

**AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

September 12, 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 August 8, 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 Thursday, September 5, 2019, at 8:30 a.m. The meeting was attended by Commission members: Karen Mundy, Carolyn Plumlee, Anthony de Movellan, Frank Penn, Headley Bell 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: Tom Martin; Cheryl Gallt; Hal Baillie; Denice Bullock; Lauren Hedge; 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-19-00033: SPRING BAY, UNIT 1-A (11/3/19)* - located at 1249 GREENDALE RD., LEXINGTON, KY.
Council District 2
Project Contact: EA Partners

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. United States Postal Service Office's approval of kiosk locations or easement.

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9. Draw arrow to Lot 41 (reference note #9).
 10. Provided the Planning Commission makes a finding on the access easement per Land Subdivision Regulation for the townhouses on Lots 30-49.
- b. PLN-FRP-19-00034: SPRING BAY, UNIT 1-B (11/3/19)* - located at 1249 GREENDALE RD., LEXINGTON, KY.
Council District 2
Project Contact: EA Partners

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. United States Postal Service Office's approval of kiosk locations or easement.
9. Provided the Planning Commission makes a finding on the access easement per Land Subdivision Regulation for the townhouses on Lots 51-56 and Lots 81-89.

- c. PLN-FRP-19-00035: SPRING BAY, UNIT 1-C (11/3/19)* - located at 1249 GREENDALE RD., LEXINGTON, KY.
Council District 2
Project Contact: EA Partners

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. 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. United States Postal Service Office's approval of kiosk locations or easement.
9. Denote: The subject property is located in the Royal Springs Aquifer.
10. Provided the Planning Commission makes a finding on the access easement per the Land Subdivision Regulations.
11. Discuss roadway improvements to Greendale Road.

2. PRELIMINARY SUBDIVISION PLANS

- a. PLN-MJSUB-19-00006: TUSCANY, UNIT 15 (9/12/19)* - 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.

- b. PLN-MJSUB-19-00010: MILLPOND, UNIT 1-B, SEC 2A, LOTS 16-29 (AMD) (11/3/19)* - located at 3900 BOSTON RD., LEXINGTON, KY.
Council District 9
Project Contact: Abbie Jones Consulting

Note: The purpose of this amendment is to remove the TPA from Lots 4, 5 and 6.

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. Urban Forester's approval of tree preservation plan and required street tree information.
4. Department of Environmental Quality's approval of environmentally sensitive areas.
5. United States Postal Service Office's approval of kiosk locations or easement.

3. DEVELOPMENT PLANS

- a. PLN-MJDP-19-00048: KEN HILER PROPERTY (AMD) (11/3/19)* - located at 2980 FOUR PINES DR., LEXINGTON, KY.
Council District 5
Project Contact: Stutan Contracting, LLC

Note: The purpose of this amendment is to enclose a patio area.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Landscape Examiner's approval of landscaping and landscape buffers.
3. Urban Forester's approval of tree preservation plan.
4. Addition of name and address of developer.
5. Addition of bearings along property boundaries.

- b. PLN-MJDP-19-00049: HOOVER AND FORD PHILPOT EVANGELISTIC ASSOCIATION PROPERTY (THE FOUNTAINS AT PALOMAR) (AMD) (11/3/19)* - located at 3801, 3901 AND 3955 HARRODSBURG RD., LEXINGTON, KY.
Council District 10
Project Contact: Vision Engineering

Note: The purpose of this amendment is to revise the parking and circulation and increase the building square footage of the hotel on site #9.

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. Greenspace Planner's approval of the treatment of greenways and greenspace.
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. Correct dimension of Porte Cochere.
11. Addition of zoning classification to site statistics.
12. Resolve timing of Man o' War Blvd/Harrodsburg Road landscape improvements.
13. Resolve potential outdoor swimming pool conflicts (fencing and noise).
14. Resolve notice requirement per Urban County Council request and denote future notice for final development plans per requirements for zone changes in Article 6.
15. Resolve conflict with handicap parking area.

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- c. PLN-MJDP-19-00051: RED MILE MIXED-USE DEVELOPMENT (AMD) (11/3/19)* - located at 1101 WINBAK WAY, LEXINGTON, KY.
Council District 3
Project Contact: Vision Engineering

Note: The purpose of this amendment is to add a 5-story hotel and revise the parking layout.

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. 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. Submittal of exhibit demonstrating compliance with Article 28-6(c) of the Zoning Ordinance regarding building features.
 11. Resolve pedestrian system in area of amendment.
 12. Resolve status of Tattersalls Way.
 13. Resolve timing of interim parking lot associated with Phase 2.
- d. PLN-MJDP-19-00052: KID'S HOUSE CHILD CARE CENTER (AHLULBAYT CENTER) (AMD) (11/3/19)* - located at 1449 AND 1451 BRYAN AVE., LEXINGTON, KY.
Council District 1
Project Contact: TWC

Note: The purpose of this amendment is to change the proposed use and to revise the parking layout.

