

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

July 11, 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; Mike Owens; Frank Penn; Carolyn Plumlee; Karen Mundy; Patrick Brewer and Anthony de Movellan. Larry Forester and Graham Pohl were absent.

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

- II. **ANNOUNCEMENTS** – Mr. Wilson announced that the Mayor has reappointed Mr. Frank Penn to serve on the Planning Commission for another term, as well as appointed Mr. Anthony de Movellan to serve his first term on the Planning Commission. Mr. de Movellan said that his family resides in Lexington and his business is DeMovellan Real Estate. He indicated that he is honored to have the opportunity to serve on the Planning Commission.

- III. **APPROVAL OF MINUTES** – A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 9-0 (Forester and Pohl absent) to approve the minutes of the June 13, 2019, meeting.

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

- a. 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 Planning Commission approved this item at their June 13, 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. 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.

Note: The applicant now requests a continued discussion concerning the access point to Buck Lane and the location of the carbon dioxide tank.

The Subdivision Committee took no action at the request of the applicant.

Representation – Richard Murphy, attorney, indicated that his client had requested a continued discussion concerning the access point to Buck Lane and the location of the carbon dioxide tank, but now they would like to withdraw that request.

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

Action - A motion was made by Ms. Mundy, seconded by Ms. Plumlee and carried 9-0 (Forester and Pohl absent) to withdraw PLN-MJDP-19-00029: LEXINGTON INDUSTRIAL FOUNDATION, UNIT 2 (BUILDING 1) (AMD).

- b. 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, May 9, 2019 and June 13, 2019, meetings.

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

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

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

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

Representation – Rory Kahly, EA Partners, requested a one month postponement, per the Subdivision Committee recommendation of postponement.

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

Action - A motion was made by Ms. Plumlee, seconded by Mr. Brewer and carried 9-0 (Forster and Pohl absent) to postpone **PLN-MJSUB-19-00006: TUSCANY, UNIT 15** to the August 8, 2019, meeting.

IV. LAND SUBDIVISION ITEMS - The Subdivision Committee met on Wednesday, July 3, 2019, at 8:30 a.m. The meeting was attended by Commission members: Karen Mundy, Carolyn Plumlee, Frank Penn, Mike Owens and Headley Bell. Committee members in attendance were: Hillard Newman, Division of Engineering; and Stephen Parker, Division of Traffic Engineering. Staff members in attendance were: Jim Duncan, Traci Wade; Tom Martin; Cheryl Gallt; Hal Baillie; Denise Bullock; Lauren Hedge; Captain Greg Lengal, Division of Fire & Emergency Services; and Tracy Jones, Department of Law. The Committee made recommendations on plans as noted.

General Notes

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

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

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

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

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

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

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

- a. **PLN-MJDP-19-00034: WILLOW OAK SHOPPING CENTER (MILLPOND CENTER) (KROGER FUEL CENTER) (AMD) (9/1/19)*** - located at 3644 BOSTON ROAD, LEXINGTON, KY.
Council District 9
Project Contact: The Roberts Group, PSC

Note: The purpose of this amendment is to propose a gasoline fuel center with 198 sq. ft. kiosk & 5 pump islands, to remove 10 parking spaces, and to update the site statistics.

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. 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. Complete site statistics table with lot coverage to comply with the B-6P requirements.
- b. PLN-MJDP-19-00035: WILLIAMS PROPERTY LOTS 1, 2 & 19 (AMD) (9/1/19)* located at 801 CHAMPIONS WAY, & 3401 AND 3409 COUNTRY CLUB DRIVE, LEXINGTON, KY.
Council District 7
Project Contact: EA Partners

Note: The purpose of this amendment is to revise the alignment of Lots 1, 2 and 19 for 3 single family attached townhouses.

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. United States Postal Service Office's approval of kiosk locations or easement.
 9. Clarify parking provided.
 10. Resolve timing of revised lot lines.
- c. PLN-MJDP-19-00040: OAK PARK SUBDIVISION, MELROSE ADDITION, LIGGETT & MYERS TOBACCO CO (MANCHESTER MARKET) (9/1/19)* - located at 172 S. FORBES ROAD, 359 THOMPSON ROAD, 216 WILTON AVENUE & 1206 AND 1214 LIGGETT STREET, LEXINGTON, KY.
Council District 2
Project Contact: S. Mark McCain

Note: This plan requires the posting of a sign and an affidavit of such. The purpose of this plan is to create an Adaptive Reuse Project for the property.

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. Denote height of buildings in feet.
 13. Resolve timing of creation of offsite access easement.
 14. Provided the Planning Commission makes a finding the plan complies with Article 8-21(o)(4) of the Zoning Ordinance.
 15. Resolve stormwater management and water quality features.
- d. PLN-MJDP-18-00089: BRYAN PROPERTY, LOT 1 (AMD) (9/8/19)* - located at 1810 BRYANT ROAD, LEXINGTON, KY.
Council District 6
Project Contact: Vision Engineering

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

Note: The purpose of this amendment is to revise the hotel and parking proposed for Lot 1. The Planning Commission approved this item at their November 8, 2018, meeting, subject to the following conditions:

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

Note: The applicant now requests a continued discussion to move the proposed hotel and pickup/drop off area, to remove the common area, and add 17 more parking spaces on the subject property.

The Subdivision Committee Recommends: **Approval**, subject to the conditions previously approved by the Planning Commission on November 8, 2018.

- e. PLN-MJDP-18-00024: HAMBURG PLACE COMMUNITY, PHASE II (AMD) (9/8/19)* - located at 2412, 2416, 2420, AND 2424 FLYING EBONY DRIVE, LEXINGTON, KY
Council District 6
Project Contact: Vision Engineering

Note: The purpose of this amendment is to reconfigure the lotting for Lots 269-272 along Flying Ebony Drive and replace the street cross-section "I-I" on Flying Ebony Drive. The Planning Commission approved this item 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. 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 record plat designation (M-910).
13. Clarify building coverage and FAR.
14. Resolve location of driveway at the intersection of Old Rosebud and Flying Ebony Drive.
15. Resolve physical barrier on Flying Ebony Drive (Note #31).
16. Denote: No development of area across the floodplain until Old Rosebud is extended to provide street frontage.

Note: Commission's approval has since expired. The applicant now requests reapproval of the plan.

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

- f. PLN-MJDP-18-00030: ETHINGTON & ETHINGTON PROPERTY, TRACT 1 (AMD) (9/8/19)* - located at 4145 AND 4235 HARRODSBURG ROAD, LEXINGTON, KY
Council District 10
Project Contact: Vision Engineering

Note: The purpose of this amendment is to depict the development of Lots 2 & 3. The Planning Commission approved this item at their May 10, 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. Department of Environmental Quality's approval of environmentally sensitive areas (sinkholes).

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

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. Denote: A Geotechnical Report for identified sinkhole areas shall be submitted to the Division(s) of Environmental Quality and Planning prior to plan certification.
12. Board of Adjustment's approval of the requested B-1 variance prior to certification of the plan.
13. Denote architectural details for commercial buildings façade on Harrodsburg Road frontage shall comply with exhibit on file with the Division of Planning and Building Inspection.
14. Resolve note #11 and scope of proposed landscaping.

