

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

July 14, 2022

- I. **CALL TO ORDER** – Vice Chair Frank Penn 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, Judy Worth, Janice Meyer, Bruce Nicol, Ivy Barksdale, and Anthony de Movellan. Planning Staff members present: Jim Duncan, Director; Traci Wade, Tom Martin, Cheryl Gallt, Stephanie Cunningham, and Paula Schumacher. Other Staff members present: Keith Horn, Department of Law; Vaughan Adkins, Division of Engineering; Captain Greg Lengal, Division of Fire and Emergency Services; and Stephen Parker, Division of Traffic Engineering.
- III. **APPROVAL OF MINUTES** - Ms. Meyer made a motion, seconded by Ms. Worth, and carried 6-0, to approve the minutes of the June 9, 2022 meeting.

Ms. Barksdale joined the meeting at 1:33 PM.

IV. POSTPONEMENTS AND WITHDRAWALS

A. Zoning Items

1. PLN-ZOTA-22-00006: AMENDMENT TO ARTICLE 22, APPENDIX C TO CREATE THE PLANNED UNIT DEVELOPMENT 3 (PUD-3) ZONE – petition for a Zoning Ordinance text amendment to create a new Planned Unit Development 3 (PUD-3) zone (Article 22) to allow a mixed-use development that would permit a blend of residential, commercial, entertainment, and industrial uses.

INITIATED BY: Turner Property 4, LLC

PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: **Postponement.**

The Staff Recommends: **Postponement** of the proposed text amendment to the Zoning Ordinance, for the following reasons:

1. The proposed text amendment does not yet fully meet the intent and requirements established by Article 22 of the Zoning Ordinance regarding the creation of a Planned Unit Development (PUD). The site criteria, design standards, and proposed uses necessitate greater review.
2. The proposed text amendment does not provide a planning process that is conforming to Article 21 of the Zoning Ordinance.

Applicant Representation – Mr. Zach Cato, Billings Law Firm, asked for a two week postponement to the July 28th meeting, to be able to meet with staff.

Action – Ms. Worth made a motion, seconded by Mr. de Movellan, and carried 7-0, to POSTPONE PLN-ZOTA-22-00006: AMENDMENT TO ARTICLE 22, APPENDIX C TO CREATE THE PLANNED UNIT DEVELOPMENT 3 (PUD-3) ZONE to the July 28th meeting.

B. Development Plans

1. PLN-MJDP-21-00055: SHRINERS HOSPITAL/MASONIC TEMPLE ASSOCIATION OF LEXINGTON KENTUCKY (08/21/22)* - located at 4085 Harrodsburg Road, LEXINGTON, KY.
Council District 10
Project Contact: Vision Engineering

Note: The purpose of this plan is to depict a commercial development and parking layout on 7.4 acres and a single family development for attached and detached dwelling units on 3.4 acres.

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

The original plan submittal was in conjunction with a zoning map amendment for the subject property. The plan and the zone change were both recommended for disapproval by staff. The Planning Commission followed that recommendation on the zone change and the plan was indefinitely postponed. Subsequently the Urban County Council recommended approval of the zone change but did not act on the plan per their statutory role in the development process.

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

1. Urban County Engineer's acceptance of drainage, 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. Dimension all proposed commercial buildings.
14. Correct the total square footage in the site statistics.
15. Correct the total required parking in the site statistics.
16. Clarify the identified significant trees status per the requirements of Article 26 of Zoning Ordinance.
17. Provide a typical townhouse unit insert on plan.
18. Denote that a finding on the proposed access easement for the townhouses shall be required at time of a final development plan/preliminary subdivision plan.
19. Provided the Planning Commission approves the requested waiver to 6-8(q)(2)(b) of the Land Subdivision Regulations.

Applicant Representation – Matt Carter, Vision Engineering, asked for a two week postponement to have more time for neighborhood outreach.

