

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

October 8, 2015

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

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

Planning Staff members present – Acting Director James Duncan; 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; Jeff Neal, Division of Traffic Engineering; Captain Greg Lengal, Division of Fire and Emergency Services and Tracy Jones, Department of Law.

- II. **APPROVAL OF MINUTES** – The minutes of the August 13, 2015, meeting will be considered by the Planning Commission at this time, as well as a portion of the September 10, 2015, meeting (CT 2015-1).

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 10-0 (Smith absent) to approve the minutes of the August 13, 2015, meeting, as well as a portion of the September 10, 2015, meeting (CT 2015-1).

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

- a. PLAN 2015-106F: DISTILLERY DISTRICT WEST, UNIT 1 (PENDERY FINANCIAL, LLC PROPERTY) (11/29/15)*- located at 1151 Manchester Street. (Council District 2) **(2020 Land Surveying)**

The Subdivision Committee Recommended: **Postponement**, due to the lack of sanitary sewer service.

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 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 maintenance note per Art. 5-4(g).
10. Denote effective date of floodplain map information.
11. Denote flood protection elevation on plat to the approval of Water Quality.
12. Correct plan title.
13. Revise Urban County Engineer's certification.
14. Discuss dedication of right-of-way and possible improvements.
15. Discuss sanitary sewer service and possible waiver request.
16. Discuss certifications per possible need for waiver.

Representation – Justin Drury, 2020 Land Surveying, was present representing the applicant, and requested postponement of PLAN 2015-106F: DISTILLERY DISTRICT WEST, UNIT 1 (PENDERY FINANCIAL, LLC PROPERTY) to the November 12, 2015, Planning Commission meeting.

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

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy and carried 10-0 (Smith absent) to postpone PLAN 2015-106F: DISTILLERY DISTRICT WEST, UNIT 1 (PENDERY FINANCIAL, LLC PROPERTY) to the November 12, 2015, Planning Commission meeting.

- b. DP 2015-30: HIGH POINT SUBDIVISION (MONON, INC.) (10/815)* - located at 1123 Winchester Road. (Council District 5) **(Myke Robbins)**

Note: The applicant had requested that this previously postponed item be given consideration by the Commission. The Planning Commission postponed this item at their September 10, 2015, meeting, due to lack of representation by the applicant.

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

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

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

1. Urban County Engineer's acceptance of drainage, 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.
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.

Representation – Myke Robbins was present representing the applicant, and requested postponement of DP 2015-30: HIGH POINT SUBDIVISION (MONON, INC.) to the October 22, 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. Penn, seconded by Ms. Richardson and carried 10-0 (Smith absent) to postpone DP 2015-30: HIGH POINT SUBDIVISION (MONON, INC.) to the October 22, 2015, Planning Commission meeting.

- c. PLAN 2015-67P: COPPER CREEK SUBDIVISION (10/8/15)* - located at 1850 Old Higbee Mill Road (a portion of).
(Council District 9) **(EA Partners)**

Note: The Planning Commission postponed this item at their August 13, 2015 and September 10, 2015, meetings.

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 Wyndham 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 – Chris Clendenen, attorney, was present representing the applicant, and requested postponement of PLAN 2015-67P: COPPER CREEK SUBDIVISION to the October 22, 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.

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

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 10-0 (Smith absent) to postpone PLAN 2015-67P: COPPER CREEK SUBDIVISION to the October 22, 2015, Planning Commission meeting.

- d. PLAN 2015-107F: WILLIAM SHELY SUBDIVISION, UNIT 1, BLOCK A, LOT 2 & UNIT 2 (11/29/15)*- located at 435 West New Circle Road. (Council District 1) **(Endris Engineering)**

Note: The purpose of this amendment is to reduce the building line of the property from 65' to 55'.

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. Correct floodplain location in north corner of property.
7. Delete 65' building line information depicted.
8. Correct cabinet and slide information (on subject lot).
9. Increase font size of plan notes & certification on plan.
10. Update street cross-section information.

Staff Comments – Mr. Martin said that the staff had been contacted by the applicant, requesting to withdraw PLAN 2015-107F: WILLIAM SHELY SUBDIVISION, UNIT 1, BLOCK A, LOT 2 & UNIT 2. Mr. Sallee said that the staff had received the email correspondence just prior to today's meeting from the applicant's engineer.

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

Action - A motion was made by Ms. Mundy, seconded by Ms. Plumlee and carried 10-0 (Smith absent) to withdraw PLAN 2015-107F: WILLIAM SHELY SUBDIVISION, UNIT 1, BLOCK A, LOT 2 & UNIT 2.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, October 1, 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, Cheryl Galt, Denice Bullock, Kelly Hunter and Dave Jarman, as well as Lieutenant Joshua Thiel, 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.

- Criteria:**
- (1) the Subdivision Committee recommendation is for approval, as listed on this agenda; and
 - (2) the Petitioner is in agreement with the Subdivision Committee recommendation and the conditions listed on the agenda; and
 - (3) no discussion of the item is desired by the Commission; and
 - (4) no person present at this meeting objects to the Commission acting on the matter without discussion; and
 - (5) the matter does not involve a waiver of the Land Subdivision Regulations.

- Requests can be made to remove items from the Consent Agenda:**
- (1) due to prior postponements and withdrawals,
 - (2) from the Planning Commission,
 - (3) from the audience, and
 - (4) from Petitioners and their representatives.

At the request of the Chair, Mr. Sallee identified the following items appearing on the Consent Agenda, and oriented the Commission to the location of these items on the regular Meeting Agenda. He noted that the Subdivision Committee had recommended conditional approval for these items listed. (A copy of the Consent Agenda is attached as an appendix to these minutes).

1. PLAN 2015-102P: TUSCANY, UNIT 10 (11/29/15)*- located at 2625 Sir Barton Way and 1970 Winchester Road (a portion of). (Council District 6) **(EA Partners)**

Note: The purpose of this amendment is to revise a street cross-section and notes #14 & #15.

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

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping.
 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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
2. PLAN 2015-103F: WILLIAMS PROPERTY, LOT 1 (11/29/15)*- located at 3400 Todds Road.
(Council District 7) **(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.
 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 note #5, to the approval of the Division of Engineering.
 9. Denote Planning Commission approval of waiver and access easement on plan.
 10. Denote that LFUCG shall not be responsible for maintenance of private storm sewers and easements.
3. PLAN 2015-104F: HAMBURG PLACE B-5P & B-6P AREA HIGHWAY COMMERCIAL (LOTS 10, 11 & 12) (AMD) (11/29/15)*- located at 2277 War Admiral Way. (Council District 6) **(Vision Engineering)**

Note: The purpose of this amendment is to subdivide Lot 12 into two lots and amend the boundaries of Lot 10.

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. Clarify engineer's certification to match Land Subdivision Regulations, to the approval of the Division of Engineering.
4. PLAN 2015-105F: PATCHEN WILKES TOWNHOMES (11/29/15)*- located at 2101 Patchen Lakes Lane.
(Council District 6) **(Eagle Engineering)**

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. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 9. Denote Amended Final Development Plan for townhomes' certification prior to plat recordation for Lots 1-8.
 10. Denote Board of Adjustment's Administrative Appeal approval (A-2015-56).
5. PLAN 2013-98F: MASTERSON HILLS, UNIT 1-C (12/22/15)* - located at 3000 Spurr Road.
(Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on September 12, 2013 and extended its approval on September 11, 2014, 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.

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

5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Provide flood protection elevation note to the approval of the Division of Engineering.
10. Denote "3' drainage easement maintenance responsibility for 10' cemetery lot proposed."
11. Indicate driveway location on corner lots to the approval of Traffic Engineering.
12. Addition of cemetery lot to this plat prior to certification, denoting cemetery protection required by Art. 3-7(b)(1), (2), (5), (6) & (7) of the Zoning Ordinance.
13. Denote on the plan a 5' side yard setback and a 4' fence height restriction on Lots 107 and 108 adjacent to the cemetery lot, prior to certification.

Note: The Commission's approval has since expired. The applicant now requests a reapproval for this Final Record Plat.

The Subdivision Committee Recommended: **Reapproval**, subject to the original conditions listed on today's agenda.

6. DP 2015-38: MASTERTON STATION CENTER, (CITATION VILLAGE) (AMD) (10/8/15)* - located at 2601 Leestown Road.
(Council District 2) **(EA Partners)**

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. 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. 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. Resolve compliance with stream mitigation as required by the Engineering Manuals.

7. DP 2015-90: MARATHON OIL CO. (SPEEDWAY SUPER AMERICA, LLC) (AMD) (11/29/15)* - located at 140 Mercer Road.
(Council District 2) **(McBride Dale)**

Note: The purpose of this amendment is to add a fueling station for commercial trucks behind the existing gas station and convenience store.

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. 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. Restore and clarify all information for convenience store and site from previous plan.
11. Denote property description of adjoining Lot 2.
12. Reduce size of landscape island at northeast corner of convenience store to place it outside of easement.
13. Denote tree protection area as identified on current development plan.
14. Revise dimensions of storage shed to include gross area.
15. Resolve pedestrian access to Lot 2.
16. Resolve stormwater detention necessary for the proposed use.
17. Resolve 52' wide apron onto Mercer Road from convenience store lot.

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

8. DP 2015-92: THE CHURCH OF THE GOOD SHEPHERD (AMD) (1/21/15)* - located at 533 East Main Street.
(Council District 3) **(Design Works)**

Note: The purpose of this amendment is to relocate the Columbarium on the site.

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. Addition of record plat information.
9. Identify exact locations of street cross-sections.
10. Label detention basin located along Main Street.
11. Label existing utility easements.
12. Correct note #6 making reference to Chapter 16 of the Code of Ordinance.
13. Correct spelling error in Owners' Certification.
14. Dimension Columbarium Garden.
15. Delete note #13.
16. Review by Technical Committee prior to plan certification.

In conclusion, Mr. Sallee said that the items identified on the Consent Agenda could be considered for approval at this time by the Commission, unless there was a request for an item to be removed from consideration by a member of the Commission, or the audience, in order to permit further discussion.

Consent Agenda Discussion – The Chair asked if anyone in the audience or on the Commission desired further discussion of any of the items listed on the Consent Agenda. Mr. Kevin Murphy requested that DP 2015-92 be removed from the Consent Agenda for further discussion.

Commission Comments – The Chair indicated that a request had been made to remove DP 2015-92 for further discussion, and noted that PLAN 2015-107F had been withdrawn (earlier), at the applicants request.

Action - A motion was made by Mr. Brewer, seconded by Ms. Richardson and carried 10-0 (Smith absent) to approve the items listed on the Consent Agenda, as recommended by the Subdivision Committee, removing DP 2015-92.

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

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

1. FINAL SUBDIVISION PLANS

- a. PLAN 2013-122F: SOUTHEND PARK, UNIT 1, SECTION 1 (1/26/15)* - located in the 700 & 800 blocks of De Roode Street. (Council District 3) **(Hall-Harmon Engineers)**

Note: The Planning Commission approved this plan at their November 14, 2013 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.

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

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: Lots 1-4 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. Complete owners' certification information per the Land Subdivision Regulations.
11. Provided the Planning Commission grants a waiver to Articles 4-7(d)(1) and 4-7(d)(9) of the Land Subdivision Regulations.
12. Review by Technical Committee prior to plan certification.

Note: The Planning Commission approved a one-year extension on October 9, 2014, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission; and then on March 13, 2014, the Commission also approved the requested waivers to the Land Subdivision Regulations, for these reasons:

1. Not granting the waivers would constitute an exceptional hardship for the applicant by impeding the development of the affordable housing component of the project.
2. Granting the waivers will not negatively impact public health and safety, as the completion of the public improvements will be completed; and warranties on the improvements will be provided by the standard contractual procedures utilized and required by the applicant.
3. Granting the waivers complies with 1-5(c) of the Land Subdivision Regulations that encourages waivers that facilitate infill and redevelopment projects.

Note: Section 1 of this plat (for lots 1-4) was recorded on March 17, 2014. The LFUCG Division of Engineering now requests a reapproval for the unrecorded (Section 2) of this plat.

The Staff Recommended: **Reapproval for the unrecorded Unit 1-B, Section 2 of this plat**, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission.

Staff Presentation – Mr. Martin directed the Commission's attention to Southend Park, Section 1, Unit 1 (the parent plat), also known as the Newtown Pike Corridor Extension project, located in the 700 & 800 blocks of De Roode Street. He directed the Commission's attention to a rendering of this plat to orient them to the location of the subject property and the nearby street system. He noted that the Planning Commission approved this plan at their November 14, 2013 meeting, as well as approved a one-year extension on October 9, 2014. Now the LFUCG Division of Engineering, along with the Kentucky Transportation Cabinet, has requested a reapproval for the unrecorded Unit 1-B, Section 2 of this plat.

Mr. Martin said that there is a waiver associated with this request, which involves the engineer's certification. He explained that the State of Kentucky is using Hall-Harmon, who prepared the plat; but they did not design or inspect the infrastructure and cannot sign the typical certification. What evolved from this issue was a modified engineer's certification that was acceptable to all parties involved.

Mr. Martin said that the staff is recommending reapproval for the unrecorded Unit 1-B, Section 2 of this plat, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission. He added that the project engineers were not present.

Planning Commission Questions – The Chair asked, since the waivers have already been approved by the Commission, if those needed to be reflected in the motion. Mr. Martin replied affirmatively.

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

Action - A motion was made by Mr. Cravens, seconded by Mr. Brewer, and carried 10-0 (Smith absent) to reapprove the unrecorded Unit 1-B, Section 2 of this plat, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission for PLAN 2013-122F: SOUTHEND PARK, SECTION 1, UNIT 1.

- b. PLAN 2011-8F: DENTON FARM, INC. UNIT 4-A, BLK J, LOTS 26-30; BLK L, LOTS 31-35 (AMD) (12/30/15)* -
located on Weston Park. (Council District 7) **(Strand Associates)**

Note: The purpose of this amendment is to create one new lot and add new easements. The Planning Commission approved this plan at their February 10, 2011, 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 required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.

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

6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Denote: This property shall be developed in accordance with the approved final development plan.
8. Correct adjacent property information per the most recent plat.
9. Correct purpose of amendment note.
10. Addition of exaction information to the approval of the Division of Planning.
11. Denote that no building permits will be issued on lots 29, 30, 34, 34A and 35 until an easement minor plat is recorded, or document easement release.
12. Document that the additional sewer taps have been installed for the new lot to the approval of the Division of Engineering.
13. Correct plan title.
14. Recordation of this plan prior to the recording of PLAN 2011-7F: Denton Farm, Inc., Unit 1-G.
15. Delete note #14 (references lot not part of this plat).
16. Delete note #15.

Note: The Commission's approval has since expired. The applicant now requests a reapproval for this Final Record Plat.

The Staff Recommends: **Reapproval**, subject to the original conditions listed on today's agenda.

Staff Presentation – Ms. Gallt introduced the final record plat for Denton Farm, Inc., Unit 4-A, Block J, Lots 26-30; Block L, Lots 31-35, located on Weston Park. She directed the Commission's attention to a rendering of this plat to orient them to the location of the subject property and the nearby street system. She indicated that the subject property is located off Richmond Road near the T-intersection of Weston Park and Ellerslie Park.

Ms. Gallt explained that the Planning Commission previously approved this plan at their February 10, 2011, meeting, subject to the conditions listed on today's agenda. She said that, at that time, the applicant had requested to increase the number of lots by one on the eastern side only, creating a total of six lots. She then said that the Commission's approval has since expired, and now the applicant is requesting a reapproval for this Final Record Plat.

Ms. Gallt said that the staff is recommending reapproval of this request, subject to the original conditions listed on today's agenda.

Planning Commission Questions – Mr. Penn asked for clarification to condition #15. Ms. Gallt explained that the applicant has made reference to a note from a different plat, and that note will need to be removed prior to the plan being certified.

The Chair asked if the applicant had anything further to add. Mr. Barlow, developer, responded that he did not.

Action - A motion was made by Ms. Richardson, seconded by Mr. Cravens, to reapprove PLAN 2011-8F: DENTON FARM, INC. UNIT 4-A, BLK J, LOTS 26-30; BLK L, LOTS 31-35 (AMD), subject to the original conditions listed on today's agenda.

Discussion of Motion – Ms. Mundy asked if documentation of the Division of Water Quality's approval of the Capacity Assurance Program requirements should be added. Mr. Sallee explained that this request is located in the Expansion Area 2; and under the Capacity Assurance Program, that entire Expansion Area is exempt from the program requirements because so much of the infrastructure is already in place.

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

The motion carried 10-0 (Smith absent).

2. DEVELOPMENT PLANS

- a. DP 2015-55: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM) & BURKE, HOCKENSMITH & MAGGARD PROPERTY, UNIT 5 (AMD.) (10/8/15)*- located at 2151 and 2221 Georgetown Road.
(Council District 2) **(Arnold Consulting)**

Note: The Planning Commission postponed this item at their July 9, 2015; August 13, 2015, and September 10, 2015, meetings. 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 availability 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.

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

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

Staff Presentation – Mr. Sallee directed the Commission's attention to Bluegrass Business Park, Lot 4 (Pemberton Farm) & Burke, Hockensmith & Maggard Property, Unit 5, located at 2151 and 2221 Georgetown Road. He said that the Planning Commission postponed this item at their July 9, 2015; August 13, 2015, and September 10, 2015, meetings. He then said that, without a request for postponement from the applicant, the deadline for the Commission to consider this request is October 8, 2015.

Mr. Sallee directed the Commission's attention to the photograph on the overhead projector, and briefly explained that the subject property is located at the southeast corner of Citation Boulevard and Georgetown Road. He said that Jaggie Fox Way is a collector street immediately to the west of Georgetown Road, near the railroad tracks. He then said that there is an industrial development immediately to the south of the subject property, and directly across Georgetown Road is Rood and Riddle Equine Hospital. He noted that Rood and Riddle Equine Hospital does have an access point onto Georgetown Road.

Mr. Sallee then directed the Commission's attention to the final development plan rendering, and said that at the center of this proposal there is a small piece of land that is zoned Agricultural Urban that is not part of this development plan. He then said that the development plan encompasses about 35 acres - almost the entirety of the vacant tract that was shown on the photograph. The applicant is proposing a 101,453 sq. ft, 35' tall industrial building that will have 143 parking spaces in the northern part of the site. He said that there would be a customer service area oriented toward Jaggie Fox Way, as well as large areas that would be used for the recycled asphalt and heavy duty concrete proposed for the trucks and the equipment parking. He said that the eastern third of the property is not currently being proposed for development, even though there is a proposed access to Georgetown Road directly across from the Rood and Riddle Equine Hospital.

Mr. Sallee directed the Commission's attention to the rendering for DP 2012-111: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM & BURKE, HOCKENSMITH & MAGGARD, UNIT 5 and explained that, at the December 13, 2012, meeting, the Commission had approved a development plan to construct a 7,300 sq. ft. building, along with 122 parking spaces. He said that, when comparing DP 2012-111 and DP 2015-55, the development approved on Lot 4 generally coordinates with this current proposal; but the 2012 version is less intense than today's version. In addition, the 2012 version had proposed to develop the corner of this property and provide for vehicular access off of Georgetown Road. He said the applicant had proposed to provide access to the subject property by way of two 60' access easements that connect from Georgetown Road and the rear of the site, which is gated. He explained that the 2012 version is just under 20 acres in size, so the balance then leaves an additional 15 acres where there was more speculative development proposed at that time. He said that the Planning Commission did approve DP 2012-111 on December 13, 2012; however, the applicant did not certify this plan within the one-year time allowed, and it has since expired. He then said that, in looking at the current proposal, the 2012 access easements have been removed; and there is no more speculative development for the 15 acres that fronts on Georgetown Road.

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

Mr. Sallee said that the Subdivision Committee had recommended postponement of this request, because the applicant had still not clarified the availability of sanitary sewer service to the proposed development, as required by the Capacity Assurance Program requirements, nor had they resolved the access proposed to the future lots. He explained that the subject property sits on a ridge and is located at the edge of two sanitary sewer banks. He said that at the Subdivision Committee meeting, it had been discussed that one of these banks had a very low to near zero capacity, while the other bank did have available capacity. He then said that there was an issue as to which way the sewage would flow from this development and as to whether or not there was capacity in the system for that sewage. Mr. Sallee said that to the staff's knowledge that question has not been answered since the Subdivision Committee meeting in July of this year.

Mr. Sallee circulated a number of email correspondences from the staff, (dated June 29th, June 30th, July 1st, July 8th, July 9th, August 12th, September 9th and September 30th), and explained that the staff had repeatedly contacted the applicant concerning these development plans issues, but has not been able to obtain any answers from the applicant. As a result, the staff would offer a revised recommendation of disapproval of this plan, for the following reasons.

1. The proposed development plan does not address significant concerns with the applicant's ability to provide the required public infrastructure, including sanitary sewer service to the site. There is a question as to whether there is compliance with the Capacity Assurance Program for this proposed development.
2. Stormwater Management measures due to the Royal Spring Aquifer protection area have not been addressed by this amended development plan.
3. Access to Georgetown Road, including any necessary public improvements, are far less detailed than those for the current development plan, approved previously for this location.
4. The applicant currently operates a similar, but smaller facility in an I-2 Zone, and the proposed development plan has not clarified all of its intended uses on the subject property to insure compliance with the existing I-1 Zoning of most of the subject property.
5. Under Article 21-7(e) of the Zoning Ordinance, the Commission may disapprove this amendment since the uncertainties listed above will "adversely affect the public health safety and welfare" and will "alter the essential character of the development as originally approved."

Mr. Sallee gave a brief summary of the each of the above reasons, and said that with the uncertainty of the plan and the loss of the access that was originally proposed in 2012, the staff is comfortable with their recommendation. He continued noting that the staff can answer any questions regarding the staff recommendation or about this final record plat listed on today's agenda.

Planning Commission Questions - Mr. Penn asked if the fill dirt is still on the subject property in front of Rood and Riddle Equine Hospital. Mr. Sallee said that on his last site visit, there was a stock piling of dirt on the site before the roadway was opened. It's the staff's understanding that dirt is associated with the road project, and he believes the dirt is still present there. Mr. Penn said that during the Subdivision Committee meeting, there was a discussion regarding moving the fill dirt. He asked, if the Commission were to accept the staff recommendation of disapproval, if the pile of dirt will remain there until the property is developed. Mr. Sallee responded that the staff is unsure. Mr. Penn said that it should be noted somehow, because to just to walk away from this problem would create an eyesore. Mr. Sallee said that Mr. Newman was not aware of any answer to this question.

Petitioner Presentation - The Chair asked if the applicant or their representation was present. Mr. Sallee responded negatively.

Discussion - The Chair said that he was at Rood and Riddle Equine Hospital, and there is a good 20' elevation of fill dirt with trucks coming and going from that location. He then said that he appreciates Mr. Penn's thoughts. It's concerning, and would appreciate any answers on this issue. He added one of the reasons for disapproval is the protection of the Royal Springs Aquifer and the fill dirt could impact that spring.

Mr. Sallee said that the LFUCG staff believes that the origin of the dirt is from the road project and it is under the negotiations with a State entity of the Transportation Cabinet, which is why the Urban County Government staff is not aware of its future or what those agreements require. The Chair asked if it is possible to get those answers without holding up the staff's recommendation of disapproval. Mr. Sallee said that, regardless of how the Commission acts on this plan, the staff can certainly pursue that and try to find out that information. He then said that they can ask the MPO staff to make contact with the Transportation Cabinet for this information.

Mr. Penn pointed out that dirt does not stay dirt, and the area is unsightly as it is. It will become a mess once the weeds take hold. He said that, if it is possible, this should be investigated; and if it's the responsibility of the State, then the State should take care of it. He then said that he doubts that there is a permit to dump that dirt, considering that the Subdivision Committee was told that it would be a temporary situation; but it is still there.

Ms. Plumlee asked if Code Enforcement could pursue this problem. Mr. Sallee responded that he is not sure, and said that these types of situations do pop up from time to time. He then said that there are rules as to whether or not the problem occupies an acre or more of land; and if it is over an acre, then significant State regulations would kick in.

Action - A motion was made by Mr. Wilson, seconded by Ms. Richardson and carried 10-0 (Smith absent) to disapprove DP 2015-55: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM) & BURKE, HOCKENSMITH & MAGGARD PROPERTY, UNIT 5 (AMD), for the reasons provided by the staff.

- b. DP 2015-92: THE CHURCH OF THE GOOD SHEPHERD (AMD) (1/21/16)* - located at 533 East Main Street. (Council District 3) **(Design Works)**

Note: The purpose of this amendment is to relocate the Columbarium on the site.

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. Addition of record plat information.
9. Identify exact locations of street cross-sections.
10. Label detention basin located along Main Street.
11. Label existing utility easements.
12. Correct note #6 making reference to Chapter 16 of the Code of Ordinance.
13. Correct spelling error in Owners' Certification.
14. Dimension Columbarium Garden.
15. Delete note #13.
16. Review by Technical Committee prior to plan certification.

Staff Presentation – Mr. Hunter directed the Commission's attention to the development plan for Church of the Good Shepard, located at 533 East Main Street. He said that the subject property is near downtown, at the intersection of Bell Court and Sayre Avenue. He then said that the purpose of this amendment is to relocate the previously approved Garden Columbarium next to Bell Court.

Mr. Hunter said that the Subdivision Committee recommended approval of this request, subject to the conditions listed on today's agenda. He briefly explained that conditions #1-7 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. He added that this request was filed as a "late plan"; therefore, this item will be placed on the October 28th Technical Committee agenda for their review.

Planning Commission Questions – The Chair asked if the Garden Columbarium is stand-alone or if it is attached to the building. Mr. Hunter explained that the Garden Columbarium is depicted as a detached structure, 4' in height. The fence material will be metal, pavers will be used instead of concrete, and it will open on the side. The Chair then asked if there will be a walkway provided. Mr. Hunter said that the final development plan references the use of stepping stones.

Representation – Mark Arnold, Design Works, was present representing the applicant, and indicated they do not have anything further to add.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. Mr. Kevin Murphy, who lives near the Church, said that even though this was an amended zoning development plan that was approved in 2000, there was no notice sent to the nearby residents for the current request. He gave a brief history of the subject property, and said that in 2000, a zoning development plan was part of the zone change for this property, which showed the Garden Columbarium to be located in the center of the proposed addition and the existing church. He then said that in September 2014, Good Shepherd Church appeared before the Board of Architectural Review for approval for the Garden Columbarium. He added that the BOAR does not consider the use issue - only aesthetic issues, so they granted approval of the applicant's request.

Mr. Murphy said that in July 2014, Good Shepherd Church advertised in their newsletter that a ground-breaking service would be held in August; subsequently, in September, the demolition began, removing the existing trees and shrubs. He then said that no permits were issued for the demolition, nor was there Board of Adjustment approval sought; but it's his understanding that there is an application that has been filed with the staff. Mr. Murphy said that he consulted Councilmember Gibbs, who had no knowledge of this request; and he also found that there were no permits issued for the demolition. He then said that he received an email correspondence from the Division of Building Inspection informing him that a fence permit was issued, and the applicant was required to file an application with the Board of Adjustment. This would be the first notification to the surrounding neighbors that informed them as to what was going on with this property. He said that, as of today, the fence has been removed, footings have been placed and blocks are in place.

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

Mr. Murphy said that his concern is with the lack of notification on this zoning development plan that was approved 15 years ago, as well as no notification for the Board of Adjustment, if they even filed an application. He asked if this would be considered a "de facto" approval of a conditional use that has not been approved by the Board of Adjustment. He then said that he would request that this application be disapproved, but a more reasonable request would be that this request be postponed. The reasons for the postponement would be due to not having the appropriate permits or the Board of Adjustment's approval. This would allow them to show a good faith effort in the process and procedures that have been set out by the Urban County Government to ensure the protection of the rights of the citizens of the community.

Planning Commission Questions – Mr. Cravens asked if Mr. Murphy is against what the Church is proposing. Mr. Murphy said that he is not against the idea of a Columbarium, and he understands that they are a great service to the community and a wonderful fundraiser, but his concern is the relocation of the structure from the center of the property, to along the frontage of Bell Court due to the safety issue it would create.

Staff Rebuttal – Mr. Martin said that he is not speaking on behalf of the Church concerning the permit issue; but he wanted to make it clear to the Planning Commission that this request is for a Final Development Plan, which had expired, and that is the reason this plan is in front of the Commission for reapproval. He then said that there is no notification requirement on a Final Development Plan, so no notice was sent out to the surrounding community. He added that this request was approved by the Board of Adjustment; and the conditions imposed by the BOA shown were on the overhead, as well as recorded on the Land Use Certificate (C-00-113). He said that condition #6 states "*That the action of the Board be noted on the Final Development Plan for the subject property submitted for Planning Commission approval.*" He then said that the Commission has the authority to amend this plan, as well as approve this plan; it does not need to return to the Board of Adjustment for approval. Mr. Martin repeated that notification is not required on a Final Development Plan.

Planning Commission Question – The Chair clarified that the Commission's approval on this Final Development Plan had expired, and now the applicant has requested to relocate the Garden Columbarium, as well. Mr. Martin replied affirmatively, and said that amending the plan allows the Commission to grant the reapproval.

The Chair confirmed that the Board of Adjustment had already granted approval on this request, to which Mr. Martin replied affirmatively. Mr. Sallee added, that in speaking with Mr. Emmons, who is the primary staff member for the Board of Adjustment cases, the Board did approve the Garden Columbarium in 2000; and in reviewing the Land Use Certificate, condition #1 states: "*That the property be developed according to the submitted application and site plan, or as amended by the Urban County Planning Commission.*" He then said that the words "site plan, or as amended by the Urban County Planning Commission" is the reason there is not an application for another conditional use permit for the Columbarium relocation. It's strictly a development plan issue.. He then said that there will not be need for a new conditional use permit for this property concerning the Garden Columbarium.

Mr. Penn asked if the fact that a permit was not obtained for demolition is germane to this conversation. Mr. Martin said that permits are required, plans do expire and not everyone is sophisticated about that sort of thing. He then repeated that he is not speaking on behalf of the applicant and why they took the actions as they did; but they did speak with the staff about the situation, and they were informed that the plan needed to be approved. They were told they should go ahead and amend the location of the Garden Columbarium on the Final Development Plan, which is what the applicant had done. He said that, since Phase II of this project has not been built, by having the plan reapproved the applicant is able to retain the Phase II portion of this project.

Representation Rebuttal – Mr. Arnold said that they were approved by, and received a Certificate of Appropriateness from the BOAR in 2014. At that time, the Church had no intention to build Phase II; but, unfortunately, when the development plan was submitted, the Garden Columbarium was associated with the Phase II portion of the development. He added that subsequent to 2000, the church had a need for the Columbarium. He explained that the Columbarium is a garden wall and a fence, and it is within the Church's right to build a small garden wall in their side yard as long as it is appropriate with the Board of Adjustment. He said that, once they met with the Division of Planning staff and talked to them about the procedure, it appeared that it was best to apply for a fence and wall permit to allow the construction of the garden, pavers, wall and the landscaping to begin. He then said that this would allow them to have a lag time for several months before the actual insertion of the metal niche went into the wall; and this is why they are presenting this application to the Commission for their consideration.

Mr. Arnold said that they did obtain a permit for the fence and garden wall, and they have obtained a permit to allow the construction that has been done. He then said that they need the Planning Commission's approval to relocate the Columbarium within that wall.

Planning Commission Question – Mr. Penn asked if the Church services can be contained to inside the property and not impact Bell Court. Mr. Arnold said that the space that will be enclosed for the Columbarium will not be appropriate for a large group of people; it will be more for smaller, more intimate gatherings, so the larger services will always be held within the Church sanctuary. Mr. Penn then asked if they see Bell Court being impacted. Mr. Arnold said that Bell Court will not be impacted any more than what it already is from the functions that are held in this area.

The Chair asked where the original Columbarium was located. Mr. Arnold directed the Commission's attention to the rendering to illustrate the location of the Columbarium, and said that it was attached to the Phase II portion of this development plan; and had the word "Columbarium" not been used, but named as an outside element, they would not need to present this request to the Commission. He then said that the Church has no future plans to build the Phase II portion at this time, but they do have a need to build the Columbarium. He added that, due to a number of concerns, the original location of the Columbarium was not suitable. This is why they submitted their application to the BOAR and were granted approval.

Opposition Rebuttal – Mr. Murphy indicated that it seems that he has received conflicting information from the different agencies, and said that even though the Land Use Certificate is shown on the overhead, he is still confused with how, what was originally submitted as a zone change in 2000 to allow a conditional use, would not go back to the Board of Adjustment. He then said that if this application was submitted to the BOA, it would trigger the notification to be sent out to the residents, showing that they want to amend or change the conditional use on this property. He then said that the Planning Commission cannot amend or change the conditional use on this property; and, to him, this is a "de facto" change with regard to what is happening and this concerns him. Mr. Murphy said he was very unclear as to why there is not requirement for an appeal to the Board of Adjustment.

The Chair said that this property has been to the Board of Adjustment and was granted approval for this use. He then said that, under the first condition listed on the Land Use Certificate, it states that the Planning Commission may amend this site plan, if necessary. Mr. Saltee responded in agreement, and said that the use had been approved by the BOA, and the Planning Commission does have the ability to change its location on the site through the language noted the first condition of the BOA's approval. Mr. Murphy indicated that he was unaware of that, and said that no notice was sent out. The Chair said that notice is not required for Final Development Plans. Ms. Jones said that under the Zoning Ordinance there is no notice provision, which is why no notice was required for this application. Mr. Murphy requested that the Planning Commission either disapprove this application or relocate the Columbarium back to its original location.

Planning Commission Question - The Chair asked for a brief summary of the applicant's design schematics. Mr. Arnold acknowledged the request, and explained the conceptual design of the building, and the layout of the outside garden area, as well as what materials will be used for the Columbarium to maintain a view that is appealing.

The Chair asked if Mr. Murphy had any comments regarding the explanation of the design schematic. Mr. Murphy said that Mr. Arnold is a landscape architect, but he is a licensed architect in the State of Kentucky and he is having a little bit of trouble with Mr. Arnold's reasoning that placing the Columbarium on the street would be more private than where it was originally proposed. He then said that he is not prepared to give a full statement since he was not aware of this application until just prior to this meeting, plus he believed there would be a public hearing at the Board of Adjustment. He then said that there have been times when the Church has used Bell Court for its ceremonies and rituals, and this has been problematic in the past year on a few occasions. He added that, should the Commission approve this request, he hopes that conditions can be added to address the issue with the use of Bell Court.

Planning Commission Questions – Mr. Drake asked if the Church is in compliance with the Zoning Ordinance and Land Subdivision Regulations. Ms. Jones said that, as far as the Zoning Ordinance requirements, they are not in violation of anything.

Mr. Brewer asked what was allowed or restricted under the current Zoning Ordinance. Ms. Jones said that the conditional use permit does not pertain to what happens on the street, only to the property. Mr. Brewer then asked what Division regulates what happens in the street, adjacent to this property. Mr. Martin said that if the Division of Planning were asked to sign off on a permit, the staff would review their request to ensure that the applicant was in compliance with the approved development plan. He then said that the applicant would be allowed to do whatever the approved development plan allows. He added that the current location of the Columbarium is closer to Main Street, and the applicant is proposing to relocate it next to Bell Court. He said that there will be no access added; and had this plan not expired, this request would have qualified as a minor amendment. He then said that minor amendments are not presented to the Planning Commission, but rather those are subject to only the staff's review. He explained that this request would have been approved for the movement of a structure in an already approved space. He said that had the staff felt there would have been an impact to Bell Court, then the other governmental agencies would have been involved; but for this request, the staff does not see an issue.

Mr. Brewer confirmed that the Planning Commission really does not have anything to say with what happens on Bell Court. Mr. Martin said that they are not allowed to infringe on public right-of-way, any more than someone else is allowed. He then said that the Final Development Plan that was approved on this property does not make any reference to anything other than existing zoning; but it appears that there is more than one principal structure on this property, which would explain the Final Development Plan. He added that the Final Development Plan does reference the BOA and the BOAR approvals.

Mr. Penn asked if it is appropriate on a minor amendment to condition the use of the street. Mr. Martin replied negatively, and said that if access was being requested or a change in the existing access, then the Divisions of

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Traffic Engineering and Fire would become involved in such a review. Mr. Penn said that Mr. Murphy had asked if a condition could be added concerning Bell Court, but that would be a whole different issue. Mr. Martin said that Bell Court is public right-of-way, and the Planning Commission's jurisdiction is only over the development plan.

Mr. Cravens indicated that Mr. Murphy was stating that if the Columbarium were on the other side of the building, then Bell Court would not be impacted, which Mr. Murphy confirmed.

Mr. Wilson said that Mr. Murphy noted that there are other activities taking place at the Church that have spilled out onto Bell Court. He then said that the neighborhood should get together with the rector of the Church and explain their concerns with the impact of the activities. The Chair agreed and said that this seems to be more of an issue with Code Enforcement.

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy and carried 10-0 (Smith absent) to approve DP 2015-92, as presented by the staff.

Note: Mr. Brewer departed the meeting.

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

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 9-0 (Brewer and Smith absent) to approve the release and call of bonds as detailed in the memorandum dated October 8, 2015, from Barry Brock, Division of Engineering.

Note: Mr. Brewer arrived at the meeting.

3. DEVELOPMENT PLANS (continued)

- c. DP 2011-41: BLACKFORD PROPERTY, PHASE 1, UNIT 5 & PHASE 3 (AMD) (1/12/16)* - located on Blackford Parkway. (Council District 12) **(EA Partners)**

Note: The Planning Commission approved this plan at their June 23, 2011, meeting, 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. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree protection plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike and 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's approval of emergency access and fire hydrant locations.
10. Provided the Planning Commission makes a finding that the plan is in compliance with the EAMP.
11. Resolve the details of the greenway connection at Lots 391 & 392.
12. Resolve tree preservation area conflict with the EAMP storm water plans (remove T.P.A).
13. Resolve the extent of the sinkhole (identify closed contour area).
14. Denote: No development of Lots 412-416 until Blackford Parkway is constructed.
15. Denote: No vehicular access to Walnut Grove Lane or Deer Haven Lane.

Note: This plan was certified on October 19, 2011. The Planning Commission granted approval of an extension of their previous approval at their October 9, 2014, meeting. They also made a finding, required by Article 4-4(d)(1) of the Land Subdivision Regulations, which states that "progress has been made in the physical construction of improvements" in order to grant that extension.

The applicant now requests approval of a one-year extension for the Preliminary Subdivision Plan portion of this plan.

The Subdivision Committee Recommended: Postponement. There has been no documentation provided by the applicant as to the "progress ... made in the physical construction of improvements" for this development over the past year.

Staff Presentation – Mr. Sallee introduced to the Commission the development plan for Blackford Property, Phase 1, Unit 5 & Phase 3, located on Blackford Parkway. He noted that the staff had provided the Commission a handout to help explain the postponement recommendation made by the Subdivision Committee.

