Minutes
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS

March 11, 2010

I. **CALL TO ORDER** - The meeting was called to order at 1:30 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.

Planning Commission Members Present – Frank Penn, Chair; Carolyn Richardson, Vice-Chair; Mike Owens; Ed Holmes (arrived at 1:37 p.m.); Lynn Roche-Phillips; Joan Whitman; Marie Copeland; Derek Paulsen Mike Cravens and William Wilson. Patrick Brewer was absent.

Planning Staff Present – Chris King, Director; Barbara Rackers, Tom Martin, Chris Taylor, and Denice Bullock. Other staff members in attendance were: Steve Parker, Division of Engineering; Captain Charles Bowen and Firefighter Allen Case, Division of Fire & Emergency Services, and Jeff Neal, Traffic Engineering.

II. **APPROVAL OF MINUTES** – Chairman Penn reminded the members that the prior Planning Commission meeting minutes of February 11, 2010, were previously distributed to the Commission, and were ready to be considered at this time.

Planning Commission Comments - Directing the Commission's attention to page 10 of the minutes, Mr. Owens noted that under Planning Commission Questions, 4th sentence down should state that Mr. Simpson said: "*He noted that Turfland Mall is failing because it is **not** generating any type of tax to speak of; and with the lack of activity, the property taxes have decreased in value."* Chairman Penn noted that correction to the February 11, 2010, minutes. He asked the Commission if there were any other changes that needed to be made. There was no response.

Action - A motion was made by Mr. Owens, seconded by Ms. Richardson and carried 9-0 (Holmes and Brewer absent) to approve the (corrected) minutes of February 11, 2010.

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

Planning Commission Comment – Chairman Penn asked if anyone in the audience or on the staff wished to make a request for postponement or withdrawal.

a. PLAN 2010-13P: FAIRWAY LANDS, UNIT 11 (5/02/10)* - located at 350 Henry Clay Boulevard. (Council District 5) **(EA Partners)**

Representation – Rory Kahly, EA Partners, was present representing the applicant, and requested postponement of PLAN 2010-13P to the April 8, 2010, 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 Ms. Richardson, seconded by Mr. Cravens, and carried 9-0 (Holmes and Brewer absent) to postpone PLAN 2010-13P to the April 8, 2010, Planning Commission meeting.

b. DP 2010-8: PROVIDENCE PLACE, TRACT 3, LOTS 4 & 5 (5/02/10)* - located at 2200 Newtown Pike. (Council District 12) **(Vision Engineering)**

Representation – Matt Carter, Vision Engineering, was present representing the applicant, and requested postponement of DP 2010-8 to the April 8, 2010, 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 Ms. Richardson, and carried 9-0 (Holmes and Brewer absent) to postpone DP 2010-8 to the April 8, 2010, Planning Commission meeting.

c. **COMMISSION CONSIDERATION OF A RESOLUTION REGARDING THE WORLD EQUESTRIAN GAMES** – The Commission will consider a proposed Council resolution recognizing the need for temporary land uses during the World Equestrian Games that may not be permitted by current zoning regulations, creating a temporary use designation as an "Official Temporary World Equestrian Games Related Use" and establishing procedures and requirements for the establishment of such uses. This resolution was distributed to Commission members at their January work session.

Director Comments - Mr. King stated that the staff had received a request to withdraw the consideration of this resolution regarding the World Equestrian Games (WEG).

Planning Commission Question – Chairman Penn asked if this item required any type of action to be taken. Mr. King suggested that the Commission recognize that this item was withdrawn from the docket.

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Action - A motion was made by Ms. Roche-Phillips, seconded by Ms. Whitman, and carried 9-0 (Holmes and Brewer absent) to withdraw the consideration of the resolution regarding the World Equestrian Games (WEG).

IV. LAND SUBDIVISION ITEMS - The Subdivision Committee met on Thursday, March 4, 2010, at 8:30 a.m. The meeting was attended by Commission members: Mike Cravens, Mike Owens, Carolyn Richardson, Derek Paulsen and Marie Copeland. Committee members in attendance were: Hillard Newman, Division of Engineering; and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Tom Martin, Chris Taylor, Cheryl Gallt, Traci Wade, Denice Bullock, and Barbara Rackers, as well as Rochelle Boland, Department of Law; Captain Charles Bowen and Firefighter Allen Case, Division of Fire & Emergency Services; Bob Carpenter, Division of Building Inspection; and Paul Hockensmith, Addressing Office. 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. Martin identified the following items appearing on the Consent Agenda, and oriented the Commission to the location of these items on the regular Meeting Agenda. He noted that the Subdivision Committee had recommended conditional approval of these items. (A copy of the Consent Agenda is attached as an appendix to these minutes).

