

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

April 8, 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 is being held via teleconference pursuant to Senate Bill 150 (as signed by the Governor on March 30, 2020) and Attorney General Opinion 20-05, and in accordance with KRS 61.826, because it is not feasible to offer a primary physical location for the meeting.
- II. **ATTENDANCE** - Chair Larry Forester called the meeting to order at 1:30 p.m. **via video teleconference** from the Division of Planning, 7th Floor, 101 E. Vine Street, Lexington, KY 40507. Planning Commission Members present **via video teleconference** were: Ivy Barksdale, Headley Bell, Zach Davis, Anthony de Movellan, Larry Forester, Janice Meyer, Frank Penn, Carolyn Plumlee, Graham Pohl, and Bill Wilson. 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, Joey David, Kenzie Gleason, Valerie Friedmann, Stephanie Cunningham, Donna Lewis, and Kenna Johnson. Other staff members present were: Stephen Parker, Division of Traffic Engineering; Vaughan Adkins and Hillard Newman, Division of Engineering; Captain Greg Lengal and Firefighter Embry Beatty, Division of Fire and Emergency Services; and Tracy Jones, Department of Law.
- III. **APPROVAL OF MINUTES** – A motion was made by Ms. Plumlee, seconded by Mr. Pohl, and carried 10-0 (Nicol absent) to approve the minutes of the February 25, 2021, and March 11, 2021, Planning Commission meetings.

III. POSTPONEMENTS OR WITHDRAWALS

- a. **PLN-MJDP-20-00051: QUEEN ESTATE (UNIVERSITY OF KENTUCKY FEDERAL CREDIT UNION)** – located at 603, 607, 615, 617 AND 619 BROADWAY AND 405 & 411 CHAIR AVE., LEXINGTON, KY.
Council District 3
Project Contact: Carman

Note: The Planning Commission approved this plan at their October 8, 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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the location of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Remove extraneous information from plan.
11. Denote compliance with the adopted Newtown Pike Corridor Design and Access Standards.
12. Resolve improvements to Chair Avenue per preliminary development plan.
13. Resolve proposed building façade articulation on S. Broadway.

Note: The applicant has requested a continued discussion of the final development plan to address the applicable Newtown Pike Extension Commercial Design and Property Access Standards, and request relief from Item C.1 related to off-street parking lot design standards.

The Staff Recommended: **Approval of the elimination of the off-street parking lot locational standard C-1(e), for the following reasons:**

1. The 250-foot requirement established in design standard C-1(e) would render the entire block virtually undevelopable because no accessory parking lot could be located on-site to meet the needs of the proposed development or any other development.

The Staff Recommended: **Disapproval of the elimination of the parking lot screening standard C-1(c), for the following reasons:**

1. In 2009, two years after the completion of the design study, the Urban County Council took into consideration the adoption of the design guidelines and standards for the entire Oliver Lewis Way corridor. At that time, the Council found that the NPE Project combines neighborhood planning with roadway engineering to develop the new road as an amenity for the area and to support its high-quality redevelopment setting a combination of standards and guidelines governing public and private building construction.
2. The urban design objectives of the Standards support high-quality development throughout the entire corridor to ensure "an overall visual continuity of the corridor from opening day".
3. The design standards allow for the applicant's concerns to be addressed while maintaining the intent of the standards to guide appropriately designed and functional sites.

4. This site is important to establish the desired tone and pattern for future development as envisioned for the NPE Project along Oliver Lewis Way by the Urban County Council.

The Subdivision Committee Recommended: **Approval of the elimination of the off-street parking lot locational standard C-1(e), and Disapproval of the elimination of the parking lot screening standard C-1(c)**, for the reasons provided by staff.

Applicant Representation: Richard Murphy, attorney, requested a two-week postponement of this item in order to allow time for the applicant to meet with security consultants with regard to the concerns addressed at the Subdivision Committee meeting.

Action: A motion was made by Mr. Wilson, seconded by Ms. Plumlee, and carried 10-0 (Nicol absent) to postpone PLN-MJDP-20-00051: QUEEN ESTATE (UNIVERSITY OF KENTUCKY FEDERAL CREDIT UNION) to the April 22, 2021, meeting.

