

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

February 12, 2015

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

Planning Commission members present - Mike Owens, Chair; Mike Cravens; Will Berkley; Patrick Brewer; Karen Mundy Carolyn Plumlee; Carolyn Richardson; Joseph Smith and Bill Wilson. David Drake and Frank Penn were absent.

Planning staff members present – Chris King; Bill Sallee; Barbara Rackers; Tom Martin; Cheryl Gallt; Kelly Hunter; Dave Jarman and Denise Bullock. Other staff members in attendance were: Hillard Newman, Division of Engineering; Casey Kaucher, Division of Traffic Engineering; Tim Queary, Department of Environmental Policy; Captain Greg Lengal and Lieutenant Joshua Thiel, Division of Fire and Emergency Services; and Tracy Jones and Andrea Brown, Department of Law.

- II. APPROVAL OF MINUTES** – There were no minutes to be considered at this time.

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

- a. PLAN 2014-101F: LONG VALLEY FARM, KY, INC., UNIT 2-B (AMD) (2/12/15)* - located at Long Valley Lane and Russell Cave Road. (Council District 12) **(Randy Martin)**

Note: The Planning Commission postponed this item at their December 11, 2014 and January 15, 2015, meetings. This plan requires the posting of a sign and an affidavit of such. The purpose of this amendment is to subdivide a 124-acre tract into a 40-acre tract and an 84-acre tract.

The Subdivision Committee Recommended: **Postponement**, due to the failure of posting the sign on the property, as required by Article 6-4(j)(6) of the Land Subdivision Regulations.

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

1. Urban County Engineer's acceptance of drainage and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. 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. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Addition of 300' building line.
8. Denote non-buildable areas.
9. Denote access easement locations and maintenance responsibility.
10. Addition of detail for adjacent corner monuments.
11. Addition of general notes required by the Subdivision Regulations.
12. Correct Urban County Engineer's certification.
13. Health Department approval for septic facilities prior to plan certification.
14. Discuss possible need for a waiver to Art. 6-4(c) of the Subdivision Regulations.
15. Discuss proposed access per prior plat note on Cabinet/Slide I-544.
16. Discuss access easement standards required by Art. 6-4(j)2(a) of the Subdivision Regulations.

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant, requesting postponement of PLAN 2014-101F: LONG VALLEY FARM, KY, INC., UNIT 2-B (AMD) to the March 12, 2015, 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. Richardson and carried 9-0 (Drake and Penn absent) to postpone PLAN 2014-101F: LONG VALLEY FARM, KY, INC., UNIT 2-B (AMD) to the March 12, 2015, Planning Commission meeting.

- b. DP 2015-6: RICHARDSON PROPERTY (AMD) (5/5/15)* - located at 150 & 300 Chilesburg Road. **(John Hill)**
(Council District 7)

Note: This property requires the posting of a sign and an affidavit of such. The purpose of this amendment is to remove 10 townhomes, to add 26 condominium units, and to add two 6-car parking garages.

The Subdivision Committee Recommended: **Postponement**, due to the lack of graphic clarity relative to the new condominium building proposed.

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

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. 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. Addition of record plat designation in title block.
10. Rotate vicinity map to match orientation of plan.
11. Denote height of building in feet.
12. Addition of building square footage in site statistics.
13. Complete exaction information to the approval of the Division of Planning prior to plan certification.
14. Correct purpose of amendment note to delete statement #4.

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant, requesting postponement of DP 2015-6: RICHARDSON PROPERTY (AMD) to the February 25, 2015, 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 Mr. Smith and carried 9-0 (Drake and Penn absent) to postpone DP 2015-6: RICHARDSON PROPERTY (AMD) to the February 25, 2015, Planning Commission meeting.

IV. LAND SUBDIVISION ITEMS - The Subdivision Committee met on Thursday, February 5, 2015, at 8:30 a.m. The meeting was attended by Commission members: Karen Mundy, Joe Smith, Carolyn Plumlee, Will Berkley and Mike Owens. Committee members in attendance were: Hillard Newman, Division of Engineering; and Casey Kaucher, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Tom Martin, Cheryl Gallt, Dave Jarman, Denice Bullock, Scott Thompson and Kelly Hunter, as well as Captain Greg Lengal and Lieutenant Joshua Thiel, Division of Fire & Emergency Services; C.D. Schnelle, Division of Police; and Stephen Shelman, Mayor's Office, representing the 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 the request of the Chair, 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 for most of these items, as well as recommending reapproval of one item. (A copy of the Consent Agenda is attached as an appendix to these minutes).

1. PLAN 2015-4F: INTERCHANGE SERVICE CENTER, LOT 4 (AMD) (4/5/15)* - located at 2250 Elkhorn Road. (Council District 6) **(2020 Land Surveying)**

Note: The purpose of this amendment is to subdivide one lot into two lots.