Action – A motion was made by Mr. de Movellan, seconded by Mr. Michler, and carried 7-0, to postpone PLN-MJDP-21-00055: SHRINERS HOSPITAL/MASONIC TEMPLE ASSOCIATION OF LEXINGTON KENTUCKY to the July 28th meeting.

2. PLN-MJDP-22-00035: HOOVER & FORD PHILPOT EVANGELISTIC ASSOCIATION PROPERTY (THE FOUNTAINS OF PALOMAR) (AMD) (08/31/22)* - located at 3801 HARRODSBURG ROAD, LEXINGTON, KY

Council District: 9

Project Contact: Vision Engineering

Note: The purpose of this amendment is to revise parking and square footage on lots 2, 2A, 3, and 5, and amend the landscaping.

The Subdivision Committee Recommended: **Postponement**. There are questions regarding the scope of the proposed amendment.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.

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

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. Submit architectural details per Note #12.
14. Clarify proposed landscaping areas for the amendment.
15. Correct and clarify the purpose of amendment.
16. Dimension the building on site 3.
17. Clarify area adjacent to the building on site 3, as to the use, and dimension.
18. Dimension drive thru lanes on site 3.
19. Discuss status of landscaping installation along Man O' War Boulevard and Harrodsburg Road.
20. Correct conditional zoning restrictions.

Applicant Representation - Matt Carter, Vision Engineering, asked for a two week postponement to have more time for neighborhood outreach.

Action – A motion was made by Ms. Meyer, seconded by Mr. de Movellan, and carried 7-0, to postpone PLN-MJDP-21-00055: SHRINERS HOSPITAL/MASONIC TEMPLE ASSOCIATION OF LEXINGTON KENTUCKY to the July 28, 2022 meeting.

3. PLN-MJDP-22-00031: LAKEVIEW PLAZA LOT 3-A (AMD) (08/31/22)* - located at 2905 RICHMOND ROAD, LEXINGTON, KY
Council District: 7
Project Contact: Sands Decker

Note: The purpose of this amendment is to add building square footage for pick-up windows and a drive- thru lane.

The Subdivision Committee Recommended: **Postponement.** There are questions regarding meeting the requirements of Articles 21 and 26 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.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. United States Postal Service Office's approval of kiosk locations or easement.
11. Correct note #4 per Article 21-6 (a)(14) of the Zoning Ordinance.
12. Addition of adjoining property zoning and record plat information.
13. Clarify area of amendment on vicinity map, showing the service road as the access point per Article 21-6 (a)(3) of the Zoning Ordinance.
14. Denote access point for construction vehicles per Article 21-6 (a)(5) of the Zoning Ordinance.
15. Addition of street cross location on plan face, per Article 21-6 (a)(6) of the Zoning Ordinance.

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16. Dimension size and height of building.
17. Addition of proposed and existing easements and building line per plot L-879.
18. Addition of tree inventory map per Article 26 of the Zoning Ordinance.
19. Addition of Planning Commission certification for a major development plan, per Article 21-6(a)(16) of the Zoning Ordinance.
20. Denote 5 stacking spaces, not including the window space, per Article 16-9 of the Zoning Ordinance.

Staff Comments- Mr. Martin stated that staff had received a written request from the applicant to postpone this application until the August 11, 2022 meeting so they can work on details regarding the circulation and drive-thru.

Action – Mr. de Movellan made a motion, seconded by Ms. Meyer, and carried 7-0, to postpone PLN-MJDP-22-00031: LAKEVIEW PLAZA LOT 3-A (AMD) to the August 11, 2022 meeting.

4. PLN-MJDP-22-00036: PIERSON & TRAPP COMPANY TRACT 1 (DAWAHARES ASSOCIATION) (AMD)
(08/31/22)* - located at 1801 ALEXANDRIA DRIVE, LEXINGTON, KY
Council District: 11
Project Contact: Palmer Engineering

Note: The purpose of this amendment is to add additional building square footage and revise the parking layout.

