

MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS
February 8, 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, Judy Worth, Bill Wilson, Graham Pohl, Ivy Barksdale, Bruce Nicol, Robin Michler, Johnathon Davis, and Mike Owens. Planning staff members present were Jim Duncan, Traci Wade, Tom Martin, Daniel Crum, Cheryl Gallt, Boyd Sewe, 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. **APPROVAL OF MINUTES** – Ms. Worth made a motion, seconded by Mr. Pohl, and carried 8-0 (Meyer and Zach Davis absent, Owens abstained), to approve the November 16, 2023, January 11, 2024, and January 25, 2024 minutes.
- IV. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – Mr. Michler made a motion, seconded by Mr. Wilson, and carried 8-0 (Meyer and Zach Davis absent, Owens abstained), to approve the performance bonds and letters of credit as presented.
- V. **POSTPONEMENTS AND WITHDRAWALS** - Requests for postponement and withdrawal were considered at this time.

- A. **PLN-MJDP-24-00001: RAMSEY SULLIVAN PROPERTY, UNIT 3, LOT 1 (AMD) (4/1/24)*** - located at 2530 KEARNEY RIDGE BOULEVARD, LEXINGTON, KY
Council District: 2
Project Contact: Vision Engineering

Note: The purpose of this plan is to depict building layout, accessory drive-through, gas pumps, EV-charging stations, and parking circulation.

The Subdivision Committee Recommends: Postponement. There are questions regarding meeting Article 8, 16, & 26 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. **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. Remove access to Georgetown Road.
15. Denote location for construction vehicle access.
16. Addition of street cross-section location on plan face.
17. Addition of zone-to-zone screening buffer.
18. Remove driveway easement out of detention behind structure.
19. Addition of proposed and existing easements, including 25' floodplain setback.
20. Addition of tree protection plan per Article 26 of the Zoning Ordinance.

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

21. Denote maintenance responsibility for detention basin on Lot 1 per Plat N-20.
22. Addition of Columbia Gas easement per plat N-20.
23. Addition of flood protection elevation note per plat N-20.
24. Denote review and recommendation of the Royal Springs Aquifer Committee.
25. Denote pedestrian access for all points of egress.
26. Discuss meeting the 10'-20' building line setback off Kearney Ridge and Georgetown Road per Article 8-16 of the Zoning Ordinance.
27. Discuss compliance with Articles 16 & 18 for a corner lot.
28. Discuss drive-through conflicts existing into parking area.
29. Discuss exit spacing on Kearney Ridge Boulevard.

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

Action – Mr. Pohl made a motion, seconded by Ms. Barksdale, and carried 9-0 (Meyer and Zach Davis absent), to postpone PLN-MJDP-24-00001: RAMSEY SULLIVAN PROPERTY, UNIT 3, LOT 1 (AMD) to the March 14, 2024 meeting.

- B. PLN-MJDP-24-00002: JONES/COTRELL PROPERTY & JOYLAND CROSSING, LLC (JOYLAND CROSSING APARTMENTS) (AMD) (4/1/24)* - located at 2200 OLD PARIS ROAD & 2324 PARIS PIKE, LEXINGTON, KY
Council District: 12
Project Contact: Vision Engineering

Note: The purpose of this amendment is to depict multi-family development of the property.

The Subdivision Committee Recommended: **Postponement**, by request of the applicant.

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

1. Provided the Urban County Council approves a zone change to the R-4 zone, otherwise the plan shall be null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Landscape Examiner's approval of landscaping and landscaping buffers.
5. Addressing Office's approval of street names and addresses.
6. Urban Forester's approval of tree preservation plan.
7. Department of Environmental Quality's approval of environmentally sensitive areas.
8. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
9. Greenspace planner's approval of the treatment of greenways and greenspace.
10. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
11. Division of Waste Management's approval of refuse collection locations.
12. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
13. United States Postal Service Office's approval of kiosk locations or easement.
14. Addition of landscape buffer detail for adjacent property.
15. Provide exhibit illustrating compliance with multi-family design guidelines.
16. Resolve access to Paris Pike.

