

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

October 14, 2021

- I. **CALL TO ORDER** - The meeting was called to order at 1:30 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.

Planning Commission members present: Larry Forester, Chair; Ivy Barksdale (arrived at 1:40 p.m.); Headley Bell; Zach Davis; Anthony de Movellan; Jan Meyer; Robin Michler; Bruce Nicol; Frank Penn (left at 4:00 p.m.); Graham Pohl; and Judy Worth.

Planning staff members present: Jim Duncan; Traci Wade; Tom Martin; Hal Baillie; Cheryl Gallt; Stephanie Cunningham; and Libbe Jefferson. Other staff members present were Vaughan Adkins, Division of Engineering; Stephen Parker, Division of Traffic Engineering; Embry Beatty, Division of Fire and Emergency Services; Tim Queary, Urban Forester; Jennifer Carey, Environmental Services; and Tracy Jones, Department of Law.

- II. **APPROVAL OF MINUTES** – A motion was made by Ms. Meyer, seconded by Ms. Worth, and carried 11-0 to approve the minutes of the May 20, 2021, Planning Commission meeting.

III. **COMMISSION ITEMS**

- A. **RESOLUTION FOR FORMER PLANNING COMMISSION MEMBERS** - Mr. Forester stated that the Commission and the staff would like to take the opportunity to honor Ms. Karen Mundy, Mr. Mike Owens, and Ms. Carolyn Plumlee for their dedication and service to the Planning Commission and the Lexington-Fayette County community. The Planning Commission joined their former members at the podium as Mr. Penn read their resolutions into the record. (Copies of the resolutions are attached as appendices to these minutes.)

- B. **PFR 2021-1: FAYETTE COUNTY PUBLIC SCHOOLS – POLO CLUB MIDDLE SCHOOL** – a Public Facility Review to construct a new middle school at 2185 & 2345 Polo Club Boulevard.

Staff Presentation: Ms. Gallt presented the Public Facility Review, briefly describing the proposed plan.

Action: A motion was made by Mr. Penn, seconded by Mr. Pohl, and carried 11-0 to affirm that **PFR 2021-1: FAYETTE COUNTY PUBLIC SCHOOLS – POLO CLUB MIDDLE SCHOOL** is in compliance with the Comprehensive Plan and all other regulations.

IV. **POSTPONEMENTS OR WITHDRAWALS**

- a. **PLN-MJDP-21-00048: HAMBURG EAST, SEC 1, LOT 2-E (AMD) (01/05/22)*** - located at 2450 POLO CLUB BLVD., LEXINGTON, KY.
Council District 12
Project Contact: Landmark Surveying Co.

Note: The purpose of this plan is to depict development of a convenience store and gasoline fueling pumps/canopy on Lot 2-E.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & 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. Provided the Planning Commission makes a finding that the development plan complies with the Expansion Area Master Plan.
11. Resolve proposed access to Conservation Way.

Applicant Representation: Matt Carter, Vision Engineering, was present on behalf of the applicant. He stated that the applicant was unable to post the required sign within the necessary time frame, and he requested a two-week postponement.

Action: A motion was made by Mr. Penn, seconded by Ms. Barksdale, and carried unanimously to postpone **PLN-MJDP-21-00048: HAMBURG EAST, SEC 1, LOT 2-E (AMD)** to the October 28, 2021, Planning Commission meeting.

- b. 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. The Planning Commission postponed this application at their September 9, 2021, meeting.

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.

Applicant Representation: Rory Kahly, EA Partners, requested a one-month postponement of this item.

Action: A motion was made by Mr. de Movellan, seconded by Ms. Meyer, and carried unanimously to postpone **PLN-MJDP-21-00039: LFUCG, MILLCREEK SUBDIVISION, UNIT 3 & JONESTOWN** to the November 11, 2021, Planning Commission meeting.

- c. PLN-MJDP-21-00050: RAMSEY/SULLIVAN PROPERTY, LOT 4 (AMD) (12/06/20)* - located at 2671 KEARNEY RIDGE BLVD., LEXINGTON, KY.
Council District 12
Project Contact: EA Partners, PLC

Note: The purpose of this amendment is to depict revised buildings and parking layout.

The Subdivision Committee Recommended: **Postponement.** There were questions regarding the missing tree information per Article 26 of the Zoning Ordinance, lack of public street access to the proposed development, and fire safety requirements per the National Fire Code.

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 & 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. United States Postal Service Office's approval of kiosk locations or easement.
12. Addition of record plat designation M-824.
13. Addition of street cross-section with median.
14. Dimension sidewalks.

15. Correct reference location to Article 3-7 of the Zoning Ordinance.
16. Addition of any proposed or existing easements.
17. Clarify exact location of cemetery and document compliance with state requirements for disinterment and relocation prior to certification.
18. Denote property located in Royal Springs Aquifer Recharge Area.
19. Discuss tree protection plan and compliance with Article 26 of the Zoning Ordinance.
20. Discuss need for secondary entrance per the approved Preliminary Development Plan.
21. Discuss conditional zoning requirement for a two-acre park.
22. Discuss Note #11 from DP 2008-27 referencing the restriction on total number of dwelling units for Ramsey/Sullivan Property until a second access is complete.
23. Discuss lack of public street access to this development.
24. Discussion regional detention basin.
25. Discuss landscape buffer against railroad.

Applicant Representation: Rory Kahly, EA Partners, requested a one-month postponement of this item.

