

MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS AND SMALL AREA PLAN
June 8, 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, Judy Worth, Ivy Barksdale, Zach Davis, Robin Michler, Janice Meyer, Frank Penn, Bruce Nicol, Graham Pohl, and Anthony de Movellan. Planning staff members present were Jim Duncan, Traci Wade, Tom Martin, Cheryl Gallt, Chris Evilia, Kenzie Gleason, Chris Taylor, Paula Schumacher and Rachael Lay. Other staff present were Tracy Jones, 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. Davis, and carried 8-0, (Bell absent, Pohl and Meyer abstained) to approve the May 11, 2023 minutes.
- III. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – Mr. Penn made a motion, seconded by Mr. de Movellan, and carried 10-0, (Bell absent) to approve the performance bonds and letters of credit.
- IV. **POSTPONEMENTS AND WITHDRAWALS** - Requests for postponement and withdrawal were considered at this time.
- A. **PLN-MJDP-23-00031: GREYLINE STATION & MARKET (FKA TRANSIT AUTHORITY OF THE LFUCG) (AMD) (7/30/2023)*** - located at 101 & 109 W. LOUDON AVENUE, LEXINGTON, KY
Council District: 1
Project Contact: Chad Needham Properties
- Note: The purpose of this amendment is to add 5,000 square feet of building space and revise parking layout.
- 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. 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. United States Postal Service Office's approval of kiosk locations or easement.
 12. Revise purpose of amendment note to include revisions to parking layout.
 13. Remove "to" from type of plan in title block – should read "Amended Final Development Plan".
 14. Denote access for construction vehicles.
 15. Dimension all buildings.
 16. Update land use table site statistics to reflect proposed changes, including new brewery/distillery.
 17. Clarify building square footage and parking in site statistics.
 18. Remove "Existing Zoning B-4" label and clarify existing Lighting Industrial (I-1) zoning.
 19. Remove certification signatures from previous plan.
 20. Addition of building coverage, floor area, and open space (usable and vegetated) area in site statistics.
 21. Resolve compliance with Articles 16, 18, and 20 of the Zoning Ordinance.

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

Applicant Representation – Chad Needham, applicant, requested a two week postponement so the proper signage could be posted.

Action – Mr. Davis made a motion, seconded by Ms. Barksdale, and carried 10-0, (Bell absent) to postpone PLN-MJDP-23-00031: GREYLINE STATION & MARKET (FKA TRANSIT AUTHORITY OF THE LFUCG) (AMD) to the June 22, 2023 meeting.

- B. PLN-MJDP-23-00029: RED MILE MIXED USE DEVELOPMENT (AMD) (7/30/2023)* - located at 1101 WINBACK WAY, LEXINGTON, KY
Council District: 11
Project Contact: Vision Engineering

Note: The purpose of this amendment is to revise buildings 29 & 30 to townhomes, and to revise parking and circulation.

The Technical Committee Recommended: **Postponement**. There are questions regarding proposed townhomes and conditional zoning restrictions, as well as compliance with Articles 16, 18, and 20 of the Zoning Ordinance.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. 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. United States Postal Service Office's approval of kiosk locations or easement.
12. Remove cloud for area of amendment at 1101 & 1051 Winback Way.
13. Addition of typical townhome building and dimensions layout.
14. Denote construction vehicle access.
15. Correct site statistics for square footage and number of dwelling units.
16. Denote height of buildings in feet.
17. Correct commission certification for a major development plan.
18. Revise purpose of amendment note.
19. Discuss compliance with Articles 16, 18, & 20 of the Zoning Ordinance.
20. Discuss conditional zoning restrictions and proposed location of townhouses.
21. Discuss off-site detention basin for stormwater management.

Applicant Representation – Matt Carter, Vision Engineering, was present to represent the applicant. He stated that they had discovered a conflict with the Red Mile Small Area Plan. He requested a one month postponement to address the issue.

Action – Mr. Penn made a motion, seconded by Ms. Meyer, and carried 10-0, (Bell absent) to postpone PLN-MJDP-23-00029: RED MILE MIXED USE DEVELOPMENT (AMD) to the July 13, 2023 meeting.