The Subdivision Committee Recommends: **Postponement**. There are questions regarding meeting the requirements of Article 21 and 26 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.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s).
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. United States Postal Service Office's approval of kiosk locations or easement.
11. Dimension existing walkways.
12. Dimension all existing buildings.
13. Addition of floor area in site statistics.
14. Addition of uses in buildings in site statistics.
15. Addition of existing and proposed utility easements.
16. Addition of tree inventory map per article 26 of Zoning Ordinance.
17. Correct Note #4 to refer "Chapter 16 of the Code Ordinance",-per Article 21-6(a)(14) of the Zoning Ordinance.
18. Remove notes in reference "to be shown on construction drawings", and place them on the final development plan. (Notes 20, 21, 22,24,25,26, and 27).
19. Correct note #23 referencing the Engineering Manuals.
20. Adjust drive thru to meet vehicular use area (VUA) requirements.
21. Discuss drive thru space relative to parking lot access.
22. Discuss required parking of the Zoning Ordinance.

Staff Comments – Mr. Martin stated that a written request had been received from the applicant for a one month postponement, to work on drive-thru and parking issues.

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

Action – A motion was made Ms. Worth, seconded by Mr. de Movellan, and carried 7-0 to postpone PLN-MJDP-22-00036: PIERSON & TRAPP COMPANY TRACT 1 (DAWAHARES ASSOCIATION) (AMD) to the August 11, 2022 meeting.

- IV. LAND SUBDIVISION ITEMS** – The Subdivision Committee met on Thursday, July, 2022, at 8:30 a.m. The meeting was attended by Commission members Ivy Barksdale, Janice Meyer, Frank Penn, Judy Worth, Anthony de Movellan, and Headley Bell. Staff members in attendance were: Traci Wade, Tom Martin, Hal Baillie, Cheryl Gallt, Daniel Crum, Paula Schumacher, Hillard Newman, Division of Engineering; Embry Beatty, 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 item on the consent agenda.

- a. PLN-MJSUB-22-00002: LANSLOWNE MERRICK (SHADYBROOK ESTATES) TRACT 4 (AMD)
 (08/31/22)* - located at 3581 COLTNECK LANE, LEXINGTON, KY
 Council District: 5
 Project Contact: EA Partners

Note: The purpose of the plan is to denote four new lots.

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

1. Urban County Engineer's acceptance of drainage, 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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.

Action – A motion was made by Janice Meyer, seconded by Anthony de Movellan, and carried 7-0 to approve the consent agenda as presented by staff.

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

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 Subdivision Plans

Staff Comments – Mr. Martin reminded the Commission members that, during the Subdivision Committee, the following four plans were heard together, as they are all related. The members decided to do the same for this meeting.

- a. PLN-FRP-22-00013: WARRENTON WOODS SUBDIVISION UNIT 1-A (AMD) (08/31/22)* - located at 961-977 WARRENTON CIRCLE, LEXINGTON, KY
Council District: 5
Project Contact: CAM Surveying Inc.

Note: The purpose of this amendment is to dedicate private streets to public streets.

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

1. Urban County Engineer's acceptance of drainage, 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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
5. Addition of utility and street light easements, as required by the utility companies and the Urban County Traffic Engineer.
6. Addition of dashed property line for lots 6,7,8,9, and 10.
7. Addition of listing of private utilities.
8. Addition of site statistics for zoning and acreage of street.
9. Revise Planning Commission's certification.
10. Denote ordinance number in purpose of plat.
11. Discuss Urban County Engineer's certification and owner's certification.
12. Denote who is responsible for the maintenance of island in the street.
13. Discuss note #4 about "1' sidewalk easement at the front of the property".
14. Provide the Planning Commission approves the requested waiver to Article 6-8(a) for street geometrics.

- b. PLN-FRP-22-00015: WARRENTON WOODS SUBDIVISION UNIT 1-B (AMD) (08/31/22)* - located at 3192 & 3200 PEPPERHILL ROAD; 3104, 3105, 3109, and 3112 WARRENWOOD WYND; 1404 & 1405 ME-GANWOOD CIRCLE
Council District: 5
Project Contact: CAM Surveying, Inc.