- b. PLN-MJDP-21-00007: HAMBURG PLACE FARM, SIR BARTON WAY OFFICE PARK, PHASE 2, LOT 9 (AMD) (5/30/21)* – located at 2350 WINCHESTER RD., LEXINGTON, KY.
Council District 6
Project Contact: Midwest Engineering

Note: The purpose of this amendment is to show the proposed lotting and layouts for buildings on Lot 1, proposed easements, and relocation of tree protection area.

The Subdivision Committee Recommended: **Postponement**. There were questions regarding parking and protection of significant trees.

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 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 services 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. Improve legibility of site statistics and notes, and add Note#14 from previous plan.
14. Correct plan title to match staff report.
15. Addition of record plan name of owners on adjoining properties.
16. Dimension buildings and sidewalks.
17. Denote access for construction vehicles.
18. Depict floodplain 25' building setback line, and vegetative buffer.
19. Discuss Note #27 regarding access easement design considerations.
20. Discuss cross access to Lot 11.
21. Discuss parking overage (surplus of 73 spaces).
22. Discuss access to greenway.

Applicant Representation: Steve Baker, Midwest Engineering, requested a one-month postponement of this item in order to allow the applicant additional time to resolve the parking issues on the property.

Action: A motion was made by Mr. Pohl, seconded by Ms. Meyer, and carried 10-0 (Nicol absent) to postpone PLN-MJDP-21-00007: HAMBURG PLACE FARM, SIR BARTON WAY OFFICE PARK, PHASE 2, LOT 9 (AMD) to the May 13, 2021, meeting.

- c. PLN-MJDP-21-00006: WIGGINS & COMPANY (CHICK-FIL-A) (AMD) (5/30/21)* – located at 2514 & 2520 NICHOLASVILLE RD., LEXINGTON, KY.
Council District 4
Project Contact: Interplan LLC

Note: The purpose of this amendment is to revise the drive-through and parking on Lot A-2.

The Subdivision Committee Recommended: **Postponement**. There are questions regarding the impact of the drive-through configuration on surrounding properties.

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

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. 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 services features.
8. Division of Waste Management's approval of refuse collection locations.
9. Provide plan to scale.
10. Correction of plan number in title block.
11. Denote legible boundary dimensions for subject property.
12. Denote width dimension of sidewalks.
13. Denote existing building height.
14. Update total building square footage with previous addition.
15. Correction of language in Owner's Certification.
16. Discuss operation of double drive-through.
17. Discuss impact of proposed parking and drive-through layout on surrounding properties.

Applicant Representation: Donna Brown, Interplan LLC, requested a one-month postponement in order to allow the applicant to continue working with the Division of Traffic Engineering to address the parking issues on the property.

Action: A motion was made by Ms. Plumlee, seconded by Mr. Pohl, and carried 10-0 (Nicol absent) to postpone PLN-MJDP-21-00006: WIGGINS & COMPANY (CHICK-FIL-A) (AMD) to the May 13, 2021, meeting.

- d. DP 2012-89: NEWMARKET PROPERTY, PHASE 1, UNIT 10 – located at 1501 DEER HAVEN LN. (A PORTION OF), LEXINGTON, KY.
Council District 12
Project Contact: EA Partners, PLC

Note: This property requires the posting of a sign and an affidavit of such. The Planning Commission approved this plan at their February 14, 2013 and reapproved this plan at their April 14, 2016, 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. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Greenspace Planner's approval of the treatment of greenways and greenspace.
8. Provided the Planning Commission makes a finding that the plan complies with the provisions of the EAMP.
9. Denote the area of storm water management improvements proposed for the adjacent Unit 6 property.
10. Addition of 10' tree protection areas on rear of Lots 30, 31, 33 and 34.
11. Delete duplicated note #15.
12. Revise lot numbering to relocate proposed Lots 147 and 148 (not between Lots 23 & 24).

This plan was certified on March 26, 2013 and April 22, 2016; however, that has been more than five years since the Commission's approval, thus the plan has expired. The applicant has requested an extension of the Planning Commission's previous approval of this plan.