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

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. 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).
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. Revise notes #2, #5, #6, #7 & #8 to match those on the previous plat.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Provide 3" x 3" space on plat for recorder's stamp.
11. Provided the Planning Commission makes a finding on the access easement to Lot 4-B (per Articles 6-4(c) & 6-8(m)).
12. Denote locations of survey benchmark.
13. Denote width of right-of-way for cross-section of Buena Vista Road.
14. Correct note #1.
15. Denote name and address of property owner and developer.
16. Denote building line on face of plan.
17. Resolve orientation of the new lot line to the approved development plan.

Mr. Sallee noted that Article 6-8(m) of the Land Subdivision Regulations requires the Planning Commission to make a finding that PLAN 2015-4F: INTERCHANGE SERVICE CENTER, LOT 4 (AMD) does comply for use of an access easement as sole access for certain lots. This documentation was placed at the Commission's seats for their review.

2. PLAN 2015-5F: COVENTRY (BELMONT FARM), UNIT 8 (4/5/15)* - located at 2250 Spurr Road.
(Council District 2) **(EA Partners)**

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Addressing Office's approval of street names and addresses.
4. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
5. Complete 20' building line information.

3. PLAN 2015-11F: BROOKHAVEN SUBDIVISION, UNIT 1-F, BLOCK A, LOT 1 (AMD) (4/28/15)* - located at 2434 Nicholasville Road. (Council District 4) **(Banks Engineering)**

Note: The purpose of this amendment is to subdivide one lot into three lots.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. 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. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
8. Identify the property lines on adjacent property with dashed lines.
9. Indicate direction of street cross-sections on plan.
10. Addition of a listing of private utilities.
11. Correct labeling of lot size square footage/acreage for each lot.
12. Review by Technical Committee prior to plan certification.

4. DP 2015-8: CHESAPEAKE EQUINE (AMD) (4/5/15)* - located at 1024 Greendale Road.
(Council District 2) **(EA Partners)**

Note: The purpose of this amendment is to increase the townhouse floor area, add a maintenance building and revise the parking.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.

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

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. Label townhome unit type on face of plan.
 8. Denote height of apartment buildings in feet.
5. DP 2015-9: BEAUMONT FARM, UNIT 1, SEC 5, LOTS 4-6 (4/5/15)*- located at 1135, 1145, & 1185 Monarch Street. (Council District 10) **(EA Partners)**

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. 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. Document floor area, open space and lot coverage calculations, prior to plan certification.
 12. Resolve entrance proposed from Governors Lane (and proximity to existing).
6. DP 2014-71: MAN O' WAR DEVELOPMENT, UNIT 2A, LOTS A-20 & A-21 (AMD) (4/28/15)* - located at 1908 Bryant Road. (Council District 6) **(Vision Engineering)**

Note: The purpose of this amendment is to reconfigure the buildable area, the parking and circulation. The Planning Commission approved this plan at their September 11, 2014, meeting, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. 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. Resolve the need for documentation of construction proposed on adjacent property.

Note: The applicant is now requesting a continued discussion in order to reduce the buildable area, reduce the parking, and revise the vehicular circulation.

The Subdivision Committee Recommended: **Approval**, subject to the original conditions previously approved by the Planning Commission, replacing condition #10 and adding a new requirement:

10. Addition of cross-sections from previous plan.
11. Addition of note #14 from the previous plan changing it to read: "vehicular use area screening....".

In conclusion, Mr. Sallee said that the items identified on the Consent Agenda could be considered for 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, in order 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 Ms. Plumlee, seconded by Mr. Smith and carried 9-0 (Drake and Penn absent) to approve the items listed on the Consent Agenda, as recommended by the Subdivision Committee.

- B. PERFORMANCE BONDS AND LETTERS OF CREDIT** – A motion was made by Mr. Cravens, seconded by Mr. Wilson, and carried 9-0 (Drake and Penn absent) to approve the release and call of bonds as detailed in the memorandum dated February 12, 2015, from Barry Brock, Division of Engineering.

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

- 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. **DEVELOPMENT PLANS**

- a. DP 2015-5: CHEVY CHASE SHOPPES (4/5/15)* - located at 626-634 Euclid Avenue.
(Council District 3) **(Barrett Partners)**

The Subdivision Committee Recommended: **Postponement**. There were some questions regarding the improvements outlined on the previous plan and the possible need for a waiver to the Land Subdivision Regulations.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. 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. Dimension sidewalks on property.
11. Dimension front (Euclid) setback of building.
12. Discuss building fenestration along Euclid Avenue, per note 12 on previous plan.
13. Discuss sidewalk along Marquis Avenue and possible need for waiver.
14. Discuss vehicular use area screening along McCaw's Alley and orientation of on-street parking.
15. Discuss tree canopy area(s) (existing and proposed).