Action: A motion was made by Mr. de Movellan, seconded by Ms. Meyer, and carried unanimously to postpone **PLN-MJDP-21-00050: RAMSEY/SULLIVAN PROPERTY, LOT 4 (AMD)** to the November 11, 2021, Planning Commission meeting.

V. LAND SUBDIVISION ITEMS – The Subdivision Committee met on Thursday, October 7, 2021, at 8:30 a.m. The meeting was attended by Commission members Ivy Barksdale, Headley Bell, Jan Meyer, Frank Penn, and Judy Worth. Committee members in attendance were: Hillard Newman, Division of Engineering; and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Jim Duncan; Traci Wade; Tom Martin; Hal Baillie; Cheryl Gallt; and Stephanie Cunningham; Captain Greg Lengal, Division of Fire and Emergency Services; Nancy Albright, Environmental Quality & Public Works; Tim Queary, Urban Forester; Jennifer Carey, Environmental 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-21-00042: LUCILLE CAUDILL LITTLE PROPERTY (AMD) (12/06/21)*** - located at 2440 MACKINWOOD DR., LEXINGTON, KY.
Council District 12
Project Contact: Eagle Engineering

Note: The purpose of this amendment is to increase the proposed building square footage by 11,900 square feet and modify parking layout.

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. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Division of Waste Management's approval of refuse collection locations.
8. Correct dimensions on buildings or denote buildings to scale.
9. Denote site on vicinity map. Addition of dimensions on office/residence building and remove the ±.
10. Correct plan preparer information in title block.
11. Denote location of stormwater facilities on the site, as noted in Note #15.

- b. PLN-MJDP-21-00045: RICHARDSON PROPERTY (AMD) (12/06/21)* - located at 324 HANNAH TODD PL., LEXINGTON, KY.
Council District 7
Project Contact: Commonwealth Designs Inc.

Note: The purpose of this amendment is to remove 5 townhomes and increase the number of condominiums by 18.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Landscape Examiner's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree preservation plan.
 6. Bike & Pedestrian Planner's approval of the treatment of bike trails and pedestrian facilities.
 7. Greenspace Planner's approval of access to HOA lot and shared-use path.
 8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 9. Division of Waste Management's approval of refuse collection locations.
 10. United States Postal Service Office's approval of kiosk locations or easement.
 11. Addition of topography in area of amendment.
 12. Denote access point for construction vehicles.
 13. Addition of dimensions on all condominium buildings.
 14. Clarify site statistics for number of condominium units.
 15. Resolve compliance with increased parking requirements.
 16. Provided the Planning Commission makes a finding that the development plan complies with the Expansion Area Master Plan.
- c. PLN-MJDP-21-00051: CLAY INGELS COMPANY INC. (12/06/20)* - located at 958 DELAWARE AVE., LEXINGTON, KY.
Council District 5
Project Contact: EA Partners, PLC

Note: The purpose of this plan is to depict development of a 24,220 square-foot building on the property.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Landscape Examiner's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree preservation plan.
 6. Bike & Pedestrian Planner's approval of the treatment of bike trails and pedestrian facilities.
 7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 8. Division of Waste Management's approval of refuse collection locations.
 9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 10. United States Postal Service Office's approval of kiosk locations or easement.
 11. Denote number of trees required to meet canopy requirements and number of existing trees on site.
- d. PLN-MJDP-21-00052: VALLEY PARK (12/06/21)* - located at 850 DE ROODE ST., LEXINGTON, KY.
Council District 2
Project Contact: Barrett Partners, Inc.

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

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of the treatment of bike trails and pedestrian facilities.
7. Greenspace Planner's approval of the treatment of greenways and greenspace.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.

11. United States Postal Service Office's approval of kiosk locations or easement.
 12. Addition of adjacent property information on west side.
 13. Denote construction access point.
 14. Remove Notes #11 and #13.
 15. Increase text size on topography lines.
 16. Denote specific compliance with Article 15-7 of the Zoning Ordinance.
 17. Document affordable dwelling units per Article 3 of the Zoning Ordinance (standard note).
- e. PLN-MJDP-21-00054: ROLLIE BISHOP CARROLL, SR., PROPERTY (AMD) (12/06/21)* - located at 375 PASADENA DR., LEXINGTON, KY.
Council District 10
Project Contact: Vision Engineering

Note: The purpose of this amendment is to revise building footprints and add porches and patios.

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. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. United States Postal Service Office's approval of kiosk locations or easement.
9. Provide exact dimensions on Typical Townhouse unit layout, including front porch.

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. She noted that PLN-MJDP-21-00048: HAMBURG EAST, SEC 1, LOT 2-E (AMD) had been requested for removal from the consent agenda in order to postpone it. (A copy of the Consent Agenda is attached as an appendix to these minutes).

Audience members requesting full discussion: There were citizens present who wished to speak with regard to PLN-MJDP-21-00053: GREENDALE HILLS, UNIT 3 (OAKDALE DEVELOPMENT).

Action: A motion was made by Mr. de Movellan, seconded by Mr. Bell, and carried 11-0 to approve the consent agenda, subject to the conditions as listed on the agenda, removing PLN-MJDP-21-00048: HAMBURG EAST, SEC 1, LOT 2-E (AMD) and PLN-MJDP-21-00053: GREENDALE HILLS, UNIT 3 (OAKDALE DEVELOPMENT).