Note: Commission's approval has since expired. The applicant now requests reapproval of the plan.

The Subdivision Committee Recommends: **Reapproval**, subject to the conditions previously approved by the Planning Commission on May 10, 2018.

- g. PLN-MJDP-17-00103: WOODWARD-LANDER, UNIT 1-A, LOTS 142 & 155 (AMD) (9/8/19)* - located at 3180 SANDERSVILLE ROAD & 3104 DALY PLACE, LEXINGTON, KY.
Council District: 12
Project Contact: EA Partners

Note: The purpose of this amendment is to revise the number of units and the parking layout. The Planning Commission approved this item at their November 9, 2017, meeting, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. 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 access easement maintenance responsibility.
13. Denote construction entrances.
14. Denote street trees shall be planted prior to issuance of a Zoning Compliance Permit.

Note: Commission's approval has since expired. The applicant now requests reapproval of the plan.

The Subdivision Committee Recommends: **Reapproval**, subject to the conditions previously approved by the Planning Commission on November 9, 2017.

Ms. Wade said that the staff had received and reviewed the affidavit for the sign posting for **PLN-MJDP-19-00040: OAK PARK SUBDIVISION, MELROSE ADDITION, LIGGETT & MYERS TOBACCO CO (MANCHESTER MARKET)** and it appeared to be in order. She then said that the staff had also distributed a memorandum to the Commission, which indicated **PLN-MJDP-19-00040: OAK PARK SUBDIVISION, MELROSE ADDITION, LIGGETT & MYERS TOBACCO CO (MANCHESTER MARKET)** does meet the requirements for an Adaptive Reuse Project on this property.

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

Audience members requesting full discussion - There were none.

Commission member comments or requesting full discussion – There were none.

Action - A motion was made by Mr. Brewer, seconded by Ms. Mundy, and carried 9-0 (Forester and Pohl absent) to approve the items listed on the Consent Agenda, as presented by the staff.

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

- B. PERFORMANCE BONDS AND LETTERS OF CREDIT** – A motion was made by Mr. Penn, seconded by Ms. Mundy, and carried 11-0 to approve the release and call of bonds as detailed in the memorandum dated July 11, 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. FINAL SUBDIVISION PLANS & PRELIMINARY SUBDIVISION PLAN

- a. PLN-FRP-19-00005: CROSSROADS CHRISTIAN CHURCH (AMD) (7/11/19)* - 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, May 9, 2019 and June 13, 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.
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 Presentation - Ms. Hedge directed the Commission's attention to the final record plat, and briefly explained the proposed request. She indicated that the staff was recommending approval, subject to the conditions listed on today's agenda.

Mr. Martin directed the Commission's attention to the final subdivision plan, and explained the applicant was requesting a waiver to Article 4-7 of the Land Subdivision Regulations, pertaining to the final record plat procedure as required by the regulations.

1. Granting the requested waiver(s) will not adversely affect public health, welfare and safety as the proposed PSP/FDP shall provide for the provision of all public services.
2. Granting the waiver is consistent with the intent of Article 1-5(a) of the Land Subdivision Regulations for Exceptional Hardship.

Mr. Martin noted that this recommendation is made subject to the following additional requirements:

- a. Denote: No building permits shall be issued for Lot 2 until sanitary sewer service is provided to the lot.

Commission Questions – Mr. Penn asked if there will be two separate pump stations for this property – one for the church property and one for the new parcel. Mr. Martin replied affirmatively.

Mr. Penn then asked if there are 9 lots proposed for the new parcel. Mr. Martin replied that there are 16 and explained that any lot located in an A-R zone cannot connect to the sanitary sewer system.

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

Representation present – Rory Kahly, EA Partners, indicated that should the Planning Commission approve the requested waiver, then conditions #9 through #11 can be deleted from the staff recommendations. He noted that the Board of Adjustment had granted the applicant a variance for USA/RSA landscape buffering (**PLN-BOA-19-00035: HIGHGATES**) on July 8th. He concluded by saying that the applicant was in agreement with the staff's recommendation, and requested approval.

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

Commission Questions – Mr. Owens asked if the Planning Commission grants the requested waiver should language be added to reflect the following condition:

"Provided the Planning Commission grants the requested waiver to the Land Subdivision Regulations.

Mr. Owens indicated that if yes, then conditions #9 through #11 would be deleted.

Ms. Wade explained that under normal circumstances there would be a condition listed on the agenda to reflect the Commission granting the requested waiver. However, the applicant did not revise the plan, so the staff did not revise the list of conditions. She then said that, if the Planning Commission were to approve this request, then the applicant would need to denote the Planning Commission's approval of the waiver, as well as denote the Board of Adjustment's approval for the variance on the final record plat.

Mr. Owens confirmed that conditions #9, #10 and #11 can be deleted and add a note to the final record plat to reflect the approval of the waiver and variance. Ms. Wade replied affirmatively.

Action - A motion was made by Mr. Owens, seconded by Mr. Bell, and carried 9-0 (Forester and Pohl absent) to approve **PLN-FRP-19-00005: CROSSROADS CHRISTIAN CHURCH (AMD)**, as recommended by the staff, deleting conditions #9, #10 and #11 and adding a new condition #9 to denote the Planning Commission's approval of the waiver on the final record plat.

The motion on the floor also includes the Planning Commission granting approval of the waiver to Article 4-7 of the Land Subdivision Regulations, pertaining to the final record plat procedure as required by the regulations, as recommended by the staff.

- 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: The Subdivision Committee postponed this item at their June 6, 2019, meeting. The Planning Commission postponed this item at their June 13, 2019. 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 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.
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.
19. Discuss Todds Road improvements.

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

Staff Presentation - Mr. Martin directed the Commission's attention to the preliminary subdivision plan, and briefly explained the proposed request. He indicated that the staff was recommending approval, subject to the conditions listed on today's agenda, removing conditions #18 and #19.

Mr. Martin directed the Commission's attention to condition #10, and indicated that the Board of Adjustment did grant the variances for USA/RSA landscape buffering.

Mr. Martin then directed the Commission's attention to condition #17, and said that the staff does find that the Final Development Plan for **PLN-MJSUB-19-00007: CROSSROADS CHRISTIAN CHURCH (GARDEN ESTATES) (AMD)** is in compliance with the Future Land Use, Community Design and Infrastructure elements of the Expansion Area Master Plan, for the following reasons:

1. The use, density and proposed development meet the definition of the EAR-1 land use category of the EAMP that have been planned for this area.
2. The regional sanitary sewer pump station has been constructed and is functioning as designed, as is the regional stormwater detention areas.
3. The site has incorporated several features that substantially comply with the intent of the EAMP to create distinct and well defined neighborhoods although it is relatively isolated from the rest of EA 2B.

Mr. Martin added that the staff would recommend the following changes to the final development plan in order to ensure even greater compliance with the Community Design Element of the EAMP:

- a. Denote on the Final Development Plat that the lots will comply with Article 23A-2(q) of the Zoning Ordinance, thereby ensuring conformance with the EAMP recommendations for well-defined neighborhoods.

