

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

October 8, 2020

I. CALL TO ORDER

Due to the COVID-19 pandemic, state of emergency and Governor Beshear's Executive Orders regarding social distancing, this meeting is being held via teleconference pursuant to Senate Bill 150 (as signed by the Governor on March 30, 2020) and Attorney General Opinion 20-05, and in accordance with KRS 61.826, because it is not feasible to offer a primary physical location for the meeting.

ATTENDANCE - Chair Larry Forester called the meeting to order at 1:30 p.m. **via video teleconference** from the Division of Planning, 7th Floor, 101 E. Vine Street, Lexington, KY 40507. Planning Commission Members present **via video teleconference** were: Ivy Barksdale, Headley Bell, Janice Meyer, Anthony de Movellan, Bruce Nicol, Frank Penn, Carolyn Plumlee, and Bill Wilson (Absent Zach Davis, and Graham Pohl). Planning staff members present **via video teleconference** were Jim Duncan, Director; Traci Wade, Tom Martin, Hal Baillie, Cheryl Gallt, Lauren Hedge, Stephanie Cunningham, and Debbie Woods. Other staff members present were: Deepika Eyunni, Division of Traffic Engineering; Hillard Newman, Division of Engineering; Captain Greg Lengal and Firefighter Embry Beatty, Division of Fire and Emergency Services; and Tracy Jones, Department of Law.

II. APPROVAL OF MINUTES – There were none at this time.

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

- a. PLN-MJDP-19-00074: BLACKFORD PROPERTY (PHASE 4) (10/8/20)* - 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 at their January 9, 2020, February 6, 2020, March 5, 2020, June 4, 2020, July 2, 2020, August 6, 2020, September 3, 2020, and October 1, 2020, meetings.

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 – Mr. Rory Kahly, EA Partners, was present via video teleconference on behalf of the applicant and requested a one-month postponement to allow time for correction of the signs.

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

Action – A motion was made by Ms. Plumlee, seconded by Mr. de Movellan, and carried 9-0 (Davis and Pohl absent), to postpone **PLN-MJDP-19-00074: BLACKFORD PROPERTY (PHASE 4)** to the November 12, 2020 meeting.

- b. **PLN-MJDP-20-00029: LEXINGTON MALL PROPERTY, LOT 6-A (LFUCG) (AMD) (10/8/20)*** - located at 2401 RICHMOND RD., LEXINGTON, KY.
Council District 5
Project Contact: EA Partners

Note The purpose of this amendment is to add a 10,000 square foot structure with drive-through lanes and parking.

The Technical Committee and Staff Recommended: **Postponement**. There are questions regarding the pedestrian connectivity and compliance with Article 12 of the Zoning Ordinance.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Inclusion of entire Planned Shopping Center (B-6P) area (Lexington Mall Property) on plan.
11. Addition of driveway entrance widths.
12. Addition of proposed building height in feet on plan.
13. Addition of numerical labels on contour intervals.
14. Correct language for Owner's certification.
15. Addition of sidewalk along access easement for Lot 6-A.
16. Floodplain LOMR boundary to the approval of the Division of Engineering.
17. Discuss required stacking for drive-through lanes.
18. Discuss compliance with Article 12-8(e) for maximum required parking of 4 spaces per 1,000 square feet of space.
19. Discuss compliance with Articles 12-8(h) and 12-8(i) for multi-modal accommodations and transit facilities.

Representation – Mr. Rory Kahly, EA Partners, was present via video teleconference on behalf of the applicant and requested a one-month postponement to work with the new owners on several of the discussion items.

Action – A motion was made by Ms. Plumlee, seconded by Mr. de Movellan and carried 9-0 (Davis and Pohl absent), to postpone **PLN-MJDP-20-00029: LEXINGTON MALL PROPERTY, LOT 6-A (LFUCG) (AMD)** to the November 12, 2020 meeting.

- c. **PLN-MJDP-20-00060: SAND LAKE AND ESTES PROPERTIES, SECTION 2, LOT 2 (AMD) (11/29/20)*** - located at 109 SAND LAKE DR. (A PORTION OF), LEXINGTON, KY.
Council District 7
Project Contact: Barrett Partners, Inc.

Note: The purpose of this amendment is to revise the layout of lots 2, 5 and 6, and show the preliminary subdivision plan for Lot 2.

The Subdivision Committee Recommended: **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 and 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. Document compliance with Note #14 regarding notice of the public meeting.
12. Discuss timing for construction of pedestrian access from Lake Wales Drive.

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

13. Denote required landscape buffer area along Lake Wales Drive shall include evergreen trees planted 10' on center with a minimum height of 5' at time of planting.