1. PLAN 2010-14F: MARSHALL PROPERTY, UNIT 2-K (5/02/10)* - located at 3000 Leestown Road (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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Clarify the extent of the 15' sanitary sewer easement on lot 1.
9. Delete 10' building line in areas not adjacent to street right-of-way.
10. Addition of note #12 from the certified Final Development Plan.

2. DP 2010-7: SAYRE CHRISTIAN VILLAGE, PHASES 1, 2, 3, 4 & 7 (BELLEAU WOOD SUB.) (AMD) (5/02/10)* - located at 3816 Camelot Drive. (Council District 4) **(Banks Engineering)**

Note: The purpose of this amendment is to add off-street parking and buildable area, and to relocate an access point to Greenfield Drive.

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 landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan, and/or tree canopy information.
6. Division of Fire's approval of emergency access and fire hydrant locations.
7. Division of Waste Management's approval of refuse collection.

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8. Addition of dimensions on parking areas (typical parking space dimensions).
9. Provided the Board of Adjustment grants approval of this expanded conditional use.

Note: Mr. Holmes arrived at this time.

3. DP 2010-11: LEDERER PROPERTY (GCL PROPERTIES) (AMD) (5/25/10)* - located at 312 North Limestone Street. (Council District 1) **(Wheat and Ladenburger)**

Note: The purpose of this amendment is to revise dimensions for an addition, and add a building envelope, and floor area.

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 landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Remove proposed rain garden and denote the proposed detention areas.
7. Revise note #12 to reflect proposed detention areas and any impact on the tree protection areas.
8. Resolve building envelope conflict with existing white ash tree.
9. Review by the Technical Committee prior to certification.

Mr. Martin said that these 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 for a full discussion.

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. Ms. Wiseman requested that DP 2010-11 be removed from the Consent Agenda for further discussion.

Action - A motion was made by Mr. Owens, seconded by Mr. Cravens and carried 10-0 (Brewer absent) to approve the remaining items listed on the Consent Agenda, removing DP 2010-11 for further consideration.

B. 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. DP 2010-9: SHARKEY PROPERTY, UNIT 4, SECTION 2 (& RESIDENTIAL SERVICE BUILDING) (AMD#2) (5/02/10)* - located at 1700 Leestown Road (a portion of) and 148 Louie Place. (Council District 2) **(Barrett Partners)**

Note: The purpose of this amendment is the addition of 120 apartment units.

The Subdivision Committee Recommended: **Referral**. There were questions regarding the new apartment buildings' setback from new drive aisles being less than required by Article 9-6(c)(2) of the Zoning Ordinance.

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. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Division of Fire's approval of emergency access and fire hydrant locations.
7. Division of Waste Management's approval of refuse collection.
8. Correct plan title.
9. Provided the Planning Commission grants a waiver to Article 6-8(b) of the Land Subdivision Regulations.
10. Certification of easement minor plat prior to the certification of DP 2010-9.
11. Resolve utilization of the detention basin as usable open space (as indicated in site statistics).
12. Resolve the resolution of building conflicts with the existing detention easement.

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13. Discuss compliance with Article 9 of the Zoning Ordinance regarding the required frontage yard (setback from drive aisles).

Staff Presentation – Ms. Gallt directed the Commission's attention to the final development plan for the Sharkey Property that is located on a portion of 1700 Leestown Road and at 148 Louie Place. She said that at the southernmost portion of the site, there is a 25' landscaping buffer that separates the subject property from the adjacent LFUCG property; and to the east of the property, there is a 20' tree protection area separating the subject site from the Meadowthorpe Shopping Center.

Ms. Gallt said that the purpose of this amendment is to add 120 apartment units, as well as the associated parking spaces that are required. She then said that the Land Subdivision Regulations require at least 108 parking spaces to be provided. The applicant is proposing 206 parking spaces, which is well over the minimal requirements. She noted that as part of the 206 parking spaces being provided, the applicant is proposing 52 garages onsite.

