

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

December 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; Headley Bell (arrived at 1:40 PM); Patrick Brewer (arrived at 1:40 PM); Larry Forester; Karen Mundy; Bruce Nicol; Frank Penn; Carolyn Plumlee; Graham Pohl and William Wilson. Anthony de Movellan was absent.

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

- II. **APPROVAL OF MINUTES** – A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 8-0 (Brewer, Bell and de Movellan absent) to approve the minutes of the November 14, 2019, meeting.

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

- a. **PLN-MJDP-19-00070: HAMBURG EAST (BAPTIST HEALTHCARE CAMPUS) (AMD) (3/2/20)*** - located at 2000 POLO CLUB BLVD., LEXINGTON, KY.
Council District 12
Project Contact: CMW

Note: The purpose of this amendment is to revise the development of the property and depict proposed access, buildings and open space.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. 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. Denote height of buildings in feet per Article 21 of the Zoning Ordinance.
11. Provide Tree Inventory Map per Article 26 of the Zoning Ordinance.
12. Resolve status of Lots 2, 3, 4 and 6 with a note requiring a final development plan.
13. Resolve service road alignment along interstate and connection to the south per the approved zoning development plan (ZDP 2006-112) at the time of a final development plan.
14. Denote intended purpose of buildings #1, #9, #12 and #13 will comply with permitted ED uses per the Zoning Ordinance.
15. Discuss roadway widths and intersection configurations internal to the site and along Polo Club Boulevard.
16. Discuss access to and location of proposed fire station.

Representation – Nick Nicholson, attorney, requested a one month postponement to allow additional time to address items that affect, but are not related, to 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 8-0 (Brewer, Bell and de Movellan absent) to postpone **PLN-MJDP-19-00070: HAMBURG EAST (BAPTIST HEALTHCARE CAMPUS) (AMD)** to the January 16, 2020, meeting.

- b. **PLN-MJDP-19-00069: RAMSEY SULLIVAN PROPERTY, LOT 4 (GARDENS OF KEARNEY RIDGE) (AMD) (2/2/20)*** - located at 2559 KEARNEY RIDGE BLVD., LEXINGTON, KY.
Council District 12
Project Contact: Integrated Engineering

Note: The purpose of this amendment is to revise the layout of the buildings and parking on Lot 4.

The Subdivision Committee Recommends: **Postponement**. There are questions regarding the plan meeting the required parking per the transit reduction allowed.

Should this plan be approved, the Subdivision Committee should consider the following requirements:

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. United States Postal Service Office's approval of kiosk locations or easement.
13. Revise exterior setback to 20' to meet Article 9-6(c)(2) of the Zoning Ordinance.
14. Denote approval from Royal Springs Aquifer Committee.
15. Discuss location of the dumpsters in the 20' building line adjacent to the single family residential area and the distance required to backup solid waste vehicles is 50' maximum.
16. Discuss parking required for the proposed development and signoff from Lextran for a transit stop.

Representation – Steve Garland, Integrated Engineering, said that, with the Subdivision Committee recommending postponement, they are requesting a one month postponement to have additional time to address the parking issues.

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 8-0 (Brewer, Bell and de Movellan absent) to postpone **PLN-MJDP-19-00069: RAMSEY SULLIVAN PROPERTY, LOT 4 (GARDENS OF KEARNEY RIDGE) (AMD)** to the January 16, 2020, meeting.

- c. **PLN-MJDP-19-00071: RIDDELL PLAZA, LOT 3 (PARKER PROPERTY) (AMD) (2/2/20)*** - located at 1108 S. BROADWAY, LEXINGTON, KY.
Council District 3
Project Contact: Vision Engineering

Note: The purpose of this amendment is to revise the development on lot, including parking layout, building location, property access and the addition of two drive-throughs.

At the request of the applicant, the Subdivision Committee did not review this development plan.

The Technical Committee and Staff Recommended: Postponement. There are questions regarding the plan's intrusion into the adjoining property and different zoning classifications.

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. United States Postal Service Office's approval of kiosk locations or easement.
11. Addition of record plat information.
12. Clarify area of amendment on vicinity map.
13. Remove extraneous information (floating directional arrows) from plan face.
14. Revise contour intervals to 2' per Article 21 of the Zoning Ordinance.
15. Update site statistics to reflect reduced building square footage.
16. Dimension all drive lanes.
17. Denote construction access point.
18. Addition of zone-to-zone screening.
19. Discuss access points, drive lanes and parking on adjacent properties.
20. Discuss building crossing over property line and zoning boundary.
21. Discuss B-1 zone setback (build to range) along Simpson Avenue.
22. Discuss need for two drive-throughs on the site associated with retail sales establishments.