Representation – Mr. Richard Murphy, attorney for the applicant, was present via video teleconference and indicated that they needed more time to notify adjoining neighbors within 400 feet, based on a recently discovered note on the development plan. He requested a two-week postponement to the October 22, 2020 meeting.

Action – A motion was made by Mr. Wilson, seconded by Ms. Plumlee, and carried 9-0 (Davis and Pohl absent), to postpone **PLN-MJDP-20-00060: SAND LAKE AND ESTES PROPERTIES, SECTION 2, LOT 2 (AMD)** to the October 22, 2020 meeting.

- d. **PLN-MJDP-20-00057: GRIFFIN GATE OFFICE PARK (AMD) (11/29/20)*** - located at 1390 OLIVIA LN., LEXINGTON, KY.
Council District 2
Project Contact: Earthcycle Design

Note: The purpose of this amendment is to add access to Citation Boulevard and add storage buildings.

The Subdivision Committee Recommended: Postponement, at the request of the applicant, without discussion. There were questions regarding the meeting of the required parking in the zone and the proposed "storage building" in the professional office 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. United States Postal Service Office's approval of kiosk locations or easement.
10. Rotate plan so the North is to the top of the page.
11. Addition of name and address of developer.
12. The boundaries of property shall be in solid dark lines.
13. Correct plan address to 1390 Olivia Lane.
14. Addition of adjacent property information.
15. Clarify site location on vicinity map.
16. Addition of topography lines per Article 21.
17. Dimension driveways and walkways.
18. Dimension ingress and egress points.
19. Addition of zoning on adjacent property.
20. Addition of landscape buffer.
21. Denote function of storage building.
22. Denote 20' building setback along Citation Boulevard and shift proposed building accordingly.
23. Denote 25' side/rear yard setback adjacent to A-U zone.
24. Remove duplicate information from site statistics.
25. Denote approval from Royal Springs Aquifer Water Supply Protection Committee.
26. Addition of building coverage and floor area ratio in site statistics per Article 21.
27. Discuss parking reductions applicable per Article 16-10 (2) of the Zoning Ordinance.
28. Discuss access to Citation Boulevard and the Conditional Zoning Restriction on Newtown Springs Development.

Representation – Mr. Scott Southall, Earthcycle Design, was present via video teleconference on behalf of the applicant and requested a one-month postponement to continue discussion with the owner and the staff regarding the best way to proceed on this project.

Action – A motion was made by Mr. Penn, seconded by Ms. Plumlee, and carried 9-0 (Davis and Pohl absent), to postpone **PLN-MJDP-20-00057: GRIFFIN GATE OFFICE PARK (AMD)** to the November 12, 2020 meeting.

- e. **PLN-MJDP-18-00030: ETHINGTON & ETHINGTON PROPERTY, TRACT 1 (AMD) (10/8/20)*** - located at 4145 AND 4235 HARRODSBURG ROAD, LEXINGTON, KY
Council District 10
Project Contact: Vision Engineering

Note: The Planning Commission approved this item at their May 10, 2018, meeting and reapproved it at their July 11, 2019, February 27, 2020, and August 13, 2020, meetings, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.

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

3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas (sinkholes).
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. 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 – Mr. Branden Gross, attorney for the applicant, was present via video teleconference and indicated that his client wished to withdraw their request for a waiver at this time.

Action – A motion was made by Mr. Wilson, seconded by Ms. Plumlee, and carried 9-0 (Davis and Pohl absent), to withdraw the request for a waiver for **PLN-MJDP-18-00030: ETHINGTON & ETHINGTON PROPERTY, TRACT 1 (AMD)**.

- f. **PLN-MJDP-20-00054: HEADLEY, NIVEN & VANCE PROPERTY, LOTS 1, 2 & 3 (CHICK-FIL-A) (AMD)** (11/29/20)* - located at 295 WEST NEW CIRCLE RD. and 1500 RUSSELL CAVE RD., LEXINGTON, KY.
Council District 1
Project Contact: GBC Design, Inc.

Note: The purpose of this amendment is to revise the proposed building and parking on the plan.

The Subdivision Committee Recommended: Postponement. There are questions regarding closure of the access point on 313 West New Circle Road per approved plan and lack of required Tree Protection Plan.

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. 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. KYTC approval of access to Russell Cave Road (KY 353).
10. Delete Notes #9 and #10.
11. Addition of required Tree Protection Plan.
12. Denote FAR in site statistics.
13. Correct plan title.
14. Delete "width varies" from New Circle Road and Russell Cave Road.
15. Delete copyright information note.
16. Denote approval from Royal Springs Aquifer Water Supply Protection Committee.
17. Discuss landscape buffer adjacent to R-1C zone property.
18. Discuss bypass lane for drive-thru.
19. Discuss access point #2 closure on 313 West New Circle per DP 2013-29.
20. Discuss proposed 15' setback along R-1C zone property line (north).
21. Discuss proposed amount of parking, and need for a parking study to document need.