Ms. Gallt stated that the Subdivision Committee had reviewed the applicant's request and recommended referral due to the concerns regarding the apartment buildings' setback being less than what is required by Article 9-6(c)(2) of the Zoning Ordinance (condition number 13). She said that as of March 5, 2010, the applicant had submitted a revised proposal to the staff, and had applied for a setback variance to Article 9-6(c)(2) of the Zoning Ordinance through the Board of Adjustment. Based upon these two actions made by the applicant, the staff can now recommend approval with the following changes:

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. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Division of Fire's approval of emergency access and fire hydrant locations.
7. Division of Waste Management's approval of refuse collection.
8. Correct plan title.
9. Provided the Planning Commission grants a waiver to Article 6-8(b) of the Land Subdivision Regulations.
10. Certification of easement minor plat prior to the certification of DP 2010-9.
11. Resolve utilization of the detention basin as usable open space (as indicated in site statistics).
12. Resolve the resolution of building conflicts with the existing detention easement.
13. ~~Discuss compliance with~~ Provided the Board of Adjustment approves a variance to Article 9 of the Zoning Ordinance regarding the required frontage yard (setback from drive aisles).

Ms. Gallt stated that attached to this application, the applicant had requested, and would need to be granted approval for, a waiver to Article 6-8(b) of the Land Subdivision Regulations for street termination.

Waiver Presentation – Mr. Martin directed the Commission to the staff report that was previously submitted, and said that the applicant is requesting a waiver to Article 6-8(b) of the Land Subdivision Regulations, which references the termination of Louie Place. He then said that should a street be terminated, it must be done so through either a cul-de-sac or an extended connection leading to an adjacent property. For this proposal, the applicant is requesting not to construct the Louie Place cul-de-sac that would intrude into the apartment complex. He said that the applicant is proposing to clearly delineate the termination of Louie Place by having a 2' wide concrete band across the pavement to define the private and public ownership and maintenance responsibilities.

Mr. Martin stated that the applicant has cited two circumstances that would present an undue hardship on the property owner. He said that in reviewing the site plan, there are significant site restraints that include a small section of street frontage to the south. In addition, there is an extremely large detention basin to the west, and there is developed property immediately adjacent to the subject site that was previously approved by the Commission. He noted again that at the southernmost portion of the site, there is a conditional zoning requirement for a 25' landscape buffer that separates the subject property from the adjacent LFUCG property at the rear of the property. He said that in reviewing the site plan, the staff believes the construction of the cul-de-sac would create a negative impact on the property. With that being said, Mr. Martin noted that the staff had spoken with the Division of Solid Waste, and the Division of Engineering, as well as the Division of Fire; and it was determined that all public services, including emergency response, can be adequately provided. He added that should the public mistakenly enter the property, access back to the public right-of-way will be easily available. Therefore, the requested waiver can be granted based upon 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 based on the constraints associated with the site, including the short section of public road; the large detention basin; and the required easements and setbacks.

Representation – Tony Barrett, Barrett Partners, was present representing the applicant. He said that during the Subdivision Committee meeting, there was a discussion concerning Article 9 of the Zoning Ordinance regarding the

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required frontage yard setbacks. He said that a request was made by a Committee member to present a rendering to the Commission to clearly show the layout of the property, as well as the proposed setbacks.

Mr. Barrett said that there was a disagreement between the staff and the applicant as to how Article 9 should be interpreted; therefore, the applicant had submitted a variance application to the Board of Adjustment for the reduction of the required 40' setback. He explained that the subject site is able to provide the 40' setback; however, this would result in the design of the property being modified, which would result in the useable open space, rear bike path and hiking trail being reduced, as well as placing the buildings out of alignment with the Louie Place right-of-way. He said that they believe changing the layout of the property would create an unattractive look for the property to prespective tenants; and should the Board of Adjustment deny their variance request, they will revert to what is required by the Zoning Ordinance.

Mr. Barrett then said that as for the waiver request, they believe that the proposed design would create a clear delineation for the entrance into the apartment complex, and it would not obstruct traffic flow on Hatter Lane or Louie Place. In conclusion, Mr. Barrett said that they are in agreement with the staff's recommendations, and requested approval.

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

Action - A motion was made by Mr. Cravens, seconded by Ms. Richardson, and carried 10-0 (Brewer absent) to approve DP 2010-9, subject to the revised conditions provided by the staff.

Action - A motion was made by Mr. Cravens, seconded by Ms. Richardson, and carried 10-0 (Brewer absent) to grant the waiver to Article 6-8(f) of the Land Subdivision Regulations, 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 based on the constraints associated with the site, including the short section of public road; the large detention basin; and the required easements and setbacks.

b. DP 2010-11: LEDERER PROPERTY (GCL PROPERTIES) (AMD) (5/25/10)* - located at 312 North Limestone Street. (Council District 1) **(Wheat and Ladenburger)**

Note: The purpose of this amendment is to revise dimensions for an addition, and add a building envelope and floor area.

