

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

April 10, 2014

- I. **CALL TO ORDER** - The meeting was called to order at 1:31 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.

Planning Commission members present - Mike Owens, Chair; Will Berkley; Carla Blanton; Patrick Brewer (arrived at 1:39 p.m.); Mike Cravens; David Drake; Karen Mundy; Joe Smith; Carolyn Plumlee; Frank Penn and Bill Wilson.

Planning staff members present - Chris King, Director; Bill Sallee; Barbara Rackers; Tom Martin; David Jarman; Kelly Hunter; Cheryl Galt and Denice Bullock. Other staff members in attendance were: Hillard Newman, Division of Engineering; Captain Greg Lengal, Division of Fire and Emergency Services; Casey Kaucher, Division of Traffic Engineering and Tracy Jones, Department of Law.

- II. **APPROVAL OF MINUTES** – The Chair reminded the Commission members that the minutes of the February 13, 2014, meeting were previously emailed to the Commission for their review; and if there were no changes, those minutes were ready to be considered at that time.

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy and carried 10-0 (Brewer absent) to approve the minutes of the February 13, 2014, meeting.

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

- a. DP 2014-13: GROWTH PROPERTIES (AMD) (5/4/14)* - located at 100 Goodrich Avenue.
(Council District 3)

(Vision Engineering)

Note: The Planning Commission postponed this plan at their March 13, 2014 and March 27, 2014, meetings. The purpose of this amendment is to depict a single family residence at 100 Goodrich Avenue, the line separating it from the B-1 zone, and to revise plan notes.

The Subdivision Committee Recommended: Postponement. There are concerns regarding the suitability of the proposed single family use and the historic storm water flooding conditions.

Should this plan be approved, the following conditions 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 preservation plan.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
8. Correct typographical errors throughout plan notes.
9. Restore access restrictions from previous note #11.
10. Discuss need to establish a finished floor elevation for proposed residence on 100 Goodrich Avenue.
11. Discuss possible 25' building line at 100 Goodrich Avenue.

Representation – Matt Carter, Vision Engineering, was present representing the applicant, and requested postponement of DP 2014-13: GROWTH PROPERTIES (AMD) to the May 8, 2014, Planning Commission meeting.

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

Action - A motion was made by Mr. Penn, seconded by Ms. Plumlee and carried 10-0 (Brewer absent) to postpone DP 2014-13: GROWTH PROPERTIES (AMD) to the May 8, 2014, Planning Commission meeting.

- b. DP 2014-16: CHANCELLOR SUBDIVISION (THE SPRINGS) (AMD) (5/4/14)* - located at 2000-2020 Harrodsburg Road. (Council District 11)

(Vision Engineering)

Note: The Planning Commission postponed this plan at their March 13, 2014, meeting. The purpose of this amendment is to redevelop Parcel C.

The Subdivision Committee Recommended: Postponement. There were some questions regarding the traffic impacts, storm water management and compliance with the tree canopy requirements.

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

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 preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. Remove building envelope notation from parcel C-2.
12. Denote height of proposed buildings, in feet.
13. Clarify vehicle stacking area near proposed buildings.
14. Discuss storm water management and water quality measures.
15. Discuss traffic circulation and parking conflicts.
16. Discuss need for traffic generation study.
17. Discuss drive-through speakers and related restrictions.
18. Discuss traffic circulation and possible prohibition of direct access to Mitchell Avenue.
19. Discuss traffic calming improvements for Mitchell Avenue.
20. Discuss timing of construction of deceleration lane.
21. Discuss compliance with tree canopy requirements.

Representation – Matt Carter, Vision Engineering, was present representing the applicant, and requested postponement of DP 2014-16: CHANCELLOR SUBDIVISION (THE SPRINGS) (AMD) to the May 8, 2014, Planning Commission meeting.

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

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 10-0 (Brewer absent) to postpone DP 2014-16: CHANCELLOR SUBDIVISION (THE SPRINGS) (AMD) to the May 8, 2014, Planning Commission meeting.

- c. DP 2014-26: KIRKLEVINGTON NORTH, TRACT B (AMD) (6/1/14)* - located at 858 Malabu Drive.
(Council District 4) (Vision Engineering)

Note: The purpose of this amendment is to add a building and provide additional parking.

The Subdivision Committee Recommended: **Postponement.** The development plan is missing information demonstrating it is in compliance with 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 preservation plan.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Division of Waste Management's approval of refuse collection locations.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Denote boundaries of property in solid line.
10. Addition of record plat designation.
11. Complete topography information.
12. Denote access point for construction.
13. Addition of access points across the street.
14. Denote P-1/R-4 zoning boundary on plan.
15. Denote zone-to-zone screening buffer widths on plan.
16. Denote required and provided open space in site statistics.
17. Denote height of building, in feet.
18. Denote floor area and floor-area-ratio in site statistics.
19. Denote all existing and proposed easements.
20. Addition of tree inventory and tree canopy information.
21. Dimension driveways, drive aisle and driveway apron.
22. Discuss 5' side yard setback and possible variance.

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

23. Discuss stairwell versus lot coverage.
24. Discuss zone-to-zone screening requirements and possible variances.

Representation – Matt Carter, Vision Engineering, was present representing the applicant, and requested postponement of DP 2014-26: KIRKLEVINGTON NORTH, TRACT B (AMD) to the May 8, 2014, Planning Commission meeting.

