"x36" to meet a scale of 1"=100'.
24. Resolve land surveyor and Planning Commission's certification for improvements on new lot.

The applicant is now requesting a waiver to Article 4-7(d)(1) of the Land Subdivision Regulations regarding substantial completion for the sanitary sewer system.

The staff will report at the meeting.

2. **PRELIMINARY SUBDIVISION PLAN**

- a. PLN-MJSUB-19-00006: TUSCANY, UNIT 15 (6/13/19)* - 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.
 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.
- b. PLN-MJSUB-19-00007: CROSSROADS CHRISTIAN CHURCH (GARDEN ESTATES) (AMD) (8/4/19)* - located at 4128 TODDS ROAD, LEXINGTON, KY.
Council District 12
Project Contact: EA Partners

Note: This plan requires the posting of a sign and an affidavit of such. The purpose of this amendment is to create 17 single family lots.

The Subdivision Committee did not make a recommendation on this item.

The Technical Committee and Staff Recommends: **Postponement**. There are questions regarding the provision of sanitary sewer service.

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.

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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. Provided the Board of Adjustment grants the requested variances for USA/RSA landscape buffering.
11. Denote the Health Department approval of the septic system on Lot 17.
12. Denote existing and proposed easements.
13. Denote 300 Foot setback on Lot 17 per Article 8-1 of the Zoning Ordinance.
14. Correct zoning in the site statistics.
15. Denote no access to Todds Road right-of-way from Lots 1 and 17.
16. Denote no amendment to the Final Development Plan required for the single family lots if developed in accordance with the Zoning Ordinance.
17. Provided the Planning Commission makes a finding the plan complies with the EAMP.
18. Discuss sanitary sewer service.
18. Discuss Todds Road improvements.

- c. PLN-MJSUB-17-00042: PATCHEN WILKES TOWNHOMES, SEC 2 (AMD) (8/18/19)* - located at 2101 PATCHEN LAKE LANE, LEXINGTON, KY.
Council District 6
Project Contact: Eagle Engineering

Note: The purpose of this amendment is to consolidate Parcels 1 & 2, extend the access easement and subdivide Section 2 into 13 lots. The Planning Commission approved this item at their July 13, 2017, meeting subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Label Lot 31 on plan and delete "Lot 31" from plan title.
9. Delete all "consolidation" and "parcel" information and refer to Amended Lots 32 & 33.
10. Denote Section 2 on plan.
11. Addition of dimension information from PLAN 2016-39CA.
12. Revise purpose of amendment note to state reconfiguring Lots 32 & 33.
13. Denote non-buildable lots & steep slope area (previous plat (PLAN 2016-39CA)).
14. Provided the Planning Commission grants a finding for an access easement for Section 2.

The Planning Commission also approved the findings for an access easement for Section 2, for the following reason:

1. The extension of the existing access easement is consistent with the Planning Commission's past approval and the intent of the Land Subdivision Regulations.

Note: Commission approval has since expired. The applicant requests reapproval of this plan.

The Subdivision Committee Recommends: **Reapproval**, subject to the conditions previously approved, modifying conditions #3 and adding condition #15:

3. Building Inspection's Landscape Examiner's approval of landscaping and landscape buffers.
15. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.

3. DEVELOPMENT PLANS

- a. PLN-MJDP-19-00007: HAMBURG PLACE MALL, UNIT 1, PARCEL 2A, LOT 7 (AMD) (8/4/19)* - located at 1808 ALYSHEBA WAY, LEXINGTON, KY.
Council District 6
Project Contact: Woolpert

Note: The purpose of this amendment is to reconfigure the building and parking layout for Lot 7.

The Subdivision Committee Recommends: **Postponement**. There are questions regarding the proposed development plan complying with the requirements of Articles 12 and 21 of the Zoning Ordinance, and the need to consolidate all of the information on one page.

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

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

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2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Landscape Examiner's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree preservation plan.
 6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 7. Division of Waste Management's approval of refuse collection locations.
 8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 9. Addition of insert on plan so all information is on one sheet.
 10. Remove previous engineer's information and add current engineer's information on plan.
 11. Addition of name and address of developer on plan.
 12. Correct plan title to match staff report.
 13. Addition of property boundary with bearings and distances.
 14. Correct area of amendment on vicinity map.
 15. Addition of topography information of lot.
 16. Dimension building.
 17. Denote height of building in feet on plan.
 18. Correct site statistics table for area of amendment.
 19. Addition of all proposed and exiting easements on property.
 20. Addition of private street (or access easement) note.
 21. Correct property owner's and Planning Commission's certification.
 22. Remove old plan number (PLN-MNDP-17-00041) and add new plan number (PLN-MJDP-19-00007).
 23. Discuss compliance with Commercial Center (B-6P) zone requirements.
- b. PLN-MJDP-19-00017: MARATHON OIL COMPANY (SPEEDWAY #9394) (AMD) (8/4/19)* - located at 1001 GEORGETOWN ROAD AND 1404 MERCER ROAD, LEXINGTON, KY.
Council District 2
Project Contact: McBride Dale Clarion

Note: The purpose of this amendment is to add square footage to Lot 2.

