

MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS
June 13, 2024

- I. **CALL TO ORDER** –Vice Chair Zach Davis called to order at 1:30 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.
- II. **ATTENDANCE** – Planning Commission members present were Zach Davis, Judy Worth, William Wilson, Graham Pohl, Bruce Nicol, Robin Michler, Ivy Barksdale, Johnathon Davis, and Mike Owens. Planning staff members present were Jim Duncan, Traci Wade, Tom Martin, Hal Baillie, Boyd Sewe, Cheryl Gallt, Paula Schumacher, SB Stroh and Rachael Lay. Other staff present were Tracy Jones and Brittany Smith, Department of Law; David Filiatreau, Division of Traffic Engineering; Vaughan Adkins, Division of Engineering; and Greg Lengal, Division of Fire and Emergency Services; and Eric Sutherland, Division of Environmental Services.
- III. **MINUTES** – None at this time
- IV. **POSTPONEMENTS AND WITHDRAWALS** - Requests for postponement and withdrawal were considered at this time.

- A. 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.

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.

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29. Discuss “non-delineated wetland” identified on Lot 2.
30. Discuss compliance with Articles 16, 18, & 20 of the Zoning Ordinance.

Applicant Representation – Jihad Hallany, Vision Engineering, was present to represent the applicant. He asked for a one-month postponement at this time.

Action – Mr. Nicol made a motion, seconded by Mr. J. Davis, and carried 9-0 (Forester and Meyer absent) to postpone PLN-MJDP-23-00064: BELMONT FARM (CITATION CENTRE) (AMD) to the July 11, 2024 meeting.

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

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Applicant Comments – The applicant, Erika Strecker, requested a one-month postponement.

Action – Mr. Michler made a motion, seconded by Mr. Pohl, and carried 9-0 (Forester and Meyer absent) to postpone PLN-MJDP-24-00028: PRESTON ADDITION SUBDIVISION (ERIKA STRECKER PROPERTY) (AMD) to the July 11, 2024 meeting.

- C. 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.
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 told the Planning Commission that the applicant had reached out and requested a one-month postponement.

Action – Mr. Wilson made a motion, seconded by Mr. J. Davis, and carried 9-0 (Forester and Meyer absent), to postpone PLN-MJDP-23-00050: WOLF RUN INDUSTRIAL PARK, BLOCK A, LOT 1 (FRANKFORT COURT STORAGE FACILITY) (AMD) to the July 11, 2024 meeting.

Note: The following plan was removed from the consent agenda because the proper signage was not placed.

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- D. 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).

Staff Comments – Ms. Wade told the Planning Commission that the applicant did not have the required affidavit for sign posting.

Action – Mr. Pohl made a motion, seconded by Ms. Worth, and carried 8-0 (Z. Davis recused, Forester and Meyer absent) to postpone PLN-FRP-24-00019: LEE THOMAS MILLS ESTATE (AMD) to the July 11, 2024.

- V. **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, 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. Wade read the Consent Agenda.

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1. 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.

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.

2. 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.

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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.

Action – Mr. Wilson made a motion, seconded by Ms. Worth, and carried 9-0 (Forester and Meyer absent), to approve the consent agenda, but removing PLN-FRP-24-00019: LEE THOMAS MILLS ESTATE (AMD).

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 Development Plans

- a. 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.

Staff Presentation – Ms. Gallt oriented the planning Commission to the amended final development plan. She identified the proposed location of a new Goodwill store. She said that there had been discussion regarding meeting the Floor Area Ratio (FAR) requirement. She said that the building would make the property "less" non-conforming than it has been, and that there was quite a bit of area left that could be developed to help bring the FAR closer to the minimum requirement.

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Commission Questions - Mr. Owens asked for clarification regarding the FAR. Ms. Gallt replied that the number changed because the applicant had reduced the size of the proposed business, thus altering the FAR. However, there are a number of structures depicted on the plan that have not been constructed. The applicant has documented that the amendment will increase the FAR above the existing condition.

Mr. Wilson asked if condition #14 could be changed to resolve, and Ms. Gallt replied that it could.

Applicant Representation – Chyanne Rogers, Arnold Consulting and Engineering, was present to represent the application. She stated her understanding of the FAR, but opined that it would be addressed in future projects.

Commission Statements – Mr. Nicol recognized that this property was older and coming more into compliance with the FAR requirement. He appreciated the efforts of the applicant.

