

MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS
March 9, 2023

- I. **CALL TO ORDER** - Chair Larry Forester 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 present were Larry Forester, Anthony de Movellan, Janice Meyer, Graham Pohl, Judy Worth, Zach Davis, Ivy Barksdale, and Headley Bell. Planning staff members present were Jim Duncan, Traci wade, Tom Martin, Cheryl Gallt, Autumn Goderwis, and Paula Schumacher. Other staff present were Tracy Jones and Brittany Smith, Department of Law; David Filiatreau, Division of Traffic Engineering; Vaughan Adkins, Division of Engineering; and Captain Greg Lengal, Division of Fire and Emergency Services.
- II. **APPROVAL OF MINUTES** – Ms. Worth made a motion, seconded by Mr. Pohl, and carried 6-0 (Nicol, Michler, and Penn absent, and Meyer and Barksdale abstaining), to approve the February 9, 2023 minutes.

Ms. Worth, made a motion, seconded by Mr. Bell, and carried 5-0 (Nicol, Michler, and Penn absent, and Pohl, Davis, and Barksdale abstaining) to approve the February 16, 2023 minutes.

III. **POSTPONEMENTS AND WITHDRAWALS** - Requests for postponement and withdrawal were considered at this time.

- A. **PLN-MJDP-22-000045: DISTILLERY DISTRICT WEST (U-HAUL LEXINGTON) (AMD) (3/9/23)*** - 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. The Planning Commission postponed this item at the February 9, 2023 meeting.

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.

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

Applicant Representation – Mr. Zach Cato, attorney, was present to represent the applicant. He requested a one month postponement to work on significant technical issues with the development plan.

Action – Mr. Davis made a motion, seconded by Mr. Bell, and carried 8-0 (Nicol, Michler, and Penn absent), to postpone PLN-MJDP-22-000045: DISTILLERY DISTRICT WEST (U-HAUL LEXINGTON) (AMD) to the April 13, 2023 meeting.

- B. PLN-MJDP-22-00079: COLEMAN PROPERTY (NEWTOWN PIKE HAMPTON INN & SUITES) (AMD) (3/9/23) - 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.

Note: The Planning Commission postponed this item at the January 12, 2023 and February 9, 2023 meetings.

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.
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 – Mr. Zach Cato, attorney, was present to represent the applicant. He requested a one month postponement to work on technical issues with the development plan.

Action - Mr. Davis made a motion, seconded by Ms. Barksdale, and carried 8-0 (Nicol, Michler, and Penn absent), to postpone PLN-MJDP-22-00079: COLEMAN PROPERTY (NEWTOWN PIKE HAMPTON INN & SUITES) (AMD) to the April 13, 2023 meeting.

- C. PLN-MJDP-23-00012: MELROSE ADDITION, BLOCK F, LOTS 10, 11, & 12 (AMD) (4/30/2023)* - located at 363, 369, 371, & 375 THOMPSON ROAD, LEXINGTON, KY
Council District: 11
Project Contact: Vision Engineering

Note: The purpose of this plan is to add an accessory building and revise parking and circulation.

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

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

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. Dimension north entrance to parking area.
11. Dimension all hardscape and landscape areas.
12. Discuss functionality of parking during outdoor events.

Applicant Representation – Mark McCain, Vision Engineering, was present to represent the applicant. He requested a two week postponement so the proper signage could be posted at the property.

Action – Ms. Meyer made a motion, seconded by Ms. Barksdale, and carried 8-0 (Nicol, Michler, and Penn absent), to postpone PLN-MJDP-23-00012: MELROSE ADDITION, BLOCK F, LOTS 10, 11, & 12 (AMD) to the March 23, 2023 meeting.

- D. PLN-FRP-23-00005: HAGYARD FARMS, LLC PROPERTY (4/30/2023)* - located at 924 HARP INNES ROAD, LEXINGTON, KY
Council District: 12
Project Contact: Darnell Engineering, Inc.