Representation - Mr. Alan Wiley was present via video teleconference on behalf of the applicant and indicated they would like to request a one-month postponement to the November 12, 2020 meeting to work through staff's comments with the adjoining property owners.

Action – A motion was made by Ms. Plumlee, seconded by Mr. de Movellan and carried 9-0 (Davis and Pohl absent), to postpone **PLN-MJDP-20-00054: HEADLEY, NIVEN & VANCE PROPERTY, LOTS 1, 2 & 3 (CHICK-FIL-A) (AMD)** to the November 12, 2020 meeting.

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

- g. PLN-MJDP-20-00050: LEXINGTON MALL PROPERTY (PLANET FITNESS LEXINGTON RICHMOND ROAD (AMD) (11/24/20)* - located at 2397 RICHMOND RD., LEXINGTON, KY.
Council District 5
Project Contact: Reyling Design and Consulting

Note: The purpose of this amendment is to add building square footage and revise parking on Parcel A.

The Subdivision Committee Recommended: Postponement. There are questions regarding the ability to meet the requirements for the B-6P zone for cross-access movement, pedestrian circulation, multi-modal accommodations and access to sanitary sewer facilities.

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. Department of Environmental Quality's approval of environmentally sensitive areas.
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. Greenspace Planner's approval of the treatment of greenways and greenspace.
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. Increase text size and clarify for all labels on the site.
13. Correct plan title "Lexington Mall Property (AMD)".
14. Addition of name and address of developer.
15. Document compliance with Article 21-7(7)(b)(3) of Zoning Ordinance (account with Lynn Imaging).
16. Addition of topography intervals on Parcel A.
17. Denote location of street cross-sections on plan face.
18. Addition of dimensions of existing building.
19. Addition of multi-model accommodations per Article 12-8(h).
20. Adjust scale of development plan for legibility (suggest 1"=60').
21. Discuss layout of building and parking circulation.
22. Discuss timing of easement release, prior to plan certification.
23. Discuss retaining wall height and location.

Staff Comments – Ms. Wade pointed out that, as noted on the agenda, staff recommended postponement of PLN-MJDP-20-00050: LEXINGTON MALL PROPERTY (PLANET FITNESS LEXINGTON RICHMOND ROAD (AMD), and the applicant had indicated at the Subdivision Committee meeting the week before that they wished to postpone. She also noted that there was no one present to represent this plan, which indicated the applicant did not wish to speak to the plan. She advised postponement.

Mr. Martin added that a staff member spoke with a representative for the plan the day before, but not since then. He also noted that the applicant is in a time zone that is an hour behind and there may have been a misunderstanding in the time of the meeting.

Action – A motion was made by Mr. Penn, seconded by Mr. de Movellan and carried 9-0 (Davis and Pohl absent), to postpone PLN-MJDP-20-00050: LEXINGTON MALL PROPERTY (PLANET FITNESS LEXINGTON RICHMOND ROAD (AMD) to the November 12, 2020 meeting, based on the recommendation of staff.

- IV. LAND SUBDIVISION ITEMS - The Subdivision Committee met on Thursday, October 1, 2020, at 8:30 a.m. The meeting was attended by Commission members: Ivy Barksdale, Headley Bell, Anthony de Movellan, and Jan Meyer. Committee members in attendance were: Vaughan Adkins, Division of Engineering; and Deepika Eyunni, Division of Traffic Engineering. Staff members in attendance were: Traci Wade; Tom Martin; Hal Baillie; Lauren Hedge; Cheryl Gallt, Samantha Castro, Jimmy Emmons, and Stephanie Cunningham; Embry Beatty, Division of Fire & Emergency Services; Hillard Newman, Division of Engineering; 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.*

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

- A. **NO DISCUSSION ITEMS** – Following requests for postponement or withdrawal, items requiring no discussion will be considered.

Criteria:

- (1) the Subdivision Committee recommendation is for approval, as listed on this agenda; and
- (2) the Petitioner agrees with the Subdivision Committee recommendation and 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-FRP-20-00049: CROSSROADS CHRISTIAN CHURCH (GARDEN ESTATES) (AMD) (11/29/20)*** - located at 4176 and 4184 TODDS RD., LEXINGTON, KY.
Council District 12
Project Contact: EA Partners, PLC

Note: The purpose of this amendment is to create Lot 3 and dedicate the 30' shared access easement serving Lot 3. This plan requires the posting of a sign and an affidavit of such.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Denote: Lot 2 shall be developed in accordance with the approved final development plan.
9. KYTC approval of access to Todds Road (KY 1927).
10. Denote: Health Department approval for septic system in Agricultural Rural (A-R) zone.
11. Correct purpose of amendment and addition of approved BOA variance information to notes per plat S-76.
12. Revision of plat title to "Crossroads Christian Church (Garden Estates)".
13. Denote Exaction information to the approval of the Division of Planning.