Action – Mr. Nicol made a motion, seconded by Ms. Barksdale, and carried 9-0 (Forester and Meyer absent), to approve PLN-MJDP-24-00032: MAPLELEAF SUBDIVISION, LOT 8 (GOODWILL) (AMD) as presented by staff, and changing Condition #14 to “Resolve”.

VI. 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:

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

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

The procedure for these hearings is as follows:

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

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.

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

The Zoning Committee Recommended, **Approval** for the reasons provided by staff.

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.

Staff Presentation – Boyd O. Sewe presented the text amendment that would create Article 30 and amend a small portion of Articles 12 and 16 of the Zoning Ordinance. He noted that this would exclude agricultural zones. He began by stating that this change was necessary for the health, safety, and welfare of Lexington residents while discouraging light pollution, sky glow, and negative impacts on wildlife. He explained that a lighting plan would be required as part of landscape plans or final development plans for review. Mr. Sewe depicted the standards for lighting fixtures, color temperature, height limits, maximum lumens, and light trespass. He added that there would be special provisions for lighting for outdoor recreation and entertainment. He explained that the Zoning Committee had recommended that the requirements of Article 30 apply to conditional uses in the agricultural zones.

Mr. J. Davis asked about lighting during outdoor sporting events. He voiced concern over player safety on the field. Mr. Sewe replied that all new developments would be required to submit lighting plans for review and approval. Additionally, these lighting plans would require contiguous lighting, thus eliminating dark spots and increasing player safety.

Mr. Z. Davis mentioned the additional language that had been proposed during the Zoning Committee regarding exclusion of the “principal and accessory uses” within the agricultural zones. He wanted to make sure that it was included in the motion that would be made.

Action – Ms. Worth made a motion, seconded by Mr. J. Davis, and carried 9-0 (Forester and Meyer absent), to approve **PLN-ZOTA-24-00004: REGULATION OF OUTDOOR LIGHTING** that included creating Article 30, amending Articles 12 and 16 of the Zoning Ordinance, and excluding the “principal and accessory uses” in the A-R, A-B, and A-N zones in Section 30.2 as recommended by the Zoning Committee.

VII. PERFORMANCE BONDS AND LETTERS OF CREDIT – Mr. Michler made a motion, seconded by Ms. Barksdale, and carried 9-0 (Forester and Meyer absent), to approve the performance bonds and letters of credit as presented.

VIII. COMMISSION ITEMS

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.

Staff Presentation – Ms. Goderwis oriented the Planning Commission to the site of a new elementary school. She reminded them that, because this was a public facilities review, they would not vote to approve or disapprove, rather vote that it is in compliance with the goals and objectives of the Comprehensive Plan. She pointed out the bus entrance/exit point as well as the main entrance where parents would drop-off/pick-up students. She told the Planning Commission there would be upgrades made to Mason Headley Road that included a multi-use trail. She displayed renderings of the proposed school buildings. Ms. Goderwis stated that staff felt the school best fit into the Enhanced Neighborhood Place-Type of the Comprehensive Plan. She listed several goals and objectives that were being met, and some recommendations regarding future development sites and the width and layout of sidewalks and landscape areas.

Commission Questions – Mr. Michler asked if there were any plans for connectivity to the neighborhood. Ms. Goderwis replied that the representatives from the school could better address that.

Mr. Owens inquired if there were any safety concerns regarding the wooded areas and pond on the property. Ms. Goderwis replied that the school did plan to maintain several trees on the perimeter of the property.

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Mr. Pohl asked for clarification about protecting bicycles and pedestrians, specifically mentioning raised lanes and separation plantings.

Applicant Representation - Billie Motsch, Element Design, and Sarah Lamere, Ross Tarrant Architects, were present to represent the project. Ms. Motsch told the Planning Commission that they had met with the neighbors on The Lane, and they did not want any connectivity with the school. She also said that they planned to leave the pond for water quality as well as an opportunity for students to study nature. She added that it was and would remain fenced for safety.

Commission Comments and Questions - Mr. Michler stated that while there will always be those who do not want connectivity, the Comprehensive Plan does encourage it. He hoped that there would be future connectivity to the neighborhoods from this site.

Mr. Pohl asked the design professionals to address the bicycle/pedestrian safety at the future entrance to the property, specifically the bicycle lane along Mason Headley Road. Ms. Motsch said that there would be, but it was part of an upcoming road project.

Staff Comments – David Filiatreau told the Planning Commission that there would be separation between the drive aisles and sidewalk.

Mr. Pohl asked Mr. Filiatreau if the new sidewalk on Mason Headley Road would be separated from traffic. Mr. Filiatreau replied that there would be an 8 or 10-foot-wide multi-use path as well as separation from traffic.

