

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

January 14, 2021

- 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 was 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, Larry Forester, Janice Meyer, Frank Penn, Carolyn Plumlee, Graham Pohl, and Bill Wilson (Zach Davis, Anthony de Movellan, and Bruce Nicol were 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, Donna Lewis, and Kenna Johnson. Other staff members present were: Stephen Parker, 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** – A motion was made by Mr. Bell, seconded by Ms. Meyer, and carried 8-0 (Davis, de Movellan, and Nicol absent) to approve the minutes of the December 17, 2020, meeting.
- IV. **POSTPONEMENTS OR WITHDRAWALS** – Requests for postponement or withdrawal were considered at this time.

- a. **PLN-MJDP-20-00029: LEXINGTON MALL PROPERTY, LOT 6-A (LFUCG) (AMD) (1/14/21)*** - located at 2401 RICHMOND RD., LEXINGTON, KY.
Council District 5
Project Contact: EA Partners

Note: The Planning Commission postponed this item at their July 9, 2020, August 13, 2020, September 10, 2020, October 8, 2020, November 12, 2020, and December 10, 2020, meetings. The purpose of this amendment is to add a 10,000 square foot structure with drive-through lanes and parking.

The Subdivision Committee 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.

Applicant Representation: Rory Kahly, EA Partners, requested a one-month postponement to allow the applicant time to continue trying to resolve the discussion items.

Action: A motion was made by Mr. Wilson, seconded by Ms. Meyer, and carried 8-0 (Davis, de Movellan, and Nicol absent) to **PLN-MJDP-20-00029: LEXINGTON MALL PROPERTY, LOT 6-A (LFUCG) (AMD)** to the February 11, 2021, meeting.

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

- b. PLN-MJDP-20-00057: GRIFFIN GATE OFFICE PARK (AMD) (1/14/21)* - located at 1390 OLIVIA LN., LEXINGTON, KY.
Council District 2
Project Contact: Earthcycle Design

Note: The Planning Commission postponed this item at their October 8, 2020, November 12, 2020, and December 10, 2020, meetings. 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.

Staff Comments: Mr. Martin stated that the staff had received written communication from the applicant's engineer, Scott Southall, requesting a one-month postponement of this item. The applicant is still working to address the discussion items and reach an agreement with adjoining property owners with regard to access.

Action: A motion was made by Mr. Penn, seconded by Ms. Plumlee, and carried 8-0 (Davis, de Movellan, and Nicol absent) to postpone PLN-MJDP-20-00057: GRIFFIN GATE OFFICE PARK (AMD) to the February 11, 2021, meeting.

- c. PLN-MJDP-20-00067: SPRING LAKE (1/14/21)* - located at 2300 SANDERSVILLE RD., LEXINGTON, KY.
Council District 2
Project Contact: EA Partners, PLC

Note: The Planning Commission postponed this item at their October 8, 2020, November 12, 2020, and December 10, 2020, meetings.

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. 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.

Applicant Representation: Nick Nicholson, attorney, requested a two-month postponement of this plan. He explained that a cemetery had been found on the site, and the applicant needed the additional time to complete the required cemetery study.

Action: A motion was made by Mr. Pohl, seconded by Ms. Plumlee, and carried 8-0 (Davis, de Movellan, and Nicol absent) to postpone PLN-MJDP-20-00067: SPRING LAKE to the March 11, 2021, meeting.

- d. PLN-MJDP-20-00078: GESS PROPERTY, UNIT 8, PHASE 3 (AMD) (2/28/21)* - located at 4105 SPERLING DR., LEXINGTON, KY.
Council District 7
Project Contact: EA Partners, PLC

Note: The purpose of this amendment is to depict development of Phase 3; revise the site statistics; omit Notes #13, #14, and #16, and revise Note #20.

The Subdivision Committee Recommended: **Postponement**. There were questions regarding open space requirements in the Special Design Area.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of treatment of greenways and greenspaces.
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. Provided the Planning Commission makes a finding the plan complies with the Expansion Area Master Plan (EAMP).
12. United States Postal Service Office's approval of kiosk locations or easement.
13. Clarify revision of General Note #20, which says "Omitted." (Status of required turn lane.)
14. Addition of driveway entrance widths.
15. Denote dimension of walkway widths.
16. Correct language in Owner's Certification.
17. Correct language in Commission's Certification.
18. Addition of legend denoting different line types (floodplain, Special Design Area, etc.) to improve legibility.
19. Remove buildings from 20' utility easement along Sperling Drive.
20. Exactions to the approval of the Division of Planning.
21. Discuss 60% open space requirement in Special Design Area.

Applicant Representation: Nick Nicholson, attorney, requested a two-month postponement in order to allow the applicant to continue working to resolve the open space on the property.

Action: A motion was made by Ms. Plumlee, seconded by Mr. Penn, and carried 8-0 (David, de Movellan, and Nicol absent) to postpone PLN-MJDP-20-00078: GESS PROPERTY, UNIT 8, PHASE 3 (AMD) to the March 11, 2021, meeting.

