

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

January 16, 2020

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

Planning Staff members present – Jim Duncan, Traci Wade, Tom Martin, Hal Baillie, 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; Betty Kerr and Amelia Armstrong, Division of Historic Preservation; and Tracy Jones, Department of Law.

- II. **APPROVAL OF MINUTES** – A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 7-0 (Forester; Nicol; Penn and Brewer absent) to approve the minutes of the November 21, 2019 and December 12, 2019, meetings.

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

- a. PLN-MJDP-19-00073: SCHROYER PROPERTY, LOTS 3 & 4 (RTA FAMILY TRUST) (2/23/20)* - located at 1009 AND 1017 WELLINGTON WAY, LEXINGTON, KY.
Council District 10
Project Contact: Banks Engineering

Note: The purpose of this amendment is to revise the building layout.

The Subdivision Committee Recommends: Postponement. The proposed location of the structures does not meet the front yard setback, as required in the Neighborhood Business (B-1) zone.

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 building height in feet on plan.
12. Addition of floor area ratio (FAR) in site statistics.
13. Correct language in Owner's certification.
14. Discuss status of DP 2016-27.
15. Discuss location and need for cross access to the professional offices to the west, per ZDP 2013-101.
16. Discuss building conflict with detention basin and storm drainage easement.
17. Discuss B-1 zone front yard building setback requirements.

Representation – Jacob Walbourn, attorney, requested a one month postponement to allow additional time to address the variance that is needed for 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 7-0 (Forester; Nicol; Penn and Brewer absent) to postpone **PLN-MJDP-19-00073: SCHROYER PROPERTY, LOTS 3 & 4 (RTA FAMILY TRUST)** to the February 11, 2020, meeting.

- b. PLN-MJDP-19-00077: WINBURN ESTATES, UNIT 3 (HUTSON-SIRK PROPERTY) (2/23/20)* - located at 1975 RUSSELL CAVE RD., LEXINGTON, KY.
Council District 1
Project Contact: synTerra Corporation

Note: This plan requires the posting of a sign and an affidavit of such. The purpose of this amendment is to revise the development on the property.

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

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 access to Russell Cave Road per the Winburn Russell Cave Neighborhood Small Area Plan.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping 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. Discuss timing of sanitary sewer improvements and pump station removal.
14. Discuss connectivity and access to Russell Cave Road per the previous plan (PLN-MJDP-17-00017).
15. Discuss group residential design standards.

Representation – Fred Eastridge, synTerra Corporation, requested a one month postponement to allow additional time to address the discussion items on the proposed development.

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

Action - A motion was made by Mr. Wilson to postpone **PLN-MJDP-19-00077: WINBURN ESTATES, UNIT 3 (HUTSON-SIRK PROPERTY)** to the February 11, 2020, meeting.

Ms. Wade noted that the next scheduled Planning Commission meeting is February 13, 2020, not February 11, 2020.

Mr. Wilson amended his motion for **PLN-MJDP-19-00077: WINBURN ESTATES, UNIT 3 (HUTSON-SIRK PROPERTY)**, noting that it would be postponed to the February 13, 2020, meeting. The motion was seconded by Ms. Plumlee and carried 7-0 (Forester; Nicol; Penn and Brewer absent).

- c. **PLN-MJDP-19-00073: SCHROYER PROPERTY, LOTS 3 & 4 (RTA FAMILY TRUST) (2/23/20)*** - located at 1009 AND 1017 WELLINGTON WAY, LEXINGTON, KY.
Council District 10
Project Contact: Banks Engineering

Motion – A motion to correct the public meeting date was made by Ms. Mundy, seconded by Ms. Plumlee and carried 7-0 (Forester; Nicol; Penn and Brewer absent) to postpone **PLN-MJDP-19-00073: SCHROYER PROPERTY, LOTS 3 & 4 (RTA FAMILY TRUST)** to the February 13, 2020, meeting.

Ms. Wade indicated that the staff would inform Mr. Walbourn of the next scheduled Planning Commission meeting.

- d. **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 Planning Commission postponed this item at their December 12, 2019, meeting. 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.

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

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 work with the administration on the proposed development.

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

Action - A motion was made by Ms. Plumlee, seconded by Mr. Pohl and carried 7-0 (Forester; Nicol; Penn and Brewer absent) to postpone **PLN-MJDP-19-00070: HAMBURG EAST (BAPTIST HEALTHCARE CAMPUS) (AMD)** to the February 13, 2020, meeting.

- e. **PLN-MJDP-19-00074: BLACKFORD PROPERTY (PHASE 4) (3/24/20)*** - located at 6600 MAN O' WAR BLVD., LEXINGTON, KY.
Council District 12
Project Contact: EA Partners

Note: This plan requires the posting of a sign and an affidavit of such.

