

MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS
September 14, 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, Janice Meyer, Zach Davis, Ivy Barksdale, Robin Michler, William Wilson, Mike Owens and Bruce Nicol. Planning staff members present were Jim Duncan, Traci Wade, Tom Martin, Cheryl Gallt, Autumn Goderwis, and Donna Lewis. Other staff present were Brittany Smith, Department of Law; David Filiatreau, Division of Traffic Engineering; Vaughan Adkins, Division of Engineering; and Greg Lengal, Division of Fire and Emergency Services.
- II. **APPROVAL OF MINUTES** – Ms. Meyer made a motion, seconded by Ms. Worth, and carried 7-0 (Davis abstained, Bell, Nicol, and Pohl absent) to approve the August 10, 2023 minutes.
- III. **PERFORMANCE BONDS AND LETTERS OF CREDIT** - Ms. Barksdale made a motion, seconded by Ms. Worth, and carried 8-0 (Bell, Nicol, and Pohl 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-23-00030: KINGSTON HALL, UNIT 1, LOT 8 (AMD) (9/14/2023)*** - 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.

Note: The Planning Commission postponed this item at the June 8, 2023, July 13, 2023 and August 10, 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.

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

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 – Tony Barrett, Barrett Partners, Inc., was present to represent the applicant. He requested a one month postponement.

Action – Mr. Davis made a motion, seconded by Ms. Barksdale, and carried 8-0 (Bell, Nicol, and Pohl absent) to postpone PLN-MJDP-23-00030: KINGSTON HALL, UNIT 1, LOT 8 (AMD) to the October 12, 2023 meeting.

- B. 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

Note: The Planning Commission postponed this item at the August 10, 2023 meeting.

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.

Staff Comments – Mr. Martin told the Planning Commission that the applicant requested a one month postponement.

Action – Ms. Meyer made a motion, seconded by Mr. Wilson, and carried 8-0 (Bell, Nicol, and Pohl absent) to postpone PLN-FRP-23-00019: COLEMAN PROPERTY (CLARION CONVENTION CENTER) (AMD) to the October 12, 2023 meeting.

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C. 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, June 8, 2023, July 13, 2023, and August 10, 2023 meetings.

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

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

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

Staff Comments – Mr. Martin stated that the applicant had not replied to any communication during this month, and staff recommended indefinite postponement at this time.

Action – Mr. Owens made a motion, seconded by Ms. Barksdale, and carried 8-0 (Bell, Nicol, and Pohl absent), to indefinitely postpone PLN-MJDP-18-00004 (AKA DP 2004-153): TRIPLE STARS PROPERTY.

D. PLN-MJDP-23-00049: HAMBURG PLACE FARM, LOT 5F (PLAUDIT PLACE) (AMD) (11/5/23)* - located at 1872 PLAUDIT PLACE, LEXINGTON, KY

Council District: 6

Project Contact: Thoroughbred Engineering

Note: The purpose of this amendment is to add 3,750 square feet to the existing building and revise parking layout.

The Subdivision Committee Recommended: **Postponement**. There are questions regarding the circulation around the rear of the building.

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.

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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. Correct site statistics to include new square footage.
12. Denote pedestrian access to right-of-way.
13. Denote compliance with open space per Article 20 of the Zoning Ordinance.
14. Modify area of detention basin on Lot 5E.

Staff Comments – Mr. Martin told the Planning Commission that the applicant had requested a one month postponement so that they could work on some circulation problems.

Action – Ms. Worth made a motion, seconded by Ms. Meyer, and carried 8-0 (Bell, Nicol, and Pohl absent) to postpone PLN-MJDP-23-00049: HAMBURG PLACE FARM, LOT 5F (PLAUDIT PLACE) (AMD) to the October 12, 2023 meeting.

- E. PLN-MJDP-23-00050: WOLF RUN INDUSTRIAL PARK, BLOCK A, LOT 1 (FRANKFORT COURT STORAGE FACILITY) (AMD) (11/5/23)* - located at 2262 FRANKFORT COURT, LEXINGTON, KY
Council District: 11
Project Contact: RMJE

Note: The purpose of this amendment is to depict layout and circulation for 53 storage units.

The Subdivision Committee Recommended: **Postponement**. There are questions regarding meeting Article 21 of the Zoning Ordinance and Old Frankfort Pike Landscape Ordinance.

