

AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS
AND ND-1 OVERLAY AMENDMENT
December 8, 2022

- I. **CALL TO ORDER** - The meeting will be called to order at 1:30 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.
- II. **APPROVAL OF MINUTES** – The October 13, 2022 minutes will be considered at this time.
- III. **POSTPONEMENTS AND WITHDRAWALS** - Requests for postponement and withdrawal will be considered at this time.
- IV. **LAND SUBDIVISION ITEMS** – The Subdivision Committee met on Thursday, December 1, 2022, at 8:30 a.m. The meeting was attended by Commission members Ivy Barksdale, Judy Worth, Frank Penn, Janice Meyer, and Headley Bell. Committee members present were Vaughan Adkins, Division of Engineering; and David Filiatreau, Division of Traffic Engineering. Staff members in attendance were: Traci Wade, Tom Martin, Cheryl Gallt, Hal Baillie, Autumn Goderwis, Daniel Crum, Sam Castro, Paula Schumacher, Greg Lengal, Division of Fire and Emergency Services; Stephen Parker, Division of Traffic Engineering; Tracy Jones, Department of Law; and Doug Burton, Division of Engineering. 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.

- 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.

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

1. Final Subdivision Plans

- a. PLN-FRP-22-00037: ELAM PROPERTY (1/31/2023)* - located at 5201 MT. HOREB PIKE, LEXINGTON, KY
Council District: 1
Project Contact: EA Partners

Note: The purpose of this plat is to subdivide an 81 acre tract into 2 tracts.

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

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

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Addressing Office's approval of street names and addresses.
3. Department of Environmental Quality's approval of environmentally sensitive areas.
4. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
5. Denote access easement maintenance responsibility certification per Article 5-4(h)(1) of the Land Subdivision Regulations.
6. Denote adjacent property owner information.

- b. PLN-FRP-22-00039: TALON ESTATES (1/31/2023)* - located at 7086 TATES CREEK ROAD, LEXINGTON, KY
Council District: 12
Project Contact: EA Partners

Note: The purpose of this plat is to subdivide 297 acres into 17 tracts.

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

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Addressing Office's approval of street names and addresses.
4. Urban Forester's approval of tree protection area(s) and required street tree information.
5. Department of Environmental Quality's approval of environmentally sensitive areas.
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. Revise owner's certification per Article 5-4(h)(1).
9. Denote zoning boundary line on plat south of Talon Lane (near Lots 6 & 14).
10. Provided the Planning Commission grants the requested waiver of Article 6-4(c) of the Land Subdivision Regulations.

2. Preliminary Subdivision Plans

- a. PLN-MJSUB-22-00004: MARGARET W. CAMIC PROPERTY (W.E. SAVAGE PROPERTY) (01/1/23)* - located at 4630 OLD SCHOOLHOUSE RD., LEXINGTON, KY
Council District: 9
Project Contact: Vision Engineering

Note: The purpose of this amendment is to request a waiver of the Land Subdivision Regulations for street geometrics.

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

The Subdivision Committee Recommend: **Postponement**. There are questions regarding overall impact of change in street geometrics to access and layout.

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.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements prior to plan certification.
10. Discuss potential site revisions due to change in street connections.

- b. PLN-MJSUB-22-00005: WOODWARD COURT SUBDIVISION (AMD) (1/29/23)* – located at 690 WOODWARD LANE, LEXINGTON, KY
Council District: 6
Project Contact: EA Partners

Note: The purpose of this amendment is to revise the layout of the subdivision and include townhomes.

The Subdivision Committee Recommended: **Postponement**. There are questions regarding proposed townhome layout, parking, and easement conflicts.

Should this plan be approved, the following conditions 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.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Denote front yard building setback on proposed townhome lots.
11. Denote separate cross-section for access easement along cul-de-sac.
12. Provide typical townhouse unit.
13. Discuss compliance with Article 8-12 (b)(7) of the Zoning Ordinance.
14. Discuss adjacent property access per approved plan.
15. Discuss status of 15' utility easement crossing Lot 17.
16. Discuss missing 20' gas line easement in area of townhomes and proposed detention per previous plan.
17. Discuss proposed construction access from Wilderness Road.
18. Discuss emergency access gate to Woodward Lane per approved plan.
19. Discuss Kentucky Department of Water identified spring #207 on Lot 29.
20. Discuss parking on access easement and compliance with Article 16-5 for shared parking courts.

