

MINUTES

URBAN COUNTY PLANNING COMMISSION

SUBDIVISION ITEMS

April 14, 2022

- I. **CALL TO ORDER** – Chair Larry Forester called the meeting to order at 1:31 p.m. from the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.

II. **ATTENDANCE**

Planning Commission Members present were: Headley Bell, Zach Davis, Larry Forester, Janice Meyer, Robin Michler, Bruce Nicol, Frank Penn, Graham Pohl and Judy Worth. Ivy Barksdale arrived late at 1:42 p.m.; Anthony de Movellan was absent.

Planning Staff members present: Jim Duncan, Director; Traci Wade; Tom Martin; Cheryl Gallt; Stephanie Cunningham; Autumn Goderwis; and Bill Sheehy. Other staff members present were: Vaughan Adkins, Division of Engineering; Captain Greg Lengal, Division of Fire and Emergency Services; Steven Parker, Division of Traffic Engineering; and Tracy Jones, Department of Law.

- III. **APPROVAL OF MINUTES** – A motion was made by Ms. Worth, seconded by Ms. Meyer, and carried 9-0 (Barksdale and de Movellan were absent), to approve the minutes of the March 10, 2022 meeting.

IV. **POSTPONEMENTS AND WITHDRAWALS**

- a. PLN-MJDP-22-00016: SEBASTIAN PROPERTY, UNIT 3 (AMD) (06/05/22)* - located at 2826 LEESTOWN RD, LEXINGTON, KY.
Council District 2
Project Contact: EA Partners

Note: The purpose of this amendment is to revise lotting and add townhomes.

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 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. 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. Dimension open space areas for townhouses and document compliance with Article 8-10(o) (3).
13. Denote shared access easements between single-family lots and townhome lots, and maintenance responsibility.
14. Discuss proposed building envelope relative to setbacks and easement conflicts.
15. Discuss sidewalks adjacent to access easements for townhomes.

Applicant Representation: Rory Kahly, EA Partners, requested a one-month postponement of this item to work on the discussion items.

Action: A motion was made by Mr. Pohl, seconded by Mr. Penn, and carried 9-0 (Barksdale and de Movellan absent), to postpone **PLN-MJDP-22-00016: SEBASTIAN PROPERTY, UNIT 3 (AMD)** to the May 12, 2022, Planning Commission meeting.

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

- b. PLN-MJDP-22-00017: MAN O' WAR DEVELOPMENT, PHASE 2, UNIT 2-A (AMD) (06/05/22)* - located at 1940, 1956, 1988 & 1990 BRYANT RD. & 1975 JUSTICE RD., LEXINGTON, KY.
Council District 6

Project Contact: Thoroughbred Engineering

Note: The purpose of this amendment is to add five commercial buildings, a hotel, and multi-family dwellings with associated parking.

The Subdivision Committee Recommended: **Postponement**. There were questions regarding pedestrian circulation and the multi-modal plan required by Article 12. The Subdivision Committee did not review this plan, at the applicant's request.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & 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. Complete Tree Preservation Plan information.
13. Denote number of apartment units.
14. Delete Note #14 (duplicate).
15. Delete Note #10 and indicate location of all required open space.
16. Denote height of buildings in feet in the site statistics.
17. Addition of metes and bounds information along site boundary.
18. Addition of contour information.
19. Denote Buildings 1-5 as commercial/retail and correct site statistics.
20. Delete survey information.
21. Submit multi-modal plan per Article 12-8(h) of the Zoning Ordinance.
22. Document compliance with required open space.
23. Discuss proposed access alignment near Plaudit Place.
24. Discuss compliance with Article 12-8(f) for loading areas.
25. Discuss compliance with Article 12-8(i) for transit facilities.

Staff Presentation: Mr. Martin advised the Planning Commission that the applicant had communicated with staff to request a one-month postponement to work on resolving some of the conditions on this plan.

Action: A motion was made by Ms. Meyer, seconded by Ms. Worth, and carried 9-0 (Barksdale and de Movellan absent), to postpone **PLN-MJDP-22-00017: MAN O' WAR DEVELOPMENT, PHASE 2, UNIT 2-A (AMD)** to the May 12, 2022, Planning Commission meeting.

