

MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS
April 10, 2025

- I. **CALL TO ORDER** – Vice Chair Davis 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 Mike Owens, Ivy Barksdale, William Wilson, Judy Worth, Bruce Nicol, Molly Davis, Robin Michler, Frank Penn, Johnathon Davis, and Zach Davis. Planning staff members present were Jim Duncan, Traci Wade, Daniel Crum, Chris Chaney, Cheryl Gallt, and Paula Schumacher. Other staff present were Tracy Jones and Brittany Smith, 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** – Ms. Worth made a motion, seconded by Mr. Wilson, and carried 10-0 (Forester absent) to approve the February 13, 2025 minutes.
- IV. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – Ms. Penn made a motion, seconded by Mr. Owens, and carried 10-0 (Forester absent).
- V. **POSTPONEMENTS AND WITHDRAWALS** - Requests for postponements and withdrawals will be considered at this time.
- A. **PLN-MJDP-24-00056: RED MILE MIXED-USE DEVELOPMENT (AMD) (4/10/25)*** - 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 remain questions and concerns regarding the removal of significant trees from tree protection plan on previous plan and adherence to conditional zoning restrictions along Red Mile Road.

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 street cross-section for Winbak Way.
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 39.
18. Clarify site statistics totals and purpose of amendment.
19. Remove drive aisle from required landscape buffer per conditional zoning restrictions.
20. Clarify number of floors on Buildings 36, 37, 38, and 39.

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

21. Provide mitigation plan for removal of trees.
22. Correct Note #16 to remove reference to Article 27 of the Zoning Ordinance.
23. Correct site statistics to remove buildings 2 & 28 which are no longer depicted.
24. Depict compliance with Article 28-6 for building features for Building 39.
25. Discuss timing of construction of a mixed-use building per the restrictions of Article 28-5(h)(5)(c)(1).

Applicant Representation – Jihad Hallany, Vision Engineering, was present to represent the applicant. He requested a one-month postponement to have time to meet with the Urban Forester.

Action – Mr. Penn made a motion, seconded by Ms. M. Davis, and carried 10-0 (Forester absent), to postpone PLN-MJDP-24-00056: RED MILE MIXED-USE DEVELOPMENT (AMD) to the May 8, 2025 meeting.

- B. PLN-MJDP-24-00097: PARK HILLS SHOPPING CENTER, LOT 4 (AMD) (4/10/25)* – 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.

Note: The Planning Commission postponed this item at the January 16, 2025 and February 13, 2025 meetings.

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 Commission that the applicant had reached out and requested this plan be withdrawn.

Action – Mr. Penn made a motion, seconded by Mr. Barksdale, and carried 10-0 (Forester absent), to withdraw PLN-MJDP-24-00097: PARK HILLS SHOPPING CENTER, LOT 4 (AMD).

- C. PLN-MJDP-25-00001: GDK FARM, LLC (TURNER PROPERTY) (4/10/25)* – located at 5447 TATES CREEK ROAD, LEXINGTON, KY
Council District: 12
Project Contact: Eagle 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 develop 9 single-family residential lots and 20 townhomes.

Note: The Planning Commission postponed this plan at the February 13, 2025 meeting.

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. 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 purpose of plan.
15. Amend site statistics to utilize standard site statistics box.
16. Provide Lighting Plan for townhome area per Article 30 of the Zoning Ordinance.
17. Provided the Planning Commission finds that use of access easements for sole access and frontage is appropriate for Lots 10-29.
18. Denote timing of sanitary sewer improvements relative to pump station capacity per Note #22 on Preliminary Development Plan.
19. Update driveways for townhomes to meet Article 16-5(b).
20. Discuss stormwater detention per Note # 21 on Preliminary Development Plan.
21. Discuss resolution of access to Tates Creek Road per Note #23 on Preliminary Development Plan.

Staff Comments – Ms. Wade informed the Commission that the applicant had reached out and requested to postpone the application.

Action – Mr. Michler made a motion, seconded by Ms. Worth, and carried 10-0 (Forester absent), to postpone PLN-MJDP-25-00001: GDK FARM, LLC (TURNER PROPERTY) to the May 8, 2025 meeting.

- D. PLN-MJDP-25-00012: LOCUST HILL SHOPPING CENTER (B-6P AREA) (JAGGERS) (AMD) (6/1/25)*
 – located at 3029 RICHMOND ROAD, LEXINGTON, KY
 Council District: 7
 Project Contact: Greenberg Farrow

Note: The purpose of this amendment is to depict revised building and parking layout and addition of a double car drive-through.

The Subdivision Committee Recommended: **Postponement**. There are questions regarding compliance with Article 12-8 of the Zoning Ordinance for lot coverage on parking requirements.

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

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

1. Urban County Engineer's acceptance of drainage, 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 scale of plan to 1"=60' per engineer's scale.
15. Remove title block for minor plan on plan face and correct plan title to match staff report on right side of plan.
16. Remove Parcel 2, Lot 1, Blk B at 133 N. Locust Hill Drive as no longer part of the subject development.
17. Remove copyright note.
18. Addition of all bearings and distance for lot.
19. Enlarge area of amendment on vicinity map.
20. Addition of topography for property.
21. Dimension all driveways, walkways, parking spaces, and points of ingress & egress.
22. Denote location of access point for construction vehicles.
23. Denote location of street cross-sections and increase text size on cross sections for legibility.
24. Correct Note #1 adding, "...such plan must be submitted in accordance with Chapter 16 of the Code of Ordinance."
25. Correct Commission certification.
26. Addition of new site statistics box completing all information for the lot being amended.
27. Label location of multi-modal accommodations per Article 12-8(h) of the Zoning Ordinance.
28. Addition of purpose of amendment.
30. Addition of a zone line and zoning information on adjacent properties.
31. Document account with Lynn Imaging per Article 21-7(7)(b)(3) of the Zoning Ordinance.
32. Provide lighting plan per Article 30 of the Zoning Ordinance.
33. Discuss Floor Area Ratio of 4% per Article 12-8(d)(1) of the Zoning Ordinance.
34. Discuss parking maximum of 4 spaces per 1,000 per Article 12-8(d)(3) of the Zoning Ordinance.

