

AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION & ZONING ITEMS
August 10, 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 July 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, August 3, 2023 at 8:30 a.m. The meeting was attended by Commission members Judy Worth, Janice Meyer, and Headley Bell, and Mike Owens. 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, Embry Beatty, Division of Fire and Emergency Services; Tracy Jones, Department of Law; Doug Burton, Division of Engineering. The Committee made recommendations on plans as noted.

General Notes

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

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

- 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. **Final Subdivision Plans**

- a. PLN-FRP-23-00019: COLEMAN PROPERTY (CLARION CONVENTION CENTER) (AMD) (10/1/23)* – located at 1950 NEWTOWN PIKE, LEXINGTON, KY
Council District: 2
Project Contact: Thoroughbred Engineering

The Subdivision Committee Recommended: **Postponement**. There are questions about required setbacks and frontages.

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.
 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. Denote: This property shall be developed in accordance with the approved final development plan.
 8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 9. United States Postal Service Office's approval of kiosk locations or easement.
 10. Correct Planning Commission certification.
 11. Correct owner's certification.
 12. Addition of Urban County Engineer's certification.
 13. Delete building information.
 14. Addition of lots 3, 4, & 6 to plat and denote parcel lines with a solid line.
 15. Addition of private utility providers per Article 5-4(e).
 16. Addition of maintenance note per Article 5-4(g).
 17. Revise access easement to provide required frontage of 40 feet.
 18. Provided the Planning Commission makes a finding on the proposed access easement.
 19. Revise plan title to match staff report.
 20. Addition of Coleman Court, Newtown Pike, and interstate cross-sections.
 21. Discuss timing of proposed building demolition.
 22. Discuss required 20' front yard setback.
- b. PLN-FRP-23-00022: J.G.B. PROPERTY (10/31/23)* – located at 4992 WINCHESTER ROAD, LEXINGTON, KY
Council District: 12
Project Contact: EA Partners

Note: The purpose of this plat is to divide one lot into two lots.

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 Traffic Engineer's approval of street cross-sections and access.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
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 easements as required by the utility companies.
6. Denote identified sinkhole on Lot 2 and add note per Land Subdivision Regulations.
7. Denote existing structures are nonconforming per the required building line.
8. Delete Note #2.
9. Revise plan title to match staff report.

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

2. Development Plans

- a. PLN-MJDP-18-00004 (AKA DP 2004-153): TRIPLE STARS PROPERTY (8/10/23)* - 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, May 11, 2023, and June 8, 2023, and July 13, 2023 meetings.

The Subdivision Committee Recommended: **Postponement**. There are questions regarding the plan meeting the new parking requirements and Article 8 of the Zoning Ordinance.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
3. Landscape Examiner's approval of landscaping.
4. Urban Forester's approval of tree preservation plan.
5. Denote: No building permits shall be issued until a final subdivision plan has been approved and certified by the Planning Commission.
6. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
7. Revise general note on grading to reference Article 16 of the Code of Ordinance.
8. Verify or correct owner, applicant name and information.
9. Denote: No amendments to the Final Development Plan shall be required for additions or alterations to individual townhouses provided they comply with the Zoning Ordinance.
10. Correct current zoning in the site statistics.

- b. PLN-MJDP-19-00023: TOWNBRANCH INDUSTRIAL (FRM LAWSON, LLC PARCEL) (11/29/23)* - located at 404 ALEXANDRIA DRIVE, LEXINGTON, KY
Council District 12
Project Contact: Vision Engineering/ EA Partners

Note: The Planning Commission approved this plan on May 9, 2019. The applicant requested a continued discussion and reapproval on July 17, 2023.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of 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.

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

11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 12. Addition of adjacent property information to the north of property.
 13. Depict landscaping requirements (berms and trees) along Old Frankfort Pike.
 14. Resolve existing construction entrance.
 15. Resolve proposed fencing enclosing storage yard.
 16. Resolve status of outstanding enforcement action on the property.
- c. PLN-MJDP-23-00029: RED MILE MIXED USE DEVELOPMENT (AMD) (8/10/2023)* - 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.

Note: The Planning Commission postponed this item at the June 8, 2023 and July 13, 2023 meetings.

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.
- d. 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.

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

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

Note: The Planning Commission postponed this item at the June 8, 2023 and July 13, 2023 meetings.

