

**AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION AND ZONING ITEMS**

January 17, 2008

- I. **CALL TO ORDER** - The meeting will be called to order at 1:30 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.
- II. **APPROVAL OF MINUTES** – Prior Planning Commission meeting minutes of August 9, 2007 and November 8, 2007, will be considered at this time.
- III. **POSTPONEMENTS OR WITHDRAWALS** – Requests for postponement and withdrawal will be considered at this time.
- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, December 10, 2007, at 8:30 a.m. The meeting was attended by Commission Members: Carolyn Richardson, Neill Day, Lyle Aten, Randall Vaughn and Mike Cravens. Committee members in attendance were: Hillard Newman, Division of Engineering; and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Chris Taylor, Cheryl Gallt, Denice Bullock, Bill Sallee, Jimmy Emmons and Tom Martin; as well as Ed Gardner, Department of Law; Captain(s) Bill Woodward and Charles Bowen, Division of Fire & Emergency Services; 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. **NO DISCUSSION ITEMS** – Following requests for postponement or withdrawal, items requiring no discussion will be considered.

Criteria: (1) the petitioner agrees with the Subdivision Committee's recommendation as listed on this agenda, and
(2) no discussion of the item or of the Committee's recommendation is desired by the Commission, and
(3) no one present at this meeting objects to the Commission acting on the matter without discussion.

- 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 Plans

- a. **PLAN 2007-52P: TUSCANY, UNIT 5 (1/17/08)*** - located at 1970 Winchester Road (a portion of).
(Council District 6) **(EA Partners)**

Note: The Planning Commission postponed this plan at its April 12, 2007; May 10, 2007; June 14, 2007; July 12, 2007; August 9, 2007; September 13, 2007; October 11, 2007; November 8, 2007; and December 13, 2007, meetings.

The Subdivision Committee Recommended: Postponement. There were questions regarding the access and the proposed traffic signals for property located across Sir Barton Way.

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 required street tree information.
4. Approval of street names by e911 staff.
5. Urban Forester's approval of tree preservation plan.
6. Denote entrances across Sir Barton Way.
7. Addition of conditional zoning restrictions.

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

8. Discuss proposed access to Sir Barton Way, including the "right-in/right-out" proposed.
 9. Discuss the timing of dedication of Winchester Road right-of-way per preliminary development plan note.
 10. Discuss waiver of Article 6-4(b) regarding lot frontage on two sides.
 11. Discuss turning lane on Winchester Road and Sir Barton Way.
 12. Discuss tree preservation along building line on Sir Barton Way.
 13. Discuss lot depth along Winchester Road and the intersection of Winchester Road and Sir Barton Way.
- b. PLAN 2008-2P: CALUMET TERRACE SUBDIVISION, LOTS 8 AND 9 (3/5/08)* - located at 1332 Viley Road.
(Council District 11) **(CMW)**

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 landscape buffer and required street tree information.
 4. Approval of street addressing by e911 staff.
 5. Urban Forester's approval of tree protection area (TPA).
 6. Division of Fire's approval of emergency access and fire hydrant locations.
 7. Division of Waste Management's approval of refuse collection.
 8. Environmental Planner's approval of environmentally sensitive areas (sinkholes and steep slopes).
 9. Addition of private access easement note.
 10. Addition of zoning information on adjacent property.
 11. Denote lot lines as solid.
 12. Correct plan title.
 13. Delete extraneous information.
 14. Complete Board of Adjustment's approval information.
 15. Denote: An amended final record plat dedicating the public improvements shall be certified prior to the issuance of a building permit.
 16. Delete 25' building line on side yards.
 17. Denote: Document compliance with Article 4-5(b) of the Land Subdivision Regulations regarding the Improvement Plan Progress Report prior to filing an amended final record plat.
- c. PLAN 2008-3P: SUNNY SLOPE, UNIT 3 AND A PORTION OF UNIT 1 (AMD.) (3/11/08)* - located on Waveland Museum Lane. (Council District 9) **(VanderWier and Associates)**

Note: The purpose of this amendment is to modify the street and lotting patterns.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscape buffers and required street tree information.
4. Approval of street addressing by e911 staff.
5. Urban Forester's approval of tree preservation area.
6. Environmental Planner's approval of environmentally sensitive areas (sinkholes, steep slopes, cemeteries and springs).
7. Place site statistics within a box.
8. Increase font size on street cross-sections.
9. Denote: There shall be no development on the townhouse lot in area "D" until a final development plan has been approved by the Planning Commission.
10. Remove encroaching structures from KU easement.
11. Remove encroaching structures from within 25' of floodplain.
12. Document compliance with Article 4-5(b) of the Land Subdivision Regulations prior to filing a final record plat.
13. Clarify unit and area designations.
14. Resolve timing of the construction and dedication of Waveland Museum Lane.