Commission Questions – Mr. Penn asked where is the Urban Service Boundary located on the rendering. Mr. Martin identified the boundary. Mr. Penn then asked what is the lot size. Mr. Martin responded that the lot is just over two acres in size, which makes the lot non-conforming with today's standards.

Mr. Owens asked of the A-R lot will have access to Todds Road. Mr. Martin replied negatively. Mr. Owens then asked if an easement would be needed. Mr. Martin replied no, and said that if an easement was needed it would be established at the time of a final record plat. Mr. Owens asked if the A-R lot will attach to the proposed street. Mr. Martin replied affirmatively.

Ms. Mundy asked, once this request has been recorded, will the Urban Service Boundary also be recorded. Mr. Martin said that the Urban Service Boundary will be shown on the final record plat. Ms. Mundy said that the boundary will be shown on the plat, but it will not be recorded with the meets and bounds on the deed. Mr. Martin replied that the staff is unsure how the deed will read, but the deed will be based on the exhibit, which is often the final record plat. He then said that the applicant's surveyor will need to denote the meets and bounds of the lots. If that coincides with the Urban Service Area boundary then the boundary will be recorded.

Mr. Martin said that the staff had received and reviewed the affidavit for the sign posting for property and it does appear to be in order.

Representation present – Rory Kahly, EA Partners, explained that during the zone change of this property, the Urban Service Area boundary line was denoted on the preliminary development plan. That was the same time the meets and bounds were noted. He then said that many times the rear property line will follow the Urban Service Area boundary so it will appear on the final record plat. However, Lot 17 would be the only place that would not have a legal description for the divide between the two zones and the Urban Service Area.

Mr. Kahly indicated that the applicant was in agreement with the staff's recommendation; however, since the Board of Adjustment had approved the requested variance, he requested that condition #13 be change to read "Denote ~~300~~ 100 Foot setback on Lot 17. As for condition #11, he asked if the approval from the Health Department is prior to a building permit or prior to the final record plat being certified. Mr. Martin said that the applicant would need to denote on the preliminary subdivision plan that the Board of Health certification will be necessary for the septic tank system.

Commission Questions – Mr. Wilson asked if the staff was agreeable with the proposed change to condition #13. Mr. Martin replied affirmatively.

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

Action - A motion was made by Mr. Penn, seconded by Mr. Owens, approve **PLN-MJSUB-19-00007: CROSSROADS CHRISTIAN CHURCH (GARDEN ESTATES) (AMD)**, as recommended by the staff, deleting conditions #18 and #19, changing condition #13 to reflect the Board of Adjustments approval, to denote that the Board of Health will need to certify any septic tank system on Lot 17 and to make a finding that the plan complies with the EAMP.

Discussion of motion – Mr. Wilson asked if the 50 percent landscape should be noted. Mr. Kahly said that the 50 percent landscape is part of the EAMP Compliance Report that will be denoted on the plat.

The motion was carried 11-0.

2. FINAL SUBDIVISION PLAN

- a. 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 Subdivision Committee postponed this item at their June 6, 2019, meeting. The Planning Commission postponed this item at their June 13, 2019, meeting due to the lack of notification to adjoining property owners. The purpose of this amendment is to subdivide one lot 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 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. Provided the Planning Commission approves the requested waiver(s).
14. Discuss land surveyor certification.
15. Discuss removal of temporary structure.
16. Discuss Urban County Engineer's certification.
17. Discuss sanitary sewer service.
18. Discuss improvements to Old Higbee Mill Road.

Staff Presentation - Mr. Martin directed the Commission's attention to the final record plat, and briefly explained the proposed request. He 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 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~~ Clarify lot frontage in site statistics.
10. ~~Denote Agricultural Urban (A-U) zone front yard setback~~ Remove consolidation marks and lot line between parcel 1 & 3.
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. Provided the Planning Commission approves the requested waiver(s).
14. ~~Discuss land surveyor certification.~~
14. 15. ~~Discuss~~ Resolve removal of temporary structure prior to certification.
16. ~~Discuss Urban County Engineer's certification.~~
17. ~~Discuss sanitary sewer service.~~
18. ~~Discuss improvements to Old Higbee Mill Road.~~

Mr. Martin said that the applicant is also requesting a waiver to Articles 6-2(a) and 6-6(b) pertaining to public sanitary sewer service and 6-8(p) requiring public street improvements, in the Land Subdivision Regulations. The Staff reviewed their request and recommends approval of the requested waiver(s), for the following reasons:

1. Granting the requested waiver(s) will not adversely affect public health, welfare and safety as the proposed subdivision does not alter the current use of the subject properties.

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

2. Granting the waiver is consistent with the intent of Article 1-5(a) of the Land Subdivision Regulations for Exceptional Hardship.

Mr. Martin then said that this recommendation was made subject to the following additional requirement:

- a. Denote: Full half-section street improvements shall be constructed at the time any A-U zoned portion of the properties should be developed, and shall include Lot 2A. Furthermore, any necessary easements shall be created to provide public sanitary sewer service to Lot 2A and the lot identified as 2220 Old Higbee Mill Road at the time of any development of the A-U zoned portion of the properties.

Commission Questions – Ms. Mundy asked where is the egress and ingress on the property. Mr. Martin explained that there is a shared access easement. Ms. Mundy said that the aerial photograph shows that the shared access is more on one property than the other property and asked if there is an agreement between the two property owners. Mr. Martin replied affirmatively and said that the family is working out an agreement.

Representation present – Steven Vicroy, attorney, along with Matt Carter, Vision Engineering, were present representing the applicant. He explained that with the exception of condition #14, his client was in agreement with the staff's revised recommendation. He said that condition #14 indicates the need to "resolve the temporary structure prior to certification." He explained that one of the properties being shown on the rendering is not owned by the partnership, but rather it is owned through percentage interest of the family members. He said that to meet the 10 acre requirement, the rear portion of 2200 Old Higbee Mill Road will be consolidated with the larger tract of land known as 2100 Old Higbee Mill Road.

Mr. Vicroy said that the temporary structure is improperly labeled on the plat. He said it is a small office trailer that still has its axels and wheels. There is no concrete pad or foundation under the office trailer so it should have never been placed on the development plan or the proposed plat. He then said that just because the office trailer crosses the property boundary should have no impact on the plat being recorded or the development plan being approved. He said that his client owns interests in both tracts of land that the office trailer is sitting on so he should be allowed to leave it until it's appropriate to move it.

Mr. Vicroy requested that condition #14 be removed, and requested that the Planning Commission approve the plat and the waiver request.

Ms. Wade asked if the office trailer is still on wheels. Mr. Vicroy replied affirmatively. Ms. Wade then asked if the office trailer is immobile. Mr. Vicroy replied the office trailer can be pulled. Ms. Wade confirmed that the office trailer could be moved. Mr. Vicroy replied affirmatively, and indicated that they prefer not to move the office trailer.

Mr. Vicroy said that his client does not have a legal obligation to move the office trailer and he doesn't believe the Planning Commission can impose such a requirement. He then said that the structures on these properties have been around for 60 years and they are trying to make things right.

