

AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION & ZONING ITEMS
May 9, 2024

- I. **CALL TO ORDER** - The meeting will be called to order at 1:30 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.
- II. **APPROVAL OF MINUTES** – The March 14, 2024, March 28, 2024, and April 11, 2024 minutes will be considered at this time.
- III. **POSTPONEMENTS AND WITHDRAWALS** - Requests for postponements and withdrawals will be considered at this time.
- IV. **LAND SUBDIVISION ITEMS** – The Subdivision Committee met on Thursday, May 2, 2024 at 8:30 a.m. The meeting was attended by Commission members Ivy Barksdale, Janice Meyer, 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 Galt, James Mills, Paula Schumacher, Greg Lengal and Embry Beaty; Division of Fire and Emergency Services, Stephen Parker: Division of Traffic Engineering, 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.

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

The procedure for these hearings is as follows:

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

1. Final Subdivision Plans

- a. PLN-FRP-24-00008: NEWMARKET PROPERTY, PHASE 1, UNIT 11 (7/30/24)* – located at 1501 DEER HAVEN LANE, LEXINGTON, KY
Council District: 12
Project Contact: EA Partners

Note: The purpose of this plat is to create 108 residential lots and 3 HOA lots.

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.
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 and Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace planner's approval of the treatment of greenways and greenspace.
9. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. United States Postal Service Office's approval of kiosk locations or easement.
12. Discuss proposed lot configuration for Lots 58-60.
13. Revise lot configurations for Lots 24-42 to be consistent with the approved preliminary subdivision plan/final development plan (MJD-21-00025).
14. Discuss compliance with conditional zoning Note C for Lots 24-42.

- b. PLN-FRP-24-00009: BOONSBORO MANOR (INTERSTATE PARK PROPERTY) (IVCP ATHENS SOUTH, LLC) UNIT 2, LOTS 1A & 1D (AMD) (6/30/24)* – located at 5354 ATHENS BOONSBORO ROAD, LEXINGTON, KY
Council District: 12
Project Contact: Stuart Spencer/Palmer Engineering

Note: The purpose of this amendment is to create two lots.

The Subdivision 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.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s).
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace planner's approval of the treatment of greenways and greenspace.
9. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. United States Postal Service Office's approval of kiosk locations or easement.
12. Addition of the purpose of the plat note.
13. Provided the Planning Commission grants the requested waiver.

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

- c. PLN-FRP-24-00012: LUCAS B. COMBS PROPERTY (6/30/24)* – located at 4347 SHELBY LANE, LEXINGTON, KY
Council District: 12
Project Contact: CAM Surveying

Note: The purpose of this plat is to subdivide 161 acres into two tracts.

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

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Addressing Office's approval of street names and addresses.
4. Department of Environmental Quality's approval of environmentally sensitive areas.
5. Addition of utility and street light easements as required by the utility companies.
6. Denote 25' floodplain setback.
7. Denote location of the two springs on the property.
8. Correct Urban County Engineer's certification.

2. Development Plans

- a. PLN-MJDP-23-00017: MAN O' WAR DEVELOPMENT, UNIT 2-A, SECTION 2, LOT A-2 (AMD) (7/14/24)* - located at 1973 BRYANT ROAD, LEXINGTON, KY
Council District: 6
Project Contact: DS2 Architects

Note: The purpose of this amendment is to add square footage for a service building.

Note: The Planning Commission approved this plan on March 9, 2023. The applicant submitted a request for re-approval on March 5, 2024.

The Subdivision Committee Recommended: **Re-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, greenspace, and open space.
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. Correct plan title to match staff report.
11. Clarify area between existing building and storage lot.
12. Clarify area of amendment on vicinity map (see preliminary plan, DP2016-31) for vicinity map.
13. Denote location of street cross-section on plan face.
14. Denote building coverage and floor area ratio in site statistics.
15. Denote use of property in site statistics.
16. Correct spelling of typo in owner's certification per section 21-6(15) of the Zoning Ordinance.
17. Extend zone to zone screening to rear property line between I-1 zone and B-5P zone per Article 18-3(a) of the Zoning Ordinance.
18. Increase drive aisle width between new building and landscape islands.
19. Denote location of overhead doors to the proposed service building.

