

MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS
AUGUST 8, 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, Graham Pohl, Bruce Nicol, Johnathon Davis, and Mike Owens. Planning staff members present were Jim Duncan, Traci Wade, Tom Martin, Cheryl Gallt, and Paula Schumacher. Other staff present were Tracy Jones, Department of Law; David Filiatreau, Division of Traffic Engineering; Vaughan Adkins, Division of Engineering; and Greg Lengal, Division of Fire and Emergency Services.
- III. **APPROVAL OF MINUTES** – Ms. Worth made a motion, seconded by Mr. Michler, and carried 7-0 (J. Davis and Barksdale absent, Pohl abstained), to approve the July 11, 2024 minutes.
- IV. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – Mr. Z. Davis made a motion, seconded by Mr. Pohl, and carried 7-0 (Nicol, Pohl, and Barksdale absent) to approve the performance bonds and letters of credit as presented.

Note – Mr. J. Davis arrived at 1:32 p.m.

V. **POSTPONEMENTS AND WITHDRAWALS**

- A. PLN-FRP-24-00026: SKY VIEW FARMS PROPERTY (A PORTION OF) (FORMERLY RAVEN RIDGE ESTATES) (AMD) (9/28/24)* – located at 5421 JACKS CREEK PIKE, LEXINGTON, KY
Council District: 12
Project Contact: Grid2Ground, LLC

Note: The purpose of this amendment is to subdivide an 80-acre lot into two 40-acre lots.

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

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Addressing Office's approval of street names and addresses.
4. Addition of utility easements as required by the utility companies.
5. Denote front yard setback on Lot 2.
6. Denote non-buildable area.
7. Provided the Planning Commission makes a finding for an access easement.
8. Delete Note #2.
9. Denote floodplain and required setback adjacent to Kentucky River.
10. Delete 25-foot side and rear yard setback notation.
11. Correct plan title to match staff report.
12. Denote private utility providers per Article 5-4(e).
13. Addition of Urban County Engineer Certification.

Applicant Representation – Nicholas Jerdon, Grid2Ground, was present to represent the applicant. He asked for a one-month postponement so that he could post the required sign.

Action – Mr. Z. Davis made a motion, seconded by Ms. Worth, and carried 9-0 (Barksdale absent) to postpone PLN-FRP-24-00026: SKY VIEW FARMS PROPERTY (A PORTION OF) (FORMERLY RAVEN RIDGE ESTATES) (AMD) to the September 12, 2024 meeting.

- B. PLN-MJDP-23-00064: BELMONT FARM (CITATION CENTRE) (AMD) (8/8/2024)* - located at 2450 GEORGETOWN ROAD, LEXINGTON, KY
Council District: 2
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 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 2-week postponement.

Action – Mr. Pohl made a motion, seconded by Mr. Wilson, and carried 9-0 (Barksdale absent) to postpone PLN-MJDP-23-00064: BELMONT FARM (CITATION CENTRE) (AMD) to the August 22, 2024 meeting.

- C. 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.

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

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

The Subdivision Committee Recommended: **Postponement**. There are questions regarding compliance with 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 requested an indefinite postponement at this time.

Action – Mr. Owens made a motion, seconded by Mr. J. Davis, and carried 9-0 (Barksdale absent) to indefinitely postpone PLN-MJDP-24-00038: S.P. GROSS SUBDIVISION (ZUHAIR Y ABUTHIAB PROPERTY).

- D. PLN-MJDP-24-00055: BRYAN STATION CENTER, PHASE 2, LOT 5 (NORTHWOOD SUBDIVISION, SECTION 2, LOT 5) (AMD) (9/28/24)* - located at 200 BRYAN CENTER DRIVE, LEXINGTON, KY
Council District: 6
Project Contact: Vision Engineering

Note: The purpose of this plan is to depict development of Lot 5.

The Subdivision Committee Recommended: **Postponement**. There are questions regarding addition of entire development plan information and compliance with B-3 zone minimum lot coverage.

Should this plan be considered, 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.