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

Action – Mr. Wilson made a motion, seconded by Mr. Penn, and carried 10-0 (Forester absent), to postpone PLN-MJDP-25-00012: LOCUST HILL SHOPPING CENTER (B-6P AREA) (JAGGERS) (AMD) to the May 8, 2025 meeting.

IV. LAND SUBDIVISION ITEMS – The Subdivision Committee met on Thursday, March 6, 2025 at 8:30 a.m. The meeting was attended by Commission members Frank Penn, Ivy Barksdale, and Judy Worth. Other Committee members present were Vaughan Adkins, Division of Engineering; and Jeff Neal and Steve Parker, Division of Traffic Engineering. Staff members in attendance were Traci Wade, Daniel Crum, Chris Chaney, Cheryl Gallit, Paula Schumacher; Shannon Ison, Division of Fire and Emergency Services; and Tracy Jones, Department of Law. The Committee made recommendations on plans as noted.

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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-24-00015: TERRACE VIEW SUBDIVISION, UNIT 2B (6/2/24)* - located at 1702 VERSAILLES ROAD, LEXINGTON, KY
 Council District:11
 Project Contact: EA Partners

Note: The purpose of this plan is to depict apartment building development on the lot.

Note: The Planning Commission approved this plan on April 11, 2024. Due to funding issues with affordable housing, the applicant has requested a one-year extension.

The Subdivision Committee Recommended: Approval, of the one-year extension.

The Planning Commission Approved this plan, 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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Greenspace planner's approval of the treatment of greenways and greenspace.
8. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
11. United States Postal Service Office's approval of kiosk locations or easement.
12. **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.

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2. PLN-MJDP-24-00074: HOOVER & FORD PHILPOT EVANGELISTIC ASSOCIATION PROPERTY, LOT 4 (THE FOUNTAINS OF PALOMAR) (AMD) (4/10/25)* - 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: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Landscape Examiner's approval of landscaping and landscaping buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree preservation plan.
 6. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 8. Greenspace planner's approval of the treatment of greenways and greenspace.
 9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
 10. Division of Waste Management's approval of refuse collection locations.
 11. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
 12. United States Postal Service Office's approval of kiosk locations or easement.
 13. Correct building square footage noted to match dimensioned structures and reflect 30% lot coverage.
3. PLN-MJDP-24-00088: GIVENS PROPERTY, OUTLOT 11 (AMD) (6/1/25)* – located at 2300 REMINGTON WAY, LEXINGTON, KY
Council District: 2
Project Contact: CMW

Note: The Planning Commission approved this plan on December 12, 2024. The applicant submitted a revised plan on March 31, 2025 that depicts a retail building and associated parking. The staff is referring the plan to the Commission for continued discussion in order to document consistency with previously approved plans related to the lot coverage requirements of the B-3 zone. The original final development and preliminary subdivision plan was certified with a lot coverage of 11.8%. Based on this submittal, staff can offer the following revised conditions.

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. 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.
13. Revise purpose of amendment.
14. Denote Lots 6 & 7 as preliminary.
15. Clarify square footage on Outlot 9.

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

16. Document lighting plan per Article 30 of the Zoning Ordinance.
17. Update information for Outlots 6 & 7 prior to plan certification, if necessary.

4. PLN-MJDP-25-00002: GIVENS PROPERTY, OUTLOT 6 (WENDY'S) (AMD) (4/10/25)* – located at 2341 REMINGTON DRIVE, LEXINGTON, KY
Council District: 2
Project Contact: Weaver Consultants Group

Note: The purpose of this amendment is to depict building square footage, parking circulation and spaces, and drive-through with pick-up window on Outlot #6.6

Note: The Planning Commission postponed this plan at the February 13, 2025 and March 13, 2025 meetings.

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. Clarify information for approval of Outlots 1, 5, 7, and 11.
 14. Denote review by Royal Springs Wellhead Protection Committee.
 15. Document open space per Article 20 of the Zoning Ordinance.
 16. Provide Lighting Plan per Article 30 of the Zoning Ordinance.
 17. Clarify building square footage for Outlots 9 & 11 in site statistics.
 18. Clarify building square footage for Outlot 6 across page.
 19. Clarify vehicular connection between Outlots 5 & 6.
5. PLN-MJDP-25-00017: COLUMBIANS, INC (VERSAILLES ROAD PROPERTY) (AMD) (6/1/25)* – located at 1604 VERSAILLES ROAD, LEXINGTON, KY
Council District: 11
Project Contact: Barret Partners, Inc.

Note: The purpose of this plan is to revise footprint of the 3-story apartment building and the footprint and location of the townhomes.

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.

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

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 Board of Adjustment grants variance for 15' perimeter setback.
 14. Depict north arrow for vicinity map.
 15. Depict and label vehicular use area buffer.
6. PLN-MJDP-25-00018: JAMES MOTOR CO & KATHRYN M MCBRAYER PROPERTY (AMD) (6/1/25)*
– located at 2350 LAKE PARK ROAD, LEXINGTON, KY
Council District: 5
Project Contact: EA Partners

Note: The purpose of this plan is to depict vehicle sales lot as a principal use, and reconfiguring display/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. 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 Waste Management's approval of refuse collection locations.
9. 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.
10. Depict VUA landscape buffer along New Circle Road.
11. Provide Tree Inventory Map per Article 26 of the Zoning Ordinance.
12. Provide Lighting Plan per Article 30 of the Zoning Ordinance, if necessary.
13. Denote: No building permits shall be issued unless and until a Final Development Plan is approved by the Planning Commission.
14. Resolve stormwater management.

Action – Ms. Worth made a motion, seconded by Ms. Barksdale, and carried 10-0 (Forester absent), to approve the consent agenda as presented by staff.

- 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.

