

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

October 10, 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; Karen Mundy; Bruce Nicol; William Wilson; Headley Bell; Anthony de Movellan; Frank Penn and Graham Pohl. Patrick Brewer; Larry Forester; Carolyn Plumlee were absent.

Planning Staff members present – Jim Duncan, Traci Wade, Tom Martin, Cheryl Gallt, Lauren Hedge, 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; Dina Melvin, Chief Administrative Office and Tracy Jones, Department of Law.

- II. **APPROVAL OF MINUTES** – A motion was made by Ms. Mundy, seconded by Mr. Wilson and carried 8-0 (Brewer; Forester and Plumlee were absent) to approve the minutes of the September 12, 2019, meeting.

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

- a. PLN-MJDP-19-00058: ROLLIE BISHOP CARROLL, SR., PROPERTY (12/2/19)* - located at 375 PASADENA DR., LEXINGTON, KY.
Council District 10
Project Contact: Vision Engineering

The Subdivision Committee Recommends: **Postponement**. The plan does not meet the required R-1T rear yard setback.

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. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. United States Postal Service Office's approval of kiosk locations or easement.
10. Combine site and lot statistics in one chart and remove miscellaneous information.
11. Denote height of buildings in feet on plan.
12. Addition of access easement maintenance note.
13. Revise plan to meet the required R-1T rear yard setback.
14. Revise open space calculations to meet requirements of Article 8-10(o)(3) for Lots #4 and #5.
15. Discuss note #10 from previous plan (PLN-MJDP-18-00084) "Resolve gas line easement conflict".
16. Discuss note #12 from previous plan (PLN-MJDP-18-00084) "Termination of private access easement".
17. Discuss plan status (PSP).

Representation – Matt Carter, Vision Engineering, said that, with the Subdivision Committee recommending postponement, they are requesting a one month postponement to allow the staff more time to review the proposed request.

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

Action - A motion was made by Mr. Penn, seconded by Ms. Mundy and carried 8-0 (Brewer; Forester; and Plumlee were absent) to postpone **PLN-MJDP-19-00058: ROLLIE BISHOP CARROLL, SR., PROPERTY** to the November 14, 2019, meeting.

- b. PLN-MJSUB-19-00006: TUSCANY, UNIT 15 (10/10/19)* - 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, August 8, 2019 and September 12, 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:

* - 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.
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.

Staff Comments – Mr. Martin said that the staff had received written communication from the applicant's representative, requesting a one month postponement to the November 14, 2019, meeting. He indicated that this plan will be going through the review process again and presented to the Commission next month.

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

Action - A motion was made by Mr. Wilson, seconded by Mr. Pohl and carried 8-0 (Brewer; Forester; and Plumlee were absent) to postpone **PLN-MJSUB-19-00006: TUSCANY, UNIT 15** to the November 14, 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 Planning Commission postponed this item at their September 12, 2019, meeting. 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.

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

Staff Comments – Mr. Martin said that the staff had received written communication from the applicant's representative, requesting a one month postponement to the November 14, 2019, meeting. He indicated that progress has been made with this request, and they have scheduled a meeting with the applicant to discuss the issues further.

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

Action - A motion was made by Mr. Penn, seconded by Mr. de Movellan and carried 8-0 (Brewer; Forester; and Plumlee were absent) to postpone **PLN-MJDP-19-00052: KID'S HOUSE CHILD CARE CENTER (AHLULBAYT CENTER) (AMD)** to the November 14, 2019, meeting.

- d. **PLN-MJDP-19-00053: LEXINGTON SUPERDOME (CENTRAL EQUIPMENT) (AMD)** (12/2/19)* - located at 791 RED MILE RD., LEXINGTON, KY.
Council District 11
Project Contact: DLZ Kentucky, Inc.

Note: The purpose of this amendment is to depict area for underground detention and area for additional parking.