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

12. United States Postal Service Office's approval of kiosk locations or easement.
13. Addition of all information on certified development plan.
14. Denote height of proposed building in feet.
15. Denote review by Royal Springs Aquifer Committee.
16. Clearly delineate existing asphalt drive.
17. Addition of additional zoning restrictions (Ordinance 235-92).
18. Discuss proposed loading dock and overhead doors for office building use.
19. Discuss compliance with B-3 zone minimum lot coverage.

Applicant Representation - Matt Carter, Vision Engineering, was present to represent the applicant. He requested an indefinite postponement at this time.

Action – Mr. Wilson made a motion, seconded by Mr. J. Davis, and carried 9-0 (Barksdale absent), to indefinitely postpone PLN-MJDP-24-00055: BRYAN STATION CENTER, PHASE 2, LOT 5 (NORTHWOOD SUBDIVISION, SECTION 2, LOT 5) (AMD).

- E. PLN-MJDP-24-00056: RED MILE MIXED-USE DEVELOPMENT (AMD) (9/28/24)* - located at 1101 WINBAK WAY, LEXINGTON, KY
Council District: 11
Project Contact: Vision Engineering

Note: The purpose of this amendment is to depict a new hotel and entertainment building and revise parking circulation.

The Subdivision Committee Recommended: **Postponement**. There are questions and concerns regarding the removal of significant trees from tree protection plan on previous plan, compliance with Article 28-6 and adherence to conditional zoning restrictions.

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. Dimension driveways, walkways, parking spaces, drive aisles, and ingress/egress.
14. Addition of height of Building 36 in feet.
15. Label trees in tree protection areas per Article 26 of the Zoning Ordinance.
16. Addition of any proposed or existing easements.
17. Clarify proposed "entertainment" land use for Building 36.
18. Clarify site statistics totals and purpose of amendment.
19. Remove drive aisle from required landscape buffer per conditional zoning restrictions.
20. Discuss the removal of tree protection areas from previous plan.
21. Discuss compliance with Article 28-6 of the Zoning Ordinance for building features.
22. Discuss compliance with Article 28-6 for location of provided off-street parking.

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

Applicant Representation – Matt Carter, Vision Engineering, was present to represent the applicant. He requested a 2-week postponement.

Action – Mr. Pohl made a motion, seconded by Ms. Worth, and carried 9-0 (Barksdale absent), to postpone PLN-MJDP-24-00056: RED MILE MIXED-USE DEVELOPMENT (AMD) to the August 22, 2024 meeting.

- F. 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.
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.

Applicant Representation – Landon Sallee, RMJE, was present to represent the applicant. He requested a one-month postponement.

Action – Mr. Pohl made a motion, seconded by Mr. Wilson, and carried 9-0 (Barksdale absent) to postpone PLN-MJDP-23-00050: WOLF RUN INDUSTRIAL PARK, BLOCK A, LOT 1 (FRANKFORT COURT STORAGE FACILITY) (AMD) to the September 12, 2024 meeting.

- G. 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

* - 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 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 sinkhole on the property.

Action – Mr. Wilson made a motion, seconded by Mr. J. Davis and carried 9-0 (Barksdale absent) to postpone PLN-MJDP-24-00037: NORTH PARKWAY ACRES (AMD) to the September 12, 2024 meeting.

H. PLN-MJDP-24-00046: GIVENS PROPERTY, LOT 5 (CITY BBQ) (AMD) (9/28/24)* - located at 2210 GEORGETOWN ROAD, LEXINGTON, KY
Council District: 2
Project Contact: CESO, Inc.

Note: The purpose of this amendment is to depict development of Outlot 5 for a restaurant.

The Subdivision Committee Recommended: **Postponement.** There are questions regarding lack of required information and compliance with updated B-3 minimum lot coverage.

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.

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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. Correct plan title.
15. Addition of topography lines.
16. Delete Notes #12-20.
17. Addition of all notes from most recent certified development plan for Givens Property.
18. Denote review and recommendations by Royal Springs Aquifer Committee for Lot 5.
19. Complete site statistics for Lot 5.
20. Addition of site information and statistics for Lots 2-4 & 10.
21. Correct date in Planning Commission certification.
22. Denote required open space areas on Lot 5.
23. Dimension proposed buildings.
24. Denote building height in feet.
25. Clarify site statistics information for FAR (no maximum or minimum in the B-3 zone).
26. Clarify perimeter Vehicular Use Area (VUA) landscape area.
27. Delete utility providers and property line table.
28. Clarify site acreage for Lot 5.
29. Denote required landscape island separating drive-thru lanes from drive aisle.
30. Discuss compliance with B-3 zone minimum lot coverage (30%).