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

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

2. **Preliminary Subdivision Plans** – None at this time.

3. **Development Plans**

- a. **PLN-MJDP-25-00016: PLEASANT RIDGE SUBDIVISION, LOT 127 (AMD) (6/1/25)*** – located at 2156, 2176, & 2184 LIBERTY ROAD and 766 PARADISE LANE, LEXINGTON, KY
Council District: 7
Project Contact: Vision Engineering

Note: The purpose of this plan is to depict a mixed-use senior living community with apartments, townhomes, and medical clinic.

The Subdivision Committee Recommend: **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 Lighting Plan per Article 30 of the Zoning Ordinance.
14. Remove all shading.
15. Clarify building square footage on plan face for totals in site statistics box.
16. Correct Note #18 referencing "connection to Paradise Lane prior to the time of Certificate of Occupancy of 100 dwelling units."
17. Depict parking layout under building E3, listing number of spaces being provided.
18. Discuss terminus point and improvements for Paradise Lane on adjacent property.

Staff Presentation – Ms. Gallt oriented the Commission to the development plan. She informed them that the applicant had already been to the Board of Adjustment to get approval for the proposed medical clinic and assisted living facility on the property. She pointed out that the applicant had acquired a new piece of property to accommodate the terminus of Paradise Road. Ms. Gallt stated that the Staff 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, fire service features, and gated emergency entrance.
10. Division of Waste Management's approval of refuse collection locations.

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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 Lighting Plan per Article 30 of the Zoning Ordinance.
14. Remove all shading.
15. Clarify building square footage on plan face for totals in site statistics box.
- ~~16. Correct Note #18 referencing "connection to Paradise Lane prior to the time of Certificate of Occupancy of 100 dwelling units."~~
- ~~17. Depict parking layout under building E3, listing number of spaces being provided.~~
- ~~16. Clarify number of stories and building height for Building E.~~
- ~~17. Depict bicycle racks for Buildings C & D.~~
- ~~18. Discuss terminus point and improvements for Paradise Lane on adjacent property. Resolve access from Paradise Lane cul-de-sac to the approval of Traffic Engineering.~~

Commission Questions – Mr. Michler pointed out that a gate with access to Paradise Lane had been removed on the previous iteration, and had now been placed back on the plan. He inquired about the increase in traffic on Liberty Road and its effect on Wilderness Road drivers. Ms. Wade explained that there had been new information submitted. She told the Commission that the neighbors were in favor of the gate being installed and had requested a larger buffer, which was added to the plan. She informed them that the Wilderness Road and Liberty Road intersection were planned to be made into a roundabout.

Mr. Owens asked about the new proposed terminus of Paradise Road. Ms. Gallt replied that the applicant had acquired an adjacent piece of property and planned to use it to construct a cul-de-sac. The applicant had also agreed to widen Paradise Lane from Wilderness Road to the subject property.

Applicant Presentation – Jihad Hallany, Vision Engineering was present to represent the applicant. He stated that he was in agreement to the conditions of approval.

Commission Questions – Ms. Davis asked if the proposed buffer was wider than what was required. Mr. Hallany described the buffer that would range from 15 feet to 40 feet, and the new user would be a better neighbor to the residents of Paradise Lane than the previous proposal for a multi-family apartment complex.

Action – Mr. Owens made a motion, seconded by Mr. J. Davis, and carried 9-1 (M. Davis opposed, Forester absent), to approve PLN-MJDP-25-00016: PLEASANT RIDGE SUBDIVISION, LOT 127 (AMD) as presented, but changing Condition #18 to read, "Denote terminus point (cul-de-sac) as shown on plan and improvements to Paradise Lane to a minimum of 20 feet wide."

- b. PLN-MJDP-25-00013: LEXMARK INTERNATIONAL CORPORATION (DKY5 - EXTERIOR AVI) (AMD)
(6/1/25)* – located at 1180 NEWTOWN PIKE, LEXINGTON, KY
Council District: 1
Project Contact: Progressive Companies

Note: The purpose of this amendment is to revise development to include automated vehicle inspection building and associated improvements.

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.

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

10. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
11. United States Postal Service Office's approval of kiosk locations or easement.
12. 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.
13. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.
14. Denote identifying information in vicinity map.
15. Depict correct orientation of north arrow.
16. Correct plan type "amended final development plan" in title block.
17. Depict contour intervals of two feet.
18. Depict Nandino Boulevard and Silver Springs Drive cross-section.
19. Indicate locations of cross-sections on plan-face and check spelling.
20. Denote height of proposed structure in feet.
21. Include all general notes from MNDP-24-00031.
22. Utilize standard site statistics table.
23. Provide a Tree Inventory Map and Tree Protection Plan per Article 26 of the Zoning Ordinance.
24. Provide Lighting Plan per Article 30 of the Zoning Ordinance.
25. Denote correct Commission Certification per Article 21-6(a)16 of the Zoning Ordinance.
26. Document compliance with the stormwater manual quality requirements.

Staff Presentation – Mr. Chaney oriented the Planning Commission to the development plan. He described the new structure that was proposed and listed the revised conditions. He explained that there was a discrepancy with the tree canopy that needed to be resolved with the applicant.

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. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
11. United States Postal Service Office's approval of kiosk locations or easement.
12. ~~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.~~
13. ~~Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.~~
14. ~~Denote identifying information in vicinity map.~~
15. ~~Depict correct orientation of north arrow.~~
16. ~~Correct plan type "amended final development plan" in title block.~~
17. ~~Depict contour intervals of two feet.~~
18. ~~Depict Nandino Boulevard and Silver Springs Drive cross-section.~~
19. ~~Indicate locations of cross sections on plan-face and check spelling.~~
20. ~~Denote height of proposed structure in feet.~~
21. ~~Include all general notes from MNDP 24-00031.~~
22. ~~Utilize standard site statistics table.~~
12. 23. Provide a Tree Inventory Map and Tree Protection Plan per Article 26 of the Zoning Ordinance.
13. 24. Provide Lighting Plan per Article 30 of the Zoning Ordinance.