The Subdivision Committee Recommended: Reapproval, subject to the following additional conditions:

1. Addition of a third Planning Commission certification (referencing Planning Commission's reapproval date).
2. United States Postal Service's approval of kiosk locations or easement.

Applicant Representation: Rory Kahly, EA Partners, requested a two-week postponement for this item, noting that he had been unable to post the required sign in the appropriate timeframe.

Action: A motion was made by Mr. Penn, seconded by Ms. Plumlee, and carried 10-0 (Nicol absent) to postpone DP 2012-89: NEWMARKET PROPERTY, PHASE 1, UNIT 10 to the April 22, 2021, meeting.

- e. PLN-MJDP-21-00009: KINGSTON HALL, UNIT 1 & 2 (AMD) (6/29/21)* – located at 1068 & 1098 ASPIRATION DR., 1150 PROVIDENCE PLACE PKWY., 2175 & 2301 RUSSELL CAVE RD., LEXINGTON, KY.
Council District 12
Project Contact: EA Partners, PLC

Note: The purpose of this amendment is to revise the lotting and street pattern.

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

The Subdivision Committee Recommended: **Postponement**. There are questions regarding the required cemetery study per Article 3 of the Zoning Ordinance.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Addition of Article 21 required information for Lots 8 & 26.
9. Denote 100' building setback per Article 23A(2)(e) of the Zoning Ordinance.
10. Discuss Rural Service Area agricultural use buffer yard setback per Article 23-A(2)(f).
11. Discuss required cemetery study per Article 3 of the Zoning Ordinance.
12. Discuss proposed access to Russell Cave Road.
13. Discuss compliance with Article 23A-10(j)(12)(b) of the Zoning Ordinance.
14. Discuss timing of Providence Place Parkway construction to Russell Cave Road.
15. Discuss plan status.

Applicant Representation: Rory Kahly, EA Partners, requested a one-month postponement to allow the applicant to continue working through several issues on the property.

Action: A motion was made by Mr. Pohl, seconded by Mr. Bell, and carried 10-0 (Nicol absent) to postpone PLN-MJDP-21-00009: KINGSTON HALL, UNIT 1 & 2 (AMD) to the May 13, 2021, meeting.

IV. LAND SUBDIVISION ITEMS – The Subdivision Committee met on Thursday, April 1, 2021, at 8:30 a.m. The meeting was attended by Commission members Ivy Barksdale, Headley Bell, Frank Penn, and Carolyn Plumlee. Committee members in attendance were: Hillard Newman, Division of Engineering; and Stephen Parker, Division of Traffic Engineering. Staff members in attendance were: Traci Wade; Tom Martin; Hal Baillie; Cheryl Galt; Lauren Hedge; Scott Thompson; Stuart Kearns; Parker Sherwood; and Stephanie Cunningham; Captain Greg Lengal, Division of Fire and 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.

Ms. Wade announced the following agenda items appearing on the consent agenda:

- a. PLN-MJDP-19-00027: JFG ENTERPRISES, INC. (IVCP ATHENS LLC) – located at 5301 ATHENS-BOONESBORO RD., LEXINGTON, KY.
Council District 7
Project Contact: Denham-Blythe Company, Inc.

Note: The Planning Commission approved this plan at their July 11, 2019, meeting, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.

9. Division of Waste Management's approval of refuse collection locations.
10. Resolve sanitary sewer easement to adjoining property.
11. Denote floor area ratio per Article 21 of the Zoning Ordinance.
12. Resolve timing of force main relocation.
13. Resolve timing of water line relocation.
14. Denote required Agricultural Rural (A-R) zone setback around pump station lot.

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

The Subdivision Committee Recommended: **Reapproval**, subject to the original conditions.

- b. PLN-MJDP-21-00008: LEXINGTON CLINIC (AMD) (5/30/21)* – located at 1203, 1207, 1221 S BROADWAY, 406 & 410 GIBSON AVE., LEXINGTON, KY.
Council District 11
Project Contact: Carman

Note: The purpose of this amendment is to add an additional building and parking.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. United States Postal Service Office's approval of kiosk locations or easement.
13. Denote B-1 zoning in the site statistics.
14. Resolve construction of right-turn lane to Parkway Drive and changes to Note #22 per certified final development plan (PLN-MJDP-18-00078).
15. Resolve parking in the vegetative buffer.
16. Resolve timing of left-turn closure.

