

**MINUTES**  
**URBAN COUNTY PLANNING COMMISSION**  
**SUBDIVISION ITEMS**  
**April 11, 2024**

- I. **CALL TO ORDER** –Chair Larry Forester called to order at 1:31 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, Janice Meyer, Johnathon Davis, and Mike Owens. Planning staff members present were Jim Duncan, Autumn Goderwis, Tom Martin, Cheryl Gallt, and Paula Schumacher. Other staff present were 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. Owens made a motion, seconded by Mr. Wilson, and carried 9-0 (Z. Davis and Barksdale absent), 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-24-00010: DISTILLERY DISTRICT- WEST UNIT 1 (AMD) (5/5/24)\*** - located at 1158-1170 & 1186-1228 (even only) MANCHESTER STREET, LEXINGTON, KY  
Council District: 11  
Project Contact: Vision Engineering
- Note: The purpose of this plan is to add 4,500 square foot building on 1158 Manchester Street and revise use of building on 1170 Manchester Street.
- Note: This plan requires then posting of a sign and an affidavit of such.
- The Subdivision Committee Recommended: **Postponement**. There are questions regarding compliance with Article 19 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. 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 internal pedestrian system.
  15. Add all notes from previous plan and changes to 1224 Manchester Street (MNDP-22-00006).
  16. Denote pedestrian access to right-of-way.
  17. Clarify site statistics.
  18. Clarify area around building entrance and drop off on eastern side of warehouse structure on 1170 Manchester Street
  19. Dimension proposed building.

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20. Withdraw MJDP-22-00045 prior to Planning Commission approval.
21. Discuss compliance with storage restrictions of Article 19 of the Zoning Ordinance.
22. Discuss proposed 33-40' access drive widths.
23. Discuss proposed retail use in new building.
24. Discuss angled vehicle parking along east side of property.
25. Discuss proposed compliance with new construction requirements of Article 19 of the Zoning Ordinance.

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

Action – Ms. Meyer made a motion, seconded by Ms. Worth, and carried 9-0 (Z. Davis and Barksdale absent) to postpone PLN-MJDP-24-00010: DISTILLERY DISTRICT- WEST UNIT 1 (AMD) to the May 9, 2024 meeting.

Ms. Barksdale arrived at 1:33 p.m.

- B. PLN-MJDP-24-00011: IDLE HOUR SUBDIVISION, UNIT 1, SECTION 2, TRACT A (AMD) (5/5/24)\* - located at 2041 RICHMOND ROAD, LEXINGTON, KY  
Council District: 5  
Project Contact: Vision Engineering

Note: The purpose of this plan is to depict redevelopment of the lot with a restaurant and bank.

The Subdivision Committee Recommended: Postponement. There are questions regarding Article 8-16 for B-1 zone setbacks and Articles 16, 18, & 20 for parking landscaping, and open space.

Should this plan be approved, the following requirement 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. Addition of existing and proposed easements.
13. Provide exhibit documenting compliance with open space requirements of Article 20 of the Zoning Ordinance.
14. Discuss location of buildings to meet B-1 zone setback requirements.
15. Discuss meeting requirements of Articles 16 and 18.

Applicant Representation – Mark McIntosh, Vision Engineering, was present to represent the applicant. He requested a one-month postponement because they had filed an application with the Board of Adjustment.

Action – Ms. Worth made a motion, seconded by Mr. Pohl, and carried 10-0 (Z. Davis absent), to postpone PLN-MJDP-24-00011: IDLE HOUR SUBDIVISION, UNIT 1, SECTION 2, TRACT A (AMD) to the May 9, 2024 meeting.