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

Mr. Wilson made a motion, seconded by Mr. Davis, and carried 9-0 (Barksdale absent), to postponement PLN-MJDP-24-00046: GIVENS PROPERTY, LOT 5 (CITY BBQ) to the September 12, 2024 meeting.

- I. PLN-MJDP-24-00049: COLLINS, ORRELL, & WIGGENS (DON FRANKLIN AUTO MALL) (AMD) (9/28/24)* - located at 3390 RICHMOND ROAD, LEXINGTON, KY
Council District: 7
Project Contact: EA Partners

Note: The purpose of this amendment is to add a car wash and revise parking and dumpster location in Phase I.

The Technical 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.

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

12. United States Postal Service Office's approval of kiosk locations or easement.
13. Discuss helipad.

Staff Comments – Mr. Martin stated that the applicant had reached out to staff to request a one-month postponement.

Action – Mr. Owens made a motion, seconded by Ms. Worth, and carried 9-0 (Barksdale absent) to postpone PLN-MJDP-24-00049: COLLINS, ORRELL, & WIGGENS (DON FRANKLIN AUTO MALL) (AMD) to the September 12, 2024 meeting.

- J. PLN-MJDP-24-00052: NDC PROPERTY, UNIT 3, LOT 3 (ASHLAND AVENUE BAPTIST CHURCH) (AMD)
(9/28/24)* - located at 483 W. REYNOLDS ROAD, LEXINGTON, KY
Council District: 9
Project Contact: Denham Blythe

Note: The purpose of this plan is to expand the existing church and revise adjacent parking areas.

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. Department of Environmental Quality's approval of environmentally sensitive areas.
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. Revise plan to meet Article 16 parking requirements.
12. Delete private utility providers information.
13. Denote property inclusion in agreed judgement.
14. Delete P-1 zoning requirements and add open space to site statistics.
15. Addition of pedestrian connection to Wellington Way.
16. Provided the Planning Commission grants the requested tree canopy waiver per Article 26-5(f) of the Zoning Ordinance.
17. Lighten or remove gray shading for improved legibility.
18. Denote purpose of amendment.
19. Resolve potential conflict with stormwater facilities for east side addition.
20. Resolve timing of construction and dedication of public street to replace access easement.

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

Action - motion was made by Mr. J. Davis, seconded by Mr. Owens, and carried 9-0 (Barksdale absent), to postpone PLN-MJDP-24-00052: NDC PROPERTY, UNIT 3, LOT 3 (ASHLAND AVENUE BAPTIST CHURCH) (AMD) to the September 12, 2024 meeting.

- VI. **LAND SUBDIVISION ITEMS** – The Subdivision Committee met on Thursday, August 1, 2024 at 8:30 a.m. The meeting was attended by Commission members Bruce Nicol, Mike Owens, 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, Tom Martin, 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.

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

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.

1. 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

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
12. United States Postal Service Office's approval of kiosk locations or easement.
13. Addition of written scale.
14. Improve legibility of bearings and distance information.
15. Addition of height of building in feet.
16. Addition of Floor Area Ratio (FAR) and building coverage in site statistics.
17. Correct reference to previous plan PLN-MJDP-20-00035, adding information from plan.
18. Correct plan title to match staff report.
19. Addition of tree inventory/protection plan.
20. Addition of revised site statistics box.

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

2. PLN-MJDP-24-00048: HIGHLAWN SUBDIVISION, BLOCK A, LOTS 10-12 (9/28/24)* - located at 1400 N. LIMESTONE, LEXINGTON, KY
Council District: 1
Project Contact: Banks Engineering

Note: The purpose of this plan is to depict building and parking 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. 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. Resolve access to Bolser Avenue.

