

MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS
January 11, 2024

- 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, Zach Davis, Judy Worth, Graham Pohl, Ivy Barksdale, William Wilson, Robin Michler, Johnathon Davis, and Mike Owens. Planning staff members present were Jim Duncan, Traci Wade, Autumn Goderwis, Tom Martin, Cheryl Gallt, and Paula Schumacher. Other staff present were Tracy Jones and Brittany Smith, Department of Law; David Filiatreau, Division of Traffic Engineering; Vaughan Adkins, Division of Engineering; and Greg Lengal and Embry Beaty, Division of Fire and Emergency Services.
- III. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – Mr. Zach Davis made a motion, seconded by Mr. Wilson, and carried 8-0 (Nicol, Meyer, and Johnathon Davis absent), to approve the performance bonds and letters of credit as presented.

Mr. Johnathon Davis arrived at 1:33 p.m.

Chair Comments – Chair Forester introduced and welcomed Mr. Johnathon Davis as a new member of the Planning Commission.

- IV. **POSTPONEMENTS AND WITHDRAWALS** - Requests for postponement and withdrawal were considered at this time.

- A. PLN-MJDP-23-00076: SHRINERS HOSPITAL/MASONIC TEMPLE ASSOCIATION OF LEXINGTON (AMD)
(2/4/24)* - located at 4085 HARRODSBURG ROAD, LEXINGTON, KY
Council District: 9
Project Contact: Vision Engineering

Note: The purpose of this amendment is to depict retail buildings and development of 14 townhomes and 7 single family detached residential lots.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
12. United States Postal Service Office's approval of kiosk locations or easement.
13. Addition of the number of HOA lots in site statistics.
14. Addition of vegetated and usable open space in site statistics.
15. Provided the Planning Commission makes a finding for the use of access easement.
16. Revise type of plan to a preliminary subdivision plan and amended final development plan for Syrnga Drive.
17. Resolve pairing of driveways per Article 16-5(b)(3) of the Zoning Ordinance for attached dwelling units.
18. Discuss compliance with Articles 16, 18 & 20 of the Zoning Ordinance.

Applicant Representation – Fred Eastridge, Vision Engineering, was present to represent the applicant. He asked for a one-month postponement.

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

Commission Comment – Ms. Worth stated that the loss of greenspace and addition of more parking should be discussed and resolved with staff before it was brought back to the Planning Commission. Mr. Eastridge replied that this was the reason for the postponement request.

Action – Ms. Worth made a motion, seconded by Mr. Pohl, and carried 9-0 (Nicol and Meyer absent), to postpone PLN-MJDP-23-00076: SHRINERS HOSPITAL/MASONIC TEMPLE ASSOCIATION OF LEXINGTON (AMD) to the February 8, 2024 meeting.

- B. PLN-MJDP-23-00080: NEWTOWN SPRINGS, UNIT 1, LOT 10 (2/25/24)* - located at 760 NEWTOWN SPRINGS, LEXINGTON, KY
Council District: 1
Project Contact: The Roberts Group

Note: The purpose of this amendment is to depict development on Lots 10 & 11.

The Subdivision Committee Recommended: Postponement. There are questions regarding compliance with Article 16 requirements.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
12. United States Postal Service Office's approval of kiosk locations or easement.
13. Update adjacent development plan information to reflect current status.
14. Dimension/provide square footage for open space areas.
15. Denote height in feet for proposed building(s) on Lot 11.
16. Provided the Planning Commission makes a finding that the development plan complies with Big Box design standards.
17. Denote Royal Spring Aquifer Committee review and recommendation.
18. Discuss purpose of Lot #12.
19. Discuss compliance with Article 16 requirements.
20. Discuss compliance with Article 12-8(c)(3) adjacent to R-1D Zone.
21. Discuss compliance with Article 12-8(h) multi-modal requirements.
22. Discuss access to Silver Springs Drive.
23. Discuss pedestrian access between Lots 10 & 11.
24. Discuss required parking landscape with pedestrian access as shown.
25. Discuss pedestrian access through parking lot per Big Box requirements.
26. Discuss proposed stormwater management and detention easement conflict.
27. Discuss proposed access to Lot 11 from Newtown Springs Drive.

Applicant Representation – Attorney Branden Gross requested a one-month postponement on behalf of the applicant.

Action – Mr. Pohl made a motion, seconded by Ms. Barksdale, and carried 9-0 (Nicol and Meyer absent), to postpone PLN-MJDP-23-00080: NEWTOWN SPRINGS, UNIT 1, LOT 10 to the February 8, 2024 meeting.