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.

Action: A motion was made by Ms. Plumlee, seconded by Mr. de Movellan, and carried 10-0 (Nicol absent) to approve the items on the Consent Agenda, including the appropriate findings.

- 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 RECORD PLAT**

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

- a. PLN-FRP-21-00006: GERALD C. JOHNSON & BARBARA JOHNSON PROPERTY (5/30/21)* - located at 3534 & 3540 DELONG RD., LEXINGTON, KY.
Council District 12
Project Contact: Endris Engineering

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

Note: The purpose of this plat is to record subdivision deed per KRS 100.292, dedicate right-of-way on Delong Road, and create an access and utility easement.

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. Addressing Office's approval of street names and addresses.
4. Urban Forester's approval of tree protection area(s) and required street tree information.
5. Department of Environmental Quality's approval of environmentally sensitive areas.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. United States Postal Service Office's approval of kiosk locations or easement.
8. Provided the Planning Commission grants the waiver request for minimum lot frontage per Article 8-1(g) of the Zoning Ordinance.

Staff Presentation: Ms. Hedge directed the Commission's attention to the final record plat, and briefly explained the proposed request. She noted that this plat required the posting of a sign and affidavit of such, which had been provided to the staff.

Waiver Presentation: Mr. Martin presented the staff's report on the waivers, briefly explaining what was being requested. He stated that staff was recommending approval of the waiver, along with a finding of appropriateness of the resulting access easement.

Commission Questions: Mr. Penn asked if the property would remain zoned A-R. Mr. Martin answered that the property would remain zoned A-R, noting that a zone change in this area would be unlikely. He explained that this plat was intended to acknowledge that the two lots had been created by deed.

Applicant Presentation: Kevin Phillips, Endris Engineering, stated that the applicant was in agreement with the staff's recommendations, and asked that the Commission make a finding that the access easement would be used to serve the two properties.

Citizen Comments: There were none.

Action: A motion was made by Mr. Penn, seconded by Mr. de Movellan, and carried 10-0 to approve PLN-FRP-21-00006: GERALD C. JOHNSON & BARBARA JOHNSON PROPERTY, subject to the eight conditions as listed on the agenda.

Waiver Action: A motion was made by Mr. Penn, seconded by Mr. de Movellan, and carried 10-0 (Nicol absent) to approve the waiver request, including a finding that the access easement would serve both properties.

2. **DEVELOPMENT PLANS**

- a. PLN-MJDP-20-00057: GRIFFIN GATE OFFICE PARK (AMD) (4/8/21)* - 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, December 10, 2020, January 14, 2021, February 25, 2021, and March 11, 2021, meetings. The purpose of this amendment is to add access to Citation Boulevard.

The Subdivision Committee Recommended: **Postponement**. There were questions regarding meeting the required parking in the zone and the proposed "storage building" in the professional office zone. The applicant submitted a revised plan on January 21, 2021, that addressed the staff's concerns about the accessory storage building; however, concerns remain about the ability to meet the required parking on the site. The applicant submitted another revision on February 1, 2021, but there are concerns about access to Citation Boulevard.

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.

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

3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. 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. Addition of landscape buffer.
11. Denote date of review by the Royal Springs Aquifer Water Supply Protection Committee.
12. Discuss access to Citation Blvd.

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 now 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 & 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. Addition of landscape buffer.
11. Denote date of review by the Royal Springs Aquifer Water Supply Protection Committee.
12. ~~Discuss~~ Resolve access to Citation Blvd.

Ms. Gallt noted that there had been a lengthy discussion at the Subdivision Committee meeting about the proposed access to Citation Boulevard. Since that time, staff met with representatives from the Divisions of Engineering and Traffic Engineering, and those staff members are now comfortable with the proposed access location.