Note – Ms. Wade added that the applicant posted the required signage for the property and provided the appropriate affidavit documentation to the staff for the record.

- b. **PLN-MJDP-20-00047: INVESTMENT PROPERTIES OF LEXINGTON (CAMPBELL HOUSE INN, LOT 2) (AMD) (10/31/20)*** - located at 1301 S. BROADWAY, LEXINGTON, KY.
Council District 11
Project Contact: Element Design

Note: The purpose of this amendment is to revise parking and add access to Parkway Drive.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. 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. Addition of notification note to current plan.
12. Resolve cross-access with adjoining property to the southwest.
13. Document compliance with notification requirements per note #6 on certified development plan.

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

Note – Ms. Wade mentioned that the next item listed on the consent agenda was PLN-MJDP-20-00049: YELLMAN'S SUBDIVISION (POWERHOUSE CHURCH OF GOD) (BLACKBURN AVE), however Ms. Jessica Winters, attorney, was present via video teleconference and had previously expressed opposition to the approval of this plan. Therefore, the plan was removed from the consent agenda and would be heard by the Planning Commission.

- c. PLN-MJDP-20-00051: QUEEN ESTATE (UNIVERSITY OF KENTUCKY FEDERAL CREDIT UNION) (11/25/20)* - located at 603, 607, 615, 617 and 619 S. BROADWAY and 405 and 411 CHAIR AVE., LEXINGTON, KY.
Council District 3
Project Contact: Carman

Note: The purpose of this plan is to depict development for the site.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the location 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. Remove extraneous information from plan.
11. Denote compliance with the adopted Newtown Pike Corridor Design and Access Standards.
12. Resolve improvements to Chair Avenue per preliminary development plan.
13. Resolve proposed building façade articulation on S. Broadway.

- d. PLN-MJDP-20-00053: COLDSTREAM RESEARCH CAMPUS, UNIT 1B, LOT 14B (AMD) (11/29/20)* - located at 1532 BULL LEA RD., LEXINGTON, KY.
Council District 2
Project Contact: Strand and Associates

Note: The purpose of this amendment is to revise the site layout for office building and other associated site improvements.

The Subdivision Committee and Staff Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. United States Postal Service Office's approval of kiosk locations or easement.
11. Denote approval by the Royal Spring Aquifer Water Supply Protection Committee per Note #24.
12. Addition of Note #27 referencing stone fence from previous development plan, DP 2012-101.
13. Addition of building line setback.
14. Dimension access to rear of building.
15. Denote 100' scenic easement facing Bull Lea Road and remove parking and access conflicts per Note #14 on DP 2012-101.
16. Addition of Note #14 from DP 2012-101.

- e. PLN-MJDP-20-00055: COOPER PROPERTY (A PORTION OF COPE, MITCHELL & COOPER PROPERTY) (AMD) (11/29/20)* - located at 1370 DEER HAVEN LN., LEXINGTON, KY.
Council District 12
Project Contact: EA Partners, PLC

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

The Subdivision Committee Recommended: **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.

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

3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. 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. United States Postal Service Office's approval of kiosk locations or easement.
11. Correction of language in General Note #4.
12. Denote timing of fence installation along Urban Service Area and adjacent agricultural parcels.
13. Provided the Planning Commission makes a finding that the plan complies with the EAMP.

Note – Ms. Wade added that the applicant posted the required signage for the property and provided the appropriate affidavit documentation to the staff for the record. In addition, Ms. Wade noted that the staff prepared a memorandum regarding the Expansion Area Master Plan compliance statement for PLN-MJDP-20-00055: COOPER PROPERTY (A PORTION OF COPE, MITCHELL & COOPER PROPERTY) (AMD), which can be found in the materials supplied to the Planning Commission members.

- f. PLN-MJDP-20-00056: SHARKEY PROPERTY, UNIT 1, LOT 10A (A PORTION OF) UNIT 4, SECTION 2 (AMD) (11/29/20)* - located at 132 and 148 LOUIE PL., Lexington, KY.
Council District 2
Project Contact: Barrett Partners, Inc.

Note: The purpose of this amendment is to revise building and parking development.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Waste Management's approval of refuse collection locations.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. United States Postal Service Office's approval of kiosk locations or easement.

- g. PLN-MJDP-20-00058: EASTLAND PARKWAY SUBDIVISION (11/29/20)* - located at 1734 EASTLAND CT. (FKA 1540 EASTLAND PARKWAY – A PORTION OF), LEXINGTON, KY.
Council District 6
Project Contact: Barrett Partners, Inc.