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. Urban Forester's approval of tree preservation plan.
 5. Division of Waste Management's approval of refuse collection locations.
 6. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 7. Addition of construction access for Lot 2.
 8. Addition of Tree Preservation Plan (TPP) information for Lot 2.
 9. Addition of interior landscape plan for Lot 2.
 10. Delineate the Royal Springs Aquifer boundary on plan.
- c. PLN-MJDP-19-00024: BLUEGRASS BUSINESS PARK (PEMBERTON FARM), LOT 2 (KITO USA CORP., BAY 3 EXPANSION) (AMD) (8/4/19)* - located at 2259 JAGGIE FOX WAY, LEXINGTON, KY.
Council District 2
Project Contact: Denham-Blythe Company

Note: The purpose of this amendment is to add a 9,994 sq. ft. addition, 4 parking stalls and a driveway entrance.

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. Urban Forester's approval of tree preservation plan.
5. Department of Environmental Quality's approval of environmentally sensitive areas.
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 plan shall be reviewed by the Royal Springs Aquifer Committee prior to certification.
11. Correct date in Planning Commission certification.
12. Resolve additional access to Innovation Drive.

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

- d. PLN-MJDP-19-00025: LEXINGTON PLAZA INC (AMD) (8/4/19)* - located at 126 W. NEW CIRCLE ROAD, LEXINGTON, KY.
Council District 1
Project Contact: Endris Engineering

Note: The purpose of this amendment is to add a 6,400 sq. ft. building and modify the parking circulation.

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. 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 plan shall be reviewed by the Royal Springs Aquifer Committee prior to certification.
11. Resolve compliance with VUA requirements.
12. Resolve cross access with 1549 N. Limestone.

- e. PLN-MJDP-19-00026: CADENTOWN SUBDIVISION (GENTRY FAMILY, LOT 1) (8/4/19)* - located at 2833 LIBERTY ROAD, LEXINGTON, KY.
Council District 6
Project Contact: Midwest 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. Resolve fire access.
12. Resolve floor area ratio and lot coverage per Article 21 of the Zoning Ordinance.
13. Denote variance approved with MAR 2015-8.
14. Remove parking in landscape buffer.

- f. PLN-MJDP-19-00027: JFG ENTERPRISES, INC. (IVCP ATHENS LLC) (8/4/19)* - located at 5301 ATHENS-BOONESBORO ROAD, LEXINGTON, KY.
Council District 7
Project Contact: Denham-Blythe Company

The Subdivision Committee Recommends: **Postponement**. There are questions regarding the required Tree Protection Plan and proposed flex space.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Denote Tree Protection Plan per Article 26 of the Zoning Ordinance.
11. Correct street cross-section C-C/D-D to meet the requirements of the Land Subdivision Regulations.
12. Denote lot coverage and floor area ratio per Article 21 of the Zoning Ordinance.

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

13. Discuss timing of force main relocation.
14. Discuss proposed flex space and required parking.
15. Discuss timing of water line relocation.
16. Discuss required Agricultural Rural (A-R) zone setback around pump station lot.

- g. PLN-MJDP-19-00029: LEXINGTON INDUSTRIAL FOUNDATION, UNIT 2 (BUILDING 1) (AMD) (8/4/19)* - located at 2029 BUCK LANE, LEXINGTON, KY.
Council District 2
Project Contact: Integrated Engineering

Note: The purpose of this amendment is to amend Building 1 (1,750 sq. ft. and 17,000 sq. ft. additions on the first floor and 15,000 sq. ft. addition on the second floor), site statistics, parking and access.

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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Resolve proposed access from Buck Lane.

- h. PLN-MJDP-19-00030: LAREDO VILLAGE (COLONY AT THE OAKS) (AMD) (8/4/19)* - located at 385 REDDING ROAD, LEXINGTON, KY.
Council District 4
Project Contact: Thoroughbred Engineering

Note: The purpose of this amendment is to add square footage to the clubhouse and to depict a new patio area.

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. Urban Forester's approval of tree preservation plan.
5. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Division of Waste Management's approval of refuse collection locations.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Addition of record plat information for property.
10. Dimension existing clubhouse.