Mr. Sallee directed the Commission's attention to a rendering of this development plan and oriented them to the location of the subject property and the nearby street system. He explained that the property is located at the terminus of Blackford Parkway, which extends westward toward Man o' War Boulevard, and it is immediately north of the most recent zone change on the Clark Property. He said that there is residential housing currently under development on the subject

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

site that is adjacent to the Greenbrier Golf course. Mr. Sallee further explained that this request is for an extension of the prior approval granted for an amended Preliminary Subdivision Plan. The rendering depicts the street and lotting pattern for the remainder of the development, including the open space area along Walnut Grove Lane, as well as the 200' building line that is required by the Zoning Ordinance. He said that even though there is a small section of land that is zoned EAR-2, the land is mostly zoned EAR-1, with a mixture of small and larger lots being proposed overall. He indicated that, since these two zones do not have a minimum lot size, once the land is developed, it will be very difficult to distinguish between the two zones because of how the lots will be integrated together throughout this unit of the subdivision.

Mr. Sallee said that the Planning Commission previously approved this plan at their June 23, 2011, meeting, subject to the conditions listed on today's agenda; and later that same year (October 19th) this plan was certified. He then said that the Planning Commission granted an extension of their previous approval at their October 9, 2014, meeting. He explained that, as part of the Land Subdivision Regulations, the Preliminary Subdivision Plan portion of this plan allows the developer to submit plans to the Division of Engineering for three years; so at the end of 2014, the applicant requested an extension to allow additional time to submit those plans. He then said that the Final Development Plan portion of this plan is good for five years, which has not expired at this time. He added that now the applicant is up against another timeline where they can no longer submit plans to the Division of Engineering for this development, so the applicant is requesting another approval from the Planning Commission for a one-year extension.

Mr. Sallee said that under Article 4-4(d)(1) of the Land Subdivision Regulations, in order for the Planning Commission to grant that extension, the Commission must find that "progress has been made in the physical construction of improvements" over the past year. He then said that, at the time of the Subdivision Committee meeting, no such documentation had been submitted to the staff, and this is what led to the postponement recommendation made by the Committee. He noted that the staff had since received, and today distributed the required documentation to the Commission for their review, showing the progress on the subject property. Staff had also received final record plat filings for the center portion of this site, which indicated that the infrastructure is or soon will be, in place. Mr. Sallee said that the requirement of the Land Subdivision Regulations has been met; and, as such, the staff is now recommending approval of a one-year extension for this plan.

Representation – Rory Kahly, EA Partners, was present representing the applicant. He indicated that they were in agreement with the staff's recommendations, and requested approval of a one-year extension for DP 2011-41.

Planning Commission Questions – Mr. Penn said that had the Committee seen the required documentation, the recommendation would have been different, and asked why the Committee did not see it. Mr. Kahly replied that they have never been asked to show this documentation in the past.

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

Action - A motion was made by Ms. Richardson, seconded by Mr. Drake, to reapprove DP 2011-41, as presented by the staff.

Discussion of Motion – Mr. Wilson asked if this approval was for a one-year extension. Mr. Sallee replied affirmatively and said that that is all that the Land Subdivision Regulations would allow.

Action – An amended motion was made by Ms. Richardson, seconded by Mr. Drake and carried 10-0 (Smith absent) to approve a one-year extension for DP 2011-41, as presented by the staff.

VI. COMMISSION ITEMS

- A. WORK SESSION – Mr. Duncan reminded the Commission members that they do not have a work session October 15th; but according their schedule, the next Planning Commission meeting will be on October 22nd and the next work session will be held on October 29th.
- B. COMMUNICATION FROM THE LAW DEPARTMENT – Ms. Jones informed the Planning Commission that the Law Department had received an appeal pertaining to the Planning Commission's decision on PLAN 2015-93F: ASHLAND PARK, INC., SUBDIVISION, NO. 12, LOT 3 (AMD) for property located at 508 Clinton Road.

VII. STAFF ITEMS

- A. COMMUNICATION FROM THE STAFF – Mr. Martin informed the Planning Commission that the Division of Engineering had sent word that DP 2015-55: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM) & BURKE, HOCKENSMITH & MAGGARD PROPERTY, UNIT 5 (AMD.) – the property located at 2151 and 2221 Georgetown Road does have a land disturbance permit for the fill associated with Citation Boulevard. The Chair asked if this is a temporary permit, to which Mr. Martin said that that information was noted on the permit.

VIII. AUDIENCE ITEMS – There were none.

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

IX. NEXT MEETING DATES

Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) October 28, 2015
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers **October 22, 2015**
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) November 5, 2015
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)..... November 5, 2015
Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers..... **November 12, 2015**

X. ADJOURNMENT - There being no further business, the Chair adjourned the meeting at 2:50 PM.

Mike Owens, Chair

Will Berkley, Secretary

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

October 8, 2015

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

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

Planning Staff members present – Acting Director James Duncan; 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; Jeff Neal, Division of Traffic Engineering; Captain Greg Lengal, Division of Fire and Emergency Services and Tracy Jones, Department of Law.

- II. **APPROVAL OF MINUTES** – The minutes of the August 13, 2015, meeting will be considered by the Planning Commission at this time, as well as a portion of the September 10, 2015, meeting (CT 2015-1).

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 10-0 (Smith absent) to approve the minutes of the August 13, 2015, meeting, as well as a portion of the September 10, 2015, meeting (CT 2015-1).

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

- a. PLAN 2015-106F: DISTILLERY DISTRICT WEST, UNIT 1 (PENDERY FINANCIAL, LLC PROPERTY) (11/29/15)*- located at 1151 Manchester Street. (Council District 2) **(2020 Land Surveying)**

The Subdivision Committee Recommended: **Postponement**, due to the lack of sanitary sewer service.

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 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 maintenance note per Art. 5-4(g).
10. Denote effective date of floodplain map information.
11. Denote flood protection elevation on plat to the approval of Water Quality.
12. Correct plan title.
13. Revise Urban County Engineer's certification.
14. Discuss dedication of right-of-way and possible improvements.
15. Discuss sanitary sewer service and possible waiver request.
16. Discuss certifications per possible need for waiver.

Representation – Justin Drury, 2020 Land Surveying, was present representing the applicant, and requested postponement of PLAN 2015-106F: DISTILLERY DISTRICT WEST, UNIT 1 (PENDERY FINANCIAL, LLC PROPERTY) to the November 12, 2015, Planning Commission meeting.

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

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy and carried 10-0 (Smith absent) to postpone PLAN 2015-106F: DISTILLERY DISTRICT WEST, UNIT 1 (PENDERY FINANCIAL, LLC PROPERTY) to the November 12, 2015, Planning Commission meeting.

- b. DP 2015-30: HIGH POINT SUBDIVISION (MONON, INC.) (10/815)* - located at 1123 Winchester Road. (Council District 5) **(Myke Robbins)**

Note: The applicant had requested that this previously postponed item be given consideration by the Commission. The Planning Commission postponed this item at their September 10, 2015, meeting, due to lack of representation by the applicant.

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

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

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

1. Urban County Engineer's acceptance of drainage, 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.
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.

Representation – Myke Robbins was present representing the applicant, and requested postponement of DP 2015-30: HIGH POINT SUBDIVISION (MONON, INC.) to the October 22, 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. Penn, seconded by Ms. Richardson and carried 10-0 (Smith absent) to postpone DP 2015-30: HIGH POINT SUBDIVISION (MONON, INC.) to the October 22, 2015, Planning Commission meeting.

- c. PLAN 2015-67P: COPPER CREEK SUBDIVISION (10/8/15)* - located at 1850 Old Higbee Mill Road (a portion of).
(Council District 9) **(EA Partners)**

Note: The Planning Commission postponed this item at their August 13, 2015 and September 10, 2015, meetings.

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 Wyndham 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 – Chris Clendenen, attorney, was present representing the applicant, and requested postponement of PLAN 2015-67P: COPPER CREEK SUBDIVISION to the October 22, 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.

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

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 10-0 (Smith absent) to postpone PLAN 2015-67P: COPPER CREEK SUBDIVISION to the October 22, 2015, Planning Commission meeting.

- d. PLAN 2015-107F: WILLIAM SHELY SUBDIVISION, UNIT 1, BLOCK A, LOT 2 & UNIT 2 (11/29/15)*- located at 435 West New Circle Road. (Council District 1) **(Endris Engineering)**

Note: The purpose of this amendment is to reduce the building line of the property from 65' to 55'.

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. Correct floodplain location in north corner of property.
7. Delete 65' building line information depicted.
8. Correct cabinet and slide information (on subject lot).
9. Increase font size of plan notes & certification on plan.
10. Update street cross-section information.

Staff Comments – Mr. Martin said that the staff had been contacted by the applicant, requesting to withdraw PLAN 2015-107F: WILLIAM SHELY SUBDIVISION, UNIT 1, BLOCK A, LOT 2 & UNIT 2. Mr. Sallee said that the staff had received the email correspondence just prior to today's meeting from the applicant's engineer.

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

Action - A motion was made by Ms. Mundy, seconded by Ms. Plumlee and carried 10-0 (Smith absent) to withdraw PLAN 2015-107F: WILLIAM SHELY SUBDIVISION, UNIT 1, BLOCK A, LOT 2 & UNIT 2.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, October 1, 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, Cheryl Galt, Denice Bullock, Kelly Hunter and Dave Jarman, as well as Lieutenant Joshua Thiel, 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.

- Criteria:**
- (1) the Subdivision Committee recommendation is for approval, as listed on this agenda; and
 - (2) the Petitioner is in agreement with the Subdivision Committee recommendation and the conditions listed on the agenda; and
 - (3) no discussion of the item is desired by the Commission; and
 - (4) no person present at this meeting objects to the Commission acting on the matter without discussion; and
 - (5) the matter does not involve a waiver of the Land Subdivision Regulations.

- Requests can be made to remove items from the Consent Agenda:**
- (1) due to prior postponements and withdrawals,
 - (2) from the Planning Commission,
 - (3) from the audience, and
 - (4) from Petitioners and their representatives.

At the request of the Chair, Mr. Sallee identified the following items appearing on the Consent Agenda, and oriented the Commission to the location of these items on the regular Meeting Agenda. He noted that the Subdivision Committee had recommended conditional approval for these items listed. (A copy of the Consent Agenda is attached as an appendix to these minutes).

1. PLAN 2015-102P: TUSCANY, UNIT 10 (11/29/15)*- located at 2625 Sir Barton Way and 1970 Winchester Road (a portion of). (Council District 6) **(EA Partners)**

Note: The purpose of this amendment is to revise a street cross-section and notes #14 & #15.

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

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping.
 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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
2. PLAN 2015-103F: WILLIAMS PROPERTY, LOT 1 (11/29/15)*- located at 3400 Todds Road.
(Council District 7) **(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.
 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 note #5, to the approval of the Division of Engineering.
 9. Denote Planning Commission approval of waiver and access easement on plan.
 10. Denote that LFUCG shall not be responsible for maintenance of private storm sewers and easements.
3. PLAN 2015-104F: HAMBURG PLACE B-5P & B-6P AREA HIGHWAY COMMERCIAL (LOTS 10, 11 & 12) (AMD) (11/29/15)*- located at 2277 War Admiral Way. (Council District 6) **(Vision Engineering)**

Note: The purpose of this amendment is to subdivide Lot 12 into two lots and amend the boundaries of Lot 10.

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. Clarify engineer's certification to match Land Subdivision Regulations, to the approval of the Division of Engineering.
4. PLAN 2015-105F: PATCHEN WILKES TOWNHOMES (11/29/15)*- located at 2101 Patchen Lakes Lane.
(Council District 6) **(Eagle Engineering)**

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. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 9. Denote Amended Final Development Plan for townhomes' certification prior to plat recordation for Lots 1-8.
 10. Denote Board of Adjustment's Administrative Appeal approval (A-2015-56).
5. PLAN 2013-98F: MASTERSON HILLS, UNIT 1-C (12/22/15)* - located at 3000 Spurr Road.
(Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on September 12, 2013 and extended its approval on September 11, 2014, 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.

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

5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Provide flood protection elevation note to the approval of the Division of Engineering.
10. Denote "3' drainage easement maintenance responsibility for 10' cemetery lot proposed."
11. Indicate driveway location on corner lots to the approval of Traffic Engineering.
12. Addition of cemetery lot to this plat prior to certification, denoting cemetery protection required by Art. 3-7(b)(1), (2), (5), (6) & (7) of the Zoning Ordinance.
13. Denote on the plan a 5' side yard setback and a 4' fence height restriction on Lots 107 and 108 adjacent to the cemetery lot, prior to certification.

Note: The Commission's approval has since expired. The applicant now requests a reapproval for this Final Record Plat.

The Subdivision Committee Recommended: **Reapproval**, subject to the original conditions listed on today's agenda.

6. DP 2015-38: MASTERTON STATION CENTER, (CITATION VILLAGE) (AMD) (10/8/15)* - located at 2601 Leestown Road.
(Council District 2) **(EA Partners)**

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. 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. 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. Resolve compliance with stream mitigation as required by the Engineering Manuals.

7. DP 2015-90: MARATHON OIL CO. (SPEEDWAY SUPER AMERICA, LLC) (AMD) (11/29/15)* - located at 140 Mercer Road.
(Council District 2) **(McBride Dale)**

Note: The purpose of this amendment is to add a fueling station for commercial trucks behind the existing gas station and convenience store.

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. 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. Restore and clarify all information for convenience store and site from previous plan.
11. Denote property description of adjoining Lot 2.
12. Reduce size of landscape island at northeast corner of convenience store to place it outside of easement.
13. Denote tree protection area as identified on current development plan.
14. Revise dimensions of storage shed to include gross area.
15. Resolve pedestrian access to Lot 2.
16. Resolve stormwater detention necessary for the proposed use.
17. Resolve 52' wide apron onto Mercer Road from convenience store lot.

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

8. DP 2015-92: THE CHURCH OF THE GOOD SHEPHERD (AMD) (1/21/15)* - located at 533 East Main Street.
(Council District 3) **(Design Works)**

Note: The purpose of this amendment is to relocate the Columbarium on the site.

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. Addition of record plat information.
9. Identify exact locations of street cross-sections.
10. Label detention basin located along Main Street.
11. Label existing utility easements.
12. Correct note #6 making reference to Chapter 16 of the Code of Ordinance.
13. Correct spelling error in Owners' Certification.
14. Dimension Columbarium Garden.
15. Delete note #13.
16. Review by Technical Committee prior to plan certification.

In conclusion, Mr. Sallee said that the items identified on the Consent Agenda could be considered for approval at this time by the Commission, unless there was a request for an item to be removed from consideration by a member of the Commission, or the audience, in order to permit further discussion.

Consent Agenda Discussion – The Chair asked if anyone in the audience or on the Commission desired further discussion of any of the items listed on the Consent Agenda. Mr. Kevin Murphy requested that DP 2015-92 be removed from the Consent Agenda for further discussion.

Commission Comments – The Chair indicated that a request had been made to remove DP 2015-92 for further discussion, and noted that PLAN 2015-107F had been withdrawn (earlier), at the applicants request.

Action - A motion was made by Mr. Brewer, seconded by Ms. Richardson and carried 10-0 (Smith absent) to approve the items listed on the Consent Agenda, as recommended by the Subdivision Committee, removing DP 2015-92.

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

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

1. FINAL SUBDIVISION PLANS

- a. PLAN 2013-122F: SOUTHEND PARK, UNIT 1, SECTION 1 (1/26/15)* - located in the 700 & 800 blocks of De Roode Street. (Council District 3) **(Hall-Harmon Engineers)**

Note: The Planning Commission approved this plan at their November 14, 2013 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.

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

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: Lots 1-4 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. Complete owners' certification information per the Land Subdivision Regulations.
11. Provided the Planning Commission grants a waiver to Articles 4-7(d)(1) and 4-7(d)(9) of the Land Subdivision Regulations.
12. Review by Technical Committee prior to plan certification.

Note: The Planning Commission approved a one-year extension on October 9, 2014, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission; and then on March 13, 2014, the Commission also approved the requested waivers to the Land Subdivision Regulations, for these reasons:

1. Not granting the waivers would constitute an exceptional hardship for the applicant by impeding the development of the affordable housing component of the project.
2. Granting the waivers will not negatively impact public health and safety, as the completion of the public improvements will be completed; and warranties on the improvements will be provided by the standard contractual procedures utilized and required by the applicant.
3. Granting the waivers complies with 1-5(c) of the Land Subdivision Regulations that encourages waivers that facilitate infill and redevelopment projects.

Note: Section 1 of this plat (for lots 1-4) was recorded on March 17, 2014. The LFUCG Division of Engineering now requests a reapproval for the unrecorded (Section 2) of this plat.

The Staff Recommended: **Reapproval for the unrecorded Unit 1-B, Section 2 of this plat**, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission.

Staff Presentation – Mr. Martin directed the Commission's attention to Southend Park, Section 1, Unit 1 (the parent plat), also known as the Newtown Pike Corridor Extension project, located in the 700 & 800 blocks of De Roode Street. He directed the Commission's attention to a rendering of this plat to orient them to the location of the subject property and the nearby street system. He noted that the Planning Commission approved this plan at their November 14, 2013 meeting, as well as approved a one-year extension on October 9, 2014. Now the LFUCG Division of Engineering, along with the Kentucky Transportation Cabinet, has requested a reapproval for the unrecorded Unit 1-B, Section 2 of this plat.

Mr. Martin said that there is a waiver associated with this request, which involves the engineer's certification. He explained that the State of Kentucky is using Hall-Harmon, who prepared the plat; but they did not design or inspect the infrastructure and cannot sign the typical certification. What evolved from this issue was a modified engineer's certification that was acceptable to all parties involved.

Mr. Martin said that the staff is recommending reapproval for the unrecorded Unit 1-B, Section 2 of this plat, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission. He added that the project engineers were not present.

Planning Commission Questions – The Chair asked, since the waivers have already been approved by the Commission, if those needed to be reflected in the motion. Mr. Martin replied affirmatively.

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

Action - A motion was made by Mr. Cravens, seconded by Mr. Brewer, and carried 10-0 (Smith absent) to reapprove the unrecorded Unit 1-B, Section 2 of this plat, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission for PLAN 2013-122F: SOUTHEND PARK, SECTION 1, UNIT 1.

- b. PLAN 2011-8F: DENTON FARM, INC. UNIT 4-A, BLK J, LOTS 26-30; BLK L, LOTS 31-35 (AMD) (12/30/15)* -
located on Weston Park. (Council District 7) **(Strand Associates)**

Note: The purpose of this amendment is to create one new lot and add new easements. The Planning Commission approved this plan at their February 10, 2011, 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 required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.

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

6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Denote: This property shall be developed in accordance with the approved final development plan.
8. Correct adjacent property information per the most recent plat.
9. Correct purpose of amendment note.
10. Addition of exaction information to the approval of the Division of Planning.
11. Denote that no building permits will be issued on lots 29, 30, 34, 34A and 35 until an easement minor plat is recorded, or document easement release.
12. Document that the additional sewer taps have been installed for the new lot to the approval of the Division of Engineering.
13. Correct plan title.
14. Recordation of this plan prior to the recording of PLAN 2011-7F: Denton Farm, Inc., Unit 1-G.
15. Delete note #14 (references lot not part of this plat).
16. Delete note #15.

Note: The Commission's approval has since expired. The applicant now requests a reapproval for this Final Record Plat.

The Staff Recommends: **Reapproval**, subject to the original conditions listed on today's agenda.

Staff Presentation – Ms. Gallt introduced the final record plat for Denton Farm, Inc., Unit 4-A, Block J, Lots 26-30; Block L, Lots 31-35, located on Weston Park. She directed the Commission's attention to a rendering of this plat to orient them to the location of the subject property and the nearby street system. She indicated that the subject property is located off Richmond Road near the T-intersection of Weston Park and Ellerslie Park.

Ms. Gallt explained that the Planning Commission previously approved this plan at their February 10, 2011, meeting, subject to the conditions listed on today's agenda. She said that, at that time, the applicant had requested to increase the number of lots by one on the eastern side only, creating a total of six lots. She then said that the Commission's approval has since expired, and now the applicant is requesting a reapproval for this Final Record Plat.

Ms. Gallt said that the staff is recommending reapproval of this request, subject to the original conditions listed on today's agenda.

Planning Commission Questions – Mr. Penn asked for clarification to condition #15. Ms. Gallt explained that the applicant has made reference to a note from a different plat, and that note will need to be removed prior to the plan being certified.

The Chair asked if the applicant had anything further to add. Mr. Barlow, developer, responded that he did not.

Action - A motion was made by Ms. Richardson, seconded by Mr. Cravens, to reapprove PLAN 2011-8F: DENTON FARM, INC. UNIT 4-A, BLK J, LOTS 26-30; BLK L, LOTS 31-35 (AMD), subject to the original conditions listed on today's agenda.

Discussion of Motion – Ms. Mundy asked if documentation of the Division of Water Quality's approval of the Capacity Assurance Program requirements should be added. Mr. Sallee explained that this request is located in the Expansion Area 2; and under the Capacity Assurance Program, that entire Expansion Area is exempt from the program requirements because so much of the infrastructure is already in place.

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

The motion carried 10-0 (Smith absent).

2. DEVELOPMENT PLANS

- a. DP 2015-55: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM) & BURKE, HOCKENSMITH & MAGGARD PROPERTY, UNIT 5 (AMD.) (10/8/15)*- located at 2151 and 2221 Georgetown Road.
(Council District 2) **(Arnold Consulting)**

Note: The Planning Commission postponed this item at their July 9, 2015; August 13, 2015, and September 10, 2015, meetings. 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 availability 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.

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

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

Staff Presentation – Mr. Sallee directed the Commission's attention to Bluegrass Business Park, Lot 4 (Pemberton Farm) & Burke, Hockensmith & Maggard Property, Unit 5, located at 2151 and 2221 Georgetown Road. He said that the Planning Commission postponed this item at their July 9, 2015; August 13, 2015, and September 10, 2015, meetings. He then said that, without a request for postponement from the applicant, the deadline for the Commission to consider this request is October 8, 2015.

Mr. Sallee directed the Commission's attention to the photograph on the overhead projector, and briefly explained that the subject property is located at the southeast corner of Citation Boulevard and Georgetown Road. He said that Jaggie Fox Way is a collector street immediately to the west of Georgetown Road, near the railroad tracks. He then said that there is an industrial development immediately to the south of the subject property, and directly across Georgetown Road is Rood and Riddle Equine Hospital. He noted that Rood and Riddle Equine Hospital does have an access point onto Georgetown Road.

Mr. Sallee then directed the Commission's attention to the final development plan rendering, and said that at the center of this proposal there is a small piece of land that is zoned Agricultural Urban that is not part of this development plan. He then said that the development plan encompasses about 35 acres - almost the entirety of the vacant tract that was shown on the photograph. The applicant is proposing a 101,453 sq. ft, 35' tall industrial building that will have 143 parking spaces in the northern part of the site. He said that there would be a customer service area oriented toward Jaggie Fox Way, as well as large areas that would be used for the recycled asphalt and heavy duty concrete proposed for the trucks and the equipment parking. He said that the eastern third of the property is not currently being proposed for development, even though there is a proposed access to Georgetown Road directly across from the Rood and Riddle Equine Hospital.

Mr. Sallee directed the Commission's attention to the rendering for DP 2012-111: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM & BURKE, HOCKENSMITH & MAGGARD, UNIT 5 and explained that, at the December 13, 2012, meeting, the Commission had approved a development plan to construct a 7,300 sq. ft. building, along with 122 parking spaces. He said that, when comparing DP 2012-111 and DP 2015-55, the development approved on Lot 4 generally coordinates with this current proposal; but the 2012 version is less intense than today's version. In addition, the 2012 version had proposed to develop the corner of this property and provide for vehicular access off of Georgetown Road. He said the applicant had proposed to provide access to the subject property by way of two 60' access easements that connect from Georgetown Road and the rear of the site, which is gated. He explained that the 2012 version is just under 20 acres in size, so the balance then leaves an additional 15 acres where there was more speculative development proposed at that time. He said that the Planning Commission did approve DP 2012-111 on December 13, 2012; however, the applicant did not certify this plan within the one-year time allowed, and it has since expired. He then said that, in looking at the current proposal, the 2012 access easements have been removed; and there is no more speculative development for the 15 acres that fronts on Georgetown Road.

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

Mr. Sallee said that the Subdivision Committee had recommended postponement of this request, because the applicant had still not clarified the availability of sanitary sewer service to the proposed development, as required by the Capacity Assurance Program requirements, nor had they resolved the access proposed to the future lots. He explained that the subject property sits on a ridge and is located at the edge of two sanitary sewer banks. He said that at the Subdivision Committee meeting, it had been discussed that one of these banks had a very low to near zero capacity, while the other bank did have available capacity. He then said that there was an issue as to which way the sewage would flow from this development and as to whether or not there was capacity in the system for that sewage. Mr. Sallee said that to the staff's knowledge that question has not been answered since the Subdivision Committee meeting in July of this year.

Mr. Sallee circulated a number of email correspondences from the staff, (dated June 29th, June 30th, July 1st, July 8th, July 9th, August 12th, September 9th and September 30th), and explained that the staff had repeatedly contacted the applicant concerning these development plans issues, but has not been able to obtain any answers from the applicant. As a result, the staff would offer a revised recommendation of disapproval of this plan, for the following reasons.

1. The proposed development plan does not address significant concerns with the applicant's ability to provide the required public infrastructure, including sanitary sewer service to the site. There is a question as to whether there is compliance with the Capacity Assurance Program for this proposed development.
2. Stormwater Management measures due to the Royal Spring Aquifer protection area have not been addressed by this amended development plan.
3. Access to Georgetown Road, including any necessary public improvements, are far less detailed than those for the current development plan, approved previously for this location.
4. The applicant currently operates a similar, but smaller facility in an I-2 Zone, and the proposed development plan has not clarified all of its intended uses on the subject property to insure compliance with the existing I-1 Zoning of most of the subject property.
5. Under Article 21-7(e) of the Zoning Ordinance, the Commission may disapprove this amendment since the uncertainties listed above will "adversely affect the public health safety and welfare" and will "alter the essential character of the development as originally approved."

Mr. Sallee gave a brief summary of the each of the above reasons, and said that with the uncertainty of the plan and the loss of the access that was originally proposed in 2012, the staff is comfortable with their recommendation. He continued noting that the staff can answer any questions regarding the staff recommendation or about this final record plat listed on today's agenda.

Planning Commission Questions - Mr. Penn asked if the fill dirt is still on the subject property in front of Rood and Riddle Equine Hospital. Mr. Sallee said that on his last site visit, there was a stock piling of dirt on the site before the roadway was opened. It's the staff's understanding that dirt is associated with the road project, and he believes the dirt is still present there. Mr. Penn said that during the Subdivision Committee meeting, there was a discussion regarding moving the fill dirt. He asked, if the Commission were to accept the staff recommendation of disapproval, if the pile of dirt will remain there until the property is developed. Mr. Sallee responded that the staff is unsure. Mr. Penn said that it should be noted somehow, because to just to walk away from this problem would create an eyesore. Mr. Sallee said that Mr. Newman was not aware of any answer to this question.

Petitioner Presentation - The Chair asked if the applicant or their representation was present. Mr. Sallee responded negatively.

Discussion - The Chair said that he was at Rood and Riddle Equine Hospital, and there is a good 20' elevation of fill dirt with trucks coming and going from that location. He then said that he appreciates Mr. Penn's thoughts. It's concerning, and would appreciate any answers on this issue. He added one of the reasons for disapproval is the protection of the Royal Springs Aquifer and the fill dirt could impact that spring.

Mr. Sallee said that the LFUCG staff believes that the origin of the dirt is from the road project and it is under the negotiations with a State entity of the Transportation Cabinet, which is why the Urban County Government staff is not aware of its future or what those agreements require. The Chair asked if it is possible to get those answers without holding up the staff's recommendation of disapproval. Mr. Sallee said that, regardless of how the Commission acts on this plan, the staff can certainly pursue that and try to find out that information. He then said that they can ask the MPO staff to make contact with the Transportation Cabinet for this information.

Mr. Penn pointed out that dirt does not stay dirt, and the area is unsightly as it is. It will become a mess once the weeds take hold. He said that, if it is possible, this should be investigated; and if it's the responsibility of the State, then the State should take care of it. He then said that he doubts that there is a permit to dump that dirt, considering that the Subdivision Committee was told that it would be a temporary situation; but it is still there.

Ms. Plumlee asked if Code Enforcement could pursue this problem. Mr. Sallee responded that he is not sure, and said that these types of situations do pop up from time to time. He then said that there are rules as to whether or not the problem occupies an acre or more of land; and if it is over an acre, then significant State regulations would kick in.

Action - A motion was made by Mr. Wilson, seconded by Ms. Richardson and carried 10-0 (Smith absent) to disapprove DP 2015-55: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM) & BURKE, HOCKENSMITH & MAGGARD PROPERTY, UNIT 5 (AMD), for the reasons provided by the staff.

- b. DP 2015-92: THE CHURCH OF THE GOOD SHEPHERD (AMD) (1/21/16)* - located at 533 East Main Street. (Council District 3) **(Design Works)**

Note: The purpose of this amendment is to relocate the Columbarium on the site.

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. Addition of record plat information.
9. Identify exact locations of street cross-sections.
10. Label detention basin located along Main Street.
11. Label existing utility easements.
12. Correct note #6 making reference to Chapter 16 of the Code of Ordinance.
13. Correct spelling error in Owners' Certification.
14. Dimension Columbarium Garden.
15. Delete note #13.
16. Review by Technical Committee prior to plan certification.

Staff Presentation – Mr. Hunter directed the Commission's attention to the development plan for Church of the Good Shepard, located at 533 East Main Street. He said that the subject property is near downtown, at the intersection of Bell Court and Sayre Avenue. He then said that the purpose of this amendment is to relocate the previously approved Garden Columbarium next to Bell Court.

Mr. Hunter said that the Subdivision Committee recommended approval of this request, subject to the conditions listed on today's agenda. He briefly explained that conditions #1-7 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. He added that this request was filed as a "late plan"; therefore, this item will be placed on the October 28th Technical Committee agenda for their review.

Planning Commission Questions – The Chair asked if the Garden Columbarium is stand-alone or if it is attached to the building. Mr. Hunter explained that the Garden Columbarium is depicted as a detached structure, 4' in height. The fence material will be metal, pavers will be used instead of concrete, and it will open on the side. The Chair then asked if there will be a walkway provided. Mr. Hunter said that the final development plan references the use of stepping stones.

Representation – Mark Arnold, Design Works, was present representing the applicant, and indicated they do not have anything further to add.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. Mr. Kevin Murphy, who lives near the Church, said that even though this was an amended zoning development plan that was approved in 2000, there was no notice sent to the nearby residents for the current request. He gave a brief history of the subject property, and said that in 2000, a zoning development plan was part of the zone change for this property, which showed the Garden Columbarium to be located in the center of the proposed addition and the existing church. He then said that in September 2014, Good Shepherd Church appeared before the Board of Architectural Review for approval for the Garden Columbarium. He added that the BOAR does not consider the use issue - only aesthetic issues, so they granted approval of the applicant's request.

Mr. Murphy said that in July 2014, Good Shepherd Church advertised in their newsletter that a ground-breaking service would be held in August; subsequently, in September, the demolition began, removing the existing trees and shrubs. He then said that no permits were issued for the demolition, nor was there Board of Adjustment approval sought; but it's his understanding that there is an application that has been filed with the staff. Mr. Murphy said that he consulted Councilmember Gibbs, who had no knowledge of this request; and he also found that there were no permits issued for the demolition. He then said that he received an email correspondence from the Division of Building Inspection informing him that a fence permit was issued, and the applicant was required to file an application with the Board of Adjustment. This would be the first notification to the surrounding neighbors that informed them as to what was going on with this property. He said that, as of today, the fence has been removed, footings have been placed and blocks are in place.

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

Mr. Murphy said that his concern is with the lack of notification on this zoning development plan that was approved 15 years ago, as well as no notification for the Board of Adjustment, if they even filed an application. He asked if this would be considered a "de facto" approval of a conditional use that has not been approved by the Board of Adjustment. He then said that he would request that this application be disapproved, but a more reasonable request would be that this request be postponed. The reasons for the postponement would be due to not having the appropriate permits or the Board of Adjustment's approval. This would allow them to show a good faith effort in the process and procedures that have been set out by the Urban County Government to ensure the protection of the rights of the citizens of the community.

Planning Commission Questions – Mr. Cravens asked if Mr. Murphy is against what the Church is proposing. Mr. Murphy said that he is not against the idea of a Columbarium, and he understands that they are a great service to the community and a wonderful fundraiser, but his concern is the relocation of the structure from the center of the property, to along the frontage of Bell Court due to the safety issue it would create.

Staff Rebuttal – Mr. Martin said that he is not speaking on behalf of the Church concerning the permit issue; but he wanted to make it clear to the Planning Commission that this request is for a Final Development Plan, which had expired, and that is the reason this plan is in front of the Commission for reapproval. He then said that there is no notification requirement on a Final Development Plan, so no notice was sent out to the surrounding community. He added that this request was approved by the Board of Adjustment; and the conditions imposed by the BOA shown were on the overhead, as well as recorded on the Land Use Certificate (C-00-113). He said that condition #6 states "*That the action of the Board be noted on the Final Development Plan for the subject property submitted for Planning Commission approval.*" He then said that the Commission has the authority to amend this plan, as well as approve this plan; it does not need to return to the Board of Adjustment for approval. Mr. Martin repeated that notification is not required on a Final Development Plan.

Planning Commission Question – The Chair clarified that the Commission's approval on this Final Development Plan had expired, and now the applicant has requested to relocate the Garden Columbarium, as well. Mr. Martin replied affirmatively, and said that amending the plan allows the Commission to grant the reapproval.

The Chair confirmed that the Board of Adjustment had already granted approval on this request, to which Mr. Martin replied affirmatively. Mr. Sallee added, that in speaking with Mr. Emmons, who is the primary staff member for the Board of Adjustment cases, the Board did approve the Garden Columbarium in 2000; and in reviewing the Land Use Certificate, condition #1 states: "*That the property be developed according to the submitted application and site plan, or as amended by the Urban County Planning Commission.*" He then said that the words "site plan, or as amended by the Urban County Planning Commission" is the reason there is not an application for another conditional use permit for the Columbarium relocation. It's strictly a development plan issue.. He then said that there will not be need for a new conditional use permit for this property concerning the Garden Columbarium.

Mr. Penn asked if the fact that a permit was not obtained for demolition is germane to this conversation. Mr. Martin said that permits are required, plans do expire and not everyone is sophisticated about that sort of thing. He then repeated that he is not speaking on behalf of the applicant and why they took the actions as they did; but they did speak with the staff about the situation, and they were informed that the plan needed to be approved. They were told they should go ahead and amend the location of the Garden Columbarium on the Final Development Plan, which is what the applicant had done. He said that, since Phase II of this project has not been built, by having the plan reapproved the applicant is able to retain the Phase II portion of this project.

Representation Rebuttal – Mr. Arnold said that they were approved by, and received a Certificate of Appropriateness from the BOAR in 2014. At that time, the Church had no intention to build Phase II; but, unfortunately, when the development plan was submitted, the Garden Columbarium was associated with the Phase II portion of the development. He added that subsequent to 2000, the church had a need for the Columbarium. He explained that the Columbarium is a garden wall and a fence, and it is within the Church's right to build a small garden wall in their side yard as long as it is appropriate with the Board of Adjustment. He said that, once they met with the Division of Planning staff and talked to them about the procedure, it appeared that it was best to apply for a fence and wall permit to allow the construction of the garden, pavers, wall and the landscaping to begin. He then said that this would allow them to have a lag time for several months before the actual insertion of the metal niche went into the wall; and this is why they are presenting this application to the Commission for their consideration.

Mr. Arnold said that they did obtain a permit for the fence and garden wall, and they have obtained a permit to allow the construction that has been done. He then said that they need the Planning Commission's approval to relocate the Columbarium within that wall.

Planning Commission Question – Mr. Penn asked if the Church services can be contained to inside the property and not impact Bell Court. Mr. Arnold said that the space that will be enclosed for the Columbarium will not be appropriate for a large group of people; it will be more for smaller, more intimate gatherings, so the larger services will always be held within the Church sanctuary. Mr. Penn then asked if they see Bell Court being impacted. Mr. Arnold said that Bell Court will not be impacted any more than what it already is from the functions that are held in this area.

The Chair asked where the original Columbarium was located. Mr. Arnold directed the Commission's attention to the rendering to illustrate the location of the Columbarium, and said that it was attached to the Phase II portion of this development plan; and had the word "Columbarium" not been used, but named as an outside element, they would not need to present this request to the Commission. He then said that the Church has no future plans to build the Phase II portion at this time, but they do have a need to build the Columbarium. He added that, due to a number of concerns, the original location of the Columbarium was not suitable. This is why they submitted their application to the BOAR and were granted approval.

Opposition Rebuttal – Mr. Murphy indicated that it seems that he has received conflicting information from the different agencies, and said that even though the Land Use Certificate is shown on the overhead, he is still confused with how, what was originally submitted as a zone change in 2000 to allow a conditional use, would not go back to the Board of Adjustment. He then said that if this application was submitted to the BOA, it would trigger the notification to be sent out to the residents, showing that they want to amend or change the conditional use on this property. He then said that the Planning Commission cannot amend or change the conditional use on this property; and, to him, this is a "de facto" change with regard to what is happening and this concerns him. Mr. Murphy said he was very unclear as to why there is not requirement for an appeal to the Board of Adjustment.

The Chair said that this property has been to the Board of Adjustment and was granted approval for this use. He then said that, under the first condition listed on the Land Use Certificate, it states that the Planning Commission may amend this site plan, if necessary. Mr. Saltee responded in agreement, and said that the use had been approved by the BOA, and the Planning Commission does have the ability to change its location on the site through the language noted the first condition of the BOA's approval. Mr. Murphy indicated that he was unaware of that, and said that no notice was sent out. The Chair said that notice is not required for Final Development Plans. Ms. Jones said that under the Zoning Ordinance there is no notice provision, which is why no notice was required for this application. Mr. Murphy requested that the Planning Commission either disapprove this application or relocate the Columbarium back to its original location.

Planning Commission Question - The Chair asked for a brief summary of the applicant's design schematics. Mr. Arnold acknowledged the request, and explained the conceptual design of the building, and the layout of the outside garden area, as well as what materials will be used for the Columbarium to maintain a view that is appealing.

