

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

September 8, 2022

- I. **CALL TO ORDER** – Chair Larry Forester called the meeting to order at 1:31 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.
- II. **ATTENDANCE** – Planning Commission members present were Larry Forester, Frank Penn, Judy Worth, Robin Michler, Headley Bell, Graham Pohl, and Ivy Barksdale (arrived at 2:38 p.m.). Planning Staff members present: Jim Duncan, Director; Traci Wade, Tom Martin, Cheryl Gallt, and Paula Schumacher. Other Staff members present: Tracy Jones, Department of Law; Vaughan Adkins, Division of Engineering; Greg Lengal, Division of Fire and Emergency Services; and Steven Parker, Division of Traffic Engineering.
- III. **APPROVAL OF MINUTES** – A motion was made by Ms. Worth, seconded by Mr. Penn, and carried 6-0 to approve the August 11, 2022 minutes.
- IV. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – Mr. Penn made a motion, seconded by Mr. Pohl, and carried 6-0, to approve the performance bonds and letters of credit as presented by staff.
- V. **POSTPONEMENTS AND WITHDRAWALS** - Requests for postponement and withdrawal were considered at this time.
- There were none at this time.
- VI. **LAND SUBDIVISION ITEMS** – The Subdivision Committee met on Thursday, September 1, 2022, at 8:30 a.m. The meeting was attended by Commission members Ivy Barksdale, Judy Worth, Anthony de Movellan, and Headley Bell. Committee members present 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, Autumn Goderwis, Paula Schumacher, 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.

1. PLN-FRP-22-00029: LAKEVIEW ESTATES, UNIT 2-B, BLOCK K, LOT3 (AMD) (10/30/2022)* - located at 503 LAKETOWER DRIVE, LEXINGTON, KY
Council District: 5
Project Contact: Eagle Engineering

Note: The purpose of this amendment is to subdivide one lot into six lots and dedicate easements.

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

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. Addressing Office's approval of street names and addresses.
4. Urban Forester's approval of tree protection areas.
5. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. United States Postal Service Office's approval of kiosk locations or easement.
8. Provided the Planning Commission makes a finding regarding the proposed access easement.

2. PLN-FRP-22-00030: WOOD FARMS (10/30/2022)* - located at 2470 BRYAN STATION ROAD, LEXINGTON, KY
Council District: 126
Project Contact: Endris Engineering

Note: The purpose of this plat is to create 3 agricultural lots from 2 lots.

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, 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 areas.
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 Department of Health approval for septic systems.

3. PLN-MJDP-20-00013:COLDSTREAM REASEARCH CAMPUS, UNIT 2-B, SECTION1, LOT 26 (PI-RAMAL PHARMA SOLUTION EXPANSION PROJECT) (AMD) (11/22/22)* - LOCATED AT 1575 MCGRANTHIANA PARKWAY, LEXINGTON, KY
Council District 2
Project Contact: Strand Associates

The applicant received re-approval of the plan subject to the original conditions on May 12, 2022. They requested continued discussion on August 15, 2022 to request the increase the building footprint and square footage, which would require modifications to the phase line.

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.

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

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. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. United States Postal Service Office's approval of kiosk locations or easement.
12. Addition of access points for construction vehicles.
13. Clarify the height on existing and proposed buildings.
14. Addition of building line setback per recorded plat Cab. L, Sl. 349.
15. Dimension ingress and egress on McGrathiana Parkway.
16. Clarify open space requirement per Article 8-24(k) of the Zoning Ordinance and note #16.
17. Denote floor area ratio in site statistics per Article 8-24(i) of the Zoning Ordinance.
18. Contour intervals shall be at 2 feet per Article 21-6(b) of the Zoning Ordinance.
19. Document compliance with required Design Guidelines and Committee approval per Article 8-24(o)(7) of the Zoning Ordinance.
20. Review by the Royal Spring Aquifer Committee prior to certification.

