

**AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

August 8, 2019

- I. **CALL TO ORDER** - The meeting will be called to order at 1:30 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.
- II. **APPROVAL OF MINUTES** – The minutes of the June 27, 2019 and July 11, 2019, meeting will be considered by the Planning Commission at this time.
- III. **POSTPONEMENTS OR WITHDRAWALS** – Requests for postponement and withdrawal will be considered at this time.
- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Wednesday, August 1, 2019, at 8:30 a.m. The meeting was attended by Commission members: Karen Mundy, Carolyn Plumlee, Anthony de Movellan and Mike Owens. Committee members in attendance were: Vaughan Adkins, Division of Engineering and Stephen Parker, Division of Traffic Engineering. Staff members in attendance were: Traci Wade; Tom Martin; Cheryl Gallt; Hal Baillie; Denise Bullock; Lauren Hedge; Valerie Friedmann; Scott Thompson; Samantha Castro; Captain Greg Lengal, and Firefighter Embry Beatty, 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. **NO DISCUSSION ITEMS** – Following requests for postponement or withdrawal, items requiring no discussion will be considered.

Criteria:

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

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

The procedure for these hearings is as follows:

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

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

1. FINAL SUBDIVISION PLANS

- a. PLN-FRP-19-00024: GEORGE MANKEL PROPERTY (9/29/19)* - located at 6377 ATHENS BOONESBORO ROAD, LEXINGTON, KY.
Council District 12
Project Contact: AIM3D

Note: The purpose of this plan 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.
2. Urban County Traffic Engineer's approval of street cross-sections and access.

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

3. Landscape Examiner's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Resolve building minimum and maximum setbacks.
8. Provided the Planning Commission grants the waivers to the sanitary sewer service and street improvements.

- b. PLAN 2016-69F: WYNNDAL SUBDIVISION, LOT 2 (AMD) (10/13/19)* - located at 1580 Higbee Mill Road.
Council District 9
Project Contact: Vision Engineering

Note: The purpose of this amendment is to subdivide one lot into two lots. The Planning Commission originally approved this plan on July 14, 2016 and reapproved it on September 14, 2017, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. 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. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
10. Denote: This property shall be developed in accordance with the approved final development plan.
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. Correct engineer's/surveyor's certification.
13. Correct Planning Commission's certification.
14. Correct Urban County Engineer's certification.
15. Resolve timing of Higbee Mill Road improvements and possible waiver.

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

The Subdivision Committee Recommends: **Reapproval**, subject to the conditions previously approved and changing the following condition:

3. Building Inspection's Landscape Examiner's approval of landscaping and landscape buffers.

2. PRELIMINARY SUBDIVISION PLAN

- a. PLN-MJSUB-19-00006: TUSCANY, UNIT 15 (8/8/19)* - 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, June 13, 2019 and July 11, 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.

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.

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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.

3. **DEVELOPMENT PLANS**

- a. PLN-MJDP-19-00041: AVONDALE SUBDIVISION, BLK B, LOTS 1, 2, 44 & 45 (NORTH LEXINGTON HOLDINGS) (9/29/19)* - located at 912, 914, 916 AND 918 N. LIMESTONE, LEXINGTON, KY.
Council District 1
Project Contact: Gresham Smith

Note: The purpose of this amendment is to modify access and parking layout for 4 residential 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 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. Recordation of consolidation plat shall occur prior to the certification of the final development plan.
 11. Discuss compliance with the Central Sector Small Area Plan streetscape requirements.
- b. PLN-MJDP-19-00042: LEXINGTONIAN ESTATES (THE SILKS CLUB) (AMD) (9/29/19)* - located at 1500 WINNERS CIRCLE, LEXINGTON, KY.
Council District 12
Project Contact: EA Partners