The Subdivision Committee Recommended: **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 and Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Denote location of green infrastructure improvements.
11. Resolve timing of the recording of the access maintenance agreement per Note #14.

- h. PLN-MJDP-20-00061: JAMES R. MASSENGILL PROPERTY (AMD) (11/29/20)* - located at 701 and 705 E. LOUDON AVE., LEXINGTON, KY.
Council District 1
Project Contact: Endris Engineering

Note: The purpose of this amendment is to add a two-story sales office to 701 E. Loudon Avenue, a one-story garage and a 20'-wide driveway to 705 E. Loudon Avenue, and revise circulation and fuel pump locations.

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

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike and 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. Resolve proposed garage encroachment into street light easement.
12. Clarify proposed use of garage and sales office.
13. Revise parking statistics to document compliance with requirements and remove reference to gas pump spaces.

- i. PLN-MJDP-20-00062: BLUEGRASS EXECUTIVE PARK, LOT 4B, BLOCK F, UNIT 1-B (AMD) (11/29/20)* - located at 2196 THUNDERSTICK DR., LEXINGTON KY.
Council District 6
Project Contact: Pike Legal Group, PLLC

Note: The purpose of this amendment is to revise the development for an approved telecommunication tower site.

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

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

Note - Ms. Wade reiterated that she did not read PLN-MJDP-20-00049: YELLMAN'S SUBDIVISION (POWERHOUSE CHURCH OF GOD) (BLACKBURN AVE) as part of the consent agenda, acknowledging Ms. Winters' request that it be heard by the Planning Commission. She advised the Commission to note that in their motion.

Action – A motion was made by Ms Plumlee, seconded by Bell, and carried 9-0 (Davis and Pohl absent) to approve the Consent Agenda with the exception of **PLN-MJDP-20-00049: YELLMAN'S SUBDIVISION (POWERHOUSE CHURCH OF GOD) (BLACKBURN AVE).**

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

The procedure for these hearings is as follows:

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

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

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

1. **DEVELOPMENT PLANS**

- a. PLN-MJDP-20-00049: YELLMAN'S SUBDIVISION (POWERHOUSE CHURCH OF GOD) (BLACKBURN AVE)
(11/23/20)* - located at 325, 329, 333 and 345 BLACKBURN AVE., LEXINGTON, KY.
Council District 2
Project Contact: Carman

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

1. Provided the Urban County Council rezones the property at 325, 329 and 333 Blackburn Avenue to the R-5 zone; otherwise, any commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Landscape Examiner's approval of landscaping and landscape buffers.
5. Addressing Office's approval of street names and addresses.
6. Urban Forester's approval of tree preservation plan.
7. Department of Environmental Quality's approval of environmentally sensitive areas.
8. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
9. Greenspace Planner's approval of the treatment of greenways and greenspace.
10. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
11. Division of Waste Management's approval of refuse collection locations.
12. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
13. United States Postal Service Office's approval of kiosk locations or easement.
14. Document compliance with Article 26-5 and Article 18-3 of the Zoning Ordinance for 345 Blackburn Avenue.
15. Denote specific elements complying with Article 15 of the Zoning Ordinance for Residential infill Development.
16. Denote substantial compliance with submitted building elevations.

Staff Presentation – Mr. Martin directed the Commission's attention to the rendering of the development plan on his screen, which was shared. He explained the plan and the reasons for staff's recommendation for approval. Mr. Martin also noted that the Subdivision Committee had recommended approval, subject to the revised conditions. Mr. Martin mentioned emails from the Division of Environmental Services, which state that this property in particular which was of concern to staff, does in fact meet Article 26-5 of the Tree Protection Ordinance. In addition, the Landscape Examiner has stated the same, that this plan does comply with Article 18.

Representation – Mr. Chris Clendenen, attorney for the applicant; Mr. Carson Baughman, Blackburn Properties, LLC; and Mr. Kevin Warner, Carman, were present via video teleconference on behalf of the applicant. Mr. Clendenen stated he would hold his comments for rebuttal, as he and the applicant were aware of opposition.

Opposition – Ms. Jessica Winters, attorney, was present via video teleconference, on behalf of her client Mr. Mark Klar. She explained Mr. Klar's concerns and his reasons for opposing the development plan. Ms. Winters requested postponement of the plan, or the plan be disapproved.

Mr. Klar, also present via video teleconference, expressed his concerns with the topography of the proposed parking lot that would adjoin his property, and possible drainage problems in his rear yard.

