

MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS
April 13, 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 members present were Larry Forester, Janice Meyer, Judy Worth, Zach Davis, Ivy Barksdale, Headley Bell, Robin Michler, Bruce Nicol, and Frank Penn. 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 Ms. Meyer, and carried 8-0 (de Movellan, Pohl, and Bell absent) to approve the January 26, 2023, February 23, 2023, and March 9, 2023 minutes.
- III. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – Mr. Penn made a motion, seconded by Ms. Barksdale, and carried 8-0, (de Movellan, Pohl and Penn absent) to accept the performance bonds and letters of credit, as presented by staff.

Mr. Bell arrived at 1:32 p.m.

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.

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21. Discuss timing of proposed right-of-way dedication.
22. Discuss timing or phasing of 1158 site improvements.

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 Ms. Barksdale, and carried 9-0, (de Movellen and Pohl absent) to postpone PLN-MJDP-22-000045: DISTILLERY DISTRICT WEST (U-HAUL LEXINGTON) (AMD) to the May 11, 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. Penn made a motion, seconded by Ms. Worth, and carried 9-0 (de Movellan and Pohl absent), to postpone PLN-MJDP-22-00079: COLEMAN PROPERTY (NEWTOWN PIKE HAMPTON INN & SUITES) (AMD) to the May 11, 2023 meeting.

- 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, 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.

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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-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.

Note: This item was postponed on the March 2, 2023 Planning Commission meeting.

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.
2. PLN-MJSUB-23-00002: MARGARET W. CAMIC PROPERTY (W.E. SAVAGE PROPERTY) (AMD) (6/4/23)* – located at 4630 OLD SCHOOLHOUSE LANE, LEXINGTON, KY
 Council District: 9
 Project Contact: Vision Engineering

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Note: The purpose of this amendment is to revise lot layout due to grade change on property.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. 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. Addition of type and size of trees.
11. Denote conditional zoning restriction per Ordinance Number 51-2002.
12. Resolve compliance with Article 20 Open Space requirements.

3. PLN-MJDP-20-00072: BUCKLEY & COWGILL WAREHOUSE PROPERTY (OVERBROOK LAND COMPANY) (AMD) (6/18/23)* - located at 2003 & 2007 LIBERTY ROAD, LEXINGTON, KY
Council District: 5
Project Contact: Vision Engineering

Note: The purpose of this amendment is to add buildable area and revise the parking and circulation on the property.

Note: The Planning Commission originally approved this plan on December 10, 2020. The applicant requested re-approval of the plan January 9, 2023.

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 and Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. United States Postal Service Office's approval of kiosk locations or easement.
11. Addition of plan title and plan number per the staff report.
12. Resolve sidewalk width along Liberty Road.
13. Resolve stormwater management on site and delete Note #8.
14. Resolve use of access easement on adjacent property (1230 E. New Circle Rd.) and vehicular entrance to proposed building.

4. PLN-MJDP-23-00014: WOODLAND CHRISTIAN CHURCH, INC. (THE FLATS AT WOODLAND) (6/4/23)* – located at 530 E. HIGH STREET & 205 KENTUCKY AVENUE, LEXINGTON, KY
Council District: 3
Project Contact: Earthcycle Design, LLC

Note: The purpose of this plan is to depict residential development on the site.

Note: The applicant submitted a revised plan on April 3, 2023. Based on that submittal, staff can offer the following revised conditions:

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The Subdivision Committee Recommended: **Approval**, 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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Greenspace planner's approval of the treatment of greenways and greenspace.
8. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
11. United States Postal Service Office's approval of kiosk locations or easement.
12. Denote Board of Architectural Review Board recommendations.
13. Denote property shall comply with Article 15-7 infill and redevelopment requirements.
14. Clarify square footage of "existing residential" in a building statistics.
15. Resolve enhanced screening for dumpster adjacent to 226 Kentucky Avenue.

5. PLN-MJDP-23-00016: BERRY CREST SUBDIVISION, LOT 11 & WEBB PROPERTY OFFICE PARK, UNIT 2, BLOCK A, LOT 1-B (AMD) (6/4/23)* – located at 271 PASADENA DRIVE & 2350 REGENCY ROAD, LEXINGTON, KY
Council District: 10
Project Contact: Banks Engineering

Note: The purpose of this plan is to depict building and parking for property, and connectivity to adjoining professional office park.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. 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. Addition of site statistics for all of the Webb Property Office Park from PLN- MJDP-20-00040.
11. Add Lot 1-B in total to the area of amendment.