- C. PLN-MJDP-24-00021: RAMSEY SULLIVAN PROPERTY, UNIT 3, LOT 2 (GARDENS OF KEARNEY RIDGE) (AMD) (6/2/24)\* - located at 2750 MEADOWSWEET LEXINGTON, KY  
Council District: 2  
Project Contact: Prime AE

Note: The purpose of this plan is to depict a multi-family structure for 24 dwelling units and parking.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. United States Postal Service Office's approval of kiosk locations or easement.
12. Clarify purpose of amendment to depict new lotting of property.
13. Addition of address for the property in title block.
14. Addition of bearings and distance and general information for all of the properties, including site #2.
15. Addition of topography information, including Lot #1.
16. Correct label and site statistics box for Site 4/Lot 2B.
17. Denote review and recommendation of Royal Springs Aquifer Committee.
18. Denote need for subdivision plat prior to plan certification.
19. Resolve compliance with Article 20 of the Zoning Ordinance.

Applicant Representation – Johann Graham, AU Associates, was present to represent the applicant. He asked for a one-month postponement.

Action – Mr. Pohl made a motion, seconded by Ms. Barksdale, and carried 10-0 (Z. Davis absent), to postpone PLN-MJDP-24-00021: RAMSEY SULLIVAN PROPERTY, UNIT 3, LOT 2 (GARDENS OF KEARNEY RIDGE) (AMD) to the May 9, 2024 meeting.

- D. PLN-MJDP-23-00050: WOLF RUN INDUSTRIAL PARK, BLOCK A, LOT 1 (FRANKFORT COURT STORAGE FACILITY) (AMD) (3/12/24)\* - located at 2262 FRANKFORT COURT, LEXINGTON, KY  
Council District: 11  
Project Contact: RMJE

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.

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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 one-month postponement.

Action – Mr. Pohl made a motion, seconded by Ms. Barksdale, and carried 10-0 (Z. Davis absent), to postpone PLN-MJDP-23-00050: WOLF RUN INDUSTRIAL PARK, BLOCK A, LOT 1 (FRANKFORT COURT STORAGE FACILITY) (AMD) to the May 9, 2024 meeting.

- VI. LAND SUBDIVISION ITEMS** – The Subdivision Committee met on Thursday, April 4, 2024 at 8:30 a.m. The meeting was attended by Commission members Ivy Barksdale, Bruce Nicol, Janice Meyer, Mike Owens, and Judy Worth. Other Committee members present were Vaughan Adkins, Division of Engineering; and Steve Parker, Division of Traffic Engineering. Staff members in attendance were: Autumn Goderwis, Tom Martin, Daniel Crum, Cheryl Gallt, Paula Schumacher, Greg Lengal and Embry Beaty; 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.

Ms. Goderwis read the Consent Agenda.

1. PLN-MJSUB-24-00002: TUSCANY, UNIT 11 (AMD) (6/2/24)\* – located at 2599 OLD ROSEBUD ROAD & 1970 WINCHESTER ROAD, LEXINGTON, KY  
Council District: 6  
Project Contact: EA Partners

Note: The purpose of this plan is to revise layout with 65' wide lots on remaining section.

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

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1. Urban County Engineer's acceptance of drainage, storm, sanitary sewers, and floodplain information.
  2. Urban County Traffic Engineer's approval of street cross-sections and access.
  3. Addressing Office's approval of street names and addresses.
  4. Urban Forester's approval of tree protection area(s) and required street tree information.
  5. Department of Environmental Quality's approval of environmentally sensitive areas.
  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. Addition of name and address of developer.
  9. Vicinity sketch oriented in same direction as lotting scheme.
  10. Resolve location of natural gas transmission pipeline within the development.
  11. Resolve location of common open space for 25+ dwelling units per Article 20 of the Zoning Ordinance.
  12. Resolve location of access to the HOA areas.
2. PLN-MJSUB-24-00004: TUSCANY, UNIT 12 (AMD) (6/2/24)\* – located at 2599 OLD ROSEBUD ROAD & 1970 WINCHESTER ROAD, LEXINGTON, KY  
Council District: 6  
Project Contact: EA Partners

Note: The purpose of this plan is to revise the layout with 55' lots on remaining sections.