Staff Presentation – Mr. Martin directed the Commission's attention to the final development plan for Chevy Chase Shoppes, located at 626-634 Euclid Avenue. He oriented the Commission to the surrounding area and street system on the plan rendering, and briefly explained that the subject property is situated at the corner of Euclid Avenue and Marquis Avenue, across the street from the new Kroger Supermarket store. McCaw's Alley forms the rear boundary of the property, and has two-way movement. He then said that the applicant is proposing a 9,600 square-foot building, which requires 44 parking spaces. He added that the applicant is proposing 34 on-site parking spaces, with the remaining 10 to be leased offsite. He noted that the employee parking will be located at the rear on McCaw's Alley. Mr. Martin said that there will be an on-site detention basin under the parking lot, which will address the water quality measures that are required, as well as meet the water quantity standards for this area. Underground detention is not uncommon for this area. He noted that, with this site being conditionally zoned and restricted by the Urban County Council's action, the drive-through had been removed.

Mr. Martin then directed the Commission's attention to the rendering of the plan, noting the location of Marquis Avenue next to the new building. He explained that this is the reason for the waiver request, and said that the applicant is proposing 8 "reverse angle" parking spaces along the right-of-way of Marquis Avenue, not the parallel parking spaces that had been presented at the zone change hearing. He then said that the applicant wants to widen this section of the street to provide the reverse angle public parking and realign the public sidewalk to be adjacent to the proposed building outside of the right-of-way. The sidewalk width will be increased from 4' to 6' at this location, which would then be similar to the parking spaces

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

currently in use on High Street and new Rose Street on Elm Tree Lane. The applicant would need to establish a public easement for the parking and sidewalks in this area. Mr. Martin said that with the number of parking spaces being reduced and the size of the drive aisle increasing, the sight distances for this area will be improved. Mr. Martin directed the Commission's attention to the rear of the building, and said that the staff is asking the applicant to change the employee parking to reverse angle as well, to reduce any potential conflicts on McCaw's Alley. He said that reverse angle parking is not a new concept and is supported for areas, particularly areas in our designated Infill and Redevelopment Area in the community.

Mr. Martin said that the Subdivision Committee recommended postponement of the applicant's request, due to questions regarding the improvements outlined on the previous plan and the possible need for a waiver to the Land Subdivision Regulations. On February 6th, the applicant submitted a revised development plan, as well as several exhibits that have addressed some of the "clean-up" conditions and the concerns outlined by the Subdivision Committee. As a result, the staff can offer a revised recommendation to the Planning Commission for consideration of this revised final development plan submission. He said that the staff recommends approval, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. 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. Dimension sidewalks on property.~~
- ~~11. Dimension front (Euclid) setback of building.~~
10. ~~42. Discuss Denote:~~ Building fenestration along Euclid Avenue, ~~per note 12 on previous plan shall~~ substantially comply with the exhibit on file with the Division(s) of Planning and Building Inspection.
- ~~11. 43. Discuss sidewalk along Marquis Avenue and possible need for waiver.~~
- ~~12. 44. Discuss vehicular use area screening along~~ Revise the employee parking proposed on McCaw's Alley and orientation of on-street to be reverse angle parking.
- ~~15. Discuss tree canopy area(s) (existing and proposed).~~
13. Denote all conditional zoning restrictions on plan.
14. Document all required and off-site parking on plan.

Mr. Martin briefly explained that conditions #1 through #9 involve standard sign-off conditions from the different divisions of the LFUCG; and the remaining condition is a "cleanup" item that will be addressed prior to the plan being certified. He said that the applicant has denoted all conditional zoning restrictions on the plan, but they still need to add the restriction for the drive-through. He directed the Commission's attention to the overhead projector and explained that there had been a discussion concerning whether or not the applicant could provide the required 20 percent tree canopy for the B-1 zone. He said that, since the Subdivision Committee meeting, the applicant has presented the staff with an exhibit showing that they can provide at least 21 percent of the tree canopy requirement on this property. In conjunction, the applicant also submitted an exhibit to both the Division(s) of Building Inspection and Planning to demonstrate their proposed building fenestration for this property.

Mr. Martin said that the staff is recommending approval of the requested waiver to the Land Subdivision Regulations, to permit the sidewalk beyond the right-of-way, for the following reasons:

1. The waiver will have no significant impact on public safety, which is consistent with the overall intent of the Land Subdivision Regulations.
2. This waiver to the Land Subdivision Regulations street geometry requirements would facilitate infill and redevelopment by utilizing new and innovative methods to address both public and private improvements and balance the need for adequate parking for this land use.