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- C. PLN-MJDP-23-00050: WOLF RUN INDUSTRIAL PARK, BLOCK A, LOT 1 (FRANKFORT COURT STORAGE FACILITY) (AMD) (1/11/24)* - 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 informed the Planning Commission that the applicant had requested a two-month postponement so that they could decide how to address two significant trees on the property.

Action – Mr. Pohl mad a motion, seconded by Ms. Barksdale, and carried 9-0 (Nicol and Meyer absent), to postpone PLN-MJDP-23-00050: WOLF RUN INDUSTRIAL PARK, BLOCK A, LOT 1 (FRANKFORT COURT STORAGE FACILITY) (AMD) to the March 14, 2024 meeting.

- V. **LAND SUBDIVISION ITEMS** – The Subdivision Committee met on Thursday, January 4, 2024 at 8:30 a.m. The meeting was attended by Commission members Ivy Barksdale and Judy Worth. Other Committee members present were Vaughan Adkins, Division of Engineering; and David Filiatreau, Division of Traffic Engineering. Staff members in attendance were Traci Wade, Autumn Goderwis, Tom Martin, Daniel Crum, Cheryl Gallt, Scott Thompson, Paula Schumacher, Shaun Denney, Greg Lengal; Division of Fire and Emergency Services, and Tracy Jones; Department of Law. The Committee made recommendations on plans as noted.

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General Notes

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

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

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

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

Ms. Wade read the Consent Agenda.

1. PLN-MJDP-23-00079: LAIL PROPERTY (2/25/24)* - located at 1551 GREENDALE ROAD, LEXINGTON, KY
Council District: 2
Project Contact: EA Partners

Note: The purpose of this amendment is to depict structure and lot 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. Denote Kentucky Transportation Cabinet's approval of access to Greendale and Spurr Roads.
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. Addition of purpose of plan.
16. Addition of dimensions for driveway off Spurr Road.
17. Denote height of building in feet and proposed use of building.
18. Denote Royal Springs Aquifer review date and recommendations.
19. Addition of species and size of trees per Article 26 of the Zoning Ordinance.
20. Addition of Floor Area Ratio and lot coverage in site statistics.
21. Depict proposed and existing easements.
22. Denote pedestrian connection to rights-of-way.
23. Resolve improvements to Greendale and Spurr Road and connection to sanitary sewers from preliminary development plan.
24. Resolve compliance with Article 20 for useable open space.

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Action – Mr. Pohl made a motion, seconded by Mr. Owens, and carried 9-0 (Nicol and Meyer absent), to approve the consent agenda as presented.

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 – None at this time.

2. Final Development Plans

- a. PLN-MJDP-23-00071: GIVENS PROPERTY, LOT 9 (CITATION POINT) (FIFTH THIRD BANK) (AMD) (2/25/24)* - located at 2365 REMINGTON WAY, LEXINGTON, KY
 Council District: 2
 Project Contact: BDHP Architecture

Note: The purpose of this amendment is to depict development of a bank on Lot 9.

The Subdivision Committee Recommended: **Postponement.** There are questions regarding compliance with Article 20 of the Zoning Ordinance, access to the dumpster, and timing of required infrastructure.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
12. United States Postal Service Office's approval of kiosk locations or easement.
13. Denote: 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.
14. Delete heavy dashed line along Stockton Way frontage.
15. Addition of building line and easement along Georgetown Road frontage.
16. Delete Article 18 notes 2-5.
17. Denote Royal Springs Aquifer Committee Recommendations on Lot 9 use.
18. Delete Note #23, and document account with Lynn Imaging.

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

19. Discuss landscaping and easement conflicts on Georgetown Road frontage.
20. Discuss compliance with Article 20 for useable open space.
21. Discuss timing of Georgetown Landscape Ordinance requirements.
22. Discuss location of dumpster.

Staff Presentation – Mr. Martin oriented the Planning Commission to the development that depicted a bank and accessory drive-through. He described the requirements that had been addressed by the applicant in the revised plan, and he listed the conditions that remained. Mr. Martin stated that staff recommended approval, subject to the following revised conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
12. United States Postal Service Office's approval of kiosk locations or easement.
13. Denote Royal Springs Aquifer Committee recommendations on Lot 9 use.
14. Submit an exhibit denoting compliance with Article 20 for useable open space.
15. Resolve timing of Georgetown Landscape Ordinance requirements.
16. Correct plan scale.