The Subdivision Committee Recommends: Postponement. There are questions regarding compliance with Article 21 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. 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. Department of Environmental Quality's approval of environmentally sensitive areas.
10. Clarify the boundary of the property with a solid dark line (Cab. N, Sl. 770).
11. Addition of adjacent property boundaries with a dashed line.
12. Denote record plat information for property being amended (Cab. I, Sl. 357).
13. Addition of topography lines.
14. Clarify area for driveway access.
15. Addition of walkways and the dimensions.
16. Clarify all parking areas (legibility).
17. Denote construction access point on plan.
18. Denote location of street cross-section on plan face.
19. Denote location of existing privacy fence to comply with property perimeter screen required by Article 18 of the Zoning Ordinance.
20. Addition of building dimensions on plan.
21. Addition of zone line on property, and adjacent properties.
22. Addition of general notes from previous plan (DP 97-64).
23. Addition of street frontage in site statistics.
24. Clarify Red Mile Road cross-section from previous plan (see notes 9 & 10).
25. Remove proposed use from site statistics (duplicate information).
26. Addition of building line from previous plan.
27. Addition of all easements from previous plan.
28. Denote location of all gates.
29. Denote access off Red Mile Road as a right-in/right-out, including the taper from previous plan.
30. Clarify cross-section for Harry Sykes Way (Red Mile Place) sidewalk on both sides.
31. Dimension access points on plan.
32. Discuss compliance with the tree canopy requirements.

Staff Comments – Mr. Martin said that the staff had received written communication from the applicant's representative, requesting a one month postponement to the November 14, 2019, meeting. He indicated that the staff and the applicant would be meeting to discuss the outstanding issues with this proposed request.

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

Action - A motion was made by Ms. Mundy, seconded by Mr. Wilson and carried 8-0 (Brewer; Forester; and Plumlee were absent) to postpone **PLN-MJDP-19-00053: LEXINGTON SUPERDOME (CENTRAL EQUIPMENT) (AMD)** to the November 14, 2019, meeting.

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

- e. PLN-MJDP-19-00056: PLEASANT RIDGE SUBDIVISION, LOT 126 (REAPPROVAL OF ZDP 90-79) (12/2/19)* - located at 2184 LIBERTY RD., LEXINGTON, KY.
Council District 6
Project Contact: MLH Civil Engineers

The Subdivision Committee Recommends: Postponement due to the concern with the development activity that is occurring on the property.

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. United States Postal Service Office's approval of kiosk locations or easement.
12. Delete reference to R-1B zone.
13. Denote floor area ratio (FAR) per Article 21 of the Zoning Ordinance.
14. Denote height of buildings in feet.
15. Delete original note #5.
16. Discuss pedestrian connection to right-of-way.
17. Discuss sanitary sewer status and original note #8.
18. Discuss stormwater facilities.
19. Discuss area of recent fill activity.

Staff Comments – Mr. Martin said that the staff had received written communication from the applicant's representative, requesting a one month postponement to the November 14, 2019, meeting. He indicated that there are outstanding enforcement issues on the property that need to be worked through.

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

Action - A motion was made by Mr. Wilson, seconded by Ms. Mundy and carried 8-0 (Brewer; Forester; and Plumlee were absent) to postpone PLN-MJDP-19-00056: PLEASANT RIDGE SUBDIVISION, LOT 126 (REAPPROVAL OF ZDP 90-79) to the November 14, 2019, meeting.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, October 3, 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; Lauren Hedge; Hal Baillie; Denice Bullock; Valerie Friedmann, Scott Thompson; 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.

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

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

- a. PLN-MJDP-19-00054: LFUCG HOUSING AUTHORITY & CONNIE GRIFFITH MANOR AND BALLARD PLACE (AMD) (12/2/19)* - located at 635 BALLARD ST. AND 650 TOWER PLZ., LEXINGTON, KY.
Council District 2
Project Contact: Sherman Carter Barnhart

Note: The purpose of this amendment is to add an elevator tower.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Urban Forester's approval of tree preservation plan.
5. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
6. Correct development plan type in plan title.
7. Addition of updated signatures for Owner's certification & Commission certification and update language for Commission certification.
8. Addition of existing building and proposed elevator tower dimensions.
9. Addition of height of proposed elevator tower.
10. Correction of typos in notes.
11. Denote location of cross-section on face of plan.
12. Remove old plan numbers and signatures from certifications.
13. Update street names.