The Technical Committee Recommended: **Postponement**. There are question regarding the compliance with Article 23A 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.
- e. PLN-MJDP-23-00032: HOMER C. RATLIFF PROPERTY (AMD) (8/10/2023)* - located at 938 MANCHESTER STREET, LEXINGTON, KY
Council District: 11
Project Contact: Anne Rouse/Earthcycle Design

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.

Note: The Planning Commission postponed this item at the June 8, 2023 and July 13, 2023 meetings.

The Subdivision Committee Recommended: **Postponement**. There are questions regarding the compliance with the conditional zoning restrictions per Article 6-7 of the Zoning Ordinance.

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

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

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. Revise square footage of buildings in site statistics to meet dimensions.
 13. Clarify rear property boundary.
 14. Provided the Planning Commission makes a finding that the plan complies with the Adaptive Reuse Project criteria.
 15. Discuss proposed land uses and compliance with Article 8-21 of Zoning Ordinance.
 16. Discuss compliance with conditional zoning restrictions.
- f. PLN-MJDP-23-00035: NORTH LIMESTONE COMMUNITY CORPORATION (10/1/2023)* - located at 128 EDDIE STREET, LEXINGTON, KY
Council District: 1
Project Contact: Van Meter Pettit

Note: The purpose of this plan is to change building line setback to 0'-0" to allow parking in the front yard per the design standards established in Article 22B-6.

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. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
9. United States Postal Service Office's approval of kiosk locations or easement.
10. Correct the engineering scale not exceeding 1"=100'.
11. Addition of bearings and distance, adjacent property information, and building line setback front and back property lines on plan face.
12. Label contour elevations for topography.
13. Addition of street cross-section depicting right-of-way for Eddie Street and True Alley and location on plan face.
14. Remove legal description.
15. Addition of existing and proposed utility easements.
16. Correct Owner's Certification per Article 21-6(15) of the Zoning Ordinance.
17. Correct Commission's Certification per Article 21-6(16) of the Zoning Ordinance.
18. Remove note for circulation and access.
19. Document account with Lynn Imaging to meet Article 21-7(7)(b)(3) of the Zoning Ordinance.
20. Addition of title for "General Notes".
21. Addition of building dimensions.

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

- g. PLN-MJDP-23-00036: GIVENS PROPERTY (CITATION POINT) LOT 8 (TIDAL WAVE AUTO SPA) (AMD) (10/1/2023)* - located at 2357 REMINGTON DRIVE & 2210 GEORGETOWN ROAD, LEXINGTON, KY
Council District: 2
Project Contact: Paulson Mitchell Inc.

Note: The purpose of this amendment is to depict development on Lot 8.

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. Addition of all site statistics required by Article 21 of the Zoning Ordinance.
 14. Delete landscaping requirements except for Article 18 reference statement.
 15. Correct Note #1.
 16. Denote date of review by Royal Springs Aquifer Committee and recommendations.
 17. Denote conditional zoning restrictions.
 18. Denote source of contour information.
 19. Denote compliance with Article 21-7(7)(b)(3).
 20. Resolve status of sanitary and storm water sewer infrastructure.
 21. Resolve access to Lot 8 through Lots 6 & 7.
- h. PLN-MJDP-23-00037: NEWTOWN COPORATION INDUSTRIAL PARK (ABC STORAGE) (AMD) (8/10/2023)* - located at 673 KENNEDY ROAD, LEXINGTON, KY
Council District: 1
Project Contact: Geisler Domigan Engineering, PLLC
Note: The purpose of this plan is to show buildings and parking circulation.

Note: The Planning Commission postponed this item at the July 13, 2023 meeting.

The Subdivision Committee Recommended: **Postponement**. There are questions regarding meeting the requirements of Article 21 of the Zoning Ordinance, as well as Articles 16, 18, and 20.

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.

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

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.
11. Remove consolidation line and bearings & dimensions.
12. Move bearings and distances on property boundaries to the outside of lot for legibility.
13. Addition and dimension of driveways and walkways on existing buildings.
14. Dimension all buildings.
15. Addition of floor area and open space in site statistics.
16. Addition of tree protection plan per Article 26 of the Zoning Ordinance.
17. Addition of 10% tree canopy per Article 26-5 of the Zoning Ordinance.
18. Addition of dashed lines for adjacent property and street.
19. Denote review of property with Royal Springs Aquifer Committee.
20. Discuss compliance Articles 16, 18, & 20 of the Zoning Ordinance.