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

Action - A motion was made by Ms. Mundy, seconded by Ms. Plumlee and carried 10-0 (Brewer absent) to postpone DP 2014-26: KIRKLEVINGTON NORTH, TRACT B (AMD) to the May 8, 2014, Planning Commission meeting.

- d. PLAN 2014-11F: TUSCANY, UNIT 10 (5/4/14)* - located at 1970 Winchester Road.
(Council District 6)

(EA Partners)

Note: The Planning Commission postponed this plan at their March 13, 2014, meeting.

The Subdivision Committee Recommended: Postponement. There were some questions regarding the need for a preliminary subdivision plan and the timing and construction of public infrastructure in the area.

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.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Denote right-of-way width of Winchester Road at cross-section location.
10. Addition of building line along Meeting Street.
11. Discuss extension of Meeting Street and timing of its approval for construction.
12. Discuss access proposed to Winchester Road.
13. Discuss sanitary sewers necessary to serve lot.
14. Discuss need for preliminary subdivision plan.
15. Discuss Urban County Engineer's and engineer's certifications.

Representation – Rory Kahly, EA Partners, was present representing the applicant, and requested postponement of PLAN 2014-11F: TUSCANY, UNIT 10 to the May 8, 2014, Planning Commission meeting.

Audience Comment – The Chair 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 Ms. Plumlee and carried 10-0 (Brewer absent) to postpone PLAN 2014-11F: TUSCANY, UNIT 10 to the May 8, 2014, Planning Commission meeting.

- e. PLAN 2014-17F: GREENDALE HILLS, UNIT 2, LOT 98 (6/1/14)* - located at 2930 Spurr Road.
(Council District 2)

(EA Partners)

The Subdivision Committee Recommended: Postponement. There are questions regarding the timing of the construction of the collector street system, and the proposed use of a cul-de-sac rather than a local street.

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.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Complete requirements of Article 4-5(b) once 30% of infrastructure design is complete, prior to certification.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Provided the Planning Commission grants a waiver to Article 6-8(b) of the Land Subdivision Regulations.
11. Discuss the timing of the construction and dedication of the collector street system.
12. Discuss the proposed cul-de-sac termination of Cielo Vista Road.

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

13. Discuss existing and proposed Preliminary Subdivision Plans.

Representation – Rory Kahly, EA Partners, was present representing the applicant, and requested postponement of PLAN 2014-17F: GREENDALE HILLS, UNIT 2, LOT 98 to the May 8, 2014, Planning Commission meeting.

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

Action - A motion was made by Mr. Penn, seconded by Ms. Mundy and carried 10-0 (Brewer absent) to postpone PLAN 2014-17F: GREENDALE HILLS, UNIT 2, LOT 98 to the May 8, 2014, Planning Commission meeting.

- f. DP 2014-23: GREENDALE HILLS, UNIT 2 (AMD) (6/1/14)* - located at 2930 Spurr Road.
(Council District 2)

(EA Partners)

Note: The purpose of this amendment is to develop an assisted living facility, and revise the pattern of the local streets.

The Subdivision Committee Recommended: Postponement. There are questions regarding the timing of the construction, the dedication of the collector street system and the proposed use of a cul-de-sac instead of a local street.

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 preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Greenspace Planner's approval of the treatment of greenways and greenspace.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. Denote pedestrian access to greenway per DP 2006-69.
12. Denote Board of Adjustment's approval of a conditional use permit for assisted living facility.
13. Clarify assisted living facility dimensions and total square footage proposed.
14. Discuss timing of construction and dedication of collector street system.
15. Discuss construction entrance(s).
16. Discuss proposed local street termination.
17. Discuss hammerhead cul-de-sac detail.

Representation – Rory Kahly, EA Partners, was present representing the applicant, and requested postponement of DP 2014-23: GREENDALE HILLS, UNIT 2 (AMD) to the May 8, 2014, Planning Commission meeting.

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

Action - A motion was made by Mr. Penn, seconded by Ms. Mundy and carried 10-0 (Brewer absent) to postpone DP 2014-23: GREENDALE HILLS, UNIT 2 (AMD) to the May 8, 2014, Planning Commission meeting.

- g. DP 2014-34: LYNN GROVE ADDITION, LOTS 79 & 80 (AMD) (6/24/14)* - located at 105-107 Burley Avenue.
(Council District 3)

(Wes Witt)

Note: The purpose of this amendment is to add buildable area to two buildings.

The Subdivision Committee Recommended: Postponement. The development plan is not demonstrating that it is in compliance with the Zoning Ordinance requirements for usable open space.

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 preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.

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9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Correct plan title.
11. Denote plan preparer.
12. Denote record plat designation.
13. Denote property location on vicinity map.
14. Addition of walkways from building entrance to public sidewalk.
15. Delete note "No building permit shall be issued unless and until a Final Development Plan is approved by the Planning Commission" on plan.
16. Denote proposed and existing easements.
17. Denote required parking in site statistics.
18. Addition and numbering of notes from Preliminary Development Plan.
19. Clarify street cross-section to indicate curb and utility strip width (per Zoning Development Plan).
20. Complete tree preservation information (canopy square footage from new plantings).
21. Increase scale of property for improved legibility.
22. Denote R-1T/R-4 zoning boundary (along rear property boundary).
23. Addition of 10' building line setback.
24. Denote bearings and distances on all lot lines.
25. Delete "proposed zone" from site statistics.
26. Denote height of fence in front yard.
27. Denote compliance with Article 15-7(a) of the Zoning Ordinance prior to plan certification.
28. Review by Technical Committee prior to plan certification.
29. Discuss usable open space proposed and fence encroachment into required front yard.