- 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

- a. PLN-FRP-19-00014: WAITS/MOORE LTD. PARTNERSHIP PROPERTY (AMD) – located at 2100 & 2200 OLD HIGBEE MILL RD., LEXINGTON, KY.
Council District 10
Project Contact: Vision Engineering

Note: The Planning Commission indefinitely postponed this item at their July 25, 2019, meeting. The purpose of this amendment is to subdivide one lot into two lots.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping.
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. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Correct purpose of plat.
10. Denote Agricultural Urban (A-U) zone front yard setback.
11. Denote non-conforming use discontinuation agreement (Note #19 from Preliminary Subdivision Plan).
12. Document notification to consenting property owners (Note #17 from Preliminary Subdivision Plan).
13. Provided the Planning Commission approves the requested waiver(s).
14. Discuss land surveyor certification.
15. Discuss removal of temporary structure.
16. Discuss Urban County Engineer's certification.
17. Discuss sanitary sewer service.
18. Discuss improvements to Old Higbee Mill Road.

Note: The applicant is now requesting a waiver to Article 6 pertaining to sanitary sewer service and public street improvements.

Staff Presentation: Mr. Martin directed the Commission's attention to the amended final record plat and briefly explained the proposed request.

Mr. Martin stated that the applicant had provided a revised plan prior to the July 25, 2019, Planning Commission meeting. Based on that submittal, staff offers the following revised conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping.
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. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. ~~Correct purpose of plat~~ Clarify lot frontage in site statistics.
10. ~~Denote Agricultural Urban (A-U) zone front yard setback~~ Remove consolidation marks and lot line between parcel 1 & 3.
11. Denote non-conforming use discontinuation agreement (Note #19 from Preliminary Subdivision Plan).
12. Document notification to consenting property owners (Note #17 from Preliminary Subdivision Plan).
13. Provided the Planning Commission approves the requested waiver(s).
14. ~~Discuss land surveyor certification.~~
- 14.15. ~~Discuss~~ Resolve removal of temporary structure prior to certification.
16. ~~Discuss Urban County Engineer's certification.~~
17. ~~Discuss sanitary sewer service.~~
18. ~~Discuss improvements to Old Higbee Mill Road.~~

Waiver Presentation: Mr. Martin presented the waiver request, explaining that the residential lot that would be created by this subdivision plat was required to have sewer service; however, the single-family home is currently served by a septic tank. The applicant has requested a waiver to the requirement of sewer service, as well as the requirements for public improvements along the property's frontage. Mr. Martin stated that, based on conversations with the applicant and the Division of Engineering, staff was recommending approval of the requested waiver, for the following reasons:

1. Granting the requested waiver(s) will not adversely affect public health, welfare and safety as the proposed subdivision does not alter the current use of the subject properties.
2. Granting the waiver is consistent with the intent of Article 1-5(a) of the Land Subdivision Regulations for Exceptional Hardship.

This recommendation is made subject to the following additional requirement:

Denote: Full half-section street improvements shall be constructed at the time any A-U zoned portion of the properties should be developed, and shall include Lot 2A. Furthermore, any necessary easements shall be created to provide public sanitary sewer service to Lot 2A and the lot identified as 2220 Old Higbee Mill Road at the time of any development of the A-U zoned portion of the properties.

Mr. Martin referred to a staff exhibit that detailed the Commission's options when considering this waiver request, noting that they could choose to:

1. Grant the requested waiver, which would allow the applicant to defer construction of the public improvements until such time as the property develops;
2. Disapprove the waiver request, which would require the applicant to construct the public improvements now; or
3. Approve the waiver with an optional condition requiring a letter of credit for the improvements.

Mr. Martin stated that the staff believes that, based on its location, the subject property will redevelop at some point, and the public improvements will be necessary. He added that, at this time, the applicant intends to continue living in the single-family residence on the property.

Applicant Presentation: Steve Vicroy, attorney, stated that all of the previous issues that necessitated the postponement of this plan have since been resolved. He said that the applicant appreciated the staff's willingness to work with them, and he requested approval of the plan and the waiver request.

Citizen Comments: There were none.

Subdivision Plan Action: A motion was made by Ms. Meyer, seconded by Mr. Davis, and carried unanimously to approve **PLN-FRP-19-00014: WAITS/MOORE LTD. PARTNERSHIP PROPERTY (AMD)**, subject to the 14 conditions as listed in the revised staff recommendation.

Waiver Action: A motion was made by Ms. Meyer, seconded by Mr. Davis, and carried unanimously to approve the requested waiver for the reasons provided by the staff and subject to one condition.

2. **DEVELOPMENT PLANS**

- a. **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.

Staff Presentation: Ms. Gallt directed the Commission's attention to the amended final development plan and briefly explained the reapproval request. She stated that the staff was now recommending reapproval, subject to the nine original conditions as listed on the agenda.

Applicant Presentation: Greg Smorstad, Banks Engineering, stated that the applicant had coordinated their plan with the engineers for the adjoining property, and had resolved all of the issues that originally necessitated the Subdivision Committee's postponement recommendation.

Citizen Comments: There were none.

Commission Questions: Ms. Meyer asked if Traffic Engineering was in agreement at this time, based on their previous concerns about the parking lot and drive aisle configuration. Mr. Parker stated that the Division of Engineering had worked with the applicant as well as the engineer for the adjoining property, and Traffic Engineering staff was now in agreement with the staff's recommendation of approval.

Action: A motion was made by Ms. Meyer, seconded by Ms. Barksdale, and carried unanimously to approve **PLN-MJDP-19-00061: STONEWALL SHOPPING CENTER (AMD)**, subject to the nine conditions as listed on the agenda.

