

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

September 12, 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 – Mike Owens, Chairman; Larry Forester; Karen Mundy; Bruce Nicol; Carolyn Plumlee and William Wilson. Headley Bell; Patrick Brewer; Anthony de Movellan; Frank Penn and Graham Pohl were absent.

Planning Staff members present – Kevin Adkins, 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, Department of Law.

II. **COMMISSION ITEMS**

1. **RESOLUTION FOR FORMER PLANNING COMMISSION MEMBERS** - Mr. Owens stated that the Commission and the staff would like to take an opportunity to honor Mr. Will Berkley for his dedication and service to the Planning Commission and the Lexington-Fayette County community. Mr. Owens read Mr. Berkley's resolutions into the record, then Mr. Owens, the Commission members and Mr. Berkley joined together at the podium. (A copy of the resolution is attached as an appendix to these minutes). Mr. Berkley expressed his gratitude to the Commission members and staff.

- III. **APPROVAL OF MINUTES** – A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 6-0 (Bell; Brewer; de Movellan; Penn and Pohl were absent) to approve the minutes of the August 8, 2019, meeting.

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

- a. **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

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.

Representation – Zack Cato, attorney, said that even though this item was recommended for approval by the Subdivision Committee, his client would like to request a two-week postponement to allow additional time to review the details of the proposed development.

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 6-0 (Bell; Brewer; de Movellan; Penn and Pohl were absent) to postpone **PLN-MJDP-19-00005: JAMES RB MACCOUM, TRACT 2 & PORTION OF TRACT 1** to the September 26, 2019, meeting.

- b. **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, July 11, 2019, and August 8, 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 Mr. Wilson, seconded by Mr. Forester and carried 6-0 (Bell; Brewer; de Movellan; Penn and Pohl were absent) to postpone **PLN-MJSUB-19-00006: TUSCANY, UNIT 15** to the October 10, 2019, meeting.

- c. 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.

Staff Comments – Mr. Martin said that the staff had received written communication from the applicant's representative, requesting a one-month postponement to allow additional time to resolve issues on the property.

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

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

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 6-0 (Bell; Brewer; de Movellan; Penn and Pohl were absent) to postpone **PLN-MJDP-19-00052: KID'S HOUSE CHILD CARE CENTER (AHLULBAYT CENTER) (AMD)** to the October 10, 2019, meeting.

- V. **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. **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 indicated that there were two changes to the Consent agenda that included the previous postponement of **PLN-MJDP-19-00005: JAMES RB MACCOUM, TRACT 2 & PORTION OF TRACT 1** and a request to remove **PLN-MJDP-19-00049: HOOVER AND FORD PHILPOT EVANGELISTIC ASSOCIATION PROPERTY (THE FOUNTAINS AT PALOMAR) (AMD)** to allow further discussion.

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

- 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.
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.

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

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-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.

- d. 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.

- e. 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.

- 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.

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

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.

Ms. Wade said that **PLN-FRP-19-00033** does require that the Planning Commission make a finding to allow the approved lots to have their sole access via an access easement, rather than via a public or private street. The staff believes that the findings for appropriateness to use the access easements as sole access for certain lots are as follows:

1. Allowing for the townhouse lots to be accessed only via the access easement is appropriate for the proposed development and consistent with the intent of the Land Subdivision Regulations and will not negatively impact public health and safety.

This recommendation is made subject to the following additional condition:

- a. Pedestrian accommodations shall be provided from the dwelling units to ensure that the future residents have a safe path to the public right-of-way.

Ms. Wade said that **PLN-FRP-19-00034** also requires that the Planning Commission make a finding to allow the approved lots to have their sole access via an access easement, rather than via a public or private street. Again, the staff believes that the findings for appropriateness to use the access easements as sole access for certain lots are as follows:

1. Allowing for the townhouse lots to be accessed only via the access easement is appropriate for the proposed development and consistent with the intent of the Land Subdivision Regulations and will not negatively impact public health and safety.

Ms. Wade noted that this recommendation is made subject to the following additional condition:

- a. Pedestrian accommodations shall be provided from the dwelling units to ensure that the future residents have a safe path to the public right-of-way.

Ms. Wade stated that **PLN-MJDP-18-00065** is a reapproval item and the Planning Commission's previous approval will be expiring soon. The applicant has requested the Commission reapprove the plan in order for this application to move forward.

Ms. Wade said that the remaining items are 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).

Commission member and/or audience members requesting full discussion – There was none.

Action - A motion was made by Mr. Wilson, seconded by Ms. Plumlee, and carried 6-0 (Bell; Brewer; de Movellan; Penn and Pohl were absent) to approve the items listed on the Consent Agenda, as presented by the staff, removing **PLN-MJDP-19-00005: JAMES RB MACCOUM, TRACT 2 & PORTION OF TRACT 1** and **PLN-MJDP-19-00049: HOOVER AND FORD PHILPOT EVANGELISTIC ASSOCIATION PROPERTY (THE FOUNTAINS AT PALOMAR) (AMD)**. This motion includes the Planning Commission making a finding to allow the approved lots to have their sole access via an access easement, rather than via a public or private street for **PLN-FRP-19-00033** and **PLN-FRP-19-0034**.

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

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

- (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-19-00035: 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.

Staff presentation - Ms. Gallt directed the Commission's attention to the final record plat, and briefly explained the proposed request. She indicated that the Planning staff, Traffic Engineering and the applicant met to discuss the improvements to Greendale Road, and it was determined that condition #11 can be changed from "discuss" to "resolve."

