MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS

June 9, 2022

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

II. **ATTENDANCE** – Planning Commission members present were: Robin Michler, Frank Penn, Larry Forester, Judy Worth, Janice Meyer, Bruce Nicol, and Zach Davis. Planning Staff members present: Jim Duncan, Director; Traci Wade, Tom Martin, Cheryl Gallt, Paula Schumacher, and Stephanie Cunningham. Other Staff members present: Tracy Jones, Department of Law; Vaughan Adkins, Division of Engineering; Captain Greg Lengal, Division of Fire and Emergency Services; and Jeff Neil, Division of Traffic Engineering.

III. **APPROVAL OF MINUTES** - Ms. Meyer made a motion, seconded by Ms. Worth, and carried 7-0, to approve the minutes of the April 28, 2022 meeting.

Ms. Barksdale joined the meeting at 1:34 PM.

IV. **POSTPONEMENTS AND WITHDRAWALS** – There were none at this time.

V. **LAND SUBDIVISION ITEMS** – The Subdivision Committee met on Thursday, May 5, 2022, at 8:30 a.m. The meeting was attended by Commission members 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, and Cheryl Gallt; Captain Greg Lengal, Division of Fire and Emergency Services; and Tracy Jones, Department of Law. The Committee made recommendations on plans as noted.

General Notes

The following 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 items on the consent agenda. There were citizens present that asked to remove PLN-MJDP-22-00024: TRINITY FLATS (RACE AND MIDLAND) from the consent agenda.

a. ZDP 2015-52: CLARK PROPERTY, UNIT 4 – located at 1551 DEER HAVEN LN., LEXINGTON, KY
Council District 12
Project Contact: EA Partners, PLC
This plan requires the posting of a sign and an affidavit of such. The Planning Commission originally approved this plan on July 23, 2015. The Planning Commission granted an extension of the preliminary subdivision/ Final Development Plan on June 11, 2020 and June 10, 2021, subject to the following conditions:

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

<u>The Subdivision Committee recommended: **Approval**</u>, subject to the following conditions:

1. Provided the Urban County Council rezones the property <u>EAR-2</u>; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner’s approval of the treatment of greenways and greenspace.
6. Correct note #4 to reference Chapter 16 of the Code of Ordinances.
7. Increase street frontage to the existing LFUCG park (at Lot 257).
8. Denote acreage in open space on plan, per Art. 23A-6(k)(2).
9. Provided the Planning Commission makes a finding that the plan complies with the EAMP.
10. Delete “proposed entry feature” from right-of-way of Blackford Parkway at eastern end of property, adjacent to existing property.
11. Provide a median break for vehicular access to LFUCG park.
12. Taper tree protection area(s) on Lot 156, along LFUCG Rails-to-Trails area.

The Planning Commission’s approval will expire on June 10, 2022. The applicant requested another one year extension of the Planning Commission’s previous approval.

b. <u>PLN-MJDP-22-00027: WEBB PROPERTIES OFFICE PARK, UNIT 2, BLK A, LOT 1-B (AMD)</u> (07/31/22)* - located at 2350 REGENCY ROAD, LEXINGTON, KY
Council District 10
Project Contact: Banks Engineering

<u>Note</u>: The purpose of this amendment is to add building square footage to Lot 1-B and to move the access point along Regency Road.

<u>The Subdivision Committee recommended: **Approval**</u>, 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. United States Postal Service Office’s approval of kiosk locations or easement
10. Addition of bearings and distance for entire development.

c. <u>PLN-MJDP-22-00030: JAMES R. MASSENGILL PROPERTY (AMD)</u> (07/31/22)* - located at 705 EAST LOUDON AVENUE, LEXINGTON, KY
Council District 1
Project Contact: Barrett Partners

<u>Note</u>: The purpose of this amendment is to add a 1,610 square foot building and one gas pump.

<u>The Subdivision Committee recommended: **Approval**</u>, 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. United States Postal Service Office's approval of kiosk locations or easement.
11. Document review by the Royal Springs Aquifer Committee.
12. Denote canopy height in feet.

Action – Mr. Penn made a motion, seconded by Ms. Worth, and carried 8-0 to approve the consent agenda as presented by the 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)
- 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. Development Plans

a. PLN-MJDP-22-00024: TRINITY FLATS (RACE AND MIDLAND) (07/03/22)* - 143, 155 MIDLAND AVE., 133-164 RACE ST., 495, 501 E. SHORT ST., LEXINGTON, KY
Council District 1
Project Contact: CMW

Note: The purpose of this plan is to depict a multi-family residential building and parking layout for 245 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 the treatment of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and green space.
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. Resolve closure of Race St. right-of-way.
14. Resolve detention and water quality requirements.
15. Resolve connection to the Northeastern Park.

Staff Presentation – Mr. Martin made the presentation of this plan. He explained that there would be 331 parking spaces on site, which is more than required by the Zoning Ordinance, to encourage the redevelopment. He noted

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some of the items that needed to be resolved. The small part of Race Street, which is adjoining the subject property, will need to be closed; the site will have to accommodate the stormwater requirements; and the connection and relationship to Northeastern Park will need to be addressed. Mr. Martin addressed some citizen's concerns. He pointed out that the building would not cover the entire lot. Mr. Martin said that the building is only going to be 60 feet tall, and staff believes that it will fit in with the neighborhood. Mr. Martin stated that the staff and Subdivision Committee have recommended approval of the final development plan.
Commission Questions – Ms. Worth asked about parking and access on Corral Street, as well as access to Northeastern Park. Mr. Martin pointed out the frontage of the park. He said that staff's concern has been with the space between the building and the park, as well as making sure the new residents have access to the park. Mr. Martin also said that because there are so many planned parking spots in this building, there shouldn't be a problem with cars parking on the street.