Note: The purpose of this amendment is to dedicate private streets to public streets.

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

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

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

3. Addressing Office's approval of street names and addresses.
 4. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 5. Addition of utility and street light easements, as required by the utility companies and the Urban County Traffic Engineer.
 6. Correct street addresses.
 7. Correct building line setbacks on lot 35, per plat B-629.
 8. Correct building line setbacks on lot 39, per plat B-694.
 9. Correct property boundaries on lot 36, per plat B-645.
 10. Addition of listing of private utilities.
 11. Addition of site statistics for zoning and acreage of street.
 12. Denote adjacent property boundaries with dashed lines.
 13. Delete notes #10 and #11 as they do not pertain to this plan.
 14. Revise Planning Commission's certification.
 15. Denote Ordinance number in purpose of plat.
 16. Discuss Urban County Engineer's certification and owner's certification.
 17. Denote who is responsible for the maintenance of island on the street.
 18. Discuss note #4 about "1' sidewalk easement at the front of the property".
 19. Provide the Planning Commission approves the requested waiver to Article 6-8(a) for street geometrics.
- c. PLN-FRP-22-00017: WARRENTON WOODS SUBDIVISION UNIT 1-C (AMD) (08/31/22)* - located at 3201-3213 HOBCEW LANE, 3121 WARRENWOOD WYND, 3200-3213 HONEYHILL LANE, LEXINGTON, KY Council District: 5
Project Contact: CAM Surveying, Inc.

Note: The purpose of this amendment is to dedicate private streets to public streets.

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

1. Urban County Engineer's acceptance of drainage, 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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 5. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 6. Correct boundaries on lot 8, per plat M-760.
 7. Addition of listing of private utilities.
 8. Addition of site statistics for zoning and acreage of street.
 9. Delete notes #10 and #11, as they do not pertain to this plan.
 10. Revise Planning Commission's certification.
 11. Denote ordinance number in purpose of plat.
 12. Discuss Urban County Engineer's certification and owner's certification.
 13. Denote who is responsible for maintenance of island in the streets.
 14. Discuss note #4 about "1' sidewalk easement at the front of the property".
 15. Provide the Planning Commission approves the requested waiver to Article 6-8(a) for street geometrics.
- d. PLN-FRP-22-00018: WARRENTON WOODS SUBDIVISION UNIT 1-D (AMD) (08/31/22)* - located at 3116- 3157 WARRENWOOD WYND, LEXINGTON, KY
Council District: 5
Project Contact: CAM Surveying, Inc.

Note: The purpose of this amendment is to dedicate private streets to public streets.

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

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

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

3. Addressing Office's approval of street names and addresses.
4. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
5. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
6. Depict street frontage with dash line in front of lots 32, 33, and 34.
7. Denote adjacent property boundaries with dash lines.
8. Correct building line setback on lot 33, per plat H-548.
9. Correct property boundaries on lots 33 and 34, per plat B-645.
10. Addition of listing of private utilities.
11. Addition of site statistics- zoning and acreage of street.
12. Delete notes #10 and #11, as they do not pertain to this plan.
13. Revise Planning Commission's certification.
14. Denote Ordinance number in purpose of plat.
15. Discuss Urban County Engineer's certification and owner's certification.
16. Denote who is responsible for the maintenance of island on the street.
17. Discuss note #4 about "1' sidewalk easement at the front of the property".
18. Provide the Planning Commission approves the requested waiver to Article 6-8(a) for street geometrics.

Staff Presentation – Ms. Gallt presented the subdivision plans, and explained that they would be heard by the Planning Commission, and then, if approved, would go on to the Urban County Council for final approval. She pointed out that all of the cul-de-sacs had islands that the homeowner's association had agreed to continue to maintain. She noted that the discussion condition could be changed to resolve on all four plans, due to the waiver, which Mr. Martin would present.