The Chair asked if Mr. Murphy had any comments regarding the explanation of the design schematic. Mr. Murphy said that Mr. Arnold is a landscape architect, but he is a licensed architect in the State of Kentucky and he is having a little bit of trouble with Mr. Arnold's reasoning that placing the Columbarium on the street would be more private than where it was originally proposed. He then said that he is not prepared to give a full statement since he was not aware of this application until just prior to this meeting, plus he believed there would be a public hearing at the Board of Adjustment. He then said that there have been times when the Church has used Bell Court for its ceremonies and rituals, and this has been problematic in the past year on a few occasions. He added that, should the Commission approve this request, he hopes that conditions can be added to address the issue with the use of Bell Court.

Planning Commission Questions – Mr. Drake asked if the Church is in compliance with the Zoning Ordinance and Land Subdivision Regulations. Ms. Jones said that, as far as the Zoning Ordinance requirements, they are not in violation of anything.

Mr. Brewer asked what was allowed or restricted under the current Zoning Ordinance. Ms. Jones said that the conditional use permit does not pertain to what happens on the street, only to the property. Mr. Brewer then asked what Division regulates what happens in the street, adjacent to this property. Mr. Martin said that if the Division of Planning were asked to sign off on a permit, the staff would review their request to ensure that the applicant was in compliance with the approved development plan. He then said that the applicant would be allowed to do whatever the approved development plan allows. He added that the current location of the Columbarium is closer to Main Street, and the applicant is proposing to relocate it next to Bell Court. He said that there will be no access added; and had this plan not expired, this request would have qualified as a minor amendment. He then said that minor amendments are not presented to the Planning Commission, but rather those are subject to only the staff's review. He explained that this request would have been approved for the movement of a structure in an already approved space. He said that had the staff felt there would have been an impact to Bell Court, then the other governmental agencies would have been involved; but for this request, the staff does not see an issue.

Mr. Brewer confirmed that the Planning Commission really does not have anything to say with what happens on Bell Court. Mr. Martin said that they are not allowed to infringe on public right-of-way, any more than someone else is allowed. He then said that the Final Development Plan that was approved on this property does not make any reference to anything other than existing zoning; but it appears that there is more than one principal structure on this property, which would explain the Final Development Plan. He added that the Final Development Plan does reference the BOA and the BOAR approvals.

Mr. Penn asked if it is appropriate on a minor amendment to condition the use of the street. Mr. Martin replied negatively, and said that if access was being requested or a change in the existing access, then the Divisions of

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

Traffic Engineering and Fire would become involved in such a review. Mr. Penn said that Mr. Murphy had asked if a condition could be added concerning Bell Court, but that would be a whole different issue. Mr. Martin said that Bell Court is public right-of-way, and the Planning Commission's jurisdiction is only over the development plan.

Mr. Cravens indicated that Mr. Murphy was stating that if the Columbarium were on the other side of the building, then Bell Court would not be impacted, which Mr. Murphy confirmed.

Mr. Wilson said that Mr. Murphy noted that there are other activities taking place at the Church that have spilled out onto Bell Court. He then said that the neighborhood should get together with the rector of the Church and explain their concerns with the impact of the activities. The Chair agreed and said that this seems to be more of an issue with Code Enforcement.

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy and carried 10-0 (Smith absent) to approve DP 2015-92, as presented by the staff.

Note: Mr. Brewer departed the meeting.

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

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 9-0 (Brewer and Smith absent) to approve the release and call of bonds as detailed in the memorandum dated October 8, 2015, from Barry Brock, Division of Engineering.

Note: Mr. Brewer arrived at the meeting.

3. DEVELOPMENT PLANS (continued)

- c. DP 2011-41: BLACKFORD PROPERTY, PHASE 1, UNIT 5 & PHASE 3 (AMD) (1/12/16)* - located on Blackford Parkway. (Council District 12) **(EA Partners)**

Note: The Planning Commission approved this plan at their June 23, 2011, meeting, 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. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree protection plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike and 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's approval of emergency access and fire hydrant locations.
10. Provided the Planning Commission makes a finding that the plan is in compliance with the EAMP.
11. Resolve the details of the greenway connection at Lots 391 & 392.
12. Resolve tree preservation area conflict with the EAMP storm water plans (remove T.P.A).
13. Resolve the extent of the sinkhole (identify closed contour area).
14. Denote: No development of Lots 412-416 until Blackford Parkway is constructed.
15. Denote: No vehicular access to Walnut Grove Lane or Deer Haven Lane.

Note: This plan was certified on October 19, 2011. The Planning Commission granted approval of an extension of their previous approval at their October 9, 2014, meeting. They also made a finding, required by Article 4-4(d)(1) of the Land Subdivision Regulations, which states that "progress has been made in the physical construction of improvements" in order to grant that extension.

The applicant now requests approval of a one-year extension for the Preliminary Subdivision Plan portion of this plan.

The Subdivision Committee Recommended: Postponement. There has been no documentation provided by the applicant as to the "progress ... made in the physical construction of improvements" for this development over the past year.

Staff Presentation – Mr. Sallee introduced to the Commission the development plan for Blackford Property, Phase 1, Unit 5 & Phase 3, located on Blackford Parkway. He noted that the staff had provided the Commission a handout to help explain the postponement recommendation made by the Subdivision Committee.

Mr. Sallee directed the Commission's attention to a rendering of this development plan and oriented them to the location of the subject property and the nearby street system. He explained that the property is located at the terminus of Blackford Parkway, which extends westward toward Man o' War Boulevard, and it is immediately north of the most recent zone change on the Clark Property. He said that there is residential housing currently under development on the subject

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

site that is adjacent to the Greenbrier Golf course. Mr. Sallee further explained that this request is for an extension of the prior approval granted for an amended Preliminary Subdivision Plan. The rendering depicts the street and lotting pattern for the remainder of the development, including the open space area along Walnut Grove Lane, as well as the 200' building line that is required by the Zoning Ordinance. He said that even though there is a small section of land that is zoned EAR-2, the land is mostly zoned EAR-1, with a mixture of small and larger lots being proposed overall. He indicated that, since these two zones do not have a minimum lot size, once the land is developed, it will be very difficult to distinguish between the two zones because of how the lots will be integrated together throughout this unit of the subdivision.

Mr. Sallee said that the Planning Commission previously approved this plan at their June 23, 2011, meeting, subject to the conditions listed on today's agenda; and later that same year (October 19th) this plan was certified. He then said that the Planning Commission granted an extension of their previous approval at their October 9, 2014, meeting. He explained that, as part of the Land Subdivision Regulations, the Preliminary Subdivision Plan portion of this plan allows the developer to submit plans to the Division of Engineering for three years; so at the end of 2014, the applicant requested an extension to allow additional time to submit those plans. He then said that the Final Development Plan portion of this plan is good for five years, which has not expired at this time. He added that now the applicant is up against another timeline where they can no longer submit plans to the Division of Engineering for this development, so the applicant is requesting another approval from the Planning Commission for a one-year extension.

Mr. Sallee said that under Article 4-4(d)(1) of the Land Subdivision Regulations, in order for the Planning Commission to grant that extension, the Commission must find that "progress has been made in the physical construction of improvements" over the past year. He then said that, at the time of the Subdivision Committee meeting, no such documentation had been submitted to the staff, and this is what led to the postponement recommendation made by the Committee. He noted that the staff had since received, and today distributed the required documentation to the Commission for their review, showing the progress on the subject property. Staff had also received final record plat filings for the center portion of this site, which indicated that the infrastructure is or soon will be, in place. Mr. Sallee said that the requirement of the Land Subdivision Regulations has been met; and, as such, the staff is now recommending approval of a one-year extension for this plan.

Representation – Rory Kahly, EA Partners, was present representing the applicant. He indicated that they were in agreement with the staff's recommendations, and requested approval of a one-year extension for DP 2011-41.

Planning Commission Questions – Mr. Penn said that had the Committee seen the required documentation, the recommendation would have been different, and asked why the Committee did not see it. Mr. Kahly replied that they have never been asked to show this documentation in the past.

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

Action - A motion was made by Ms. Richardson, seconded by Mr. Drake, to reapprove DP 2011-41, as presented by the staff.

Discussion of Motion – Mr. Wilson asked if this approval was for a one-year extension. Mr. Sallee replied affirmatively and said that that is all that the Land Subdivision Regulations would allow.

Action – An amended motion was made by Ms. Richardson, seconded by Mr. Drake and carried 10-0 (Smith absent) to approve a one-year extension for DP 2011-41, as presented by the staff.

VI. COMMISSION ITEMS

- A. WORK SESSION – Mr. Duncan reminded the Commission members that they do not have a work session October 15th; but according their schedule, the next Planning Commission meeting will be on October 22nd and the next work session will be held on October 29th.
- B. COMMUNICATION FROM THE LAW DEPARTMENT – Ms. Jones informed the Planning Commission that the Law Department had received an appeal pertaining to the Planning Commission's decision on PLAN 2015-93F: ASHLAND PARK, INC., SUBDIVISION, NO. 12, LOT 3 (AMD) for property located at 508 Clinton Road.

VII. STAFF ITEMS

- A. COMMUNICATION FROM THE STAFF – Mr. Martin informed the Planning Commission that the Division of Engineering had sent word that DP 2015-55: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM) & BURKE, HOCKENSMITH & MAGGARD PROPERTY, UNIT 5 (AMD.) – the property located at 2151 and 2221 Georgetown Road does have a land disturbance permit for the fill associated with Citation Boulevard. The Chair asked if this is a temporary permit, to which Mr. Martin said that that information was noted on the permit.

VIII. AUDIENCE ITEMS – There were none.

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

IX. NEXT MEETING DATES

Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) October 28, 2015
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers **October 22, 2015**
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) November 5, 2015
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)..... November 5, 2015
Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers..... **November 12, 2015**

X. ADJOURNMENT - There being no further business, the Chair adjourned the meeting at 2:50 PM.

Mike Owens, Chair

Will Berkley, Secretary

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

October 8, 2015

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

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

Planning Staff members present – Acting Director James Duncan; 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; Jeff Neal, Division of Traffic Engineering; Captain Greg Lengal, Division of Fire and Emergency Services and Tracy Jones, Department of Law.

- II. **APPROVAL OF MINUTES** – The minutes of the August 13, 2015, meeting will be considered by the Planning Commission at this time, as well as a portion of the September 10, 2015, meeting (CT 2015-1).

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 10-0 (Smith absent) to approve the minutes of the August 13, 2015, meeting, as well as a portion of the September 10, 2015, meeting (CT 2015-1).

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

- a. PLAN 2015-106F: DISTILLERY DISTRICT WEST, UNIT 1 (PENDERY FINANCIAL, LLC PROPERTY) (11/29/15)*- located at 1151 Manchester Street. (Council District 2) **(2020 Land Surveying)**

The Subdivision Committee Recommended: **Postponement**, due to the lack of sanitary sewer service.

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 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 maintenance note per Art. 5-4(g).
10. Denote effective date of floodplain map information.
11. Denote flood protection elevation on plat to the approval of Water Quality.
12. Correct plan title.
13. Revise Urban County Engineer's certification.
14. Discuss dedication of right-of-way and possible improvements.
15. Discuss sanitary sewer service and possible waiver request.
16. Discuss certifications per possible need for waiver.

Representation – Justin Drury, 2020 Land Surveying, was present representing the applicant, and requested postponement of PLAN 2015-106F: DISTILLERY DISTRICT WEST, UNIT 1 (PENDERY FINANCIAL, LLC PROPERTY) to the November 12, 2015, Planning Commission meeting.

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

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy and carried 10-0 (Smith absent) to postpone PLAN 2015-106F: DISTILLERY DISTRICT WEST, UNIT 1 (PENDERY FINANCIAL, LLC PROPERTY) to the November 12, 2015, Planning Commission meeting.

- b. DP 2015-30: HIGH POINT SUBDIVISION (MONON, INC.) (10/815)* - located at 1123 Winchester Road. (Council District 5) **(Myke Robbins)**

Note: The applicant had requested that this previously postponed item be given consideration by the Commission. The Planning Commission postponed this item at their September 10, 2015, meeting, due to lack of representation by the applicant.

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

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

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

1. Urban County Engineer's acceptance of drainage, 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.
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.

Representation – Myke Robbins was present representing the applicant, and requested postponement of DP 2015-30: HIGH POINT SUBDIVISION (MONON, INC.) to the October 22, 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. Penn, seconded by Ms. Richardson and carried 10-0 (Smith absent) to postpone DP 2015-30: HIGH POINT SUBDIVISION (MONON, INC.) to the October 22, 2015, Planning Commission meeting.

- c. PLAN 2015-67P: COPPER CREEK SUBDIVISION (10/8/15)* - located at 1850 Old Higbee Mill Road (a portion of).
(Council District 9) **(EA Partners)**

Note: The Planning Commission postponed this item at their August 13, 2015 and September 10, 2015, meetings.

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 Wyndham 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 – Chris Clendenen, attorney, was present representing the applicant, and requested postponement of PLAN 2015-67P: COPPER CREEK SUBDIVISION to the October 22, 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.

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

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 10-0 (Smith absent) to postpone PLAN 2015-67P: COPPER CREEK SUBDIVISION to the October 22, 2015, Planning Commission meeting.

- d. PLAN 2015-107F: WILLIAM SHELY SUBDIVISION, UNIT 1, BLOCK A, LOT 2 & UNIT 2 (11/29/15)*- located at 435 West New Circle Road. (Council District 1) **(Endris Engineering)**

Note: The purpose of this amendment is to reduce the building line of the property from 65' to 55'.

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. Correct floodplain location in north corner of property.
7. Delete 65' building line information depicted.
8. Correct cabinet and slide information (on subject lot).
9. Increase font size of plan notes & certification on plan.
10. Update street cross-section information.

Staff Comments – Mr. Martin said that the staff had been contacted by the applicant, requesting to withdraw PLAN 2015-107F: WILLIAM SHELY SUBDIVISION, UNIT 1, BLOCK A, LOT 2 & UNIT 2. Mr. Sallee said that the staff had received the email correspondence just prior to today's meeting from the applicant's engineer.

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

Action - A motion was made by Ms. Mundy, seconded by Ms. Plumlee and carried 10-0 (Smith absent) to withdraw PLAN 2015-107F: WILLIAM SHELY SUBDIVISION, UNIT 1, BLOCK A, LOT 2 & UNIT 2.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, October 1, 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, Cheryl Galt, Denice Bullock, Kelly Hunter and Dave Jarman, as well as Lieutenant Joshua Thiel, 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.

- Criteria:**
- (1) the Subdivision Committee recommendation is for approval, as listed on this agenda; and
 - (2) the Petitioner is in agreement with the Subdivision Committee recommendation and the conditions listed on the agenda; and
 - (3) no discussion of the item is desired by the Commission; and
 - (4) no person present at this meeting objects to the Commission acting on the matter without discussion; and
 - (5) the matter does not involve a waiver of the Land Subdivision Regulations.

- Requests can be made to remove items from the Consent Agenda:**
- (1) due to prior postponements and withdrawals,
 - (2) from the Planning Commission,
 - (3) from the audience, and
 - (4) from Petitioners and their representatives.

At the request of the Chair, Mr. Sallee identified the following items appearing on the Consent Agenda, and oriented the Commission to the location of these items on the regular Meeting Agenda. He noted that the Subdivision Committee had recommended conditional approval for these items listed. (A copy of the Consent Agenda is attached as an appendix to these minutes).

1. PLAN 2015-102P: TUSCANY, UNIT 10 (11/29/15)*- located at 2625 Sir Barton Way and 1970 Winchester Road (a portion of). (Council District 6) **(EA Partners)**

Note: The purpose of this amendment is to revise a street cross-section and notes #14 & #15.

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

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping.
 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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
2. PLAN 2015-103F: WILLIAMS PROPERTY, LOT 1 (11/29/15)*- located at 3400 Todds Road.
(Council District 7) **(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.
 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 note #5, to the approval of the Division of Engineering.
 9. Denote Planning Commission approval of waiver and access easement on plan.
 10. Denote that LFUCG shall not be responsible for maintenance of private storm sewers and easements.
3. PLAN 2015-104F: HAMBURG PLACE B-5P & B-6P AREA HIGHWAY COMMERCIAL (LOTS 10, 11 & 12) (AMD) (11/29/15)*- located at 2277 War Admiral Way. (Council District 6) **(Vision Engineering)**

Note: The purpose of this amendment is to subdivide Lot 12 into two lots and amend the boundaries of Lot 10.

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. Clarify engineer's certification to match Land Subdivision Regulations, to the approval of the Division of Engineering.
4. PLAN 2015-105F: PATCHEN WILKES TOWNHOMES (11/29/15)*- located at 2101 Patchen Lakes Lane.
(Council District 6) **(Eagle Engineering)**

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. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 9. Denote Amended Final Development Plan for townhomes' certification prior to plat recordation for Lots 1-8.
 10. Denote Board of Adjustment's Administrative Appeal approval (A-2015-56).
5. PLAN 2013-98F: MASTERTON HILLS, UNIT 1-C (12/22/15)* - located at 3000 Spurr Road.
(Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on September 12, 2013 and extended its approval on September 11, 2014, 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.

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

5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Provide flood protection elevation note to the approval of the Division of Engineering.
10. Denote "3' drainage easement maintenance responsibility for 10' cemetery lot proposed."
11. Indicate driveway location on corner lots to the approval of Traffic Engineering.
12. Addition of cemetery lot to this plat prior to certification, denoting cemetery protection required by Art. 3-7(b)(1), (2), (5), (6) & (7) of the Zoning Ordinance.
13. Denote on the plan a 5' side yard setback and a 4' fence height restriction on Lots 107 and 108 adjacent to the cemetery lot, prior to certification.

Note: The Commission's approval has since expired. The applicant now requests a reapproval for this Final Record Plat.

The Subdivision Committee Recommended: **Reapproval**, subject to the original conditions listed on today's agenda.

6. DP 2015-38: MASTERTON STATION CENTER, (CITATION VILLAGE) (AMD) (10/8/15)* - located at 2601 Leestown Road.
(Council District 2) **(EA Partners)**

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. 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. 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. Resolve compliance with stream mitigation as required by the Engineering Manuals.

7. DP 2015-90: MARATHON OIL CO. (SPEEDWAY SUPER AMERICA, LLC) (AMD) (11/29/15)* - located at 140 Mercer Road.
(Council District 2) **(McBride Dale)**

Note: The purpose of this amendment is to add a fueling station for commercial trucks behind the existing gas station and convenience store.

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. 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. Restore and clarify all information for convenience store and site from previous plan.
11. Denote property description of adjoining Lot 2.
12. Reduce size of landscape island at northeast corner of convenience store to place it outside of easement.
13. Denote tree protection area as identified on current development plan.
14. Revise dimensions of storage shed to include gross area.
15. Resolve pedestrian access to Lot 2.
16. Resolve stormwater detention necessary for the proposed use.
17. Resolve 52' wide apron onto Mercer Road from convenience store lot.

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

8. DP 2015-92: THE CHURCH OF THE GOOD SHEPHERD (AMD) (1/21/15)* - located at 533 East Main Street.
(Council District 3) **(Design Works)**

Note: The purpose of this amendment is to relocate the Columbarium on the site.

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. Addition of record plat information.
9. Identify exact locations of street cross-sections.
10. Label detention basin located along Main Street.
11. Label existing utility easements.
12. Correct note #6 making reference to Chapter 16 of the Code of Ordinance.
13. Correct spelling error in Owners' Certification.
14. Dimension Columbarium Garden.
15. Delete note #13.
16. Review by Technical Committee prior to plan certification.

In conclusion, Mr. Sallee said that the items identified on the Consent Agenda could be considered for approval at this time by the Commission, unless there was a request for an item to be removed from consideration by a member of the Commission, or the audience, in order to permit further discussion.

Consent Agenda Discussion – The Chair asked if anyone in the audience or on the Commission desired further discussion of any of the items listed on the Consent Agenda. Mr. Kevin Murphy requested that DP 2015-92 be removed from the Consent Agenda for further discussion.

Commission Comments – The Chair indicated that a request had been made to remove DP 2015-92 for further discussion, and noted that PLAN 2015-107F had been withdrawn (earlier), at the applicants request.

Action - A motion was made by Mr. Brewer, seconded by Ms. Richardson and carried 10-0 (Smith absent) to approve the items listed on the Consent Agenda, as recommended by the Subdivision Committee, removing DP 2015-92.

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

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

1. FINAL SUBDIVISION PLANS

- a. PLAN 2013-122F: SOUTHEND PARK, UNIT 1, SECTION 1 (1/26/15)* - located in the 700 & 800 blocks of De Roode Street. (Council District 3) **(Hall-Harmon Engineers)**

Note: The Planning Commission approved this plan at their November 14, 2013 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.

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

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: Lots 1-4 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. Complete owners' certification information per the Land Subdivision Regulations.
11. Provided the Planning Commission grants a waiver to Articles 4-7(d)(1) and 4-7(d)(9) of the Land Subdivision Regulations.
12. Review by Technical Committee prior to plan certification.

Note: The Planning Commission approved a one-year extension on October 9, 2014, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission; and then on March 13, 2014, the Commission also approved the requested waivers to the Land Subdivision Regulations, for these reasons:

1. Not granting the waivers would constitute an exceptional hardship for the applicant by impeding the development of the affordable housing component of the project.
2. Granting the waivers will not negatively impact public health and safety, as the completion of the public improvements will be completed; and warranties on the improvements will be provided by the standard contractual procedures utilized and required by the applicant.
3. Granting the waivers complies with 1-5(c) of the Land Subdivision Regulations that encourages waivers that facilitate infill and redevelopment projects.

Note: Section 1 of this plat (for lots 1-4) was recorded on March 17, 2014. The LFUCG Division of Engineering now requests a reapproval for the unrecorded (Section 2) of this plat.

The Staff Recommended: **Reapproval for the unrecorded Unit 1-B, Section 2 of this plat**, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission.

Staff Presentation – Mr. Martin directed the Commission's attention to Southend Park, Section 1, Unit 1 (the parent plat), also known as the Newtown Pike Corridor Extension project, located in the 700 & 800 blocks of De Roode Street. He directed the Commission's attention to a rendering of this plat to orient them to the location of the subject property and the nearby street system. He noted that the Planning Commission approved this plan at their November 14, 2013 meeting, as well as approved a one-year extension on October 9, 2014. Now the LFUCG Division of Engineering, along with the Kentucky Transportation Cabinet, has requested a reapproval for the unrecorded Unit 1-B, Section 2 of this plat.

Mr. Martin said that there is a waiver associated with this request, which involves the engineer's certification. He explained that the State of Kentucky is using Hall-Harmon, who prepared the plat; but they did not design or inspect the infrastructure and cannot sign the typical certification. What evolved from this issue was a modified engineer's certification that was acceptable to all parties involved.

Mr. Martin said that the staff is recommending reapproval for the unrecorded Unit 1-B, Section 2 of this plat, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission. He added that the project engineers were not present.

Planning Commission Questions – The Chair asked, since the waivers have already been approved by the Commission, if those needed to be reflected in the motion. Mr. Martin replied affirmatively.

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

Action - A motion was made by Mr. Cravens, seconded by Mr. Brewer, and carried 10-0 (Smith absent) to reapprove the unrecorded Unit 1-B, Section 2 of this plat, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission for PLAN 2013-122F: SOUTHEND PARK, SECTION 1, UNIT 1.

- b. PLAN 2011-8F: DENTON FARM, INC. UNIT 4-A, BLK J, LOTS 26-30; BLK L, LOTS 31-35 (AMD) (12/30/15)* -
located on Weston Park. (Council District 7) **(Strand Associates)**

Note: The purpose of this amendment is to create one new lot and add new easements. The Planning Commission approved this plan at their February 10, 2011, 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 required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.

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

6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Denote: This property shall be developed in accordance with the approved final development plan.
8. Correct adjacent property information per the most recent plat.
9. Correct purpose of amendment note.
10. Addition of exaction information to the approval of the Division of Planning.
11. Denote that no building permits will be issued on lots 29, 30, 34, 34A and 35 until an easement minor plat is recorded, or document easement release.
12. Document that the additional sewer taps have been installed for the new lot to the approval of the Division of Engineering.
13. Correct plan title.
14. Recordation of this plan prior to the recording of PLAN 2011-7F: Denton Farm, Inc., Unit 1-G.
15. Delete note #14 (references lot not part of this plat).
16. Delete note #15.

Note: The Commission's approval has since expired. The applicant now requests a reapproval for this Final Record Plat.

The Staff Recommends: **Reapproval**, subject to the original conditions listed on today's agenda.

Staff Presentation – Ms. Gallt introduced the final record plat for Denton Farm, Inc., Unit 4-A, Block J, Lots 26-30; Block L, Lots 31-35, located on Weston Park. She directed the Commission's attention to a rendering of this plat to orient them to the location of the subject property and the nearby street system. She indicated that the subject property is located off Richmond Road near the T-intersection of Weston Park and Ellerslie Park.

Ms. Gallt explained that the Planning Commission previously approved this plan at their February 10, 2011, meeting, subject to the conditions listed on today's agenda. She said that, at that time, the applicant had requested to increase the number of lots by one on the eastern side only, creating a total of six lots. She then said that the Commission's approval has since expired, and now the applicant is requesting a reapproval for this Final Record Plat.

Ms. Gallt said that the staff is recommending reapproval of this request, subject to the original conditions listed on today's agenda.

Planning Commission Questions – Mr. Penn asked for clarification to condition #15. Ms. Gallt explained that the applicant has made reference to a note from a different plat, and that note will need to be removed prior to the plan being certified.

The Chair asked if the applicant had anything further to add. Mr. Barlow, developer, responded that he did not.

Action - A motion was made by Ms. Richardson, seconded by Mr. Cravens, to reapprove PLAN 2011-8F: DENTON FARM, INC. UNIT 4-A, BLK J, LOTS 26-30; BLK L, LOTS 31-35 (AMD), subject to the original conditions listed on today's agenda.

Discussion of Motion – Ms. Mundy asked if documentation of the Division of Water Quality's approval of the Capacity Assurance Program requirements should be added. Mr. Sallee explained that this request is located in the Expansion Area 2; and under the Capacity Assurance Program, that entire Expansion Area is exempt from the program requirements because so much of the infrastructure is already in place.

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

The motion carried 10-0 (Smith absent).

2. DEVELOPMENT PLANS

- a. DP 2015-55: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM) & BURKE, HOCKENSMITH & MAGGARD PROPERTY, UNIT 5 (AMD.) (10/8/15)*- located at 2151 and 2221 Georgetown Road.
(Council District 2) **(Arnold Consulting)**

Note: The Planning Commission postponed this item at their July 9, 2015; August 13, 2015, and September 10, 2015, meetings. 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 availability 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.

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

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

Staff Presentation – Mr. Sallee directed the Commission's attention to Bluegrass Business Park, Lot 4 (Pemberton Farm) & Burke, Hockensmith & Maggard Property, Unit 5, located at 2151 and 2221 Georgetown Road. He said that the Planning Commission postponed this item at their July 9, 2015; August 13, 2015, and September 10, 2015, meetings. He then said that, without a request for postponement from the applicant, the deadline for the Commission to consider this request is October 8, 2015.

Mr. Sallee directed the Commission's attention to the photograph on the overhead projector, and briefly explained that the subject property is located at the southeast corner of Citation Boulevard and Georgetown Road. He said that Jaggie Fox Way is a collector street immediately to the west of Georgetown Road, near the railroad tracks. He then said that there is an industrial development immediately to the south of the subject property, and directly across Georgetown Road is Rood and Riddle Equine Hospital. He noted that Rood and Riddle Equine Hospital does have an access point onto Georgetown Road.

Mr. Sallee then directed the Commission's attention to the final development plan rendering, and said that at the center of this proposal there is a small piece of land that is zoned Agricultural Urban that is not part of this development plan. He then said that the development plan encompasses about 35 acres - almost the entirety of the vacant tract that was shown on the photograph. The applicant is proposing a 101,453 sq. ft, 35' tall industrial building that will have 143 parking spaces in the northern part of the site. He said that there would be a customer service area oriented toward Jaggie Fox Way, as well as large areas that would be used for the recycled asphalt and heavy duty concrete proposed for the trucks and the equipment parking. He said that the eastern third of the property is not currently being proposed for development, even though there is a proposed access to Georgetown Road directly across from the Rood and Riddle Equine Hospital.

Mr. Sallee directed the Commission's attention to the rendering for DP 2012-111: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM & BURKE, HOCKENSMITH & MAGGARD, UNIT 5 and explained that, at the December 13, 2012, meeting, the Commission had approved a development plan to construct a 7,300 sq. ft. building, along with 122 parking spaces. He said that, when comparing DP 2012-111 and DP 2015-55, the development approved on Lot 4 generally coordinates with this current proposal; but the 2012 version is less intense than today's version. In addition, the 2012 version had proposed to develop the corner of this property and provide for vehicular access off of Georgetown Road. He said the applicant had proposed to provide access to the subject property by way of two 60' access easements that connect from Georgetown Road and the rear of the site, which is gated. He explained that the 2012 version is just under 20 acres in size, so the balance then leaves an additional 15 acres where there was more speculative development proposed at that time. He said that the Planning Commission did approve DP 2012-111 on December 13, 2012; however, the applicant did not certify this plan within the one-year time allowed, and it has since expired. He then said that, in looking at the current proposal, the 2012 access easements have been removed; and there is no more speculative development for the 15 acres that fronts on Georgetown Road.

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

Mr. Sallee said that the Subdivision Committee had recommended postponement of this request, because the applicant had still not clarified the availability of sanitary sewer service to the proposed development, as required by the Capacity Assurance Program requirements, nor had they resolved the access proposed to the future lots. He explained that the subject property sits on a ridge and is located at the edge of two sanitary sewer banks. He said that at the Subdivision Committee meeting, it had been discussed that one of these banks had a very low to near zero capacity, while the other bank did have available capacity. He then said that there was an issue as to which way the sewage would flow from this development and as to whether or not there was capacity in the system for that sewage. Mr. Sallee said that to the staff's knowledge that question has not been answered since the Subdivision Committee meeting in July of this year.

Mr. Sallee circulated a number of email correspondences from the staff, (dated June 29th, June 30th, July 1st, July 8th, July 9th, August 12th, September 9th and September 30th), and explained that the staff had repeatedly contacted the applicant concerning these development plans issues, but has not been able to obtain any answers from the applicant. As a result, the staff would offer a revised recommendation of disapproval of this plan, for the following reasons.

1. The proposed development plan does not address significant concerns with the applicant's ability to provide the required public infrastructure, including sanitary sewer service to the site. There is a question as to whether there is compliance with the Capacity Assurance Program for this proposed development.
2. Stormwater Management measures due to the Royal Spring Aquifer protection area have not been addressed by this amended development plan.
3. Access to Georgetown Road, including any necessary public improvements, are far less detailed than those for the current development plan, approved previously for this location.
4. The applicant currently operates a similar, but smaller facility in an I-2 Zone, and the proposed development plan has not clarified all of its intended uses on the subject property to insure compliance with the existing I-1 Zoning of most of the subject property.
5. Under Article 21-7(e) of the Zoning Ordinance, the Commission may disapprove this amendment since the uncertainties listed above will "adversely affect the public health safety and welfare" and will "alter the essential character of the development as originally approved."

Mr. Sallee gave a brief summary of each of the above reasons, and said that with the uncertainty of the plan and the loss of the access that was originally proposed in 2012, the staff is comfortable with their recommendation. He continued noting that the staff can answer any questions regarding the staff recommendation or about this final record plat listed on today's agenda.

Planning Commission Questions - Mr. Penn asked if the fill dirt is still on the subject property in front of Rood and Riddle Equine Hospital. Mr. Sallee said that on his last site visit, there was a stock piling of dirt on the site before the roadway was opened. It's the staff's understanding that dirt is associated with the road project, and he believes the dirt is still present there. Mr. Penn said that during the Subdivision Committee meeting, there was a discussion regarding moving the fill dirt. He asked, if the Commission were to accept the staff recommendation of disapproval, if the pile of dirt will remain there until the property is developed. Mr. Sallee responded that the staff is unsure. Mr. Penn said that it should be noted somehow, because to just to walk away from this problem would create an eyesore. Mr. Sallee said that Mr. Newman was not aware of any answer to this question.

Petitioner Presentation - The Chair asked if the applicant or their representation was present. Mr. Sallee responded negatively.

Discussion - The Chair said that he was at Rood and Riddle Equine Hospital, and there is a good 20' elevation of fill dirt with trucks coming and going from that location. He then said that he appreciates Mr. Penn's thoughts. It's concerning, and would appreciate any answers on this issue. He added one of the reasons for disapproval is the protection of the Royal Springs Aquifer and the fill dirt could impact that spring.

Mr. Sallee said that the LFUCG staff believes that the origin of the dirt is from the road project and it is under the negotiations with a State entity of the Transportation Cabinet, which is why the Urban County Government staff is not aware of its future or what those agreements require. The Chair asked if it is possible to get those answers without holding up the staff's recommendation of disapproval. Mr. Sallee said that, regardless of how the Commission acts on this plan, the staff can certainly pursue that and try to find out that information. He then said that they can ask the MPO staff to make contact with the Transportation Cabinet for this information.

Mr. Penn pointed out that dirt does not stay dirt, and the area is unsightly as it is. It will become a mess once the weeds take hold. He said that, if it is possible, this should be investigated; and if it's the responsibility of the State, then the State should take care of it. He then said that he doubts that there is a permit to dump that dirt, considering that the Subdivision Committee was told that it would be a temporary situation; but it is still there.

Ms. Plumlee asked if Code Enforcement could pursue this problem. Mr. Sallee responded that he is not sure, and said that these types of situations do pop up from time to time. He then said that there are rules as to whether or not the problem occupies an acre or more of land; and if it is over an acre, then significant State regulations would kick in.

Action - A motion was made by Mr. Wilson, seconded by Ms. Richardson and carried 10-0 (Smith absent) to disapprove DP 2015-55: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM) & BURKE, HOCKENSMITH & MAGGARD PROPERTY, UNIT 5 (AMD), for the reasons provided by the staff.

- b. DP 2015-92: THE CHURCH OF THE GOOD SHEPHERD (AMD) (1/21/16)* - located at 533 East Main Street. (Council District 3) **(Design Works)**

Note: The purpose of this amendment is to relocate the Columbarium on the site.

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. Addition of record plat information.
9. Identify exact locations of street cross-sections.
10. Label detention basin located along Main Street.
11. Label existing utility easements.
12. Correct note #6 making reference to Chapter 16 of the Code of Ordinance.
13. Correct spelling error in Owners' Certification.
14. Dimension Columbarium Garden.
15. Delete note #13.
16. Review by Technical Committee prior to plan certification.

Staff Presentation – Mr. Hunter directed the Commission's attention to the development plan for Church of the Good Shepard, located at 533 East Main Street. He said that the subject property is near downtown, at the intersection of Bell Court and Sayre Avenue. He then said that the purpose of this amendment is to relocate the previously approved Garden Columbarium next to Bell Court.

Mr. Hunter said that the Subdivision Committee recommended approval of this request, subject to the conditions listed on today's agenda. He briefly explained that conditions #1-7 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. He added that this request was filed as a "late plan"; therefore, this item will be placed on the October 28th Technical Committee agenda for their review.

Planning Commission Questions – The Chair asked if the Garden Columbarium is stand-alone or if it is attached to the building. Mr. Hunter explained that the Garden Columbarium is depicted as a detached structure, 4' in height. The fence material will be metal, pavers will be used instead of concrete, and it will open on the side. The Chair then asked if there will be a walkway provided. Mr. Hunter said that the final development plan references the use of stepping stones.

Representation – Mark Arnold, Design Works, was present representing the applicant, and indicated they do not have anything further to add.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. Mr. Kevin Murphy, who lives near the Church, said that even though this was an amended zoning development plan that was approved in 2000, there was no notice sent to the nearby residents for the current request. He gave a brief history of the subject property, and said that in 2000, a zoning development plan was part of the zone change for this property, which showed the Garden Columbarium to be located in the center of the proposed addition and the existing church. He then said that in September 2014, Good Shepherd Church appeared before the Board of Architectural Review for approval for the Garden Columbarium. He added that the BOAR does not consider the use issue - only aesthetic issues, so they granted approval of the applicant's request.

Mr. Murphy said that in July 2014, Good Shepherd Church advertised in their newsletter that a ground-breaking service would be held in August; subsequently, in September, the demolition began, removing the existing trees and shrubs. He then said that no permits were issued for the demolition, nor was there Board of Adjustment approval sought; but it's his understanding that there is an application that has been filed with the staff. Mr. Murphy said that he consulted Councilmember Gibbs, who had no knowledge of this request; and he also found that there were no permits issued for the demolition. He then said that he received an email correspondence from the Division of Building Inspection informing him that a fence permit was issued, and the applicant was required to file an application with the Board of Adjustment. This would be the first notification to the surrounding neighbors that informed them as to what was going on with this property. He said that, as of today, the fence has been removed, footings have been placed and blocks are in place.

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

Mr. Murphy said that his concern is with the lack of notification on this zoning development plan that was approved 15 years ago, as well as no notification for the Board of Adjustment, if they even filed an application. He asked if this would be considered a "de facto" approval of a conditional use that has not been approved by the Board of Adjustment. He then said that he would request that this application be disapproved, but a more reasonable request would be that this request be postponed. The reasons for the postponement would be due to not having the appropriate permits or the Board of Adjustment's approval. This would allow them to show a good faith effort in the process and procedures that have been set out by the Urban County Government to ensure the protection of the rights of the citizens of the community.

Planning Commission Questions – Mr. Cravens asked if Mr. Murphy is against what the Church is proposing. Mr. Murphy said that he is not against the idea of a Columbarium, and he understands that they are a great service to the community and a wonderful fundraiser, but his concern is the relocation of the structure from the center of the property, to along the frontage of Bell Court due to the safety issue it would create.

Staff Rebuttal – Mr. Martin said that he is not speaking on behalf of the Church concerning the permit issue; but he wanted to make it clear to the Planning Commission that this request is for a Final Development Plan, which had expired, and that is the reason this plan is in front of the Commission for reapproval. He then said that there is no notification requirement on a Final Development Plan, so no notice was sent out to the surrounding community. He added that this request was approved by the Board of Adjustment; and the conditions imposed by the BOA shown were on the overhead, as well as recorded on the Land Use Certificate (C-00-113). He said that condition #6 states "*That the action of the Board be noted on the Final Development Plan for the subject property submitted for Planning Commission approval.*" He then said that the Commission has the authority to amend this plan, as well as approve this plan; it does not need to return to the Board of Adjustment for approval. Mr. Martin repeated that notification is not required on a Final Development Plan.

Planning Commission Question – The Chair clarified that the Commission's approval on this Final Development Plan had expired, and now the applicant has requested to relocate the Garden Columbarium, as well. Mr. Martin replied affirmatively, and said that amending the plan allows the Commission to grant the reapproval.