- b. **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.

Note: The Planning Commission postponed this application at their September 9, 2021, meeting.

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

Should the Planning Commission Approve the development plan, they should consider the following revised conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & 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 street cross-sections and location of street cross-section on plan face.
13. Addition of site statistics for the other uses on the entire development plan.
14. Addition of vehicular use screening at rear of Lot 1.
15. Discuss proposed front access adjacent to Lowe's property.
16. Discuss tree species, size, location, and proposed protection on the property per Article 26-4(c) of the Zoning Ordinance.

Staff Presentation: Mr. Martin directed the Commission's attention to the amended final development plan and briefly explained the proposed request. He stated that staff had received a revised plan, as well as information from multiple arborists on the health of the large pin oak tree that was a major concern at the time of the postponement. Those professionals indicated that the tree was no longer healthy, and should be removed. Mr. Martin said that, based on those recommendations, the staff was now recommending approval of this plan, 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 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. Denote the 15' Landscape Buffer Area shall be a tree protection area for the purposes of the Richmond Road Corridor Ordinance.
13. Denote that the proposed tree canopy of 34.7% or greater shall be located on Tract 1 to satisfy mitigation requirements of Article 26-4(c)3, which supersede the Tree Canopy Standards of Article 26-5 of the Zoning Ordinance.

14. Denote the proposed tree protection area location for the Burr Oak tree to be moved onto Tract 2 on the Development Plan and corollary Final Record Plat.

Commission Questions: Mr. Penn asked if the pin oak tree would remain on the property, or be removed. Mr. Martin answered that the applicant intended to remove the tree, because it was found to be in poor health, and unhealthy pin oak trees are not stable.

Applicant Presentation: Branden Gross, attorney, stated that the existing tree canopy on Tract 1 of the subject property was 29%, with a requirement of 20%. The applicant proposes to increase that canopy to 34%, add more landscaped areas to the parking lot, and add a 15-foot greenspace to the front of the property.

Citizen Comments: There were none.

Commission Questions: Mr. Pohl stated that the documents provided to the Commission members included a letter from LFUCG Arborist, Heather Wilson, which seemed to contradict the applicant's assertions about the health of the pin oak tree. He asked the staff to clarify whether that information was taken into account. Ms. Wade answered that the Planning staff had met with Ms. Wilson, who visited the site and found that, if the pin oak tree was not disturbed, it could potentially survive 20-25 years. Ms. Wilson acknowledged, however, that the tree has heartwood rot, and the development activities on the property could shorten its life span. Ms. Wade said that, based on the definitions of Article 26 of the Zoning Ordinance, the tree was now considered "distressed," which led the staff to determine that the tree should be removed.

Mr. Penn stated that, at the Subdivision Committee meeting, he and Tim Queary, Urban Forester, had an intense conversation about the pin oak tree. He explained that he had not intended to question Mr. Queary's judgment; rather, he was concerned about the process, and the provision of information from the applicant to the staff in a timely manner in order to allow the staff to make fully informed decisions.

Mr. Davis stated that he was grateful for the applicant's intended investment in the community, and he would vote in favor of approval of this plan. However, he noted that he wished that this information had been provided in full at the September meeting, adding that this plan likely would have been approved at that time had the appropriate processes been followed.

Mr. Pohl stated that the existing building on the site had an interesting history, having been designed by Don Shelton, who was one of the first people who worked to preserve the Red River Gorge in the late 60s and early 70s. He opined that the building was imaginative and creative, and that should be noted prior to its demolition.

Ms. Worth asked, with regard to Ms. Wilson's report, if any other options for the site could result in the ability to maintain the pin oak tree. Ms. Wade answered that the staff did discuss those options with Ms. Wilson, who agreed with other assessments that any development around it could shorten its life.

Action: A motion was made by Mr. Penn, seconded by Mr. Bell, and carried 7-3 (Meyer, Michler, and Pohl opposed) to approve **PLN-MJDP-21-00032: MICHLER, JENNINGS & SHELTON PROPERTY (AMD)**, subject to the 14 revised conditions as listed.

- c. **PLN-MJDP-21-00043: BLUEGRASS ASPENDALE (LFUC HOUSING AUTHORITY) (AMD) (12/06/21)*** - located at 572 PEMBERTON ST., LEXINGTON, KY.
Council District 1
Project Contact: Barrett Partners Inc.

Note: The purpose of this plan is to revise the development including single-family lots.

The Subdivision Committee Recommended: **Postponement.** There were questions regarding conflicts with the tree protection area and proposed Street A.

The Staff Recommended: **Approval**, subject to the following conditions:

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

10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. United States Postal Service Office's approval of kiosk locations or easement.
12. Provided the Board of Adjustment grants the requested variances prior to certification.
13. Provided the Board of Adjustment grants the conditional use prior to certification.
14. Denote that no amended final development will be required for Lots 2-11.
15. Denote height of townhomes and Child Development Center.
16. Denote compliance with required open space for proposed townhouses.
17. Denote compliance with Article 15-7 of the Zoning Ordinance for the townhouses.
18. Correct typos in development plan notes and on face of plan.
19. Provided the Planning Commission grants a waiver to the Land Subdivision Regulations for the construction of Street A.
20. Dimension the proposed Child Development Center.
21. Discuss proposed access to Street A from Child Development Center.
22. Discuss proposed double frontage lots and access.
23. Discuss proposed access to townhouses.

