

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

August 13, 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 Cravens, acting Chair; Carolyn Plumlee; Bill Wilson; Will Berkley; David Drake; Karen Mundy; Joseph Smith and Carolyn Richardson. Patrick Brewer, Mike Owens 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 and Pierre Jolibois, Division of Traffic Engineering; Captain Greg Lengal and Lieutenant Joshua Thiel, Division of Fire and Emergency Services; Tim Queary, Department of Environmental Quality and Tracy Jones, 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 2015-67P: COPPER CREEK SUBDIVISION (9/4/15)* - located at 1850 Old Higbee Mill Road (a portion of).
(Council District 9) **(EA Partners)**

The Subdivision Committee Recommended: **Postponement**. There are still concerns with the proposed street alignment and the lack of tree protection area(s).

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.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Discuss tree stands and need for tree protection areas.
11. Discuss proposed street alignment and "B-B" cross-section proposed.
12. Discuss proposed H.O.A lotting and the spirit of Art. 6-4(g) of the Land Subdivision Regulations prohibiting double frontage lots.
13. Discuss screening and maintenance of same adjacent to Wyndam Hills West.
14. Discuss extent of waivers that are necessary (sidewalk, etc.).
15. Discuss Comprehensive Plan recommendation for streets along greenway areas.
16. Discuss proposed Lot #26 (for future development).

Representation – Richard Murphy, attorney, was present representing the applicant, and requested postponement of PLAN 2015-67P: COPPER CREEK SUBDIVISION to the September 10, 2015, Planning Commission meeting.

Audience Comment – The Vice 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. Wilson, seconded by Ms. Richardson and carried 8-0 (Brewer, Owens and Penn absent) to postpone PLAN 2015-67P: COPPER CREEK SUBDIVISION to the September 10, 2015, Planning Commission meeting.

- b. DP 2015-38: MASTERSON STATION CENTER, (CITATION VILLAGE) (AMD) (8/2/15)* - located at 2601 Leestown Road.
(Council District 2) **(EA Partners)**

Note: The purpose of this amendment is to revise the proposed development.

The Subdivision Committee Recommended: **Postponement**. There were some questions regarding compliance with the required Big-Box Design Guidelines and the Storm Water Manual.

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.

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

7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. Clarify required parking generator for outlots 1 and 2.
13. Department of Highways' approval of access (State Road).
14. Discuss compliance with the Big-Box standards.
15. Discuss compliance with mitigation as required by the Engineering Manuals.
16. Discuss proposed access to Citation Boulevard and Leestown Road.
17. Discuss status of stone wall along Leestown Road.
18. Discuss access to bank and outlot.

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant's representation, requesting postponement of DP 2015-38: MASTERSON STATION CENTER, (CITATION VILLAGE) (AMD) to the September 10, 2015, Planning Commission meeting.

Audience Comment – The Vice 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 8-0 (Brewer, Owens and Penn absent) to postpone DP 2015-38: MASTERSON STATION CENTER, (CITATION VILLAGE) (AMD) to the September 10, 2015, Planning Commission meeting.

- c. DP 2015-55: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM) & BURKE, HOCKENSMITH & MAGGARD PROPERTY, UNIT 5 (AMD) (8/30/15)*- located at 2151 and 2221 Georgetown Road.
(Council District 2) **(Arnold Consulting)**

Note: The Planning Commission postponed this item at their meeting on July 9, 2015. The purpose of this amendment is to revise the development of the property.

The Subdivision Committee Recommended: **Postponement.** The applicant still has not clarified the provision of sanitary sewer service to the proposed development, and resolved the access proposed to future lots.

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. Division of Water Quality's approval of crushed rock/recycled asphalt surface for equipment storage areas and dust control measures.
12. Kentucky Transportation Cabinet's approval of access to Georgetown Road.
13. Dimension all proposed buildings.
14. Clarify labeling for street cross-sections shown.
15. Clarify bounds of proposed storm water detention areas.
16. Correct plan title.
17. Denote all proposed and existing easements.
18. Clarify uses proposed in I-1 zone (to prevent a "machinery storage yard").
19. Demonstrate compliance with Art. 21-4(e)(2) of the Zoning Ordinance, prior to certification.
20. Change street/access easement information to match previous plan, or discuss the phasing of construction.
21. Discuss phasing of development.
22. Discuss details of Boyd Drive access to Georgetown Road, including timing of full construction, and previous development plan.
23. Discuss fencing and use (display area) shown.
24. Discuss easement conflict with proposed building and resolution of same.
25. Discuss sanitary sewer service status for the property.
26. Discuss Royal Spring Aquifer protection measures.

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- 27. Discuss recorded stormwater easement conflict with proposed Jaggie Fox Way southern access location.
- 28. Discuss notes #12 & #15.

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant, requesting postponement of DP 2015-55: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM) & BURKE, HOCKENSMITH & MAGGARD PROPERTY, UNIT 5 (AMD) to the September 10, 2015, Planning Commission meeting.

Audience Comment – The Vice 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. Richardson and carried 8-0 (Brewer, Owens and Penn absent) to postpone DP 2015-55: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM) & BURKE, HOCKENSMITH & MAGGARD PROPERTY, UNIT 5 (AMD) to the September 10, 2015, Planning Commission meeting.

- d. DP 2015-57: LEESTOWN OFFICE PARK (AMD) (9/4/15)* - located at 161 and 181 Leestown Center Way.
(Council District 2) **(Banks Engineering)**

Note: The purpose of this amendment is to revise the residential development of Lots 4 & 5.

The Subdivision Committee Recommended: **Postponement**. The parking for P-1 uses has not been relocated as was discussed at the Technical Committee meeting.

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. 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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
10. Revise required parking (Lots 4 & 5) in site statistics.
11. Clarify topographical contours and elevation information.
12. Correct Building "C" square footage in site statistics.
13. Discuss pedestrian access to individual building entrances.
14. Discuss existing tree protection areas.
15. Discuss notes #20 - #23 on certified plan that have been omitted.
16. Discuss need for conditional use permit for parking in R-4 zone to meet P-1 requirements, and the need for revising note #23 accordingly.
17. Discuss possible relocation of building on Lot 4 to accommodate P-1 parking.

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant, requesting postponement of DP 2015-57: LEESTOWN OFFICE PARK (AMD) to the September 10, 2015, Planning Commission meeting.

Audience Comment – The Vice 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 8-0 (Brewer, Owens and Penn absent) to postpone DP 2015-57: LEESTOWN OFFICE PARK (AMD) to the September 10, 2015, Planning Commission meeting.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, August 6, 2015, at 8:30 a.m. The meeting was attended by Commission members: Karen Mundy, Joe Smith, Mike Owens, Will Berkley, Carolyn Plumlee and Frank Penn. 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, Traci Wade, Cheryl Gallt, Denice Bullock and Dave Jarman, as well as C.D. Schnelle, Division of Police; Captain Greg Lengal, Division of Fire & Emergency Services and Tracy Jones, 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** – Following requests for postponement or withdrawal, items requiring no discussion will be considered.

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

- 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 Vice 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, and the staff recommended reapproval for the remaining item. (A copy of the Consent Agenda is attached as an appendix to these minutes).

- a. PLAN 2015-68P: GRASMERE SUBDIVISION, UNIT 5 (9/4/15)* - located at 945 Bravington Way.
(Council District 9) **(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 arterial screening.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan and required street tree information.
6. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Addition of existing barricade on plan.
9. Denote arterial screening details for Lots 3 & 4.
10. Identify any proposed tree protection areas and document compliance with tree canopy requirements.
11. Correct "Bravington Drive" to read "Bravington Way".
12. Resolve incursion of proposed cul-de-sac into lots and revise proposed lotting.
13. Resolve 60' radius right-of-way for cul-de-sac in lieu of the proposed 50' radius.
14. Resolve need for stormwater retention facility.
15. Resolve need for sidewalk connection to Man o' War Boulevard.

Mr. Sallee indicated that PLAN 2015-68P meets the criteria and qualifies for consideration on the Consent Agenda; however, there were a number of citizens present in the audience who may wish to discuss this proposal.

- b. PLAN 2015-69F: CHESAPEAKE EQUINE, LOT 1 (9/4/15)* - located at 1024 Greendale Road.
(Council District 2) **(EA Partners)**

Note: The purpose of this amendment is to subdivide one lot into two lots, and establish an access easement.

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. 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. Clarify note #9 in light of note #4.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Addition of cross-section for Iron Horse Bluff.
11. Provided the Planning Commission makes a finding regarding sole access to Lot 2, per Art. 6-8(b) of the Land Subdivision Regulations.
12. Denote location of natural springs(s) on plan.
13. Denote easement(s) for detention basin.
14. Resolve arterial screening for Citation Boulevard.

- c. PLAN 2015-70F: THOMAS COMMUNICATIONS, UNIT 1-A, LOT 70 (AMD) (9/4/15)* - located at 2104 Winning Colors.
(Council District 12) **(EA Partners)**

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

Note: The purpose of this amendment is to subdivide the existing HOA lot to re-plat buildable 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. Denote required exactions for new lot to the approval of the Division of Planning.

- d. PLAN 2015-71F: HARVEY PROPERTY, LOT 1 (AMD) (9/4/15)* - located at 2200 Tracery Oaks Drive.
(Council District 10) **(EA Partners)**

Note: The purpose of this amendment is to dedicate right-of-way and create a buildable lot for apartments.

