

Minutes
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS

November 12, 2009

- I. **CALL TO ORDER** - The meeting was called to order at 1:32 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.

Planning Commission Members Present – Frank Penn; Ed Holmes; Mike Owens; Mike Cravens; Patrick Brewer, Joan Whitman; Carolyn Richardson; Derek Paulsen; Lynn Roche-Phillips and William Wilson. Marie Copeland was absent.

Planning Staff Present – Chris King, Director; Bill Sallee, Barbara Rackers, Tom Martin, Cheryl Gallt, Chris Taylor, Denice Bullock, Jimmy Emmons, Kenzie Gleason, Jim Duncan, Sharon Buford, Janice Westlund and Pam Whitaker. Other staff members in attendance were: Hillard Newman, Division of Engineering; Bob Carpenter, Division of Building Inspection; Rochelle Boland, Department of Law; Captain Charles Bowen and Firefighter Allen Case, Division of Fire & Emergency Services; Tim Queary, Division of Streets, Roads and Forestry, Paul Hockensmith and Peter Bourne, Addressing Office and Jeff Neal, Traffic Engineering.

- II. **APPROVAL OF MINUTES** – A motion was made by Mr. Owens, seconded by Mr. Cravens and carried 10-0 (Copeland absent) to approve the minutes of September 10, 2009, and September 24, 2009.

- III. **POSTPONEMENTS OR WITHDRAWALS** – Requests for postponement and withdrawal will be considered at this time.

- a. **DP 2009-81: LEDERER PROPERTY (GCL PROPERTIES)** (1/26/10)* - located at 312 N. Limestone and 135 – 139 E. Third Street. (Council District 1) **(Wheat and Ladenburger)**

Representation – Rena Wiseman, attorney, was present representing the applicant, and requested postponement of DP 2009-81 to the November 19, 2009, Planning Commission meeting.

Audience Comment – Chairman Penn asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Cravens, seconded by Mr. Owens, and carried 10-0 (Copeland absent) to postpone DP 2009-81 to the November 19, 2009, Planning Commission meeting.

- b. **DP 2009-27: RAMSEY/SULLIVAN PROPERTY (AMD)** (12/20/09)* - located at 2663 and 2671 Kearney Ridge Boulevard. (Council District 12) **(Barrett Partners)**

Representation – Tony Barrett, Barrett Partners, was present representing the applicant, and requested postponement of DP 2009-27 to the December 10, 2009, Planning Commission meeting.

Audience Comment – Chairman Penn asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Owens, seconded by Mr. Cravens, and carried 10-0 (Copeland absent) to postpone DP 2009-27 to the December 10, 2009, Planning Commission meeting.

- c. **PLAN 2009-74F: HAROLD R. BLACK PROPERTY (AMD)** (11/12/09)* - located at 3521 & 3589 Combs Ferry Road. (Council District 12) **(Wes Witt)**

Staff Comments - Mr. Martin said that the staff had received written communication from the applicant, requesting indefinite postponement of PLAN 2009-74F.

Audience Comment – Chairman Penn asked if anyone in the audience wished to discuss this request for indefinite postponement. There was no response.

Action - A motion was made by Mr. Owens, seconded by Mr. Brewer, and carried 10-0 (Copeland absent) to indefinitely postpone PLAN 2009-74F.

- d. **DP 2009-60: MILLER BIRD COMMERCIAL PARK SUBDIVISION, BLOCK A, UNIT 1, LOTS 1-6 (CURRY SHOES) (AMD)** (11/12/09)* - located at 2555 Nicholasville Road. (Council District 10) **(The Roberts Group)**

Staff Comments - Mr. Martin said that the staff had received written communication from the applicant, requesting that DP 2009-60 be withdrawn.

Audience Comment – Chairman Penn asked if anyone in the audience wished to discuss this request for withdrawal of this item. There was no response.

* - Denotes date by which Commission must either approve or disapprove plan.

Action - A motion was made by Mr. Cravens, seconded by Ms. Richardson, and carried 10-0 (Copeland absent) to accept withdrawal of DP 2009-60.

IV. LAND SUBDIVISION ITEMS - The Subdivision Committee met on Thursday, November 5, 2009, at 8:30 a.m. The meeting was attended by Commission members: Derek Paulsen, Mike Owens, Mike Cravens and Carolyn Richardson. Committee members in attendance were: Hillard Newman, Division of Engineering; and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Bill Saltee, Chris Taylor, Tom Martin, Denise Bullock, Barbara Rackers, Cheryl Gallt, Jimmy Emmons, Traci Wade and Kenzie Gleason, as well as Captain Charles Bowen and Firefighter Allen Case, Division of Fire & Emergency Services; Paul Hockensmith, Addressing Office; Tim Queary, Division of Streets, Roads and Forestry; and Bob Carpenter, Division of Building Inspection. 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. CONSENT AGENDA - 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 is in agreement with the Subdivision Committee recommendation and the 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.

- Requests can be made to remove items from the Consent Agenda:**
- (1) due to prior postponements and withdrawals,
 - (2) from the Planning Commission,
 - (3) from the audience, and
 - (4) from Petitioners and their representatives.

At this time, Chairman Penn requested that the Consent Agenda items be reviewed. Mr. Saltee identified the following items appearing on the Consent Agenda, and oriented the Commission to the location of these items on their regular Meeting Agenda. He noted that the Subdivision Committee had recommended conditional approval of most of these items. (A copy of the Consent Agenda is attached as an appendix to these minutes).

1. **PLAN 2009-106P: MAHAN PROPERTY (A PORTION OF) (AMD) (12/10/09)*** - located at 4127 Victoria Way (a portion of).
(Council District 9) **(EA Partners)**

Note: The Planning Commission postponed this plan at its October 8, 2009, meeting. The purpose of this amendment is to increase the number of single family lots and revise the street system.

The Subdivision Committee Recommends: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and required street tree information.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection plan.
 6. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Denote construction access.
 8. Addition of purpose of amendment note.
 9. Addition of adjoining property information.
 10. Denote: A second collector street shall be constructed and dedicated with, or prior to, the recordation of any new single family lots.
 11. A consolidation plat must be certified and recorded prior to certification of this plan.
 12. Greenspace Planner's approval of the treatment of greenways and greenspace.
2. **PLAN 2009-118P: BRIGHTON EAST TOWNHOMES (AMD #2) (1/7/10)*** - located at 3393 Sanibel Drive.
(Council District 6) **(EA Partners)**

Note: The purpose of this amendment is to revise the lotting scheme and create 12 single family lots.

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.

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4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree preservation plan.
 6. Denote the storm water detention location.
 7. Denote the acreage of right-of-way and average lot size in site statistics.
 8. Revise purpose of amendment note.
 9. Denote: Lots 1 and 12 shall not have access to Kavanaugh Lane.
 10. Resolve utility easement and tree preservation area conflict.
3. PLAN 2009-120F: COVE LAKE SUBDIVISION, UNIT 2, BLOCK F, LOT 12 (AMD) (1/7/10)* - located at 3344 and 3346 Cove Lake Drive. (Council District 7) **(EA Partners)**

Note: The purpose of this amendment is to subdivide Lot 12 into two townhome lots.

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and required street tree information.
 4. Addressing Office's approval of street names and addresses.
 5. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
 6. Addition of 1' sidewalk easement from previous plan.
 7. Delete note #7.
 8. Denote: Firewall separation to meet Building Inspection approval.
4. PLAN 2009-121F: CHARLOTTE COURT (THE ARBORS), UNIT 2, LOT 90 (AMD) (1/7/10)* - located at 537 Douglas Avenue. (Council District 2) **(Midwest Engineers)**

Note: The purpose of this amendment is to subdivide Lot 90 into two lots.

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and required street tree information.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection areas.
 6. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
 7. Addition of minimum finished floor elevation.
 8. Addition of survey notes (monumentation, etc.).
 9. Addition of private utilities per Article 5-4(e) of the Land Subdivision Regulations.
 10. Addition of notes #11 and #4 from previous plat.
 11. Delete note #4.
5. PLAN 2008-158F: BLUEGRASS BUSINESS PARK (PEMBERTON FARM), LOTS 3-A & 3-B (AMD) (1/28/10)* - located at 2570 Spurr Road and 2201 Jaggie Fox Way. (Council District 2) **(EA Partners)**

Note: The Planning Commission originally approved this plan on December 11, 2008, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection areas.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
8. Denote: This property shall be developed in accordance with the approved final development plan.
9. Addition of notes from previous plats, including revising note number 3.
10. Addition of access easement to lot 3A.
11. Correct access purpose and label appropriately.

Note: The applicant now requests a one-year extension.

The Staff Recommends: Approval of a one-year extension, subject to the previous conditions.

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Mr. Sallee noted that DP 2009-60 (appearing on the Consent Agenda) was withdrawn by the applicant.

6. DP 2009-69: RICHARDSON PROPERTY (AMD) (1/7/10)* - located at 150 and 300 Chilesburg Road.
(Council District 2) **(Sherman/Carter/Barnhart)**

Note: The purpose of this amendment is to revise the layout of the townhouses and the parking to a net increase of 7 units.

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Addition of typical parking spaces, drive aisles, and building dimensions.
7. Correct Planning Commission certification note.
8. Verify exaction information to the approval of the Division of Planning.
9. Remove building envelope from easements.
10. Resolve orientation of "proposed" townhomes (along Hannah Todd Place).

7. DP 2009-72: CHEVY CHASE SUBDIVISION, UNIT 19, LOT 7 (1/7/10)* - located at 310 Romany Road.
(Council District 5) **(EA Partners)**

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Addition of dimensions for buildings and open space.
7. Addition of building heights.
8. Addition of storm drainage and detention information.
9. Addition of easement information.
10. Revise side yard labeling and lines (8' adjacent to R-1C zone) per Article 15-2(b)(6) of the Zoning Ordinance.
11. Denote: Courtyard areas/building connections as breezeways for sewer easements.

8. DP 2009-73: WATTS FARM, UNIT 3-B (AMD.) (1/7/10)* - located at Redding Road & 3604 Walden Drive.
(Council District 4) **(CMW)**

Note: The purpose of this amendment is to depict the building expansion and to revise the required parking.

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Denote area of amendment.
7. Complete property boundary information (per plat).
8. Revise site statistics to depict building expansion and correct building square footage.
9. Provided the Board of Adjustment approves the accessory parking on an adjacent lot in the P-1 zone, or a consolidation plat is certified and recorded.

9. DP 2009-74: GENERAL TELEPHONE COMPANY OF KENTUCKY, LOT 2 (AMD) (1/7/10)* - located at 3695 Nicholasville Road. (Council District 9) **(Barrett Partners)**

Note: The purpose of this amendment is to revise the development, and to increase the buildable area by 2,600 sq. ft.

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire's approval of emergency access and fire hydrant locations.
8. Division of Waste Management's approval of refuse collection.
9. Demonstrate compliance with minimum interior landscaping requirements.

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10. Remove access point and parking adjacent to Mall Access Road, and provide zone-to-zone screening.

In conclusion, Mr. Sallee said that the items listed on the Consent Agenda could be considered for conditional approval at this time by the Commission, unless there was a request for an item to be removed from consideration.

Planning Commission Comment – Chairman Penn asked if anyone in the audience or on the Commission wished to discuss any of the items listed on the Consent Agenda. There was no response. Mr. Penn noted that DP 2009-60, appearing on the Consent Agenda, was previously withdrawn by the applicant.

Action - A motion was made by Mr. Brewer, seconded by Mr. Owens, and carried 10-0 (Copeland absent) to approve the remaining items listed on the Consent Agenda.

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

The procedure for consideration of these remaining plans is as follows:

- Staff Report(s)
- Petitioner's Report(s)
- Citizen Comments – (a) in support of the request, and (b) in opposition to the request
- Rebuttal – (a) petitioner's comments, (b) citizen comments, and (c) staff comments
- Commission discusses and/or votes on the plan

1. PRELIMINARY SUBDIVISION PLANS

- a. **PLAN 2009-119P: COLDSTREAM RESEARCH CAMPUS, UNIT 6 (EASTERN STATE HOSP.) (1/7/10)*** - located on Citation Boulevard. (Council District 2) **(Strand Associates)**

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Department of Environmental Quality's approval of environmentally sensitive areas.
6. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Greenspace Planner's approval of the treatment of greenways and greenspace.
8. Provided the Planning Commission grants a waiver to Article 6-8(b) of the Land Subdivision Regulations.
9. Denote: This plan supersedes PLAN 99-66P: COLDSTREAM RESEARCH CAMPUS, UNIT 6.
10. Denote: This property is located in the Royal Spring Aquifer Wellhead Protection Area, and Best Management Practices for water quality shall be utilized.

