

MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS
January 16, 2025

- I. **CALL TO ORDER** – Chair Forester called to order at 1:30 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.
- II. **ATTENDANCE** – Planning Commission members present were Larry Forester, Zach Davis, Johnathon Davis, Mike Owens, William Wilson, Robin Michler, Judy Worth, and Bruce Nicol. Planning staff members present were Jim Duncan, Traci Wade, Daniel Crum, Chris Chaney, Cheryl Gallit, and Bill Sheehy. Other staff present were Tracy Jones, Department of Law; David Filiatreau, Division of Traffic Engineering; Vaughan Adkins, Division of Engineering; and Embry Beatty, Division of Fire and Emergency Services.
- III. **APPROVAL OF MINUTES** – Mr. Owens made a motion, seconded by Mr. Wilson and carried 8-0 (Penn and Barksdale absent) to approve the September 26, 2024, October 17, 2024, and October 31, 2024 minutes.

Note – Ms. Barksdale arrived at 1:35 p.m.

- IV. **POSTPONEMENTS AND WITHDRAWALS** - Requests for postponements and withdrawals will be considered at this time.

- A. **PLN-MJDP-24-00010: DISTILLERY DISTRICT- WEST UNIT 1 (AMD) (5/9/24)*** - located at 1158-1170 & 1186-1228 (even only) MANCHESTER STREET, LEXINGTON, KY
Council District: 11
Project Contact: Vision Engineering

Note: The purpose of this plan is to add 4,500 square-foot building on 1158 Manchester Street and revise use of building on 1170 Manchester Street.

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

Note: The Planning Commission indefinitely postponed this item on May 9, 2024. The applicant submitted a revised plan and request for re-activation on December 30, 2024.

The Subdivision Committee Recommended: **Postponement.** There are questions regarding compliance with Article 19 of the Zoning Ordinance.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
12. United States Postal Service Office's approval of kiosk locations or easement.
13. Denote: All buildings, paving, signs, fences, walls, and retaining walls that are depicted, described, or required on this development plan shall require a separate review and building permit from the Division of Building Inspection prior to construction.
14. Correct spelling in required parking calculations table.
15. Correct numbering in general notes.
16. Discuss compliance with storage restrictions of Article 19 of the Zoning Ordinance.

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17. Discuss proposed retail use in new building.
18. Discuss angled vehicle parking along east side of property.
19. Discuss proposed compliance with new construction requirements of Article 19 of the Zoning Ordinance.
20. Provided a Special Use Permit is granted by Engineering for activity within the Floodplain.

Applicant Representation – Matt Carter, Vision Engineering was present to represent the applicant. He requested a one-month postponement so that they could work on floodplain issues.

Action – Mr. J. Davis made a motion, seconded by Ms. Worth, and carried 9-0 (Penn absent), to postpone PLN-MJDP-24-00010: DISTILLERY DISTRICT- WEST UNIT 1 (AMD) to the February 13, 2025 Planning Commission meeting.

- B. PLN-MJDP-24-00056: RED MILE MIXED-USE DEVELOPMENT (AMD) (1/16/25)* - 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.

Applicant Representation – Matt Carter, Vision Engineering, was present to represent the applicant. He requested a one-month postponement so that he could present revisions to the Subdivision Committee.

Action – Mr. Owens made a motion, seconded by Ms. Worth, and carried 9-0 (Penn absent), to postpone PLN-MJDP-24-00056: RED MILE MIXED-USE DEVELOPMENT (AMD) to the February 13, 2025 Planning Commission meeting.

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

- C. PLN-MJDP-24-00074: HOOVER & FORD PHILPOT EVANGELISTIC ASSOCIATION PROPERTY, LOT 4 (THE FOUNTAINS OF PALOMAR) (AMD) (1/16/25)* - located at 3855 FOUNTAINBLUE LANE, LEXINGTON, KY
Council District: 9
Project Contact: Vision Engineering

Note: The purpose of this amendment is to add building square footage and revise parking circulation.

The Subdivision Committee Recommended: **Postponement.** There are questions regarding compliance with Section 16-6 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. Discuss compliance with Section 16-6 of the Zoning Ordinance for corner lots.