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant, requesting postponement of DP 2014-34: LYNN GROVE ADDITION, LOTS 79 & 80 (AMD) to the May 8, 2014, Planning Commission meeting.

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

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 10-0 (Brewer absent) to postpone DP 2014-34: LYNN GROVE ADDITION, LOTS 79 & 80 (AMD) to the May 8, Planning Commission meeting.

Note: Mr. Brewer arrived at this time.

IV. LAND SUBDIVISION ITEMS - The Subdivision Committee met on Thursday, April 3, 2014, at 8:30 a.m. The meeting was attended by Commission members: Carolyn Plumlee, Joe Smith, Will Berkley, Karen Mundy and Mike Owens. 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, Cheryl Galt, Dave Jarman, Denice Bullock and Scott Thompson, as well as Captain Greg Lengal and Lieutenant Joshua Thiel, Division of Fire & Emergency Services; and Ed Gardner, Department of Law. The Committee made recommendations on plans as noted.

General Notes

The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.

1. All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.
2. All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.

A. 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, the Chair requested that the Consent Agenda items be reviewed. Mr. Sallee 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 2014-20F: DENTON FARMS, INC. (AMD) (6/24/14)* - located at 100-174 Somersly Place and 3873-3883 Wentworth. (Council District 7) **(John Hill)**

Note: The purpose of this amendment is to subdivide Lot 27 and reconfigure Lots 39-45.

The Subdivision Committee Recommended: **Approval**, 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.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection area(s) and required street tree information.
 6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 8. Denote previous record plat R-28 and delete N-480 plat reference.
 9. Denote addresses on lots.
 10. Denote access easement as Wentworth Place on the northern extent of Lots 27-30.
 11. Denote address in title block.
 12. Denote street frontage in site statistics.
 13. Denote exaction information to the approval of the Division of Planning.
 14. Addition of all street cross-sections from currently approved plat.
 15. Denote that there will be no access to Richmond Road or to Ellerslie Park Boulevard.
 16. Review by Technical Committee prior to plan certification.
 17. Resolve drainage easement note for Lots 39, 41, 42 & 45 per plat R-28.
 18. Resolve Engineer's and Land Surveyor's certification and Urban County Engineer's certification.
2. PLAN 2014-21F: CENTRE POINTE (AMD) (6/24/14)* - located at 100 West Main Street. (Council District 3) **(Abbie Jones Consulting)**

Note: The purpose of this amendment is to revise the air lots.

The Subdivision Committee Recommended: **Approval**, 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.
 4. Addressing Office's approval of street names and addresses.
 5. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 6. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 7. Denote lot frontage for ground lot in site statistics.
 8. Denote private utility providers per Article 5-4(e) of the Land Subdivision Regulations.
 9. Addition of information per Article 5-4(d) of the Land Subdivision Regulations, as applicable.
 10. Addition of all information from the approved Final Record Plat (PLAN 2012-137F).
 11. Provided PLAN 2012-137F is recorded prior to certification of this amended plat.
 12. Denote most recent CHADRB approvals (back to May, 2013) on plat.
 13. Review by Technical Committee prior to plan certification.
3. DP 2014-24: BEAUMONT FARM, UNIT 1, SECTION 1, LOT 2 (6/1/14)* - located at 3085 Lakecrest Circle. (Council District 10) **(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 landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Denote building dimensions along its exterior.

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

In conclusion, Mr. Sallee said that the items identified 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 by a member of the Commission or the audience to permit further discussion.

Consent Agenda Discussion – The Chair asked if anyone in the audience or on the Commission desired further discussion of any of the items listed on the Consent Agenda. There was no response.

Action - A motion was made by Mr. Brewer, seconded by Mr. Wilson and carried 11-0 to conditionally approve the items listed on the Consent Agenda.

- B. 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 Mr. Cravens, seconded by Mr. Penn, and carried 11-0 to approve the release and call of bonds as detailed in the memorandum dated April 10, 2014, from Barry Brock, Division of Engineering.

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

The procedure for these hearings is as follows:

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

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the meeting. The Chair will announce his/her decision at the outset of the hearing.

1. **FINAL SUBDIVISION PLANS**

- a. PLAN 2005-166F: CLARK PROPERTY, UNIT 1-B (6/17/14)* - located at 1551 Deer Haven Lane (a portion of).
(Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on July 14, 2005. All but eight lots of this subdivision plat were recorded (and created) on September 30, 2005. The Commission reapproved this plat for Section 2 on July 13, 2006; extended that approval on July 12, 2007; reapproved it again on September 11, 2008; and granted extensions to their approvals on September 10, 2009 and September 9, 2010, subject to the conditions listed below.

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. Addition of utility and street light easements by the utility companies and the Urban County Traffic Engineer.
5. Urban Forester's approval of tree preservation plan.
6. Approval of street names and addresses by e911 staff.
7. Addition of exaction information.