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. 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: This property shall be developed in accordance with the approved final development plan.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Revise Purpose of Amendment note to include the dedication of street right-of-way and to create a buildable lot for apartments.
11. Identify addresses of lots.
12. Addition of tree canopy information, per Article 26 of the Zoning Ordinance.
13. Clarify tree protection area per DP 2013-96.
14. Addition of tree canopy information.
15. Remove note #10.
16. Denote Planning Commission's waiver approval for cross-section.
17. Resolve need for tree protection area & fence restrictions adjacent to church property.
18. Resolve status of wooden fence along property line adjacent to church per DP 2013-96.

- e. PLAN 2015-72F: HARVEY PROPERTY, LOT 2 (AMD) (9/4/15)* - located at 4500 Old Schoolhouse Lane.
(Council District 10) **(EA Partners)**

Note: The purpose of this amendment is to create 38 single family buildable lots.

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

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.
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. Addition of a written scale.
10. Addition of purpose of amendment note.
11. Addition of 25' floodplain setback line on Lots 14-18.
12. Label floodplain and denote source information (panel #).
13. Denote Planning Commission's waiver approval of Agape cross-section.
14. Resolve reservation of right-of-way and proposed "spite strip."

- f. PLAN 2015-73F: EASTLAND PARKWAY SUBDIVISION, TRACT 1, BLOCK B, LOT 2 (AMD) (9/4/15)* - located at 801 East New Circle Road. (Council District 6) **(Wheat & Ladenburger)**

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

Note: The purpose of this amendment is to subdivide one lot into two 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).
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. Addition of tree protection/tree canopy information required by Article 26.
9. Delete notes #1 and #5.
10. Denote cross access easement to the approval of Traffic Engineering.

- g. PLAN 2015-75F: WATTS FARM, TRACT 4, LOT 1 (AMD) (9/4/15)* - located at 435 Redding Road.
(Council District 4) **(Vision Engineering)**

Note: The purpose of this amendment is to subdivide one lot into two lots and create an access easement.

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. Complete purpose of amendment note to include access easement.
9. Addition of dashed lines for adjacent property.
10. Complete owner's certification, per Art. 5-4(h)(1) of the Subdivision Regulations.

- h. PLAN 2015-76F: PATCHEN WILKES TOWNHOMES (9/4/15)* - located at 1811-2053 Winchester Road.
(Council District 6) **(Barrett Partners)**

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

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.
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. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Resolve note #3 about parties responsible for maintaining drainage and other easements.

- i. PLAN 2015-77F: HAMBURG EAST, TRACT 4 (9/4/15)* - located at 2575 Polo Club Boulevard.
(Council District 12) **(Vision Engineering)**

Note: The purpose of this plat amendment is to subdivide one lot into two lots and dedicate right-of-way.

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

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.
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. Denote exaction information, to the approval of the Division of Planning.
8. Denote that a Transfer of Development Rights has been approved for this location.

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

9. Identify floodplain, floodplain setback and denote panel information.
10. Clarify Man o' War Boulevard cross-section.
11. Change future right-of-way label to dedicated right-of-way and provide Fitzgerald Court cross-section.
12. Resolve timing of construction of Fitzgerald Court and dedication.
13. Correct certification notes for public improvements.
14. Denote drainage easement for Lot 4A to the approval of Engineering.

- j. PLAN 2015-78F: LOUDON PARK (GRIFFTOWN, LLC & BULLHORN, LLC) (9/4/15)* - located at 800 and 806 North Limestone. (Council District 1) **(Randy Martin)**

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

1. Urban County Engineer's acceptance of drainage, and storm sewer 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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
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. Denote front yard setback (building line) on plan.
9. Denote Limestone cross-section location on plan.
10. Denote the non-conforming encroachment of building into front yard setback on Lot 1.

- k. PLAN 2013-96F: HILLENMEYER PROPERTY – WEST & GREENDALE HILLS, UNIT 2 (10/27/15)* - located at 2801 Sandersville Road. (Council District 2) **(Hall-Harmon)**

The Planning Commission approved this plan at their September 12, 2013, meeting, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and minimum flood elevations.
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. Denote flood protection elevation for Lots 18 and 19 with an asterisk.
9. Correct easement at rear of Lot 20 to read "15' U.E."
10. Correct plan title to read "Hillenmeyer Property-West & Greendale Hills, Unit 2."

Note: The Commission's approval has since expired. The applicant now requests a reapproval of the Commission's original approval.

The Staff Recommends: **Reapproval**, subject to the original conditions previously approved by the Planning Commission on September 12, 2013.

- i. DP 2015-56: BLUEGRASS BUSINESS PARK (PEMBERTON FARM, LOT 3-A) (AMD) (9/4/15)* - located at 2201 Jaggie Fox Way. (Council District 2) **(Carman & Associates)**

Note: The purpose of this amendment is to increase the building floor area and parking for Building 2.

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. 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 title to include "Amended Final Development Plan."
9. Addition of record plat designation (Cab. N, Sl. 303).
10. Denote construction access location(s) of public street(s).
11. Delete note #12.
12. Denote height of building in feet and the number of floors.

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

13. Clarify existing and proposed building square footage for area of amendment.
- m. DP 2015-60: LEXINGTON MALL PROPERTY, LOTS 1, 6 & 9 (AMD) (9/4/15)* - located at 2349, 2399 and 2401 Richmond Road. (Council District 5) **(Strand Associates)**

Note: The purpose of this amendment is to show revised building and parking for two outlots.

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

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. 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. Delete easement cabinet and slide information.
 10. Addition of record plat designation.
 11. Addition of written scale on plan.
 12. Dimension access, parking spaces, drive lanes and sidewalks.
 13. Denote construction access location on plan.
 14. Denote building dimensions for outlots on Lots 6 & 9.
 15. Resolve need for a crosswalk connection across access drive to other retail/restaurants.
 16. Denote the status of CLOMR.
- n. DP 2015-51: SEBASTIAN PROPERTY, UNIT 2 (10/26/15)* - located at 2826 Leestown Road. **(EA Partners)**
(Council District 2)

The Planning Commission approved this plan at their July 9, 2015 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. Complete street right-of-way closure (street stub) information prior to plan certification.
11. Denote the Board of Adjustment approval of the clubhouse, pool and daycare prior to plan certification.
12. Identify detention basin necessary for stormwater control.

Note: The applicant now requests a continued discussion of this plan to add 695 sq. ft. to the approved clubhouse.

The Subdivision Committee Recommended: **Approval**, subject to the original conditions previously approved by the Planning Commission on July 9, 2015.

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 Vice Chair asked if anyone in the audience or on the Commission desired further discussion of any of the items listed on the Consent Agenda. Ms. Janet Cabaniss requested that PLAN 2015-68P: GRASMERE SUBDIVISION, UNIT 5 be removed from the Consent Agenda, in order to allow further discussion.

Action - A motion was made by Ms. Plumlee, seconded by Mr. Wilson and carried 8-0 (Brewer, Owens and Penn absent) to approve the items listed on the Consent Agenda, as recommended by the Subdivision Committee and the staff, removing PLAN 2015-68P: GRASMERE SUBDIVISION, UNIT 5.

- B. 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)

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

- 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. PRELIMINARY SUBDIVISION PLANS

- a. PLAN 2015-68P: GRASMERE SUBDIVISION, UNIT 5 (9/4/15)* - located at 945 Bravington Way.
(Council District 9) **(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 arterial screening.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan and required street tree information.
6. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Addition of existing barricade on plan.
9. Denote arterial screening details for Lots 3 & 4.
10. Identify any proposed tree protection areas and document compliance with tree canopy requirements.
11. Correct "Bravington Drive" to read "Bravington Way".
12. Resolve incursion of proposed cul-de-sac into lots and revise proposed lotting.
13. Resolve 60' radius right-of-way for cul-de-sac in lieu of the proposed 50' radius.
14. Resolve need for stormwater retention facility.
15. Resolve need for sidewalk connection to Man o' War Boulevard.

Staff Presentation – Mr. Jarman directed the Commission's attention to Grasmere Subdivision, Unit 5, located at 945 Bravington Way. He oriented the Commission to the preliminary development plan on the plan rendering, and briefly explained that the subject property is located on Bravington Way, adjacent to Man o' War Boulevard.

Mr. Jarman then directed the Commission's attention to the list of conditions noted on today's agenda. He said that the Subdivision Committee recommended approval of the applicant's request, and briefly explained that conditions #1-7 are standard sign-off requirements from the different divisions of the LFUCG. He then gave a brief summary of the remaining conditions, and indicated that these are "cleanup" items that will be addressed prior to the plat being certified. He explained that Man o' War Boulevard has a turn off that stubs towards Bravington Way, which is where an existing barricade is located. The applicant will need to denote the existing barricade on this plan. Mr. Jarman said that the arterial screening along Man o' War corridor will also need to be denoted on the plan for Lots 3 & 4, and any proposed tree protection areas and document compliance with tree canopy requirements will need to be identified. He then said that the applicant will need to correct their submittal by changing "Bravington Drive" to read "Bravington Way".