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 landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Remove proposed rain garden and denote the proposed detention areas.
7. Revise note #12 to reflect proposed detention areas and any impact on the tree protection areas.
8. Resolve building envelope conflict with existing white ash tree.
9. Review by the Technical Committee prior to certification.

Staff Presentation – Mr. Taylor directed the Commission's attention to the amended final development plan for the Lederer Property that is located at 312 North Limestone Street. He oriented the Commission's attention to the surrounding street system, and noted that the subject property is at the intersection of North Limestone Street and East Third Street, with Lake Alley being at the rear of the site.

Mr. Taylor said that the purpose of this amendment is to add 1,800 sq. ft. that was not originally shown on the previously approved plan. He said that the site statistics from the original plan are different from the amended plan. The applicant had indicated on the amended plan there would be an approximate 10,184 sq. ft addition to the rear of the Carrick House, where on the original plan, it only indicated 8,000 sq. ft. He said that there is a half-loop access off of North Limestone Street, as well as an access entrance off Lake Alley. He said that this amendment is proposing to add a building envelope around the addition; however, this was a direct conflict with the protection of an existing white ash tree that was included on a previous development plan.

In conclusion, Mr. Taylor stated that the Subdivision Committee had reviewed the applicant's request, and recommended approval, subject to the conditions listed on the agenda.

Representation – Rena Wiseman, attorney, was present representing the applicant. She said that they are in agreement with the staff's recommendations, with the exception of condition number 9. She then said that they are requesting a waiver of the Technical Committee review, since this has already been reviewed by that body. She

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noted that there was a discrepancy in the square footage between the footprint and what is shown in the site statistics. This discrepancy was due to the size of the footprint that was approved by the Board of Architectural Review, and what was shown on the amended final development plan being different. She noted that they are trying to obtain the building permit for this project, and going back to the Technical Committee would create a hardship and delays. With that being said, Ms. Wiseman noted that they are in agreement with the staff's recommendations and requested approval, subject to the remaining 8 conditions, deleting condition number 9.

Planning Commission Question – Ms. Copeland asked, if this item was not reviewed by the Technical Committee what assurance there would be to protect the white ash tree from the building line encroaching upon it. Ms. Wiseman said that the building envelope cannot be moved without the consent of the Commission. She said that the building envelope has been adjusted away from the white ash tree. Mr. Taylor added that condition number 8 would remain listed as part of the approval, even if the Technical Committee were removed.

Chairman Penn asked Mr. Ladenburger if he had any comments, to which he replied that he did not.

Mr. Holmes asked if the issue of waiving the Technical Committee review was resolved among the staff and the applicant. Mr. Taylor said that it is standard procedure for all late submittals to be reviewed by the Technical Committee. He said that this is a relatively small amendment to the recently approved plan. The staff has spoken with the Division of Engineering concerning these issues, and they have indicated there is no need for them to review the plan again. If needed, a staff member from the Division of Engineering could elaborate further. He then said that staff is agreeable with whatever the Commission decides.

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

Action - A motion was made by Ms. Whitman, seconded by Ms. Richardson, and carried 10-0 (Brewer absent) to approve DP 2010-11, subject to the conditions listed on the agenda, deleting condition number 9.

C. PERFORMANCE BONDS AND LETTERS OF CREDIT – Any bonds or letters of credit requiring Commission action will be considered at this time. The Division of Engineering will report at the meeting.

Action - A motion was made by Ms. Roche-Phillips, seconded by Mr. Cravens, and carried 10-0 (Brewer absent) to approve the release and call of bonds as detailed in the memorandum dated March 11, 2010, 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.

Staff Introduction – Ms. Rackers stated that there are three Public Facilities Reviews listed on the agenda, all of which are for the Fayette County Public School (FCPS) system, the first one (PFR 2010-1) being for the construction of Keithshire Elementary School, located at 3280 Keithshire Way, PFR 2010-2 is for the construction of an agriscience farm learning center that will be located at 3591 Leestown Road; and PFR 2010-3 is for the renovation of Tates Creek Middle School, which is located at 1105 Centre Parkway. She said that should there be any questions regarding these Public Facilities Reviews, no one was present on behalf of the Fayette County Public School System; however, the staff would try to answer any questions the Commission might have.