Applicant Presentation: Scott Southall, Earthcycle Design, stated that the applicant was in agreement with the staff's recommendation, and he requested approval.

Citizen Comments: There were none.

Commission Comments: Mr. Penn clarified that the Citation Boulevard access would be right-in only, which resolved several of the concerns expressed at the Subdivision Committee meeting.

Action: A motion was made by Mr. de Movellan, seconded by Ms. Barksdale, and carried 10-0 (Nicol absent) to approve PLN-MJDP-20-00057: GRIFFIN GATE OFFICE PARK (AMD), subject to the 12 conditions as listed in the revised staff recommendation.

- b. PLN-MJDP-20-00067: SPRING LAKE (4/8/21)* - 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, December 10, 2020, January 14, 2021, and March 11, 2021, meetings.

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

The applicant submitted plan revisions on March 1st that addressed the impact of a private cemetery that was discovered on the property, after the initial filing in October, 2020. The revised plan addresses several of the staff's original concerns, but also diminished access and visibility to the planned greenway. After review of the revised plan, staff remained concerned regarding the proposed modifications to the primary roadway, relocation of single-family residential lots and documentation related to the Multi-Family Design Standards.

The applicant agreed to postpone the Planning Commission's review of the proposed final development plan in order to further address staff concerns. The staff met with the applicant's representatives on March 30th to discuss their proposed changes which now depicts traffic calming elements along the primary roadway, removes single-family residential lots from the north side of the roadway (returning the single-loaded street condition), adjusted the location of several local streets around the private cemetery and clarified the location of proposed sidewalks within the Sandersville Roadway corridor. Based upon the revised plan, the staff offers the following conditions for consideration.

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

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. 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 within the multi-family apartment area.
14. Denote timing of construction of street infrastructure.
15. Provided the Planning Commission grants the requested waivers.
16. Denote cemetery fence requirements, and maintenance and permanent ownership per Article 3-7 of the Zoning Ordinance.
17. Resolve driveway access to primary roadway/single-loaded street on final record plats.
18. Resolve proximity to Greendale Road entrance intersection for Lots 1 & 2 on final record plats.
19. Resolve traffic calming along primary roadway/single-loaded street to the approval of the Division of Traffic Engineering and the Bike and Pedestrian Planner.
20. Discuss documentation (exhibit) for compliance with Multi-Family Design Standards.
21. Discuss changes from the preliminary development plan.

Staff Presentation: Ms. Wade directed the Commission's attention to the development plan and preliminary subdivision plan, and briefly explained the proposed request. She noted that there had been significant changes from the plan that was originally filed at the time of the zone change, some of which were the result of the discovery of an private cemetery on the property, as well as the addition of the one-acre Bunch Property. Ms. Wade indicated that the revised plan addressed several of the concerns that the staff had about a previous iteration of the plan.

Ms. Wade stated that the staff also considered the plan according to the Multi-Family Design Guidelines from the Comprehensive Plan, including a submission from the applicant indicating how they were meeting the Guidelines. She said that the staff noted that, in the area where the townhouses abut Greendale Road, there is a need to connect those units and their parking to the main public right-of-way. Ms. Wade noted that the Bike and Pedestrian Planner will address that requirement as part of his sign-off on the plan.

Ms. Wade added, with regard to the multi-family area, that the revised plan included two multi-family buildings that front onto the public street, which replaced several single-family lots. The revision also replaced approximately 30 townhouse units near the Norfolk-Southern railroad with three multi-family buildings. Ms. Wade indicated that the plan now proposes 322 single-family homes, 35 townhomes, and 378 multi-family dwelling units, for a total of 735 units and a density of 5.2 units per acre.

Commission Questions: Ms. Plumlee asked if the lots along the main street in the development will require drivers to back out into traffic. Mr. Martin answered that many of those lots will have driveway access to the local street.

Mr. Penn asked if conditions #20 and #21 should remain, or if they could be eliminated. Mr. Martin stated that #20 could be changed to "resolve," and #21 could be deleted.