Mr. Worth stated her appreciation that the engineer had left a significant amount of greenery on the site.

Mr. Z. Davis asked if Traffic Engineering was comfortable with the school traffic being added to Mason Headley Road. Mr. Filiatreau said that the space for ingress and egress would be sufficient.

Mr. Wilson made a motion, seconded by Mr. J. Davis, and carried 9-0 (Forester and Meyer absent) to find that **PFR 2024-2: FAYETTE COUNTY PUBLIC SCHOOLS – RISE STEM ACADEMY** was in compliance with the Comprehensive Plan, and encouraging the changes recommended by staff.

- 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.

Vice Chair Davis asked the Planning Commission to make recommendations for the Nominating Committee. Mr. Michler, Mr. Nicol, and Ms. Worth volunteered to be members of the Nominating Committee.

VII. STAFF ITEMS

- A. PLN-MJDP-23-00076: SHRINERS HOSPITAL/MASONIC TEMPLE ASSOCIATION OF LEXINGTON, INC(AMD)**
(8/18/24)* - located at 4085 HARRODSBURG ROAD, 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.

Staff Presentation – Ms. Wade oriented the Commission to the development plan that had just recently been approved. She said that the Urban County Forester had discovered that 4 Red Oak trees that were supposed to be

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preserved, had been removed. She pointed out the area of the development plan where the trees had been, with a tree protection fence. She noted Article 26 of the Zoning Ordinance and stated that the Urban Forester did have some leeway to make field adjustments to the tree canopy up to 5%, but this removal exceeded that number. Ms. Wade asked the Planning Commission to re-approve the plan with the agreed upon mitigation plan. She added that two new trees that were previously unidentified had been added to the Tree Preservation Plan, noting that the applicant planned to remove one of them. She stated that staff recommended Re-approval of the development plan, subject to the following revised conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
12. United States Postal Service Office's approval of kiosk locations or easement.
13. Label the HOA lots.
14. Addition of vegetated and usable open space in site statistics.
15. Provided the Planning Commission makes a finding for the use of access easement.
16. Resolve compliance with Articles 16, 18 & 20 of the Zoning Ordinance.
17. Resolve changes to parking and open space from previous plan.
18. Update Purpose of Amendment to address changes to the Tree Protection Plan, correct site statistics, and reference mitigation plan in the notes.
19. Provided the Planning Commission accepts the proposed mitigation plan.

Commission Questions – Mr. Nicol asked if anything else would change on the Development Plan such as buildings. Ms. Wade replied that the plan would move forward as presented in March.

Applicant Presentation – Jihad Hallany detailed the timeline that led up to the removal of the trees. He said that the change of elevation would have required a tall retaining wall to be built that would eventually harm the trees. He stated that it was his decision to remove the trees for this reason, but admitted that he should have first spoken to the Urban Forester to agree on a mitigation plan. He added that there was another large tree that would be removed due to a sanitary sewer line being placed. Mr. Hallany said that the mitigation plan that he proposed would add 116 trees above the required trees.

Commission Question - Mr. Nicol asked which species of trees would be used in the mitigation plan. Mr. Hallany replied that it would be 14 types of oak trees and other allowable types of trees.

Urban Forester Report – Eric Sutherland said that there were at least 14 significant trees present on the site at his first visit. He felt that the Tree Protection Plan was insufficient because the applicant had not supplied sufficient justification for the removal of the trees. He stated that after his site visit, he reached out to Vision Engineering for a site visit and never heard back from them. Mr. Sutherland told the Planning Commission that he is supposed to be notified before any land disturbance so that he can assure that the tree protection was in place, but was not notified in this instance. He reported the tree removal, which led to meetings with staff and Mr. Hallany. He stated that he told the applicant that the Division of Environmental Services was requesting 83 new trees to be planted. Mr. Sutherland said that the applicant offered the planting of 116 trees, which he opined was sufficient. He noted that the majority of the new trees would be located on the business side of the property rather than the residential side. He told the Planning Commission that he did complete his sign-off for the revised plan with the additional mitigation plan.

Commission Questions - Mr. Michler spoke about the large amount of parking on the business side of the development plan. He asked Mr. Sutherland if the tree plantings would be able to mature there. Mr. Sutherland replied that

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they would be perimeter trees and would not be the same as the canopy that was provided by the removed trees. He told the Planning Commission that he would be part of the process and make sure the trees were taken care of.