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

- ~~25. Denote correct Commission Certification per Article 21-6(a)16 of the Zoning Ordinance.~~
14. 26. Document compliance with the stormwater manual quality requirements.

Applicant Presentation – Todd Mazurek, Progressive Companies, was present to represent the applicant. He explained that the tree canopy issue was a typo that would be corrected. He stated that he understood that there were stormwater issues that had not been taken care of previously, and he had contacted the applicant as well as the Division of Engineering so that the work would be done.

Commission Questions – Ms. Worth asked for clarification about the tree canopy and if it had been planted. Ms. Wade replied that the tree canopy was most likely close to meeting the ordinance, but it had to be documented, and more plantings may be necessary if there was a shortage. She added that there may be some trees that needed to be planted in the stormwater wetland area to meet the requirements of the Division of Engineering. Mr. Mazurek told the Commission that he would verify that all the work was done.

Ms. Davis asked how long it had been since the original plan had been filed and how long it had been since the trees had not been planted. Ms. Wade replied that it had been between 2 and 3 years.

Mr. Owens asked if the conditions of approval would make sure that the tree canopy discrepancy was rectified. Ms. Wade responded that it would be looked at and approved by the Urban Forester. Mr. Owens asked why it had not been planted if it had been signed off previously. Ms. Wade replied that the applicant had not understood that they were responsible for it, because they were only changing a small portion of the overall plan. She added that she was comfortable with the sign off of the Urban Forester.

Mr. Michler asked why there were so many signoffs listed when the plan was only adding a small structure. Ms. Wade replied that any member of the Technical Review Committee can remove themselves as a sign-off, but many, like the United States Postal Service, do not attend the meeting. She added that the USPS sign-off could be removed.

Citizen Comments – Amy Clark, 403 Kastle Road, mentioned that there seemed to be a piece of this property that had been dedicated to possibly become a park, and wondered if that was still an option. Mr. Duncan addressed the question and stated that the city had decided against using it for a park.

Action – Mr. Michler made a motion, seconded by Mr. J. Davis, and carried 10-0 (Forester absent), to approve PLN-MJDP-25-00013: LEXMARK INTERNATIONAL CORPORATION (DKY5 - EXTERIOR AVI) (AMD) with the revised conditions recommended by staff, but removing Condition #11.

- c. PLN-MJDP-25-00015: HAMBURG EAST, TRACT 4 (THE SPRINGS AT POLO CLUB) (6/1/25)* – located at 1840 LITTLE HERB WAY, LEXINGTON, KY
Council District: 12
Project Contact: Bayer & Becker, Inc.

Note: The purpose of this plan is to depict 10 multi-family buildings with 268 dwelling units, clubhouse, and parking layout.

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

The Subdivision Committee Recommended: **Postponement**, due to concerns about the proposed development.

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.

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

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. Depict location of street cross-section for Man o' War Boulevard on plan face.
14. Provided the Planning Commission finds the proposal is in compliance with the Expansion Area Master Plan.
15. Denote exactions to the approval of the Division of Planning.
16. Provided the Planning Commission grants a waiver of the Land Subdivision Regulations for appropriate termination of a public street and public street improvements along Man o' War Boulevard.
17. Denote cabinet and slide for dedication of Little Herb Way.
18. Denote cabinet and slide for dedication of drainage easement.
19. Dimension garages and maintenance building on plan face including building height on all buildings.
20. Addition of site statistics box, completing required information.
21. Depict all sidewalks to be 5' in width.
22. Addition of 5' building line setback along street frontage.
23. Depict the proposed 15' permanent access easement to the approval of The Division of Water Quality for access to drainage easement.
24. Resolve proposed wall in the 25' floodplain setback per Article 19 of the Zoning Ordinance.
25. Resolve greenway dedication per Article 23A-2(g) of the Zoning Ordinance.

Staff Presentation – Ms. Gallt oriented the Commission to the development plan. She pointed out several features including an off-site stormwater detention basin that would require a dedicated access easement. She explained that staff was recommending 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, pedestrian facilities, and bike rack locations.
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. Depict location of street cross-section for Man o' War Boulevard on plan face.~~
13. 14. Provided the Planning Commission finds the proposal is in compliance with the Expansion Area Master Plan.
14. 15. Denote exactions to the approval of the Division of Planning.
15. 16. Provided the Planning Commission grants a waiver of the Land Subdivision Regulations for appropriate termination of a public street and public street improvements along Man o' War Boulevard.
16. 17. Denote cabinet and slide for dedication of Little Herb Way.
17. 18. Denote cabinet and slide for dedication of drainage easement.

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

- ~~18, 19. Dimension garages and maintenance building on plan face including building height on all buildings. Depict location of access to greenway from property per Article 23a-2(g) of the Zoning Ordinance.~~
- ~~20. Addition of site statistics box, completing required information.~~
- ~~19, 24. Depict all sidewalks to be 5' in width.~~
- ~~22. Addition of 5' building line setback along street frontage.~~
- ~~23. Depict the proposed 15' permanent access easement to the approval of The Division of Water Quality for access to drainage easement.~~
- ~~24. Resolve proposed wall in the 25' floodplain setback per Article 19 of the Zoning Ordinance.~~
- ~~20, 25. Resolve greenway dedication per Article 23A-2(g) of the Zoning Ordinance.~~

Staff Presentation – Ms. Gallt continued the presentation, and briefly highlighted the EAMP Compliance Report. Staff found that the development plan was in compliance with the EAMP for the following reasons:

1. The use, density and proposed development meet the definition of the EAR-3 land use category of the EAMP that have been planned along Polo Club Boulevard.
2. The regional sanitary sewer pump station has been constructed and is functioning as designed, as is the regional stormwater detention areas along with Polo Club Boulevard.
3. Polo Club Boulevard serves as the collector boulevard in Expansion Area 2, and it has been constructed.