Mr. Martin presented the waiver for the plans. He explained the CAO policy of dedicating a private street to be public right-of-way, and that part of that requirement is review by the Planning Commission before it moves on to the Council. Mr. Martin gave some history of the subdivision, and pointed out some of the details of the streets. He noted that staff has recommended that a sidewalk should be constructed on one side of the streets. He pointed out that staff was recommending approval of the waiver because it would be difficult to completely rebuild the streets. Mr. Martin also said that the staff wanted to denote that the islands would continue to be maintained by the homeowner's association, and also explained that any maintenance of stormwater management features would also be the responsibility of the homeowner's association.

Commission Questions – Mr. Nicol asked if the sidewalks that were going to be required would be five feet wide. Mr. Martin answered in the affirmative. He pointed out that one of the concerns of the neighborhood was that this would be a disruption of the existing landscape, but that the sidewalks can be moved to go around trees, and that the 50 foot front yard setbacks on the lots would be sufficient to accommodate these sidewalks.

Mr. de Movellan asked if the curved curb was on the down-hill side of the topography, so that water could drain properly. Mr. Martin replied that he did not know for sure, but mentioned that the engineers were not concerned when they looked at it.

Mr. Penn asked on which side of the street the sidewalks would go. Mr. Martin stated that it would be up to the homeowner's association.

Mr. de Movellan asked if they would be able to cross over with the sidewalk, and Mr. Martin deferred that question to traffic engineering, but would come down to the submission of the plans.

Mr. Michler asked why the proposal is requiring the removal of parking on one side when that is space that could be dedicated to the sidewalk space. He asked why the sidewalk would be necessary if there were no parked cars on one side. Mr. Martin answered that because they would be public streets, they must have the sidewalk access, and that it is not specific to traffic volumes.

Mr. Penn asked if the fire department decided which side of the streets would become the no parking side, and Mr. Martin replied that it was typically the side where the fire hydrants were.

Applicant Representation - Gary Roland, CAM Surveying, and Trudi Tibbs, homeowner's association, were present to represent the application. Mr. Roland stated that they had no problem with the clean-up conditions, but had very little time to look at the waiver request. He said that there would have to be considerable grading done to accommodate the sidewalk, but they would be limited due to the slopes of each street and cause topography change in some of the yards. He is not aware of any storm run-off issues in the area. He is concerned that anything done to the existing topography could lead to potential stormwater issues. He is also concerned about the sidewalk only being on one side, because it will take quite a bit of time and resources to make the final location decision.

Ms. Worth asked if there were stormwater problems being funneled down to other areas. Ms. Tibbs said there were none that she was aware of.

Ms. Tibbs said that there have been no safety issues not having sidewalks because they are quiet streets. She pointed out other areas that had become public streets recently that have not been required to have sidewalks on every street.

Mr. Penn asked Ms. Tibbs why they are going forward with the request now. She replied that it there was neighborhood vote to become city streets in 2004. She stated that the neighborhood association assumed that they were already city streets since that time. When she found out they were not city streets, they decided to go forward with the plan.

Mr. Nicol asked what was the perceived benefit of dedicating the streets to be public. Ms. Tibbs said that they wanted the streets to be maintained the same as city streets.

Mr. Michler asked if the city permitted home owners associations to hire help for snow removal on public streets. Ms. Wade said the city did allow it.

Staff Comments – Mr. Michler said that he was not compelled to vote for the required sidewalk due to the quiet nature of the streets.

Mr. Nicol said that he felt that sidewalks were valuable connectors, and that they should be approved wherever possible for the neighborhood and the community.

Mr. de Movellan said that it should be a question of the streets being public with sidewalks or keeping the streets private.

Mr. Penn said that he does not like to see people walking in the streets. He also stated that he believed that if you want the city to maintain the streets, you need to have the sidewalks.