Staff Presentation: Mr. Martin directed the Commission's attention to the amended final development plan and briefly explained the proposed request. He explained that the applicant submitted a revised plan that addressed many of the original conditions, so the staff was now offering 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 the treatment of bike trails and pedestrian facilities.
7. Greenspace Planner's approval of the treatment of greenways and greenspace.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. United States Postal Service Office's approval of kiosk locations or easement.
12. Denote Board of Adjustment approval of the requested variances and conditional use.
13. Provided the Planning Commission grants a waiver to Street A.

Waiver Presentation: Mr. Martin stated that the applicant had requested a waiver to the local street geometrics in order to construct the street with 39 feet of right-of-way, rather than 52 feet, with no sidewalks; that configuration would allow the proposed local street to function similarly to an alley. Staff originally had concerns about the street, but, following discussions with the applicant, the plan now depicts the street as one-way, which the staff believes will increase safety. Mr. Martin explained that staff also believes that the alley function will help to eliminate the driveway conflicts that are typical in many subdivisions, which could make conditions safer for pedestrians and cyclists along Shropshire Avenue.

Commission Questions: Mr. Michler asked what changed on the plan that resulted in the staff's recommendation of approval. Mr. Martin answered that staff had recommended approval to the Subdivision Committee, but the Committee chose to recommend postponement.

Mr. Michler said that the Planning Commission had received a letter from the East End Community Development Corporation (EECDC), which included a list of questions for the developer, but the organization members did not feel that those questions had been sufficiently addressed. He asked if staff had made an effort to provide those answers. Mr. Martin stated that some of the questions pertained to public outreach, which the applicant would need to answer. There were other concerns expressed about crime and the type of housing proposed on the subject property, which staff does not believe is relevant to this proposal.

Mr. Nicol asked if the property was proposed to be developed at the highest density possible, since the applicant is requesting single-family. Mr. Martin answered that the applicant had constructed higher-density housing in the vicinity of the subject property, but wanted to address another facet of affordable housing, which is to provide the opportunity to build generational wealth through home ownership. Mr. Nicol opined that public perceptions of home ownership had changed since the 2007-2008 recession, with many residents now choosing to rent, so he was interested to hear the applicant's basis for proposing single-family residences at this location. Mr. Forester added that, in his experience, home ownership results in better maintenance of properties.

Applicant Presentation: Branden Gross, attorney, stated that the Lexington Housing Authority's mission is to bring affordable housing to the community, which can be accomplished in a number of ways. The original

Bluegrass-Aspendale housing projects were reimagined as part of a Hope VI project funded by the federal government; this development plan represents the last phase of that project.

Mr. Gross said that the Housing Authority marketed the property, which was identified as a vacant infill property during the 2018 Comprehensive Plan process, for several years without success. He explained that, since the redevelopment of the area, the East End Small Area Plan (EESAP) was adopted by the Planning Commission, which included a recommendation for single-family housing for the subject property. The applicant believes that this plan meets that recommendation of the EESAP. In order to increase home ownership opportunities in the area, the Housing Authority typically develops a number of properties that they can then sell for affordable housing, rather than hold for rentals.

Mr. Gross stated that the redevelopment of Bluegrass-Aspendale has served as an anchor for the neighborhood, providing mixed-use, residential, commercial, and park land to the area. The proposed child care center on the subject property will become an important part of the school system in the area, as it is proposed to cover the gap between infant care and elementary school by providing early childhood development in the immediate vicinity at an earlier age than has previously been available. Mr. Gross noted that adding affordable housing and child development services to the area meets the recommendations of the Mayor's Commission for Racial Justice, which issued a report in 2020 outlining needs for the community. The addition of housing could also help to mitigate the effects of gentrification.

Commission Questions: Mr. Davis asked Mr. Gross to explain what types of covenants will be required for the homeowners in the proposed development. Mr. Gross answered that the Housing Authority uses several covenant formats, but they have not yet decided what type of program will apply to the proposed housing.

Mr. Davis asked why the applicant did not follow the public engagement recommendations of the 2018 Comprehensive Plan. Mr. Gross answered that he had spoken with Billie Mallory, Chair of the East End Community Development Corporation (EECDC). He indicated to Ms. Mallory that, since this was a development plan rather than a zone change, public engagement was not required, and the Housing Authority did not intend to hold a public meeting as this plan is part of a project that has been vetted and developed over several years. Mr. Gross added that the applicant had received Ms. Mallory's questions, and had provided answers to her.

Mr. Davis asked why the applicant chose not to hold a public engagement meeting. Mr. Gross answered that timing and scheduling would have made it difficult to organize a public meeting.

Mr. Pohl stated that the proposed 53' wide lots would be much wider than the lots to the rear, and asked why that decision was made. Mr. Gross answered that the Housing Authority typically determines how much housing can fit on a site, while providing wide enough lots to allow for flexibility in housing construction. The homes to the rear of the subject property are shotgun houses, while the applicant is proposing that the homes in this development be more similar to the other residences that were part of the redevelopment project. Mr. Pohl opined that the Bluegrass-Aspendale redevelopment project was "unfortunate" as it was over-scaled and too suburban for the historic fabric of the area. He added that the number of lots could be considerably higher, and the project could relate better to the existing community, if lots were narrower.

Mr. Michler opined that this plan showed a "lack of creativity" in proposing so few affordable housing units, but he noted that it would not affect his vote.