Ms. Gallt also told the Commission that staff found the development plan was not in compliance for the following reason:

1. The plan does not meet the design feature of connecting the new development to the greenway that is adjacent to the property.

The staff would recommend the following changes to the final development plan in order to ensure compliance with the Community Design Element of the EAMP:

- a. The development shall incorporate a connection between the apartments and the greenway.

Staff Presentation – Ms. Gallt explained the two waiver requests regarding the terminus to Little Herb Way, Man o War Boulevard sidewalks, and sidewalk connection to Man O War Boulevard. She explained the following staff recommendations:

The Staff Recommends: **Approval of the requested waiver to Article 6-8(f) for Little Herb Way termination and 6-8(n) for Man o War Boulevard sidewalks** for the following reasons:

1. Granting the requested waivers for the termination of Little Herb Way and sidewalks along Man o War Boulevard will not adversely affect public health, safety, and welfare in compliance with the intent of the Land Subdivision Regulations. The access and circulation within the area in front of the clubhouse are adequate to serve the needs of the site and adjoining land uses.
2. Granting the waiver is consistent with the intent of Article 1-5(a) of the Land Subdivision Regulations for Exceptional Hardship due to the topographical and manmade physical conditions on the site.
3. Granting the waiver is consistent with the intent of Article 1-5(b) of the Land Subdivision Regulations related to Design Innovation and Large-scale Development because the development is a portion of the remaining property where many of the improvements have already been made and support the continuation of the proposed development.

Conditions of Approval:

- a. To define the entrance into the apartment complex and to delineate the end of Little Herb Way right-of-way, there shall be two-foot wide concrete band installed across the roadway.

The Staff Recommends: **Disapproval of the requested waiver to Article 6-8(n) for a sidewalk connecting** for the following reasons:

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

1. Granting the requested waiver for the removal of sidewalk connections along the emergency access will not promote public health, safety, and welfare and in compliance with the intent of the Land Subdivision Regulations. The lack of pedestrian access will not accommodate the connection to Man o War Boulevard and the future greenway trail.
2. The applicant is required to provide a second access point to the property for emergency access, and the pedestrian access should be a part of the improvements to the property with a sidewalk along the access drive.

Commission Questions - Mr. Michler addressed the 5-foot sidewalk requirement, and while he understood the requirement along vehicle use area, he opined that the other internal sidewalks could be smaller. Ms. Gallt replied that it was a requirement for development to allow for more access rather than safety.

Ms. Worth suggested that larger sidewalks would be helpful for walking families and groups.

Mr. J. Davis asked if this 5-foot requirement was for multi-family development only. Ms. Gallt replied that it was for all new development. She added that the current application depicted parking spots without tire stops, so the 6-foot sidewalks allowed for vehicle overhang.

Ms. Davis agreed with staff that there should be a sidewalk connection along the emergency access.

Mr. Michler stated concerns about over-parking, and Ms. Gallt reminded him that there were no parking requirements.

Applicant Representation – Lexi Goetsch, Continental Properties, was present to represent the applicant. She told the Planning Commission that they requested the proposed trail plans so they could add the access to the greenway in a convenient location to the trail. She added that they had denoted these intentions on the development plan. She addressed the 3 ½ foot sidewalks on the plan. She stated that they were amenable to changing the interior sidewalks to 5 feet, but there were significant topographical challenges in some areas and hoped to receive some relief from the requirement. She stated that they were in discussions with the bicycle/pedestrian planner to make sure the sidewalks were all satisfactory. Ms. Goetsch stated that the company standard for parking at 1.7 spaces per unit for residents and guests.

Commission Questions – Mr. Michler suggested that if the plan was passed as is, requiring all sidewalks to be 5 feet, there would be no room to negotiate the sidewalk width. Ms. Wade confirmed that there was a specific requirement in the development plan for 5-foot sidewalks, and if the plan was passed, the applicant would have to comply. Ms. Goetsch asked the Planning Commission to change Condition #19 to denote sidewalks to be approved by the bicycle/pedestrian planner. Commission members discussed the sidewalks in question.

Mr. Michler stated that he was hesitant to approve this plan because there was a large amount of surface parking, and the greenway is fenced off.

Mr. Z. Davis asked Ms. Goetsch to describe the proposed fence. She replied that there would be a metal decorative fence that would be 3 ½ feet tall, and retaining walls of varying heights. She stated that some of the fences would be placed for resident safety because of steep drop-offs in the back of the property.

Action – Mr. Wilson made a motion, seconded by Mr. Nicol, to approve PLN-MJDP-25-00015: HAMBURG EAST, TRACT 4 (THE SPRINGS AT POLO CLUB) with the revised conditions presented by staff.

Commission Discussion – Mr. Wilson stated that he wanted to leave the 5-foot sidewalk requirement to make sure the units were all accessible.

Ms. Davis stated that she was concerned about the lack of connectivity to the greenway. Ms. Goetsch said that the greenway was in the FEMA floodplain and there was topographic challenges which complicated the access.

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Mr. Michler opined that, moving forward, the Planning Commission needed to be more diligent to discourage the amount of parking that is depicted on this plan.

Mr. Nicol stated that it should be their goal to add as many dwelling units as possible, and adding parking structures would make this type of housing unaffordable. He felt that there was no way the applicant could work on their connectivity to the greenway until they received the plans for it.

Mr. Z. Davis pointed out that there appeared to be some 6-foot sidewalks, and asked if they needed to change the condition addressing the sidewalks. Ms. Wade replied that it should be a minimum of 5 feet.

Mr. Z. Davis asked Mr. Wilson if he was amenable to amend the motion to change the sidewalk condition to read a minimum of 5 feet. Mr. Wilson and Mr. Nicol both agreed.

Ms. Worth agreed with Mr. Michler that they need to move forward with even better developments with better parking lots.

Action – The motion carried 9-1 (M. Davis opposed, Michler abstained, and Forester absent).

Action – Mr. Wilson made a motion, seconded by Mr. Nicol, and carried 10-0 (M. Davis abstained and Forester absent) to accept the EAMP Compliance Report as presented by staff.

