

**AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION AND ZONING ITEMS**

September 9, 2021

- I. **CALL TO ORDER** - The meeting will be called to order at 1:30 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.
- II. **APPROVAL OF MINUTES** – The minutes of the July 8, 2021, and August 12, 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, September 2, 2021, at 8:30 a.m. The meeting was attended by Commission members Ivy Barksdale, Headley Bell, 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; Tom Martin; Hal Baillie; Cheryl Gallt; Samantha Castro; 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 RECORD PLATS

- a. **PLN-FRP-21-00036: ROSEMONT FARM, LLC (10/31/21)*** - located at 851 MUIR STATION RD. & 5222 PARIS PIKE, LEXINGTON, KY.
Council District 12
Project Contact: Darnell Engineering, Inc.

Note: The purpose of this plat is to survey and record a portion of the property in Fayette County.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Addressing Office's approval of street names and addresses.
3. Urban Forester's approval of tree preservation plan.
4. Addition of all LFUCG and Subdivision Regulations certifications, as appropriate.

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

2. DEVELOPMENT PLANS

- a. PLN-MJDP-19-00052: KID'S HOUSE CHILD CARE CENTER (AHLULBAYT CENTER) (AMD) – located at 1449 & 1452 BRYAN AVE., LEXINGTON, KY.
Council District 1
Project Contact: Kentucky R&A LLC

Note: The Planning Commission approved this plan on November 14, 2019, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. 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. Complete note #13 referencing date of variance approval.
10. Complete Tree Preservation Plan (TPP) information required by Article 26-4(b) and (c) of the Zoning Ordinance.
11. Documentation of account with Lynn Imaging to meet Article 21-7(b)(3) of the Zoning Ordinance.
12. Recordation of consolidation plat prior to plan certification.
13. Denote zone-to-zone screening per note #16 on previous plan (ZDP 2014-18).
14. Denote proposed and existing easements on plan.
15. Denote tree protection area from the previous plan (ZDP 2014-18).
16. Correct floor area ratio and lot coverage in site statistics.
17. Resolve note #15 from the previous plan (ZDP 2014-18) regarding tree planting.
18. Resolve note #15 on this plan for additional screening for change of use.

Note: The applicant now requests reapproval.

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

- b. PLN-MJDP-19-00061: STONEWALL SHOPPING CENTER (AMD) – located at 3197 CLAYS MILL RD., LEXINGTON, KY.
Council District 9
Project Contact: Banks Engineering

Note: The Planning Commission approved this plan on November 14, 2019, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. 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. Addition of 2 foot contour elevations.

Note: The applicant now requests reapproval.

The Subdivision Committee Recommended: **Postponement**.

The Staff will report at the meeting.

- c. PLN-MJDP-20-00061: JAMES R. MASSENGILL PROPERTY (AMD) – located at 701 & 705 E. LOUDON AVE., LEXINGTON, KY.
Council District 1
Endris Engineering

Note: The Planning Commission approved this plan on October 8, 2020, 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. Resolve proposed garage encroachment into street light easement.
12. Clarify proposed use of garage and sales office.
13. Revise parking statistics to document compliance with requirements and remove reference to gas pump spaces.

Note: The applicant now requests a continued discussion to resolve issues with plan revisions requested by the Division of Traffic Engineering.

The Staff will report at the meeting.

- d. PLN-MJDP-21-00032: MICHLER, JENNINGS & SHELTON PROPERTY (AMD) (10/31/21)* - located at 2891 RICHMOND RD., LEXINGTON, KY.
Council District 7
Project Contact: Land Design & Development, Inc.

Note: The purpose of this amendment is to redevelop the site with a multi-tenant building, reconfigure off-street parking, and relocate access to Tract 2.

The Subdivision Committee Recommended: Postponement. There were questions regarding missing tree inventory map and tree protection areas including potential significant trees per Article 26 of the Zoning Ordinance.