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 about adequate access to develop over 100 dwelling units at this location and the need for density transfer documents to meet Article 23A 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. 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. United States Postal Service Office's approval of kiosk locations or easement.
12. Denote conditional zoning requirements for landscape buffer on plan.
13. Provided the Planning Commission makes a finding the plan complies with the EAMP.
14. Denote density calculations for the EAR-2 and EAR-3 zones in the site statistics, including units transferred.
15. Discuss zone-to-zone landscaping/screening per Article 23A-2(r) of the Zoning Ordinance.
16. Discuss trash compactor location.
17. Discuss building #11 pedestrian connection to overall system.
18. Discuss activation of area adjacent to greenway to achieve better integration within the development.
19. Discuss status of Caversham Park Lane extension and connection to the adjoining neighborhood.
20. Discuss need for density transfer to meet Article 23A.
21. Discuss termination of Constantine Avenue.

Representation – Nick Nicholson, attorney, indicated that there are issues with the density transfer and requested a one month postponement.

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

Action - A motion was made by Mr. Pohl, seconded by Ms. Plumlee and carried 7-0 (Forester; Nicol; Penn and Brewer absent) to postpone **PLN-MJDP-19-00074: BLACKFORD PROPERTY (PHASE 4)** to the February 13, 2020, meeting.

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

- f. 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 Planning Commission postponed this item at their December 12, 2019, meeting. The purpose of this amendment is to revise the development on lot, including parking layout, building location, property access and the addition of a drive-through.

The Subdivision Committee Recommends: Postponement. There are questions regarding the plan's intrusion into the adjoining property and the status of the drainage study, including impact on the site development.

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. Update site statistics to reflect reduced building square footage on 1108 and include the properties added to revised plan.
12. Addition of zone-to-zone screening.
13. Review by the Technical Review Committee.
14. Discuss access points, drive lanes and parking on adjacent properties now included on revised plan.
15. Discuss parking and access crossing over property line and zoning boundary.
16. Discuss drive-through and proposed retail use.
17. Discuss vehicular use area (VUA) landscape screening adjacent to Simpson Avenue.
18. Discuss proposed modification to stormwater management facilities and their impacts.
19. Discuss status of hydrology study required by note #14.

Representation – Mark McIntosh, Vision Engineering, indicated that they had submitted a revised plan 10 days ago and to allow the staff additional time to review the proposed changes, he requested a one month postponement of the 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 7-0 (Forester; Nicol; Penn and Brewer absent) to postpone **PLN-MJDP-19-00071: RIDDELL PLAZA, LOT 3 (PARKER PROPERTY) (AMD)** to the February 13, 2020, meeting.

- g. PLN-FRP-19-00024: GEORGE MANKEL PROPERTY (3/8/20)* - located at 6377 ATHENS BOONESBORO ROAD, LEXINGTON, KY.
Council District 12
Project Contact: AIM3D

Note: The purpose of this plan is to subdivide one lot into two lots. The Planning Commission previously approved this item at their August 8, 2019, meeting, subject to the following conditions:

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

As part of the Planning Commission's approval, a waiver to Articles 6-2(a) and 6-6(a) pertaining to public sanitary sewer service, and septic tank requirements, and 6-8(p) requiring public street improvements, in the Land Subdivision Regulations was approved for the following reasons:

1. Granting the requested waiver(s) will not adversely affect public health, welfare and safety.
2. Granting the waiver is consistent with the intent of Article 1-5(a) of the Land Subdivision Regulations for Exceptional Hardship.

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

This recommendation was made subject to the following additional requirements:

- a. The Fayette County Health Department shall certify that the existing septic system is capable of serving any proposed sanitary facilities for the planned use on Lot 1-A prior to certification of the plat.
- b. Denote on the plat an easement for the existing drain field on Lot 1-A.
- c. Denote on the plat language regarding the maintenance and use of the existing system for both lots to the approval of the Divisions of Planning, Engineering and Law.

Note: A Health Department official has cited a Health Department Regulation that denies subdivisions of land, specific to the Athens area. The applicant would like to further discuss issues relating to this matter, contending the existing septic system is capable of handling the proposed addition of a building with a single restroom.

The Subdivision Committee Recommends: **Postponement** due to lack of representation at the meeting to respond to staff questions and concerns.

Staff Comments – Mr. Martin said that the staff had received written communication from the applicant's representative, requesting a one month postponement to the February 13th meeting. He indicated that the applicant is continuing to work on an issue with 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 7-0 (Forester; Nicol; Penn and Brewer absent) to postpone **PLN-FRP-19-00024: GEORGE MANKEL PROPERTY** to the February 13, 2020, meeting.