Staff Presentation – Mr. Martin directed the Commission's attention to a rendering of the preliminary subdivision plan submitted for the property located on Citation Boulevard. He oriented the Commission to the surrounding street system, and noted that the subject property is located within the Coldstream Research Campus. He said that the subject property is west of Newtown Pike, south of I-75 and I-64 and north of New Circle Road. Mr. Martin stated that the proposal for the subject site consists of developing the southernmost portion of the property for Eastern State Hospital, and to provide the street extension of Bull Lea Road that will cross Cane Run Creek and connect with Citation Boulevard. He noted that Cane Run Creek is associated with the nearby FEMA floodplain area, as depicted on the plan.

Mr. Martin then stated that the staff had previously distributed the staff's waiver report for PLAN 2009-119P to the Commission, and said that this waiver request applies to the Bull Lea Road extension. He said that under the Land Subdivision Regulations, Article 6-8(a)(b) & (f) is specific to street continuity and that the proper terminus of a street is required, such as a cul-de-sac. He then said that Bull Lea Road extends approximately 1,238 linear feet and it will terminate at the hospital's property line, which is well within the 100-year floodplain area that is associated with Cane Run Creek. He said that the applicant is proposing a turnaround on Bull Lea Road that will be approximately 300 linear feet south of Citation Boulevard, as well as providing a future access into the adjacent lots off this intersection that will extend to the eastern and western portions of the property. Mr. Martin said that, in reviewing the proposed preliminary subdivision plan, the applicant has added an additional detail that denotes how this turnaround would function; and they have also stated they will be proposing additional signage to help incoming motorists drive around in this area. He then said that since Bull Lea Road will be the only access road into the Eastern State property, the applicant is proposing to make the cross-section somewhat larger than for a normal local street to allow more room for the emergency vehicles to maneuver throughout this area.

Mr. Martin stated that the staff had spoken with Traffic Engineering, Solid Waste and the Fire Department, and everyone is in agreement that the proposed alternative design would adequately provide public services and public safety. With that being said, the staff is recommending approval of the requested waiver, for the following reasons:

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1. The proposed street design allows for the provision of all public services, including those necessary for public health and safety.
2. Not granting the waiver would constitute a hardship for the applicant by increasing the costs of the street construction associated with the FEMA floodplain and complicating the applicant's efforts to maintain a secure and safe campus environment for Eastern State Hospital.
3. This street will have two opportunities for vehicular turnarounds, which is a design innovation for a large-scale development meeting the basic intent of the Land Subdivision Regulations.

Commission Questions – Ms. Roche-Phillips asked why a State Agency, such as Eastern State Hospital, needs the Planning Commission's approval of this waiver. Mr. Martin said that the Coldstream Development has consistently submitted plans to the Commission for approval; and as for the hospital campus itself, it will need a Public Facility Review in the near future. Ms. Roche-Phillips then asked if this request is before the Commission due to Bull Lea Road intersecting the Coldstream Research campus. Mr. Martin replied affirmatively, and said that the applicant plans to dedicate Bull Lea Road as a public street.

Mr. Penn asked, since this property is located within the Royal Spring Aquifer Area, if Best Management Practices for water quality will be associated with the stormwater runoff. Mr. Martin referred the question to Sara Tuttle to elaborate on those details.

Representation – Sara Tuttle, Strand Associates, along with Joe Meyer, Commonwealth of Kentucky Finance and Administration Cabinet was present. She said that this project is required by the General Assembly to be "silver certified" under the Leadership in Energy and Environmental Design (LEED), and with this program they will be providing an innovative design management system for the stormwater. She then said that the Coldstream Research Campus traditionally has been under a Stormwater Master Plan that has been approved by the Commission and the Lexington-Fayette Urban County Government since the beginning. She noted that this project is a continuation of that plan. She then noted that Bull Lea Road will be dedicated to the Lexington-Fayette Urban County Government; and since it is connecting to a public street, the waiver is required as part of this proposal. She commented that they would be submitting a site plan to the Commission as part of a Public Facility Review in the near future.

Commission Question – Mr. Holmes asked if the greenspace area site plan would be submitted with the Public Facility Review. Ms. Tuttle said that the greenspace area is not a part of the subject property, but rather it is part of the Coldstream Park area, which is owned by the Lexington-Fayette Urban County Government. She noted that the Legacy Trail along Citation Boulevard will be connecting to a future trail that will be adjacent to Cane Run Creek.

Audience Comment – Mr. Penn asked if anyone in the audience wished to discuss this request. There was no response.

Commission Comments - Mr. Penn asked if anyone on the Commission wished to discuss anything further. There was no response. Mr. Penn then asked if the waiver should be acted upon separately from the preliminary subdivision plan. Mr. Martin suggested that the waiver and the preliminary subdivision plan be taken separately.

Action - A motion was made by Mr. Brewer, seconded by Ms. Richardson, and carried 10-0 (Copeland absent) to approve PLAN 2009-119P, subject to the conditions listed on the agenda.

Action - A motion was made by Mr. Brewer, seconded by Mr. Holmes, and carried 10-0 (Copeland absent) to grant the requested waiver, for the following reasons:

1. The proposed street design allows for the provision of all public services, including those necessary for public health and safety.
2. Not granting the waiver would constitute a hardship for the applicant by increasing the costs of the street construction associated with the FEMA floodplain and complicating the applicant's efforts to maintain a secure and safe campus environment for Eastern State Hospital.
3. This street will have two opportunities for vehicular turnarounds, which is a design innovation for a large-scale development meeting the basic intent of the Land Subdivision Regulations.

2. FINAL SUBDIVISION PLANS

- a. PLAN 2006-79F: CADENTOWN – BERNITHA KENDRICK PROPERTY (1/6/10)* - located at 784 Caden Lane.
(Council District 6) **(EA Partners)**

Note: The Planning Commission originally approved this plan on July 13, 2006, and reapproved it on August 8, 2007, and March 12, 2009, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Approval of street names by e911 staff.
5. Urban Forester's approval of tree preservation plan.
6. Environmental Planner's approval of environmentally sensitive areas.

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7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Clarify and complete site statistics.
9. Denote Liberty Road improvements, to include the sidewalks.
10. Denote proposed building lines and rear lot lines (minimum rear yard of at least 30 feet).

Note: The applicant now requests a waiver to Article 6-8 of the Land Subdivision Regulations regarding street standards.

Staff Presentation – Mr. Martin directed the Commission's attention to a rendering of a final record plat submitted for property located on Caden Lane. He oriented the Commission to the surrounding street systems, and noted that the subject property is located in the Cadentown Neighborhood area, and is situated off Liberty Road, near the Old Todds Road and Man O' War Boulevard intersection.

Mr. Martin recapped the history of this area, and stated that the Commission had previously held public hearings on two zone changes in the nearby area. The first zone change involved the apartment complex located at the end of Campbell Lane, and the second involved a commercial structure closer to Man O' War Boulevard.

Mr. Martin stated that the Commission originally approved this final record plat on July 13, 2006; and, at that time, the applicant proposed to subdivide one tract of land into five tracts at the corner of Cadentown Road (formerly known as Liberty Road). He said that this final record plat could not be certified at that time because of the pending public sewer line project. At the same time, the realignment of Liberty Road had not been finalized, and with the uncertainty of the funding for this project; the staff felt that the improvements to the existing Liberty Road needed to be made (condition number 9). He said that since the original approval of the final record plat, the Liberty Road project has been completed, which this is the reason for the current waiver request to Article 6-8 of the Land Subdivision Regulations.

Mr. Martin then stated that the staff had previously distributed the waiver report for PLAN 2006-79F to the Commission, and said that the applicant is requesting to be allowed not to construct 370 feet of sidewalk along the Cadentown Road frontage. He then said that with the assistance of public funding, a sidewalk was built to serve the internal portion of the neighborhood. He noted that this area was also previously approved for an H-1 Overlay; and the intent of the H-1 Overlay was to protect the historic and rural character of the Cadentown neighborhood. The staff wanted to make sure that the applicant's proposal would preserve the principles of the H-1 Overlay, as well as keep the neighborhood's old rural settlement character intact, such as the larger lotting patterns proposed here. He noted that another aspect of the rural area was the rural street sections and the issue of no public improvements being made. He said that parts of Old Todds Road, as well as Cadentown Road, do not have sidewalks; and the staff believes it is very unlikely that there will be any large-scale subdivisions in the Cadentown neighborhood area; therefore, the public improvements will not be achieved through the subdivision process and unless additional public funding is available.

Mr. Martin then stated that the new Liberty Road has been constructed. It is a more urban section and includes sidewalks that lead to the Hamburg area, or to the new Todds Road intersection. He said that the staff is recommending approval of the requested waiver, for the following reasons:

1. Granting this waiver will not negatively impact public health and safety due to the lack of existing sidewalks along Cadentown Road and in the Todds Road area, and alternate routes are available to current and future pedestrian traffic. Furthermore, encouraging pedestrians to use a remnant rural section in lieu of the newly constructed Liberty Road urban designed facility would have a detrimental effect on public safety.
2. Not granting this waiver would impose a significant hardship on the applicant because no additional street improvements are being required or planned at this time to the existing rural street system.

Mr. Martin noted that the staff is recommending the following additional requirement be added that includes a sidewalk connection across Caden Lane to the new Liberty Road sidewalk.

This recommendation is made subject to the following additional requirement:

- a. A sidewalk connection, approximately 40 linear feet, should be constructed across existing right-of-way to connect the existing internal sidewalk system on Caden Lane to the new Liberty Road sidewalk prior to the issuance of any building permit. The sidewalk is to be constructed to the approval of the Division of Traffic Engineering and the Pedestrian Planner.

Representation – Rory Kahly, EA Partners, was present representing the applicant. In regard to the added condition shown on the waiver report, he said that he had not spoken with Ms. Kendrick, so he could not comment on her thoughts regarding this recommendation. He said that this road is not being maintained by the State or the City and no improvements have been made to the road. He then said that, even though the recommended connection is only 40 feet in length, it seemed to him that this condition is being added at the end of the process. He believes that the final record plat can be approved without the added condition, but the Commission makes the final determination.

Commission Comments – Mr. Penn asked if it is the intent of the applicant for the City to construct the sidewalk. Mr. Kahly commented that the 40 foot section of sidewalk should have been figured into the process at the beginning. He said that the improvements to Liberty Road have been completed; and prior to Cadentown Road being transferred to

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the City, the State had paved a portion of that road, noting that neither the City nor the State had any type of improvement plans pending. He then said that when they had agreed to the original conditions listed on the agenda, there were no improvements being made, which is the reason for the current waiver request.

Ms. Roche-Phillips clarified that the 40-foot section of sidewalk is beyond the applicant's property, and it is either publicly or privately owned. Mr. Kahly said that that was correct, and noted that the 40-foot section of sidewalk is between what was formerly known as Liberty Road (Cadentown Road) and the new Liberty Road.

Ms. Roche-Phillips asked who has control over the wedge of property between Cadentown Road and the new Liberty Road. Mr. Martin said that this portion of the area is State right-of-way; and at a future point, the State should dedicate it to the City. He said that since this is public right-of-way, it will be a matter of obtaining permission from the government to construct the sidewalk.

Ms. Roche-Phillips then asked if the State plans to dedicate the entire area to the City; and if not, how it will be split between the two entities. Mr. Martin said that the old Liberty Road right-of-way will be dedicated to the City, and it is not known as to whether or not there will be additional right-of-way surrendered over to the City.

In reference to a question presented by Mr. Holmes, Mr. Martin stated that the section between old Liberty Road and the new Liberty Road is right-of-way.

Mr. Owens asked if there are any sidewalks in the cross-section of Cadentown Road and the old Liberty Road. Mr. Martin said that the staff is unaware of any. Mr. Owens clarified that there are no improvements coming down Cadentown Road. Mr. Martin said that this is the section of the right-of-way for which the staff had recommended improvements.