- e. PLN-MJDP-20-00080: HAYNES BROTHERS PROPERTIES, LLC (2/28/21)* - located at 840 ANGLIANA AVE., LEXINGTON, KY.
Council District 3
Project Contact: Vision Engineering

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

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

The Subdivision Committee Recommended: **Postponement**. There are questions regarding significant changes from the preliminary development plan and compliance with Article 15-7 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 and Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Greenspace Planner's approval of the treatment of greenways and greenspace.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. United States Postal Service Office's approval of kiosk locations or easement.
12. Provide documentation for multi-family design standards.
13. Denote transit stop shelter location on plan face.
14. Addition of building heights for Buildings D, E, F and G.
15. Addition of dimensions for proposed driveway and walkway widths.
16. Denote location of underground detention.
17. Addition of proposed and existing easements for utilities and other purposes.
18. Denote fence in landscape easement.
19. Discuss internal pedestrian circulation.
20. Discuss requirements of Article 15-7 regarding infill and redevelopment multi-family construction.
21. Discuss significant changes from the preliminary development plan.

Applicant Representation: Matt Carter, Vision Engineering, requested a two-month postponement, based on the possibility that the applicant might need to appeal to the Board of Adjustment.

Action: A motion was made by Ms. Plumlee, seconded by Mr. Wilson, and carried 8-0 (Davis, de Movellan, and Nicol absent) to postpone PLN-MJDP-20-00080: HAYNES BROTHERS PROPERTIES, LLC to the March 11, 2021, meeting.

- V. **LAND SUBDIVISION ITEMS** – The Subdivision Committee met on Thursday, January 7, 2021, 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 Stephen Parker, Division of Traffic Engineering. Staff members in attendance were: Traci Wade; Tom Martin; Hal Baillie; Cheryl Gallt; Lauren Hedge; Jimmy Emmons; Samantha Castro; and Stephanie Cunningham; Captain Greg Lengal, and Firefighter Embry Beatty, Division of Fire & Emergency Services; and Tracy Jones, Department of Law. The Committee made recommendations on plans as noted.

General Notes

The following 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-20-00077: LEXMARK INTERNATIONAL CORP. (2/28/21)* - located at 1180 NEWTOWN PIKE (A PORTION OF) & 725 WEST NEW CIRCLE RD., LEXINGTON, KY.
Council District 1
Project Contact: EA Partners, PLC

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

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

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

1. Provided the Urban County Council rezones a portion of 1180 Newtown Pike to the I-1 zone; otherwise, any commission action of approval is null and void.
 2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 3. Urban County Traffic Engineer's approval of street cross-sections and access.
 4. Landscape Examiner's approval of landscaping and landscape buffers.
 5. Addressing Office's approval of street names and addresses.
 6. Urban Forester's approval of tree preservation plan.
 7. Department of Environmental Quality's approval of environmentally sensitive areas.
 8. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities, including relocation of Legacy Trail and location of secondary shared-use trail connections.
 9. Greenspace Planner's approval of treatment of greenways and greenspace.
 10. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 11. Division of Waste Management's approval of refuse collection locations.
 12. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 13. United States Postal Service Office's approval of kiosk locations or easement.
 14. KYTC approval of access to Newtown Pike (KY 922).
 15. Denote and depict compliance with Newtown Pike Landscape Corridor Ordinance (Ord. 85-2008), including 20-foot landscape buffer and horse farm fence.
 16. Resolve location of required horse farm fence and its relationship to the Legacy Trail.
 17. Resolve status and location of proposed access to Newtown Springs, LLC property to the north.
 18. Resolve status of greenway/open space ownership and maintenance.
 19. Resolve relocation of Legacy Trail and location of secondary shared-use trail connections.
 20. Resolve lighting study to document compliance with Note #11.
- b. PLN-MJDP-20-00079: STONEWALL SHOPPING CENTER (AMD) (2/28/21)* - located at 3101 CLAYS MILL RD., LEXINGTON, KY.
Council District 9
Project Contact: CMW, Inc.

Note: The purpose of this amendment is to show office space converted to residential space and update notes and site statistics.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Greenspace Planner's approval of open space and treatment of greenways and greenspaces.
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. Provide open space exhibit to the Division of Planning.

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 requests for full discussion – There were none.

Action: A motion was made by Mr. Wilson, seconded by Mr. Penn, and carried 8-0 (Davis, de Movellan, and Nicol absent) to approve the items listed on the consent agenda, as presented by the staff.

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

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

The procedure for these hearings is as follows:

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

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

1. DEVELOPMENT PLANS

- a. PLN-MJDP-20-00050: LEXINGTON MALL PROPERTY (PLANET FITNESS LEXINGTON RICHMOND ROAD) (AMD) (1/14/21)* - located at 2397 RICHMOND RD., LEXINGTON KY.
Council District 5
Project Contact: Reyling Design and Consulting

Note: The Planning Commission postponed this item at their October 8, 2020, November 12, 2020, and December 10, 2020, meetings. The purpose of this amendment is to add building square footage and revise parking on Parcel A.