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

1. Urban County Engineer's acceptance of drainage, storm, sanitary sewers, and floodplain information.
  2. Urban County Traffic Engineer's approval of street cross-sections and access.
  3. Addressing Office's approval of street names and addresses.
  4. Urban Forester's approval of tree protection area(s) and required street tree information.
  5. Department of Environmental Quality's approval of environmentally sensitive areas.
  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. Addition of the name and address of developer.
  9. Vicinity sketch oriented in the same direction as lotting scheme.
  10. Depict location of trail on Mezner Way.
  11. Clarify 15' permanent storm sewer and drainage easement behind Lots 45 & 46 on Piero Way.
  12. Clarify 30' sanitary sewer easement in floodplain.
  13. Resolve location of natural gas transmission pipeline within the development.
  14. Resolve location of common open space for 25+ dwelling units per Article 20 of the Zoning Ordinance.
  15. Resolve location and timing of proposed trail per ZDP 2003-63.
3. PLN-MJDP-24-00015: TERRACE VIEW SUBDIVISION, UNIT 2B (6/2/24)\* - located at 1702 VERSAILLES ROAD, LEXINGTON, KY  
Council District: 11  
Project Contact: EA Partners

Note: The purpose of this plan is to depict apartment building development on the lot.

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

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

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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. 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.
4. PLN-MJDP-24-00016: TUSCANY, UNIT 13 (AMD) (6/2/24)\* - located at 1970 WINCHESTER ROAD, LEXINGTON, KY  
Council District:6  
Project Contact: EA Partners

Note: The purpose of this plan is to depict development of the property with buildings and parking.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
  2. Urban County Traffic Engineer's approval of street cross-sections and access.
  3. Landscape Examiner's approval of landscaping and landscaping buffers.
  4. Addressing Office's approval of street names and addresses.
  5. Urban Forester's approval of tree preservation plan.
  6. Department of Environmental Quality's approval of environmentally sensitive areas.
  7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
  8. Greenspace planner's approval of the treatment of greenways and greenspace.
  9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
  10. Division of Waste Management's approval of refuse collection locations.
  11. United States Postal Service Office's approval of kiosk locations or easement.
  12. Addition of name and address of developer.
  13. Denote height of buildings in feet.
  14. Addition of owner's certification.
  15. Addition of Planning Commission certification.
  16. Resolve location of natural gas transmission pipeline and the development.
5. PLN-MJDP-24-00017: LUCILLE CAUDILL LITTLE PROPERTY, UNIT 1-B, LOT 5 (AMD) (6/2/24)\* - located at 2440 MACKINWOOD DRIVE, LEXINGTON, KY  
Council District: 11  
Project Contact: Abbie Jones Consulting

Note: The purpose of this plan is to additional building square footage.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Greenspace planner's approval of the treatment of greenways and greenspace.
8. Division of Waste Management's approval of refuse collection locations.
9. 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.
10. Addition of purpose of amendment.

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11. Remove the word "draft" and red line from plan face.
12. Darken driveway lines.
13. Complete Owner's and Planning Commission Certifications with signature lines and date.
14. Clarify building square footage and total square footage.
15. Delete utility provider information.
16. Resolve compliance with Articles 16, 18, and 20 of the Zoning Ordinance.
17. Resolve note for "existing edge of concrete surface area".

6. PLN-MJDP-24-00019: HAMBURG EAST (BELHURST TOWNHOMES) (AMD) (7/2/24)\* - located at 2585 POLO CLUB BOULEVARD, LEXINGTON, KY  
Council District: 12  
Project Contact: EA Partners

Note: The purpose of this plan is to construct larger front porches.

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, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. 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.
4. Revise development plan to match revised Type I typical townhouse detail for expanded porches.
5. Denote: Porches that extend over the front building line shall comply with Article 15-5 of the Zoning Ordinance.
6. Provided the Planning Commission makes a finding that the plan complies with the Expansion Area Master Plan.