Waiver Presentation: Mr. Martin presented the waiver report, briefly explaining that several waivers were inherent in the request due to access spacing issues on Sandersville Road, a collector street, and the need to protect the trees and historic stone walls along Sandersville Road. He stated that staff was recommending approval of the requested waivers, including a recommendation to close one existing driveway on the property.

Applicant Presentation: Nick Nicholson, attorney, stated that the applicant was in agreement with the staff's recommendations, including the conditions for approval. He noted that, in speaking with Ms. Wade prior to this meeting, they both believed that condition #20 could be deleted since it will be addressed as part of the Bike and Pedestrian Planner's sign-off. Mr. Nicholson thanked the staff for their willingness to work through the issues on the property, and he requested approval.

Commission Questions: Mr. Forester asked if it would be appropriate to delete #20 and #21. Ms. Wade responded that the staff would be agreeable to removing both of those conditions.

Mr. Pohl stated that the applicant's Multi-Family Design Guideline information included some photos of "snout houses," and asked if those would be single-family or multi-family. Ms. Wade noted that the photo to which Mr. Pohl was referring was of the rear of an existing townhouse development. Mr. Nicholson stated that the applicant's report

included only examples of townhome projects that the applicant had constructed to show that their product could be in compliance with the Design Guidelines. Mr. Pohl asked if the garages would be located on the back sides of the buildings, to which Mr. Nicholson responded affirmatively.

Citizen Comments: Brandon Gross, attorney, stated that he was representing Baumann Paper, which has property that adjoins the subject property. Mr. Gross said that his client is in support of the proposed plan, with the addition of two plan notes relating to notification of future plans and notice that the properties are adjacent to industrial uses.

Development Plan Action: A motion was made by Mr. Penn, seconded by Mr. Bell, and carried 10-0 (Nicol absent) to approve PLN-MJDP-20-00067: SPRING LAKE, subject to the 19 conditions as listed on the agenda, deleting #20 and #21.

Waiver Action: A motion was made Mr. Penn, seconded by Mr. Bell, and carried 10-0 (Nicol absent) to approve the requested waivers, with the findings as included in the staff report.

- c. PLN-MJDP-21-00012: KINGSTON HALL, UNIT 1, LOT 8 (AMD) (6/29/21)* – located at 1150 PROVIDENCE PLACE PKWY., 2175 & 2301 RUSSELL CAVE RD. (A PORTION OF), LEXINGTON, KY.
Council District 12
Project Contact: Barrett Partners

Note: The purpose of this amendment is to denote proposed development for a section of the property (proposed Lots 8 and 26).

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 services 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. Update Note #16 to reflect current property owners.
14. Denote exactions to the approval of the Division of Planning.
15. Provided the Planning Commission finds that the plan is in compliance with Expansion Area Master Plan (EAMP).
16. Denote compliance with Article 23A-2(o) of the Zoning Ordinance on Agricultural Fencing and provide recorded covenant prior to certification.
17. Denote specific compliance with Article 23A-2(f) of the Zoning Ordinance and document as necessary
18. Denote review of Royal Spring Aquifer committee prior to certification.
19. Revise Providence Parkway cross-section to denote transaction to shared-use trail facility.

Staff Presentation: Mr. Martin directed the Commission's attention to the development plan, and briefly explained the proposed request. He provided the required report on compliance with the Expansion Area Master Plan (EAMP), explaining that the subject property is located in Expansion Area 3. Mr. Martin stated that the staff did find the plan to be in compliance with the EAMP requirements, and recommended approval of the development plan.

Applicant Presentation: Richard Murphy, attorney, stated that the applicant had posted the required notification sign and submitted the affidavit of such. He said that the applicant was in agreement with the staff's recommendation, and he requested approval.

Commission Questions: Mr. Penn stated that he was aware that the applicant owned the adjoining agricultural property, and asked whether the lots created by this plan would be retained by the applicant, or sold. Mr. Murphy answered that the property would be retained by the applicant, who would rent the flex spaces.

Mr. Penn asked what type of fencing would be used to protect the adjoining agricultural property. Mr. Murphy responded that, due to the subject property's proximity to a training track on the agricultural parcel, the applicant would likely use chain link or diamond mesh fencing. In addition, the applicant does not intend to allow uses that would create irregular shadows on the track.