2. Final Subdivision Plans

- a. PLAN 2006-148F: SUNNY SLOPE FARM, UNIT 3-B (4/7/08)* – located at 4050 Sweetspire Drive.
(Council District 9) **(VanderWier and Associates)**

Note: The Planning Commission originally approved this plan on August 10, 2006, subject to the following 13 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.

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

4. Approval of addresses by e911 staff.
5. Urban Forester's approval of tree preservation plan and correct note #12.
6. Environmental Planner's approval of environmentally sensitive areas.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Greenspace Planner's approval of the treatment of greenways/bike trails and pedestrian movement.
9. Correct Planning Commission certification.
10. A bond shall be posted for the full construction of Waveland Museum Lane prior to recordation.
11. Remove note #14.
12. Combine Lots 122-A and 122-B and show as incorporated on one plat (Unit 3-A, 3-B or 3-C).
13. Delete cul-de-sac details.

Note: The applicant now requests reapproval of the plan.

The Staff Recommended: Reapproval, subject to the previous 13 conditions.

- b. PLAN 2006-251F: LAKEPOINTE SUBDIVISION, BLOCK "B", LOT 1 (AMD.) (4/9/08)* – located at 2374 Lake Park Road. (Council District 5) **(EA Partners)**

Note: The Planning Commission originally approved this plan on December 14, 2006, subject to the following 9 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 addressing by e911 staff.
5. Urban Forester's approval of tree preservation area(s).
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Denote: There shall be no building permits issued for the property until the Planning Commission approves a final development plan.
8. Addition of street cross-sections for New Circle Road.
9. Addition of building lines.

Note: The applicant now requests reapproval of the plan.

The Staff Recommended: Reapproval, subject to the previous 9 conditions.

- c. PLAN 2007-61F: COLDSTREAM RESEARCH CAMPUS, UNIT 1B (AMD.) (4/9/08)* – located at 1520 and 1532 Bull Lea Road. (Council District 2) **(Strand Associates)**

Note: The Planning Commission originally approved this plan on April 12, 2007, subject to the following 8 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 addressing by e911 staff.
5. Urban Forester's approval of tree preservation plan.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Delete consolidation information.
8. Recordation of consolidation plat for a portion of lot 12 and all of lot 14 prior to plan certification.

Note: The University of Kentucky is now requesting a waiver to Article 4-7(d)(8) and 4-7(d)(9) of the Land Subdivision Regulations regarding sureties.

The Staff will report at the meeting.

3. Development Plans

- a. DP 2007-100: KINGSTON HALL, UNIT 2 (EAST BRIDGEFORD LAND & DEV. CO.) (AMD.) (1/17/08)* – located at 2356 Newtown Pike (a portion of). (Council District 12) **(EA Partners)**

Note: The Planning Commission postponed this plan at its September 13, 2007; October 11, 2007; November 8, 2007; and December 13, 2007, meetings. The purpose of this amendment is to subdivide 1 lot into 7 lots, add a cul-de-sac and revise the temporary access easement. This plan requires the posting of a sign and an affidavit of such.

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

The Subdivision Committee Recommended: Postponement. There were questions regarding access into and through the property, as well as conflicts with the proposed detention basin.

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 parking, circulation, access and street cross-sections.
3. Building Inspection's approval of landscaping.
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 Waste Management's approval of refuse collection.
7. Approval of street names and addresses per e911 staff.
8. Renumber lots (1A – 1F and remaining).
9. Addition of cul-de-sac details.
10. Clarify limits of plan.
11. Addition of building lines along new street.
12. Clarify note number 14 regarding buffering.
13. Revise note number 10 (per previous plan).
14. Document written notification requirements.
15. Kentucky Transportation Cabinet's approval of access and improvements to Newtown Pike.
16. Discuss access easement versus public street.
17. Discuss need for adjacent property access (stub street).
18. Discuss access to Lot 2.
19. Discuss existing access easement conflict with detention basin.
20. Discuss timing of pump station.

- b. DP 2007-134: SAND LAKE & ESTES PROPERTY (AMD.) (1/17/08)* - located at Richmond Road and South Eagle Creek Drive. (Council District 7) **(EA Partners)**

Note: The Planning Commission postponed this plan at its November 8, 2007 and December 13, 2007, meetings. The purpose of this amendment is to revise the development and the layout of buildings, reduce the number of lots, and reduce the public streets and right-of-way.