- C. PLN-MJDP-23-00030: KINGSTON HALL, UNIT 1, LOT 8 (AMD) (8/29/2023)* - located at 1061 PROVIDENCE PLACE PARKWAY, LEXINGTON, KY
Council District: 12
Project Contact: Barrett Partners Inc.

Note: The purpose of this amendment is to revise the proposed development on the lot.

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

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

The Technical Committee Recommended: **Postponement**. There are question regarding the compliance with Article 23(a) of the Zoning Ordinance.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
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 finds the plan complies with the Expansion Area Master Plan.
14. Addition of purpose of amendment note.
15. Addition of topography lines at 2' intervals.
16. Denote proposed and existing easements.
17. Provide typical townhome details for middle and end units.
18. Denote proposed Development Standards, including lot size and setbacks per Article 23A-2(i) of the Zoning Ordinance.
19. Denote Exactions to the approval of the Division of Planning.
20. Denote orientation of residential dwelling units along Providence Place Parkway, per Article 23A-2(j) of the Zoning Ordinance.
21. Discuss stormwater management.
22. Discuss proposed access points to Providence Place Parkway.
23. Discuss landscape buffer along northern RSA boundary and compliance with Article 23A-2(f) of the Zoning Ordinance.
24. Discuss compliance with supportive use regulations established in Article 23A-10(j)(12) of the Zoning Ordinance.

Applicant Representation – Attorney Dick Murphy was present to represent the applicant. He stated that the Subdivision Committee had requested to see a plan revision, and he asked for a one month postponement.

Action – Mr. Pohl made a motion, seconded by Ms. Barksdale, and carried 10-0, (Bell absent) to postpone PLN-MJDP-23-00030: KINGSTON HALL, UNIT 1, LOT 8 (AMD) to the July 13, 2023 meeting.

D. 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, March 9, 2023 (two month postponement), and May 11, 2023 meetings.

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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 applicant had communicated with staff and requested a one month postponement.

Action – Mr. Davis made a motion, seconded by Ms. Worth, and carried 10-0, (Bell absent) to postpone PLN-MJDP-18-00004 (AKA DP 2004-153): TRIPLE STARS PROPERTY to the July 13, 2023 meeting.

- E. 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, March 9, 2023, April 13, 2023, and May 11, 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.
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.

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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.

Staff Comments – Mr. Martin informed the Commission that the applicants were evaluating floodplain issues on the property and had requested a one month postponement.

Action – Ms. Meyer made a motion, seconded by Ms. Barksdale, and carried 10-0, (Bell absent) to postpone PLN-MJDP-22-000045: DISTILLERY DISTRICT WEST (U-HAUL LEXINGTON) (AMD) to the July 13, 2023 meeting.

- F. PLN-MJDP-23-00022: GLEN CREEK (DOVE CREEK) (AMD) (7/29/2023)* - located at 1155 JONESTOWN LANE, LEXINGTON, KY
Council District: 8
Project Contact: Element Design

Note: The purpose of this amendment is to depict revised layout for townhomes and parking circulation.

The Staff Recommends: **Postponement**. There are questions regarding plan meeting the requirements of Article 21 & 26 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.
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. United States Postal Service Office's approval of kiosk locations or easement.
12. Addition of purpose of amendment note.
13. Boundaries of property to be solid bold lines with bearings and distances (per N-969).
14. Addition of record plat information on current adjacent property.
15. Addition of elevations on topography.
16. Addition of typical townhome layout with dimensions.
17. Addition of property lines for all townhomes 1-13.
18. Remove information for Lots 49-55 in "areas of individual lots" chart.
19. Addition of zoning on adjacent properties.
20. Addition of proposed easements.
21. Addition of tree inventory map.
22. Clarify notes #11, #12, #13, #14, #15, and #16.
23. Addition of townhome layout and parking information from previous plan.
24. Addition of Appian Crossing Way street cross-section.
25. Addition of floor area ratio in site statistics.
26. Addition of 15% usable open space and 15% vegetated open space in site statistics.
27. Addition of floor area ratio in site statistics.
28. Clarify area shown on plan next to townhome 14.
29. Label this area of development as Phase 4.
30. Submit letter of withdrawal of plan PLN-MJDP-17-00038.

