

**MINUTES**  
**URBAN COUNTY PLANNING COMMISSION**  
**SUBDIVISION ITEMS**  
**February 9, 2023**

- I. **CALL TO ORDER** - The meeting was called 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 member in attendance were Larry Forester, Headley Bell, Robin Michler, Judy Worth, Ivy Barksdale, Zach Davis, Bruce Nicol and Graham Pohl. Planning staff members present were Jim Duncan, Traci Wade, Tom Martin, Cheryl Gallt, and Paula Schumacher. Other staff members present were Brittany Smith, Department of Law; Vaughan Adkins, Division of Engineering; David Filiatreau, Division of Traffic Engineering; and Greg Lengal, Division of Fire & Emergency Services.
- III. **APPROVAL OF MINUTES** – Ms. Worth made a motion, seconded by Mr. Pohl, and carried 8-0 (de Movellan, Meyer, and Penn absent), to approve the January 12, 2023 minutes.
- IV. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – Mr. Davis made a motion, seconded by Ms. Barksdale, and carried 8-0 (de Movellan, Meyer, and Penn absent), to approve the January performance bonds and letters of credit.
- V. **POSTPONEMENTS AND WITHDRAWALS** - Requests for postponement and withdrawal will be considered at this time.
- A. **PLN-MJDP-20-00074: CHEROKEE PARK SUBDIVISION, LOT 1 & SUBURBAN COURT SUBDIVISION, BLOCK A, LOTS 1 & 2 (2/26/23)\*** - located at 1729, 1733, & 1737 NICHOLASVILLE ROAD, LEXINGTON, KY  
Council District: 3  
Project Contact: EA Partners

Note: The purpose of this amendment is to revise the development of the property.

The Subdivision Committee Recommended: Postponement. There are questions about the extent of the variances needed to meet Articles 8-12 and 15-7, and the lack of a tree preservation plan per Article 26-4(c).

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike and 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 the Capacity Assurance Program requirements, prior to plan certification.
11. United States Postal Service Office's approval of kiosk locations or easement.
12. Revise plan title to match staff report.
13. Denote specific compliance with Article 15-7 Infill & Redevelopment regulations for new residential construction.
14. Provided the Board of Adjustment grants the requested variances for side yard, rear yard, and building height.
15. Provided the Planning Commission grants the requested tree canopy variance per Article 26.
16. Denote required 6' fence per Article 18 adjacent to the P-1 and R-1C zones.
17. Discuss compliance with Nicholasville Road Access and Land Use Plan.
18. Discuss compliance with Article 18 zone-to-zone screening adjacent to R-1C zone.

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19. Discuss use of building materials and building articulation adjacent to H-1 overlay zoned properties.
20. Discuss possible relocation assistance to eligible residents.
21. Discuss missing Tree Inventory Map and Tree Preservation Plan information.
22. Discuss location of useable open space.

Applicant Representation – Bruce Simpson, attorney for the applicant, asked for a one month postponement so that plan changes could be finalized.

Action – Mr. Pohl made a motion, seconded by Ms. Barksdale, and carried, 8-0, (de Movellan, Meyer, and Penn absent), to postpone PLN-MJDP-20-00074: CHEROKEE PARK SUBDIVISION, LOT 1 & SUBURBAN COURT SUBDIVISION, BLOCK A, LOTS 1 & 2 to the March 9, 2023 meeting.

- B. PLN-MJDP-22-000085: SOUTH END PARK, UNIT 2 (DAVIS PARK) (2/26/23)\* - located at 525 & 530 DE ROODE STREET, LEXINGTON, KY  
Council District: 11  
Project Contact: Prime Engineering

Note: The purpose of this plan is to depict new multi-family development and a workforce development building.

The Subdivision Committee Recommended: Postponement. There are concerns regarding compliance with Article 28-4 of the Zoning Ordinance.

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.
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. Denote compliance with Article 15-7 for infill/redevelopment design requirements and Article 28-6 for building feature requirements.
13. Clarify proposed use of MU-2 building in site statistics.
14. Discuss compliance with MU-2 uses regarding the proposed workforce building.
15. Discuss compliance with zero-foot setback requirement per Article 28-4 of the Zoning Ordinance.

Applicant Representation – Clay Johnson, Prime Engineering, told the Commission members that they were close to working out the final details and requested a two week postponement.

Action – Mr. Davis made a motion, seconded by Ms. Worth, and carried 8-0 (de Movellan, Meyer, and Penn absent) to postpone PLN-MJDP-22-000085: SOUTH END PARK, UNIT 2 (DAVIS PARK) to the February 23, 2023 meeting.