- V. LAND SUBDIVISION ITEMS** – The Subdivision Committee met on Thursday, April 7, 2022, at 8:30 a.m. The meeting was attended by Commission members Ivy Barksdale, Headley Bell, Janice Meyer, Frank Penn, and Judy Worth. Committee members in attendance were: Vaughan Adkins, Division of Engineering; and Stephen Parker, Division of Traffic Engineering. Staff members in attendance were: Traci Wade, Tom Martin, Hal Baillie, Cheryl Gallt, and Samantha Castro; Captain Greg Lengal, Division of Fire and Emergency Services; and Tracy Jones, Department of Law. The Committee made recommendations on plans as noted.

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

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.

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

- a. PLN-MJDP-21-00004: ATKINS PROPERTY, LOTS 1A & 1B (AMD) - located at 3621 WALDEN DR., LEXINGTON, KY.
 Council District 4
 Project Contact: CMW

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire services features.
10. Division of Waste Management's approval of refuse collection locations.
11. United States Postal Service Office's approval of kiosk locations or easement.
12. Correct Commission certification.
13. Denote location of tree planting mitigation.
14. Document compliance with Multi-Family Design Standards.
15. Denote Planning Commission approval of height variance for Lot 1B only. Correct building heights in conformance with variance approval.
16. Resolve traffic calming features.
17. Provide documentation of tree planting mitigation prior to certification.

Note: The applicant has now requested a re-approval of the Planning Commission's action.

The Subdivision Committee Recommended: **Re-approval**, subject to the original conditions.

- b. PLN-MJDP-21-00067: NEWTOWN SPRINGS, UNIT 1, LOT 2 (AMD) (04/14/22)* - located at 1449 NEWTOWN CENTER WAY, LEXINGTON, KY.
 Council District 1
 Project Contact: Banks Engineering

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

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, January 13, 2022, February 10, 2022, and March 10, 2022 meetings.

Note: Ms. Wade stated that a condition was left on the regular agenda that said “discuss,” but the Subdivision Committee had changed that to “resolve,” and that is why it appeared on the Consent Agenda.

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 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 revised layout in overall Newtown Springs development plan.
13. Resolve compliance with conditional zoning restriction 3C.
14. Discuss proposed access locations.

- c. PLN-MJDP-22-00004: LEXMARK INTERNATIONAL CORPORATION, LOT 3 (AMD) (06/05/22)* - located at 745 WEST NEW CIRCLE RD., LEXINGTON, KY.

Council District 1
Denham Blythe

Note: The purpose of this amendment is to add two parking areas and to depict access easement to utility substation.

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

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. Correct address on plan.
12. Addition of record plat designation.
13. Addition of access easement maintenance note.

Action: A motion was made by Mr. Penn, seconded by Mr. Bell, and carried 9-0 (Barksdale and de Movellan absent), to approve the consent agenda as presented by staff.

- 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)

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- 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 PLAT**

- a. PLN-FRP-22-00004: COLDSTREAM FARM, LOT 1 (AMD) (06/05/22)* - located at 920 CITATION BLVD., LEXINGTON, KY.
Council District 2
Project Contact: EA Partners

Note: The purpose of this plat is to subdivide one lot into 2 lots and create a shared access easement.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and flood plain 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).
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Denote: This property shall be developed in accordance with the approved final development plan.
9. United States Postal Service Office's approval of kiosk locations or easement.
10. Remove owner and developer name and address out of recording stamp area.
11. Addition of access easement maintenance note.
12. Renumber notes as appropriate.
13. Denote trail access easement and note #4 regarding dedication from DP 2013-107.
14. Resolve Engineer's Certification(s).
15. Denote property is located in the Royal Springs Aquifer Recharge Area.
16. Provided the Planning Commission approves the requested waiver of Articles 4-7 and 6-6 of the Land Subdivision Regulations regarding provision of sanitary sewers.

Staff Presentation: Ms. Gallt directed the Commission's attention to the amended final record plat and briefly explained the proposed project. She noted that the property was in the Royal Springs Aquifer Recharge Area. Ms. Gallt added that the applicant had requested a waiver to perform the infrastructure improvements at the time of construction, rather than prior to recording the plat. The staff recommends approval of the requested waiver with one condition to ensure that no zoning compliance permit be issued until the sewer has been constructed and accepted.