- b. PLN-MJDP-19-00057: ANDERSON 2 SUBDIVISION (AMD) (1/1/20)* - located at 425 CHILESBURG RD., LEXINGTON, KY.
Council District 7
Project Contact: Barrett Partners

Note: The purpose of this amendment is to revise the layout of Units 24-75. This plan requires the posting of a sign and an affidavit of such.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. United States Postal Service Office's approval of kiosk locations or easement.
11. Addition of existing trees, including tree protection area(s).
12. Provided the Planning Commission makes a finding the plan complies with the EAMP.

- c. PLN-MJDP-19-00059: ZANDALE SHOPPING CENTER & GREENLEAF MOTOR LODGE PROPERTIES (AMD) (12/2/19)* - located at 125 E. LOWRY LN., LEXINGTON, KY.
Council District 4
Project Contact: Brandstetter Carrol

Note: The purpose of this amendment is to depict development of a restaurant with a drive-through.

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

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

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

9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 10. Resolve extent and timing of traffic control measures.
- d. PLN-MJDP-17-00084: GREENDALE HILLS, UNIT 3 (12/10/19)* - located at 1201 GREENDALE RD., LEXINGTON, KY.
Council District 9
Project Contact: Barrett Partners

Note: The Planning Commission originally approved this plan on August 24, 2017, subject to the following conditions:

1. Provided the Urban County Council rezones the property B-6P; 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. Addition of conditional zoning restrictions.
8. Revise plan to comply with Article 12-8(b) of the Zoning Ordinance.
9. Revise plan to comply with Article 12-8(f) of the Zoning Ordinance for loading areas.
10. The following will be development plan notes:
 - a. Maximum building height of 35 feet.
 - b. Maximum building size of 35,000 square feet per building.
 - c. Along Cielo Vista Road, from driveway west to the Washington property line at 715 Cielo Vista Road, developer will plant/build a three-foot solid fence, and a three-foot hedge, and one tree every twenty feet.
 - d. Along Cielo Vista Road, from the driveway east to the intersection with Mulundy Way and along Lucille Drive, developer will plant/build a three-foot open fence (for example a picket fence) or a three foot hedge, plus one tree every thirty feet.
 - e. Along Lucille Drive, the landscape area shall average at least 10 feet in width, and shall be a minimum of 6 feet in width.

The Subdivision Committee Recommends: **Reapproval**, subject to the conditions previously approved, but removing condition #1 which has been met.

Ms. Wade said that the staff had received and reviewed the affidavit for the sign posting for **PLN-MJDP-19-00057: ANDERSON 2 SUBDIVISION (AMD)** and it appeared to be in order. She then said that the staff had also distributed a staff report to the Commission, which indicated **PLN-MJDP-19-00057: ANDERSON 2 SUBDIVISION (AMD)** does meet the requirements for an Expansion Area Master Plan. She indicated that the amended Final Development/Preliminary Subdivision Plan for the **Anderson 2 Subdivision** is in compliance with the Future Land Use and Community Design Elements of the Expansion Area Master Plan for the following reasons:

1. The proposed single-family attached residential land use and proposed development standards are in compliance with the future land use element of the EAMP.
2. The residential land use and community design elements are consistent with and complement the existing neighborhoods in the area, providing both linkages and well-defined boundaries in compliance with the Community Design Element of the EAMP. The minor changes proposed do not impact the previously stated compliance.
3. The proposed plan recognizes the Special Design Area criteria associated with the rural designation of Chilesburg Road and has incorporated that into the development.

Ms. Wade added that the Final Development/Preliminary Subdivision Plan for the **Anderson 2 Subdivision** is in partial compliance with the Infrastructure element of the Expansion Area Master Plan for the following reasons:

1. All required sanitary sewer trunk line and collector street infrastructure (Hays Boulevard) to serve this development are in place.
2. While the required portion of the stormwater management plan for constructed wetland facilities will not be built with this development due to difficulties associated with the appropriate design and construction area for said facilities, they can be constructed along with others planned for adjoining properties.

Audience members requesting full discussion – Amy Clark requested **PLN-MJDP-19-00059: ZANDALE SHOPPING CENTER & GREENLEAF MOTOR LODGE PROPERTIES (AMD)** be removed from the Consent Agenda to allow further discussion.