The Subdivision Committee Recommended: Postponement.

The Technical Committee and Staff Recommended: Disapproval, for the following reasons:

1. This request does not meet the Richmond Road Traffic Safety and Movement Plan Phase II, an Ordinance adopted by the Urban County Council, which sets detailed requirements for service roads approved for this property.
 2. Per Article 21-7(e) of the Zoning Ordinance, the amended plan, as submitted, alters the essential character of the development as originally approved; specifically:
 - a. This amendment alters the approved internal circulation pattern by reducing the length of Sand Lake Drive by 550 linear feet and prevents its northern connection to the access road parallel to Richmond Road;
 - b. This plan proposes to remove the perimeter circulation previously approved along the west and southwest property boundaries;
 - c. This plan proposes to alter the approved access to adjoining public streets, and the parking layout and allocation;
 - d. This plan seeks to reduce the building square footage from 112,450 to 56,514.In addition, the proposed use has changed from a retail shopping center to a large automobile dealership with a much smaller amount of retail shops.
 3. The amended plan, as submitted, does not provide the required level of information for the southwest area of the property and, therefore, does not meet the requirements of Article 21-6(b) of the Zoning Ordinance. The current development plan does identify approved commercial development for the entirety of the subject property.
 4. Retaining walls are proposed within the planned rights-of-way of public streets approved under the Richmond Road Traffic and Safety Movement Plan, Phase II. These features are not only not approved under that Ordinance, but will pose a potential safety hazard, and will result in an unnecessary maintenance responsibility for the Urban County Government, if dedicated to the public.
- c. DP 2007-138: COVEY RIDGE DEVELOPMENT COMPANY, LOT 5 (AMD.) (1/17/08)* - located at 5527-5531 Athens-Boonesboro Road. (Council District 12) **(John Kingston)**

Note: The Planning Commission postponed this plan at its November 8, 2007 and December 13, 2007, meetings. The purpose of this amendment is to add building square footage, and to revise the parking layout.

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

The Subdivision Committee Recommended: Postponement. There were questions regarding the current moratorium with the Blue Sky treatment plant for new development with additional flows.

- d. DP 2007-153: NATIONAL SUBDIVISION, UNIT 1, LOTS 5-10 (2/6/08)* - located at South Forbes Road and Lisle Industrial Road. (Council District 2) **(Eagle Engineering)**

Note: The Planning Commission postponed this plan at its December 13, 2007, meeting.

The Subdivision Committee Recommended: Postponement. There were questions regarding compliance with Article 8-23(o) of the Zoning Ordinance and the improvements proposed to Forbes Road.

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 parking, circulation, access and street cross-sections.
 3. Building Inspection's approval of landscape buffering.
 4. Urban Forester's approval of tree preservation areas.
 5. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 6. Division of Fire's approval of emergency access and fire hydrant locations.
 7. Division of Waste Management's approval of refuse collection.
 8. Approval of street names and addresses per e911 staff.
 9. Correct plan title.
 10. Correct building line (25' by plat).
 11. Delete note number 10.
 12. Addition of parking statistics.
 13. Denote compliance with Article 8-23(o) of the Zoning Ordinance regarding special provisions.
 14. Kentucky Transportation Cabinet's approval of access and improvements to Forbes Road.
 15. Certification of consolidation or retracement plat, prior to certification of development plan.
- e. DP 2007-155: EASTLAND PARKWAY CHURCH OF GOD, LOT 2 (AMD.) (2/6/08)* - located at 2550 and 2598 Liberty Road. (Council District 6) **(BGW Hargett)**

Note: The Planning Commission postponed this plan at its December 13, 2007, meeting. The purpose of this amendment is to add building square footage and parking.

The Subdivision Committee Recommended: Referral. There were questions regarding the floodplain information, street connection to the adjacent property and compliance with the requirements of Article 21.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
3. Building Inspection's approval of landscape buffering.
4. Urban Forester's approval of tree preservation areas.
5. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
6. Division of Fire's approval of emergency access and fire hydrant locations.
7. Division of Waste Management's approval of refuse collection.
8. Approval of street names and addresses per e911 staff.
9. Place site statistics within a box.
10. Correct plan title.
11. Addition of purpose of amendment note.
12. Provided the Board of Adjustment grants approval of the additional square footage and expansion of the conditional uses.
13. Addition of all easements.
14. Addition of street and access cross-sections.
15. Correct Planning Commission's certification note.
16. Addition of adjacent property and zoning information.
17. Addition of sanitary sewer force main easement information.
18. Addition of typical parking dimensions.
19. Addition of graphic scale.
20. Addition of cottage dimensions.
21. Addition of drive aisle information.
22. Consolidation plat to be certified prior to final development plan certification, and revise lotting information accordingly.
23. Discuss floodplain information, as shown.
24. Discuss Nickwood Trail connection.