On October 13, 2011, the Planning Commission reapproved this plan, subject to the original conditions, revising the following:

5. Urban Forester's approval of tree preservation plan and required street tree information.

Note: Commission approval has since expired. The applicant now requests reapproval for Section 2 of the plan.

The Subdivision Committee Recommended: **Reapproval**, subject to the conditions approved on October 13, 2011, as well as two additional conditions:

8. Addition of private utility information.
9. Addition of owner's and developer's information on plat.

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

Staff Presentation – Mr. Hunter directed the Commission's attention to the rendered plan of Clark Property, located at 1551 Deer Haven Lane. He oriented them to the surrounding street system, and said that the subject property is located near Man o' War Boulevard, Polo Club Boulevard and I-75.

Mr. Hunter said that the Planning Commission originally approved this request on July 14, 2005, subject to the first seven conditions listed on today's agenda. He noted that, as of September 30, 2005, all but eight of the lots of this subdivision plat were recorded. He said that the Commission had reapproved this plat for Section 2 on July 13, 2006; extended that approval on July 12, 2007; and reapproved it again on September 11, 2008. He added that the Commission also granted an extension to their approvals on September 10, 2009 and September 9, 2010. Mr. Hunter said that, through the years, as this plat was submitted for reapproval; the staff had modified and added new conditions to the Commission's original approval. He explained that on October 13, 2011, the Planning Commission approved this plan, subject to the original conditions, revising the following:

5. Urban Forester's approval of tree preservation plan and required street tree information.

Mr. Hunter noted that the Commission's approval had expired and the applicant had submitted Section 2 to be reapproved again. He then said that the Subdivision Committee reviewed the applicant's request and recommended reapproval, subject to the conditions approved (as noted from the October 13, 2011), meeting, as well as two additional conditions:

8. Addition of private utility information.
9. Addition of owner's and developer's information on plat.

Representation – Rory Kahly, EA Partners, was present representing the applicant. He indicated that they are in agreement with the staff's recommendations, and requested reapproval.

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

Action - A motion was made by Ms. Blanton, seconded by Mr. Brewer, and carried 11-0 to reapprove PLAN 2005-166F, subject to the conditions approved; as noted from the October 13, 2011, meeting, as well as two additional conditions, as presented by the staff.

- b. PLAN 2007-156F: CLARK PROPERTY, UNIT 1-M (6/17/14)* - located at Polo Club Boulevard and Ice House Way. (Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on August 9, 2007; reapproved it on September 11, 2008; and granted extensions of that approval on September 10, 2009 and September 9, 2010, 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 addresses as per 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. Denote: This property shall be developed in accordance with the approved final development plan.
8. Verification of exaction information by Division of Planning.

On October 13, 2011, the Planning Commission reapproved this plan, subject to the original conditions, revising the following:

3. Building Inspection's approval of landscaping and required street tree information.
5. Urban Forester's approval of tree preservation plan and required street tree information.

Note: Commission approval has since expired. The applicant now requests reapproval.

The Subdivision Committee Recommended: **Reapproval**, subject to the conditions approved on October 13, 2011, as well as three additional conditions:

9. Addition of private utility information.
10. Addition of owner's and developer's information.
11. Addition of scale information 1" = 60.'

Staff Presentation – Mr. Hunter directed the Commission's attention to the rendered plat of the Clark Property, located at Polo Club Boulevard and Ice House Way. He noted that this property is in the same vicinity as PLAN 2005-166F, which was previously presented at today's meeting. He added that the subject property is located near Man o' War Boulevard, Polo Club Boulevard and I-75.

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

Mr. Hunter briefly explained that the Planning Commission originally approved this plan on August 9, 2007, subject to the first eight conditions listed on today's agenda. He said that the Commission also reapproved this item on September 11, 2008; and granted an extension of that approval on September 10, 2009 and September 9, 2010. He then said that, on October 13, 2011, the Planning Commission reapproved this plan again, subject to the original conditions, revising the following:

3. Building Inspection's approval of landscaping ~~and required street tree information.~~
5. Urban Forester's approval of tree preservation plan and required street tree information.

Mr. Hunter said that the Commission's approval has now expired, and the applicant is now requesting reapproval of the plan. He said that the Subdivision Committee reviewed the applicant's request and recommended reapproval, subject to the conditions as approved on October 13, 2011, as well as the three additional conditions, noted above.

Representation – Rory Kahly, EA Partners, was present representing the applicant. He indicated that they are in agreement with the staff's recommendations, and requested reapproval.

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

Action - A motion was made by Ms. Blanton, seconded by Mr. Wilson, and carried 11-0 to reapprove PLAN 2007-156F, subject to the conditions as approved on October 13, 2011, as well as three additional conditions, as presented by the staff.

2. DEVELOPMENT PLANS

- a. DP 2014-4: LANSBROOK PLAZA SHOPPING CENTER (4/10/14)* - located at 3501 Lansdowne Drive.
(Council District 4) **(J. Kingston)**

Note: The Planning Commission postponed this plan at their January 16, 2014; February 13, 2014 and March 13, 2014, meetings. The purpose of this amendment is to add buildable area to building #3 and revise the parking area on that lot.

The Subdivision Committee Recommended: **Postponement.** The submitted plan filing does not appear to meet the limits of the variance approved in 2000 for this location.