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 the treatment of bike trails and pedestrian facilities.
 8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 9. Division of Waste Management's approval of refuse collection locations.
 10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 11. United States Postal Service Office's approval of kiosk locations or easement.
 12. Addition of tree species, size, and location on property per Article 26-4(c) of the Zoning Ordinance.
 13. Addition of purpose of amendment.
 14. Correct plan title.
 15. Addition of record plat information.
 16. Denote location of construction access.
 17. Addition of street cross-sections and location on plan face.
 18. Addition of height of buildings in feet.
 19. Clarify required parking for proposed restaurant.
 20. Addition of note #10 from previous plan referencing Richmond Road Ordinance (DP 97-150).
 21. Addition of notes #13, 14, 15, 16, 17 from previous plan.
 22. Addition of site statistics for the other uses on the entire development plan.
 23. Correct title for "project data" to "site statistics."
 24. Depict all easements with width dimensions.
 25. Remove miscellaneous information under "legend."
 26. Addition of purpose of amendment.
 27. Depict location of order point for restaurant.
 28. Addition of vehicular use screening at rear of Lot 1.
 29. Discuss reciprocal parking and access.
- e. PLN-MJDP-21-00039: LFUCG, MILLCREEK SUBDIVISION, UNIT 3 & JONESTOWN (10/31/21)* - located at 1100 ARMSTRONG MILL RD., LEXINGTON, KY.
Council District 8
Project Contact: EA Partners, PLC

Note: The purpose of this amendment is to depict development of 96 multi-family dwelling units in 4 buildings, a clubhouse and associated off-street parking.

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

The Subdivision Committee Recommended: **Postponement**. There were questions regarding the timing and status of the CLOMR and compliance with Article 19 of the Zoning Ordinance.

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 & Pedestrian Planner's approval of the treatment 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 specific compliance with the Multi-Family Design Standards.
 14. Discuss proposed improvements on adjacent parcel that is not a part of the development plan (1028 Armstrong Mill Road).
 15. Discuss proposed dumpster location.
 16. Discuss improvements to Armstrong Mill Road.
 17. Discuss status and timing of CLOMR.
 18. Discuss pedestrian access to the greenway from the apartments.
 19. Discuss greenway trail location per certified Preliminary Development Plan.
- f. PLN-MJDP-21-00041: MAPLELEAF SUBDIVISION, UNIT 1, LOT 4 (AMD) (10/31/21)* - located at 3151 MAPLELEAF DR., LEXINGTON, KY.
Council District 7
Project Contact: Thoroughbred Engineering

Note: The purpose of this amendment is to redevelop the property with 220 multi-family dwelling units, open space, and associated off-street parking.

The Subdivision Committee Recommended: **Approval**, 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.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of the treatment 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. Remove construction information, sanitary manhole, catch basin and miscellaneous notation.
14. Add total square footage of Buildings #1, #2, and #3 to site statistics.
15. Remove ± from building heights.
16. Remove extraneous information such as requirements from Zoning Ordinance.
17. Resolve Multi-Modal Accommodations as required by Article 12-8(h) of the Zoning Ordinance.
18. Resolve status of LOMR.
19. Resolve surplus parking and the need for a variance from the Board of Adjustments to Article 12-8(e).
19. Resolve activation of first floor of structures.

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. ZONING ITEMS - The Zoning Committee met on Thursday, September 2, 2021, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members: Zach Davis, Larry Forester, Bruce Nicol, and Bill Wilson. Staff members in attendance were: Tom Martin, Hal Baillie, Sam Castro, and Debbie Woods. Other staff members in attendance were Stephen Parker, Division of Traffic Engineering, and Tracy Jones, Department of Law. The Committee members reviewed application and made recommendations as noted.

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

A. ABBREVIATED PUBLIC HEARINGS ON ZONING MAP AMENDMENTS

The staff will call for objectors to determine which petitions are eligible for abbreviated hearings.

Abbreviated public hearings will be held on petitions meeting the following criteria:

- The staff has recommended approval of the zone change petition and related plan(s)
- The petitioner concurs with the staff recommendations
- Petitioner waives oral presentation, but may submit written evidence for the record
- There are no objections to the petition

B. FULL PUBLIC HEARINGS ON ZONE MAP AMENDMENTS - Following abbreviated hearings, the remaining petitions will be considered.