Note: The purpose of this amendment is to subdivide the property into two 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, 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. Department of Environmental Quality's approval of environmentally sensitive areas.
5. Addition of utility and street light easements as required by the utility companies.
6. Correct plan title to match staff report.
7. Correct owner's certification per 5-4(h)(1) of the Land Subdivision Regulations.
8. Correct land surveyor's certification per 5-4(h)(2) of the Land Subdivision Regulations.
9. Correct Planning Commission certification per 5-4(h)(4) of the Land Subdivision Regulations.
10. Addition of Urban County Engineer's certification.
11. Denote 25' floodplain setback.
12. Denote street frontage in the site statistics.
13. Denote Board of Health approval of the septic tank system required.
14. Denote private utility providers.
15. Resolve need for access easement to adjacent property.

Applicant Representation – Mr. Jon Woodall, attorney, was present to represent the applicant. He requested a one month postponement so that the proper signage could be posted at the property.

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

Action – Mr. Bell made a motion, seconded by Ms. Barksdale, and carried 8-0 (Nicol, Michler, and Penn absent), to postpone PLN-FRP-23-00005: HAGYARD FARMS, LLC PROPERTY to the April 13, 2023 meeting.

E. PLN-MJDP-18-00004 (AKA DP 2004-153): TRIPLE STARS PROPERTY (3/9/23)* - 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.

Note: The Planning Commission postponed this item at their December 8, 2022, January 12, 2023, and February 9, 2023 meetings.

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 Planning Commission that the applicants were having issues getting the plan to meet current regulations, and they had requested a two month postponement.

Action – Mr. Pohl made a motion, seconded by Ms. Worth, and carried 8-0 (Nicol, Michler, and Penn absent), to postpone PLN-MJDP-18-00004 (AKA DP 2004-153): TRIPLE STARS PROPERTY to the May 11, 2023 meeting.

IV. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – Ms. Meyer made a motion, seconded by Mr. Bell, and carried 8-0 (Nicol, Michler, and Penn absent) to accept the performance bonds and letters of credit, as presented by staff.

V. **LAND SUBDIVISION ITEMS** – The Subdivision Committee met on Thursday, March 2, 2023 at 8:30 a.m. The meeting was attended by Commission members Ivy Barksdale and Judy Worth, Janice Meyer, and Anthony de Movellan. Other Committee members present were Vaughan Adkins, Division of Engineering; and David Filiatreau, Division of Traffic Engineering. Staff members in attendance were: Jim Duncan, Traci Wade, Tom Martin, Cheryl Gallt, Hal Baillie, Autumn Goderwis, Daniel Crum, Paula Schumacher, Greg Lengal, Division of Fire and Emergency Services; 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.*

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

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, noting that PLN-FRP-23-00005 needed to be removed because the applicant had requested a postponement. She stated that the following items continue to appear on the consent agenda:

1. PLN-FRP-23-00006: SHROPSHIRE & ROSS HOLDINGS, LLC (4/30/2023)* - located at 5487 WARE ROAD, LEXINGTON, KY
 Council District: 12
 Project Contact: EA Partners

Note: The purpose of this plat is to subdivide 1 tract into 3.

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. Department of Environmental Quality's approval of environmentally sensitive areas.
4. Addressing Office's approval of street names and addresses.
5. Addition of utility and street light easements as required by the utility companies.
6. Denote and label prescribed right-of-way along Houston Antioch Road and Ware Road.

2. PLN-MJDP-21-00039: LFUCG, MILLCREEK SUBDIVISION, UNIT 3 & JONESTOWN (4/9/23)* - located at 1100 ARMSTRONG MILL RD., LEXINGTON, KY.
 Council District: 8
 Project Contact: EA Partners

Note: The purpose of this amendment is to depict development of 96 multi-family dwelling units in 4 buildings, a clubhouse and associated off-street parking.

Note: The Planning Commission originally approved this plan at their February 10, 2022 meeting. The applicant requested re-approval on January, 9, 2023.

The Subdivision Committee Recommended: **Re-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 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 greenspace.
9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.