- IV. LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, January 9, 2020, at 8:30 a.m. The meeting was attended by Commission members: Mike Owens, Karen Mundy, Carolyn Plumlee, Headley Bell, and Anthony de Movellan. Committee members in attendance were: Vaughan Adkins, Division of Engineering. Staff members in attendance were: Traci Wade; Tom Martin; Hal Baillie; Cheryl Gallt; Denise Bullock; Lauren Hedge; Captain Greg Lengal and Firefighter Embry Beatty, Division of Fire & Emergency Services; and Tracy Jones, Department of Law. The Committee made recommendations on plans as noted.

General Notes

The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.

1. All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.
2. All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.

- A. CONSENT AGENDA** – Following requests for postponement or withdrawal, items requiring no discussion were considered.

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

Requests can be made to remove items from the Consent Agenda:

- (1) due to prior postponements and withdrawals,
- (2) from the Planning Commission,
- (3) from the audience, and
- (4) from Petitioners and their representatives.

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

- a. **PLN-MJDP-19-00062: LANSLOWNE SHOPPING CENTER (AMD)** (1/16/20)* - located at 3329 TATES CREEK RD., LEXINGTON, KY.
Council District 4
Project Contact: Barrett Partners

Note: The Planning Commission postponed this item at their November 14, 2019 and December 12, 2019, meetings. 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.

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

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).
- b. PLN-MJDP-19-00078: LAKEVIEW ESTATES, UNIT 2-E, BLOCK K, LOT 2 (AMD) (2/23/20)* - located at 531 LAKETOWER DR., LEXINGTON, KY.
Council District 5
Project Contact: Barrett Partners

Note: The purpose of this amendment is to revise the development of Building 9, add 10 parking spaces for townhomes, and denote Board of Adjustment's approval of the variance to the floodplain.

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. 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. United States Postal Service Office's approval of kiosk locations or easement.
- c. PLN-MJDP-19-00080: FRITZ FARM RETAIL COMPANY, LLC (SUMMIT LEXINGTON) (AMD) (2/23/20)* - located at 4100 NICHOLASVILLE RD., LEXINGTON, KY.
Council District 4
Project Contact: HDR Engineering

Note: The purpose of this amendment is to revise the development of Buildings 2300, 2500 and 2600.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Greenspace Planner's approval of the treatment of greenways and greenspace.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. 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. Denote building heights in feet on plan.
13. Resolve gated access and dumpster location.
14. Resolve garage orientation to Man o' War Boulevard per Article 28-6 of the Zoning Ordinance.

Ms. Wade indicated that the items listed 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 Ms. Mundy, seconded by Ms. Plumlee, and carried 7-0 (Forester; Nicol; Penn and Brewer absent) to approve the items listed on the Consent Agenda, as presented by the staff.

* - 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 will be considered.

The procedure for these hearings is as follows:

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

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

1. **FINAL SUBDIVISION PLANS** – None presented.

2. **PRELIMINARY SUBDIVISION PLANS** – None presented.

3. **DEVELOPMENT PLANS**

- a. 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 Planning Commission postponed this item at their December 12, 2019, meeting. 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:

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.

Staff Presentation - Ms. Gallt directed the Commission's attention to the amended 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.

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

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.~~
- ~~13. 14. Denote approval from Royal Springs Aquifer Committee.~~
- ~~14. 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. Denote: No parking in the turnaround area for Division of Waste Management in the northeast corner of site.~~
- ~~16. Discuss parking required for the proposed development and signoff from Lextran for a transit stop.~~

Representation – Steve Garland, Integrated Engineering, indicated that the applicant was in agreement with the staff's revised recommendation, and requested approval.

Commission Questions – Ms. Mundy asked if the turnaround area would be marked with yellow curb and signage to indicate a no parking area. Mr. Garland replied affirmatively.

Ms. Plumlee asked where the transit stop would be located. Mr. Garland indicated that they would be working with LexTran to install a sheltered bus stop near the entrance of the proposed development. Ms. Gallt said that LexTran is currently researching this area as to whether or not a bus stop would be possible for this area.

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

Action - A motion was made by Mr. Bell, seconded by Ms. Mundy, carried 7-0 (Forester; Nicol; Penn and Brewer absent) to approve **PLN-MJDP-19-00069: RAMSEY SULLIVAN PROPERTY, LOT 4 (GARDENS OF KEARNEY RIDGE) (AMD)**, as recommended by the staff.

