

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

November 12, 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.

- II. 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, Zach Davis, Anthony de Movellan, Janice Meyer, Bruce Nicol, Frank Penn, Carolyn Plumlee, Graham Pohl, and Bill Wilson (Headley Bell was absent). Planning staff members present via video teleconference were Jim Duncan, Director; Traci Wade, Tom Martin, Hal Baillie, Cheryl Gallt, Lauren Hedge, Samantha Castro; Jimmy Emmons; Stephanie Cunningham, and Donna Lewis. Other staff members present were: Deepika Eyunni, Division of Traffic Engineering; Vaughan Adkins, Division of Engineering; Captain Greg Lengal, Division of Fire and Emergency Services; Bettie Kerr, Division of Historic Preservation; and Tracy Jones, Department of Law.

- III. APPROVAL OF MINUTES** – A motion was made by Mr. de Movellan, seconded by Mr. Pohl and carried 10-0 (Bell absent), to approve the September 10, 2020 minutes.

IV. POSTPONEMENTS OR WITHDRAWALS

- a. PLN-MJDP-20-00067: SPRING LAKE (1/4/21)* - located at 2300 SANDERSVILLE RD., LEXINGTON, KY.
Council District 2
Project Contact: EA Partners, PLC

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

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. 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. Dimension accessory buildings and pools.
14. Remove dumpster from buffer area on Lot 323 (Townhomes).
15. Document substantial compliance with Multi-Family Design Standards.
16. Discuss plan status regarding townhome areas.
17. Discuss enhanced landscaping along Lots 95 – 100.
18. Discuss roadway classification status of single-loaded street.
19. Discuss driveway access to single-loaded street.
20. Discuss location of street trees on single-loaded street.
21. Discuss timing of construction of street infrastructure.
22. Discuss multi-family development access to Sandersville Road and possible waiver.
23. Discuss ½ section improvement to Greendale Road and Sandersville Road.
24. Discuss future use of sales office.

Representation – Mr. Nick Nicholson, attorney, was present via video teleconference on behalf of the applicant and requested a one-month postponement to the December 10, 2020 meeting. He stated they are still working with staff and neighbors and need more time.

Action – A motion was made by Ms. Plumlee, seconded by Ms. Meyer and carried 10-0 (Bell absent), to postpone PLN-MJDP-20-00067: SPRING LAKE to the December 10, 2020 meeting.

- b. 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

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

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

The Subdivision Committee Recommended: **Postponement**. There are questions regarding the meeting 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, engineer, was present via video teleconference on behalf of the applicant and requested a one-month postponement to the December 10, 2020 meeting in order to allow the petitioner more time to work with the staff on the details of the proposed project.

Action – A motion was made by Ms. Plumlee, seconded by Mr. Pohl, and carried 10-0 (Bell absent), to postpone **PLN-MJDP-20-00057: GRIFFIN GATE OFFICE PARK (AMD)** to the December 10, 2020 meeting.

- c. **PLN-MJDP-20-00029: LEXINGTON MALL PROPERTY, LOT 6-A (LFUCG) (AMD) (11/12/20)*** - 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.

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

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, landscape architect, was present via video teleconference on behalf of the applicant and requested a one-month postponement to the December 10, 2020, meeting. He explained that the applicant is still working on addressing pedestrian connectivity with the property owner.

Action – A motion was made by Mr. Penn, seconded by Mr. Pohl, and carried 10-0 (Bell absent), to postpone **PLN-MJDP-20-00029: LEXINGTON MALL PROPERTY, LOT 6-A (LFUCG) (AMD)** to the December 10, 2020 meeting.

- d. **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 copy right 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, engineer, was present via video teleconference on behalf of the applicant and requested a one-month postponement to the December 10, 2020, meeting in order to allow the petitioner more time to work with the staff on the details of the proposed project.

Action – A motion was made by Mr. Pohl, seconded by Ms. Plumlee, and carried 10-0 (Bell absent), to postpone **PLN-MJDP-20-00054: HEADLEY, NIVEN & VANCE PROPERTY, LOTS 1, 2 & 3 (CHICK-FIL-A) (AMD)** to the December 10, 2020 meeting.

- e. **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.

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

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.