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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. Denote specific compliance with the Multi-Family Design Standards.
14. Resolve proposed improvements on adjacent parcel that is not a part of the development plan (1028 Armstrong Mill Road).
15. Resolve proposed dumpster location.
16. Resolve improvements to Armstrong Mill Road.
17. Resolve status and timing of CLOMR.
18. Resolve pedestrian access to the greenway from the apartments.
19. Resolve greenway trail location per certified Preliminary Development Plan.
20. Revise plan to comply with Article 16 parking requirements.

3. PLN-MJDP-23-00004: JOYCE FIELDS PROPERTY, LOT E (AMD) (4/30/2023)* - located at 721 RED MILE ROAD, LEXINGTON, KY
Council District: 11
Project Contact: Banks Engineering

Note: The purpose of this amendment is to depict a new 3,000 square foot building and revised 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. 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. Resolve pedestrian access to proposed building.

4. PLN-MJDP-23-00005: HART PROPERTIES (GREENBRIER ESTATES) UNIT 2-J, LOTS 4 & 5 (AMD) (5/30/2023)* - located at 3409 & 3413 BRIERCROFT WAY, LEXINGTON, KY
Council District: 12
Project Contact: EA Partners

Note: The purpose of this amendment is to revise the building footprint and envelope on Lots 4 & 5 to show separate units.

Note: This plan requires the posting of a sign 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.

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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. 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. Addition of street/access easement cross-section for Lots 4 & 5 (M-344).
14. Addition of access easement maintenance note.
15. Denote construction access point.
16. Label drainage easement on Lots 1-6 per plat M-344.
17. Addition of lot coverage in site statistics.
18. Provided the Planning Commission makes a finding that the plan complies with the Expansion Area Master Plan.

5. PLN-MJDP-23-00006: HAMBURG PLACE FARM, LOT 5C (PLAUDIT PLACE) (GORDON FOOD SERVICE)(AMD) (4/30/2023)* - located at 1856 PLAUDIT PLACE, LEXINGTON, KY
Council District: 6
Project Contact: Paradigm Design

Note: The purpose of this amendment is to add 425 square feet to an existing building for a walk-in cooler.

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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
6. Division of Waste Management's approval of refuse collection locations.
7. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
8. Correct Planning Commission certification.

6. PLN-MJDP-23-00007: CANDIA CORPORATION (LEGION DRIVE APARTMENTS) (AMD) (4/30/2023)* - located at 340 LEGION DRIVE, LEXINGTON, KY
Council District: 10
Project Contact: CARMAN

Note: The purpose of this plan is to depict a multi-family residential building and associated 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.

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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. Submit rendering of structure to meet the Multi-family Design guidelines.
13. Correct electrical easement label to utility easement per final record plant.

7. PLN-MJDP-23-00009: GRIFFIN GATE SERVICE CENTER (COLEMAN PROPERTY)(CLARION HOTEL)(AMD) (4/30/2023)* - located at 1950 NEWTOWN PIKE & 1475 COLEMAN COURT, LEXINGTON, KY
Council District: 2
Project Contact: Thoroughbred Engineering

Note: The purpose of this amendment is to add 720 square feet of storage space.

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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
6. Division of Environmental Quality's approval on environmentally sensitive areas.
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.
9. Dimension existing buildings.
10. Dimension entrances, drive aisles, and sidewalks, and provide typical parking space dimensions.
11. Addition of tree preservation plan per Article 26 of the Zoning Ordinance.
12. Delete "varies" from cross-section dimension.

8. PLN-MJDP-23-00010: COWGILL REAL ESTATE PROPERTY (MCDONALDS)(AMD) (4/30/2023)* - located at 768 WINCHESTER ROAD, LEXINGTON, KY
Council District: 5
Project Contact: GRW

Note: The purpose of this amendment is to depict revised building, gas pump canopy, and 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. 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. Correct location of zone boundary (center of road).
12. Remove required parking in site statistics.
13. Remove "date of May 2017" from Note #11.
14. Resolve wording of conditional zoning restriction note.