Action – Mr. Wilson made a motion, seconded by Mr. Nicol, and carried 10-0 (M. Davis abstained and Forester absent) to approve the requested waiver to Article 6-8(f) for Little Herb Way termination and 6-8(n) for Man o War Boulevard sidewalks.

Action – Mr. Wilson made a motion, seconded by Mr. Nicol, and carried 10-0 (Forester absent) to approve staff's recommendation of disapproval for the requested waiver to Article 6-8(n) for a sidewalk connection for the reasons provided by staff.

- d. PLN-MJDP-24-00010: DISTILLERY DISTRICT- WEST UNIT 1 (AMD) (4/10/25)* - 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 then posting of a sign and an affidavit of such.

Note: The Planning Commission indefinitely postponed this item at the May 9, 2024 meeting. The applicant requested reactivation by letter on December 30, 2024. The Planning Commission postponed this plan at the January 16, 2025 meeting, continued it at the February 13, 2025 meeting, and postponed it at the March 13, 2025 meeting.

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.

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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. Clarify proposed retail use in new building.
17. Provided a Special Uses Permit is granted by the Floodplain Appeals Committee for activity within the Flood plain.
18. Denote conditions and requirements of Floodplain Appeals Committee, if approved.
19. Discuss outdoor storage restrictions of Article 19 of the Zoning Ordinance.
20. Discuss proposed compliance with new construction requirements of Article 19 of the Zoning Ordinance.

Staff Presentation – Mr. Chaney re-oriented the Commission to the development plan. He briefly reiterated the development to the Commission. He stated that while the applicant had not submitted a revised plan, they had informed staff that the applicant had agreed to store trailers off site. Mr. Chaney reminded the Planning Commission that the reason for the continuance was the concern about vehicle and equipment storage in the floodplain. He noted the revised conditions that were previously presented to the Planning Commission.

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. Clarify proposed retail use in new building.
17. ~~Provided a Special Uses Permit is granted by the Floodplain Appeals Committee for activity within the Flood plain. Edit Note #16 to the approval of the Division of Engineering.~~
18. ~~Denote conditions and requirements of Floodplain Appeals Committee, if approved.~~
19. Discuss outdoor storage restrictions of Article 19 of the Zoning Ordinance.
20. Discuss proposed compliance with new construction requirements of Article 19 of the Zoning Ordinance.

Commission Questions – Ms. M. Davis asked for clarification of the location of the floodplain and floodway in respect to the area of requested asphalt paving, and what was allowable. Ms. Wade replied that there were some improvements that were allowed to be made in the floodway. A surface parking lot can be allowed if there is no grading. She noted that there had already been paved parking approved for this property, but they were now asking for a new structure that would require approval of the Floodplain

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Appeals Committee. She reiterated that the main concern of staff was the storage of equipment in the floodplain.

Ms. M. Davis asked about measures to protect Town Branch from run-off of the parking lot. Ms. Wade stated that there are water quality and water quantity measures that are required by the Engineering Manual. She deferred to the applicant for more information.

Mr. Owens requested clarification of the difference of the floodplain and floodway. Ms. Wade defined them for the Commission. She reiterated that nothing was allowed in the floodplain or floodway, unless it was approved by the Floodplain Appeals Committee.

Mr. Michler stated that the applicant was already storing equipment on the property and asked how it would be enforced moving forward, if the plan was approved. Ms. Wade replied that the enforcement of Article 19 was on hold while the applicant was working on a development plan. She felt that it would be difficult to inspect the property every day to make sure the equipment was being moved off-site, but there was a path forward for the structure and retail aspect of the project. Mr. Michler stated that if they were truly planning on operating as an equipment rental pick up and drop off area, there would not be a need for several large parking spots for the equipment. He opined that the plan does not match the business model.

Continued Staff Comments – Mr. Filiatreau, Division of Traffic Engineering, reminded the Planning Commission that the plan did not include the installation of sidewalks, but they were required. Ms. Wade added that the bicycle/pedestrian planner would make sure that was done with his sign-off.

Applicant Presentation – Jihad Hallany, Vision Engineering, was present to represent the applicant. He told the Planning Commission that there was gravel parking which was considered impervious surface. He described the process that they would undergo that included constructing the building up above the floodplain, go through the Conditional Letter of Map Revision (CLOMR) process, get approval from the Floodplain Appeals Committee, and applying for a special use permit from the Division of Engineering. He reiterated that they would only have trailers delivered to the property when one was needed. He said that it has been a parking lot for a long time and there are cars that park overnight. He said that he planned to present a report to the Floodplain Appeals Committee that would show that the heavy trucks would not float in a flooding event.

Commission Questions – Ms. M. Davis asked if the property owner was aware of the concern of overnight storage. Mr. Hallany stated that the owner was aware of the concern and had agreed to not keep the lightweight trailers on-site.

Ms. Davis asked why there was so much parking needed, and what water quality controls they planned to use. Mr. Hallany replied that they planned to use prefabricated water quality devices that were approved by the Stormwater Manuals. He said that storm events could happen any time, so they were unsure why the overnight parking was an issue. He reiterated that they required approval by the Planning Commission to move forward to the next steps. He said most of the parking spots were to be shared by the rest of the development. There was some discussion about moving the drive aisles further from the creek and Mr. Hallany agreed to do so as well as planting more trees there. Ms. Davis felt that there was too much parking. Ms. Wade interjected that this area is already in use for parking by the entire development.

Mr. Nicol suggested that, since the plan was recommended for approval, the concession to move the drive-aisle was unnecessary. Mr. Hallany said that he agreed, but wanted to do what was necessary to move the project forward.

Mr. Hallany added that they had submitted a drainage study to the Division of Engineering, and Engineering felt comfortable to move the plan to the next step. He reiterated that they still had a long process ahead of them to get the project completed.

Mr. Penn appreciated that the applicant had moved the trailers from the site.

