

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

February 13, 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; Larry Forester; Karen Mundy; Carolyn Plumlee; Graham Pohl; and William Wilson. Patrick Brewer; Anthony de Movellan; Bruce Nicol; and Frank Penn were absent.

Planning Staff members present – Traci Wade, Tom Martin, Cheryl Gallt, Parker Sherwood, Lauren Hedge and Denise 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 Chad Edwards, Department of Law.

- II. **APPROVAL OF MINUTES** – A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 7-0 (Brewer, de Movellan, Nicol, and Penn were absent) to approve the minutes of the January 16, 2020, 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 Planning Commission postponed this item at their December 12, 2019 and January 16, 2020, meetings. 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 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. Mundy, seconded by Ms. Plumlee and carried 7-0 (Brewer, de Movellan, Nicol, and Penn were absent) to postpone **PLN-MJDP-19-00070: HAMBURG EAST (BAPTIST HEALTHCARE CAMPUS) (AMD)** to the March 12, 2020, meeting.

- b. **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: The Planning Commission postponed this item at their January 16, 2020, meeting. 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 at their January 9, 2020 and February 6, 2020, meetings.

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

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 they are still working with the density transfer issue 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. Wilson, seconded by Ms. Plumlee and carried 7-0 (Brewer, de Movellan, Nicol, and Penn absent) to postpone **PLN-MJDP-19-00074: BLACKFORD PROPERTY (PHASE 4)** to the March 12, 2020, meeting.

- c. 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.

The Subdivision Committee Recommends: **Postponement**. There are questions regarding the access to Russell Cave Road per the Winburn Russell Cave Neighborhoods 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.

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

Representation – Bruce Simpson, attorney, indicated that the staff has requested a 2 week postponement in order for the applicant and staff to discuss the remaining issues with the development plan.

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

Action - A motion was made by Ms. Plumlee, seconded by Mr. Forester and carried 7-0 (Brewer, de Movellan, Nicol, and Penn absent) to postpone **PLN-MJDP-19-00077: WINBURN ESTATES, UNIT 3 (HUTSON-SIRK PROPERTY)** to the February 27, 2020, meeting.

- d. **PLN-MJDP-19-00071: RIDDELL PLAZA, LOT 3 (PARKER PROPERTY) (AMD) (2/13/20)*** - 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 and January 16, 2020, meetings. 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 – Matt Carter, Vision Engineering, indicated that they need additional time to review the drainage study before the development plan is presented to the Planning Commission. 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 Mr. Pohl, seconded by Ms. Mundy and carried 7-0 (Brewer, de Movellan, Nicol, and Penn absent) to postpone **PLN-MJDP-19-00071: RIDDELL PLAZA, LOT 3 (PARKER PROPERTY) (AMD)** to the March 12, 2020, meeting.

- e. **PLN-MJDP-18-00030: ETHINGTON & ETHINGTON PROPERTY, TRACT 1 (AMD) (4/30/20)*** - located at 4145 AND 4235 HARRODSBURG ROAD, LEXINGTON, KY
Council District 10
Project Contact: Vision Engineering

Note: The purpose of this amendment is to depict the development of Lots 2 & 3. The Planning Commission approved this item at their May 10, 2018, meeting and reapproved it at their July 11, 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 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 (sinkholes).

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

7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. Denote: A Geotechnical Report for identified sinkhole areas shall be submitted to the Division(s) of Environmental Quality and Planning prior to plan certification.
12. Board of Adjustment's approval of the requested B-1 variance prior to certification of the plan.
13. Denote architectural details for commercial buildings façade on Harrodsburg Road frontage shall comply with exhibit on file with the Division of Planning and Building Inspection.
14. Resolve note #11 and scope of proposed landscaping.

Note: The applicant has requested a waiver to Article 6-8(a) and Exhibit 6-3 of the Land Subdivision Regulations to reduce the local street right-of-way to the back of curb and place the required utility strip and sidewalks in an easement.

The Subdivision Committee took no action.

Representation – Matt Carter, Vision Engineering, indicated that they need additional time to revise the waiver request, and he requested a two week postponement of the development.