The Subdivision Committee Recommends: **Postponement** due to the parking conflict.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Landscape Examiner's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree preservation plan.
 6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 8. Division of Waste Management's approval of refuse collection locations.
 9. Correct zoning in site statistics.
 10. Correct plan title to match the staff report.
 11. Documentation of account with Lynn Imaging to meet Article 21-7(b)(3) of the Zoning Ordinance.
 12. Recordation of consolidation plat prior to plan certification.
 13. Denote construction access on plan.
 14. Denote zone-to-zone screening.
 15. Denote number of seats in assembly area in site statistics to verify parking requirements.
 16. Denote proposed and existing easements on plan.
 17. Denote tree protection area from the previous plan (ZDP 2014-18).
 18. Addition of tree inventory on plan.
 19. Addition of purpose of amendment note.
 20. Complete floor area ratio in site statistics.
 21. Denote: The subject property is located in the Royal Springs Aquifer.
 22. Discuss note #15 from the previous plan (ZDP 2014-18) regarding tree planting.
 23. Discuss disclaimers and additional notes and correct typographical errors.
 24. Discuss note #15 on this plan for additional screening for change of use.
- e. PLN-MJDP-19-00005: JAMES RB MACCOUM, TRACT 2 & PORTION OF TRACT 1 (10/4/19)* - located at 2020 RUSSELL CAVE RD., LEXINGTON, KY.
Council District 1
Project Contact: Thoroughbred Engineering

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

Note: The Planning Commission approved the zone change associated with this property on April 25, 2019, but indefinitely postponed the final development plan. The Urban County Council approved the zone change on July 2, 2019.

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

1. Provided the Urban County Council rezones the property EAR-2; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Correct notation of plan face to reference note #18, not #19, along northern property boundary.
8. Reduce total number of dwelling units to 53 on the plan, per maximum density of six (6) units per gross acre in Article 23A-6.

- f. PLN-MJDP-18-00065: NDC PROPERTY, UNIT 1B, LOT 19B (STAYBRIDGE EXTENDED-STAY HOTEL) (AMD) (11/17/19)* - located at 209 RUCCIO WAY, LEXINGTON, KY.
Council District 9
Project Contact: Carman

Note: The purpose of this amendment was to revise the development on Lot 19B. The Planning Commission originally approved this plan on September 13, 2018, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Denote height of building in feet on plan.
11. Complete adjacent property information.
12. Denote reciprocal parking and access as appropriate for the properties.
13. Denote Board of Adjustment approval of conditional use permit (case number and date).

The Planning Commission approval has expired. The applicant now requests a continued discussion of the Commission's prior approval regarding a reduction of the square footage and the removal of one of the access driveways off Ruccio Way.

The Subdivision Committee Recommends: Approval, subject to the conditions previously approved.

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

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

- a. **RESOLUTION FOR FORMER PLANNING COMMISSION MEMBERS** - At this time, the Commission and the staff would like to express their sincere appreciation to Mr. William Berkley for his dedication and service to the Planning Commission and the citizens of Lexington-Fayette County.

- VI. 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.

- a. PLN-FRP-19-00027: TUSCANY, UNIT 9-G (11/3/19)* - located at 1970 WINCHESTER RD., LEXINGTON, KY.
Council District 6
Project Contact: EA Partners

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- b. PLN-FRP-19-00028: TUSCANY, UNIT 9-H (11/3/19)* - located at 1970 WINCHESTER RD., LEXINGTON, KY.
Council District 6
Project Contact: EA Partners
- c. PLN-FRP-19-00029: TUSCANY, UNIT 9-J (11/3/19)* - located at 1970 WINCHESTER RD., LEXINGTON, KY.
Council District 6
Project Contact: EA Partners
- d. PLN-FRP-19-00030: NEWMARKET PROPERTY, UNIT 7 (12/3/19)* - located at 1263 ANGUS TRAIL AND 1201 DEER HAVEN LN, LEXINGTON, KY.
Council District 12
Project Contact: EA Partners
- e. PLN-FRP-19-00033: SPRING BAY, UNIT 1-A (11/3/19)* - located at 1249 GREENDALE RD., LEXINGTON, KY.
Council District 2
Project Contact: EA Partners
- f. PLN-FRP-19-00034: SPRING BAY, UNIT 1-B (11/3/19)* - located at 1249 GREENDALE RD., LEXINGTON, KY.
Council District 2
Project Contact: EA Partners
- g. PLN-FRP-19-00035: SPRING BAY, UNIT 1-C (11/3/19)* - located at 1249 GREENDALE RD., LEXINGTON, KY.
Council District 2
Project Contact: EA Partners
- h. PLN-FRP-19-00040: SEBASTIAN PROPERTY, UNIT 2-G (11/3/19)* - located at 2944 TRAILWOOD LN, LEXINGTON, KY.
Council District 2
Project Contact: EA Partners
- i. PLN-FRP-19-00041: ETHINGTON & ETHINGTON PROPERTY, TRACT 1 (AMD) (11/3/19)* - located at 4235 HARRODSBURG RD., LEXINGTON, KY.
Council District 10
Project Contact: Vision Engineering

VII. 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.

VIII. NEXT MEETING DATES

Work Session, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building.....	September 19, 2019
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	September 25, 2019
Zoning Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	September 26, 2019
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	October 3, 2019
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building).....	October 3, 2019
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	October 10, 2019

IX. ADJOURNMENT

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