- b. **PLN-MJDP-19-00081: LOCHMERE TRACT 4-B (STONECASE VALLEY) (ANDOVER CLUB) (2/23/20)*** - located at 3450 AND 3550 TODDS RD., LEXINGTON, KY.
Council District 7
Project Contact: Barrett Partners

The Subdivision Committee Recommends: Postponement. There are questions regarding whether the development plan complies with the open space requirements for the R-1T zone, specifically Articles 8-10(o)(1) and 8-10(o)(3) 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. 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. Depict adjacent property lines as dashed lines.
14. Revise contour intervals to 2 feet per Article 21 of the Zoning Ordinance.
15. Denote access point for construction vehicles on plan.
16. Label front yard setback of 10 feet.
17. Denote front yard sidewalks to public right-of-way for Units #5-#25
18. Addition of floor area ratio (FAR) and lot coverage in site statistics per Article 21 of the Zoning Ordinance.
19. Addition of proposed or existing easements on plan.
20. Addition of maintenance note for access easement and open space.
21. Label all access easements.
22. Denote: There shall be no parking permitted on access easements.
23. Addition of dimensions on commercial restaurant structure and relabel on the face of the plan.
24. Provide all dimensions on typical townhome units.
25. Label the front of townhomes in Parcel 3 to verify open space.
26. Correct text overlap of lines on plan, when appropriate, to improve legibility.

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

27. Depict the variation of 3 foot offset for every three townhomes, per Article 8-10(o)(3) of the Zoning Ordinance.
28. Discuss compliance with open space requirements for each lot, per Article 8-10(o)(3) of the Zoning Ordinance.
29. Discuss interior pedestrian systems.

Mr. Owens indicated that a request has been made to move this item to the end of the discussion items, to which all parties have agreed. Mr. Murphy indicated that his agreement to defer this item to the end of the discussion items to allow Mr. Billings to be present.

4. **CONTINUED DISCUSSION ITEM** – None presented.
5. **REAPPROVAL & EXTENSION ITEMS** – None presented.
6. **MINOR SUBDIVISION PLANS** – None presented.
7. **PLAT REVOCATION**

Note: The following consolidation plat, recorded on July 7, 2006 as PLAT CABINET M, SLIDE 884, has been ordered to be revoked by Judge Thomas L. Travis, Fayette Circuit Court, pursuant to KRS 100.285(4).

- a. PLAN 2006-141C: HOLLYHILL SUBDIVISION (LOT 12, BLK B) & HILL N DALE SUBDIVISION (LOT 18, UNIT 1) - located on FAIRFIELD DRIVE, LEXINGTON, KY
Council District 1

Staff Presentation - Mr. Martin directed the Commission's attention to the consolidation plat, and briefly explained that pursuant to KRS 100.285(4) this item was revoked by Judge Thomas L. Travis, Fayette Circuit Court.

Mr. Martin said that the Property Valuation Administrator has requested the Planning Commission take action on the revocation of this plat. He then said, should the title of this property be researched the Planning Commission's official action would be denoted on the plat indicating the plat is no longer valid.

Commission Questions – Ms. Mundy asked should this property be placed on the market, how would the realtor obtain a clear title. Ms. Jones explained that a quick claim deed has already been executed by the judge's order. As a practical matter, all parties involved are in agreed that the best way to resolve this issue is to revoke the consolidation plat. Mr. Martin said that the Planning Commission's action will be attached to this plat and would be found when someone does title work.

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, carried 7-0 (Forester; Nicol; Penn and Brewer absent) to revoke **PLAN 2006-141C: HOLLYHILL SUBDIVISION (LOT 12, BLK B) & HILL N DALE SUBDIVISION (LOT 18, UNIT 1)**, as ordered by Judge Thomas L. Travis, Fayette Circuit Court.

- c. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – A motion was made by Ms. Mundy, seconded by Mr. Wilson, and carried 7-0 (Forester; Nicol; Penn and Brewer absent) to approve the release and call of bonds as detailed in the memorandum dated January 9, 2020, 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. **BOAR 2020-1: 601 BOONESBORO AVENUE** - an appeal to the Planning Commission of the Board of Architectural Review (BOAR) decision to disapprove the Certificate of Appropriateness with respect to utilization of Boral Tru-Exterior trim material as a replacement for brick moulding for the property located at 601 Boonesboro Avenue.

Mr. Baillie entered the following items into the record:

- Design Guidelines
- Article 13 of the Zoning Ordinance (Historic Preservation section)
- Summary of October 23, 2019, Board of Architectural Review meeting
- Planning Service staff report
- Historic Preservation staff report
- James Griggs Letter of Appeal
- Letter of Opposition

Mr. Baillie presented a PowerPoint presentation, and provided a brief description of the applicant's appeal. He indicated that the staff was recommending **disapproval and that the decision of the BOAR be upheld**, for the following reasons:

1. The denial of a Certificate of Appropriateness by the Board of Architectural Review is consistent with their charge in determining appropriateness of requested exterior alterations, based on the Design Guidelines established by the local

Historic Preservation Commission. It is also consistent with past actions of the Board in determining acceptability of the type of replacement window proposed.

2. The historic existing material should be retained and repaired in-kind as needed, but if it is not present then it be replaced with new wood material to match historic fabric of the house and historic district.

Historic Preservation Presentation – Ms. Kerr requested that the Planning Commission uphold the BOAR decision by disapproving this request.