7. PLN-MJDP-24-00020: NDC PROPERTY UNIT 1A, LOT 11 & UNIT 3 (WELLINGTON PARK) (AMD) (6/2/24)\* - located at 410 SPORTING COURT, LEXINGTON, KY  
Council District: 9  
Project Contact: Prime AE

Note: The purpose of this plan is to depict development of an apartment building.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Greenspace planner's approval of the treatment of greenways and greenspace.
8. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
11. United States Postal Service Office's approval of kiosk locations or easement.
12. Delete Notes #21 and #22.
13. Resolve timing, status, and termination of the existing access easement.
14. Resolve stormwater management.

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8. PLN-MJDP-24-00022: GIVENS PROPERTY, OUTLOT 3 (AMD) (6/2/24)\* - located at 2210 GEORGETOWN ROAD, LEXINGTON, KY  
Council District: 2  
Project Contact: CMW

Note: The purpose of this plan is to depict development of Lot 3 for a restaurant.

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: 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 review and recommendation by Royal Springs Aquifer Committee.
  15. Provide exhibit demonstrating compliance with Article 20 of the Zoning Ordinance.
  16. Denote development of Lots 9 and 10 per previously approved development plans.
  17. Resolve proposed lot configuration and detention basin design.
9. PLN-MJDP-24-00023: DELONG ADDITION (HABITAT FOR HUMANITY, SEVENTH & MAPLE) (6/2/24)\* - located at 220-228 E. SEVENTH STREET & 628 MAPLE AVENUE, LEXINGTON, KY  
Council District: 2  
Project Contact: Prime AE

Note: The purpose of this plan is to develop the townhomes as governed by the Infill & Redevelopment standards.

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. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
7. United States Postal Service Office's approval of kiosk locations or easement.
8. Denote proposed easements.
9. Denote height of townhomes in feet.
10. Revise driveway width to 10'.

Action – Mr. Wilson made a motion, seconded by Mr. Johnathon Davis, and carried, 10-0 (Zach Davis absent) to approve the consent agenda as presented.

Ms. Meyer made a motion, seconded by Ms. Worth, and carried 10-0 (Z. Davis absent) to approve the EAMP finding report for PLN-MJDP-24-00019: HAMBURG EAST (BELHURST TOWNHOMES) (AMD).

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- B. DISCUSSION ITEMS** – Following requests for postponement, withdrawal and no discussion items, the remaining items will be considered.

The procedure for these hearings is as follows:

- Staff Report(s), including subcommittee reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
  - (a) Proponents (10 minute maximum OR 3 minutes each)
  - (b) Objectors (30 minute maximum OR 3 minutes each)
- Rebuttal & Closing Statements
  - (a) Petitioner's comments (5 minute maximum)
  - (b) Citizen objectors (5 minute maximum)
  - (c) Staff comments (5 minute maximum)
- Commission discusses and/or votes on the plan.

### 1. **Preliminary Subdivision Plans**

- a. PLN-MJSUB-24-00001: QUINTANA ESTATES (4/11/24)\* – 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 Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
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. Resolve stormwater management.
11. Resolve sanitary sewer service.
12. Resolve buffering adjacent to Paris Pike right-of-way.
13. Resolve recommendation of the Paris Pike Corridor Commission.
14. Provided the Planning Commission grants the requested waiver for Article 6-8(d)(1).

Staff Presentation – Mr. Martin oriented the Planning Commission to the preliminary subdivision plan. He pointed out features of the plan including the right-in/right-out along Paris Pike, the proposed street system, and several HOA lots that would serve as detention basins. He explained that the topography was difficult for drainage and would have to be graded accordingly. In an aerial photograph, he indicated where the sewer line was located and that a pump station would be needed. He pointed out the frontage that would meet the current zone standards and included a sidewalk that would continue to the adjoining park property. Mr. Martin mentioned that the Paris Pike Corridor Commission had no regulatory power over the plan, and had only made a recommendation. He added that the property was inside the Urban Service Boundary. He then presented the waiver request that had been made for relief from regulations regarding frontage to the park. He explained that not granting the waiver would heavily impact the stormwater management, the road system and traffic circle, as well as the proposed amenities. Mr. Martin stated that staff recommended approval of the waiver to Article 6-8 (d)(1) for the following reasons:

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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, as it will allow for adequate detention, as well as appropriate pedestrian connections.
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 topography and grading issues of the property.
3. Granting the waiver is consistent with the of Article 1-5(b) of the Land Subdivision Regulations for Innovative Design and Large-scale Development, provided the recommended conditions are met:

This recommendation of approval is made subject to the following conditions:

1. The 10' pedestrian trail shall be extended along the full property perimeter between Lot 55 and the park property.
2. The 5' sidewalk shall be connected to the 10' pedestrian trail along the boundary between Lots 55 and 23.
3. A pedestrian connection shall be made from the 5' sidewalk across Lot 60.