3. Development Plans

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

- a. PLN-MJDP-16-00037: HASH AND HOUNSHELL PROPERTY (2/13/23)* - located at 1411 GREENDALE ROAD, LEXINGTON, KY
Council District: 2
Project Contact: Vision Engineering / EA Partners

Note: The Planning Commission approved this item at their December 8, 2016, meeting, and reapproved on January 11, 2018, subject to the following conditions:

The Subdivision Committee recommended: **Re-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 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. Denote proposed and existing easements on plan.
 13. Denote the Royal Springs Aquifer Committee's consideration and/or approval prior to certification.
 14. Align Lucille Drive street connection to the north.
 15. Resolve proposed parking area and 12' access easement for Units 17-20.
 16. Document "office" uses near swimming pools will not exceed FAR limits, and account for their floor area in site statistics.
- b. PLN-MJDP-18-00004 (AKA DP 2004-153): TRIPLE STARS PROPERTY (2/13/23)* - located at 920 OLD TODDS ROAD.
Council District: 7
Project Contact: CS International Group, Inc.

Note: The Planning Commission approved this plan at their October 14, 2004, meeting, and reapproved on February 8, 2018, subject to the following conditions.

Note: The applicant requested re-approval on November 14, 2022.

The Subdivision Committee recommended: **Postponement**. There are questions regarding the plan meeting the new parking requirements.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
3. Landscape Examiner's approval of landscaping.
4. Urban Forester's approval of tree preservation plan.
5. Denote: No building permits shall be issued until a final subdivision plan has been approved and certified by the Planning Commission.
6. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
7. Revise general note on grading to reference Article 16 of the Code of Ordinance.
8. Verify or correct owner, applicant name and information.
9. Denote: No amendments to the Final Development Plan shall be required for additions or alterations to individual townhouses provided they comply with the Zoning Ordinance.
10. Correct current zoning in the site statistics.

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

- c. PLN-MJDP-21-00009: KINGSTON HALL, UNIT 1 & 2 (AMD) (6/29/21)* – located at 1068 & 1098 ASPIRATION DR., 1150 PROVIDENCE PLACE PARKWAY, 2175 & 2301 RUSSELL CAVE ROAD, LEXINGTON, KY
Council District: 12
Project Contact: EA Partners

Note: The purpose of this amendment is to revise the lotting and street pattern.

Note: The Planning Commission postponed this item at their April 8, 2021, and May 13, 2021, meetings, and the applicant requested indefinite postponement on June 10, 2021 in order to complete a cemetery study.

Note: The applicant requested that this plan be brought back through the Planning Commission process in order to introduce revisions to the plan.

The Subdivision Committee recommended: **Postponement**. There are questions regarding compliance with Article 23A-10 (j)(12)(b) of the Zoning Ordinance and timing of the connection to Russell Cave Road.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Addition of Article 21 required information for Lots 8 & 26.
9. Denote 100' building setback per Article 23A(2)(e) of the Zoning Ordinance.
10. Discuss Rural Service Area agricultural use buffer yard setback per Article 23-A(2)(f).
11. Discuss proposed access to Russell Cave Road.
12. Discuss compliance with Article 23A-10(j)(12)(b) of the Zoning Ordinance.
13. Discuss timing of Providence Place Parkway construction to Russell Cave Road.
14. Discuss plan status.

- d. PLN-MJDP-21-00045: RICHARDSON PROPERTY (AMD) (12/06/21)* - located at 324 HANNAH TODD PLACE, LEXINGTON, KY
Council District: 7
Project Contact: Commonwealth Designs Inc.

Note: The purpose of this amendment is to remove 5 townhomes and increase the number of condominiums by 18.

Note: The Planning Commission originally approved this plan at their October 10, 2021.

Note: The applicant requested reapproval on October 26, 2022.

The Subdivision Committee recommended: **Re-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 the treatment of bike trails and pedestrian facilities.
7. Greenspace Planner's approval of access to HOA lot and shared-use path.

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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. Addition of topography in area of amendment.
 12. Denote access point for construction vehicles.
 13. Addition of dimensions on all condominium buildings.
 14. Clarify site statistics for number of condominium units.
- e. 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.