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

23. Discuss proposed modification to stormwater management facilities and their impacts.
24. Discuss status of hydrology study required by note #14.

Representation – Matt Carter, Vision Engineering, said that, with the Subdivision Committee recommending postponement, they are requesting a one month postponement to have additional time to address the discussion issues.

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 8-0 (Brewer, Bell and de Movellan absent) to postpone **PLN-MJDP-19-00071: RIDDELL PLAZA, LOT 3 (PARKER PROPERTY) (AMD)** to the January 16, 2020, meeting.

Note: Mr. Bell and Mr. Brewer arrived at the meeting.

- d. **PLN-MJDP-19-00062: LANSLOWNE SHOPPING CENTER (AMD)** (1/6/20)* - located at 3329 TATES CREEK RD., LEXINGTON, KY.
Council District 4
Project Contact: Barrett Partners

Note: The Planning Commission postponed this item at November 14, 2019, meeting. The purpose of this amendment is to revise the building area and parking.

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. Resolve access and revised parking area conflict(s).

Representation – Tony Barrett, Barrett Partners, said that even though this item was listed on the Consent agenda, they are requesting a one month postponement to allow further discussion of the access and revised parking area conflict(s).

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 10-0 (de Movellan absent) to postpone **PLN-MJDP-19-00062: LANSLOWNE SHOPPING CENTER (AMD)** to the January 16, 2020, meeting.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, December 5, 2019, at 8:30 a.m. The meeting was attended by Commission members: Mike Owens, Karen Mundy, Carolyn Plumlee, Headley Bell, and Frank Penn. Committee members in attendance were: Vaughan Adkins, Division of Engineering and Stephen Parker, Division of Traffic Engineering. Staff members in attendance were: Traci Wade; Tom Martin; Jimmy Emmons, Cheryl Gallt; Denice Bullock; Lauren Hedge; Captain Greg Lengal, Division of Fire & Emergency Services; and Chad Edwards, 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.

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

Requests can be made to remove items from the Consent Agenda: (1) due to prior postponements and withdrawals,
(2) from the Planning Commission,
(3) from the audience, and
(4) from Petitioners and their representatives.

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

- a. **PLN-MJDP-19-00068: THE PENINSULA & SQUIRES APARTMENTS (AMD) (2/2/20)*** - located at 440 SQUIRES RD., LEXINGTON, KY.
Council District 7
Project Contact: EA Partners

Note: The purpose of this amendment is to revise the clubhouse layout and add an access point on Squires Circle.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Landscape Examiner's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Department of Environmental Quality's approval of environmentally sensitive areas.
 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. Addition of building height of clubhouse in feet.
 11. Update Purpose of Amendment note to include additional access point.
 12. Dimension pools and pool deck area.
- b. **PLN-MNDP-19-00020: FAYETTE COMMONS (MOE'S & BURGERFI) (AMD) (12/12/19)*** - located at 135 ROJAY DR., LEXINGTON, KY.
Council District 9
Project Contact: Ingenium Enterprises, Inc.

Note: The Planning Commission postponed this item at their November 14, 2019, meeting. The staff is referring this minor development plan to the Planning Commission for the approval of the drive-through in a B-6P (Planned Shopping Center) zone.

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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Division of Waste Management's approval of refuse collection locations
8. Denote height of proposed retaining wall in feet on plan.

Ms. Wade indicated that **PLN-MJDP-19-00062: LANSDOWNE SHOPPING CENTER (AMD)** was postponed to the January 16, 2020, meeting. She said that the two remaining items on the Consent Agenda could be considered for conditional approval at this time by the Commission, as recommended, unless there was a request for an item to be removed from consideration by a member of the Commission, or the audience, to allow an opportunity for its discussion. (A copy of the Consent Agenda is attached as an appendix to these minutes).

Audience members requesting full discussion – There were none.

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

Action - A motion was made by Mr. Brewer, seconded by Mr. Wilson, and carried 10-0 (de Movellan absent) to approve the items listed on the Consent Agenda, as presented by the staff, removing **PLN-MJDP-19-00062: LANSDOWNE SHOPPING CENTER (AMD)**.