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Staff Comments – Mr. Martin stated that the applicant was continuing to work on open space requirements for the development, and had requested a one month postponement.

Action – Mr. Penn made a motion, seconded by Mr. Pohl, and carried 10-0, (Bell absent) to postpone PLN-MJDP-23-00022: GLEN CREEK (DOVE CREEK) (AMD) to the July 13, 2023 meeting.

G. PLN-MJDP-23-00032: HOMER C. RATLIFF PROPERTY (AMD) (7/30/2023)* - located at 938 MANCHESTER STREET, LEXINGTON, KY
Council District: 11
Project Contact: Anne Rouse

Note: The purpose of this amendment is to depict adaptive reuse of the site and to denote compliance with the Adaptive Reuse Project criteria.

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

The Subdivision Committee Recommended: Postponement. There are questions regarding the compliance with Article 21 requirements and meeting Adaptive Reuse Project criteria of Article 8-21(o)(4).

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 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. Clarify plan information.
13. Remove existing zone line information.
14. Addition of entire Adaptive Reuse Project area to the development plan.
15. Addition of all required Article 21 information.
16. Correct plan title to match staff report.
17. Delete architectural information not required by Article 21.
18. Discuss compliance with Adaptive Reuse Project minimum criteria and scoring criteria.
19. Discuss proposed land uses and compliance with Article 8-21 of Zoning Ordinance.

Staff Comments – Mr. Martin told the Commission that the applicant had engaged a new design professional to help them address the adaptive reuse aspects of the plan, and had requested a one month postponement.

Action – Ms. Worth made a motion, seconded by Mr. de Movellan, and carried 10-0, (Bell absent) to postpone PLN-MJDP-23-00032: HOMER C. RATLIFF PROPERTY (AMD) to the July 13, 2023 meeting.

V. **LAND SUBDIVISION ITEMS** – The Subdivision Committee met on Thursday, June 1, 2023 at 8:30 a.m. The meeting was attended by Commission members Judy Worth and Janice Meyer. 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, Daniel Crum, Boyd Sewe, Paula Schumacher, Greg Lengal, Division of Fire and Emergency Services; and Tracy Jones and Emilee Buttrum, Department of Law. 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, noting that PLN-MJDP-23-00031: GREYLINE STATION & MARKET (FKA TRANSIT AUTHORITY OF THE LFUCG) (AMD) had been removed from the consent agenda due to their postponement request.

1. PLN-MJDP-23-00023: RML - CITATION (HILLENMEYER INTEREST LTD) LOT 3 (AMD) (7/29/2023)* - 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: **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. 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. Resolve pedestrian connection per Article 16-6 of the Zoning Ordinance.
 12. Resolve pedestrian connection to open space per Article 20-5 of the Zoning Ordinance.
2. PLN-MJDP-23-00028: HADDIX PROPERTY (A PORTION OF) AND BUCKLEY & COWGILL WAREHOUSE (OVERBROOK) (AMD) (7/30/2023)* - located at 1929 & 1931 LIBERTY ROAD, LEXINGTON, KY
 Council District: 5
 Project Contact: Vision Engineering

Note: The purpose of this amendment is to add a 900 square foot accessory structure to 1929 Liberty Road and depict existing 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. Addition of walkways and their dimensions.
11. Denote height of building in feet.
12. Property boundaries shall be solid lines on 1931 Liberty Road.
13. Addition of site statistics for 1931 Liberty Road and then add total column for all statistics.
14. Clarify 10% useable and 10% vegetated open space.
15. Addition of bearing and distances on all property boundaries.
16. Addition of adjacent property information.
17. Clarify width of new sidewalk on Liberty Road in street cross-section.
18. Remove interior architectural details.

Action – Mr. Davis made a motion, seconded by Ms. Barksdale, and carried 10-0, (Bell 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.