- i. PLN-MJDP-19-00032: FOX PROPERTY, LOT 4 (8/4/19)* - located at 2400 VERSAILLES ROAD, LEXINGTON, KY.
Council District 11
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 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. Addition of CLOMAR file number per FEMA.
12. Delete note #11 this is a "Final Development Plan".

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

13. Denote location of stormwater detention.
14. Resolve fenestration of building to Versailles Road right-of-way.
15. Resolve improvements to Versailles Road.
16. Resolve locations of dumpster and landscape areas.

- j. PLN-MJDP-19-00033: MEADOW OAKS (ASHFORD OAKS), UNIT 2 (AMD) (8/4/19)* - located at 6800 MAN O' WAR BLVD, LEXINGTON, KY.
Council District 12
Project Contact: Barrett Partners

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

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. Provided the Planning Commission makes a finding that the development plan complies with the Expansion Area Master Plan.
 12. Resolve internal circulation and ability to turn around within townhome area.
- k. DP 2012-62: VICTORY APOSTOLIC CHURCH, INC. (8/18/19)* - located at 1420 GREENDALE ROAD, LEXINGTON, KY
Council District 2
Project Contact: Renaissance Design Build, Inc.

Note: The Planning Commission originally approved this plan on August 9, 2012 and reapproved it on April 9, 2015, 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 protection 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's approval of emergency access and fire hydrant locations.
9. Division of Waste Management's approval of refuse collection.
10. Denote developer.
11. Addition of contour information.
12. Clarify sidewalks around building and in right-of-way.
13. Denote construction access point location.
14. Delete note #10.
15. Denote timing of the dedication of Greendale Road right-of-way prior to issuance of a Zoning Compliance Permit.
16. Relocate the dumpster to the southeast corner of the parking lot.
17. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.

On April 12, 2018, the Planning Commission reapproved this item, subject to the conditions previously reapproved by the Planning Commission and replacing condition #3 and adding the following conditions:

3. Landscape Examiner's approval of landscaping and landscape buffers.
18. Remove reapproval application from title block.
19. Addition of "Final Development Plan" in title block.
20. Denote location of street cross-section on plan face.
21. Addition of owner's certification.
22. Addition of Commission's certification.
23. Clarify property on vicinity map.
24. Remove proposed contour lines.
25. Denote tree protection area around Bur Oak.

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

- 26. Denote conditional zoning restrictions under its own heading.
- 27. Remove note listed under "Notice."
- 28. Denote: Street improvements along the property frontage on Greendale Road shall be provided.

Note: Commission approval has since expired. The applicant requests reapproval of this plan.

The Subdivision Committee Recommends: **Reapproval**, subject to the conditions previously approved on April 12, 2018.

- C. PERFORMANCE BONDS AND LETTERS OF CREDIT** – Any bonds or letters of credit requiring Commission action will be considered at this time. The Division of Engineering will report at the meeting.

- V. ZONING ITEMS** - The Zoning Committee met on Thursday, June 6, 2019 at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members: Larry Forester, Bill Wilson, Patrick Brewer, Bruce Nicol and Graham Pohl. Staff members in attendance were: Traci Wade; Tom Martin; Hal Baillie; Jimmy Emmons, Debbie Woods and Chad Edwards, Department of Law. The Committee members reviewed applications and made recommendations as noted.

A. ABBREVIATED PUBLIC HEARINGS ON ZONING MAP AMENDMENTS

The staff will call for objectors to determine which petitions are eligible for abbreviated hearings.

Abbreviated public hearings will be held on petitions meeting the following criteria:

- The staff has recommended approval of the zone change petition and related plan(s)
- The petitioner concurs with the staff recommendations
- Petitioner waives oral presentation, but may submit written evidence for the record
- There are no objections to the petition

- B. FULL PUBLIC HEARINGS ON ZONE MAP AMENDMENTS** - Following abbreviated hearings, the remaining petitions will be considered.

The procedure for these hearings is as follows:

- Staff 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) (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)
- Hearing closed and Commission votes on zone change petition and related plan(s)

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the hearing. The Chair will announce its decision at the outset of the hearing.

1. BALL HOMES, INC. ZONING MAP AMENDMENT & BLACKFORD PROPERTY (PHASE 4) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-19-00003: BALL HOMES, INC. (AMD) (6/13/19)*- an amended petition for a zone map amendment from a Community Center (CC) zone to an Expansion Area Residential (EAR-2) zone, for 19.84 net (20.72 gross) acres, and to an Expansion Area Residential (EAR-3) zone, for 5.9 net and gross acres, for property located at 6600 Man O' War Blvd.