Applicant Rebuttal – Mr. Clendenen addressed some of Ms. Winters' concerns that she had mentioned in her presentation. He deferred Mr. Klar's questions and concerns about drainage to Mr. Warner. Mr. Warner stated that Mr. Klar's property and the subject property both currently drain toward the property that is behind the subject property. He stated the proposed development plan would not impede the drainage from Mr. Klar's rear yard. Mr. Warner stated the applicant is collecting their drainage in an underground detention system and discharging to the public storm sewer pipe that runs through the center of the subject property.

Commission question – Ms. Plumlee had a question about the lighting in the parking lot that Ms. Winters had alluded to. Ms. Plumlee noted that the Commission had previously approved the restriction of lighting on the building adjacent to the neighbor's property. She asked if the applicant could address a possible reduction in lighting as requested by the neighbor.

Representation - Mr. Clendenen deferred Ms. Plumlee's question to Mr. Baughman. Mr. Baughman stated that currently there is a limitation on lighting along the length of the building. He stated they have not designed the actual lighting layout, but they have worked with the neighbors, and told them there is no plan to put a lot of lighting in that parking lot because there is already sufficient lighting. Mr. Baughman stated that the applicant is committed to creating a safe environment and is doing their best to design the lighting so there is not a lot of light pollution.

Commission question – Mr. Penn asked the applicant why his client was pushing to have this development plan approved, knowing that the Council may not have a hearing on it for sixty more days. Mr. Clendenen responded

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that a conversation he had with the Law Department indicated to him that a logistical solution with respect to Council hearings was near and there may not be another sixty-day extension. Discussion continued.

Opposition question – Mr. Klar asked Mr. Martin about a project he had previously referred to in his presentation. He asked if that project had been contested, or if any of the other exceptions Mr. Martin mentioned had been contested.

Staff comments – Mr. Martin replied that the request for a zone change Mr. Klar was referring to was not contested. He stated this request is not something that staff sees often, but over the years, they have seen this type of request and some have had full hearings, although he could not recall them specifically from memory.

Ms. Wade commented that if the development plan before the Commission today were to change to the point that it would need to come back to the Commission, the staff could ask the applicant to bring the development plan back for further review. She elaborated further on this matter.

Opposition rebuttal – Ms. Winters expressed her concerns and those of her client concerning the proposed development plan and its compliance with the Zoning Ordinance regarding parking. She requested further consideration from the Planning Commission regarding this plan.

Staff comments - Mr. Martin provided clarification regarding the timing of the development plan, stating from the date of approval of the final development plan, the applicant actually has one year to have the plan certified. He advised that staff believes they are correct with regard to parking; that the plan does comply with the Zoning Ordinance. He further explained staff's recommendations of approval for the proposed plan, including the concerns regarding lighting. Mr. Martin reiterated that staff stands behind their recommendation of approval of this development plan.

Commission questions and comments – Ms. Plumlee asked Ms. Jones if postponement was a permissible option for a recommendation at this time. Ms. Jones replied that postponement was an option; however, it was not what staff had recommended.

Mr. de Movellan asked Ms. Jones for clarification of when the time clock would start for the thirty-day appeal. Ms. Jones responded that there were two things she wanted to make note of: 1) the first condition states that this development plan is approved by the Planning Commission provided that the City Council approves the zone change, and 2) that this could open the door to an argument that technically, the Commission's approval would be in place at such time that the City Council approves the zone change because of that condition. She elaborated further.

Mr. Nicol asked whether the development plan in question could be considered in a similar fashion as some of the subdivision plans that come before the Zoning Committee with recommendations of approval from the Subdivision Committee and/or staff, depending on the zone change. He asked if the Commission could approve this development plan and, per the first condition listed, if the City Council does not approve the zone change, the development plan would then not be approved.

Mr. Martin confirmed that what Mr. Nicol had said was correct, and that it would be applicable in this instance.

Ms. Plumlee stated that she did not like the idea of approving this development plan prior to approval of the zone change. She expressed her concerns about the parking and the size of the building.

Mr. Bell remarked that he was inclined to agree with staff's recommendation of approving this plan.

Action – A motion was made by Mr. Nicol, seconded by Mr. Bell to approve PLN-MJDP-20-00049: YELLMAN'S SUBDIVISION (POWERHOUSE CHURCH OF GOD) (BLACKBURN AVE) based on staff's recommendation and subject to the thirteen revised conditions as follow:

1. Provided the Urban County Council rezones the property at 325, 329 and 333 Blackburn Avenue to the R-5 zone; otherwise, any commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Landscape Examiner's approval of landscaping and landscape buffers.
5. Addressing Office's approval of street names and addresses.
6. Urban Forester's approval of tree preservation plan.
7. Department of Environmental Quality's approval of environmentally sensitive areas.
8. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
9. Greenspace Planner's approval of the treatment of greenways and greenspace.
10. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
11. Division of Waste Management's approval of refuse collection locations.