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

Action - A motion was made by Mr. Bell, seconded by Mr. Forester and carried 7-0 (Brewer, de Movellan, Nicol, and Penn absent) to postpone **PLN-MJDP-18-00030: ETHINGTON & ETHINGTON PROPERTY, TRACT 1 (AMD)** to the February 27, 2020, meeting.

- f. **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 Planning Commission postponed this item at their January 16, 2020, meeting. 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 – Jon Woodall, attorney, indicated that there is a pending application for this property that will be heard by the Board of Adjustment on March 9, 2020, and he requested a one month postponement of the development plan.

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

Action - A motion was made by Ms. Mundy, seconded by Mr. Bell and carried 7-0 (Brewer, de Movellan, Nicol, and Penn absent) to postpone **PLN-MJDP-19-00073: SCHROYER PROPERTY, LOTS 3 & 4 (RTA FAMILY TRUST)** to the March 12, 2020, meeting.

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

- 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 Planning Commission postponed this item at their January 16, 2020, meeting. 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.

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. He indicated that the staff anticipates the applicant to withdraw this case in the future.

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

Action - A motion was made by Mr. Forester, seconded by Ms. Plumlee and carried 7-0 (Brewer, de Movellan, Nicol, and Penn absent) to postpone PLN-FRP-19-00024: GEORGE MANKEL PROPERTY to the March 12, 2020, meeting.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, February 6, 2020, at 8:30 a.m. The meeting was attended by Commission members: Mike Owens, Karen Mundy, Carolyn Plumlee and Headley Bell. Committee members in attendance were: Stephen Parker, Traffic Engineering and Vaughan Adkins, Division of Engineering. Staff members in attendance were: Traci Wade; Tom Martin; Hal Baillie; Cheryl Gallt; Denice Bullock; Lauren Hedge; Jimmy Emmons; Samantha Castro; Parker Sherwood; 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** – There were none.

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. **FINAL SUBDIVISION PLANS**

- a. PLN-FRP-20-00007: MARCELLE PAYTON PROPERTY, SECTION 2 (AMD) (4/5/20)* - located at 5021 JACKS CREEK PIKE, LEXINGTON, KY.
Council District 12
Project Contact: Strand Associates

Note: This plan requires the posting of a sign and an affidavit of such. The purpose of this amendment is to subdivide an 83.66 acre lot into a 40.00 acre and a 43.66 acre lots.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Board of Health approval for septic tank location(s).
7. Reverse order of lot numbers.
8. Correct signature line for Urban County Engineer's certification.
9. Correct language in Planning Commission certification.
10. Discuss need for waiver to Article 6-4(c) of the Land Subdivision Regulations.
11. Discuss need for a variance to Article 8-1(g) of the Zoning Ordinance.

Staff Presentation - Ms. Hedge directed the Commission's attention to the amended Final Record Plat, and briefly explained the proposed request. She indicated that the staff was recommending approval, subject to the conditions listed on today's agenda. She noted that, based on past practices, the staff believes a variance to Article 8-1(g) of the Zoning Ordinance would be more appropriate than a waiver to Article 6-4(c) of the Land Subdivision Regulations, and suggested condition #10 be deleted.

Representation – Richard Murphy, attorney, and Steve Vogel, Strand Associates, were present representing the applicant. Mr. Murphy indicated that the applicant was in agreement with the staff's recommendation, and requested approval. He then requested for condition #11 be amended to reflect the Board of Adjustment approval prior to plan certification. Ms. Wade agreed that condition #11 could be updated to reflect the Board of Adjustment approval of the variance to Article 8-1(g) of the Zoning Ordinance.

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

Commission question – Mr. Wilson asked what condition #11 should say. Ms. Wade said that condition #11 should be changed to "Provided the Board of Adjustment approves the variance to Article 8-1(g) of the Zoning Ordinance".

Action - A motion was made by Mr. Wilson, seconded by Ms. Mundy, carried 7-0 (Brewer, de Movellan, Nicol, and Penn absent) to approve PLN-FRP-20-00007: MARCELLE PAYTON PROPERTY, SECTION 2 (AMD), as recommended by the staff.