- C. PLN-MJDP-22-000045: DISTILLERY DISTRICT WEST (U-HAUL LEXINGTON) (AMD) (2/26/23)\* - located at 1158 & 1170 MANCHESTER STREET, LEXINGTON, KY  
Council District: 11  
Project Contact: Abbie Jones Consulting

Note: The purpose of this amendment is to revise use of the property.

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

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The Subdivision Committee Recommended: **Postponement.** There are questions regarding the applicant's compliance with Article 19 of the Zoning Ordinance.

1. Urban County Engineer's acceptance of drainage, storm, 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 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 proposed apartment building.
14. Addition of contour lines.
15. Denote pedestrian access to public right-of-way.
16. Dimension 1170 building.
17. Revise note #6 to meet current requirements.
18. Discuss proposed apartment building compliance with Article 19 of the Zoning Ordinance.
19. Discuss display of rental vehicles and trailers.
20. Discuss reciprocal parking with the western area of the development.
21. Discuss timing of proposed right-of-way dedication.
22. Discuss timing or phasing of 1158 site improvements.

Applicant Representation – Nathan Billings, Billings Law Firm, was present to represent the applicant and requested a one month postponement so that the final issues could be taken care of.

Action – Mr. Pohl made a motion, seconded by Ms. Barksdale, and carried 8-0 (de Movellan, Meyer and Penn absent), to postpone PLN-MJDP-22-000045: DISTILLERY DISTRICT WEST (U-HAUL LEXINGTON) (AMD) to the March 9, 2023 meeting.

- D. PLN-MJDP-22-00079: COLEMAN PROPERTY (NEWTOWN PIKE HAMPTON INN & SUITES) (AMD) (2/26/23) - located at 1880 NEWTOWN PIKE, LEXINGTON, KY  
Council District: 2  
Project Contact: Thoroughbred Engineering

Note: The purpose of this amendment is to revise for a proposed hotel.

The Subdivision Committee Recommended: **Postponement.** There are questions regarding compliance with the Article 16 requirements.

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.

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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 review by Royal Springs Aquifer Committee.
14. Addition on access easement cross-section.
15. Revise parking adjacent to Coleman Court to meet Article 16 requirements, by adding a landscape island.
16. Remove parking from front yard to comply with Article 16 requirements.

Applicant Representation – Nathan Billings, Billings Law Firm, was present to represent the applicant, and requested a one month postponement to address the issues mentioned in the staff report.

Action – Mr. Michler made a motion, seconded by Ms. Worth, and carried 8-0 (de Movellan, Meyer, and Penn absent), to postpone PLN-MJDP-22-00079: COLEMAN PROPERTY (NEWTOWN PIKE HAMPTON INN & SUITES) (AMD) to the March 9, 2023 meeting.

- E. 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. 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 and Article 8 of the Zoning Ordinance.

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.

Staff Comments – Mr. Martin told the Commission members that he had spoken to the applicant and they had requested a one month postponement.

Ms. Worth made a motion, seconded by Ms. Barksdale, and carried 8-0 (de Movellan, Meyer, and Penn absent), to postpone PLN-MJDP-18-00004 (AKA DP 2004-153): TRIPLE STARS PROPERTY to the March 9, 2023 meeting.

- VI. **LAND SUBDIVISION ITEMS** – The Subdivision Committee met on Thursday, February 2, 2023 at 8:30 a.m. The meeting was attended by Commission members Ivy Barksdale and Judy Worth. 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, Cheryl Gallt, Hal Baillie, Autumn Goderwis, Sam Castro, Paula Schumacher, Greg Lengal, Division of Fire and Emergency Services; Tracy Jones and Brittany Smith, Department of Law; and Doug Burton, Division of Engineering. The Committee made recommendations on plans as noted.

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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 read the consent agenda.

1. PLN-MJDP-21-00031: EAST HIGH MULTI-USE PROJECT (4/9/23)\* - located at 227 EAST HIGH STREET, LEXINGTON, KY  
 Council District 3  
 Project Contact: Peter Tate

Note: The purpose of this plan is to add one single-family dwelling unit to an existing commercial property.

Note: The Planning Commission originally approved this plan at their August 12, 2021 meeting, and the applicant requested re-approval on January 13, 2023.

The Subdivision Committee Recommended: **Re-approval**, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
  2. Urban County Traffic Engineer's approval of street cross-sections and access.
  3. Landscape Examiner's approval of landscaping and landscape buffers.
  4. Addressing Office's approval of street names and addresses.
  5. Urban Forester's approval of tree preservation plan.
  6. 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 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. Correct boundary measurements on plan for 1" = 15' scale.
  13. Denote sidewalk width.
  14. Addition of deleted information on right side of plan face.
  15. Clarify floor area ratio in site statistics per Article 21 of the Zoning Ordinance.
  16. Resolve parking layout functionality to meet the requirements of Article 16 & 18 of the Zoning Ordinance.
  17. Resolve compliance with Article 8-17(o)(2) setback requirements and possible variance.
  18. Resolve compliance with Downtown Streetscape Master Plan.
2. PLN-MJDP-22-00074: LEXINGTON MALL, LOT 6A (TIDAL WAVE AUTO SPA) (AMD) (2/26/23) - located at 2401 RICHMOND ROAD, LEXINGTON, KY  
 Council District: 5  
 Project Contact: Paulson Mitchell Inc.