Citizen Comments: There were none.

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

Development Plan Action: A motion was made by Mr. Bell, seconded by Mr. de Movellan, and carried 10-0 (Nicol absent) to approve PLN-MJDP-21-00012: KINGSTON HALL, UNIT 1, LOT 8 (AMD), subject to the 19 conditions as listed on the agenda.

EAMP Compliance Report Action: A motion was made by Mr. Penn, seconded by Mr. Wilson, and carried 10-0 (Nicol absent) to accept the staff's EAMP Compliance Report.

- C. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – A motion was made by Mr. Penn, seconded by Mr. de Movellan, and carried 10-0 (Nicol absent) to approve the release and call of bonds as detailed in the memorandum dated April 8, 2021, from Matt Hughes, Division of Engineering.

V. **COMMISSION ITEMS**

A. **LAND SUBDIVISION REGULATION AMENDMENT**

1. **SRA 2021-1: AMENDMENT TO ARTICLES 1 AND 6 TO REVISE STANDARDS FOR STREET PATTERNS & CONTINUITY** – to update Articles 1 and 6 of the LFUCG Land Subdivision Regulations to revise standards for street patterns and continuity.

INITIATED BY: Urban County Planning Commission with Adoption of the 2018 Comprehensive Plan and Division of Traffic Engineering

PROPOSED TEXT: Amendments to Articles 1 and 6 are shown in red with additions underlined and deletions ~~striethrough~~. Text available at <https://www.lexingtonky.gov/current-text-amendment-applications>.

The Staff Recommended: **Approval**, for the following reasons:

1. The proposed amendment to Article 1 of the Land Subdivision Regulations clarifies the current definition of "block" making it more relatable as the basic unit of urban fabric.
2. The proposed amendments to Article 6 of the Land Subdivision Regulations to update the requirements for street patterns and continuity will improve the transportation network connectivity, which provides benefits for mobility, transportation choice, emergency response, and safety.
3. The proposed amendments to Article 6 to update the requirements for compatible land uses will serve to increase the accessibility of the community's planned public facilities for Lexington's current and future residents.

The Subdivision Committee Recommended: **Approval**, for the reasons provided by staff.

Staff Presentation: Stuart Kearns, Senior Planner in the Transportation Planning/MPO section, directed the Commission's attention to a PowerPoint presentation and briefly explained the proposed text amendment to Articles 1 and 6 of the Land Subdivision Regulations. (A copy of the staff report is attached as an appendix to these minutes.)

Mr. Kearns indicated that, with the adoption of the 2018 Comprehensive Plan, the Planning Commission initiated amendments to Articles 1 and 6 of the Land Subdivision Regulations to revise standards for street patterns and continuity. The intent of the amendments was to redefine the term "block;" decrease block lengths and remove the minimum block length requirement; require connections between existing neighborhoods and new developments; implement more rigorous standards with regard to cul-de-sacs; and revise standards for street patterns and compatible land uses. Mr. Kearns stated that the staff was recommending approval of this text amendment, for the reasons listed on the agenda.

Commission Questions: Ms. Meyer asked if the elimination of minimum block lengths could result in unusable lots, and how the staff proposed to address that concern. Mr. Kearns responded that situations with topography or other physical barriers that affect block length could be addressed through the waiver process.

Citizen Comments: There were none.

Action: A motion was made by Mr. Pohl, seconded by Ms. Barksdale, and carried 10-0 to approve SRA 2021-1: AMENDMENT TO ARTICLES 1 AND 6 TO REVISE STANDARDS FOR STREET PATTERNS & CONTINUITY, for the reasons provided by staff.

VI. **STAFF ITEMS**

1. **INITIATION OF A ZONING ORDINANCE TEXT AMENDMENT FOR TRAFFIC IMPACT STUDIES** – Mr. Emmons requested that the Planning Commission initiate an amendment to update Articles 6-1 and 21-4 to modernize and simplify Traffic Impact Studies. He noted that proposed draft language had been provided to the Planning Commission members as part of his presentation at their most recent work session, and added that, unlike other text amendments, this was not initiated as part of the 2018 Comprehensive Plan.