Note: The Planning Commission approved this plan on July, 14, 2022.

Note: The applicant asked for a continued discussion on November 14, 2022 to discuss the new parking requirements.

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 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. Document ability to comply with required open space.
 14. List selected features required to comply with Article 15-7 of the Zoning ordinance, and denote graphically on plan face.
- f. PLN-MJDP-22-00058: CRESTWOOD MONTESSOURI SCHOOL (REDWOOD CO-OP SCHOOL EXPANSION) (AMD) (12/4/2022)* - located at 166 CRESTWOOD DRIVE, LEXINGTON, KY
Council District: 3
Project Contact: Midwest Engineering, INC

Note: The purpose of this amendment is to construct a new educational building.

The Subdivision Committee Recommended: **Postponement**. There are questions regarding compliance with parking.

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.

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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. United States Postal Service Office's approval of kiosk locations or easement.
 13. Dimension all existing structures and playground areas.
 14. Denote: A geotechnical study shall be submitted to the Divisions of Engineering, Environmental Services, and Planning, prior to issuance of a Zoning Compliance Permit.
 15. Denote Board of Adjustment approval of the expanded conditional use.
 16. Discuss building conflict with existing stormwater facility.
- g. PLN-MJDP-22-00061: RML-CITATION (HILLENMEYER INTEREST LTD) LOT 2 (AMD) (1/1/2023)* - located at 2670 SANDERSVILLE ROAD, LEXINGTON, KY
Council District: 2
Project Contact: RMJE

Note: The purpose of this amendment is to increase building square footage for Lot 2.

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. United States Postal Service Office's approval of kiosk locations or easement.
 10. Correct plan number on plan and title block.
 11. Addition of labels for topography information.
 12. Correct building square footage in the site statistics (4,078 sq. ft.) vs. purpose of plan (4,000 sq. ft.).
 13. Addition of all building dimensions.
 14. Correct floor area ratio in site statistics.
- h. PLN-MJDP-22-00062: HOOVER & FORD PHILPOT EVANGELISTIC ASSOCIATION PROPERTY (THE FOUNTAINS AT PALOMAR)(AMD)(1/1/2023)* - located at 3801 HARRODSBURG ROAD, LEXINGTON, KY
Council District: 9
Project Contact: Vision Engineering

Note: The purpose of this amendment is to revise the building, parking, and circulation on Lots 1, 4, 6, & 8.

The Subdivision Committee Recommended: **Postponement**. There are questions regarding the proposed loading dock and compactor at rear of building relative to rear screening notes, as well as questions regarding the service road.

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

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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. United States Postal Service Office's approval of kiosk locations or easement.
 13. Denote time of proposed turn lane construction on Harrodsburg Road.
 14. Discuss enhanced vehicular use area (VUA) screening along Man O' War Boulevard.
 15. Discuss proposed loading dock and compactor at rear of proposed building on Lot 8, and impact on existing access easement and traffic movement through the site.
- i. PLN-MJDP-22-00063: SHRINERS HOSPITAL/ MASONIC TEMPLE ASSOCIATION OF LEXINGTON (1/1/2023)* - located at 4085 HARRODSBURG ROAD, LEXINGTON, KY
Council District: 9
Project Contact: Vision Engineering

Note: The purpose of this amendment is to depict the commercial development, 13 townhomes, and 7 single family lots.

The Subdivision Committee Recommended: **Postponement.** Numerous development concepts need to be discussed and resolved.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and 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. United States Postal Service Office's approval of kiosk locations or easement.
13. Department of Highway's approval of access to Harrodsburg Road (state road).
14. Label cross-sections per location on plan face.
15. Denote proposed easements.
16. Discuss enhanced screening along Harrodsburg Road per note #14.
17. Discuss access easements and required finding by the Planning Commission.
18. Discuss design of configuration of proposed right-in/right-out.
19. Discuss sidewalk improvements to Harrodsburg Road.
20. Discuss timing of public improvements and required infrastructure.
21. Discuss timing or phasing of development of commercial and residential portions of property.

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

- j. PLN-MJDP-22-00065: GIVENS PROPERTY (1/1/2023)* - located at 2210 GEORGETOWN ROAD, LEXINGTON, KY
Council District: 2
Project Contact: CMW, INC.

