

AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION & ZONING ITEMS
May 11, 2023

- I. **CALL TO ORDER** - The meeting will be called to order at 1:30 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.
- II. **APPROVAL OF MINUTES** – The April 13, 2023 minutes will be considered at this time.
- III. **POSTPONEMENTS AND WITHDRAWALS** - Requests for postponement and withdrawal will be considered at this time.
- IV. **LAND SUBDIVISION ITEMS** – The Subdivision Committee met on Thursday, May 4, 2023 at 8:30 a.m. The meeting was attended by Commission members Ivy Barksdale and Judy Worth, Headley Bell, 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: Traci Wade, Tom Martin, Cheryl Gallt, Autumn Goderwis, Daniel Crum, Boyd Sewe, Paula Schumacher, Greg Lengal, Division of Fire and Emergency Services; and Tracy Jones, Department of Law. The Committee made recommendations on plans as noted.

General Notes

The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission:

1. *All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.*
2. *All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.*

- A. **NO DISCUSSION ITEMS** – Following requests for postponement or withdrawal, items requiring no discussion will be considered.

Criteria: (1) The Subdivision Committee recommendation is for approval, as listed on this agenda, and
(2) the Petitioner agrees with the Subdivision Committee recommendation and conditions listed on the agenda, and
(3) no discussion of the item is desired by the Commission, and
(4) no person present at this meeting objects to the Commission acting on the matter without discussion, and
(5) the matter does not involve a waiver of the Land Subdivision Regulations.

- 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**

- a. PLN-MJDP-18-00004 (AKA DP 2004-153): TRIPLE STARS PROPERTY (5/11/23)* - 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, February 9, 2023, and March 9, 2023 (two month postponement) 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.
- b. PLN-MJDP-22-000045: DISTILLERY DISTRICT WEST (U-HAUL LEXINGTON) (AMD) (5/11/23)* - 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, March 9, 2023 and April 13, 2023 meetings.

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.

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

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.
- c. PLN-MJDP-22-00072: FOX PROPERTY (5/11/2023)* - located at 2400 VERSAILLES ROAD, LEXINGTON, KY
Council District: 11
Project Contact: Barrett Partners Inc.

Note: The purpose of this plan is to depict redevelopment of the property and remove a conditional zoning restriction in the Neighborhood Business (B-1) zone.

Note: This Planning Commission indefinitely postponed this item on January 26, 2023. Subsequently, the Urban County Council approved the zone change, and the plan is being brought back to the Planning Commission for their action.

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

1. Provided the Urban County Council approves the removal of conditional zoning restriction(s) in the B-1 zone, otherwise, any Commission action of approval is null and void.
 2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers, and floodplain information.
 3. Urban County Traffic Engineer's approval of street cross-sections and access.
 4. Urban Forester's approval of tree preservation plan.
 5. Greenspace planner's approval of the treatment of greenways and greenspace.
 6. Department of Environmental Quality's approval if environmentally sensitive areas.
 7. United States Postal Service Office's approval of kiosk locations or easement.
 8. Provided the Planning Commission grants the requested front yard setback variance.
 9. Resolve improvements to Versailles Road.
 10. Denote: Kentucky Department of Transportation's approval of access on Versailles Road.
 11. Remove digital reference on menu board.
 12. Discuss Placebuilder criteria.
- d. PLN-MJDP-22-00079: COLEMAN PROPERTY (NEWTOWN PIKE HAMPTON INN & SUITES) (AMD) (5/11/23) - located at 1880 NEWTOWN PIKE, LEXINGTON, KY
Council District: 2
Project Contact: Thoroughbred Engineering

Note: The purpose of this amendment is to revise development for a proposed hotel and a commercial structure.

Note: The Planning Commission postponed this item at their January 12, 2023, February 9, 2023, March 9, 2023, and April 13, 2023 meetings.

