

**AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

July 8, 2021

I. CALL TO ORDER - The meeting will be called to order at 1:30 p.m. **via video teleconference**.

Due to the COVID-19 State of Emergency, this meeting is being held via live video teleconference pursuant to 2020 Senate Bill 150, and in accordance with KRS 61.826.

Please utilize the following information to participate in this public meeting:

<https://zoom.us/j/91773558520?pwd=RVhjSjhXTTE5cVRud0MxSUtZcnVpUT09>

Webinar ID: 917 7355 8520

Password: 775643

Call in Number

+1 (929) 436-2866

If participants have items to submit for consideration by the Planning Commission (photos, videos, documents, etc.), please email them to planningmailbox@lexingtonky.gov before 10:00 a.m. on the day of the meeting. Information may also be mailed to the Division of Planning, 101 E. Vine Street, Suite 700, Lexington, KY 40507. Members of the public will have the opportunity to speak during the meeting, but will not have the opportunity to share their screens during the video teleconference. If members of the public wish to speak during the meeting, but are unable to connect or have other technical difficulties, please contact the Division of Planning via email at planningmailbox@lexingtonky.gov, or (859) 258-3160.

If you do not feel comfortable participating in a video teleconference meeting, written comments may be sent to the Division of Planning at the above listed email address, and will be distributed to the Planning Commission members.

The media and public may view the public hearing on LexTV Spectrum channel 185, MetroNet channel 3, Windstream channels 3 and 20, or via live stream at the following link: http://lfucg.granicus.com/MediaPlayer.php?publish_id=12

II. APPROVAL OF MINUTES – The minutes of the May 13, 2021, and June 10, 2021, meetings will be considered by the Planning Commission at this time.

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

IV. LAND SUBDIVISION ITEMS – The Subdivision Committee met on Thursday, July 1, 2021, at 8:30 a.m. The meeting was attended by Commission members Ivy Barksdale, Headley Bell, Anthony de Movellan, Jan Meyer, and Frank Penn. Committee members in attendance were: Vaughan Adkins, Division of Engineering; and Stephen Parker, Division of Traffic Engineering. Staff members in attendance were: Jim Duncan; Traci Wade; Tom Martin; Hal Baillie; Cheryl Gallt; Lauren Hedge; Samantha Castro; Scott Thompson; 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.

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

The procedure for these hearings is as follows:

- Staff Report(s), including subcommittee reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) proponents (10 minute maximum OR 3 minutes each)
 - (b) objectors (30 minute maximum OR 3 minutes each)

- Rebuttal & Closing Statements
 - (a) petitioner's comments (5 minute maximum)
 - (b) citizen objectors (5 minute maximum)
 - (c) staff comments (5 minute maximum)
- Commission discusses and/or votes on the plan.

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

1. FINAL SUBDIVISION PLANS

- a. PLN-FRP-21-00028: BLUEGRASS BUSINESS PARK (PEMBERTON FARM) (AMD) (8/30/21)* - located at 2200 & 2201 INNOVATION DR., LEXINGTON, KY.
Council District 2
Project Contact: EA Partners, PLC

Note: The purpose of this plat is to dedicate additional right-of-way for Innovation Drive.

The Subdivision Committee Recommended: **Disapproval**. There were questions regarding the required closure of the temporary access per the certified Preliminary Subdivision Plan/Final Record Plat. Establishing a permanent access to Georgetown Road (US 25) is not in compliance with required access spacing established by Article 6-8(q) of the Land Subdivision Regulations.

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.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Denote: This property shall be developed in accordance with the approved final development plan.
9. Provided the Planning Commission grants a waiver of Article 6-8(q) of the required intersection spacing.
10. Denote this property is located in the Royal Springs Aquifer Recharge Area.

Note: The applicant has requested a waiver of Article 6-8(q)(2)(c) of the Land Subdivision Regulations with regard to intersection and access spacing guidelines.

2. PRELIMINARY SUBDIVISION PLANS

- a. PLAN 2016-71P: TUSCANY, UNIT 11 – located at 1970 WINCHESTER ROAD (A PORTION OF), LEXINGTON, KY.
Council District 6
Project Contact: EA Partners, PLC

Note: The Planning Commission originally approved this plan on July 14, 2016, subject to the following conditions:

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 and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Denote record plat information for adjacent properties if available.
10. Denote easement for street tree planting.
11. Resolve future of adjacent greenway.
12. Resolve potential floodplain crossing for pedestrians and vehicular options.
13. Reduce the number of lots to 100.

Note: The applicant now requests an extension of the Planning Commission's previous approval.

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

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

- b. PLN-MJSUB-21-00001: BELMONT FARM, UNIT 7 (COVENTRY) (AMD) (7/4/21)* - located at 2418 HUNTLY PLACE, LEXINGTON, KY.
Council District 2
Project Contact: Banks Engineering

Note: The Planning Commission postponed this item at their May 13, 2021, and June 10, 2021, meetings. The purpose of this amendment is to convert townhomes to detached single-family homes.