Commission Questions – Mr. Wilson inquired about the distance from the right-out only to the closest location to turn left. Mr. Martin replied that there was a very short distance from the property to a break in the median for left turns.

Mr. Owens asked if the Lexington Country Club had a similar pump station to what was being proposed at this location. Mr. Martin replied that it does have a pumpstation.

Mr. Nicol asked why Condition #13 remained on the plan. Mr. Martin replied that the Subdivision Committee had kept the condition, partly so the explanation of the Paris Pike Corridor Commission recommendation could be discussed with the entire Planning Commission.

Mr. Michler asked Mr. Martin to explain the recommendation of the Paris Pike Corridor Commission. Mr. Martin replied that the PPCC had recommended a 250-foot setback from Paris Pike. Additionally, Mr. Michler asked what their justification was for that recommendation. Mr. Martin replied that he believed they did not provide justification.

Mr. Michler asked Mr. Martin to point to the park property, and he did so. Mr. Michler asked for clarification why the applicant could not meet the requirement regarding park frontage. Mr. Martin explained that the regulation read "60% of the total perimeter length", but the entirety of the property boundary does not equal 60%. Mr. Martin added that if they had a road along the entire frontage, it would still not equal 60%, and would cost the developer more for infrastructure. Mr. Michler shared his concern that the park did not have enough public access. Mr. Martin opined that it would be too much to ask of one subdivision to provide more park access.

Mr. Michler referenced a neighbor's concern regarding the pond that was on the property. Mr. Martin stated that the applicant was planning to create the lots with a sufficient buildable area while leaving the pond alone.

Mr. Michler asked if there was a water easement that crossed this property similar to a previously heard development plan nearby. Mr. Martin replied that he did not know if there was, and the applicant should be able to address it.

Applicant Representation – Attorney Chris Clendenen, Robert McGoodwin, and Rory Kahly; EA Partners, presented the application. Mr. Clendenen reiterated that the entire property boundary was not equal to 60 percent of the park, and that extending the road further along the park boundary would hinder the effectiveness of the stormwater management. He also reminded the Commission that the Division of Parks and Recreation was in agreement with this plan. He also displayed the location of the Paris Pike Overlay zone area, and its proximity to the subject property. He opined that they should not be subject to the recommendations of the Paris Pike Corridor Commission. Mr. Clendenen said that there were no plans to do anything with the pond. He also displayed a rendering of what the landscape plans were for the frontage of the property.

Commission Questions – Ms. Worth asked Mr. Clendenen if he knew where the water line was located. Mr. Clendenen replied that it is near the property, but not inside it.

Mr. Michler asked about the preservation of mature trees on the property. Mr. Martin replied that the applicant had met on site with the Urban Forester, and they would be required to submit a tree protection plan.

Mr. Michler further asked what the impact would be on the corridor with several trees being removed. Mr. Kahly replied that most of the canopy would be provided with new plantings.

Mr. Michler expressed concern that new plantings did not meet the spirit of the Zoning Ordinance.

Mr. Nicol asked for clarification on what was planned for multi-modal accommodations. Mr. Kahly replied that the sidewalk across the front would be a 10-foot wide trail that would tie into the park rather than the 5-foot width requirement. Mr. Nicol hoped that would set a precedent for nearby properties to have access to the park.

Ms. Meyer asked Mr. Kahly to specify the areas that would be addressed by the conditions of the waiver report. Mr. Kahly pointed out the locations of required park access. Mr. Kahly stated that the applicant felt that the Division of Parks and Recreation should make the decision where the access points should be.