Representation – Mr. Martin stated that staff had received a communication from the applicant, requesting postponement of this item to the December 10, 2020, meeting. The applicant is attempting to resolve several issues with the owner of the adjacent Home Depot store prior to Planning Commission consideration.

Action – A motion was made by Mr. Pohl, seconded by Ms. Meyer, and carried 10-0 (Bell absent), to postpone **PLN-MJDP-20-00050: LEXINGTON MALL PROPERTY (PLANET FITNESS LEXINGTON RICHMOND ROAD) (AMD)** to the December 10, 2020 meeting.

- V. **LAND SUBDIVISION ITEMS** – The Subdivision Committee met on Thursday, November 5, 2020, at 8:30 a.m. The meeting was attended by Commission members Ivy Barksdale, Headley Bell, Jan Meyer, Frank Penn, and Carolyn Plumlee. 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, Donna Lewis, and Stephanie Cunningham; Captain Greg Lengal, Division of Fire & Emergency Services; Kristan Curry, Division of Environmental Services; and Tracy Jones, Department of Law. The Committee made recommendations on plans as noted.

General Notes

The following notes automatically apply to all plans listed on this docket (unless a waiver of any section is granted by the Planning Commission).

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

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

Criteria: (1) the Subdivision Committee recommendation is for approval, as listed on this agenda, and
(2) the Petitioner 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-20-00053: DAN W. SCOTT II PROPERTY (AMD) (1/4/21)* - located at 2470 RUSSELL CAVE RD., LEXINGTON, KY.
Council District 12
Project Contact: EA Partners, PLC

Note: The purpose of this plat is to subdivide one lot into two.

Note: A sign shall be posted on the property and an affidavit of such presented at the Planning Commission meeting.

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).
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Denote building setback along frontages.
9. Denote plat title per agenda.
10. Denote Health Department approval of septic tank(s) prior to issuance of a building permit on Lot 3B.
11. Denote non-buildable areas on Lot 3B.
12. Denote: This property is located within the Royal Springs Aquifer.
13. Resolve dedication of right-of-way on Russell Cave Road.
14. Resolve improvements to Faulkner Avenue.

- b. PLN-MJDP-20-00063: ROY KEITH PROPERTY & LEXINGTON URBAN R C D A (AMD) (1/4/21)* - located at 858 and 862 WEST MAIN ST., LEXINGTON, KY.
Council District 2
Project Contact: Integrated Engineering

Note: The purpose of this amendment is to depict a proposed building, parking layout, and access on the property.

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. Clarify 6.5' wide area depicted at rear of building and denote location of overhead doors.
12. Denote pedestrian access to proposed building and internal to the site.
13. Correct language in Owner's Certification.
14. Provided the Board of Adjustment grants the variance to reduce front setback from 20' to 10'.

- c. PLN-MJDP-20-00064: BEAUMONT FARM, UNIT 1, SECTION 5, LOTS 9 AND 10 (1/4/21)* - located at 960 & 980 MIDNIGHT PASS, LEXINGTON, KY.
Council District 10
Project Contact: Vision Engineering

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. 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.

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

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. Update utility contact information and remove public (LFUCG) services.
14. Resolve location of parking spaces adjacent to northeast entrance to property and width of access.
15. Resolve quantity of compact parking spaces, per Article 16-2 of the Zoning Ordinance.

- d. PLN-MJDP-20-00065: BRIGHTON PLACE SHOPPES, LOT 2 (AMD) (1/4/21)* - located at 3090 HELMSDALE PLACE, 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. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Dimension access points, drive aisles, and sidewalks.
8. Denote construction access point
9. Denote height of building and canopies in feet.
10. Resolve the use for the drive-through and stacking of vehicles.

Ms. Wade indicated that the items listed on the Consent Agenda could be considered for conditional approval at this time by the Commission, as recommended, unless there was a request for an item to be removed from consideration by a member of the Commission, or the audience, to allow an opportunity for its discussion. (A copy of the Consent Agenda is attached as an appendix to these minutes).

Audience members requesting full discussion – There were none.

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

Action - A motion was made by Ms. Plumlee, seconded by Mr. de Movellan, and carried 10-0 (Bell absent) to approve the items listed on the Consent Agenda, as presented by the staff.