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

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 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 written scale.
14. Correct plan title to match staff report.
15. Correct plan type "Amended Final Development".
16. Boundaries of property should be solid bold line and adjacent property boundaries should be dashed.
17. Addition of adjacent property information.
18. Dimension access points and parking.
19. Denote height of building in feet.
20. Denote the DBH (diameter at breast height) of all trees per Article 26 of the Zoning Ordinance.
21. Denote farm entrance from Old Frankfort Pike to be removed.
22. Discuss the type and size of oak tree(s) on plan.
23. Discuss Old Frankfort Pike Landscape Ordinance relationship to open usable space.
24. Discuss how to resolve conflict between building and retention easement.
25. Discuss gates to be located 40' from property boundary.

Staff Comments – Mr. Martin stated that the applicant had requested a one month postponement.

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

Action – Mr. Michler made a motion, seconded by Mr. Wilson, and carried 8-0 (Bell, Nicol, and Pohl absent) to postpone PLN-MJDP-23-00050: WOLF RUN INDUSTRIAL PARK, BLOCK A, LOT 1 (FRANKFORT COURT STORAGE FACILITY) (AMD) to the October 12, 2023 meeting.

- V. 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.

Ms. Wade read the Consent Agenda.

1. PLN-FRP-23-00025: WALMAC FARM (AMD) (12/5/23)* - LOCATED AT 2481 HUME BEDFORD PIKE, LEXINGTON, KY
 Council District: 12
 Project Contact: CAM Surveying

Note: The purpose of this plat is to subdivide 135.5 acres into two tracts of 76 acres and 59 acres.

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. Addressing Office's approval of street names and addresses.
 4. Addition of utility easements as required by the utility companies.
 5. Denote: Health Department approval for septic tanks required.
 6. Denote: New access and residential development subject to PDR program approval.
2. PLN-MJDP-23-00048: BLUEGRASS BUSINESS PARK (PEMBERTON FARM, LOT 1) (AMD) (11/5/2023)* - located at 2201 INNOVATION DRIVE, LEXINGTON, KY
 Council District: 2
 Project Contact: Denham-Blythe Company

* - 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 depict proposed building additions and the reconfiguration of the parking lot.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Landscape Examiner's approval of landscaping and landscaping buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree preservation plan.
 6. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 8. Greenspace planner's approval of the treatment of greenways and greenspace.
 9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
 10. Division of Waste Management's approval of refuse collection locations.
 11. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
 12. Improve legibility of street cut-through markings for Innovation Drive and Georgetown Road on plan face.
 13. Denote any recommendations per the Royal Springs Aquifer Committee review.
 14. Denote Floor Area Ratio as a ratio per Article 21 of the Zoning Ordinance.
 15. Resolve pedestrian access to right-of-way.
 16. Resolve timing of right-of-way closure for Innovation Drive cul-de-sac and dedication of right-of-way.
3. PLN-MJDP-23-00051: HOSPITALITY MOTOR INNS, INC. (AMD) (11/5/2023)* - located at 2143 N.BROADWAY, LEXINGTON, KY
Council District: 6
Project Contact: Earthcycle Design

Note: The purpose of this amendment is to add 2,513 square feet addition to the building and a solar energy field.

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

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

There were members of the audience that wished to hear PLN-MJDP-23-00047: FOX PROPERTY, LOT 4 (AMD), so it was removed from the consent agenda.

Action - Mr. Michler made a motion, seconded by Ms. Worth, and carried 8-0 (Bell, Nicol, and Pohl absent) to approve the consent agenda, excluding PLN-MJDP-23-00047: FOX PROPERTY, LOT 4 (AMD).

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

Mr. Nicol arrived at 1:45 p.m.

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 Development Plans**

- a. PLN-MJDP-23-00032: HOMER C. RATLIFF PROPERTY (AMD) (9/14/2023)* - 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, July 13, 2023, and August 10, 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:

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.

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

16. Discuss compliance with conditional zoning restrictions.

Staff Presentation – Mr. Martin began his presentation by mentioning items that had been distributed to the Planning Commission members including an Adaptive Reuse Compliance Report, support letters, and opposition letters from the public.

He oriented the Commission to the property and the surrounding area. He explained that the applicant proposed a reconstruction of the access, and a courtyard area with outdoor seating. They were also proposing an adaptive reuse, which had been recently been changed to a point system in the Zoning Ordinance. Mr. Martin explained the advantages of the new system and the how the applicant met the required number of points, including accessible public art, and building use and design. He noted the conditions of approval on the Adaptive Reuse Report.