- 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:

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

- 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. PRELIMINARY SUBDIVISION PLAN

- a. PLN-MJSUB-19-00011: JAMES RB MACCOUM, TRACT 2 & A PORTION OF TRACT 1 (THE RESERVE AT EDEN, LLC) (3/2/20)* - located at 2020 RUSSELL CAVE RD., LEXINGTON, KY.
Council District 1
Project Contact: Thoroughbred Engineering

Note: 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.
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. 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.
10. Addition of length of street in site statistics for Russell Cave Road.
11. Show cul-de-sac street details as per Exhibit 6-7 of the Land Subdivision Regulations.
12. Provided the Planning Commission makes a finding the plan complies with the EAMP.
13. Provided the Planning Commission grants the requested waiver to Article 6-8(n)(1) of Land Subdivision Regulations.
14. Discuss angle of proposed stub street to the adjacent property to the north (furthest from Russell Cave Road).

Ms. Wade said that the staff had received and reviewed the affidavit for the sign posting for PLN-MJSUB-19-00011: JAMES RB MACCOUM, TRACT 2 & A PORTION OF TRACT 1 (THE RESERVE AT EDEN, LLC) and it appeared to be in order.

Staff Presentation - Ms. Gallt directed the Commission's attention to the Preliminary Subdivision Plan/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.
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. 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.
10. Addition of Clarify length of street in site statistics for Russell Cave Road.
- ~~11. Show cul-de-sac street details as per Exhibit 6-7 of the Land Subdivision Regulations.~~
- ~~11.~~ 12. Provided the Planning Commission makes a finding the plan complies with the EAMP.
- ~~12.~~ 13. Provided the Planning Commission grants the requested waiver to Article 6-8(n)(1) of Land Subdivision Regulations.
- ~~14. Discuss angle of proposed stub street to the adjacent property to the north (furthest from Russell Cave Road).~~

Mr. Martin said that the applicant has requested a waiver to Article 6-8(n)(1) of the Land Subdivision Regulations, pertaining to the street geometrics as required by the Land Subdivision Regulations. The applicant was requesting the waiver under Article 1-5(a) Exceptional Hardship.

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

Mr. Martin then said that the staff has reviewed the applicant's request and recommends approval of the requested waiver(s), for the following reasons:

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

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

- a. Sidewalk shall be provided along the southwest side of Eden Court extension for approximately 25 feet to provide a connection to the existing subdivision.

Commission Questions – Mr. Owens confirmed that the addition of 25 feet of sidewalk along Eden Court would be covered under the waiver request as a requirement. Mr. Martin replied affirmatively.

Mr. Martin said that the Final Development Plan/Preliminary Subdivision Plan for **PLN-MJSUB-19-00011: JAMES RB MACCOUN, TRACT 2 & A PORTION OF TRACT 1 (THE RESERVE AT EDEN, LLC)** is in compliance with the Future Land Use Element and is in substantial compliance with the Community Design Element and the Infrastructure Element as identified in the Expansion Area Master Plan for the following reasons:

1. The use and proposed development meet the definition of the Expansion Area Residential land use category provided in the EAMP and the uses allowed in the EAR-2 zone.
2. Many principles of the EAMP and use of the natural topography have been incorporated into the design of this proposed EAR-2 development. The development plan is therefore in substantial agreement with the EAMP Community Design Element.
3. Although sanitary sewer service does not currently exist to all of the subject property, and the planned regional sanitary sewer pump station to the northwest of the subject property is in its last phases of construction, sanitary sewer service is available to the eastern portion of this property from existing sewer lines to the south. The portion of the property to the west will be responsible for connection to the pump station that is under construction.

Mr. Martin added that this report was subject to the following recommendation:

- a. To ensure greater compliance with the Community Design Element of the EAMP, the applicant shall denote development standards for the single-family lots prior to certification.

Representation – Zach Cato, attorney, William Horton and Ryan Foster, Thoroughbred Engineering were present on behalf of the applicant. Mr. Cato indicated that the applicant was in agreement with the staff's recommendation, and requested approval. He added that they have provided the design standards on the plan, but if more detail is needed they are happy to provide that to the staff.

Commission Questions – Mr. Penn said that to provide sanitary sewer service to this site there would need to be a connection to the new trunk line; and asked if the new line would be deep enough for gravity feed or pumped over the hill. Mr. Horton explained that as it stands with the existing grades, the lines are a little lower; however, they are looking at the option of raising the grade to eliminate the need for a pump system.

Mr. Penn asked if the applicant can obtain easements. Mr. Horton said that there are easements on the back side of the adjoining lots that could be used for the sanitary sewer lines.

