

**AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

January 13, 2022

- I. **CALL TO ORDER** - The meeting will be called to order at 1:30 p.m. in the **2nd Floor Council Chambers, Government Center, 200 E. Main Street**, Lexington, Kentucky.
- II. **APPROVAL OF MINUTES** – The minutes of the November 11, 2021, and December 9, 2021, meetings will be considered by the Planning Commission at this time.
- III. **POSTPONEMENTS AND WITHDRAWALS** - Requests for postponement and withdrawal will be considered at this time.
- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, January 6, 2022, at 8:30 a.m. The meeting was attended by Commission members Headley Bell, Janice Meyer, and Judy Worth. Committee member in attendance was: Vaughan Adkins, Division of Engineering. Staff members in attendance were: Traci Wade, Tom Martin, Hal Baillie, Cheryl Gallt, Daniel Crum, and Stephanie Cunningham; Captain Greg Lengal, Division of Fire and Emergency Services; and Keith Horn, Department of Law. The Committee did not have a quorum present, so no recommendations were made. Subdivision Committee recommendations from previous meetings may be noted.

General Notes

The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission:

1. *All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.*
2. *All development plans are required to conform to the provisions 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.

1. FINAL RECORD PLATS

- a. **PLN-FRP-21-00039: STEELE PROPERTY** (01/13/22)* - located at 3844 BRIAR HILL RD., LEXINGTON, KY.
Council District 12
Project Contact: AIM3D

Note: The purpose of this plat is to subdivide a 173-acre lot into three separate lots. The Planning Commission postponed this application at their November 11, 2021, and December 9, 2021, meetings.

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

The Subdivision Committee Recommended: Postponement. There were concerns about the applicant's need to submit a cemetery boundary study per Article 3-7(b) for the subject property.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

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. Addressing Office's approval of street names and addresses.
 4. Department of Environmental Quality's approval of environmentally sensitive areas.
 5. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 6. Denote Health Department's approval of septic tanks at time of Building Permits.
 7. Denote non-build areas.
 8. Denote farm road from Lot 2 to Lot 1 as an access easement and add maintenance note.
 9. Addition of private utility providers.
 10. Addition of easement maintenance note per Article 5-4(g) of the Land Subdivision Regulations.
 11. Correct zoning in site statistics.
 12. Denote private family cemetery protection area and access per Article 3-7 of the Zoning Ordinance for Lot 2.
- b. PLN-FRP-21-00047: BELLEDALE ADDITION (02/27/22)* - located at 393 & 395 BASSETT AVE., LEXINGTON, KY.
Council District 5
Project Contact: CAM Surveying

Note: The purpose of this plat is to subdivide one lot into two lots.

The Technical Committee and 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.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of required street tree information.
 6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 7. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 8. United States Postal Service Office's approval of kiosk locations or easement.
 9. Denote: These lots are restricted to single-family homes.
 10. Revise 20' front yard setback to 30' per the R-2 zone.
 11. Revise side street side yard setback per Article 15-2(b)(4) of the Zoning Ordinance.
 12. Provided the Planning Commission makes a finding this subdivision complies with Article 4-5(a) of the Zoning Ordinance.
 13. Denote non-conformity of structures relative to the required 30' building line.
 14. Resolve discrepancy on potential driveway encroachment into right-of-way between this submittal and previous plat submittal (2013-39F).
 15. Submit withdrawal letter for previously approved final record plat (2013-39F).
- c. PLN-FRP-21-00049: MASTERSON STATION CENTER (CITATION VILLAGE) (CITATION FLATS) (AMD) (02/27/22)* - located at 129 FERNDAL PASS, LEXINGTON, KY.
Council District 2
Project Contact: EA Partners, PLC

Note: The purpose of this plat is to subdivide one lot into 24 townhouse lots.

The Technical Committee and 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.
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. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of the treatment of greenways and greenspace.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
10. United States Postal Service Office's approval of kiosk locations or easement.
11. Addition of access easement maintenance note.