Mr. Martin then addressed conditional zoning that had been put in place at the time of the zone change, which placed a 15-foot buffer around the property. He mentioned Article 18 of the Zoning Ordinance as well, noting that it only requires a 5-foot buffer, including landscape and fencing. He then pointed out a large shed that had been built at the rear of the subject property without approval. This structure did not meet the required conditional zoning, but could meet Article 18. He told the Planning Commission that they could approve the development with the shed, or could require the shed be taken down. Mr. Martin pointed out a note within the original conditional zoning that gave the Planning Commission authority to amend the landscape buffer requirement, according to the interpretation of staff and the Department of Law. He explained that the applicant had submitted a revised plan that taken care of conditions 12 and 13 of the staff report, as well as address the rear boundary. He advised the Planning Commission that they could approve the Adaptive Reuse status, and that they also had the authority to decide if the requested use was appropriate at this particular site. He also mentioned that the existing conditional zoning did not allow for vehicular movement on the rear 40 feet of the property during night time hours, and that this requirement was not in question and would remain in place.

Commission Question – Mr. Owens asked if the shed should be inspected by Building Inspection. Mr. Martin replied that an inspection could be a condition of approval. Mr. Owens further asked if the business had already opened, and Mr. Martin stated that the applicant would have to answer that question.

Applicant Presentation – Attorney Charlotte McCoy, Scott Southall, Earthcycle Design; and Annie Rouse were present to represent the application. Ms. McCoy began by thanking the Planning staff for their hard work to assist them with the newly implemented point system. She stated that they agreed with the Conditional Zoning requirement of vehicular movement and iterated that it was only from 7 p.m. to 8 a.m.

Ms. McCoy then addressed the shed at the rear of the property. She stated that it was built by other property owners several years ago, and felt that there was no reason to take it down. She further stated that it served as an excellent buffer between the business and neighboring home and would work better than a vegetated buffer. She asked that the Planning Commission approve the plan including the shed, because it met the current Article 18 requirements. She went on to clarify that the owner was currently operating the property as a warehouse business with a small retail component, and the requested use would be a new use after renovations.

Ms. Rouse stated that the sustainability and environmental improvements of the project were very important to her, and she felt that it aligned with the long term goals of the business as well as the city of Lexington. She stated that they currently warehouse their legal hemp derived products and were “not a dispensary” or a cannabis operation. She also stated that, contrary to what had been reported, they were not a late night establishment because they close at 8 p.m. She asserted that they did not have any plans to become a late night establishment, and would close their doors at 11p.m. She explained that the back drive area would only be open for waste management, and moving food trucks, which would only take place during allowable hours. Ms. Rouse also described several of the features that they hoped to have as part of their business, but expressed there would be no live music. She felt that this would be a wonderful tourist attraction for the area. She listed several bars that were located in neighbored residential areas, and said that they would respectfully work with the neighboring homes. She addressed parking in the area and said that it was already a problem, and was happy to work the city to keep parking problems to a minimum. She mentioned that there would be bicycle parking as well.

Ms. McCoy displayed the area development plan and pointed out other buildings in the area that were already adaptive reuse business. She stated that their business would fit in well with the Distillery District, and urged the Planning Commission to approve the project.

Commission Questions – Ms. Meyer asked if the applicant had met with the neighbors to address their concerns. Ms. Rouse replied that, “since they had opened their dispensary”, there had been several neighbors express their support for the business. She also stated that she had gone door to door, speaking to people, and many seemed to be encouraged that something was going to be done with the property. She said that parking issues were pre-existing, and that the neighbor directly behind them had not addressed any issues with them.

Opposition Representation – Attorney Brandon Gross was present, representing neighbors that were opposed to the application. He entered his presentation into the record. He cited a newspaper article that stated the applicants hoped to apply for a medical cannabis dispensary license as soon as they were able to do so. He shared several reasons why he felt the development plan was not in agreement with the Comprehensive Plan or Conditional Zoning that was imposed in the area. He said that Willard Street was insufficient to handle the traffic and parking that could be present if this plan was approved. He also pointed out that the entertainment elements of Manchester Street were on the other side of the road, away from the residential area, while parking and day-use businesses were on the side in question. He discussed the conditional zoning that was in place presently, and shared pictures of the home to the rear of the property along with the shed and fence that is currently in place. He stated that he felt the property line was in question. He further stated that there would be too many vehicles parking on Willard Street and evidenced that by displaying a recent picture of several cars parked on the corner of the property. He also discussed reasons why he felt the plan did not even meet Article 18 of the Zoning Ordinance. He was concerned for the lower income residents of the neighborhood and potential gentrification. He completed his presentation by summarizing his position and asked the Planning Commission to disapprove the plan.