Note: The purpose of this amendment is to depict townhouse development.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Landscape Examiner's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree preservation plan.
 6. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 8. Greenspace Planner's approval of the treatment of greenways and greenspace.
 9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 10. Division of Waste Management's approval of refuse collection locations.
 11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 12. United States Postal Service Office's approval of kiosk locations.
 13. Correct conditional zoning note to match Ordinance 46-2019.
 14. Resolve outdoor lighting restrictions.
 15. Resolve pedestrian system for the Clubhouse Area.
 16. Resolve note #11 regarding buffer requirements.
 17. Resolve proposed green infrastructure facilities.
- c. PLN-MJDP-19-00043: BURKE, HOCKENSMITH & MAGGARD (AMD) (9/29/19)* - located at 1803 AND 1875 GEORGETOWN ROAD, LEXINGTON, KY.
Council District 2
Project Contact: GRW Engineers

Note: The purpose of this amendment is to show the revised building and parking layout on Lots 2 & 3.

The Subdivision Committee Recommends: **Postponement** due to concerns with the lack of pedestrian connection along Georgetown Road and within the development; and the proposed access to Lot 3.

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

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

- d. PLN-MJDP-19-00044: TATES CREEK CENTRE, LOT 5 (BELLEAU WOODS SHOPPING CENTER) (AMD) (9/29/19)* - located at 4161 TATES CREEK ROAD, LEXINGTON, KY.
Council District 4
Project Contact: Geisler Domigan Engineers, PLLC

Note: The purpose of this amendment is to revise the building and parking layout for Lot 5.

The Subdivision Committee Recommends: **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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 8. Division of Waste Management's approval of refuse collection locations.
 9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 10. Addition of bearings and distances from previous plan (PLN-MNDP-18-00014 revisions to Lot 4).
 11. Addition of revised information for Lot 4 from previous plan (PLN-MNDP-18-00014).
 12. Addition of record plat designation (Cab. F, Sl. 736).
 13. Addition of adjacent property information.
 14. Clarify area of amendment on vicinity map (zoom in).
 15. Revise site statistics layout table for required/provided standards in the B-6P zone (include FAR, lot coverage and uses).
 16. Addition of dimensions on the street cross-section for Tates Creek Centre Drive (access easement).
 17. Denote location of Man o' War Boulevard street cross-sections on plan face.
- e. PLN-MJDP-19-00047: SAMS & LARKIN PROPERTY (KY EAGLE BEER) (AMD) (9/29/19)* - located at 1510 GREENDALE ROAD, LEXINGTON, KY.
Council District 2
Project Contact: Banks Engineering

Note: The purpose of this amendment is to create a Flex Space Project.

The Subdivision Committee Recommends: **Postponement** to discuss the Flex Space Project and compliance with Article 8-21(o)(5)(h) of the Zoning Ordinance.

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. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Discuss need for Flex Space Project and compliance with Article 8-21(o)(5)(h) of the Zoning Ordinance.

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

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- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, August 1, 2019 at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members: Patrick Brewer, Bruce Nicol, Graham Pohl, and Larry Forester. Staff members in attendance were: Traci Wade, Tom Martin; Hal Baillie, Samantha Castro, Lauren Hedge and Debbie Woods, Brandi Peachner, Mayor's Office and Traci Jones, Department of Law. The Committee members reviewed applications and made recommendations as noted.

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

The procedure for these hearings is as follows:

- Staff Reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) Proponents (10 minute maximum OR 3 minutes each)
 - (b) Objectors (30 minute maximum) (3 minutes each)
- Rebuttal & Closing Statements
 - (a) Petitioner's comments (5 minute maximum)
 - (b) Citizen objectors (5 minute maximum)
 - (c) Staff comments (5 minute maximum)
- Hearing closed and Commission votes on zone change petition and related plan(s)

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

1. **6K AND UNDER AUTO SALES, LLC ZONING MAP AMENDMENT & ELKHORN PARK, BLOCK 8 (A PORTION OF) (W.P. LITTLE PROPERTY) (AMD) ZONING DEVELOPMENT PLAN**

- a. **PLN-MAR-19-00011: 6K AND UNDER AUTO SALES, LLC (9/1/19)***- a petition for a zone map amendment to modify the conditional zoning restrictions in the Highway Service Business (B-3) zone, for 0.85 net (1.14 gross) acres, for property located at 1709 North Broadway.