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

Action – Mr. Pohl made a motion, seconded by Mr. Johnathon Davis, and carried 9-0 (Meyer and Zach Davis absent), to postpone PLN-MJDP-24-00002: JONES/COTRELL PROPERTY & JOYLAND CROSSING, LLC (JOYLAND CROSSING APARTMENTS) (AMD) to the March 14, 2024 meeting.

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

- C. PLN-MJDP-23-00064: BELMONT FARM (CITATION CENTRE) (AMD) (2/8/2023)* - located at 2450 GEORGETOWN ROAD, LEXINGTON, KY
Council District: 2
Project Contact: Vision Engineering

Note: The purpose of this amendment is to depict 66,070 square feet of commercial space and parking circulation.

The Subdivision Committee Recommended: Postponement. The proposed development does not comply with Article 12 of the Zoning Ordinance.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. 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 purpose of amendment note.
14. Addition of conditional zoning restrictions.
15. Correct plan title to match staff report.
16. Improve plan legibility for bearings and distances.
17. Addition of record plat information.
18. Addition of topography elevations on amendment.
19. Addition of dimensions on access points.
20. Denote construction access point.
21. Addition of street cross-section and location on plan face.
22. Addition of building line setback per plat M-165.
23. Consolidation of property to create one lot.
24. Addition of proposed and existing easements.
25. Denote review and recommendations for the Royal Springs Aquifer recharge area.
26. Denote plan shall comply with Georgetown Road Landscape Ordinance.
27. Addition of pedestrian access between structures for multi-modal accommodations per Article 12-8(h) of the Zoning Ordinance.
28. Addition of arterial screening easement along Citation Boulevard.
29. Denote the maintenance responsibility of walking trail.
30. Discuss the proposed access to Citation Boulevard.
31. Discuss compliance with B-6P zone minimum floor area ratio of 0.40.

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

Action – Mr. Owens made a motion, seconded by Ms. Barksdale, and carried 9-0 (Meyer and Zach Davis absent), to postpone PLN-MJDP-23-00064: BELMONT FARM (CITATION CENTRE) (AMD) to the March 14, 2024 meeting.

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

- D. PLN-MJDP-24-00004: RAMSEY SULLIVAN PROPERTY, PHASE 3, LOT 3 (4/1/24)* - located at 2601 SPURR ROAD, LEXINGTON, KY
Council District: 2
Project Contact: Commonwealth Design

Note: The purpose of this plan is to depict development for the property as a construction equipment dealer.

The Subdivision Committee Recommended: Postponement. There are questions regarding access spacing along Spurr Road and timing of Spurr Road improvements. Additionally, the plan should include all of Phase 3 area.

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. Denote pedestrian access from building to right-of-way.
15. A consolidation plat must be recorded prior to development plan certification.
16. Denote review by Royal Springs Aquifer Committee date and recommendations.
17. Dimension all existing and proposed easements.
18. Discuss plan type and need to amend Preliminary Subdivision Plan.
19. Discuss proposed one-way access point.
20. Discuss the status of required traffic system improvements.
21. Discuss Note #22 relative to reference on the face of the plan (30' buffer along northern property line).
22. Discuss conflict with conditional zoning restrictions.

Applicant Representation – Michael Barlow, Commonwealth Design, was representing the applicant. He requested a one-month postponement.

Mr. Wilson made a motion, seconded by Mr. Johnathon Davis, and carried 9-0 (Meyer and Zach Davis absent), to postpone PLN-MJDP-24-00004: RAMSEY SULLIVAN PROPERTY, PHASE 3, LOT 3 to the March 14, 2024 meeting.

- E. PLN-MJSUB-24-00001: QUINTANA ESTATES (4/1/24)* – located at 2400 & 2450 PARIS PIKE, LEXINGTON, KY
Council District: 12
Project Contact: EA Partners

Note: The purpose of this plan is to subdivide the property into 55 single-family lots.

The Technical Committee Recommended: Postponement. There are questions regarding submittal of required tree protection plan, cross-access street connections, and street adjacent to the public park. Additionally, the recommendation of the Paris Pike Corridor Commission should be discussed.