Ms. Roche-Phillips said that sidewalk alignments are sometimes delayed until a path emerges, and asked if there is a path from the older subdivision to the newer section. Mr. Kahly presented a site photograph to the Commission and noted that there is a plank fence that runs along the new Liberty Road, and it does not show any signs of a path. He then illustrated to the Commission the location of the requested sidewalk, and said that through a City project, Caden Lane was provided with a sidewalk.

Audience Comment – Mr. Penn asked if anyone in the audience wished to discuss this request. There was no response.

Staff Rebuttal – Mr. Martin commented that it is not unusual for construction of a street to require public right-of-way improvements. He noted that the subject property is split into 5 lots, and there are two houses currently under construction in the neighborhood. He then said that the staff does anticipate there will be more single family construction in this area. He noted that the staff is concerned with providing the right-of-way improvements for current and future pedestrians in this area.

Petitioner's Rebuttal – Mr. Penn asked if the petitioner had any rebuttal comments to bring forward. Mr. Kahly declined.

Commission Comments - Mr. Holmes noted that he was in agreement with the staff's presentation, and asked at what point the property owners are asked to construct the sidewalk. Mr. Martin said that the most effective way is to tie the sidewalk to the issuance of a building permit. He said that the first person who proposes to develop the area will be liable, unless Ms. Kendrick chooses to construct the sidewalk.

Action - A motion was made by Mr. Cravens, seconded by Ms. Roche-Phillips, and carried 10-0 (Copeland absent) to approve PLAN 2006-79F, subject to the conditions listed on the agenda.

Action - A motion was made by Mr. Cravens, seconded by Ms. Roche-Phillips, and carried 8-2 (Penn and Holmes opposed; Copeland absent) to grant the waiver for the following reasons:

1. Granting this waiver will not negatively impact public health and safety due to the lack of existing sidewalks along Cadentown Road and in the Todds Road area, and alternate routes are available to current and future pedestrian traffic. Furthermore, encouraging pedestrians to use a remnant rural section in lieu of the newly constructed Liberty Road urban designed facility would have a detrimental effect on public safety.
2. Not granting this waiver would impose a significant hardship on the applicant because no additional street improvements are being required or planned at this time to the existing rural street system.

Deleting the following staff recommendation:

- a. A sidewalk connection, approximately 40 linear feet, should be constructed across existing right-of-way to connect the existing internal sidewalk system on Caden Lane to the new Liberty Road sidewalk prior to the issuance of any building permit. The sidewalk is to be constructed to the approval of the Division of Traffic Engineering and the Pedestrian Planner.

3. DEVELOPMENT PLANS

- a. DP 2009-65: MAHAN PROPERTY APARTMENTS (AMD) (12/10/09)* - located at 4057 Mooncoin Way.
(Council District 9) **(EA Partners)**

Note: The Planning Commission postponed this plan at its October 8, 2009, meeting. The purpose of this amendment is to add 5.6 acres and four additional buildings that will comprise 96 units.

The Subdivision Committee Recommended: Postponement. There were questions regarding the timing of the completion of the streets and the proposed increase in density.

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

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Urban Forester's approval of tree preservation plan.
5. Division of Fire's approval of emergency access and fire hydrant locations.
6. Division of Solid Waste's approval of refuse collection.
7. Addressing Office's approval of street names and addresses.
8. Clarify number of units per building.
9. Discuss the extent of development and the relation to single family lots being proposed and adjoining property.
10. Discuss the proposed density increase.

Staff Presentation – Mr. Martin directed the Commission's attention to a rendering of the development plan submitted for the Mahan Property Apartments. He oriented the Commission to the surrounding street system, and noted that the subject property is situated between Nicholasville Road and Tates Creek Road, at the intersection of Man O' War Boulevard and Osborne Way. He said that Osborne Way intersects with Mooncoin Way, which is where the apartment complex is located. He then said that Mooncoin Way intersects with the proposed Victoria Way that will eventually connect into the Bradford Colony subdivision.

Mr. Martin stated that the purpose of the development plan is to add 5.6 acres and add four buildings that will comprise 96 units on the vacant land across Victoria Way. He said that the Subdivision Committee had recommended postponement of the applicant's request due to questions regarding the timing of the completion of the streets and the proposed increase in density in relation to the single family homes in the adjoining subdivision. He said that the Commission had previously approved PLAN 2009-106P that was listed on the Consent Agenda, and said that at the Subdivision Committee meeting, there were discussions concerning the possible conflict that these two requests could pose for one another. He then said that Victoria Way is connected to the development plan, and the remaining buildings cannot be constructed until Victoria Way has been completed.

Mr. Martin then stated that the applicant had submitted a revised plan to the staff; and in reviewing those revisions, the staff is now comfortable with the changes that have been made, as well as to the revised plan meeting the overall density for the area. With that being said, he noted that the staff is now recommending approval of the applicant's request, subject to the following recommendations:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Urban Forester's approval of tree preservation plan.
5. Division of Fire's approval of emergency access and fire hydrant locations.
6. Division of Solid Waste's approval of refuse collection.
7. Addressing Office's approval of street names and addresses.
8. Clarify number of units per building.
9. ~~Discuss the extent of development and the relation to single family lots being proposed and adjoining property.~~
Adjust the proposed building envelope to the west of Building Type A to match the proposed building location for the building located per the exhibit at the Planning Commission meeting.
10. ~~Discuss the proposed density increase.~~

In reference to condition numbers 9 and 10, Mr. Martin said that the staff was concerned with increasing the density on the subject property, as well as an increase in the density for the overall area, particularly for the area adjacent to the nearby subdivision. He then said that for the area across Victoria Way (PLAN 2009-106P) the applicant is proposing to add a landscaping buffer between the parking lot area and the single family area; and as for the area adjacent to the nearby subdivision, the applicant is proposing to add a 15-foot landscaping buffer, retain the existing tree protection area and a place a 45 foot utility easement between the nearby subdivision and the proposed Building Type A. He then said that the staff was also concerned with the building envelope that surrounds Building Type A, and the possible problems that could take place due to unforeseen site issues; therefore, the staff recommends that the building envelope to the rear of Building Type A be removed, which would only allow the building to shift side to side or to the front (away from the subdivision). This restriction would allow a wider buffer to the rear of the property that is adjacent

* - Denotes date by which Commission must either approve or disapprove plan.

to the subdivision. In conclusion, Mr. Martin stated that the staff is recommending approval, subject to the revised conditions.

Planning Commission Questions – Mr. Owens said that Mr. Martin mentioned that Victoria Way would be constructed prior to the apartment buildings, and asked if that will also apply to the single family units. Mr. Martin said that Victoria Way is tied into the development plan; however, there will be no building permits issued for the lots associated with PLAN 2009-106P until a second connector street is constructed and dedicated. He then said that the second connector street can either be Victoria Way or the connector street leading east into the nearby Waterford subdivision.

Representation – Howard Cruse, Ball Homes, was present representing the applicant. He stated that the applicant is in agreement with the staff's revised recommendations, with the exception of condition number 9. He said that there was discussion regarding the building and the landscape screening, but he did not recall the building envelope being discussed. He said that he was not made aware of this condition until just prior to the meeting, and suggested that condition number 9 be reworded to say that the applicant and the staff will work out any issues versus removing the rear section of the building envelope. He indicated that they have concerns for the placement of the utilities, water and sewer lines. He then said that the location of Building Type A is their desirable location; but if there are any problems with the grading or construction, adjustments will need to be made. If it is acceptable to the Commission, he suggested that condition number 9 be changed to a "resolve" issue between the staff and the applicant. Mr. Cruse said that he does not recall any discussion on this issue and asked if the staff was agreeable to changing condition number 9. Mr. Martin noted that this issue was discussed, along with several other items, during meetings between the applicant and the staff. He said that the staff's concern is the relationship with the adjoining property and protecting the buffer between these two areas, which is the reason behind condition number 9; however, the staff will try to resolve this issue with the applicant, if the Commission wishes.

Planning Commission Questions – Mr. Owens noted that Mr. Cruse had claimed that this is the first time he had seen this condition, and asked if this issue was discussed with someone other than him. Mr. Martin replied affirmatively. Mr. Owens then asked what the staff's concerns are with the area behind Building Type A, other than restricting the building envelope. Mr. Martin said that the building envelope allows the building to dramatically shift, and restricting the rear movement will protect the tree protection area near the utility easement. Mr. Owens asked if the staff is more concerned with the utility easement than the trees. Mr. Martin said that the utility easement is 45 feet in width; however, trees in any utility easements are cut down and the staff wants to protect these trees.

Mr. Owens asked if the adjoining properties are built; and, if so, what it consists of. Mr. Martin replied affirmatively, and said that there are both single family homes and duplexes.

Mr. Brewer asked what the difference is between the existing property line and proposed envelope. Mr. Cruse said that, as the plan is proposed, there is 70 feet between the Building Type A and the property line and 50 feet between the building envelope and the property line, resulting in 15 feet of flexibility. He said that they may not need 15 feet of flexibility, but they also do not want zero flexibility, which is the reason he suggested this be changed to a "resolve" issue. He then said that if this issue cannot be resolved, then they will come back to the Commission. He noted again that he has not had the time to review this condition in detail and asked for that opportunity.

Mr. Cravens asked if the staff wants to reduce the building envelope to the edge of the building. Mr. Martin said that the staff is suggesting that the rear of building be restricted. Mr. Cruse said that under the staff's recommendation, the building can be shifted forward, but not backward. His concern is with the installation of air conditioning pads, sidewalks, meter blocks, parking, and so forth, noting that there may not be enough room to provide what is necessary. Mr. Cravens confirmed that Staff is not agreeable with 15 feet. Mr. Martin said that with the necessity of utility easements, the staff wants to further protect the tree area and ensure the appropriate landscape buffers.

Mr. Holmes said that he is uncomfortable with trying to work out this issue during the hearing, and asked if this could be approved with the understanding that this issue will be resolved. Mr. Penn said that that could be one suggestion and asked the staff for guidance. Mr. Martin said that condition number 9 could be changed to say: "Resolve the building envelope location in relation to the western boundary of Building Type A." Mr. Penn confirmed that condition number 9 could be changed to a "resolve" issue. Mr. Martin replied affirmatively. Mr. Penn asked if the applicant's representation is agreeable, to which Mr. Cruse replied that he was.

Ms. Roche-Phillips asked if the applicant is concerned with the tree protection area and if there will there be a barrier set in place prior to construction. Mr. Cruse said that there was discussion with preserving the existing tree line and providing additional landscaping, and he wants the opportunity to resolve this with the staff.

Mr. Penn asked for clarification as to how condition number 9 will be worded. Mr. Martin said that this would be changed to read: "Resolve the proposed building envelope to the west of Building Type A to match the proposed building location for the building located per the exhibit at the Planning Commission meeting."

Mr. Sallee stated that he attended the meeting that Mr. Martin had previously described, and Mr. Cruse may not recall that meeting; but there was discussion concerning this issue (about the envelope) between the staff, Mr. Cruse and Mr. Kahly.

Audience Comment – Mr. Penn asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Mr. Holmes, seconded by Mr. Cravens, and carried 10-0 (Copeland absent) to approve DP 2009-65, subject to the revised conditions listed by the staff, changing condition number 9 to read: "Resolve the proposed building envelope to the west of Building Type A to match the proposed building location for the building located per the exhibit at the Planning Commission meeting."

- b. DP 2009-68: CLARK PROPERTY, UNIT 2 (1/7/10)* - located at 1551 Deer Haven Lane (a portion of).
(Council District 2) **(EA Partners)**

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Greenspace Planner's approval of the treatment of greenways and greenspace.
8. Denote proposed tree protection area(s).
9. Resolve notes #7 and 9.
10. Discuss pedestrian connections to future development.

Staff Presentation – Mr. Taylor directed the Commission's attention to a rendering of a preliminary subdivision plan and final development plan submitted for the Clark Property, Unit 2. He noted that the subject property is situated on a portion of Deer Haven Lane, noting that this request is within the Expansion Area. He oriented the Commission to the surrounding area and street system, and said that the subject property is located off Man O' War Boulevard and Polo Club Boulevard, just east of the Interstate 75.