The Chair confirmed that the Board of Adjustment had already granted approval on this request, to which Mr. Martin replied affirmatively. Mr. Sallee added, that in speaking with Mr. Emmons, who is the primary staff member for the Board of Adjustment cases, the Board did approve the Garden Columbarium in 2000; and in reviewing the Land Use Certificate, condition #1 states: "*That the property be developed according to the submitted application and site plan, or as amended by the Urban County Planning Commission.*" He then said that the words "site plan, or as amended by the Urban County Planning Commission" is the reason there is not an application for another conditional use permit for the Columbarium relocation. It's strictly a development plan issue.. He then said that there will not be need for a new conditional use permit for this property concerning the Garden Columbarium.

Mr. Penn asked if the fact that a permit was not obtained for demolition is germane to this conversation. Mr. Martin said that permits are required, plans do expire and not everyone is sophisticated about that sort of thing. He then repeated that he is not speaking on behalf of the applicant and why they took the actions as they did; but they did speak with the staff about the situation, and they were informed that the plan needed to be approved. They were told they should go ahead and amend the location of the Garden Columbarium on the Final Development Plan, which is what the applicant had done. He said that, since Phase II of this project has not been built, by having the plan reapproved the applicant is able to retain the Phase II portion of this project.

Representation Rebuttal – Mr. Arnold said that they were approved by, and received a Certificate of Appropriateness from the BOAR in 2014. At that time, the Church had no intention to build Phase II; but, unfortunately, when the development plan was submitted, the Garden Columbarium was associated with the Phase II portion of the development. He added that subsequent to 2000, the church had a need for the Columbarium. He explained that the Columbarium is a garden wall and a fence, and it is within the Church's right to build a small garden wall in their side yard as long as it is appropriate with the Board of Adjustment. He said that, once they met with the Division of Planning staff and talked to them about the procedure, it appeared that it was best to apply for a fence and wall permit to allow the construction of the garden, pavers, wall and the landscaping to begin. He then said that this would allow them to have a lag time for several months before the actual insertion of the metal niche went into the wall; and this is why they are presenting this application to the Commission for their consideration.

Mr. Arnold said that they did obtain a permit for the fence and garden wall, and they have obtained a permit to allow the construction that has been done. He then said that they need the Planning Commission's approval to relocate the Columbarium within that wall.

Planning Commission Question – Mr. Penn asked if the Church services can be contained to inside the property and not impact Bell Court. Mr. Arnold said that the space that will be enclosed for the Columbarium will not be appropriate for a large group of people; it will be more for smaller, more intimate gatherings, so the larger services will always be held within the Church sanctuary. Mr. Penn then asked if they see Bell Court being impacted. Mr. Arnold said that Bell Court will not be impacted any more than what it already is from the functions that are held in this area.

The Chair asked where the original Columbarium was located. Mr. Arnold directed the Commission's attention to the rendering to illustrate the location of the Columbarium, and said that it was attached to the Phase II portion of this development plan; and had the word "Columbarium" not been used, but named as an outside element, they would not need to present this request to the Commission. He then said that the Church has no future plans to build the Phase II portion at this time, but they do have a need to build the Columbarium. He added that, due to a number of concerns, the original location of the Columbarium was not suitable. This is why they submitted their application to the BOAR and were granted approval.

Opposition Rebuttal – Mr. Murphy indicated that it seems that he has received conflicting information from the different agencies, and said that even though the Land Use Certificate is shown on the overhead, he is still confused with how, what was originally submitted as a zone change in 2000 to allow a conditional use, would not go back to the Board of Adjustment. He then said that if this application was submitted to the BOA, it would trigger the notification to be sent out to the residents, showing that they want to amend or change the conditional use on this property. He then said that the Planning Commission cannot amend or change the conditional use on this property; and, to him, this is a "de facto" change with regard to what is happening and this concerns him. Mr. Murphy said he was very unclear as to why there is not requirement for an appeal to the Board of Adjustment.

The Chair said that this property has been to the Board of Adjustment and was granted approval for this use. He then said that, under the first condition listed on the Land Use Certificate, it states that the Planning Commission may amend this site plan, if necessary. Mr. Saltee responded in agreement, and said that the use had been approved by the BOA, and the Planning Commission does have the ability to change its location on the site through the language noted the first condition of the BOA's approval. Mr. Murphy indicated that he was unaware of that, and said that no notice was sent out. The Chair said that notice is not required for Final Development Plans. Ms. Jones said that under the Zoning Ordinance there is no notice provision, which is why no notice was required for this application. Mr. Murphy requested that the Planning Commission either disapprove this application or relocate the Columbarium back to its original location.

Planning Commission Question - The Chair asked for a brief summary of the applicant's design schematics. Mr. Arnold acknowledged the request, and explained the conceptual design of the building, and the layout of the outside garden area, as well as what materials will be used for the Columbarium to maintain a view that is appealing.

The Chair asked if Mr. Murphy had any comments regarding the explanation of the design schematic. Mr. Murphy said that Mr. Arnold is a landscape architect, but he is a licensed architect in the State of Kentucky and he is having a little bit of trouble with Mr. Arnold's reasoning that placing the Columbarium on the street would be more private than where it was originally proposed. He then said that he is not prepared to give a full statement since he was not aware of this application until just prior to this meeting, plus he believed there would be a public hearing at the Board of Adjustment. He then said that there have been times when the Church has used Bell Court for its ceremonies and rituals, and this has been problematic in the past year on a few occasions. He added that, should the Commission approve this request, he hopes that conditions can be added to address the issue with the use of Bell Court.

Planning Commission Questions – Mr. Drake asked if the Church is in compliance with the Zoning Ordinance and Land Subdivision Regulations. Ms. Jones said that, as far as the Zoning Ordinance requirements, they are not in violation of anything.

Mr. Brewer asked what was allowed or restricted under the current Zoning Ordinance. Ms. Jones said that the conditional use permit does not pertain to what happens on the street, only to the property. Mr. Brewer then asked what Division regulates what happens in the street, adjacent to this property. Mr. Martin said that if the Division of Planning were asked to sign off on a permit, the staff would review their request to ensure that the applicant was in compliance with the approved development plan. He then said that the applicant would be allowed to do whatever the approved development plan allows. He added that the current location of the Columbarium is closer to Main Street, and the applicant is proposing to relocate it next to Bell Court. He said that there will be no access added; and had this plan not expired, this request would have qualified as a minor amendment. He then said that minor amendments are not presented to the Planning Commission, but rather those are subject to only the staff's review. He explained that this request would have been approved for the movement of a structure in an already approved space. He said that had the staff felt there would have been an impact to Bell Court, then the other governmental agencies would have been involved; but for this request, the staff does not see an issue.

Mr. Brewer confirmed that the Planning Commission really does not have anything to say with what happens on Bell Court. Mr. Martin said that they are not allowed to infringe on public right-of-way, any more than someone else is allowed. He then said that the Final Development Plan that was approved on this property does not make any reference to anything other than existing zoning; but it appears that there is more than one principal structure on this property, which would explain the Final Development Plan. He added that the Final Development Plan does reference the BOA and the BOAR approvals.

Mr. Penn asked if it is appropriate on a minor amendment to condition the use of the street. Mr. Martin replied negatively, and said that if access was being requested or a change in the existing access, then the Divisions of

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Traffic Engineering and Fire would become involved in such a review. Mr. Penn said that Mr. Murphy had asked if a condition could be added concerning Bell Court, but that would be a whole different issue. Mr. Martin said that Bell Court is public right-of-way, and the Planning Commission's jurisdiction is only over the development plan.

Mr. Cravens indicated that Mr. Murphy was stating that if the Columbarium were on the other side of the building, then Bell Court would not be impacted, which Mr. Murphy confirmed.

Mr. Wilson said that Mr. Murphy noted that there are other activities taking place at the Church that have spilled out onto Bell Court. He then said that the neighborhood should get together with the rector of the Church and explain their concerns with the impact of the activities. The Chair agreed and said that this seems to be more of an issue with Code Enforcement.

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy and carried 10-0 (Smith absent) to approve DP 2015-92, as presented by the staff.

Note: Mr. Brewer departed the meeting.

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

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 9-0 (Brewer and Smith absent) to approve the release and call of bonds as detailed in the memorandum dated October 8, 2015, from Barry Brock, Division of Engineering.

Note: Mr. Brewer arrived at the meeting.

3. DEVELOPMENT PLANS (continued)

- c. DP 2011-41: BLACKFORD PROPERTY, PHASE 1, UNIT 5 & PHASE 3 (AMD) (1/12/16)* - located on Blackford Parkway. (Council District 12) **(EA Partners)**

Note: The Planning Commission approved this plan at their June 23, 2011, meeting, 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. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree protection plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike and 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's approval of emergency access and fire hydrant locations.
10. Provided the Planning Commission makes a finding that the plan is in compliance with the EAMP.
11. Resolve the details of the greenway connection at Lots 391 & 392.
12. Resolve tree preservation area conflict with the EAMP storm water plans (remove T.P.A).
13. Resolve the extent of the sinkhole (identify closed contour area).
14. Denote: No development of Lots 412-416 until Blackford Parkway is constructed.
15. Denote: No vehicular access to Walnut Grove Lane or Deer Haven Lane.

Note: This plan was certified on October 19, 2011. The Planning Commission granted approval of an extension of their previous approval at their October 9, 2014, meeting. They also made a finding, required by Article 4-4(d)(1) of the Land Subdivision Regulations, which states that "progress has been made in the physical construction of improvements" in order to grant that extension.

The applicant now requests approval of a one-year extension for the Preliminary Subdivision Plan portion of this plan.

The Subdivision Committee Recommended: Postponement. There has been no documentation provided by the applicant as to the "progress ... made in the physical construction of improvements" for this development over the past year.

Staff Presentation – Mr. Sallee introduced to the Commission the development plan for Blackford Property, Phase 1, Unit 5 & Phase 3, located on Blackford Parkway. He noted that the staff had provided the Commission a handout to help explain the postponement recommendation made by the Subdivision Committee.

Mr. Sallee directed the Commission's attention to a rendering of this development plan and oriented them to the location of the subject property and the nearby street system. He explained that the property is located at the terminus of Blackford Parkway, which extends westward toward Man o' War Boulevard, and it is immediately north of the most recent zone change on the Clark Property. He said that there is residential housing currently under development on the subject

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

site that is adjacent to the Greenbrier Golf course. Mr. Sallee further explained that this request is for an extension of the prior approval granted for an amended Preliminary Subdivision Plan. The rendering depicts the street and lotting pattern for the remainder of the development, including the open space area along Walnut Grove Lane, as well as the 200' building line that is required by the Zoning Ordinance. He said that even though there is a small section of land that is zoned EAR-2, the land is mostly zoned EAR-1, with a mixture of small and larger lots being proposed overall. He indicated that, since these two zones do not have a minimum lot size, once the land is developed, it will be very difficult to distinguish between the two zones because of how the lots will be integrated together throughout this unit of the subdivision.

Mr. Sallee said that the Planning Commission previously approved this plan at their June 23, 2011, meeting, subject to the conditions listed on today's agenda; and later that same year (October 19th) this plan was certified. He then said that the Planning Commission granted an extension of their previous approval at their October 9, 2014, meeting. He explained that, as part of the Land Subdivision Regulations, the Preliminary Subdivision Plan portion of this plan allows the developer to submit plans to the Division of Engineering for three years; so at the end of 2014, the applicant requested an extension to allow additional time to submit those plans. He then said that the Final Development Plan portion of this plan is good for five years, which has not expired at this time. He added that now the applicant is up against another timeline where they can no longer submit plans to the Division of Engineering for this development, so the applicant is requesting another approval from the Planning Commission for a one-year extension.

Mr. Sallee said that under Article 4-4(d)(1) of the Land Subdivision Regulations, in order for the Planning Commission to grant that extension, the Commission must find that "progress has been made in the physical construction of improvements" over the past year. He then said that, at the time of the Subdivision Committee meeting, no such documentation had been submitted to the staff, and this is what led to the postponement recommendation made by the Committee. He noted that the staff had since received, and today distributed the required documentation to the Commission for their review, showing the progress on the subject property. Staff had also received final record plat filings for the center portion of this site, which indicated that the infrastructure is or soon will be, in place. Mr. Sallee said that the requirement of the Land Subdivision Regulations has been met; and, as such, the staff is now recommending approval of a one-year extension for this plan.

Representation – Rory Kahly, EA Partners, was present representing the applicant. He indicated that they were in agreement with the staff's recommendations, and requested approval of a one-year extension for DP 2011-41.

Planning Commission Questions – Mr. Penn said that had the Committee seen the required documentation, the recommendation would have been different, and asked why the Committee did not see it. Mr. Kahly replied that they have never been asked to show this documentation in the past.

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

Action - A motion was made by Ms. Richardson, seconded by Mr. Drake, to reapprove DP 2011-41, as presented by the staff.

Discussion of Motion – Mr. Wilson asked if this approval was for a one-year extension. Mr. Sallee replied affirmatively and said that that is all that the Land Subdivision Regulations would allow.

Action – An amended motion was made by Ms. Richardson, seconded by Mr. Drake and carried 10-0 (Smith absent) to approve a one-year extension for DP 2011-41, as presented by the staff.

VI. COMMISSION ITEMS

- A. WORK SESSION – Mr. Duncan reminded the Commission members that they do not have a work session October 15th; but according their schedule, the next Planning Commission meeting will be on October 22nd and the next work session will be held on October 29th.
- B. COMMUNICATION FROM THE LAW DEPARTMENT – Ms. Jones informed the Planning Commission that the Law Department had received an appeal pertaining to the Planning Commission's decision on PLAN 2015-93F: ASHLAND PARK, INC., SUBDIVISION, NO. 12, LOT 3 (AMD) for property located at 508 Clinton Road.

VII. STAFF ITEMS

- A. COMMUNICATION FROM THE STAFF – Mr. Martin informed the Planning Commission that the Division of Engineering had sent word that DP 2015-55: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM) & BURKE, HOCKENSMITH & MAGGARD PROPERTY, UNIT 5 (AMD.) – the property located at 2151 and 2221 Georgetown Road does have a land disturbance permit for the fill associated with Citation Boulevard. The Chair asked if this is a temporary permit, to which Mr. Martin said that that information was noted on the permit.

VIII. AUDIENCE ITEMS – There were none.

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

IX. NEXT MEETING DATES

Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) October 28, 2015
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers **October 22, 2015**
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) November 5, 2015
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)..... November 5, 2015
Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers..... **November 12, 2015**

X. ADJOURNMENT - There being no further business, the Chair adjourned the meeting at 2:50 PM.

Mike Owens, Chair

Will Berkley, Secretary

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

October 8, 2015

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

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

Planning Staff members present – Acting Director James Duncan; 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; Jeff Neal, Division of Traffic Engineering; Captain Greg Lengal, Division of Fire and Emergency Services and Tracy Jones, Department of Law.

- II. **APPROVAL OF MINUTES** – The minutes of the August 13, 2015, meeting will be considered by the Planning Commission at this time, as well as a portion of the September 10, 2015, meeting (CT 2015-1).

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 10-0 (Smith absent) to approve the minutes of the August 13, 2015, meeting, as well as a portion of the September 10, 2015, meeting (CT 2015-1).

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

- a. PLAN 2015-106F: DISTILLERY DISTRICT WEST, UNIT 1 (PENDERY FINANCIAL, LLC PROPERTY) (11/29/15)*- located at 1151 Manchester Street. (Council District 2) **(2020 Land Surveying)**

The Subdivision Committee Recommended: **Postponement**, due to the lack of sanitary sewer service.

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 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 maintenance note per Art. 5-4(g).
10. Denote effective date of floodplain map information.
11. Denote flood protection elevation on plat to the approval of Water Quality.
12. Correct plan title.
13. Revise Urban County Engineer's certification.
14. Discuss dedication of right-of-way and possible improvements.
15. Discuss sanitary sewer service and possible waiver request.
16. Discuss certifications per possible need for waiver.

Representation – Justin Drury, 2020 Land Surveying, was present representing the applicant, and requested postponement of PLAN 2015-106F: DISTILLERY DISTRICT WEST, UNIT 1 (PENDERY FINANCIAL, LLC PROPERTY) to the November 12, 2015, Planning Commission meeting.

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

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy and carried 10-0 (Smith absent) to postpone PLAN 2015-106F: DISTILLERY DISTRICT WEST, UNIT 1 (PENDERY FINANCIAL, LLC PROPERTY) to the November 12, 2015, Planning Commission meeting.

- b. DP 2015-30: HIGH POINT SUBDIVISION (MONON, INC.) (10/815)* - located at 1123 Winchester Road. (Council District 5) **(Myke Robbins)**

Note: The applicant had requested that this previously postponed item be given consideration by the Commission. The Planning Commission postponed this item at their September 10, 2015, meeting, due to lack of representation by the applicant.

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

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

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

1. Urban County Engineer's acceptance of drainage, 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.
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.

Representation – Myke Robbins was present representing the applicant, and requested postponement of DP 2015-30: HIGH POINT SUBDIVISION (MONON, INC.) to the October 22, 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. Penn, seconded by Ms. Richardson and carried 10-0 (Smith absent) to postpone DP 2015-30: HIGH POINT SUBDIVISION (MONON, INC.) to the October 22, 2015, Planning Commission meeting.

- c. PLAN 2015-67P: COPPER CREEK SUBDIVISION (10/8/15)* - located at 1850 Old Higbee Mill Road (a portion of).
(Council District 9) **(EA Partners)**

Note: The Planning Commission postponed this item at their August 13, 2015 and September 10, 2015, meetings.

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 Wyndham 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 – Chris Clendenen, attorney, was present representing the applicant, and requested postponement of PLAN 2015-67P: COPPER CREEK SUBDIVISION to the October 22, 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.

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

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 10-0 (Smith absent) to postpone PLAN 2015-67P: COPPER CREEK SUBDIVISION to the October 22, 2015, Planning Commission meeting.

- d. PLAN 2015-107F: WILLIAM SHELY SUBDIVISION, UNIT 1, BLOCK A, LOT 2 & UNIT 2 (11/29/15)*- located at 435 West New Circle Road. (Council District 1) **(Endris Engineering)**

Note: The purpose of this amendment is to reduce the building line of the property from 65' to 55'.

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. Correct floodplain location in north corner of property.
7. Delete 65' building line information depicted.
8. Correct cabinet and slide information (on subject lot).
9. Increase font size of plan notes & certification on plan.
10. Update street cross-section information.

Staff Comments – Mr. Martin said that the staff had been contacted by the applicant, requesting to withdraw PLAN 2015-107F: WILLIAM SHELY SUBDIVISION, UNIT 1, BLOCK A, LOT 2 & UNIT 2. Mr. Sallee said that the staff had received the email correspondence just prior to today's meeting from the applicant's engineer.

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

Action - A motion was made by Ms. Mundy, seconded by Ms. Plumlee and carried 10-0 (Smith absent) to withdraw PLAN 2015-107F: WILLIAM SHELY SUBDIVISION, UNIT 1, BLOCK A, LOT 2 & UNIT 2.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, October 1, 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, Cheryl Galt, Denice Bullock, Kelly Hunter and Dave Jarman, as well as Lieutenant Joshua Thiel, 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.

- Criteria:**
- (1) the Subdivision Committee recommendation is for approval, as listed on this agenda; and
 - (2) the Petitioner is in agreement with the Subdivision Committee recommendation and the conditions listed on the agenda; and
 - (3) no discussion of the item is desired by the Commission; and
 - (4) no person present at this meeting objects to the Commission acting on the matter without discussion; and
 - (5) the matter does not involve a waiver of the Land Subdivision Regulations.

- Requests can be made to remove items from the Consent Agenda:**
- (1) due to prior postponements and withdrawals,
 - (2) from the Planning Commission,
 - (3) from the audience, and
 - (4) from Petitioners and their representatives.

At the request of the Chair, Mr. Sallee identified the following items appearing on the Consent Agenda, and oriented the Commission to the location of these items on the regular Meeting Agenda. He noted that the Subdivision Committee had recommended conditional approval for these items listed. (A copy of the Consent Agenda is attached as an appendix to these minutes).

1. PLAN 2015-102P: TUSCANY, UNIT 10 (11/29/15)*- located at 2625 Sir Barton Way and 1970 Winchester Road (a portion of). (Council District 6) **(EA Partners)**

Note: The purpose of this amendment is to revise a street cross-section and notes #14 & #15.

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

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping.
 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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
2. PLAN 2015-103F: WILLIAMS PROPERTY, LOT 1 (11/29/15)*- located at 3400 Todds Road.
(Council District 7) **(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.
 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 note #5, to the approval of the Division of Engineering.
 9. Denote Planning Commission approval of waiver and access easement on plan.
 10. Denote that LFUCG shall not be responsible for maintenance of private storm sewers and easements.
3. PLAN 2015-104F: HAMBURG PLACE B-5P & B-6P AREA HIGHWAY COMMERCIAL (LOTS 10, 11 & 12) (AMD) (11/29/15)*- located at 2277 War Admiral Way. (Council District 6) **(Vision Engineering)**

Note: The purpose of this amendment is to subdivide Lot 12 into two lots and amend the boundaries of Lot 10.

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. Clarify engineer's certification to match Land Subdivision Regulations, to the approval of the Division of Engineering.
4. PLAN 2015-105F: PATCHEN WILKES TOWNHOMES (11/29/15)*- located at 2101 Patchen Lakes Lane.
(Council District 6) **(Eagle Engineering)**

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. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 9. Denote Amended Final Development Plan for townhomes' certification prior to plat recordation for Lots 1-8.
 10. Denote Board of Adjustment's Administrative Appeal approval (A-2015-56).
5. PLAN 2013-98F: MASTERSON HILLS, UNIT 1-C (12/22/15)* - located at 3000 Spurr Road.
(Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on September 12, 2013 and extended its approval on September 11, 2014, 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.

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

5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Provide flood protection elevation note to the approval of the Division of Engineering.
10. Denote "3' drainage easement maintenance responsibility for 10' cemetery lot proposed."
11. Indicate driveway location on corner lots to the approval of Traffic Engineering.
12. Addition of cemetery lot to this plat prior to certification, denoting cemetery protection required by Art. 3-7(b)(1), (2), (5), (6) & (7) of the Zoning Ordinance.
13. Denote on the plan a 5' side yard setback and a 4' fence height restriction on Lots 107 and 108 adjacent to the cemetery lot, prior to certification.

Note: The Commission's approval has since expired. The applicant now requests a reapproval for this Final Record Plat.

The Subdivision Committee Recommended: **Reapproval**, subject to the original conditions listed on today's agenda.

6. DP 2015-38: MASTERTON STATION CENTER, (CITATION VILLAGE) (AMD) (10/8/15)* - located at 2601 Leestown Road.
(Council District 2) **(EA Partners)**

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. 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. 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. Resolve compliance with stream mitigation as required by the Engineering Manuals.

7. DP 2015-90: MARATHON OIL CO. (SPEEDWAY SUPER AMERICA, LLC) (AMD) (11/29/15)* - located at 140 Mercer Road.
(Council District 2) **(McBride Dale)**

Note: The purpose of this amendment is to add a fueling station for commercial trucks behind the existing gas station and convenience store.

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. 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. Restore and clarify all information for convenience store and site from previous plan.
11. Denote property description of adjoining Lot 2.
12. Reduce size of landscape island at northeast corner of convenience store to place it outside of easement.
13. Denote tree protection area as identified on current development plan.
14. Revise dimensions of storage shed to include gross area.
15. Resolve pedestrian access to Lot 2.
16. Resolve stormwater detention necessary for the proposed use.
17. Resolve 52' wide apron onto Mercer Road from convenience store lot.

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

8. DP 2015-92: THE CHURCH OF THE GOOD SHEPHERD (AMD) (1/21/15)* - located at 533 East Main Street.
(Council District 3) **(Design Works)**

Note: The purpose of this amendment is to relocate the Columbarium on the site.

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. Addition of record plat information.
9. Identify exact locations of street cross-sections.
10. Label detention basin located along Main Street.
11. Label existing utility easements.
12. Correct note #6 making reference to Chapter 16 of the Code of Ordinance.
13. Correct spelling error in Owners' Certification.
14. Dimension Columbarium Garden.
15. Delete note #13.
16. Review by Technical Committee prior to plan certification.

In conclusion, Mr. Sallee said that the items identified on the Consent Agenda could be considered for approval at this time by the Commission, unless there was a request for an item to be removed from consideration by a member of the Commission, or the audience, in order to permit further discussion.

Consent Agenda Discussion – The Chair asked if anyone in the audience or on the Commission desired further discussion of any of the items listed on the Consent Agenda. Mr. Kevin Murphy requested that DP 2015-92 be removed from the Consent Agenda for further discussion.

Commission Comments – The Chair indicated that a request had been made to remove DP 2015-92 for further discussion, and noted that PLAN 2015-107F had been withdrawn (earlier), at the applicants request.

Action - A motion was made by Mr. Brewer, seconded by Ms. Richardson and carried 10-0 (Smith absent) to approve the items listed on the Consent Agenda, as recommended by the Subdivision Committee, removing DP 2015-92.

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

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

1. FINAL SUBDIVISION PLANS

- a. PLAN 2013-122F: SOUTHEND PARK, UNIT 1, SECTION 1 (1/26/15)* - located in the 700 & 800 blocks of De Roode Street. (Council District 3) **(Hall-Harmon Engineers)**

Note: The Planning Commission approved this plan at their November 14, 2013 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.

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

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: Lots 1-4 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. Complete owners' certification information per the Land Subdivision Regulations.
11. Provided the Planning Commission grants a waiver to Articles 4-7(d)(1) and 4-7(d)(9) of the Land Subdivision Regulations.
12. Review by Technical Committee prior to plan certification.

Note: The Planning Commission approved a one-year extension on October 9, 2014, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission; and then on March 13, 2014, the Commission also approved the requested waivers to the Land Subdivision Regulations, for these reasons:

1. Not granting the waivers would constitute an exceptional hardship for the applicant by impeding the development of the affordable housing component of the project.
2. Granting the waivers will not negatively impact public health and safety, as the completion of the public improvements will be completed; and warranties on the improvements will be provided by the standard contractual procedures utilized and required by the applicant.
3. Granting the waivers complies with 1-5(c) of the Land Subdivision Regulations that encourages waivers that facilitate infill and redevelopment projects.

Note: Section 1 of this plat (for lots 1-4) was recorded on March 17, 2014. The LFUCG Division of Engineering now requests a reapproval for the unrecorded (Section 2) of this plat.

The Staff Recommended: **Reapproval for the unrecorded Unit 1-B, Section 2 of this plat**, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission.

Staff Presentation – Mr. Martin directed the Commission's attention to Southend Park, Section 1, Unit 1 (the parent plat), also known as the Newtown Pike Corridor Extension project, located in the 700 & 800 blocks of De Roode Street. He directed the Commission's attention to a rendering of this plat to orient them to the location of the subject property and the nearby street system. He noted that the Planning Commission approved this plan at their November 14, 2013 meeting, as well as approved a one-year extension on October 9, 2014. Now the LFUCG Division of Engineering, along with the Kentucky Transportation Cabinet, has requested a reapproval for the unrecorded Unit 1-B, Section 2 of this plat.

Mr. Martin said that there is a waiver associated with this request, which involves the engineer's certification. He explained that the State of Kentucky is using Hall-Harmon, who prepared the plat; but they did not design or inspect the infrastructure and cannot sign the typical certification. What evolved from this issue was a modified engineer's certification that was acceptable to all parties involved.

Mr. Martin said that the staff is recommending reapproval for the unrecorded Unit 1-B, Section 2 of this plat, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission. He added that the project engineers were not present.

Planning Commission Questions – The Chair asked, since the waivers have already been approved by the Commission, if those needed to be reflected in the motion. Mr. Martin replied affirmatively.

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

Action - A motion was made by Mr. Cravens, seconded by Mr. Brewer, and carried 10-0 (Smith absent) to reapprove the unrecorded Unit 1-B, Section 2 of this plat, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission for PLAN 2013-122F: SOUTHEND PARK, SECTION 1, UNIT 1.

- b. PLAN 2011-8F: DENTON FARM, INC. UNIT 4-A, BLK J, LOTS 26-30; BLK L, LOTS 31-35 (AMD) (12/30/15)* -
located on Weston Park. (Council District 7) **(Strand Associates)**

Note: The purpose of this amendment is to create one new lot and add new easements. The Planning Commission approved this plan at their February 10, 2011, 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 required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.

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

6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Denote: This property shall be developed in accordance with the approved final development plan.
8. Correct adjacent property information per the most recent plat.
9. Correct purpose of amendment note.
10. Addition of exaction information to the approval of the Division of Planning.
11. Denote that no building permits will be issued on lots 29, 30, 34, 34A and 35 until an easement minor plat is recorded, or document easement release.
12. Document that the additional sewer taps have been installed for the new lot to the approval of the Division of Engineering.
13. Correct plan title.
14. Recordation of this plan prior to the recording of PLAN 2011-7F: Denton Farm, Inc., Unit 1-G.
15. Delete note #14 (references lot not part of this plat).
16. Delete note #15.

Note: The Commission's approval has since expired. The applicant now requests a reapproval for this Final Record Plat.

The Staff Recommends: **Reapproval**, subject to the original conditions listed on today's agenda.

Staff Presentation – Ms. Gallt introduced the final record plat for Denton Farm, Inc., Unit 4-A, Block J, Lots 26-30; Block L, Lots 31-35, located on Weston Park. She directed the Commission's attention to a rendering of this plat to orient them to the location of the subject property and the nearby street system. She indicated that the subject property is located off Richmond Road near the T-intersection of Weston Park and Ellerslie Park.

Ms. Gallt explained that the Planning Commission previously approved this plan at their February 10, 2011, meeting, subject to the conditions listed on today's agenda. She said that, at that time, the applicant had requested to increase the number of lots by one on the eastern side only, creating a total of six lots. She then said that the Commission's approval has since expired, and now the applicant is requesting a reapproval for this Final Record Plat.

Ms. Gallt said that the staff is recommending reapproval of this request, subject to the original conditions listed on today's agenda.

Planning Commission Questions – Mr. Penn asked for clarification to condition #15. Ms. Gallt explained that the applicant has made reference to a note from a different plat, and that note will need to be removed prior to the plan being certified.

The Chair asked if the applicant had anything further to add. Mr. Barlow, developer, responded that he did not.

Action - A motion was made by Ms. Richardson, seconded by Mr. Cravens, to reapprove PLAN 2011-8F: DENTON FARM, INC. UNIT 4-A, BLK J, LOTS 26-30; BLK L, LOTS 31-35 (AMD), subject to the original conditions listed on today's agenda.

Discussion of Motion – Ms. Mundy asked if documentation of the Division of Water Quality's approval of the Capacity Assurance Program requirements should be added. Mr. Sallee explained that this request is located in the Expansion Area 2; and under the Capacity Assurance Program, that entire Expansion Area is exempt from the program requirements because so much of the infrastructure is already in place.

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

The motion carried 10-0 (Smith absent).

2. DEVELOPMENT PLANS

- a. DP 2015-55: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM) & BURKE, HOCKENSMITH & MAGGARD PROPERTY, UNIT 5 (AMD.) (10/8/15)*- located at 2151 and 2221 Georgetown Road.
(Council District 2) **(Arnold Consulting)**

Note: The Planning Commission postponed this item at their July 9, 2015; August 13, 2015, and September 10, 2015, meetings. 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 availability 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.

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

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

Staff Presentation – Mr. Sallee directed the Commission's attention to Bluegrass Business Park, Lot 4 (Pemberton Farm) & Burke, Hockensmith & Maggard Property, Unit 5, located at 2151 and 2221 Georgetown Road. He said that the Planning Commission postponed this item at their July 9, 2015; August 13, 2015, and September 10, 2015, meetings. He then said that, without a request for postponement from the applicant, the deadline for the Commission to consider this request is October 8, 2015.

Mr. Sallee directed the Commission's attention to the photograph on the overhead projector, and briefly explained that the subject property is located at the southeast corner of Citation Boulevard and Georgetown Road. He said that Jaggie Fox Way is a collector street immediately to the west of Georgetown Road, near the railroad tracks. He then said that there is an industrial development immediately to the south of the subject property, and directly across Georgetown Road is Rood and Riddle Equine Hospital. He noted that Rood and Riddle Equine Hospital does have an access point onto Georgetown Road.

Mr. Sallee then directed the Commission's attention to the final development plan rendering, and said that at the center of this proposal there is a small piece of land that is zoned Agricultural Urban that is not part of this development plan. He then said that the development plan encompasses about 35 acres - almost the entirety of the vacant tract that was shown on the photograph. The applicant is proposing a 101,453 sq. ft, 35' tall industrial building that will have 143 parking spaces in the northern part of the site. He said that there would be a customer service area oriented toward Jaggie Fox Way, as well as large areas that would be used for the recycled asphalt and heavy duty concrete proposed for the trucks and the equipment parking. He said that the eastern third of the property is not currently being proposed for development, even though there is a proposed access to Georgetown Road directly across from the Rood and Riddle Equine Hospital.

Mr. Sallee directed the Commission's attention to the rendering for DP 2012-111: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM & BURKE, HOCKENSMITH & MAGGARD, UNIT 5 and explained that, at the December 13, 2012, meeting, the Commission had approved a development plan to construct a 7,300 sq. ft. building, along with 122 parking spaces. He said that, when comparing DP 2012-111 and DP 2015-55, the development approved on Lot 4 generally coordinates with this current proposal; but the 2012 version is less intense than today's version. In addition, the 2012 version had proposed to develop the corner of this property and provide for vehicular access off of Georgetown Road. He said the applicant had proposed to provide access to the subject property by way of two 60' access easements that connect from Georgetown Road and the rear of the site, which is gated. He explained that the 2012 version is just under 20 acres in size, so the balance then leaves an additional 15 acres where there was more speculative development proposed at that time. He said that the Planning Commission did approve DP 2012-111 on December 13, 2012; however, the applicant did not certify this plan within the one-year time allowed, and it has since expired. He then said that, in looking at the current proposal, the 2012 access easements have been removed; and there is no more speculative development for the 15 acres that fronts on Georgetown Road.

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

Mr. Sallee said that the Subdivision Committee had recommended postponement of this request, because the applicant had still not clarified the availability of sanitary sewer service to the proposed development, as required by the Capacity Assurance Program requirements, nor had they resolved the access proposed to the future lots. He explained that the subject property sits on a ridge and is located at the edge of two sanitary sewer banks. He said that at the Subdivision Committee meeting, it had been discussed that one of these banks had a very low to near zero capacity, while the other bank did have available capacity. He then said that there was an issue as to which way the sewage would flow from this development and as to whether or not there was capacity in the system for that sewage. Mr. Sallee said that to the staff's knowledge that question has not been answered since the Subdivision Committee meeting in July of this year.

Mr. Sallee circulated a number of email correspondences from the staff, (dated June 29th, June 30th, July 1st, July 8th, July 9th, August 12th, September 9th and September 30th), and explained that the staff had repeatedly contacted the applicant concerning these development plans issues, but has not been able to obtain any answers from the applicant. As a result, the staff would offer a revised recommendation of disapproval of this plan, for the following reasons.

1. The proposed development plan does not address significant concerns with the applicant's ability to provide the required public infrastructure, including sanitary sewer service to the site. There is a question as to whether there is compliance with the Capacity Assurance Program for this proposed development.
2. Stormwater Management measures due to the Royal Spring Aquifer protection area have not been addressed by this amended development plan.
3. Access to Georgetown Road, including any necessary public improvements, are far less detailed than those for the current development plan, approved previously for this location.
4. The applicant currently operates a similar, but smaller facility in an I-2 Zone, and the proposed development plan has not clarified all of its intended uses on the subject property to insure compliance with the existing I-1 Zoning of most of the subject property.
5. Under Article 21-7(e) of the Zoning Ordinance, the Commission may disapprove this amendment since the uncertainties listed above will "adversely affect the public health safety and welfare" and will "alter the essential character of the development as originally approved."

Mr. Sallee gave a brief summary of the each of the above reasons, and said that with the uncertainty of the plan and the loss of the access that was originally proposed in 2012, the staff is comfortable with their recommendation. He continued noting that the staff can answer any questions regarding the staff recommendation or about this final record plat listed on today's agenda.

Planning Commission Questions - Mr. Penn asked if the fill dirt is still on the subject property in front of Rood and Riddle Equine Hospital. Mr. Sallee said that on his last site visit, there was a stock piling of dirt on the site before the roadway was opened. It's the staff's understanding that dirt is associated with the road project, and he believes the dirt is still present there. Mr. Penn said that during the Subdivision Committee meeting, there was a discussion regarding moving the fill dirt. He asked, if the Commission were to accept the staff recommendation of disapproval, if the pile of dirt will remain there until the property is developed. Mr. Sallee responded that the staff is unsure. Mr. Penn said that it should be noted somehow, because to just to walk away from this problem would create an eyesore. Mr. Sallee said that Mr. Newman was not aware of any answer to this question.

Petitioner Presentation - The Chair asked if the applicant or their representation was present. Mr. Sallee responded negatively.

Discussion - The Chair said that he was at Rood and Riddle Equine Hospital, and there is a good 20' elevation of fill dirt with trucks coming and going from that location. He then said that he appreciates Mr. Penn's thoughts. It's concerning, and would appreciate any answers on this issue. He added one of the reasons for disapproval is the protection of the Royal Springs Aquifer and the fill dirt could impact that spring.

Mr. Sallee said that the LFUCG staff believes that the origin of the dirt is from the road project and it is under the negotiations with a State entity of the Transportation Cabinet, which is why the Urban County Government staff is not aware of its future or what those agreements require. The Chair asked if it is possible to get those answers without holding up the staff's recommendation of disapproval. Mr. Sallee said that, regardless of how the Commission acts on this plan, the staff can certainly pursue that and try to find out that information. He then said that they can ask the MPO staff to make contact with the Transportation Cabinet for this information.

Mr. Penn pointed out that dirt does not stay dirt, and the area is unsightly as it is. It will become a mess once the weeds take hold. He said that, if it is possible, this should be investigated; and if it's the responsibility of the State, then the State should take care of it. He then said that he doubts that there is a permit to dump that dirt, considering that the Subdivision Committee was told that it would be a temporary situation; but it is still there.

Ms. Plumlee asked if Code Enforcement could pursue this problem. Mr. Sallee responded that he is not sure, and said that these types of situations do pop up from time to time. He then said that there are rules as to whether or not the problem occupies an acre or more of land; and if it is over an acre, then significant State regulations would kick in.

Action - A motion was made by Mr. Wilson, seconded by Ms. Richardson and carried 10-0 (Smith absent) to disapprove DP 2015-55: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM) & BURKE, HOCKENSMITH & MAGGARD PROPERTY, UNIT 5 (AMD), for the reasons provided by the staff.

- b. DP 2015-92: THE CHURCH OF THE GOOD SHEPHERD (AMD) (1/21/16)* - located at 533 East Main Street. (Council District 3) **(Design Works)**

Note: The purpose of this amendment is to relocate the Columbarium on the site.