Appellant's Presentation – James Griggs, appellant, presented a PowerPoint presentation and gave a brief description of the history of the property, the needed modification, and the substitute material he was requesting to use. He also presented the Commission an example of Boral Tru-Exterior trim materials. He requested the Planning Commission not to uphold the BOAR decision.

Staff rebuttal – Ms. Kerr said that the appellant testified that the surrounding trim or brick moulding was replaced as part of replacing the windows sashes. That is not the case. She said that the window sashes can be replaced without removing the brick moulding. She then said that, as a separate element of the Certificate of Appropriateness, the permit would reflect very specifically if there were some reason the brick moulding needed to be included with the replacement of the windows. The brick moulding is part of the structure, not the window. She said that even though the appellant had suggested brick moulding was part of the window sash that is not the case.

Ms. Kerr said that over the course of the appellant's ownership of the property a number of permits to include permits for new construction and renovation and repair of the existing structure have been issued. The Board carefully reviewed and granted Certificates of Appropriateness with specific language that allowed the appellant to move forward. The appellant had agreed to those conditions and agreed to salvage any material that was viable. The problem became apparent when the appellant had removed a great deal of material without consulting with the staff first and had done so in a way that made the materials unusable.

Ms. Kerr said that the appellant had applied for similar permits for the windows and throughout each of the hearings the Board was consistent in saying the material for the windows should be in-kind and matching before the windows can be replaced. She directed the Commission's attention to the before and after picture of the front room, which eventually became the front porch. She explained that when the Board had denied the use of the Boral Tru-Exterior trim around the outside windows the appellant had went ahead and used that material around the interior window. The appellant had justified this action by saying the window was part of the interior space and the Board does not have purview over the interior portion of a house. Later, the appellant removed the outside walls to create a front porch, which then exposed the front window with Boral Tru-Exterior trim around the window. The Board did not approve this type of material around that window.

Ms. Kerr said that the Law Department spoke with the staff and determined that the appellant found a loophole because at the time the window was changed, it was an interior window, not an outside window. The appellant openly stated that he intended to make the interior window an outside window, but took advantage of changing the window before the porch walls were removed.

Ms. Kerr said that the appellant has done a lot of work to rescue this house and the Board has worked hard to facilitate his requests. However, throughout the process, the appellant kept telling the Board he wants to make this structure maintenance free by using Boral Tru-Exterior trim materials. The problem with using that type of material is that the appellant purchased a 20th century building that is significant in its own right and is situated within a historic district. Trying to piecemeal a historic house back together using Boral Tru-Exterior materials was not intended to be done within the historic area nor is allowed in the Design Guidelines.

Ms. Kerr said that, as for the new construction, the Board went above and beyond to help the appellant determine what would be considered new construction and allowed him to use alternate materials. The Board stood firm on what was viable and what should be retained.

Mr. Baillie said that in reviewing the Design Guidelines for Rehabilitation and Renovation, Section 1E reads: "If replaced, [the material] should be the approximate the size, shape, material, color, texture and other visual qualities of the original materials." In this case, the approximate material would need to be in-kind if it needs to be changed. The in-kind change is referenced in the Design Guidelines, as well as by the historic preservation staff to be wood material at this location. Furthermore, the staff has done a substantial amount of research to indicate the Boral Tru-Exterior material is not appropriate. Therefore, it is the staff opinion the material or the approximate material that is referenced in the Design Guidelines is wood.

Mr. Baillie then said that under Section 24E of the Design Guidelines the windows should match the historic wood windows as closely as possible in the scale, size, proportion, placement and style. This means the replacement of windows should be an in-kind change, which is wood material.

Petitioner's rebuttal – Mr. Griggs said that the brick moulding on the house was attached to the wood windows so when the windows were taken out the brick moulding came off as well. There was no way to unattached the window from the brick moulding without damaging it. He then said that when rehabilitating a house, there will be some material damaged, but they did not intentionally destroy the wood material.

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

Commission Comments and Questions – Mr. Pohl said that he is familiar with these types of arguments from his time on the BOAR. He then said that describing new wood as meeting the requirements to create integrity is in error when describing window trims. He said that he has had ample experience with the failure of using new wood in these conditions and the success of using older woods. While he is sympathetic to the argument of replacing the brick moulding or window trim with new wood and calling it a like-kind material, he believes this is an inaccurate description because it is not like the original material. He said that wood material is a vastly inferior product and it makes a situation where the property owners has to use material that is going to fail and this poses a real problem for him. Mr. Pohl said that he respects the BOAR and staffs findings.

Ms. Kerr said that in terms of saying new wood is not going to be a product that will last, there are wood materials currently available to help avoid a failed outcome. She then said that, for a building of historic nature, there are woods that are environmentally and responsibly produced for construction. No one is forcing the appellant to go that route because that type of wood is not cheap, but then again neither is the Boral Tru-Exterior material.