Mr. Martin then said that this recommendation is made subject to the following additional requirement:

- a. Denote on the plan that a record plat creating the public parking and sidewalk easement shall be recorded prior to the issuance of a building permit.

Planning Commission Questions – The Chair asked if McCaw's Alley allows one-way or two-way traffic movement. Mr. Martin responded that McCaw's Alley is two-way traffic movement.

Representation – Tony Barrett, Barrett Partners, was present representing the applicant. He indicated that they were in agreement with the staff's revised recommendations; but as for the staff's suggestion, they are concerned with the possibility of the employee parking decreasing by one space if the reverse diagonal parking is utilized on McCaw's Alley. He then said that, since these are designated as employee parking,

and with the width of the alley, they would prefer to maintain these spaces at 9' in order to not lose any of the parking. He indicated that they had quickly calculated the parking and it does fit, but they would prefer to work with the Division of Traffic Engineering to resolve this issue.

Mr. Barrett said that the staff is asking for all required and off-site parking to be documented on the plan. He then said that they are negotiating with a couple of neighbors for the off-street parking, but they would rather not have this condition contingent on the plan being certified. He added that it would depend on the type of restaurant that comes into this building as to the number of seats needed for that restaurant, and they would prefer to have this condition contingent upon the building permit. He requested that condition #14 be changed to read: "Document all required and off-site parking on plan at the time building/occupancy permits are issued."

With that, Mr. Barrett indicated that they were in agreement with the staff's revised recommendations and requested approval, with the one change.

Planning Commission Questions – The Chair asked if they were in agreement with the staff's recommendation for the waiver request. Mr. Barrett responded affirmatively, and said that the waiver would allow them to have the reverse diagonal parking on Marquis Avenue, as well as provide the necessary easement for the parking and sidewalk. This would be similar to what is already being done on High Street.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. Rosa Brown said that she works at 403 Marquis Avenue, and she is concerned with the traffic circulation and parking on McCaw's Alley. She asked if the public parking on Marquis Avenue would be metered because the existing parallel parking is being used by either UK students or Kroger employees all day. She said that with the delivery trucks coming and going into Kroger, she is concerned with the traffic congestion on Marquis Avenue and McCaw's Alley. She then said that McCaw's Alley is two-way movement, but the congestion will cause problems. She then asked who would maintain the parking on Marquis Avenue.

Ms. Brown said that the proposed restaurant seating is increasing little by little; and without knowing the type of restaurant, she is concerned with the type of establishment that would come to this location and whether or not that establishment would sell liquor.

The Chair said that the parking on Marquis Avenue would be public parking and the decision regarding metered parking or not would be made by someone other than the Planning Commission. Mr. Martin reaffirmed that the parking would be public parking and it would be under the control of the Parking Authority, who would make any decisions as to whether or not those parking spaces would be metered. The Chair asked if alcohol would be sold at this premises. Mr. Martin said that the staff does not know of their status to sell alcohol.

Mr. Wilson asked if two vehicles can pass each other on McCaw's Alley. Mr. Martin said that McCaw's Alley is about 10' wide, which is very narrow; and vehicles must be willing to share the road.

Planning Commission Questions – The Chair asked for comments from the Division of Traffic Engineering regarding the McCaw's Alley concern. Ms. Kaucher said that McCaw's Alley is 12' wide from edge of pavement to edge of pavement. She then said that when Traffic Engineering evaluated the alley, they found that traffic movement through this area is very low. The applicant has proposed 8 employee parking spaces, which would have a low turnover rate throughout the day; therefore, the staff does not see a concern with traffic issues on McCaw's Alley.

The Chair then asked if Traffic Engineering had a preference of either reverse angle parking or straight parking. Ms. Kaucher said that the staff does not have a strong opinion either way, and they believe the cars would use whatever parking spaces are provided.

Mr. Wilson asked if McCaw's Alley is public. Ms. Kaucher responded affirmatively. Mr. Wilson then asked who maintains the alley during snow and ice events. Ms. Kaucher said that the City does maintain the alley; but since it is an alley, it is on the low priority list. Mr. Wilson asked if the alley is wide enough for a truck to clear the alley. Ms. Kaucher replied yes, and said that, with the applicant's proposal, the width of the alley will not change; but, rather, the parking area will be adjacent to the alley. She explained that this will not be a 12' alley to include the 8' of parking; but, rather, it will be a 12' alley with 8' of parking area beside the alley. The 12' width would also be maintained as 12' - it would not decrease in size. In answering Mr. Wilson's questions, Mr. Barrett directed the Commission's attention to a series of photographs of McCaw's Alley, and briefly explained that what they are proposing would be mirroring the parking situation already there. He then said that they would bring the parking up to code, and the alley would be widened from 12' to 16' in addition to the added width of the parking space; plus the increased sidewalk width would improve this area from the way it is functioning today. Mr. Barrett said that they would defer to the Parking Authority to make that decision, but they are agreeable with Marquis Avenue being metered or not metered. Mr. Barrett said that, as for the type of restaurant coming to this location, they are

not sure since it is still in negotiation at this time. He then said that as far as alcohol is concerned, it is allowed in the B-1 zone; but they are unsure as to which direction the tenants would be heading regarding that issue.