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

20. Add sidewalk between existing building and street.
21. Remove required parking from site statistics.
22. Clarify "usable area" in site statistics.
23. Resolve compliance with Articles 16 & 18 of the Zoning Ordinance.

- b. PLN-MJDP-23-00050: WOLF RUN INDUSTRIAL PARK, BLOCK A, LOT 1 (FRANKFORT COURT STORAGE FACILITY) (AMD) (5/9/24)* - located at 2262 FRANKFORT COURT, LEXINGTON, KY
Council District: 11
Project Contact: RMJE

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

Note: The Planning Commission postponed this item at the September 14, 2023 and October 12, 2023, December 14, 2023, January 11, 2024, March 14, 2024, and April 11, 2024 meetings.

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

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
12. United States Postal Service Office's approval of kiosk locations or easement.
13. Addition of written scale.
14. Correct plan title to match staff report.
15. Correct plan type "Amended Final Development".
16. Boundaries of property should be solid bold line and adjacent property boundaries should be dashed.
17. Addition of adjacent property information.
18. Dimension access points and parking.
19. Denote height of building in feet.
20. Denote the DBH (diameter at breast height) of all trees per Article 26 of the Zoning Ordinance.
21. Denote farm entrance from Old Frankfort Pike to be removed.
22. Discuss the type and size of oak tree(s) on plan.
23. Discuss Old Frankfort Pike Landscape Ordinance relationship to open usable space.
24. Discuss how to resolve conflict between building and retention easement.
25. Discuss gates to be located 40' from property boundary.

- c. PLN-MJDP-23-00064: BELMONT FARM (CITATION CENTRE) (AMD) (5/9/2024)* - 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.

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

Note: The Planning Commission postponed this item at the October 12, 2023, November 9, 2023, December 14, 2023, January 11, 2024, February 8, 2024, and March 14, 2024 meetings.

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.

- d. PLN-MJDP-24-00010: DISTILLERY DISTRICT- WEST UNIT 1 (AMD) (5/9/24)* - 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: The Planning Commission postponed this item at the March 14, 2024 and April 11, 2024 meetings.

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

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

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.
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.

- e. PLN-MJDP-24-00011: IDLE HOUR SUBDIVISION, UNIT 1, SECTION 2, TRACT A (AMD) (5/9/24)* - 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.

Note: The Planning Commission postponed this item at the March 14, 2024 and April 11, 2024 meetings.

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.

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

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.

- f. 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 two multi-family structures for 39 dwelling units and parking.

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

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 and denoting 15 new dwelling units on site #4.
13. Addition of address for the property in title block.
14. Addition of bearings and distance and general information for all of the properties.
15. Addition of topography information, including Site 2.
16. Denote review and recommendation of Royal Springs Aquifer Committee for Sites 3 & 4.
17. Denote need for subdivision plat prior to plan certification by correcting #21 to read "Recordation of final record plat prior to plan certification".
18. Resolve compliance with Article 20 of the Zoning Ordinance.
19. Remove labels and text over text to make information more legible.
20. Addition of typical layout for building from Site #4 to include dimensions.
21. Addition of adjacent zoning information.
22. Addition of site insert for Sites 3 & 4 for legibility and depict building line setback.
23. Depict access easement and addition of maintenance easement note.
24. Shift building on Site 4 out of the side street yard along Meadowsweet Lane.
25. Clarify tree canopy required/provided for Site 4.
26. Remove site statistics for B-1 zoned lot.

- g. PLN-MJDP-24-00024: MARGARET W. CAMIC PROPERTY (W.E. SAVAGE PROPERTY) (AMD) (6/30/24)* - located at 4630 OLD SCHOOLHOUSE ROAD, LEXINGTON, KY

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

Council District: 9
Project Contact: Carman

Note: The purpose of this amendment is to revise the development from single-family lots to an apartment, townhouse, and single-family development.