Ms. Kerr said that the Design Guidelines philosophy is still appropriate and it creates an outcome of integrity. The Design Guidelines certainly does specify the nature of the wood should be used in repairs so the historic fabric can continue.

Mr. de Movellan asked, other than the window that was replaced, did the BOAR approve the use of Boral Tru-Exterior material on any outside windows. Ms. Kerr replied negatively, and said that the outside windows have not been resolved. Mr. de Movellan then asked if that included the windows that were deemed new construction. Ms. Kerr said that the BOAR approved the applicant to use Boral Tru-Exterior trim material on new construction. Mr. Griggs said that there is no Boral Tru-Exterior trim material on the outside windows. The only window that has the Boral Tru-Exterior trim material is the window that was within the interior portion of the house. He said that the outside windows do not have trim of any kind around the windows because when the windows were replaced the brick moulding came off. He then said that he would like to use the Boral Tru-Exterior trim around the windows.

Mr. Bell asked for Mr. Pohl to comment on the use of Boral. Mr. Pohl said that one of the dilemmas that the BOAR is facing is asking applicant to do things that are more expensive than it needs to be. He then said that the cost cannot be considered when making a decision, and every circumstance is different from the last. He added that Ms. Kerr spoke about using a higher grade lumber, but the typical homeowner cannot afford the higher grade lumber. He said that the technology is ahead of the rule making and the rule makers are correctly defending their position. It's a matter of time before products like Boral Tru-Exterior trim are acceptable.

Mr. Bell said that he has seen some of the appellant's past work and he is not trying to cut corners. He then said that he is respectful of the appellants work, the BOAR and the staff, but it is hard to try to find a balance.

Mr. Wilson asked how many windows are on the house. Mr. Griggs said that he does not have an exact count, but there are 3 windows missing the original trim and there are some windows that may struggle if the original trim is used. Mr. Wilson confirmed that there are at least three (3) windows, but maybe more depending on the situation. Mr. Griggs replied there could be more than three (3). Mr. Wilson said that he is not trying to pin Mr. Griggs down, but he is trying to learn how extensive this issue was. Mr. Baillie said that, from his experience working with historic preservation and architectural preservation typically on a national level project, the appellant must document the total amount that is being kept and the total amount that is being removed. In this case, the staff does not have a clear understanding of what the appellant wants. From the staff's perspective, the appellants appeal is requesting the Planning Commission give him carte blanche. The staff is unwilling to say some windows will be preserved while other will be lost. This is a wishy washy determination that is not a legal application. You either have set number of windows, all of the windows, or none of the windows.

Mr. Wilson said that he understands that sometimes the appellant does not know what will happen until the work is started and there may be more work that needs to be done, but he also understands the staff's position as well. Ms. Kerr said that the appellant's application indicates that the windows would be replaced as needed.

Mr. Wilson asked why the BOAR allowed the Boral Tru-Exterior trim on new construction. Ms. Kerr said that there was a study done in 2017 to see if other communities were allowing or not allowing the Boral Tru-Exterior material. The study showed that Boral Tru-Exterior material was the least successful product for siding. During this time, the Boral Tru-Exterior material was not studied for the window trim. The end result of the study indicated that Boral Tru-Exterior material was not to be allowed in the historic district.

Ms. Mundy said that we have the preservation areas, as well as the different overlay zones so the Planning Commission needs to be mindful when making their decision. She then said that the study of the Boral Tru-Exterior material was a good thing to have, but there are newer materials being created all the time. She added from her experience in replacing windows in her home, the contractors had to take the brick moulding off to install the window. The original brick moulding was placed back on the window, but now her windows are leaking.

Ms. Mundy said that depending on the property and the product there are some things that will vary, but asked if this is new construction or rehabilitation. This application has both and asked where is the line drawn. She added that as a realtor showing the house, a future homeowner will ask the question as to why the windows have different trim creating a mismatched look on the house.

Ms. Mundy asked if any of the neighbor complained about this application.

Ms. Mundy said that the material in question is fairly new material and, even though it was tested in Shakertown, how does anyone know it is not a superior material in the replacement of older material around windows.

Mr. Bell asked Mr. Pohl what he thought of the material. Mr. Pohl said that he felt it was an excellent material for trim, but the Shakertown experiment studied siding and shown it was problematic.

Mr. Bell then asked if Mr. Pohl was comfortable using Boral Tru-Exterior material as a trim for windows. Mr. Pohl replied affirmatively and said that he thinks it is an excellent material, but there are other issues that the Planning Commission needs to think about.

Mr. Bell asked what the cost estimate would be between using Boral Tru-Exterior material and wood material. Mr. Pohl replied that he knows it is an expensive material, but he does not know the cost. He said that when he was working as an architect they did specify using that type of material.