1. Preliminary Subdivision Plans

- a. PLN-MJSUB-23-00003: COLDSTREAM FARM PHASE II PROPERTY (LEGACY BUSINESS PARK) (7/30/2023)* - located at 2850 GEORGETOWN ROAD, LEXINGTON, KY
Council District: 2
Project Contact: Gresham Smith

Note: The purpose of this plan is to depict proposed street system and lotting for the 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.

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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. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Correct Note #20 to include compliance with Article 17 of the Zoning Ordinance.
11. Denote stormwater management special note to the approval of the Division of Engineering and the Division of Water Quality.
12. Provided the Planning Commission grants the requested waiver for access spacing along Georgetown Road.

Staff Presentation – Mr. Martin presented the preliminary subdivision plan. He used an aerial map to point out several environmental features in the area, including a blue line stream, a nearby floodplain, and a sink-hole. He indicated where the detention basins would be located as well as the collector streets that would intersect with Georgetown Road. He explained that there were 23 lots being proposed, but that number could change depending on the needs of the final users. He further explained that each lot would require a final development plans, due to the environmental features on the subject property, specifically the Royal Spring Aquifer and a wetland area. He pointed out stub streets on the southern portion of the property that would require waivers at the time of final development plan, because there was no intention to connect them to the property. He did mention that the bicycle/pedestrian connections would be maintained to the neighborhoods. Mr. Martin also explained that while the conditions mentioned a waiver, there was no need for one.

Commission Questions – Mr. Penn asked if either of the streets meeting Georgetown Road would need a signal at some point. Mr. Martin replied that there were plans to signalized one of the intersections, but not the other due to the spacing of the streets.

Mr. Davis asked about lighting restrictions for the lots that are close to neighborhoods. Mr. Martin responded that that could be dealt with each lot individually at the time of a final development plan.

Mr. Nicol requested information regarding the proposed trails and their future connection to the Legacy Trail. Mr. Martin explained that the trail already did pass underneath I-75. He further explained that the trails that would be on this development would eventually connect at Cane Run. Mr. Nicol further asked when the trail infrastructure would be built. Mr. Martin was not sure about the timing, but did state that the approval of this plan would allow infrastructure improvements.

Mr. Michler inquired about a possible connection to Remington Way. Mr. Martin said that there was no plan to connect to Remington way, but there had been discussions of a possible future connection to the Coldstream area to the east. Mr. Michler shared his concerns of the intensity of vehicles that would go to Georgetown Road. Mr. Michler then asked if there was an easement close to Remington Way. Mr. Martin said that there was a small easement, but due to its small size, it would not be adequate to meet the needs of industrial traffic. Mr. Michler asked if the easement could be used to serve as an emergency access to the property. Mr. Martin stated that the Division of Fire and Emergency Services had not expressed any concerns over access to the property.

Mr. Nicol asked Mr. Martin to more extensively point out the trail system within the subject property. Mr. Martin replied that there would be an extensive multi-use trail system within the development, and he pointed out the locations that it would connect to the current trail system. They further discussed the greenspace locations along the internal trail system that would be available to users. Mr. Martin also pointed out a location where restroom facilities would be available to serve pedestrians and bikers.

Applicant Representation – Erin Masterson, Gresham Smith, was present to represent the applicant. She mentioned that they were currently engaged in traffic studies for both entrances to the property, and that the Kentucky Transportation Cabinet had plans to upgrade Georgetown Road. She said they were especially looking for a signal at the Kearney Ridge Boulevard entrance because of the large amount of housing across Georgetown Road. She said that connecting the trails to the Legacy Trail was a top priority for the project, and that there had been discussions with the Lexington MPO to make sure they were connected properly.

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She also spoke to the concerns of not having another street connection. She stated that there was nothing that could be done at this time, but perhaps at some time in the future, something could be done with an individual lot to create a new connection.