Mr. Davis stated that he agreed with Mr. Pohl, noting that the Planning Commission had a responsibility to utilize the land to its highest and best use. He said that there was a lot of good design in this plan, but he did not understand why the applicant did not want to fit more units into the development. Mr. Gross responded that many buyers of affordable housing units want yards. He said that, when Bluegrass-Aspendale was first redeveloped, the lots sold very quickly, proving that the typical suburban lotting pattern was popular with some downtown residents. The applicant is proposing to construct the type of homes that people want to buy.

Mr. Nicol asked Mr. Gross to explain how the overall Bluegrass-Aspendale has been successful. Mr. Gross stated that 491 total units had been approved; of those, 260 are subsidized rental units. The proposed development will complete the project, for a total of 103 affordable housing units.

Mr. Pohl asked if the ten lots proposed in this portion of the development will be designated for affordable housing. Mr. Gross stated they would be affordable, but the applicant had not yet determined which type of program to use to sell the homes.

Ms. Barksdale stated that, when she first became a real estate agent, she was involved in marketing homes in the Equestrian View neighborhood, which was part of the Bluegrass-Aspendale development. She said she was pleased to see that the development was nearly complete, and noted that the community has a need for more affordable housing, including single-family homes with more spacious lots that provide yards for families.

Mr. Pohl asked if the 10 single-family homes are proposed to face Shropshire Avenue. Mr. Gross answered affirmatively, noting that the houses would be moved closer to the street, with smaller front yards and no driveway access, in order to create a more active community appearance. Mr. Pohl asked if the homes would have front porches, to which Mr. Gross responded that front porches might be included. He noted that sometimes features like porches might be removed from a construction project to reduce material costs and maintain affordability.

Tony Barrett, Barrett Partners, stated that the current version of this development plan had addressed many of the conditions for approval from the Subdivision Committee meeting, including: revising Street A from 24' to 18' to reflect its status as a one-way street by maintaining the right-of-way width and moving the street closer to the houses; designating a 15' tree protection area; denoting that the applicant had met with the Royal Springs Aquifer Protection committee, which made no further recommendations for the subject property; and adding the Board of Adjustment approval date and reference.

Mr. Barrett stated that Bluegrass-Aspendale was originally developed in 1938, and he believes that the trees on the subject property were likely planted at that time. He said that the applicant is concerned that preserving the trees could result in increased maintenance costs, which could become a burden on lower-income homeowners.

Citizen Comments: Billie Mallory, director of the East End Community Development Corporation, stated that she was disappointed that the applicant elected not to pursue community engagement with this development, although she does not oppose the development itself. She said that she was one of the first residents in the Equestrian View Hope VI development, and opined that the neighborhood is stable and has been maintained well.

Ms. Mallory stated that area residents were concerned about the possibility of increased traffic to the proposed child development center; the proximity of the child development center to higher-crime areas; the safety of Street A and its configuration as an alley; and the possible gentrification of the neighborhood.

Councilmember James Brown, District 1, stated that he was in favor of the proposed development, which represents the culmination of a long-term cooperative effort between LFUCG and the Housing Authority. He said that William Wells Brown Elementary school and the neighborhood are the primary focus of this project, adding that the proposed child development center should help to further stabilize the neighborhood and enhance the school's efforts to educate area residents.

Councilmember Brown said that the proposed development will also help to provide additional stability to the neighborhood through home ownership opportunities. He said that he was concerned about the configuration of Street A, since alleys in the inner city are often the location of criminal activity, but he did support the preservation of the tree canopy.

Councilmember Brown stated that he would recommend that the Planning Commission approve this plan, as there were timing issues with federal funding that require the project to move forward quickly.

Councilmember Brown explained that he had grown up in the Charlotte Court housing project, and he was initially upset at the loss of his childhood home, but he was excited as a real estate professional to help families purchase their first home. He opined that this project will further that goal of creating generational wealth and stabilizing the community.

Amy Clark, 628 Kastle Road, asked that the Planning Commission not follow the staff recommendation of approval for the waiver for Street A, because of concerns about safety of alleys, tree preservation, greenspace, constrained lot sizes, and parking and circulation for the child development center.

Sharon Price, executive director, Community Action Council, stated that her agency had partnered with the Housing Authority to "make the dream come true" of providing early childhood education in the neighborhood. Unlike traditional daycare programs where parents drop off children in the morning and pick them up later, Head Start programs recognize the need to work with both children and their families to improve their futures and strengthen the community. Ms. Price said that the primary goal of the child development center will be to provide a seamless transition for students to move into William Wells Brown elementary school.

Ms. Price stated that the additional parking on the site is necessary in order to provide for more teachers on the site. She explained that lower student-to-teacher ratios can contribute significantly to improved outcomes and help students better prepare for school.

Ms. Price asked the Planning Commission to consider this decision collectively, and vote for the greater good of the families who live in the neighborhood.

Applicant Rebuttal: Mr. Gross stated that the applicant will provide street trees on both Street A and Shropshire Avenue, as well as protecting the fence line trees along the rear of the single-family lots on Shropshire. In addition, street lights will be provided on Street A to increase safety.

Staff Rebuttal: Mr. Martin stated that the staff had done some research into the use of alleys, and found the following quote in the *Urban Form Standard*: "Alleys are the unsung heroes of good urbanism." He emphasized the staff's recommendations of approval.