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

Action – Mr. Wilson made a motion, seconded by Ms. Barksdale, and carried 9-0 (Pennl absent) to postponed PLN-MJDP-24-00074: HOOVER & FORD PHILPOT EVANGELISTIC ASSOCIATION PROPERTY, LOT 4 (THE FOUNTAINS OF PALOMAR) (AMD) to the March 13, 2025 Planning Commission meeting.

- D. PLN-MJDP-24-00096: RAMSEY SULLIVAN PROPERTY, UNIT 3, LOT 1 (AMD) (2/23/25)* – located at 2530 KEARNEY RIDGE LANE, LEXINGTON, KY
Council District: 2
Project Contact: Vision Engineering

Note: The purpose of this amendment is to depict a revised building layout to face Kearney Ridge Boulevard, to revise gas pump location, and to revise the parking circulation.

The Subdivision Committee Recommended: **Postponement.** The applicant must demonstrate compliance with Article 8-16(b)(14).

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. United States Postal Service Office's approval of kiosk locations or easement.
12. Clarify the size of existing trees per Article 26 of the Zoning Ordinance.
13. Document lighting plan per Article 30 of the Zoning Ordinance.
14. Discuss compliance with Article 8-16(b)(14) for an automobile service station.

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

Action - Mr. Z. Davis made a motion, seconded by Ms. Barksdale, and carried 9-0 (Penn absent), to postpone PLN-MJDP-24-00096: RAMSEY SULLIVAN PROPERTY, UNIT 3, LOT 1 (AMD) to the February 13, 2025 Planning Commission meeting.

- E. PLN-MJDP-24-00095: NEWTOWN SPRINGS, LOT 4 (AMD) (2/23/25)* – located at 1425 NEWTOWN CENTER WAY, LEXINGTON, KY
Council District: 1
Project Contact: EA Partners

Note: The purpose of this amendment is to depict a restaurant, drive-thru, parking, and circulation on Outlot 4.

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 the Capacity Assurance Program requirements, prior to plan certification.
12. United States Postal Service Office's approval of kiosk locations or easement.
13. Denote purpose of plan.
14. Document lighting plan per Article 30 of the Zoning Ordinance.
15. Dimension all access points, drive aisles and walkways. (southeast access point and rear walkway missing).
16. Denote review and recommendations of the Royal Springs Aquifer Wellhead Protection Committee.
17. Denote variances approved by the Board of Adjustment on September 9, 2024.
18. Provided the Board of Adjustment approves the drive-through facilities.

Applicant Representation – Rory Kahly, EA Partners, was present to represent the applicant. He requested a two-week postponement.

Action – Mr. Owens made a motion, seconded by Mr. Wilson, and carried 9-0 (Penn absent), to postpone PLN-MJDP-24-00095: NEWTOWN SPRINGS, LOT 4 (AMD) to the January 30, 2025 Planning Commission meeting.

- F. PLN-MJDP-24-00078: FRITZ FARM, TRACT C (AMD) (1/5/25)* – located at 250 HARRISON, LEXINGTON, KY
Council District: 4
Project Contact: HDR 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 new development of buildings and parking on Tract C.

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. United States Postal Service Office's approval of kiosk locations or easement.
12. Addition of record plat information for development (R-977).
13. Documentation of lighting plan per Article 30 of the Zoning Ordinance.
14. Documentation of elevations of structures to depict building features per Article 28-6(c) of the Zoning Ordinance.

Staff Comments – Ms. Wade informed the Commission that the applicant had requested a withdrawal of this application.

Action – Mr. Z. Davis made a motion, seconded by Ms. Barksdale, and carried 9-0 (Penn absent), to withdraw PLN-MJDP-24-00078: FRITZ FARM, TRACT C (AMD).

- G. PLN-MJDP-24-00086: COVEY RIDGE DEVELOPMENT, LOT 4 (AMD) (2/3/25) * – located at 125 CANEBRAKE DRIVE, LEXINGTON, KY
Council District: 12
Project Contact: D & J Realty Inc.

Note: The purpose of this amendment is to develop site for construction of a "value-added retail center".

The Staff Recommends: **Postponement**. There are questions regarding compliance with Articles 21 & 26 of the Zoning Ordinance.