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. Addition of record plat information.
9. Identify exact locations of street cross-sections.
10. Label detention basin located along Main Street.
11. Label existing utility easements.
12. Correct note #6 making reference to Chapter 16 of the Code of Ordinance.
13. Correct spelling error in Owners' Certification.
14. Dimension Columbarium Garden.
15. Delete note #13.
16. Review by Technical Committee prior to plan certification.

Staff Presentation – Mr. Hunter directed the Commission's attention to the development plan for Church of the Good Shepard, located at 533 East Main Street. He said that the subject property is near downtown, at the intersection of Bell Court and Sayre Avenue. He then said that the purpose of this amendment is to relocate the previously approved Garden Columbarium next to Bell Court.

Mr. Hunter said that the Subdivision Committee recommended approval of this request, subject to the conditions listed on today's agenda. He briefly explained that conditions #1-7 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. He added that this request was filed as a "late plan"; therefore, this item will be placed on the October 28th Technical Committee agenda for their review.

Planning Commission Questions – The Chair asked if the Garden Columbarium is stand-alone or if it is attached to the building. Mr. Hunter explained that the Garden Columbarium is depicted as a detached structure, 4' in height. The fence material will be metal, pavers will be used instead of concrete, and it will open on the side. The Chair then asked if there will be a walkway provided. Mr. Hunter said that the final development plan references the use of stepping stones.

Representation – Mark Arnold, Design Works, was present representing the applicant, and indicated they do not have anything further to add.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. Mr. Kevin Murphy, who lives near the Church, said that even though this was an amended zoning development plan that was approved in 2000, there was no notice sent to the nearby residents for the current request. He gave a brief history of the subject property, and said that in 2000, a zoning development plan was part of the zone change for this property, which showed the Garden Columbarium to be located in the center of the proposed addition and the existing church. He then said that in September 2014, Good Shepherd Church appeared before the Board of Architectural Review for approval for the Garden Columbarium. He added that the BOAR does not consider the use issue - only aesthetic issues, so they granted approval of the applicant's request.

Mr. Murphy said that in July 2014, Good Shepherd Church advertised in their newsletter that a ground-breaking service would be held in August; subsequently, in September, the demolition began, removing the existing trees and shrubs. He then said that no permits were issued for the demolition, nor was there Board of Adjustment approval sought; but it's his understanding that there is an application that has been filed with the staff. Mr. Murphy said that he consulted Councilmember Gibbs, who had no knowledge of this request; and he also found that there were no permits issued for the demolition. He then said that he received an email correspondence from the Division of Building Inspection informing him that a fence permit was issued, and the applicant was required to file an application with the Board of Adjustment. This would be the first notification to the surrounding neighbors that informed them as to what was going on with this property. He said that, as of today, the fence has been removed, footings have been placed and blocks are in place.

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

Mr. Murphy said that his concern is with the lack of notification on this zoning development plan that was approved 15 years ago, as well as no notification for the Board of Adjustment, if they even filed an application. He asked if this would be considered a "de facto" approval of a conditional use that has not been approved by the Board of Adjustment. He then said that he would request that this application be disapproved, but a more reasonable request would be that this request be postponed. The reasons for the postponement would be due to not having the appropriate permits or the Board of Adjustment's approval. This would allow them to show a good faith effort in the process and procedures that have been set out by the Urban County Government to ensure the protection of the rights of the citizens of the community.

Planning Commission Questions – Mr. Cravens asked if Mr. Murphy is against what the Church is proposing. Mr. Murphy said that he is not against the idea of a Columbarium, and he understands that they are a great service to the community and a wonderful fundraiser, but his concern is the relocation of the structure from the center of the property, to along the frontage of Bell Court due to the safety issue it would create.

Staff Rebuttal – Mr. Martin said that he is not speaking on behalf of the Church concerning the permit issue; but he wanted to make it clear to the Planning Commission that this request is for a Final Development Plan, which had expired, and that is the reason this plan is in front of the Commission for reapproval. He then said that there is no notification requirement on a Final Development Plan, so no notice was sent out to the surrounding community. He added that this request was approved by the Board of Adjustment; and the conditions imposed by the BOA shown were on the overhead, as well as recorded on the Land Use Certificate (C-00-113). He said that condition #6 states "*That the action of the Board be noted on the Final Development Plan for the subject property submitted for Planning Commission approval.*" He then said that the Commission has the authority to amend this plan, as well as approve this plan; it does not need to return to the Board of Adjustment for approval. Mr. Martin repeated that notification is not required on a Final Development Plan.

Planning Commission Question – The Chair clarified that the Commission's approval on this Final Development Plan had expired, and now the applicant has requested to relocate the Garden Columbarium, as well. Mr. Martin replied affirmatively, and said that amending the plan allows the Commission to grant the reapproval.

The Chair confirmed that the Board of Adjustment had already granted approval on this request, to which Mr. Martin replied affirmatively. Mr. Sallee added, that in speaking with Mr. Emmons, who is the primary staff member for the Board of Adjustment cases, the Board did approve the Garden Columbarium in 2000; and in reviewing the Land Use Certificate, condition #1 states: "*That the property be developed according to the submitted application and site plan, or as amended by the Urban County Planning Commission.*" He then said that the words "site plan, or as amended by the Urban County Planning Commission" is the reason there is not an application for another conditional use permit for the Columbarium relocation. It's strictly a development plan issue.. He then said that there will not be need for a new conditional use permit for this property concerning the Garden Columbarium.

Mr. Penn asked if the fact that a permit was not obtained for demolition is germane to this conversation. Mr. Martin said that permits are required, plans do expire and not everyone is sophisticated about that sort of thing. He then repeated that he is not speaking on behalf of the applicant and why they took the actions as they did; but they did speak with the staff about the situation, and they were informed that the plan needed to be approved. They were told they should go ahead and amend the location of the Garden Columbarium on the Final Development Plan, which is what the applicant had done. He said that, since Phase II of this project has not been built, by having the plan reapproved the applicant is able to retain the Phase II portion of this project.

Representation Rebuttal – Mr. Arnold said that they were approved by, and received a Certificate of Appropriateness from the BOAR in 2014. At that time, the Church had no intention to build Phase II; but, unfortunately, when the development plan was submitted, the Garden Columbarium was associated with the Phase II portion of the development. He added that subsequent to 2000, the church had a need for the Columbarium. He explained that the Columbarium is a garden wall and a fence, and it is within the Church's right to build a small garden wall in their side yard as long as it is appropriate with the Board of Adjustment. He said that, once they met with the Division of Planning staff and talked to them about the procedure, it appeared that it was best to apply for a fence and wall permit to allow the construction of the garden, pavers, wall and the landscaping to begin. He then said that this would allow them to have a lag time for several months before the actual insertion of the metal niche went into the wall; and this is why they are presenting this application to the Commission for their consideration.

Mr. Arnold said that they did obtain a permit for the fence and garden wall, and they have obtained a permit to allow the construction that has been done. He then said that they need the Planning Commission's approval to relocate the Columbarium within that wall.

Planning Commission Question – Mr. Penn asked if the Church services can be contained to inside the property and not impact Bell Court. Mr. Arnold said that the space that will be enclosed for the Columbarium will not be appropriate for a large group of people; it will be more for smaller, more intimate gatherings, so the larger services will always be held within the Church sanctuary. Mr. Penn then asked if they see Bell Court being impacted. Mr. Arnold said that Bell Court will not be impacted any more than what it already is from the functions that are held in this area.

The Chair asked where the original Columbarium was located. Mr. Arnold directed the Commission's attention to the rendering to illustrate the location of the Columbarium, and said that it was attached to the Phase II portion of this development plan; and had the word "Columbarium" not been used, but named as an outside element, they would not need to present this request to the Commission. He then said that the Church has no future plans to build the Phase II portion at this time, but they do have a need to build the Columbarium. He added that, due to a number of concerns, the original location of the Columbarium was not suitable. This is why they submitted their application to the BOAR and were granted approval.

Opposition Rebuttal – Mr. Murphy indicated that it seems that he has received conflicting information from the different agencies, and said that even though the Land Use Certificate is shown on the overhead, he is still confused with how, what was originally submitted as a zone change in 2000 to allow a conditional use, would not go back to the Board of Adjustment. He then said that if this application was submitted to the BOA, it would trigger the notification to be sent out to the residents, showing that they want to amend or change the conditional use on this property. He then said that the Planning Commission cannot amend or change the conditional use on this property; and, to him, this is a "de facto" change with regard to what is happening and this concerns him. Mr. Murphy said he was very unclear as to why there is not requirement for an appeal to the Board of Adjustment.

The Chair said that this property has been to the Board of Adjustment and was granted approval for this use. He then said that, under the first condition listed on the Land Use Certificate, it states that the Planning Commission may amend this site plan, if necessary. Mr. Saltee responded in agreement, and said that the use had been approved by the BOA, and the Planning Commission does have the ability to change its location on the site through the language noted the first condition of the BOA's approval. Mr. Murphy indicated that he was unaware of that, and said that no notice was sent out. The Chair said that notice is not required for Final Development Plans. Ms. Jones said that under the Zoning Ordinance there is no notice provision, which is why no notice was required for this application. Mr. Murphy requested that the Planning Commission either disapprove this application or relocate the Columbarium back to its original location.

Planning Commission Question - The Chair asked for a brief summary of the applicant's design schematics. Mr. Arnold acknowledged the request, and explained the conceptual design of the building, and the layout of the outside garden area, as well as what materials will be used for the Columbarium to maintain a view that is appealing.

The Chair asked if Mr. Murphy had any comments regarding the explanation of the design schematic. Mr. Murphy said that Mr. Arnold is a landscape architect, but he is a licensed architect in the State of Kentucky and he is having a little bit of trouble with Mr. Arnold's reasoning that placing the Columbarium on the street would be more private than where it was originally proposed. He then said that he is not prepared to give a full statement since he was not aware of this application until just prior to this meeting, plus he believed there would be a public hearing at the Board of Adjustment. He then said that there have been times when the Church has used Bell Court for its ceremonies and rituals, and this has been problematic in the past year on a few occasions. He added that, should the Commission approve this request, he hopes that conditions can be added to address the issue with the use of Bell Court.

Planning Commission Questions – Mr. Drake asked if the Church is in compliance with the Zoning Ordinance and Land Subdivision Regulations. Ms. Jones said that, as far as the Zoning Ordinance requirements, they are not in violation of anything.

Mr. Brewer asked what was allowed or restricted under the current Zoning Ordinance. Ms. Jones said that the conditional use permit does not pertain to what happens on the street, only to the property. Mr. Brewer then asked what Division regulates what happens in the street, adjacent to this property. Mr. Martin said that if the Division of Planning were asked to sign off on a permit, the staff would review their request to ensure that the applicant was in compliance with the approved development plan. He then said that the applicant would be allowed to do whatever the approved development plan allows. He added that the current location of the Columbarium is closer to Main Street, and the applicant is proposing to relocate it next to Bell Court. He said that there will be no access added; and had this plan not expired, this request would have qualified as a minor amendment. He then said that minor amendments are not presented to the Planning Commission, but rather those are subject to only the staff's review. He explained that this request would have been approved for the movement of a structure in an already approved space. He said that had the staff felt there would have been an impact to Bell Court, then the other governmental agencies would have been involved; but for this request, the staff does not see an issue.

Mr. Brewer confirmed that the Planning Commission really does not have anything to say with what happens on Bell Court. Mr. Martin said that they are not allowed to infringe on public right-of-way, any more than someone else is allowed. He then said that the Final Development Plan that was approved on this property does not make any reference to anything other than existing zoning; but it appears that there is more than one principal structure on this property, which would explain the Final Development Plan. He added that the Final Development Plan does reference the BOA and the BOAR approvals.

Mr. Penn asked if it is appropriate on a minor amendment to condition the use of the street. Mr. Martin replied negatively, and said that if access was being requested or a change in the existing access, then the Divisions of

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

Traffic Engineering and Fire would become involved in such a review. Mr. Penn said that Mr. Murphy had asked if a condition could be added concerning Bell Court, but that would be a whole different issue. Mr. Martin said that Bell Court is public right-of-way, and the Planning Commission's jurisdiction is only over the development plan.

Mr. Cravens indicated that Mr. Murphy was stating that if the Columbarium were on the other side of the building, then Bell Court would not be impacted, which Mr. Murphy confirmed.

Mr. Wilson said that Mr. Murphy noted that there are other activities taking place at the Church that have spilled out onto Bell Court. He then said that the neighborhood should get together with the rector of the Church and explain their concerns with the impact of the activities. The Chair agreed and said that this seems to be more of an issue with Code Enforcement.

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy and carried 10-0 (Smith absent) to approve DP 2015-92, as presented by the staff.

Note: Mr. Brewer departed the meeting.

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

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 9-0 (Brewer and Smith absent) to approve the release and call of bonds as detailed in the memorandum dated October 8, 2015, from Barry Brock, Division of Engineering.

Note: Mr. Brewer arrived at the meeting.

3. DEVELOPMENT PLANS (continued)

- c. DP 2011-41: BLACKFORD PROPERTY, PHASE 1, UNIT 5 & PHASE 3 (AMD) (1/12/16)* - located on Blackford Parkway. (Council District 12) **(EA Partners)**

Note: The Planning Commission approved this plan at their June 23, 2011, meeting, 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. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree protection plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike and 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's approval of emergency access and fire hydrant locations.
10. Provided the Planning Commission makes a finding that the plan is in compliance with the EAMP.
11. Resolve the details of the greenway connection at Lots 391 & 392.
12. Resolve tree preservation area conflict with the EAMP storm water plans (remove T.P.A).
13. Resolve the extent of the sinkhole (identify closed contour area).
14. Denote: No development of Lots 412-416 until Blackford Parkway is constructed.
15. Denote: No vehicular access to Walnut Grove Lane or Deer Haven Lane.

Note: This plan was certified on October 19, 2011. The Planning Commission granted approval of an extension of their previous approval at their October 9, 2014, meeting. They also made a finding, required by Article 4-4(d)(1) of the Land Subdivision Regulations, which states that "progress has been made in the physical construction of improvements" in order to grant that extension.

The applicant now requests approval of a one-year extension for the Preliminary Subdivision Plan portion of this plan.

The Subdivision Committee Recommended: Postponement. There has been no documentation provided by the applicant as to the "progress ... made in the physical construction of improvements" for this development over the past year.

Staff Presentation – Mr. Sallee introduced to the Commission the development plan for Blackford Property, Phase 1, Unit 5 & Phase 3, located on Blackford Parkway. He noted that the staff had provided the Commission a handout to help explain the postponement recommendation made by the Subdivision Committee.

Mr. Sallee directed the Commission's attention to a rendering of this development plan and oriented them to the location of the subject property and the nearby street system. He explained that the property is located at the terminus of Blackford Parkway, which extends westward toward Man o' War Boulevard, and it is immediately north of the most recent zone change on the Clark Property. He said that there is residential housing currently under development on the subject

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

site that is adjacent to the Greenbrier Golf course. Mr. Sallee further explained that this request is for an extension of the prior approval granted for an amended Preliminary Subdivision Plan. The rendering depicts the street and lotting pattern for the remainder of the development, including the open space area along Walnut Grove Lane, as well as the 200' building line that is required by the Zoning Ordinance. He said that even though there is a small section of land that is zoned EAR-2, the land is mostly zoned EAR-1, with a mixture of small and larger lots being proposed overall. He indicated that, since these two zones do not have a minimum lot size, once the land is developed, it will be very difficult to distinguish between the two zones because of how the lots will be integrated together throughout this unit of the subdivision.

Mr. Sallee said that the Planning Commission previously approved this plan at their June 23, 2011, meeting, subject to the conditions listed on today's agenda; and later that same year (October 19th) this plan was certified. He then said that the Planning Commission granted an extension of their previous approval at their October 9, 2014, meeting. He explained that, as part of the Land Subdivision Regulations, the Preliminary Subdivision Plan portion of this plan allows the developer to submit plans to the Division of Engineering for three years; so at the end of 2014, the applicant requested an extension to allow additional time to submit those plans. He then said that the Final Development Plan portion of this plan is good for five years, which has not expired at this time. He added that now the applicant is up against another timeline where they can no longer submit plans to the Division of Engineering for this development, so the applicant is requesting another approval from the Planning Commission for a one-year extension.

Mr. Sallee said that under Article 4-4(d)(1) of the Land Subdivision Regulations, in order for the Planning Commission to grant that extension, the Commission must find that "progress has been made in the physical construction of improvements" over the past year. He then said that, at the time of the Subdivision Committee meeting, no such documentation had been submitted to the staff, and this is what led to the postponement recommendation made by the Committee. He noted that the staff had since received, and today distributed the required documentation to the Commission for their review, showing the progress on the subject property. Staff had also received final record plat filings for the center portion of this site, which indicated that the infrastructure is or soon will be, in place. Mr. Sallee said that the requirement of the Land Subdivision Regulations has been met; and, as such, the staff is now recommending approval of a one-year extension for this plan.

Representation – Rory Kahly, EA Partners, was present representing the applicant. He indicated that they were in agreement with the staff's recommendations, and requested approval of a one-year extension for DP 2011-41.

Planning Commission Questions – Mr. Penn said that had the Committee seen the required documentation, the recommendation would have been different, and asked why the Committee did not see it. Mr. Kahly replied that they have never been asked to show this documentation in the past.

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

Action - A motion was made by Ms. Richardson, seconded by Mr. Drake, to reapprove DP 2011-41, as presented by the staff.

Discussion of Motion – Mr. Wilson asked if this approval was for a one-year extension. Mr. Sallee replied affirmatively and said that that is all that the Land Subdivision Regulations would allow.

Action – An amended motion was made by Ms. Richardson, seconded by Mr. Drake and carried 10-0 (Smith absent) to approve a one-year extension for DP 2011-41, as presented by the staff.

VI. COMMISSION ITEMS

- A. WORK SESSION – Mr. Duncan reminded the Commission members that they do not have a work session October 15th; but according their schedule, the next Planning Commission meeting will be on October 22nd and the next work session will be held on October 29th.
- B. COMMUNICATION FROM THE LAW DEPARTMENT – Ms. Jones informed the Planning Commission that the Law Department had received an appeal pertaining to the Planning Commission's decision on PLAN 2015-93F: ASHLAND PARK, INC., SUBDIVISION, NO. 12, LOT 3 (AMD) for property located at 508 Clinton Road.

VII. STAFF ITEMS

- A. COMMUNICATION FROM THE STAFF – Mr. Martin informed the Planning Commission that the Division of Engineering had sent word that DP 2015-55: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM) & BURKE, HOCKENSMITH & MAGGARD PROPERTY, UNIT 5 (AMD.) – the property located at 2151 and 2221 Georgetown Road does have a land disturbance permit for the fill associated with Citation Boulevard. The Chair asked if this is a temporary permit, to which Mr. Martin said that that information was noted on the permit.

VIII. AUDIENCE ITEMS – There were none.

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

IX. NEXT MEETING DATES

Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) October 28, 2015
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers **October 22, 2015**
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) November 5, 2015
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)..... November 5, 2015
Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers..... **November 12, 2015**

X. ADJOURNMENT - There being no further business, the Chair adjourned the meeting at 2:50 PM.

Mike Owens, Chair

Will Berkley, Secretary

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

October 8, 2015

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

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

Planning Staff members present – Acting Director James Duncan; 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; Jeff Neal, Division of Traffic Engineering; Captain Greg Lengal, Division of Fire and Emergency Services and Tracy Jones, Department of Law.

- II. **APPROVAL OF MINUTES** – The minutes of the August 13, 2015, meeting will be considered by the Planning Commission at this time, as well as a portion of the September 10, 2015, meeting (CT 2015-1).

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 10-0 (Smith absent) to approve the minutes of the August 13, 2015, meeting, as well as a portion of the September 10, 2015, meeting (CT 2015-1).

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

- a. PLAN 2015-106F: DISTILLERY DISTRICT WEST, UNIT 1 (PENDERY FINANCIAL, LLC PROPERTY) (11/29/15)*- located at 1151 Manchester Street. (Council District 2) **(2020 Land Surveying)**

The Subdivision Committee Recommended: **Postponement**, due to the lack of sanitary sewer service.

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 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 maintenance note per Art. 5-4(g).
10. Denote effective date of floodplain map information.
11. Denote flood protection elevation on plat to the approval of Water Quality.
12. Correct plan title.
13. Revise Urban County Engineer's certification.
14. Discuss dedication of right-of-way and possible improvements.
15. Discuss sanitary sewer service and possible waiver request.
16. Discuss certifications per possible need for waiver.

Representation – Justin Drury, 2020 Land Surveying, was present representing the applicant, and requested postponement of PLAN 2015-106F: DISTILLERY DISTRICT WEST, UNIT 1 (PENDERY FINANCIAL, LLC PROPERTY) to the November 12, 2015, Planning Commission meeting.

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

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy and carried 10-0 (Smith absent) to postpone PLAN 2015-106F: DISTILLERY DISTRICT WEST, UNIT 1 (PENDERY FINANCIAL, LLC PROPERTY) to the November 12, 2015, Planning Commission meeting.

- b. DP 2015-30: HIGH POINT SUBDIVISION (MONON, INC.) (10/815)* - located at 1123 Winchester Road. (Council District 5) **(Myke Robbins)**

Note: The applicant had requested that this previously postponed item be given consideration by the Commission. The Planning Commission postponed this item at their September 10, 2015, meeting, due to lack of representation by the applicant.

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

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

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

1. Urban County Engineer's acceptance of drainage, 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.
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.

Representation – Myke Robbins was present representing the applicant, and requested postponement of DP 2015-30: HIGH POINT SUBDIVISION (MONON, INC.) to the October 22, 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. Penn, seconded by Ms. Richardson and carried 10-0 (Smith absent) to postpone DP 2015-30: HIGH POINT SUBDIVISION (MONON, INC.) to the October 22, 2015, Planning Commission meeting.

- c. PLAN 2015-67P: COPPER CREEK SUBDIVISION (10/8/15)* - located at 1850 Old Higbee Mill Road (a portion of).
(Council District 9) **(EA Partners)**

Note: The Planning Commission postponed this item at their August 13, 2015 and September 10, 2015, meetings.

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 Wyndham 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 – Chris Clendenen, attorney, was present representing the applicant, and requested postponement of PLAN 2015-67P: COPPER CREEK SUBDIVISION to the October 22, 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.

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

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 10-0 (Smith absent) to postpone PLAN 2015-67P: COPPER CREEK SUBDIVISION to the October 22, 2015, Planning Commission meeting.

- d. PLAN 2015-107F: WILLIAM SHELY SUBDIVISION, UNIT 1, BLOCK A, LOT 2 & UNIT 2 (11/29/15)*- located at 435 West New Circle Road. (Council District 1) **(Endris Engineering)**

Note: The purpose of this amendment is to reduce the building line of the property from 65' to 55'.

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. Correct floodplain location in north corner of property.
7. Delete 65' building line information depicted.
8. Correct cabinet and slide information (on subject lot).
9. Increase font size of plan notes & certification on plan.
10. Update street cross-section information.

Staff Comments – Mr. Martin said that the staff had been contacted by the applicant, requesting to withdraw PLAN 2015-107F: WILLIAM SHELY SUBDIVISION, UNIT 1, BLOCK A, LOT 2 & UNIT 2. Mr. Sallee said that the staff had received the email correspondence just prior to today's meeting from the applicant's engineer.

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

Action - A motion was made by Ms. Mundy, seconded by Ms. Plumlee and carried 10-0 (Smith absent) to withdraw PLAN 2015-107F: WILLIAM SHELY SUBDIVISION, UNIT 1, BLOCK A, LOT 2 & UNIT 2.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, October 1, 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, Cheryl Galt, Denice Bullock, Kelly Hunter and Dave Jarman, as well as Lieutenant Joshua Thiel, 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.

- Criteria:**
- (1) the Subdivision Committee recommendation is for approval, as listed on this agenda; and
 - (2) the Petitioner is in agreement with the Subdivision Committee recommendation and the conditions listed on the agenda; and
 - (3) no discussion of the item is desired by the Commission; and
 - (4) no person present at this meeting objects to the Commission acting on the matter without discussion; and
 - (5) the matter does not involve a waiver of the Land Subdivision Regulations.

- Requests can be made to remove items from the Consent Agenda:**
- (1) due to prior postponements and withdrawals,
 - (2) from the Planning Commission,
 - (3) from the audience, and
 - (4) from Petitioners and their representatives.

At the request of the Chair, Mr. Sallee identified the following items appearing on the Consent Agenda, and oriented the Commission to the location of these items on the regular Meeting Agenda. He noted that the Subdivision Committee had recommended conditional approval for these items listed. (A copy of the Consent Agenda is attached as an appendix to these minutes).

1. PLAN 2015-102P: TUSCANY, UNIT 10 (11/29/15)*- located at 2625 Sir Barton Way and 1970 Winchester Road (a portion of). (Council District 6) **(EA Partners)**

Note: The purpose of this amendment is to revise a street cross-section and notes #14 & #15.

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

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping.
 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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
2. PLAN 2015-103F: WILLIAMS PROPERTY, LOT 1 (11/29/15)*- located at 3400 Todds Road.
(Council District 7) **(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.
 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 note #5, to the approval of the Division of Engineering.
 9. Denote Planning Commission approval of waiver and access easement on plan.
 10. Denote that LFUCG shall not be responsible for maintenance of private storm sewers and easements.
3. PLAN 2015-104F: HAMBURG PLACE B-5P & B-6P AREA HIGHWAY COMMERCIAL (LOTS 10, 11 & 12) (AMD) (11/29/15)*- located at 2277 War Admiral Way. (Council District 6) **(Vision Engineering)**

Note: The purpose of this amendment is to subdivide Lot 12 into two lots and amend the boundaries of Lot 10.

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. Clarify engineer's certification to match Land Subdivision Regulations, to the approval of the Division of Engineering.
4. PLAN 2015-105F: PATCHEN WILKES TOWNHOMES (11/29/15)*- located at 2101 Patchen Lakes Lane.
(Council District 6) **(Eagle Engineering)**

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. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 9. Denote Amended Final Development Plan for townhomes' certification prior to plat recordation for Lots 1-8.
 10. Denote Board of Adjustment's Administrative Appeal approval (A-2015-56).
5. PLAN 2013-98F: MASTERSON HILLS, UNIT 1-C (12/22/15)* - located at 3000 Spurr Road.
(Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on September 12, 2013 and extended its approval on September 11, 2014, 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.

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

5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Provide flood protection elevation note to the approval of the Division of Engineering.
10. Denote "3' drainage easement maintenance responsibility for 10' cemetery lot proposed."
11. Indicate driveway location on corner lots to the approval of Traffic Engineering.
12. Addition of cemetery lot to this plat prior to certification, denoting cemetery protection required by Art. 3-7(b)(1), (2), (5), (6) & (7) of the Zoning Ordinance.
13. Denote on the plan a 5' side yard setback and a 4' fence height restriction on Lots 107 and 108 adjacent to the cemetery lot, prior to certification.

Note: The Commission's approval has since expired. The applicant now requests a reapproval for this Final Record Plat.

The Subdivision Committee Recommended: **Reapproval**, subject to the original conditions listed on today's agenda.

6. DP 2015-38: MASTERTON STATION CENTER, (CITATION VILLAGE) (AMD) (10/8/15)* - located at 2601 Leestown Road.
(Council District 2) **(EA Partners)**

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. 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. 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. Resolve compliance with stream mitigation as required by the Engineering Manuals.

7. DP 2015-90: MARATHON OIL CO. (SPEEDWAY SUPER AMERICA, LLC) (AMD) (11/29/15)* - located at 140 Mercer Road.
(Council District 2) **(McBride Dale)**

Note: The purpose of this amendment is to add a fueling station for commercial trucks behind the existing gas station and convenience store.

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. 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. Restore and clarify all information for convenience store and site from previous plan.
11. Denote property description of adjoining Lot 2.
12. Reduce size of landscape island at northeast corner of convenience store to place it outside of easement.
13. Denote tree protection area as identified on current development plan.
14. Revise dimensions of storage shed to include gross area.
15. Resolve pedestrian access to Lot 2.
16. Resolve stormwater detention necessary for the proposed use.
17. Resolve 52' wide apron onto Mercer Road from convenience store lot.

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

8. DP 2015-92: THE CHURCH OF THE GOOD SHEPHERD (AMD) (1/21/15)* - located at 533 East Main Street.
(Council District 3) **(Design Works)**

Note: The purpose of this amendment is to relocate the Columbarium on the site.

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. Addition of record plat information.
9. Identify exact locations of street cross-sections.
10. Label detention basin located along Main Street.
11. Label existing utility easements.
12. Correct note #6 making reference to Chapter 16 of the Code of Ordinance.
13. Correct spelling error in Owners' Certification.
14. Dimension Columbarium Garden.
15. Delete note #13.
16. Review by Technical Committee prior to plan certification.

In conclusion, Mr. Sallee said that the items identified on the Consent Agenda could be considered for approval at this time by the Commission, unless there was a request for an item to be removed from consideration by a member of the Commission, or the audience, in order to permit further discussion.

Consent Agenda Discussion – The Chair asked if anyone in the audience or on the Commission desired further discussion of any of the items listed on the Consent Agenda. Mr. Kevin Murphy requested that DP 2015-92 be removed from the Consent Agenda for further discussion.

Commission Comments – The Chair indicated that a request had been made to remove DP 2015-92 for further discussion, and noted that PLAN 2015-107F had been withdrawn (earlier), at the applicants request.

Action - A motion was made by Mr. Brewer, seconded by Ms. Richardson and carried 10-0 (Smith absent) to approve the items listed on the Consent Agenda, as recommended by the Subdivision Committee, removing DP 2015-92.

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

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

1. FINAL SUBDIVISION PLANS

- a. PLAN 2013-122F: SOUTHEND PARK, UNIT 1, SECTION 1 (1/26/15)* - located in the 700 & 800 blocks of De Roode Street. (Council District 3) **(Hall-Harmon Engineers)**

Note: The Planning Commission approved this plan at their November 14, 2013 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.

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

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: Lots 1-4 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. Complete owners' certification information per the Land Subdivision Regulations.
11. Provided the Planning Commission grants a waiver to Articles 4-7(d)(1) and 4-7(d)(9) of the Land Subdivision Regulations.
12. Review by Technical Committee prior to plan certification.

Note: The Planning Commission approved a one-year extension on October 9, 2014, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission; and then on March 13, 2014, the Commission also approved the requested waivers to the Land Subdivision Regulations, for these reasons:

1. Not granting the waivers would constitute an exceptional hardship for the applicant by impeding the development of the affordable housing component of the project.
2. Granting the waivers will not negatively impact public health and safety, as the completion of the public improvements will be completed; and warranties on the improvements will be provided by the standard contractual procedures utilized and required by the applicant.
3. Granting the waivers complies with 1-5(c) of the Land Subdivision Regulations that encourages waivers that facilitate infill and redevelopment projects.

Note: Section 1 of this plat (for lots 1-4) was recorded on March 17, 2014. The LFUCG Division of Engineering now requests a reapproval for the unrecorded (Section 2) of this plat.

The Staff Recommended: Reapproval for the unrecorded Unit 1-B, Section 2 of this plat, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission.

Staff Presentation – Mr. Martin directed the Commission's attention to Southend Park, Section 1, Unit 1 (the parent plat), also known as the Newtown Pike Corridor Extension project, located in the 700 & 800 blocks of De Roode Street. He directed the Commission's attention to a rendering of this plat to orient them to the location of the subject property and the nearby street system. He noted that the Planning Commission approved this plan at their November 14, 2013 meeting, as well as approved a one-year extension on October 9, 2014. Now the LFUCG Division of Engineering, along with the Kentucky Transportation Cabinet, has requested a reapproval for the unrecorded Unit 1-B, Section 2 of this plat.

Mr. Martin said that there is a waiver associated with this request, which involves the engineer's certification. He explained that the State of Kentucky is using Hall-Harmon, who prepared the plat; but they did not design or inspect the infrastructure and cannot sign the typical certification. What evolved from this issue was a modified engineer's certification that was acceptable to all parties involved.

Mr. Martin said that the staff is recommending reapproval for the unrecorded Unit 1-B, Section 2 of this plat, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission. He added that the project engineers were not present.

Planning Commission Questions – The Chair asked, since the waivers have already been approved by the Commission, if those needed to be reflected in the motion. Mr. Martin replied affirmatively.

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

Action - A motion was made by Mr. Cravens, seconded by Mr. Brewer, and carried 10-0 (Smith absent) to reapprove the unrecorded Unit 1-B, Section 2 of this plat, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission for PLAN 2013-122F: SOUTHEND PARK, SECTION 1, UNIT 1.

- b. PLAN 2011-8F: DENTON FARM, INC. UNIT 4-A, BLK J, LOTS 26-30; BLK L, LOTS 31-35 (AMD) (12/30/15)* - (Strand Associates)
located on Weston Park. (Council District 7)

Note: The purpose of this amendment is to create one new lot and add new easements. The Planning Commission approved this plan at their February 10, 2011, 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 required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.

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

6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Denote: This property shall be developed in accordance with the approved final development plan.
8. Correct adjacent property information per the most recent plat.
9. Correct purpose of amendment note.
10. Addition of exaction information to the approval of the Division of Planning.
11. Denote that no building permits will be issued on lots 29, 30, 34, 34A and 35 until an easement minor plat is recorded, or document easement release.
12. Document that the additional sewer taps have been installed for the new lot to the approval of the Division of Engineering.
13. Correct plan title.
14. Recordation of this plan prior to the recording of PLAN 2011-7F: Denton Farm, Inc., Unit 1-G.
15. Delete note #14 (references lot not part of this plat).
16. Delete note #15.

Note: The Commission's approval has since expired. The applicant now requests a reapproval for this Final Record Plat.

The Staff Recommends: **Reapproval**, subject to the original conditions listed on today's agenda.

Staff Presentation – Ms. Gallt introduced the final record plat for Denton Farm, Inc., Unit 4-A, Block J, Lots 26-30; Block L, Lots 31-35, located on Weston Park. She directed the Commission's attention to a rendering of this plat to orient them to the location of the subject property and the nearby street system. She indicated that the subject property is located off Richmond Road near the T-intersection of Weston Park and Ellerslie Park.

Ms. Gallt explained that the Planning Commission previously approved this plan at their February 10, 2011, meeting, subject to the conditions listed on today's agenda. She said that, at that time, the applicant had requested to increase the number of lots by one on the eastern side only, creating a total of six lots. She then said that the Commission's approval has since expired, and now the applicant is requesting a reapproval for this Final Record Plat.

Ms. Gallt said that the staff is recommending reapproval of this request, subject to the original conditions listed on today's agenda.

Planning Commission Questions – Mr. Penn asked for clarification to condition #15. Ms. Gallt explained that the applicant has made reference to a note from a different plat, and that note will need to be removed prior to the plan being certified.

The Chair asked if the applicant had anything further to add. Mr. Barlow, developer, responded that he did not.

Action - A motion was made by Ms. Richardson, seconded by Mr. Cravens, to reapprove PLAN 2011-8F: DENTON FARM, INC. UNIT 4-A, BLK J, LOTS 26-30; BLK L, LOTS 31-35 (AMD), subject to the original conditions listed on today's agenda.

Discussion of Motion – Ms. Mundy asked if documentation of the Division of Water Quality's approval of the Capacity Assurance Program requirements should be added. Mr. Sallee explained that this request is located in the Expansion Area 2; and under the Capacity Assurance Program, that entire Expansion Area is exempt from the program requirements because so much of the infrastructure is already in place.

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

The motion carried 10-0 (Smith absent).

2. DEVELOPMENT PLANS

- a. DP 2015-55: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM) & BURKE, HOCKENSMITH & MAGGARD PROPERTY, UNIT 5 (AMD.) (10/8/15)*- located at 2151 and 2221 Georgetown Road.
(Council District 2) **(Arnold Consulting)**

Note: The Planning Commission postponed this item at their July 9, 2015; August 13, 2015, and September 10, 2015, meetings. 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 availability 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.

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

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

Staff Presentation – Mr. Sallee directed the Commission's attention to Bluegrass Business Park, Lot 4 (Pemberton Farm) & Burke, Hockensmith & Maggard Property, Unit 5, located at 2151 and 2221 Georgetown Road. He said that the Planning Commission postponed this item at their July 9, 2015; August 13, 2015, and September 10, 2015, meetings. He then said that, without a request for postponement from the applicant, the deadline for the Commission to consider this request is October 8, 2015.

Mr. Sallee directed the Commission's attention to the photograph on the overhead projector, and briefly explained that the subject property is located at the southeast corner of Citation Boulevard and Georgetown Road. He said that Jaggie Fox Way is a collector street immediately to the west of Georgetown Road, near the railroad tracks. He then said that there is an industrial development immediately to the south of the subject property, and directly across Georgetown Road is Rood and Riddle Equine Hospital. He noted that Rood and Riddle Equine Hospital does have an access point onto Georgetown Road.

Mr. Sallee then directed the Commission's attention to the final development plan rendering, and said that at the center of this proposal there is a small piece of land that is zoned Agricultural Urban that is not part of this development plan. He then said that the development plan encompasses about 35 acres - almost the entirety of the vacant tract that was shown on the photograph. The applicant is proposing a 101,453 sq. ft, 35' tall industrial building that will have 143 parking spaces in the northern part of the site. He said that there would be a customer service area oriented toward Jaggie Fox Way, as well as large areas that would be used for the recycled asphalt and heavy duty concrete proposed for the trucks and the equipment parking. He said that the eastern third of the property is not currently being proposed for development, even though there is a proposed access to Georgetown Road directly across from the Rood and Riddle Equine Hospital.

Mr. Sallee directed the Commission's attention to the rendering for DP 2012-111: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM & BURKE, HOCKENSMITH & MAGGARD, UNIT 5 and explained that, at the December 13, 2012, meeting, the Commission had approved a development plan to construct a 7,300 sq. ft. building, along with 122 parking spaces. He said that, when comparing DP 2012-111 and DP 2015-55, the development approved on Lot 4 generally coordinates with this current proposal; but the 2012 version is less intense than today's version. In addition, the 2012 version had proposed to develop the corner of this property and provide for vehicular access off of Georgetown Road. He said the applicant had proposed to provide access to the subject property by way of two 60' access easements that connect from Georgetown Road and the rear of the site, which is gated. He explained that the 2012 version is just under 20 acres in size, so the balance then leaves an additional 15 acres where there was more speculative development proposed at that time. He said that the Planning Commission did approve DP 2012-111 on December 13, 2012; however, the applicant did not certify this plan within the one-year time allowed, and it has since expired. He then said that, in looking at the current proposal, the 2012 access easements have been removed; and there is no more speculative development for the 15 acres that fronts on Georgetown Road.