Applicant Representation: Rory Kahly, EA Partners indicated that the applicant was in agreement with the fifteen conditions, with the sixteenth condition being acceptance of the waiver and requested approval from the Planning Commission.

Action: A motion was made by Mr. Penn, seconded by Ms. Worth, and carried 9-0 (de Movellan absent; Pohl abstained), to approve **PLN-FRP-22-00004: COLDSTREAM FARM, LOT 1 (AMD)** including the attached waiver as presented by the staff with one condition.

2. **SUBDIVISION PLAN**

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

- a. PLN-MJSUB-21-00001: BELMONT FARM, UNIT 7 (COVENTRY) (AMD) – located at 2418 HUNTLY PL., LEXINGTON, KY.
Council District 2
Project Contact: Banks Engineering

Note: The Planning Commission originally approved this plan on August 12, 2021, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Resolve compliance with Article 6-4(c) and 6-8(q)(3) for lots 124 – 128.

Note: The applicant has now requested a continued discussion in order to request a waiver of Article 6-8(q)(3) of the Land Subdivision Regulations to allow for the construction of two driveways within 50 feet of an intersection.

The Subdivision Committee Recommended: **Re-approval**, subject to the original conditions.

Staff Presentation: Ms. Gallt directed the Commission's attention to the subdivision plan, which was displayed on the overhead screen. She noted this plan was approved last year and that the applicant was now requesting a waiver for driveway spacing, and that would be presented by Mr. Martin.

Mr. Martin presented the waiver report associated with this plan, noting that the four lots in violation of the spacing requirement were in the intersection with Minister Way, which is a proposed street. He informed the Planning Commission that there had been much discussion of this plan regarding safety concerns, and a compromise had been reached. Mr. Martin stated that the Division of Traffic Engineering recommended combining the driveways on the four lots to create one driveway for two lots, and that the driveways be removed from the intersection. This will allow residents to turn around and pull out, rather than backing out into the street. Mr. Martin added that the applicant is skeptical that Minister Way will be built, due to unresolved legal issues concerning the ownership of some of the properties in the area. He stated that Planning staff and Traffic Engineering staff had no choice but to review the plan "as is" with the assumption that Minister Way would be built as planned and approved. Mr. Martin added that staff recommended approval of the waiver.

Commission questions: Mr. Penn asked if this plan would come before the Planning Commission again at a later date if Minister Way is not built. Mr. Martin explained that if that is the case, there would be a re-approval of the plan, which would either include Minister Way for approval, or it would not be on the plan at all. Either way, the Planning Commission would be made aware of the status of Minister Way.

Applicant Representation: Mr. Nick Nicholson, attorney, was present on behalf of the applicant. He offered to explain the history of this plan to the Planning Commission if they wished. Mr. Nicholson indicated the applicant was in agreement with staff on the conditions of the plan and their rationale for the approval of the waiver.

Action: A motion was made by Mr. Michler, seconded by Ms. Barksdale, and carried 10-0 (de Movellan absent), to approve PLN-MJSUB-21-00001: BELMONT FARM, UNIT 7 (COVENTRY) (AMD), and the waiver associated with it, based on staff's recommendation and subject to the ten conditions as listed.

3. DEVELOPMENT PLANS

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

- a. PLN-MJDP-21-00073: KINGSTON HALL, UNIT 1, LOT 10 & KINGSTON HALL, UNIT 2, LOTS 14-18 (EAST BRIDGEFORD LAND & DEVELOPMENT CO.) (05/03/22)* - located at 2175 RUSSELL CAVE RD., LEXINGTON, KY.
Council District 12
Project Contact: EA Partners

Note: The purpose of this amendment is to depict development of a building and associated parking on the site. The Planning Commission postponed this item at their February 10, 2022 and March 10, 2022 meetings.

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

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 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. Correct plan title to match staff report.
14. Denote exactions to the approval of the Division of Planning.
15. Denote review by the Royal Springs Aquifer Committee and any recommendation(s).
16. Provided the Planning Commission finds the plan complies with the Expansion Area Master Plan.
17. Denote timing of construction of local street and Providence Place Parkway to the east.
18. Correct Tree Preservation Plan note.