Mr. Wilson said that when he looked at the sample material he could not tell one trim material from the next. He asked if having mismatched windows lowers or raises the value of the home. Ms. Mundy replied that it depends on the client looking at the house, adding that there are some people who are very detailed oriented and will notice the mismatched windows.

Mr. Wilson asked if the issue of performance is more important than the look of the house. Ms. Mundy replied no, not to a technical person.

Mr. de Movellan said that it seems that all the windows will be replaced the only difference is the type of moulding on the outside. He then said that once the trim is painted you will not be able to see the difference between the original wood and Boral Tru-Exterior material. However, the property is within an H-1 Overlay zone and a future property owners will know the house is within an historic district and any changes to the structure will need the approval of the BOAR. The issue is whether or not this type of material can be approved. To him, perhaps the rules need to be changed to allow this type of material.

Ms. Plumlee said that earlier a colleague said technology is ahead of rulemaking and that is what the Commission conversation is reflecting.

Mr. Pohl said that the letter of opposition that was previously distributed to the Commission urged the Planning Commission to honor the BOAR member's decision because they are the ones who are spending time reviewing these types of cases.

Mr. Owens said that the Planning Commission does take historic overlays seriously and respect the BOAR members immensely. He then said that he has read through the material, but nothing prohibits using Boral Tru-Exterior material. He added that the house is within the historic district and a lot of quality work has been done. The applicant has been in front of the BOAR on many occasions trying to do the right thing under the Design Guidelines.

Mr. Owens said that he has had experience in renovating a home, and anytime when an old window is replaced the brick moulding has to be removed. The brick moulding comes off of the window, not the brick of the house and to him brick moulding is part of the window.

Mr. Owens said that replacing a dilapidated porch is the same thing as replacing a window that has deteriorated. He indicated that sometimes it is impossible not to break the trim of a window when replacing it. If the trim is spliced together with replacement pieces, no matter if the windows are caulked, the seams will be the first place moisture gathers. In looking at Boral Tru-Exterior material it seems to be a quality product and he could not tell the difference between the sample and wood.

Mr. Owens said that Ms. Kerr spoke to the historic fabric of the house and it being within a historical district, but from what he sees, the historic house is still there and what the appellant is doing to the house only compliments it. This material may be ahead of our times.

Mr. Owens then said that he cannot see the difference between new construction and the replacement of the window. The porch is being replaced because it needs to be replaced. The material that was approved was not wood.

Action - A motion was made by Mr. de Movellan, seconded by Mr. Pohl, to uphold the BOAR decision for disapproval, for the reasons provided by the staff.

The motion failed 3-4 (Owens, Mundy, Plumlee, and Bell opposed; Forester; Nicol; Penn and Brewer absent)

Action - A motion was made by Ms. Plumlee to disapprove the decision of the BOAR.

Ms. Wade asked if Ms. Plumlee is making a motion to overturn the BOAR decision. Ms. Plumlee replied affirmatively.

Action – The motion was amended by Ms. Plumlee to overturn the opinion of the BOAR. There was no second.

Ms. Wade indicated that the Planning Commission must give reasons.

Ms. Plumlee said that the reasons to overturn the BOAR decision are due to the reasons that were mentioned during the hearing and technology is head of rulemaking.

Mr. Owens asked if the staff was agreeable to the language used in the finding. Ms. Wade indicated that the language used in the finding is very broad and suggested involving the Law Department and the Historic Preservation staff.

Ms. Jones clarified that if the Planning Commission overturns the BOAR decision then the Planning Commission is granting the appeal made by the appellant, which would in fact grant the Certificate of Appropriateness.

Ms. Wade asked Ms. Kerr if there are any standard conditions added when a Certificate of Appropriateness is issued.

Ms. Kerr asked if it is the Planning Commission intent to allow the Boral Tru-Exterior material to be on every window. If that is the case it should be indicated in the motion. She warned the Planning Commission by allowing the Boral Tru-Exterior material to be used the outcome of that action would result in all historic wood trim to be removed and replaced with Boral Tru-Exterior material.

Ms. Kerr said that as for conditions, the appellant would have to update the information with staff, and comply with all necessary permits within the government.

Mr. Owens suggested that the members take a break to discuss their options.

Note: A recess was declared by the Chair at 3:41 p.m. and the meeting re-convened at 3:52 p.m.

Ms. Plumlee said that each case listed on the agenda is taken seriously and on a case by case basis. She then said that she believes strongly in the Ordinance and adhering to the Ordinance.