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

The procedure for these hearings is as follows:

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

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

1. **FINAL SUBDIVISION PLANS**

- a. PLN-FRP-20-00054: SAND LAKE & ESTES PROPERTIES SECTION 2 (AMD) (1/4/21)* - located at 109 SAND LAKE DR., LEXINGTON, KY.
Council District 7
Project Contact: EA Partners, PLC

Note: The purpose of this amendment is to subdivide Lot 2 (creating Lots 2 and 6), and to add a 24' access easement to Lot 6 to serve 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 and floodplain information.
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.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s).
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. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Correction of title and language in Parking and Access Easement Responsibilities of Owners.
10. Correction of language in Commission's certification.
11. Reverse lot numbers on plat to match approved development plan.
12. Provided the Planning Commission grants the proposed waiver to Sections 4-7(c) and 4-8 for sanitary sewers.
13. Resolve extension of pedestrian access easement to Lot 6.

Staff Presentation - Ms. Hedge directed the Commission's attention to the amended final record plat, and briefly explained the proposed request, noting that the applicant had requested a waiver to Sections 4-7(c) and 4-8 of the Land Subdivision Regulations, to waive certification by the Urban County Engineer prior to the completion of public sewer improvements. She indicated that the staff was recommending approval of this plat, subject to the conditions as listed on the agenda, and approval of the requested waiver. Ms. Wade added that the approval recommendation for the waiver was being offered subject to the following condition:

- a. The applicant will post a bond or Letter of Credit to cover the cost of the public sanitary sewer line in conformance with the Division of Engineering's requirements.

Representation: Richard Murphy, attorney, along with Rory Kahly, EA Partners, indicated that the applicant was in agreement with the staff's recommendation, and requested approval. He noted that the applicant had not requested to waive the bonding requirements for the sanitary sewer, and that the bond would be posted according to the usual procedure.

Citizen Comments: There were no audience members who wished to speak to this request.

Action: A motion was made by Mr. Penn, seconded by Mr. Pohl, and carried 10-0 (Bell absent) to approve **PLN-FRP-20-00054: SAND LAKE & ESTES PROPERTIES SECTION 2 (AMD)**, including the requested waiver, as recommended by the staff.

2. DEVELOPMENT PLANS

- a. PLN-MJDP-19-00074: BLACKFORD PROPERTY (PHASE 4) (11/12/20)* - 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.

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. United States Postal Service Office's approval of kiosk locations or easement.
12. Provided the Planning Commission makes a finding the plan complies with the EAMP.
13. Denote density calculations for the EAR-2 and EAR-3 zones in the site statistics, including units transferred.
14. Resolve zone-to-zone landscaping/screening per Article 23A-2(r) of the Zoning Ordinance.
15. Denote approximate location of conditional zoning landscape buffer.
16. Resolve activation of area adjacent to greenway to achieve better integration within the development.
17. Resolve configuration of Caversham Park Lane extension and connection to the adjoining neighborhood.
18. Resolve timing of termination of Constantine Avenue.
19. Resolve extent of Man O' War Boulevard improvements relative to the CC zone frontage.

Staff Presentation: Mr. Martin directed the Commission's attention to the final development plan, and briefly explained the proposed request to develop the subject property as an apartment complex with 324 dwelling units. He stated that the staff was recommending approval of this plan, subject to the 19 conditions as listed on the agenda.

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

Mr. Martin added that, due to the location of the property in the Expansion Area, the staff was also required to evaluate the proposed plan for compliance with the Expansion Area Master Plan. The staff found this plan to be in compliance with the Future Land Use, Community Design, and Infrastructure elements of the EAMP, for the following reasons:

1. The use and proposed development meet the definition of the EAR-2 & EAR-3 Residential land use category of the EAMP. A land use change was determined to be in substantial agreement with the EAMP for the Blackford Property. The overall density recommended by the EAMP is being proposed within the Blackford Property, and community and neighborhood amenities and support uses are able to be constructed in and around the Blackford Property.
2. The proposed development does meet the requirements of the EAR-2 & EAR-3 Residential zones including the required design and architectural features in the Zoning Ordinance.
3. All required sanitary sewer trunk lines, regional stormwater features and collector street infrastructure (Polo Club Boulevard) to serve this development are in place. Man O' War Boulevard will be upgraded to urban standards to serve the development. Secondary access will also be provided to the development via pedestrian connections through the site and to Barrington Lane.