4. PLN-MJDP-21-00029: HIGHWOOD CENTER, LOT 2-A (WALMART) (AMD) (11/22/22)* - located at 500 W. NEW CIRCLE ROAD, LEXINGTON KY
Council District 1
Project Contact: Carlson Consulting Engineers

Note: The Planning Commission approved this plan on July 7, 2021 subject to the following conditions, and the applicant has requested re-approval.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Department of Environmental Quality's approval of environmentally sensitive areas.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire services features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. United States Postal Service Office's approval of kiosk locations or easement.
12. Addition of topography elevations.
13. Addition of dimensions for walkways and parking spaces.
14. Addition of dimensions for all buildings on the development plan.
15. Addition of site statistics box from previous plans.
16. Clarify building square footage for Lot 2-A.
17. Addition of tree protection plan per Article 26 of the Zoning Ordinance.
18. Document compliance with Article 12-8(h) of the Zoning Ordinance for Multi-Modal Accommodations for entire property.
19. Addition of street address on all buildings/lots including adjacent property.

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

5. PLN-MJDP-22-00040: HYMSON PROPERTIES, LOTS 7-15 (AMD) (10/3/22)* - located at 2895 RICHMOND ROAD, LEXINGTON, KY
Council District: 7
Project Contact: EA Partners

Note: The purpose of this amendment is to revise the development for two lots.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
10. United States Postal Service Office's approval of kiosk locations or easement.
11. Revise title on plan to match staff report.
12. Resolve access easement configuration.

6. PLN-MJDP-22-00049: HAYNES BROTHERS PROPERTIES, LLC (AMD) (10/30/2022)* - located at 840 ANGLIANA AVENUE, LEXINGTON, KY
Council District: 11
Project Contact: Vision Engineering

Note: The purpose of this amendment is to reduce the number of dwelling units and reconfigure buildings and off-street parking layout.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. 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 Capacity Assurance Program requirements, prior to plan certification.
11. United States Postal Service Office's approval of kiosk locations or easement.
12. Denote location of stormwater management area, if required.
13. Depict bicycle racks.

Action – Mr. Pohl made a motion, seconded by Ms. Worth, and carried 6-0, 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.

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

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

- a. PLN-FRP-22-00031: SEBASTIAN PROPERTY, UNIT 3-F (10/30/2022)* - located at 2826 LEESTOWN ROAD, LEXINGTON, KY
Council District: 2
Project Contact: EA Partners

Note: The purpose of this plat is to subdivide 1 lot into 14 buildable lots and 1 HOA lot.

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 areas.
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. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
9. United States Postal Service Office's approval of kiosk locations or easement.
10. Remove incorrect Commission's Certification.
11. Provided Planning Commission grants a waiver to Art. 4-5(b) of the Land Subdivision Regulations.

Staff Presentation - Mr. Martin explained the final record plat and the associated waiver request of substantial completion. He informed the Commission members of the timing difficulties that the applicant has experienced, and that the applicant would be bonding all of the incomplete public improvements.

Applicant Representation – Dick Murphy and Rory Kahly were present to represent Anderson Communities. Mr. Murphy said that the applicant agrees with the conditions and requested approval.

Commission Questions - Mr. Penn asked if the units would continue to be model units. Mr. Murphy said that he believed that they would continue to be models, at least for the near future.

Action – Ms. Worth made a motion, seconded by Mr. Bell, and carried 6-0, to approve PLN-FRP-22-00031: SEBASTIAN PROPERTY, UNIT 3-F with the 11 conditions and granting of the waiver to Article 4-5(b) of the Land Subdivision Regulations.

2. 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-21-00055: SHRINERS HOSPITAL / MASONIC TEMPLE ASSOCIATION OF LEXINGTON KENTUCKY (9/08/22)* - located at 4085 HARRODSBURG ROAD, LEXINGTON, KY
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.

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 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 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.