Citizen Comments – Richard Murphy was present on behalf of Dr. John Cummins, who is the property owner to the north of this site. He explained that his client has experienced flooding problems on his land and he is trusting that the stormwater calculations would be reviewed carefully so the flooding does not increase on his client's property.

Patty Draus, 608 Allen Court, voiced her concerns over an increase in traffic on Eden Court. She asked if a temporary signalized connection could be made to Russell Cave Road until the rest of the land was developed.

Staff Comments – Ms. Wade said that Traffic Engineering had requested the applicant to work with Dr. Cummins to provide an alternative connection to Parkside Drive. However, at this time, no agreement has been made.

Commission comments - Mr. Owens agreed, and said that there have been discussions, but no connection will be made in the immediate future. As far as Russell Cave Road, there are significant issues with the sight distance on that road. The only entrance to this development will be through Eden Court, until future development occurs.

Mr. Penn said that this land is very unique and it's the only property that he has seen where a spring comes out on top of the hill. He then said that until the adjoining property develops, everyone is doing the best that they can. The property owners have the right to develop their land, and a connection to Russell Cave Road was not an option due to public safety issues. He added that there was no reason why this property should not be developed if the sanitary sewer and stormwater systems can be properly handled. He indicated that should Dr. Cummins develop his land, then the connection to Parkside Drive would be made and provide some relief.

Action - A motion was made by Mr. Penn, seconded by Mr. Forester, carried 10-0 (de Movellan absent) to approve **PLN-MJSUB-19-00011: JAMES RB MACCOUM, TRACT 2 & A PORTION OF TRACT 1 (THE RESERVE AT EDEN, LLC)**, as recommended by the staff, noting the Preliminary Subdivision Plan/Final Development Plan does comply with the Expansion Area Master Plan.

Action - A motion was made by Mr. Penn, seconded by Mr. Forester, carried 10-0 (de Movellan absent) to approve the waiver to Article 6-8(n)(1) of the Land Subdivision Regulations for **PLN-MJSUB-19-00011: JAMES RB MACCOUM, TRACT 2 & A PORTION OF TRACT 1 (THE RESERVE AT EDEN, LLC)** pertaining to the street geometrics as required by the regulations.

3. DEVELOPMENT PLANS

- a. PLN-MJDP-19-00066: MASTERSON STATION CENTER (CITATION VILLAGE) (AMD) (1/6/20)* - located at 248 FERNDAL PASS AND 2679 LEESTOWN RD., LEXINGTON, KY.
Council District 2
Project Contact: EA Partners

Note: The Planning Commission postponed this item at November 14, 2019, meeting. The purpose of this amendment is to revise townhouse development, add street cross-section "Z-Z", and update notes.

The Subdivision Committee Recommends: Postponement. There are questions regarding the pedestrian access along the road frontage.

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. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. United States Postal Service Office's approval of kiosk locations or easement.
13. Correct Citation Boulevard on vicinity map.
14. Addition of open space provided.
15. Depict tree canopy and protection areas on face of plan.
16. Discuss height of proposed front yard privacy fence.
17. Discuss zone-to-zone screening.
18. Discuss access to the shared-use trail from the site.
19. Discuss subdivision of townhomes and/or compliance with Article 9 (Group Residential).

Staff Presentation - Ms. Hedge 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. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. United States Postal Service Office's approval of kiosk locations or easement.
13. Correct Citation Boulevard on vicinity map.
14. Addition of open space provided.
15. Depict tree canopy and protection areas on face of plan and provide canopy coverage.
16. ~~Discuss height of proposed front yard privacy fence.~~

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

- ~~17. Discuss zone-to-zone screening.~~
- ~~18. Discuss access to the shared-use trail from the site.~~
- ~~19. Discuss subdivision of townhomes and/or compliance with Article 9 (Group Residential).~~

Mr. Martin said that the applicant had requested a waiver to Article 6-4(c) of the Land Subdivision Regulations, pertaining to the required street frontage in an R-3 zone. The staff is recommending approval of the requested waiver for the internal street system for residential townhouses, for the following reasons:

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

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

- a. The access easements shall be constructed to the approval of the Divisions of Traffic Engineering and Engineering and the Land Subdivision Regulations, as appropriate.
- b. Maintenance responsibilities for the access easements shall be denoted on all plans for the proposed development, including the final record plat.