Development Plan Action: A motion was made by Mr. de Movellan, seconded by Ms. Barksdale, and carried 10-0 (Penn absent) to approve **PLN-MJDP-21-00043: BLUEGRASS ASPENDALE (LFUC HOUSING AUTHORITY) (AMD)**, subject to the 13 conditions as listed in the revised staff recommendation.

Waiver Action: A motion was made by Mr. de Movellan, seconded by Ms. Barksdale, and carried 10-0 (Penn absent) to approve the requested waiver to the Land Subdivision Regulations, for the three reasons provided by staff.

- d. **PLN-MJDP-21-00044: MAPLELEAF SUBDIVISION, LOT 3 (AMD) (12/06/21)*** - located at 3100 MAPLELEAF DR., LEXINGTON, KY.
Council District 7
Project Contact: Barrett Partners Inc.

Note: The purpose of this amendment is to increase building square footage, add a drive-through, and revise parking layout.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of the treatment 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. Label area of amendment on vicinity map.
10. Revise purpose of amendment note
11. Addition of topography on Lot 3.
12. Dimension driveways and access points on Lot 3.
13. Denote construction access point.
14. Addition of height of building in feet in site statistics.
15. Denote location of order and pickup points for drive-through facility.
16. Addition of dumpster location for adjacent restaurant (Lot 2).
17. Addition of multi-modal plan per Article 12-8(h) of the Zoning Ordinance.

Staff Presentation: Ms. Gallt directed the Commission's attention to the final development plan and briefly explained the proposed request. She stated that the staff was recommending approval, subject to the following revised conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of the treatment 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. Revise purpose of amendment note to include accessory office and dwelling unit on second floor.
10. Addition of multi-modal plan per Article 12-8(h) of the Zoning Ordinance.

Applicant Presentation: Tony Barrett, Barrett Partners, stated, with regard to condition #10, that he had added multi-modal information to the plan by depicting pedestrian access to the proposed nearby apartments, a bus stop, and extending a sidewalk. He stated that the applicant was in agreement with the conditions, and he requested approval.

Citizen Comments: There were none.

Action: A motion was made by Mr. Bell, seconded by Mr. de Movellan, and carried 10-0 (Penn absent) to approve **PLN-MJDP-21-00044: MAPLELEAF SUBDIVISION, LOT 3 (AMD)**, subject to the 10 conditions as listed in the revised staff recommendation.

Note: Mr. Penn left the meeting at this time.

- e. **PLN-MJDP-21-00053: GREENDALE HILLS, UNIT 3 (OAKDALE DEVELOPMENT)** (12/06/21)* - located at 1201 GREENDALE RD., LEXINGTON, KY.
Council District 2
Project Contact: Gresham Smith

Note: The purpose of this plan is to depict revised development of the property, to include a community center, and 144 dwelling units.

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 & 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. Addition of conditional zoning restrictions.
14. Denote location of transit stop.
15. Resolve timing of amended final record plat or easement minor plat to create proposed easements.

Staff Presentation: Mr. Martin directed the Commission's attention to the amended final development plan and briefly explained the proposed request.

Applicant Presentation: Erin Hathaway, Gresham Smith, stated that the applicant had oriented the buildings to Mulundy Way in order to create a more urban streetscape, with bump-outs for traffic calming and shorter crosswalks and a mid-block crossing as additional safety measures for pedestrians. Ms. Hathaway stated that the applicant had met with a representative from LexTran, who indicated that an additional bus stop at this location would be possible if ridership warranted. She explained that on-street parking was already allowed, but the applicant intended to enhance it to provide a safer experience.

Ms. Hathaway stated that the applicant had conducted two virtual public meetings, at which most residents were supportive of the new development, particularly the opportunity for a small, local restaurant in the neighborhood.

Planning Commission Questions: Mr. Pohl asked why the buildings were not oriented to engage Greendale Road on the east side. Ms. Hathaway answered that there was a significant grade change at that location, as well as several utility easements. In addition, a request was made through the Subdivision Committee process to not provide access to Greendale Road.

Mr. Pohl asked what would happen to the small portion of property along Greendale Road. Ms. Hathaway replied that, since it was public right-of-way, it would be used as a landscape easement.

Citizen Comments: Jim Baker, adjacent property owner, stated that he had a "problem with the whole development." He indicated that, in the process of developing nearly 600 acres of land in the Masterson Station area, he had attempted to guard against this type of development, which he opined was "the worst thing to come to the whole neighborhood." Mr. Baker submitted a petition into the record which included the names of several residents who were opposed to this development plan.

Mr. Baker said he needed to know the square footage of the proposed apartments, how much rent would be charged, and whether residents would be discriminated against based on making too much money. He stated that he does not support the amount of parking provided, and he does not believe that on-street parking should be allowed. Mr. Baker asked the Planning Commission to postpone this request in order to allow for more neighborhood participation, since most residents expected the property to develop as a shopping center, according to the original development plan.

Mr. Baker stated that he "does not agree with affordable housing," opining that people should save their money and buy their own homes. He said that, if this plan is approved, he would like a fence constructed along the entire 750'

length of the property to provide separation from the townhome development he owns. He would also like to have the apartment dumpster relocated. Mr. Baker stated that he was opposed to all "government housing, subsidized housing, and affordable housing."

Mr. Baker asked that stormwater detention be provided on the subject property, rather than using the existing basin, which he contends that he constructed.