Note: The purpose of this plan is to show the size and location of the proposed Lot 1 buildings, parking, circulation, and access.

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. 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. Department of Highway's approval of access to Georgetown Road (state road).
 13. Addition of lotting and setback dimensions for lots 3-12.
 14. Provided the Planning Commission approves the waiver of Article 6-8(q) of the Land Subdivision Regulations for access spacing.
 15. Discuss access points and possible waivers.
 16. Discuss sidewalk width and connections.
 17. Discuss regional detention basins located off site.
 18. Addition of preliminary subdivision plan to purpose of plan.
- k. PLN-MJDP-22-00067: ETHINGTON & ETHINGTON, LOT 3 (AMD) (1/29/23)* – located at 4235 HARRODSBURG ROAD, LEXINGTON, KY
Council District: 9
Project Contact: The Roberts Group

Note: The purpose of this amendment is to revise Lot 3 to depict an accessory structure of 112 square feet.

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. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
 6. Division of Waste Management's approval of refuse collection locations.
 7. Addition of addresses on townhomes.
 8. Revise townhome layout per submitted PLN-MNDP-22-00032.
- l. PLN-MJDP-22-00069: KINGSTON HALL, LOTS 11 & 12 (AMD)(1/29/23)* – located at 2175 RUSSELL CAVE ROAD, LEXINGTON, KY

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

Council District: 12
Project Contact: EA Partners

Note: The purpose of this amendment is to depict development of Lots 11 and 12.

Note: This property requires a sign posting and affidavit of such.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Landscape Examiner's approval of landscaping and 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. United States Postal Service Office's approval of kiosk locations or easement.
 13. Department of Highway's approval of access to Russell Cave Road (KY 353).
 14. Provided the Planning Commission finds the plan complies with the Expansion Area Master Plan.
 15. Withdrawal of PLN-MJDP-21-00073.
 16. Addition of Russell Cave Road cross-section.
 17. Dimension loading docks.
 18. Denote approval of Royal Springs Aquifer Committee.
 19. Denote proposed easement for cemetery access.
 20. Denote exactions to the approval of the Division of Planning.
 21. Denote PLN-MJDP-21-00009 shall be certified prior to the subject plan.
 22. Discuss access and improvements to Russell Cave Road.
 23. Discuss spring located in southeast corner of Lot 12.
 24. Discuss amount of tractor trailer parking proposed and compliance with Article 16 of the Zoning Ordinance.
- m. PLN-MJDP-22-00070: CLARK PROPERTY, UNIT 4 (AMD) (1/29/23)* – located at 1551 DEER HAVEN LANE, LEXINGTON, KY
Council District: 12
Project Contact: EA Partners

Note: The purpose of this amendment is to revise housing types, reducing single family detached by 81 lots, and adding 75 townhomes.

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

The Technical Committee Recommended: **Postponement**. There are questions regarding compliance with the Expansion Area Master Plan, and Articles 23 and 16 of the Zoning Ordinance.

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

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

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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. United States Postal Service Office's approval of kiosk locations or easement.
12. Denote access to Deer Haven Park and Brighton Trail to the approval of the Division of Parks and Recreation and Greenspace Planner.
13. Provided the Planning Commission makes a finding that the plan complies with the Expansion Area Master Plan.
14. Delete note #9, duplicate of note #3.
15. Denote height for townhomes.
16. Discuss driveway access to Blackford Parkway for townhomes in Block 1 on Lot 276.
17. Discuss access to greenway from detached single family homes and townhomes.
18. Discuss proposed access easement for townhomes and the need for a finding by the Planning Commission.
19. Discuss compliance with Article 23A-2(i) for townhomes.
20. Discuss compliance with Article 16-5(b) for shared driveways for townhomes.

C. PERFORMANCE BONDS AND LETTERS OF CREDIT – Bonds or letters of credit requiring Commission action will be considered at this time. The Division of Engineering will report at the meeting.

V. ZONING ITEMS – The Zoning Committee met on December 1, 2022, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Bruce Nicol, Zach Davis, Graham Pohl, and Robin Michler. Staff members present were Tracy Jones, Department of Law; Traci Wade, Hal Baillie, Autumn Goderwis, Tom Martin, Daniel Crum, and Bill Sheehy.