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

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

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

13. Denote: All buildings, paving, signs, fences, walls, and retaining walls that are depicted, described, or required on this development plan shall require a separate review and building permit from the Division of Building Inspection prior to construction.
14. Denote name and address of developer and plan preparer.
15. Ensure graphic scale and all dimensions are accurate as printed.
16. Denote subject property boundary with solid line.
17. Denote vicinity map oriented with north to top of page.
18. Denote all dimensions of proposed structures, driveways, and parking areas.
19. Provide a tree inventory map per Article 26 of the Zoning ordinance.
20. Denote a tree preservation plan per Article 26 of the Zoning Ordinance.
21. Utilize standard site statistics box.
22. Addresses must be included on all lots.
23. Add note per Article 21-6(a)(17) of the Zoning Ordinance.
24. All text and graphic information must be carried forward from previous development plan (MJDP- 17-00017).

Staff Comments – Ms. Wade told the Commission that the applicant had decided to seek a zone change with this plan, and she requested that they postpone this development plan to be heard with that hearing on February 27th.

Action – Mr. Wilson made a motion, seconded by Ms. Barksdale, and carried 9-0 (Penn absent), to postpone PLN-MJDP-24-00086: COVEY RIDGE DEVELOPMENT, LOT 4 (AMD) to the February 27, 2025 Planning Commission meeting.

- H. PLN-MJDP-24-00097: PARK HILLS SHOPPING CENTER, LOT 4 (AMD) (2/3/25)* – located at 3120 PIMLICO PARKWAY, LEXINGTON, KY
Council District: 8
Project Contact: CMW

Note: The purpose of this amendment is to depict the location of an accessory drive-thru pick-up window to an existing building on Lot 4.

The Subdivision Committee Recommended: Postponement. There are questions regarding on-site circulation.

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. 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.
12. Addition of new site statistics box for the development.
13. Denote contour interval values.
14. Discuss site circulation and proposed stacking lanes.
15. Discuss turn radius at corner of building.

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

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

Action – Mr. J. Davis made a motion, seconded by Ms. Barksdale, and carried 9-0 (Penn absent), to postpone PLN-MJDP-24-00097: PARK HILLS SHOPPING CENTER, LOT 4 (AMD) to the February 13, 2025 Planning Commission meeting.

- V. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – Mr. Z. Davis made a motion, seconded by Ms. Worth, and carried 9-0 (Penn absent).
- VI. **LAND SUBDIVISION ITEMS** – The Subdivision Committee met on Thursday, December 5, 2024 at 8:30 a.m. The meeting was attended by Commission members Ivy Barksdale, Bruce Nicol, Judy Worth, Mike Owens, and Frank Penn. Other Committee members present were Hillard Newman, Division of Engineering; and David Filiatreau, Division of Traffic Engineering. Staff members in attendance were Traci Wade, Daniel Crum, Chris Chaney, Cheryl Galt, 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.

1. PLN-MJDP-24-00098: HOOVER & FORD PHILPOT EVANGELISTIC ASSOCIATION PROPERTY (THE FOUNTAINS AT PALOMAR) (AMD) (2/23/25)* – located at 3855 Fountainblue Lane, LEXINGTON, KY
 Council District: 9
 Project Contact: Vision Engineering

Note: The purpose of this amendment is to depict the location of the freestanding monument sign on Lot 8, proposed to be located within a utility easement. Freestanding sign locations shall be approved by the Planning Commission per conditional zoning restriction #3.

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. Addition of new site statistics box.

Action – Mr. Z. Davis made a motion, seconded by Ms. Barksdale, and carried 9-0 (Penn Absent), to approve the Consent Agenda as presented.

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

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

The procedure for these hearings is as follows:

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

1. **Final Subdivision Plans** – None at this time.

2. **Preliminary Subdivision Plans**

3. **Development Plans**

- a. **PLN-MJDP-24-00079: THE MAXWELL (LYNHURST SUBDIVISION) (1/5/25)*** – located at 201-235 E. MAXWELL STREET & 245-251 STONE AVENUE, LEXINGTON, KY
Council District: 3
Project Contact: Vision Engineering

Note: The purpose of this amendment is to depict the development of a six-story residential complex with associated parking.

Note: This plan was continued from the December 12, 2024 meeting.

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. Provided the Planning Commission grants the requested waiver for Article 6-8(l) of the Land Subdivision Regulations.
14. Discuss changes to site access and traffic impact study.
15. Discuss changes to townhouse units along Stone Avenue.
16. Discuss timing of closure of existing and dedication of new Hagerman Court right-of-way and consolidation of separate lots.
17. Discuss multi-family design standard rendering/elevation changes.