Action – Ms. Plumlee reiterated her motion, seconded by Ms. Mundy, to overturn the finding of the BOAR for **BOAR 2020-1: 601 BOONESBORO AVENUE** due to the severe deterioration in some of the window moulding at this location those that cannot be preserved can be replaced with Boral Tru-Exterior material and considered as new construction, subject to the following conditions:

1. Done in accordance with Lexington-Fayette Urban County Government Historic Preservation staff review of integrity of original window moulding.
2. Compliance with all other necessary permits of the Lexington-Fayette Urban County Government.

The motion passed 5-2 (de Movellan and Pohl opposed; Forester; Nicol; Penn and Brewer absent).

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

3. **DEVELOPMENT PLANS (continued)**

- a. PLN-MJDP-19-00081: LOCHMERE TRACT 4-B (STONECASE VALLEY) (ANDOVER CLUB) (2/23/20)* - located at 3450 AND 3550 TODDS RD., LEXINGTON, KY.
Council District 7
Project Contact: Barrett Partners

The Subdivision Committee Recommends: Postponement. There are questions regarding whether the development plan complies with the open space requirements for the R-1T zone, specifically Articles 8-10(o)(1) and 8-10(o)(3) 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. 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.

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

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. Depict adjacent property lines as dashed lines.
14. Revise contour intervals to 2 feet per Article 21 of the Zoning Ordinance.
15. Denote access point for construction vehicles on plan.
16. Label front yard setback of 10 feet.
17. Denote front yard sidewalks to public right-of-way for Units #5-#25
18. Addition of floor area ratio (FAR) and lot coverage in site statistics per Article 21 of the Zoning Ordinance.
19. Addition of proposed or existing easements on plan.
20. Addition of maintenance note for access easement and open space.
21. Label all access easements.
22. Denote: There shall be no parking permitted on access easements.
23. Addition of dimensions on commercial restaurant structure and relabel on the face of the plan.
24. Provide all dimensions on typical townhome units.
25. Label the front of townhomes in Parcel 3 to verify open space.
26. Correct text overlap of lines on plan, when appropriate, to improve legibility.
27. Depict the variation of 3 foot offset for every three townhomes, per Article 8-10(o)(3) of the Zoning Ordinance.
28. Discuss compliance with open space requirements for each lot, per Article 8-10(o)(3) of the Zoning Ordinance.
29. Discuss interior pedestrian systems.

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. 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. Depict adjacent property lines as dashed lines.~~
- ~~14. Revise contour intervals to 2 feet per Article 21 of the Zoning Ordinance.~~
- ~~15. Denote access point for construction vehicles on plan.~~
- ~~16. Label front yard setback of 10 feet.~~
- ~~17. Denote front yard sidewalks to public right-of-way for Units #5-#25~~
- ~~18. Addition of floor area ratio (FAR) and lot coverage in site statistics per Article 21 of the Zoning Ordinance.~~
- ~~19. Addition of proposed or existing easements on plan.~~
- ~~20. Addition of maintenance note for access easement and open space.~~
13. 21. Label all access easements within the townhome area.
- ~~22. Denote: There shall be no parking permitted on access easements.~~
- ~~23. Addition of dimensions on commercial restaurant structure and relabel on the face of the plan.~~
- ~~24. Provide all dimensions on typical townhome units.~~
- ~~25. Label the front of townhomes in Parcel 3 to verify open space.~~
- ~~26. Correct text overlap of lines on plan, when appropriate, to improve legibility.~~
14. 27. Depict the variation of 3 foot offset for every three townhomes, per Article 8-10(o)(3) of the Zoning Ordinance.
15. 28. Discuss Addition of insert showing compliance with open space requirements for each lot, per Article 8-10(o)(3) of the Zoning Ordinance.
- ~~29. Discuss interior pedestrian systems.~~

Representation – Richard Murphy, attorney, along with Tony Barrett, Barrett Partners, indicated that the applicant was in agreement with the staff's revised recommendation, and requested approval.

Citizen Comments – Nathan Billings, attorney, was present representing his client, which was the previous property owners before the land was sold to Anderson Acquisitions. He indicated that his client agrees with the staff's recommendations and supports this request.

Action - A motion was made by Mr. Wilson, seconded by Ms. Mundy, carried 7-0 (Forester; Nicol; Penn and Brewer absent) to approve **PLN-MJDP-19-00081: LOCHMERE TRACT 4-B (STONECASE VALLEY) (ANDOVER CLUB)**, as recommended by the staff.

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

- a. **ARTICLE 4-5(B) IMPROVEMENT PLAN PROGRESS REPORT** - There were none.
- b. **WORK SESSION** – Mr. Duncan reminded the Commission members that their next work session will be held Thursday, January 23rd.

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

VIII. **NEXT MEETING DATES**

Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	January 29, 2020
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	January 30, 2020
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	February 6, 2020
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	February 6, 2020
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	February 13, 2020

IX. **ADJOURNMENT** - There being no further business, the Chair adjourned the meeting at 4:04 PM.

Mike Owens, Chair

Karen Mundy, Secretary

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