Mr. Martin added that Article 6-8(m) of the Land Subdivision Regulations requires the Planning Commission make a finding to approve lots which are proposed to have their sole access provided via an access easement, rather than via a public or private street. The staff concurs that the use of the access easements will adequately serve the townhouse lots consistent with the public health and safety intent of the Land Subdivision Regulations.

The finding for appropriateness of access easements as sole access for certain lots:

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 was made subject to the following additional condition:

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

Commission Questions – Mr. Owens confirmed that the last four conditions are resolvable. Mr. Martin replied affirmatively. Mr. Owens then asked if the conditions should stay listed as a resolve item. Mr. Martin replied negatively, and said that the proposed development plan and the Zoning Ordinance would resolve those conditions.

Representation – Rory Kahly, EA Partners, indicated that the applicant was in agreement with the staff's recommendation, and requested approval.

Commission Questions – Mr. Owens asked if the applicant had any type of details about the proposed 4 foot fence. Mr. Kahly explained that the fence would be the standard picket style fencing surrounding the buildings. Mr. Owens asked if the fence would be better than a chain-link fence. Mr. Kahly responded affirmatively.

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, carried 10-0 (de Movellan absent) to approve **PLN-MJDP-19-00066: MASTERSON STATION CENTER (CITATION VILLAGE) (AMD)**, as recommended by the staff, including the finding to approve lots which are proposed to have their sole access provided via an access easement.

Action - A motion was made by Ms. Mundy, seconded by Mr. Wilson, carried 10-0 (de Movellan absent) to approve the waiver to Article 6-4(c) of the Land Subdivision Regulations for **PLN-MJDP-19-00066: MASTERSON STATION CENTER (CITATION VILLAGE) (AMD)**, pertaining to the required street frontage in an R-3 zone.

- b. **PLN-MJDP-19-00067: NEWTOWN SPRINGS (AMD) (2/2/20)*** - located at 564 ASBURY LN., LEXINGTON, KY.
Council District 1
Project Contact: Eagle Engineering

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.

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

9. Division of Waste Management's approval of refuse collection locations.
10. United States Postal Service Office's approval of kiosk locations or easement.
11. Correct sidewalk width on street cross-sections for "C-C" and "F-F".
12. Provided the Planning Commission grants a waiver to Article 6-4(c) of the Land Subdivision Regulations for lot frontage and access.
13. Provided the Planning Commission makes a finding to Article 6-8(m) of the Land Subdivision Regulations on the use of access easements.
14. Discuss dumpster locations.
15. Discuss internal pedestrian system.

Staff Presentation - Ms. Hedge 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 conditions listed on today's agenda. She referred to conditions #14 and #15, and said that these two items could now be resolved because the dumpster locations had been added, and the pedestrian system were more visible on the development plan.

Commission Questions – Mr. Owens asked if conditions #14 and #15 have been resolved or do both conditions need to be changed to a resolve. Ms. Hedge indicated that the conditions could remain listed, but change those from a discussion issue to resolve.

Mr. Martin said that the applicant has requested a waiver to Article 6-4(c) of the Land Subdivision Regulations, pertaining to the required street frontage in an R-3 zone. The access easement system as proposed will provide adequate access to the residential development and provide for public health and safety per the intent of the Land Subdivision Regulations. The staff recommends approval of the requested waiver for the internal street system for residential townhouses, for the following reasons:

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

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

- a. The access easements shall be constructed to the approval of the Divisions of Traffic Engineering and Engineering and the Land Subdivision Regulations, as appropriate.
- b. Maintenance responsibilities for the access easements shall be denoted on all plans for the proposed development, including the final record plat.

Mr. Martin then said that the applicant proposes to utilize access easements to provide vehicular access to 109 townhouses; 59 of the proposed townhouse lots in this development will front, and rely upon an access easement as their only means of ingress and egress. The applicant indicated that the use of access easements was necessary due to the long and relatively narrow shape of the property and stated that the easements will be adequate to satisfy the traffic needs of the proposed development. For these reasons, the staff concurs that the use of the access easements was warranted.

Finding for appropriateness of access easements as sole access for certain lots:

1. Allowing these townhouse lots to be accessed only via an 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 each of the dwelling units to ensure that the future residents have a safe path to the public right-of-way.

Commission Questions – Mr. Pohl asked who would be maintaining the pedestrian walkways. Mr. Martin replied the homeowners association would be responsible for the access easements and pedestrian walkways. Mr. Pohl then asked what is the intent of the walkways. Mr. Martin replied that the walkways are to provide pedestrian access throughout the development as well as make a connection to the public right-of-way.