A. PFR 2010-1: FAYETTE COUNTY PUBLIC SCHOOLS (KEITHSHIRE ELEMENTARY SCHOOL CONSTRUCTION) – a Public Facilities Review of construction of Keithshire Elementary School, located at 3280 Keithshire Way.

Staff Presentation - Ms. Rackers noted the location of PFR 2010-1 on the Commission's agenda, and said that a letter had been received from Councilmember McChord, District 9, who was not able to be present due to a meeting conflict. She said that he had submitted a letter regarding concerns with this proposal.

Ms. Rackers stated that that Keithshire Elementary site is located at 3280 Keithshire Way, off of East Reynolds Road, near the Meijer store, between Nicholasville Road and Clays Mill Road. She said that the site contains approximately 14 acres, it is vacant and it is zoned Single Family Residential (R-1C). The surrounding zoning and land uses consist of single family residential, with the exception of the Lexington Christian Academy to the west.

Ms. Rackers then stated that FCPS is proposing to construct a 72,000 sq. ft new building that will have a 650-student capacity. She said that the building will contain 26 classrooms; 2-4 preschool classrooms; art, music and computer rooms; administration areas; gymnasium; cafeteria and kitchen. She noted that there will be 150 parking spaces provided onsite as well.

Ms. Rackers said that this facility will be considered an Energy Star School, which means that the products and materials used must meet a certain level of energy efficiency, which is required by KRS for public schools and public buildings.

Ms. Rackers then said that there is no known opposition to this request, but there is an overall concern from the surrounding neighborhoods, Councilmember McChord and the LFUCG Division of Traffic Engineering with regard to traffic management in the area. She noted that with the surrounding retail, business developing and residential uses, along with the lack of road improvements to Keithshire Way, the traffic level will become an increasing concern. She said that currently, there are two access points to the property from Keithshire Way; one is for the general public by way of a right-in entrance and right-out exit; and the second access will be a loop system for the FCPS buses. The buses will be able to access the school from either direction off of Keithshire Way; however, there is no storage lane provided for them when making a left turn into the property, which will create more of a traffic impact than what is currently there. She said that the Division of Traffic Engineering is recommending that a storage lane be provided, as well as a dedicated left turn lane for westbound traffic. She noted that this is one of the concerns Councilmember McChord had raised in the previously submitted letter.

Ms. Rackers stated that the Traffic Engineering Manager had sent a letter to the Director of Facility Design and Construction for the FCPS citing these concerns. In a return letter from Mr. Wallace, he noted his agreement with the staff's concerns; however, the FCPS cannot use public school funds for off-site road improvements, which is outlined in the Kentucky's Constitution. This was upheld by a written opinion of the Kentucky Attorney General, and FCPS is bound by that opinion. She noted that the Keithshire Way road improvements are needed and there has been discussion between the FCPS and different government entities, including the Mayor's Office; but as yet, nothing has been resolved. She said that the staff had suggested that the layout of the building be shifted back on the property to provide an additional storage area for the buses until such time the road improvements could be completed; but it was not known if that was feasible.

Ms. Rackers said that the layout of the proposed school is nearly identical to that of the Athens-Chilesburg Elementary School; and after two years of Athens-Chilesburg Elementary School being occupied, additional storage for the buses was needed on the property. She then said that if this current layout could be rearranged to add more internal storage onsite, it would be beneficial to do that before hand, which should help to mitigate some of the anticipated problems concerning traffic flow.

Ms. Rackers stated that in reviewing the 2007 Comprehensive Plan, there are several Goals and Objectives, as well as text that relate to the proposed school construction. She noted that within the staff report there are several Goals and Objectives listed, and said that these are neither in opposition to nor in support of this proposal, but they do relate to the issues. She then said that there are several Goal and Objectives do support the project, as with any renovation or construction of a school. The Community Facilities chapter of the Comprehensive Plan is also in support of this proposed new construction. She said that the Land Use Element of the 2007 Comprehensive Plan recommends Public Education land use, and has been that recommendation since the 1996 Comprehensive Plan. Even with the support of and compliance with the 2007 Comprehensive Plan, the previously mentioned issues need to be addressed, preferably before the construction of the new school, which may be able to be done by changing the school design and/or layout of the property.