COMPREHENSIVE PLAN AND PROPOSED USE

The Expansion Area Master Plan (EAMP), an adopted element of the 2013 Comprehensive Plan (Expansion Area 2a), recommends Community Center (CC) land use for the subject property. The petitioner proposes to rezone the subject property to the Expansion Area Residential – 2 (EAR-2) and the Expansion Area Residential – 3 (EAR-3) zones to allow the construction of a multi-family residential development, comprised of 11 3-story and 4-story apartment buildings, at a residential density of 12.17 units per gross acre, with 308 dwelling units. Within the remaining CC zone land, the applicant is proposing a 3-story mixed, commercial and residential building with 16 dwelling units and 11,600 square feet of non-residential space.

The Zoning Committee Recommended: **Referral** to the full Commission.

The Staff Recommended: **Disapproval**, for the following reasons:

1. The requested rezoning to EAR-2 and EAR-3 is not in agreement with the Future Land Use Designations as proposed in the 1996 Expansion Area Master Plan. Subarea 2a recommends that the subject property's future land use be Community Center (CC), and the site's current zoning is in agreement with the EAMP.

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

2. The requested rezoning separates the Community Center (CC) land use from the Transitional Area Overlay, which is meant to ensure that adequate land is available for civic, cultural, educational or religious institutions in or adjacent to community centers. The proposed EAR-2 and EAR-3 zones are inappropriately sited in that they isolated the remaining CC zoning.
 3. The requested rezoning is not in agreement with the Goals and Objectives of the 2018 Comprehensive Plan as it continues to promote car-centric mobility patterns, and does not promote multimodal connectivity to proposed services (Theme A, Goal #3.b, Theme D, Goal #1.b)
 4. The existing Community Center (CC) zone remains appropriate for this location for the following reasons:
 - a. The intent for the Community Center (CC) zone is to implement the Community Center land use designation in the Expansion Area Master Plan by providing a mixture of residential uses and non-residential uses which serve the needs of the surrounding residential neighborhoods.
 - b. The CC zone accomplishes the goal of density that is proposed by the applicant, while also allowing for a mix of uses, which are meant to provide community activity, social gathering, and connectivity desired in a well-designed neighborhood.
 - c. The need for neighborhood services will continue to increase as the rest of Expansion Area 2a is developed with multiple types of residential land use.
 5. There have been no major unanticipated changes of an economic, social or physical nature in the area of the subject property since the adoption of the 2013 Comprehensive Plan.
- b. PLN-MJDP-19-00009: BLACKFORD PROPERTY (PHASE 4) (6/13/19)* - located at 6600 MAN O' WAR BLVD.
Project Contact: EA Partners

Note: The Planning Commissions postponed this item at their April 25, 2019 and May 23, 2019, meetings. The purpose of this amendment is to propose a rezoning of the property.

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

1. Provided the Urban County Council rezones the property EAR 2 & EAR 3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Remove optional access through LFUCG property.
8. Revise note #11 to include the Division of Traffic Engineering.
9. Denote improvements to Man o' War Boulevard on proposed cross-section.
10. Include Community Center (CC) zone site statistics per Article 21 & 23A-9 of the Zoning Ordinance.
11. Resolve compliance with Article 23A-2(r)2 of the Zoning Ordinance (landscape buffer).
12. Resolve land use relationships as recommended by the Expansion Area Master Plan (EAMP).

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

- a. **BOAR 2019-1: ROBERT AND ELLEN SPARKS** - an appeal to the Planning Commission to revoke the Certificate of Appropriateness Conditions approved by the Board of Architectural Review at 210 S. Hanover Avenue.

The staff will report at the meeting.

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

- 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-FRP-19-00013: HILLENMEYER PROPERTY WEST - UNIT 3, SECTION D, PHASE 1 (8/4/19)* - located at 2701 SANDERSVILLE ROAD, LEXINGTON, KY.
Council District 2
Project Contact: Hall-Harmon Engineers, Inc.

VIII. AUDIENCE ITEMS – Citizens may bring a planning related matter before the Commission at this time for general discussion or future action. Items that will NOT be heard are those requiring the Commission's formal action, such as zoning items for early rehearing, map or text amendments; subdivision or development plans, etc. These last mentioned items must be filed in advance of this meeting in conformance with the adopted filing schedule.

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IX. NEXT MEETING DATES

Work Session, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building	June 20, 2019
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building).....	June 26, 2019
Zoning Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	June 27, 2019
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building).....	*July 3, 2019
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	*July 3, 2019
Subdivision and Zoning Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	July 11, 2019
<i>* Not on regular day due to holiday</i>	

X. ADJOURNMENT

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