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

Staff Presentation – Mr. Crum oriented the Planning Commission to the development plan, and informed them that there were also revised conditions as well as some renderings of the buildings. He reminded them that the discussion was mostly regarding architectural elements of the buildings and their compliance with renderings provided by the applicant during the zone change. Mr. Crum also discussed a change on the plan regarding Hagerman Court. He said that they had removed a sidewalk that had been on the original plan. He explained that staff recommended that the sidewalk be added back to the plan and the cross-section be updated accordingly. He displayed renderings that depicted the renderings from the zone change hearing, the updated rendering from the final development plan filing, and another that was new for this hearing. He explained that the changes to the plan included the size and rhythm of the windows as well as other architectural elements.

Commission Questions – Mr. Z. Davis asked staff to identify the most significant change that led to a recommendation of approval. Mr. Crum replied that they had previously recommended approval, and the changes that were made were addressing concerns of the Planning Commission.

Mr. Nicol asked staff to reiterate the Commission's role in evaluating multi-family design standards. He expressed that he did not want the Commission to design the projects. Mr. Crum explained that, at the time of the zone change, the applicant submitted architectural renderings of the project. The applicant had agreed that the final plan would be in substantial compliance with the original renderings. He added that the intent and spirit of the original plan were in question, so the Planning Commission had some leeway.

Mr. Nicol opined that the definition of "substantial compliance" was relative, and the Commission should not design buildings.

Ms. Worth stated that she agreed with Mr. Nicol's point of view up to a certain point. She said that the original rendering was made to match the historic look of the neighborhood, while the second was made to appeal to students. She felt that the development team had worked hard to come to a compromise.

Mr. Michler, addressing a citizen letter, asked how student housing fit into the definitions of multi-family dwelling units. Mr. Crum replied that the dwelling units were compatible with the Zoning Ordinance, but they did not dictate the leasing procedures.

Mr. J. Davis added, while addressing the same letter, that if a student broke their lease, it would not be held against the other students sharing that dwelling unit. He questioned if that would affect leasing to non-students. Mr. Crum replied that it appeared that the units could be leased to anyone, and met the legal definition of dwelling units.

Mr. Michler asked for clarity about the definition of dwelling unit versus how many people were living there. Mr. Crum replied that there could be no more than four unrelated people living in a unit to be considered a family or household with that unit.

Applicant Presentation – Attorney Jon Woodall, Michael Apt, Gilbane Architecture; and Matt Carter, Vision Engineering were present to represent the applicant. Mr. Woodall said the planning process was difficult in Lexington, but his clients were committed to this project. He said that "substantial compliance" was not in the Zoning Ordinance, but they had agreed to it with a note on the development plan. He said that they had taken the comments by Commissioner Pohl in the December meeting and made significant changes to better match the original renderings. He suggested that the new renderings were in "substantial compliance". Mr. Woodall stated that they were in agreement with the recommendation of staff and would add the sidewalk back to Hagerman Court.

Commission Questions – Mr. Nicol stated that he appreciated Mr. Woodall's comments about the difficulty of the process and asked if he felt that the process was exacerbating the housing crisis in

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Lexington. Mr. Woodall said that there was a housing crisis, but this property was in an important location and had to be done right.

Mr. Nicol asked how long the process has taken for this development. Mr. Woodall said that the development plan stage of the project had been about four months.

Mr. Michler thanked the applicant for reworking the project to make it better. He asked if the entrances were still pulled back from the original plan, and Mr. Woodall confirmed that it was.

Mr. Michler said it appeared that there was fewer steps up to the building than there were previously. He asked if that meant that there was a change in the height of the first floor or something else. Mr. Carter replied that they did not know how many steps would be needed, but as the project progressed, they were able to set the number more accurately.

Mr. Michler asked if the building height was still the same. Mr. Carter replied that it was. He added that the elevations of Hagerman Court had much to do with the elevations of the other three sides.

Mr. Michler asked about the entrances on the Stone Avenue side of the building. Mr. Carter reiterated that they would not be locked doors, but entrances to the dwelling units.

Mr. Michler asked about the removal of the sidewalk on Hagerman Court. Mr. Carter replied that the second sidewalk was removed because of grading difficulties, but adding it back will require a retaining wall.