Mr. Pohl asked if there are sidewalks along the access easement. Mr. Martin said that the staff was requesting that the access easements be fully developed with curb and gutter, and resolve the interior pedestrian system.

Mr. Pohl said that he does not see a good pedestrian system because it is a sidewalk maze leading to nowhere. Mr. Martin indicated that the applicant would need to resolve the pedestrian system to the approval of Traffic Engineering and the Division of Planning.

Mr. Owens asked if the proposed request is a final development plan. Mr. Martin replied the development plan is both a final development plan/preliminary subdivision plan.

Mr. Penn said that before the applicant could sell the lots, the sidewalk system must be resolved. Mr. Martin replied affirmatively. He said that everything should be built when the lots are sold.

Representation – Richard Murphy, attorney, along with Bill McAlphin and John Hill, Eagle Engineering, indicated that the applicant was in agreement with the staff's recommendation, and requested approval. He indicated that this request is a final development plan/preliminary subdivision plan, which means the applicant can begin building, but they cannot sell any lots until the final subdivision plan is recorded. The applicant was aware that they will need both Traffic Engineering and the Division of Planning's approval of the pedestrian system.

Commission Questions – Mr. Owens asked for clarification to the internal pedestrian system. Mr. Murphy briefly explained the development plan layout and pedestrian system.

Ms. Plumlee asked if Traffic Engineering has any further comments. Mr. Parker indicated that the staff is confident that they can work with the applicant to resolve any conflicts on the proposed development.

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

Commission Questions – Ms. Mundy asked if there are any amenities on the site, and if no, is it because the development is a fee simple ownership. She said that the development layout is very congested, and the sidewalks meander throughout the site, but there are no amenities for the property owners. Mr. Martin said that the Zoning Ordinance and Land Subdivision Regulations do not require amenities in a development. Providing amenities in a development is at the applicant's discretion. Mr. Murphy said that the proposed development is based on the nearby townhome community.

Action - A motion was made by Mr. Wilson, seconded by Mr. Nicol, carried 10-0 (de Movellan absent) to approve **PLN-MJDP-19-00067: NEWTOWN SPRINGS (AMD)**, as recommended by the staff, changing conditions #14 and #15 from discussion items to resolve items.

Action - A motion was made by Mr. Wilson, seconded by Mr. Nicol, carried 10-0 (de Movellan absent) to approve the waiver to Article 6-4(c) of the Land Subdivision Regulations for **PLN-MJDP-19-00067: NEWTOWN SPRINGS (AMD)**, pertaining to the required street frontage in an R-3 zone, including the finding to approve the proposed townhouse lots in this development to front and rely upon an access easement as their only means of ingress and egress.

C. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – A motion was made by Mr. Penn, seconded by Mr. Forester, and carried 10-0 (de Movellan absent) to approve the release and call of bonds as detailed in the memorandum dated December 12, 2019, from Barry Brock, Division of Engineering. (A copy of the Performance Bonds and Letters of Credit is attached as an appendix to these minutes).

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

a. **AMENDMENT TO THE 2019 MEETING & FILING SCHEDULE** - A motion was made by Ms. Forester, seconded by Mr. Pohl, and carried 9-1 (Brewer opposed; de Movellan absent) to amend the 2019 Meeting & Filing Schedule by cancelling the December 19, 2019, Planning Commission meeting.

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

a. **ARTICLE 4-5(B) IMPROVEMENT PLAN PROGRESS REPORT** - There were none.

b. **2020 MEETING & FILING SCHEDULE** - Mr. Duncan reminded the Planning Commission that they would not be meeting again until the Subdivision and Zoning Committee meetings on January 9, 2020.

c. **2019 RECAPPED** - Mr. Duncan explained that the Planning Commission had quite a busy year with adoption of the 2018 Comprehensive Plan, as well as implementing Placebuilder. He then informed the Commission members that the Strategic Growth Task Force has been formed in response to one of the goals of the Comprehensive Plan to evaluate the future growth of the Urban Service Area.

Mr. Duncan said that the staff would like to express their gratitude for all the hard work the Planning Commission has done and wished them a terrific holiday season.

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

VIII. **NEXT MEETING DATES**

Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers **December 19, 2019**
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) **December 18, 2019**
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) **January 9, 2020***
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building) **January 9, 2020***
Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers **January 16, 2020***
**Not on regular day due to holiday*

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

- X. **ADJOURNMENT** - There being no further business, the Chair adjourned the meeting at 2:39 PM.

Mike Owens, Chair

Karen Mundy, Secretary

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