Action – Mr. Pohl made a motion, seconded by Mr. Bell, and carried 8-0 (Nicol, Michler and Penn absent), to approve the consent agenda as presented by staff.

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

The procedure for these hearings is as follows:

- Staff Report(s), including subcommittee reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) Proponents (10 minute maximum OR 3 minutes each)
 - (b) Objectors (30 minute maximum OR 3 minutes each)
- Rebuttal & Closing Statements
 - (a) Petitioner's comments (5 minute maximum)
 - (b) Citizen objectors (5 minute maximum)
 - (c) Staff comments (5 minute maximum)
- Commission discusses and/or votes on the plan.

1. Development Plans

- b. PLN-MJDP-20-00074: CHEROKEE PARK SUBDIVISION, LOT 1 & SURBURBAN COURT SUBDIVISION, BLOCK A, LOTS 1 & 2 (3/9/23)* 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.

Note: The applicant reactivated the plan on January 23, 2023. The Planning Commission postponed this item at the February 9, 2023 meeting.

The Subdivision Committee Recommend: **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 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. Denote: Final record plat shall be recorded prior to plan certification.
13. Denote specific compliance with Article 15-7 Infill & Redevelopment regulations for new residential construction.
14. Addition of sidewalk from parking lot to 12 unit apartment building.
15. Discuss compliance with Nicholasville Road Access and Land Use Plan.
16. Discuss compliance with Article 9: Group Residential Projects.

Staff Presentation – Mr. Martin presented the development plan and revised conditions. He pointed out where the new access points would be located, and explained some of the difficult issues that had been addressed regarding solid waste and emergency vehicle access. He explained the zoning of the area and how this development plan fit into that zoning. He addressed how the greenspace requirements would be met using balconies on the apartments. He also noted that the applicant was planning to consolidate two of the three

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lots into one lot. Mr. Martin addressed some concerns of the surrounding neighbors including drainage and stormwater, traffic, and tree preservation.

Commission Questions – Mr. Pohl asked how many units were currently on the site. Mr. Martin replied that he estimated that there were eight in the apartment building and four units in each of the two houses.

Applicant Representation – Attorney Bruce Simpson, Rory Kahly, EA Partners, and owner James Perry were present to represent the application. Mr. Simpson said that there had been a neighborhood meeting recently, and discussed the zoning of the property. He discussed the reviews of the plan that had taken place and suggested that there was more review during the sign-off process. He also addressed some concerns about stormwater management. Lastly, he mentioned that the market was in need of apartments such as these along main corridors.

Citizen Comments – Tom Stephens, 116 Suburban Court, shared his concern regarding the number of parking spaces in the plan. He believed that overflow parking would most likely go to Suburban Court and Cherokee Park.

Gerry Gillespie, 164 Penmoken Park, expressed concerns over lack of parking and where the overflow would go, particularly on games days. He was also concerned about increasing the traffic on Nicholasville Road.

Applicant Representation – Mr. Simpson said that this plan is challenging but a positive change. He also said that increased density was needed as recommended by the Comprehensive Plan, and this use would do that. He again suggested that the review process would not be over, because of the sign-off process.

Commission Questions - Mr. Pohl asked what the approximate vacancy rate would be in the apartment complexes. Mr. Perry replied that they expected about 5% vacancy.

Staff Comments – Ms. Wade reminded the Commission that they were evaluating the plan on the regulations rather than the Comprehensive Plan. She noted that the Commission had the authority to alter parking and adjust setbacks, among other things. She said that while the sign-offs were important, the Commission's review of a plan was very important.

Action - Mr. Bell made a motion, seconded by Mr. Davis, to approve PLN-MJDP-20-00074: CHEROKEE PARK SUBDIVISION, LOT 1 & SUBURBAN COURT SUBDIVISION, BLOCK A, LOTS 1 & 2.