The Chair asked if the staff was agreeable to changing the wording on condition #14 to read: "Document all required and off-site parking ~~on plan at the time of building/occupancy permits are issued~~". Mr. Martin said that the applicant is requesting a retail and restaurant use for this property; therefore, it needs to meet the required parking, and this plan needs to demonstrate that. He then said that if the applicant wishes to add seating, they can always provide additional off-street parking requirements, which has been routinely done by other restaurants. He added that the development plan needs to meet the requirements of the Zoning Ordinance. The Chair then asked if it is the staff's suggestion to leave the language as is on condition #14. Mr. Martin replied affirmatively, and said that the applicant needs to adjust their seating accordingly to meet the required parking. He then said that if the applicant wants to add seating at a later date, then that would be provided through off-site parking.

Ms. Plumlee asked at what distance can off-site parking be provided from the site. Mr. Martin said that it's 300' from the building, and the applicant must establish a 2-year term lease.

The Chair suggested that condition #11 be changed to read: "Provided the Planning Commission grants a waiver to Articles 6-8(a), 6-8(n)(1) and Exhibit 6-1 of the Land Subdivision Regulations." Mr. Sallee said that that would be appropriate.

Mr. Sallee informed the Commission that there may be other public comments to be made. The Chair said that the public comment period had already been closed.

Mr. Berkley said that he would need to recuse himself from this case due to his working relationship with the bank.

Mr. Cravens said that the way condition #14 reads, the applicant only needs to document what they have. Mr. Barrett said that they are fine with the way Mr. Martin explained the conditions.

Action - A motion was made by Mr. Cravens, and seconded by Ms. Mundy, to approve DP 2015-5: CHEVY CHASE SHOPPES, as recommended by the staff, changing condition #11 to read: "Provided the Planning Commission grants a waiver to Articles 6-8(a), 6-8(n)(1) and Exhibit 6-1 of the Land Subdivision Regulations."

The Chair confirmed that the motion on the floor included the waiver request. Mr. Cravens replied that he included the waiver in his motion.

The motion carried 8-1 (Plumlee opposed; Drake and Penn absent).

- b. DP 2015-7: CHANCELLOR SUBDIVISION (THE SPRINGS) (PARCEL 3) (AMD) (4/5/15)* - located 2000-2040 Harrodsburg Road. (Council District 10) **(Vision Engineering)**

Note: The purpose of this amendment is to increase building floor area and parking for Lots C-2 and D.

The Subdivision Committee Recommended: Postponement. There were some questions regarding the orientation of buildings, parking and landscape buffers proposed with this amendment.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. 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. Document compliance with interior landscaping requirements for parcel C2.
12. Denote height of building in feet.
13. Discuss timing of storm sewer and utility easement relocations proposed for parcel D.
14. Discuss building setback for drive aisle (4') for building A (Parcel C2).
15. Discuss fenestration for Building B (parcel D) from Mitchell Avenue.

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

16. Discuss landscape buffers from houses/lots on Spring Grove and Mitchell Avenues.
17. Discuss parallel parking proposed in internal parking lot on parcel C2.
18. Discuss maintenance of internal drive aisles among parcels C1, C2 & D.

Staff Presentation – Mr. Martin directed the Commission's attention to the amended final development plan for Chancellor Subdivision (The Springs) (Parcel 3), located at 2000-2040 Harrodsburg Road. He oriented the Commission to the surrounding area and street system on the plan rendering, and briefly explained that the subject property is situated along Harrodsburg Road, at the corner of Lane Allen Road and Mitchell Avenue. He then said that there are commercial uses on the opposite side of Harrodsburg Road and residential areas along Mitchell Avenue and Lane Allen Road, noting that existing uses on the subject property include a CVS Drug Store, a McDonald's and a Raising Canes restaurant. He then said that the Commission had previously approved two retail buildings on the remainder of the property, but now the applicant is requesting to amend those two buildings and change the use to medical offices. He noted that there are two access points for this development: one is off Mitchell Avenue and the other is off Harrodsburg Road, and there is a cross access throughout this development.

Mr. Martin directed the Commission attention to rear of the development plan rendering and said that Building B on Lot D was moved closer to the residential area, and the square footage for this building has decreased. Building C2 has increased its square footage, under this plan amendment.