Commission Questions – Mr. Wilson asked if the staff was comfortable with removing condition #14. Mr. Martin referred to the Zoning Ordinance and said that the definition of a mobile home is "any factory built structure, with or without a permanent foundation, as defined in KRS 227.550, which is designed and constructed on a permanent chassis to permit occupancy." He then said that the staff can make the argument that the office trailer is a structure, but to argue this point today is not the time or place. This issue was carried over from the zone change. Mr. Wilson said that the word "resolve" addressed the issue because there will need to be discussions between the staff and the applicant.

Mr. Penn asked if the office trailer is on the proposed parcel boundary. Mr. Vicroy replied affirmatively. Mr. Penn asked why the office trailer can't be moved. Mr. Vicroy replied that if the Commission requires the trailer to be moved, then it will be moved. Mr. Penn said that he was just asking to see if that is a solution. Mr. Vicroy agreed that moving the trailer was a possible solution.

Citizen Comments – Nathan Billings, attorney, was present on behalf of his clients, who own the other section of this land. He said that they do not object to the requested waivers, but he expressed that there are multiple issues that need to be resolved before the final record plat is approved by the Planning Commission. He then said that his clients did not file this application, they are not subdividing their land and this would impose burdens on his clients.

Mr. Billings briefly described the history of this land, and said that they have no objection to the final record plat; however, they do have issues with the plat that was submitted to the staff. They are concerned about the Planning Commission granting a waiver on Mr. Waits' parcel that would impose obligations at some point in the future. He said that some of those improvements probably need to be made, but his clients are not the applicant and should not be held to the waiver requirements.

Mr. Billings said that they are concerned with the office trailer location, and it's his understanding the office trailer would require work to be done to have it relocated. At the zone change hearing, they raised the issue of having a trailer half in a residential zone and half in an agricultural zone because the regulations do not allow a zone line to run

through the middle of a structure. They agree with the staff's concerns and request that the temporary structure be removed.

Mr. Billings said that should the Planning Commission approve the final record plat, they request the following:

1. Release his clients from the waiver requirements.
2. Remove the office trailer from its current location on the proposed property line.
3. List all property owners on the final record plat.

Mr. Billings said that there would be no additional legal fights if all of the property owner's signatures are required before the plat is recorded.

Rebuttal – Mr. Martin said that everyone seems to agree that the rendering shown on the overhead is the final record plat. The purpose of this amendment is to subdivide one lot into two lots. He then said that it will be the responsibility of the person who prepares and stamps the plat to ensure all of the appropriate information is listed before it is submitted to the staff.

Mr. Martin said that the Land Subdivisions Regulations are not overly concerned with who the property owners are or who the applicant is. What the Land Subdivision Regulations are concerned with are the public street improvements, and at this stage, those public street improvements are required on both of these properties. The applicant has requested a waiver to the public street improvements, so if the property owners do not want to share that responsibly, then they will need to bond those improvements. If they were to bond the improvements, then everything can move forward.

Mr. Martin said that should the Planning Commission grant the wavier to the public street improvements, at some point in the future, either the applicant or the city will need to construct those improvements. Even though the property owners may not want this responsibility, they are responsible for those improvements, as required by the Land Subdivision Regulations.

Mr. Martin said that, as for the office trailer, the staff stands by their position of it as a structure. Condition #14 says "resolve" for a reason; this gives the applicant the opportunity to deal with the issue themselves and demonstrate to the staff as to how they resolve the issue prior to certification.

Mr. Billings said that they do not have any objection to the public street improvements being made on the other property, but they do have issues of having to pay for those improvements.

Mr. Martin said that the simple question becomes how does the city gets these improvements. He then said that the public street improvements are needed along Old Higbee Mill Road for the length of both of the lots and asked again how does the city get those improvements. Mr. Wilson asked what is the staff's recommendation. Mr. Martin replied that the applicant could either install the improvements right now or bond the improvements for that portion. He said that as for the sanitary sewer, he is not sure if that would need to be bonded, but the Division of Engineering would be able to address that issue when needed.

Mr. Billings said that the alternative would be for Mr. Waits to agree to pay the cost for the improvements or for his clients to not consent to the final record plat, but rather consent to a minor easement plat. He said that they are not disagreeing with the staff, the improvements need to be made, but they are concerned that Mr. Waits would not have to pay to have the improvements done because the cost is being placed on his clients or the next person that purchases the land.

Mr. Vicroy offered that the improvements could be made as a condition of development of the surrounding properties. He then said that rather than having someone pay today, or place an obligation on the current property owners, wait until this property is submitted for development. Ms. Wade said that that is what the staff had recommended on the waiver report. Mr. Martin said that the staff does anticipate that the land that remains zoned A-U will develop in the future, so a condition was added to the wavier report to require improvements at that time. There is no guarantee that Mr. Waits' property will be part of that development, which is the staff's concern. It is the staff's obligation to ensure that the appropriate public improvements are done. Ms. Wade said that the improvements need to be made not only on the agricultural land but also on the applicant's property.

Mr. Vicroy said that he would envision an agreement would be between the property owners, as well as the applicant. Ms. Wade indicated that whoever pays for the improvements is a private matter between the family members and should not be debated today.

Ms. Mundy said that the property owners for Parcels 1 and 3 are concern with having to do public improvements for the area in front of Parcel 2, but Parcels 1 and 3 will be gaining an extra portion of the land. Mr. Billings explained that the land owners are not gaining anything and there is no dispute about the ownership with the rear portion of 2200 Old Higbee Mill Road. He said that Mr. Waits is claiming that he should have 100 percent interest from his grandmother and the legal documents do not support that claim so there was a lawsuit. They are trying to clean up those claims. He then said that no one is getting anything more than they already have. Rather, the property owners

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in the front gave up land that they had through another settlement agreement. Mr. Billings said that as of today there is already a recorded plat that already requires the tract to be consolidated at the time the land is sold. He then said that the 1.88 acres is losing 1.2 acres for development in the front, which actually impairs building in the long term.

Mr. Billings said that they are not disputing that the public improvements need to be made. What they are disputing is making his clients provide the improvements. If his clients provide the improvements, then the other property owners are getting the infrastructure at someone else's cost.

Commission Comments and Questions - Mr. Penn said that this is a classic case of not vetting a request at the Subdivision Committee meeting because they did not have all of the information. He then said that this has placed the Commission in a situation of trying to negotiate something today. The very reason there is Subdivision Committee is to prevent these types of arguments in a hearing. The last thing the Planning Commission needs to do is get involved with a family dispute of who gets how much of the land. He said that something of this nature needs to be taken care of before it comes to the hearing.

Mr. Wilson agreed with Mr. Penn's comments, and said that this should have been worked out at the Subdivision Committee meeting. Mr. Martin said that the adopted Meeting and Filing Schedule requires waivers to be filed the day before the Subdivision Committee. The staff would not have enough time to prepare the waiver report or dispute the responsibility for public improvements at the Subdivision Committee level.