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

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Department of Environmental Quality's approval of environmentally sensitive areas.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. United States Postal Service Office's approval of kiosk locations or easement.
12. Increase text size and clarify for all labels on the site.
13. Correct plan title "Lexington Mall Property (AMD)".
14. Addition of name and address of developer.
15. Document compliance with Article 21-7(7)(b)(3) of Zoning Ordinance (account with Lynn Imaging).
16. Addition of topography intervals on Parcel A.
17. Denote location of street cross-sections on plan face.
18. Addition of dimensions of existing building.
19. Addition of multi-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 Presentation: Ms. Gallt directed the Commission's attention to the development plan, and briefly explained the proposed request. She indicated that the staff was recommending approval, subject to the following revised conditions:

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

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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 clarity 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.~~
- ~~12.17. Denote location of street cross-sections of Life Lane on plan face on property being amended.~~
- ~~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 for building and parking circulation.~~
- ~~13.22. Discuss timing of Easement release prior to plan certification issuance of building permit.~~
- ~~23. Discuss retaining wall height and location.~~

Commission Questions: Mr. Penn asked Ms. Gallt to discuss the pedestrian and cross-access on the property. Referring to the rendered plan, she noted the sidewalks, which are proposed to connect the existing pedestrian system on the property.

Mr. Pohl asked if all the Subdivision Committee's concerns had been addressed with this revised plan. Ms. Gallt answered that the applicant had worked with the staff, and made all of the necessary changes.

Applicant Representation: Todd Reyling, Reyling Design and Consulting, indicated that the applicant was in agreement with the staff's recommendation, and requested approval. He noted, with regard to condition #13, that the applicant had retained the services of local attorney Richard Murphy to assist in the process of releasing the utility easement.

Citizen Comments – There were no citizens present on the teleconference who wished to speak to this request.

Action: A motion was made by Mr. Bell, seconded by Mr. Penn, and carried 8-0 (Davis, de Movellan, and Nicol absent) to approve PLN-MJDP-20-00050: LEXINGTON MALL PROPERTY (PLANET FITNESS LEXINGTON RICHMOND ROAD) (AMD), subject to the 13 conditions as listed in the revised staff recommendation.

- b. PLN-MJDP-20-00054: HEADLEY, NIVEN & VANCE PROPERTY, LOTS 1, 2 & 3 (CHICK-FIL-A) (AMD) (1/14/21)* - located at 295 WEST NEW CIRCLE RD. and 1500 RUSSELL CAVE RD., LEXINGTON, KY.
Council District 1
Project Contact: GBC Design, Inc.

Note: The Planning Commission postponed this item at their October 8, 2020, November 12, 2020, and December 10, 2020, meetings. 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.

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

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.

Staff Presentation: Mr. Martin directed the Commission's attention to the development plan, and briefly explained the proposed request. He indicated that the staff was recommending approval, subject to the following revised conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers 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.~~
- ~~10.13. Correct plan title. Add title to title block per the agenda.~~
- ~~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.~~
- ~~11.20. Discuss Remove 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.~~
- ~~12. Add 15' sanitary sewer easement per approved development plan along rear property line.~~

Commission Questions: Mr. Penn asked if a barrier would be installed at the proposed Russell Cave Road access to prevent left turns into the property. Mr. Martin answered that he was not aware of the specific details of the discussions between the applicant and the KYTC District 7 staff, but there are several options available for managing that proposed access, including flag bollards or a larger median.

Applicant Representation: Allan Wiley, engineer, indicated that the applicant was in agreement with the staff recommendation, including the revised conditions, and requested approval.

Citizen Comments: There were no citizens present on the teleconference who wished to speak to this request.

Commission Comments: Mr. Penn thanked the applicant for their willingness to work with staff to address the numerous issues on the subject property.

Action: A motion was made by Mr. Penn, seconded by Ms. Barksdale, and carried 8-0 (Davis, de Movellan, and Nicol absent) to approve PLN-MJDP-20-00054: HEADLEY, NIVEN & VANCE PROPERTY, LOTS 1, 2 & 3 (CHICK-FIL-A) (AMD), subject to the 12 conditions as listed in the revised staff recommendation.

- c. PLN-MJDP-20-00076: BALL HOMES PROPERTY & LILLIAN HUNT (SPEEDWAY 101282) (2/28/21)* - located at 1318 & 1320 VERSAILLES RD., LEXINGTON, KY.
Council District 11
Project Contact: McBride Dale Clarion

Note: The purpose of this plan is to revise the development on the site.

The Subdivision Committee Recommended: Postponement. There were questions regarding the impact on Versailles Road and the proposed access to the site.

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. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.

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

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. Provided the Board of Adjustment grants the requested variances to the B-1 zone setback.
12. Addition of topographic information and source.
13. Denote adjoining zoning.
14. Denote 10' recorded setback adjacent to the R-2 zone.
15. Addition of Red Mile Road cross-section.
16. Delete site area statistic from Planning Commission certification.
17. Correct street cross-sections to include detailed information.
18. Discuss setback notes.
19. Discuss access to Versailles Road.
20. Discuss recorded temporary construction easement along Red Mile Road and conflict with proposed re-development.

