

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

December 10, 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 was 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, Headley Bell, Zach Davis, Anthony de Movellan, Janice Meyer, Frank Penn, Carolyn Plumlee, Graham Pohl, and Bill Wilson (Bruce Nicol 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; Lauren Weaver; 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; and Tracy Jones, Department of Law.

III. **APPROVAL OF MINUTES** – None at this time.

IV. POSTPONEMENTS OR WITHDRAWALS

- a. **PLN-MJDP-20-00029: LEXINGTON MALL PROPERTY, LOT 6-A (LFUCG) (AMD) (12/10/20)*** - 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: Rory Kahly, EA Partners, was present via video teleconference on behalf of the applicant and requested a one-month postponement to the January 14, 2021, meeting.

Action: A motion was made by Mr. Pohl, seconded by Mr. Wilson, and carried 10-0 (Nicol absent) to postpone **PLN-MJDP-20-00029: LEXINGTON MALL PROPERTY, LOT 6-A (LFUCG) (AMD)** to the January 14, 2021, meeting.

- b. **PLN-MJDP-20-00050: LEXINGTON MALL PROPERTY (PLANET FITNESS LEXINGTON RICHMOND ROAD) (AMD) (12/10/20)*** - 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.

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

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-modal 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 Comment: Mr. Martin indicated that the staff had received a request for postponement from the applicant for this item, as they are continuing to work with the owners of the adjacent Home Depot to address some of the issues on the site. The applicant requested a one-month postponement to the January 14, 2021, meeting.

Action: A motion was made by Ms. Plumlee, seconded by Mr. Pohl, and carried 10-0 (Nicol absent) to postpone **PLN-MJDP-20-00050: LEXINGTON MALL PROPERTY (PLANET FITNESS LEXINGTON RICHMOND ROAD) (AMD)** to the January 14, 2021, meeting.

- c. **PLN-MJDP-20-00054: HEADLEY, NIVEN & VANCE PROPERTY, LOTS 1, 2 & 3 (CHICK-FIL-A) (AMD) (12/10/20)*** - 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.

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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: Allan Wiley, GBC Design, Inc., was present via video teleconference on behalf of the applicant and requested a one-week postponement to the December 17, 2020, meeting.

Action: A motion was made by Mr. Penn, seconded by Ms. Plumlee, and carried 10-0 (Nicol absent) to postpone **PLN-MJDP-20-00054: HEADLEY, NIVEN & VANCE PROPERTY, LOTS 1, 2 & 3 (CHICK-FIL-A) (AMD)** to the December 17, 2020, meeting.

- d. **PLN-MJDP-20-00057: GRIFFIN GATE OFFICE PARK (AMD)** (12/10/20)* - 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.** There are questions regarding 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: Scott Southall, Earthcycle Design, was present via video teleconference on behalf of the applicant and requested a one-month postponement to the January 14, 2021, meeting. He added that the applicant had been in contact with adjoining property owners to discuss the project, and that those discussions were ongoing.

Commission Question: Mr. Penn asked if the applicant would be able to reduce the number of conditions for approval prior to the Planning Commission's consideration of this item. Mr. Southall answered that the applicant would be addressing the conditions, but had not done so yet due to the ongoing discussions with adjoining property owners.

Action: A motion was made by Mr. de Movellan, seconded by Ms. Plumlee, and carried 10-0 (Nicol absent) to postpone **PLN-MJDP-20-00057: GRIFFIN GATE OFFICE PARK (AMD)** to the January 14, 2021, meeting.

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

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.

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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: Nick Nicholson, attorney, was present via video teleconference on behalf of the applicant and requested a one-month postponement to the January 14, 2021, meeting.

Action: A motion was made by Ms. Plumlee, seconded by Ms. Meyer, and carried 10-0 (Nicol absent) to postpone **PLN-MJDP-20-00067: SPRING LAKE** to the January 14, 2021, meeting.