Mr. Michler asked if the sill from the original rendering could be carried through to the new plan on the top floor on the building. Mr. Apt replied that it is very similar to the original concept.

Mr. Z. Davis asked if the top floor windows were taller than those on the other levels or did it just appear that they are. Mr. Apt briefly described the changes made to the window design through each rendering change, and stated that the final drawings did have taller windows on the top floor.

Citizen Comments – Amy Clark, 628 Kastle Road, was concerned about the Stone Avenue side entrances having access to the entire building, how the leasing would work, and how the shared facilities would work. She felt that it was more like a boarding house and not allowed in this zone.

Graham Pohl, former Planning Commission member, stated that the applicant worked hard to address the issues that he brought up during the last hearing. He described the changes that had been made to renderings, particularly on the top floor. He said there was room for even more improvement, but it was much better.

Maureen Peters, 276 Lexington Avenue, said that she appreciated the updated renderings of the project but was concerned that they would change again after this hearing.

Zach Leonard, Bluegrass Trust, was concerned about the step backs being altered too much. He was also concerned that the renderings would change due to actual floor plan design.

There was some discussion regarding letters submitted by citizens that did not make it into the record. Ms. Wade apologized for the oversight.

Citizen Rebuttal – Ms. Clark read from the Planning Commission bylaws about contested development plans should allow for full rebuttal by all interested parties.

Ms. Jones told the Chair Forester that it is in his purview to decide how the meetings should be run.

Ms. Wade added that there was nothing in the presentation that led staff to believe that these were not individual household units. She said that there was no evidence that more than four people would live in a dwelling unit.

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Commission Comments – Mr. Owens said that this process has been done this way for a long time and the Commission will attempt to make sure all citizen questions are addressed.

Mr. Owens asked the applicant why the top floor was no longer set back the way that it was previously rendered. Mr. Apt replied that there was a step back, especially on the corner.

Mr. Owens asked if the new window pattern would work with the interior design. Mr. Apt said that they fell where they needed to, either in living rooms or bedrooms. Mr. Woodall added that the interior design would be made to fit the window locations.

Mr. Owens asked if non-students would be able to rent these apartments. Mr. Apt replied that anyone could rent them, although it was unlikely.

Mr. Michler inquired if the plan was approved as presented, would the applicant be able to make changes. Ms. Jones replied that all divisions moving forward would need to make sure that submitted plans would be in significant compliance with what was approved today. Mr. Woodall added that the construction drawings will have to match the development plan. There was more detailed discussion about the mullions on the windows and other minor changes.

Mr. Nicol opined that this should be approved with the stated conditions, and discussing minor details such as the mullions on windows was out of line. He also suggested removing Condition #16 because they had thoroughly discussed the multi-family design standards.

Mr. Z. Davis thanked the applicant for working with Mr. Pohl, and appreciated the applicants' efforts to get to substantial compliance.

Mr. Wilson asked if Condition #16 should be changed to resolve. Ms. Wade replied that it could be deleted because there is a note on the plan to cover the substantial compliance concerns and staff would check the renderings before any building sign offs. Ms. Wade added that there was a numbering mistake on the revised staff report and, after removing Condition #16, there would be 14 conditions.

Mr. Wilson said that he appreciated the process of this plan, and appreciated the work of the applicant.

Action – Mr. Wilson made a motion, seconded by Mr. Owens, to approve PLN-MJDP-24-00079: THE MAXWELL (LYNHURST SUBDIVISION) 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. 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. Provided the Planning Commission grants the requested waiver for Article 6-8(a) of the Land Subdivision Regulations.
14. ~~Discuss changes to site access and traffic impact study. Remove references to Hagerman Court access easement.~~
15. ~~Discuss changes to townhouse units along Stone Avenue.~~

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- ~~14. 16. Discuss Denote timing of closure of existing and dedication of new Hagerman Court right-of-way and consolidation of separate lots. Depict sidewalk on both sides of Hagerman Court and update E-E cross-section accordingly.~~
- ~~15. 17. Discuss multi-family design standard rendering/elevation changes.~~

Continued Discussion – Mr. Michler asked if the applicant would be able to make minor changes to reflect more suggestions of Mr. Pohl. Mr. Wilson said that he could add “with flexibility” to the motion. Ms. Wade stated that she would prefer there not to be any such flexibility. There was some further discussion about giving flexibility, but Chair Forester called for a vote of the motion on the floor.