Staff Presentation: Mr. Martin directed the Commission's attention to the development plan, and briefly explained the proposed request. He indicated that the staff was recommending approval, subject to the following revised conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. 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. Provided the Board of Adjustment grants the requested variances to the B-1 zone setback.~~
- ~~12. Addition of topographic information and source.~~
- ~~13. Denote adjoining zoning.~~
- ~~11. 14. Denote 10' recorded setback adjacent to the R-2 zone.~~
- ~~12. 15. Addition of Red Mile Road cross-section. Resolve location of existing transit stop to the approval of Lextran.~~
- ~~13. Denote front building setback along Red Mile Road as 20 feet.~~
- ~~16. Delete site area statistic from Planning Commission certification.~~
- ~~17. Correct street cross-sections to include detailed information.~~
- ~~18. Discuss setback notes.~~
- ~~14. 19. Discuss Resolve access to Versailles Road to the approval of the Division of Traffic Engineering and KYDOT.~~
- ~~15. 20. Discuss Resolve recorded temporary construction easement along Red Mile Road and conflict with proposed re-development.~~

Mr. Martin noted that staff had received comments in opposition from residents in the area; those comments were provided to the Planning Commission via the Google drive.

With regard to the existing residential structure on the property, Mr. Martin stated that there was no indication from the applicant that there were occupants in the building. The staff is suggesting that the applicant provide relocation assistance to any residents who currently live in the building, and document their efforts prior to issuance of a zoning compliance permit.

Applicant Representation: Rob Sweet, McBride Dale Clarion, indicated that the applicant was in agreement with the staff's recommendations, including documentation of relocation assistance to area residents. He requested approval, opining that the proposed improvements to the property, particularly the new right-turn lane from Versailles Road to Red Mile Road and wider sidewalks, will improve the experience of drivers and pedestrians in the area.

Mr. Sweet noted, with regard to the existing residents on the property, that most of them do not meet the low-income threshold.

Commission Questions: Mr. Penn stated that he had been involved in the purchase of the Fayette County Farm Bureau property, located directly across Red Mile Road. He said that property is encumbered with several easements related to the proposed widening of Red Mile Road, and asked how the applicant proposed to address those easements on their site. Mr. Sweet answered that the applicant would dedicate additional property at the corner, do the widening on their cross-section, then petition the KYTC for a release of the easement.

Citizen Comments: Paula Singer, 110 Hamilton Park, stated that the proposed development would be the ninth, and largest, gas station/convenience store on Versailles Road between Angliana Avenue and Parkers Mill Road. She read the following statement into the record:

“Per Article 8-16(a) of the Zoning Ordinance, the B-1 zone is intended to accommodate neighborhood shopping facilities to serve the needs of the surrounding residential area. Generally, they should be planned facilities and should be located as recommended in the Comprehensive Plan. This zone should be oriented to the residential neighborhood, and should have a roadway system which will be adequate to accommodate the anticipated vehicular traffic.

The applicant has expressed concerns regarding visibility of the fuel pumps when initially requesting the Board of Adjustment variance which has now been withdrawn. Applicant feared moving the fuel pumps to the rear of the property would decrease visibility to passing traffic and as a consequence deter business. The redesign maintains the 16 fuel pumps along the Versailles Road frontage. The design and the redesign do not conform to the INTENT of the B-1 zone. The proposed development seeks to attract business from thru-traffic and not the surrounding residential neighborhood as per the intent of B-1 zoning.

Further, development records on file show that the 1320 Versailles Road property on which this 1935 apartment building sits has specific B-1 intent mentioned for the development of said property: The INTENT of the B-1 zoning is for the first floor of the building to be used for neighborhood business while the upper level is to be maintained as apartments.

At 1.727 acres, this proposed development will dwarf all other gas station-convenient stores in the aforementioned 2-mile area. Two of the largest existing stations are the Shell at 2300 Versailles Road and the Thornton's at 1311-1315 Versailles Road. Their individual acreage is 1.041 and 0.7144 respectively. The Shell is a 12-pump station. Twelve-pump stations (there is one other located at 1419 Versailles Rd) are the largest we have under B-1 zone. The proposed development is a 16 pump station.

It is important to your considerations to note the following: The 10-pump Thornton's gas station-convenient store, on outbound Versailles Road, one property east of the Red Mile Road intersection, also straddles two properties as this development proposes to do. However, the property at 1315 is B-3; the property at 1311 is B-1. Given the proposed development is one full acre larger than the Thornton's with 6 more fueling stations, a B-3 zoning seems more appropriate for this development.

The location of this proposed development falls within the area studied by the CVSAP. A housing strategy goal of the Plan, Goal #3 (pg. 44) states: "OBJECTIVE: Expand affordable rental opportunities through preservation of existing rental units." This proposed development runs contrary to the strategy of the Comprehensive Plan itself.

The Red Mile Road gateway intersection is highlighted in the CVSAP as a future site of "illuminated gateway columns; enhanced crosswalks; seating and gathering space; enhanced pedestrian lighting; equine industry inspired design motif; and new mast arm signals". All recommendations geared to enhance the pedestrian experience as well as providing "comprehensive improvements for mobility and image" for the key corridor for the city of Lexington. (pg 38 CVSAP). Construction is underway for Sections I and II of the Versailles Road Streetscape project with a focus on pedestrian safety, alternative modes of transit, and aesthetic improvements to the corridor. The proposed development is in Section III. We must not lose sight of the goals and recommendations of the CVSAP. Safety and improved corridor aesthetics are crucial components to a city that depends on tourism for economic security.