Action – Mr. Nicol made a motion, seconded by Mr. de Movellan, and carried 7-0, to approve PLN-FRP-22-00013: WARRENTON WOODS SUBDIVISION UNIT 1-A (AMD), PLN-FRP-22-00015: WARRENTON WOODS SUBDIVISION UNIT 1-B (AMD), PLN-FRP-22-00017: WARRENTON WOODS SUBDIVISION UNIT 1-C (AMD), and PLN-FRP-22-00018: WARRENTON WOODS SUBDIVISION UNIT 1-D (AMD), changing the sidewalk conditions from discuss to resolve, including the waiver recommendation and conditions as proposed by the staff.

- a. PLN-MJDP-22-00034: VALLEY PARK (DE ROODE STREET APARTMENTS) (08/31/22)* - located at 850 DE ROODE STREET, LEXINGTON, KY
Council District: 11
Project Contact: Vision Engineering

Note: The purpose of this plan is to add parking, and revise open space and adjacent building footprint.

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

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

1. Urban County Engineer's acceptance of drainage, 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.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. United States Postal Service Office's approval of kiosk locations or easement.
13. Clarify parking calculations.
14. Document ability to comply with required open space.
15. List selected features required to comply with Article 15-7 of the Zoning ordinance, and denote graphically on plan face.
16. Withdraw PLN-MJDP-21-00052 prior to approval.

Staff Presentation – Mr. Martin presented the application, pointing out that it was recently included in a zone change. He showed the location of the dumpster that had been a difficult discussion. He noted that there was another approved plan for this site that has been officially withdrawn, prior to today's meeting. During the initial review staff was concerned about the open space, but the applicant has documented how they are meeting the requirement. He said that there would be off-site open space available to the residents of this property due to a large park being constructed in close proximity to the subject property.

Commission questions - Mr. Nicol asked who would be responsible for connecting the path under the High Street viaduct. Mr. Martin said he believed it would be part of the redevelopment of Davis Bottoms done by the government.

Applicant Representation – Matt Carter, Vision Engineering, said that the conditions were acceptable, but asked for consideration regarding the greenspace requirements. He said the requirement was met "in spirit", whether or not it was the most optimal amount. He also pointed out the eight foot multi-use path that would lead to the Davis Park.

Commission Comments – Mr. Nicol said that he appreciated this kind of affordable housing, and that the City needed more of it.

Action - A motion was made by Ms. Worth, seconded by Ms. Meyer, and carried, 7-0 to approve PLN-MJDP-22-00034: VALLEY PARK (DE ROODE STREET APARTMENTS), removing condition #16.

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

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

VII. COMMISSION ITEMS

- A. **ELECTION OF OFFICERS** – The Commission's By-laws state that at the first regular meeting in July, the Commission shall elect a Chairperson, Vice-Chairperson, Secretary, and Parliamentarian. The Nominating Committee was named at the June 9th Commission meeting and has presented its slate for consideration by the Planning Commission. Nominations may also be made from the floor.

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

The current officers are as follows:

Chair: Larry Forester
Vice Chair: Frank Penn
Secretary: Janice Meyer
Parliamentarian: Zach Davis

Ms. Meyer presented the nominations of the Nominating Committee to be:

Chair: Larry Forester
Vice Chair: Anthony de Movellan
Secretary: Janice Meyer
Parliamentarian: Zach Davis

Action – A motion was made by Ms. Meyer, seconded by Ms. Barksdale, and carried 7-0, to approve the slate of officers as presented.

Commission Comments – Ms. Meyer asked that the delegation of the secretary's duties be assigned to the Planning staff, and all agreed.

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.
- B. Staff Comments - Mr. Duncan announced the work session on Thursday, July 16, 2022 would continue the discussion of the goals and objectives of the 2045 Comprehensive Plan. He reminded the members that parking would be different for the next Planning Commission meeting.

- 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 JUNE AND JULY

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

- X. **ADJOURNMENT** - There being no further business, Mr. Penn declared the meeting adjourned at 2:36 PM.

PS/CG/TM/TW

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Larry Forester, Chairman

Janice Meyer, Secretary