In conclusion, Ms. Rackers said that the staff is recommending approval, but strong recommendation that the property layout be re-designed, as suggested, to allow for more bus storage internal to the property, in order to help mitigate the negative traffic impact that is anticipated. It is also recommended that FCPS and LFUCG continue to work together to find a way to make the right-of-way improvements that have been recommended by the Urban County Traffic Engineer.

<u>Planning Commission Question</u> – Mr. Holmes said that he is concerned with the letter submitted by Councilmember McChord, the increase of traffic impact due to the proposed site design and the fact that there was no one present representing the FCPS system. He understands that the Commission is limited in what they can do, but he does not want to approve a project that will cause an increase in the potential traffic level. Ms. Rackers said that the Commission is not approving or disapproving this request, but only making a recommendation to the FCPS to address the traffic issues.

Mr. Holmes asked, that knowing what is being presented; if the Commission could only make a further recommendation. Ms. Rackers said that the Commission can only advise the FCPS to continued discussion with the LFUCG concerning the road improvements and the re-design of the property.

Mr. Holmes asked why the Commission is reviewing these request if no action can be taken. Ms Rackers stated that the Commission is required by KRS to hear all Public Facilities Reviews. Mr. King said that there is a certain amount time for the Commission to comment on a PFR issue. He said that the Commission does not review the site plan as such, but the Commission can voice their opinion to the FCPS, including how this site layout could be more beneficial with regards to the public realm.

Mr. Holmes said that he believes that this proposal is not compliant with several of the Goals and Objectives of the 2007 Comprehensive Plan. Mr. King said that that would be a strong statement to make and that everyone understands that this issue needs to be addressed.

Mr. Owens said that there is a traffic issue in the area, but what about storm water runoff problems. He asked if this proposal will be new construction. Ms. Rackers replied affirmatively, and noted that there is a detention basin onsite. She said that the staff has suggested that the FCPS contact the Division of Engineering to make sure the basin is of adequate size for this new construction.

Mr. Owens asked if the detention basin will be expanded. Ms. Rackers replied that the staff did not know the answer to that question, but the Division of Engineering may have that answer.

Mr. Owens said that 72,000 sq. ft. of new construction on 14 acres will create more impervious area, and the detention basin should be addressed. Ms. Rackers said that the staff has advised the FCPS to speak with the Division of Engineering.

Chairman Penn asked for guidance as to how to take action on this item. Ms. Rackers said that the Commission can strongly note their concerns with the motion.

Action - A motion was made by Ms. Roche-Phillips, seconded by Mr. Owens, and carried 10-0 (Brewer absent) with regard to PFR 2010-1: Keithshire Elementary School: the Commission finds that most of the proposed school construction to be in compliance with the 2007 Comprehensive Plan, with the exception of the following:

- Goal 20 - Provide and maintain a range of community facilities and services;
- Goal 2, Objective E - Study a diverse range of transportation improvements to meet long-range, inter-county transportation needs, linking transportation proposals with growth management controls to ensure efficient traffic movement and responsible planning;
- Goal 2, Objective G – Pursue greater planning, cooperation and coordination with entities of state and federal government to ensure that governmental land uses not subject to local zoning control do not unduly burden Urban County Government infrastructure or adversely impact land uses in the general vicinity;

With the attention on enhancing transportation/traffic movement within this area; and
for the school board to consider coming into compliance with the Goals and Objectives of the 2007 Comprehensive Plan.

B. **PFR 2010-2: FAYETTE COUNTY PUBLIC SCHOOLS (LOCUST TRACE AGRISCIENCE FARM)** – a Public Facilities Review of construction of an agriscience farm learning center, located at 3591 Leestown Road.

Staff Presentation - Ms. Rackers directed the Commission's attention to PFR 2010-2, and stated that this is a Public Facilities Review for the Locust Trace Agri-science Farm Learning Center, which will be located at 3591 Leestown Road. She said that the site contains approximately 82 acres, noting that this land was formerly a part of the Federal Corrections Institute. She then noted that a portion of the land will be used for a future LFUCG fire station on Leestown Road. She said that the site is vacant and is currently zoned for agricultural (A-R).

Ms. Rackers then said that FCPS is proposing to construct a 45,000 sq. ft. classroom building that will contain areas for administrative uses, a media center and classrooms with a related workshop area, to include a veterinary clinic, greenhouse and all related support spaces. She said that there will also be a 20,000 +/- sq. ft. arena building, which will include a teaching arena, twelve large animal stalls, a wash stall, tool shed and an equipment room. There will also be miscellaneous outbuildings that will include a small livestock barn, hay shed, and sheds for equipment and tools. She noted that there will paddocks around the perimeter, and the main building will be central to the property. She then said that the LFUCG fire station and the learning center will have a shared access off Leestown Road.