Mr. Pohl asked about the barn in the center of the property and the trees surrounding it. Mr. Kahly said there were five trees surrounding the barn that had been saved and there would be a protection plan for all of the remaining trees to be kept safe during construction. Mr. McGoodwin added that the barn was the only usable structure on the property so it would be restored and made into an amenity of the HOA. He detailed the features of the barn, and envisioned the HOA lot to be a central hub of the subdivision.

Mr. Owens asked if Lot 55, an HOA lot, had a significant grade change. Mr. Kahly replied that it was significant but would be graded.

Mr. Owens asked if there would be an internal sidewalk system. Mr. Kahly said that the subdivision would have private streets that were built to public standards, and this would include sidewalks on both sides that led to the trail. Mr. Owens asked if this was possible without the conditions of the waiver request. Mr. Kahly affirmed that it would be possible.

Mr. Owens inquired if it would be better to make the pond an HOA responsibility rather than have three owners sharing it. Mr. Kahly stated that the two lots that would share the pond were wider to accommodate it. Mr. Owens suggested that the pond might be better protected if it was the responsibility of the HOA.

Citizen Comments – Debbie Aminoff, 232 Swigert Avenue, asked that, because the property led into the Paris Pike Corridor overlay, the Planning Commission impose a larger setback. She said that she believed there were too many mature trees removed, and asked that they be replaced with mature trees rather than new growth.

Commission Question – Mr. Wilson asked the applicant to address the tree removal and request for replanting. Mr. McGoodwin replied that the majority of the trees that had been removed were diseased or dying. He shared information on four significant trees that were being preserved.

Ms. Meyer asked the applicant if they planned to use more mature, native trees to replace the trees that were removed. Mr. Goodwin said that there were more trees being preserved than had been removed. He stated that there would be more mature plantings in strategic areas.

Mr. Michler asked staff if this subdivision would have a private street network. Mr. Martin responded that they would be private streets built to public standards.

Mr. Michler asked for an explanation of how interior connections would work if the streets were private. Mr. Martin replied that when and if the neighboring property were to develop, they would have to connect to the

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street created by this development. He added that there would need to be a demarcation needed if the newer development were to have public streets connecting to private streets.

Mr. Michler asked if there was an inventory of the significant trees that had been removed. Mr. Martin said that the Urban Forester may have an exact number. Mr. Michler further inquired what the Urban Forester's report stated. Mr. Martin said that he did not know. Mr. Kahly added that there was a planting plan that had to be submitted and approved by the Urban Forester.

Mr. Michler asked if there was a report that had been submitted by the Urban Forester regarding the Tree Protection Plan and the Tree Inventory Map. Mr. Martin replied that the Urban Forester does not make a report available, but signs off on the plan once he has visited the site and tree protection areas have been designated. The Tree Protection Plan would then be shown graphically on the plan.

Mr. Michler asked if the tree graphics were already on the plan, but Mr. Kahly stated that they were not on the plan yet, because the planting plan usually comes after Planning Commission approval.

Mr. Michler asked if the planting plan would be part of the final subdivision plan process. Mr. Martin replied that the Urban Forester would approve the planting plan before the final subdivision plan was filed, and that it would be part of the review process by staff.

Mr. Owens stated that he felt the conditions of approval of the waiver were unnecessary and would create hardship for the applicant.

Mr. Owens reiterated his concern for the pond having three owners and again suggested that it be taken care of by the HOA. Mr. Martin stated that because it is a spring fed pond, the Planning Commission could consider it an environmentally sensitive area, and add restrictions to protect it. Mr. Clendenen stated that they planned to leave it alone, and did not want access to it, other than by the property owners. Mr. McGoodwin stated they did not intend to drain the pond, but did intend to put deed restrictions on the two connected properties that stated they could not modify the character of the pond.

Action - Mr. Nicol made a motion and seconded by Mr. Pohl to approve PLN-MJSUB-24-00001: QUINTANA ESTATES, removing condition #14.