3. PLN-MJDP-24-00051: BIG BROTHERS/BIG SISTERS PROPERTY (AMD) (9/28/24)* - located at 1122 OAK HILL DRIVE, LEXINGTON, KY
Council District: 1
Project Contact: Barrett Partners, Inc

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

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. 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. Denote location of construction vehicle access.
11. Denote review by the Royal Springs Aquifer Committee.
12. Denote number of dwelling units on the property.
13. Denote variance action by the Board of Adjustment.

4. PLN-MJDP-24-00053: ATHENS PROPERTY, LLC (9/28/24)* - located at 6270 ATHENS WALNUT HILL, LEXINGTON, KY
Council District: 12
Project Contact: Barrett Partners, Inc.

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Note: The purpose of this plan is to depict existing development and parking lot expansion.

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. Greenspace planner's approval of the treatment of greenways and greenspace.
 6. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
 7. Division of Waste Management's approval of refuse collection locations.
 8. United States Postal Service Office's approval of kiosk locations or easement.
 9. Denote proposed dumpster location.
 10. Denote building height in feet.
 11. Denote existing buildings are non-conforming to B-1 zone setback requirements.
5. PLN-MJDP-24-00054: RML CITATION (HILLENMEYER INTEREST, LTD) (AMD) (9/28/24)* - located at 2640 SANDERSVILLE ROAD, LEXINGTON, KY
Council District: 2
Project Contact: RMJE

Note: The purpose of this amendment is to construct a road and stream crossing, to place fill material, and then pave area with asphalt/concrete for parking.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Dimension ingress and egress, parking drive aisles, and spaces in area of amendment.
12. Dimension Lots 2 & 3 from previous plan for buildings, drive aisles, parking, and ingress and egress.
13. Resolve access to southeast corner of lot across FEMA floodplain with documentation of a permanent stream crossing from the Kentucky Department of Water Quality.

Action – Mr. Z. Davis made a motion, seconded by Mr. J. Davis, and carried 9-0 to approve the consent agenda. Mr. Nicol abstained from PLN-MJDP-24-00054: RML CITATION (HILLENMEYER INTEREST, LTD) (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

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- (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-24-00040: 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

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

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

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. Denote location of storm water detention per Note #10.
14. Addition of cul-de-sac cross-section.
15. Depict retaining wall on plan face consistent with Liberty Road improvements.
16. Denote who is responsible for retaining wall maintenance.
17. Modify entrance across from Fortune Drive to meet KYTC requirements.
18. Depict temporary construction easement per KYTC requirements.
19. Depict FEMA floodplain setbacks from adjacent property, including post-development FEMA floodplain, if different.
20. Discuss improvements to Paradise Lane.

Staff Presentation – Ms. Gallt oriented the Commission to the development plan. She noted some of the conditions that remained on the staff report, including a note designating maintenance responsibility, construction area for the Kentucky Transportation Cabinet, and easement conflict resolution. She also stated that improvements and open access to Paradise Lane needed to be resolved. Ms. Gallt pointed out that the applicant had added gates to the Paradise Lane connection after there had been a previous agreement to not have a gate at that location. This needs resolution by the Planning Commission.

Commission Question – Mr. Nicol asked Ms. Gallt to clarify what had been said regarding the gated access. Ms. Gallt stated that the applicant had agreed to have open access at Paradise Lane during the Subdivision Committee, but had subsequently added a gate back to the plan in their latest revision. Ms. Wade reminded the

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Commission that a note was added to the plan, at the time of the zone change, that a second open access would be required to address neighborhood concerns.

Ms. Worth inquired if the Commission could hear from the Fire Department regarding their opinion of the gate in question. Captain Lengal said that his understanding was that a second open access had been agreed on previously. He felt that the residents needed access to the lighted intersection at Liberty Road.

Mr. Nicol asked Captain Lengal if the plan would meet the requirements of the Division of Fire. Captain Lengal replied that there had to be second access, and it would be approvable with a gate, but they preferred it to be open access. Mr. Nicol clarified that the access with a gate was acceptable, but not the intent of the note that had been added to the previously approved plan. Captain Lengal agreed.

Mr. Owens stated that the intention of the Subdivision Committee was for the access to be completely open. Ms. Worth concurred.