Should this plan be approved, the following conditions 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 preservation plan.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
8. Clarify existing parking per GIS photograph for building #3.
9. Clarify purpose of amendment note.
10. Revise note #6 to include reference to Art. 16 of the Code of Ordinances.
11. Clarify site statistics, and update restaurant seating statistics for building #3.
12. Review by Technical Committee prior to plan certification.

Staff Presentation – Mr. Jarman directed the Commission's attention to the rendered final development plan for the Lansbrook Plaza Shopping Center, located at 3501 Lansdowne Drive. He oriented them to the surrounding street system, and said that the subject property is located east of Nicholasville Road at the intersection of East Reynolds Road and Lansdowne Drive. The purpose of this amendment is to add buildable area to building #3, an existing restaurant, and revise the parking area on that lot.

Mr. Jarman said that the Planning Commission postponed this plan several times since it was submitted to the Commission for consideration because the submitted plan did not appear to meet the building line limits of the variance that was approved by the Board of Adjustment in 2000. The staff recommended that the Planning Commission grant a postponement. Since the Planning Commission's initial postponement, on March 28, 2014, the Board of Adjustment had approved dimensional a variance, further reducing the allowable front yard setback along Lansdowne Drive. Thhe staff subsequently received a revised submission of this plan on April 1st, and based upon that submission and the approved variance, the staff can now offer the Planning Commission a revised recommendation for their consideration.

Mr. Jarman directed the Commission's attention to the staff's revised recommendations, and briefly explained that conditions #1 through #7 are standard sign-off requirements from the different divisions of the LFUCG; and the

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remaining conditions are "clean-up" issues. Therefore, the staff is recommending approval of this plan, subject to the following revised 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 preservation plan.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
- ~~8. Clarify existing parking per GIS photograph for building #3.~~
- ~~9. Clarify purpose of amendment note.~~
- ~~10. Revise note #6 to include reference to Art. 16 of the Code of Ordinances.~~
- ~~11. Clarify site statistics for site acreage, and update restaurant seating statistics for building #3.~~
- ~~12. Review by Technical Committee prior to plan certification.~~
10. Denote BOA approval of the building line setback variance on plan.

Planning Commission Question – Mr. Penn asked if the submitted development plan meets the parking requirement. Mr. Jarman replied, based upon the seating, that the parking requirements are being met. Mr. Saltee added that for this particular zone (B-6P), parking is not based upon a space per seats or space per square footage requirement; but rather it is space of paved area for vehicular use to building floor area, with a ratio of 2 to 1 required for this size of shopping center.

Representation – John Kingston was present representing the applicant. He indicated that they are in agreement with the staff's recommendations, and requested approval.

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

Action - A motion was made by Mr. Wilson, seconded by Mr. Brewer, and carried 11-0 to approve DP 2014-4: LANSBROOK PLAZA SHOPPING CENTER, as presented by the staff.

- b. DP 2014-27: KIRKLEVINGTON HILLS APARTMENTS (AMD) (6/1/14)* - located at 3050 Kirklevington Drive.
(Council District 4) **(Vision Engineering)**

Note: The purpose of this amendment is to add a new apartment building and outdoor appurtenances.

The Subdivision Committee Recommended: Postponement. The development plan is missing information to determine whether or not this plan meets the floor area ratio limits of the R-3 zone.

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 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 preservation plan.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Division of Waste Management's approval of refuse collection locations.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Denote the number of floors in proposed Building F.
10. Correct notes #10 & #12.
11. Addition of all proposed and existing easements.
12. Addition of tree inventory and tree canopy information.
13. Denote floor area ratio (FAR) in site statistics.
14. Correct parking in site statistics.
15. Denote Board of Adjustment past variance approval.

Staff Presentation – Ms. Gallt directed the Commission's attention to the rendered final development plan for the Kirklevington Hills Apartments, located at 3050 Kirklevington Drive. She oriented them to the surrounding street system, and said that the subject property is located in the general vicinity of Tates Creek Road, near New Circle Road. The purpose of this amendment is to add a new apartment building to the project.

Ms. Gallt said that the Subdivision Committee recommended postponement of this request because there was information missing from the development plan to determine whether or not this plan met the floor area ratio limits for

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the R-3 zone. She then said that, since the Subdivision Committee meeting, the applicant submitted a revised version of this plan on April 8th, properly addressing the floor area ratio limits of the R-3 zone, which this plan amendment meets now. Based upon that revised plan submission, and compliance with the FAR limits, the staff can now offer the Planning Commission a revised recommendation for their consideration.

Ms. Gallt directed the Commission's attention to the staff's revised recommendations, and briefly explained that conditions #1 through #8 are standard sign-off requirements from the different divisions of the LFUCG, and the remaining conditions are "clean-up" items. Therefore, the staff is recommending approval of this plan, subject to the following revised 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 landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Division of Waste Management's approval of refuse collection locations.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
- ~~9. Denote the number of floors in proposed Building F.~~
- ~~10. Correct notes #10 & #12.~~
9. 11. Addition of all proposed and existing easements.
- ~~12. Addition of tree inventory and tree canopy information.~~
- ~~13. Denote floor area ratio (FAR) in site statistics.~~
- ~~14. Correct parking in site statistics.~~
- ~~15. Denote Board of Adjustment past variance approval.~~

Representation – Matt Carter, Vision Engineering, was present representing the applicant. He indicated that they are in agreement with the staff's recommendations, and requested approval.