Staff Presentation – Mr. Martin presented the preliminary development plan, and reminded the Commission of the history of the site. During the previous discussions, there were several items of concern. He pointed out the landscaping and drainage changes. He reminded the Commission about the previous concerns of street connections and the right-in/ right-out proposed for Harrodsburg Road. Although a waiver was considered, it was decided that it was not necessary. Mr. Martin reminded the Commission that much of the right-in/ right-out design would be addressed in the final development plan. He also explained the following revised conditions:

The Staff 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.

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

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 and commercial area shall be required at time of a final development plan/preliminary subdivision plan, and that the design of said easement(s) shall include traffic calming measures, as appropriate.
19. ~~Provided the Planning Commission approves the requested waiver to 6-8(q)(2)(b) of the Land Subdivision Regulations.~~ Denote the configuration and design of the proposed right-in/ right-out shall be determined at the time of the final development plan/ preliminary subdivision plan.

Commission Questions - Mr. Penn asked if the Council had mentioned if the connecting street would become a city street. Mr. Martin replied that it would be very unlikely that the city would accept the street. Mr. Penn followed up by asking if it would be up to street standards. Mr. Martin replied that he believed that the depth would be up to public street standards, not necessarily the curb and gutter standards.

Applicant Representation – Bruce Simpson was present to represent the applicant. He pointed out the changes in connectivity from the initial plan as well as the small parks that are included on the site. He said that the Palomar Hills neighborhood was consulted and involved throughout the planning process.

Citizen Comments – Nathan Billings, representing the Palomar Hills Community neighborhood association, said that they were appreciative that the neighborhood had been consulted and included in the entire process. He noted that there were about 15 citizens present with him to support the right-in/right-out and the other staff recommendations.

Sam Dunn, 2204 Peppertree Court, said that he appreciated the communication of the staff and developer. He told the Commission members that the right-in/right-out was very important to them so that Syringa Drive could be a service road. He appreciated that they had input in the process.

Action – A motion was made by Mr. Penn, seconded by Mr. Bell, and carried 6-0, to approve PLN-MJDP-21-00055: SHRINERS HOSPITAL / MASONIC TEMPLE ASSOCIATION OF LEXINGTON KENTUCKY with the 19 revised conditions.

- b. PLN-MJDP-22-00041: FEATHERIDGE PARK, UNIT 5-A and 5-B, (SUMMERHILL) (AMD) (10/3/22)* - located at 3550 KENESAW DRIVE, LEXINGTON, KY
Council District: 8
Project Contact: EA Partners

Note: The purpose of this amendment is add two apartment building to the existing development.

The Subdivision Committee Recommended Postponement. There are questions regarding conflicts with existing easements, 25' floodplain setback, development in the floodplain, and improvements to Armstrong Mill Road.

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

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of 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 Capacity Assurance Program requirements, prior to plan certification.
12. United States Postal Service Office's approval of kiosk locations or easement.
13. Denote 25' floodplain setback.
14. Addition of site statistics for Lot 1.
15. Discuss resolution of easement conflicts.
16. Discuss proposed development in the 100 year floodplain.
17. Discuss access to Armstrong Mill Road.
18. Discuss pedestrian access public to the right-of-way.
19. Discuss improvements to Armstrong Mill Road per approved development plan.