Mr. Jarman said that the applicant will need to resolve the incursion of the proposed cul-de-sac into lots and revise proposed lotting. He explained that this condition stems from the existing property lines along the depicted right-of-way. The staff would suggest that the curvature of the right-of-way go around the cul-de-sac versus going through the cul-de-sacs. Mr. Jarman said that the applicant will need to resolve the 60' radius right-of-way for cul-de-sac in lieu of the proposed 50' radius. He then said that the Division of Fire and Emergency Services believes that the 60' radius would be more beneficial to the area.

Mr. Jarman said that the staff is unsure as to whether or not the scope of this development warrants a stormwater retention facility, so the applicant will need to resolve this issue prior to the plan being certified. He then said that the applicant will need to resolve the sidewalk connection to Man o' War Boulevard. He explained that there is an existing path from Bravington Way toward Man o' War Boulevard, and the staff was questioning if an access easement would provide desirable access from this area to Man o' War Boulevard.

Planning Commission Questions - Mr. Drake asked the purpose of the existing barricade. Mr. Jarman explained the location of the barricade relative to Man o' War Boulevard. Mr. Drake said that the condition listed on the agenda reads "Addition of existing barricade on plan," and asked if the applicant will be adding a barricade on this site. Mr.

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Jarman said that the applicant will need to depict or denote the existing barricade railing on this plan. Mr. Martin said that Bravington Way was intended to connect to Man o' War Boulevard; but with the Council resolution to permanently close the street, the barricade was installed. He then said that the staff would like to see a pedestrian connection made to Man o' War Boulevard that would mimic the pedestrian path that has been created. He explained that there is a Council Resolution that was passed several years back that directed the Mayor to dispose of the remaining property between Man o' War Boulevard and the subject site; however, this has not yet been done. He said that the resolution was very specific by having the Division of Engineering design the cul-de-sac with a 50' radius. He then said that the staff and the applicant had discussed a 60' radius for the cul-de-sac, which would allow a better turnaround for the larger vehicles. He added that there is some concern with the remaining right-of-way, and that would need to be disposed of in accordance with the Council's Resolution.

Mr. Martin clarified that the subject property is a remnant piece from the parent tract, and the title name should reflect Unit 6, not Unit 5.

The Vice-Chair confirmed that the Commission members have at their place a copy of the Council Resolution(s). Mr. Martin replied affirmatively. The Vice-Chair asked if the Resolution states a 50' radius for the cul-de-sac, to which Mr. Martin replied that the resolution directed the Division of Engineering to design the cul-de-sac.

Mr. Jarman said that the recommendation for this request is approval.

Representation – Richard Murphy, attorney, was present along with Rory Kahly, EA Partners, representing their clients. He explained that his clients had purchased this parcel from the estate of Ted Osbourne, who has since passed. He said that in 1983, when Man o' War Boulevard was being constructed, there were plans to have Man o' War Boulevard connect to Bravington Way to allow a better connectivity throughout the community. The residents of the Bravington Way area objected to that connection, at which time the Council asked the State to stop the paving of Man o' War Boulevard. They passed the resolution to terminate Bravington Way, and installed a temporary barricade at the end of the street. He then said that in 1985 a second resolution was passed, making the barricade a permanent fixture. He continued, noting that the resolution also states that when the remnant parcel is developed, the developer will build a cul-de-sac with the specs designed by the Division of Engineering.

Mr. Murphy said that his clients will be constructing a sidewalk from the tip of the cul-de-sac to the Man o' War Boulevard sidewalk. He then said that this is not a zone change request, and this parcel has been zoned R-1C for at least 40 years. He added that the Grasmere area is zoned R-1C, and the front portion of the Stonewall/Clays Mill area is zoned R-1B. Mr. Murphy directed the Commission's attention to Article 8-7 of the Zoning Ordinance and explained that the subject property meets the minimum lot size of 8,000 sq. ft.; the minimum lot frontage is 60'; the minimum front yard is 30'; the minimum side yard is 8'; the minimum back yard is 10' and the maximum height of the building is 35'. He said that this request complies with the R-1C requirements and they are not requesting any variances from Zoning Ordinance requirements or waivers of the Land Subdivision Regulations. He then said that, once this request is approved, these lots will be some of the largest lots on the market in Lexington. He added that some of the lots surrounding this request range from 60' to 100' wide, and it is very rare to find 60' wide lots. Mr. Murphy said that this request is not subject to deed restrictions from the old Stonewall or Grasmere Subdivision; but it is subject to the R-1C requirements, and this request complies with every single one.

Mr. Murphy said that there were concerns voiced at the Subdivision Committee meeting that this request is proposing townhouses, but that is not correct. They are proposing six single family detached residential homes, adding that these homes will not be inexpensive homes, due to the size of the lots.

Mr. Murphy then said that they are proposing a 50' radius for the cul-de-sac, which is keeping with what the Division of Engineering originally designed 30 years ago. He then said that they are showing a 54' radius for the cul-de-sac in order to maintain the 9.5' utility strip that is already on Bravington Way.

Mr. Murphy said that at the Subdivision Committee meeting, the neighborhood requested that there be no access whatsoever to Man o' War Boulevard. He then said that there is a note on the development plan that states that all construction access would be provided from Bravington Way. However, in speaking with the staff, it may be best to bring some of the construction off of Man o' War Boulevard, rather than increasing the traffic on Bravington Way. He said that, if the Commission wishes, they are agreeable to denote on the plan that some of the construction traffic would use Man o' War Boulevard in order to avoid Bravington Way. Mr. Murphy indicated that there were concerns regarding the tree protection areas (condition #10) and said that Mr. Queary, Urban Forester, and Mr. Kahly, EA Partners, have been on site to go over the trees in this area.

Mr. Murphy said that the 2013 Comprehensive Plan proposes to utilize all available inventory of vacant land in Lexington to prevent the expansion of the Urban Service Area boundary. He then said that the vacant areas were studied with the hope that these areas would develop to keep the pressure off of the Urban Service Area. He added that this request is proposing six lots on an existing parcel of land that was rezoned 30 years ago. He said that this request complies with the R-1C requirements. With that being said, Mr. Murphy indicated that they are in agreement with the staff's recommendations and requested approval.

Rory Kahly, EA Partners, was present representing the applicants. He noted that the rendering being shown to the Commission does not show the 54' radius for the cul-de-sac. He said that, in the Land Subdivision Regulations, cul-de-sacs are very standard in that typically the radius is 50' for the right-of-way, 40.5 to the back of the curb. He then said that there is a note that is placed on the plan for cul-de-sacs, stating that the utility strip size cannot be altered from the street into cul-de-sac. With that being said, the utility strip around the pavement would need to remain at 9.5', which is 4' wider than what is typical. This is why they are suggesting a 54' radius. This would allow them to provide a 4' sidewalk, while maintaining the 9.5' utility strip and the 40.5 to back to curb requirement.

Planning Commission Questions – The Vice Chair asked for clarification of the heavy lines shown on the rendering. Mr. Kahly explained that the line shown on the rendering is the true property line, and said that the right-of-way has never reverted back to the property owner, so the right-of-way splits the remnant property into two separate parcels. He then said that, should the Commission approve this plan, the back of the sidewalk would be the new right-of-way. This is why they are showing the proposed lot lines abutting the back of the sidewalk. He added that the rendering being shown depicts the true property that the applicant has purchased, and it does include the right-of-way that is yet to be dedicated.

The Vice-Chair then asked if the right-of-way is behind the 9.5' utility strip. Mr. Kahly said that when this area is developed the 9.5 utility strip would be behind the right-of-way. He explained that the Bravington Way right-of-way varies in width as it goes toward Man o' War Boulevard. This is because, at that time, turn lanes were expected to be constructed. He said that, as of right now, Bravington Way is a public right-of-way that will never be connected to Man o' War Boulevard. Mr. Murphy clarified that Mr. Osbourne did dedicate the existing right-of-way through a plat, which was approved by the Planning Commission 30 years ago. He then said that they must show the current lines (which are straight) and the proposed lines (which are the curved lines) on the rendering. He added that they are proposing a cul-de-sac, so the right-of-way would be the curved lines.

Ms. Plumlee asked if this plan is approved if the barricade would remain. Mr. Kahly said that the barricade at the end of Bravington Way will need to be removed to provide access to the site, and the barricade at the stub of Man o' War Boulevard would need to be replaced in order to have a break for access to the sidewalk. He then said that, according to the Resolution, as this site develops, the unused portion of the Bravington Way right-of-way will revert back to the developers. What this means is that, with the dedication of the cul-de-sac, the area at the end of the cul-de-sac would convert to public right-of-way and be deeded back to adjacent lots. He added that, at some point, the sidewalk connection would be installed and a new right-of-way line would be created. Mr. Sallee directed the Commission's attention to the overhead projector, and explained that the drawing is from the Division of Engineering. It shows the location of the barricade to be near the end of the existing paved area. He added that this is the same drawing that has been placed at the Commission members' seats.

Citizen Opposition – Janet Cabaniss, 704 Cumberland Road, was present. She distributed a handout to the Commission members, and directed their attention to a series of photographs on the overhead projector. She indicated that she is the president of the Stonewall Neighborhood Association, noting that the Grasmere Neighborhood is included in their association. She said that they are not particularly objecting to the applicant's proposal for the six lots that are already zoned R-1C, but they would like to make some suggestions on this proposal. She said that the size of the cul-de-sac should be 60' across rather than 50' or 54' to provide a safer neighborhood; to allow fire equipment better accommodation, should there be an emergency; and to provide ease of access for the residents, as well as parking for any visitors. Ms. Cabaniss said that with regard to the current cul-de-sacs in the Grasmere area, the old part of the Stonewall neighborhood was built in the 50s, and the Grasmere area was built in the 70s and 80s. She said that in the 70s and 80s seven cul-de-sacs were built that measured an average of 75.5' across, which is quite different from the 50' but not as different from 60'; but they believe this can be an argument for the larger radius of the cul-de-sac.