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12. Denote adjoining property information (record name of subdivision or owner's name) per Article 5-4 of the Land Subdivision Regulations.
13. Document compliance with Article 4-5(b) of the Land Subdivision Regulations.
14. Provided the Planning Commission makes a finding for use of access easements for sole access to the lots.

2. DEVELOPMENT PLANS

- a. PLN-MJDP-21-00039: LFUCG, MILLCREEK SUBDIVISION, UNIT 3 & JONESTOWN (01/13/22)* - 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, October 14, 2021, November 11, 2021, and December 9, 2021, meetings.

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.
- b. PLN-MJDP-21-00050: RAMSEY/SULLIVAN PROPERTY, LOT 4 (AMD) (01/13/22)* - 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 Planning Commission postponed this application at their October 14, 2021, November 11, 2021, and December 9, 2021, meetings.

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.

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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. Discuss regional detention basin.
 25. Discuss landscape buffer against railroad.
- c. PLN-MJDP-21-00067: NEWTOWN SPRINGS, UNIT 1, LOT 2 (AMD) (01/30/22)* - located at 1449 NEW-TOWN CENTER WAY, LEXINGTON, KY.
Council District 1
Project Contact: Banks Engineering

Note: The purpose of this amendment is to revise the development on Lot 2 to add an automobile service station. The Planning Commission postponed this item at their December 9, 2021, meeting.

The Subdivision Committee Recommended: **Postponement.** There were questions regarding compliance with conditional zoning restriction 3C, the proposed site access, and compliance with the B-1 setback.

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. 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 Royal Springs Aquifer committee recommendation.
13. Denote revised layout in overall Newtown Springs development plan.
14. Discuss compliance with conditional zoning restriction 3C.
15. Discuss the quantity of proposed parking.
16. Discuss proposed access locations.
17. Discuss ice machine potential conflict with easement.
18. Discuss compliance with B-1 setback.

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- d. PLN-MJDP-21-00069: YELLMAN'S SUBDIVISION (POWERHOUSE CHURCH OF GOD) (BLACKBURN DEVELOPMENT) (02/27/22)* - located at 325, 329, 333 & 345 BLACKBURN AVE., LEXINGTON, KY.
Council District 2
Project Contact: Carman

Note: A final development plan was approved by the Planning Commission on October 8, 2020, and subsequently reversed on appeal by the Circuit Court. The plan is unchanged from the plan previously approved by the Planning Commission.

The Technical Committee and 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. 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. Provide proposed building elevations, tree inventory map and geotechnical analysis to document compliance with the Zoning Ordinance.
- e. PLN-MJDP-21-00070: NEWTOWN SPRINGS, LOT 3 (AMD) (02/27/22)* - located at 1453 NEWTOWN CENTER WAY, LEXINGTON, KY.
Council District 1
Project Contact: EA Partners, PLC

Note: The purpose of this plan is to depict development on Lot 3.

The Technical Committee and Staff Recommended: **Postponement**. There are questions regarding compliance with Articles 21, 18 and 26.

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. 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 review by the Royal Springs Aquifer Protection Area Committee.
14. Denote Floor Area Ratio per Article 21 of the Zoning Ordinance.
15. Addition of all previously approved information from PLN-MJDP-16-00013.
16. Denote height of building in feet.
17. Denote proposed use of building.
18. Dimension sidewalks and patio.
19. Dimension proposed building.
20. Denote Final Record Plat information and existing easements.
21. Discuss parking generator for proposed use.

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22. Discuss pedestrian connections to adjoining lots.
 23. Discuss amount of excess parking.
 24. Discuss compliance with Articles 18 and 26.
- f. PLN-MJDP-21-00072: SHARKEY PROPERTY, UNIT 1, LOT 16 (AMD) (02/27/22)* - located at 1735 SHARKEY WAY, LEXINGTON, KY.
Council District 2
Project Contact: Michael E. Niekirk, PE

Note: The purpose of this amendment is to modify the proposed use of the building for a sit-down restaurant, add building square footage, and revise parking layout and circulation on the site.