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

Mr. Sallee said that the Subdivision Committee had recommended postponement of this request, because the applicant had still not clarified the availability of sanitary sewer service to the proposed development, as required by the Capacity Assurance Program requirements, nor had they resolved the access proposed to the future lots. He explained that the subject property sits on a ridge and is located at the edge of two sanitary sewer banks. He said that at the Subdivision Committee meeting, it had been discussed that one of these banks had a very low to near zero capacity, while the other bank did have available capacity. He then said that there was an issue as to which way the sewage would flow from this development and as to whether or not there was capacity in the system for that sewage. Mr. Sallee said that to the staff's knowledge that question has not been answered since the Subdivision Committee meeting in July of this year.

Mr. Sallee circulated a number of email correspondences from the staff, (dated June 29th, June 30th, July 1st, July 8th, July 9th, August 12th, September 9th and September 30th), and explained that the staff had repeatedly contacted the applicant concerning these development plans issues, but has not been able to obtain any answers from the applicant. As a result, the staff would offer a revised recommendation of disapproval of this plan, for the following reasons.

1. The proposed development plan does not address significant concerns with the applicant's ability to provide the required public infrastructure, including sanitary sewer service to the site. There is a question as to whether there is compliance with the Capacity Assurance Program for this proposed development.
2. Stormwater Management measures due to the Royal Spring Aquifer protection area have not been addressed by this amended development plan.
3. Access to Georgetown Road, including any necessary public improvements, are far less detailed than those for the current development plan, approved previously for this location.
4. The applicant currently operates a similar, but smaller facility in an I-2 Zone, and the proposed development plan has not clarified all of its intended uses on the subject property to insure compliance with the existing I-1 Zoning of most of the subject property.
5. Under Article 21-7(e) of the Zoning Ordinance, the Commission may disapprove this amendment since the uncertainties listed above will "adversely affect the public health safety and welfare" and will "alter the essential character of the development as originally approved."

Mr. Sallee gave a brief summary of the each of the above reasons, and said that with the uncertainty of the plan and the loss of the access that was originally proposed in 2012, the staff is comfortable with their recommendation. He continued noting that the staff can answer any questions regarding the staff recommendation or about this final record plat listed on today's agenda.

Planning Commission Questions - Mr. Penn asked if the fill dirt is still on the subject property in front of Rood and Riddle Equine Hospital. Mr. Sallee said that on his last site visit, there was a stock piling of dirt on the site before the roadway was opened. It's the staff's understanding that dirt is associated with the road project, and he believes the dirt is still present there. Mr. Penn said that during the Subdivision Committee meeting, there was a discussion regarding moving the fill dirt. He asked, if the Commission were to accept the staff recommendation of disapproval, if the pile of dirt will remain there until the property is developed. Mr. Sallee responded that the staff is unsure. Mr. Penn said that it should be noted somehow, because to just to walk away from this problem would create an eyesore. Mr. Sallee said that Mr. Newman was not aware of any answer to this question.

Petitioner Presentation - The Chair asked if the applicant or their representation was present. Mr. Sallee responded negatively.

Discussion - The Chair said that he was at Rood and Riddle Equine Hospital, and there is a good 20' elevation of fill dirt with trucks coming and going from that location. He then said that he appreciates Mr. Penn's thoughts. It's concerning, and would appreciate any answers on this issue. He added one of the reasons for disapproval is the protection of the Royal Springs Aquifer and the fill dirt could impact that spring.

Mr. Sallee said that the LFUCG staff believes that the origin of the dirt is from the road project and it is under the negotiations with a State entity of the Transportation Cabinet, which is why the Urban County Government staff is not aware of its future or what those agreements require. The Chair asked if it is possible to get those answers without holding up the staff's recommendation of disapproval. Mr. Sallee said that, regardless of how the Commission acts on this plan, the staff can certainly pursue that and try to find out that information. He then said that they can ask the MPO staff to make contact with the Transportation Cabinet for this information.

Mr. Penn pointed out that dirt does not stay dirt, and the area is unsightly as it is. It will become a mess once the weeds take hold. He said that, if it is possible, this should be investigated; and if it's the responsibility of the State, then the State should take care of it. He then said that he doubts that there is a permit to dump that dirt, considering that the Subdivision Committee was told that it would be a temporary situation; but it is still there.

Ms. Plumlee asked if Code Enforcement could pursue this problem. Mr. Sallee responded that he is not sure, and said that these types of situations do pop up from time to time. He then said that there are rules as to whether or not the problem occupies an acre or more of land; and if it is over an acre, then significant State regulations would kick in.

Action - A motion was made by Mr. Wilson, seconded by Ms. Richardson and carried 10-0 (Smith absent) to disapprove DP 2015-55: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM) & BURKE, HOCKENSMITH & MAGGARD PROPERTY, UNIT 5 (AMD), for the reasons provided by the staff.

- b. DP 2015-92: THE CHURCH OF THE GOOD SHEPHERD (AMD) (1/21/16)* - located at 533 East Main Street. (Council District 3) **(Design Works)**

Note: The purpose of this amendment is to relocate the Columbarium on the site.

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. Addition of record plat information.
9. Identify exact locations of street cross-sections.
10. Label detention basin located along Main Street.
11. Label existing utility easements.
12. Correct note #6 making reference to Chapter 16 of the Code of Ordinance.
13. Correct spelling error in Owners' Certification.
14. Dimension Columbarium Garden.
15. Delete note #13.
16. Review by Technical Committee prior to plan certification.

Staff Presentation – Mr. Hunter directed the Commission's attention to the development plan for Church of the Good Shepard, located at 533 East Main Street. He said that the subject property is near downtown, at the intersection of Bell Court and Sayre Avenue. He then said that the purpose of this amendment is to relocate the previously approved Garden Columbarium next to Bell Court.

Mr. Hunter said that the Subdivision Committee recommended approval of this request, subject to the conditions listed on today's agenda. He briefly explained that conditions #1-7 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. He added that this request was filed as a "late plan"; therefore, this item will be placed on the October 28th Technical Committee agenda for their review.

Planning Commission Questions – The Chair asked if the Garden Columbarium is stand-alone or if it is attached to the building. Mr. Hunter explained that the Garden Columbarium is depicted as a detached structure, 4' in height. The fence material will be metal, pavers will be used instead of concrete, and it will open on the side. The Chair then asked if there will be a walkway provided. Mr. Hunter said that the final development plan references the use of stepping stones.

Representation – Mark Arnold, Design Works, was present representing the applicant, and indicated they do not have anything further to add.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. Mr. Kevin Murphy, who lives near the Church, said that even though this was an amended zoning development plan that was approved in 2000, there was no notice sent to the nearby residents for the current request. He gave a brief history of the subject property, and said that in 2000, a zoning development plan was part of the zone change for this property, which showed the Garden Columbarium to be located in the center of the proposed addition and the existing church. He then said that in September 2014, Good Shepherd Church appeared before the Board of Architectural Review for approval for the Garden Columbarium. He added that the BOAR does not consider the use issue - only aesthetic issues, so they granted approval of the applicant's request.

Mr. Murphy said that in July 2014, Good Shepherd Church advertised in their newsletter that a ground-breaking service would be held in August; subsequently, in September, the demolition began, removing the existing trees and shrubs. He then said that no permits were issued for the demolition, nor was there Board of Adjustment approval sought; but it's his understanding that there is an application that has been filed with the staff. Mr. Murphy said that he consulted Councilmember Gibbs, who had no knowledge of this request; and he also found that there were no permits issued for the demolition. He then said that he received an email correspondence from the Division of Building Inspection informing him that a fence permit was issued, and the applicant was required to file an application with the Board of Adjustment. This would be the first notification to the surrounding neighbors that informed them as to what was going on with this property. He said that, as of today, the fence has been removed, footings have been placed and blocks are in place.

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

Mr. Murphy said that his concern is with the lack of notification on this zoning development plan that was approved 15 years ago, as well as no notification for the Board of Adjustment, if they even filed an application. He asked if this would be considered a "de facto" approval of a conditional use that has not been approved by the Board of Adjustment. He then said that he would request that this application be disapproved, but a more reasonable request would be that this request be postponed. The reasons for the postponement would be due to not having the appropriate permits or the Board of Adjustment's approval. This would allow them to show a good faith effort in the process and procedures that have been set out by the Urban County Government to ensure the protection of the rights of the citizens of the community.

Planning Commission Questions – Mr. Cravens asked if Mr. Murphy is against what the Church is proposing. Mr. Murphy said that he is not against the idea of a Columbarium, and he understands that they are a great service to the community and a wonderful fundraiser, but his concern is the relocation of the structure from the center of the property, to along the frontage of Bell Court due to the safety issue it would create.

Staff Rebuttal – Mr. Martin said that he is not speaking on behalf of the Church concerning the permit issue; but he wanted to make it clear to the Planning Commission that this request is for a Final Development Plan, which had expired, and that is the reason this plan is in front of the Commission for reapproval. He then said that there is no notification requirement on a Final Development Plan, so no notice was sent out to the surrounding community. He added that this request was approved by the Board of Adjustment; and the conditions imposed by the BOA shown were on the overhead, as well as recorded on the Land Use Certificate (C-00-113). He said that condition #6 states "*That the action of the Board be noted on the Final Development Plan for the subject property submitted for Planning Commission approval.*" He then said that the Commission has the authority to amend this plan, as well as approve this plan; it does not need to return to the Board of Adjustment for approval. Mr. Martin repeated that notification is not required on a Final Development Plan.

Planning Commission Question – The Chair clarified that the Commission's approval on this Final Development Plan had expired, and now the applicant has requested to relocate the Garden Columbarium, as well. Mr. Martin replied affirmatively, and said that amending the plan allows the Commission to grant the reapproval.

The Chair confirmed that the Board of Adjustment had already granted approval on this request, to which Mr. Martin replied affirmatively. Mr. Sallee added, that in speaking with Mr. Emmons, who is the primary staff member for the Board of Adjustment cases, the Board did approve the Garden Columbarium in 2000; and in reviewing the Land Use Certificate, condition #1 states: "*That the property be developed according to the submitted application and site plan, or as amended by the Urban County Planning Commission.*" He then said that the words "site plan, or as amended by the Urban County Planning Commission" is the reason there is not an application for another conditional use permit for the Columbarium relocation. It's strictly a development plan issue.. He then said that there will not be need for a new conditional use permit for this property concerning the Garden Columbarium.

Mr. Penn asked if the fact that a permit was not obtained for demolition is germane to this conversation. Mr. Martin said that permits are required, plans do expire and not everyone is sophisticated about that sort of thing. He then repeated that he is not speaking on behalf of the applicant and why they took the actions as they did; but they did speak with the staff about the situation, and they were informed that the plan needed to be approved. They were told they should go ahead and amend the location of the Garden Columbarium on the Final Development Plan, which is what the applicant had done. He said that, since Phase II of this project has not been built, by having the plan reapproved the applicant is able to retain the Phase II portion of this project.

Representation Rebuttal – Mr. Arnold said that they were approved by, and received a Certificate of Appropriateness from the BOAR in 2014. At that time, the Church had no intention to build Phase II; but, unfortunately, when the development plan was submitted, the Garden Columbarium was associated with the Phase II portion of the development. He added that subsequent to 2000, the church had a need for the Columbarium. He explained that the Columbarium is a garden wall and a fence, and it is within the Church's right to build a small garden wall in their side yard as long as it is appropriate with the Board of Adjustment. He said that, once they met with the Division of Planning staff and talked to them about the procedure, it appeared that it was best to apply for a fence and wall permit to allow the construction of the garden, pavers, wall and the landscaping to begin. He then said that this would allow them to have a lag time for several months before the actual insertion of the metal niche went into the wall; and this is why they are presenting this application to the Commission for their consideration.

Mr. Arnold said that they did obtain a permit for the fence and garden wall, and they have obtained a permit to allow the construction that has been done. He then said that they need the Planning Commission's approval to relocate the Columbarium within that wall.

Planning Commission Question – Mr. Penn asked if the Church services can be contained to inside the property and not impact Bell Court. Mr. Arnold said that the space that will be enclosed for the Columbarium will not be appropriate for a large group of people; it will be more for smaller, more intimate gatherings, so the larger services will always be held within the Church sanctuary. Mr. Penn then asked if they see Bell Court being impacted. Mr. Arnold said that Bell Court will not be impacted any more than what it already is from the functions that are held in this area.

The Chair asked where the original Columbarium was located. Mr. Arnold directed the Commission's attention to the rendering to illustrate the location of the Columbarium, and said that it was attached to the Phase II portion of this development plan; and had the word "Columbarium" not been used, but named as an outside element, they would not need to present this request to the Commission. He then said that the Church has no future plans to build the Phase II portion at this time, but they do have a need to build the Columbarium. He added that, due to a number of concerns, the original location of the Columbarium was not suitable. This is why they submitted their application to the BOAR and were granted approval.

Opposition Rebuttal – Mr. Murphy indicated that it seems that he has received conflicting information from the different agencies, and said that even though the Land Use Certificate is shown on the overhead, he is still confused with how, what was originally submitted as a zone change in 2000 to allow a conditional use, would not go back to the Board of Adjustment. He then said that if this application was submitted to the BOA, it would trigger the notification to be sent out to the residents, showing that they want to amend or change the conditional use on this property. He then said that the Planning Commission cannot amend or change the conditional use on this property; and, to him, this is a "de facto" change with regard to what is happening and this concerns him. Mr. Murphy said he was very unclear as to why there is not requirement for an appeal to the Board of Adjustment.

The Chair said that this property has been to the Board of Adjustment and was granted approval for this use. He then said that, under the first condition listed on the Land Use Certificate, it states that the Planning Commission may amend this site plan, if necessary. Mr. Saltee responded in agreement, and said that the use had been approved by the BOA, and the Planning Commission does have the ability to change its location on the site through the language noted the first condition of the BOA's approval. Mr. Murphy indicated that he was unaware of that, and said that no notice was sent out. The Chair said that notice is not required for Final Development Plans. Ms. Jones said that under the Zoning Ordinance there is no notice provision, which is why no notice was required for this application. Mr. Murphy requested that the Planning Commission either disapprove this application or relocate the Columbarium back to its original location.

Planning Commission Question - The Chair asked for a brief summary of the applicant's design schematics. Mr. Arnold acknowledged the request, and explained the conceptual design of the building, and the layout of the outside garden area, as well as what materials will be used for the Columbarium to maintain a view that is appealing.

The Chair asked if Mr. Murphy had any comments regarding the explanation of the design schematic. Mr. Murphy said that Mr. Arnold is a landscape architect, but he is a licensed architect in the State of Kentucky and he is having a little bit of trouble with Mr. Arnold's reasoning that placing the Columbarium on the street would be more private than where it was originally proposed. He then said that he is not prepared to give a full statement since he was not aware of this application until just prior to this meeting, plus he believed there would be a public hearing at the Board of Adjustment. He then said that there have been times when the Church has used Bell Court for its ceremonies and rituals, and this has been problematic in the past year on a few occasions. He added that, should the Commission approve this request, he hopes that conditions can be added to address the issue with the use of Bell Court.

Planning Commission Questions – Mr. Drake asked if the Church is in compliance with the Zoning Ordinance and Land Subdivision Regulations. Ms. Jones said that, as far as the Zoning Ordinance requirements, they are not in violation of anything.

Mr. Brewer asked what was allowed or restricted under the current Zoning Ordinance. Ms. Jones said that the conditional use permit does not pertain to what happens on the street, only to the property. Mr. Brewer then asked what Division regulates what happens in the street, adjacent to this property. Mr. Martin said that if the Division of Planning were asked to sign off on a permit, the staff would review their request to ensure that the applicant was in compliance with the approved development plan. He then said that the applicant would be allowed to do whatever the approved development plan allows. He added that the current location of the Columbarium is closer to Main Street, and the applicant is proposing to relocate it next to Bell Court. He said that there will be no access added; and had this plan not expired, this request would have qualified as a minor amendment. He then said that minor amendments are not presented to the Planning Commission, but rather those are subject to only the staff's review. He explained that this request would have been approved for the movement of a structure in an already approved space. He said that had the staff felt there would have been an impact to Bell Court, then the other governmental agencies would have been involved; but for this request, the staff does not see an issue.

Mr. Brewer confirmed that the Planning Commission really does not have anything to say with what happens on Bell Court. Mr. Martin said that they are not allowed to infringe on public right-of-way, any more than someone else is allowed. He then said that the Final Development Plan that was approved on this property does not make any reference to anything other than existing zoning; but it appears that there is more than one principal structure on this property, which would explain the Final Development Plan. He added that the Final Development Plan does reference the BOA and the BOAR approvals.

Mr. Penn asked if it is appropriate on a minor amendment to condition the use of the street. Mr. Martin replied negatively, and said that if access was being requested or a change in the existing access, then the Divisions of

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Traffic Engineering and Fire would become involved in such a review. Mr. Penn said that Mr. Murphy had asked if a condition could be added concerning Bell Court, but that would be a whole different issue. Mr. Martin said that Bell Court is public right-of-way, and the Planning Commission's jurisdiction is only over the development plan.

Mr. Cravens indicated that Mr. Murphy was stating that if the Columbarium were on the other side of the building, then Bell Court would not be impacted, which Mr. Murphy confirmed.

Mr. Wilson said that Mr. Murphy noted that there are other activities taking place at the Church that have spilled out onto Bell Court. He then said that the neighborhood should get together with the rector of the Church and explain their concerns with the impact of the activities. The Chair agreed and said that this seems to be more of an issue with Code Enforcement.

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy and carried 10-0 (Smith absent) to approve DP 2015-92, as presented by the staff.

Note: Mr. Brewer departed the meeting.

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

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 9-0 (Brewer and Smith absent) to approve the release and call of bonds as detailed in the memorandum dated October 8, 2015, from Barry Brock, Division of Engineering.

Note: Mr. Brewer arrived at the meeting.

3. DEVELOPMENT PLANS (continued)

- c. DP 2011-41: BLACKFORD PROPERTY, PHASE 1, UNIT 5 & PHASE 3 (AMD) (1/12/16)* - located on Blackford Parkway. (Council District 12) **(EA Partners)**

Note: The Planning Commission approved this plan at their June 23, 2011, meeting, 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. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree protection plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike and 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's approval of emergency access and fire hydrant locations.
10. Provided the Planning Commission makes a finding that the plan is in compliance with the EAMP.
11. Resolve the details of the greenway connection at Lots 391 & 392.
12. Resolve tree preservation area conflict with the EAMP storm water plans (remove T.P.A).
13. Resolve the extent of the sinkhole (identify closed contour area).
14. Denote: No development of Lots 412-416 until Blackford Parkway is constructed.
15. Denote: No vehicular access to Walnut Grove Lane or Deer Haven Lane.

Note: This plan was certified on October 19, 2011. The Planning Commission granted approval of an extension of their previous approval at their October 9, 2014, meeting. They also made a finding, required by Article 4-4(d)(1) of the Land Subdivision Regulations, which states that "progress has been made in the physical construction of improvements" in order to grant that extension.

The applicant now requests approval of a one-year extension for the Preliminary Subdivision Plan portion of this plan.

The Subdivision Committee Recommended: Postponement. There has been no documentation provided by the applicant as to the "progress ... made in the physical construction of improvements" for this development over the past year.

Staff Presentation – Mr. Sallee introduced to the Commission the development plan for Blackford Property, Phase 1, Unit 5 & Phase 3, located on Blackford Parkway. He noted that the staff had provided the Commission a handout to help explain the postponement recommendation made by the Subdivision Committee.

Mr. Sallee directed the Commission's attention to a rendering of this development plan and oriented them to the location of the subject property and the nearby street system. He explained that the property is located at the terminus of Blackford Parkway, which extends westward toward Man o' War Boulevard, and it is immediately north of the most recent zone change on the Clark Property. He said that there is residential housing currently under development on the subject

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

site that is adjacent to the Greenbrier Golf course. Mr. Sallee further explained that this request is for an extension of the prior approval granted for an amended Preliminary Subdivision Plan. The rendering depicts the street and lotting pattern for the remainder of the development, including the open space area along Walnut Grove Lane, as well as the 200' building line that is required by the Zoning Ordinance. He said that even though there is a small section of land that is zoned EAR-2, the land is mostly zoned EAR-1, with a mixture of small and larger lots being proposed overall. He indicated that, since these two zones do not have a minimum lot size, once the land is developed, it will be very difficult to distinguish between the two zones because of how the lots will be integrated together throughout this unit of the subdivision.

Mr. Sallee said that the Planning Commission previously approved this plan at their June 23, 2011, meeting, subject to the conditions listed on today's agenda; and later that same year (October 19th) this plan was certified. He then said that the Planning Commission granted an extension of their previous approval at their October 9, 2014, meeting. He explained that, as part of the Land Subdivision Regulations, the Preliminary Subdivision Plan portion of this plan allows the developer to submit plans to the Division of Engineering for three years; so at the end of 2014, the applicant requested an extension to allow additional time to submit those plans. He then said that the Final Development Plan portion of this plan is good for five years, which has not expired at this time. He added that now the applicant is up against another timeline where they can no longer submit plans to the Division of Engineering for this development, so the applicant is requesting another approval from the Planning Commission for a one-year extension.

Mr. Sallee said that under Article 4-4(d)(1) of the Land Subdivision Regulations, in order for the Planning Commission to grant that extension, the Commission must find that "progress has been made in the physical construction of improvements" over the past year. He then said that, at the time of the Subdivision Committee meeting, no such documentation had been submitted to the staff, and this is what led to the postponement recommendation made by the Committee. He noted that the staff had since received, and today distributed the required documentation to the Commission for their review, showing the progress on the subject property. Staff had also received final record plat filings for the center portion of this site, which indicated that the infrastructure is or soon will be, in place. Mr. Sallee said that the requirement of the Land Subdivision Regulations has been met; and, as such, the staff is now recommending approval of a one-year extension for this plan.

Representation – Rory Kahly, EA Partners, was present representing the applicant. He indicated that they were in agreement with the staff's recommendations, and requested approval of a one-year extension for DP 2011-41.

Planning Commission Questions – Mr. Penn said that had the Committee seen the required documentation, the recommendation would have been different, and asked why the Committee did not see it. Mr. Kahly replied that they have never been asked to show this documentation in the past.

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

Action - A motion was made by Ms. Richardson, seconded by Mr. Drake, to reapprove DP 2011-41, as presented by the staff.

Discussion of Motion – Mr. Wilson asked if this approval was for a one-year extension. Mr. Sallee replied affirmatively and said that that is all that the Land Subdivision Regulations would allow.

Action – An amended motion was made by Ms. Richardson, seconded by Mr. Drake and carried 10-0 (Smith absent) to approve a one-year extension for DP 2011-41, as presented by the staff.

VI. COMMISSION ITEMS

- A. WORK SESSION – Mr. Duncan reminded the Commission members that they do not have a work session October 15th; but according to their schedule, the next Planning Commission meeting will be on October 22nd and the next work session will be held on October 29th.
- B. COMMUNICATION FROM THE LAW DEPARTMENT – Ms. Jones informed the Planning Commission that the Law Department had received an appeal pertaining to the Planning Commission's decision on PLAN 2015-93F: ASHLAND PARK, INC., SUBDIVISION, NO. 12, LOT 3 (AMD) for property located at 508 Clinton Road.

VII. STAFF ITEMS

- A. COMMUNICATION FROM THE STAFF – Mr. Martin informed the Planning Commission that the Division of Engineering had sent word that DP 2015-55: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM) & BURKE, HOCKENSMITH & MAGGARD PROPERTY, UNIT 5 (AMD.) – the property located at 2151 and 2221 Georgetown Road does have a land disturbance permit for the fill associated with Citation Boulevard. The Chair asked if this is a temporary permit, to which Mr. Martin said that that information was noted on the permit.

VIII. AUDIENCE ITEMS – There were none.

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IX. NEXT MEETING DATES

Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) October 28, 2015
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers **October 22, 2015**
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) November 5, 2015
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)..... November 5, 2015
Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers..... **November 12, 2015**

X. ADJOURNMENT - There being no further business, the Chair adjourned the meeting at 2:50 PM.

Mike Owens, Chair

Will Berkley, Secretary

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

October 8, 2015

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

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

Planning Staff members present – Acting Director James Duncan; 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; Jeff Neal, Division of Traffic Engineering; Captain Greg Lengal, Division of Fire and Emergency Services and Tracy Jones, Department of Law.

- II. **APPROVAL OF MINUTES** – The minutes of the August 13, 2015, meeting will be considered by the Planning Commission at this time, as well as a portion of the September 10, 2015, meeting (CT 2015-1).

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 10-0 (Smith absent) to approve the minutes of the August 13, 2015, meeting, as well as a portion of the September 10, 2015, meeting (CT 2015-1).

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

- a. PLAN 2015-106F: DISTILLERY DISTRICT WEST, UNIT 1 (PENDERY FINANCIAL, LLC PROPERTY) (11/29/15)*- located at 1151 Manchester Street. (Council District 2) **(2020 Land Surveying)**

The Subdivision Committee Recommended: **Postponement**, due to the lack of sanitary sewer service.

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 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 maintenance note per Art. 5-4(g).
10. Denote effective date of floodplain map information.
11. Denote flood protection elevation on plat to the approval of Water Quality.
12. Correct plan title.
13. Revise Urban County Engineer's certification.
14. Discuss dedication of right-of-way and possible improvements.
15. Discuss sanitary sewer service and possible waiver request.
16. Discuss certifications per possible need for waiver.

Representation – Justin Drury, 2020 Land Surveying, was present representing the applicant, and requested postponement of PLAN 2015-106F: DISTILLERY DISTRICT WEST, UNIT 1 (PENDERY FINANCIAL, LLC PROPERTY) to the November 12, 2015, Planning Commission meeting.

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

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy and carried 10-0 (Smith absent) to postpone PLAN 2015-106F: DISTILLERY DISTRICT WEST, UNIT 1 (PENDERY FINANCIAL, LLC PROPERTY) to the November 12, 2015, Planning Commission meeting.

- b. DP 2015-30: HIGH POINT SUBDIVISION (MONON, INC.) (10/815)* - located at 1123 Winchester Road. (Council District 5) **(Myke Robbins)**

Note: The applicant had requested that this previously postponed item be given consideration by the Commission. The Planning Commission postponed this item at their September 10, 2015, meeting, due to lack of representation by the applicant.

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

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

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

1. Urban County Engineer's acceptance of drainage, 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.
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.

Representation – Myke Robbins was present representing the applicant, and requested postponement of DP 2015-30: HIGH POINT SUBDIVISION (MONON, INC.) to the October 22, 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. Penn, seconded by Ms. Richardson and carried 10-0 (Smith absent) to postpone DP 2015-30: HIGH POINT SUBDIVISION (MONON, INC.) to the October 22, 2015, Planning Commission meeting.

- c. PLAN 2015-67P: COPPER CREEK SUBDIVISION (10/8/15)* - located at 1850 Old Higbee Mill Road (a portion of).
(Council District 9) **(EA Partners)**

Note: The Planning Commission postponed this item at their August 13, 2015 and September 10, 2015, meetings.

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 Wyndham 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 – Chris Clendenen, attorney, was present representing the applicant, and requested postponement of PLAN 2015-67P: COPPER CREEK SUBDIVISION to the October 22, 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.

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

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 10-0 (Smith absent) to postpone PLAN 2015-67P: COPPER CREEK SUBDIVISION to the October 22, 2015, Planning Commission meeting.

- d. PLAN 2015-107F: WILLIAM SHELY SUBDIVISION, UNIT 1, BLOCK A, LOT 2 & UNIT 2 (11/29/15)*- located at 435 West New Circle Road. (Council District 1) **(Endris Engineering)**

Note: The purpose of this amendment is to reduce the building line of the property from 65' to 55'.

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. Correct floodplain location in north corner of property.
7. Delete 65' building line information depicted.
8. Correct cabinet and slide information (on subject lot).
9. Increase font size of plan notes & certification on plan.
10. Update street cross-section information.

Staff Comments – Mr. Martin said that the staff had been contacted by the applicant, requesting to withdraw PLAN 2015-107F: WILLIAM SHELY SUBDIVISION, UNIT 1, BLOCK A, LOT 2 & UNIT 2. Mr. Sallee said that the staff had received the email correspondence just prior to today's meeting from the applicant's engineer.

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

Action - A motion was made by Ms. Mundy, seconded by Ms. Plumlee and carried 10-0 (Smith absent) to withdraw PLAN 2015-107F: WILLIAM SHELY SUBDIVISION, UNIT 1, BLOCK A, LOT 2 & UNIT 2.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, October 1, 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, Cheryl Galt, Denice Bullock, Kelly Hunter and Dave Jarman, as well as Lieutenant Joshua Thiel, 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.

- Criteria:**
- (1) the Subdivision Committee recommendation is for approval, as listed on this agenda; and
 - (2) the Petitioner is in agreement with the Subdivision Committee recommendation and the conditions listed on the agenda; and
 - (3) no discussion of the item is desired by the Commission; and
 - (4) no person present at this meeting objects to the Commission acting on the matter without discussion; and
 - (5) the matter does not involve a waiver of the Land Subdivision Regulations.

- Requests can be made to remove items from the Consent Agenda:**
- (1) due to prior postponements and withdrawals,
 - (2) from the Planning Commission,
 - (3) from the audience, and
 - (4) from Petitioners and their representatives.

At the request of the Chair, Mr. Sallee identified the following items appearing on the Consent Agenda, and oriented the Commission to the location of these items on the regular Meeting Agenda. He noted that the Subdivision Committee had recommended conditional approval for these items listed. (A copy of the Consent Agenda is attached as an appendix to these minutes).

1. PLAN 2015-102P: TUSCANY, UNIT 10 (11/29/15)*- located at 2625 Sir Barton Way and 1970 Winchester Road (a portion of). (Council District 6) **(EA Partners)**

Note: The purpose of this amendment is to revise a street cross-section and notes #14 & #15.

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

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping.
 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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
2. PLAN 2015-103F: WILLIAMS PROPERTY, LOT 1 (11/29/15)*- located at 3400 Todds Road.
(Council District 7) **(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.
 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 note #5, to the approval of the Division of Engineering.
 9. Denote Planning Commission approval of waiver and access easement on plan.
 10. Denote that LFUCG shall not be responsible for maintenance of private storm sewers and easements.
3. PLAN 2015-104F: HAMBURG PLACE B-5P & B-6P AREA HIGHWAY COMMERCIAL (LOTS 10, 11 & 12) (AMD) (11/29/15)*- located at 2277 War Admiral Way. (Council District 6) **(Vision Engineering)**

Note: The purpose of this amendment is to subdivide Lot 12 into two lots and amend the boundaries of Lot 10.

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. Clarify engineer's certification to match Land Subdivision Regulations, to the approval of the Division of Engineering.
4. PLAN 2015-105F: PATCHEN WILKES TOWNHOMES (11/29/15)*- located at 2101 Patchen Lakes Lane.
(Council District 6) **(Eagle Engineering)**

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. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 9. Denote Amended Final Development Plan for townhomes' certification prior to plat recordation for Lots 1-8.
 10. Denote Board of Adjustment's Administrative Appeal approval (A-2015-56).
5. PLAN 2013-98F: MASTERSON HILLS, UNIT 1-C (12/22/15)* - located at 3000 Spurr Road.
(Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on September 12, 2013 and extended its approval on September 11, 2014, 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.

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

5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Provide flood protection elevation note to the approval of the Division of Engineering.
10. Denote "3' drainage easement maintenance responsibility for 10' cemetery lot proposed."
11. Indicate driveway location on corner lots to the approval of Traffic Engineering.
12. Addition of cemetery lot to this plat prior to certification, denoting cemetery protection required by Art. 3-7(b)(1), (2), (5), (6) & (7) of the Zoning Ordinance.
13. Denote on the plan a 5' side yard setback and a 4' fence height restriction on Lots 107 and 108 adjacent to the cemetery lot, prior to certification.

Note: The Commission's approval has since expired. The applicant now requests a reapproval for this Final Record Plat.

The Subdivision Committee Recommended: **Reapproval**, subject to the original conditions listed on today's agenda.

6. DP 2015-38: MASTERTON STATION CENTER, (CITATION VILLAGE) (AMD) (10/8/15)* - located at 2601 Leestown Road.
(Council District 2) **(EA Partners)**

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. 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. 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. Resolve compliance with stream mitigation as required by the Engineering Manuals.

7. DP 2015-90: MARATHON OIL CO. (SPEEDWAY SUPER AMERICA, LLC) (AMD) (11/29/15)* - located at 140 Mercer Road.
(Council District 2) **(McBride Dale)**

Note: The purpose of this amendment is to add a fueling station for commercial trucks behind the existing gas station and convenience store.

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. 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. Restore and clarify all information for convenience store and site from previous plan.
11. Denote property description of adjoining Lot 2.
12. Reduce size of landscape island at northeast corner of convenience store to place it outside of easement.
13. Denote tree protection area as identified on current development plan.
14. Revise dimensions of storage shed to include gross area.
15. Resolve pedestrian access to Lot 2.
16. Resolve stormwater detention necessary for the proposed use.
17. Resolve 52' wide apron onto Mercer Road from convenience store lot.

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

8. DP 2015-92: THE CHURCH OF THE GOOD SHEPHERD (AMD) (1/21/15)* - located at 533 East Main Street.
(Council District 3) **(Design Works)**

Note: The purpose of this amendment is to relocate the Columbarium on the site.

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. Addition of record plat information.
9. Identify exact locations of street cross-sections.
10. Label detention basin located along Main Street.
11. Label existing utility easements.
12. Correct note #6 making reference to Chapter 16 of the Code of Ordinance.
13. Correct spelling error in Owners' Certification.
14. Dimension Columbarium Garden.
15. Delete note #13.
16. Review by Technical Committee prior to plan certification.

In conclusion, Mr. Sallee said that the items identified on the Consent Agenda could be considered for approval at this time by the Commission, unless there was a request for an item to be removed from consideration by a member of the Commission, or the audience, in order to permit further discussion.

Consent Agenda Discussion – The Chair asked if anyone in the audience or on the Commission desired further discussion of any of the items listed on the Consent Agenda. Mr. Kevin Murphy requested that DP 2015-92 be removed from the Consent Agenda for further discussion.

Commission Comments – The Chair indicated that a request had been made to remove DP 2015-92 for further discussion, and noted that PLAN 2015-107F had been withdrawn (earlier), at the applicants request.

Action - A motion was made by Mr. Brewer, seconded by Ms. Richardson and carried 10-0 (Smith absent) to approve the items listed on the Consent Agenda, as recommended by the Subdivision Committee, removing DP 2015-92.

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

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

1. FINAL SUBDIVISION PLANS

- a. PLAN 2013-122F: SOUTHEND PARK, UNIT 1, SECTION 1 (1/26/15)* - located in the 700 & 800 blocks of De Roode Street. (Council District 3) **(Hall-Harmon Engineers)**

Note: The Planning Commission approved this plan at their November 14, 2013 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.

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

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: Lots 1-4 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. Complete owners' certification information per the Land Subdivision Regulations.
11. Provided the Planning Commission grants a waiver to Articles 4-7(d)(1) and 4-7(d)(9) of the Land Subdivision Regulations.
12. Review by Technical Committee prior to plan certification.

Note: The Planning Commission approved a one-year extension on October 9, 2014, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission; and then on March 13, 2014, the Commission also approved the requested waivers to the Land Subdivision Regulations, for these reasons:

1. Not granting the waivers would constitute an exceptional hardship for the applicant by impeding the development of the affordable housing component of the project.
2. Granting the waivers will not negatively impact public health and safety, as the completion of the public improvements will be completed; and warranties on the improvements will be provided by the standard contractual procedures utilized and required by the applicant.
3. Granting the waivers complies with 1-5(c) of the Land Subdivision Regulations that encourages waivers that facilitate infill and redevelopment projects.

Note: Section 1 of this plat (for lots 1-4) was recorded on March 17, 2014. The LFUCG Division of Engineering now requests a reapproval for the unrecorded (Section 2) of this plat.

The Staff Recommended: **Reapproval for the unrecorded Unit 1-B, Section 2 of this plat**, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission.

Staff Presentation – Mr. Martin directed the Commission's attention to Southend Park, Section 1, Unit 1 (the parent plat), also known as the Newtown Pike Corridor Extension project, located in the 700 & 800 blocks of De Roode Street. He directed the Commission's attention to a rendering of this plat to orient them to the location of the subject property and the nearby street system. He noted that the Planning Commission approved this plan at their November 14, 2013 meeting, as well as approved a one-year extension on October 9, 2014. Now the LFUCG Division of Engineering, along with the Kentucky Transportation Cabinet, has requested a reapproval for the unrecorded Unit 1-B, Section 2 of this plat.

Mr. Martin said that there is a waiver associated with this request, which involves the engineer's certification. He explained that the State of Kentucky is using Hall-Harmon, who prepared the plat; but they did not design or inspect the infrastructure and cannot sign the typical certification. What evolved from this issue was a modified engineer's certification that was acceptable to all parties involved.

Mr. Martin said that the staff is recommending reapproval for the unrecorded Unit 1-B, Section 2 of this plat, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission. He added that the project engineers were not present.

Planning Commission Questions – The Chair asked, since the waivers have already been approved by the Commission, if those needed to be reflected in the motion. Mr. Martin replied affirmatively.

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

Action - A motion was made by Mr. Cravens, seconded by Mr. Brewer, and carried 10-0 (Smith absent) to reapprove the unrecorded Unit 1-B, Section 2 of this plat, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission for PLAN 2013-122F: SOUTHEND PARK, SECTION 1, UNIT 1.

- b. PLAN 2011-8F: DENTON FARM, INC. UNIT 4-A, BLK J, LOTS 26-30; BLK L, LOTS 31-35 (AMD) (12/30/15)* -
located on Weston Park. (Council District 7) **(Strand Associates)**

Note: The purpose of this amendment is to create one new lot and add new easements. The Planning Commission approved this plan at their February 10, 2011, 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 required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.

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

6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Denote: This property shall be developed in accordance with the approved final development plan.
8. Correct adjacent property information per the most recent plat.
9. Correct purpose of amendment note.
10. Addition of exaction information to the approval of the Division of Planning.
11. Denote that no building permits will be issued on lots 29, 30, 34, 34A and 35 until an easement minor plat is recorded, or document easement release.
12. Document that the additional sewer taps have been installed for the new lot to the approval of the Division of Engineering.
13. Correct plan title.
14. Recordation of this plan prior to the recording of PLAN 2011-7F: Denton Farm, Inc., Unit 1-G.
15. Delete note #14 (references lot not part of this plat).
16. Delete note #15.

Note: The Commission's approval has since expired. The applicant now requests a reapproval for this Final Record Plat.

The Staff Recommends: **Reapproval**, subject to the original conditions listed on today's agenda.

Staff Presentation – Ms. Gallt introduced the final record plat for Denton Farm, Inc., Unit 4-A, Block J, Lots 26-30; Block L, Lots 31-35, located on Weston Park. She directed the Commission's attention to a rendering of this plat to orient them to the location of the subject property and the nearby street system. She indicated that the subject property is located off Richmond Road near the T-intersection of Weston Park and Ellerslie Park.