Ms. Wade said that the staff had received and reviewed the affidavit for the sign posting for PLN-FRP-20-00007: MARCELLE PAYTON PROPERTY, SECTION 2 (AMD) and it appeared to be in order.

2. **PRELIMINARY SUBDIVISION PLANS** – There are none.

3. **DEVELOPMENT PLANS**

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

- a. PLN-MJDP-20-00002: MANCHESTER DEVELOPMENT, LLC (DISTILLERY DISTRICT EAST, UNIT 1) (AMD) (4/5/20)* - located at 903, 920 AND 941 MANCHESTER ST., LEXINGTON, KY.
Council District 2
Project Contact: Barrett Partners

Note: The purpose of this amendment is to replace an existing industrial building with a 120-room hotel, cocktail lounge, restaurant and associated off-street parking. This plan requires the posting of a sign and an affidavit of such.

The Subdivision Committee Recommends: Postponement. There are questions regarding the compliance with the adaptive reuse criteria per Article 8-22(b)(7) of the Zoning Ordinance and the need for a height variance per Article 8-21(o)(4)(k) of the Zoning Ordinance.

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

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. 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. Denote floor area ratio and lot coverage per Article 21.
14. Clarify required parking for restaurants.
15. Discuss need for a variance to the maximum height of the proposed hotel per Article 8-21(o)(4)(k) of the Zoning Ordinance.
16. Discuss adaptive reuse criteria compliance.
17. Discuss proposed 930 Manchester Street parking lot street orientation.
18. Discuss proposed building and parking phases at 855 Manchester Street.
19. Discuss compliance with Town Branch Trail Project.
20. Discuss combining site statistics, as appropriate, to improve plan legibility.

Ms. Wade said that the staff had received and reviewed the affidavit for the sign posting for PLN-MJDP-20-00002: MANCHESTER DEVELOPMENT, LLC (DISTILLERY DISTRICT EAST, UNIT 1) (AMD) and it appeared to be in order.

Staff Presentation - Mr. Martin directed the Commission's attention to the amended final development plan, and briefly explained the proposed request for a new hotel and associated parking. He indicated that the staff was recommending approval, subject to the following revised 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. 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. Denote floor area ratio and lot coverage per Article 21.~~
- ~~14. Clarify required parking for restaurants.~~
13. 15. Discuss Denote Board of Adjustment approval of the need for a variance to the maximum height of the proposed hotel per Article 8-21(o)(4)(k) of the Zoning Ordinance.
14. 16. Discuss Provided the Planning Commission makes a finding the development plan meets the adaptive reuse criteria compliance per Article 8-21(o)(4) of the Zoning Ordinance.
- ~~17. Discuss proposed 930 Manchester Street parking lot street orientation.~~
- ~~18. Discuss proposed building and parking phases at 855 Manchester Street.~~
15. 19. Discuss Resolve compliance with Town Branch Trail Project.
16. 20. Discuss Resolve combining site statistics, as appropriate, to improve plan legibility.

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

Mr. Martin indicated that the staff has reviewed the applicant's supporting documentation and revised development plan. The staff finds that the applicant has demonstrated compliance with the adaptive reuse criteria and recommends the Planning Commission make a finding that the applicant has met the requirements per Article 8-21(o)(4) of the Zoning Ordinance.

Commission questions – Mr. Pohl asked if this is where the refrigerator building was located. Mr. Martin replied affirmatively.

Mr. Owens said that Manchester Street pedestrian safety, crosswalks, and access have always been discussed and will continue to be discussed for this area. He then said that hopefully this area is moving in the right direction.

Representation – Tony Barrett, Barrett Partners, was present representing the applicant. He said that this proposal was for a new building, that is replacing the refrigerator building. He indicated that the applicant was in agreement with the staff's revised recommendation, and requested approval.

Commission questions – Mr. Wilson said that there will be valet parking for the hotel, and asked if there will be self-parking as well. Mr. Barrett replied affirmatively.

Mr. Pohl asked if the building will be LEED certified and asked if there will be a third party certifier. Mr. Barrett explained that they have not decided to pursue LEED certification for the building. However, there will be a number of green initiatives that will be implemented regardless of whether or not the building becoming LEED certified.