Ms. Cabaniss said that, as for the conformance to the neighborhood character using the R-1C requirements, they understand that the proposed houses will not look like the houses that were built in the 60s or 70s. She then said that with the conforming setbacks, the front and side yard square footages and the building standards, these will be reasonably nice houses for this area. However, they have not heard how they will deal with the residential off-street parking. She said that one of the neighborhood characteristics of Stonewall is that there is no off-street parking, and they believe this characteristic could be reflected in the new subdivision. Ms. Cabaniss then said that there are a lot of people who walk in the Stonewall area, and the sidewalk connectivity to Man o' War Boulevard would be beneficial.

Ms. Cabaniss said that they believe that the Man o' War Boulevard apron and the turn lane should be removed due to safety reasons. She explained that the turn lane is approximately 312' long; and with the visible apron on Man o' War Boulevard, there is an illusion that traffic can enter the neighborhood at this point. She said that, if the Man o' War Boulevard stub is left intact, it will invite accidents from people crashing their cars into the guard rail. She then said that, once this area is developed, it will be more visible from Man o' War Boulevard and to the passing traffic, which may lead people to believe they can enter the neighborhood through this apron, especially at night.

Ms. Cabaniss said that the line of trees, or more rather the fence with vines growing on it, has barely 15' of clearance between Man o' War Boulevard and the sides of the two proposed houses. She then said that, aesthetically, they want this new area to look like a regular set of houses instead of houses that were somehow built where the road was intended to be built. She added that they would like to suggest careful and permanent landscaping such as evergreens, along the

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sides of two houses. This would improve the area next to Man o' War Boulevard, as well as improve the appearance of the apron, once it is removed. This would also provide a level of noise reduction.

Ms. Cabaniss then said that the neighborhood understands that there will be two phases in developing these lots. The first phase will be the infrastructure phase to install the sewers, the utilities and the cul-de-sac; and the second phase will be to develop the houses. She then said that they don't see any reason why it wouldn't be any easier to remove the barricade during the infrastructure phase. She added that, to ensure that the 1985 Resolution to permanently close Bravington Way is followed, they believe that the Man o' War Boulevard turn lane and apron should be closed or restricted, as well landscaped.

Ms. Cabaniss said that these lots will be sold to individual builders, and it could take years before this entire area is finished. If the Man o' War Boulevard stub is open to the cul-de-sac, it could seem like a shortcut into the neighborhood to passing traffic. She indicated that, once the construction is finished, the neighborhood would like for the barricade to be reinstalled and the stub area landscaped, which would help the passing traffic know that Bravington Way is closed.

David Goodpaster, 759 Longwood Road, was present. He respectfully disagreed with Ms. Cabaniss, and said that not all of the neighborhood is thrilled with the idea of six lots. He then said that he understands that the developers are within their rights to develop this area with the R-1C requirements; but for whatever reason, in the 1985 note #3 on the Resolution, the LFUCG did specifically say *"Provided that the cul-de-sac shall be constructed either prior to or at the time of the development of the remaining two lots at end of Bravington Way, with the development to be subject to customary construction and dedication requirements."* He said that, basically what is happening here is that the requirements are being fulfilled, but they are squeezing every bit out of it that they can. He said that, not only are they talking about subdividing the lot into four, but they are proposing six lots and he asked that the Planning Commission take this under consideration.

Tom Del Bello, 928 Bravington Way, was present. He said that everyone he had spoken with is concerned with six houses at this location, and they feel that this proposal does not build into the customary structure or character of the neighborhood.

Chris Norris, 3308 Grasmere Drive, was present. He said that, the issue with the six lots is that technically it's a new development, but practically it's not a new development. This proposal is in their neighborhood. He then said that Man o' War Boulevard closes them in and the residents can only enter or exit this area through the Stonewall neighborhood. He indicated that this proposal is equivalent to removing three houses and replacing those with six houses. It degrades the character and integrity of the neighborhood.

Petitioner's Rebuttal – Mr. Murphy said that they are mostly in agreement with the points Ms. Cabaniss raised, and they feel confident that the construction access can be coordinated to ensure that there would not be any cut-through traffic. He then said that once the street has been dedicated and constructed, there would be no further access to Man o' War Boulevard - not even for construction traffic.

Mr. Murphy said that, as for the cul-de-sac issue, they are showing what has been identified as a 54' radius; and as for the off-street parking on the cul-de-sac, each of these houses will have a minimum of a two -car garage, so there will be plenty of room for parking. They do not anticipate off-street parking; however, if the cul-de-sac is made too large, people will try to park straight in, which defeats the purpose of having the turnaround for the larger vehicles. They are proposing a good size cul-de-sac, along with the two-car garages; they believe that off-street parking will not be an issue.

Mr. Murphy said that, under the R-1C zoning category, they are entitled to have six lots; and the Resolution that was adopted in 1985 just referred to the development of the remaining lot. He then said that there was commentary at the end, which was not made part of the Ordinance, that discussed the two lots at the end of Bravington Way; but that discussion referred to the two existing lots.

Mr. Murphy said that, just before the hearing, he had spoken with a design professional, who said that this is the only area along Man o' War Boulevard that a car could pull off if there is car trouble. He then said that the turn lane has been built for 32 years, and most people in this area know where the stub street is located. He added that the turn lane has stormwater inlets, street lights and underground utilities, so it would be an extremely massive undertaking to remove that turn lane. Regardless of that fact, when doing public improvements, the scope of the public improvements asked by the developer must be proportional to the impact that the developer is placing on the public system. He said that when comparing the impact that six lots will have, which have no direct access to Man o' War Boulevard, it would be violating Kentucky case law to require this developer to remove the turn lane. He added that if the City of Lexington wanted to remove the turn lane, they could design the removal in conjunction with the stormwater, street lights and underground utilities. He said that they cannot volunteer to remove the turn lane on Man o' War Boulevard.

Mr. Murphy said that they are proposing additional landscaping on the two lots since this would be beneficial, not only to them, but to the future homeowner or anyone else.

Mr. Murphy said that they appreciate the comments made by the Stonewall neighborhood and they feel that this proposal will be an appropriate addition to the neighborhood. He then said that they are not requesting a zone change, but they are proposing six single family detached homes.

Citizen Rebuttal – Ms. Cabaniss said that Mr. Murphy stated that they would not remove the turn lane and asked if that means the apron would remain. Mr. Drake asked if the turn lane and apron was a Commission issue or if that would be left up to the Council or the Department of Highways. Ms. Jones replied that it probably is, since the applicant is not voluntarily removing the turn lane and apron, and it is dedicated right-of-way to the City. Mr. Martin said that the staff appreciates the neighborhood's concerns regarding safety, but it would be the City's responsibility to make any changes to Man o' War Boulevard.

Staff Rebuttal – Mr. Martin said that the actual ordinance passed by the Council does refer to the remaining lots and it does not specify the number of lots. He then said that, as far as the property reverting, the Mayor of Lexington is authorized to sell the property; and until that happens, it is public right-of-way. He added that any maintenance of that area, such as landscaping, would be approved by the City.

Mr. Sallee directed the Commission's attention to the overhead projector, and explained that there are two types of cul-de-sacs in the Land Subdivision Regulations. He said that there is a 50' radius and a 60' radius with a median that shows an illustration, from a previous case, as to how fire trucks could enter the cul-de-sac. He then said that, since this is a subdivision, the staff believes the Commission does have that ability to decide whether or not the cul-de-sac should have a 50' or 60' radius. Mr. Murphy said that he is familiar with the previous case; and as he recalled the Division of Fire preferred not to have an island in the cul-de-sac because that encourages parking around the island, which makes it more difficult during an emergency.

Planning Commission Questions - Mr. Berkley asked, with regard to the City's responsibility, noting that the Ordinance states that the barricade is to be permanently closed, if that includes the removal of the barricade. Mr. Martin said that the barricade is permanently closed; and if the barricade is taken down, it would need to be placed back. He then said that the City installed the barricade. Mr. Berkley then asked if the Commission could authorize the removal of the barricade for construction. Mr. Martin said that the Commission can allow the construction access because the road would not be open to the public. Ms. Jones replied that the removal of the barricade would need to be done fairly carefully. She said that, in other words, it would be access for construction and temporarily closed at the end of the day to prevent traffic from entering the neighborhood throughout the construction period. She then said that afterwards the permanent barricade would need to be reinstalled so that it indicates it was closed to the public. Mr. Martin said that the staff believes that would be part of the permitting process through an encroachment allowance to allow the construction to be done.

Mr. Berkley said that, with regard to the size of the cul-de-sac, the applicant was proposing a 54' radius; but it was originally designed to have a 50' radius, and now there is mention of a 60' radius. He asked if any other staff member has comments on this issue. Mr. Martin said that the staff had spoken with the Division of Fire, and they prefer the 60' cul-de-sac.