- i. PLN-MJDP-23-00039: SOUTHEND PARK, SECTION 2 (LEXINGTON COMMUNITY LAND TRUST COMMUNITY CENTER) (AMD) (10/1/2023)* - located at 615 DE ROODE STREET, LEXINGTON, KY
Council District: 11
Project Contact: EHI Consultants

Note: The purpose of this amendment is to depict park layout and community center building.

The Subdivision Committee Recommended: **Postponement.** There are questions regarding Article 21 information and purpose of amendment.

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. Revise plan to include PLN-MJDP-22-00085 information.
14. Revise purpose of amendment note.
15. Delete zone change information.
16. Denote area of Unit 2 that is still a Preliminary Development Plan.
17. Denote proposed community center Floor Area Ratio, lot coverage, and height in site statistics.
18. Dimension proposed community center.
19. Revise building schedule to reflect certified final development plan.
20. Addition of owner's certification.
21. Denote Final Record Plat information for subject property.
22. Denote Board of Adjustment approval on plan (date and case number).
23. Revise plan title to reflect plan status.

- j. PLN-MJDP-23-00040: SOUTH BROADWAY PLACE, PHASE IIC (AMD) (10/1/2023)* - located at 1080 EXPORT STREET, LEXINGTON, KY
Council District: 10
Project Contact: Carman

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

Note: The purpose of this amendment is to revise development of Phase IIC to a proposed hotel 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. 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. Consolidate site statistics into one table.
13. Document compliance with Article 12-8(h) and (i) for multi-modal accommodations and transit facilities.

- k. PLN-MJDP-23-0041: HAMBURG PLACE OFFICE PARK, LOT 5 (UKFCU CORPORATE OFFICE EXPANSION) (AMD) (10/1/2023)* - located at 1730 ALYSHEBA WAY, LEXINGTON, KY
Council District: 6
Project Contact: Carman

Note: The purpose of this amendment is to depict building addition and revised parking layout.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. 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. Correct plan title for Lot 5 and PL N-944.
14. Darken property boundaries for Lot 5.
15. Addition of adjacent property information.
16. Correct area on vicinity map.
17. Addition of topography information.
18. Addition of dimension points of ingress, driveways, walkways, and parking spaces.
19. Depict access location for construction vehicles.
20. Clarify building square footage for existing and proposed.
21. Denote height of building in feet.
22. Denote the use in the building.

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

23. Correct title on owner's certification.
24. Denote: All buildings, paving, signs, fences, walls, and retaining walls that are depicted, described, or required on this Development Plan shall require a separate review and building permit from the Division of Building Inspection prior to construction.
25. Remove "resolution" from Note #9.
26. Remove Vision Engineering information.
27. Correct utility easement dimension from 40' to 30' per Plat N-944.

- I. PLN-MJDP-23-00042: EASTLAND SHOPPING CENTER (AMD) (10/1/2023)* - located at 1301 WINCHERSTER ROAD & 1064 INDUSTRY WAY, LEXINGTON, KY
Council District: 1
Project Contact: Barrett Partners Inc.

Note: The purpose of this amendment is to show development of Buildings 5 & 6.

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. Narrow the area of amendment on vicinity map.
12. Denote height of buildings in feet.
13. Addition of type and size of trees to be removed.
14. Denote: All buildings, paving, signs, fences, walls, and retaining walls that are depicted, described, or required on this Development Plan shall require a separate review and building permit from the Division of Building Inspection prior to construction.
15. Dimension width of parking spaces (see highlighted copy).
16. Submit exhibit with open space for usable and vegetated areas.

- m. PLN-MJDP-23-00044: RICHMOND WOODS (A PORTION OF) & LJR CORPORATION PROPERTY, LOT 1 (GOSS & MARTIN) (AMD) (10/1/2023)* - located at 2637 & 2647 RICHMOND ROAD, LEXINGTON, KY
Council District: 7
Project Contact: CDP Engineers

Note: The purpose of this amendment is to depict building and parking layout for new restaurant with an accessory drive-through facility.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Greenspace planner's approval of the treatment of greenways and greenspace.
8. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.

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

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. Addition of written scale.
13. Dimension access points.
14. Denote location of construction access.
15. Addition of street cross-section and location on plan face.
16. Denote height of building in feet.
17. Addition of conditional zoning restrictions. (Ordinance #93-2002)
18. Delete note #17 property outside of infill area.
19. Delete "May 2017" from Note #20.
20. Submit exhibit showing open space area for usable and vegetated areas.
21. Addition of conditional zoning line.