The Technical Committee and Staff Recommended: **Postponement**. There are questions regarding missing required information to meet Article 21 of the Zoning Ordinance, and compliance with the parking requirements.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of 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. United States Postal Service Office's approval of kiosk locations or easement.
10. Delete Notes #11, 15, and 18 and delete "contractor note."
11. Addition of all easements on plan face per plat R-880.
12. Addition of location of street cross-section on plan face.
13. Addition of all dimensions from previous certified plan.
14. Correct plan title to include Lot 17.
15. Correct plan type to be "amended."
16. Remove gray shading.
17. Clarify location of property on vicinity map.
18. Addition of topography information per Article 21 of the Zoning Ordinance.
19. Dimension driveway access, drive aisle and parking spaces.
20. Depict access for construction vehicles and correct Note #3.
21. Dimension sidewalks.
22. Dimension vehicle use area screening and remove proposed landscaping.
23. Addition of parking information for Lot 1 in site statistics.
24. Correct Planning Commission certification for major plan.
25. Remove legend information.
26. Denote location of dumpster.
27. Remove copyright note.
28. Document compliance with Article 21-7(b)(3) of the Zoning Ordinance.
29. Clarify the number of seats for proposed sit-down restaurant.
30. Discuss parking required and provided.

- 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 did not meet on Thursday, January 6, 2022, due to inclement weather.

A. **ZONING ORDINANCE TEXT AMENDMENTS (ZOTAS)**

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.

- a. PLN-ZOTA-21-00006: AMENDMENT TO ARTICLE 1: BARBER SHOPS AND BEAUTY SALONS – petition for a Zoning Ordinance text amendment to Article 1-11 of the Zoning Ordinance to allow barber shops and beauty parlors to operate as a Home Based Business.

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INITIATED BY: Urban County Council

PROPOSED TEXT:

Home-based business means a gainful occupation or profession carried on in a residence that involves:

- a) Customers or clients coming to the residence; and/or
- b) The use of materials or equipment that are potentially disturbing to surrounding properties due to noise, odors, flammability or some other risk factor.

Examples include, but are not limited to, individual music instruction; athletic training; counseling services; and upholstery work.

The term "home-based businesses" shall not include ~~barber shops; beauty parlors;~~ offices for escort services; massage parlors, automobile and small engine repair; medical or dental offices; palm reading or fortune telling; catering or food-handling requiring a commercial kitchen; and uses, other than upholstery, which are first permitted in the B-4, I-1 or I-2 zone.

The Staff Recommended: **Approval** of the proposed Text Amendment to the Zoning Ordinance, for the following reasons:

- 1. The proposed text amendment supports and implements the 2018 Comprehensive Plan, as it was developed in response to the implementation item calling for an increase in flexibility on types of home occupations allowed (Theme C, Policy #6).
- 2. The proposed changes can stimulate startup businesses allowing for economic growth and upward mobility of Fayette County residents.

VI. COMMISSION ITEMS

- A. APPOINT MEMBER TO FLOODPLAIN APPEALS COMMITTEE** – The staff will request that the Planning Commission appoint a member to the Floodplain Appeals Committee to fill an existing vacancy.

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. MEETING DATES FOR FEBRUARY 2022

Work Session, Thursday, 1:30 p.m., 3 rd floor Conference Room, Phoenix Building	January 20, 2021
Technical Committee, Wednesday, 8:30 a.m., 3 rd floor Conference Room, Phoenix Building	January 26, 2021
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers, Government Center	January 27, 2021
Subdivision Committee, Thursday, 8:30 a.m., 3 rd floor Conference Room, Phoenix Building	February 3, 2021
Zoning Committee, Thursday, 1:30 p.m., 3 rd floor Conference Room, Phoenix Building	February 3, 2021
Subdivision Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	February 10, 2021

X. ADJOURNMENT

TLW/TM/CG/sc

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