Ms. Gallt explained that the Planning Commission previously approved this plan at their February 10, 2011, meeting, subject to the conditions listed on today's agenda. She said that, at that time, the applicant had requested to increase the number of lots by one on the eastern side only, creating a total of six lots. She then said that the Commission's approval has since expired, and now the applicant is requesting a reapproval for this Final Record Plat.

Ms. Gallt said that the staff is recommending reapproval of this request, subject to the original conditions listed on today's agenda.

Planning Commission Questions – Mr. Penn asked for clarification to condition #15. Ms. Gallt explained that the applicant has made reference to a note from a different plat, and that note will need to be removed prior to the plan being certified.

The Chair asked if the applicant had anything further to add. Mr. Barlow, developer, responded that he did not.

Action - A motion was made by Ms. Richardson, seconded by Mr. Cravens, to reapprove PLAN 2011-8F: DENTON FARM, INC. UNIT 4-A, BLK J, LOTS 26-30; BLK L, LOTS 31-35 (AMD), subject to the original conditions listed on today's agenda.

Discussion of Motion – Ms. Mundy asked if documentation of the Division of Water Quality's approval of the Capacity Assurance Program requirements should be added. Mr. Sallee explained that this request is located in the Expansion Area 2; and under the Capacity Assurance Program, that entire Expansion Area is exempt from the program requirements because so much of the infrastructure is already in place.

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

The motion carried 10-0 (Smith absent).

2. DEVELOPMENT PLANS

- a. DP 2015-55: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM) & BURKE, HOCKENSMITH & MAGGARD PROPERTY, UNIT 5 (AMD.) (10/8/15)*- located at 2151 and 2221 Georgetown Road.
(Council District 2) **(Arnold Consulting)**

Note: The Planning Commission postponed this item at their July 9, 2015; August 13, 2015, and September 10, 2015, meetings. 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 availability 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.

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

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

Staff Presentation – Mr. Sallee directed the Commission's attention to Bluegrass Business Park, Lot 4 (Pemberton Farm) & Burke, Hockensmith & Maggard Property, Unit 5, located at 2151 and 2221 Georgetown Road. He said that the Planning Commission postponed this item at their July 9, 2015; August 13, 2015, and September 10, 2015, meetings. He then said that, without a request for postponement from the applicant, the deadline for the Commission to consider this request is October 8, 2015.

Mr. Sallee directed the Commission's attention to the photograph on the overhead projector, and briefly explained that the subject property is located at the southeast corner of Citation Boulevard and Georgetown Road. He said that Jaggie Fox Way is a collector street immediately to the west of Georgetown Road, near the railroad tracks. He then said that there is an industrial development immediately to the south of the subject property, and directly across Georgetown Road is Rood and Riddle Equine Hospital. He noted that Rood and Riddle Equine Hospital does have an access point onto Georgetown Road.

Mr. Sallee then directed the Commission's attention to the final development plan rendering, and said that at the center of this proposal there is a small piece of land that is zoned Agricultural Urban that is not part of this development plan. He then said that the development plan encompasses about 35 acres - almost the entirety of the vacant tract that was shown on the photograph. The applicant is proposing a 101,453 sq. ft, 35' tall industrial building that will have 143 parking spaces in the northern part of the site. He said that there would be a customer service area oriented toward Jaggie Fox Way, as well as large areas that would be used for the recycled asphalt and heavy duty concrete proposed for the trucks and the equipment parking. He said that the eastern third of the property is not currently being proposed for development, even though there is a proposed access to Georgetown Road directly across from the Rood and Riddle Equine Hospital.

Mr. Sallee directed the Commission's attention to the rendering for DP 2012-111: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM & BURKE, HOCKENSMITH & MAGGARD, UNIT 5 and explained that, at the December 13, 2012, meeting, the Commission had approved a development plan to construct a 7,300 sq. ft. building, along with 122 parking spaces. He said that, when comparing DP 2012-111 and DP 2015-55, the development approved on Lot 4 generally coordinates with this current proposal; but the 2012 version is less intense than today's version. In addition, the 2012 version had proposed to develop the corner of this property and provide for vehicular access off of Georgetown Road. He said the applicant had proposed to provide access to the subject property by way of two 60' access easements that connect from Georgetown Road and the rear of the site, which is gated. He explained that the 2012 version is just under 20 acres in size, so the balance then leaves an additional 15 acres where there was more speculative development proposed at that time. He said that the Planning Commission did approve DP 2012-111 on December 13, 2012; however, the applicant did not certify this plan within the one-year time allowed, and it has since expired. He then said that, in looking at the current proposal, the 2012 access easements have been removed; and there is no more speculative development for the 15 acres that fronts on Georgetown Road.

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

Mr. Sallee said that the Subdivision Committee had recommended postponement of this request, because the applicant had still not clarified the availability of sanitary sewer service to the proposed development, as required by the Capacity Assurance Program requirements, nor had they resolved the access proposed to the future lots. He explained that the subject property sits on a ridge and is located at the edge of two sanitary sewer banks. He said that at the Subdivision Committee meeting, it had been discussed that one of these banks had a very low to near zero capacity, while the other bank did have available capacity. He then said that there was an issue as to which way the sewage would flow from this development and as to whether or not there was capacity in the system for that sewage. Mr. Sallee said that to the staff's knowledge that question has not been answered since the Subdivision Committee meeting in July of this year.

Mr. Sallee circulated a number of email correspondences from the staff, (dated June 29th, June 30th, July 1st, July 8th, July 9th, August 12th, September 9th and September 30th), and explained that the staff had repeatedly contacted the applicant concerning these development plans issues, but has not been able to obtain any answers from the applicant. As a result, the staff would offer a revised recommendation of disapproval of this plan, for the following reasons.

1. The proposed development plan does not address significant concerns with the applicant's ability to provide the required public infrastructure, including sanitary sewer service to the site. There is a question as to whether there is compliance with the Capacity Assurance Program for this proposed development.
2. Stormwater Management measures due to the Royal Spring Aquifer protection area have not been addressed by this amended development plan.
3. Access to Georgetown Road, including any necessary public improvements, are far less detailed than those for the current development plan, approved previously for this location.
4. The applicant currently operates a similar, but smaller facility in an I-2 Zone, and the proposed development plan has not clarified all of its intended uses on the subject property to insure compliance with the existing I-1 Zoning of most of the subject property.
5. Under Article 21-7(e) of the Zoning Ordinance, the Commission may disapprove this amendment since the uncertainties listed above will "adversely affect the public health safety and welfare" and will "alter the essential character of the development as originally approved."

Mr. Sallee gave a brief summary of each of the above reasons, and said that with the uncertainty of the plan and the loss of the access that was originally proposed in 2012, the staff is comfortable with their recommendation. He continued noting that the staff can answer any questions regarding the staff recommendation or about this final record plat listed on today's agenda.

Planning Commission Questions - Mr. Penn asked if the fill dirt is still on the subject property in front of Rood and Riddle Equine Hospital. Mr. Sallee said that on his last site visit, there was a stock piling of dirt on the site before the roadway was opened. It's the staff's understanding that dirt is associated with the road project, and he believes the dirt is still present there. Mr. Penn said that during the Subdivision Committee meeting, there was a discussion regarding moving the fill dirt. He asked, if the Commission were to accept the staff recommendation of disapproval, if the pile of dirt will remain there until the property is developed. Mr. Sallee responded that the staff is unsure. Mr. Penn said that it should be noted somehow, because to just to walk away from this problem would create an eyesore. Mr. Sallee said that Mr. Newman was not aware of any answer to this question.

Petitioner Presentation - The Chair asked if the applicant or their representation was present. Mr. Sallee responded negatively.

Discussion - The Chair said that he was at Rood and Riddle Equine Hospital, and there is a good 20' elevation of fill dirt with trucks coming and going from that location. He then said that he appreciates Mr. Penn's thoughts. It's concerning, and would appreciate any answers on this issue. He added one of the reasons for disapproval is the protection of the Royal Springs Aquifer and the fill dirt could impact that spring.

Mr. Sallee said that the LFUCG staff believes that the origin of the dirt is from the road project and it is under the negotiations with a State entity of the Transportation Cabinet, which is why the Urban County Government staff is not aware of its future or what those agreements require. The Chair asked if it is possible to get those answers without holding up the staff's recommendation of disapproval. Mr. Sallee said that, regardless of how the Commission acts on this plan, the staff can certainly pursue that and try to find out that information. He then said that they can ask the MPO staff to make contact with the Transportation Cabinet for this information.

Mr. Penn pointed out that dirt does not stay dirt, and the area is unsightly as it is. It will become a mess once the weeds take hold. He said that, if it is possible, this should be investigated; and if it's the responsibility of the State, then the State should take care of it. He then said that he doubts that there is a permit to dump that dirt, considering that the Subdivision Committee was told that it would be a temporary situation; but it is still there.

Ms. Plumlee asked if Code Enforcement could pursue this problem. Mr. Sallee responded that he is not sure, and said that these types of situations do pop up from time to time. He then said that there are rules as to whether or not the problem occupies an acre or more of land; and if it is over an acre, then significant State regulations would kick in.

Action - A motion was made by Mr. Wilson, seconded by Ms. Richardson and carried 10-0 (Smith absent) to disapprove DP 2015-55: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM) & BURKE, HOCKENSMITH & MAGGARD PROPERTY, UNIT 5 (AMD), for the reasons provided by the staff.

- b. DP 2015-92: THE CHURCH OF THE GOOD SHEPHERD (AMD) (1/21/16)* - located at 533 East Main Street. (Council District 3) **(Design Works)**

Note: The purpose of this amendment is to relocate the Columbarium on the site.

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. Addition of record plat information.
9. Identify exact locations of street cross-sections.
10. Label detention basin located along Main Street.
11. Label existing utility easements.
12. Correct note #6 making reference to Chapter 16 of the Code of Ordinance.
13. Correct spelling error in Owners' Certification.
14. Dimension Columbarium Garden.
15. Delete note #13.
16. Review by Technical Committee prior to plan certification.

Staff Presentation – Mr. Hunter directed the Commission's attention to the development plan for Church of the Good Shepard, located at 533 East Main Street. He said that the subject property is near downtown, at the intersection of Bell Court and Sayre Avenue. He then said that the purpose of this amendment is to relocate the previously approved Garden Columbarium next to Bell Court.

Mr. Hunter said that the Subdivision Committee recommended approval of this request, subject to the conditions listed on today's agenda. He briefly explained that conditions #1-7 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. He added that this request was filed as a "late plan"; therefore, this item will be placed on the October 28th Technical Committee agenda for their review.

Planning Commission Questions – The Chair asked if the Garden Columbarium is stand-alone or if it is attached to the building. Mr. Hunter explained that the Garden Columbarium is depicted as a detached structure, 4' in height. The fence material will be metal, pavers will be used instead of concrete, and it will open on the side. The Chair then asked if there will be a walkway provided. Mr. Hunter said that the final development plan references the use of stepping stones.

Representation – Mark Arnold, Design Works, was present representing the applicant, and indicated they do not have anything further to add.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. Mr. Kevin Murphy, who lives near the Church, said that even though this was an amended zoning development plan that was approved in 2000, there was no notice sent to the nearby residents for the current request. He gave a brief history of the subject property, and said that in 2000, a zoning development plan was part of the zone change for this property, which showed the Garden Columbarium to be located in the center of the proposed addition and the existing church. He then said that in September 2014, Good Shepherd Church appeared before the Board of Architectural Review for approval for the Garden Columbarium. He added that the BOAR does not consider the use issue - only aesthetic issues, so they granted approval of the applicant's request.

Mr. Murphy said that in July 2014, Good Shepherd Church advertised in their newsletter that a ground-breaking service would be held in August; subsequently, in September, the demolition began, removing the existing trees and shrubs. He then said that no permits were issued for the demolition, nor was there Board of Adjustment approval sought; but it's his understanding that there is an application that has been filed with the staff. Mr. Murphy said that he consulted Councilmember Gibbs, who had no knowledge of this request; and he also found that there were no permits issued for the demolition. He then said that he received an email correspondence from the Division of Building Inspection informing him that a fence permit was issued, and the applicant was required to file an application with the Board of Adjustment. This would be the first notification to the surrounding neighbors that informed them as to what was going on with this property. He said that, as of today, the fence has been removed, footings have been placed and blocks are in place.

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

Mr. Murphy said that his concern is with the lack of notification on this zoning development plan that was approved 15 years ago, as well as no notification for the Board of Adjustment, if they even filed an application. He asked if this would be considered a "de facto" approval of a conditional use that has not been approved by the Board of Adjustment. He then said that he would request that this application be disapproved, but a more reasonable request would be that this request be postponed. The reasons for the postponement would be due to not having the appropriate permits or the Board of Adjustment's approval. This would allow them to show a good faith effort in the process and procedures that have been set out by the Urban County Government to ensure the protection of the rights of the citizens of the community.

Planning Commission Questions – Mr. Cravens asked if Mr. Murphy is against what the Church is proposing. Mr. Murphy said that he is not against the idea of a Columbarium, and he understands that they are a great service to the community and a wonderful fundraiser, but his concern is the relocation of the structure from the center of the property, to along the frontage of Bell Court due to the safety issue it would create.

Staff Rebuttal – Mr. Martin said that he is not speaking on behalf of the Church concerning the permit issue; but he wanted to make it clear to the Planning Commission that this request is for a Final Development Plan, which had expired, and that is the reason this plan is in front of the Commission for reapproval. He then said that there is no notification requirement on a Final Development Plan, so no notice was sent out to the surrounding community. He added that this request was approved by the Board of Adjustment; and the conditions imposed by the BOA shown were on the overhead, as well as recorded on the Land Use Certificate (C-00-113). He said that condition #6 states "*That the action of the Board be noted on the Final Development Plan for the subject property submitted for Planning Commission approval.*" He then said that the Commission has the authority to amend this plan, as well as approve this plan; it does not need to return to the Board of Adjustment for approval. Mr. Martin repeated that notification is not required on a Final Development Plan.

Planning Commission Question – The Chair clarified that the Commission's approval on this Final Development Plan had expired, and now the applicant has requested to relocate the Garden Columbarium, as well. Mr. Martin replied affirmatively, and said that amending the plan allows the Commission to grant the reapproval.

The Chair confirmed that the Board of Adjustment had already granted approval on this request, to which Mr. Martin replied affirmatively. Mr. Sallee added, that in speaking with Mr. Emmons, who is the primary staff member for the Board of Adjustment cases, the Board did approve the Garden Columbarium in 2000; and in reviewing the Land Use Certificate, condition #1 states: "*That the property be developed according to the submitted application and site plan, or as amended by the Urban County Planning Commission.*" He then said that the words "site plan, or as amended by the Urban County Planning Commission" is the reason there is not an application for another conditional use permit for the Columbarium relocation. It's strictly a development plan issue.. He then said that there will not be need for a new conditional use permit for this property concerning the Garden Columbarium.

Mr. Penn asked if the fact that a permit was not obtained for demolition is germane to this conversation. Mr. Martin said that permits are required, plans do expire and not everyone is sophisticated about that sort of thing. He then repeated that he is not speaking on behalf of the applicant and why they took the actions as they did; but they did speak with the staff about the situation, and they were informed that the plan needed to be approved. They were told they should go ahead and amend the location of the Garden Columbarium on the Final Development Plan, which is what the applicant had done. He said that, since Phase II of this project has not been built, by having the plan reapproved the applicant is able to retain the Phase II portion of this project.

Representation Rebuttal – Mr. Arnold said that they were approved by, and received a Certificate of Appropriateness from the BOAR in 2014. At that time, the Church had no intention to build Phase II; but, unfortunately, when the development plan was submitted, the Garden Columbarium was associated with the Phase II portion of the development. He added that subsequent to 2000, the church had a need for the Columbarium. He explained that the Columbarium is a garden wall and a fence, and it is within the Church's right to build a small garden wall in their side yard as long as it is appropriate with the Board of Adjustment. He said that, once they met with the Division of Planning staff and talked to them about the procedure, it appeared that it was best to apply for a fence and wall permit to allow the construction of the garden, pavers, wall and the landscaping to begin. He then said that this would allow them to have a lag time for several months before the actual insertion of the metal niche went into the wall; and this is why they are presenting this application to the Commission for their consideration.

Mr. Arnold said that they did obtain a permit for the fence and garden wall, and they have obtained a permit to allow the construction that has been done. He then said that they need the Planning Commission's approval to relocate the Columbarium within that wall.

Planning Commission Question – Mr. Penn asked if the Church services can be contained to inside the property and not impact Bell Court. Mr. Arnold said that the space that will be enclosed for the Columbarium will not be appropriate for a large group of people; it will be more for smaller, more intimate gatherings, so the larger services will always be held within the Church sanctuary. Mr. Penn then asked if they see Bell Court being impacted. Mr. Arnold said that Bell Court will not be impacted any more than what it already is from the functions that are held in this area.

The Chair asked where the original Columbarium was located. Mr. Arnold directed the Commission's attention to the rendering to illustrate the location of the Columbarium, and said that it was attached to the Phase II portion of this development plan; and had the word "Columbarium" not been used, but named as an outside element, they would not need to present this request to the Commission. He then said that the Church has no future plans to build the Phase II portion at this time, but they do have a need to build the Columbarium. He added that, due to a number of concerns, the original location of the Columbarium was not suitable. This is why they submitted their application to the BOAR and were granted approval.

Opposition Rebuttal – Mr. Murphy indicated that it seems that he has received conflicting information from the different agencies, and said that even though the Land Use Certificate is shown on the overhead, he is still confused with how, what was originally submitted as a zone change in 2000 to allow a conditional use, would not go back to the Board of Adjustment. He then said that if this application was submitted to the BOA, it would trigger the notification to be sent out to the residents, showing that they want to amend or change the conditional use on this property. He then said that the Planning Commission cannot amend or change the conditional use on this property; and, to him, this is a "de facto" change with regard to what is happening and this concerns him. Mr. Murphy said he was very unclear as to why there is not requirement for an appeal to the Board of Adjustment.

The Chair said that this property has been to the Board of Adjustment and was granted approval for this use. He then said that, under the first condition listed on the Land Use Certificate, it states that the Planning Commission may amend this site plan, if necessary. Mr. Saltee responded in agreement, and said that the use had been approved by the BOA, and the Planning Commission does have the ability to change its location on the site through the language noted the first condition of the BOA's approval. Mr. Murphy indicated that he was unaware of that, and said that no notice was sent out. The Chair said that notice is not required for Final Development Plans. Ms. Jones said that under the Zoning Ordinance there is no notice provision, which is why no notice was required for this application. Mr. Murphy requested that the Planning Commission either disapprove this application or relocate the Columbarium back to its original location.

Planning Commission Question - The Chair asked for a brief summary of the applicant's design schematics. Mr. Arnold acknowledged the request, and explained the conceptual design of the building, and the layout of the outside garden area, as well as what materials will be used for the Columbarium to maintain a view that is appealing.

The Chair asked if Mr. Murphy had any comments regarding the explanation of the design schematic. Mr. Murphy said that Mr. Arnold is a landscape architect, but he is a licensed architect in the State of Kentucky and he is having a little bit of trouble with Mr. Arnold's reasoning that placing the Columbarium on the street would be more private than where it was originally proposed. He then said that he is not prepared to give a full statement since he was not aware of this application until just prior to this meeting, plus he believed there would be a public hearing at the Board of Adjustment. He then said that there have been times when the Church has used Bell Court for its ceremonies and rituals, and this has been problematic in the past year on a few occasions. He added that, should the Commission approve this request, he hopes that conditions can be added to address the issue with the use of Bell Court.

Planning Commission Questions – Mr. Drake asked if the Church is in compliance with the Zoning Ordinance and Land Subdivision Regulations. Ms. Jones said that, as far as the Zoning Ordinance requirements, they are not in violation of anything.

Mr. Brewer asked what was allowed or restricted under the current Zoning Ordinance. Ms. Jones said that the conditional use permit does not pertain to what happens on the street, only to the property. Mr. Brewer then asked what Division regulates what happens in the street, adjacent to this property. Mr. Martin said that if the Division of Planning were asked to sign off on a permit, the staff would review their request to ensure that the applicant was in compliance with the approved development plan. He then said that the applicant would be allowed to do whatever the approved development plan allows. He added that the current location of the Columbarium is closer to Main Street, and the applicant is proposing to relocate it next to Bell Court. He said that there will be no access added; and had this plan not expired, this request would have qualified as a minor amendment. He then said that minor amendments are not presented to the Planning Commission, but rather those are subject to only the staff's review. He explained that this request would have been approved for the movement of a structure in an already approved space. He said that had the staff felt there would have been an impact to Bell Court, then the other governmental agencies would have been involved; but for this request, the staff does not see an issue.

Mr. Brewer confirmed that the Planning Commission really does not have anything to say with what happens on Bell Court. Mr. Martin said that they are not allowed to infringe on public right-of-way, any more than someone else is allowed. He then said that the Final Development Plan that was approved on this property does not make any reference to anything other than existing zoning; but it appears that there is more than one principal structure on this property, which would explain the Final Development Plan. He added that the Final Development Plan does reference the BOA and the BOAR approvals.

Mr. Penn asked if it is appropriate on a minor amendment to condition the use of the street. Mr. Martin replied negatively, and said that if access was being requested or a change in the existing access, then the Divisions of

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Traffic Engineering and Fire would become involved in such a review. Mr. Penn said that Mr. Murphy had asked if a condition could be added concerning Bell Court, but that would be a whole different issue. Mr. Martin said that Bell Court is public right-of-way, and the Planning Commission's jurisdiction is only over the development plan.

Mr. Cravens indicated that Mr. Murphy was stating that if the Columbarium were on the other side of the building, then Bell Court would not be impacted, which Mr. Murphy confirmed.

Mr. Wilson said that Mr. Murphy noted that there are other activities taking place at the Church that have spilled out onto Bell Court. He then said that the neighborhood should get together with the rector of the Church and explain their concerns with the impact of the activities. The Chair agreed and said that this seems to be more of an issue with Code Enforcement.

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy and carried 10-0 (Smith absent) to approve DP 2015-92, as presented by the staff.

Note: Mr. Brewer departed the meeting.

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

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 9-0 (Brewer and Smith absent) to approve the release and call of bonds as detailed in the memorandum dated October 8, 2015, from Barry Brock, Division of Engineering.

Note: Mr. Brewer arrived at the meeting.

3. DEVELOPMENT PLANS (continued)

- c. DP 2011-41: BLACKFORD PROPERTY, PHASE 1, UNIT 5 & PHASE 3 (AMD) (1/12/16)* - located on Blackford Parkway. (Council District 12) **(EA Partners)**

Note: The Planning Commission approved this plan at their June 23, 2011, meeting, 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. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree protection plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike and 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's approval of emergency access and fire hydrant locations.
10. Provided the Planning Commission makes a finding that the plan is in compliance with the EAMP.
11. Resolve the details of the greenway connection at Lots 391 & 392.
12. Resolve tree preservation area conflict with the EAMP storm water plans (remove T.P.A).
13. Resolve the extent of the sinkhole (identify closed contour area).
14. Denote: No development of Lots 412-416 until Blackford Parkway is constructed.
15. Denote: No vehicular access to Walnut Grove Lane or Deer Haven Lane.

Note: This plan was certified on October 19, 2011. The Planning Commission granted approval of an extension of their previous approval at their October 9, 2014, meeting. They also made a finding, required by Article 4-4(d)(1) of the Land Subdivision Regulations, which states that "progress has been made in the physical construction of improvements" in order to grant that extension.

The applicant now requests approval of a one-year extension for the Preliminary Subdivision Plan portion of this plan.

The Subdivision Committee Recommended: Postponement. There has been no documentation provided by the applicant as to the "progress ... made in the physical construction of improvements" for this development over the past year.

Staff Presentation – Mr. Sallee introduced to the Commission the development plan for Blackford Property, Phase 1, Unit 5 & Phase 3, located on Blackford Parkway. He noted that the staff had provided the Commission a handout to help explain the postponement recommendation made by the Subdivision Committee.

Mr. Sallee directed the Commission's attention to a rendering of this development plan and oriented them to the location of the subject property and the nearby street system. He explained that the property is located at the terminus of Blackford Parkway, which extends westward toward Man o' War Boulevard, and it is immediately north of the most recent zone change on the Clark Property. He said that there is residential housing currently under development on the subject

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

site that is adjacent to the Greenbrier Golf course. Mr. Sallee further explained that this request is for an extension of the prior approval granted for an amended Preliminary Subdivision Plan. The rendering depicts the street and lotting pattern for the remainder of the development, including the open space area along Walnut Grove Lane, as well as the 200' building line that is required by the Zoning Ordinance. He said that even though there is a small section of land that is zoned EAR-2, the land is mostly zoned EAR-1, with a mixture of small and larger lots being proposed overall. He indicated that, since these two zones do not have a minimum lot size, once the land is developed, it will be very difficult to distinguish between the two zones because of how the lots will be integrated together throughout this unit of the subdivision.

Mr. Sallee said that the Planning Commission previously approved this plan at their June 23, 2011, meeting, subject to the conditions listed on today's agenda; and later that same year (October 19th) this plan was certified. He then said that the Planning Commission granted an extension of their previous approval at their October 9, 2014, meeting. He explained that, as part of the Land Subdivision Regulations, the Preliminary Subdivision Plan portion of this plan allows the developer to submit plans to the Division of Engineering for three years; so at the end of 2014, the applicant requested an extension to allow additional time to submit those plans. He then said that the Final Development Plan portion of this plan is good for five years, which has not expired at this time. He added that now the applicant is up against another timeline where they can no longer submit plans to the Division of Engineering for this development, so the applicant is requesting another approval from the Planning Commission for a one-year extension.

Mr. Sallee said that under Article 4-4(d)(1) of the Land Subdivision Regulations, in order for the Planning Commission to grant that extension, the Commission must find that "progress has been made in the physical construction of improvements" over the past year. He then said that, at the time of the Subdivision Committee meeting, no such documentation had been submitted to the staff, and this is what led to the postponement recommendation made by the Committee. He noted that the staff had since received, and today distributed the required documentation to the Commission for their review, showing the progress on the subject property. Staff had also received final record plat filings for the center portion of this site, which indicated that the infrastructure is or soon will be, in place. Mr. Sallee said that the requirement of the Land Subdivision Regulations has been met; and, as such, the staff is now recommending approval of a one-year extension for this plan.

Representation – Rory Kahly, EA Partners, was present representing the applicant. He indicated that they were in agreement with the staff's recommendations, and requested approval of a one-year extension for DP 2011-41.

Planning Commission Questions – Mr. Penn said that had the Committee seen the required documentation, the recommendation would have been different, and asked why the Committee did not see it. Mr. Kahly replied that they have never been asked to show this documentation in the past.

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

Action - A motion was made by Ms. Richardson, seconded by Mr. Drake, to reapprove DP 2011-41, as presented by the staff.

Discussion of Motion – Mr. Wilson asked if this approval was for a one-year extension. Mr. Sallee replied affirmatively and said that that is all that the Land Subdivision Regulations would allow.

Action – An amended motion was made by Ms. Richardson, seconded by Mr. Drake and carried 10-0 (Smith absent) to approve a one-year extension for DP 2011-41, as presented by the staff.

VI. COMMISSION ITEMS

- A. WORK SESSION – Mr. Duncan reminded the Commission members that they do not have a work session October 15th; but according their schedule, the next Planning Commission meeting will be on October 22nd and the next work session will be held on October 29th.
- B. COMMUNICATION FROM THE LAW DEPARTMENT – Ms. Jones informed the Planning Commission that the Law Department had received an appeal pertaining to the Planning Commission's decision on PLAN 2015-93F: ASHLAND PARK, INC., SUBDIVISION, NO. 12, LOT 3 (AMD) for property located at 508 Clinton Road.

VII. STAFF ITEMS

- A. COMMUNICATION FROM THE STAFF – Mr. Martin informed the Planning Commission that the Division of Engineering had sent word that DP 2015-55: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM) & BURKE, HOCKENSMITH & MAGGARD PROPERTY, UNIT 5 (AMD.) – the property located at 2151 and 2221 Georgetown Road does have a land disturbance permit for the fill associated with Citation Boulevard. The Chair asked if this is a temporary permit, to which Mr. Martin said that that information was noted on the permit.

VIII. AUDIENCE ITEMS – There were none.

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

IX. NEXT MEETING DATES

Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) October 28, 2015
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers **October 22, 2015**
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) November 5, 2015
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)..... November 5, 2015
Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers..... **November 12, 2015**

X. ADJOURNMENT - There being no further business, the Chair adjourned the meeting at 2:50 PM.

Mike Owens, Chair

Will Berkley, Secretary

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

October 8, 2015

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

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

Planning Staff members present – Acting Director James Duncan; 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; Jeff Neal, Division of Traffic Engineering; Captain Greg Lengal, Division of Fire and Emergency Services and Tracy Jones, Department of Law.

- II. **APPROVAL OF MINUTES** – The minutes of the August 13, 2015, meeting will be considered by the Planning Commission at this time, as well as a portion of the September 10, 2015, meeting (CT 2015-1).

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 10-0 (Smith absent) to approve the minutes of the August 13, 2015, meeting, as well as a portion of the September 10, 2015, meeting (CT 2015-1).

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

- a. PLAN 2015-106F: DISTILLERY DISTRICT WEST, UNIT 1 (PENDERY FINANCIAL, LLC PROPERTY) (11/29/15)*- located at 1151 Manchester Street. (Council District 2) **(2020 Land Surveying)**

The Subdivision Committee Recommended: **Postponement**, due to the lack of sanitary sewer service.

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 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 maintenance note per Art. 5-4(g).
10. Denote effective date of floodplain map information.
11. Denote flood protection elevation on plat to the approval of Water Quality.
12. Correct plan title.
13. Revise Urban County Engineer's certification.
14. Discuss dedication of right-of-way and possible improvements.
15. Discuss sanitary sewer service and possible waiver request.
16. Discuss certifications per possible need for waiver.

Representation – Justin Drury, 2020 Land Surveying, was present representing the applicant, and requested postponement of PLAN 2015-106F: DISTILLERY DISTRICT WEST, UNIT 1 (PENDERY FINANCIAL, LLC PROPERTY) to the November 12, 2015, Planning Commission meeting.

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

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy and carried 10-0 (Smith absent) to postpone PLAN 2015-106F: DISTILLERY DISTRICT WEST, UNIT 1 (PENDERY FINANCIAL, LLC PROPERTY) to the November 12, 2015, Planning Commission meeting.

- b. DP 2015-30: HIGH POINT SUBDIVISION (MONON, INC.) (10/815)* - located at 1123 Winchester Road. (Council District 5) **(Myke Robbins)**

Note: The applicant had requested that this previously postponed item be given consideration by the Commission. The Planning Commission postponed this item at their September 10, 2015, meeting, due to lack of representation by the applicant.

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

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

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

1. Urban County Engineer's acceptance of drainage, 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.
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.

Representation – Myke Robbins was present representing the applicant, and requested postponement of DP 2015-30: HIGH POINT SUBDIVISION (MONON, INC.) to the October 22, 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. Penn, seconded by Ms. Richardson and carried 10-0 (Smith absent) to postpone DP 2015-30: HIGH POINT SUBDIVISION (MONON, INC.) to the October 22, 2015, Planning Commission meeting.

- c. PLAN 2015-67P: COPPER CREEK SUBDIVISION (10/8/15)* - located at 1850 Old Higbee Mill Road (a portion of).
(Council District 9) **(EA Partners)**

Note: The Planning Commission postponed this item at their August 13, 2015 and September 10, 2015, meetings.

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 Wyndham 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 – Chris Clendenen, attorney, was present representing the applicant, and requested postponement of PLAN 2015-67P: COPPER CREEK SUBDIVISION to the October 22, 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.

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

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 10-0 (Smith absent) to postpone PLAN 2015-67P: COPPER CREEK SUBDIVISION to the October 22, 2015, Planning Commission meeting.

- d. PLAN 2015-107F: WILLIAM SHELY SUBDIVISION, UNIT 1, BLOCK A, LOT 2 & UNIT 2 (11/29/15)*- located at 435 West New Circle Road. (Council District 1) **(Endris Engineering)**

Note: The purpose of this amendment is to reduce the building line of the property from 65' to 55'.

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. Correct floodplain location in north corner of property.
7. Delete 65' building line information depicted.
8. Correct cabinet and slide information (on subject lot).
9. Increase font size of plan notes & certification on plan.
10. Update street cross-section information.

Staff Comments – Mr. Martin said that the staff had been contacted by the applicant, requesting to withdraw PLAN 2015-107F: WILLIAM SHELY SUBDIVISION, UNIT 1, BLOCK A, LOT 2 & UNIT 2. Mr. Sallee said that the staff had received the email correspondence just prior to today's meeting from the applicant's engineer.

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

Action - A motion was made by Ms. Mundy, seconded by Ms. Plumlee and carried 10-0 (Smith absent) to withdraw PLAN 2015-107F: WILLIAM SHELY SUBDIVISION, UNIT 1, BLOCK A, LOT 2 & UNIT 2.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, October 1, 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, Cheryl Galt, Denice Bullock, Kelly Hunter and Dave Jarman, as well as Lieutenant Joshua Thiel, 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.

- Criteria:**
- (1) the Subdivision Committee recommendation is for approval, as listed on this agenda; and
 - (2) the Petitioner is in agreement with the Subdivision Committee recommendation and the conditions listed on the agenda; and
 - (3) no discussion of the item is desired by the Commission; and
 - (4) no person present at this meeting objects to the Commission acting on the matter without discussion; and
 - (5) the matter does not involve a waiver of the Land Subdivision Regulations.

- Requests can be made to remove items from the Consent Agenda:**
- (1) due to prior postponements and withdrawals,
 - (2) from the Planning Commission,
 - (3) from the audience, and
 - (4) from Petitioners and their representatives.

At the request of the Chair, Mr. Sallee identified the following items appearing on the Consent Agenda, and oriented the Commission to the location of these items on the regular Meeting Agenda. He noted that the Subdivision Committee had recommended conditional approval for these items listed. (A copy of the Consent Agenda is attached as an appendix to these minutes).

1. PLAN 2015-102P: TUSCANY, UNIT 10 (11/29/15)*- located at 2625 Sir Barton Way and 1970 Winchester Road (a portion of). (Council District 6) **(EA Partners)**

Note: The purpose of this amendment is to revise a street cross-section and notes #14 & #15.

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

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping.
 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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
2. PLAN 2015-103F: WILLIAMS PROPERTY, LOT 1 (11/29/15)*- located at 3400 Todds Road.
(Council District 7) **(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.
 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 note #5, to the approval of the Division of Engineering.
 9. Denote Planning Commission approval of waiver and access easement on plan.
 10. Denote that LFUCG shall not be responsible for maintenance of private storm sewers and easements.
3. PLAN 2015-104F: HAMBURG PLACE B-5P & B-6P AREA HIGHWAY COMMERCIAL (LOTS 10, 11 & 12) (AMD) (11/29/15)*- located at 2277 War Admiral Way. (Council District 6) **(Vision Engineering)**

Note: The purpose of this amendment is to subdivide Lot 12 into two lots and amend the boundaries of Lot 10.

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. Clarify engineer's certification to match Land Subdivision Regulations, to the approval of the Division of Engineering.
4. PLAN 2015-105F: PATCHEN WILKES TOWNHOMES (11/29/15)*- located at 2101 Patchen Lakes Lane.
(Council District 6) **(Eagle Engineering)**

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. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 9. Denote Amended Final Development Plan for townhomes' certification prior to plat recordation for Lots 1-8.
 10. Denote Board of Adjustment's Administrative Appeal approval (A-2015-56).
5. PLAN 2013-98F: MASTERSON HILLS, UNIT 1-C (12/22/15)* - located at 3000 Spurr Road.
(Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on September 12, 2013 and extended its approval on September 11, 2014, 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.

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

5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Provide flood protection elevation note to the approval of the Division of Engineering.
10. Denote "3' drainage easement maintenance responsibility for 10' cemetery lot proposed."
11. Indicate driveway location on corner lots to the approval of Traffic Engineering.
12. Addition of cemetery lot to this plat prior to certification, denoting cemetery protection required by Art. 3-7(b)(1), (2), (5), (6) & (7) of the Zoning Ordinance.
13. Denote on the plan a 5' side yard setback and a 4' fence height restriction on Lots 107 and 108 adjacent to the cemetery lot, prior to certification.

Note: The Commission's approval has since expired. The applicant now requests a reapproval for this Final Record Plat.

The Subdivision Committee Recommended: **Reapproval**, subject to the original conditions listed on today's agenda.

6. DP 2015-38: MASTERTON STATION CENTER, (CITATION VILLAGE) (AMD) (10/8/15)* - located at 2601 Leestown Road.
(Council District 2) **(EA Partners)**

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. 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. 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. Resolve compliance with stream mitigation as required by the Engineering Manuals.

7. DP 2015-90: MARATHON OIL CO. (SPEEDWAY SUPER AMERICA, LLC) (AMD) (11/29/15)* - located at 140 Mercer Road.
(Council District 2) **(McBride Dale)**

Note: The purpose of this amendment is to add a fueling station for commercial trucks behind the existing gas station and convenience store.

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. 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. Restore and clarify all information for convenience store and site from previous plan.
11. Denote property description of adjoining Lot 2.
12. Reduce size of landscape island at northeast corner of convenience store to place it outside of easement.
13. Denote tree protection area as identified on current development plan.
14. Revise dimensions of storage shed to include gross area.
15. Resolve pedestrian access to Lot 2.
16. Resolve stormwater detention necessary for the proposed use.
17. Resolve 52' wide apron onto Mercer Road from convenience store lot.

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

8. DP 2015-92: THE CHURCH OF THE GOOD SHEPHERD (AMD) (1/21/15)* - located at 533 East Main Street.
(Council District 3) **(Design Works)**

Note: The purpose of this amendment is to relocate the Columbarium on the site.

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. Addition of record plat information.
9. Identify exact locations of street cross-sections.
10. Label detention basin located along Main Street.
11. Label existing utility easements.
12. Correct note #6 making reference to Chapter 16 of the Code of Ordinance.
13. Correct spelling error in Owners' Certification.
14. Dimension Columbarium Garden.
15. Delete note #13.
16. Review by Technical Committee prior to plan certification.

In conclusion, Mr. Sallee said that the items identified on the Consent Agenda could be considered for approval at this time by the Commission, unless there was a request for an item to be removed from consideration by a member of the Commission, or the audience, in order to permit further discussion.

Consent Agenda Discussion – The Chair asked if anyone in the audience or on the Commission desired further discussion of any of the items listed on the Consent Agenda. Mr. Kevin Murphy requested that DP 2015-92 be removed from the Consent Agenda for further discussion.

Commission Comments – The Chair indicated that a request had been made to remove DP 2015-92 for further discussion, and noted that PLAN 2015-107F had been withdrawn (earlier), at the applicants request.

Action - A motion was made by Mr. Brewer, seconded by Ms. Richardson and carried 10-0 (Smith absent) to approve the items listed on the Consent Agenda, as recommended by the Subdivision Committee, removing DP 2015-92.

