

AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION & ZONING ITEMS
June 13, 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 May 9, 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, June 6, 2024 at 8:30 a.m. The meeting was attended by Commission members Ivy Barksdale, Mike Owens, Bruce Nicol, 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, James Mills, Paula Schumacher, Eve Miller, Quinn Mullholland, and Greg Lengal; Division of Fire and Emergency Services. 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-24-00019: LEE THOMAS MILLS ESTATE (AMD) (8/3/24)* – located at 200 HARP INNIS ROAD, LEXINGTON, KY
Council District: 12
Project Contact: CAM Surveying

Note: The purpose of this plat is to plat property according to KRS 100.292.

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

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Addressing Office's approval of street names and addresses.
4. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
5. Denote Health Department approval of septic tanks.
6. Provide chain of title from 1972.
7. Denote non-buildable area (pond).

2. Development Plans

- a. PLN-MJDP-23-00050: WOLF RUN INDUSTRIAL PARK, BLOCK A, LOT 1 (FRANKFORT COURT STORAGE FACILITY) (AMD) (6/13/24)* - 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, April 11, 2024, and May 9, 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.

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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.

- b. PLN-MJDP-23-00064: BELMONT FARM (CITATION CENTRE) (AMD) (6/13/2024)* - 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.

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, and May 9, 2024 meetings.

The Subdivision Committee Recommended: **Postponement.** There are concerns and questions regarding access, compliance with Articles 12, 16, 18, & 20 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 conditional zoning restrictions.
14. Correct plan title to match staff report.
15. Addition of record plat information.
16. Addition of dimensions on access points.
17. Denote construction access point.
18. Addition of street cross-section location on plan face.
19. Addition of building line setback for Huntley Place and Remington Way.
20. Denote final record plat to be recorded prior to plan certification to correct conflicts.
21. Denote review and recommendations for the Royal Springs Aquifer Recharge Area.
22. Denote plan shall comply with Georgetown Road Landscape Ordinance.
23. Provided the Planning Commission grants the requested waiver for right-in/right-out on Citation Boulevard.
24. Discuss conflict of easement and building #2.
25. Discuss Lots 8 & 9 building conflict with 50' setback.
26. Discuss access to Lot 9 relative to proposed Remington Way Access.
27. Discuss multi-modal plan per Article 12-8(h) for Final Development Plan area.
28. Discuss Minster Way construction timing.
29. Discuss "non-delineated wetland" identified on Lot 2.
30. Discuss compliance with Articles 16, 18, & 20 of the Zoning Ordinance.

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- c. 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.

Note: The Planning Commission postponed this item at the May 9, 2024 Planning Commission meeting.

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

- d. 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

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

Note: The Planning Commission postponed this item at the May 9, 2024 Planning Commission meeting.

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

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. Remove hatching from plan face.
13. Clarify purpose of amendment note to include as a preliminary subdivision plan.
14. Addition of dimensions for sidewalks.
15. Addition of dimension for width of Greendale Road at the location of the cross-section line.
16. Addition of new site statistics box to clarify and consolidate.

- e. PLN-MJDP-24-00031: CRESTWOOD MONTESSORI SCHOOL (REDWOOD COOPERATIVE SCHOOL EXPANSION) & LANSDOWN SUBDIVISION, UNIT 5-C, BLOCK A, LOTS 2 & 3 (AMD) (8/3/24)* - located at 166 CRESTWOOD DRIVE and 125 & 129 GREENBRIAR ROAD, LEXINGTON, KY
Council District: 3
Project Contact: Contour Collaborative

Note: The purpose of this amendment is to add property to the plan, revise Vehicular Use Area (VUA), and correct building layout.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Urban Forester's approval of tree preservation plan.
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. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, fire service features, and rear pedestrian gate access to site.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
11. United States Postal Service Office's approval of kiosk locations or easement.
12. Revise purpose of amendment to include changes in the building layout.
13. Delete Notes 12 & 14.
14. Dimension all buildings.
15. Dimension sidewalks and hardscape area adjacent to playground areas.
16. Denote use of proposed structure at rear of the property corner.