Jamie Schrader, Schrader Commercial Properties, stated that he supported the proposed development. He said that multi-family dwellings are allowed as a principal use in the B-6P zone, and that the community has indicated a need for additional affordable housing. The 2018 Comprehensive Plan referenced the need to grow successful communities, noting that providing housing for residents of all income levels was a critical need. Mr. Schrader stated that the proposed shopping center had not been developed on the property because there was no demand for it, but there was market demand for multi-family development.

Tony Barrett, Barrett Partners, stated that he was present on behalf of Lois Wright, a partner in Greendale Properties, the existing property owner. He stated that he had worked with Ms. Wright for 20 years on the development of the subject property, since its original rezoning in 2001. The property was rezoned from B-1 to B-6P in order to pursue additional uses, and Ms. Wright believes that the proposed multi-family development will allow for affordable housing close to public transportation and employment centers.

With regard to Mr. Pohl's question, Mr. Barrett explained that the small remnant portion was right-of-way that was left following the straightening of the s-curve on Greendale Road. Ms. Wright attempted to acquire that right-of-way, but it could not be transferred due to utility facilities. Mr. Barrett added that the detention basin, which was constructed by Ball Homes as part of their residential development, was intended to serve the subject property and could accommodate the additional stormwater.

Applicant Rebuttal: Ms. Hathaway clarified that on-street parking already exists along Mulundy Way; the petitioner does not propose to add on-street parking that was previously not allowed. With regard to Mr. Baker's comments about a fence, she explained that buffering is required along that boundary. The plan currently includes a hedge with trees, which the applicant believes would be a more aesthetically pleasing approach to the necessary buffer between the commercial and residential zones. Ms. Hathaway stated, with regard to the stormwater detention, that this plan depicts additional underground stormwater detention, and the applicant would work with the Division of Engineering to meet all requirements.

Jeremy Dyer, Beargrass Development, stated that his company does "unapologetically" develop affordable housing, noting that they had been open about their intentions since the beginning of the process, including conducting multiple meetings with government officials and adjoining residents.

Mr. Dyer stated that the development would include 144 apartment units, with a mix of one-, two-, and three-bedroom units. The apartments are proposed to be a minimum of 850 square feet in size. Mr. Dyer clarified that the development should not be considered "government housing;" rather, it would provide affordable housing via a government credit program. He explained that there are many mechanisms to provide affordable housing, and his company believes that the Masterson Station neighborhood needs more affordable options.

With regard to Mr. Baker's comments about a fence, Mr. Dyer noted that the use of trees should be more aesthetically pleasing, and would require less maintenance than a fence. He said that the dumpster to which Mr. Baker referred would be located 30' from the property boundary, within an enclosure, and buffered with landscaping; he noted that Mr. Baker's adjoining development included a dumpster with no buffering located within 10 feet of the property line of a single-family residence.

Lois Wright, 1201 Greendale Road, stated that she had owned the property for 44 years, which was well before Mr. Baker began developing in the area. She said that, for 20 of those years, the property was used as a working farm. Once development began in Masterson Station, the farming operation could not continue, so Ms. Wright sold a portion of the property to Ball Homes.

Ms. Wright stated that she had the original contract for the detention basin, which proves that it was constructed by Ball Homes and intended to serve the subject property. She said that she believes that the proposed development will be a benefit to the area, and she asked for the Planning Commission's support for the project.

Citizen Rebuttal: Mr. Baker stated that he did not believe that it was fair to require only one parking space per unit on the proposed development, while his townhome development requires two spaces per unit. With regard to the fence, he opined that residents of the subject property would use his parking lot, and a fence would be necessary to keep them from doing so. Mr. Baker stated that his name likely was not on the contract for the detention basin, but he and partner, Steve Hayden, had constructed most or all of the basin.

Mr. Baker stated that, if the applicant was not required to construct a fence along the property boundary, he would do so himself.

Mr. Baker reiterated his concerns about the rental rate of the proposed development, explaining that his fear was that, "we will get a bunch of poor people out there, and poor people bring crime."

Action: A motion was made by Mr. Bell, seconded by Mr. Nicol, and carried 10-1 (Penn absent) to approve **PLN-MJDP-21-00053: GREENDALE HILLS, UNIT 3 (OAKDALE DEVELOPMENT)**, subject to the 15 conditions as listed on the agenda.

- C. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – A motion was made by Mr. Penn, seconded by Mr. de Movellan, and carried 10-0 (Barksdale absent) to approve the release and call of bonds as detailed in the memorandum dated October 14, 2021, from Matt Hughes, Division of Engineering.

VI. **STAFF ITEMS** – No such items were presented.

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

VIII. **NEXT MEETING DATES**

Work Session, Thursday, 1:30 p.m., Phoenix Building, 3 rd Floor Conference Room	October 21, 2021
Technical Committee, Wednesday, 8:30 a.m., via Video Teleconference.....	October 27, 2021
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2 nd Floor Council Chambers	October 28, 2021
Subdivision Committee, Thursday, 8:30 a.m., via Video Teleconference.....	November 4, 2021
Zoning Committee, Thursday, 1:30 p.m., via Video Teleconference	November 4, 2021
Subdivision and Zoning Items Public Meeting, Thursday, 1:30 p.m., 2 nd Floor Council Chambers	November 11, 2021

IX. **ADJOURNMENT** – There being no further business, Chairman Forester declared the meeting adjourned at 4:45 p.m.

12/7/2021

G:\Planning Services\Subdivision & Dev Plan Items\Minutes_Subdivision\2021\October 14, 2021 minutes.doc
CG/TM/TW/sc