

MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS
July 11, 2024

- I. **CALL TO ORDER** –Chair Larry Forester called the meeting to order at 1:30 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.
- II. **ATTENDANCE** – Planning Commission members present were Larry Forester, Zach Davis, Judy Worth, William Wilson, Robin Michler, Ivy Barksdale, Johnathon Davis, and Mike Owens. Planning staff members present were Jim Duncan, Traci Wade, Chris Taylor, Scott Thompson, Hal Baillie, Tom Martin, Boyd Sewe, Cheryl Gallt, Quinn Mullholland, Paula Schumacher, and Rachael Lay. Other staff present were Tracy Jones, Department of Law; David Filiatreau, Division of Traffic Engineering; Greg Lengal and Embry Beaty, Division of Fire and Emergency Services.
- III. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – Mr. Z. Davis made a motion, seconded by Mr. J. Davis, and carried 7-0 (Nicol, Pohl, and Barksdale absent) to approve the performance bonds and letters of credit as presented.

Note – Ms. Barksdale arrived at 1:34 p.m.

IV. **POSTPONEMENTS AND WITHDRAWALS**

- A. PLN-MJDP-24-00038: S.P. GROSS SUBDIVISION (ZUHAIR Y ABUTHIAB PROPERTY) (9/1/24)* - located at 600 & 602 N. LIMESTONE, LEXINGTON, KY
Council District: 1
Project Contact: Vision Engineering

Note: The purpose of this plan is to redevelop the site for a gas station kiosk and pumps.

The Subdivision Committee Recommended: **Postponement**. There are questions regarding compliance with Articles 16 & 18 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. Dente Royal Springs Aquafer review and recommendation.
14. Correct name of alley (Keller).
15. Discuss compliance with Article 16-8 of the Zoning Ordinance.
16. Discuss access to Keller Alley.
17. Discuss proposed technology to monitor possible fuel spills or leaks.
18. Discuss compliance with Article 18 of the Zoning Ordinance.

Applicant Representation – Matt Carter, Vision Engineering, was present to represent the applicant. He asked for a one-month postponement so that they could file an associated request to the Board of Adjustment.

Action – Mr. Wilson made a motion, seconded by Ms. Worth, and carried 8-0 (Nicol and Pohl absent) to postpone PLN-MJDP-24-00038: S.P. GROSS SUBDIVISION (ZUHAIR Y ABUTHIAB PROPERTY) to the August 8, 2024 meeting.

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

- B. PLN-MJDP-23-00064: BELMONT FARM (CITATION CENTRE) (AMD) (7/11/2024)* - 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.
29. Discuss "non-delineated wetland" identified on Lot 2.
30. Discuss compliance with Articles 16, 18, & 20 of the Zoning Ordinance.

Applicant Representation – Matt Carter, Vision Engineering, was present to represent the applicant. He requested a one-month postponement because they still needed time to work on resolving the conditions.

Action – Mr. Wilson made a motion, seconded by Mr. J. Davis, and carried 8-0 (Nicol and Pohl absent) to postpone PLN-MJDP-23-00064: BELMONT FARM (CITATION CENTRE) (AMD) to the August 8, 2024 meeting.

- C. PLN-MJDP-24-00040: PLEASANT RIDGE SUBDIVISION, LOT 127 (AMD) (9/1/24)* - located at 2156, 2176, & 2184 LIBERTY ROAD and 766 PARADISE LANE, LEXINGTON, KY
Council District: 6
Project Contact: Vision Engineering

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

Note: The purpose of this plan is to depict building and parking layout for a multi-family development.

The Subdivision Committee Recommended: **Postponement.** There are questions regarding access to and termination of Paradise Lane; adjustments to the floodplain on adjacent school property; and coordination of Liberty Road improvements.

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. United States Postal Service Office's approval of kiosk locations or easement.
12. Addition of proposed and existing easements.
13. Depict "a second public access point to either Paradise Lane or Wilderness Road be on the final development plan" per minutes from March 28, 2024.
14. Discuss shifting building 9 to protect 3 significant trees.
15. Discuss improvements to Paradise Lane.
16. Discuss proposed emergency access through LFUCG pump station property to Wilderness Road.