Applicant advises Planning Staff that they have "timing concerns acquiring the property and would like to be heard by the PC this Thursday."

I also have timing concerns regarding displacing 12 households during a pandemic and a city acknowledged affordable housing crisis. Planning Staff advises that "Displaced low income household assistance is NOT ACTUALLY in the ordinance." Staff further advises that the Planning Commission has "considerable latitude when they review a plan."

I therefore ask you to use this considerable latitude and DISAPPROVE this development plan for the following reasons:

1. It does not conform to the INTENT of the B-1 zone to serve the needs of the surrounding residential area.
2. It does not conform to the INTENT of the Cardinal Valley Small Area Plan along Versailles Road from New Circle to Red Mile Road/South Forbes Road "to create an inviting entry to the city, while interweaving the needs of an underserved community".

3. There is an oversupply of gas-station convenient stores in the area. This development would threaten the financial viability of existing like businesses.
4. It does not serve the city of Lexington's dependence on aesthetic improvements along this gateway corridor for promotion of tourism and economic stability.
5. It does not serve the residents of this corridor by displacing twelve households during a pandemic and an acknowledged affordable housing crisis.
6. Insufficient time has been allowed for a thorough review and consideration of the proposed development.
7. A business arrangement to purchase a property is not a valid reason to fast track a development proposal crucial to corridor safety, city economic development, and the welfare of twelve households during a pandemic.

Thank you for your consideration."

Jennifer Reynolds, District 11 Councilmember, thanked the Planning Commission for their service. She stated that she understood the applicant's perspective, but she has many constituents who are concerned about the plan's ability to meet the recommendations of the Cardinal Valley Small Area Plan (CVSAP), the construction of another gas station on a corridor that has several existing stations, the potential negative aesthetic impacts on an important corridor into the city, the needs of area residents not being met by a gas station, and the displacement of the existing residents on the property.

Petitioner Rebuttal: Mr. Sweet stated that the subject property is zoned B-1, which allows for gas stations and convenience stores. He explained that the size of the building itself is comparable to others in the vicinity, and that there are a large number of automobile-related uses nearby, so the applicant contends that the proposed gas station is in character with the area. The applicant has met the requirements of the Cardinal Valley Small Area Plan with wider sidewalks, enhanced landscaping, etc., and will enhance the intersection with the addition of a turn lane. Mr. Sweet said that the applicant does have compassion for the residents, but they have the right to purchase and develop the subject property. He added that the applicant is willing to continue to work with the residents and the staff to create the best possible project.

Citizen Rebuttal: Ms. Singer stated that, although the proposed gas station is an allowable use in the B-1 zone, she does not believe that it conforms to the intent of that zone, which is to provide neighborhood-oriented business to serve the residents of the area. She opined that, if the gas station was intended to serve the neighborhood, rather than the traveling public, the gas pumps would be located to the rear of the property.

Councilmember Reynolds stated that she hoped that, in the future, neighborhoods could be more involved in the development process.

Staff Rebuttal: Mr. Martin clarified that small area plans are adopted by reference as part of the Comprehensive Plan, with the purpose of guiding zone changes. The staff acknowledges, however, that the applicant has made efforts to address the CVSAP with their proposed treatment of Versailles Road. With regard to concerns about meeting the CVSAP recommendations for affordable housing, Mr. Martin indicated that the Planning Commission had recently approved an affordable project nearby, and that the subject property is located at the edge of the defined CVSAP study area. Mr. Martin added that the staff does believe that the proposed gas station will serve the neighborhood, as several large apartment buildings are located nearby.

Mr. Martin stated that the staff was concerned about the applicant's original proposed layout, which would locate the pumps to the rear of the property, because that would have concentrated additional lighting and noise nearer to the residential uses, rather than along the arterial roadway.

Commission Comments: Ms. Plumlee stated that, during the Comprehensive Plan process, there was a focus on making the city's major corridors more residential in nature, and more public transit-oriented. She does not believe that the proposed gas station would contribute to either of those goals.

Ms. Plumlee opined, with regard to the comments about the CVSAP, that "small area plans are a waste of funds," because they are ignored in the development process. She added that she does not believe that the proposed gas station would serve the residents of the area.

Mr. Penn asked if Red Mile Road is also designated as an arterial, to which Mr. Martin replied affirmatively.

Mr. Penn stated that it appeared that the applicant had designed the gas pumps to face Versailles Road, rather than Red Mile Road, to allow for more pumps. He said that, if the pumps were oriented to Red Mile Road instead, the petitioner could possibly enhance the view from Versailles Road, and allay some of the concerns about the aesthetics of the project.

Mr. Pohl stated that it was difficult to tell, when reviewing the development plan, what the scale of the proposed gas station would be. He explained that the project would encompass the area currently occupied by an apartment building and a restaurant, in order to construct a "massive row of gas pumps."