Staff Presentation – Mr. Martin presented the preliminary development plan. He pointed out the two new buildings that are being proposed, as well as the location of a planned trail that will come across the front of the property. He also noted that there was a floodplain, several setbacks, and easements that complicate issues, but that the construction process can address the easement conflicts. He said that there would have to be a CLOMR (conditional letter of map revision) filed for the floodplain. He explained that there will be extensive permitting and oversight from FEMA. The final development plan will need to show these changes. He also explained that these units will not be built until the new sewer line is completed. Mr. Martin pointed out the 20' easement, which includes a 10' sidewalk easement that will become the trail. He said that staff has recommended approval with the following revised conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of 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 Capacity Assurance Program requirements, prior to plan certification
12. United States Postal Service Office's approval of kiosk locations or easement.
13. Denote 25' floodplain setback.
14. Addition of site statistics for Lot 1 at the time of Final Development Plan.
15. ~~Discuss~~ Denote resolution of easement conflicts shall be determined at time of final development plan.
16. ~~Discuss~~ Denote extent of development in the 100 year floodplain shall be determined at time of final development plan and in compliance with Article 19 of the Zoning Ordinance.
17. ~~Discuss access to Armstrong Mill Road~~. Denote proposed new trunk line sanitary sewer easement location to the approval of the Division of Water Quality.
18. ~~Discuss pedestrian access public to the right-of-way~~. Denote that an easement minor record plat shall be recorded for the new sanitary sewer trunk line prior to certification of a final development plan.

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

19. Discuss improvements to Armstrong Mill Road per approved development plan. Clarify Note #14 to state the capital improvement project for the multi-use trail shall not include the right turn taper or driveway access.

Commission Questions – Mr. Michler asked why the stream needed to be moved, in concern for the environmental impacts, and why permission should be granted.

Mr. Martin replied that it is the applicant's right to address the problem with a CLOMR, and that it would not only have to meet FEMA's standards, but the standards of Article 19 of the Zoning Ordinance, as well. He continued by saying that Article 19 will address the more local concerns of the vegetative buffer.

Mr. Michler reiterated his concern that the existing stream crossing the site is planned to be covered by a parking lot.

Mr. Martin stated that the applicant hopes to reduce the size of the stream through engineering, and that it may be put into a culvert.

Mr. Michler asked if there was a restriction on building closer to Armstrong Mill Road, and Mr. Martin responded, that because of the new sanitary sewer trunk line, they were restricted to building further back on the property.

Applicant Representation – Rory Kahly, EA Partners, was present to represent the applicant. He asked staff some questions regarding items 11 and 18. He requested that they be removed and addressed at the final development plan stage. Mr. Martin and Ms. Wade gave some clarification about the two items.

Commission Questions – Mr. Penn asked if approval of this plan was needed to request the CLOMR. Mr. Kahly stated that they did need to have their preliminary development plan approved so that they could move forward with the CLOMR.

Ms. Wade clarified that the Division of Engineering would have to sign off on the application for the CLOMR, and that the applicant wanted to make sure that was possible before moving forward.

Mr. Bell asked about changing item 18 to "resolve". Mr. Martin said that it would be resolved.

Mr. Michler asked if, since the bulk of the plan is over a floodplain, there was any discussion about why the parking needed to be in that location. Mr. Kahly responded by explaining the different easements and location of the access point made it necessary to place the buildings and parking in those particular locations. He also stated that the development was at the end of the floodplain so that there would be no negative effects downstream.

Action – Mr. Bell made a motion, seconded by Mr. Penn, and carried 5-1 (Mr. Michler opposed) to approve PLN-MJDP-22-00041: FEATHERIDGE PARK, UNIT 5-A and 5-B, (SUMMERHILL) (AMD) with the 19 revised conditions, changing 18 to "resolve".

Further Action – After the vote, Mr. Kahly made a request to change #11. Mr. Bell revised his motion, changing #11 to read - Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements at the time of final development plan. The motion was, again seconded by Mr. Penn and carried 5-1 (Mr. Michler opposed).

Commission Questions – Mr. Pohl asked if there had been any consideration to having the trail run in the far side of the property instead of along Armstrong Mill Road. Mr. Martin replied that the trail was to be placed in that location due to the determination of a pre-existing capital project.

Ms. Barksdale joined the meeting at 2:38 p.m.

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

- c. PLN-MJDP-22-00046: TOWN BRANCH PARK (10/30/2022)* - located at 150 TUCKER STREET (795 MANCHESTER STREET), LEXINGTON, KY
Council District: 11
Project Contact: Strand Associates, Inc.