- V. **LAND SUBDIVISION ITEMS** – The Subdivision Committee met on Thursday, December 3, 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; Cheryl Galt, Lauren Hedge, Samantha Castro, and Stephanie Cunningham; Captain Greg Lengal, Division of Fire & Emergency Services; Jeff Clark, Division of Waste Management; Steve Parker, Division of Traffic Engineering; 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. **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-MJDP-20-00072: BUCKLEY & COWGILL WAREHOUSE PROPERTY (OVERBROOK LAND COMPANY) (AMD)**
(1/31/21)* - located at 2003 & 2007 LIBERTY RD., LEXINGTON, KY.
Council District 5
Project Contact: Vision Engineering

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

Note: The purpose of this amendment is to add buildable area and revise the parking and circulation 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. Addition of plan number per the staff report.
12. Resolve sidewalk width along Liberty Road.
13. Resolve stormwater management on site and delete Note #8.
14. Resolve use of access easement on adjacent property (1230 E. New Circle Rd.) and vehicular entrance to proposed building.

- b. PLN-MJDP-20-00073: LIBERTY ROAD SERVICE CENTER (1/31/21)* - located at 1833, 1837 & 1865 LIBERTY RD., LEXINGTON, KY.
Council District 5
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. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. United States Postal Service Office's approval of kiosk locations or easement.
12. Addition of property boundaries in solid dark lines.
13. Resolve location of pedestrian doors and overhead doors to verify compliance with Article 8-21(o) of the Zoning Ordinance.
14. Resolve stormwater management plan and delete note #7.

- c. PLN-FRP-19-00050: SPRINGLAKE TOWNHOMES, UNIT 2B AND GAINESWAY SUBDIVISION, UNIT 3-B, BLK A, LOT 18 (AMD) – located at 3473 CASTLETON HILL, LEXINGTON, KY.
Council District 8
Project Contact: EA Partners, PLC

Note: The purpose of this amendment is to subdivide one lot into two lots. This plan was recommended for approval by the Technical Committee on December 18, 2019, 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. Addressing Office's approval of street names and addresses.
4. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
5. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
6. Provide parcel numbers on face of plan.
7. Adjust front yard setback to meet R-1C requirements where appropriate on new lot.

Note: The action of approval will expire on December 18, 2020, and the applicant now requests an extension of approval.

The Subdivision Committee Recommended: **Approval**, subject to the previously approved conditions.

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

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Commission, or the audience, to allow an opportunity for its discussion. (A copy of the Consent Agenda is attached as an appendix to these minutes).

Audience members requesting full discussion – There were none.

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

Action: A motion was made by Mr. Wilson, seconded by Ms. Barksdale, and carried 10-0 (Nicol 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-20-00057: DOTSON FARM SUBDIVISION, UNIT 2 (1/31/21)* - located at 5501 HALEY DOWNS DR., LEXINGTON, KY.
Council District 12
Project Contact: Eagle Engineering

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

The Subdivision Committee Recommended: Postponement. There were concerns about the construction of Haley Downs Drive to public street standards.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping.
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. 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.

Staff Presentation: Ms. Hedge directed the Commission's attention to the final record plat, noting that the applicant had posted the required notification sign and provided an affidavit of such.

Ms. Hedge explained that the Subdivision Committee had recommended postponement of this plat, due to concerns about the construction of Haley Downs Drive to public street standards. The Division of Engineering staff has proposed that the following note could be added to the plat to address the issue: "Resolve the classification of Haley Downs Drive to the approval of the Division of Engineering." Planning staff agrees that the note should be sufficient, and is now recommending approval.

Representation: Richard Murphy, attorney, was present via video teleconference to represent the applicant. He said that the applicant was in agreement with the staff recommendations, including the additional note, and he requested approval.

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

Action: A motion was made by Mr. Penn, seconded by Ms. Plumlee, and carried 10-0 (Nicol absent) to approve PLN-FRP-20-00057: DOTSON FARM SUBDIVISION, UNIT 2, subject to the seven conditions as listed, adding the note as recommended by Ms. Hedge.