Commission Discussion – Before the vote was taken, Mr. Pohl expressed his concern about the parking. He also shared his desire to protect the large tree on the property. Mr. Bell replied that he believed that the staff and others that complete sign-offs are sensitive to the parking issues and the tree.

Ms. Barksdale shared her concern for the parking as well, but was not sure that there was a good solution to the problem.

Ms. Worth asked Mr. Pohl if there was any way to increase the parking. He did not believe that there was a way to increase it. Mr. Pohl did suggested that the neighborhoods could take measures to protect their streets from overflow parking.

Action – The Planning Commission continued with their previous motion and voted 8-0 (Nicol, Michler, and Penn absent), to approve PLN-MJDP-20-00074: CHEROKEE PARK SUBDIVISION, LOT 1 & SUBURBAN COURT SUBDIVISION, BLOCK A, LOTS 1 & 2 with 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 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. Denote: Final record plat shall be recorded prior to plan certification.~~
- ~~12. 13. Denote specific compliance with Article 15-7 Infill & Redevelopment regulations for new residential construction. Denote internal lot lines with metes and bounds.~~
- ~~13. 14. Addition of sidewalk from parking lot to 12 unit apartment building. Denote shared access and parking between lots.~~
- ~~14. 15. Discuss Resolve compliance with Nicholasville Road Access and Land Use Plan.~~
- ~~16. Discuss compliance with Article 9: Group Residential Projects.~~
- ~~15. 17. Discuss Resolve compliance with open space requirements, to the approval of the Greenspace Planner.~~

Commission Discussion – Mr. Bell asked if staff had any comments or suggestions regarding this type of parking issue. Mr. Duncan replied that, before the new parking regulations took effect, there was a one parking space per dwelling unit requirement for a single family dwelling, so this situation would be no different. Mr. Martin added that, since parking is now market based, it was incumbent on the management of the property to manage the parking of their residents. He also suggested that Council and police also had the ability to address the excess cars in different ways.

VI. COMMISSION ITEMS

A. PETITION FOR WAIVER OF THE LAND SUBDIVISION REGULATIONS

1. PLN-FRP-22-00013: WARRENTON WOODS, UNIT 1-A
2. PLN-FRP-22-00015: WARRENTON WOODS UNIT 1-B
3. PLN-FRP-22-00017: WARRENTON WOODS UNIT 1-C
4. PLN-FRP-22-00018: WARRENTON WOODS, UNIT 1-D

Staff Presentation – Mr. Martin presented the waiver request. He shared the history of the request and the issues the Planning Commission had with the original request. He reminded them of the compromise that had been made to construct sidewalks on only one side. He explained that the residents had petitioned that Council to remove the sidewalk requirement, and that had been granted. He explained that due to some hardships that were noted, staff was recommending approval of the waiver request.

Commission Questions - Mr. de Movellan requested clarification on the procedure of re-hearing the waiver request. Mr. Martin and Ms. Wade further explained the process, and stated that Mr. Duncan could not sign the plan until the amended waiver request was approved.

Mr. Davis asked who the petitioner was, and Mr. Martin replied that it was the neighborhood association.

Applicant Representation – Attorney Jon Woodall spoke on behalf of the neighborhood association. He explained that the neighborhood was not expecting the sidewalk requirement at the time if the original hearing. He shared the difficulties of constructing sidewalks in the area and requested approval of the waiver.

Action – Mr. Davis made a motion, seconded by Ms. Worth, and carried 8-0 (Nicol, Michler, and Penn absent), to approve the waiver request for PLN-FRP-22-00013: WARRENTON WOODS, UNIT 1-A, PLN-FRP-22-00015: WARRENTON WOODS UNIT 1-B, PLN-FRP-22-00017: WARRENTON WOODS UNIT 1-C, and PLN-FRP-22-00018: WARRENTON WOODS, UNIT 1-D.

Staff Comments – Mr. Duncan reminded the Commission member of the upcoming work session on March 16, 2023.

VII. ADJOURNMENT – The meeting was adjourned at 2:47 p.m.

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

Larry Forester

Janice Meyer