Staff Presentation: Mr. Martin directed the Commission's attention to the development plan displayed on the overhead screen, and noted that this plan was located in Expansion Area 3. He explained the development plan and proposed project. Mr. Martin stated that the plan was reviewed by the Subdivision Committee and recommended for approval. He added there is also a compliance statement associated with the development plan, and it had been distributed to the Planning Commission members.

Mr. Martin stated that staff had been concerned about the timing of the construction of the local street, but more particularly, Providence Place Parkway. He added that the applicant has approximately four years to build the rest of Providence Place Parkway, should they choose to, or come back to the Planning Commission for re-approval. Mr. Martin said that staff had asked the applicant to denote their anticipated timeline for the completion on this plan. He added that had become a bigger concern on another plan that was submitted for this location, for a residential proposal, but had been indefinitely postponed. Mr. Martin stated that when residential uses are mixed with commercial uses, the connection to Russell Cave Road becomes much more important. He added that staff recommends that the Planning Commission find the applicant to be in compliance with the EAMP.

Commission questions: Mr. Michler asked if the existing part of Providence Place Parkway uses five-foot bike lanes. Mr. Martin indicated that was correct, and stated this will not change what is built, but will be included with completion of Providence Place Parkway. Mr. Michler asked if Providence Place Parkway was intended to connect all the way to Russell Cave Rd. Mr. Martin confirmed that to be true.

Applicant Representation: Mr. Rory Kahly, EA Partners, was present on behalf of the applicant. He indicated that the applicant was in agreement with staff's recommendations and requested approval of the project.

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Mr. Kahly added that the photo and affidavit for posting of the sign had been submitted to Planning staff by Tony Barrett, Barrett Partners.

Commission questions: Mr. Penn asked if the trail is on top of the plan or the bottom of the plan. Mr. Kahly stated that the trail was on the top side of the plan. Ms. Wade added that the trail was on the north side of Providence Place Parkway, not on this property's frontage.

Action: A motion was made by Mr. Penn, seconded by Ms. Barksdale and carried 10-0 (de Movellan absent), to approve PLN-MJDP-21-00073: KINGSTON HALL, UNIT 1, LOT 10 & KINGSTON HALL, UNIT 2, LOTS 14-18 (EAST BRIDGEFORD LAND & DEVELOPMENT CO., including the acceptance of the EAMP Compliance Report, based on the staff's recommendation and subject to the eighteen conditions as listed.

- b. PLN-MJDP-22-00003: BLUEGRASS STOCKYARDS, LLC (LISLE AVENUE OPERATIONS CENTER) (05/01/22)* - located at 375 LISLE INDUSTRIAL AVE., LEXINGTON, KY.
Council District 11
Project Contact: Chad Graber

Note: The purpose of this amendment is to denote the proposed building and parking layout. The Planning Commission postponed this item at the March 10, 2022, meeting.

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

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 boundaries of property with solid dark line and addition of bearings and distances.
14. Revise labeling of proposed medical facility to "accessory medical clinic (for employees and their families only)."
15. Resolve driveway access to fire water tank maintenance area.
16. Resolve pedestrian and road infrastructure improvements as shown on PLN-MJDP-18-00099.
17. Remove driveway access to South Forbes Road.

Staff Presentation: Mr. Martin directed the Planning Commission's attention to the overhead screen on which he displayed the proposed development plan and briefly explained the proposed project. He pointed out the proposed access points and parking, stating the applicant had removed the Forbes Road access which staff had previously objected to. The applicant will use Lisle Road for access and has agreed to make some improvements along Lisle Road. Mr. Martin mentioned the importance of the improvements along Forbes Road, due to it being a secondary trail connection in support of the overall trail system.

Mr. Martin mentioned the McConnell House, which is one of the oldest, if not the oldest, stone houses built in Lexington. He gave a brief history of the house and its importance to the community. Mr. Martin stated that staff had received a letter from the Blue Grass Trust for Historic Preservation in support of Kentucky Utilities having the McConnell House and maintaining it. He said that there had been discussion as to whether Kentucky Utilities planned to use it and maintain it; however, they had indicated they did not intend to do so. Mr. Martin commented that it was staff's opinion that the future of the McConnell House could be resolved with a note on the development plan, directing the involved parties to preserve and utilize this resource to the greatest extent possible. Mr. Martin showed a short video which illustrated the importance of this home to the community. He added that the Subdivision Committee had recommended approval of this final development plan.