Commission Questions: Mr. Penn asked if some of the extra parking spaces on the property could be used to address the issue of minimal setbacks. Mr. Martin answered that the proposed multi-family development is not significantly overparked, and that staff was not concerned about the proposed setbacks, since they are all internal to the site.

Mr. Penn asked if this was a Final Development Plan, noting his concern that one of the four "resolve" conditions refers to the termination of Constantine Avenue. Mr. Martin answered that this was filed as a Final Development Plan, and that the applicant could address that condition by either: 1) requesting a waiver through the subdivision process; or 2) pursuing closure of the Constantine Avenue right-of-way through the Urban County Council process. He noted that the staff believes that those are timing issues, and they should not impact the development of the property. Mr. Penn asked if this would be a staff approval item, or if the Commission would review this plan again. Mr. Martin responded that, should the applicant choose to pursue a waiver; the Commission would review that request. Should the applicant wish to close the right-of-way through the Council process, the Commission would not be involved at that point.

Mr. Pohl asked Mr. Martin to explain why the plan includes property zoned both EAR-2 and EAR-3. Mr. Martin answered that the entire property was the subject of a zone change from the CC zone; the petitioner chose to rezone the property to EAR-2 and EAR-3 because it allowed for development of the property at the desired density, due to the density transfer provisions in the Expansion Area zones.

Mr. Penn asked if the 77 transfer credits for the subject property were used for the EAR-3 portion of the property. Ms. Wade responded that the credits were required to be split between the two zones.

Representation: Rory Kahly, EA Partners, and Nick Nicholson, attorney, were present representing the applicant. Mr. Nicholson stated that the applicant was in agreement with the staff's recommendations, and that the "resolve" issues could be addressed through small tweaks to the plan, or development plan notes.

Commission Questions: Ms. Plumlee asked how the applicant proposed to resolve zone-to-zone screening on the subject property. Mr. Nicholson answered that a note would be added to the plan, indicating that any required zone-to-zone screening would be handled at the time of a Final Development Plan for the CC zoned parcel, through either a landscape plan or the granting of a waiver by the Planning Commission. Since the applicant does not currently have a tenant for the CC zoned parcel, it would be difficult to determine the location of the vehicular use area on the property, which would provide the basis for where the landscaping should be located.

With regard to Mr. Penn's question about the resolution of Constantine Avenue, Mr. Nicholson explained that a development plan note would be added to require that the termination be resolved before any building permits are issued for the property. He added that the adjoining neighbors were adamant that the street not be connected, and that the buffer area be maintained.

Citizen Comments: No citizens were present to speak on this request.

Development Plan Action: A motion was made by Mr. Penn, seconded by seconded by Mr. Pohl and carried 10-0 (Bell absent) to approve **PLN-MJDP-19-00074: BLACKFORD PROPERTY (PHASE 4)** subject to the 19 conditions as recommended by staff.

EAMP Compliance Report Action: A motion was made by Mr. Penn, seconded by Mr. Davis, and carried 10-0 (Bell absent) to accept the staff's finding that the development plan is in compliance with the requirements of the Expansion Area Master Plan.

- b. PLN-MJDP-20-00069: BAPTIST CHURCH OF ANDOVER PROPERTY (1/4/21)* - located at 3330 TODDS RD. (A PORTION OF), LEXINGTON, KY.
Council District 7
Project Contact: Barrett Partners, Inc.

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

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. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Waste Management's approval of refuse collection locations.
10. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. Document substantial compliance with the Multi-Family Design Standards.
13. United States Postal Service Office's approval of kiosk locations or easement.
14. Provided the Board of Adjustment grants the requested variance.
15. Denote construction access to be from Todds Road
16. Resolve timing of Andover Woods Lane ½ section improvements.
17. Resolve access to Rueben Lane.

Staff Presentation: Mr. Martin directed the Commission's attention to the rendered development plan, explaining that the applicant proposes to construct a senior living apartment community, with 264 dwelling units and 205 parking spaces, and 10 single-family lots. Mr. Martin noted that the staff had received one letter in opposition to this request, indicating concerns with the height of the proposed five-story building. He said that the Subdivision Committee and staff recommended approval, subject to the 17 conditions as listed on the agenda.

Representation: Richard Murphy, attorney, and Tony Barrett, Barrett Partners, were present representing the applicant. Mr. Murphy stated that the applicant was in agreement with the staff's recommendations, and he requested approval.