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

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1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Denote lineal feet of streets.
11. Denote private utility providers.
12. Delete Note #2.
13. Submit required tree protection plan.
14. Discuss stormwater management.
15. Discuss sanitary sewer service.
16. Discuss buffering adjacent to Paris Pike right-of-way.
17. Discuss timing of cabin relocation.
18. Discuss recommendation of the Paris Pike Corridor Commission.
19. Discuss cross-access connections to adjoining parcels and for access to public park per Article 6-8 of the Land Subdivision Regulations.

Applicant Representation – Rory Kahly, EA Partners, was present to represent the applicant. He requested a one-month postponement.

Action – Mr. Owens made a motion, seconded by Ms. Worth, and carried 9-0 (Meyer and Zach Davis absent), to postpone PLN-MJSUB-24-00001: QUINTANA ESTATES to the March 14, 2024 meeting.

- VI. 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.

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.

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

Ms. Wade read the Consent Agenda.

1. PLN-FRP-24-00001: GRAVES FAMILY PROPERTY (4/1/24)* – located at 5081 WINCHESTER ROAD, LEXINGTON, KY
Council District: 12
Project Contact: Wes Witt

Note: The purpose of this plat is to subdivide one agricultural tract into 2 tracts.

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

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. 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 Heath Department approval for septic tanks required at time of building permit for Lot 2.
7. Denote floodplain and 25' setback.
8. Denote owners mailing address.

2. PLN-MJDP-23-00083: JERRICO INC. PROFESSIONAL OFFICE PROJECT, LOT 2 (AMD) (4/1/24)* - located at 3475 BLAZER PARKWAY, LEXINGTON, KY
Council District: 7
Project Contact: Banks Engineering

Note: The purpose of this amendment is to add 22 parking spaces and revise open space in site statistics.

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. Urban Forester's approval of tree preservation plan.
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.

3. PLN-MJDP-23-00084: BELMONT FARM, UNIT 7 (COVENTRY) (AMD) (4/1/24)* - located at 2329 REMINGTON WAY, LEXINGTON, KY
Council District: 2
Project Contact: Banks Engineering

Note: The purpose of this amendment is to depict revised apartment layout and associated site improvements.

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.

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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. Clarify location of all zone lines for R-3, R-4, I-1, P-1, & B-6P.
14. Resolve compliance with Articles 16 and 18 requirements for parking location along Huntley Place.

Action – Mr. Wilson made a motion, seconded by Mr. Johnathon Davis, and carried 9-0 (Meyer and Zach Davis 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-23-00076: SHRINERS HOSPITAL/MASONIC TEMPLE ASSOCIATION OF LEXINGTON (AMD) (2/8/24)* - 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.

Note: The Planning Commission postponed this item at the December 14, 2023 and January 11, 2024 meetings.

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.

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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.

Staff Presentation – Ms. Gallt oriented the Planning Commission to the amended final development plan. She presented revised conditions and a finding report for use of an access easement. She noted that there had been a significant change in open space from the approved preliminary development plan. Ms. Gallt 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. ~~Addition of the number of HOA lots in site statistics.~~ Label the HOA lots.
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.~~
16. Discuss compliance with Articles 16, 18 & 20 of the Zoning Ordinance.
17. Discuss changes to parking and open space from previous plan.

Commission Comments – Ms. Worth asked about compliance with Articles, 16, 18, & 20 of the Zoning Ordinance. Ms. Gallt displayed a side-by-side depiction of the preliminary development plan and the revised final development plan that had been submitted. She discussed the change that had been made. Ms. Gallt also stated that there was a significant difference in parking and open space, and staff was unsure how the applicant concluded that they had met all the requirements.

Ms. Worth asked if Planning Staff would ensure the applicant's compliance with Articles 16, 18, & 20. Ms. Gallt agreed that staff would do so prior to plan certification.

Mr. Michler asked about the change in building configuration. Ms. Gallt replied that the applicant had changed the configuration due to the needs of a proposed tenant.

Mr. Owens asked for clarification of the change in building configuration. Ms. Gallt replied that they had eliminated one building so there would be space for a restaurant and the parking associated with it, but the open space had not been brought back.

Mr. Owens stated his concern that most of the open space had been removed. Ms. Gallt pointed out a portion that remained on the plan, but it did not meet open space requirements.