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

Commission questions: Ms. Worth asked if Mr. Martin was suggesting the addition of a note on the final development plan. He confirmed that to be what he was suggesting, and added that the note would need to be resolved due to all that was involved. Ms. Worth asked about the process of drafting the proper wording of that note. Mr. Martin responded that several parties would need to confer to determine how best to protect this resource. Ms. Worth asked if the Commission could craft a motion to propose approval of the development plan subject to the addition of a note to that effect. Mr. Martin concurred and added that Ms. Jones, with the Department of Law, would be a resource for the wording of such a note.

Applicant Representation: Mr. Chad Graber, Professional Consultants, Inc., was present on behalf of the applicant. Also present was Mr. Eli Grubbs, Kentucky Utilities. Mr. Graber indicated that the applicant had no issues with the items on the agenda, and that they have been working with staff to address some of the conditions. He added that Mr. Grubbs had been working with staff on the sidewalk issue along Forbes Road.

Commission Comments and Questions: Mr. Penn thanked everyone involved for their efforts on this project. He added that even though the McConnell House was not part of the use that Kentucky Utilities has planned for this project, it was important to the City of Lexington. Mr. Penn asked Mr. Grubbs if the proposed note on the development plan would be acceptable to the applicant. Mr. Grubbs stated he thought that could be negotiated. He added that as part of the project, funding was included to help remediate the McConnell House to ensure it is ready to stand for the future. Mr. Grubbs mentioned window and masonry repairs. He added that the applicant would like to know if there was any interest in removing any additional structures that had been added over the years, and restoring the site lines to the full original house. Mr. Penn stated that he thought those structures had been added on by Mr. Barber, the previous owner, for his offices and they were not part of the original structure. Mr. Grubbs mentioned putting on a more historically accurate roof and windows. There was further discussion.

Mr. Grubbs mentioned that the applicant was not opposed to turning the property over to another organization. He pointed out that they are taking out all of the current access as part of the development plan, as requested by staff. Mr. Martin mentioned that future access would be addressed at a later time. Mr. Penn thanked Ms. Worth for finding the video that Mr. Martin had shown earlier.

Mr. Davis thanked Mr. Grubbs and Mr. Graber for all of their work on this project. He added that the Kentucky Trust for Historic Preservation was interested in taking ownership of the McConnell House.

Ms. Worth thanked Mr. Grubbs for the applicant's work on this project and their efforts to preserve the McConnell House.

Audience Comments: Mr. Jackson Osborne was present of behalf of Blue Grass Trust for Historic Preservation. He mentioned the letter of support which had been sent to the Division of Planning earlier and distributed to the Planning Commission members for their review. He thanked the applicant for their earlier comments and offered assistance with anything the applicant should need regarding the McConnell House.

Board Comments: Mr. Pohl expressed his concern that any work to be done to the McConnell House should be done with the appropriate expertise advising on what should and should not be done.

Action: A motion was made by Mr. Pohl, seconded by Ms. Worth, and carried 10-0 (de Movellan absent), to approve PLN-MJDP-22-00003: BLUEGRASS STOCKYARDS, LLC (LISLE AVENUE OPERATIONS CENTER), based on recommendation from the staff, and subject to the seventeen conditions as listed, and including an additional, eighteenth condition to include a note to be developed with appropriate agencies with regard to preservation and treatment of the historic property.

- c. PLN-MJDP-22-00009: RUTTENBURG & COHEN PROPERTY (LAKEVIEW-WOODSPOINT, UNIT 2) (AMD) (05/01/22)* - located at 305-425 CODELL DR., LEXINGTON, KY.
Council District 7
Project Contact: Barrett Partners, Inc.

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

Note: The purpose of this amendment is to increase buildable area and reflect change of use on Lots 2-5 & 16.