The Subdivision Committee Recommended: **Disapproval**, for the following reasons:

- A. The proposed Final Development Plan is substantially different from the Preliminary Subdivision Plan, approved in conjunction with the zone change application from an Agricultural Rural (A-R) zone to a Planned Neighborhood Residential (R-3) zone on April 28, 2022 and the first amendment approved on March 9, 2023 in the following ways:
 - 1. A total of 82 single family detached dwelling units, a residential density of 5.57 units per net acre, were proposed.
 - 2. Old Schoolhouse Lane was proposed to extend from near Harrodsburg Road to the east as a public local street to create frontage for over 70 residential lots.
 - 3. All residential lots fronted along a public street with pedestrian access to the existing greenway and common open space, which served all of the dwelling units within the proposed neighborhood.
- B. The Planning Commission finds that the proposed changes depicted on the Final Development Plan alter the essential character of the development since the original approval of a Preliminary Subdivision Plan, in the following manner:
 - 1. A total of 210 dwelling units are proposed, a residential density of 14.89 units per net acre, which is a 156% increase in density from the approved Preliminary Subdivision Plan. Increased density necessitates improved connectivity and access to address public health and safety concerns.
 - 2. The existing Old School Lane right-of-way is sub-standard. Agape Drive and Rosette Way are local streets. Neither street type is appropriate to serve a high-density residential development based upon the locational standards established in the Land Subdivision Regulations (Article 6-8(q)(3)).
 - 3. The plan proposes a mixture of multi-family dwelling units (190), attached single-family dwelling units (townhouses - 10), and detached single family lots (10). This constitutes a change to the proposed residential unit types and a higher concentration of multi-family dwelling units than the currently approved plan.
- C. Due to the significant plan changes and increased density, the proposed Final Development Plan no longer meets the principles, goals and objectives, and policies of the 2018 Comprehensive Plan, which were utilized to secure a zone change for the subject property. The increased density and changes to the proposed dwelling unit types constitute an alteration of the essential character of the development.

- h. PLN-MJDP-24-00025: GIVENS PROPERTY, LOT 4 (PANDA EXPRESS) (AMD) (6/30/24)* - located at 2210 GEORGETOWN ROAD, LEXINGTON, KY
Council District: 2
Project Contact: Civil Engineering Services

Note: The purpose of this plan is to depict a proposed building with drive-thru, parking, and circulation.

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

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

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

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. Addition of site statistics box for all of the development, completing information for Lot 14.
15. Replace general notes with notes from previous plan (MJDP-23-00071).
16. Addition of topography information.
17. Lighten shading for legibility.
18. Addition of dimensions from previous plans.
19. Correct address of Lot 4 in site statistics and on plan face.
20. Addition of Notes 21, 22, & 23 from previous plan.
21. Denote Royal Springs Aquifer Committee review and comments.

- i. PLN-MJDP-24-00026: HOOVER AND FORD PHILOT EVANGELISTIC ASSOCIATION PROPERTY (THE FOUNTAINS AT PALOMAR) (AMD) (6/30/24)* - located at 3855 FOUNTAINBLUE LANE, LEXINGTON, KY
Council District: 9
Project Contact: Vision Engineering

Note: The purpose of this amendment is to add a dumpster location and access to the same.

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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
5. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
6. Division of Waste Management's approval of refuse collection locations.
7. 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.
8. Delete date of approval in Planning Commission certification.
9. Denote width of access to dumpster.
10. Resolve "service access" note limitations for Lot 8 when adjacent to Glade Court.
11. Submit letter of support from Palomar Neighborhood Association.

- j. PLN-MJDP-24-00027: INTERSTATE PARK PROPERTY (IVCP ATHENS SOUTH, LLC) (AMD) (6/30/24)* - located at 5354 ATHENS BOONSBORO ROAD, LEXINGTON, KY
Council District: 12
Project Contact: Palmer Engineering

Note: The purpose of this plan is to depict development of proposed Tract 1-D.

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.

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

9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
12. United States Postal Service Office's approval of kiosk locations or easement.
13. Resolve access to detention basin adjacent to Tract 1-D.
14. Resolve availability and timing of sanitary sewer services.

k. PLN-MJDP-24-00028: PRESTON ADDITION SUBDIVISION (ERIKA STRECKER PROPERTY) (AMD) (6/30/24)* - located at 256 NEWTOWN PIKE, 601-613 W. THIRD STREET, & 610 KING STREET, LEXINGTON, KY
Council District: 11
Project Contact: Abbie Jones Consulting

Note: The purpose of this amendment is to increase the adaptive reuse project by adding two lots and a new structure.

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

The Subdivision Committee Recommended: Postponement. There are questions regarding compliance with Articles 16, 18, & 20 of the Zoning Ordinance as well as the requirements of a revised adaptive reuse project per Article 8-21(o)(4)(d).