Mr. Penn asked what the school system was going to do with the former Herald Leader building and asked if they would have enough parking. Mr. Martin replied that he believed it would be a vocational school, and that they would have enough parking.

Mr. Michler asked if the ground floor was going to be parking. He was concerned about the pedestrian experience. Mr. Martin stated that the setback was going to be larger where the parking garage is proposed, and pointed out that the landscaping would be breaking up the E. Short Street frontage.

Applicant Representation – Dick Murphy, Rod Musselman, and Patrick Demming, were present to represent the applicant. Mr. Murphy said that they are working with the Division of Parks and Recreation, and that the applicant will be making a contribution to improve the Northeastern Park. He spoke to the height of the building, and pointed out that, because of the plantings, you may not even know that there was a parking garage along the street frontage. He pointed out that because of the parking garage being mostly underground, it will appear more like a five to six story building, and from Corral Street, because of the grading, will appear as only a five story building. Mr. Murphy presented several renderings to address the questions. He pointed out that the Kentucky Utilities substation was three stories itself.

Mr. Penn asked about the stormwater management issue. Mr. Demming of CMW answered that there will be a vault underneath the parking garage that will take care of the water retention and water quality.

Mr. Michler asked if they were going to grade the slope on the Short Street side or leave it there. Mr. Murphy replied that there will still be a slope.

Citizen Comments – Michael Wilson, 317 Wilson Street, represented East End neighbors. He said he was concerned that they had not heard of this development. He was concerned that the rest of the neighborhood would become "second class", about the closing of Race Street, and that there would be no landscaping along the back of the building, closest to the East End neighborhood. Mr. Wilson wanted to make sure that there will be a balance in the neighborhood. He restated that there should have been more community outreach.

Billie Mallory representing the East End Community Development Corporation, said she was also concerned that the neighborhood wasn't engaged. She was concerned that the back of the building will block out views and light, and that buildings and businesses will be overpowered. She wanted to make sure that the building blends into the neighborhood.

Mr. Murphy stated that the applicant did not realize there was a neighborhood association involved, but that they would be reaching out to the citizens to get their input, especially regarding the park. He assured the Planning Commission and citizens that there would be landscaping on all sides of the building. He said that the closure of Race Street will only apply to a small portion that adjoins this lot. Mr. Murphy also stressed that the building would be spread out with landscaping and architectural interest. He pointed out that by encouraging people to live downtown, hopefully, the need for businesses like grocery stores will be met. He said that they would continue to reach out to the neighbors.

Mr. Nicol asked if there was a way to add a condition to bring the neighbors into the conversation especially regarding the landscaping and that it is attractive all the way around. Mr. Murphy agreed that, prior to final sign off, they would meet with the neighbors.

Note - Mr. Forester left the meeting at 2:32 p.m. Mr. Penn assumed the role of Chair for the remainder of the meeting.

Mr. Michler asked about alternative sites for the dumpster. Mr. Musselman replied that there was a discussion, but that there is no other place to put it. Mr. Musselman also wanted to publicly apologize for not having contact with the nearby neighborhoods.

Mr. Nichol said that because of the housing crisis, we need developers to use these types of properties to help meet the need for housing in Lexington.

Motion- A motion was made by Mr. Nicol, seconded by Ms. Barksdale, and carried 7-0, to approve PLN-MJDP-22-00024: TRINITY FLATS (RACE AND MIDLAND) with fifteen conditions and an additional 16th condition to read: Document neighborhood meeting prior to plan certification.

VI. PERFORMANCE BONDS AND LETTERS OF CREDIT – Performance bonds were considered at this time.

Action - A motion was made by Mr. Penn, seconded by Mr. Davis, and carried 7-0, to accept the performance bonds and letters of credit as presented by staff.

VII. COMMISSION ITEMS - Mr. Penn announced that any item a Commission member would like to present would be heard at this time.

A. **NOMINATING COMMITTEE FOR COMMISSION OFFICERS** - The Commission's By-Laws state that at the first regular and official meeting in June, the Commission will elect three members to a nominating committee. This committee will present a slate of officers for consideration by the Planning Commission. The slate will be forwarded to the full membership of the Commission and presented at the Commission work session in June. Election of Officers will be held at the July 14th Planning Commission meeting.

Action - The Commission decided that Ms. Meyer, Mr. Michler, and Mr. Nichol would comprise the nominating committee.

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 storm water, 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.

Staff Comments: Jim Duncan, Director of the Division of Planning, reminded the nominating committee that they were also able to nominate someone from within the nominating committee as an officer. He also introduced Paula Schumacher as the new Administrative Specialist for Subdivision and Development Plan 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.

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IX. MEETING DATES FOR JUNE AND JULY

Work Session, Thursday, 1:30 p.m., 3rd Floor Phoenix Building .... June 16, 2022
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers, Government Center .... **June 23, 2022**
Technical Committee, Wednesday, 8:30 a.m., 3rd Floor Phoenix Building .... June 29, 2022
Work Session, Thursday, 1:30 p.m., 3rd Floor Phoenix Building .... June 30, 2022
Subdivision Committee, Thursday, 8:30 a.m., 3rd Floor Phoenix Building .... July 7, 2022
Zoning Committee, Thursday, 1:30 p.m., 3rd Floor Phoenix Building .... July 7, 2022
Subdivision Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers, Government Center .. **July 14, 2022**

X. ADJOURNMENT - There being no further business, Mr. Penn declared the meeting adjourned at 2:45 PM.

PS/CG/TM/AG/TW

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Larry Forester, Chairman

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Janice Meyer, Secretary

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