Mr. Wilson said that a comment was made by Mr. Murphy regarding the Division of Fire's preference, and asked which size cul-de-sac should be considered. Mr. Martin replied that it's the staffs' understanding that the Division of Fire prefers the 60' cul-de-sac. Captain Greg Lengal said that, during the Technical and Subdivision Committee meetings, the cul-de-sac was presented to be constructed with a 60' radius, which they are in agreement with. He then said that the Division of Fire does not want that island in the center of the cul-de-sac.

Mr. Wilson then asked if a permanent sidewalk would be connected to Man o' War Boulevard. Mr. Martin replied affirmatively. Mr. Wilson then asked if the sidewalk would be on both sides of the apron. Mr. Martin replied that that issue was not discussed, but the staff believes it is only on one side. Mr. Kahly confirmed that the sidewalk connection would be on one side. Mr. Martin said that the sidewalk would follow the existing dirt path that people have created.

Mr. Wilson asked what the smallest lot size is on this site. Mr. Martin replied that the applicant exceeds the minimum requirements for the R-1C zone for all lots. Mr. Kahly replied that the smallest lot (Lot 6) is approximately 60' x 230'. Mr. Wilson commented that a pretty good size of a house could be built on that lot.

Ms. Mundy said that it is confusing when something is permanently closed and the Commission can temporarily open it. Ms. Jones said that it's more like an encroachment, and construction accesses have been used for areas that are for temporary accesses. She then said that, for this site, that access will not be permanently open; it will be closed once the construction phase is over.

Ms. Mundy said that if the apron was to be removed, then the barricade could also be removed, which would allow the sidewalk to be connected, making this area more aesthetically pleasing. She then said that the Commission could not mandate that and that would be something the City would do.

Ms. Plumlee asked what type of plant material could be used for the two lots adjacent to Man o' War Boulevard. Mr. Kahly said that Man o' War Boulevard is a City-maintained road, so arterial screening is not required; but as far as

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any sort of screening for the residents or the developer, the most common planting would be a double row of White Pine, staggered at 15' on center. He then said that any type of evergreen could be used to create a barrier to help visually block anything from Man o' War Boulevard. Mr. Martin said that the Land Subdivision Regulations require arterial screening on arterials not maintained by the state, and Man o' War Boulevard is maintained by the local government, which is why the staff is requiring arterial screening for those two lots. Mr. Cravens said that something would need to be done for those houses to sell.

Mr. Wilson asked if the cul-de-sac will be 54' or 60' wide. The Vice Chair said that the Commission could make a motion to accept the staff recommendation on the size of the cul-de-sac or modify the size to 54' or 60'. He then said that new language could be added to reflect that construction traffic would be allowed from Man o' War Boulevard until such time the infrastructure is completed.

Action - A motion was made by Ms. Richardson, seconded by Ms. Mundy, to approve PLAN 2015-68P, as recommended by the staff.

Discussion of Motion – The Vice Chair asked if Ms. Richardson would like to address the construction traffic. Ms. Richardson said that condition #13 could resolve that issue. The Vice Chair indicated that condition #13 does not include the construction traffic coming off of Man o' War Boulevard. Ms. Richardson replied it is possible to allow construction traffic off of Man o' War Boulevard. The Vice Chair asked Ms. Richardson if a new condition #16 should be added to reflect the addition of the construction traffic. Ms. Richardson replied affirmatively.

Ms. Plumlee asked if the radius of the cul-de-sac would be 60'. The Vice Chair said that the motion on the floor would keep condition #13 allowing the staff and the applicant to resolve that condition.

The motion carried 8-1 (Plumlee opposed; Brewer, Owens and Penn were absent).

2. FINAL SUBDIVISION PLANS

- a. PLAN 2015-74F: ANDERSON 2 SUBDIVISION (9/4/15)* - located at 425 Chilesburg Road.
(Council District 7) **(Integrated Engineering)**

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

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.
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: This property shall be developed in accordance with the approved final development plan.
9. Delete Special Design Area wording from plan.
10. Clarify 100' FEMA floodplain boundaries on lot.
11. Delete 500' FEMA floodplain reference.
12. Addition of written scale on plat.
13. Remove site statistics of "12.51 acres" from plan.
14. Correct required tree canopy planting statistics.
15. Denote adjoining property information on plat.
16. Add dashed lines to denote adjoining property.
17. Clarify tree protection area notes relative to this final record plat.
18. Clarify Bridgewater Way right-of-way limits and Chilesburg Road right-of-way dedication.
19. Clarify adjoining easement and tree protection area.
20. Denote proposed lots with solid lines.
21. Addition of steep slope notes.
22. Provided the Planning Commission makes a finding on the access easement per Article 6-8(m).
23. Discuss compliance with Article 6-3(b) of the Subdivision Regulations prior to certification of final record plat.

Staff Presentation – Mr. Martin directed the Commission's attention to Anderson 2 Subdivision, located at 425 Chilesburg Road. He oriented the Commission's attention to the development plan (DP 2013-8) on the overhead projector, as well as to the final record plat displayed on the plan rendering, and briefly explained that the subject property is located just off Chilesburg Road, near the existing 90-degree turn, between the new local street (Bridgewater Way) and Jacobson Park and the location of Mr. John Tucker's property. He added that there is a 200' setback off of Chilesburg Road. Mr. Martin explained that there are 23 lots, as well as an access easement being provided, which would serve as the primary entrance and exit for this development. He noted that the townhouses have been constructed and this proposal is to lot off those townhouses.

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

Mr. Martin said that the Subdivision Committee had recommended approval of the applicant's proposed plat, subject to the conditions listed on today's agenda. He then said that the applicant had submitted a revised version of this plan on August 6th that addressed several of the conditions identified by the Subdivision Committee at their last meeting. Based upon that revised submission, the staff can now offer a revised set of conditions for the Planning Commission to consider.

Mr. Martin said that the staff was recommending approval, subject to the following conditions:

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.
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: This property shall be developed in accordance with the approved final development plan.~~
- ~~9. Delete Special Design Area wording from plan.~~
- ~~10. Clarify 100' FEMA floodplain boundaries on lot.~~
- ~~11. Delete 500' FEMA floodplain reference.~~
- ~~12. Addition of written scale on plat.~~
- ~~13. Remove site statistics of "12.51 acres" from plan.~~
- ~~14. Correct required tree canopy planting statistics.~~
- ~~15. Denote adjoining property information on plat.~~
- ~~16. Add dashed lines to denote adjoining property.~~
8. Clarify tree protection area notes relative to this final record plat.
- ~~18. Clarify Bridgewater Way right of way limits and Chilesburg Road right of way dedication.~~
9. Clarify adjoining easement and tree protection area notes by increasing font size or clarity.
- ~~20. Denote proposed lots with solid lines.~~
- ~~21. Addition of steep slope notes.~~
10. 22. Provided the Planning Commission makes a finding on the access easement per Article 6-8(m).
11. 23. Discuss Document compliance with Article 6-3(b) of the Subdivision Regulations prior to certification of final record plat.

Mr. Martin directed the Commission's attention to the list of conditions noted on the staff handout, and briefly explained that conditions #1-7 are standard sign-off requirements from the different divisions of the LFUCG, and the remaining conditions are "cleanup" items that will be addressed prior to the plat being certified. He then directed the Commission's attention to condition #10, and said that the Planning Commission had previously approved a finding for the access easement on the preliminary/final development plan (DP 2013-8), and with this request that same finding can be used.

Mr. Martin directed the Commission's attention to condition #11, and said that, during the Subdivision Committee meeting, the staff and the Committee were made aware of an issue concerning the lack of agricultural fencing between the subject site and the adjacent agricultural properties. He explained that there is a provision in the Land Subdivision Regulations that requires fencing to be installed next to an active agricultural uses; and the staff is aware of the history of this area, as well as the issue of ensuring that the fence is provided. He said that, when the applicant originally submitted the development plan, one of the items that was discussed at the Planning Commission meeting was that a note is to be placed on the development plan concerning that fencing issue. He then said that the applicant has denoted on the development plan under note #13 that "*Fencing shall be provided along agricultural land in accordance with Article 6-3(b) of the Land Subdivision Regulations and shall be addressed prior to certification of the final record plat. A landscape buffer along the townhouse property line, adjacent to the Tucker Graham TTEE property, was approved by the Planning Commission with a 6' privacy fence provided as an acceptable alternative to the agricultural fencing required by Article 6-3(b) of the Land Subdivision Regulations. Fencing along the townhouse property line shall be installed prior to issuance of a building permit for the townhouses.*" Mr. Martin said that this note ensures that the applicant will document that compliance before the final record plat can be certified. He then said that the applicant will have to install an agricultural fence along the property line next to the properties that are actively being used for agricultural uses. At that time, the Commission also made a finding that a landscape fence was to be provided in lieu of the agricultural fence to help screen the townhouse development from the adjacent agricultural properties.

Mr. Martin said that the staff is recommending approval of the applicant's request for this plat; and can answer any questions on the staff recommendation or about this final record plat listed on today's agenda.

Representation – Richard Murphy, attorney, along with Steve Garland, Integrated Engineering, was present representing Dennis Anderson. He said that they are in agreement with the staff's recommendations, and requested approval of PLAN 2015-74F. He noted that the townhouses were constructed under the approval of the development plan; but in order to sell the individual units, it must be platted, which requires the Commission's approval on this final

record plat. He indicated that they are required to provide a privacy fence in lieu of the agricultural fence along the boundary between the subject site and Mr. Tucker's property. That privacy fence has been constructed.