Commission Questions – Mr. Nicol inquired about the demographics of potential users that could be in the development. Ms. Masterson replied that it would be light industrial similar to the Bluegrass Business Park to the south. She further commentated that she hoped it would be less warehouse distribution, and more active businesses with larger staffing. She mentioned that they had originally planned for larger lots, but had made smaller lots because it is easier to consolidate them. She believed that the lots would end up being larger than what was depicted on this preliminary plan.

Mr. Penn asked if the requirement for individual final development plans was specifically for this property or if it would extend to all Light Industrial (I-1) zone property. Ms. Wade replied that while there are several other industrial parks that have the same requirement because of specific features within the property, it was not necessary to require this of all I-1 zoned land. Mr. Penn stated that he felt that all I-1 zoned land should have a final development requirement. Ms. Wade replied that this property had important environmental features, so staff had recommended the requirement. Mr. Martin pointed out some other industrial areas that were recently required to have a final development also.

Mr. Michler shared his concern regarding the lack of street connection. Ms. Masterson replied that the University of Kentucky had been definitive in their reply to not provide a connection, so they had not had any further discussions about the matter. Mr. Martin stated that they could establish an access easement on one of the lots at the time of a final development plan. Mr. Michler reiterated that if there is no easement to use later, there would be no chance for a connection at any time. Ms. Masterson stated that they could require that Lot 12 to have an access easement. Mr. Michler asked staff if it was possible to add such a note on the preliminary plan. Ms. Wade replied that it could be added, and that it would give clarity to anyone who was interested in developing Lot 12.

Mr. Michler made a motion, seconded by Mr. Davis, and carried 10-0, (Bell absent) to approve PLN-MJSUB-23-00003: COLDSTREAM FARM PHASE II PROPERTY (LEGACY BUSINESS PARK), striking the original condition #12, and adding the following condition:

12. An access easement shall be required on Lot #12 to provide future connectivity to the adjoining developments.

2. Final Development Plans

- a. 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.

Note: The Planning Commission postponed this item at the May 11, 2023 and May 25, 2023 meetings.

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.

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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.

Staff Presentation - Mr. Martin presented the development and the associated waiver request. He mentioned that the property was recently part of a zone change, and that the developers intended to subdivide the townhouses being proposed. He exhibited an aerial view of the property that included the sanitary sewer infrastructure in the area and explained that the subject property was topographically lower than the surrounding areas. He explained how the elevation issue created a difficulty providing sanitary sewer to the property. He said that a private pump station was the first suggestion made by the engineer, and staff was hesitant to approve it. He told the Commission that the applicants had considered seven different design scenarios to address the sanitary sewer, but there were complications with each plan. The applicant met with the Divisions of Engineering, Water Quality, and Planning several times, and concluded that a privately owned pump station was the best design for the development. Mr. Martin said that the Divisions of Water Quality and Engineering had accepted the private pump station design, but there were several details that would need to be discussed. He stated that based on the difficult issues with the design, Planning staff was recommending approval of the waiver request.

Commission Questions - Mr. Penn asked if the Consent Decree allowed for a private pump station, and Mr. Martin replied that it was allowed. Mr. Penn further inquired if the development was worth the expense and difficulty of the private pump. Mr. Martin answered that it was worth it to the developers. Mr. Penn shared his concern of future maintenance; and Mr. Martin replied that that had been one of the staff's initial concerns.

Mr. Nicol commended the parties involved for coming up with a solution to the problem.

Mr. Pohl shared his personal experience with a pump station and the concerns he had. He asked the following questions: Is there built-in redundancy? Will there be alarm systems, and who would respond to the alarms? Will there be a backup generator? Mr. Martin replied that the Divisions Engineering and Water Quality would be responsible to oversee the project.

Applicant Representation - Attorney Dick Murphy, Matt Carter, Vision Engineering, and developer Jeff Morgan, were present to answer any questions regarding the development. Mr. Murphy reiterated the discussions and work that had been done by several people to find a way to connect sanitary sewer to the property. He said that the Homeowner's Association would be responsible for pump station maintenance. He explained that in the event the Homeowner's Association would go out of existence, deed restrictions will "require that each individual lot owner shall be jointly and severally liable for the pump station". He then explained how this deed restriction works and how it would protect the city from liability. Mr. Murphy then addressed previous questions posed by Mr. Pohl. He said the pump would be small and below ground, and it would have redundancy and alarms. He also said that it could connect to a generator, if necessary.