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

Action – Mr. J. Davis made a motion, seconded by Ms. Barksdale, and carried 8-0 (Nicol and Pohl absent) to postpone PLN-MJDP-24-00040: PLEASANT RIDGE SUBDIVISION, LOT 127 (AMD) to the August 8, 2024 meeting.

- D. PLN-MJDP-23-00050: WOLF RUN INDUSTRIAL PARK, BLOCK A, LOT 1 (FRANKFORT COURT STORAGE FACILITY) (AMD) (7/11/24)* - located at 2262 FRANKFORT COURT, LEXINGTON, KY
Council District: 11
Project Contact: RMJE

Note: The revised purpose of this amendment is to depict an RV and boat storage facility.

The Technical Committee Recommended: **Postponement.** The applicant revised the development plan, which was reviewed by the committee on June 26, 2024. The applicant requested additional time to address the revised list of conditions.

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.

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9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
12. United States Postal Service Office's approval of kiosk locations or easement.
13. Denote use of property in site statistics.
14. Correct plan title to match staff report.
15. Remove gravel shading. Parking areas will need to be paved per Article 16-3 of the Zoning Ordinance.
16. Addition of adjacent property information.
17. Denote farm entrance from Old Frankfort Pike to be removed.
18. Addition of Notes #6, 11, 12, & 15 (updating floodplain information) from previous plan.
19. Correct Note #19 to include the Old Frankfort Pike Landscape Ordinance (Ord. 134-89).
20. Document useable, vegetated, and open space area for the property.
21. Discuss Old Frankfort Pike Landscape Ordinance vs. break for natural scenic view.
22. Discuss how to resolve conflict between parking space and retention easement.
23. Discuss proposed use and correct purpose of amendment note accordingly.

Staff Comments – Mr. Martin told the Planning Commission that the applicant had reached out and asked for a one-month postponement.

Action – Ms. Worth made a motion, seconded by Ms. Barksdale, and carried 8-0 (Nicol and Pohl absent) to postpone PLN-MJDP-23-00050: WOLF RUN INDUSTRIAL PARK, BLOCK A, LOT 1 (FRANKFORT COURT STORAGE FACILITY) (AMD) to the August 8, 2024 meeting.

- E. PLN-MJDP-24-00041: MASTERSON STATION CENTER (AUTO ZONE) (AMD) (9/1/24)* - located at 2679 LEESTOWN ROAD, LEXINGTON, KY
Council District: 2
Project Contact: Prism Engineering

Note: The purpose of this amendment is to depict building and parking layout for Outlot 1.

The Subdivision Committee Recommended: Postponement. There are questions regarding meeting Article 16-6(a)(1) 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. Addition of written scale.
15. Improve legibility of bearings and distance information.
16. Addition of height of building in feet.
17. Addition of Floor Area Ratio (FAR) and building coverage in site statistics.

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18. Increase text size to improve legibility.
19. Addition of proposed and existing easements.
20. Addition of tree inventory/protection plan.
21. Addition of revised site statistics box.
22. Delete Note #22.
23. Discuss vehicular use on a corner lot per Article 16-6(a)(1) of Zoning Ordinance.
24. Discuss compliance with Articles 18 & 20 of the Zoning Ordinance.

Staff Comments – Mr. Martin told the Planning Commission that the applicant had requested a one-month postponement.

Action – Mr. J Davis made a motion seconded by Ms. Worth, and carried 8-0 (Nicol and Pohl absent) to postpone PLN-MJDP-24-00041: MASTERSON STATION CENTER (AUTO ZONE) (AMD) to the August 8, 2024 meeting.

- F. PLN-MJDP-24-00037: NORTH PARKWAY ACRES (AMD) (9/1/24)* - located at 2275 N. BROADWAY, LEXINGTON, KY
Council District: 6
Project Contact: Geisler Domigan Engineering

Note: The purpose of this plan is to depict layout of buildings and parking for commercial use.

The Subdivision Committee Recommended: Postponement. There are questions regarding management and Geotech study regarding the existing sinkhole.

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. Addition of location of street cross-sections on plan face.
15. Addition of conditional zoning restrictions and delete Note #17.
16. Addition of dimensions for buildings.
17. Addition of proposed and existing easements.
18. Label size and species of all trees.
19. Remove required parking and show only proposed parking.
20. Discuss building fenestration and articulation along North Broadway.