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

Action - A motion was made by Mr. Wilson, seconded by Ms. Plumlee, and carried 11-0 to approve DP 2014-27: KIRKLEVINGTON HILLS APARTMENTS (AMD), as presented by the staff.

- c. DP 2014-33: GARDENSIDE CABANA CLUB (AMD) (6/24/14)* - located at 1060 Cross Keys Road.
(Council District 11) **(The Kleingers Group)**

Note: The purpose of this amendment is to depict the Phase II development of the R-3 property.

The Subdivision Committee Recommended: Postponement. There are questions regarding the storm water management measures being taken with regard to the EPA Consent Decree.

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 preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. Delete notes #10, #14, #15 & #16.
12. Lighten topographical line information on plan.
13. Denote height of retaining wall on plan.
14. Denote easement maintenance per the Land Subdivision Regulations.
15. Delete stormwater culvert information.
16. Dimension all easements.
17. Dimension all sidewalks.
18. Clarify proposed lotting.
19. Remove private label from cross-section.
20. Denote written scale on plan.

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21. Remove general planting notes.
22. Denote that there will be no development of Phase III until a Final Development Plan is approved by the Planning Commission.
23. Document compliance with note #11.
24. Review by Technical Committee prior to plan certification.
25. Discuss note #16.
26. Discuss note #17.

Staff Presentation – Mr. Martin directed the Commission's attention to the rendered amended final development plan/preliminary subdivision plan for the Gardenside Cabana Club, located at 1060 Cross Keys Road. He oriented them to the surrounding street system, and said that the subject property is located one block off Alexandria Drive, along Maywick View Lane and Cross Keys Road. He then said that Maywick View Lane is considered a private right-of-way easement, unrestricted to public use, and there is a utility easement along this road; but Cross Keys Road is a public street.

Mr. Martin said that this property was originally the Gardenside Cabana Club that was later used as the YWCA. He explained that the development of this property is broken up into three phases and is being developed as an affordable housing project. He then said that Phase I has been constructed on the P-1 portion of the property, utilizing the residential provisions that are available in that zone. Mr. Martin said that the purpose of this amendment is to depict the Phase II development of the R-3 property. He then said that Phase II will consist of three buildings, with a total of 36 units and 7 bedrooms, as well as 66 off-street parking spaces. He said that access will be provided through the existing access point on Cross Keys Road by way of a proposed access easement. This access easement will serve both Lots 2 and 3.

Mr. Martin said that the Subdivision Committee recommended postponement of this request due to concerns regarding the storm water management measures being taken with regard to the EPA Consent Decree. He then said that the Storm Water Management Manual has redevelopment policies; and based upon previous developments, some smaller redevelopments do not require storm water management measures. However, with the Subdivision Committee concerns, and the fact that this is a large development, the applicant did submit a revised development plan to the staff, addressing the storm water management measures to be undertaken with this development. Based upon that submission, and following consultation with the Division of Engineering staff, the staff can now offer the Planning Commission a revised recommendation for their consideration.

Mr. Martin directed the Commission's attention to the staff's revised recommendations, and briefly explained that conditions #1 through #10 are standard sign-off requirements from the different divisions of the LFUCG, and the remaining conditions are "clean-up" items. Therefore, the staff is recommending approval of this plan, subject to the following revised 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 preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. ~~Delete notes #10, #14, #15 & #16~~ Denote that all common open space area shall be maintained by the property owner.
12. ~~Lighten topographical line information on plan~~ Remove reference to 'proposed' P-1 zoning and existing uses on Lots 2 & 3.
13. ~~Denote height of retaining wall on plan~~ existing conditional zoning restrictions on plan.
14. Denote easement maintenance per the Land Subdivision Regulations.
15. ~~Delete stormwater culvert information~~ Provided the Planning Commission grants a waiver to Article 6-4(c) of the Land Subdivision Regulation.
16. Dimension all easements.
17. ~~Dimension all sidewalks.~~
18. ~~Clarify proposed lotting.~~
19. ~~Remove private label from cross-section.~~
17. 20. Denote written scale on plan.
21. ~~Remove general planting notes.~~
18. 22. ~~Denote that there will be no development of Phase III until a Final Development Plan is approved by the~~ Provided the Planning Commission makes a finding on the use of an access easement.
19. 23. Document compliance with note #11.
20. 24. Review by Technical Committee prior to plan certification.

~~25. Discuss note #16.~~~~26. Discuss note #17.~~

Mr. Martin directed the Commission's attention to conditions #15 and 18. He said that the applicant is proposing to create three lots on the property, and the waiver being requested is to Article 6-4(c) of the Land Subdivision Regulations that governs their lot frontage. He explained that the area surrounding this land was platted; however, this site was not, which is why the applicant is requesting the waiver to Article 6-4(c). He further explained that the site does not have public street lot frontage for Lot 2, but it is along the Maywick View Lane. As for Lot 3, there is no lot frontage on either Cross Key Road or Maywick View Lane. He said that, historically, access into the subject property has been provided by an access point on Cross Keys Road. The applicant is proposing to extend that existing access back into the site to provide the internal access needed for both Lots 2 and 3.

Mr. Martin said that the staff had reviewed the applicant's request, and believed that the waiver is appropriate for this site. He then said that Phase III development will not begin until such time that the Planning Commission approves a final development plan for Lot 3. This would allow the opportunity to revisit any issues concerning access to this property, if necessary.