Citizen Comments – Paul Holland, 4573 Saron Drive, stated that he owned eight homes in the area of the subject property. He shared several complaints from his tenants regarding the parking problems that were already occurring. He also had heard from one of his tenants that the applicant has already had food trucks and live music until 1 a.m. one evening. He also stated that the diesel food trucks made too much noise and created too many fumes.

Justin Mastin, 220 Willard Street, informed the Planning Commission that he lived directly behind the subject property. He said that the concrete shed just echoed sound. He said the noise level could negatively affect his children, as the structure was only feet away from his bedroom window.

Roland Taylor, 224 Perry Street, explained that traffic situation is already difficult, and Manchester Street is too narrow for cars pulling out from a side street. He said that even living on the next street over, cars block his driveway. He shared his concern over hearing information signage that seemed hidden.

Applicant Rebuttal – Ms. McCoy stated that, according to the survey that they had done, there was five feet between the rear structure and the property line, so the property would be in compliance with Article 18. She explained that most of the conditional zoning restrictions that were placed on the property were due to the industrial use at the time. She also pointed out that the wording stated the buffer had to be “within” 15 feet.

Ms. Rouse said that it was best to adapt and reuse the rear structure rather than tear it down. She stated that she believed that the opposition was started by a nearby business owner because they were unable to purchase the property for themselves. She continued by stating that there was never a complaint about the rear structure until now. She felt that this will enhance the area. She also reiterated that she did not intend to apply for a medical cannabis license.

Ms. McCoy reminded the Planning Commission that this was infill, environmental design, and in compliance with the Comprehensive Plan. She asked for approval.

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

Commission Questions – Mr. Michler asked if the applicant would be agreeable to providing electrical connections for the food trucks so that generators would not be needed. Ms. Rouse said that their plan was to provide gas, electric, and water connections for the food trucks. She further stated that as long as it did not interfere with the construction process, the timing of grant funding, or immediate use of food trucks, she was amenable to a note being added to the Development Plan in this regard. Mr. Michler stated that he believed that the electric connections should be used whether the grant was given or not. Ms. Rouse agreed.

Mr. Michler asked if the improvements would be a condition of plan certification. Mr. Martin replied that the intent was for the improvements to be done in a timely manner.

Ms. Worth asked if the staff was still recommending postponement, or if that recommendation was due to the fact that the Subdivision Committee had not seen the adaptive reuse report at that time. Mr. Martin replied that the adaptive reuse report had been ongoing and the applicant did qualify for the adaptive reuse status because they had reached the point total threshold.

Mr. Wilson inquired if the plan was in compliance with the conditional zoning restrictions. Ms. Smith replied that she felt the staff's position was correct regarding the Planning Commission's authority to change the buffer. She further stated that the Planning Commission could approve the adaptive re-use portion of the request and not approve the shed.

Mr. Wilson also asked if the plan was in compliance with the Comprehensive Plan. Ms. Wade stated that Zoning Ordinance did not say that it had to be in compliance with the Comprehensive Plan, but the intents section recognized the importance of the adaptive re-uses.

Mr. Wilson asked the applicant if they had considered other locations for the dumpster. Mr. Southall responded that they had considered it, but decided on the current location after discussions with the Division of Solid Waste.

Mr. Nicol asked staff if there had been any efforts made to provide sidewalks and other services to Willard Street and Perry Street. Mr. Martin stated that there were funds to provide the infrastructure and facilities, but could not speak to why they had not been done. Mr. Nicol stated that he hoped someone could look into these being provided to this neighborhood.

Mr. Davis asked for clarification of vehicle restrictions between the hours between 7 p.m. and 8 a.m. specifically regarding dumpster service. Mr. Martin stated that he believed the restrictions were placed to protect the residents from the noise of equipment and trucks as it does effect the rear of the property. He did not believe that it applied to public services.

Action – Mr. Michler made a motion, seconded by Mr. Owens, to approve PLN-MJDP-23-00032: HOMER C. RATLIFF PROPERTY (AMD) with the following additional conditions:

1. Require electric hook-ups prior to allowing food trucks to operate.
2. Approve a change to the landscape buffer from 15' to 5' with a fence per Article 18 of the Zoning Ordinance.
3. The accessory structure shall be inspected by Building Inspection or a licensed engineer prior to occupancy for adaptive reuse project.