Citizen Comments – Zina Merkin, Town Branch Trail Inc., was concerned about the amount of fill that would be used on the site. She displayed some photos of the site.

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

Amy Clark, 628 Kastle Road, passed a handout to the Commission. She asked the Commission to disapprove the plan. She felt that the plan did not serve the public, and that the CLOMR should be completed before the development plan.

Applicant Rebuttal – Mr. Hallany clarified that there would be nothing raised on the property, other than the building, which would have a retaining wall. He also stated that parking here had been approved in other plans.

Ms. M. Davis asked if the applicant had planned to add a sidewalk on Manchester Street, and Mr. Hallany replied that it would be added.

Ms. Worth asked if the plan had to be approved before the Division of Engineering would sign off on a request for a CLOMR. Ms. Wade agreed that the Division of Engineering did handle the requests this way and explained their process in some detail.

Action – Mr. Nicol made a motion, seconded by Mr. Wilson, to approve PLN-MJDP-24-00010: DISTILLERY DISTRICT- WEST UNIT 1 (AMD) with the revised conditions recommended by staff, and noting that the plan would still need several other approvals regarding the floodway issue.

Commission Discussion – Mr. Michler stated that the plan clearly depicted a business that planned to store equipment in the floodway.

Mr. Owens stated that he was also concerned with the storage of equipment.

The motion failed by a vote of 3-7 (M. Davis, Owens, J. Davis, Michler, Worth, and Penn opposed; Z. Davis abstained, Forester absent).

Note – Vice Chair Davis called for a 10-minute recess at this time (3:34 p.m.).

Commission Comments – Mr. Owens stated that he had previously recommended a continuance of this plan to give the applicant a chance to revise the plan, which had not happened.

Action – Mr. Owens made a motion, seconded by Ms. M. Davis, and carried 8-2 (Barksdale and Nicol opposed, Z. Davis abstained, and Forester absent) to disapprove PLN-MJDP-24-00010: DISTILLERY DISTRICT- WEST UNIT 1 (AMD) for the following reasons:

- a. The plan facilitates the use, outdoor storage of equipment and vehicles in the floodplain, which is prohibited by Article 19 of the Zoning Ordinance.
- b. The proposed level of development presents a threat to the public health, safety, and welfare due to its location in a FEMA floodway and floodplain.
- c. Further intensification of development of this site increases the risk of damage to property, which outweighs the benefits in this case.

VI. ZONING ITEMS – The Zoning Committee met on April 3, 2024, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Larry Forester, Zach Davis, William Wilson, Robin Michler, Molly Davis, Bruce Nicol, and Johnathon Davis. Staff members present were Traci Wade, Daniel Crum, Jeremy Young, Chris Chaney, Chris Taylor, and Bill Sheehy; as well as Tracy Jones, and Will Rasor, Department of Law.

A. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

- 1. PLN-ZOTA-25-00001: MINISTERIAL REVIEW OF DEVELOPMENT PLANS** – an amendment to Articles 1, 6, 9, 11, 12, 15, 16, 18, 21, 23, and 28 to update the Development Plan review process, and create objective standards for plan review.

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INITIATED BY: URBAN COUNTY PLANNING COMMISSION

PROPOSED TEXT: Copies are available from the staff.

Note: The Planning Commission held a public hearing on March 27, 2025 and continued this item at that time.

The Zoning Committee Recommended: **Postponement.**

The Staff Recommends: **Approval of the Staff Alternative Text**, for the following reasons:

1. The proposed text amendment makes the necessary change to existing Zoning Ordinance provisions to allow them to be administered ministerially, in line with the requirements of House Bill 443.
2. The proposed language provides for pathways for review and consideration by the Planning Commission in instances where a development plan cannot meet the objective criteria, or if the proposal would result in a threat to the public health, safety, or welfare.

Commission Question – Vice Chair Davis asked Ms. Jones what the parameters were regarding this continuance, and Ms. Jones replied that Chair Forester did not close the public comment portion of the hearing on March 27th, so the Commission could hear additional comment. She suggested that the comments be limited to new information.

Staff Presentation – Mr. Crum presented the Commission with the newly revised text. He briefly described the edits to the ZOTA that had been made since the last hearing. They included several clarity edits, and changes in the sections describing drive-through standards, private streets, and the waiver process. He also stated that when the concept of “health, safety, and welfare” was mentioned, the word welfare had been unintentionally omitted, but that it would be added back into the text.

Commission Questions – Ms. Davis asked if the heading of Page 41 should read “Article 23b” rather than “Appendix 23b.” Mr. Duncan stated that there was some nuance to this and requested that Ms. Wade explain. Ms. Wade stated that Article 23 had 3 appendices, and this was one of them.

Mr. Michler asked about the impact of removing discretion for private streets, specifically regarding the addition of gates. Mr. Crum replied that the provision could be modified, and would get back with the Commission regarding the correct language.

Mr. Michler asked why the appeals process had been removed. Ms. Jones explained that the process was not an appeal of a Planning Commission action, but rather a process that included the Technical Review Committee and Subdivision Committee reviewing a plan and making recommendations to the applicant. The Committees are an opportunity for the applicant to revise their plan, not appeal the previous committee’s decision. This current process will not be in agreement with KRS, which has an existing mechanism to address such an appeal.

Mr. Michler shared his concern about the public input and Planning Commission being removed from the process. He inquired if the hearings should continue until there was another path for the Planning Commission and the public to inform Staff of health, safety, and welfare concerns. Mr. Crum replied that the public would be able to share their concerns with Staff anytime from the filing of the plan to the Technical Review Committee. He added that internal staff engagement with the public would be important so that specific threats to public health, safety, and welfare could be identified by staff.

Citizen Comments – Patty Draus, 608 Allen Court, spoke on behalf of the Joyland Neighborhood Association Board. She submitted suggestions regarding the conditional use of mining, minimum design standards, energy efficiency, and more vigorous neighborhood notification.

Attorney Nick Nicholson briefly described his submitted suggestions. He said that his suggestion was a smaller version of staff’s alternative language. He said that there are too many standards that need to be more closely scrutinized in a future ZOTA because they will cause confusion.