The Subdivision Committee Recommended: **Postponement**. There were questions regarding potential driveway conflicts near the 3-way intersection of Huntly Place and Minister Place.

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.
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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Change lot numbers to match previously certified Preliminary Subdivision Plan.
11. Clarify area of amendment on vicinity map.
12. Remove "proposed" from street name where lots have been recorded.
13. Denote location of construction access.
14. Addition of listing of private utilities.
15. Addition of driveway location for school.
16. Discuss alternative access for proposed detached single family lots facing Huntly Place.

- c. PLN-MJSUB-21-00003: COPPER CREEK SUBDIVISION (WYNNDALE DEVELOPMENT, LLC PROPERTY) (8/30/21)* - located at 4296 STEAMBOAT & 1750 OLD HIGBEE MILL RD., LEXINGTON, KY.
Council District 9
Project Contact: EA Partners, PLC

Note: The purpose of this amendment is to clarify access to the greenway.

The Subdivision Committee Recommended: **Disapproval**, for the following reasons:

1. The adopted *Greenspace Plan* identifies the need for urban greenspace sites and linkages between such locations in order to create a network of corridors, trails, and open spaces throughout the city. Connections between natural areas, parks and open spaces support the healthy functioning of the local ecosystem and makes it more feasible and attractive to travel within the city by bicycle and on foot (*Greenspace Plan*, adopted in 1994, pages 36-41).
2. Areas along S. Elkhorn Creek were identified in the adopted *Greenspace Plan*, and the subsequent *Greenway Master Plan*, for a proposed park and trail linkages (*Greenspace Plan*, Appendix C-1, and *Greenway Master Plan*, P-14: South Elkhorn Greenway Trail, adopted in 2002, page 4-62 and 4-63).
3. A shared-use trail was constructed from Waverly Park to Steamboat Road, and is planned to continue across Steamboat Road into the S. Elkhorn Creek greenway. This urban greenspace linkage was depicted on the approved and certified Preliminary Subdivision Plan from 2015, and subsequent Final Record Plats which were recorded in 2017.
4. The planned trail connection on the north side of Steamboat Road to the greenway is part of a shared-use trail linking parks and greenways throughout the southwestern quadrant of the City of Lexington. It is an important connection in the trail system that should not be lost.
5. The topography of the land surrounding the planned greenway access and shared-use trail is steep and any reduction in the width of the access lot or access easement may result in the trail not being able to be constructed in a manner that meets ADA requirements.
6. The single-family home built on Lot 1 was not constructed in conformance with the approved building permit, and a concrete driveway has been poured that crosses the property line and encroaches about 18 feet into the access to the greenway.

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3. **DEVELOPMENT PLANS**

- a. PLN-MJDP-18-00096: FAYETTE INDUSTRIAL PARK, BLOCK A, LOT 3 located at 130 W. Tiverton Way – located at 130 W. TIVERTON WAY, LEXINGTON, KY.
Council District 9
Project Contact: Vision Engineering

Note: The Planning Commission originally approved this plan on December 13, 2018, subject to the following conditions:

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

Note: The applicant now requests reapproval.

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

- b. PLN-MJDP-20-00064: BEAUMONT FARM, UNIT 1, SECTION 5, LOTS 9 & 10 - located at 960 MIDNIGHT PASS, LEXINGTON, KY.
Council District 10
Project Contact: Vision Engineering

Note: The Planning Commission originally approved this plan on March 11, 2021, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. United States Postal Service Office's approval of kiosk locations or easement.
12. Resolve location of parking spaces adjacent to northeast entrance to property and width of access.
13. Clarify breakdown of parking spaces in site statistics.
14. Document open space provided with square footage breakdown exhibit.

Note: The applicant now requests a continued discussion in order to increase building square footage on the property.

The Subdivision Committee Recommended: **Approval**, subject to the original conditions as listed.

- c. PLN-MJDP-21-00029: HIGHWOOD CENTER, LOT 2-A (WAL-MART) (AMD) (8/30/21)* – located at 500 WEST NEW CIRCLE RD., LEXINGTON, KY.
Council District 1
Project Contact: Carlson Consulting Engineers

Note: The purpose of this amendment is to add building square footage and revise parking spaces and circulation.

The Subdivision Committee Recommended: **Postponement**. The plan does not meet Article 21 or 26 of the Zoning Ordinance.