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

2. DEVELOPMENT PLANS

- a. PLN-MJDP-20-00070: WOODWARD LANDER PROPERTY, UNIT 1-A, SEC 2, LOT 108 (1/31/21)* - located at 3180 SANDERSVILLE RD., LEXINGTON, KY.
Council District 12
Project Contact: Banks Engineering

The Subdivision Committee Recommended: **Postponement**. There were questions about the proposed duplex area on the property and its ability to comply with the special provisions of the R-3 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 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. United States Postal Service Office's approval of kiosk locations or easement.
11. Denote walkways for townhouses on Building 2.
12. Adjust front building line on Lot 7 to meet requirements for a duplex.
13. Adjust parking on Lot 7 to meet requirements for a duplex.

Staff Presentation: Ms. Hedge directed the Commission to the amended final development plan, noting that there were revised conditions, as follows:

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. United States Postal Service Office's approval of kiosk locations or easement.
- ~~11. Denote walkways for townhouses on Building 2.~~
- ~~12. Adjust front building line on Lot 7 to meet requirements for a duplex.~~
- ~~13. Adjust parking on Lot 7 to meet requirements for a duplex.~~
11. Remove parking spaces located in front yards of Lots 1-6 and update parking statistics.

Ms. Hedge stated that the Subdivision Committee had recommended postponement of this plan due to concerns about the proposed duplex on Lot 7, which did not meet the parking requirements. The applicant has since submitted revised plan, which now depicts Lot 7 with one single-family dwelling unit. Ms. Hedge said that the staff was now recommending approval, subject to the 11 conditions as listed in the revised staff recommendation. The new condition #11 refers to the need to update the parking statistics, and remove excess parking located in the front yards of Lots 1-6. Ms. Hedge stated that the staff now recommends approval.

Representation: Greg Smorstad, Banks Engineering, was present via video teleconference representing the applicant. He said that the applicant was in agreement with the revised conditions, and he requested approval.

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

Action: A motion was made by Ms. Plumlee, seconded by Mr. de Movellan, and carried 10-0 (Nicol absent) to approve PLN-MJDP-20-00070, subject to the 11 conditions as listed in the revised staff recommendation.

- b. PLN-MJDP-20-00071: SHOPPERS CHOICE PROPERTY (AMD) (1/31/21)* - located at 344 ROMANY RD. & 357 DUKE RD., LEXINGTON, KY.
Council District 5
Project Contact: Eagle Engineering

Note: The purpose of this amendment is to show a revised building and parking lot.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.

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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. Remove information from existing building from site statistics.
10. Submit letter for withdrawal of plan PLN-MJDP-17-00028.
11. Clarify all access points onto the property, removing three parking spaces at access from Romany Road.
12. Provided the Board of Adjustment grants side yard and landscape buffer variances to the southern property boundary.
13. Delete note #13 pertaining to front exterior staircase.
14. Discuss stormwater management plan.
15. Discuss building articulation along Romany Road.
16. Discuss tree canopy requirements.

Staff Presentation: Ms. Gallt directed the Commission's attention to the amended final development plan, and indicated that the staff had received a revised plan on December 8, 2020, that addressed many of the issues identified by the Technical Committee and the Subdivision Committee. Based on that submittal, the staff drafted revised conditions for approval, which were provided to the Commission members:

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. Remove information from existing building from site statistics.
10. Submit letter for withdrawal of plan PLN-MJDP-17-00028.
11. Clarify all access points onto on and off of the property, ~~removing three parking spaces at access from Romany Road.~~
12. Provided the Board of Adjustment grants side yard and landscape buffer variances to the southern property boundary.
13. Delete note #13 pertaining to front exterior staircase.
14. ~~Discuss~~ Resolve stormwater management plan.
15. ~~Discuss~~ Submit more detailed architectural rendering to depict proposed building articulation and fenestration along Romany Road prior to plan certification.
16. ~~Discuss tree canopy requirements.~~ Denote: Building shall substantially comply with the elevations submitted to the Divisions of Planning and Building Inspection.