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

Boyd Sewe, Long Range Planning Staff, told the Planning Commission that he had reviewed the revised plan and felt that it did not meet the requirements for useable common space in the B-3 zone. He stated that common space had to meet a certain dimension as well as be visible from the street.

Mr. Michler inquired about the placement of required useable space. Mr. Sewe stated that the plan depicted the usable and vegetated space location, but not the common space location.

Applicant Presentation – Mr. Jihad Hallany, Vision Engineering, presented the application. He stated that they had intentionally spread out the open space and connected it all by sidewalks, so it could be used by all the tenants. He opined that the requirements for useable open space had been met. He also shared that the reduction in building numbers was due to the requests of a tenant. He further noted that they would be happy to meet with staff to ensure that the plan met the requirements of the Zoning Ordinance.

Mr. Michler asked for clarification where the useable open space was on the plan. Mr. Hallany pointed out where it was in the plan.

Staff Comments - Ms. Wade clarified that there were 3 types of open space. She further stated that useable and vegetated open space were depicted on the plan, but the common open space was not.

Commission Comments - Mr. Owens reiterated his concerns of the lack of greenspace. Ms. Wade stated that those concerns had been mentioned during the Subdivision Committee meeting. She added that the open space from the original development plan had originally been a selling point.

Applicant Comments - Mr. Hallany told the Planning Commission that the preliminary development plan showed a detention area in the open space area, but it had been relocated, mostly underground. He felt that it would not have counted as a common space area.

Commission Comments - Ms. Worth stated that she felt there was too much impervious surface, and did not feel comfortable voting for this development at this time. Mr. Owens agreed.

Mr. Michler felt that expanding the open space and opening it to the neighborhood was important, and asked if the applicant would be willing to eliminate some of the parking to meet the requirements. Mr. Hallany stated that there was too much of an elevation change to properly connect the neighboring property to the open space. Mr. Michler added that he felt more discussion was needed.

Mr. Owens reminded the Commission that they could not postpone the item due to timing constraints.

Applicant Comments – Mr. Hallany asked for a two-week continuance at this time.

Action - Ms. Worth made a motion, seconded by Mr. Wilson, and carried 9-0 (Meyer and Zach Davis absent), to continue PLN-MJDP-23-00076: SHRINERS HOSPITAL/MASONIC TEMPLE ASSOCIATION OF LEXINGTON (AMD) to the February 22, 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.

Note: The Planning Commission postponed this item at the January 11, 2024 meeting.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.

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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 floor area and floor area ratio in site statistics.
14. Dimension the proposed Kroger building and Wine & Spirits building.
15. Dimension/provide square footage for open space areas.
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. Denote Board of Adjustment approval of variance to Vehicular Use Area (VUA) requirements per Article 16.
19. Resolve compliance with Article 12-8(h) multi-modal requirements and 12-8(i) transit facilities to the approval of LexTran and the MPO.
20. Provided the Planning Commission grants the requested waiver to the Land Subdivision Regulations for the service road.
21. Resolve proposed stormwater management and detention easement conflict to the approval of the Division of Engineering and denote per Article 21 of the Zoning Ordinance.

Staff Presentation – Mr. Martin shared the development plan with the Planning Commission. He stated that the proposal was depicting a Kroger and outlot development. He pointed out the different features of the development that included two entrances, a gas station, a pharmacy drive-through, and a grocery pickup area. He noted that there were no dumpsters outside because Kroger utilized an internal compacting system. He noted that the applicant would need to go to the Board of Adjustment for approval of a VUA (Vehicular Use Area) setback in one location.

Mr. Martin explained the Big Box Design Guidelines report. He discussed the bicycle and pedestrian systems and pointed to the multi-modal facilities that had been included in the plan, as well as the changes that needed to be made to be in full compliance. He stated that staff has found that the final development plan and supplemental information, as submitted, demonstrates considerable compliance with the adopted Big-Box Design Guidelines.