Action – The Planning Commission voted 9-0 (Penn absent) to approve the motion.

Commission Question – Mr. Owens asked if Condition #13 could also be removed because the applicant was placing the before mentioned sidewalk back in the plan. Ms. Wade replied that the waiver was still needed because, as presented in December, a waiver was needed for street geometrics, specifically the width of Hagerman Court.

Mr. Owens stated that they did not have a staff report regarding the waiver request. Ms. Wade briefly reiterated the waiver request and the reasons for a recommendation of approval as well as the conditions that Mr. Crum had presented at the December meeting.

The Staff Recommends: **Approval of the requested waiver to Article 6-8(a)**, for the following reasons:

1. Granting the requested waiver to the right-of-way width will not adversely affect public health, welfare, and safety in compliance with the intent of the Land Subdivision Regulations, as it will allow for adequate space for two-way vehicular traffic and pedestrian circulation.
2. Granting the waiver is consistent with the intent of Article 1-5(a) of the Land Subdivision Regulations for Exceptional Hardship, as the request affords the applicant the ability to safely accommodate required utilities while meeting the minimum residential density requirements that are unique to the site.
3. Granting the waiver is consistent with the intent of Article 1-5(c) of the Land Subdivision Regulations for Infill and Redevelopment Facilitation, as it will allow for greater utilization of a downtown parcel, in a manner that is consistent with right-of-way widths in the area.

This recommendation is made subject to the following conditions:

1. Denote the waiver as granted by the Planning Commission on the Final Development Plan.
2. The design of the sidewalk along Hagerman Court shall utilize monolithic or integrated curbing to ensure that there is a minimum of 5-feet of sidewalk width.
3. The construction of the proposed Hagerman Court re-alignment shall occur prior to the proposed closure of the existing Hagerman Court right-of-way.

Action – Mr. Wilson made a motion, seconded by Ms. Worth, and carried 9-0 (Penn absent), to approve the waiver request as presented by staff.

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

1. **PFR-6 Henry Clay High School** – A request for a Public Facility Review to reconstruct and expand Henry Clay High School, located at 2100 Fontaine Road.

Staff Presentation – Mr. Crum presented the plan for Fayette County Public Schools (FCPS) to reconstruct and expand Henry Clay High School. He state that planned to demolish the building, rebuild it on the opposite side of the property, and reconfigure the sports facilities. He briefly described the area and zoning of the property. He displayed the site plan of the property and explained how the plan agreed with the Goals and Objectives of the Comprehensive Plan. He stated that the Staff recommends adding additional landscape facilities where it makes sense.

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Commission Question – Mr. Michler asked if any of the public facilities that they have reviewed have ever met the landscape requirements. Mr. Crum replied that many of these plans are conceptual in nature but would probably have more trees in a final plan.

Mr. Michler asked how many trees would normally be required for a parking lot of this size. Mr. Crum replied that the requirement for developments is internal landscape islands every 10 spaces to help mitigate the heat island effect.

Mr. Forester asked when construction would begin. Chris Howard, Carman, said that the plan was to begin construction at the end of the school year.

Mr. Forester asked if it would be built in stages, and Mr. Howard replied that it would. He said that demolition of the existing school would not take place until the new building was completed.

Ms. Worth mentioned that there were schools that had placed solar panels in their parking lots to help families that could not pay their utility bills.

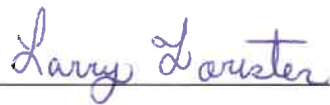
Citizen Comments – Amy Clark asked what impact there would be on neighboring homes and how many trees they planned to remove. Ms. Wade replied that there was a park on one side of the school and water company property on another so the construction impact on homes would be minimal. Mr. Howard replied that there would be minimal tree removal on the park side.

Action – Ms. Worth made a motion, seconded by Mr. J. Davis, and carried 9-0 (Penn absent) that the plan to rebuild Henry Clay High School complies with the Comprehensive Plan Goals and Objectives, and further support the staff's suggestion to add additional landscaping.

Director Comments - Mr. Duncan told the Commission that the next Thursday would be the work session and staff would brief the members about House Bill 443 as well as other updates.

VII. STAFF ITEMS

IX. ADJOURNMENT – Chair Forester adjourned the meeting at 3:31 p.m.



Larry Forester



Robin Michler

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