Mr. Penn indicated that there was the option to postpone this request, but that did not happen and it probably should have been postponed. He said that he does not want this situation to repeat itself. He added that none of the information provided today was given at the Subdivision Committee meeting.

Mr. Wilson recommended that this item be continued or postponed. He said that Mr. Billings' comments were on target, but unfortunately, the information was given late for the Planning Commission to take it into full consideration. Ms. Jones suggested this item be continued, otherwise the Planning Commission will hear the same testimony again. She then said that the Planning Commission needs to be aware of the 90-day deadline, which is August 4th; otherwise the applicant will need to agree to extend that deadline. Ms. Wade said that the Planning Commission's next scheduled meeting is July 25th. This would give the applicant and the family member's additional time to work out an agreement on the infrastructure. Mr. Wilson confirmed that the Planning Commission must take action before August 4th, and the next scheduled Planning Commission meeting is July 25th. Ms. Wade replied affirmatively.

Mr. Nicol asked that, if this item is continued, for the applicants to also resolve condition #14 before July 25th.

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy, to continue **PLN-FRP-19-00014: WAITS/MOORE LTD. PARTNERSHIP PROPERTY (AMD)**, to the July 25, 2019, meeting. The motion carried 11-0.

3. DEVELOPMENT PLANS

- a. 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

Note: The Planning Commission postponed this item at their June 13, 2019 meeting.

The Subdivision Committee Recommended: 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.
13. Discuss timing of force main relocation.
14. Discuss proposed flex space and required parking.
15. Discuss timing of water line relocation.

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

16. Discuss required Agricultural Rural (A-R) zone setback around pump station lot.

Staff Presentation - Mr. Martin directed the Commission's attention to the final development plan, and briefly explained the proposed request. He indicated that the staff was recommending approval, subject to the 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. 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~~ sanitary sewer easement to adjoining property.
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.~~
13. ~~Discuss~~ Resolve timing of force main relocation.
14. ~~Discuss proposed flex space and required parking.~~
15. ~~Discuss~~ Resolve timing of water line relocation.
16. ~~Discuss~~ Denote required Agricultural Rural (A-R) zone setback around pump station lot.

Representation present – Nathan Billings, attorney, was present representing the applicant. He briefly went through the list of conditions, and noted that they have filed a Board of Adjustment variance application pertaining to the setbacks around the pump station lot (condition #14). He indicated that his client was agreement with the staff's recommendation and requested approval. He submitted into the record the purchase agreement between the Lexington-Fayette Urban County Government and JFG Enterprises, Inc.

Citizen Comments – Richard Murphy, attorney, was present to voice his client's concern with the proposed development. He said that they agree with the staff's recommendation and they appreciate the applicant working with his clients, but the development plan being presented today is not the same development plan that was approved at the zone change hearing, and briefly explained the differences between the two development plans.

Mr. Murphy said that right now there is an existing utility easement from his client's property to the pump station, and they currently have access to the pump station. They want to continue to have access to that pump station. They understand that their land is outside the Urban Service Area, they know they have no right to develop the land and they know whatever action the Planning Commission takes on this development plan has no relation to as to whether or not they can develop their site. They are not trying to gain any advantage, but they want to prevent any issues in the future, such as easements.

Mr. Murphy directed the Commission's attention to the January 24, 2019, Planning Commission minutes, he said that they had requested the following notes be added to the development plan:

1. Show northern edge of right-of-way as the northern property line adjacent to the property to the north.
2. Show sanitary sewer easement from property to the north to the proposed relocation site of the new pump station.

Mr. Murphy said that at the zone change hearing, Mr. Billing's agreed to these notes and his clients would have a sewer easement to the new pump station. Now Mr. Billing's is saying they did not agree to those terms at the zone change hearing, but rather they are agreeable to give his clients an easement to a force main. The problem with this suggestion, if his clients were to develop their property then they would have to build another pump station to access the force main because there is no gravity easement. He directed the Commission's attention to the development plan, and explained that there are two ways to access the pump station.

Mr. Murphy said that if something is agreed upon in front of the Planning Commission, then it should not be changed down the road. If a building is proposed to block an easement, then an alternative easement should be supplied for the nearby properties to use. These are two basic principles of Planning and Zoning Law.

Mr. Murphy said that they are in agreement with the staff recommendation, as explained by the staff.

Applicant Rebuttal – Mr. Billing's said that the same note that creates a sanitary sewer easement connecting to the force main easement is denoted on the development plan being presented today, and it was also denoted on the development plan at the zone change hearing. He stated that they have not misrepresented anything.

Mr. Billings indicated that he had transcribed the January 24, 2019, minutes, and read aloud parts of the transcript (Exhibit) to those minutes. He said that Mr. Murphy asked the applicant to "Show sanitary sewer easement from

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

property to the north to the proposed relocation site of the new pump station". Mr. Murphy continued to say that they are not making claim on the capacity of the pump station, but there is a current pump station with an easement going to the lot. Mr. Billings said that Mr. Murphy indicated that there is an existing overhead utility easement, but Mr. Murphy's clients do not own that easement. It is not Encore Properties' easement, but rather it is a utility easement. He said that according to Article 6-5(c) of the Land Subdivision Regulations, utility easements are not owned, controlled or held by the adjacent property owner. In fact, utility easements are held by the utility companies and sewer easements, whether force main or sanitary, are owned by the Lexington-Fayette Urban County Government, not the property owner.

Mr. Billings continued to read from the transcript and indicated Mr. Murphy said that the utility easements can be used for sewer lines. He said that it's possible, but that is the city's decision, not the next door neighbor's decision. He then said that Mr. Murphy noted that there is an existing easement to the pump station right now and they would like to preserve the status quo, whatever occurs that the pump station is here and to show there is an easement into that location. He then said that Mr. Murphy said that they understood the easement could move, but Mr. Billings indicated that is a potential location for that relocation of the easement. Mr. Billings said that the minutes indicated that he clarified that the property owner does not know the exact location of the pump station or where the easement will be. The easement is not technically their easement, it is a sanitary sewer easement that is likely to be connected to the force main easement. Mr. Billings said he did not think the easement needs to be on there, but they are not opposed to it being on there.

Mr. Billings said that at the January 24th meeting he was very clear in saying that the sanitary sewer might have to be connected to the force main. He then said that they never agreed to give a blanket sewer easement and they never agreed to create a blanket easement for the city. He said that the neighboring property owner is asking his client to create for their benefit easements on their property, which could impact the development of this property and cost to developing this site. As a matter of law, they are not required to do so. The easement that Mr. Murphy's clients are proposing runs through the parking lot. If something were to happen to the sewer line, repair would tear up the parking lot. The force main easement can run under the parking lot, because the likelihood of that easement to be changed again, is very minor. Mr. Murphy's clients wants a larger, wider, full-blown sanitary sewer easement, not just a force main, under the parking lot. Something that large cannot go under the parking lot because if someone wanted to construct on top of the line it would interfere with the parking and use of the building. Mr. Billings then said that Mr. Murphy had suggested placing the line on a steep slope that invades the creek line.