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

- f. ZDP 2007-111: THE GLEN AT LOCHDALE, UNIT 4 (AMD.) (2/2/08)* - located at 3600 and 3652 Winthrop Drive.
(EA Partners)

Note: The Planning Commission indefinitely postponed this plan at its September 27, 2007, meeting, pending the zoning decision by the Urban County Council. The Urban County Council approved the zone change request at its December 4, 2007, meeting.

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

1. Provided the Urban County Council rezones the property B-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Building Inspection's approval of landscaping.
5. Urban Forester's approval of tree inventory map.
6. Denote: There shall be no development of the property until the Planning Commission approves a final development plan.
7. Addition of building dimensions.
8. Addition of zone-to-zone screening.
9. Discuss connection to R-4 property to the east.

- g. DP 2008-01: MEADOW OAKS (AMD.) (3/27/08)* - located at 6800 Man O' War Boulevard.
(Council District 12) (Barrett Partners)

Note: This plan requires the posting of a sign and an affidavit of such. The purpose of this amendment is to revise street sections and parking layout around the open space area in Phase I.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
3. Building Inspection's approval of landscape buffers.
4. Greenspace Planner's approval of the treatment of greenway/bike trails and pedestrian movement.
5. Division of Fire's approval of emergency access and fire hydrant locations.
6. Division of Waste Management's approval of refuse collection.
7. Approval of street names and addresses per e911 staff.
8. Improve line weight.
9. Improve cross-section legibility.
10. Denote: Document compliance with Article 4-5(b) of the Land Subdivision Regulations prior to filing a final record plat.

- h. DP 2008-02: BLUEGRASS BUSINESS PARK (PEMBERTON FARM, LOT 3A) (3/5/08)* - located at 2540 Spurr Road. (Council District 2)
(Carman and 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 parking, circulation, access and street cross-sections.
3. Building Inspection's approval of landscape buffers.
4. Urban Forester's approval of tree preservation area.
5. Environmental Planner's approval of environmentally sensitive areas (Royal Spring Aquifer).
6. Division of Fire's approval of emergency access and fire hydrant locations.
7. Division of Waste Management's approval of refuse collection.
8. Approval of street names and addresses per e911 staff.
9. Correct plan title.
10. Delete note number 10.
11. Dimension driveway access at Jaggie Fox Way.
12. Addition of building dimensions.
13. Remove future expansion information or add to plan as "Phase II" information.
14. Remove all copyright © information from plan face.
15. Denote: 40' access easement to be paved per Division of Engineering requirements.
16. Identify sanitary sewer force main easement.
17. Denote: OPSS fee to be identified in accordance with the OPSS agreement.
18. Resolve the timing of construction and dedication of Innovation Drive.

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

- i. DP 2008-03: NDC PROPERTY, UNIT 1A, (WELLINGTON) LOT 11, UNIT 3 (AMD.) (3/5/08)* - located at 413 Sporting Court. (Council District 9) **(Land Plan)**

Note: The purpose of this amendment is to add square footage to the building, and increase the 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 parking, circulation, access and street cross-sections.
 3. Building Inspection's approval of 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 Waste Management's approval of refuse collection.
 7. Approval of street names and addresses per e911 staff.
 8. Correct plan title.
 9. Complete and correct site statistics information.
 10. Complete adjacent property information.
 11. Addition of conditional zoning information.
 12. Delete extraneous information.
 13. Submit a copy of the deed for the property.
 14. Delete copyright © information.
 15. Denote: No building permit shall be issued until an easement release or encroachment has been completed, including any necessary amended subdivision plats.
 16. Addition of agreed judgment note.
 17. Addition of standard development plan notes.
 18. Addition of zone-to-zone screening along the R-4 and P-1, and the I-1 and P-1 property lines.
 19. Identify all existing easements.
 20. Provided the Board of Adjustment grants approval of parking in the R-4 zone prior to certification.
- j. DP 2008-6: THE DAVIS FAMILY CHILDREN'S IRREVOCABLE TRUST (AMD.) (3/22/08)* – located at 3500 Harrodsburg Road. (Council District 9) **(EA Partners)**