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. Remove red wavy lines.
15. Addition of topography information.
16. Addition of walkways between properties per Article 16-6(c)(2)(c) of the Zoning Ordinance.
17. Denote location of access for construction vehicles.
18. Clarify numbers in site statistics and replace with new layout for clarity.
19. Denote height of all buildings in feet.
20. Denote property boundaries with solid lines, and adjacent properties lines with dashed lines.
21. Remove required parking.
22. Denote location of street cross-sections on plan face.
23. Provide documentation demonstrating compliance with Article 8-21(o)(4)(d) for Adaptive Reuse Projects.
24. Provided the Planning Commission makes a finding that the plan complies with the Adaptive Reuse criteria.
25. Discuss compliance with requirements of Article 16, 18, & 20 of the Zoning Ordinance.
26. Discuss driveway access at the corner of Maryland Avenue and Newtown Pike.
27. Discuss driveway egress on 620 W. Third Street being located on adjacent property.

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

28. Discuss 571 Maryland Avenue being part of the development plan.

- I. PLN-MJDP-24-00029: SHOPPERS CHOICE PROPERTY (PUBLIX SUPERMARKET) (AMD) (6/30/24)* - located at 357 DUKE ROAD & 344 ROMANY ROAD, LEXINGTON, KY
Council District: 5
Project Contact: Strand Associates, Inc

Note: The purpose of this plan is to depict redevelopment of the site.

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.
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. Provided the Board of Adjustment grants the requested variances.
15. Denote lot coverage and Floor Area Ratio per Article 21 requirements.
16. Denote B-1 zone setback on Duke Road frontage.
17. Submit exhibit demonstrating compliance with required open space.
18. Dimension parking garage entrance.
19. Addition of written scale.

- m. PLN-MJDP-24-00030: GREENDALE HILLS, UNIT 3 (DOWNING PROPERTIES, PARCELS 2 & 3) (OAKDALE DEVELOPMENT) (AMD) (6/30/24)* - located at 2425 MULUNDY WAY, LEXINGTON, KY
Council District: 2
Project Contact: Carman

Note: The purpose of this amendment is to depict commercial buildings and associated parking.

The Subdivision Committee Recommended: **Postponement**. There are questions regarding missing information and compliance with Articles 16, 18, 20, & 26 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.

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

9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. 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.
13. Addition of purpose of amendment note.
14. Correct name on plan to match staff report.
15. Correct plan number on lower right-hand corner.
16. Addition of bearings and distance for property boundaries.
17. Addition of dimensions for sidewalks.
18. Clarify area in vicinity map.
19. Addition of topography information.
20. Denote access point for construction vehicles.
21. Addition of dimension for width of Greendale Road at the location of the cross-section line.
22. Remove +/- on plan for building square footage.
23. Denote true height for all buildings and remove the maximum note.
24. Addition of all information from previous plan including bearings and distance.
25. Addition of tree inventory map per Article 26 of the Zoning Ordinance.
26. Addition of new site statistics box to clarify and consolidate.
27. Correct spelling in conditional zoning notes ("pay" should be "day").
28. Addition of multi-modal plan per Article 12-8(h) of the Zoning Ordinance.
29. Discuss vehicle use area in the front yard on a corner lot per Article 16-6(a)(1) of the Zoning Ordinance.
30. Discuss compliance with Articles 16, 18 & 20 of the Zoning Ordinance.

D. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – Bonds or letters of credit requiring Commission action will be considered at this time. The Division of Engineering will report at the meeting.

V. **ZONING ITEMS** – The Zoning Committee met on May 2, 2024, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Robin Michler, Zach Davis, William Wilson, and Graham Pohl. Staff members present were Autumn Goderwis, Daniel Crum, James Mills, and Bill Sheehy, and Tracy Jones, Department of Law.

A. **ABBREVIATED PUBLIC HEARINGS ON ZONING MAP AMENDMENTS**

The staff will call for objectors to determine which petitions are eligible for abbreviated hearings.

Abbreviated public hearings will be held on petitions meeting the following criteria:

- a. The staff has recommended approval of the zone change petition and related plan(s),
- b. The petitioner concurs with the staff recommendations,
- c. Petitioner waives oral presentation, but may submit written evidence for the record,
- d. There are no objections to the petition.