Commission Questions – Mr. Zach Davis asked if the Royal Springs Aquifer Committee would need to be consulted if the bank use was discontinued. Mr. Martin replied that, if there was a revised development plan, the committee would review it, but if only the use was changing, they probably would not make a recommendation. Mr. Martin did note that the Royal Springs Aquifer Committee had reviewed the original plan as well as each amendment. He also stated that there would be new signage to inform the public that it was a Royal Springs Aquifer recharge area.

Applicant Representation – Tony Ponting, BDHP Architecture, was representing the applicant. He stated that they agreed with the conditions and asked for approval.

Action – Ms. Worth made a motion, seconded by Mr. Pohl, and carried 9-0 (Nicol and Meyer absent), to approve PLN-MJDP-23-00071: GIVENS PROPERTY, LOT 9 (CITATION POINT) (FIFTH THIRD BANK) (AMD) with the revised conditions.

VI. COMMISSION ITEMS

A. PETITION FOR WAIVER OF THE LAND SUBDIVISION REGULATIONS

1. PLN-FRP-23-00008: BLUEGRASS BUSINESS PARK, LOTS 1 & 3B (AMD)(1/11/24)* – located at 2200 & 2201 INNOVATION DRIVE, LEXINGTON, KY
Council District: 2
Project Contact: EA Partners

Staff Presentation – Mr. Martin described the waiver request to Article 4-7(c)(1) of the Land Subdivision Regulations. He oriented the Commission to a portion of road that was to be built, and described the timing of funding for the project. He stated that staff was recommending approval for the following reasons:

1. Granting the requested waiver to the substantial completion requirement will not adversely affect public health, welfare, and safety in compliance with the intent of the Land Subdivision Regulations.

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2. Granting the waiver is consistent with the intent of Article 1-5(a) of the Land Subdivision Regulations for Exceptional Hardship due to the unique funding structure for completing the street construction.

Applicant Representation – Rory Kahly, EA Partners, was present to represent the applicant. He stated that he agreed with staff and requested approval.

Action - Mr. Owens made a motion, seconded by Mr. Wilson, and carried 9-0 (Nicol and Meyer absent), to approve the waiver request for PLN-FRP-23-00008: BLUEGRASS BUSINESS PARK, LOTS 1 & 3B (AMD) as presented by staff.

2. PLN-MNSUB-23-00057: DIXIE BRIDGE CO. INC. PROPERTY (LOTS 1 & 2) (FKA RUSSELL E. DAVIS & PROGRESSINVE INSURANCE AGENCY) (1/11/24)* - located at 3150 COMBS FERRY ROAD, LEXINGTON, KY
Council District: 12
Project Contact: McBrayer PLLC

Mr. Martin oriented the Commission to the property, and explained details of the waiver request to Article 6-4(c) of the Land Subdivision Regulations. He pointed out the existing access easement, and the reconfiguration of the two lots. He stated that the owners felt that this would eliminate any disagreements over the access in the future. Mr. Martin stated that staff recommended approval for the following reasons:

1. Granting the requested waiver to the street frontage standards will not adversely affect public health, welfare, and safety in compliance with the intent of the Land Subdivision Regulations.
2. Granting the waiver is consistent with the intent of Article 1-5(a) of the Land Subdivision Regulations for Exceptional Hardship due to site constraints relative to the existing lotting and agricultural use of the property.

This recommendation of approval is subject to the following conditions:

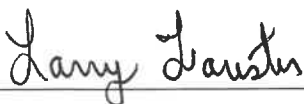
- a. Revise the Planning Commission Certification to reflect commission approval and the date.
- b. Denote Health Department approval of a septic system shall be required at time of a building permit on Parcel 2.

Applicant – Attorney Scott Schuette was present to represent the applicant. He reiterated that the applicant was hoping to eliminate potential access disagreements in the future by requesting this waiver. He stated that the applicant agreed to the conditions listed and requested approval.

Action – Mr. Michler made a motion, seconded by Mr. Pohl, and carried 9-0 (Nicol and Meyer absent), to approve the waiver request for PLN-MNSUB-23-00057: DIXIE BRIDGE CO. INC. PROPERTY (LOTS 1 & 2) (FKA RUSSELL E. DAVIS & PROGRESSINVE INSURANCE AGENCY) as presented by staff.

Mr. Duncan welcomed Mr. Johnathon Davis to the Planning Commission and reminded the Commission of their upcoming work session on January 18th.

VII. ADJOURNMENT – The meeting was adjourned at 2:02 p.m.



Larry Forester



Janice Meyer