The procedure for these hearings is as follows:

- Staff 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) (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)
- Hearing closed and Commission votes on zone change petition and related plan(s).

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the hearing. The Chair will announce its decision at the outset of the hearing.

1. PLN-MAR-21-00012: ANDERSON COMMUNITIES, LLC, ZONING MAP AMENDMENT

- a. PLN-MAR-21-00012: ANDERSON COMMUNITIES, LLC (10/31/21)* – an amendment to Montclair Neighborhood ND-1 Overlay for the property located at 633 Montclair Drive to increase the maximum building dimension of the principal structure from the front building place from 55 feet to 69 feet.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2018 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The applicant is requesting that one of the existing Neighborhood Design Character Overlay (ND-1) zone standards (conditional zoning restrictions) be modified for the subject property in order to allow the reduction of the rear yard building setback for the property located at 633 Montclair Drive. The proposed modification would increase the maximum building dimension from the front building plane from fifty-five (55) to sixty-nine (69) feet.

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

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

1. The requested modification of the Neighborhood Design Character (ND-1) overlay zone Design Standard #10 for this parcel will not adversely affect the public health, safety or welfare, nor will it alter the character of the neighborhood. The proposed addition is similar in character, height, and massing to other principle structures along Scoville Road. Construction of the new structure at this location will allow for the continuity of appearance in the neighborhood and will not negatively affect the character of the neighborhood.
2. The special circumstances related to this application is the tapering lot and the setback along the side street side yard along Montclair Drive. Strict adherence to the design standard would be an unfair burden and unnecessary hardship for the applicant.
3. Modifying the design standard by fourteen (14) feet will not prevent successfully achieving the Montclair neighborhood's general intent and preservation goals.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restriction is proposed to be modified for the subject property via conditional zoning as follows:
 10. Rear Yard Building Setbacks
 - a. Maximum building dimension of the principal structure from the front building plane is 65 feet (excludes allowable projections per Article 15-5 of the Zoning Ordinance).

Modification of the rear yard setback for the subject property is appropriate given the existing character of the immediate vicinity.

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

- b. VARIANCE REQUEST – A variance to reduce the minimum required side yard from eight (8) feet to four (4) feet, a requirement of Article 8-7(i) of the Zoning Ordinance.

The Zoning Committee Recommended: **Postponement**, for the reasons provided by staff.

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

- a. The applicant has not submitted sufficient information regarding the need for the variance request. For this reason the staff cannot support the request at this time. The applicant must address how the minimum side yard setback can be met on the site or why, in this case, it could not be met.

VI. COMMISSION ITEMS

- A. AMENDMENT TO ADOPTED MEETING & FILING SCHEDULE** – Staff will request that the Planning Commission cancel the November 18, 2021 Zoning Items Public Hearing, and convert the November 11, 2021 Subdivision and Development Items Public Meeting to a Public Hearing to include Zoning Items. The Urban County Council has revised their meeting schedule and will be meeting on November 18, 2021 in the Council Chambers. All applications that would normally be heard on November 18th, will be heard by the Planning Commission one week earlier. All notice requirements and deadlines to meet the revised public hearing date will be communicated to applicants.

VII. STAFF ITEMS

- 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.

IX. NEXT MEETING DATES

Work Session, Thursday, 1:30 p.m., Phoenix Building, 3rd Floor Conference RoomSeptember 16, 2021
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers**September 23, 2021**
Technical Committee, Wednesday, 8:30 a.m., Phoenix Building, 3rd Floor Conference Room September 29, 2021
Subdivision Committee, Thursday, 8:30 a.m., Phoenix Building, 3rd Floor Conference Room October 7, 2021
Zoning Committee, Thursday, 1:30 p.m., Phoenix Building, 3rd Floor Conference Room October 7, 2021
Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers**October 14, 2021**

X. ADJOURNMENT

9/3/2021

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