Mr. Pohl said that there is a huge difference between a building being LEED certified and not being certified. Mr. Barrett replied that they recognize the difference.

Mr. Owens asked for an explanation to condition #15. Mr. Barrett briefly explained how they intend to accommodate compliance with Town Branch Trail Project.

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

Action - A motion was made by Mr. Bell, seconded by Mr. Wilson, carried 7-0 (Brewer, de Movellan, Nicol, and Penn absent) to approve **PLN-MJDP-20-00002: MANCHESTER DEVELOPMENT, LLC (DISTILLERY DISTRICT EAST, UNIT 1) (AMD)**, as recommended by the staff.

4. **CONTINUED DISCUSSION ITEM**

- a. **PLN-MJDP-19-00006: HAMBURG PLACE MALL, UNIT 1, PARCEL 2, OUTLOT 6 (FIRESTONE COMPLETE AUTO CARE) (AMD) (4/7/19)*** - located at 2155 PAUL JONES WAY AND 2145 SIR BARTON WAY, LEXINGTON, KY.
Council District 6
Project Contact: Gresham Smith

Note: The purpose of this amendment is to add building square footage and parking on Parcel 2, Outlot 6. The Planning Commission approved this item at their February 14, 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 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. Addition of bearings and distances on plan.
11. Label existing and proposed easements on property.
12. Resolve timing of record plat to create the Outlot 6 of Parcel 2.
13. Resolve parking lot circulation.

Note: The applicant has requested a waiver to Article 6-6(d) of the Land Subdivision Regulations regarding the relationship of lot and structure to a sanitary sewer manhole.

The Subdivision Committee took no action.

Staff Presentation - Mr. Martin directed the Commission's attention to the final development plan, and briefly explained that the applicant is requesting a waiver to Article 6-6(d) of the Land Subdivision Regulations regarding the

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

relationship of lot and structure to a sanitary sewer manhole. He indicated that the staff was recommending approval of the requested waiver for the provision of a gravity sanitary sewer lateral line, for the following reasons:

1. Granting the requested waiver will not adversely affect public health, welfare and safety as the sanitary sewer line will be constructed in coordination with the other necessary site improvements.
2. Granting the waiver is consistent with the intent of Article 1-5(a) of the Land Subdivision Regulations for Exceptional Hardship.

Commission questions – Ms. Mundy asked if the grinder pump system has an emergency backup. Mr. Martin deferred the question to applicant's engineer.

Representation – Erin Hathaway, Gresham Smith, was present representing the applicant. She replied that her engineer was not present at today's meeting, and she could not answer Ms. Mundy's question. She indicated that the applicant was in agreement with the staff's revised recommendation, and requested approval.

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

Commission questions – Mr. Owens asked if the Division of Engineering would like to respond. Ms. Adkins indicated that she did not have any response. Mr. Owens then asked if Engineering could report to the Commission in the future on the grinder pump systems. Ms. Adkins indicated her agreement.

Mr. Pohl said that another solution would be to find a place where the sewer line can intersect with the public sewer line at an elevation that would work. He indicated that he has had experience with grinder pump systems and he understands that those can become an economic problem due to this type of pump system failing.

Mr. Owens asked if there are similar pump stations in Lexington. Mr. Martin explained that grinder pump systems are not the preferred solution, but it may be the only solution for a particular property.

Ms. Mundy said that this is the reason she asked what is the backup for these types of pumps. Mr. Martin said that this type of system is not the preferred method to use.

Mr. Owens requested for the Division of Engineering to further educate the Commission on these types of pumps in the future. Ms. Adkins indicated her agreement.

Action - A motion was made by Mr. Pohl, seconded by Mr. Forester, carried 7-0 (Brewer, de Movellan, Nicol, and Penn absent) to approve the waiver to Article 6-6(d) of the Land Subdivision Regulations regarding the relationship of lot and structure to a sanitary sewer manhole for **PLN-MJDP-19-00006: HAMBURG PLACE MALL, UNIT 1, PARCEL 2, OUTLOT 6 (FIRESTONE COMPLETE AUTO CARE) (AMD)**, as recommended by the staff.