Mr. Martin said that the Subdivision Committee had recommended postponement of the applicant's request due to questions regarding the orientation of buildings, parking and landscape buffers proposed with this amendment. He then said that on February 10th, the applicant submitted a revised development plan that has addressed many of the concerns outlined last week by the Subdivision Committee. As a result of this revision, the staff can offer a revised recommendation to the Planning Commission for consideration of this final development plan. He noted that the staff is now recommending approval, subject to the following revised conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. 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. Document compliance with interior landscaping requirements for parcel C2.~~
- ~~12. Denote height of building on Lot C2 in feet.~~
- ~~13. Discuss timing of storm sewer and utility easement relocations proposed for parcel D.~~
- ~~14. Discuss building setback for drive aisle (4') for building A (Parcel C2).~~
- ~~15. Discuss fenestration for Building B (parcel D) from Mitchell Avenue.~~
12. 46. Discuss landscape buffers from houses/lots on Spring Grove and Mitchell Avenues.
13. 17. ~~Discuss Remove~~ parallel parking proposed in internal parking lot on parcel C2.
- ~~18. Discuss maintenance of internal drive aisles among parcels C1, C2 & D.~~
14. Delete note #21 and revise note #17 to read: "prior to building permit."
15. Denote that fenestration for Building B on Lot D shall substantially comply with the exhibit on file with the Division(s) of Planning and Building Inspection.

Mr. Martin briefly explained that conditions #1 through #10 involve standard sign-off conditions from the different utilities and divisions of the LFUCG; and the remaining conditions are "cleanup" items that will be addressed prior to the plan being certified. He noted that there were a few conditions listed that needed to be further explained, and directed the Commission's attention to the overhead projector. He said that the applicant will need to remove the parallel parking being proposed from the internal parking area for parcel C2 (condition #13) and noted that the applicant had submitted an exhibit to both the Division of Planning and the Division of Traffic Engineering showing that their proposal will meet condition #14. He then said that the applicant will also need to delete note #21 and revise note #17 to read: "prior to building permit." He explained that note #17 deals with parcel C2, which has an easement running through the middle of the proposed building. By adding "prior to building permit," that easement conflict will be addressed before anything is constructed. He then directed the Commission to the next exhibit on the overhead projector. He said that condition #15 addresses the fenestration for Building B on Lot D, and that building shall substantially comply with the exhibit that will be on file in the Division(s) of Planning and Building Inspection. He said that the applicant did submit an exhibit to the staff and it shows that the front of the medical building will be positioned toward Mitchell Avenue.

Mr. Martin said that the remaining issue for this proposal is the landscape buffers between the houses and proposed lots on Spring Grove and Mitchell Avenues (condition #12). He then said that the previously approved plan shows Building A on Lot C2 oriented more toward Harrodsburg Road, further away from the adjacent residential area, and Building B on Lot D was 60 feet further away from Mitchell Avenue. In the previous hearing, there was a lot of discussion concerning the landscaping and lighting between the neighborhood association and the applicant, and the staff feels that the proposed amendment significantly changes the layout of this development. He said that the applicant is required to meet Article 18 of the Zoning Ordinance, which is a double row of 6' high hedges or a 6' high fence, wall or earth mound, plus 1 tree for every 40' of linear boundary; and with the two proposed buildings being closer to the residential area, the staff believes that the applicant should provide additional landscaping, above and beyond what is required by Article 18. He then said that the staff had suggested placing evergreen trees between the trees that are required at 40' spacing to supplement the landscape buffer between the residential area and the commercial area. He added that, in order to ensure the enforcement of this requirement, the staff would like this to be denoted on the development plan, should there be a change in ownership of the property. Mr. Martin said that the staff spoken with the neighborhood association and was informed that McDonald's menu board, particularly the lights coming from it, has become a concern with the nearby residents. He said that the menu boards have become larger in size, and brighter, which is another reason the staff is concerned with the lack of landscaping along the property boundaries. The staff is requesting that additional landscaping be provided that is above and beyond what is required by Article 18.

Planning Commission Questions – Ms. Mundy said that on the previous development plan there was a spring box shown on the plan and asked if it is involved with those easements. Mr. Martin said that the spring box is located in the middle of the parking lot of Building B on Lot D, and there is a 15' stormwater easement that runs along the area where the spring box is located.

Mr. Berkley said that the staff is requesting that the landscaping be over and above what is required by Article 18, and asked if the staff has told the applicant what is expected. Mr. Martin said that the staff has discussed using evergreens between the trees, and there may be other options that the applicant could use. He then said that the staff does not want to lock the applicant into any type of landscaping if there is a better choice.