Staff Comments – Mr. Martin informed the Planning Commission that the applicant had requested a one-month postponement to work on details relating to a large sink-hole on the property.

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

Action – Mr. Michler made a motion, seconded by Mr. J. Davis and carried 8-0 (Nicol and Pohl absent) to postpone PLN-MJDP-24-00037: NORTH PARKWAY ACRES (AMD) to the August 8, 2024 meeting.

V. COMMISSION ITEMS

- A. ELECTION OF OFFICERS** – The Commission's By-laws state that at the first regular meeting in July, the Commission shall elect a Chairperson, Vice-Chairperson, Secretary, and Parliamentarian. The Nominating Committee was named at the June 8th Planning Commission meeting and has presented its slate for consideration by the Planning Commission. Nominations may also be made from the floor.

The current officers are as follows:

Chair: Larry Forester

Vice Chair: Zach Davis

Secretary: Janice Meyer

Parliamentarian: Judy Worth

The Nominating Committee recommended the following slate:

Chair: Larry Forester

Vice Chair: Zach Davis

Secretary: Robin Michler

Parliamentarian: Judy Worth

Action – Mr. Owens made a motion, seconded by Ms. Barksdale, and carried 8-0 (Nicol and Pohl absent) to approve the officer slate recommended by the Nominating Committee; this vote constituted a super-majority of the Planning Commission.

- B. DELEGATION OF SECRETARY'S DUTIES** – Mr. Z. Davis made a motion, seconded by Ms. Worth, and carried 8-0 (Nicol and Pohl absent) to delegate secretary's duties to the Director of Planning and his staff.

- VI. LAND SUBDIVISION ITEMS** – The Subdivision Committee met on Thursday, July 3, 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.

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

- 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.

Note: The Planning Commission postponed this plan at the June 13, 2024 meeting due to the applicant not having evidence of a sign posting.

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).

Note: The applicant presented the required affidavit for notification sign posting.

- b. PLN-FRP-24-00020: CASTLETON LYONS INC. PROPERTY (9/1/24)* – located at 2469 IRON WORKS PIKE, LEXINGTON, KY
Council District: 12
Project Contact: EA Partners

Note: The purpose of this plat is to subdivide a 1,071-acre tract into sixteen lots.

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, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Addressing Office's approval of street names and addresses.
4. Department of Environmental Quality's approval of environmentally sensitive areas.
5. Addition of utility and street light easements as required by the utility companies.
6. Denote sink holes as non-buildable areas.
7. Addition of a legend for various hatch patterns.
8. Resolve access to Lots 7-10, and 13-15.
9. Resolve shared access for Lots 2 and 3.

- c. PLN-MJDP-24-00035: KIDWELL & OTIS PROPERTY (GOLFVIEW ESTATES) (9/1/24)* - located at 802 & 804 GOLFVIEW DRIVE, LEXINGTON, KY
Council District: 11
Project Contact: Barrett Partners Inc.

Note: The purpose of this plan is to depict the development of 3 townhomes on the subject property.

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

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

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. 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.

- d. PLN-MJDP-24-00036: COVENTRY (BELMONT) LOT 6 (9/1/24)* - located at 2350 REMINGTON WAY, LEXINGTON, KY
Council District: 11
Project Contact: Barrett Partners Inc.

Note: The purpose of this plan is to depict development of 7 apartment buildings with 280 units and associated parking and amenities.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
12. United States Postal Service Office's approval of kiosk locations or easement.
13. Correct zoning in site statistics.
14. Denote Royal Springs Aquafer Committee recommendation.
15. Update site statistics to include all structures and total square footages for lot coverage and floor area.
16. Denote timing of Gatton Way construction.

- e. PLN-MJDP-24-00039: HAMBURG PLACE FARM (SIR BARTON OFFICE PARK) LOT M (AMD) (9/1/24)* - located at 2717 FLORA FINA STREET, LEXINGTON, KY
Council District: 6
Project Contact: Vision Engineering

Note: The purpose of this plan is to depict restaurant redevelopment on Lot M.

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 and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.

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

6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Greenspace planner's approval of the treatment of greenways and greenspace.
8. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
11. United States Postal Service Office's approval of kiosk locations or easement.