Note: The purpose of this amendment is to add two buildings, a clubhouse, and parking, and to revise the floodplain information.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
 2. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
 3. Building Inspection's approval of landscape buffers.
 4. Urban Forester's approval of tree preservation plan.
 5. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 6. Environmental Planner's approval of environmentally sensitive areas.
 7. Division of Fire's approval of emergency access and fire hydrant locations.
 8. Approval of street names and addresses per e911 staff.
 9. Addition of building dimensions.
 10. Clarify building square footage and coverage statistics.
 11. Label building envelope.
 12. Review by Technical Committee.
 13. Certification of easement minor plat prior to development plan certification.
 14. Denote status of FEMA floodplain map revision.
 15. Correct tree protection note.
- k. DP 2008-7: BOSTON ROAD DEVELOPMENT, LOTS 4 AND 5 (AMD.) (5/2/08)* – located at 3801 Dylan Place. (Council District 9) **(Endris Engineering)**

Note: The purpose of this amendment is to modify note number 18, add 200 square feet of buildable area, revise the parking and circulation for Lot 4, and to add the proposed easement to Lot 5 in order for it to agree with the pending final record plat.

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 parking, circulation, access and street cross-sections.
3. Building Inspection's approval of landscape buffers.
4. Urban Forester's approval of tree preservation plan.
5. Division of Fire's approval of emergency access and fire hydrant locations.

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

6. Division of Waste Management's approval of refuse collection.
7. Approval of street names and addresses per e911 staff.
8. Review by Technical Committee.

- 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.

VI. **COMMISSION ITEMS** - The Chairman will announce that any item the staff would like to present will be heard at this time.

- A. **BOAR 2007-3: ALLEN R. FOSTER (1/17/08)*** – an appeal of the denial of a Certificate of Appropriateness to allow a deck to remain as built in a Planned Neighborhood Residential/Historic District Overlay (R-3/H-1) zone, on property located at 129 Ransom Avenue.

The Staff Recommends: Disapproval and that the decision of the BOAR be upheld, for the following reasons:

1. The denial of a Certificate of Appropriateness by the Board of Architectural Review is consistent with their charge in determining appropriateness of requested exterior alterations, based on the design guidelines established by the local Historic Preservation Commission, specifically Guidelines 14-4 and 39-2, as they apply to the deck at 129 Ransom Avenue and the subsequent loss of green space in the rear yard.
2. If a Certificate of Appropriateness had first been requested for the deck, as is required by Article 13 of the Zoning Ordinance for any exterior change to a property in an historic district; and if a permit had been requested from the Division of Building Inspection, as is required by Article 5 of the Ordinance, this situation would likely have been averted.

- B. **ELECTION OF OFFICERS** – The Commission's By-laws state that at the first regular meeting in January, the Commission shall elect a Chairperson, Vice-Chairperson, Secretary, and Parliamentarian. The nominating committee will present its slate for consideration by the Planning Commission. Nominations may also be made from the floor.

The current officers are as follows:

Chairperson	-	Randall Vaughn
Vice Chairperson	-	Linda Godfrey
Secretary	-	Frank Penn
Parliamentarian	-	Vacant

- C. **DELEGATION OF SECRETARY'S DUTIES** – The Commission's past procedure for carrying out the Secretary's duties, except for signing minutes, has been to delegate that authority to the Director of the Division of Planning and his staff. The Chair will request the Commission consider taking action on this matter.

VII. **STAFF ITEMS** – Staff items, if any, will be considered at this time.

- A. **INITIATION OF ZONING ORDINANCE TEXT AMENDMENT FOR EXTENDED-STAY HOTELS IN THE P-1 ZONE** – The staff will request that the Planning Commission initiate a text amendment to Article 8-15 of the Zoning Ordinance to allow Extended-stay hotels in the P-1 zone. If initiated, this text amendment could possibly proceed to a public hearing as early as next month.

- B. **INITIATION OF ZONING ORDINANCE TEXT AMENDMENT TO PUD-1 ZONE** – The staff will request that the Planning Commission initiate a text amendment to Article 22A-2(a) of the Zoning Ordinance to eliminate an outdated reference to the Comprehensive Plan that appears in the Zoning Ordinance. The "Growth Functional Planning Area" is no longer defined in the Comprehensive Plan. After consultation with the Department of Law, this provision should be removed from our Ordinance.

VIII. **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.

IX. **NEXT MEETING DATES** -

Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers	January 24, 2008
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	January 30, 2008
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	February 7, 2008

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

Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	February 7, 2008
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	February 14, 2008
Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers	February 21, 2008
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2 nd Floor Council Chambers	February 28, 2008

X. ADJOURNMENT

CT/CG/TM/JE/BR/BS/DB

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