Representation – Matt Carter, Vision Engineering, was present, along with Tom Johnson, who is the property owner. He indicated that they were in agreement with the staff's revised recommendations, but they would like to discuss condition #12 regarding the landscape buffers. He said that they believe what has been installed on this site is over and beyond what is required by Article 18. He added that landscaping does not normally get placed in the ground until after the site has been graded and the buildings have been constructed, but his client is already grading the site in order to install landscaping before anything else is done.

Mr. Johnson said that he met with the neighborhood association about the menu board and he has added evergreen landscaping to the rear of Lot B in front of the menu board to shield the residential area on the opposite side of Mitchell Avenue. He then directed the Commission's attention to a series of photographs and explained the location of each picture on the rendering. He said that they have already installed over-sized evergreens, hemlocks and other (deciduous) trees along the edge of the property between Lot C2 and Lot D, but they would prefer not to install any landscaping near Lot C2 until after the building is constructed. If this is done before the construction, the landscaping could be damaged.

Mr. Johnson then said that at the rear of the site along Mitchell Avenue there is an established evergreen block between the subject site and the adjacent homeowner. He added that he had spoken with this property owner and they are happier with the new proposal. He said that the property owner does have a 6' fence along the side of their property, and they will be installing additional landscaping between this property and Lot D to screen this development for that homeowner.

Mr. Johnson said that landscaping has been started along Mitchell Avenue and large caliper trees have been planted along with smaller evergreen bushes.

Mr. Johnson said that he had spoken with the neighborhood association and they have been kind enough to be involved throughout this entire process, and have given their full support with the development plan proposal. He has received emails from the nearby residents, and they are pleased with the development of this site. He said that they prefer to install additional landscaping after the buildings are constructed to ensure that the plants will survive and create a nice development. He then said that they believed they are already going over and above what is required, and they do not want to be forced into installing landscaping if it is not needed.

Mr. Carter requested approval for this development plan amendment.

Planning Commission Questions – The Chair said that, from what was shown on the overhead projector, and the requirements of Article 18, it appeared that more trees than what are required are being installed on this development. Mr. Johnson said that that was correct and they will be installing landscaping that is above what is required in Article 18. He then said that he would rather have his landscaping team look at the finished product before deciding what is needed to be installed. This will help optimize their efforts and benefit the residential neighborhoods. Mr. Martin said that the staff has no doubt as to Mr. Johnson's commitment to landscaping; and as long as Mr. Johnson is involved with this property, it will be maintained. However, what the staff is concerned about is future enforcement for "above and beyond" because at a future date, if the landscaping needs to be addressed, the property owners at that time will have to meet Article 18 and Article 18 only. He said that there will not be "above and beyond" required of the new property owner; and with trees getting damaged or dying, things change. He then said that the staff is concerned that the additional landscaping be specified on the development plan so it can be enforced in the future, if needed. He added that the staff believes Mr. Johnson's commitment can be expressed as a condition on that development plan.

The Chair then asked if the staff agrees that the applicant will go over and above what is required by Article 18. Mr. Martin said that, from what the staff has seen, yes; but, again, what is ultimately done on the site has to be addressed. He then said that eventually the landscaping will be finished. The Chair asked if the staff has language to address the landscaping. Mr. Martin indicated that the staff does not have precise language, but in the past it has been added.

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

Planning Commission Comments – Mr. Cravens asked if the existing tree line meets Article 18 requirements. Mr. Martin said that this is an evaluation that is part of the landscape plan and whether or not they meet. He then said that, once again, it only meets what is required by the Zoning Ordinance; and staff wants "above and beyond the Ordinance" to be incorporated on the development plan. Mr. Cravens said that the existing tree line already meets Article 18; and Mr. Johnson has shown what they have already done on the site, which is above and beyond what is required. He doesn't understand how the Commission can place a condition on Mr. Johnson for something that might happen 20 years from now. Mr. Martin said that Article 18 might vary 20 years from now.

Ms. Plumlee asked if the Commission could require a specific landscape plan and list it as a new condition #12. Mr. Martin replied affirmatively.

Ms. Mundy said that the applicant still has not built the two buildings; and, at this point, no one knows what ramifications there will be with regard to what the applicant wants to do with this site until the buildings are constructed. Mr. Martin said that it is the staff's understanding that the enforcement staff will not require that until permits are pulled for those buildings to be occupied.