Ms. Gallt explained that, in working with the staff, the applicant had been able to address all of the discussion items. She stated that conditions #14 and #15 could be changed to read "resolve." With regard to condition #15, the staff found that the rudimentary elevations initially submitted by the applicant were not sufficient to depict the proposed architectural elements on the property. Staff is therefore recommending that the applicant submit a more detailed rendering that specifically addresses fenestration and articulation on the proposed building; and condition #16, to require that any future building plans match those renderings. Ms. Gallt stated that the staff now recommends approval with the revised conditions.

Commission Questions: Ms. Plumlee asked if Ms. Adkins could address the change to "resolve" on condition #14, which addresses stormwater. Ms. Adkins stated that the Division of Engineering had received a statement from the applicant's engineer, detailing how stormwater quantity and quality could be managed on the site. She noted that Engineering staff would work closely with the applicant throughout the process.

Mr. Pohl asked the staff to clarify the issues that would be presented to the Board of Adjustment. Ms. Wade answered that the applicant filed two variances in conjunction with this development plan. The requested variance to the side yard setback along the shared property line with the condominiums is necessary because of the location of the building on the property line. The applicant is proposing to replace the building in the same location on the property line, where normally both zone-to-zone screening and a side yard/rear yard setback adjacent to a residential zone would be applicable.

Representation: George Griffin, applicant, was present via video teleconference, along with his attorney, Richard Murphy. Mr. Murphy stated that the applicant was in agreement with the staff's recommendations, including the revised conditions.

Commission Questions: Mr. Penn asked how many seats would be included in the rooftop dining area. Mr. Griffin responded that the rooftop area would accommodate roughly 88 seats, which would be in compliance with the parking requirements. Mr. Penn asked if the applicant was still proposing a circular stairway to the roof, to which Mr. Griffin replied that the stairway would be parallel to the roof, and two elevators would also be provided. He added that the rooftop seating would be seasonal, for lunch hours only, and would include very few permanent structures.

Ms. Plumlee thanked the applicant for his efforts in revitalizing this site, and asked if he had considered underground stormwater detention for the property. Mr. Griffin answered that that type of detention was “very complicated.”

Mr. Pohl encouraged the applicant to “pay attention to the community” and develop elevations that were of sufficient quality to match the characteristics of the neighborhood. Mr. Murphy responded that the renderings that were submitted were not done by an architect, but the applicant had secured an architectural firm to prepare appropriate renderings. Mr. Pohl confirmed that professional renderings would address his concerns.

Citizen Comments: Amy Clark, 628 Kastle Road, stated that this would be her neighborhood grocery store, and she was excited about the development. She stated that she is concerned, however, about stormwater management, tree preservation, and the possibility front yard variance that was approved by the Board of Adjustment in 2017. Ms. Clark expressed concern that the proposed structure would be out of character with the surrounding area. Ms. Clark asked that the Planning Commission postpone this plan one month in order to allow those issues to be addressed.

Applicant Rebuttal: Mr. Murphy stated that the applicant appreciated Ms. Clark’s comments, noting that the applicant has been making efforts to engage with neighbors, which is not typically required with the filing of a development plan. With regard to concerns about stormwater, Mr. Murphy said that it is necessary to follow the appropriate order of operations in determining those needs. Drainage plans typically cannot be created prior to approval of a final development plan, which determines where the building will be located on the lot. Mr. Murphy stated that postponing would not make the process any faster, because the approval of the final development plan allows the engineers to begin drainage calculations. He added that the proposed plan includes less impervious surface than the existing site, so the new store should not add to stormwater issues. The applicant also proposes to add a large number of trees to the property.

Staff Rebuttal: The staff had no rebuttal comments.

Commission Discussion: Mr. Penn stated that, had the Planning Commission received a better rendering, some of their concerns might have already been addressed.

Citizen Rebuttal: Ms. Clark stated that it was not clear whether the applicant intends to manage 100% of the stormwater on the site, or just improve existing conditions. She asked that the Commission consider adding a condition to require 100% management on the site.

Ms. Clark stated that this was a “cherished neighborhood,” and asked the applicant to consider ways to improve the street frontage along Romany Road.