MODIFICATIONS OF CONDITIONAL ZONING RESTRICTIONS

In order to modify or remove conditional zoning restrictions, the applicant must prove that the request meets the requirements of Article 6-7(c) of the Zoning Ordinance. This section of the Ordinance states that the request may be granted only if it is found that there has been a major change in economic, physical, or social nature on the subject property or within the area containing the subject property. Additionally, the applicant must prove that the basic character of the area has been substantially altered since the time the conditional zoning restrictions were imposed that make the restrictions inappropriate. The burden is on the applicant to prove that such changes have occurred.

The petitioner has requested to remove a conditional zoning restriction on the subject property, which prohibits "establishments for the display, rental, sale, service and/or minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes or supplies for such items," in order to permit automobile sales as a principal use on the subject property. Conditional zoning restrictions were put in place in 1988 by the Urban County Planning Commission and later ratified by the Urban County Council.

The Zoning Committee Recommended: Postponement to the full Commission.

The Staff Recommends: Postponement, for the following reasons:

1. The applicant's justification and corollary development plan do not provide an adequate depiction of how the applicant seeks to utilize the subject property so that the proposed land use will not impact the neighboring properties that the conditional zoning restrictions seek to alleviate.
 2. The applicant has not shown how they seek to address the visual elements along North Broadway, which acts as a gateway into Lexington, and was one of the reasons the conditional zoning restrictions were adopted.
 3. The applicant has not described their outreach with the neighboring properties that would be most affected by the removal of the conditional zoning restrictions.
- b. **PLN-MJDP-19-00038: ELKHORN PARK, BLOCK 8 (A PORTION OF) (W.P. LITTLE PROPERTY) (AMD) (9/1/19)*** - located at 1709 N. BROADWAY, LEXINGTON, KY.
Project Contact: Vision Engineering

Note: The Planning Commission postponed this item at their July 25, 2019, meeting. The purpose of this amendment is to remove auto sales from the conditional zoning restrictions.

The Subdivision Committee Recommended: Postponement. There are questions regarding the application compliance with Article 21 of the Zoning Ordinance.

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

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

1. Provided the Urban County Council rezones the property B-3 with revised conditional zoning restrictions; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Department of Environmental Quality's approval of environmentally sensitive areas.
6. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.
7. Correct Planning Commission certification.
8. Correct labeling for Purpose of Amendment, and denote area of amendment.
9. Clarify interior landscaping calculations in site statistics and the note labeled interior landscaping.
10. Dimension access points and building on 1701 N. Broadway.
11. Addition of conditional zoning restrictions.
12. Addition of contour lines.
13. Depict parking for 1719 N. Broadway as shown on previous development plan (DP 2001-74).
14. Denote construction access on plan.
15. Addition of street cross-section for Cane Run Road and denote location of cross-section for street on plan face.
16. Denote vehicle display area.
17. Complete site statistics for all 3 lots.
18. Denote: The subject property is located in the Royal Springs Aquifer.
19. Discuss proposed land uses and label on plan.
20. Discuss access between 1701 and 1709 N. Broadway.
21. Discuss parking for employees and customers.
22. Discuss delineation/separation of shared access point between 1709 and 1719 N. Broadway.
23. Discuss need for enhanced landscaping along N. Broadway.

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

1. **BOAR 2019-2: VIRGINIA BROWN** - an appeal to the Planning Commission to the Certificate of Appropriateness disapproved by the Board of Architectural Review at 342-344 Desha Road.

The staff will report at the meeting.

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

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

1. PLN-FRP-18-00001: MILLPOND SUBDIVISION, UNIT 1B, SECTION 2A, LOTS 16-29 - located 3900 AND 3904 BOSTON ROAD, LEXINGTON, KY.
Council District 9
Project Contact: Abbie Jones

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

IX. NEXT MEETING DATES

Work Session, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building.....	August 15, 2019
Zoning Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	August 22, 2019
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	August 28, 2019
Work Session, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building.....	August 29, 2019
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	September 5, 2019
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building).....	September 5, 2019
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	September 12, 2019

X. ADJOURNMENT

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