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 August 3, 2023, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Larry Forester, Robin Michler, and Zach Davis. Staff members present were; Traci Wade, Tom Martin, Daniel Crum, Bill Sheehy, and Tracy Jones, 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).

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the hearing. The Chair will announce its decision at the outset of the hearing.

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1. **ANDERSON COMMUNITIES, INC ZONING MAP AMENDMENT AND PHELPS PROPERTY DEVELOPMENT PLAN**

- a. **PLN-MAR-23-00005: ANDERSON COMMUNITIES, INC** – a petition for a zone map amendment from a Highway Service Business (B-3) zone and Agricultural Rural (A-R) zone, to a Community Center (CC) zone, for 8.36 net (11.95 gross) acres, for property located at 4075 Old Richmond Road.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2018 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The applicant is rezoning the property to allow for the construction of a mixed-use development including an automobile service station, coffee shop, two story townhouse buildings, and four story multi-family apartment buildings. The applicant proposes a total of 139 dwelling units for a density of 23.52 units per net acre. The multi-family residential use will be accompanied by amenities including a dog park, fitness center, and pool. A total of 257 parking spaces are proposed between the commercial and residential components of the development.

The Zoning Committee Recommended: Postponement.

The Staff Recommends: Approval, for the following reasons:

1. The proposed Community Center (CC) zone is in agreement with the 2018 Comprehensive Plan's Goals, Objectives, and Policies, for the following reasons:
 - a. The proposal introduces multi-family residential uses into an area predominately characterized by single-family attached and detached units, the applicant expands the variety of housing types and densities present in the area (Theme A, Goal #1.c).
 - b. By developing an underutilized parcel of land within the Urban Service Area, the proposal supports goals relating to redevelopment and strategic growth (Theme A, Goal #2.a; Theme E Goal #1.c).
 - c. The proposal creates more meaningful and direct pedestrian and multi-modal connections, which contributes to an effective and comprehensive transportation system in this area (Theme D, Goal #1.c).
 - d. The proposed pedestrian network will move pedestrians and vehicles throughout the site in a context-sensitive manner that is in keeping with a "main street" feel that is appropriate for a Community Center zone (Theme A, Design Policies 1 & 5).
 - e. The development demonstrates compliance with the Multi-Family Design Standards (Theme A, Design Policy 3).
 - f. The request utilizes smaller scale townhome units to provide for more context sensitive transitions from the surrounding development (Theme A, Design Policy 4).
 - g. The development orients parking to the rear of the structures (Theme A, Design Policy 7).
 - h. The proposal increases densities and intensities along the Athens Boonesboro Road corridor in a context-sensitive manner (Theme A, Density Policies 1, 2, and 4).
 - i. The orientation of the commercial uses towards the centralized multi-modal path allows for easy connections to neighborhood scale supportive uses for the surrounding development.(Theme A, Density Policy 3).
2. The justification and corollary development plan are in agreement with the development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location, as the proposal demonstrates compliance with the requirements of the Multi-Family Design Standards, orients the parking to the side and rear of the development, and utilizes townhouse units to minimize contrasts in scale and massing,
 - b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity, as the revised proposal provides a redesigned road network with significant traffic calming measures, and provides for safer and more direct pedestrian connections both within the site, and to the surrounding areas.

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- c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as the proposed design works and provides for distributed and usable open space throughout the development, and avoids developing any environmentally sensitive areas.
3. This recommendation is made subject to approval and certification of PLN-MJDP-23-00024: PHELPS PROPERTY, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

b. PLN-MJDP-23-00024: PHELPS PROPERTY (8/28/2023)* - located at 4075 OLD RICHMOND ROAD, LEXINGTON, KY
Council District: 12
Project Contact: Barrett Partners, Inc.

Note: The purpose of this plan is to depict the development of the property for commercial and residential, in support of the requested zone change from an Agricultural Rural (A-R) zone and a Highway Service Business (B-3) zone, to a Community Center (CC) zone.

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

1. Provided the Urban County Council approves the zone change to CC; 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. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Division.
8. United States Postal Service Office's approval of kiosk locations or easement.
9. Discuss compliance with multi-family design standards.
10. Discuss open space area adjacent to buildings F, G, & H.
11. Discuss proposed right-in only and need for a waiver to the Land Subdivision Regulations.
12. Discuss pedestrian facility adjacent to Athens Boonesboro right-of-way.
13. Discuss off-site dog park.
14. Discuss proposed retention versus detention.
15. Discuss connection to existing Expansion Area development in the immediate vicinity.
16. Discuss proposed public street through site.
17. Discuss Placebuilder criteria.