6. PLN-MJDP-23-00017: MAN O' WAR DEVELOPMENT, UNIT 2-A, SECTION 2, LOT A-2 (AMD) (6/4/23)* – located at 1973 BRYANT ROAD, LEXINGTON, KY
Council District: 6
Project Contact: DS2 Architects

Note: The purpose of this amendment is to add square footage for a service building.

The Subdivision Committee Recommended: **Approval**, there are questions regarding compliance with Article 21 required information.

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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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Greenspace planner's approval of the treatment of greenways, greenspace, and open space.
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. Correct plan title to match staff report.
11. Clarify area between existing building and storage lot.
12. Clarify area of amendment on vicinity map (see preliminary plan, DP2016-31) for vicinity map.
13. Denote location of street cross-section on plan face.
14. Denote building coverage and floor area ratio in site statistics.
15. Denote use of property in site statistics.
16. Correct spelling of typo in owner's certification per section 21-6(15) of the Zoning Ordinance.
17. Extend zone to zone screening to rear property line between I-1 zone and B-5P zone per Article 18-3(a) of the Zoning Ordinance.
18. Increase drive aisle width between new building and landscape islands.
19. Denote location of overhead doors to the proposed service building.
20. Add sidewalk between existing building and street.
21. Remove required parking from site statistics.
22. Clarify "usable area" in site statistics.
23. Resolve compliance with Articles 16 & 18 of the Zoning Ordinance.

Action – Ms. Meyer made a motion, seconded by Ms. Barksdale, and carried 9-0 (de Movellan and Pohl absent) to approve the Consent Agenda as presented by staff. Mr. Davis stated that he had to recuse himself from the vote for PLN-FRP-23-00005 Hagyard Farms, LLC Property due to a financial conflict of interest.

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

The procedure for these hearings is as follows:

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

1. Final Subdivision Plans

- a. PLN-FRP-23-00008: BLUEGRASS BUSINESS PARK (PEMBERTON FARMS) LOTS 1 & 3B (AMD) (6/4/23)*
– located at 2200 & 2201 INNOVATION DRIVE, LEXINGTON, KY
Council District: 2
Project Contact: EA Partners

Note: The purpose of this amendment is to dedicate extension of Innovation Drive to Georgetown Road.

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

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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.
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. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. United States Postal Service Office's approval of kiosk locations or easement.
8. Provided the Planning Commission grants the requested waiver.

Staff Presentation – Mr. Martin presented the final subdivision plan and the associated waiver request. He explained that the connection of Innovation Drive to Georgetown Road was designated to be temporary until a connection from Jaggie Fox Way to Citation Boulevard has been established. Mr. Martin noted that the applicant had completed a traffic study of the entire area, and he also pointed out, with an aerial photo, that a similar waiver request had recently been approved in a nearby development. He noted that while the Innovation Drive and Georgetown Road intersection did not warrant a signal at this time, the applicant intended to do the appropriate changes and updates to the intersection when they became necessary.

Applicant Representation – Mr. Brandon Gross, attorney, was present to represent the applicant. He told the Planning Commission that the applicant was agreeable to the conditions on the plan as well as with the associated waiver request.

Action – Mr. Penn made a motion, seconded by Ms. Barksdale, and carried 9-0, (de Movellan and Pohl absent) to approve PLN-FRP-23-00008: BLUEGRASS BUSINESS PARK (PEMBERTON FARMS) LOTS 1 & 3B (AMD).

Mr. Penn made a motion, seconded by Ms. Barksdale, and carried 9-0, (de Movellan and Pohl absent) to approve the associated waiver request.

VI. COMMISSION ITEMS

A. Appointment of Committee Members to the Floodplain Appeals Committee

Chair Forester announced that Councilmember Whitney Baxter and Planning Commission member Janice Meyer had been appointed to the Floodplain Appeals Committee.

Action – Ms. Worth made a motion, seconded by Mr. Penn, and carried 9-0, (de Movellan and Pohl absent) to approve the appointment of Ms. Baxter and Ms. Meyer to the Floodplains Appeals Committee.

Mr. Duncan suggested to the Planning Commission that they amend their schedule to include a special meeting to hear a presentation regarding a study of the planning process.

Action – Mr. Bell made a motion, seconded by Ms. Barksdale, and carried 9-0, (de Movellan and Pohl absent) to amend the meeting schedule to include a special meeting on June 27, 2023 at 10:00 a.m. in the Council Chambers.

Mr. Duncan reminded the Planning Commission of the work session on April 20th at 1:30 p.m.

VII. ADJOURNMENT – The meeting was adjourned at 1:58 p.m.

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Larry Forester

Janice Meyer