Mr. Billings said that in speaking with the Division of Water Quality, they were informed that no one else can connect to this pump station due to the fact that its capacity is already reserved. This can change in the future, but as of today, there is no legal ability, or practical opportunity to use that easement. He then said they have placed a note on the development plan, which the staff has approved of, and they are requesting approval.

Citizen Rebuttal - Mr. Murphy said that there is an agreement that the city has about building the pump station and the capacity of that pump station is assigned to various property owners. He then said that his clients are outside of the Urban Service Area boundary and are not party to that agreement. He added that at the zone change hearing the applicant had agreed to place a note on the development plan to ensure an easement to the pump station, not to the force main, but to the pump station. If his clients did not agree to that note then that is what the Planning Commission imposed. He agrees that the easement is not his clients, but as all utility and sanitary sewer easements are those go to the city and the city decides who can use those easements.

Mr. Murphy said that they are requesting for the applicant to not preclude having the easement, which might be some benefit. He then said that most easements are under parking lots, and if needed, those parking lots are torn up and replaced. He added that they are not requesting to have another easement under the parking lot, but they have given them examples of other locations without disturbing the property. Every easement reduces the use of that property, but every property has to have an easement to serve the neighbor.

Mr. Murphy said that they are not trying to make a claim, but when someone agrees to something, or when the Planning Commission imposes a condition, the applicant must follow it. He then said that when a building is placed over an easement then that easement is replaced.

Staff Rebuttal - Mr. Martin said that when there is a conflict with an easement, it is necessary for those conflicts to be addressed through relocating that easement. This is a standard practice, it is done all of the time and it is required to be done. He added that utility easements are available for all utilities and public use. No one knows what the future will bring, but they will need to address that conflict and relocate that easement.

Applicant's Closing Comments - Mr. Billings said that the exact note that is on the development plan being presented is the same note that was presented at the zone change hearing. Nobody objected to that note until now. He then said that this process was reviewed by the Technical Review Committee, as well as the Subdivision Committee, all have reviewed this plan, not one has had an issue with the location of the utility easement. The staff has recommended that the development plan be approved as it is drawn. They are not asking for new easements because they are all adequately addressed.

Commission Questions – Mr. Nicol said that condition #10 reads denote sanitary sewer easement to adjoining property, and asked if that condition has been done. Mr. Wilson indicated that the staff responded affirmatively.

Ms. Mundy said that the development plan note #18 reads access to the pump station shall be provided for during the construction of the proposed development. A curb cut will be provided for access post construction. She said that in her mind provisions will be made to the pump station. Based on the note #18 on the development plan, the staff's recommendation she moves to approval this plan.

Action - A motion was made by Ms. Mundy to approve **PLN-MJDP-19-00027: JFG ENTERPRISES, INC. (IVCP ATHENS LLC)**, as presented by the staff.

Ms. Wade clarified that the LFUCG owns the pump station and the applicant must give the city access to the pump station. The question at hand is what kind of access the applicant needs to provide from the pump station to the adjoining property. She then said that technically they cannot use any capacity of that pump station, today. The pump station can be expanded and an agreement can be amended if and when that land comes into the Urban Service Area boundary. Ms. Wade said that it makes sense that there be some connection such as a utility easement to the adjoining property. The adjoining property currently has an easement so it needs to be replaced in one direction or another. Ms. Wade said that the applicant's solution to provide access to a force main is fine, but that is more difficult because to access the force main, a pump station is required. Since there is already a pump station in this area more direct access to the pump station would be more convenient and cost effective for the adjoining property if and when they decide to make a connection. From the staff's perspective, this should be worked out between the two property owners, and not having the Planning Commission decide where the location of the easement would be. Ms. Wade said that this is a final development plan and the easements are recorded and/or changed on the final record plat. Ms. Mundy withdrew her motion.

The motion on the floor was withdrawn.

Ms. Plumlee said that this request needs to be discussed more, by the applicant, adjoining owner and the staff.

Action - A motion was made by Ms. Plumlee, seconded by Mr. Owens, and carried 9-0 (Forester and Pohl absent) to continue **PLN-MJDP-19-00027: JFG ENTERPRISES, INC. (IVCP ATHENS LLC)**, to the July 25, 2019, meeting.

Discuss of motion – Due to the microphone not being used Mr. Owens comments were not captured.

Mr. Wilson asked why this item is being continued. Ms. Plumlee said that there is no resolution between the two property owners and perhaps a couple of weeks would help the Commission make a decision.

Mr. Brewer said that he feels as though he should abstain from voting on this item because he will be out of town when this request comes back in front of the Commission. He then said that the staff had stated a lot of the issues can be resolved among the parties and staff prior to the final record plat. He added that if the Commission were to approve this request today then the applicant and the adjoining property owner can still work out the details. He indicated that he would prefer to move this request forward.

Mr. Penn asked if the applicant has submitted a Board of Adjustment application. Mr. Billings indicated affirmatively, adding that the application is for a variance. Mr. Penn then asked if the BOA application has any bearings on condition #14. Ms. Wade replied that condition #14 does have a bearing on the BOA application. She then said that the applicant would with denote the approval date on the final development plan or correct landscape buffer and setbacks. Mr. Billings said that the boundary being shown on the rendering is the boundary today, but should the BOA approve the variance application, then the boundary can be changed.

Mr. Owens asked if condition #10 should be changed to resolve to help provide some type of direction on the sanitary sewer easement to the adjoining property.

Ms. Plumlee said that, in light of the discussions, she would like to withdraw her motion. Mr. Wilson said that Parliamentary procedures prohibits the motion from being withdrawn, but if the consensus of the Commission agrees then that motion can be withdrawn.

The motion on the floor was withdrawn by general consensus of the Commission.

Action - A motion was made by Mr. Owens, seconded by Mr. Penn, and carried 9-0 (Forester and Pohl absent) to approve **PLN-MJDP-19-00027: JFG ENTERPRISES, INC. (IVCP ATHENS LLC)**, as presented by the staff, changing condition #10 to read "Resolve sanitary sewer easement to adjoining property".

Note: A recess was declared by the Chair at 3:38 p.m. and the meeting re-convened at 3:46 p.m.

- b. **PLN-MJDP-19-00037: COOPER PROPERTY (A PORTION OF COPE MITCHELL & COOPER PROPERTY) (WALDORF WAY)** (10/1/19)* - located at 1370 DEER HAVEN LANE, LEXINGTON, KY.

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

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 plan is to denote development of 14 single family lots.

The Subdivision Committee Recommends: **Postponement** due to concerns about the proposed street system.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. United States Postal Service Office's approval of kiosk locations.
12. Denote exactions to the approval of the Division of Planning.
13. Clarify topographical information.
14. Denote 100' Rural Service Area (RSA) setback and Urban Service Area boundary.
15. Denote Rural Service Area buffer and landscaping per Article 23A-2(f) of the Zoning Ordinance.
16. Correct plan title to match staff report.
17. Provided the Planning Commission makes a finding that the development is in compliance with the Expansion Area Master Plan (EAMP).
18. Discuss need for a waiver of the Land Subdivision Regulations for the proposed street geometrics.
19. Discuss status of stormwater management features per the Expansion Area Master Plan.
20. Discuss density maximum per Article 23 of the Zoning Ordinance.
21. Discuss timing of installation of required pedestrian accessway per Article 23A-2(h) of the Zoning Ordinance.