Ms. Rackers said that the Locust Trace Argi-science Farm will serve Fayette County students, as well as students from Woodford, Jessamine and Scott Counties. She then said that there will be two ½-day sessions that will accommodate up to 125 students each, for a total of 250 students each day. The on-site staff will include Administrative staff; a Media Center Administrator; Classroom, Resource and Vo-Tech lab teachers, a custodial person and a farm manager. There is the possibility that a veterinarian will be onsite during the week and ½-day on Saturday to serve in a teaching capacity, as well as operate an on-site veterinary clinic. Ms. Rackers stated that the purpose of this proposal is to provide students from the region a real world/hands-on experience in areas of agriculture, and green technology. This concept is in direct support of Goal 4, Objective H as it relates to cooperation and communication throughout the Bluegrass Region to promote land conservation and environmental protection. She said that the students have been involved since the beginning of the project to determine the best use of the various parcels and will continue to be involved throughout the construction phase. She said that one aspect of this project is the students conducting weather system analysis in order to integrate the use of wind and solar energy, as well as other green technologies. Ms. Rackers said that this is virgin land, which allows an opportunity to address alternative methods of waste disposal without taxing the existing public works system. She then said that FCPS is considering the use bio-digestors to convert plant and animal waste to sources of energy.

Ms. Rackers stated that this project is supported by several Goals and Objectives in the 2007 Comprehensive Plan; it has the support of the Vision Statement, as well as the Community Facilities Chapter and the Environmental and Green Infrastructure Chapter. She said that the Land Use Element of the 2007 Comprehensive Plan recommends the property for Core Agricultural and Rural Land (CARL) use, which is characterized by agricultural land use. She then said that this property will be used as school for academic instruction, meaning that it will not be strictly an agricultural use, not will it be strictly an urban use. This facility will be Leadership in Energy and Environmental Design certified (LEED), and it will embody the concepts and the themes contained in the Environmental and Green Infrastructure chapter of the 2007 Comprehensive Plan. She said that another aspect of the project that supports this section of the Comprehensive Plan is through public and private partnerships. It states in the Comprehensive Plan that these partnerships improve the chances of successfully implementing Green Infrastructure programs and projects. There will be an advisory committee that will consist of government officials, University of Kentucky personnel, education administrators and community members, who will develop the educational content and the programming offered in order to help students transition from the high school environmental to either college or the workforce. She noted that the FCPS had stated that the partners' guidance will keep the program "current with industrial standards; and financial support and job/career opportunities for the students, as well as links to other educational opportunities," and that the 2007 Comprehensive Plan states that education is "imperative for gaining support of green infrastructure initiatives and movement towards a sustainable community."

In conclusion, Ms. Rackers said that although this land is recommended for CARL, and not public education, it is in compliance with the Goals and Objectives, the Vision Statement and the text of the 2007 Comprehensive Plan. She then said that this project is also in compliance with the Community Facilities Chapter and the Green Infrastructure Chapter of the Plan. The staff is recommending approval, as requested, with a recommendation that all applicable permits be obtained from the Division Building Inspection or the Division of Engineering prior to any site work and/or construction.

Planning Commission Comment – Chairman Penn said that over 25 years ago, the vocational/agricultural program was lost, and this project has been in discussion for that long. He said that with the vision of the FCPS and support from the surrounding counties, there is an opportunity for both the agricultural community and the general public to see whether or not a student wants to pursue this type of profession. He said that this is a one-of-a-kind project that he did not believe would ever happen. Chairman Penn said that this is an exciting opportunity and the possibilities for the students are amazing. He then said that this facility will be used to its maximum capacity and it is providing a great opportunity for both the agricultural and science communities.

Action - A motion was made by Mr. Owens, seconded by Ms. Richardson, and carried 10-0 (Brewer absent) with regards to PFR 2010-2: Locust Trace Agri-science Farm, the Commission finds this request to be in compliance with the 2007 Comprehensive Plan, as well as noting the staff's recommendations listed on the staff report.

C. PFR 2010-3: FAYETTE COUNTY PUBLIC SCHOOLS (TATES CREEK MIDDLE SCHOOL RENOVATION) – a Public Facilities Review of the renovation of Tates Creek Middle School, located at 1105 Centre Parkway.