Commission member requesting full discussion – There was none.

Action - A motion was made by Ms. Mundy, seconded by Mr. Penn, and carried 8-0 (Brewer; Forester; and Plumlee were absent) to approve the items listed on the Consent Agenda, as presented by the staff, removing **PLN-MJDP-19-00059: ZANDALE SHOPPING CENTER & GREENLEAF MOTOR LODGE PROPERTIES (AMD)**. This motion includes the Planning Commission finding **PLN-MJDP-19-00057: ANDERSON 2 SUBDIVISION (AMD)** is in compliance with the Future Land Use and Community Design Elements of the Expansion Area Master Plan.

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

- 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
 - (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. DEVELOPMENT PLANS

- a. PLN-MJDP-19-00055: SOUTH PARK SHOPPING CENTER (AMD) (12/2/19)* - located at 3220 NICHOLASVILLE RD. AND 210 & 240 CANARY RD., LEXINGTON, KY.
Council District 4
Project Contact: CMW

Note: The purpose of this amendment is to add building square footage and associated parking, modify the shopping center entrance from Canary Road and to revise site statistics.

The Subdivision Committee Recommends: **Postponement** due to compliance with Article 12 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. 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 timing of consolidation plat to resolve conflict of existing property line.
11. Resolve process to re-plat property change building setback (note #19).
12. Resolve sidewalk along Canary Road to connect transit stop along Nicholasville Road to the buildings within the shopping center.
13. Discuss options for 15' landscape buffer/property perimeter screening (note #20) per Article 18 of the Zoning Ordinance.
14. Discuss compliance with Articles 12-8(h) & 12-8(i) of the Zoning Ordinance.

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. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.

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

- ~~10. Resolve timing of consolidation plat to resolve conflict of existing property line. Provided the final record plat (PLN-FRP-19-00047) for the commercial center is approved and recorded prior to certification of the final development plan.~~
- ~~11. Resolve process to re plat property change building setback (note #19).~~
- ~~12. Resolve sidewalk along Canary Road to connect transit stop along Nicholasville Road to the buildings within the shopping center.~~
11. 13. Discuss Resolve options for 15' landscape buffer/property perimeter screening (note #20) per Article 18 of the Zoning Ordinance.
12. 14. Discuss Resolve compliance with Articles 12-8(h) & 12-8(i) of the Zoning Ordinance to include:
 - a. Documentation of a multi-modal improvement plan.
 - b. Lextran's approval of all transit facilities.
 - c. MPO's approval of rideshare accommodations.

Representation present – Adman Bender-Saunders, CMW, indicated that the applicant was in agreement with the staff's revised recommendation, and requested approval.

Commission Questions – There were none.

Citizen Comments - There were none.

Action - A motion was made by Ms. Mundy, seconded by Mr. Bell, and carried 8-0 (Brewer; Forester; and Plumlee were absent) to approve **PLN-MJDP-19-00055: SOUTH PARK SHOPPING CENTER (AMD)**, as recommended by the staff.

- b. PLN-MJDP-19-00059: ZANDALE SHOPPING CENTER & GREENLEAF MOTOR LODGE PROPERTIES (AMD)
(12/2/19)* - located at 125 E. LOWRY LN., LEXINGTON, KY.
Council District 4
Project Contact: Brandstetter Carrol

Note: The purpose of this amendment is to depict development of a restaurant with a drive-through.

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

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

Staff Presentation - Mr. Martin directed the Commission's attention to the final development plan, and briefly explained the proposed development of the property. He indicated that the staff was recommending approval, subject to the conditions listed on today's agenda.

Representation present – Brandon Gross, attorney, along with Mark McIntosh, Vision Engineering and Charlie Schneider, Brandstetter Carrol, indicated that the applicant was in agreement with the staff's recommendation, and requested approval.