- f. PLN-MJDP-24-00044: PEMBERTON FARM, LOT 3B (BLUEGRASS BUSINESS PARK) (AMD) (9/1/24)* - located at 2200 INNOVATION DRIVE, LEXINGTON, KY
Council District: 2
Project Contact: Denham Blythe

Note: The purpose of this plan is to depict a building addition of 17,414 square feet and revisions to the parking lot 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, and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Depict property boundaries as a solid dark line.
11. Addition of record plat information (L-689).
12. Addition to Note #16 adding that the property will meet Article 18 landscaping requirements.
13. Denote utility easements, as opposed to utility lines.
14. Denote location for access point for construction vehicles.

Note: A citizen requested that PLN-FRP-24-00020: CASTLETON LYONS INC. PROPERTY be removed from the Consent Agenda.

Action – Mr. Michler made a motion, seconded by Ms. Worth, and carried 8-0 (Nicol and Pohl absent), to approve the consent agenda as presented.

Mr. Z. Davis recused himself from 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)

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

- Commission discusses and/or votes on the plan.

1. **Final Subdivision Plans**

- a. PLN-FRP-24-00020: CASTLETON LYONS INC. PROPERTY (9/1/24)* – located at 2469 IRON WORKS PIKE, LEXINGTON, KY
Council District: 12
Project Contact: EA Partners

Note: The purpose of this plat is to subdivide a 1,071-acre tract into sixteen lots.

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, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Addressing Office's approval of street names and addresses.
4. Department of Environmental Quality's approval of environmentally sensitive areas.
5. Addition of utility and street light easements as required by the utility companies.
6. Denote sink holes as non-buildable areas.
7. Addition of a legend for various hatch patterns.
8. Resolve access to Lots 7-10, and 13-15.
9. Resolve shared access for Lots 2 and 3.

Note: The applicant presented the required affidavit for notification sign posting.

Staff Presentation – Mr. Martin oriented the Planning Commission to the final record plat. He explained that this was an agricultural plat that would subdivide the parent tract into 16 smaller tracts ranging from 40 acres to 83 acres. He pointed out the floodplain, potential sink hole, and spring areas on the property. Mr. Martin told the Commission that staff had concerns initially regarding access points and the need for some of them to be shared. He said that the lots that did not have existing access points would have to get a permit from the Division of Traffic Engineering for approval. He also stated that if any homes were built on the newly formed lots, septic tanks would be subject to approval by the Fayette County Health Department. Mr. Martin said that all of the lots conformed to the requirements of the Land Subdivision Regulations such as building lines and frontage. He reminded the Commission that these types of plats were considered ministerial, but there would be no public infrastructure present.

Mr. Wilson asked for clarification of a note on the plan in Lot 9 that said, "possible sink hole". Mr. Martin explained that it was listed as "possible" because it had been identified on a map, but no geo-tech studies had been done for verification. He said it would be a non-buildable area. Mr. Wilson also asked if the acreage of a sink hole was included in the total acreage of a lot, and Mr. Martin replied that it was included.

Mr. Z. Davis asked if the marked spring would have the same type of identification as the sink holes and listed as non-buildable. Mr. Martin replied in the affirmative.

Mr. Michler asked why the property line between Lot 1 and Lot 2 was so irregular. Mr. Martin referred to the applicant for the answer, and that there had been no discussion or concern because it met the subdivision regulations.

Mr. Martin added that 2 letters from concerned neighbors had been submitted to the Planning Commission.

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

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Commission Question – Mr. Michler asked about the lot line irregularity between Lots 1 and 2. Mr. Kahly replied that they had to work around existing fences and structures as well as make sure that lot had the required frontage.

Citizen Comments – Judy Miller, 3933 Mt. Horeb Pike, was concerned about adding more access points on Mt. Horeb Pike because that road had rolling landscape.

Jacqueline Bernard, 4901 Mt. Horeb Pike, was also concerned about Mt. Horeb Pike being too narrow and hilly to add more access points. She felt that the subdivision of the farm would add too much traffic and she was concerned about environmentally sensitive areas as well as old houses and structures on the property.

Stacey Arani, 4635 Mt. Horeb Pike, was also concerned that there would be too many new driveways onto Mt. Horeb Pike.

Kelly Arani, 4635 Mt. Horeb Pike, shared similar concerns of more traffic on Mt. Horeb Pike because it is a dangerous road already.