The Subdivision Committee Recommended: **Postponement**, because the proposed land use of a television studio is not a permitted use in the B-3 zone. The Subdivision Committee did not review this plan, at the applicant's request.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & 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. Addition of bearings and distances for all property lines.
10. Addition of record plat designation.
11. Correct orientation of vicinity map to match plan.
12. Dimension existing and proposed driveways.
13. Addition of parking space depth.
14. Addition of construction vehicle access.
15. Depict location of street cross-section on plan face.
16. Addition of uses on all lots.
17. Denote: No grading, stripping, excavation, filling or other disturbance of the natural ground cover shall take place prior to approval of an erosion control plan. Such plan must be submitted in accordance with Chapter 16 of the Code of Ordinances. The acceptance of the erosion control plan is to obtain a Land Disturbance Permit.
18. Discuss consolidation of lots that have buildings crossing property lines.
19. Discuss proposed land use of a television studio in the B-3 zone.

Staff Presentation: Ms. Gallt directed the Commission's attention to the overhead screen on which she displayed the subject development plan. She explained that the applicant had submitted a revised plan, and based on that submittal, the staff was now recommending Approval, subject to the following revised conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of 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. Addition of bearings and distances for all property lines.
10. Addition of record plat designation.
11. ~~Correct orientation of vicinity map to match plan.~~ Clarify required and provided parking totals.
12. ~~Dimension existing and proposed driveways.~~
13. ~~Dimension existing and proposed driveways.~~
14. ~~Addition of construction vehicle access.~~
15. ~~Depict location of street cross section on plan face.~~
16. ~~Addition of uses on all lots.~~
17. ~~Denote: No grading, stripping, excavation, filling or other disturbance of the natural ground cover shall take place prior to approval of an erosion control plan. Such plan must be submitted in accordance with Chapter 16 of the Code of Ordinances. The acceptance of the erosion control plan is to obtain a Land Disturbance Permit.~~
18. ~~Discuss consolidation of lots that have buildings crossing property lines.~~

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~~19. Discuss proposed land use of a television studio in the B-3 zone.~~

Applicant Representation: Mr. Tony Barrett, Barrett Partners, was present on behalf of the applicant. He stated the applicant had met with staff recently and they were working on resolving some of the conditions, including the parking requirements.

Action: A motion was made by Ms. Worth, seconded by Ms. Meyer and carried 10-0 (de Movellan absent), to approve PLN-MJDP-22-00009: RUTTENBURG & COHEN PROPERTY (LAKEVIEW-WOODSPOINT, UNIT 2) (AMD), based on staff's recommendation, and subject to the eleven conditions included in the revised staff report as listed above.

- d. PLN-MJDP-22-00014: HAMBURG EAST, TRACT 4, LOT 2 "BELHURST" (07/05/22)* - located at 2585 POLO CLUB BLVD, LEXINGTON, KY.
Council District 12
Project Contact: EA Partners

Note: The purpose of this amendment is to depict development of 79 townhouses on the property.

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

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 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. Provided the Planning Commission makes a finding the plan complies with the Expansion Area Master Plan.
13. Denote density of EAR-2 zones based on gross acreage.
14. Denote Exactions to the approval of the Division of Planning.
15. Discuss proposed townhouse façade material.

Staff Presentation: Mr. Martin directed the Commission's attention to the overhead screen on which he displayed the subject development plan. He mentioned this plan is in the Expansion Area. Mr. Martin explained the development plan and the proposed project, as well as some of the background of the plan. He mentioned that one of the conditions, number fifteen, which addressed the façade material, had been resolved as it has been addressed in the EAMP Compliance Statement. Mr. Martin asked that the Planning Commission to find that the application is in compliance with the Land Use Element of the EAMP.

Board question: Mr. Pohl asked what the origin of the gabled roof requirement was. Mr. Martin replied that it is not a requirement. He added that the developers are asked to designate their own design standards. There was further discussion.

Applicant Representation: Mr. Rory Kahly, EA Partners, was present on behalf of the applicant. Mr. Kahly stated that he had submitted the photo and affidavit for notification as required. Mr. Kahly indicated that the applicant was in agreement with staff's recommendation of approval and requested the approval of the Planning Commission.

Action: A motion was made by Ms. Meyer, seconded by Mr. Bell and carried 10-0 (de Movellan absent), to approve PLN-MJDP-22-00014: HAMBURG EAST, TRACT 4, LOT 2 "BELHURST" (07/05/22)* - located at 2585 POLO CLUB BLVD, LEXINGTON, KY, based on the recommendations of the Subdivision Committee

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and staff, and subject to the fourteen conditions as listed, with the removal of the fifteenth condition, and also approval of the EAMP Compliance Report as presented by staff.