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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. 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. Addition of access easement cross-section and indicate location on plan face.
 14. Revise parking adjacent to Coleman Court to meet Article 16 requirements, by adding a landscape island to meet 90' spacing requirement.
 15. Clarify plan by removing underlying information from previous submittals.
 16. Remove proposed lot line from parking area north of proposed hotel.
 17. Clarify lot information and acreage in site statistics.
 18. Include proposed commercial building in site statistics and include all required information.
 19. Denote required open space in site statistics per Article 20 of the Zoning Ordinance.
 20. Denote a consolidation plat shall be recorded prior to plan certification.
 21. Denote purpose of 10'-4" area adjacent to southern property line.
 22. Denote proposed use of commercial building or add note that an Amended Final Development plan shall be required prior to development of that site.
- e. PLN-MJDP-23-00019: TWELFTH STREET ADDITION, LOTS 41 & 42 (7/2/2023)* - located at 1114 & 1118 N. BROADWAY, LEXINGTON, KY
Council District: 1
Project Contact: CMW

Note: The purpose of this development is to depict development for five townhomes.

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. 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. Provided the Planning Commission makes a finding on the access easement.

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- f. PLN-MJDP-23-00020: HIGBEE MILL RESERVE (PORTION OF LOT 3)(AMD) (7/2/2023)* - located at 2111 STEDMAN DRIVE, LEXINGTON, KY
Council District: 9
Project Contact: EA Partners

Note: The purpose of this amendment is to revise the building footprint.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Landscape Examiner's approval of landscaping and landscaping buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree preservation plan.
 6. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 8. Greenspace planner's approval of the treatment of greenways and greenspace.
 9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
 10. Division of Waste Management's approval of refuse collection locations.
 11. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
 12. United States Postal Service Office's approval of kiosk locations or easement.
 13. Denote: No amendment to the Final Development Plan shall be required for any revision to the property that complies with the requirements of the Zoning Ordinance.
- g. PLN-MJDP-23-00021: SAMS & LARKIN PROPERTY (KY EAGLE WAREHOUSE EXPANSION) (AMD) (7/2/2023)* - located at 2440 INNOVATION DRIVE, LEXINGTON, KY
Council District: 2
Project Contact: Dyer & Associates, LLC

Note: The purpose of this amendment is to add square footage to the warehouse and revise the parking area.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
12. United States Postal Service Office's approval of kiosk locations or easement.
13. Denote Fire Department's approval of proposed gates.

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- h. PLN-MJDP-23-00023: RML - CITATION (HILLENMEYER INTEREST LTD) LOTS 1 & 3 (AMD) (7/2/2023)*
- located at 2650 SANDERSVILLE ROAD, LEXINGTON, KY
Council District: 2
Project Contact: RMJE

Note: The purpose of this amendment is to revise building size and layout on Lot 1 and show building layouts for new construction on Lot 3.

The Subdivision Committee Recommended: **Postponement**. There are questions regarding compliance with the requirements of Article 16, 18, & 20 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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 6. Greenspace planner's approval of the treatment of greenways and greenspace.
 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. Addition of dimensions on all buildings.
 10. Addition of building coverage, total floor area, and open space in site statistics.
 11. Remove drop off on Sandersville Road.
 12. Discuss compliance with the requirements of Article 16, 18, & 20 of the Zoning Ordinance.
- i. PLN-MJDP-23-00025: ROSE H. BRIGDEN & MARK MCCLURE PROPERTY, TRACT A (7/2/2023)* -
located at 2819 LIBERTY ROAD, LEXINGTON, KY
Council District: 6
Project Contact: Vision Engineering

Note: The purpose of this plan is to depict 14 townhomes and associated parking.

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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 6. Greenspace planner's approval of the treatment of greenways and greenspace.
 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 Note #7, to read as Section 21-6 (a)(14) of the Zoning Ordinance.
 12. Correct notation regarding front yard setbacks on face of plan to reference Note #15.
 13. Addition of floor area and open space in site statistics.
 14. Provided the Planning Commission grants the requested waiver to Article 6-6 (d) of the Land Subdivision Regulations.
- j. PLN-MJDP-23-00027: DEERFIELD SHOPPING CENTER (BANK OF LEXINGTON) (AMD) (7/2/2023)* -
located at 1949 NICHOLASVILLE ROAD, LEXINGTON, KY
Council District: 10
Project Contact: Vision Engineering

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Note: The purpose of this amendment is to revise building and parking layout on Lot 1-A for a bank with drive-through facilities.