Citizen Comments: No citizens were present to speak on this request.

Motion: A motion was made by Mr. Wilson and seconded by Ms. Plumlee to approve **PLN-MJDP-20-00069: BAPTIST CHURCH OF ANDOVER PROPERTY**, subject to the 17 conditions as listed on the agenda.

Discussion of Motion: Mr. Pohl stated that he "felt uneasy" about not responding to the citizen letter of opposition. He asked Mr. Barrett to address the height of the building, particularly with regard to the adjacent church. Mr. Barrett stated that the applicant had worked closely with the church, which was in support of the proposed five-story building. The applicant placed the five-story apartment building internally on the site, to create a step-down in height to the surrounding single-family residential area. Due to the grade of the site and its internal location, the applicant does not believe that the height of the building will have a significant impact. Mr. Murphy noted that the four-story and three-story buildings on the site are also configured to provide a transition.

Action: Mr. Wilson's motion carried, 10-0 (Bell absent).

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

- A. PLN-FRP-20-00020: HOOVER AND PHILPOT EVANGELISTIC ASSOCIATION PROPERTY, PARCEL C (AMD) – located at 3801, 3901 & 3955 HARRODSBURG RD., LEXINGTON, KY.
Council District 10
Project Contact: Vision Engineering

Note: The applicant has filed a waiver request for the subject property.

Note: The purpose of this amendment is to create 9 new lots.

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.
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 & 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. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. United States Postal Service Office's approval of kiosk locations or easement.
10. Delete non-build note for Lot 1.
11. Revise purpose of amendment note.
12. Delete 50x60 access easement and reference to it in purpose of amendment.
13. Discuss 10' utility easement on Lots 1, 8 and 10.
14. Discuss cross-section and proposed multiuse trail along Harrodsburg Road and Man o' War Boulevard.

Staff Presentation: Mr. Martin directed the Commission's attention to this final record plat, explaining that the applicant had filed a plat to create nine lots, and was now requesting a waiver in order to coordinate development of the site concurrent with the construction of a major sewer trunk line. He stated that the staff is recommending approval of the requested waiver, subject to the 14 conditions as listed on the agenda.

Commission Questions: Mr. Wilson asked if conditions #13 and #14 could be changed to "resolve." Mr. Martin answered affirmatively.

Representation: Matt Carter, Vision Engineering, was present representing the applicant. He stated that the applicant is in agreement with the staff's recommendation, and requested approval of the waiver. Mr. Carter noted that the applicant had received approval from LFUCG and the state for construction of the trunk line.

Citizen Comment: There were no citizens present to speak on this request.

Action: A motion was made by Mr. de Movellan, seconded by Mr. Pohl, and carried 10-0 (Bell absent) to approve **PLN-FRP-20-00020: HOOVER AND PHILPOT EVANGELISTIC ASSOCIATION PROPERTY, PARCEL C (AMD)**, subject to the 14 conditions as listed on the agenda, changing #13 and #14 to "resolve."

Waiver Action: A motion was made by Mr. de Movellan, seconded by Mr. Pohl, and carried 10-0 (Bell absent) to approve the requested waiver, with the findings as provided by staff, and subject to the condition.

- C. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – A motion was made by Mr. Penn, seconded by Mr. Pohl and carried 10-0 (Bell absent), to approve the release and call of bonds as detailed in the memorandum dated November 12, 2020, from Barry Brock, Division of Engineering.

V. **COMMISSION ITEMS**

- A. **BOAR 2020-2: GREG AND MARY KAREN STUMBO** – an appeal to the Planning Commission of the denial of a permit by the Board of Architectural Review, for property at 221 Barberrry Lane.

Mr. Baillie entered the following items into the record:

- Case review provided by the Division of Historic Preservation
- Appeal letter submitted to the Planning staff by the property owners
- Article 13 of the Zoning Ordinance (Historic Preservation section)
- Design Guidelines

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

1. The denial of a Certificate of Appropriateness by the Board of Architectural Review is consistent with their charge in determining appropriateness of requested exterior alterations, based on the Design Guidelines established by the local Historic Preservation Commission as established by the Lexington-Fayette Urban County Government Zoning Ordinance. The denial is also consistent with past actions of the Board in determining acceptability of painting the exterior of brick structures.