Ms. Gallt said that PLN-FRP-19-00035 does require the Planning Commission to make a finding to allow the approved lots to have their sole access via an access easement, rather than via a public or private street. The staff believes that the findings for appropriateness to use the access easements as sole access for certain lots are as follows:

1. Allowing for the townhouse lots to be accessed only via the access easement is appropriate for the proposed development and consistent with the intent of the Land Subdivision Regulations and will not negatively impact public health and safety.

This recommendation is made subject to the following additional condition:

- a. Pedestrian accommodations shall be provided from the dwelling units to ensure that the future residents have a safe path to the public right-of-way.

Commission questions – Ms. Mundy said that condition #9 notes that the property is located within the Royal Springs Aquifer, and asked if that Committee had reviewed this request. Mr. Martin explained that only development plans are heard by the Royal Springs Aquifer Committee, not final record plats. Ms. Gallt explained that the reason the Royal Springs Aquifer was listed on the final record plat conditions was to denote that the property is located within that aquifer area.

Mr. Owens asked for clarification to the resolution of the Greendale Road improvements. Mr. Martin said that, in consultation with the Law Department, it was determined that the existing access to the property was there legally and under the regulations there is no need for improvements at this time. However, should any future development of the property be submitted, then the Greendale Road improvements will be addressed at that time. He noted that the applicant is dedicating a portion of the Greendale Road right-of-way on this plat.

Mr. Owens asked for the staff's thoughts to the future development of the lot on Greendale Road. Mr. Martin indicated that the staff cannot say when, but does anticipate that lot developing at some point in the future when it is feasible.

Mr. Owens said that the timeline is unknown and the goal is to obtain the road improvements when there is an opportunity. Mr. Martin replied yes, as long as the staff can legally require the road improvements.

Representation – Rory Kahly, EA Partners, indicated that the applicant was in agreement with the staff's recommendation, and requested approval. He noted that the staff was correct in saying the applicant is dedicating a small portion of the Greendale Road right-of-way on this plat.

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

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

Action - A motion was made by Mr. Wilson, seconded by Mr. Forester and carried 6-0 (Bell; Brewer; de Movellan; Penn and Pohl were absent) to approve **PLN-FRP-19-00035: SPRING BAY, UNIT 1-C**, changing condition #10 to resolve, as recommended by the staff. This motion includes the Planning Commission making a finding to allow the approved lots to have their sole access via an access easement, rather than via a public or private street.

2. DEVELOPMENT PLAN

- a. 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.

Staff presentation - Ms. Hedge directed the Commission's attention to the final development plan, and briefly explained the proposed request.

Representation - Matt Carter, Vision Engineering, indicated that the applicant was in agreement with the staff's recommendation, and requested approval. He briefly explained that the handicap parking will be relocated to the front area of the hotel, and as for the pool there will be landscape screening and fencing surrounding it.

Mr. Simpson, attorney, was also present on behalf of the applicant. He said that normally a development plan does not require notice to be sent out, but they were agreeable to provide any future notification to be sent out within the appropriate timeframe of 21 days (condition #14).

Mr. Simpson said that for any changes to this development they would hold a neighborhood meeting so that everyone was aware and they would respond to their questions and/or concerns during that time.

Citizen Comments - Vicky Stephens, 2020 Glade Lane, has concerns with the location of the dumpster. Mr. Carter pointed out the location of the dumpster on the overhead. For the record, Ms. Wade said that Mr. Carter pointed out the dumpsters are depicted on the south of the hotel on the development plan.

Jay Conley, 2032 Glade Lane, indicated his support for this development, and said that the applicant has worked with the neighborhood and he hopes to see this development move forward.

Rebuttal - Mr. Carter reiterated that the dumpster would be located on the south side of the hotel in the parking lot.

Staff rebuttal - The staff had no further comments.

Commission comments - Ms. Mundy expressed her appreciation with the applicant and the neighborhood communicating and working together.

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

Action - A motion was made by Ms. Mundy, seconded by Mr. Forester and carried 6-0 (Bell; Brewer; de Movellan; Penn and Pohl were absent) to approve **PLN-MJDP-19-00049: HOOVER AND FORD PHILPOT EVANGELISTIC ASSOCIATION PROPERTY (THE FOUNTAINS AT PALOMAR) (AMD)**, as recommended by the staff.

- C. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – A motion was made by Mr. Forester, seconded by Ms. Mundy, and carried 6-0 (Bell; Brewer; de Movellan; Penn and Pohl were absent) to approve the release and call of bonds as detailed in the memorandum dated September 12, 2019, from Barry Brock, Division of Engineering.

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
- 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

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

VI. **COMMISSION ITEMS**

1. **COUNCIL WORKSHOP** – Mr. Duncan said that the staff would be presenting information about the ADU's ZOTA to the Council at a Council Workshop later in the evening, and also present that same information to the Commission at their September 26th meeting.
2. **WORK SESSION** – Mr. Duncan said that Work Sessions during the months of September and October will afford the opportunity to earn continuing educations credits for attending the Urban Design 101 and the MS4 training. Then at the end of

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October the members will have an opportunity to join the staff to take a field trip through downtown Lexington. Mr. Owens said that the work session does provide the opportunity for the Commission members to pick up training hours that are required by state statute.

VII. AUDIENCE ITEMS – There was none.

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

X. ADJOURNMENT - There being no further business, the Chair adjourned the meeting at 2:15 PM.

Mike Owens, Chair

Karen Mundy, Secretary

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