Note: The purpose of this plan is to depict the development of a private park.

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 landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
12. Dimension proposed building(s) and stage area.
13. Identify purpose of the rectangles north of the stage area.
14. Dimension the patio and plaza areas.
15. Identify defined areas adjacent to dog park.
16. Clarify greenspace/hardscape areas adjacent to the plaza.
17. Clarify greenspace/hardscape areas adjacent to play yard.
18. Discuss parking and parking management.
19. Discuss access to W. High Street.
20. Discuss pedestrian access to Oliver Lewis Way.

Commission Comments – Mr. Bell stated, for the record, that because he serves on a sub-committee for Town Branch Park, he had conferred with Tracy Jones of the Law Department regarding his ability to participate in this case. Ms. Jones let him know that, because there was no financial interest, he would be able to participate.

Staff Presentation – Mr. Martin presented the final development plan. He pointed out the changes that had been made since the preliminary plan. He said that there would be no access from the West Main Street right-of-way. They had also changed the location of Town Branch Trail, and decided to leave Town Branch where it was. They also opened up access from High Street. He pointed out other features that were being maintained. Mr. Martin also listed the clean-up items and items that needed further discussion. He noted that pedestrian access to Oliver Lewis Way was not possible at this time, but mentioned the potential re-development of the Salvation Army Property in the future when it might be possible. He mentioned that there was a provided list of the breakdown of available parking in a four block area. Mr. Martin also explained that there would be coordination of events with Rupp Arena, City Center, and the park to avoid parking conflicts.

Application Representation – Michael Ades, Allison Langford, Steve Vogel of Strand Engineering, and John Rhorer were present to represent the park. He stated that he agreed to the first 17 conditions. He reiterated the explanation that Mr. Martin had previously given on the final three discussion items regarding parking, access to High Street, and pedestrian access to Oliver Lewis Way. He stated that they hoped to have the park open to the public in the spring of 2025.

Mr. Bell made a motion, seconded by Mr. Penn, and carried 7-0, to approve PLN-MJDP-22-00046: TOWN BRANCH PARK, with 17 conditions, and deleting items 18-20.

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

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

A. Amendment to Adopted Meeting & Filing Schedule – Mr. Penn made a motion, seconded by Ms. Worth, and carried 7-0 to cancel the September 29, 2022 work session.

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.

1. PLN-FRP-22-00031:SEBASTIAN PRPOERTY, UNIT 3-F– located at 2826 LEESTOWN ROAD, LEXINGTON, KY
- B. ZONING ORDINANCE TEXT AMENDMENT INITIATION** – Ms. Wade requested the Planning Commission initiate a Zoning Ordinance text amendment to authorize changes in enforcement functions, transferring a number of responsibilities from the Division of Planning to the Division of Building Inspection.

Action – A motion was made by Mr. Penn, seconded by Mr. Pohl, and carried 7-0 to initiate a Zoning Ordinance text amendment to transfer zoning enforcement responsibilities to the Division of Building Inspection.

Staff Comments – Mr. Duncan reminded the Commission members of the upcoming work session, and gave an overview of the items that would be covered.

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 SEPTEMBER AND OCTOBER

Work Session, Thursday, 1:30 p.m., 3 rd Floor Conference Room, Phoenix Building	September 15, 2022
Technical Committee, Wednesday, 8:30 a.m., 3 rd Floor Conference Room, Phoenix Building.....	September 28, 2022
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers, Government Center	September 22, 2022
Subdivision Committee, Thursday, 8:30 a.m., 3 rd Floor Conference Room, Phoenix Building.....	October 6, 2022
Zoning Committee, Thursday, 1:30 p.m., 3 rd Floor Conference Room, Phoenix Building.....	October 6, 2022
Subdivision Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers, Government Center.....	October 13, 2022

X. ADJOURNMENT

The meeting was adjourned at 3:02 p.m.

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Larry Forester, Chair

Janice Meyer, Secretary