Commission Questions - Mr. Pohl asked if there was a way to ensure that the Homeowner's Association had sufficient monetary reserve to replace the systems as they fail. Mr. Morgan replied that he had created several homeowner associations and said that the contracts and deeds must be written correctly for an HOA to be healthy and have money reserves. Mr. Pohl further asked if it could be required to have funds specifically for the failure of the sewer pump station. Mr. Murphy replied that it could be required. Mr. Pohl stated that he felt it should be included specifically. Mr. Murphy pointed out that Mr. Morgan was nodding his head in agreement.

Ms. Worth asked Ms. Jones of the Law Department, if she had any concerns with the wording suggested by Mr. Murphy "jointly and severally liable". Ms. Jones said that it would need to be managed through our new development section of the Division of Engineering. She said that if Engineering takes care of the management at the front end of the process, it will be easier to take care of a problem when it arises.

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Mr. Nicol further asked Ms. Jones if she was satisfied with the approval of the Division of Engineering from a legal standpoint. Ms. Jones replied that she would trust the judgement and sign off of Engineering to make sure the pump station was done properly.

Mr. Penn stated that he was still concerned about the pump station and the expense of maintaining it. He felt that the cost was too great for just 14 homes to maintain.

Staff Comments – Ms. Wade suggested the following two conditions be added to the waiver:

1. The developer shall establish a homeowner's association to maintain the private pump station, and it shall be noted on the plan.
2. The developer shall establish a maintenance fund prior to sale of final townhome unit.

Ms. Wade noted that the applicant was agreeable to the conditions.

Commission Questions - Mr. Davis asked if additional verbiage could be added to say "to LFUCG Division of Engineering standards." He then asked if the maintenance fund could have some oversight, to make sure the funds were still available in the years to come, or if LFUCG had any enforcement capabilities. Ms. Jones answered that a bond might be a possibility or terms that are included in the sign off agreement with the Division of Engineering.

Mr. Forester asked how much the pump station would cost to replace and if there should be a minimum amount required in the maintenance fund. Mr. Murphy replied that the pumps are not expensive to replace, probably in the \$300 range. Mr. Carter iterated that was the price to replace the pump, not the entire pump station.

Mr. Carter shared more information about the size and scale of the proposed pump station. He stated that out of the four sizes of pump stations, this proposal is the smallest size. He further shared specifications of the pump. He explained that its capacity would be 75 gallons per minute, and they were expecting that this particular pump would only produce 4 gallons per minute.

Ms. Meyer asked why there was no automatic generator included in this type of system. Mr. Carter replied that it is not required for the type and size of pump being used. He noted that a plumber would always be on call to maintain and inspect the unit. Mr. Murphy stated that Mr. Morgan was agreeable to adding an automatic backup generator if asked to do so.

Mr. Michler shared that, in his experience, an automatic backup generator was an advantage.

Mr. Pohl asked for clarification about the storage tank size. Mr. Carter replied that the tank would hold for two hours, but the pipe was also long and could hold a large capacity if needed. He believed that there would not be any backup issues due to the small number of units in the development.

Mr. Nicol reiterated that there would not be any additional homes using this pump station, and again praised the effort made to get to the agreement made.

Mr. Pohl suggested the following additional wording to the new conditions: "such fund shall be increased by mandated payments, monthly or yearly, from members of the Homeowner's Association, in amounts to be determined by a reserve analysis to be conducted by a third party and to be updated bi-annually". Mr. Murphy stated that the applicant was agreeable to the additional language.

Ms. Worth asked if it would be up the Homeowner's Association to contract with the third party for the analysis. Mr. Pohl replied that he felt that was how it should be done. He added that the reserve would help the homeowners by preventing large sums of money being required for a repair.