Should this recommendation be accepted, the staff would recommend the following additional conditions to ensure that the remaining applicable design guidelines are met:

- a. To ensure compliance with **Guideline #1**, the inlets, offsets, projections or reveals a minimum of 3' in dimension should be added to the final development plan.
- b. To ensure compliance with **Guideline #2**, a depiction of where the varied height impact the structure should be added to the final development plan.
- c. To ensure compliance with **Guideline #10A**, further consideration should be given to the location of a pedestrian plaza with benches if no transit stop will be available in this location. Other transit options may be able to be addressed on the plan. The location and size of the plaza area should be clearly delineated and dimensioned on the final development plan.
- d. To ensure compliance with **Guideline #10B**, the location and size of the pedestrian plaza area with benches should be clearly delineated and dimensioned on the final development plan. Alternative designs should also be contemplated if a transit stop is not planned at the time of construction of the building.
- e. To improve compliance with **Guideline #11**, pedestrian crosswalks at the customer service entrances should be distinguished from driving surfaces by either brick, special pavers, or scored concrete, to enhance pedestrian safety and comfort.

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- f. To ensure compliance with **Guideline #13**, a canopy of at least 20% of the wine/spirit store frontage should be denoted at southern corner of the building, and the portions of the sidewalk that area covered with awnings or canopies should be clearly denoted on the final development plan.

Mr. Martin then discussed the two-part waiver request from the applicant regarding Articles 6-8(d)(2) and 6-8(q) of the Land Subdivision Regulations. He said that there was a significant grade change from the new development and the property to the south. He pointed out several upgrades and connections that were underway that would help with connection to neighboring property without the service road being constructed. He added that staff felt that adding the connection at this point would be a significant hardship. He also pointed to a small right-in only that was being requested. He told the Planning Commission that staff felt there would be no hindrance to pedestrian safety. Mr. Martin listed the following staff recommendations.

The Staff Recommends: Approval of the requested waivers to Article 6-8(d)(2) and 6-8(q) for the following reasons:

1. Granting the requested waivers to will not adversely affect public health, welfare, and safety in compliance with the intent of the Land Subdivision Regulations. The access and circulation within the immediate area are adequate to serve the needs of the site and adjoining land uses.
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 topographical and manmade physical conditions on the site. The adjoining Silver Springs Drive right-of-way, to which a service road would connect, is approximately 17 feet lower in elevation, with an engineered retaining wall that impedes a connection where most logical from the Kroger facility site.

Condition of approval:

1. Denote: No access directly to Newtown Pike from any outlot. This shall be noted on the final development plan/preliminary subdivision plan and future final record plats.

Commission Questions – Mr. Wilson asked how many parking spaces there were in the development. Mr. Martin replied that there were 476 spaces.

Mr. Wilson asked if there had been any consideration to charging stations during the discussions with the applicant. Mr. Martin replied that he did not know of any.

Mr. Wilson also inquired about the timing of the expansion of Newtown Pike. Mr. Martin stated that the construction was currently under way.

Mr. Owens asked where the current service road was located, and if it was supposed to connect several properties. Mr. Martin responded that the service road was originally intended to connect more properties, but that intention was not clearly defined.

Mr. Owens asked if Silver Springs Drive was located on the Amazon property to the south. Mr. Martin explained that it was public right-of-way constructed adjacent to the Amazon facility.

Mr. Owens asked if the Amazon property had needed a waiver for the access easement at the time of their final development plan. Mr. Martin stated that there was no subdivision, so a waiver was not needed. He added that a service road would have served outlot development that did not exist on the Amazon property.

Mr. Owens mentioned that he had heard that Legacy Trail would go under Newtown Pike. Mr. Duncan replied that there was a plan to route Legacy Trail underneath Newtown Pike to eliminate traffic conflicts.

Mr. Nicol inquired about the access waiver, specifically asking if the Amazon traffic had been considered. Mr. Martin stated that the applicant was concerned about the Amazon traffic moving through their property.

Ms. Worth noted, for the record, that the Royal Springs Aquifer Committee had recommended against the gas station in this proposed development. She added that staff had determined that Kroger had an excellent track

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record regarding their underground storage. Mr. Martin added that while the Aquifer Committee had a prohibition on gas stations in their recharge area, Kroger had presented their state-of-the-art technology to the committee.

Mr. Michler felt that while Kroger would be meeting a need in the area, but felt that there was too much proposed parking. Mr. Martin stated that Kroger felt that this parking was what they required. He added that only 476 parking spots were specifically for Kroger and the rest were for the outlots. Mr. Michler also asked why there was a bicycle repair station that was placed far away from the Legacy Trail. Mr. Martin replied that the developer would have to answer that question.