Mr. Forester noted that condition #1 should address Ms. Clark’s concerns about stormwater management on the property.

Commission Questions: Ms. Plumlee asked if this was a final development plan; Mr. Forester answered affirmatively.

Action: A motion was made by Mr. de Movellan, seconded by Mr. Davis, and carried 10-0 (Nicol absent) to approve PLN-MJDP-20-00071: SHOPPERS CHOICE PROPERTY (AMD), subject to the 16 conditions as listed in the revised staff recommendation.

3. REAPPROVAL, CONTINUED DISCUSSIONS & EXTENSION ITEMS

- A. PLN-MJDP-19-00077: WINBURN ESTATES, UNIT 3 (HUTSON-SIRK PROPERTY) – located at 1795 RUSSELL CAVE ROAD, LEXINGTON, KY.
Council District 1
Project Contact: Carman

Note: The Planning Commission approved this item at their July 9, 2020, meeting, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.

9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan
12. United States Postal Service Office's approval of kiosk locations or easement.
13. Denote: Emergency access from Russell Cave Road will be converted to public access if or when Russell Cave Road improvements are completed by the Kentucky Transportation Cabinet and/or the Urban County Government that alleviate the current limitation to sight distance. The Divisions of Planning and Traffic Engineering will review such changes at that time. All necessary access permits shall be obtained from KYTC.
14. Resolve substantial compliance with group residential design standards; which are an adopted element of the Winburn Russell Cave Neighborhoods Small Area Plan.

Note: The applicant is requesting a continued discussion to revise the height of the proposed buildings and the open space on the property, increase and update parking, and FAR information in the site statistics.

The Subdivision Committee Recommended: **Approval**, subject to the previously approved conditions.

Staff Presentation: Mr. Martin directed the Commission's attention to the final development plan, which was being brought back to the Commission as a continued discussion item. He noted that the Planning Commission had originally approved this plan with a specific building height, which was the allowable height in the R-3 zone when the plan was approved. Subsequently, the provisions of the R-3 zone were amended to allow for greater height. The applicant has brought this proposed plan back to request Planning Commission approval of that allowable 45' building height.

Mr. Martin noted that the amendments to the Zoning Ordinance also reduced parking requirements in the R-3 zone, and, as a result, this plan now proposes a reduction of 90 spaces. That parking reduction allowed for the site to be opened up to include more greenspace and a better overall design for the proposed affordable housing development. Mr. Martin stated that the Subdivision Committee had recommended approval of this plan, subject to the original conditions as listed on the agenda.

Commission Questions: Mr. Penn asked how the proposed development qualifies as affordable housing. Mr. Martin answered that the units are proposed to be subsidized and target specific income requirements.

Applicant Representation: Chris Howard, landscape architect with Carman, was present representing the applicant. He stated that the applicant is in agreement with the staff's recommendations, and he requested approval.

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

Action: A motion was made by Mr. Pohl, seconded by Mr. de Movellan, and carried 10-0 (Nicol absent) to approve PLN-MJDP-19-00077: WINBURN ESTATES, UNIT 3 (HUTSON-SIRK PROPERTY), subject to the original conditions as listed on the agenda.

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

IV. **COMMISSION ITEMS**

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

- VI. **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.

VII. **NEXT MEETING DATES**

Zoning Items Public Hearing , Thursday, 1:30 p.m., Video Teleconference	December 17, 2020
Technical Committee, Wednesday, 8:30 a.m., Video Teleconference	December 23, 2020
Subdivision Committee, Thursday, 8:30 a.m., Video Teleconference	January 7, 2021
Zoning Committee, Thursday, 1:30 p.m., Video Teleconference	January 7, 2021
Subdivision Items Public Meeting , Thursday, 1:30 p.m., Video Teleconference	January 14, 2021
Work Session, Thursday, 1:30 p.m., Video Teleconference	January 21, 2021
Zoning Items Public Hearing , Thursday, 1:30 p.m., Video Teleconference	January 28, 2021

- VIII. **ADJOURNMENT** – There being no further business, Chairman Forester declared the meeting adjourned at 4:08 p.m.