Further Discussion – Mr. Owens asked if a condition could be added to the motion to include an inspection of the shed. Mr. Michler agreed.

Commission Comments – Ms. Worth spoke to the applicant about the parking situation, and asked them to work with the neighbors to make sure they had adequate parking.

Mr. Davis told the applicant that he would vote against the project, but appreciated the creative thought that was put into the application. He felt that the dumpster being collected early and so close to a residence was not appropriate. He further stated that he would have preferred a postponement because the problems could have been worked out.

Continued Action - The Planning Commission voted 5-4 (Wilson, Forester, Davis, and Meyer opposed, Bell and Pohl absent) in favor of the motion to approve PLN-MJDP-23-00032: HOMER C. RATLIFF PROPERTY (AMD).

Mr. Owens left at this time.

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

Staff Presentation - Ms. Gallt oriented the Planning Commission to the development. She displayed an aerial view of the property and mentioned that the applicant planned to leave the larger building and add storage units in the vacant area. She explained the work that had been done by the applicant to comply with several issues that had been raised. Ms. Gallt listed the revised conditions that were being recommended.

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.

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

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. Correct location of construction access note.
13. Remove required parking from site statistics.
14. Addition and dimension of driveways and walkways on existing buildings for access to the existing structure.
15. Denote typical building size.
16. Addition of floor area in site statistics.
17. Addition of tree protection plan per Article 26 of the Zoning Ordinance.
18. Addition of 10% tree canopy per Article 26-5 of the Zoning Ordinance.
19. Denote review date of property with Royal Springs Aquifer Committee.
20. Submit exhibit showing compliance with Articles 16, 18, & 20 of the Zoning Ordinance.

Applicant Representation – Mary Domigan, Geisler-Domigan Engineers, was present to represent the applicant. She explained that she had met with several staff members regarding issues including greenspace and fire access. She asked for approval of the plan.

Action – Ms. Barksdale made a motion, seconded by Ms. Worth, and carried 7-0 (Meyer abstained, Owens, Bell, and Pohl absent) to approve PLN-MJDP-23-00037: NEWTOWN COPORATION INDUSTRIAL PARK (ABC STORAGE) (AMD) with the revised conditions.

- c. PLN-MJDP-23-00047: FOX PROPERTY, LOT 4 (AMD) (11/5/2023)* - located at 2400 VERSAILLES ROAD, LEXINGTON, KY
Council District: 10
Project Contact: Vision Engineering

Note: The purpose of this plan amendment is to depict revised conditional zoning restrictions and new building and parking layout.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. 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 existing and proposed easements.
14. Depict access into the structure for interior order point.
15. Denote: Access to the property from Versailles Road is subject to the approval by the Kentucky Transportation Cabinet.
16. Remove proposed benches and statue from floodway.

Staff Presentation - Ms. Gallt presented the development plan and displayed aerial photos of the development plan area. She reminded the Planning Commission that they had previously disapproved a request for this

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property, but a new applicant had submitted a similar plan with different access points. She also pointed out that the new plan depicted an inside order point. She listed the cleanup conditions that were required.

Commission Questions – Ms. Meyer shared concerns of making a left turn across 3 lanes into the property. Ms. Galt pointed out that there was a dedicated turn lane that could be used, so a vehicle would only have to cross two lanes of traffic.

Applicant Representation – Matt Carter and Jihad Hallany; Vision Engineering, and Jason Taylor; owner, were present to represent the application. Mr. Carter stated that they are in agreement with the recommended conditions and asked that the Planning Commission approve the request.

Commission Questions - Mr. Michler stated his concerns over the vehicular use area being so large, even though it was in a neighborhood business zone. Mr. Carter stated that it was needed to accommodate the two drive-through lanes, as well as a bypass lane that would allow for significant vehicle stacking. He added that there was a large greenspace area as well. Mr. Michler stated that he felt they were overbuilding a sensitive property. Mr. Carter replied that they were trying to make it safer and more efficient for the community. Mr. Taylor said that the corridor was very busy and had several successful drive-through businesses, which thrived because of vehicle traffic.

Citizen Comments – Paula Singer, 110 Hamilton Park, shared concerns of the traffic at the intersection of Versailles Road and Parkers Mill Road. She felt that the B-1 zone should be for the neighborhood, with more accommodations for the large number of pedestrians in the area.