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Attorney Dick Murphy said that he appreciated the changes that staff has made to the ZOTA, but felt that some issues such as drive-throughs needed more time and scrutiny. He asked the Commission to consider Mr. Nicholson's shorter version of the text amendment.

Amy Clark, 628 Kastle Road, stated that she was disappointed with how the ZOTA had evolved. She felt that not all stakeholders had been consulted. She was concerned about the Technical Review Committee not being well defined or members being appointed. She said that it was inconceivable that there would be no appeals process.

Note - At this time, Vice Chair Davis closed the public comment portion of the hearing.

Commission Comments – Mr. Michler asked staff to address some of the citizen comments, particularly regarding the change in a sidewalk width as discussed in a development plan earlier. Mr. Crum replied that the current system allows for discussion regarding a context sensitive situation like the sidewalk, but the new system will require specific standards to be codified.

Mr. Michler asked about the proposed changes made to the commercial entrance access standards. Mr. Filiatreau said that they have already been requesting commercial accesses to be aligned with existing access across the street.

Ms. Worth asked Mr. Filiatreau to address a citizen comment suggesting a distance requirement for direct access to be at least 200 feet from an arterial roadway to a collector street in the B-5P zone. Mr. Filiatreau stated that they do try to keep the driveways far away from the arterial roadway, but sometimes the side street isn't long enough for such a requirement.

Ms. Davis asked for clarification regarding the current notification area and the possibility of expanding it. Mr. Crum briefly described the requirements for zone change notification and the proposal for waiver notification. He added that there is no current requirement for development plan notification.

Ms. Davis asked what the Commission typically did with the citizen comments that they had received. Mr. Nicol replied that it was now their job to use all of the information that they had received from all the stakeholders, including citizen comments, and come to a decision. He felt that the Planning Commission would be able to initiate new ZOTAs in the future to address any issues that came up if this ZOTA moved forward.

Ms. Davis suggested that the citizen comments that had been received be shared with the Council.

Mr. Owens asked Mr. Nicol if he believed that citizens were considered stakeholders. Mr. Nicol stated that the property owners, nearby property owners, and the Comprehensive Plan are the stakeholders that he was referring to previously.

Mr. Penn stated that he has struggled with this decision, and did not believe that eliminating public comments was the intention of the Kentucky House, Senate, or Governor.

Action – Mr. Penn made a motion, seconded by Ms. Davis, to approve the staff alternative text of **PLN-ZOTA-25-00001: MINISTERIAL REVIEW OF DEVELOPMENT PLANS** with a Council approval of opportunities for public citizen comments of subdivision and development plans.

Commission Discussion – Mr. Wilson and Mr. Owens made comments in support of the motion.

Mr. Michler was in support of the motion, but was unsure how the process would work if the hearing was removed, but the public comment remained.

Mr. Penn said that there were ministerial hearings for cell towers and public facilities that allowed public comment. He suggested the Council decide how the citizen comments should be handled similarly.

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Motion Amendment - Mr. Michler made a motion, seconded by Ms. Worth, to amend the motion to include the word "welfare" in all the instances where "public health and safety" were mentioned. He also requested to amend the motion to include no gates to be allowed on private streets. Mr. Penn agreed to those amendments.

Ms. Davis recommended that the area of notification be increased to 800 feet. There was discussion among the Commission and Ms. Jones about what the exact amendment would be regarding the area of notification. Ms. Jones clarified that the only notification being suggested now was when an applicant seeks a waiver. Mr. Penn stated that he did not want to add that amendment to his motion.

Ms. Barksdale interjected that there were too many things being added to the motion, and the most important part included a request to the Council for inclusion of some type of public comment. Several Commission members agreed.

There was discussion among the Commission and Mr. Duncan to make sure that everyone knew what the motion was exactly. Mr. Duncan understood the motion to mean that the Planning Commission was putting the Council on notice that the Commission is very interested in the public comment issue, and wished for them to put it in the final legislation. Ms. Jones told the Planning Commission that there would be a separate statement to the Council regarding public comment, but not an actual change to the document.

Mr. Duncan stated that the Commission has made a clear statement regarding the need for public comment. He committed that staff would communicate this statement to the Council. He described how and when the information would be sent to the Council. More discussion about the motion took place.

Action – The Planning Commission carried the motion made by Mr. Michler 9-1 (Nicol opposed, Forester absent), to amend the original motion to include the word "welfare" in the instances where "public health and safety" were mentioned, and to include no gates allowed when private streets were being granted.

Mr. Michler stated that he was against the original motion because, while he agreed with the sentiment to allow public comment, it was not in the actual text.

Mr. Duncan reminded the Planning Commission that the ZOTA was not taking away public comment, but the state legislature did.

Ms. Jones re-read House Bill 443 and reminded the Commission that they were doing what was asked of them - codifying objective standards. She added that there was no intent of the staff or Planning Commission to eliminate public comment.

Mr. Penn agreed and stated that was why he worded his motion the way he did, and that it would be up to the Council to decide how and if public comment should happen.

Ms. Barksdale asked if this meant that there should be no public comment at all or that public comment cannot be the basis for approval or disapproval. She suggested a meeting of discovery to see if citizens had comments that could relate to health, safety, and welfare. Ms. Jones feared that it could become subjective, and the decisions could be overturned.

Mr. Wilson called for the previous question.

Action – The Planning Commission voted 8-2 (Nicol and Michler opposed, Forester absent) to approve the staff alternative text of **PLN-ZOTA-25-00001: MINISTERIAL REVIEW OF DEVELOPMENT PLANS** with a Council approval of opportunity for public citizen comments of subdivision and development plans.

VII. COMMISSION ITEMS

Mr. Duncan thanked the Commission for their work, and reminded them of the upcoming work session.

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IX. ADJOURNMENT – Vice-Chair Davis adjourned the meeting at 5:18 p.m.



Larry Forester



Robin Michler

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