Staff Rebuttal – Mr. Martin reminded the Commission, as well as the concerned citizens, that any new access would have to be approved by the Division of Traffic Engineering. He added that one of the factors they take into account is site distance. He also said that they could encourage shared access points to reduce conflict points. Mr. Martin explained that because they are farm lots, the only construction would be farm construction.

Commission Questions – Mr. Z. Davis asked members of the Subdivision Committee what their discussions had been regarding the access to the lots. Ms. Barksdale replied that their discussion had been similar and that the Division of Traffic Engineering would have to permit any new access.

Citizen Comment – Ms. Bernard asked what would happen if there was no safe access point for a lot.

Staff Comments – Mr. Martin said that it was important to remember that property owners were allowed, by state law, to have access. Traffic Engineering would endeavor to make each entrance as safe as possible.

Mr. Filiatreau explained to the Planning Commission that the Division of Traffic Engineering would do the best they could to approve access points with the best sight distances even if that meant putting two very close together. Mr. Filiatreau and Mr. Martin also explained that they could use signage to help with safety.

Commission Comments – Mr. Owens told the citizens that he did hear and understand their concerns. He pointed out that another property owner in the area had done a similar subdivision of a larger tract, but it was still a working farm. He added that someone else could buy all the tracts of land together or several of the tracts together.

Action – Mr. Owens made a motion, seconded by Mr. J. Davis, to approve PLN-FRP-24-00020: CASTLE-TON LYONS INC. PROPERTY.

Further Discussion – Mr. Wilson asked Mr. Martin to explain what a ministerial plat was for the benefit of the concerned citizens. Mr. Martin explained that if a plat met all the requirements of the Land Subdivision Regulations, including frontage and size, the Planning Commission had to approve it under state law.

Action – The motion was carried 8-0 (Nicol and Pohl absent).

Commission Comment – Ms. Worth explained that she was not happy about this plan, but the Commission did have to do what the law required.

2. Final Development Plans

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- a. 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.

Note: The applicant presented the required affidavit for notification sign posting.

Staff Presentation - Ms. Gallt told the Planning Commission that there were revised conditions as well as an Adaptive Reuse Project compliance report. She oriented the Commission to the revised development plan. She explained that there had been several revisions submitted and several discussions with the applicant. She said that staff was recommending approval. Ms. Gallt noted that a fence had to be removed from the plan because

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it did not comply with an encroachment agreement. She also pointed out a parking area that was on the plan that extended into property that belonged to the railroad. Ms. Gallt said that there had to be written permission by the railroad to allow cars to back out into their right-of-way. Staff suggested that the parking be removed until an agreement is made. She said that the staff reviewed the Adaptive Reuse Project information and recommended approval of the Adaptive Reuse Project.

Commission Questions – Mr. Michler asked if there were trains running through the parking area that backs into railroad property. Ms. Gallt replied that while she believed there were trains running through the area, the more important issue was that the property did not belong to the applicant, and was being used without permission. Mr. Michler said that he felt that the permission would not be easy to get. Ms. Gallt said that the previous plan did not have cars backing up into this other property. Mr. Michler further asked if the applicant could use parallel parking spots if the permission was not granted by the railroad. Ms. Gallt said they already had permission for that because it was on the previously approved plan.

Mr. Z. Davis stated that there were no active trains going through and that the area was paved. Ms. Gallt agreed that the area was paved, but reiterated that the property line ran through the parking lot and the applicant needed permission to have cars backing into the property that did not belong to them.

Applicant Representation – Abbie Jones, Abbie Jones Consulting, said she was happy to work with the suggestions of staff. She told the Commission that they were working with a title company to clarify the agreement that was supposedly already in place with the railroad for 100 years. She said they wanted to keep the fence because there had been security issues for the unhoused population in the area. She also added that they would continue to work with city staff to find an appropriate location for the new trees.

Commission Questions – Mr. Owens asked what was planned for the building at 613 W. Third Street. Ms. Jones replied that they were still looking for a tenant. Mr. Owens stated that he was unsure if the building was historic just because it was old, and opined that it was time to put something new there.