Applicant Presentation – Matt Carter, Vision Engineering, was present to represent the applicant. He stated that they were in agreement with most of the conditions. He informed the Commission that they were in negotiations with the Kentucky Transportation Cabinet regarding the exact location of the retaining wall along Liberty Road. He opined that the property owners would not take responsibility for it if it ended up in the public right-of-way. He stated that there was an existing sewer easement that ran through the development plan, but it would be removed later in the construction process. He said that the project would be built in phases with the second entrance and relocation of the sewer line coming in the second phase of the project. He added that the second phase would not begin until 100 units were built. Mr. Carter told the Planning Commission that the need for the second entrance was due to the number of units proposed, not adding an additional connection for Paradise Lane. He stated that gated access would allow the residents and Emergency Services full access. He felt that allowing the public to drive through the development could add 800 trips per day, which could cause safety issues as well as excessive wear and tear to the road that would ultimately be the responsibility of the property owners.

Commission Questions – Mr. Michler asked Mr. Carter if he would be willing to revise the project with a public road giving full access to address all of the safety concerns. Mr. Carter replied that he was not willing to do so, because the lot was not a subdivision. He reiterated that they were adding the second access only because of the number of units that would be built.

Mr. Michler said that the residents on Paradise Lane only had one un-signalized access to Liberty Road. He felt that it was unbalanced to allow the apartment residents access to Paradise Lane, but not allow Paradise Lane residents access to the signalized light through the apartment complex. Mr. Carter disagreed, and re-stated that it was not a subdivision.

Mr. Owens asked why the gate was added at the last minute, when it had been discussed as an open access from the beginning of the project. Mr. Carter replied that the owner did not want to have the open access.

Mr. Owens asked for clarification about who would have full access to the property. Mr. Carter replied that it would be all emergency services and all of the apartment residents. He mentioned several apartment complexes that had similar access to what was being proposed.

Mr. Nicol stated that he voted against the plan previously because he felt the “no gate” requirement was too much to ask when it was not required.

Mr. Owens asked to hear from the Division of Traffic Engineering.

Mr. Filiatreau told the Commission that it was atypical to have a secondary access that was available for neighboring residents, but that it was also atypical for an apartment complex to have a signalized intersection. He recommended that the second access be fully open with several traffic calming measures present within the complex. He explained that traffic calming would make it less attractive to motorists as a primary route, but it would be available for any emergency.

Mr. Nicol stated his dislike for the open access. He felt that there was significant potential for traffic accidents within the “parking lot”.

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Mr. Filiatreau reiterated that the signalized entrance to the apartment made it different from most other complexes, and that is what made it helpful to the neighborhood as well. He said that the access was unattractive in the sense that it would not be the fastest way to get anywhere because of the traffic calming. Most drivers would not choose to go through the complex, at least during peak hours.

Mr. Owens requested clarification of the timing of the improvements, including the second access and easement release. Mr. Carter replied that a Certificate of Occupancy for more than 100 units could not be obtained until the improvements were complete. Mr. Martin assured the Commission that there would be a note on the plan that would restrict building permits over 100 units until all required improvements were made. Ms. Wade clarified that it was the building permits that would be restricted rather than the Certificates of Occupancy, as Mr. Carter had stated.

Mr. Owens asked if there had been any previous discussion about Paradise Lane becoming a public road. Ms. Wade replied that it was a sub-standard public road that would need improvements before the second half of the units could be built. She added that the applicant could either make the road improvements themselves, or wait to build the remainder of the units until the city made the road improvements.

Mr. Owens further asked if Paradise Lane was public to Wilderness Road and Liberty Road. Ms. Wade described how the public roads were connected, and mentioned that the termination of Paradise Lane at the new development would need to be addressed by the applicant.

Ms. Worth asked if there were any other examples of a full public access road going through an apartment complex in Lexington. Ms. Wade said that there was one in Chilesburg area, and it was not unprecedented.

Mr. Michler asked if the signalized light at the apartment complex would be too close to add another one at Wilderness Road. Ms. Wade stated that the Kentucky Transportation Cabinet did not have interest in adding one at Wilderness Road. Mr. Martin suggested that Wilderness Road intersection was probably closer to the intersection at Liberty Road and New Circle Road rather than the new signal at the new development. Mr. Michler said that it seemed there were several unique circumstances in the area.