Staff Presentation - Mr. Martin directed the Commission's attention to the final development plan, and briefly explained the proposed request. He indicated that the staff was recommending approval, subject to the following revised 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. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. United States Postal Service Office's approval of kiosk locations.
12. ~~Denote exactions to the approval of the Division of Planning~~ Delete note #12.
13. ~~Clarify topographical information.~~
- 13.44. Denote 100' Rural Service Area (RSA) setback and Urban Service Area boundary.
- 14.45. Denote Rural Service Area buffer and landscaping per Article 23A-2(f) of the Zoning Ordinance.
- 15.46. Correct plan title to match staff report.
- 16.47. Provided the Planning Commission makes a finding that the development is in compliance with the Expansion Area Master Plan (EAMP).
18. ~~Discuss need for a waiver of the Land Subdivision Regulations for the proposed street geometrics.~~
19. ~~Discuss status of stormwater management features per the Expansion Area Master Plan.~~
20. ~~Discuss density maximum per Article 23 of the Zoning Ordinance.~~
21. ~~Discuss timing of installation of required pedestrian accessway per Article 23A-2(h) of the Zoning Ordinance.~~

Mr. Martin then said that the staff finds that the Final Development Plan for **PLN-MJDP-19-00037: COOPER PROPERTY (A PORTION OF COPE, MITCHELL & COOPER PROPERTY) (WALDORF WAY)** is in compliance with the Future Land Use, Community Design and Infrastructure elements of the Expansion Area Master Plan, for the following reasons:

1. The use, density and proposed development meet the definition of the EAR-1 land use category of the EAMP that have been planned for this area.
2. The sanitary sewer system trunk line has been constructed and is functioning as designed, as is the regional stormwater detention areas. In addition, the proposed density has been established in compliance with density limitations of the Scenic Resource Area designation on the proposal.
3. The site has incorporated several features that substantially comply with the intent of the EAMP to create distinct and well defined neighborhoods although it is relatively isolated from the rest of area 2B.

Mr. Martin added that the staff would recommend the following changes to the final development plan in order to ensure even greater compliance with the Community Design Element of the EAMP:

- a. Denote on the Final Development Plat that the lots will comply with Article 23A-2(q) of the Zoning Ordinance, thereby ensuring conformance with the EAMP recommendations for well-defined neighborhoods.
- b. Provide for a pedestrian connection for possible continuation utilizing the greenway area on the plan in compliance with the Stormwater Manuals and Article 19 of the Zoning Ordinance.

Commission Questions – Ms. Mundy said that the 25' floodplain setback line goes through Lots 8 and 9, which would require flood insurance. Is this addressed anywhere in the report. Mr. Martin explained that the line is an indication of where the 25 foot setback is off the floodplain area, and said that Lots 8 and 9 can be situated so that those lots are not within the floodplain area. He then said that he does not believe those lots will be within the floodplain after the infrastructure and grading are done.

Ms. Plumlee asked if a can Rural Scenic Road can be widened. Mr. Martin replied it is strongly discouraged in the Expansion Area Master Plan and the Zoning Ordinance, but Article 6-13(d) of the Land Subdivision Regulations does allow it to address public safety. He said that the applicant has agreed to slightly widen Deer Haven Road to allow larger vehicles to have a good movement in and out of this area.

Mr. Owens asked if the street geometrics recently change. Mr. Martin replied that the applicant has addressed the street requirements in the Land Subdivision Regulations on the revised plan.

Representation present – Rory Kahly, EA Partners, was present representing the applicant. He submitted the required affidavit for the sign posting to the staff. Mr. Kahly indicated that the applicant agreed to make improvements to Deer Haven Lane if they were able to receive exaction credits. He indicated that his client was agreement with the staff's recommendation, and requested approval.

Commission Questions – Mr. Owens asked if the greenway would be maintained or allow to grow naturally. Mr. Kahly explained that in some established neighborhoods there is a mixture of maintained greenway and natural areas. He does not know what the maintenance agreements will say, but each homeowner's association will be able to modify the language as they see fit.

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

Staff Comments - Mr. Martin clarified that the exactions program under the EAMP allows for improvements that have been identified in the expansion area. He does not believe any improvements to Deer Haven Lane area exactable. He added that Article 6-13(d) of the Land Subdivision Regulations is a subdivision requirement and this is why it is being talked about at this point. Deer Haven Lane is a public safety issue and needs to be widened.

Action - A motion was made by Mr. Owens, seconded by Mr. Brewer, and carried 9-0 (Forester and Pohl absent) to approve **PLN-MJDP-19-00037: COOPER PROPERTY (A PORTION OF COPE, MITCHELL & COOPER PROPERTY) (WALDORF WAY)**, as presented by the staff, to include making a finding that the development is in compliance with the Expansion Area Master Plan (EAMP).

- c. **PLN-MJDP-19-00039: MONTICELLO MALL (PUMP-N-SHOP CONVENIENCE FUEL STORE) (AMD) (9/1/19)*** - located at 3334 CLAYS MILL ROAD, LEXINGTON, KY.
Council District 9
Project Contact: RMJE

Note: The purpose of this amendment is to revise the building, modify the parking layout and add a drive-through facility.

The Subdivision Committee Recommends: **Postponement** due to the number of conditions.

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.

* - 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. Addition of written scale.
10. Show all information including notes from previous development plan DP 2000-15.
11. Correct standard notes #1 and #2.
12. Addition of contour lines at 2' intervals.
13. Delete duplicate cross section for Clays Mill Road.
14. Clarify dimensions for street cross-section for Clays Mill Road right-of-way at point of cross section on plan face.
15. Addition of street cross-section and location of cross section on plan face for Delzan Place.
16. Increase font size on plan.
17. Remove solid black line shown across the middle of the property.
18. Complete site statistics to comply with the requirements of B-6P zone for area of amendment and all lots from previous development plan DP 2000-15.
19. Denote area for detention to the approval of Division of Engineering.
20. Addition of number of trees to be planted to meet the requirements of the tree protection plan.
21. Remove "Third" from plan title.
22. Discuss area on plan face between Clays Mill Road R-O-W and the boundaries of the property being amended.
23. Remove signage from plan.
24. Discuss drive-through facility functionality.
25. Discuss improvements to Delzan Place and compliance with Article 12-8(h) Multi-Modal Accommodations.