Applicant Comments: Mr. Sweet stated that the applicant had considered locating the pumps toward Red Mile Road, but they were unable to do so and provide for appropriate flow through the property, particularly for fuel trucks. He said that designing for traffic movement around gas pumps can be very complicated, and the applicant prefers the proposed layout in order to provide more visibility for drivers and pedestrians on the site.

Mr. Penn asked if orienting the pumps to Red Mile Road could change the number of pumps, to which Mr. Sweet replied that it might reduce the number.

Mr. Wilson stated that he serves on the Neighborhoods in Transition work group, which monitors involuntary displacement of residents. He asked how many residents would be impacted as part of the proposed development, and how the applicant intended to assist them. Mr. Sweet answered that there were 12 units in the building, but he did not know if all the units were occupied. He added that the applicant would assist residents in getting in touch with the relevant LFUCG agencies to help them relocate, and possibly provide further assistance.

Mr. Wilson asked if the area around the subject property had a neighborhood association, to which Mr. Sweet replied that he was not aware of an association. Mr. Wilson asked if the applicant had met with the residents. Mr. Sweet answered that, because this was not a zone change and neighborhood outreach was not required, the applicant had not met with the residents. Mr. Wilson noted that the applicant was well within their rights to develop the subject property, but he would like to see efforts made to fulfill the spirit of the law, not just the letter of the law.

Ms. Barksdale asked if the applicant intended to proactively meet with the apartment residents to determine what their needs might be, including possible financial assistance. Mr. Sweet answered that the applicant's company is in the business of building gas stations, but does not specialize in tenant relocation, so they would help as much as they could within that role.

Mr. Forester suggested that Mr. Sweet contact the Lexington Housing Authority for guidance on how to assist residents.

David Daffron, Speedway, stated that agreeing to provide additional assistance was not within his decision-making ability, but that he would work with the decision makers to ensure that the applicant was doing as much as they could to help the residents.

Mr. Bell stated that this was a sensitive issue. He said that he appreciated the comments from Ms. Singer and Councilmember Reynolds, but it appeared that the applicant was making efforts to address their concerns. Mr. Bell said that the zoning for the use was in place and appropriate, and staff was recommending approval, so this might be the best scenario for the subject property.

Mr. Wilson stated that he appreciated the applicant's attitude and approach to working with the residents, and noted that the Commission was being charged with evaluating the value of the proposed development to the community.

Chairman Comment: Mr. Forester stated the he would close the hearing at this point, and he opened the floor for further Commission discussion.

Motion: A motion was made by Ms. Plumlee to disapprove PLN-MJDP-20-00076: BALL HOMES PROPERTY & LILLIAN HUNT (SPEEDWAY 101282).

Ms. Plumlee asked if Ms. Jones could draft findings for disapproval of this plan.

Chairman Forester declared a brief recess at 2:45 p.m. The meeting reconvened at 2:49 p.m., with the same members in attendance.

Legal Comments: Ms. Jones stated that the Commission was currently considering a development plan, and that the subject property was located in a zone in which the proposed use was permitted. She explained that the Planning Commission's review of a subdivision or development plan was different from that of a zoning application. The Commission can modify or disapprove subdivision and development plans, but they must make findings that the proposal is not in compliance with the Zoning Ordinance or Land Subdivision Regulations, or that there are existing or potential issues involving flooding, drainage, topographic, public health or safety, or nuisance problems. Ms. Jones stated that she was concerned, after hearing the staff explain that the requirements of the Subdivision Regulations were being met and that the use was allowable in the B-1 zone, that there was anything on which to base findings for disapproval. With regard to concerns that the plan is not in compliance with the intent of the B-1 zone, she said that this was a development plan, not a rezoning request. Ms. Jones noted that she did not want to provide the Planning Commission with findings that could not be justified by the evidence that had been heard at the meeting, which might put the Commission in peril of an appeal.

Mr. Penn stated that he understood Ms. Plumlee's concerns, but he did not see that the Commission had any options other than to ask the applicant to revise the development plan to address some of the issues brought forth, or to

simply approve the plan. He said if there was no will to postpone the plan to allow for revisions, then the Commission would have to approve it.

Mr. Wilson echoed Mr. Penn's statements, saying that he believed that the Commission should try to "make the plan as palatable as possible," but that there was no means by which they could disapprove it based on the information presented.

Mr. Forester asked how Ms. Plumlee's motion for disapproval should be handled. Mr. Wilson stated that a motion could not be made which is against federal, state, or local laws, or against the by-laws of an organization; therefore, Ms. Plumlee's motion should be declared "dilatory." Ms. Plumlee should either withdraw the motion, or the Chair should declare it dilatory.

Ms. Plumlee asked why the Commission had been required to hear this request, if their only option was to approve it.

Ms. Meyer asked if the Planning Commission could postpone or continue this plan, and ask for modifications to address some of the concerns that have been heard. Ms. Jones stated that the Planning Commission does regularly consider subdivision and development plans, and they are bound by regulations which determine how much latitude they have in considering them, which is typically less than for a zone change. She explained that there are a number of conditions on subdivision and development plans, which the Commission does have the authority to discuss. Ms. Jones recommended that, if there were specific issues the Commission would like the applicant to address, they should identify them. She added that there was time before the Commission was statutorily required to act on this plan.