Ms. Wade added that the Zoning Ordinance did not automatically grant an applicant a gate, so it was up to the Planning Commission to decide if one was appropriate.

Mr. Michler continued and said he understood the applicant's reasons for a gate, but he also felt the unique challenges in the area could be improved if the access was open.

Action – Mr. Michler made a motion, seconded by Mr. Owens, to approve PLN-MJDP-24-00040: PLEASANT RIDGE SUBDIVISION, LOT 127 (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. 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. Delete Note #10.
14. ~~Denote property owner is responsible~~ Resolve responsibility for retaining wall maintenance.
15. Modify entrance across from Fortune Drive to meet KYTC requirements.
16. Depict temporary construction easement per KYTC requirements.

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17. Denote timing of easement conflict resolutions.
18. Resolve improvements to Paradise Lane, and timing of dedication of cul-de-sac to public right-of-way.
19. Resolve Provide open access to Paradise Lane ~~and removal of with no gates.~~

Commission Discussion – There was discussion to remove condition #18, but Ms. Wade stated that she would prefer if staff could look at the wording of the note more closely before removing it.

Mr. Wilson asked Mr. Michler to restate the motion for clarification. He did so.

Action – The motion carried 7-2 (Barksdale absent, Pohl and Nicol opposed).

VII. COMMISSION ITEMS

- A. **PFR 2024-3: LEXINGTON SENIOR & THERAPEUTIC RECREATION CENTER** - A Public Facilities Review regarding the construction of a new senior center for property on Shilito Park Road within Shilito Park.

Staff Presentation – Ms. Wade oriented the Commission to the plan for the new senior center and therapeutic recreation center. She informed them that the project was being proposed by both the Division of Parks and Recreation and the Division of Senior Services. She described the features of the 26,004 sq. foot building, parking lot, and entrance points. She reminded the Commission that they were to review the proposal to ensure that it was in agreement with the Comprehensive Plan. She identified the Goals and Objectives that were met by the Center, and noted that there were specific policies that supported the expansion of the Senior Centers. Ms. Wade described the green infrastructure that would be included in the site such as permeable pavers, and 4 to 1 tree replacement. She concluded her presentation by making the following recommendations:

RECOMMENDATION #1: The Division of Senior Services and Division of Parks and Recreation should continue to monitor the needs of the population served by the center, and work with LexTran to address fixed transit service to this portion of the community.

RECOMMENDATION #2: The proposed senior and therapeutic recreation center should continue to prioritize the easy access for drop-off and pick-up at the front entrance, however, there should be consideration given to landscaping the parking lot to reduce the visual impact of the large lot within the park. Staff recommends that Vehicular Use Area Perimeter screening in accordance with Article 18-3(a)(2) of the Zoning Ordinance be provided.

Commission Questions – Mr. Nicol praised the 4 to 1 tree replacement number that was proposed, and hoped to see more of that in the future.

Mr. Michler, addressing the Vehicular Use Area (VUA) Perimeter screening, asked if it would meet planting criteria if it was a traditional development plan. Ms. Wade replied that staff had recommended more screening between the building, but the plan did not meet the new VUA standards. Geoff Meehan, EOP Architecture, said that they had updated their plan to include the 4-1 tree replacement, extensive plantings for the VUA, and trees plantings in the parking lot. Mr. Michler stated that he would appreciate as much planting as possible in the parking lot area.

Mr. Owens thanked Mr. Meehan for their work and encouraged them to meet the recommendations as much as possible.

Action – Mr. Owens made a motion, seconded by Mr. Wilson, and carried 9-0 (Barksdale absent), that **PFR 2024-3: LEXINGTON SENIOR & THERAPEUTIC RECREATION CENTER** complied with the Comprehensive Plan, and supported the two recommendations of staff.

Mr. Duncan reminded the Planning Commission of the two Work Sessions as well as a zoning meeting that were coming up on the schedule.

VI. STAFF ITEMS – None at this time.

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



Larry Forester



Robin Michler

TW/CG/PS