Mr. Murphy said that, during the Subdivision Committee meeting, there was some indication as to whether or not the fence was being installed correctly. He said that, in checking with the fence company, they were instructed to install the privacy fence on Mr. Anderson's property, avoiding damage to any trees. He then said that the privacy fence is being moved around and is at least 1' to 3' from the property line on Mr. Anderson's property. He said that, as for the remaining fence, adjacent to the vacant land, there must be agricultural division fence installed. The contractors are currently in the process of taking those measurements. As the staff had mentioned, the fencing will be done prior to certification of the plat.

Audience Comment – The Vice Chair asked if anyone in the audience wished to discuss this request. Mr. John Tucker, 451 Chilesburg Road, was present on behalf of the Tucker/Graham Estate. He indicated that Mr. Murphy had addressed the agricultural fencing issue he was concerned about, during his presentation. He thanked the Planning Commission for their help on this matter, and wished them a good day.

Action - A motion was made by Mr. Wilson, seconded by Ms. Mundy to approve PLAN 2015-74F, as presented by the staff.

Discussion - Mr. Murphy directed the Commission's attention to condition #10, and noted for the record that the Planning Commission must make a finding on the access easement per Article 6-8(m). He then said that the staff just informed him that the Commission had already made that finding on the development plan (DP 2013-8); therefore, that condition has been complied with.

The Vice-Chair asked if Mr. Wilson would like to include that finding in his motion. Mr. Wilson indicated that he was agreeable to that accommodation. Ms. Mundy agreed.

The motion passed 8-0 (Brewer, Owens and Penn were absent)

- b. PLAN 2015-79F: NOLI CDC CORP. & CLIFFORD PROPERTY (9/4/15)* - located at 128-146 York Street.
(Council District 1) **(Randy Martin)**

The Subdivision Committee Recommended: Postponement. There were some questions regarding compliance with the required information per 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. 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. Correct the zoning in the site statistics.
9. Increase font sizes for most information on plat.
10. Denote building line per the PUD-2 zone requirements.
11. Discuss need for blanket utility easement note.
12. Discuss sanitary sewer connection(s).

Staff Presentation – Mr. Martin directed the Commission's attention to NoLi CDC Corporation & Clifford Property, located at 128-146 York Street. He directed the Commission's attention to the Final Record Plat on the plan rendering, and briefly explained that the subject property is located just off North Limestone, adding that the applicant originally requested to subdivide this property into eight lots. However, just hours before today's hearing, the applicant had submitted a revised plan in which they decreased the number of lots from eight to four. He noted that most of the surrounding area was platted in the late 1800s, but the subject property is a large deeded piece of land that has never been platted. The Commission previously approved a zone change for part of this area for a Planned Unit Development (PUD) to facilitate the redevelopment for artists in residence.

Mr. Martin directed the Commission's attention to the list of conditions noted on today's agenda, and briefly explained that conditions #1-7 are standard sign-off requirements from the different divisions of the LFUCG, and the remaining conditions are "cleanup" items that will be addressed prior to the plan being certified. He explained that the Subdivision Committee recommended postponement due to lack of representation for this item, but the applicant's representative was present today. He said that there are two issues regarding this request. One is whether or not there is a sanitary sewer connection and the other is the need for a blanket utility easement note. He explained that the sanitary sewer lines are under York Street; and the concern is when a lot is subdivided, if those lots can tie into the existing lines through a lateral connection, or if a new public sewer needs to be designed and built or even extended.

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He then said that if a new line is needed, that would require a whole new level of infrastructure to be built and bonded. In researching this area, the staff is aware that there are existing sewer lines that these lots can be tied into through lateral lines.

Mr. Martin said that, under the approval process, utilities have review rights and can establish easements on the plats. He said that the staff was concerned with a note initially proposed on the final record plat that reads: *"Utility companies shall have access to all open space areas for the provision and maintenance of service."* He then said that this note is not uncommon for a group residential project, but the staff was concerned that this project would inadvertently create areas of conflict with the current open space, the future buildings proposed and the utilities that are needed. He noted that the utility companies will have the opportunity to establish specific easements that are needed for these lots, rather than "blanket" easement.

With that being said, Mr. Martin said that the Subdivision Committee recommended postponement of this request, but the staff is now comfortable with recommending approval of the applicant's request. He continued by saying that the staff can answer any questions on the staff recommendation or about this final record plat listed on today's agenda.

Planning Commission Question – Ms. Mundy asked if this request should have a condition to document the Capacity Assurance Program. Mr. Martin replied affirmatively and that it can be added.

Representation – Kris Noll was present representing the applicant. He said that they are in agreement with the staff's recommendations, and requested approval of PLAN 2015-79F. He noted that that they are moving on a tight time line and with the funding they are receiving from the City, they are making every effort to move this project forward as soon as possible. He added that the utility note on the plat was an oversight on their part and they agree with the staff that the original note should be removed from the plat.

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

Staff Comment – In light of the Commission's consideration of this plat, Mr. Saltee suggested the following new language and displayed it on the overhead projector:

11. ~~Discuss need for Delete~~ blanket utility easement note.
12. ~~Discuss sanitary sewer connection(s)~~ Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.

Action - A motion was made by Ms. Mundy, seconded by Ms. Richardson and carried 8-0 (Brewer, Owens and Penn absent) to approve PLAN 2015-79F, as presented by the staff, changing condition #11 to read: "Delete blanket utility easement note;" and changing condition #12 to read: "Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification."

3. DEVELOPMENT PLANS

- a. DP 2015-30: HIGH POINT SUBDIVISION (MONON, INC.) (9/2215)* - located at 1123 Winchester Road.
(Council District 5) **(Myke Robbins)**

Note: The Planning Commission indefinitely postponed this item at their meeting on June 9, 2015. The applicant has requested that this item be placed on today's docket for consideration by the Commission.

The Subdivision Committee Recommended: Postponement. There are concerns that the proposed use may not be allowed in the B-3 zone.

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. 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. Addition of building heights in feet.
10. Denote name and address of developer on plan.
11. Addition of contour intervals.
12. Addition of tree protection plan and tree canopy information.
13. Denote name and address of plan preparer on plan.
14. Remove new pavement/parking areas within 3' of side property lines.

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15. Identify interior landscaping areas on the face of plan.
16. Delete parallel parking spaces proposed next to existing building.
17. Dimension entrance details.
18. Discuss compliance with Art. 8-20(b)(28) for proposed uses.
19. Discuss apparent drainage area in rear of property.

Staff Comments – Mr. Sallee said that the staff was unaware that the applicant would have no representation present at today's meeting. Therefore, in light of the Subdivision Committee's recommendation at their August 6th meeting, the staff would suggest postponing DP 2015-30: HIGH POINT SUBDIVISION (MONON, INC.) to the September 10, 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. Berkley, seconded by Mr. Smith, and carried 8-0 (Brewer, Owens and Penn were absent) to postpone DP 2015-30: HIGH POINT SUBDIVISION (MONON, INC.) to the September 10, 2015, Planning Commission meeting.

- b. DP 2015-58: HAMBURG EAST (WATERSTONE AT HAMBURG) (9/4/15)* - located at 2575 Polo Club Boulevard.
(Council District 12) **(CMW, Inc.)**

Note: This plan requires the posting of a sign and an affidavit of such.

The Subdivision Committee Recommended: **Postponement**, pending the discussion regarding ZOTA 2015-7.

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

1. Provided the Urban County Council approves ZOTA 2015-7; otherwise, the parking locations will need to be revised to comply with the current Zoning Ordinance.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Building Inspection's approval of landscaping and landscape buffers.
5. Addressing Office's approval of street names and addresses.
6. Urban Forester's approval of tree preservation plan.
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. Denote lot coverage and floor area ratio in site statistics per Art. 21-6(a)(13) of the Zoning Ordinance.
11. Denote construction entrance location(s) on plan.
12. Denote number of bedrooms proposed in site statistics.
13. Complete property boundary information to match the final record plat.
14. Provided the Planning Commission finds that the plan complies with the EAMP.
15. Denote bike rack locations on plan.
16. Remove total parcel acreage from site statistics.
17. Dimension clubhouse and pool.
18. Dimension open space areas and balconies.
19. Denote exactions to the approval of the Division of Planning.
20. Correct plan title.
21. Discuss pedestrian access across Polo Club Boulevard.
22. Discuss right-in and right-out access and possible waiver.
23. Discuss compliance with Art. 23A-2(q) of the Zoning Ordinance, regarding front yard landscaping.
24. Discuss timing of construction and dedication of Fitzgerald Court.

Staff Presentation – Mr. Martin directed the Commission's attention to Hamburg East (Waterstone at Hamburg), located at 2575 Polo Club Boulevard. He oriented the Commission to the Final Development Plan on the plan rendering, and briefly explained that the subject property is approximately 8.87 acres in size and is located at the intersection of Man o' War Boulevard and Polo Club Boulevard. He noted that the Costco and Cabela's retail developments are directly across Polo Club Boulevard.

Mr. Martin said that the applicant is proposing to construct two apartment buildings, totaling 264 units and 396 parking spaces that will be distributed throughout the property. A clubhouse and a pool will also be provided in the center of these two buildings. He then said that access to this development will be provided from Fitzgerald Court and Polo Club Boulevard. He explained that Polo Club Boulevard is a collector street and Fitzgerald Court is a local street. The applicant is proposing to have a right-in and right-out on Polo Club Boulevard, and Fitzgerald Court will be constructed in conjunction with this proposed development.