12. Documentation of Division of Water Quality's approval of the locations of fire hydrants, fire department connections and fire service features.
13. United States Postal Service Office's approval of the kiosk locations or easement.
- ~~14. Document compliance with Article 26-5 and Article 18-3 of the Zoning Ordinance for 345 Blackburn Avenue, per Note #3.~~
- ~~15. Denote specific elements complying with Article 15 of the Zoning Ordinance for Residential Infill Development.~~
- ~~16. Denote substantial compliance with submitted building elevations.~~

Discussion on the motion – Mr. Penn commented that he agreed with Ms. Plumlee regarding approving a development plan prior to the approval of a zone change not being how it has been done historically. However, he stated he did not think that the development plan was going to change based on whether or not the zone change is approved. Therefore, he was inclined to support the motion.

Action – The motion to approve **PLN-MJDP-20-00049: YELLMAN'S SUBDIVISION (POWERHOUSE CHURCH OF GOD) (BLACKBURN AVE)** carried 7-2 (Barksdale, Bell, de Movellan, Forester, Nicol, Penn and Wilson in favor; Meyer and Plumlee opposed; Davis and Pohl absent).

- b. **PLN-MJDP-20-00059: GATEWAY LOFTS (GROGAN & GROGAN) (11/29/20)*** - located at 1016 S. BROADWAY, LEXINGTON, KY.
Council District 3
Project Contact: Palmer Engineering / Edge

Note: The purpose of this plan is to depict redevelopment of the site for a Form-Based Neighborhood Business Project.

The Subdivision Committee Recommended: **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 and 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. Denote location of mass transit enhancements to the approval of Lextran.
12. KYTC's approval of access to Virginia Avenue.
13. Provided the Planning Commission makes a finding, the plan complies with Article 8-16 (o)(3) of the Zoning Ordinance.
14. Resolve timing of right-of-way dedication on S. Broadway.
15. Discuss stormwater management.

Staff Presentation – Mr. Martin directed the Commission's attention to the rendering of the proposed development plan on the shared screen. He explained the development plan and the reasons for staff's recommendation of approval. He also noted that the Subdivision Committee recommended approval with the conditions as listed. Mr. Martin explained that the development plan does conform to the B-1 Form-Based code in the Zoning Ordinance.

Commission questions and comments – Mr. Bell asked if the existing building was going to be torn down. Mr. Martin affirmed that it was. Mr. Bell mentioned that traffic has always been an issue in the area surrounding this plan, and asked Mr. Martin to address that. Mr. Martin spoke on the proposed widening of South Broadway, which will alleviate some of the traffic issues. Mr. Martin also addressed the issue of stormwater drainage in the area, stating the applicant, staff and the Division of Engineering are very much aware of the problems with drainage in this part of town.

Ms. Meyer had a question concerning the enforcement of the landscape requirements. Mr. Martin replied that because this is a B-1 Form-Based project, and that it is directly addressed in the Zoning Ordinance, the Zoning Compliance section of the Division of Planning has the ability to address these elements to ensure compliance.

Representation – Mr. Richard Murphy, attorney, was present via video teleconference on behalf of the applicant. With Mr. Murphy were Mr. Will Kirk, Gateway Lofts; Mr. Ryan Pierson, designer with Edge Landscape Architects; Dean Wentz, architect; and Chris Mitchell of Palmer Engineering. Mr. Murphy gave a brief update and explanation of the proposed plan. He indicated that the applicant agrees with staff's recommendation.

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

Action – A motion was made by Mr. Penn and seconded by Mr. de Movellan to approve **PLN-MJDP-20-00059: GATEWAY LOFTS (GROGAN & GROGAN)** with the fifteen conditions provided by staff, also noting that the B-1 Form-Based Neighborhood Project requirements have been met.

Discussion on the motion - Prior to the vote, Mr. Martin noted that one of the fifteen conditions stated “discuss stormwater management”, however Mr. Martin stated staff felt that could be taken care of with the sign-off by the Division of Engineering.

Mr. Penn asked if that condition should be deleted. Mr. Martin indicated he thought it could be deleted; that staff wanted to be sure that the Commission heard the discussion and were aware that staff and the applicant are very much aware of the stormwater issues.

Action – Mr. Penn amended the motion to state “fourteen conditions, eliminating #15”. The motion was seconded by Mr. de Movellan and carried 9-0 (Davis and Pohl absent), to approve **PLN-MJDP-20-00059: GATEWAY LOFTS (GROGAN & GROGAN)** with the fourteen conditions provided by staff, eliminating #15, and noting that the B-1 Form-Based Neighborhood Project requirements have been met.