The Chair said that fenestration seems to be coming up a lot these days and asked what these buildings will look like. Mr. Johnson directed the Commission's attention to the architectural rendering on the overhead projector, and said that this is a conceptual design; adding that, at this time, he does not have a finished design. The Chair then asked if the rear of the building will be solid, (no windows) or if there will be breaks in the building. Mr. Johnson said that he can not answer that question because that would depend on who the tenants were and what their needs would be. He then said that an example would be for the lobby to be placed at the front of the building, with the examination rooms at the rear of the building, using small windows for natural light to enter. He then said that they understand the Commission's concern; but with their landscape plan, the rear of the building may not be seen from the residential area. He added that they will make sure the rear is not bothersome to the neighbors. The Chair said that a neighborhood representative did make a comment during the Subdivision Committee that they were pleased with this amendment - much more than what was previously proposed. He then said that she also expressed that efforts were being made to accommodate the neighborhood association's concerns, which the Commission appreciates. The Chair said that his concern is if the elevation is 7' with a 20' wall, the building will stick out even with the size of trees that are being planted. Mr. Johnson said that once the area is completed, they will have an idea as to how much room there will be between the existing tree line and the additional landscaping to allow planting of perimeter trees. This will soften the building and make the area more appealing to the eye. Mr. Martin directed the Commission's attention to the development plan rendering, and said that Mr. Johnson is putting in landscaping based upon the approved development plan. He then said that Mr. Johnson is installing the landscaping, based upon the location shown on the approved development plan, and now he is coming before the Planning Commission requesting to move these two buildings. He added that the staff appreciates Mr. Johnson's efforts, and they have no doubt that Mr. Johnson will meet the landscape requirements. However, moving the two buildings closer is why the staff is recommending additional landscaping that can be enforced over time. He said that Mr. Johnson is asking permission to move these two buildings, but the work and activities on this site are based upon the previously approved development plan. He then said that the landscaping that is being installed is based

upon the previously approved development plan and the placement of those two buildings - not what he is requesting at this time. The staff is concerned with the need to provide additional landscaping based upon the amended development plan.

The Chair asked if the staff has language for the additional landscaping. Mr. Sallee said that the language he would propose would be based upon everything that has been said today, and the anticipation that there will be landscaping over and beyond what is required in Article 18. He then said that this will respect the staff's request that "over and above" landscaping becomes part of the development for the future, it will also respect the fact that the existing trees do meet the requirements of Article 18, and additional plantings are expected between these new buildings and the adjacent property lines. With that, the Commission's question concerning condition #12 can be revised with additional language that will accomplish what has been said at today's hearing. Mr. Sallee said that condition #12 would be changed to read: "~~Discuss~~ Denote: An exhibit identifying final installment of landscape buffers from houses/lots on Spring Grove and Mitchell Avenues shall be provided to the Division of Planning." He then said that the applicant would place this note on the amended development plan. It would not impact the landscape plan as an ordinary part of the Building Inspection process through the permitting of these two buildings. What is unusual about this request, however, is that this plan, after it is reviewed at Building Inspection, would then come to the Division of Planning; at which time the staff would then review the landscape plan for any changes made for which a revised plan would need to be submitted. This type of language would address everything that has been talked about during this hearing; and if needed in the future, should the landscaping change, it would then trigger the enforcement of landscaping. The Chair asked if the applicant was agreeable, to which Mr. Johnson replied affirmatively.

Mr. Brewer said that the absence of neighborhood opposition is speaking volumes, and it shows that the applicant has done his duty in working with the neighborhood. He then said that he is hesitant to force an applicant to go above and beyond what is required the Zoning Ordinance because the Commission must follow what is required and cite those regulations to a neighborhood. However, the applicant has stated that he is agreeable and he is happy with the compromise.

Mr. Wilson expressed his appreciation and applauded the applicant for what he has accomplished with this site and how he has worked with this community in resolving any issues, particularly the McDonald's menu board. He then said that this is a model of what our community should be - the applicant and the community coming together.

Action - A motion was made by Mr. Brewer, seconded by Mr. Wilson, and carried 9-0 (Drake and Penn absent) to reapprove DP 2015-7: CHANCELLOR SUBDIVISION (THE SPRINGS) (PARCEL 3) (AMD), as recommended by the staff, changing condition #12 to read: "Denote: An exhibit identifying final installment of landscape buffers from the houses/lots on Spring Grove and Mitchell Avenues shall be provided to the Division of Planning."

VI. **COMMISSION ITEMS** – Mr. King reminded the Commission members of the upcoming work session scheduled for February 19, 2015.

VII. **STAFF ITEMS** – No such items were presented.

VIII. **AUDIENCE ITEMS** – No such items were presented.

IX. **NEXT MEETING DATES**

Work Session , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	February 19, 2015
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	February 25, 2015
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	February 26, 2015
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	March 5, 2015
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building).....	March 5, 2015
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	March 12, 2015
Work Session , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	April 30, 2015

X. **ADJOURNMENT** - There being no further business, the Chair adjourned the meeting at 2:47 PM.

Mike Owens, Chair

Will Berkley, Secretary