Traffic Engineering – Stephen Parker explained that the applicant has worked with the staff making incredible improvements to the development plan versus what was previously presented to the Commission. He noted that the stacking requirements for any drive-through is a minimum of five cars, but the applicant is providing enough room for 10 cars. He said that there was a concern with the site distance at the rear access point along Lowry Lane. However, the applicant has gone above and beyond what is required. The applicant is making this area safer by installing traffic calming devices, such as medians, to separate the residential neighborhood from the commercial businesses. Mr. Parker said that had the applicant proposed a fast-food restaurant, the staff would not support that plan. However, based on the traffic study and the Smoothie King hours of operation, the staff does support the Smoothie King at this location.

Commission Questions – Mr. Penn asked for clarification. He said should there be any change in the use, the staff is recommending the amended development plan to be reviewed by the Planning Commission. Mr. Parker replied affirmatively, and said that any other business with a higher intensity would not be supported by the staff. The

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Planning Commission would need to review the amended development plan, and decide whether or not a change in the use is appropriate for this area.

Citizen Comments – Amy Clark, 628 Kastle Road, was present representing Mr. McAtee and Mr. Grunelle. She expressed concern about the proposed development not supporting livability of the area and the lack of enhancement for the nearby neighborhood. She presented a PowerPoint presentation and briefly explained why she believes the proposed development plan does not comply with The Placebuilder criteria or the Comprehensive Plan.

Representation Rebuttal – Mr. Gross indicated that he did mail a letter on November 4, 2018, to Mr. McAtee and Mr. Grunelle informing them of the proposed development plan and suggested that if they had any questions or concerns to contact and meet with him. There was no response back from either individual.

Mr. Gross then said for the record, Ms. Clark cannot speak on behalf of Mr. McAtee and Mr. Grunelle because she is not a licensed attorney. Anything in relation to her testimony should not be considered for this hearing.

Mr. Gross briefly explained that when his client purchased the property, the lot in question was already approved for a 5,000 square foot building. Whether or not the Planning Commission approves the proposed request, his client does intend to build on this lot. He said that, as part of the proposed development plan, his client is willing to reduce the building footprint and increase the pedestrian amenities. He then said that they are agreeable to add a note requiring a change in the use be approved only by the Planning Commission. As for the traffic study, Mr. Gross said that Mark McIntosh was present should there be any questions.

Citizen Rebuttal - Ms. Clark said that the drive-through has been enlarged to accommodate 10 cars versus what was originally on the approved development plan. She indicated that the staff believed the improvements should not be the sole responsibility of Smoothie King, but the problems created from this proposal will be the sole responsibility of the neighborhood.

Staff Rebuttal - Mr. Martin clarified that, for this particular drive-through, a restriction was placed on the property through Traffic Engineering's sign-off. The Planning Commission had nothing to do with that restriction. There was a significant amount of concern based upon the amount of traffic and activities in this immediate area. Mr. Martin said that without a zone change the B-3 zoning does not allow redevelopment for housing unlike the B-6P zone or B-1 zone. The possibility of any type of multi-family development on this site would not happen unless there was a zone change approved by the Planning Commission and Council.

Mr. Parker said that the sole purpose of comparing a McDonalds to a Smoothie King was to show the intensity of a drive-through vary greatly depending on the particular restaurant. The staff's intention was to only illustrate the different types of business and their intensity of their drive-through. Each request is reviewed on a case-by-case basis and it is unrealistic to classify all businesses as bad or good. All traffic studies are reviewed critically and in a realistic fashion. He said that having the Smoothie King at this location will not cause any impact whatsoever on the back entrance of the shopping center.

Mr. Parker then said that, whether or not there is a Smoothie King at this location, there will always be accidents. The fact that the property owner is trying to improve the offsite situation is more than what is typically required of an applicant. Even with the Smoothie King, this area may end up in a better situation simply because of the offsite improvements.

Commission Question – Mr. de Movellan asked if there were alternate locations considered for the dumpster, perhaps one that is not adjoining the residential neighborhood. Mr. Gross replied that they had reviewed other locations, but unfortunately, the current layout of the property limits any other options on this site. However, they are willing to review the drive lanes as an alternative location, but he does not believe Traffic Engineering would be agreeable. He added that Waste Management is a sign-off so they may want the dumpster to be moved to another location.

Mr. Pohl said that there is a retaining wall between the building and Lowery Lane, and asked what are the landscape provisions. Mr. Gross said that they are planning to keep the existing trees along Lowery Lane.