Mr. Pohl stated that he would be inclined to vote for postponement, and recommended asking the applicant to revise the plan in such a way as to maximize landscape screening on both street frontages, and consider removing one pump island. He opined that strict, minimal adherence to meeting the regulations was not addressing the concerns of the neighborhood. Mr. Pohl said that he did appreciate the applicant's honesty and willingness to work to address the issues, but he had difficulty supporting a request that "cut off" the concerns of neighbors.

Ms. Wade noted that the current 90-day deadline for this plan was February 25th, and that the Planning Commission could choose to postpone or continue this item.

Mr. Penn stated that, based on the discussion and the sentiments of the Commission, he believed it would be appropriate to make a motion to postpone this item to the February 28th meeting to allow the applicants to work to meet the intent of the B-1 zone and the character of both Versailles Road and Red Mile Road, including screening the gas pumps.

Ms. Wade clarified that the next meeting on subdivision items would be February 11th.

Motion: A motion was made by Mr. Penn and seconded by Mr. Pohl to continue this item to the February 11, 2021, Planning Commission meeting.

Discussion of Motion: Ms. Barksdale asked if the intent of Mr. Penn's motion was to require the applicant to address the citizen concerns as well.

Mr. Wilson stated that, because this was not a zone change, the applicant was not required to work with the citizens. He said that the Commission should provide some guidance to the applicant so that they will know what issues to address.

Mr. Penn asked that the applicant consider the scale of the proposed project and tweak the development plan so that the gas station would be less obtrusive and not overpowering to the surrounding area.

Action: Mr. Penn's motion carried, 8-0 (Davis, de Movellan, and Nicol absent) to continue PLN-MJDP-20-00076: BALL HOMES PROPERTY & LILLIAN HUNT (SPEEDWAY 101282) to the February 11, 2021, meeting.

Chairman Forester declared a brief recess at 3:33 p.m. The meeting at 3:42 p.m. with the same members in attendance.

- d. PLN-MJDP-20-00081: HAMBURG EAST, TRACT 4, LOT 1 (BELHURST) (2/28/21)* - located at 2575 POLO CLUB BLVD., LEXINGTON, KY.
Council District 12
Project Contact: EA Partners, PLC

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

Note: The purpose of this plan is to depict development of the single-family detached portion of the property.

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

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

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

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. United States Postal Service Office's approval of kiosk locations or easement.
12. Provided the Planning Commission makes a finding that the plan complies with the Expansion Area Master Plan (EAMP).
13. Denote: Exactions to the approval of the Division of Planning.
14. Denote a gate for the emergency access to the approval of the Division of Fire and Emergency Services.
15. Resolve access location for Lots 1, 2, 19 & 80.
16. Resolve Note #12 from certified Preliminary Development Plan relative to this phase of development.
17. Resolve development standards for lots along Park Road.

Staff Presentation: Mr. Martin directed the Commission's attention to the development plan, and briefly explained the proposed request. He indicated that the staff was recommending approval, subject to the following revised conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike 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. United States Postal Service Office's approval of kiosk locations or easement.
12. Provided the Planning Commission makes a finding that the plan complies with the Expansion Area Master Plan (EAMP).
- ~~13. Denote: Exactions to the approval of the Division of Planning.~~
- ~~14. Denote a gate for the emergency access to the approval of the Division of Fire and Emergency Services.~~
- ~~13.15-~~ Resolve access location for Lots 1 and 2, ~~19 & 80.~~
- ~~14.16-~~ Resolve Note #12 from certified Preliminary Development Plan relative to this phase of development.
- ~~15.17-~~ ~~Resolve design standards~~ Correct development standards for lots along Park Road.

With regard to the required EAMP compliance statement, Mr. Martin explained that the applicant had averaged their density calculations over the entire property, not just the single family portion. The single family portion on its own would not meet the EAMP recommendations for density, but the entire property does. The staff is recommending that the applicant add a portion of the greenway to this plan in order to fulfill that recommendation.

Mr. Martin said that there were no significant treestands, environmentally sensitive areas, rural or scenic highways, or other community design characteristics that would need to be considered for EAMP compliance. The only infrastructure element required by the EAMP is the construction of Park Road, which the applicant is proposing to include on this plan. Mr. Martin stated that the staff did find this plan to be in substantial compliance with the EAMP, provided the applicant includes a portion of the greenway on the final plan to meet the density requirements.

Applicant Representation: Nick Nicholson, attorney, was present representing the applicant. He stated that the applicant was in agreement with the staff's recommendations, including adding a portion of the greenway to meet the required density calculation.

Citizen Comments: There were no citizens who wished to comment on this item.

Development Plan Action: A motion was made by Mr. Penn, seconded by Ms. Barksdale, and carried 8-0 (Davis, de Movellan, and Nicol absent) to approve PLN-MJDP-20-00081: HAMBURG EAST, TRACT 4, LOT 1 (BELHURST), subject to the 15 conditions as recommended by staff.

EAMP Compliance Action: A motion was made by Mr. Penn, seconded by Mr. Wilson, and carried 8-0 (Davis, de Movellan, and Nicol absent) to find this plan in agreement with the recommendations of the Expansion Area Master Plan, provided the development plan is revised to include the greenway.