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Note: The purpose of this amendment is to depict redevelopment of Lot 6A for building and parking circulation.

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

1. Urban County Engineer's acceptance of drainage, storm, 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 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. Clarify area of amendment on vicinity map.
14. Addition of street cross-sections and location on plan face for Richmond Road per R-385.
15. Document compliance with Article 21-7(b)(3) of the Zoning Ordinance with Lynn Imaging, 859-255-1021.
16. Clearly denote this is a self-service carwash only per B-6P requirements.

3. PLN-MJDP-23-00001: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM)(BURKE, HOCKENSMITH, & MAGGARD)(AMD) (2/26/2023)\* - located at 1900 JAGGIE FOX WAY & 2201 GEORGETOWN ROAD, LEXINGTON, KY  
Council District: 2  
Project Contact: SITE

Note: The purpose of this amendment is to add a new 27,600 square foot building and outdoor storage on Lot

The Subdivision 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. Denote review by the Royal Springs Aquifer Committee and any recommendations.
13. Addition of tree protection area(s), noting type and circumference of trees.
14. Resolve compliance with Article 16-6(c) and Article 18-3 (a)(2) for parking and landscaping in the Zoning Ordinance.
15. Addition of existing and proposed easements on L-354.
16. Label conditional zoning restrictions imposed by Ordinance No. 132-2016.
17. Resolve access to Georgetown Road.

4. PLN-MJDP-23-00002: JERRICO INC. PROFFESIONAL OFFICE PROJECT, LOT 2(AMD) (2/26/23)\* - located at 3475 BLAZER PARKWAY, LEXINGTON, KY  
Council District: 7  
Project Contact: Banks Engineering

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Note: The purpose of this amendment is to add additional square footage and canopy to 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. Urban Forester's approval of tree preservation plan.
5. Department of Environmental Quality's approval of environmentally sensitive areas.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Waste Management's approval of refuse collection locations.
8. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.

5. PLN-MJDP-23-00003: GEORGE WEST ESTATE PROPERTY (HOWARD PROPERTY) (AMD) (2/26/23)\* - located at 4538, 4568, & 4578 GEORGETOWN ROAD, LEXINGTON, KY  
 Council District: 12  
 Project Contact: Vision Engineering

Note: The purpose of this amendment is to add building square footage on Lot 1.

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

1. Urban County Engineer's acceptance of drainage, and storm, 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. Urban Forester's approval of tree preservation plan.
5. Department of Environmental Quality's approval of environmentally sensitive areas.
6. Division of Waste Management's approval of refuse collection locations.
7. Denote 25' floodplain setback on Lot 3.
8. Addition of Note #29 from 2012 certified Final Development Plan.
9. Delete "preliminary" from plan title.
10. Denote proposed detention to the approval of the Division of Engineering.
11. Denote compliance with the Georgetown Road Landscape ordinance.
12. Revise parking on Lots 2 & 3 to comply with Article 16 requirements.

Action – Mr. Davis made a motion, seconded by Ms. Barksdale, and carried 8-0 (de Movellan, Meyer, and Penn absent), to approve the consent agenda as presented by staff.

**B. DISCUSSION ITEMS** – Following requests for postponement, withdrawal and no discussion items, the remaining items will be considered.

The procedure for these hearings is as follows:

- Staff Report(s), including subcommittee reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- 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.

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1. **Development Plans**

- a. PLN-MJDP-22-00062: HOOVER & FORD PHILPOT EVANGELISTIC ASSOCIATION PROPERTY (THE FOUNTAINS AT PALOMAR)(AMD)(2/9/2023)\* - 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.**

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. 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.

Staff Presentation – Mr. Martin presented the amended preliminary development plan. He explained that the amendment was depicting a grocery store and a drive through fast food restaurant. He also explained that there had been significant discussion between staff, the applicant, the grocery store, and other LFUCG divisions. He noted that the service road had been the issue in most of the discussions. He also pointed out the pedestrian access along the service road and to the grocery store. Mr. Martin said that adding condition #15, regarding the design of the service road, was how the recommendation of approval was reached. He also reminded the Commission members that the fencing and landscape commitments would still be accommodated.