Citizen Comments: There were none.

Action: A motion was made by Mr. Penn, seconded by Mr. de Movellan, and carried 10-0 (Nicol absent) to initiate a Zoning Ordinance text amendment to Articles 6 and 21 to modernize and simplify Traffic Impact Studies.

2. INITIATION OF A SUBDIVISION REGULATION AMENDMENT FOR STREET TREES LOCATED NEAR INTERSECTIONS

– Ms. Wade stated that Divisions of Environmental Services and Traffic Engineering are requesting that the minimum distance for the location of a street tree from an intersection be increased from fifty (50) feet to seventy-five (75) feet in order to reduce intersection obstructions along residential streets. She added that, recently, the Divisions of Environmental Services and Traffic Engineering have been dealing with the repercussions of having street trees located too near intersections.

Citizen Comments: There were none.

Commission Questions: Mr. Pohl asked if the Planning Commission had previously seen any information on this request. Ms. Wade answered that the staff had not presented any information related to the request. Rather, the Tree Board and the LFUCG divisions had discussed it internally. Those entities sent a memo to the Division of Planning, which triggered an initiation request.

Mr. Pohl asked if there were dissenting opinions on the Tree Board or other organizations that are trying to improve the city's tree canopy. Ms. Wade answered that developers would typically be required to plant the same number of street trees, but in the five feet behind the sidewalk, rather than in the right-of-way nearer to the intersection.

Mr. Pohl asked if this text amendment would affect historic districts, to which Ms. Wade responded that it would only affect new development.

Mr. de Movellan asked if replacement for a street tree in an existing neighborhood would be required to meet the new standard. Ms. Wade answered that, in that instance, the decision would need to be made by the Urban Forester.

Action: A motion was made by Mr. de Movellan, seconded by Ms. Barksdale, and carried 10-0 (Nicol absent) to initiate a Subdivision Regulation Amendment for street trees located near intersections.

3. CANCELLATION OF UPCOMING WORK SESSION – Mr. Duncan stated that there were two work session scheduled for April, on the 15th and the 29th. The staff would request that the Planning Commission cancel the April 15th work session, because they would like to use the April 29th work session to provide the members with an update from the Strategic Growth Task Force, following that group's April meeting.

Action: A motion was made by Ms. Plumlee, seconded by Mr. Wilson, and carried 10-0 (Nicol absent) to cancel the April 15, 2021, Planning Commission work session.

4. QUESTION ABOUT REDEVELOPMENT PROJECT – Ms. Plumlee asked Mr. Duncan to comment on a recent article in the *Herald-Leader* which indicated that the former Wal-Mart location on Richmond Road could be used for car sales, despite restrictions put in place at the time of the zone change on the property. Mr. Duncan answered that the Council will consider removing a deed restriction that had been placed on the property. Ms. Plumlee said that she was concerned because she believed that the property could be appropriate for redevelopment as residential units.**VII. AUDIENCE ITEMS** – Citizens may bring a planning related matter before the Commission at this time for general discussion or future action. Items that will **NOT** be heard are those requiring the Commission's formal action, such as zoning items for early rehearing, map or text amendments; subdivision or development plans, etc. These last mentioned items must be filed in advance of this meeting in conformance with the adopted filing schedule.**VIII. NEXT MEETING DATES**

Work Session, Thursday, 1:30 p.m., Video Teleconference.....	April 15, 2021
Zoning Items Public Hearing , Thursday, 1:30 p.m., Video Teleconference	April 22, 2021
Technical Committee, Wednesday, 8:30 a.m., Video Teleconference	April 28, 2021
Work Session, Thursday, 1:30 p.m., Video Teleconference.....	April 29, 2021
Subdivision Committee, Thursday, 8:30 a.m., Video Teleconference	May 6, 2021
Zoning Committee, Thursday, 1:30 p.m., Video Teleconference	May 6, 2021
Subdivision Items Public Meeting , Thursday, 1:30 p.m., Video Teleconference	May 13, 2021

IX. ADJOURNMENT

4/22/2021

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