B. **FULL PUBLIC HEARINGS ON ZONE MAP AMENDMENTS** - Following abbreviated hearings, the remaining petitions will be considered.

The procedure for these hearings is as follows:

- e. Staff Reports (30 minute maximum)
- f. Petitioner's report(s) (30 minute maximum)
- g. Citizen Comments
 - (a) Proponents (10 minute maximum OR 3 minutes each)
 - (b) Objectors (30 minute maximum) (3 minutes each)
- h. Rebuttal & Closing Statements
 - (a) Petitioner's comments (5 minute maximum)
 - (b) Citizen objectors (5 minute maximum)
 - (c) Staff comments (5 minute maximum)
- i. Hearing closed and Commission votes on zone change petition and related plan(s).

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

- a. **PLN-ZOTA-24-00002: REGULATION OF MEDICINAL CANNABIS BUSINESSES** – a text amendment to define and allow for medical cannabis-based businesses in the Zoning Ordinance.

INITIATED BY: LFUCG Planning Commission

PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended, **Approval**, of the staff alternative text, changing the proposed principal and accessory uses in the Agricultural zones to conditional uses only.

The Staff Recommends: **Approval of the Staff Alternative Text**, for the following reason:

1. The proposed Zoning Ordinance updates will ensure clear definition and regulation of the new medicinal cannabis businesses now possible due to the adoption of KRS 218B by the Kentucky General Assembly in 2023. The proposed text amendment will categorize the new agricultural and business uses in a consistent manner to other such uses in the Zoning Ordinance.

VI. COMMISSION ITEMS – The Chair will announce that any item a Commission member would like to present will be heard at this time.

A. PETITION FOR WAIVER OF THE LAND SUBDIVISION REGULATIONS

1. **PLN-MJDP-23-00030: KINGSTON HALL, UNIT 1, LOT 8 (AMD)**

The staff will report at the meeting.

VII. STAFF ITEMS

- A. ARTICLE 4-5(B) IMPROVEMENT PLAN PROGRESS REPORT** - When the project engineer has completed approximately fifty percent (50%) of the infrastructure design for the development, the project engineer shall submit a preliminary report to the Planning Commission informing the Commission of how storm water, sanitary sewer and environmental conditions imposed by the Commission at the time of the approval of the preliminary subdivision plan will be addressed in the improvement plan. The report shall be distributed to the Commission at the next convenient meeting. The report is for information only, and no action by the Commission shall be taken; however, there shall be no issuance of the Notice to Proceed, as outlined in section 4-5(d), until the Planning Commission meeting is complete.

1. **PLN-FRP-24-00008: NEWMARKET PROPERTY, PHASE 1, UNIT 11 (7/30/24)*** – located at 1501 DEER HAVEN LANE, LEXINGTON, KY
Council District: 12
Project Contact: EA Partners
2. **PLN-FRP-24-00009: BOONSBORO MANOR (INTERSTATE PARK PROPERTY) (IVCP ATHENS SOUTH, LLC) UNIT 2, LOTS 1A & 1D (AMD) (6/30/24)*** – located at 5354 ATHENS BOONSBORO ROAD, LEXINGTON, KY
Council District: 12
Project Contact: Palmer Engineering

VIII. AUDIENCE ITEMS – Citizens may bring a planning related matter before the Commission at this time for general discussion or future action. Items that will NOT be heard are those requiring the Commission's formal action, such as zoning items for early rehearing, map or text amendments, subdivision or development plans, etc. These last-mentioned items must be filed in advance of this meeting in conformance with the adopted filing schedule.

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

IX. **MEETING DATES FOR May and June**

Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers, Government Center.....	May 23, 2024
Technical Committee, Wednesday, 8:30 a.m., 7th Floor Conference Room, Phoenix Building.....	May 29, 2024
Work Session, Thursday, 1:30 p.m., 3 rd Floor Conference Room, Phoenix Building.....	May 30, 2024
Subdivision Committee, Thursday, 8:30 a.m., 3rd Floor Conference Room, Phoenix Building.....	June 6, 2024
Zoning Committee, Thursday, 1:30 p.m., 3rd Floor Conference Room, Phoenix Building.....	June 6, 2024
Subdivision Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers, Government Center.....	June 13, 2024

X. **ADJOURNMENT**

TW/TM/CG//PS

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