Mr. de Movellan asked for staff comment regarding an alternative location for the dumpster. Mr. Martin replied that the location of the dumpster has been a concern over the years, but the one mitigating factor is there is an extreme change in the topography between the road and the site. He explained that when this area was developed the hill next to the residential area was cut away so the dumpster would be against a small cliff and it will sit well below the residential area. The dumpster has always been a concern, but it needs to function well.

Mr. Nicol asked what note #12 says on the development plan. Mr. Gross illustrated the following note on the overhead.

12. A fast food user with drive-through facilities shall be limited to a space/unit with a maximum of 1,900 sf., and any other fast-food use for such space/unit not listed in this development plan shall require a minor development plan

amendment to determine that Traffic Engineering and Planning concur that current or proposed traffic improvements will accommodate such other fast-food use.

Mr. Nicol said that originally the building was proposed as a 5,000 square foot building, then the building was reduced down to a 3,900 square foot building. In order to reduce the traffic count, note #12 was added to the development plan limiting the size of the building to 1,900 square foot for a fast-food restaurant. Mr. Gross replied affirmatively. The building will be 3,900 square foot in size, but a fast-food user can only utilize 1,900 square foot of the 3,900 square foot and the remaining square footage will be used for a retail sale establishment.

Mr. Penn said that the Planning Commission has reviewed this site for two years. The concerns that were mentioned by Ms. Clark are relevant during a zone change. He then said that the Commission is now being asked to change something that was approved at the zone change hearing, which is pretty late in the game. Mr. Penn said that Ms. Clark's argument is there should not be a drive-through on this lot, but that discussion has already been dealt with when the B-3 zone was approved for the site. Everything that was mentioned by Ms. Clark are valid concerns, but he doesn't want to rehash those same discussions.

Ms. Mundy said that with note #12 being added to the development plan restricting the type of user, the staff will have the opportunity to review the next user should Smoothie King vacate the site. This area is congested, but this area would be more congested should the approved development plan be used. Ms. Mundy indicated that she agrees with the proposed development plan and is more comfortable with what is being proposed and how the next use is limited in size.

Mr. Owens said that the Planning Commission is charged with utilizing vacant area and this is the last remaining lot on this development. He then said that Smoothie King is the last user coming to this development so they are catching most of the problems. He believes that the applicant is working hard to accommodate the entire development. He said that Traffic Engineering has indicated that they are comfortable with the proposed development plan. Mr. Owens then said that a lot of Ms. Clark's comments are more appropriate during a zone change hearing.

Mr. Pohl thanked Ms. Clark for reminding the Planning Commission of their responsibility, but he also agrees with the Commission member's comments. He then said that there is an opportunity to do some placemaking in terms of landscaping. He indicated that the aerial view only shows a few street trees and the Commission could take advantage of adding additional landscaping along Lowry Lane. This could be done with some type of provision so that the vehicles are hidden from view.

Mr. Martin said that this development plan is governed by Article 18 of the Zoning Ordinance, which means that the applicant will need to submit a landscape plan that will show zone-to-zone screening, street trees and vehicular use area screening. He then said that the Planning Commission can impose additional landscaping, but the staff believes Article 18 will address Mr. Pohl's concerns.

Mr. Pohl said that he frequently drives through the shopping center and the median on Lowry Lane will make a big difference with the traffic calming in this area.

Mr. Wilson appreciated the applicant's willingness to work with the staff, the community and everyone else.

Action - A motion was made by Mr. Wilson, seconded by Ms. Mundy, and carried 8-0 (Brewer; Forester; and Plumlee were absent) to approve **PLN-MJDP-19-00059: ZANDALE SHOPPING CENTER & GREENLEAF MOTOR LODGE PROPERTIES (AMD)**, as recommended by the staff.

- C. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – A motion was made by Ms. Mundy, seconded by Mr. Wilson, and carried 8-0 (Brewer; Forester; and Plumlee were absent) to approve the release and call of bonds as detailed in the memorandum dated October 10, 2019, from Barry Brock, Division of Engineering.