5. **REAPPROVAL & EXTENSION ITEMS**

- a. **DP 2009-75: NDC PROPERTY, UNIT 5D, PH II (WELLINGTON) (3/8/20)*** - located at 501 WEST REYNOLDS ROAD AND VINCENT WAY, LEXINGTON, KY.
Council District 9
Project Contact: EA Partners

Note: The applicant submitted a revised plan with the reapproved request on January 10, 2020. The plan addresses several of the original conditions for approval.

The Planning Commission originally approved this plan on May 12, 2011, 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. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire's approval of emergency access and fire hydrant locations.
8. Division of Waste Management's approval of refuse collection.
9. Correct note #5 to reference the Code of Ordinances.
10. Denote utility easement along western boundary of property (per Plat L-918).
11. Document compliance with private open space requirements per R-1T zone.
12. Clarify "private access easement responsibilities" note.
13. Extend sidewalk on Vincent Way to Unit #10.
14. Addition of landscape buffer details along western property line (including tree information).
15. Revise location of Units #3 & #4 to indicate 6' from access easement.
16. Revise location of Unit #15 to indicate 10' from access easement.

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

Note: On June 9, 2016, the Planning Commission reapproved this plan, subject to the conditions originally approved by the Commission and two additional conditions:

17. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
18. Addition of an additional Planning Commission certification.

Note: The Planning Commission's approval has expired and the applicant now requests a reapproval of this plan.

The Subdivision Committee Recommends: Reapproval, 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 protection plan.
6. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire's approval of emergency access and fire hydrant locations.
8. Division of Waste Management's approval of refuse collection.
9. United States Postal Service Office's approval of kiosk locations or easement.
10. Document compliance with private open space requirements per R-1T zone.
11. Addition of landscape buffer details along western property line (including tree information).
12. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
13. Addition of a third Planning Commission certification.

Staff Presentation - Mr. Martin directed the Commission's attention to the final development plan, and briefly explained the Planning Commission's approval has expired and the applicant now requests a reapproval of this plan. He indicated that the staff was recommending reapproval, subject to the conditions listed on today's agenda, deleting condition #13.

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

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

Commission questions – Mr. Owens confirmed that there are two conditions to be deleted. Mr. Martin replied that condition #13 could be deleted and the rest of the conditions would remain.

Action - A motion was made by Ms. Mundy, seconded by Mr. Bell, carried 7-0 (Brewer, de Movellan, Nicol, and Penn absent) to reapprove **DP 2009-75: NDC PROPERTY, UNIT 5D, PH II (WELLINGTON)**, as recommended by the staff.

6. MINOR SUBDIVISION PLANS – There were none.

- C. PERFORMANCE BONDS AND LETTERS OF CREDIT** – A motion was made by Mr. Forester, seconded by Ms. Mundy, and carried 7-0 (Forester; Nicol; Penn and Brewer absent) to approve the release and call of bonds as detailed in the memorandum dated February 13, 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 – There were none.

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

- a. **ARTICLE 4-5(B) IMPROVEMENT PLAN PROGRESS REPORT** - There were none.
- b. **WORK SESSION** – Mr. Owens reminded the Commission members that their next work session will be held Thursday, February 20, 2020. Ms. Wade said that, with the Urban County Council initiation of the text amendment on tenant homes, the staff would be discussing that issue with the Commission. She then said that Long Range Planning would also be speaking with the Commission about the floor area ratio text amendment, and updating them on the public engagement toolkit and what the next steps would be in terms of a Development Handbook.

VII. AUDIENCE ITEMS – There were none.

VIII. NEXT MEETING DATES

Work Session, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building.....	February 20, 2020
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	February 26, 2020
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	February 27, 2020
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	March 5, 2020

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

Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building) March 5, 2020
Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers **March 12, 2020**

IX. **ADJOURNMENT** - There being no further business, the Chair adjourned the meeting at 2:27 PM.

Mike Owens, Chair

Karen Mundy, Secretary

Lex TV broadcasts live government meeting coverage, original programming and bulletin board information. You can find us on cable channel 185, view our [live stream](#) and [archived meetings](#) online or watch programming on our [YouTube](#) channel.

Archived videos and minutes can be viewed at <https://www.lexingtonky.gov/public-meetings-videos>

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