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Mr. Martin directed the Commission's attention to the revised staff report, previously distributed to the Commission, and said that on August 12th, the applicant filed a revised submission of this plan with the staff, addressing several of the conditions identified by the Subdivision Committee at their meeting on August 6th. Based upon the new information contained on that submittal, the staff can now offer the Planning Commission a revised recommendation for this Final Development Plan. He said that the staff is recommending approval, subject to the following conditions:

1. Provided the Urban County Council approves ZOTA 2015-7; otherwise, the parking locations will need to be revised to comply with the current Zoning Ordinance.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Building Inspection's approval of landscaping and landscape buffers.
5. Addressing Office's approval of street names and addresses.
6. Urban Forester's approval of tree preservation plan.
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. Denote lot coverage and floor area ratio in site statistics per Art. 21-6(a)(13) of the Zoning Ordinance.~~
- ~~11. Denote construction entrance location(s) on plan.~~
- ~~12. Denote number of bedrooms proposed in site statistics.~~
- ~~10. 13. Complete property boundary information to match the final record plat.~~
- ~~11. 14. Provided the Planning Commission finds that the plan complies with the EAMP.~~
- ~~15. Denote bike rack locations on plan.~~
- ~~16. Remove total parcel acreage from site statistics.~~
- ~~17. Dimension clubhouse and pool.~~
- ~~18. Dimension open space areas and balconies.~~
- ~~12. 19. Denote exactions to the approval of the Division of Planning.~~
- ~~20. Correct plan title.~~
- ~~13. 21. Discuss Addition of a pedestrian access crosswalk across Polo Club Boulevard.~~
- ~~22. Discuss right in and right out access and possible waiver.~~
- ~~14. 23. Discuss Document compliance with Art. 23A-2(q) of the Zoning Ordinance, regarding front yard landscaping.~~
- ~~24. Discuss timing of construction and dedication of Fitzgerald Court.~~
- ~~15. Provided the Planning Commission grants a waiver to Article 6-8(q)(3)(a) of the Land Subdivision Regulations.~~

Mr. Martin briefly explained that conditions #2-9 are standard sign-off requirements from the different divisions of the LFUCG; and, with the exception of two conditions, the remaining conditions are "cleanup" items that will be addressed prior to the plan being certified. He directed the Commission's attention to condition #1, and said that this condition is related to the pending text amendment that is scheduled for the Commission's consideration on August 27th. He explained that the text amendment is proposing to modify the special provisions of the Expansion Area's EAR-3 requirement pertaining to the parking in a yard abutting a collector street. He added that if this text amendment is approved by the Urban County Council, it would allow 25 percent of the required parking to be in the front along Polo Club Boulevard. Mr. Martin then explained how the Zoning Ordinance, if needed, allows the transfer of density rights from one site to another in the Expansion Area; and said that the applicant is proposing to transfer 64 units out of the nearby greenway/stormwater system into this development. This would be the first density transfer in the Expansion Area.

Mr. Martin directed the Commission's attention to the EAMP Compliance Report (condition #11), and briefly explained that one of the important aspects of the EAMP is the future land use development. He explained that the EAR-3 zone has the highest density for residential uses, and this plan certainly complies with the future land use element for the EAMP. He said that, with the density transfer of 64 units, the applicant has increased the density for this location, which the staff fully supports since it would be a good utilization of the property.

Mr. Martin said that, as for the Design Features and Community Design Element, this proposal will have specific design features that will include open space, landscaping and a community area, along with the pedestrian system and bicycle parking that will help create a unique neighborhood. He added that there will be a pedestrian connection from the interior portion of the property out to the nearby street system of Polo Club Boulevard and Man o' War Boulevard.

Mr. Martin then said that the Infrastructure Element is a very important component of the EAMP; and, as the Commission may recall, the regional sanitary sewer pump station has been completed and is on line serving this area. He added that Polo Club Boulevard, an identified infrastructure element in the Expansion Area, has been constructed from Man o' War Boulevard to Winchester Road. He noted that the storm water facilities in this area and for this property have, for the most part, been constructed and are in place.

Mr. Martin directed the Commission's attention to the Community Design Element and said that Article 23A-2(q) of the Zoning Ordinance requires that at least 50% of the front yard of a residential building be landscaped; and as part of the design elements, the applicant can decide where to locate the front yard. He said that the applicant has demonstrated in their attempt, as well as provided data on the rendering, that they are complying with this requirement.

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Mr. Martin explained that Polo Club Boulevard is a collector street in the Expansion Area, and said that the EAMP recommends that access to collector streets be controlled by existing or future community wide access standards. He then said that, for this particular request, a final development plan for Polo Club Boulevard was approved by the Planning Commission in 2007; and as part of that approval, the access points had been set. In the case of Polo Club Boulevard in the Hamburg East area, the access points were set at 800' from Man o' War and then every 500' thereafter. He said that the proposed right-in/right-out access does not meet the EAMP Community Design Element standard, as it was first established on the approved final development plan. With that being said, the right-in/right-out does not meet the minimum distance required by the Land Subdivision Regulations for access to a collector street; therefore, the applicant has submitted a waiver request to Article 6-8(q)(3) of the Land Subdivision Regulations to reduce the minimum spacing requirement for access from Polo Club Boulevard (condition #15).

Mr. Martin directed the Commission's attention to the staff report, and explained that the Land Subdivision Regulations have a formula that governs multi-family land use access to collector streets based on the number of dwelling units proposed. In this instance, the recommended spacing is 812', closely approximating the spacing established on the final development plan for Polo Club Boulevard of 800'. He said that there is an existing signalized light at the intersection of Man o' War Boulevard and Polo Club Boulevard, and there is a proposed signalized light at the intersection of Polo Club Boulevard and Fitzgerald Court. There is also a median on Polo Club Boulevard that separates the in-bound and out-bound traffic. He said that because of these factors, the Division(s) of Planning and Traffic Engineering are more comfortable with the proposed right-in and right-out. He said that the staff had concerns with the traffic exiting the development onto Polo Club Boulevard; but after several discussions, the staff believes that the residents would take Fitzgerald Court during peak times, and it would not be a good idea to restrict that movement onto Polo Club Boulevard. He added that the applicant will be providing a deceleration lane for the right-in entrance into the property to help with the traffic movement and safety on Polo Club Boulevard.

Mr. Martin said that the staff finds that the Final Development Plan for Hamburg East (Waterstone) is in substantial compliance with the Future Land Use and Infrastructure elements of the Expansion Area Master Plan. He said that the EAMP wants to create unique areas; and the staff is recommending that a landscaping exhibit, along with architectural renderings, in substantial accordance, be submitted to the Division(s) of Planning and Building Inspection. This will ensure that the proposed development is in compliance with the Design Elements of the EAMP guidelines.

Mr. Martin then said that the staff is also recommending approval of the requested waiver. He said that the staff believes the right-in and right-out and the deceleration lane for the right-in entrance will work well for this development.

With that being said, Mr. Martin noted that the staff had received the required posting of a sign and an affidavit for this property; and can answer any questions on the staff recommendation or about this final development plan listed on today's agenda.

Planning Commission Question – Ms. Mundy asked where the construction entrance will be located. Mr. Martin said that the construction entrance will be located on Fitzgerald Court.

Representation – Nick Nicholson, attorney, and Brad Boaz, CMW, Inc. were present, along with their client. He explained that the reason they are presenting this request now, two weeks before the text amendment, is due to the closing date on this property. He said that, if the Commission approves this request, it would allow Miller & Valentine the ability to "let the leash out" a little more for everyone who is involved. This would then allow due diligence in obtaining the proper certifications for the closing on this property.

Mr. Nicholson then explained that this development plan is conditioned upon the text amendment being approved, and said that this plan cannot be certified if the text amendment does not have approval. He then said that the text amendment proposes 25 percent of the parking to be permitted in the front yard, but they are only proposing 15 percent.

Mr. Nicholson said that this is a substantial project; and when dealing with a project of this nature, it must be carefully designed to ensure that it fits in the selected area and does not impact the surrounding area. He said that the EAR-3 zone has a very specific intent that has been laid out, and it includes having a higher density residential than any other area. It allows a development to take advantage of density transfer rights to increase the density even higher than what is normally permitted. He then said that that the EAR-3 zone calls for a well-designed project, and they believe this is what they have achieved. Mr. Nicholson said that this development will be located at the largest intersection in the Expansion Area, and this is exactly where high density should be located. He then said that they are transferring density rights from an area that does not need to be developed to an area that should be developed. This will achieve two elements of the EAR-3 intent of the Comprehensive Plan.

Mr. Nicholson asked how many times the fire and emergency crews have talked about having two access points for multi-family developments. He said that one access, 264 units, on a local street, is not smart planning. He added that, without the right-in/right-out on Polo Club Boulevard, the residents of this community would be land locked if anything happens at the intersection of Fitzgerald Court and Polo Club Boulevard. He said that there is a second option for

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access into the property, which is Man o' War Boulevard. However, Man o' War Boulevard has limited amounts of space for access, plus the Division of Traffic Engineering would be highly against that location.