3. REAPPROVAL, CONTINUED DISCUSSIONS & EXTENSION ITEMS – There were none.

- C. PERFORMANCE BONDS AND LETTERS OF CREDIT** – A motion was made by Mr. Pohl, seconded by Mr. Bell, and carried 8-0 (Davis, de Movellan, and Nicol absent) to approve the release and call of bonds as detailed in the memorandum dated December 10, 2020, from Barry Brock, Division of Engineering.

V. COMMISSION ITEMS**VI. STAFF ITEMS**

- A. DEVELOPMENT PLAN CONTINUED DISCUSSION** - The staff will request Commission review of **PLN-MJDP-20-00053: COLDSTREAM RESEARCH CAMPUS, UNIT 1B, LOT 14B (AMD)** with regard to condition #15:

15. Denote 100' scenic easement facing Bull Lea Road and remove parking and access conflicts per note #14 on DP 2012-101.

The Planning Commission originally approved this plan, including condition #15, on October 8, 2020.

Staff Presentation: Ms. Wade stated that this item, which was recently brought to the attention of the staff, was approved by the Planning Commission as part of the consent agenda, with the applicant in agreement with the staff's recommended conditions. The applicant has since submitted the plan for certification, but the staff cannot find that the plan conforms to condition #15, as listed.

Ms. Wade explained that note #14 on DP 2012-101 referred to a scenic easement:

"The scenic easements shown hereon shall be for landscaping and limited passive recreation, including biking and walking trails, as more specifically provided for in the design guidelines. The scenic easements shown hereon are not intended to be 'scenic easements' within the meaning of KRS 65.410, etc."

She noted that KRS refers to very specific guidelines set out for scenic easements, and it was not the intent of the applicant to enter into that type of agreement. However, the first sentence in the note indicated the intent of the University of Kentucky Coldstream plan, which provided for scenic easements for landscaping and limited passive recreation.

Ms. Wade stated that, when the staff reviewed this plan, the scenic easement was not depicted, so staff recommended that it be added. Staff also recommended removing parking and a drive aisle from the easement. When the plan was brought to the staff for certification, staff was not able to find that the applicant had met that condition. Ms. Wade explained that the staff did not have the authority to modify conditions set by the Planning Commission, so the applicant would need to remove the access drive, or request a change to the condition.

Applicant Representation: Mike Woolum, Strand Associates, stated that a modification had been made to the P-2 zone that could change the character of Coldstream going forward. The 2012 development plan for the property conformed to the earlier requirements, but the focus has shifted to bringing buildings closer to the street. The plan originally included two parking spaces and a drive aisle that encroached into the scenic easement, but Mr. Woolum was not aware that that encroachment would be an issue, since, on some of the Coldstream parcels, access drives cut through the scenic easement. Mr. Woolum said that the applicant was requesting that the Planning Commission grant relief from the requirements of that easement, and allow for approximately 10' of encroachment. This plan represented a public/private partnership for which some tenants have already been secured, so the applicant is very interested in proceeding as quickly as possible.

Commission Questions: Mr. Penn asked if the Commission was being asked to amend the 100' setback for this plan. Ms. Wade answered that the applicant was requesting permission to allow the access drive to remain in the easement. She agreed that there were other access drives in Coldstream that crossed the easement, but those lots had a single access. Ms. Wade said that, in this case, the staff believes that there are other options, including going back to the preliminary subdivision plan to change the scenic easement, and amend subsequent plats to remove it.

Mr. Penn asked if this request would establish a precedent of allowing access drives in the easement. Ms. Wade responded that she believed that the precedent had already been set, although there were no structures in the easement.

Action: A motion was made by Mr. Penn, seconded by Mr. Wilson, and carried 8-0 (Davis, de Movellan, and Nicol absent) to amend condition #15 to remove the words "and access."

- B. AMEND THE MEETING & FILING SCHEDULE** – Ms. Wade explained that there were no zoning items to be presented at the Commission's regularly scheduled meeting on January 28th, but the staff would like to take the opportunity to use that day as a work session, in order to address Commission requests for more information about solar farms and farm employee housing.

Action: A motion was made by Ms. Plumlee, seconded by Mr. Pohl, and carried 8-0 (Davis, de Movellan, and Nicol absent) to amend the official Meeting & Filing Schedule to cancel the January 28th zoning hearing and hold a work session.

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

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

VIII. **NEXT MEETING DATES**

Work Session, Thursday, 1:30 p.m., Video Teleconference	January 21, 2021
Zoning Items Public Hearing and Work Session , Thursday, 1:30 p.m., Video Teleconference	January 28, 2021
Technical Committee, Wednesday, 8:30 a.m., Video Teleconference	January 29, 2021
Subdivision Committee, Thursday, 8:30 a.m., Video Teleconference	February 4, 2021
Zoning Committee, Thursday, 1:30 p.m., Video Teleconference	February 4, 2021
Subdivision Items Public Meeting , Thursday, 1:30 p.m., Video Teleconference	February 11, 2021

IX. **ADJOURNMENT** – There being no further business, Chairman Forester declared the meeting adjourned at 4:20 p.m.

2/24/2021

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