Mr. Taylor stated that the purpose of this plan is to develop 148 single family units on a little over 30 acres of land. He said that the Subdivision Committee had reviewed this request, and recommended approval, subject to the conditions listed on the agenda. He then said that, in looking at the proposed rendering, the applicant has proposed a tree protection area for the eastern portion of the property, and have proposed a greenway area on the western portion of the property. He said that a local loop street is proposed to run through the property, providing two access points off Polo Club Boulevard. There will also be a cul-de-sac that branches off the looped street to the north.

Mr. Taylor then stated that during the Subdivision Committee meeting, there was a discussion about the need for vehicular access to the future Clark Property development; however, at the end of that discussion, the Committee had recommended approval of this request, provided there would be further discussion of only a pedestrian connection to the future development (condition number 10) leading to the adjoining Blackford Property.

Planning Commission Questions - Mr. Penn asked if the staff would be discussing condition number 8. Mr. Taylor noted that that issue is associated with the EAMP Compliance Report, which will be presented by Mr. Martin.

Ms. Roche-Phillips asked what the average lot size is. Mr. Taylor said that the average lot size is 4,600 sq. ft., and is typically to be 40 by 115 feet; however, the lots along the eastern side range from 140 to 215 feet. This difference is due to the steep slope, as well as the tree line at the edge of the subject property. Ms. Roche-Phillips then asked how many lots there would be, to which Mr. Taylor replied that the applicant is proposing 148 lots in this subdivision.

EAMP Compliance Report – Mr. Martin directed the Commission's attention to EAMP Compliance Report for DP 2009-68, and noted that whenever there is a development within the Expansion Area, a report is submitted that addresses the major infrastructure components that are recommended by the Expansion Area Master Plan (EAMP).

Mr. Martin stated that the applicant's proposal is in compliance with the recommendations that are denoted in the Expansion Area Master Plan with regard to the lot size, land use and the density for the area.

Mr. Martin then stated that a review of the Infrastructure Element has been completed for this property, noting that Polo Club Boulevard has been dedicated, and the local sanitary sewer system has been constructed that will serve the Clark Property.

Mr. Martin noted that the Community Design Element for this area applies to the greenways that are denoted in the EAMP. He said that, in reviewing the applicant's proposal, they intend to have a portion of these units on the western side of the property facing the greenway. As for the eastern side of the property, the applicant is proposing to have deeper lots due to: 1) the steep topography of the land, 2) the intermittent water course there, and 3) a significant tree stand that straddles the subject property and the adjacent property. In reviewing the rendering, Mr. Martin noted that the applicant has proposed a 20-foot tree protection area next to a proposed utility easement. This particular easement

* - Denotes date by which Commission must either approve or disapprove plan.

will contain the sanitary sewer line that will connect to the trunk line on the Blackford Property, as well as contain the various other utilities needed to sustain this area. He said that the staff recommends that the utility easement be separate from the tree protection area, and that the tree protection area gradually increase with each lot from 25' to 35' depending on the lot depth. He then said that, with this recommendation, the applicant's proposal will comply with the intent of the Expansion Area Master Plan.

In conclusion, Mr. Martin said that, with those changes, the staff can say that Unit 2 of Clark Property is in compliance with the Expansion Area Master Plan for the following reasons:

- a. The proposed single family detached development is an allowable use, and is within the density recommended by the EAMP.
- b. All infrastructure elements are being provided as per the EAMP.
- c. The Final Development Plan for this unit of the Clark Property is in partial compliance with the Community Design Element of the EAMP. The boulevard and greenways will function as boundaries between neighborhoods and they will preserve the existing topographic features. However, the Development Plan does not provide sufficient protection to the significant tree stand as identified in the Land Capability Study

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

- a. That the area of tree protection along the eastern property boundary be increased to a minimum of 25' to 35', as lot depth permits on the subject property, while maintaining the strict separation of utility easements and tree protection areas, to maximize the protection of the significant tree stand as defined in the Land Capability Study.

Representation – Dick Murphy, attorney, was present representing North Forties Property, LLC. He submitted a signed affidavit to the staff, documenting that the posting of a sign was placed on the property, as required. He noted that Marion Clark, who is the managing member of the Clark Family, was present. He then noted that Ralph Ruschell, development manager and Al Gross, EA Partners, were also present on behalf of the applicant.

Mr. Martin said that the Clark Family has owned this property for 150 years; and with the development of land, attention to detail is important to them, especially in preservation of the existing trees. He noted that even though the applicant was not required to, and prior to any development of this area being done, they constructed and dedicated Polo Club Boulevard.

Mr. Murphy stated that at the Subdivision Committee meeting, there was a long discussion concerning the tree protection areas, at which time the applicant's representative indicated there would be a 20' tree protection area along the entire length of the eastern boundary line. He said that they are proposing that the utility easement be outside the tree protection area, which will assure that there will be no unnecessary tree removal. He then said that they have acknowledged that there are significant trees in this area, as well as an intermittent stream along the eastern side; but they disagree with the extent of the tree coverage that was noted by the staff. Mr. Murphy then stated that at the Subdivision Committee meeting, Mr. Queary had noted that there is an old farm fence about 20' from the intermittent stream, and the significant trees are located in this area. He said that the land between the fence and the street has been vacant since the late 80's, and with this land not being used for cattle, it has allowed shrubs and invasive plants to grow. He then said that they agree with the tree preservation areas, but they do not agree with the extent of that area. He noted that the tree protection area has been confirmed by Mr. Queary, who is the Urban Forester, along with the applicant's representation.

Directing the Commission's attention to the Expansion Area Master Plan (pages 71 and 72) and to Article 23A-2(v) of the Zoning Ordinance, Mr. Murphy said that the protection and preservation of all mature trees, to the maximum practicable extent, is noted in these documents. He then said that the area between the fence line and the street contains invasive plants, which does not qualify as mature trees. He noted that, according to the United States Department of Agriculture, Forest Service, Research and Development, it has been documented that Winter Creeper and Bush Honeysuckle are non-native invasive plants that grow in the southern forest area. Directing the Commission's attention to a series of photographs, Mr. Murphy illustrated areas of the property that have overgrown brush near the intermittent stream, the fence line and within the subject property. He said that when reviewing the aerial photographs of this area, it does seem that there is a large amount of mature trees, but that is not the case. He then said that there are mature trees that need to be protected, but these trees are identified in the 20' tree protection area that has been noted by the applicant. In regard to the utility easement, Mr. Murphy said that this easement will be outside of the tree protection area; and in reference to the staff's recommendation to gradually increasing the tree protection area, the past developments in this area were not required to retain a tree stand. If it was required, then the tree protection area was very minimal.

In conclusion, Mr. Murphy stated that the applicant is not proposing to remove the required tree protection area, but they do want to protect what is truly worth preserving. He said that trees are an amenity and they add value to a lot. As a matter of principle, they are making their objections known to the Commission because what the applicant is proposing should be what is required for this property.

Planning Commission Questions – Mr. Penn asked for clarification to the statement previously made regarding the 20' tree protection area. Mr. Murphy said that 20' is the length of the proposed area from the property line.

Mr. Cravens asked how many street trees will be planted on this development. Mr. Murphy said that there will be at least 1 tree per lot, or as many as 3 street trees per lot. He noted that the applicant will plant these trees at the same time.

Mr. Cravens said that in the year 2011 there will be more forestation than there was in the early 1900s. Mr. Murphy noted that they will plant the street trees, but the developer will add any additional trees. Mr. Cravens then said that these lots will have more trees per lot than what is currently on the property. Mr. Murphy replied affirmatively.

Referencing the staff's schematic for the gradual increase of tree protection area, Mr. Owens asked if these measurements are from the property line or the fence line. Mr. Martin said that the staff's calculations are from the property line along the eastern boundary.

Audience Comment – Mr. Penn asked if anyone in the audience wished to discuss this request. There was no response.

Planning Commission Questions – Mr. Penn said that the history of new developments is to remove mature trees and replace them with younger trees. He then said that those mature trees should be retained, not removed for the benefit of the developer. He commented that removing mature trees and saying that they will be replaced does not benefit the new property owner, but rather it will benefit the next generation. He asked if the gradual increase of the tree protection area would prevent any of the lots developing. Mr. Murphy said that this would negatively impact the development; it would limit the building footprint for each lot, and it would limit the property owners from building a deck. He noted that they are in compliance with the EAMP; and with these lots being 40', there is not room to move around. He said that they are not requesting to remove the mature trees, but rather retain the location of the existing tree preservation area. He said that that they do not want to be responsible for the non-native invasive plants or shrubs in the creep out area. Mr. Penn said that there would not be any mature trees in the creep out area. Mr. Murphy said that there would be new growth in those areas.

Mr. Cravens said that to have the utility easement outside the tree protection area is unusual. Mr. Murphy replied affirmatively, and said that there is land being lost at the rear of the lots due to the additional area for the utility easements.

Mr. Owens asked if the applicant's representation has worked with the Urban Forester in marking the tree protection area. Mr. Murphy said that the Urban Forester has been on site and verified the area that should be protected. Tim Queary, Urban Forester, stated that what is being shown on the development plan is incorrect. He said that the tree canopy was developed based upon information taken from an aerial photograph. He then said that there is a creek, as well as an older agricultural fence that was discovered during the site visit. This fence prevented the cattle from entering the environmentally sensitive area, which is where the mature trees are located. He said that, in speaking with the applicant's developer and engineer, they believe the utilities can be installed without removing all of the mature trees. He then said that the depth of the lots is a good design element for in preserving this area, since the houses will be out of the protection area. Mr. Queary stated again that what is being shown on the development plan is not indicative of the existing mature trees on the subject property.

Mr. Owens asked if the 20' encompasses the tree protection area. Mr. Queary said that everything inside the old agricultural fence is where the mature trees are located. He then said that the non-native invasive shrubs and plants, along with the young trees are outside this fencing.

Mr. Owens said that the deeper into the property, the more tree canopy there is, and asked if there are mature trees outside the fenced area. Mr. Queary said that the information presented by staff was based upon the information from the 2007 Comprehensive Plan; and in looking at the rendering, the actual tree protection area is at the edge of the property line.

Mr. Owens commented that he wants to make sure everyone understands the same thing. Mr. Queary said that looking at a paper copy of the development plan; it is harder to explain, versus having a visual aid. He said that the mature trees are near the creek and this is the area that is to be protected by the fencing.

Mr. Owens asked if the deepest part of the tree stand would be 35' from the property boundary. Mr. Queary said that the property line is the creek channel, which ranges from 10' to 30'. He then said that everything behind the fence line is the mature tree line. In looking at the site photographs, the applicant wants to remove the brush that is shown in front of the fence line.

Mr. Holmes asked if Mr. Queary had made any recommendations to the staff. Mr. Queary said that he is comfortable with recommending 20' because this area is where the mature trees are located. He then said that what is being shown on the development plan is not accurate to the current land conditions. He noted that what is outlined on the development plan is secondary vegetation.

Mr. Holmes said that condition number 5 speaks to a tree preservation plan, and condition number 8 speaks to a tree preservation plan, which appears to be a conflict. Mr. Murphy said that the applicant is objecting to condition number 8, since they are proposing a 20' tree preservation area; and as for condition number 5, they are required to obtain approval from the Urban Forester.

Mr. Holmes said that the Urban Forester will advise the Commission as to what will be appropriate. Mr. Queary said that he is comfortable that the tree protection area will be articulated through the signoff process. He then said that the area may change slightly, since this is only a preliminary subdivision plan; but at the time this final plat is recorded, it will not show the tree canopy area coming out as far as it is being shown on the rendering.

Petitioner's Rebuttal – Mr. Murphy indicated that they have no rebuttal; however, they are requesting that condition number 8 be changed to denote the 20' tree protection area with the understanding that they will need to meet condition number 5, as well. He said that they do not want to be required to show more tree protection area than what is in this area.

Staff's Rebuttal – Mr. Martin clarified that condition number 10 could be changed to read: "Resolve pedestrian connections to future development." He said that this condition came from the Subdivision Committee discussion concerning vehicular connections to the adjacent property. He then said that the Committee deemed this connection unnecessary due to the topographical area, and suggested that a pedestrian connection be built, and the applicant is agreeable to that change.