Commission Comments - Mr. Michler noted that he appreciated the preservation of the barn, but wanted to see more environmental protections, specifically with the trees. He also stated that he wanted to see more connection to the neighboring park as well.

The motion carried 9-1 (Michler opposed, Z. Davis absent).

Action - Mr. Nicol made a motion, seconded by Mr. Owens, to approve the waiver, but remove the three conditions recommended by staff.

Commission Question - Ms. Meyer asked if the Division of Parks and Recreation would have any further chance to make recommendations. Mr. Martin told the Commission that the Division of Parks and Recreation would look at the plan during the final subdivision plan stage.

The motion carried 9-1 (Michler opposed, Z. Davis absent).

- b. PLN-MJSUB-24-00003: TUSCANY, UNIT 11, PHASE 2 (AMD) (6/2/24)\* – located at 1970 WINCHESTER ROAD, LEXINGTON, KY  
Council District: 6  
Project Contact: EA Partners

Note: The purpose of this plan is to revise layout with 65' wide lots.

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

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

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2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Addressing Office's approval of street names and addresses.
4. Urban Forester's approval of tree protection area(s) and required street tree information.
5. Department of Environmental Quality's approval of environmentally sensitive areas.
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. Addition of name and address of developer.
9. Revise vicinity sketch to be oriented in same direction as lotting scheme.
10. Denote proposed width of pedestrian access easement.
11. Correct number of Note 4 in general notes.
12. Resolve location of natural gas transmission pipeline within the development.
13. Resolve lotting pattern proposed on Villa Medici cul-de-sac.
14. Resolve location and timing of proposed trail per ZDP2003-63.
15. Provided the Planning Commission approves the waiver of Article 6-8(f) of the Land Subdivision Regulations.

Staff Presentation - Ms. Gallt oriented the Planning Commission to the Preliminary Subdivision Plan to the Planning Commission. She reminded the Commission that the Final Subdivision Plan would be approved and signed by staff. She pointed out the proposed lots, and noted that the streets and surrounding homes were already constructed. She also pointed out nearby floodplain. She stated that the trail has not been constructed because the applicant was still negotiating the best location for the trail because of its proximity to the floodplain. She then explained the waiver request regarding the construction of a cul-de-sac off of a cul-de-sac, which is not allowable in the Subdivision Regulations. Ms. Gallt explained that there had been so much construction already completed, it would be difficult to change the layout at this time. She said that staff recommended approval of the waiver to Article 6-8(f) for the following reasons:

1. Granting the requested waiver 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.
3. Granting the waiver is consistent with the intent of Article 1-5(b) of the Land Subdivision Regulations related to Design Innovation and Large-scale Development because the development is a small portion of a larger development where many of the improvements have already been made and support the continuation of the proposed development pattern.

Commission Question – Mr. Michler asked if there was a maximum length requirement for cul-de-sacs. Ms. Gallt replied that it was 800 feet. She added that the floodplain and steep slopes made it impossible to connect to other streets, so the applicant decided to end Villa Medici Pass in a cul-de-sac and create another cul-de-sac.

Applicant Presentation – Rory Kahly, EA Partners, was present to represent the applicant. He stated that they were in agreement with the conditions and requested approval.

Commission Questions – Mr. Michler asked for clarity about the location of the tree protection area. Mr. Kahly pointed to the areas that were tree protection areas, steep slopes, and floodplains.

Action – Mr. Wilson, made a motion, seconded by Mr. Johnathon Davis, and carried 10-0 (Z. Davis absent), to approve PLN-MJSUB-24-00003: TUSCANY, UNIT 11, PHASE 2 (AMD) as presented.

Mr. Wilson made a motion, seconded by Mr. Johnathon Davis, and carried 10-0 (Z. Davis absent), to approve the waiver as presented.

## VIII. COMMISSION ITEMS

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Mr. Duncan reminded the Planning Commission about the upcoming work session the following week.

**IX. ADJOURNMENT**

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Larry Forester

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Janice Meyer

TW/TM/CG//PS