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Should the 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. Department of Environmental Quality's approval of environmentally sensitive areas.
 8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire services 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. Depict boundaries of property with solid dark line for entire development.
 13. Additions of bearings and distances on entire development.
 14. Addition of record plat information for all parcels in the entire development (removing parcel information).
 15. Addition of plan name or owners on adjacent properties.
 16. Addition of topography lines and elevations.
 17. Addition of dimensions for driveways, walkways and parking spaces.
 18. Addition of dimensions on access points to property.
 19. Addition of dimensions for all buildings.
 20. Addition of height of building and canopy in feet.
 21. Addition of site statistics from previous plans, replacing parcel information with public record cabinet/slide information.
 22. Clarify building square footage for Lot 2-A.
 23. Addition of all easements and clarify Note #16.
 24. Correct Note #12 to read as per previous plan.
 25. Addition of Notes #13, 16 and 17 from previous plan.
 26. Addition of tree protection plan per Article 26 of the Zoning Ordinance.
 27. Document review by the Royal Springs Aquifer committee.
 28. Document compliance with Article 12-8(h) of the Zoning Ordinance for Multi-Modal Accommodations.
 29. Simplify purpose of amendment note.
 30. Addition of street address on all buildings/lots.
 31. Document compliance with Article 21-7(7)(b)(3) of the Zoning Ordinance with account with Lynn Imaging at (859) 255-1021.
- d. PLN-MJDP-21-00030: GREATHOUSE PROPERTY (THE VILLAGE AT GREAT ACRES) (AMD) (8/30/21)* – located at 2731 & 2751 LEESTOWN RD., LEXINGTON, KY.
Council District 2
Project Contact: Barrett Partners, Inc.

Note: The purpose of this amendment is to revise the development plan to include the apartments and commercial development.

The Subdivision Committee Recommended: **Postponement**. There are questions regarding proposed access locations.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. 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 Board of Adjustment approval of Building H accessory parking in the R-3 zone.
14. Discuss proposed access spacing on Ruby River Drive.
15. Discuss proposed frontage and access for Townhouses 4, 5, 6, 7, 8, and 9.
16. Discuss proposed structure and access drive aisle on north side of Building D.

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17. Discuss relocation of traffic circle and proposed access on Lucille Drive.
18. Discuss timing of CLOMR and proposed trail location.

- C. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – Any bonds or letters of credit requiring Commission action will be considered at this time. The Division of Engineering will report at the meeting.

V. **COMMISSION ITEMS**

- A. **BOAR 2021-2: JESSICA AND GARY HOUCK** – an appeal to the Planning Commission of the Board of Architectural Review (BOAR) decision to disapprove the Certificate of Appropriateness with respect to replacing the windows on the front and rear of the structure using aluminum frames with glass between the grids for the property located at 255 Delmar Avenue, in the Bell Court Historic District.
- B. **BOAR 2021-3: RAY PERRY** – an appeal to the Planning Commission of the the Board of Architectural Review (BOAR) decision to disapprove the Certificate of Appropriateness with respect to the installation of vinyl siding for the property located at 347 Oldham Avenue, in the Aylesford Historic District.
- C. **ELECTION OF OFFICERS** – The Commission's By-laws state that at the first regular meeting in July, the Commission shall elect a Chairperson, Vice-Chairperson, Secretary, and Parliamentarian. The Nominating Committee was named at the June 11th Commission meeting and has presented its slate for consideration by the Planning Commission. Nominations may also be made from the floor.

The current officers are as follows:

Chair: Larry Forester
Vice Chair: Frank Penn
Secretary: Carolyn Plumlee
Parliamentarian: Bill Wilson

The Nominating Committee recommended the following slate:

Chair: Larry Forester
Vice Chair: Frank Penn
Secretary: Janice Meyer
Parliamentarian: Zach Davis

- D. **DELEGATION OF SECRETARY'S DUTIES** – The Commission's past procedure for carrying out the Secretary's duties, except for signing minutes, has been to delegate that authority to the Director of the Division of Planning and his staff. The Chair will request that the Commission consider taking similar action at this time.

VII. **STAFF ITEMS**

- A. **ARTICLE 4-5(b) IMPROVEMENT PLAN PROGRESS REPORT** - When the project engineer has completed approximately fifty percent (50%) of the infrastructure design for the development, the project engineer shall submit a preliminary report to the Planning Commission informing the Commission of how stormwater, sanitary sewer and environmental conditions imposed by the Commission at the time of the approval of the preliminary subdivision plan will be addressed in the improvement plan. The report shall be distributed to the Commission at the next convenient meeting. The report is for information only, and no action by the Commission shall be taken; however, there shall be no issuance of the Notice To Proceed, as outlined in section 4-5(d), until the Planning Commission meeting is complete.

1. **PLN-FRP-21-00027: NEWMARKET PROPERTY, PHASE 1, UNIT 10-B** 8/30/21* - located at 4010 BUTTERMILK RD., LEXINGTON, KY.
Council District: 12
Project Contact: EA Partners, PLC

- VIII. **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.

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IX. NEXT MEETING DATES

Work Session, Thursday, 1:30 p.m., 3rd Floor Conference Room, Phoenix Building July 15, 2021
Zoning Items Public Hearing, Thursday, 1:30 p.m., Video Teleconference **July 22, 2021**
 Technical Committee, Wednesday, 8:30 a.m., Video Teleconference July 28, 2021
 Subdivision Committee, Thursday, 8:30 a.m., Video Teleconference August 5, 2021
 Zoning Committee, Thursday, 1:30 p.m., Video Teleconference August 5, 2021
Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers, Government Center **August 12, 2021**

X. ADJOURNMENT

7/2/2021

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