Mr. Martin said that Article 23A-2(v) of the Zoning Ordinance does mention the protection and preservation of the mature trees, but it also mentioned that the design of the development should have the maximum preservation of tree stands and significant individual trees. He then said that the purpose of the staff's proposal was not just for the individual trees growing in this area, but rather for the tree stands as well. He noted that the staff's proposal was based upon information obtained from the 1996 tree stand information noted on the EAMP map, and not what is being shown on the rendering.

Planning Commission Comments – Mr. Brewer said that the staff has based their information on an aerial photograph and he appreciated the innovative approach the staff was recommending, however, the Urban Forester, who is an expert in this field, has stated that he is comfortable with the proposed 20' tree protection area. Therefore, he (Mr. Brewer) is comfortable with this request.

Mr. Penn asked if the Commission should act upon the EAMP Compliance Report separate from the development plan. Mr. Martin said that if the Commission does not want to require the gradual increase of the tree protection area, then the additional condition "a" noted on the EAMP Compliance Report could be deleted. Mr. Penn asked for guidance as to how this request should be acted upon. Ms. Boland said that the Commission needs to make a finding that the development plan is in compliance with the EAMP.

Mr. Penn recapped, stating that condition number 10 is recommended to be changed to read: "Resolve pedestrian connections to future development," and asked if there is further discussion concerning the other recommendation listed under DP 2009-68. He noted that the EAMP Report will need to be identified in the motion.

Ms. Richardson suggested that condition number 8 be deleted, since condition number 5 lists the Urban Forester approval. Mr. Penn said that the 20' tree protection area would not be indicated in the recommendations. Ms. Richardson asked if condition number 8 could read: "Denote the proposed tree protection area(s) of 20 feet." Mr. Penn replied affirmatively.

Action - A motion was made by Mr. Owens, seconded by Ms. Richardson, and carried 10-0 (Copeland absent) to approve DP 2009-68, subject to the conditions listed by the staff, changing condition number 8 to read: "Denote the proposed tree protection area(s) of 20 feet" and changing condition number 10 to read: "Resolve the pedestrian connections to future development" and accepting that DP 2009-68 is in compliance with the Expansion Area Master Plan for the following reasons:

1. The proposed single family detached development is an allowable use, and is within the density recommended by the EAMP;
2. All infrastructure elements are being provided as per the EAMP;
3. The Final Development Plan for this unit of the Clark Property is in partial compliance the Community Design Element of the EAMP. The boulevard and greenways will function as boundaries between neighborhoods and they will preserve the existing topographic features. However, the Development Plan does not provide sufficient protection to the significant tree stand as identified in the Land Capability Study,

deleting the following portion from the EAMP Compliance Report:

- a. That the area of tree protection along the eastern property boundary be increased to a minimum of 25' to 35', as lot depth permits, on the subject property, while maintaining the strict separation of utility easements and tree protection areas, to maximize the protection of the significant tree stand as defined in the Land Capability Study.

* - Denotes date by which Commission must either approve or disapprove plan.

Note: A brief recess was declared at 3:30 p.m. and the meeting re-convened at 3:37 p.m.

- C. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – A motion was made by Ms. Roche-Phillips, seconded by Mr. Owens, and carried 10-0 (Brewer absent) to approve the release and call of bonds as detailed in the memorandum dated November 12, 2009, from Ron St. Clair, Division of Engineering.

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

A. **LAND SUBDIVISION REGULATION AMENDMENT**

Note: The Planning Commission continued the public hearing on this item at its October 8, 2009, meeting.

1. **SRA 2009-2: AMENDMENT TO ARTICLE 6-5(A) TO REQUIRE UNDERGROUND UTILITIES** (11/12/09)* – a petition to amend the utility standards to require new utility lines to be installed below ground, with the exception of major facilities, and to provide standards for such installation.

REQUESTED BY: Urban County Council

PROPOSED TEXT: (Text underlined indicates an addition to the existing Land Subdivision Regulations.)

- 6-5 UTILITY STANDARDS** - The following shall be the minimum standards for utilities such as telephone supply, electric supply, gas supply, water supply or other utilities:

- 6-5 (a) TELEPHONE, NATURAL GAS, AND ELECTRIC SUPPLY** - Every subdivision shall be provided with a proper telephone and electric system. Natural gas supply systems shall be provided at the option of the developer, dependent upon the ability of the local gas supplier to meet the demands of new development. All distribution lines or cables for utilities shall be installed below ground within the subdivision. Major facilities such as high-voltage electric transmission lines, distribution feeder circuits of 200 amps or greater or major cables/facilities to provide utilities such as telephone, and cable television to the area as a whole may be located above ground. The installation of these utilities shall conform to commonly accepted construction standards and the requirements of the Kentucky Public Service Commission, and utility companies shall work cooperatively with the Division of Engineering during construction. Underground utilities shall be separated from sanitary sewer and/or storm sewer facilities by a minimum of six (6) feet and shall not conflict with designated tree preservation areas, areas where future multipurpose trails are planned, areas designated for future right-of-way, or construction easements.

The Subdivision Committee Recommended: Approval, for the reasons provided by staff.

The Staff Recommended: Approval, for the following reasons:

1. The proposed change will protect and enhance public health and safety in conformance with the intent of the Subdivision Regulations, by reducing the impacts of severe weather upon future residents.
2. This will not result in a tremendous change to the current practice, as most developers now provide underground utilities to new subdivisions, with the concurrence of local utility providers.

Staff Presentation – Mr. Martin directed the Commission's attention to SRA 2009-2 on the agenda, which is a petition to amend Article 6-5(a) of the Land Subdivision Regulations for underground utilities. He stated that the Planning Commission continued this item from their October 8, 2009, meeting in order to obtain more information as to how this recommendation was developed by the parties who were directly involved, noting that the Division of Planning was not engaged in those discussions. Mr. Martin said that the staff had made a request for someone who participated in the development of this proposal to attend today's hearing; however, due to scheduling conflicts, many of the people involved were not able to attend today. Mr. Martin stated that Ed Gardner, LFUCG attorney, and David Freibert, with Kentucky Utilities, were the primary drafters of this proposal; and through the discussions with the Lexington-Fayette Urban County Council, the proposed text was drafted. He said that the staff had recommended approval of the proposed text amendment, for the reasons listed on the agenda, as well as in the staff report.

Planning Commission Questions – Mr. Penn clarified that this proposed text amendment originated from the Lexington-Fayette Urban County Council, and they were requesting that the Planning Commission adopt the proposed text amendment, making it part of the Land Subdivision Regulations. Mr. Martin replied affirmatively. He said that this text amendment was created due to concern over the impact of past weather events, and the potential cost that is involved in both public health and safety. He noted that the newer subdivisions are already providing underground utilities.

Mr. Cravens felt that more information was needed regarding this proposed change. He then said that, in reviewing the proposed text amendment, it says that distribution feeder circuits of 200 amps or greater may be located above ground. He said that there are some residences that have 400 amp services, especially if there are two air conditioning units, and asked if those lines will be located underground, as well. Mr. Martin said that the intent of this text amendment is to place all service

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lines and lateral lines underground within subdivisions. Mr. Cravens asked if the staff believes “within a subdivision” could be a single lot being split into two lots. Mr. Martin replied affirmatively, and said that if a lot is being split, it is subject to the regulations. Mr. Cravens said that at the October meeting, the staff had indicated that a remedy for a hardship of this text amendment would be through the granting of a waiver. Mr. Martin said that in reviewing the staff report, that issue is mentioned. Mr. Cravens said that this text amendment needs to be modified to indicate that 2.1 acres or less of a subdivision will not be included in the proposed text amendment. He also thought that the exact size line for the existing overhead lines should be stated in the proposed text amendment. He then said that the market pays for underground lines to be installed, and it is more common to have underground lines than overhead lines within a newer subdivision. He noted that the only time overhead lines are used is within an existing area, such as infill and redevelopment areas. Mr. Martin said that the staff is anticipating an increase in waiver requests, especially for the smaller infill areas.

Kentucky Utilities – David Freibert stated that in regard to the feeder circuits of less than 200 amps, they will cover most of the residential customers, whereas amps greater than 200 are usually for commercial or industrial structures. He said that the discussions concerning this text amendment were primarily focused on the residential utilities.

Planning Commission Questions – Mr. Cravens asked what type of line would be placed on the rear of a house that is greater than 200 amps. Mr. Freibert said that those lines would be feeder lines, which bring power into an area before it is distributed to the smaller radial lines that connect to each of the houses. Mr. Cravens asked if there has or may be a case where the feeder lines connect only to two houses. Mr. Freibert indicated that he is not sure that there has been or will be a case such as that. Mr. Cravens said that the staff report indicated that one of the reasons for this proposed text amendment is due to extreme weather events, and asked if KU maintains the underground lines. Mr. Freibert replied affirmatively, and said that one of the key factors between underground and overhead lines is the developer’s preference to place the utilities underground. He said that this change to the regulations would only codify what is currently happening now. He noted that there are costs of maintaining both the underground and overhead lines; however, with the underground lines, there are less interruptions than with overhead lines, unless there is an issue with a home project, landscaping errors or equipment failure.

Mr. Holmes said that there was little discussion last month regarding the affordability and the hardship that this text amendment may cause. He said that within an infill subdivision there will only be one or two distribution lines going to each of these lots, while the remaining existing lines will still be used as overhead lines. He said that the Planning Commission had voiced their concerns with the issue and he sees nothing else that they can do other than to again express those concerns.

Mr. Cravens believes that this text amendment will pose potential problems for future developments, and asked if modified language could be suggested to the Council. Mr. King said that the Planning Commission could offer alternative language to the Council; however, they will make the final decision on the proposed text amendment. Mr. Cravens offered the following language, due to the lack of a definition for the 200 amp service, to “exempt 2.1 acres lots or less will not be included in this text amendment,” and that “existing overhead lines be allowed to stay.” He noted that his intent was that the power lines from the overhead lines to the house could be placed underground.

Action: A motion was made by Mr. Cravens, to approve SRA 2009-2, for the reasons provided by the staff, and adding the language previously mentioned.

Discussion of Motion – Mr. Penn asked if the Commission understood the motion on the floor. The majority noted that it was difficult to understand. Mr. Cravens explained that a smaller parcel would more than likely need a waiver in the future due to this text amendment. Mr. Penn asked if the intent of the motion on the floor is to keep infill projects from requesting a waiver to this regulation. Mr. Cravens replied affirmatively, and said that it will be primarily the smaller projects that will be affected by this change.

The motion was seconded by Ms. Roche-Phillips.

Discussion of Motion – Ms. Roche-Phillips said that in spirit she agrees with the concepts associated with the motion; however, she could not support it. She then said that the Council is adamant about placing the utilities underground and the obstacles that will be faced with regard to the existing infrastructure will pose a challenge for the Commission. As stated earlier by Mr. Holmes, the Commission must start somewhere and see what the outcome will be; and if adjustments are needed, then the text can be adjusted accordingly.

Mr. Owens said that he has experienced a bad weather event, and was without electricity for 36 hours, so for him underground lines work; therefore, he believes that this text amendment is a good idea. He noted that in the staff report it reads: “200 amps or greater” and asked if this is related to residential; and if so, if the line would need to be placed underground. Mr. Cravens said that his property has a 400 amp line connecting to his house, and this includes both overhead and underground lines. He then said that he is in support of the underground lines, and the market is willing to pay for underground lines; however, something should be done for the smaller tracts without having to request a waiver of this regulation.

Mr. Paulsen asked if infill developments that are characterized as mixed use will be exempted from this text amendment. Mr. Sallee said that this amendment would be placed in the Land Subdivision Regulations, so most of the time it will depend on whether or not that property is being proposed to be subdivided to smaller tracts. He said that if an infill project on an existing lot is not proposed to be subdivided, then this text amendment may not apply under those circumstances.

The motion failed with a vote of 2-8 (Holmes, Whitman, Richardson, Penn, Owens, Roche-Phillips, Brewer and Wilson opposed; Copeland absent).

Action - A motion was made by Ms. Roche-Phillips, seconded by Mr. Owens, and carried 10-0 (Copeland absent) to approve SRA 2009-2, as presented by the staff.

B. SOUTH NICHOLASVILLE ROAD SMALL AREA PLAN – a public hearing to consider the adoption of the South Nicholasville Road Small Area Plan as an amendment to the 2007 Comprehensive Plan.