Mr. Nicholson explained that there is 800' between Man o' War Boulevard and Fitzgerald Court, and said that the staff has stated they are comfortable with the location being proposed. He then said that the Land Subdivision Regulations require 200' for a right-in and 150' for a right-out. They are providing over 400' in each direction, which is doubling the amount of space that is required. He then said that the Division of Traffic Engineering has approved the design of the right-in/right-out because they will be providing the raised median. He said that they understand there are dangers in every type of access point; but by having the raised median, it will take away from the real risk of trying to turn left onto Polo Club Boulevard. He said that they believe most of the residents will be using Fitzgerald Court to exit this property toward Man o' War Boulevard. They understand that there may be some people who will try to turn left, but they believe it would be minimal and done during low traffic times.

Mr. Nicholson said that one of the key elements in obtaining the Division of Traffic Engineering's approval is the deceleration lane on Polo Club Boulevard. He then said that the reason why access needs to be controlled on the collectors is due to the outcome of Sir Barton Way. He explained that Sir Barton Way was designed to be a collector street, but it has ended up functioning as a local street due to the numerous right turns. He said that this type of design has created traffic problems, and a deceleration lane would have come in handy for this area. He then said that they will be adding an extra 200' of space to allow traffic exiting off Polo Club Boulevard enough time to enter the property; plus, with the two straight lanes, traffic passing the subject property will not impact traffic using the right turn lane into the property. He indicated that traffic will flow more smoothly than it currently does on Sir Barton Way. He said that this design is good planning because it is allowing the traffic to be split up, versus all of the traffic going to one intersection that is a collector and a local street.

Mr. Nicholson said that they understand that there is a concern with allowing the right-in/right-out, but there is no precedent in planning and zoning that guarantees the next request would be allowed, considering there have been too many requests not approved by the Planning Commission. He said that there is no precedential impact at this location; and while there might be inappropriate right-in/right-outs proposed for Polo Club Boulevard, the approval of future final development plans is determined by the Planning Commission. He said that the Commission "holds the keys to the kingdom" and this is why they have requested the waiver. He then said that the Division of Traffic Engineering is good with the design, and the Planning staff is good with the location of the right-in/right-out. This proposal will not create downstream issues and there is no precedential impact down the road. He said that the only concern was whether or not this request complies with the original deal that was struck in 2007 for access points. He then said that the 800/500/500 does not restrict right-in/right-out access points, and added that on August 23, 2007, when the development plan was approved to create Polo Club Boulevard, it only involved the intersections. Mr. Nicholson said that the minutes from the August 23rd meeting stated the following: *"The petitioner met with staff and the Division of Traffic Engineering to discuss the median openings along Polo Club Boulevard, because there were concerns that those openings must be well regulated in order to maintain traffic flow and safe driving conditions."* He said that the key here (the "median openings") is what causes issues for the traffic. He said that the minutes continued to state: *"The petitioner agreed to provide a minimum of 800' of spacing between the Polo Club Boulevard intersection and the first median opening."* The applicant has agreed to maintain this spacing. He added that the minutes continued to state: *"After that initial 800', any full access associated with a median cut must be sited 500' from the nearest access."* He said that all of this depends on full intersections; and right-ins and right-outs were considered to be available in the future. He then said that the August 23, 2007 minutes also state: *"There may be other spacing requirements, including the possibility of right-in/right-out intersections, for accesses that are not proposed to require median cuts."* This was the original deal, which over time, has been forgotten. He said that everyone assumed that the 800/500/500 was for access, but it's not; it's for the full intersections, and they would argue that they are in full compliance with the EAMP in that regard. He said again that the Division of Traffic Engineering is good with the design, the Planning Staff is good with the location, there are no downstream issues, there would be no precedential impacts, and there are no worries about violating any "secret" deal at the time Polo Club Boulevard was recorded. Mr. Nicholson said that this is just good planning to have a right-in/right-out at this location.

With that being said, Mr. Nicholson added that they are in agreement with the staff's recommendations, and requested approval of DP 2015-58.

Planning Commission Questions – Ms. Plumlee said that the staff had referenced enhanced landscape screening on the arterial roads, noting that there are areas that have deficits, and asked if the applicant would provide enhanced landscaping on Man o' War Boulevard. Mr. Nicholson said that they would be submitting a landscape plan to the staff and they will make sure to keep that request in mind.

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

Action - A motion was made by Ms. Richardson, seconded by Ms. Mundy and carried 8-0 (Brewer, Owens and Penn were absent) to approve DP 2015-58, as presented by the staff.

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

Action - A motion was made by Ms. Richardson to adopt the EAMP Compliance Report and grant the waiver to Article 6-8(q)(3)(a) of the Land Subdivision Regulations, as presented by the staff.

Discussion of Motion – Ms. Mundy asked if the staff recommendation on the EAMP should be included in the motion. Mr. Martin indicated that the findings noted on the staff report would be adopted as part of the Planning Commission's motion.

The motion was seconded by Ms. Mundy and carried 8-0 (Brewer, Owens and Penn were absent).

- c. DP 2015-59: ELECTRONICS PARKS SUBDIVISION, UNIT 1, LOT 33 (PARSONS INVESTMENTS, LLC) (9/4/15)* - located at 601 Bizzell Drive. (Council District 12) **(Vision Engineering)**

The Subdivision Committee Recommended: Postponement. One of the two buildings is proposed within the floodplain, and no variance has been proposed to permit the construction.

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. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Department of Environmental Quality's approval of environmentally sensitive areas.
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. Identify floodplain setback.
12. Dimension entrance details (over Town Branch).
13. Dimension existing building.
14. Dimension paved areas.
15. Denote required 20' building line on plan.
16. Revise plan title.
17. Discuss need for variance to required 25' floodplain setback or building relocation.
18. Discuss possible need for additional storm water basin(s) and their location.
19. Addition of sidewalk adjacent to parking.
20. Reference Article 19 of the Zoning Ordinance for floodplain requirement.
21. Denote existing and proposed easements.
22. Extend sidewalk from cul-de-sac into the site.

Staff Presentation – Mr. Hunter directed the Commission's attention to the final development plan for Electronics Parks Subdivision, Unit 1, Lot 33 (Parsons Investments, LLC), located at 601 Bizzell Drive. He oriented the Commission to the site and the surrounding area on a rendering of this plan, and briefly explained that the subject property is located north of New Circle Road and is parallel to Old Frankfort Pike. He added that the railroad tracks are to the rear and the Town Branch creek is to the front of the property. He said that the purpose of this development plan is to construct a 21,004 sq.-ft. building over an existing concrete pad, as well as provide the associated off-street parking along the front of the property, nearest to Bizzell Drive.

Mr. Hunter said that the Subdivision Committee had recommended postponement of the applicant's request because one of the two buildings being proposed was to be located within the floodplain, and no variance had been requested to permit that construction. He then said that on August 12th, the applicant filed a revised submission of this plan with the staff, removing the warehouse that was within the floodplain area, as well as addressing several of the conditions identified by the Subdivision Committee at their meeting on August 6th. Based upon the new information contained on this submittal, Mr. Hunter said that the staff can now offer the Planning Commission a revised recommendation for this Final Development Plan. The staff is now recommending approval of this plan, subject to the following (revised) conditions:

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. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Department of Environmental Quality's approval of environmentally sensitive areas.
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.

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

10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
- ~~11. Identify floodplain setback.~~
- ~~12. Dimension entrance details (over Town Branch).~~
11. ~~13. Dimension existing~~ Correct floor area for new building (21,004 sq. ft.) and update site statistics.
- ~~14. Dimension paved areas.~~
- ~~15. Denote required 20' building line on plan.~~
- ~~16. Revise plan title.~~
- ~~17. Discuss need for variance to required 25' floodplain setback or building relocation.~~
- ~~18. Discuss possible need for additional storm water basin(s) and their location.~~
- ~~19. Addition of sidewalk adjacent to parking.~~
- ~~20. Reference Article 19 of the Zoning Ordinance for floodplain requirement.~~
12. ~~21. Denote existing and proposed easements on plan.~~
- ~~22. Extend sidewalk from cul-de-sac into the site.~~

Mr. Hunter briefly explained that conditions #1-10 are standard sign-off requirements from the different divisions of the LFUCG, and the remaining conditions can be considered "cleanup" items that will be addressed prior to the plan being certified.

Representation – Matt Carter, Vision Engineering, was present representing the applicant. He said that they are in agreement with the staff's recommendations, and requested approval of DP 2015-59.

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

Action - A motion was made by Mr. Berkley, seconded by Ms. Mundy and carried 8-0 (Brewer, Owens and Penn absent) to approve DP 2015-59, as presented by the staff.

- C. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – A motion was made by Mr. Smith, seconded by Ms. Richardson, and carried 8-0 (Brewer, Owens and Penn absent) to approve the release and call of bonds as detailed in the memorandum dated August 13, 2015, from Barry Brock, Division of Engineering.

VI. **COMMISSION ITEMS**

- A. **WORK SESSION** – Mr. Sallee reminded the Commission members that they do not have a work session on August 20, 2015.

VII. **STAFF ITEMS** – There were none.

VIII. **AUDIENCE ITEMS** – There were none.

IX. **NEXT MEETING DATES**

Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	August 26, 2015
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	August 27, 2015
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	September 3, 2015
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	September 3, 2015
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	September 10, 2015

X. **ADJOURNMENT** - There being no further business, the Chair adjourned the meeting at 3:35 PM.

Mike Owens, Chair

Will Berkley, Secretary