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

Commission Questions: Ms. Plumlee asked Ms. Kerr to briefly describe the process that would be followed to remove the paint. Ms. Kerr answered that, since the brick was previously unpainted, the process would include a chemical peel, applied to the surface to loosen the paint and pull it away. She explained that it is a complicated process, which would require an experienced contractor and testing of the surface to ensure that it would not be damaged. The chemical removal process encapsulates the paint and helps to offset the environmental impact as well.

Mr. de Movellan stated that a Common Sellers' Disclosure, which should have been provided when the subject property changed hands, should have included identification of the property as part of a local historic district. He asked if that document was included in any of the materials submitted to the Division of Historic Preservation. Ms. Kerr responded that she was not aware of any such document, but zoning is included as part of the PVA record, and it behooves buyers to be informed during the purchase process. Mr. Baillie added that it is the responsibility of every property owner to be aware of the zoning of their property, particularly before they make any modifications.

Mr. Wilson asked if there was an organized homeowners association that included the subject property. Mr. Baillie answered that many older neighborhoods do not have HOAs; rather, there are often neighborhood associations in those areas. Ms. Kerr added that she believed there was a neighborhood association in the vicinity, but she was not aware of how its boundaries compared to those of the historic district.

Mr. Wilson asked if the complainant in this process lived in the neighborhood; to which Ms. Kerr responded that the complainant did live within the designated H-1 boundary. Mr. Wilson asked if the complaint was initiated representing the neighborhood association, or the individual. Ms. Kerr answered that she believed that the complainant represented only themselves, although there were no statements on record to affirm that.

Mr. Baillie noted that the subject property is within the boundaries of the Seven Parks Neighborhood Association.

Ms. Plumlee stated that she had driven by the subject property, and noticed that there were no shutters on the house; she asked if the shutters would need to be replaced. Ms. Kerr answered that, if a building has shutters at the time of the designation of a historic district, then shutters become a part of the architecture. Should the property owner opt not to replace them, it would require a Certificate of Appropriateness through the typical process of the Division of Historic Preservation.

Appellant's Presentation: Anna Whites, attorney for the appellant, presented the appellant's objections to the staff report and the BOAR's decision to deny a Certificate of Appropriateness, and requested that the Planning Commission not uphold that decision. Greg Stumbo, appellant, provided additional objections, and also requested that the Planning Commission vote not to uphold the BOAR decision.

Legal Comments: Tracy Jones, Department of Law, stated, with regard to Ms. Whites' comments about the appellant's procedural objections, that this is a hearing under 13-8(a)(2) of the Zoning Ordinance, which states that the Planning Commission can hear testimony and rebuttal of any evidence presented, and that the Chair has the power to limit or exclude irrelevant testimony. There is no requirement for the filing of a legal brief, and the presentation of such a brief does not provide the appellant with any additional rights under the Zoning Ordinance.

Commission Discussion: Mr. Forester asked for comments from the realtors on the Commission with regard to notification of the historic district designation for the subject property.

Mr. de Movellan stated that the required Sellers Disclosure form includes information about whether a property is located in a historic district. He said the form should have been submitted at the time of the sale of the property.

Ms. Barksdale stated that the disclosure form is the primary means by which a prospective buyer can get that information prior to purchase of a property.

Mr. Davis stated that experience matters in choosing a provider for any type of service. He said that the Fayette County PVA provides an easy-to-use website that includes a great deal of information, and that, as a realtor, he double- and triple-checks every possible information source for his potential clients. Mr. Davis opined that it was unfortunate that the appellant's real estate agent was not aware of the historic designation of the property, but buyers are given a due diligence period, and ignorance of the rules does not constitute an excuse.

Note: Mr. de Movellan left the meeting at this time.

Legal Comments: With regard to Mr. Stumbo's assertion that Article 13 of the Zoning Ordinance requires notice to buyers who purchase properties in local historic districts, Ms. Jones stated that Article 13(4)(h) governs the duties of the Historic Preservation Commission, while a different section relates to the BOAR.