Mr. Michler stated that he was concerned that the outlot buildings were being considered screening of the parking lot. Mr. Martin suggested that this was allowable in the B-6P Zone, and the Big Box Guidelines were helping to mitigate that.

Mr. Nicol inquired about the protected bicycle and pedestrian access on the south of the property. He asked if the proposed 10-feet was required or if it was added as an amenity. Mr. Martin replied that it was part of the Big Box Guidelines.

Mr. Pohl asked if the six-foot fence would cover the rear of the property so that semi-truck noise could be mitigated. Mr. Martin said that it would cover the back of the store, and the large detention basin distance would hopefully help with further noise mitigation.

Applicant Presentation – Attorney Darby Turner was present to represent the applicant. He stated that there had been several meetings with staff to ensure that the plan was meeting all requirements. He said that this area had been identified as a “food desert”, and the Kroger would be meeting several needs of the nearby residents. He addressed the location of the bicycle repair station, and said it could possibly be moved. He told the Planning Commission that they agreed with staff’s recommendations. He did request that the “no access to Newtown Pike” wording be changed to “no vehicular access to Newtown Pike” on the access waiver request. He added that they agreed with the Big Box Recommendations.

Commission Questions – Mr. Owens asked Mr. Turner when he was given the waiver report findings. Mr. Turner replied that it had been in the last couple of days. Mr. Turner added that, without approval of the waiver, the development would not be feasible.

Ms. Barksdale stated that there was a bicycle repair station very close to the property on the Legacy Trail, and suggested that having a new repair station at the bus stop made more sense.

Mr. Michler asked Mr. Turner to speak to the gas station in the Royal Springs Aquifer area. Mr. Turner stated that, while the Royal Spring Aquifer Committee has never recommended approval of a gas station in the recharge area, they did feel that the site overall was satisfactory. He reiterated that the Kroger technology had a very good track record with fuel safety.

Ms. Worth asked if the proposed parking spaces were comparable to other Kroger stores. Mr. Turner said that they were.

Mr. Wilson reiterated his desire to see charging stations in the new gas station.

Action – Mr. Wilson made a motion, seconded by Mr. Owens, to approve PLN-MJDP-23-00080: NEWTOWN SPRINGS, UNIT 1, LOT 10 with 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.

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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 floor area and floor area ratio in site statistics.
- ~~14. Dimension the proposed Kroger building and Wine & Spirits building.~~
- ~~15. Dimension/provide square footage for open space areas.~~
- ~~14. 16. Provided the Planning Commission makes a finding that the development plan complies with Big Box design standards, and denote any conditions associated with compliance on the plan.~~
- ~~17. Denote Royal Spring Aquifer Committee review and recommendation.~~
- ~~15. 18. Denote Board of Adjustment approval of variance to Vehicular Use Area (VUA) requirements per Article 16.~~
- ~~16. 19. Resolve compliance with Article 12-8(h) multi-modal requirements and 12-8(i) transit facilities to the approval of Lex Tran and the MPO.~~
- ~~17. 20. Provided the Planning Commission grants the requested waiver to the Land Subdivision Regulations for the service road.~~
- ~~18. 21. Resolve proposed stormwater management and detention easement conflict to the approval of the Division of Engineering and denote per Article 21 of the Zoning Ordinance.~~

Commission Discussion – Mr. Michler shared his concerns that there was too much single level parking, and that the gas station was in the Aquifer recharge area. He said that, while he appreciated the grocery store, he could not support the plan at this time.

Ms. Worth stated that she supported Mr. Michler's comments regarding the parking lot size, but she was in support of the grocery store.

Action – The Commission voted 7-2 (Meyer and Zach Davis absent, Michler and Pohl opposed) on the motion to approve PLN-MJDP-23-00080: NEWTOWN SPRINGS, UNIT 1, LOT 10.

Action - Mr. Wilson made a motion, seconded by Mr., Owens and carried 9-0 (Meyer and Zach Davis absent), to approve the waiver request, changing the condition of approval to:

1. Denote: No vehicular access directly to Newtown Pike from any outlot. This shall be noted on the final development plan/preliminary subdivision plan and future final record plats.