- e. PLN-MJDP-22-00015: COLDSTREAM FARM, LOT 1 (AMD) (06/05/22)* - located at 920 CITATION BLVD., LEXINGTON, KY.
Council District 2
Project Contact: Denham Blythe

Note: The purpose of this amendment is to depict building and parking layout on eastern portion of property.

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

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. Discuss proposed trail easement and timing of dedication.
14. Discuss encroachment of drive aisle into proposed trail easement.

Staff Presentation: Ms. Gallt directed the Commission's attention to the development plan, displayed on the overhead screen. She noted this plan was associated with a Final Record Plat which had been discussed earlier in the meeting. Ms. Gallt mentioned that the applicant was working with the Bike and Pedestrian Planner, Scott Thompson, concerning the location of the trail easement per conditions number thirteen and fourteen.

Applicant Representation: Ashley Krutzer and Denham Blythe were present and indicated that the applicant was in agreement with the conditions, and requested that the Planning Commission consider items thirteen and fourteen regarding the trail easement as resolved, based on the applicant's conversations with Scott Thompson.

Action: A motion was made by Mr. Pohl, seconded by Ms. Barksdale and carried 10-0 (de Movellan absent), to approve PLN-MJDP-22-00015: COLDSTREAM FARM, LOT 1 (AMD) (06/05/22)* - located at 920 CITATION BLVD., LEXINGTON, KY, with conditions thirteen and fourteen thirteen and fourteen being changed from "discuss" to "resolve."

- C. **PERFORMANCE BONDS AND LETTERS OF CREDIT** - A motion was made by Mr. Penn, seconded by Mr. Bell, and carried 9-0 (Barksdale and de Movellan absent) to accept the Release and Call of Bonds memo dated April 14, 2022, as presented by the Division of Engineering.

V. **COMMISSION ITEMS** – The Chair will announce that any item a Commission member would like to present will be heard at this time.

- a. **PFR 2022-3: BLUEGRASS AIRPORT** – a Public Facility Review to construct four new hangers, a "Fuel Farm," and an addition to the terminal; to improve Gumbert Road; and to install solar roof arrays on property located at 4000 Terminal Drive.

Staff Presentation: Ms. Autumn Goderwis presented the Public Facility Review staff report based on the submittal by the Bluegrass Airport. She reminded the Planning Commission that they would not be recommending approval

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or disapproval; they will just make a finding that the proposal is in accordance with the Comprehensive Plan. Ms. Goderwis directed the Commission's attention to the overhead screen on which was displayed aerial images of the subject property and a PowerPoint presentation. She explained each of the requests from Bluegrass Airport for the Planning Commission's behalf.

Commission questions: Mr. Penn asked if the expansion was part of TAC Air, or a new facility. Ms. Goderwis responded that the expansion was part of the existing facility.

Action: A motion was made by Mr. Penn, seconded by Mr. Pohl and carried 10-0 (de Movellan absent), to find **PFR 2022-3: BLUEGRASS AIRPORT** in compliance with the Comprehensive Plan.

VII. STAFF ITEMS

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

There were none.

Staff Comments: Jim Duncan, Director, Division of Planning, reminded the Planning Commission that the following week they would meet in the 3rd Floor Conference Room of the Phoenix Building, for the Planning Commission Work Session on Thursday, April 21st at 1:30 p.m.

Mr. Duncan introduced Bill Sheehy, the new Administrative Specialist for Zoning Items in Planning Services.

- 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 APRIL AND MAY 2022

Work Session, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building	April 21, 2022
Technical Committee, Wednesday, 8:30 a.m., 3 rd Floor Phoenix Building.....	April 27, 2022
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers, Government Center. April 28, 2022	
Subdivision Committee, Thursday, 8:30 a.m., 3 rd Floor Phoenix Building.....	May 5, 2022
Zoning Committee, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building	May 5, 2022
Subdivision Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers, Government Center. May 12, 2022	

X. ADJOURNMENT

The meeting was adjourned at 3:03 p.m.

TLW/AG/TM/CG/sc

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