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- f. PLN-MJDP-24-00032: MAPLELEAF SUBDIVISION, LOT 8 (GOODWILL) (AMD) (8/3/24)* - located at 3130 & 3140 MAPLELEAF DRIVE, LEXINGTON, KY
Council District: 7
Project Contact: Arnold Consulting Engineering Services

Note: The purpose of this amendment is to revise building and parking layout for Lot 8.

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. 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. Correct plan title to match staff report.
12. Move labeling for landscape and building line to correct location on Lots 2 & 6.
13. Remove +/- off plan face on Lot 8.
14. Discuss floor area ratio and lot coverage for entire commercial center and compliance with Article 12 of the Zoning Ordinance.

- A. 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 June 6, 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, Johnathon Davis, Robin Michler, Zach Davis, William Wilson, and Graham Pohl. Staff members present were Traci Wade, Autumn Goderwis, Daniel Crum, James Mills, Chris Taylor, Hal Baille, Boyd Sewe, Quinn Mulholland, Eve Miller, and SB Stroh; Keith Horn and Shaun Denney from the Commissioner of Planning and Preservation office.

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:

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

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C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

- a. **PLN-ZOTA-24-00004: REGULATION OF OUTDOOR LIGHTING** – a text amendment to create Article 30 of the Zoning Ordinance to address outdoor lighting regulations.

INITIATED BY: Urban Count Council

PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended, **Approval**.

The Staff Recommends: **Approval**, for the following reasons:

1. The proposed text amendment is in agreement with the 2045 Comprehensive Plan, Theme B, Protection Policy #10 - Reduce light pollution to protect dark skies.
2. The proposed text amendment promotes energy efficiency and cost reduction by encouraging the use of better lighting, and it enhances health and safety by minimizing issues related to excessive lighting while improving night visibility.
3. The proposed text amendment sets clear guidelines for consistent outdoor lighting practices, fostering innovation and the adoption of advanced lighting technologies.

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

- A. **PFR 2024-2: FAYETTE COUNTY PUBLIC SCHOOLS – RISE STEM ACADEMY**- a Public Facilities Review regarding the construction of a new school for property at 2160 Versailles Road.
- B. **NOMINATING COMMITTEE FOR COMMISSION OFFICERS** – the Commission's By-Laws state that at the first regular and official meeting in June, the Commission will elect three members to a nominating committee. This committee will present a slate of officers for consideration by the Planning Commission. The slate will be forwarded to the full membership of the Commission and presented at the Commission work session in June. Election of Officers will be held at the July 11, 2024 Planning Commission meeting.

VII. STAFF ITEMS

- A. **PLN-MJDP-23-00076: SHRINERS HOSPITAL/MASONIC TEMPLE ASSOCIATION OF LEXINGTON, INC(AMD)**
(8/18/24)* - located at 2262 FRANKFORT COURT, LEXINGTON, KY
Council District: 9
Project Contact: Vision Engineering

The Staff will report at the meeting. There is a conflict between the existing conditions on the site and the tree protection area identified on the amended final development plan. Mitigation for the removal of trees that were identified to be protected by the certified final development plan will be discussed. The proposed amendment was approved on March 14, 2024 carrying forward the same tree protection area (TPA) that must now be amended.

- B. **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.

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1. 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.

IX. MEETING DATES FOR May and June

Work Session, Thursday, 1:30 p.m., 3 rd Floor Conference Room, Phoenix Building.....	June 20, 2024
Technical Committee, Wednesday, 8:30 a.m., 7th Floor Conference Room, Phoenix Building.....	June 26, 2024
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers, Government Center.....	June 27, 2024
Subdivision Committee, Thursday, 8:30 a.m., 3rd Floor Conference Room, Phoenix Building.....	July 3, 2024
Zoning Committee, Thursday, 1:30 p.m., 3rd Floor Conference Room, Phoenix Building.....	July 3, 2024
Subdivision Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers, Government Center.....	July 11, 2024

X. ADJOURNMENT

TW/TM/CG//PS

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