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 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. Addition of written scale.~~
- ~~8.~~ ~~40.~~ Show all information ~~including notes~~ from previous development plan DP 2000-15, including dimensions and contours.
- ~~9.~~ ~~11.~~ ~~Correct standard notes #1 and #2~~ Combine notes from the previous and current plan, removing duplicate notes.
- ~~10.~~ ~~12.~~ Addition of contour lines at 2' intervals.
- ~~13.~~ ~~Delete duplicate cross section for Clays Mill Road.~~
- ~~14.~~ ~~Clarify dimensions for street cross-section for Clays Mill Road right-of-way at point of cross section on plan face.~~
- ~~11.~~ ~~15.~~ Addition of street cross-section and location of cross section on plan face for Delzan Place and amended property.
- ~~12.~~ ~~16.~~ Increase font size on plan on street cross-section for Delzan Place.
- ~~17.~~ ~~Remove solid black line shown across the middle of the property.~~
- ~~13.~~ ~~18.~~ Complete site statistics and total information to comply with the requirements of B-6P zone for area of amendment and all lots from previous development plan DP 2000-15.
- ~~19.~~ ~~Denote area for detention to the approval of Division of Engineering.~~
- ~~14.~~ ~~20.~~ Addition of number of trees to be planted to meet the requirements of the tree protection plan.
- ~~21.~~ ~~Remove "Third" from plan title.~~
- ~~22.~~ ~~Discuss area on plan face between Clays Mill Road R-O-W and the boundaries of the property being amended.~~
- ~~23.~~ ~~Remove signage from plan.~~
- ~~15.~~ ~~24.~~ Discuss drive-through facility functionality.
- ~~16.~~ ~~25.~~ Discuss improvements to Delzan Place and compliance with Article 12-8(h) Multi-Modal Accommodations.

Representation present – Ron Johnson, RMJE, was present representing the applicant. He indicated that his client was agreement with the staff's recommendation, and requested approval.

Citizen Comments – Janet Cabiness, 704 Cumberland Road, voiced her concerns with the public safety and traffic implications from the proposed development of this property, especially the new drive-through facility.

Rebuttal – Mr. Johnson indicated that the concern with the number of cars stacking was taken care of through their modeling of the drive-through, which can hold 10 cars.

Commission Questions – Mr. Wilson asked what is the applicant's position on sidewalks. Mr. Johnson replied that sidewalks would be installed and connected to a pedestrian walkway to the store. They would use signage to help with pedestrian safety.

Mr. Bell asked if the drive-through would be used for general items or specific items. Mr. Johnson replied there is no ordering kiosk, the driver would order small items, such as milk, at the window.

Mr. Owens said that there was discussion about the drive-through stacking, width and bollards during the Subdivision Committee meeting. Mr. Johnson briefly explained what changes were made since the Subdivision Committee meeting. Steve Parker, Traffic Engineering, said that the revised plan shows 7 feet of area that can be played with. Mr. Owens asked what happens if the 7 feet is not enough. Mr. Parker said that the drive-through issues can be resolved through a condition.

Mr. Bell asked if the concerns with the fuel trucks had been resolved. Mr. Parker explained that the applicant would be using a different type of fuel truck to enter the site.

Rebuttal continue – Ms. Cabiness said that she understands what the applicant has said, but in order to make the neighborhood more comfortable and to ensure this proposed development is in compliance with the regulations, she requested that the final development plan indicate what the applicant has said with regards to the smaller fuel tanks not interfering with the stacking of the cars.

The staff had no rebuttal.

Action - A motion was made by Mr. Penn, seconded by Mr. Bell, and carried 8-0 (Plumlee opposed; Forester and Pohl absent) to approve **PLN-MJDP-19-00039: MONTICELLO MALL (PUMP-N-SHOP CONVENIENCE FUEL STORE) (AMD)**, as presented by the staff, changing the following conditions:

15. ~~Discuss~~ Resolve drive-through facility functionality.
16. ~~Discuss~~ Resolve improvements to Delzan Place and compliance with Article 12-8(h) Multi-Modal Accommodations.

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

- A. ELECTION OF OFFICERS** – Mr. Wilson said that the Commission's By-laws state that at the first regular meeting in July, the Commission shall elect a Chairperson, Vice-Chairperson, Secretary, and Parliamentarian. He indicated that the Nominating Committee was named at the July 13, 2019, Planning Commission meeting and has presented its slate for consideration by the Planning Commission. Nominations may also be made from the floor.

The current officers are as follows:

Chairperson	-	William Wilson
Vice Chairperson	-	Frank Penn
Secretary	-	Carolyn Plumlee
Parliamentarian	-	Karen Mundy

Ms. Plumlee indicated that the Nominating Committee made the following recommendation:

Chairperson	-	Mike Owens
Vice Chairperson	-	William Wilson
Secretary	-	Karen Mundy
Parliamentarian	-	Frank Penn

Action - A motion was made by Ms. Plumlee, seconded by Mr. Bell, and carried 9-0 (Forester and Pohl absent) to approve the Planning Commission's Slate of Officers, as presented by the Nominating Committee.

- B. DELEGATION OF SECRETARY'S DUTIES** – Ms. Plumlee said that the Commission's past procedure for carrying out the Secretary's duties, except for signing minutes, has been to delegate that authority to the Director of the Division of Planning and his staff.

Action - A motion was made by Ms. Plumlee, seconded by Mr. Bell, and carried 9-0 (Forester and Pohl absent) to delegate the Secretary's duties, with the exception of signing minutes, to the Director of the Division of Planning and his staff.

Commission Comments – Mr. Penn thanked Mr. Wilson for the last three years serving as Chairman of the Planning Commission, especially during the updating of the Comprehensive Plan. Mr. Wilson showed his appreciation, and thanked the members of the Planning Commission and the staff. Mr. Owens said that he appreciated what Mr. Wilson had done during his time as the Chairman, and he will carry the torch of adequacy as long as he is around. Mr. Duncan thanked Mr. Wilson for the time he gave during his three years on the Commission and the staff is looking forward in working with Mr. Owens.

VI. **STAFF ITEMS**

- A. **WORK SESSION** – Mr. Duncan reminded the Commission that the next Work Session is scheduled for Thursday, July 18th.
- B. **TRAINING SESSIONS** – Mr. Duncan reminded the Commission members of upcoming training opportunities and indicated that they would be contacted by a staff member in the near future.
- C. **OUTREACH ACTIVITIES** – Mr. Wilson indicted that, as part of the Comprehensive Plan, the staff would be speaking at the Lexington Rotary Club on July 25th.
- D. **LEXINGTON AREA METRO PLANNING ORGANIZATION (MPO)** – Mr. Duncan briefly explained that every four years the U.S. Department of Transportation (DOT) must certify that each metropolitan planning organization (MPO) is carrying out the metropolitan planning process in adherence with federal statutes and regulations. The Division of Planning, Transportation section, is charged with the Fayette and Jessamine County MPO. He said that Ms. Burnette DuPont, with the Federal Highway Administrative, presented their report to the Mayor and several Council members, as well as the Jessamine County Judge West at a recent Transportation Policy Committee (TPC) meeting, and indicated that the Fayette and Jessamine County MPO had no corrective actions to be taken, and was awarded numerous commendations, including the best Bike and Pedestrian Plan in the State of Kentucky.

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

VIII. **NEXT MEETING DATES**

Work Session, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building.....	July 18, 2019
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	July 24, 2019
Zoning Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	July 25, 2019
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	August 1, 2019
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building).....	August 1, 2019
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	August 8, 2019

IX. **ADJOURNMENT** - There being no further business, the Chair adjourned the meeting at 4:34 PM.

William Wilson, Chair

Carolyn Plumlee, Secretary

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