A. ABBREVIATED PUBLIC HEARINGS ON ZONING MAP AMENDMENTS

The staff will call for objectors to determine which petitions are eligible for abbreviated hearings.

Abbreviated public hearings will be held on petitions meeting the following criteria:

- The staff has recommended approval of the zone change petition and related plan(s)
- The petitioner concurs with the staff recommendations
- Petitioner waives oral presentation, but may submit written evidence for the record
- There are no objections to the petition

B. FULL PUBLIC HEARINGS ON ZONE MAP AMENDMENTS – Following abbreviated hearings, the remaining petitions will be considered.

The procedure for these hearings is as follows:

- Staff 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) (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)
- Hearing closed and Commission votes on zone change petition and related plan(s)

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the hearing. The Chair will announce its decision at the outset of the hearing.

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

1. **PLN-MAR-22-00020: LES AND CINDY KOVALIK** – a petition for an amendment to the Montclair Neighborhood Design (ND-1) Overlay zone in the Single Family Residential (R-1C) zone to allow the reduction of the side street side yard setback along Kastle Road from a minimum of thirty-five (35) feet to thirty (30) feet, allow for the measurement for the depth of the building to be measured from the front door plane, and to allow the front door of the structure to face the intersection of Cooper Drive and Kastle Road, for property located at 702 Cooper Drive and 1212 Kastle Road.

Staff Recommends: **Approval** of the request to modify Design Standard #5 and Design Standard #10, for the following reasons:

- a. The requested modification of the Neighborhood Design Character (ND-1) overlay zone Design Standard #5 and Design Standard #10 for this parcel will not adversely affect the public health, safety or welfare, nor will it alter the character of the neighborhood. The proposed location of the front door and the measurement of the rear yard building setback from the front door meets the intent of the goals set by the neighborhood with the ND-1 Overlay zone.
- b. The special circumstance related to the corner location of the subject property.
- c. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restriction is proposed to be modified for the subject property via conditional zoning as follows:
 - i. Front Building Features
 - Main entry door must face a public street or streets.
 - ii. Rear Yard Building Setbacks
 - Maximum building dimension of the principal structure from the front building plane, as defined by the location of the front door, is 55 feet (excludes allowable projections per Article 15-5 of the Zoning Ordinance).

Modification of the main entry door and rear yard building setback are appropriate as they are consistent with the intent and preservation goals of the Montclair Neighborhood.

Staff Recommends: **Disapproval** of the request to modify Design Standard #9, for the following reasons:

- a. The requested modification of the Neighborhood Design Character (ND-1) overlay zone Design Standard #9 is not in character with the historical context of the subject property and the neighboring property located at 1216 Kastle Road.
- b. The building setbacks for Cooper Drive (30-40 feet) and Kastle Road (35-45 feet) overlap, which allows the applicant to situate the proposed structure at an equal setback, keeping the continuity they would like to achieve.
- c. The reference to the large lot as a unique characteristic of the property is the result of the consolidation of 702 Cooper Drive and 1212 Kastle Road. The characteristic is thus the result of the applicant's action rather than a historical characteristic of the area. A modification of the building setback would be a circumvention of the Zoning Ordinance and the standards developed by the Montclair Neighborhood.

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

A. ANNUAL REPORT FROM PURCHASE OF DEVELOPMENT RIGHTS PROGRAM – The Commission will hear from Ms. Beth Overman, who will present the required Annual Report from the Rural Land Management Board.

B. GOAL 4 REPORT – The Commission will receive a presentation of the Goal 4 Report summary from Ms. Jennifer Sutton and Ms. Eve Miller of the Council Office.

VII. STAFF ITEMS

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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.

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 DECEMBER AND JANUARY

Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers, Government Center **December 15, 2022**
Technical Committee, Wednesday, 8:30 a.m., 3rd Floor Conference Room, Phoenix Building..... December 21, 2022
Subdivision Committee, Thursday, 8:30 a.m., 3rd Floor Conference Room, Phoenix Building.....January 5, 2023
Zoning Committee, Thursday, 1:30 p.m., 3rd Floor Conference Room, Phoenix Building..... January 5, 2023
Subdivision Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers, Government Center..... **January 12, 2023**

X. ADJOURNMENT

TW/TM/AG/CG/PS

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