Mr. Martin said that the staff is recommending approval of the requested waiver, for the following reasons:

1. The waiver will have no impact on public safety, which is consistent with the intent of the Land Subdivision Regulations.
2. Strict enforcement of the lot frontage requirement would constitute a hardship for the applicant, based on the unusual status of Maywick View Lane and the historical use of the subject property with a single access from Cross Keys Road.

Mr. Martin added that, as for the finding that is associated with the waiver request, the staff believes it is appropriate to use an access easement as the sole access for certain lots (Lot 3 in this instance), for these reasons:

1. Allowing the multi-family lots to be accessed only via an access easement is appropriate for the proposed development and consistent with the historic access to the property.
2. The property is subject to an approved final development plan, and the use of the access easement will not negatively impact public health and safety. This is, therefore, consistent with the intent of the Land Subdivision Regulations.

In conclusion, Mr. Martin said that this is an affordable housing project; and the applicant is concerned with condition #20, which is the review by Technical Committee prior to plan certification. He then said that it is the staff's understanding that the applicant has been working very diligently with each of the Committee members to obtain their approvals. He added that the applicant has already submitted an application to the Division of Water Quality (condition #10) for their approval. Mr. Martin said that the applicant has been making an effort to address the standard sign-offs, as well as complying with the notification requirements that were imposed at the zone change hearing. He noted that the applicant had met with the neighbors and had come to an agreement to provide a chain link fence to help block any unwanted pedestrian traffic coming through their properties.

Planning Commission Questions – Mr. Penn asked how large Lot 3 is. Mr. Martin said that, combined, the subject property is a 2-acre tract that is proposed to be divided in half. Mr. Penn then asked, regardless of what is developed, if the access easement is large enough to handle the increase in traffic. Mr. Martin replied affirmatively, and said that this land does have conditional zoning restrictions attached. Part of those restrictions is to limit this entire area to only 72 units. Mr. Penn asked if all three lots are under the same ownership. Mr. Martin replied affirmatively.

Mr. Brewer said that, since the applicant is making progress in obtaining the signoffs from the Technical Committee members, if condition #20 should remain as listed. Mr. Martin said that the applicant would like to delete condition #20 from the list of conditions. Mr. Brewer then asked if the staff is comfortable with condition #20 being deleted. Mr. Martin replied affirmatively, and said that the applicant had been working very diligently with each of the Technical Committee members.

Representation – Mary Hossain, The Kleingers Group, was present, along with Johan Graham, AU Associates (the owner of this project). She said that, with regard to the first 10 conditions, they have been working with each of the divisions and they have received documentation of their approval on this project. As for the remaining items, some were due to drafting errors and the others are notes that will need to be added to the plan. She said that they are in the process of cleaning up the plan and will submit a new version to the staff for their review. Ms. Hossain said that, to address the Subdivision Committee's concerns, they are providing a detention basin to address the storm water management measures. With that being said, she said that they are in agreement with the staff's recommendations, and requested approval.

Mr. Graham also said that, to address the neighbors' concerns, they did meet to discuss the concerns with the potential cut-through traffic from pedestrian movement. He then said that they agreed to provide a chain link fence along the property boundary along the Maywick View Lane side.

Planning Commission Questions – Mr. Penn asked if the detention basin would be designed to collect the run-off from the subject site or if it will be designed to handle the off-site drainage. Mr. Graham said that they are designing a basin for each of these phases, but the proposed detention basin will handle the Phase II development. Mr. Penn then asked if the basin would be separate from Phase III. Mr. Graham replied that was correct and indicated that each phase would be handled separately.

Ms. Plumlee asked for further clarification on the chain link fence. Mr. Graham said that Article 18 requires a landscape buffer, as well as a fence, to extend along the property line. He then said that the neighbor wanted some type of barrier, not a visual barrier but a physical barrier, so they came to an agreement on a chain link fence with landscaping.

The Chair said that the Commission does not need to see the documentation from the different divisions, but he suggested submitting those to the staff, for the official record.

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

Planning Commission Questions – The Chair asked if the staff does have knowledge of the applicant submitting the application to the Division of Water Quality for the Capacity Assurance Program. Mr. Martin replied affirmatively. The Chair confirmed that the CAP must approve the plan prior to plan certification, to which Mr. Martin also replied affirmatively.

Mr. Penn asked if it is prudent to delete condition #20. Mr. Martin said that the staff feels it is appropriate. He then said that this request will not be presented to the Committee, but the members will need to approve the plan prior to plan certification. Mr. Penn commented that this is not normal procedure. Mr. Martin said that late filings are required to be presented to the Technical Committee, unless the Commission grants the applicant some relief from that requirement.

Action - A motion was made by Mr. Brewer, seconded by Mr. Cravens, and carried 9-2 (Mundy and Plumlee opposed) to approve DP 2014-33: GARDENSIDE CABANA CLUB (AMD), as presented by the staff, to include the finding on the use of an access easement.

Action - A motion was made by Mr. Brewer, seconded by Mr. Cravens, and carried 11-0 to approve the waiver to Article 6-4(c) of the Land Subdivision Regulations for DP 2014-33: GARDENSIDE CABANA CLUB (AMD), as presented by the staff.