2. **REAPPROVAL, CONTINUED DISCUSSIONS & EXTENSION ITEMS**

- a. **PLN-MJDP-20-00017: POLO CLUB CENTER (SIKURA JUSTICE PROPERTY, UNIT 6) (AMD) (10/8/20)*** - located at 6411 POLO CLUB LN., LEXINGTON, KY.
Council District 12
Project Contact: Integrated Engineering

Note: The Planning Commission originally approved this plan on June 11, 2020, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. 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 height of proposed retaining walls.
13. Correct note #7.
14. Provided the Planning Commission makes a finding that the plan complies with the EAMP.
15. Discuss pedestrian connection to the Blackford Property.

Note: The applicant has requested a continued discussion of the revised plan for the October 8, 2020, Planning Commission meeting. The purpose of this amendment is to update the site statistics, revise the location, size and layout of the building, and revise the parking layout and circulation for Lot 5. This plan requires the posting of a sign and an affidavit of such.

The staff is 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. United States Postal Service Office's approval of kiosk locations or easement.
12. Denote height of proposed retaining walls.
13. Correct note ~~#7~~ 6.
14. Provided the Planning Commission makes a finding that the plan complies with the EAMP.
15. ~~Discuss~~ **Resolve** pedestrian connection to the Blackford Property.
16. Denote non-residential use on proposed building.

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

Staff Presentation – Ms. Hedge directed the Commission’s attention to the renderings of the revised development plan, as well as the plan which the Planning Commission approved on June 11, 2020, both on the shared screen. She explained the revised development plan and the applicant’s request for a continued discussion. Ms. Hedge noted that a set of revised conditions was also shared with the Planning Commission.

Representation – Mr. Johan Graham, applicant, and Mr. Steve Garland, Integrated Engineering, were present via video teleconference. Mr. Graham had a question about deleting note #15. Ms. Hedge responded and explained that note #15 should remain, changing “Discuss” to “Resolve”.

Action – A motion was made by Mr. Nicol, seconded by Mr. Bell and carried 9-0 (Davis and Pohl absent), to re-approve **PLN-MJDP-20-00017: POLO CLUB CENTER (SIKURA JUSTICE PROPERTY, UNIT 6) (AMD)** based on staff’s recommendation and the findings listed in staff’s memorandum and subject to the sixteen conditions as listed. Those findings read:

The proposed development is consistent with the recommendations of the EAMP land use Element for the CC zone on the subject property. The amended final development plan does not constitute a significant change in the EAMP land use, nor is the infrastructure associated with the plan being modified. The amended final development plan is in compliance with the future land use and infrastructure elements of EAMP as per the Commission’s previous findings.

C. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – A motion was made by Mr. Penn, seconded by Mr. Bell, and carried 9-0 (Davis and Pohl absent), to approve the release and call of bonds as detailed in the memorandum dated October 8, 2020 from Barry Brock, Division of Engineering.

V. **COMMISSION ITEMS** – There were none.

VI. **STAFF ITEMS**

Mr. Jim Duncan announced the upcoming work session scheduled for Thursday, October 15, 2020 at 1:30 p.m. He mentioned there would be several items on that agenda, one being several ZOTA updates. Mr. Duncan also mentioned the annual report from the PDR program from Ms. Beth Overman would be available, and that the 2021 Meeting and Filing Schedule will also be available for review. Mr. Duncan reminded the Commission members of the upcoming Planning Commission meeting of zoning items scheduled for October 22, 2020 and the training on October 23, 2020, by Mr. David Pike. He informed the Commission that this training is available to Board of Adjustment members and Commission members alike and will count towards their required training under KRS. He also mentioned that the work session scheduled for Thursday October 29, 2020 may be cancelled.

VII. **AUDIENCE ITEMS** – Citizens may bring a planning related matter before the Commission at this time for general discussion or future action. Items that will **NOT** be heard are those requiring the Commission’s formal action, such as zoning items for early rehearing, map or text amendments; subdivision or development plans, etc. These last mentioned items must be filed in advance of this meeting in conformance with the adopted filing schedule.

VIII. **NEXT MEETING DATES**

Work Session, Thursday, 1:30 p.m., via teleconference	October 15, 2020
Zoning Items Public Meeting , Thursday, 1:30 p.m., via teleconference	October 22, 2020
Technical Committee, Wednesday, 8:30 a.m., via teleconference	October 28, 2020
Work Session, Thursday, 1:30 p.m., via teleconference	October 29, 2020
Subdivision Committee, Thursday, 8:30 a.m., via teleconference	November 5, 2020
Zoning Committee, Thursday, 1:30 p.m., via teleconference	November 5, 2020
Subdivision Items Public Meeting , Thursday, 1:30 p.m., via teleconference.....	November 12, 2020

IX. **ADJOURNMENT**

The Chair declared the meeting adjourned at 3:55 p.m.

Larry Forester, Chair

Carolyn Plumlee, Secretary

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