Action – Mr. Michler made a motion, seconded by Ms. Worth, and carried 8-0 (Nicol and Pohl absent) to approve PLN-MJDP-24-00028: PRESTON ADDITION SUBDIVISION (ERIKA STRECKER PROPERTY) (AMD) with the following revised conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Greenspace planner's approval of the treatment of greenways and greenspace.
8. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
11. United States Postal Service Office's approval of kiosk locations or easement.
12. Remove text on parking lot reading "not part of this plan".
13. Addition of topography information.
14. Dimension proposed walkways between properties per Article 16-6(c)(2)(c) of the Zoning Ordinance.
15. Denote location of access for construction vehicles.
16. Denote location of street cross-sections on plan face for C-C and D-D.
17. Clarify use for Building 1 in site statistics (previously listed as tap room, lounge, and brewery).
18. Remove privacy fence and gate from Newtown Pike (formerly Georgetown Road) right-of-way per encroachment agreement Book 3013, Page 640.
19. Clarify parking spaces and turn-around area on 256 Newtown Pike.
20. Correct Commissioner's Certification.
21. Correct spelling in purpose of amendment ("hall" to "all").

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22. Provided the Planning Commission makes a finding that the plan complies with the Adaptive Reuse Project criteria in Article 8-21(o)(4)(d) of the Zoning Ordinance.
23. Remove proposed parking located adjacent to railroad right-of-way and adjust egress per approved plan.
24. Label proposed parking area adjacent to the railroad as Phase 2 and reference Note #11.
25. Remove proposed planting of two new trees under the significant sycamore tree.
26. Resolve compliance with requirements of Article 16, 18, & 20 of the Zoning Ordinance.

Action – Mr. Michler made a motion, seconded by Ms. Worth, and carried 8-0 (Nicol and Pohl absent), to approve the Adaptive Reuse Project compliance report as submitted by staff.

- d. PLN-MJDP-24-00034: SOUTHEND PARK (DAVIS PARK) (AMD) (9/1/24)* - located at 530 & 615 DERROODE STREET, LEXINGTON, KY
Council District: 11
Project Contact: Barrett Partners Inc.

Note: The purpose of this amendment is to depict development of townhomes and single-family lots on Lots 29 & 30.

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 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. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
8. United States Postal Service Office's approval of kiosk locations or easement.
9. Denote boundary lines per Article 5-2(d) for Preliminary Subdivision Plan.
10. Provided the Planning Commission grants the requested waiver.

Staff Presentation – Mr. Martin oriented the Commission to the amended final development plan. He reminded them that most of the property was owned by the Lexington Community Land Trust. He pointed out several parts of the area where construction had been completed already. He said that there was a waiver request with this application regarding street spacing. Mr. Martin said that staff was recommending approval of the development plan and approval of the waiver to Article 6-8(q)(2)(e) for the following reasons:

1. Granting the requested waiver to the required intersection spacing will not adversely affect public health, welfare, and safety in compliance with the intent of the Land Subdivision Regulations.
2. Granting the waiver is consistent with the intent of Article 1-5(a) of the Land Subdivision Regulations for Exceptional Hardship due to the site limitations of the established development pattern.
3. Granting the waiver is consistent with the intent of Article 1-5(c) Infill & Redevelopment Facilitation in that this is a significant government sponsored and funded neighborhood redevelopment project.

Commission Question - Mr. Michler asked if the alley at the rear of the property would continue, and Mr. Martin replied that it would not.

Applicant Representation – Tony Barrett, Barrett Partners, Inc, was present to represent the applicant. He agreed with the conditions and requested approval of the development plan and the waiver.

Action – Mr. Z. Davis made a motion, seconded by Mr. J. Davis, and carried 8-0 (Nicol and Pohl absent) to approve PLN-MJDP-24-00034: SOUTHEND PARK (DAVIS PARK) (AMD) as presented by staff.

Mr. Z. Davis made a motion, seconded by Mr. J. Davis, and carried 8-0 (Nicol and Pohl absent), to approve the requested waiver as presented by staff.

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Note: At this time, the public meeting portion of the meeting was closed, and the Planning Commission opened a work session.

VII. COMMISSION ITEMS – None at this time

VIII. STAFF ITEMS

Mr. Duncan told the Planning Commission that there would be a Public Meeting at the Senior Center on the July 15th and reminded them of their upcoming work session on July 20th.

IX. ADJOURNMENT – Chair Forester adjourned the meeting at 3:07 p.m.

Larry Forester

Robin Michler

TW/TM/CG/PS