The Subdivision Committee Recommends: **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. 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 height of building in feet.
14. Correct Note #7 to read as Section 21-6 (a)(14) of the Zoning Ordinance.
15. Resolve compliance with the requirements of Article 16, 18, & 20 of the Zoning Ordinance.

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

V. ZONING ITEMS - The Zoning Committee met on May 4, 2023, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Bruce Nicol, Larry Forester, and Robin Michler. Staff members present were; Traci Wade, Autumn Goderwis, Tom Martin, Daniel Crum, Boyd Sewe, Bill Sheehy, Tracy Jones and Evan Thompson; Department of Law.

A. ABBREVIATED PUBLIC HEARINGS ON ZONING MAP AMENDMENTS

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

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

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

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

The procedure for these hearings is as follows:

- Staff Reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) Proponents (10 minute maximum OR 3 minutes each)
 - (b) Objectors (30 minute maximum) (3 minutes each)
- Rebuttal & Closing Statements
 - (a) Petitioner's comments (5 minute maximum)
 - (b) Citizen objectors (5 minute maximum)
 - (c) Staff comments (5 minute maximum)
- Hearing closed and Commission votes on zone change petition and related plan(s).

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C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

1. **PLN-ZOTA-23-00001: AMENDMENT TO ARTICLE 1, 3, 8, 12, 23, & 28 SHORT TERM RENTALS** – a petition for a Zoning Ordinance text amendment to define and regulate Short Term Rentals in residential, business, mixed use, and industrial zones.

INITIATED BY: URBAN COUNTY COUNCIL

PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: **Approval of the staff alternative text.**

The Staff Recommends: **Approval of the proposed text amendment with staff alternative text** to the Zoning Ordinance, for the following reasons:

1. The proposed text amendment with staff alternative text allows for the definition and regulation of short term rentals. In conjunction with the proposed changes to the Code of Ordinances, this text amendment will enable the LFUCG to track short term rentals and provide better enforcement when violations occur.
2. The proposed text amendment with staff alternative text provides enforceable limitations on hosted and un-hosted short term rentals in order to prevent adverse impacts on the health, safety, and welfare of the local community and visitors to the Urban County.

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

VII. STAFF ITEMS

- A. ARTICLE 4-5(B) IMPROVEMENT PLAN PROGRESS REPORT** - When the project engineer has completed approximately fifty percent (50%) of the infrastructure design for the development, the project engineer shall submit a preliminary report to the Planning Commission informing the Commission of how storm water, sanitary sewer and environmental conditions imposed by the Commission at the time of the approval of the preliminary subdivision plan will be addressed in the improvement plan. The report shall be distributed to the Commission at the next convenient meeting. The report is for information only, and no action by the Commission shall be taken; however, there shall be no issuance of the Notice to Proceed, as outlined in section 4-5(d), until the Planning Commission meeting is complete.

1. **PLN-FRP-23-00009: HILLENMEYER & SFH PROPERTY, UNIT 2-K** – located at 2373 SANDERSVILLE ROAD, LEXINGTON, KY
2. **PLN-FRP-23-00009: HILLENMEYER & SFH PROPERTY, UNIT 2-L** – located at 2373 SANDERSVILLE ROAD, LEXINGTON, KY

- VIII. AUDIENCE ITEMS** – Citizens may bring a planning related matter before the Commission at this time for general discussion or future action. Items that will **NOT** be heard are those requiring the Commission's formal action, such as zoning items for early rehearing, map or text amendments; subdivision or development plans, etc. These last mentioned items must be filed in advance of this meeting in conformance with the adopted filing schedule.

IX. MEETING DATES FOR May and June

Work Session, 1:30 p.m., 2 nd Floor Council Chambers, Government Center	May 18, 2023
Technical Committee, Wednesday, 8:30 a.m., 7th Floor Conference Room, Phoenix Building.....	May 24, 2023
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers, Government Center.....	May 25, 2023
Subdivision Committee, Thursday, 8:30 a.m., 3 rd Floor Conference Room, Phoenix Building.....	June 1, 2023
Zoning Committee, Thursday, 1:30 p.m., 3 rd Floor Conference Room, Phoenix Building.....	June 1, 2023
Subdivision Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers, Government Center.....	June 8, 2023

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X. ADJOURNMENT

TW/TM/CG/PS

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