Commission Questions – Mr. Davis asked if the bicycle and pedestrian access would be behind the store. Mr. Martin replied that it was behind the store, along the service road.

Ms. Worth asked if the location of the loading dock was a safe one. Mr. Martin said that it was an appropriate location where loading could be done safely.

Mr. Michler asked if the 24 foot width of the service road included the sidewalk. Mr. Martin replied that the sidewalk was in addition to the 24-foot road.

Mr. Nicol expressed his concern that the bicycle and pedestrian connections would work well with the traffic. Mr. Martin replied that he believed that it was a priority for everyone involved.

Mr. Nicol also asked if staff was comfortable with the location of the bike/ped facilities. Mr. Martin said that they were in agreement.

Mr. Davis asked who was responsible for the maintenance of the wooden fence. Mr. Martin replied that it would be maintained by the applicant.

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Mr. Pohl asked if the service road would connect to the neighboring development plan. Mr. Martin pointed out that condition #14 required the connection.

Applicant Representation – Bruce Simpson was present to represent the applicant. He told the Commission members that there had been multiple meetings with the staff and the neighborhood. He spoke about the sound barrier that had been constructed that included now healthy trees and the wooden fence. He also spoke about the applicant committing to limited delivery hours. He indicated that additional soundproofing would be added near the loading docks.

Commission Questions – Mr. Michler asked what material the soundproofing would be, and where it would be located. Mr. Simpson replied that the materials had not been decided, but it would run to the end of the property line.

Citizen Comments – Vicki Stevens, 2020 Glade Lane, shared her concerns about traffic noise. She also shared concerns for one of her neighbors on Glade Court, and said that there was not any visual screening or noise barriers at the end of Glade Court.

Commission Question – Ms. Worth asked Ms. Stevens what would help the homes that she was referring to. Ms. Stevens said that the extension of sound mitigation would be helpful.

Citizen Comments – Jay Conne, 2032 Glade Lane, shared that, while he was satisfied with the plan overall, he wanted to share his concerns about the service road location and the pedestrian facilities.

Applicant Comments – Mr. Simpson said that he had not heard of the concerns of the Glade Court residents, but that he would look into them.

Commission Questions – Mr. Nicol asked if the density being proposed met the requirements. Mr. Simpson replied that it seemed to meet market requirements.

Mr. Michler shared his concerns regarding the loading docks and the number of trucks, especially refrigerated trucks, making too much noise along the shared property line with residential properties. Mr. Simpson replied that any further concerns of the neighborhood association could be directed to grocery store management. He was satisfied with the commitments that had been made to the neighbors. Mr. Michler stated further concerns with the deliveries being made by outside vendors, and Mr. Simpson stated that although the barriers that had already been promised were not required, they were going beyond what was necessary to be a good neighbor.

Mr. Nicol asked if Traffic Engineering, Bike/Ped Planner, and the applicant would all work together to make sure the service road was safe. Mr. Simpson answered that they would.

Ms. Worth asked if Glade Court would be protected from noise, and Mr. Simpson replied that while he would check into it, the applicant had fixed most of the issues and concerns that had been brought up by the neighbors.

Mr. Michler, again raised concerns over the noise that delivery trucks would be making, and asked if a condition could be added that would allow for additional screening. Mr. Martin replied that the Commission could add a condition.

Mr. Nicol stated that he felt additional screening could be addressed as the road was being built.

Applicant Rebuttal – Mr. Simpson stated that sound studies had been done, and he could share them with the neighbors. He also stated that he was satisfied that the additional sound proofing would be addressed.

Mr. Michler said that there will be more than two trucks present at some points.

Mr. Bell commented that the applicant was making a significant effort to work with the neighbors, but that the neighbors knew that this property would eventually be developed and supported business zoning.

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Action – Mr. Nicol made a motion, seconded by Mr. Bell, and carried 8-0 (de Movellan, Meyer, and Penn absent), to approve PLN-MJDP-22-00062: HOOVER & FORD PHILPOT EVANGELISTIC ASSOCIATION PROPERTY (THE FOUNTAINS AT PALOMAR)(AMD) subject to the following revised conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and 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 shall coincide with the construction of the grocery store.
- ~~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.~~
14. Extend the Service Road along the rear of Lot 1 to meet the adjoining property at 4085 Harrodsburg Road.
15. Realignment and design of the Service Road shall be to the approval of the Division of Traffic Engineering and the Bike & Pedestrian Planner.

**VII. STAFF ITEMS** – Mr. Duncan reminded the Commission members of the upcoming hearing on February 16, 2023, when they would hear a presentation on the Goals and Objectives of the Comprehensive Plan.

**VIII. ADJOURNMENT**

TW/TM/CG/PS

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Larry Forester

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Janice Meyer