Staff Presentation – Mr. Duncan directed the Commission's attention to a PowerPoint presentation, and said that this hearing was the end of a year-long process that consisted of several public engagements. He said that throughout this time, staff gathered extensive information on the background of the South Nicholasville Road area, as well as listened to public concern regarding this area.

Mr. Duncan stated that the South Nicholasville Road Small Area Plan was recommended by the 2007 Comprehensive Plan. He said that there were a number of property owners within this area that had come before the Planning Commission to request that the land uses of their property be recharacterized. He then said that, after an extensive discussion, the Commission recognized that a study needed to be completed for this area. The Staff with Councilmember Beard (District 4) and Councilmember McChord (District 9) to create the Steering Committee that would oversee this project. This Committee consisted of professionals, who were knowledgeable in their fields, whose purpose was to advise the staff and communicate the issues back to their constituencies. Mr. Duncan recognized Ms. Joan Whitman, who represented the Planning Commission, as well as the other individuals that were present in the audience, and thanked them for their time serving on this Committee.

Mr. Duncan then stated that there was extensive community outreach for this plan, as required by KRS 100. He said that the community outreach consisted of the following: Five Steering Committee meetings; Two Focus Group meeting; Three Public Input meeting; Opinion survey, comment forms and Planning Commission Public hearing.

He then said that the information obtained was communicated through the following: Lexington Fayette Urban County Government website; Lexington Herald Leader; Neighborhood Associations and Lexington-Fayette Urban County Government GTV3 Bulletin Board.

Mr. Duncan stated that the contents of the South Nicholasville Road Small Area Plan include the following: Vision; Land Use Analysis; Demographic Analysis; Environmental Analysis; Transportation Analysis; Community Facilities; Recommendations and Implementation.

Mr. Duncan said that the Vision Statement of the South Nicholasville Road Small Area Plan was crafted by the Steering Committee, following public input. This represented a unification of bold ideas for a sustainable community, a healthy environment, a celebration of core values, economic strength, and residential vitality. He then said that individual parcels are not being seen as areas that need to be redeveloped. He said that the Vision Statement, the Principles and the Objectives need to be approached in a unified way.

Mr. Duncan then said that the Principles of the South Nicholasville Road Small Area Plan are essentially the Goals and Objectives embody the values of the community as expressed in the 2007 Comprehensive Plan, as well as other community plans and studies. He noted that it will celebrate the culture and heritage of the area and will ensure that public and community facilities are considered as critical elements to the success of this area. He said that it will also ensure the economic vitality of the area, as well as improve safety and mobility for pedestrians and motorists.

Mr. Duncan said that although the Vision Statement needs to be uniformly implemented, this area was divided into five subareas for detailed study. He said that the five subareas comprised 385 acres, and three of the five subareas are currently used as farm land or part of the UK Horticulture Research Farm. The remaining sections are either vacant, or are being used as commercial and residential uses.

Mr. Duncan stated that there are 12 recommendations listed for the South Nicholasville Road Small Area Plan. He said that the Nicholasville Road corridor connects to the Jessamine County line; therefore, Fayette County should be identified with an entrance showing the separation of these two counties. He then said that the recommendations recognize the Waveland State Historical Site and indicate how future development could honor the historic style of Waveland. Another recommendation is the road improvements for Nicholasville Road and the additional LexTran bus routes. He said that it is important to protect the natural and historic features of this area, that there are complete street throughout these developments and incorporated the developments to include mixed uses.

Mr. Duncan said that each of these subareas currently has uses already in place. He then said that the current uses are not necessarily being recommended for change; however, if the property owner decides that the current use is no longer necessary, then the specific recommendations in the South Nicholasville Road Small Area Plan should apply. At this time, Mr. Duncan gave a brief summary of Subarea I North:

- This is the largest single parcel in the study area

- It includes the UK Horticulture Research Farm
- It is north of the Waveland State Historic Site
- It is at the intersection of Man O' War Boulevard and Nicholasville Road
- It is bounded to the west by the Northfork-Southern Railroad

Mr. Duncan then said that Subarea I North future recommendations include:

- The land use should be mixed use
- There should be a greenspace area
- There should be no less than 15 percent residential uses
- A new collector road should be constructed from Man O' War Boulevard and connect with Subarea 1 South
- There should be a 150' greenspace buffer adjacent to the Waveland State Historic Site.

At this time, Ms. Westlund presented the following summary of Subarea I South to the Commission:

- There are 109 acres, consisting of two farm parcels;
- These parcels are bounded by Nicholasville Road to the east, Waveland Museum Lane to the north and Northfork-Southern Railroad is to the west;
- These parcels are bounded by the Jessamine County line to the south.

Ms. Westlund said that Subarea I South future recommendations are noted as:

- The land use should be mixed use
- There should be a greenspace area along the Jessamine County line
- There should be no less than 15 percent residential uses
- A new collector road should be constructed from Man O' War Boulevard and connect with the Jessamine County line
- There should be a greenspace buffer adjacent to the Waveland State Historic Site.

Ms. Westlund stated that Subarea II has the following characteristics:

- 25 acres;
- This parcel is bordered by Nicholasville Road
- This parcel is adjacent to the Jessamine County line
- There are stub streets leading into this parcel from South Point neighborhood

Ms. Westlund said that Subarea II future recommendations are noted as:

- Retain the 2007 Comprehensive Plan land use designation
- Connect the stub streets located in South Point to the local streets in Jessamine County
- Maintain the greenway that is accessed through an existing tunnel under Nicholasville Road.

Ms. Westlund then stated that Subarea III is describes as having the following characteristics:

- 20 acres
- This parcel is bordered by Nicholasville Road
- There is a mixture of uses that include commercial and residential, as well as vacant land

Ms. Westlund said that Subarea III future recommendations are noted as:

- Retain the 2007 Comprehensive Plan recommended greenspace area
- Allow lower density residential land use

Ms. Westlund then said that Subarea IV is described as having the following characteristics:

- 113 acres
- This parcel is bisected by Man O' War Boulevard
- This area includes four churches
- There are two farm parcels
- There are single family homes that surround the farms

Ms. Westlund said that Subarea IV future recommendations are noted as:

- The farm should be a mixed use development north of Man O' War Boulevard
- Ensure that only residential abuts the existing residential
- If the parcels south of Man O' War Boulevard are consolidated, then the land use would be recommended for mixed use development.

Ms. Westlund directed the Commission's attention to the 2009 Greenway Map and said that most of the greenways have been adopted as part of the Greenway Master Plan. She said that, in reviewing the exhibit, the map shows the shared trails, walking trails, paths or possible access, the unpaved trails, the on-road trail connections, and the on-road bike facilities.

Ms. Westlund stated that with regards to the future land use recommendations for this area, changes have been proposed since the Commission had adopted the 2007 Comprehensive Plan. She said that if the Commission should approve these proposed changes, the 2007 Comprehensive Plan will be amended to add the South Nicholasville Road Small Area Plan.

Ms. Westlund then directed the Commission's attention to the Implementation Table, and said that the recommendations listed include expanding transit services and facilities, designing and constructing the greenway areas, creating a gateway along the county line, as well as providing a safe corridor for pedestrians, motorists and bicyclists along the Nicholasville Road area.

In conclusion, Ms. Westlund thanked the Commission for their time, as well as the people who have contributed to the efforts of this small area plan. She said that the Steering Committee, neighborhood associations, and the other divisions within the LFUCG also contributed to the plan.

Planning Commission Question – Ms. Roche-Phillips asked if there was discussion concerning the transit oriented development near the rail line and underground tunnels. Ms. Westlund said that the South Nicholasville Road Small Area Plan recommends the addition of a dedicated bus line, as well as an additional 45 feet of right-of-way along Nicholasville Road. Mr. Duncan further said that there were discussions from citizens regarding the need for additional bus lines, so LexTran had recommended the addition of the dedicated bus line. He then said that the existing tunnels on Nicholasville Road will be part of the pedestrian system, which will connect this area to the other parks toward the east. Mr. Duncan noted that the plan recommends additional transit stops within the subareas, and pedestrian connectivity is one of the features of the mixed use development.

Mr. Holmes commented that he agrees with the implementation of other methods of transportation service to alleviate the traffic on Nicholasville Road.

Mr. Owens asked if 15 percent residential was being recommended for both Subarea I North and Subarea I South. Ms. Westlund replied affirmatively. Mr. Owens then asked why only 15 percent, and if this should be raised. Mr. Duncan said that throughout this process there were discussions among the Committee members, and some felt the 15 percent was too low while others felt it was too high. As a result of those discussions, the residential recommendations were set as the minimum requirement for the mixed use zoning.

Mr. Owens then asked why Subarea III is being recommended for low density. Ms. Westlund said that the 2007 Comprehensive Plan had recommended medium density for this area. She noted that the recommendations for the South Nicholasville Road Small Area Plan were based upon how many units per acre already met the lower density requirements. She then said that this change will protect the surrounding neighborhoods from any pressures from future mixed use developments. Mr. Duncan noted that Subarea III is developed, and this recommendation will be for any future redevelopment that may occur.

Public Comments – Frank Butler was present representing the University of Kentucky. He said that the University of Kentucky has no immediate plan for the South Farm land, and it is expected that this facility will continue to operate as a horticultural research center. He then said that the University of Kentucky is in support of this recommendation and they believe mixed use is a better designation than the light industrial park recommended by the 2007 Comprehensive Plan is recommending.

Rene Wiseman, attorney, was present representing the Germann family, who own 60 acres of land located at 200 Waveland Museum Lane. She noted that her clients are related to the Dale family, who own 40 acres of land located at 4609 Nicholasville Road, both of which are in the Subarea I South.

Ms. Wiseman thanked the people and staff members who were involved in these proposed recommendations, and her clients respect the process as to how these recommendations came about; however, they respectfully disagree with the proposed mixed use recommendations. She said that the thrust of the recommendations are for mixed use development, and they are not disputing the validity of that concept; but their contention is that mixed use development on the Germann and Dale family properties is not appropriate. She then said that the mixed use concept is still relatively new in Fayette County, and the areas that have been developed as a mixed use are no larger than 5 acres in size. Now 100 acres of land are being recommended for mixed use. They are concerned that this concept has not been tested long enough.

Ms. Wiseman said that the proposed plan acknowledges that Nicholasville Road is the most traveled road in Fayette County for travelers and commuters from surrounding areas. She questioned if this concept will work in the area where the railroad tracks are located since there are more than 60 trains that pass this area daily. She said that her clients' properties are cut off from the rest of the areas, and it will not be easy to integrate this land into the remaining areas. She noted that Nicholasville Road, the railroad, and the Jessamine County line are barriers. She said that the land in Jessamine County is proposed for light industrial and office use; and if this should develop, it will impact the Fayette County side.

Ms. Wiseman noted that this land has been in the Germann family since 1880, and over time they have seen the many changes to Nicholasville Road. She said that throughout this process, citizens from the nearby subdivisions came forward to voice their concerns in preserving the remaining farm land.

Ms. Wiseman said that the underground tunnel is being used for the cattle to travel back and forth from the water source on the main property. She said that along with the cattle using the tunnel, the tunnel is also used as stormwater sewer drainage

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during heavy rains. She then said that if this tunnel were to be used as a trail, it would have to be appropriately designed to accommodate the excess runoff from Nicholasville Road.

Ms. Wiseman said that they are not criticizing the concept of mixed use, but rather are questioning if this is an appropriate area for a mixed use development. She then said that since 1973, this area has had a Comprehensive Plan recommendation for some type of employment center. In reviewing the 1996 Comprehensive Plan map, the locations of the major employment areas are mostly on the northern portion of Lexington, with the exception of the Dale property and the University of Kentucky property. She said that throughout the years, the goal of the Comprehensive Plan was to balance the residential component with the areas of employment opportunity. This concept has worked on the northern portion of Lexington; however, the balance has not been accomplished in the southern portion. She said that mixed use is not considered an economic opportunity, and her clients are looking toward the future by providing future employment opportunities. She then said that nothing in this area has changed, and they do not believe that the mixed use concept is suitable for the 100 acres of land; and for that reason, they request that the existing land use on these properties be retained in order to provide that future employment.