Staff Presentation - Ms. Rackers directed the Commission's attention to PFR 2010-3, and stated that this is a Public Facilities Review for the renovation of Tates Creek Middle School, which is located at 1105 Centre Parkway. She oriented the Commission to the surrounding street system, and said that the site contains approximately 64 acres. The campus is shared with Tates Creek High School and Tates Creek Elementary School. She noted that the surrounding area includes residential zoning (R-1C, R-1T, R-4) and uses, as well as commercial uses and an LFUCG park.

Ms. Rackers said that the school building contains 92,000 sq. ft. It was constructed in 1962, with two major additions being added in 1974 and then again in 1988. She then said that in addition to the proposed renovations, there will be an additional 16,000 sq. ft added to both the main and lower floors that will include an administrative section and vestibule, a gym, lobby, media center and classrooms. As part of FCPS's overall plan and goal to be a world class school system by the year 2020 this facility will be brought up to desired State of the Art standards. Site improvements will include access and an internal vehicular circulation. Upgrades will be made to the electrical system and the fire alarm system. This project is scheduled to be completed in six phases, beginning in June 2010 and ending in December 2011. She said that the school will be occupied during the course of the work.

Ms. Rackers said that in reviewing the 2007 Comprehensive Plan, this land is recommended for Public Education land use suggesting that it remain as a public education facility in the future. She said that the Goals, Objectives and text, the Community Facilities chapter support this request. She then said that several of the schools are being renovated to provide safe, comfortable and aesthetically pleasing state-of-the-art facilities for students. She noted that there are several elements of the 2007 Comprehensive Plan that are in support of this request, and the staff is recommending approval. She noted that the only condition attached to this recommendation is that FCPS obtain all applicable permits (building, demolition or remodeling) from the Division of Building Inspection prior to any work being done on the property.

Planning Commission Questions – Ms. Copeland asked if the school will be expanding vertically. Ms. Rackers said that the school has two floors that will be renovated and the square footage will be increased by 16,000 sq. ft. Ms. Copeland asked if the hard surface area will increased. Ms. Rackers said that the property is already paved, so the square footage will not increase any impervious area. Ms. Copeland said that there is a flooding problem in this area. Ms. Rackers said that this request will not add additional impervious area, so there should be no additional water problems. She said that this request is to only add onto the building.

Action - A motion was made by Ms. Richardson, seconded by Mr. Paulsen, and carried 10-0 (Brewer absent) with regards to PFR 2010-3: Tates Creek Middle School Renovation: the Commission finds this request to be in compliance with the 2007 Comprehensive Plan, as well as noting the staff's recommendations listed in the staff report.

D. CANCELLATION OF UPCOMING MEETING – Mr. King stated that there are no pending zoning applications to present to the Planning Commission at the March 25, 2010, meeting. Therefore, the staff would request that the Commission take action to amend the Official Meeting & Filing Schedule to cancel the public hearing for the Zoning Items previously scheduled.

Action: A motion was made by Mr. Wilson, seconded by Ms. Richardson, and carried 9-1 (Paulsen opposed, Brewer absent) to amend the Official Meeting and Filing Schedule for 2010, as presented by staff.

VI. STAFF ITEMS - Staff items, if any, will be considered at this time.

A. HOUSE BILL 55 TRAINING OPPORTUNITY – Mr. King reminded the Commission that there would be an APA audio-conference in the Division of Planning Conference Room on Wednesday, March 17, 2010, beginning at 4:00 p.m. The title of this conference is “Redevelopment and Revitalization for a New Era” and will count toward 1.5 hours of House Bill 55 training credit for Board of Adjustment and Planning Commission members, as well as staff.

B. UPCOMING WORK SESSION – Mr. King reminded the Commission of the upcoming work session scheduled for March 18, 2010. He said that the Housing Market Study will be discussed; and depending on certain events, there may be additional presentations.

VII. AUDIENCE ITEMS – Chairman Penn asked if anyone in the audience wished to bring forward any concerns. There was no response.

VIII. NEXT MEETING DATES -

Work Session, Thursday, 1:30 p.m., 2nd Floor Council Chambers .... March 18, 2010
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) .... March 24, 2010
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers (cancelled)........................ **March 25, 2010**
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) .... April 1, 2010
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building) .... April 1, 2010
Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers .... **April 8, 2010**

IX. ADJOURNMENT - There being no further business, a motion was made to adjourn the meeting at 2:34 p.m.

Frank Penn, Chair

Mike Owens, Secretary

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