Ms. Jones stated that the Zoning Ordinance does not require overlay zoning notification to every buyer, and that it would be impractical to do so. It does state, in Article 13-4(h)(10): "Advise owners of historic landmarks and properties in historic districts on all matters relating to the preservation, restoration..." with the advisement being about the matters related to the particulars and guidelines of the historic district. Ms. Jones noted that, given the number of historic districts in Lexington, it would be very difficult to assume that the Division of Historic Preservation could track property sales in each of those districts and notify buyers.

Ms. Jones added that the Zoning Ordinance also specifies that the Division of Historic Preservation will determine appropriate signage and markings for historic districts, which relates to the objections made by the appellant.

Appellant Rebuttal: Mr. Stumbo referenced Karen Dupree's statement in the record of the BOAR hearing, which stated that the Historic Preservation staff previously provided notice as a service. He opined that use of the word "advise" in the Ordinance requires the Division of Historic Preservation to provide notification of location in a historic district to property buyers. Mr. Stumbo

said that the Ordinance also refers to one of the purposes of historic districts as preserving property values, and he believes that the BOAR should be required to abide by those requirements.

Legal Comment: Ms. Jones stated that the intent of Article 13 includes many purposes in addition to preservation of property value, including "promote economic and general welfare of the people of Fayette County and the general public;" to "ensure complementary, orderly, efficient growth;" and "it is deemed essential by the Lexington-Fayette Urban County Council that the qualities relating to the history of the county and a harmonious outward appearance of structures which preserve property values and attract tourists and residents alike be preserved;" and that "it is the finding of the Lexington-Fayette Urban County Council that the individual nature and character of this county cannot be properly maintained or enhanced unless its distinctive historic districts, landmarks, sites, neighborhoods, areas places, structures, improvements, geological and archeological sites are preserved."

Ms. Jones opined that Article 13-4(h)(10) does not require the LFUCG to advise every new property owner in a historic district of the responsibilities associated with their purchase, regardless of whether that type of information was provided in the past. Rather, Ms. Jones believes that the Division of Historic Preservation is required to be prepared to advise property owners about preservation and restoration.

Appellant Rebuttal: Mr. Stumbo stated that he disagreed with Ms. Jones' assertions.

Ms. Kerr stated that she had been the Director of the Division of Historic Preservation since 1991, and at no time has that division been charged with formally reaching out to every new property owner in each of Lexington's 17 historic districts. With regard to Mr. Stumbo's comments, Ms. Kerr said that Karen Dupree referred to "courtesy letters" that were previously sent out to new property owners based on sales listed in the local newspaper, welcoming them to a historic district. With the availability of the internet and a robust, informational website, that type of notice is no longer necessary, so Division of Historic Preservation staff ensures that current, complete information is available on the LFUCG at all times, where it is accessible to everyone. Ms. Kerr added that much of the language in the Ordinance to which Mr. Stumbo referred relates to the responsibility of the Historic Preservation Commission to provide outreach and facilitate preservation activities.

Staff Rebuttal: Ms. Kerr stated, with regard to the previously mentioned historic district signs, that those signs are placed in a district shortly after designation. Signs are informally reviewed annually, and repaired or replaced when necessary. Historic Preservation staff has not received notice that the sign on Barberry Drive was removed, but they do have records of its most recent replacement, which could be verified, so they believe that it has been in place consistently since designation of the district 23 years ago.

With regard to the assertions that the house on the subject property had previously been painted, Ms. Kerr said that the initial photograph received by staff depicted unpainted brick, and it is the belief of Historic Preservation that the house has never been painted, since there is no evidence of previous paint removal.

Ms. Kerr said that houses do exist in the neighborhood with brick that was painted prior to historic district designation; existing conditions in a district at the time of its designation are recorded as its status, and the applicable design guidelines come into play from that point forward.

Appellant Rebuttal: Ms. Whites stated that, if an experienced lawmaker and attorney such as Mr. Stumbo was not aware of the historic designation of the property, it would be more difficult for a layman to make that determination. She added that the historic district sign on Barberry Drive was not visible at the time of the appellant's purchase of the property, although it could have been replaced since that time. Ms. Whites said that her client maintains that appropriate notice was not provided, and requested that the appellant be allowed to maintain the house in its current painted condition.

Staff Rebuttal: Mr. Baillie stated, with regard to the signage, that Google maps photographs of the area reveal that the sign on Barberry Drive was present in June 2019. He added that application of the requirements of the Zoning Ordinance cannot be considered as a "taking," as the appellant asserted, and that courts have upheld that conclusion on many occasions. The staff also contends that signage in the area does constitute adequate notice, as that is one of the methods used for notification of Planning Commission and Board of Adjustment hearings.