Dal Harper, regional planner for the BGADD (Bluegrass Area Development District) thanked the Commission and the staff for their work on the South Nicholasville Road Small Area Plan. He said that his staff is working on a joint Comprehensive Plan to for Jessamine County and the cities of Nicholasville and Wilmore, which is in its final draft form. He noted that Nicholasville Road (US 27) is an important connector between Fayette County and Jessamine County, and the future land use along this corridor is important for that reason. In conclusion, Mr. Harper said that they believe the outcome of the South Nicholasville Road Small Area Plan is an excellent concept, and requested approval.

John Fritz, who owns property located at 4100 Nicholasville Road, was present. He said that this area has changed considerably over the years, and with those changes it has resulted in higher traffic volumes. He believes that the traffic will continue to get worse with the future and pending developments, and feels that their property needs to have a more nonresidential uses planned for it. He noted that there is a tremendous amount of traffic coming into Fayette County from the surrounding counties that pass through the Man O' War Boulevard and Nicholasville Road intersection; and with this increased traffic flow, the noise level has also increased. He said that nonresidential uses will be the best buffer against noise for the existing residential.

Planning Commission Comments and Questions – Mr. Penn thanked the Steering Committee, as well as the people and staff who participated in the development of the South Nicholasville Road Small Area Plan.

Mr. Penn asked for guidance from the staff as to how this item should be acted upon, and what the outcome will be. Mr. King said that the staff had distributed the proposed resolution to adopt the South Nicholasville Road Small Area Plan for the Commission to review. He then said that the staff is recommending that the Commission proceed with the adoption of the small area plan, as it has been presented, unless the Commission wished to make changes. Once the Commission has adopted a proposed resolution, it will then become a part of the official recommendations for these properties and it will become the guide for future zone changes or public actions for this area.

Ms. Roche-Phillips asked, if the Dale and Germann properties were to be changed to the mixed use recommendations, and then a zone change request to B-4 were made, if it would result in a disagreement with the 2007 Comprehensive Plan, resulting in a disapproval recommendation by the Commission to the Council. Mr. Duncan said that these properties are currently zoned B-4. He said that the change in land use will not alter the current zone or the uses that are permitted under the B-4 zone.

Mr. Owens read the following resolution into the record:

WHEREAS, KRS 100.187-100.197 set forth the procedures for periodic update and review of comprehensive plan elements; and

WHEREAS, the Comprehensive Plan Goals and Objectives Statement Element for the 2007 Comprehensive Plan was adopted by the Planning Commission on October 20, 2005, and subsequently adopted by the Urban County Council on March 9, 2006, by Resolution No. 106-2006, as required by KRS 100.197; and

WHEREAS, The Statement of Goals and Objectives acts as a guide for the preparation of the remaining elements to aid in implementing the Comprehensive Plan; and

WHEREAS, the Planning Commission and the Urban County Council, having adopted the said Statement of Goals and Objectives, the Planning Commission may adopt other elements of the Comprehensive Plan pursuant to KRS Chapter 100; and

WHEREAS, the Planning Commission finds that the South Nicholasville Road Small Area Plan is consistent with the Statement of Goals and Objectives; and

WHEREAS, the Planning Commission finds that the research undertaken as part of the update and adoption of the 2007 Comprehensive Plan and, in addition, the research performed specifically in preparation for the South Nicholasville Road Small Area Plan, fully support the South Nicholasville Road Small Area Plan as an element of the 2007 Comprehensive Plan; and

* - Denotes date by which Commission must either approve or disapprove plan.

WHEREAS, in compliance with KRS Chapter 100, the Planning Commission has conducted a duly advertised public hearing on November 12, 2009, to receive comments and information from all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE LEXINGTON-FAYETTE URBAN COUNTY PLANNING COMMISSION:

Section 1 — That the Planning Commission hereby adopts the South Nicholasville Road Small Area Plan as an element of the 2007 Comprehensive Plan for Lexington-Fayette County. The South Nicholasville Road Small Area Plan includes the text and the maps presented to the Commission.

Section 2 — That this Resolution with the attached text and the maps adopted herein shall be referred to as the South Nicholasville Road Small Area Plan Element of the 2007 Comprehensive Plan for Lexington-Fayette Urban County.

Section 3 – That the South Nicholasville Road Small Area Plan Element of the 2007 Comprehensive Plan shall supersede all Comprehensive Plan recommendations previously adopted by this Planning Commission for the land area within the South Nicholasville Road Small Area Plan which are inconsistent with any maps, text or recommendations contained in the South Nicholasville Road Small Area Plan.

Section 4 – It is the intent of this Planning Commission that the Zoning Ordinance, Land Subdivision Regulations, and the Zoning Map Atlas currently in effect on the date of adoption of this Resolution shall remain in full force and effect unless and until duly amended by the Lexington-Fayette Urban County Council after receipt of a recommendation by this Planning Commission.

Section 5 – The Director of the Division of Planning is directed to forward this Resolution and the documents mentioned herein to the Lexington-Fayette Urban County Council for its information and use.

Section 6 - This Resolution shall become effective on the date of its adoption.

ADOPTED BY THE LEXINGTON-FAYETTE URBAN COUNTY PLANNING COMMISSION ON THIS THE 12TH DAY OF NOVEMBER, 2009.

Action: A motion was made by Ms. Roche-Phillips, seconded by Ms. Richardson, and carried 10-0 (Copeland absent) to adopt the resolution for the South Nicholasville Road Small Area Plan, as presented by staff.

C. PFR 2009-6: YATES ELEMENTARY SCHOOL RENOVATION – a public facilities review for renovation of Yates Elementary School, located at 695 (aka 703) East New Circle Road.

Staff Presentation – Ms. Rackers stated that this is a Public Facility Review for property located at 695 (aka 703) East New Circle Road. She said that the subject site is located on the Yates Elementary School property, which is off East New Circle Road. She directed the Commission's attention to the rendering of the surrounding area, and explained the location of Industry Road and Sunshine Lane. She said that this property is approximately 15 acres in size, and is currently zoned R-2 (Two-Family Residential). It is surrounded by residential, commercial and industrial zoning. She noted that the uses within this area are mainly single family residential and commercial. She then noted that Green's Toyota is in the general vicinity of the school, southeast of the school is the Eastland Park neighborhood, and to the north is Yates Park subdivision.

Ms. Rackers stated that Yates Elementary School contains approximately 60,000 square feet of floor area, and the proposal centers on the FCPS's desire for selective demolition and an additional 10,000 square feet that will be distributed around the building, making a more cohesive space. Directing the Commission's attention to the site plan, she pointed out the location of the additional square footage.

Ms. Rackers said that the access into the school property is currently off East New Circle Road, and the proposal is to add an access from the Martha Court cul-de-sac. She then said that the Zoning Ordinance requires a total of 78 parking spaces to be provided on this property; and with these changes there will be an additional 16 parking spaces, which will result in a total of 94 parking spaces.

Ms. Rackers noted that there was no known opposition or support for this school expansion, and stated that the 2007 Comprehensive Plan recommends this land for Public Education land use. This is in recognition of its existing use as a school and the desire for the property to remain as such. She said that public education is a category that includes all public education schools, the central offices, and accessory buildings for the elementary, middle and high schools.

Ms. Rackers stated that in reviewing the 2007 Comprehensive Plan, relative to the site improvements, there is no opposition to the expansion of Yates Elementary or to the site improvements being proposed. She said that the text of the Community Facilities chapter of the Comprehensive Plan supports this project wholeheartedly. She then said that there are 5 Goals and 15 Objectives plus text that are either in support of the project or are supported by the project. Unlike many of the public schools, Yates Elementary is listed in the Comprehensive Plan as being in fair condition, and the schools that fall within the "fair to poor" category are generally the schools that receive improvements.

Ms. Rackers then noted that the text of the Comprehensive Plan states that the intention of the Fayette County Public School System (FCPS) is to provide safe, comfortable and aesthetically pleasing state-of-the-art facilities for its students. She said that the text of the Comprehensive Plan also states that one of the goals of the FCPS is to become a world class school system by the year 2020. The expansion and renovation of Yates Elementary School would allow Fayette County to become a part of that vision. She said that this school will have four preschool classrooms, an administrative suite, new entry vestibules, four resource classrooms and a connector between the cafeteria and a portion of the existing building. She then said that the school will also come into compliance with ADA requirements, and will have an upgrade to the HVAC system. Site improvements will include the detention basin, a rain garden planting and improved sidewalks, as well as new walkways. She noted that a revised drop-off loop behind the building will also be provided to separate the buses from the parents' vehicles.

Ms. Rackers said that, based upon the condition of the school, this renovation will help to maintain the desired goal to become a world class school system. She then said that it is in compliance with the 2007 Comprehensive Plan Goals and Objectives, as well as the text of the 2007 Comprehensive Plan; therefore, the staff recommends approval with no amendments or conditions. She noted that Steve Garland, Sherman/Carter/Barnhart, was present should the Commission have any questions or concerns.

Planning Commission Questions – Mr. Penn asked what the time frame for this project will be. Mr. Garland replied that this project will be done in 3 phases, and the goal is to start the improvements in March 2010.

Mr. Penn asked if the school will be operational during the improvements. Mr. Garland replied affirmatively, and said that the classrooms will be moved around to accommodate the students. Mr. Penn commented that this project will require the outside trailers for the students, which Mr. Garland verified.

Mr. Holmes asked for clarification to the right-of-way on Martha Court. Mr. Garland said that the right-of-way is existing to the school property, so there will be no need to make a connection. He said that this connection will separate the parents' drop-off area from the bus drop-off.

Mr. Cravens asked if Jennifer Court is connected to the school. Mr. Garland said that it is not and there will be no connections made to that street.

Mr. Penn asked for guidance from the staff concerning this request. Ms. Rackers stated that the Commission must make a recommendation of approval or disapproval of this request, noting that no conditions can be added.

Action: A motion was made by Mr. Holmes, seconded by Mr. Owens, and carried 10-0 (Copeland absent) to approved the Public Facility Review, as presented by the staff.

- C. **ADOPTION OF THE OFFICIAL MEETING & FILING SCHEDULE FOR 2010** – Mr. Sallee presented the recommended Official Meeting and Filing Schedule for 2010, and requested that the Commission consider its adoption.

Action: A motion was made by Ms. Richardson, seconded by Mr. Owens, and carried 10-0 (Copeland absent) to adopt the Official Meeting and Filing Schedule for 2009, as presented by staff.

VI. **STAFF ITEMS**

- A. **APA AUDIO CONFERENCE** - There will be an APA audio conference on Wednesday, November 18, 2009, from 4:00 to 5:00 in the Division of Planning Conference room, 7th floor at 101 E. Vine Street. The title of this is "Planning with Large Institutions" and it will be good for 1.0 hour of training for House Bill 55 requirements. For anyone who plans to attend the 1-hour conference, an RSVP by Tuesday afternoon (11/17) will be appreciated.

B. **Planning Services Activity Report**

- During the month of September, the Planning Services staff processed 3 zone map amendments and 3 Zoning Ordinance text amendments—forwarding all reports to applicants at least 10 working days prior to Planning Commission public hearings. Some 14 Board of Adjustment appeals were processed—and all written staff reports were forwarded to all applicants at least five working days in advance of the BOA public hearing.

In September, some 39 subdivision and development plan items were processed by Planning Services staff, 13 of which were minor plans which were reviewed within 2 working days of their filing in every case. This month, another 7 major plans were submitted for certification--all of which were reviewed for compliance with all Planning Commission conditions of approval (including follow-up communications made with the plan preparers) within 5 working days of their submission to the Planning Services staff. The staff also provided floodplain assistance for 12 local property inquiries.

Processing of the above items included attendance and/or preparation of materials and presentations for the following: Technical, Subdivision and Zoning Committee meetings, one Planning Commission public hearing, one Planning Commission public meeting, one Planning Commission work session, and one Board of Adjustment public hearing. In

addition, the staff held 6 pre-application conferences for zoning amendment requests, and several pre-application meetings for subdivision, development plan and Board of Adjustment items.

Also, during September, there were 10 updates made to the Registered Neighborhood Association data base, and Planning Services staff assisted 34 unscheduled "walk-in" visitors other than attorneys and local land development professionals. Those unannounced office visitors were placed with a professional staff member in an average of 2.35 minutes. Much of the remainder of the staff's time was spent answering numerous telephone inquiries concerning zoning, subdivision plans, development plans, Board of Adjustment appeals and related matters.