Note: The applicant submitted a revised plan on July 12, 2023. Based on that submittal, staff can offer the following revised conditions.

The Staff Recommends: **Approval**, subject to the following revised conditions:

1. Provided the Urban County Council approves the zone change to CC; 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.

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8. Provided the Planning Commission grants the requested waiver to Article 6-8(q) of the Land Subdivision Regulations.
9. Denote pedestrian facility adjacent to Athens Boonesboro right-of-way shall be determined at time of Final Development Plan.
10. Denote proposed retention versus detention shall be determined at time of Final Development Plan.
11. Denote connection to existing Expansion Area development in the immediate vicinity shall be determined at time of Final Development Plan.
12. Clarify number and type of dwelling units proposed.
13. Discuss Placebuilder criteria.

2. **PLN-MAR-23-00010: URBAN COUNTY COUNCIL** – a petition for a zone map amendment from a single-family residential (R-1C) zone with conditional zoning to a single-family residential (R-1C) removing conditional zoning relating to landscaping and fencing along New Circle Road for 37.21 net (65.48 gross) acres, for properties located at 2500-2529 Bridle Court, 2501-2537 Dressage Way, 1200-1213 Equine Court, 1304-1476 Saddle Club Way, 1213 Viley Road.

STAFF RECOMMENDS: APPROVAL OF STAFF ALTERNATIVE CONDITIONS, for the following reasons:

1. The installation of concrete sound barriers by the Kentucky Transportation Cabinet along New Circle Road is a major physical change in the area that was not anticipated at the time of the initial rezoning.
2. Due to the installation of the sound barriers, portions of the required fencing and landscaping are no longer visible from New Circle Road to provide visual consistency with the adjacent Calumet Farm.
3. There has been no physical, social, or economic change in the area that has impacted the appropriateness of the required landscaping along Viley Road, or along the portions of New Circle Road frontage without a sound barrier.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions shall apply to the Saddle Club Subdivision:

Conditional Zoning Restrictions:

- a. Along the Versailles Road frontage:
 1. A fifty (50) foot buffer area shall be provided, which will have the effect of decreasing the number of lots along Versailles Road;
 2. Large deciduous trees shall be planted forty-five feet on center;
 3. Small flowering trees shall be planted thirty (30) feet on center;
 4. The existing farm fencing shall be maintained

These conditions are reasonable and appropriate in order to preserve the scenic and historic character of Versailles Road.

- b. For the portions of the New Circle Road frontage where sound walls are not present:
 1. The existing farm fencing shall be maintained;
 2. One large deciduous tree shall be planted every thirty (30) feet;
 3. A continuous six (6) foot high hedge, three (3) feet high at planting shall be provided.
 4. A twenty (20) foot buffer area shall be provided;
- c. Along the Viley Road frontage one (1) street tree shall be planted every forty (40) feet. Conditions (b) and (c) are appropriate to assure compatibility of the development with the character of the neighboring properties.

The Zoning Committee Recommended: Referral, to the Planning Commission.

- 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**

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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-23-00020: THE PENNINSULA. UNIT 1-D – located at 478 SQUIRES ROAD, LEXINGTON, KY
- 2. PLN-FRP-23-00021: THE PENNINSULA. UNIT 1-E – located at 478 SQUIRES 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 August and September

Work Session, 1:30 p.m., 3rd Floor Conference Room, Phoenix Building	August 17, 2023
Zoning Items Public Hearing , Thursday, 1:30 p.m., 3rd Floor Conference Room, Phoenix Building	August 24, 2023
Technical Committee, Wednesday, 8:30 a.m., 7th Floor Conference Room, Phoenix Building.....	August 30, 2023
Work Session, 1:30 p.m., 3rd Floor Conference Room, Phoenix Building	August 31, 2023
Subdivision Committee, Thursday, 8:30 a.m., 3 rd Floor Conference Room, Phoenix Building.....	September 7, 2023
Zoning Committee, Thursday, 1:30 p.m., 3rd Floor Conference Room, Phoenix Building.....	September 7, 2023
Subdivision Items Public Hearing , Thursday, 1:30 p.m., 3rd Floor Conference Room, Phoenix Building.....	September 14, 2023

X. ADJOURNMENT

TW/TM/CG/DC/PS

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