- d. ZDP 2008-59: BENNETT/VAUGHAN RESIDENTIAL DEVELOPMENT (6/29/14)* - located at 522-528 East Main Street and 109 Kentucky Avenue. (Council District 3) **(Wheat and Ladenburger)**

Note: The Planning Commission originally approved this preliminary development plan on May 22, 2008, subject to the following conditions:

1. Provided the Urban County Council rezones the property B-2A; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage and storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Building Inspection's approval of landscape buffers.
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. Denote: A consolidation plat shall be recorded prior to certification of a final development plan.
8. Addition of note for private street or access easements.
9. Addition of 3' buffer.
10. Denote useable open space.
11. Resolve compliance with Article 15-7 of the Zoning Ordinance prior to the final development plan.
12. Denote: Details concerning the perimeter fencing in front yards, landscaping, pedestrian facilities, bus shelters, and first floor building features shall be reviewed at the time of final development plan approval.
13. Addition of conditional zoning restrictions.

Note: This plan was certified, but no Final Development Plan has been filed for this property. The applicant now requests reapproval of this preliminary development plan.

The Staff Recommends: Reapproval, subject to the original conditions, revising the following condition:

4. Building Inspection's approval of landscaping and landscape buffers.

Staff Presentation – Mr. Martin directed the Commission's attention to for the Bennett/Vaughn Residential Development, located at 522-528 East Main Street and 109 Kentucky Avenue. He noted that this request is part of the

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approved zone change granted in 2008; however, a final development plan was not submitted within the 2-year time limit and is not valid without the Commission's reapproval.

Mr. Martin then directed the Commission's attention to the rendered preliminary development plan and oriented them to the surrounding street system. He said that the subject property is zoned B-2B and is located at the corner of East Main Street and Kentucky Avenue. The purpose of this request is to construct a six-story building that will have five residential floors, two units per floor. He added that the building is approximately 8,600 square feet in size and there will be interior parking. Mr. Martin illustrated a series of schematics to further demonstrate the applicant's conceptual design for this request, to include the layout of the proposed building; its architectural features; and the landscape buffer details, as well as the location of the proposed open space/balconies on each of the floors.

Mr. Martin said that the Planning Commission originally approved this plan on May 22, 2008, subject to the thirteen conditions listed on today's agenda. He briefly explained that conditions #1 through #4 are standard sign-off requirements from the different divisions of the LFUCG, and the remaining conditions are "clean-up" types of items. He then said that, since this is a reapproval item, the conditions listed have been addressed; however, the staff is recommending that the Commission revise condition #4, to read: "Building Inspection's approval of landscaping and landscape buffers." With that being said, the staff is recommending reapproval of this plan, subject to the original conditions, revising condition #4.

Planning Commission Questions – Ms. Mundy asked, since this is a request for a plan reapproval, if this request would fall under the guidelines for Design Excellence. Mr. Martin replied negatively, and said that this request is not within the area that the Design Excellence Program is to govern. He then said that there are design criteria that would apply to this request. Mr. Sallee said that this property is located in the B-2A zone, and under the draft for the Design Excellence Program, so in the future this request could potentially fall under the new program at some point in time.

Mr. Penn asked when the plan was certified, if there was also a preliminary development plan. Mr. Martin clarified that this request is only a preliminary development plan. Mr. Penn then asked if the plan was previously certified at the time of the zone change. Mr. Martin replied affirmatively. Mr. Penn also asked if there was a preliminary development plan submitted at that time. Mr. Martin said that this is the preliminary development plan that the Commission approved, and it was later certified. He explained that the applicant is required to submit a final development plan within 2 years from its original approval; otherwise, the preliminary development plan is no longer valid. This is why the applicant is requesting that the Commission reapprove their application.

The Chair asked if this approval involves a final development plan. Mr. Martin replied negatively and said that the Commission will be reapproving the preliminary development plan, which will allow the applicant 2 more years to submit a final development plan.

Representation – Richard Murphy, attorney, was present representing the applicant. He said that this preliminary development plan was approved and certified with the zone change. Since no final development plan had been submitted. They need the Commission to reapprove their request in order to move forward and submit the final development plan. He said that they are in agreement with the staff's recommendations, and requested reapproval.

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

Action - A motion was made by Ms. Mundy, seconded by Mr. Brewer, and carried 11-0 to reapprove ZDP 2008-59: BENNETT/VAUGHAN RESIDENTIAL DEVELOPMENT, as presented by the staff.

VI. COMMISSION ITEMS – No such items were presented.

VII. STAFF ITEMS

- A. BOONE CREEK LITIGATION** - Ms. Jones informed the Commission that the staff had distributed information concerning the most recent lawsuit made by the owners of Boone Creek, for their review.
- B. COMMUNICATION FROM THE LFUCG COUNCIL CLERK'S OFFICE** - Mr. Sallee informed the Commission members that the staff had distributed a memorandum from the Council Clerks Office regarding the members' financial statement that is required.
- C. WORK SESSION** - The Chair reminded the Commission of the upcoming Work Session on April 17th.

VIII. AUDIENCE ITEMS – No such items were presented.

IX. **NEXT MEETING DATES**

Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) April 23 2014
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers **April 24, 2014**
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) May 1, 2014
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)..... May 1, 2014
Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers..... **May 8, 2014**

X. **ADJOURNMENT** - There being no further business, a motion was made to adjourn the meeting at 2:22 PM.

Mike Owens, Chair

Carla Blanton, Secretary