Action - Mr. Wilson made a motion, seconded by Mr. Owens, and carried 8-1 (Meyer and Zach Davis absent, Michler opposed) to approve the Big Box report as presented.

Mr. Nicol left the meeting at this time.

VII. ZONING ITEMS - The Zoning Committee met on February 1, 2024, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Larry Forester, Zach Davis, William Wilson, Graham Pohl, Robin Michler, and Johnathon Davis. Staff members present were Traci Wade, Autumn Goderwis, Tom Martin, Daniel Crum, James Mills, and Bill Sheehy; as well as 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

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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.

1. **PLN-MAR-23-00023: GEORGE BIRK** – a petition for a zone map amendment to modify the Chevy Chase Neighborhood Design Character Overlay (ND-1) zone to increase the total allowable square footage of an accessory structure for property located at 207 Hart Road.

The Zoning Committee recommended: **Disapproval**, for the reasons provided by staff.

The Staff recommends: **Disapproval**, for the following reasons:

1. The applicant has not provided any information regarding special circumstances or unique conditions of the property that justify the proposed modification that are specific to the subject property.
2. The applicant has not demonstrated that being limited to 800 square feet of accessory structure space would deprive the property owner of reasonable use of their land, or create an unnecessary hardship.
3. The request is a result of actions taken subsequent to the adoption of the ND-1 Overlay restrictions on the property.

Staff Presentation – Mr. Crum described the request to modify the Neighborhood Design Character Overlay (ND-1) zone. He briefly mentioned the history of the ND-1 overlay in the area and the accessory pergola structure over a pool that was in question. He stated that this request would not go to Council, but the Planning Commission would make the final decision. Mr. Crum described the reasons why staff was recommending disapproval.

Commission Questions – Mr. Owens asked for clarification of how the total square feet was calculated. Mr. Crum acknowledged that it was the square footage of the house, garage, shed, and pool structure that was added to make the final calculation.

Ms. Barksdale asked if the square footage of the pool was what was being counted instead, based on numbers that she found on the PVA website. Mr. Crum stated that the correct total was considering the footprint of the pergola, rather than just the pool.

Applicant Presentation – Mr. George Birk explained the history of the subject structure. He gave the Planning Commission a handout that he passed out to neighbors and described the mistakes that had been made during the building process. He asked the Planning Commission to consider the investment that had been made and the safety of the children using the pool.

Commission Questions - Mr. Johnathon Davis referenced a support email that had been submitted to the Planning Commission and asked Mr. Birk if he had received any other support from neighbors when he spoke to them. Mr. Birk stated that there was positive response when he spoke to the neighbors. Mr. Davis also asked if there had been any negative feedback, and Mr. Birk replied that he had not received any.

Ms. Worth stated that while she thought the pergola was beautiful, the ND-1 Overlay standards needed to be upheld because they were very difficult to put in place.

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Mr. Owens asked if the structure had expanded when it was rebuilt. Mr. Birk replied that it only expanded in height.

Mr. Owens asked for further explanation of the origin of the request. Mr. Crum responded that a complaint was made that construction without a permit was occurring on the property.

Mr. Owens added that he agreed that the request should be disapproved due to the unintended consequences that would occur if the structure was allowed to remain.

Mr. Wilson said that the pergola looked very nice, but felt that it would have been better if there had been more neighborhood support.

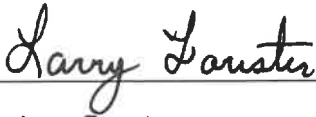
Action – Mr. Wilson made a motion, seconded by Mr. Owens, and carried 8-0 (Meyer, Zach Davis, and Nicol absent), to disapprove **PLN-MAR-23-00023: GEORGE BIRK** for reasons listed by staff.

VIII. COMMISSION ITEMS

Mr. Duncan reminded the Planning Commission that their next meeting would be a work session on February 15th.

Ms. Worth asked what the agenda for this work session would be. Mr. Duncan replied that it would cover the multi-family design guidelines.

IX. ADJOURNMENT – The meeting was adjourned at 3:33 p.m.



Larry Forester



Janice Meyer

TW/TM/CG/DC/PS

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