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

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

- a. **PLN-FRP-19-00031: PRESTON SUBDIVISION, LOT 28 (AMD)** (11/3/19)* - located at 546 AND 548 MARYLAND AVE., LEXINGTON, KY.
Council District 2
Project Contact: Cam Surveying

Staff Presentation - Mr. Martin directed the Commission's attention to the final record plat, and briefly explained that the purpose of this amendment was to subdivide one lot under the Infill and Redevelopment small lot provisions. During the staff's review, it was determined the proposed subdivision does not meet the minimum standards for lot frontage or lot size in the R-1E zone. He indicated that the staff was referring this item to the Planning Commission under Article 4-5 of the Zoning Ordinance, which governs non-conforming lots.

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Mr. Martin said 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.
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. Denote building line.
8. Addition of maintenance note per Article 5-4 (g).
9. ~~Discuss compliance with Article 8-9 of the Zoning Ordinance and Article 6-4 of the Land Subdivision Regulations~~ Provided the Planning Commission makes a finding in accordance with Article 4-5(a) of the Zoning Ordinance.

Commission Questions – Mr. de Movellan asked if there are two separate detached houses on the lots. Mr. Martin replied affirmatively, and added that these lots have been established for many years. This type of request was not an unusual within the older neighborhoods.

Mr. Owens said that with the lots being non-conforming what can be done if the buildings were demolished. Mr. Martin said that the property owner would have to meet the exiting footprint of the building or the existing setbacks in order to rebuild.

Mr. Nicol asked if the reason the lots were non-conforming was due to the lot size being less than 1,500 square foot. Mr. Martin replied that the lots are non-conforming because these lots are too small to comply with the R-1E zone requirements.

Mr. Owens asked what is the property zoned. Mr. Martin replied that the area was down-zoned several years back, in an effort to protect Maryland Avenue, to the R-1E (Single Family Residential) zone.

Representation present – No representation.

Commission Questions – There were none.

Citizen Comments - There were none.

Action - A motion was made by Mr. Nicol, seconded by Ms. Mundy, and carried 8-0 (Brewer; Forester; and Plumlee were absent) to approve **PLN-FRP-19-00031: PRESTON SUBDIVISION, LOT 28 (AMD)**, as recommended by the staff.

- b. **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-MJDP-19-00057: ANDERSON 2 SUBDIVISION (AMD)** (1/1/20)* - located at 425 CHILESBURG RD., LEXINGTON, KY.
Council District 7
Project Contact: Barrett Partners

Staff Presentation - Ms. Wade directed the Commission's attention to the Improvement Plan Progress Report, and briefly explained that the staff had failed to upload the report so this item would be postponed to the next Planning Commission meeting on October 24, 2019.

- c. **WORK SESSION** – Mr. Duncan reminded the Commission members that their next work session would be held Thursday, October 17, 2019. He said that the Commission will have an opportunity to earn continuing educations credits for attending the Urban Design 102 and the MS4 training that are required by state statute. He then said that the Director of the PDR Program would be presenting the yearly report for the Purchase of Development Rights.
- d. **SPECIAL MEETING - ZOTA 2019-5 PUBLIC HEARING** – Mr. Penn confirmed that there would be a special meeting on October 21, 2019. Mr. Duncan replied affirmatively. Mr. Owens said that the staff would be presenting information to the members beforehand.
- e. **ZONING ITEMS PUBLIC HEARING** – Mr. Owens indicated that the October 24th Planning Commission hearing will be held at the Phoenix Building.

VII. AUDIENCE ITEMS – There was none.

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VIII. **NEXT MEETING DATES**

Work Session, Thursday, 1:30 p.m., 3rd Floor Phoenix Building..... October 17, 2019
Special Meeting - ZOTA 2019-5 Public Hearing, Monday, 1:30 p.m., 2nd Floor Council Chambers..... **October 21, 2019**
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers **October 24, 2019**
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) October 30, 2019
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)November 7, 2019
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building).....November 7, 2019
Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....**November 14, 2019**

IX. **ADJOURNMENT** - There being no further business, the Chair adjourned the meeting at 2:53 PM.

Mike Owens, Chair

Karen Mundy, Secretary

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