Chairman Comments: Mr. Forester declared the hearing closed at this time, and opened the floor for Commission comments.

Mr. Nicol said that he supports historic preservation efforts, but, in some cases, neighborhoods apply for historic designation as a means to discourage different housing types, and situations such as this could be an unintended consequence. He noted that he would discourage the use of H-1 overlay zoning simply as a way to discourage the construction of different housing types in existing neighborhoods.

Mr. Pohl stated that he supported Ms. Jones' interpretation of the Zoning Ordinance with regard to notification of historic designation. He noted that, as an architect who worked in historic districts for 25 years and who served on the Board of Architectural Review for over eight years, the most difficult cases the BOAR considered were those in which property owners unwittingly engaged in a project without awareness of the H-1 guidelines. In those situations, the BOAR would strive to be as empathetic as possible to the property owners, but allowing decisions that contravene the design guidelines, over time, make the guidelines untenable. For that reason, Mr. Pohl said that he did not see any basis on which to overturn the decision of the BOAR, since it was a sound decision, based on the evidence provided. He added, with regard to Mr. Stumbo's comments, that the notion

that small cracks in brick could allow moisture incursion into a structure was highly unlikely, since brick is not the primary water barrier of any structure. Mr. Pohl said that he would support the planning and zoning process, which includes upholding the decision of the BOAR.

Mr. Wilson asked if the realtors on the Commission could advise whether they are required to disclose the location of a property in a historic district at the time of a sale. Mr. Davis answered that, as a practice, when he writes an offer on a property that is located in a historic district or encumbered by a conservation easement, he always includes in the offer to all parties that the property is subject to a historic overlay or encumbered by an easement. He opined that it is a best practice, which he demands of all the agents who work for him, since the Real Estate Commission requires that agents disclose any pertinent facts relating to the property in question.

Ms. Barksdale noted that she had no experience in selling properties in historic overlay zones, but, in every sale, she begins the process by referring to the PVA website to determine all the necessary information about the property.

Mr. Davis added that there are instances where an agent might not be aware of some important information about a property, but the required due diligence period provides buyers time to do research; ultimately, the responsibility falls to the buyer.

Mr. Wilson said that he appreciated the input of his colleagues who are real estate agents. He opined that the issues in this case are very clear, and, for that reason, he would be supporting the recommendations of the BOAR and the Planning staff.

Mr. Penn agreed that every buyer is responsible for performing due diligence. He added that it was not the purview of the Planning Commission to determine who was at fault, but to decide whether the decision of the BOAR was appropriate, and that he did believe that action was appropriate and he would support it.

Action: A motion was made by Mr. Wilson, seconded by Mr. Pohl, and carried 9-0 (Bell and de Movellan absent) to support the staff recommendation and the Board of Architectural Review in their decision to deny a Certificate of Appropriateness.

VI. **STAFF ITEMS** – No such items were presented.

VII. **AUDIENCE ITEMS** – No such items were presented.

VIII. **NEXT MEETING DATES**

Subdivision Items Public Meeting , Thursday, 1:30 p.m., Video Teleconference.....	November 12, 2020
Zoning Items Public Hearing , Thursday, 1:30 p.m., Video Teleconference	November 19, 2020
Technical Committee, Wednesday, 8:30 a.m., Video Teleconference	November 25, 2020
Subdivision Committee, Thursday, 8:30 a.m., Video Teleconference	December 3, 2020
Zoning Committee, Thursday, 1:30 p.m., Video Teleconference	December 3, 2020
Subdivision Items Public Meeting , Thursday, 1:30 p.m., Video Teleconference	December 10, 2020
Zoning Items Public Hearing , Thursday, 1:30 p.m., Video Teleconference	December 17, 2020

IX. **ADJOURNMENT** – There being no further business, Mr. Forester declared the meeting adjourned at 4:38 p.m.

Larry Forester, Chair

Carolyn Plumlee, 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>

12/17/2020

G:\Planning Services\Subdivision & Dev Plan Items\Agendas_Subdivision\Subdivision PC\2020\Original Agenda\November 12, 2020_Agenda.doc
LH/CG/TM/TW