Ms. Worth told the Commission that during Subdivision Committee, there had been significant discussion around the preservation of trees on this property. She said that the Committee was disturbed to see the trees gone. She opined that the reasons given by the applicant were not sufficient justification for the removal of the trees, and that several small trees were not equal to the large ones. She asked Mr. Sutherland to help the Planning Commission with environmental economics in the future including each project in relation to sustained losses. Mr. Sutherland reminded the Planning Commission that there was a Zoning Ordinance Text Amendment going through the approval process that would help protect trees in a more significant way. He opined that more creativity could be used by the design professionals to design projects around significant trees.

Ms. Worth asked if the proposed mitigation plan was acceptable to Mr. Sutherland. He replied that while he should have been notified, he hoped that the correct process would be followed from now on.

Mr. Nicol said that there has been a mitigation plan that exceeded the requirements, he hoped that moving forward, that our mitigation plans would be more robust.

Mr. Owens asked Mr. Sutherland if he thought the trees could have been saved. He replied that he did feel that it would have been feasible, but was unsure of the circumstances because he was not included in the decision.

Mr. Owens inquired about two hickory trees referenced on the plan, one of which was going to be removed because of a sanitary sewer line. He asked if the sewer line could be moved to save both trees. Mr. Sutherland was unsure and referred to the engineer of the project.

Mr. Owens asked why there were not more mitigation trees being planted in the residential area. Mr. Sutherland replied that there are enough trees in the residential area to meet the requirements. He added that the mitigation canopy was being added to the commercial area of the lot. Mr. Sutherland said that they would have oversight of the trees that are in the commercial area, but would not have any control over a homeowner removing trees from their yard.

Mr. Owens stated that he would like to see a colorized version of the new plan so that they could see the proposed trees. Mr. Sutherland was concerned that there was not enough area for 116 trees.

Mr. Owens asked staff if there were any fines that could incur for the removal of trees. Ms. Jones said that there were some fines, but they were not significant. She said the goal was for mitigation. She reminded the Commission that there would be some new fines suggested in the new ZOTA, but they were limited due to Kentucky state law.

Mr. Owens asked why the revised plan was turned in so late, and they were not given the chance to look at it. Ms. Wade replied that Planning Staff was not part of the mitigation discussions, and felt it was outside of their normal filing schedule. She told the Commission that the plan could be continued for staff to have sufficient time to look at the revision and mitigation plan.

Mr. Pohl said that it was frustrating to see the tree removal when design professionals can be creative and design around trees.

Mr. Nicol concurred, but felt that they now needed look at the mitigation plan that had been presented. He said that he believed the plan was exceeding the requirements.

Ms. Worth asked if there needed to be a note added to the development plan to make sure there was communication with the Urban Forester. Ms. Wade stated that a note had been added to the new revision that states, "The additional 116 trees to be planted are required as compensatory mitigation by the Division of Environmental Services for the removal of significant trees. The species and planting location of the additional trees shall be shown on the landscape plan, and shall be reviewed and approved by the Urban Forester prior to the acceptance of the Landscape Plan".

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Mr. Michler appreciated that the applicant had worked with the Urban Forester to come up with a mitigation plan, but was concerned that the plan was submitted too late for the Planning Commission to review. He opined that the tree protection plan was quickly put together and needed more thought. He thought that the plan should be postponed allowing for a more cohesive plan to be presented. Mr. J. Davis agreed.

Mr. Owens made some comments off microphone that reiterated Mr. Michler's comments. Mr. Z. Davis agreed as well.

Action – Mr. Owens made a motion, seconded by Mr. J. Davis, and carried 8-1 (Forester and Meyer absent, Nicol opposed) to continue **PLN-MJDP-23-00076: SHRINERS HOSPITAL/MASONIC TEMPLE ASSOCIATION OF LEXINGTON, INC(AMD)** for two weeks to the June 27, 2024 meeting.

B. SCHEDULE

Director Comments - Mr. Duncan suggested that the Planning Commission amend their schedule to cancel their upcoming work session on June 20, 2024, because there were no items on the agenda. He also suggested that the Nominating Committee present their report at the June 27, 2024 Planning Commission meeting.

Action - Ms. Worth made a motion, seconded by Ms. Barksdale, and carried 9-0 (Forester and Meyer absent), to cancel the June 20, 2024 work session and move the Nominating Committee report to the June 27, 2024 Planning Commission meeting.

IX. ADJOURNMENT Vice Chair Davis adjourned the meeting at 3:18 p.m.

Larry Forester

Robin Michler

TW/TM/CG/PS