Action – Mr. Pohl made a motion, seconded by Mr. Davis, and carried 10-0, (Bell absent) to approve PLN-MJDP-23-00025: ROSE H. BRIGDEN & MARK MCCLURE PROPERTY, TRACT A as presented by staff.

Action - Mr. Pohl made a motion, seconded by Mr. Nicol, and carried 10-0 (Bell absent) to approve the waiver request with the following revised conditions:

1. The developer shall establish a homeowner's association to maintain the private pump station, to LFUCG Division of Engineering standards, and it shall be noted on the plan.
2. The developer shall establish a maintenance fund prior to sale of the final townhome unit. Such fund shall be increased by mandated payments, monthly or yearly, from members of the Homeowner's Association, in amounts to be determined by a reserve analysis to be conducted by a third party and to be updated bi-annually.

VI. COMMISSION ITEMS

- A. Imagine New Circle Road Corridor Plan, Element of *Imagine Lexington* 2018 Comprehensive Plan, Adoption Public Hearing – The Planning Commission took public comment on the proposed Imagine New Circle Road, an Element of the *Imagine Lexington* 2018 Comprehensive Plan.

Introduction – Kenzie Gleason, Principal Planner with the Metropolitan Planning Organization, began by introducing Imagine New Circle Road Corridor plan. She stated that for this plan, residents, business owners, the development community, and the public were asked to reimagine the signalized portion of New Circle Road, also known as the Northeast New Circle Road Corridor. The input was used with the support from the consulting team, Gresham Smith, as well as coordination between the Long Range Planning section, the Metropolitan Transportation Planning section, Lex Tran, and the Kentucky Transportation Cabinet. Ms. Gleason introduced Louis Johnson, a landscape architect and planning lead with Gresham Smith for the Imagine New Circle Road Corridor Plan.

Consultant Presentation – Louis Johnson began his presentation by offering the Planning Commission background information on the Imagine New Circle Road study. Mr. Johnson identified the study area as the land adjacent to New Circle Road, between Newtown Pike and to Richmond Road. He further explained that this portion of New Circle Road is serving “polar opposite” needs for the community. During the study, there were opportunities for community engagement including neighborhood meetings, corridor business canvassing, and online public surveys. Mr. Johnson noted that with the public engagement, there was a great deal of consistency in the feedback. Much of the concern focused on safety, connectivity, and aesthetic of the corridor. The data was collected and helped identify catalyst sites to illustrate the community needs. Mr. Johnson further spoke about the results of the surveys focusing on market-rate housing, affordable housing, retail space, office space, industrial/flex space, and neighborhood transitions. According to Mr. Johnson, an important of the plan was evaluating the regulatory framework. The findings showed that within the (B-3) Highway Service Business zone, there is a prohibition on mixed-use development within this district, which is currently acting as a barrier. Mr. Johnson listed potential options for the B-3 zone, including turning the zone into a Corridor Mixed-Use zone with the intent to promote a mix of higher intensity residential and commercial uses. Mr. Johnson identified the next steps for the plan and for the city, which included seeking funding for infrastructure, coordinating with Kentucky Transportation Cabinet, and advancing possible changes to the B-3 zone.

Commission Comments - Mr. Michler stated that it seemed that most of the corridor was zoned as B-3. He asked if there had been discussions about the zone no longer being appropriate. Mr. Johnson replied that it has been discussed. Chris Taylor, Principal Planner, asked Mr. Michler if he was suggesting the whole area being rezoned. Mr. Michler asked if there are other zones that could be recommended in the report. Mr. Taylor replied that a zone change would not be the best way to achieve the desired changes. He further explained that the B-3 zone is not a recommended zone in the Placebuilder at all. Mr. Taylor further identified that a major part of this corridor study is to outline how to modernize and improve the B-3 zone. He stated that creating new opportunities under the existing zoning while setting a higher standard for the B-3 zone is the quickest way to improve the corridor.