Austin Wilkerson, 2484 Versailles Road, submitted a letter from Amy Clark, and some photos of the property and surrounding area. He stated that he lived next door to the property and had been appointed the beneficiary of the trust for the property where the floodplain is located. He expressed his concern over a high-volume use next to the floodplain and the exit point of the development being so close to the access of the neighboring property.

Bryan Mullins, 232 S. Ashland Avenue, stated that he owned neighboring business property. He said that the traffic will be there whether the plan was approved or not. He supported the plan and felt that the new drive-through would serve the community.

Francisco Castro, 2351 Versailles Road, shared his support of the plan. He said that he walks in the area often and has a new business near the subject property. He felt this would increase his property value.

Applicant Rebuttal – Mr. Hallany reminded the Planning Commission that the development will be outside the floodway and they would make sure that the updated CLOMR would be acquired. He also stated that, according to their traffic study, the area was 25% below the state average for accidents. The proposed layout of the drive-through was in response to the concerns of the Planning Commission that were mentioned during the previous attempts to develop the property. Mr. Taylor displayed an aerial photo of the area to depict the traffic that comes from outside of Lexington, and stated that drive-through restaurants are just a part of a heavily traveled corridors such as Versailles Road. He compared the distance between the proposed development and the Neighboring property entrance to others across the street that were even close together. He also stated that 70% of restaurant sales were drive-through sales last year and it was a matter of convenience. Mr. Taylor also mentioned that they had met with the Homeowners Associations in the area and had not received any opposition.

Citizen Rebuttal – Ms. Singer reiterated that pedestrians and drive-through's were a recipe for disaster.

Mr. Wilkerson stated that there were other uses that would be better for this property, and he was still very concerned for the floodplain in the area.

Commission Discussion – Mr. Forester asked if it was a right-in, right out only, and some discussion followed. Ms. Wade clarified that it was a right-in, right-out, left-in.

Ms. Meyer asked if the CLOMR had been applied for the previously requested development plan. Mr. Martin explained that the applicant would be required to apply for an amended CLOMR with the new design.

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Mr. Davis asked if there would be any barrier or discouragement for drivers making a left turn out of the property. Mr. Hallany stated that there would be a curved concrete curb.

Action - Mr. Wilson made a motion, seconded by Mr. Nicol, and carried 5-3 (Worth, Michler, and Meyer opposed, Bell, Pohl, and Owens absent) to approve PLN-MJDP-23-00047: FOX PROPERTY, LOT 4 (AMD).

VI. COMMISSION ITEMS

- A. PLN-MJDP-23-00032: HOMER C. RATLIFF PROPERTY (AMD) – Ms. Smith, Department of Law stated that in response to a question posed to by Mr. Wilson earlier in the meeting, she had looked further into whether or not the plan had to be in compliance with the Comprehensive Plan. She stated that the applicant was required to provide a statement of compliance of the Comprehensive Plan and the Planning Commission needed to make a finding that the plan furthers the Goals and Objectives of the Comprehensive Plan. Ms. Wade stated that the applicant had submitted their statement of compliance with the Comprehensive Plan.

Ms. Meyer stated that Mr. Owens had left the meeting and was concerned that his leaving could potentially affect the vote. Ms. Wade said that while it could end in a tie vote, the plan had already been approved. There was some off microphone comments and discussion on the technicalities.

Action – Mr. Michler made a motion, seconded by Ms. Worth, and carried 6-2 (Forester and Davis opposed, Bell, Pohl, and Owens absent) finding the plan was in conformance with the 2018 Comprehensive Plan and meets the requirements outlined in the Zoning Ordinance Section, 8-21.4, specifically, Goals and Objectives that: Support infill and redevelopment throughout the urban service area (Theme A, Goal #2, Objectives a, b, & c); Apply environmentally sustainable practices to protect, conserve and restore landscapes and natural resources (Theme B, Goal #3, Objective a); Support and showcase local assets to further the creation of a variety of jobs (Theme C, Goal #1, Objectives a & d); Encourage an entrepreneurial spirit and enhance a talented, creative workforce by establishing opportunities that embrace diversity with inclusion in our community (Theme C, Goal #2, Objectives a & b); Promote, support, encourage & provide incentives for public art (Theme D, Goal #4); and Uphold the urban service area concept (Theme E, Goal #1, Objectives b & d).

Mr. Duncan reminded the Planning Commission of their upcoming work session.

VII. ADJOURNMENT – The meeting was adjourned at 4:24 p.m.

Larry Forester

Janice Meyer

TW/TM/DC/CG/PS