- Infill & Redevelopment Senior Planner Jimmy Emmons, along with Planning Manager Bill Sallee, presented information on Accessory Dwelling Units to the Infill & Redevelopment Policy Task Force at their meeting on the morning of September 2. Information about the Planning Commission's deliberations on this topic, as well as zoning regulations from a few selected cities across the country were outlined, along with concept plans and an issue list for the regulation of these uses in single family residential zones. The IR Policy Task Force has devoted considerable time to discussing this issue over the fall months.
- Several Planning Services staff members and Director Chris King attended a meeting of the Council Services Committee on September 1st to address issues with temporary Real Estate signs. A text amendment was recently considered, not only by that Committee, but also by the Planning Commission on that subject. The Council's Planning Committee may revisit this issue and consider the Planning Commission's recommendations in the near future.
- Senior Planner Traci Wade continued to assist the Tree Board in considering future amendments to local street tree requirements. She is now a member of a sub-committee reviewing potential text amendments to the Zoning Ordinance and Land Subdivision Regulations.
- In September, Senior Planner Jimmy Emmons continued work with representatives for the Distillery District adaptive reuse project on Manchester Street. Floodplain issues and TIF related improvements have been the primary delays in the certification of this approved Final Development Plan.
- On September 21st, Administrative Officer Barbara Rackers traveled to Louisville with Planning Director Chris King to meet with Louisville Metro Planning Director Charles Cash to discuss planning & design efforts there, and to find out about their Form Based Code implementation.
- On the evening of September 23rd, Barbara Rackers and Bill Sallee met with representatives of the Fayette County Cemetery Trust, about state and local regulations pertaining to cemeteries. The Planning Commission has initiated a text amendment on this matter, which is expected to have a public hearing in the near future.
- Administrative Specialist Denice Bullock and Senior Planner Tom Martin, with assistance from Jimmy Emmons, completed the required CRS update, which was required to be submitted to FEMA. The report was approved and Lexington-Fayette County has been recertified for participation in the National Flood Insurance Program. They managed to increase the scope of our public outreach efforts this year, while significantly reducing costs associated with those efforts. One aspect of the report demonstrated that significant progress has been made on several local flood mitigation projects over the past year.

C. Long Range Planning Activity Report

South Nicholasville Road Small Area Plan – The steering committee for the South Nicholasville Road SAP held their last scheduled meeting in the conference room of the Division of Planning. The meeting included a review and discussion of the detailed recommendations in the draft plan. The steering committee directed the staff to report the status of the planning process to the Planning Commission with the expectation of setting a public hearing to consider the draft Plan for adoption. For more information, please see the SNR SAP Website at: <http://www.lexingtonky.gov/index.aspx?page=1468>.

Central Sector and East End Plan Implementation – A team of community leaders and LFUCG staff continued to review the implementation tasks for the Central Sector and East End Small Area Plans. The team will meet regularly to assess the progress of implementation.

East End Citizen Leadership – Staff made a presentation to the inaugural session of a leadership academy for citizens who have a particular interest in the East End. The discussion included an overview of the planning process in general and the East End and Central Sector Small Area Plans in particular. Topics by other presenters included the Lyric Theater, the Isaac Murphy Memorial Garden, and the Legacy Trail.

Green work, Greenways and Bike/Ped – As a member of the LFUCG Green Team, staff is participating in a government-wide initiative to increase participation in recycling and energy conservation activities. Staff attended the Greenway Coordinating Committee meeting and continued to update the LFUCG trail and greenway properties databases and maps.

Development Review – Staff conducted a variety of development review duties and meetings, conducted field work, and coordinated greenway and greenspace development issues.

* - Denotes date by which Commission must either approve or disapprove plan.

General Work Activities – Staff prepared for and attended the monthly meetings of the Greenspace Commission and Technical Review Committee. Staff also answered questions about land use and other comprehensive plan issues as well as neighborhood association issues. Staff updated the Neighborhood Association data base. Using GIS, Census data, and PCensus software, staff created maps and data sets for the Urban County Council, other LFUCG Departments, and agencies and officials outside the government. Staff also attended LFUCG-sponsored training sessions, including PeopleSoft and staff development training.

D. Transportation Planning Activity Report

Administration – Committee meeting packets were prepared and distributed for the following Transportation Planning/MPO meetings held in September: Bicycle and Pedestrian Advisory Committee (BPAC), and Transportation Technical Coordinating Committee (TTCC).

- MPO Newsletter - "Bluegrass Traveler" – working on newsletter for next edition.
- Mailed out agenda for Transportation Project Coordination Meeting for September 30, 2009 meeting.

Transportation Improvement Programming (TIP) –

- Completed revisions to the TIP based on comments received from KYTC and FHWA. Modified the TIP on September 21, 2009. Presented modifications at the 8/26/2009 TPC and mailed revised documents 9/9/2009.

Intelligent Transportation Systems (ITS) –

- The MPO staff continued to monitor ITS issues and pursue additional coordination with the LFUCG Division of Traffic Engineering, KYTC, and FHWA.

Surveillance –

- MPO Website Development – website continues to receive slow to moderate growth in all categories. MPO staff updates the web site with new links, graphics and content on a continual basis.
- Staff attended the Bluegrass ADD Regional Transportation Committee meeting in September.
- Other important meetings with MPO staff participation included: Corridors Committee.
- Staff attended (as a member) the South Nicholasville Rd SAP Steering Committee meeting.
- Staff attended the Harrodsburg Rd Corridor Plan Advisory Committee meeting.
- Staff organized ARRA project implementation coordination meeting.
- Staff attended the Blue Grass Airport Board meeting in September.
- Staff attended Kentucky Healthy Communities Summit.
- Staff attended a World Equestrian Games transportation meeting.

Transportation Plan Update –

- The approved 2035 Metropolitan Transportation Plan (MTP) was mailed to Transportation routing list stakeholders.
- The Lexington MPO Public Participation/Involvement Access Database continues to be updated. The database now includes over 833 records.
- Travel Demand Model – Staff modeler continues to provide travel demand forecasts upon request and interprets modeling forecast results.
- An abstract was prepared and submitted to the TRB Transportation Planning in Small and Medium-sized Communities Committee for the "Tools of the Trade" conference.

Transit Planning –

- Staff attended and spoke at ArtStop dedication on 3rd and Elm Tree Ln. (Art-in-Motion's 2nd completed project.)
- Staff met with CDP Engineers to discuss possible art sculpture bus shelter on Tates Creek Rd as a part of the Tates Creek Side Walk project.
- Met with LexTran and LFUCG Long Range Planner to discuss possibilities/opportunities in South Nicholasville Rd Small Area Plan.
- Staff met with IT consultants TransSystems to start the technological implementation plan from the ARRA funds recently received. The MPO will be involved with this project as it unfolds.

Transportation-Land Use Impact Analysis and Forecasting –

- Staff participated in regularly scheduled development review meetings, and provided review and input on transportation, transit, and land use impact issues.
- Staff performed the monthly review of proposed zoning map amendments and proposed development plans for "general consistency" among planning efforts and different Planning units.

- Traffic count and roadway functional classification and TDM data information was provided to several development professionals, private consultants, and to citizens in September.
- The MPO staff continues to monitor the *Jessamine Journal* and the Jessamine County Comprehensive Plan to track on-going land development and consults with County officials on a regular basis to keep abreast of development activities. A draft transportation section of the Comp. Plan update was reviewed by staff.
- Identified roadway safety issues in Fayette and Jessamine counties.
- Staff met with Traffic Engineering consultant to discuss potential US 68 South Broadway and Virginia Avenue intersection improvement alternatives for a future land development at Red Mile Road.

Multimodal / Intermodal Planning –

- Trail projects – Staff updated and prepared trail project maps for the Mayor's Office and Bike Task Force. Staff attended a kick-off meeting for Town Branch Trail Phase 3 design and Phase 4 study.
- BPAC members met with the LFUCG Police Traffic Analyst to review pedestrian collision data from 2008. There were 9 pedestrian fatalities in 2008, representing 30% of all fatal traffic collisions in 2008.
- Grants – Funding awards for several transportation grants were announced in September totaling \$4.5 million. They include Southland Drive Bike/Ped Improvements, University Dr Bike Lanes, Loudon Ave Sidewalks, Legacy Trail Phase 3, Town Branch Trail Crossing, South Limestone Streetscape Improvements and a Safe Routes to School project.
- Safe Routes to School – Staff met with Glendover Elementary and the PTA president to kick off this year's program. Staff met with LTMS to review arrival and dismissal procedures and to address some safety concerns.
- Share the Road Campaign – The KYTC approved the installation of signage on state routes. The contract for the educational campaign has been executed and work may begin.
- Jessamine County trails – Staff met with the Jessamine County Trails Association and Bluegrass ADD to work on incorporating bike/ped/trail plans into the Comprehensive Plan Update.
- Second Sunday – Staff assisted with event planning scheduled for Oct 11, 2009 and attended a press conference on 8/28.
- Public Information/Education Campaign – Staff is working with LFUCG's PIO and Bike Task Force to launch a Bike Lexington webpage.
- Curb ramps – Staff worked with Engineering and GIS to prioritize a list of curb ramp installations for FY 2009-10.
- South Limestone Multimodal Transportation Study – 3 draft alternatives were presented to the Steering Committee. A public meeting will be scheduled for late September or early October.
- Freight Planning – The final draft of the Freight Section Extension is complete and available for review by MPO members and interested parties.
- Staff prepared information and attended a meeting with Councilmember Feigel concerning the High/Fontaine/Euclid intersection.
- Staff began collecting information for an effort to get public input on the proposed two-way conversion of 2nd and Short Streets.

Air Quality Activities –

- Air quality forecasting continued in September. Actual air quality monitor readings were received and tracked to assess the accuracy of the forecasting model in Lexington.
- Staff reviewed the Cincinnati Climate Action Plan.
- Staff attended a LFUCG Local Action Plan meeting to develop a plan to address climate change.
- A draft CMAQ scoring sheet was developed and an application notice was distributed to MPO committees and other interested parties.

Congestion Management Process (CMP) –

- Staff continued to work on the Congestion Management Process (CMP) Overview document.
- Staff prepared the Congestion Management Committee (CMC) meeting agenda and presentation for the September CMC meeting.
- Staff continued to work on the *Linking Planning, Engineering, Operations and Safety (LPEOS) program*.
- Staff attended a seminar at KYTC-Frankfort on September 14. The seminar was presented by INRIX Services regarding historic and real-time traffic congestion monitoring technology and program.
- Staff attended planning and transportation planning related meeting to gain ideas in addressing congestion issues when Fayette County Public Schools and University of Kentucky are back in session.
- Staff collected road closure information and prepared to help citizens and residents in regard to selecting alternate commute routes when roadways are closed or partially-closed for construction or re-construction.

Mobility Office Activities –

- Regular mobility office activities continued this month as well as researching new initiatives for the upcoming mobility marketing campaign.

Staff Development –

- Staff continues to monitor the latest information from planning, engineering, and traffic engineering publications.
- Staff attended Division-wide safety training meeting.
- Staff attended the Kentucky American Planning Association Fall Conference Sept. 24 and 25.
- Staff completed an on-line training course for the Emergency Operations Center.

Unified Planning Work Program (UPWP) –

- Staff reviewed UPWP to ensure work program elements are being fulfilled, monitored, and improved for relevancy and changing Public Works needs.

VII. **AUDIENCE ITEMS** – Citizens may bring a planning related matter before the Commission at this time for general discussion or future action. Items that will **NOT** be heard are those requiring the Commission's formal action, such as zoning items for early rehearing, map or text amendments; subdivision or development plans, etc. These last mentioned items must be filed in advance of this meeting in conformance with the adopted filing schedule.

VIII. **NEXT MEETING DATES** -

Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....November 19, 2009
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)November 25, 2009
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)December 3, 2009
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)December 3 2009
Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers**December 10, 2009**
Zoning Items Public Hearing/Work Session, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....December 17, 2009
Planning Committee/Planning Commission Joint meeting, Tuesday, 9:00 a.m., Lexington Public LibraryJanuary 26, 2010

IX. **ADJOURNMENT** - There being no further business, a motion was made to adjourn the meeting

Frank Penn, Chair

Mike Owens, Secretary

CT/CG/TM/WLS/SDB