Mr. Nicol asked if it was possible to take one of the recommendations from the study and make a text amendment to adjust the B-3 zone, to allow multifamily dwellings, in the same way that principal permitted use was added to the (B-6P) Commercial Center zone. He further questioned if it was a possibility for just one ZOTA, (Zoning Ordinance Text Amendment). Mr. Taylor responded that they are eager to improve the B-3 zone and it is not taken lightly that it is not a listed zone anywhere in Placebuilder. He further identified this as an important gap in the Zoning Ordinance and Comprehensive Plan. Mr. Taylor added that this is why this study is important. The recommendations are ideas that he thinks are actionable very quickly. Mr. Nicol replied that this is something that they should

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consider doing because it is an equity issue. He then added that there is no provision for multifamily dwellings as a principal use in the B-3 zone.

Ms. Worth stated her observation that gentrification has driven a lot of people out of the area, and it has caused a lot of problems. She then mentioned that when looking at the framework recommendations for the mobile food vendor units that some people may be potentially losing their opportunities that were built into the frame work.

Mr. Johnson responded to Ms. Worth by highlighting that the intent was developing recommendations within the policy side that creates flexibility. He further identified that adding housing and encouraging affordable housing could help create support networks.

Mr. Penn stated that the car lots along the north side need to be addressed. He further proclaimed that repurposing New Circle Road is something that the community would embrace. He felt that there was plenty of land there that is not being used, and he was excited to see attention brought to the area. He then thanked Mr. Johnson for their work.

Mr. Michler had a clarifying statement, based upon his own research, he noted that there was a three mile section between Henry Clay Boulevard and Old Todd's Road, where New Circle Road is the only connection. He further identified that as a city there is a lack of North – South connectivity. Mr. Michler then stated that road widening would treat the symptom that New Circle Road is the only connection. He further questioned if the connectivity issues were brought up in the discussions of this plan. Mr. Johnson replied that there were recommended connectivity improvements throughout the plan. He further acknowledged that the challenges with infrastructure and private properties would interrupt logical connections. He clarified that when he states "road widening," that it is within the area that is already available such as the area within the shoulder, it is not going further out. Ms. Gleason mentioned that a lack of connectivity was discussed at a meeting she attended with the Kentucky Transportation Cabinet District Office. She further identified that there is a project that could benefit the New Circle Road corridor, which is the connection of Citation Boulevard. The southern section belongs to the Kentucky Transportation Cabinet, and they strongly feel that a road widening is in order. Ms. Gleason identified the outcomes of what they are wanting, which are a quality trail, the connections and greenspace, and landscaping beautification.

Ms. Worth read the public comment email that stated, "Improve safety by reducing the many access points in that area. Combine as many current access roads and share them." She then commented, that she thought that these efforts were attempted in the presentation.

Public Comment - Council Member Denise Gray spoke on the behalf of her constituents who couldn't attend the meeting. Council Member Gray first identified that the power lines need to be underground, which would be expensive, but would help the appearance of New Circle Road. She then mentioned that it was brought to her attention that the city should purchase some of the land from the owners for parking. She further declared that New Circle Road needs a cosmetic face lift, while it ensures safety for pedestrians, bike riders, and vehicles. She identified that sidewalks also need to be a priority. Council Member Gray gave praise that the plan includes multi-family housing. Residents within her district feel forgotten because of the conditions in the Northside of Lexington. Council Member Gray shared her appreciation of the plan, and praised the attention it brought to the area.

Action - Mr. Davis made a motion, seconded by Ms. Worth, and carried 10-0 (Bell absent) to adopt the Imagine New Circle Road Corridor Plan as an amendment to Imagine Lexington, the 2018 Comprehensive Plan.

- B. NOMINATING COMMITTEE FOR COMMISSION OFFICERS – Mr. Penn made a motion, seconded by Ms. Worth, and carried 10-0, (Bell absent) to elect Mr. Nicol, Ms. Barksdale, and Ms. Meyer to the nominating committee for commission officers.

VII. STAFF ITEMS

Mr. Duncan reminded the Planning Commission of the upcoming Work Session on June 15, 2023. He told them that it would be help in Council Chambers.

VIII. ADJOURNMENT – The meeting was adjourned at 3:51 p.m.

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Larry Forester

Janice Meyer

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