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

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

1. FINAL SUBDIVISION PLANS

- a. PLAN 2013-122F: SOUTHEND PARK, UNIT 1, SECTION 1 (1/26/15)* - located in the 700 & 800 blocks of De Roode Street. (Council District 3) **(Hall-Harmon Engineers)**

Note: The Planning Commission approved this plan at their November 14, 2013 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.

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

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: Lots 1-4 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. Complete owners' certification information per the Land Subdivision Regulations.
11. Provided the Planning Commission grants a waiver to Articles 4-7(d)(1) and 4-7(d)(9) of the Land Subdivision Regulations.
12. Review by Technical Committee prior to plan certification.

Note: The Planning Commission approved a one-year extension on October 9, 2014, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission; and then on March 13, 2014, the Commission also approved the requested waivers to the Land Subdivision Regulations, for these reasons:

1. Not granting the waivers would constitute an exceptional hardship for the applicant by impeding the development of the affordable housing component of the project.
2. Granting the waivers will not negatively impact public health and safety, as the completion of the public improvements will be completed; and warranties on the improvements will be provided by the standard contractual procedures utilized and required by the applicant.
3. Granting the waivers complies with 1-5(c) of the Land Subdivision Regulations that encourages waivers that facilitate infill and redevelopment projects.

Note: Section 1 of this plat (for lots 1-4) was recorded on March 17, 2014. The LFUCG Division of Engineering now requests a reapproval for the unrecorded (Section 2) of this plat.

The Staff Recommended: **Reapproval for the unrecorded Unit 1-B, Section 2 of this plat**, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission.

Staff Presentation – Mr. Martin directed the Commission's attention to Southend Park, Section 1, Unit 1 (the parent plat), also known as the Newtown Pike Corridor Extension project, located in the 700 & 800 blocks of De Roode Street. He directed the Commission's attention to a rendering of this plat to orient them to the location of the subject property and the nearby street system. He noted that the Planning Commission approved this plan at their November 14, 2013 meeting, as well as approved a one-year extension on October 9, 2014. Now the LFUCG Division of Engineering, along with the Kentucky Transportation Cabinet, has requested a reapproval for the unrecorded Unit 1-B, Section 2 of this plat.

Mr. Martin said that there is a waiver associated with this request, which involves the engineer's certification. He explained that the State of Kentucky is using Hall-Harmon, who prepared the plat; but they did not design or inspect the infrastructure and cannot sign the typical certification. What evolved from this issue was a modified engineer's certification that was acceptable to all parties involved.

Mr. Martin said that the staff is recommending reapproval for the unrecorded Unit 1-B, Section 2 of this plat, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission. He added that the project engineers were not present.

Planning Commission Questions – The Chair asked, since the waivers have already been approved by the Commission, if those needed to be reflected in the motion. Mr. Martin replied affirmatively.

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

Action - A motion was made by Mr. Cravens, seconded by Mr. Brewer, and carried 10-0 (Smith absent) to reapprove the unrecorded Unit 1-B, Section 2 of this plat, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission for PLAN 2013-122F: SOUTHEND PARK, SECTION 1, UNIT 1.

- b. PLAN 2011-8F: DENTON FARM, INC. UNIT 4-A, BLK J, LOTS 26-30; BLK L, LOTS 31-35 (AMD) (12/30/15)* -
located on Weston Park. (Council District 7) **(Strand Associates)**

Note: The purpose of this amendment is to create one new lot and add new easements. The Planning Commission approved this plan at their February 10, 2011, 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 required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.

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

6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Denote: This property shall be developed in accordance with the approved final development plan.
8. Correct adjacent property information per the most recent plat.
9. Correct purpose of amendment note.
10. Addition of exaction information to the approval of the Division of Planning.
11. Denote that no building permits will be issued on lots 29, 30, 34, 34A and 35 until an easement minor plat is recorded, or document easement release.
12. Document that the additional sewer taps have been installed for the new lot to the approval of the Division of Engineering.
13. Correct plan title.
14. Recordation of this plan prior to the recording of PLAN 2011-7F: Denton Farm, Inc., Unit 1-G.
15. Delete note #14 (references lot not part of this plat).
16. Delete note #15.

Note: The Commission's approval has since expired. The applicant now requests a reapproval for this Final Record Plat.

The Staff Recommends: **Reapproval**, subject to the original conditions listed on today's agenda.

Staff Presentation – Ms. Gallt introduced the final record plat for Denton Farm, Inc., Unit 4-A, Block J, Lots 26-30; Block L, Lots 31-35, located on Weston Park. She directed the Commission's attention to a rendering of this plat to orient them to the location of the subject property and the nearby street system. She indicated that the subject property is located off Richmond Road near the T-intersection of Weston Park and Ellerslie Park.

Ms. Gallt explained that the Planning Commission previously approved this plan at their February 10, 2011, meeting, subject to the conditions listed on today's agenda. She said that, at that time, the applicant had requested to increase the number of lots by one on the eastern side only, creating a total of six lots. She then said that the Commission's approval has since expired, and now the applicant is requesting a reapproval for this Final Record Plat.

Ms. Gallt said that the staff is recommending reapproval of this request, subject to the original conditions listed on today's agenda.

Planning Commission Questions – Mr. Penn asked for clarification to condition #15. Ms. Gallt explained that the applicant has made reference to a note from a different plat, and that note will need to be removed prior to the plan being certified.

The Chair asked if the applicant had anything further to add. Mr. Barlow, developer, responded that he did not.

Action - A motion was made by Ms. Richardson, seconded by Mr. Cravens, to reapprove PLAN 2011-8F: DENTON FARM, INC. UNIT 4-A, BLK J, LOTS 26-30; BLK L, LOTS 31-35 (AMD), subject to the original conditions listed on today's agenda.

Discussion of Motion – Ms. Mundy asked if documentation of the Division of Water Quality's approval of the Capacity Assurance Program requirements should be added. Mr. Sallee explained that this request is located in the Expansion Area 2; and under the Capacity Assurance Program, that entire Expansion Area is exempt from the program requirements because so much of the infrastructure is already in place.

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

The motion carried 10-0 (Smith absent).

2. DEVELOPMENT PLANS

- a. DP 2015-55: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM) & BURKE, HOCKENSMITH & MAGGARD PROPERTY, UNIT 5 (AMD.) (10/8/15)*- located at 2151 and 2221 Georgetown Road.
(Council District 2) **(Arnold Consulting)**

Note: The Planning Commission postponed this item at their July 9, 2015; August 13, 2015, and September 10, 2015, meetings. 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 availability 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.

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

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

Staff Presentation – Mr. Sallee directed the Commission's attention to Bluegrass Business Park, Lot 4 (Pemberton Farm) & Burke, Hockensmith & Maggard Property, Unit 5, located at 2151 and 2221 Georgetown Road. He said that the Planning Commission postponed this item at their July 9, 2015; August 13, 2015, and September 10, 2015, meetings. He then said that, without a request for postponement from the applicant, the deadline for the Commission to consider this request is October 8, 2015.

Mr. Sallee directed the Commission's attention to the photograph on the overhead projector, and briefly explained that the subject property is located at the southeast corner of Citation Boulevard and Georgetown Road. He said that Jaggie Fox Way is a collector street immediately to the west of Georgetown Road, near the railroad tracks. He then said that there is an industrial development immediately to the south of the subject property, and directly across Georgetown Road is Rood and Riddle Equine Hospital. He noted that Rood and Riddle Equine Hospital does have an access point onto Georgetown Road.

Mr. Sallee then directed the Commission's attention to the final development plan rendering, and said that at the center of this proposal there is a small piece of land that is zoned Agricultural Urban that is not part of this development plan. He then said that the development plan encompasses about 35 acres - almost the entirety of the vacant tract that was shown on the photograph. The applicant is proposing a 101,453 sq. ft, 35' tall industrial building that will have 143 parking spaces in the northern part of the site. He said that there would be a customer service area oriented toward Jaggie Fox Way, as well as large areas that would be used for the recycled asphalt and heavy duty concrete proposed for the trucks and the equipment parking. He said that the eastern third of the property is not currently being proposed for development, even though there is a proposed access to Georgetown Road directly across from the Rood and Riddle Equine Hospital.

Mr. Sallee directed the Commission's attention to the rendering for DP 2012-111: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM & BURKE, HOCKENSMITH & MAGGARD, UNIT 5 and explained that, at the December 13, 2012, meeting, the Commission had approved a development plan to construct a 7,300 sq. ft. building, along with 122 parking spaces. He said that, when comparing DP 2012-111 and DP 2015-55, the development approved on Lot 4 generally coordinates with this current proposal; but the 2012 version is less intense than today's version. In addition, the 2012 version had proposed to develop the corner of this property and provide for vehicular access off of Georgetown Road. He said the applicant had proposed to provide access to the subject property by way of two 60' access easements that connect from Georgetown Road and the rear of the site, which is gated. He explained that the 2012 version is just under 20 acres in size, so the balance then leaves an additional 15 acres where there was more speculative development proposed at that time. He said that the Planning Commission did approve DP 2012-111 on December 13, 2012; however, the applicant did not certify this plan within the one-year time allowed, and it has since expired. He then said that, in looking at the current proposal, the 2012 access easements have been removed; and there is no more speculative development for the 15 acres that fronts on Georgetown Road.

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

Mr. Sallee said that the Subdivision Committee had recommended postponement of this request, because the applicant had still not clarified the availability of sanitary sewer service to the proposed development, as required by the Capacity Assurance Program requirements, nor had they resolved the access proposed to the future lots. He explained that the subject property sits on a ridge and is located at the edge of two sanitary sewer banks. He said that at the Subdivision Committee meeting, it had been discussed that one of these banks had a very low to near zero capacity, while the other bank did have available capacity. He then said that there was an issue as to which way the sewage would flow from this development and as to whether or not there was capacity in the system for that sewage. Mr. Sallee said that to the staff's knowledge that question has not been answered since the Subdivision Committee meeting in July of this year.

Mr. Sallee circulated a number of email correspondences from the staff, (dated June 29th, June 30th, July 1st, July 8th, July 9th, August 12th, September 9th and September 30th), and explained that the staff had repeatedly contacted the applicant concerning these development plans issues, but has not been able to obtain any answers from the applicant. As a result, the staff would offer a revised recommendation of disapproval of this plan, for the following reasons.

1. The proposed development plan does not address significant concerns with the applicant's ability to provide the required public infrastructure, including sanitary sewer service to the site. There is a question as to whether there is compliance with the Capacity Assurance Program for this proposed development.
2. Stormwater Management measures due to the Royal Spring Aquifer protection area have not been addressed by this amended development plan.
3. Access to Georgetown Road, including any necessary public improvements, are far less detailed than those for the current development plan, approved previously for this location.
4. The applicant currently operates a similar, but smaller facility in an I-2 Zone, and the proposed development plan has not clarified all of its intended uses on the subject property to insure compliance with the existing I-1 Zoning of most of the subject property.
5. Under Article 21-7(e) of the Zoning Ordinance, the Commission may disapprove this amendment since the uncertainties listed above will "adversely affect the public health safety and welfare" and will "alter the essential character of the development as originally approved."

Mr. Sallee gave a brief summary of the each of the above reasons, and said that with the uncertainty of the plan and the loss of the access that was originally proposed in 2012, the staff is comfortable with their recommendation. He continued noting that the staff can answer any questions regarding the staff recommendation or about this final record plat listed on today's agenda.

Planning Commission Questions - Mr. Penn asked if the fill dirt is still on the subject property in front of Rood and Riddle Equine Hospital. Mr. Sallee said that on his last site visit, there was a stock piling of dirt on the site before the roadway was opened. It's the staff's understanding that dirt is associated with the road project, and he believes the dirt is still present there. Mr. Penn said that during the Subdivision Committee meeting, there was a discussion regarding moving the fill dirt. He asked, if the Commission were to accept the staff recommendation of disapproval, if the pile of dirt will remain there until the property is developed. Mr. Sallee responded that the staff is unsure. Mr. Penn said that it should be noted somehow, because to just to walk away from this problem would create an eyesore. Mr. Sallee said that Mr. Newman was not aware of any answer to this question.

Petitioner Presentation - The Chair asked if the applicant or their representation was present. Mr. Sallee responded negatively.

Discussion - The Chair said that he was at Rood and Riddle Equine Hospital, and there is a good 20' elevation of fill dirt with trucks coming and going from that location. He then said that he appreciates Mr. Penn's thoughts. It's concerning, and would appreciate any answers on this issue. He added one of the reasons for disapproval is the protection of the Royal Springs Aquifer and the fill dirt could impact that spring.

Mr. Sallee said that the LFUCG staff believes that the origin of the dirt is from the road project and it is under the negotiations with a State entity of the Transportation Cabinet, which is why the Urban County Government staff is not aware of its future or what those agreements require. The Chair asked if it is possible to get those answers without holding up the staff's recommendation of disapproval. Mr. Sallee said that, regardless of how the Commission acts on this plan, the staff can certainly pursue that and try to find out that information. He then said that they can ask the MPO staff to make contact with the Transportation Cabinet for this information.

Mr. Penn pointed out that dirt does not stay dirt, and the area is unsightly as it is. It will become a mess once the weeds take hold. He said that, if it is possible, this should be investigated; and if it's the responsibility of the State, then the State should take care of it. He then said that he doubts that there is a permit to dump that dirt, considering that the Subdivision Committee was told that it would be a temporary situation; but it is still there.

Ms. Plumlee asked if Code Enforcement could pursue this problem. Mr. Sallee responded that he is not sure, and said that these types of situations do pop up from time to time. He then said that there are rules as to whether or not the problem occupies an acre or more of land; and if it is over an acre, then significant State regulations would kick in.

Action - A motion was made by Mr. Wilson, seconded by Ms. Richardson and carried 10-0 (Smith absent) to disapprove DP 2015-55: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM) & BURKE, HOCKENSMITH & MAGGARD PROPERTY, UNIT 5 (AMD), for the reasons provided by the staff.

- b. DP 2015-92: THE CHURCH OF THE GOOD SHEPHERD (AMD) (1/21/16)* - located at 533 East Main Street. (Council District 3) **(Design Works)**

Note: The purpose of this amendment is to relocate the Columbarium on the site.

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. Addition of record plat information.
9. Identify exact locations of street cross-sections.
10. Label detention basin located along Main Street.
11. Label existing utility easements.
12. Correct note #6 making reference to Chapter 16 of the Code of Ordinance.
13. Correct spelling error in Owners' Certification.
14. Dimension Columbarium Garden.
15. Delete note #13.
16. Review by Technical Committee prior to plan certification.

Staff Presentation – Mr. Hunter directed the Commission's attention to the development plan for Church of the Good Shepard, located at 533 East Main Street. He said that the subject property is near downtown, at the intersection of Bell Court and Sayre Avenue. He then said that the purpose of this amendment is to relocate the previously approved Garden Columbarium next to Bell Court.

Mr. Hunter said that the Subdivision Committee recommended approval of this request, subject to the conditions listed on today's agenda. He briefly explained that conditions #1-7 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. He added that this request was filed as a "late plan"; therefore, this item will be placed on the October 28th Technical Committee agenda for their review.

Planning Commission Questions – The Chair asked if the Garden Columbarium is stand-alone or if it is attached to the building. Mr. Hunter explained that the Garden Columbarium is depicted as a detached structure, 4' in height. The fence material will be metal, pavers will be used instead of concrete, and it will open on the side. The Chair then asked if there will be a walkway provided. Mr. Hunter said that the final development plan references the use of stepping stones.

Representation – Mark Arnold, Design Works, was present representing the applicant, and indicated they do not have anything further to add.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. Mr. Kevin Murphy, who lives near the Church, said that even though this was an amended zoning development plan that was approved in 2000, there was no notice sent to the nearby residents for the current request. He gave a brief history of the subject property, and said that in 2000, a zoning development plan was part of the zone change for this property, which showed the Garden Columbarium to be located in the center of the proposed addition and the existing church. He then said that in September 2014, Good Shepherd Church appeared before the Board of Architectural Review for approval for the Garden Columbarium. He added that the BOAR does not consider the use issue - only aesthetic issues, so they granted approval of the applicant's request.

Mr. Murphy said that in July 2014, Good Shepherd Church advertised in their newsletter that a ground-breaking service would be held in August; subsequently, in September, the demolition began, removing the existing trees and shrubs. He then said that no permits were issued for the demolition, nor was there Board of Adjustment approval sought; but it's his understanding that there is an application that has been filed with the staff. Mr. Murphy said that he consulted Councilmember Gibbs, who had no knowledge of this request; and he also found that there were no permits issued for the demolition. He then said that he received an email correspondence from the Division of Building Inspection informing him that a fence permit was issued, and the applicant was required to file an application with the Board of Adjustment. This would be the first notification to the surrounding neighbors that informed them as to what was going on with this property. He said that, as of today, the fence has been removed, footings have been placed and blocks are in place.

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

Mr. Murphy said that his concern is with the lack of notification on this zoning development plan that was approved 15 years ago, as well as no notification for the Board of Adjustment, if they even filed an application. He asked if this would be considered a "de facto" approval of a conditional use that has not been approved by the Board of Adjustment. He then said that he would request that this application be disapproved, but a more reasonable request would be that this request be postponed. The reasons for the postponement would be due to not having the appropriate permits or the Board of Adjustment's approval. This would allow them to show a good faith effort in the process and procedures that have been set out by the Urban County Government to ensure the protection of the rights of the citizens of the community.

Planning Commission Questions – Mr. Cravens asked if Mr. Murphy is against what the Church is proposing. Mr. Murphy said that he is not against the idea of a Columbarium, and he understands that they are a great service to the community and a wonderful fundraiser, but his concern is the relocation of the structure from the center of the property, to along the frontage of Bell Court due to the safety issue it would create.

Staff Rebuttal – Mr. Martin said that he is not speaking on behalf of the Church concerning the permit issue; but he wanted to make it clear to the Planning Commission that this request is for a Final Development Plan, which had expired, and that is the reason this plan is in front of the Commission for reapproval. He then said that there is no notification requirement on a Final Development Plan, so no notice was sent out to the surrounding community. He added that this request was approved by the Board of Adjustment; and the conditions imposed by the BOA shown were on the overhead, as well as recorded on the Land Use Certificate (C-00-113). He said that condition #6 states "*That the action of the Board be noted on the Final Development Plan for the subject property submitted for Planning Commission approval.*" He then said that the Commission has the authority to amend this plan, as well as approve this plan; it does not need to return to the Board of Adjustment for approval. Mr. Martin repeated that notification is not required on a Final Development Plan.

Planning Commission Question – The Chair clarified that the Commission's approval on this Final Development Plan had expired, and now the applicant has requested to relocate the Garden Columbarium, as well. Mr. Martin replied affirmatively, and said that amending the plan allows the Commission to grant the reapproval.

The Chair confirmed that the Board of Adjustment had already granted approval on this request, to which Mr. Martin replied affirmatively. Mr. Sallee added, that in speaking with Mr. Emmons, who is the primary staff member for the Board of Adjustment cases, the Board did approve the Garden Columbarium in 2000; and in reviewing the Land Use Certificate, condition #1 states: "*That the property be developed according to the submitted application and site plan, or as amended by the Urban County Planning Commission.*" He then said that the words "site plan, or as amended by the Urban County Planning Commission" is the reason there is not an application for another conditional use permit for the Columbarium relocation. It's strictly a development plan issue.. He then said that there will not be need for a new conditional use permit for this property concerning the Garden Columbarium.

Mr. Penn asked if the fact that a permit was not obtained for demolition is germane to this conversation. Mr. Martin said that permits are required, plans do expire and not everyone is sophisticated about that sort of thing. He then repeated that he is not speaking on behalf of the applicant and why they took the actions as they did; but they did speak with the staff about the situation, and they were informed that the plan needed to be approved. They were told they should go ahead and amend the location of the Garden Columbarium on the Final Development Plan, which is what the applicant had done. He said that, since Phase II of this project has not been built, by having the plan reapproved the applicant is able to retain the Phase II portion of this project.

Representation Rebuttal – Mr. Arnold said that they were approved by, and received a Certificate of Appropriateness from the BOAR in 2014. At that time, the Church had no intention to build Phase II; but, unfortunately, when the development plan was submitted, the Garden Columbarium was associated with the Phase II portion of the development. He added that subsequent to 2000, the church had a need for the Columbarium. He explained that the Columbarium is a garden wall and a fence, and it is within the Church's right to build a small garden wall in their side yard as long as it is appropriate with the Board of Adjustment. He said that, once they met with the Division of Planning staff and talked to them about the procedure, it appeared that it was best to apply for a fence and wall permit to allow the construction of the garden, pavers, wall and the landscaping to begin. He then said that this would allow them to have a lag time for several months before the actual insertion of the metal niche went into the wall; and this is why they are presenting this application to the Commission for their consideration.

Mr. Arnold said that they did obtain a permit for the fence and garden wall, and they have obtained a permit to allow the construction that has been done. He then said that they need the Planning Commission's approval to relocate the Columbarium within that wall.

Planning Commission Question – Mr. Penn asked if the Church services can be contained to inside the property and not impact Bell Court. Mr. Arnold said that the space that will be enclosed for the Columbarium will not be appropriate for a large group of people; it will be more for smaller, more intimate gatherings, so the larger services will always be held within the Church sanctuary. Mr. Penn then asked if they see Bell Court being impacted. Mr. Arnold said that Bell Court will not be impacted any more than what it already is from the functions that are held in this area.

The Chair asked where the original Columbarium was located. Mr. Arnold directed the Commission's attention to the rendering to illustrate the location of the Columbarium, and said that it was attached to the Phase II portion of this development plan; and had the word "Columbarium" not been used, but named as an outside element, they would not need to present this request to the Commission. He then said that the Church has no future plans to build the Phase II portion at this time, but they do have a need to build the Columbarium. He added that, due to a number of concerns, the original location of the Columbarium was not suitable. This is why they submitted their application to the BOAR and were granted approval.

Opposition Rebuttal – Mr. Murphy indicated that it seems that he has received conflicting information from the different agencies, and said that even though the Land Use Certificate is shown on the overhead, he is still confused with how, what was originally submitted as a zone change in 2000 to allow a conditional use, would not go back to the Board of Adjustment. He then said that if this application was submitted to the BOA, it would trigger the notification to be sent out to the residents, showing that they want to amend or change the conditional use on this property. He then said that the Planning Commission cannot amend or change the conditional use on this property; and, to him, this is a "de facto" change with regard to what is happening and this concerns him. Mr. Murphy said he was very unclear as to why there is not requirement for an appeal to the Board of Adjustment.

The Chair said that this property has been to the Board of Adjustment and was granted approval for this use. He then said that, under the first condition listed on the Land Use Certificate, it states that the Planning Commission may amend this site plan, if necessary. Mr. Saltee responded in agreement, and said that the use had been approved by the BOA, and the Planning Commission does have the ability to change its location on the site through the language noted the first condition of the BOA's approval. Mr. Murphy indicated that he was unaware of that, and said that no notice was sent out. The Chair said that notice is not required for Final Development Plans. Ms. Jones said that under the Zoning Ordinance there is no notice provision, which is why no notice was required for this application. Mr. Murphy requested that the Planning Commission either disapprove this application or relocate the Columbarium back to its original location.

Planning Commission Question - The Chair asked for a brief summary of the applicant's design schematics. Mr. Arnold acknowledged the request, and explained the conceptual design of the building, and the layout of the outside garden area, as well as what materials will be used for the Columbarium to maintain a view that is appealing.

The Chair asked if Mr. Murphy had any comments regarding the explanation of the design schematic. Mr. Murphy said that Mr. Arnold is a landscape architect, but he is a licensed architect in the State of Kentucky and he is having a little bit of trouble with Mr. Arnold's reasoning that placing the Columbarium on the street would be more private than where it was originally proposed. He then said that he is not prepared to give a full statement since he was not aware of this application until just prior to this meeting, plus he believed there would be a public hearing at the Board of Adjustment. He then said that there have been times when the Church has used Bell Court for its ceremonies and rituals, and this has been problematic in the past year on a few occasions. He added that, should the Commission approve this request, he hopes that conditions can be added to address the issue with the use of Bell Court.

Planning Commission Questions – Mr. Drake asked if the Church is in compliance with the Zoning Ordinance and Land Subdivision Regulations. Ms. Jones said that, as far as the Zoning Ordinance requirements, they are not in violation of anything.

Mr. Brewer asked what was allowed or restricted under the current Zoning Ordinance. Ms. Jones said that the conditional use permit does not pertain to what happens on the street, only to the property. Mr. Brewer then asked what Division regulates what happens in the street, adjacent to this property. Mr. Martin said that if the Division of Planning were asked to sign off on a permit, the staff would review their request to ensure that the applicant was in compliance with the approved development plan. He then said that the applicant would be allowed to do whatever the approved development plan allows. He added that the current location of the Columbarium is closer to Main Street, and the applicant is proposing to relocate it next to Bell Court. He said that there will be no access added; and had this plan not expired, this request would have qualified as a minor amendment. He then said that minor amendments are not presented to the Planning Commission, but rather those are subject to only the staff's review. He explained that this request would have been approved for the movement of a structure in an already approved space. He said that had the staff felt there would have been an impact to Bell Court, then the other governmental agencies would have been involved; but for this request, the staff does not see an issue.

Mr. Brewer confirmed that the Planning Commission really does not have anything to say with what happens on Bell Court. Mr. Martin said that they are not allowed to infringe on public right-of-way, any more than someone else is allowed. He then said that the Final Development Plan that was approved on this property does not make any reference to anything other than existing zoning; but it appears that there is more than one principal structure on this property, which would explain the Final Development Plan. He added that the Final Development Plan does reference the BOA and the BOAR approvals.

Mr. Penn asked if it is appropriate on a minor amendment to condition the use of the street. Mr. Martin replied negatively, and said that if access was being requested or a change in the existing access, then the Divisions of

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Traffic Engineering and Fire would become involved in such a review. Mr. Penn said that Mr. Murphy had asked if a condition could be added concerning Bell Court, but that would be a whole different issue. Mr. Martin said that Bell Court is public right-of-way, and the Planning Commission's jurisdiction is only over the development plan.

Mr. Cravens indicated that Mr. Murphy was stating that if the Columbarium were on the other side of the building, then Bell Court would not be impacted, which Mr. Murphy confirmed.

Mr. Wilson said that Mr. Murphy noted that there are other activities taking place at the Church that have spilled out onto Bell Court. He then said that the neighborhood should get together with the rector of the Church and explain their concerns with the impact of the activities. The Chair agreed and said that this seems to be more of an issue with Code Enforcement.

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy and carried 10-0 (Smith absent) to approve DP 2015-92, as presented by the staff.

Note: Mr. Brewer departed the meeting.

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

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 9-0 (Brewer and Smith absent) to approve the release and call of bonds as detailed in the memorandum dated October 8, 2015, from Barry Brock, Division of Engineering.

Note: Mr. Brewer arrived at the meeting.

3. DEVELOPMENT PLANS (continued)

- c. DP 2011-41: BLACKFORD PROPERTY, PHASE 1, UNIT 5 & PHASE 3 (AMD) (1/12/16)* - located on Blackford Parkway. (Council District 12) **(EA Partners)**

Note: The Planning Commission approved this plan at their June 23, 2011, meeting, 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. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree protection plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike and 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's approval of emergency access and fire hydrant locations.
10. Provided the Planning Commission makes a finding that the plan is in compliance with the EAMP.
11. Resolve the details of the greenway connection at Lots 391 & 392.
12. Resolve tree preservation area conflict with the EAMP storm water plans (remove T.P.A).
13. Resolve the extent of the sinkhole (identify closed contour area).
14. Denote: No development of Lots 412-416 until Blackford Parkway is constructed.
15. Denote: No vehicular access to Walnut Grove Lane or Deer Haven Lane.

Note: This plan was certified on October 19, 2011. The Planning Commission granted approval of an extension of their previous approval at their October 9, 2014, meeting. They also made a finding, required by Article 4-4(d)(1) of the Land Subdivision Regulations, which states that "progress has been made in the physical construction of improvements" in order to grant that extension.

The applicant now requests approval of a one-year extension for the Preliminary Subdivision Plan portion of this plan.

The Subdivision Committee Recommended: Postponement. There has been no documentation provided by the applicant as to the "progress ... made in the physical construction of improvements" for this development over the past year.

Staff Presentation – Mr. Sallee introduced to the Commission the development plan for Blackford Property, Phase 1, Unit 5 & Phase 3, located on Blackford Parkway. He noted that the staff had provided the Commission a handout to help explain the postponement recommendation made by the Subdivision Committee.

Mr. Sallee directed the Commission's attention to a rendering of this development plan and oriented them to the location of the subject property and the nearby street system. He explained that the property is located at the terminus of Blackford Parkway, which extends westward toward Man o' War Boulevard, and it is immediately north of the most recent zone change on the Clark Property. He said that there is residential housing currently under development on the subject

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site that is adjacent to the Greenbrier Golf course. Mr. Sallee further explained that this request is for an extension of the prior approval granted for an amended Preliminary Subdivision Plan. The rendering depicts the street and lotting pattern for the remainder of the development, including the open space area along Walnut Grove Lane, as well as the 200' building line that is required by the Zoning Ordinance. He said that even though there is a small section of land that is zoned EAR-2, the land is mostly zoned EAR-1, with a mixture of small and larger lots being proposed overall. He indicated that, since these two zones do not have a minimum lot size, once the land is developed, it will be very difficult to distinguish between the two zones because of how the lots will be integrated together throughout this unit of the subdivision.

Mr. Sallee said that the Planning Commission previously approved this plan at their June 23, 2011, meeting, subject to the conditions listed on today's agenda; and later that same year (October 19th) this plan was certified. He then said that the Planning Commission granted an extension of their previous approval at their October 9, 2014, meeting. He explained that, as part of the Land Subdivision Regulations, the Preliminary Subdivision Plan portion of this plan allows the developer to submit plans to the Division of Engineering for three years; so at the end of 2014, the applicant requested an extension to allow additional time to submit those plans. He then said that the Final Development Plan portion of this plan is good for five years, which has not expired at this time. He added that now the applicant is up against another timeline where they can no longer submit plans to the Division of Engineering for this development, so the applicant is requesting another approval from the Planning Commission for a one-year extension.

Mr. Sallee said that under Article 4-4(d)(1) of the Land Subdivision Regulations, in order for the Planning Commission to grant that extension, the Commission must find that "progress has been made in the physical construction of improvements" over the past year. He then said that, at the time of the Subdivision Committee meeting, no such documentation had been submitted to the staff, and this is what led to the postponement recommendation made by the Committee. He noted that the staff had since received, and today distributed the required documentation to the Commission for their review, showing the progress on the subject property. Staff had also received final record plat filings for the center portion of this site, which indicated that the infrastructure is or soon will be, in place. Mr. Sallee said that the requirement of the Land Subdivision Regulations has been met; and, as such, the staff is now recommending approval of a one-year extension for this plan.

Representation – Rory Kahly, EA Partners, was present representing the applicant. He indicated that they were in agreement with the staff's recommendations, and requested approval of a one-year extension for DP 2011-41.

Planning Commission Questions – Mr. Penn said that had the Committee seen the required documentation, the recommendation would have been different, and asked why the Committee did not see it. Mr. Kahly replied that they have never been asked to show this documentation in the past.

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

Action - A motion was made by Ms. Richardson, seconded by Mr. Drake, to reapprove DP 2011-41, as presented by the staff.

Discussion of Motion – Mr. Wilson asked if this approval was for a one-year extension. Mr. Sallee replied affirmatively and said that that is all that the Land Subdivision Regulations would allow.

Action – An amended motion was made by Ms. Richardson, seconded by Mr. Drake and carried 10-0 (Smith absent) to approve a one-year extension for DP 2011-41, as presented by the staff.

VI. COMMISSION ITEMS

- A. WORK SESSION – Mr. Duncan reminded the Commission members that they do not have a work session October 15th; but according to their schedule, the next Planning Commission meeting will be on October 22nd and the next work session will be held on October 29th.
- B. COMMUNICATION FROM THE LAW DEPARTMENT – Ms. Jones informed the Planning Commission that the Law Department had received an appeal pertaining to the Planning Commission's decision on PLAN 2015-93F: ASHLAND PARK, INC., SUBDIVISION, NO. 12, LOT 3 (AMD) for property located at 508 Clinton Road.

VII. STAFF ITEMS

- A. COMMUNICATION FROM THE STAFF – Mr. Martin informed the Planning Commission that the Division of Engineering had sent word that DP 2015-55: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM) & BURKE, HOCKENSMITH & MAGGARD PROPERTY, UNIT 5 (AMD.) – the property located at 2151 and 2221 Georgetown Road does have a land disturbance permit for the fill associated with Citation Boulevard. The Chair asked if this is a temporary permit, to which Mr. Martin said that that information was noted on the permit.

VIII. AUDIENCE ITEMS – There were none.

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IX. NEXT MEETING DATES

Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) October 28, 2015
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers **October 22, 2015**
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) November 5, 2015
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)..... November 5, 2015
Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers..... **November 12, 2015**

X. ADJOURNMENT - There being no further business, the Chair adjourned the meeting at 2:50 PM.

Mike Owens, Chair

Will Berkley, Secretary

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

October 8, 2015

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

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

Planning Staff members present – Acting Director James Duncan; 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; Jeff Neal, Division of Traffic Engineering; Captain Greg Lengal, Division of Fire and Emergency Services and Tracy Jones, Department of Law.

- II. **APPROVAL OF MINUTES** – The minutes of the August 13, 2015, meeting will be considered by the Planning Commission at this time, as well as a portion of the September 10, 2015, meeting (CT 2015-1).

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 10-0 (Smith absent) to approve the minutes of the August 13, 2015, meeting, as well as a portion of the September 10, 2015, meeting (CT 2015-1).

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

- a. PLAN 2015-106F: DISTILLERY DISTRICT WEST, UNIT 1 (PENDERY FINANCIAL, LLC PROPERTY) (11/29/15)*- located at 1151 Manchester Street. (Council District 2) **(2020 Land Surveying)**

The Subdivision Committee Recommended: **Postponement**, due to the lack of sanitary sewer service.

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 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 maintenance note per Art. 5-4(g).
10. Denote effective date of floodplain map information.
11. Denote flood protection elevation on plat to the approval of Water Quality.
12. Correct plan title.
13. Revise Urban County Engineer's certification.
14. Discuss dedication of right-of-way and possible improvements.
15. Discuss sanitary sewer service and possible waiver request.
16. Discuss certifications per possible need for waiver.

Representation – Justin Drury, 2020 Land Surveying, was present representing the applicant, and requested postponement of PLAN 2015-106F: DISTILLERY DISTRICT WEST, UNIT 1 (PENDERY FINANCIAL, LLC PROPERTY) to the November 12, 2015, Planning Commission meeting.

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

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy and carried 10-0 (Smith absent) to postpone PLAN 2015-106F: DISTILLERY DISTRICT WEST, UNIT 1 (PENDERY FINANCIAL, LLC PROPERTY) to the November 12, 2015, Planning Commission meeting.

- b. DP 2015-30: HIGH POINT SUBDIVISION (MONON, INC.) (10/815)* - located at 1123 Winchester Road. (Council District 5) **(Myke Robbins)**

Note: The applicant had requested that this previously postponed item be given consideration by the Commission. The Planning Commission postponed this item at their September 10, 2015, meeting, due to lack of representation by the applicant.

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

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

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

1. Urban County Engineer's acceptance of drainage, 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.
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.

Representation – Myke Robbins was present representing the applicant, and requested postponement of DP 2015-30: HIGH POINT SUBDIVISION (MONON, INC.) to the October 22, 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. Penn, seconded by Ms. Richardson and carried 10-0 (Smith absent) to postpone DP 2015-30: HIGH POINT SUBDIVISION (MONON, INC.) to the October 22, 2015, Planning Commission meeting.

- c. PLAN 2015-67P: COPPER CREEK SUBDIVISION (10/8/15)* - located at 1850 Old Higbee Mill Road (a portion of).
(Council District 9) **(EA Partners)**

Note: The Planning Commission postponed this item at their August 13, 2015 and September 10, 2015, meetings.

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 Wyndham 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 – Chris Clendenen, attorney, was present representing the applicant, and requested postponement of PLAN 2015-67P: COPPER CREEK SUBDIVISION to the October 22, 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.

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

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 10-0 (Smith absent) to postpone PLAN 2015-67P: COPPER CREEK SUBDIVISION to the October 22, 2015, Planning Commission meeting.

- d. PLAN 2015-107F: WILLIAM SHELY SUBDIVISION, UNIT 1, BLOCK A, LOT 2 & UNIT 2 (11/29/15)*- located at 435 West New Circle Road. (Council District 1) **(Endris Engineering)**

Note: The purpose of this amendment is to reduce the building line of the property from 65' to 55'.

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. Correct floodplain location in north corner of property.
7. Delete 65' building line information depicted.
8. Correct cabinet and slide information (on subject lot).
9. Increase font size of plan notes & certification on plan.
10. Update street cross-section information.

Staff Comments – Mr. Martin said that the staff had been contacted by the applicant, requesting to withdraw PLAN 2015-107F: WILLIAM SHELY SUBDIVISION, UNIT 1, BLOCK A, LOT 2 & UNIT 2. Mr. Sallee said that the staff had received the email correspondence just prior to today's meeting from the applicant's engineer.

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

Action - A motion was made by Ms. Mundy, seconded by Ms. Plumlee and carried 10-0 (Smith absent) to withdraw PLAN 2015-107F: WILLIAM SHELY SUBDIVISION, UNIT 1, BLOCK A, LOT 2 & UNIT 2.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, October 1, 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, Cheryl Galt, Denice Bullock, Kelly Hunter and Dave Jarman, as well as Lieutenant Joshua Thiel, 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.

- Criteria:**
- (1) the Subdivision Committee recommendation is for approval, as listed on this agenda; and
 - (2) the Petitioner is in agreement with the Subdivision Committee recommendation and the conditions listed on the agenda; and
 - (3) no discussion of the item is desired by the Commission; and
 - (4) no person present at this meeting objects to the Commission acting on the matter without discussion; and
 - (5) the matter does not involve a waiver of the Land Subdivision Regulations.

- Requests can be made to remove items from the Consent Agenda:**
- (1) due to prior postponements and withdrawals,
 - (2) from the Planning Commission,
 - (3) from the audience, and
 - (4) from Petitioners and their representatives.

At the request of the Chair, Mr. Sallee identified the following items appearing on the Consent Agenda, and oriented the Commission to the location of these items on the regular Meeting Agenda. He noted that the Subdivision Committee had recommended conditional approval for these items listed. (A copy of the Consent Agenda is attached as an appendix to these minutes).

1. PLAN 2015-102P: TUSCANY, UNIT 10 (11/29/15)*- located at 2625 Sir Barton Way and 1970 Winchester Road (a portion of). (Council District 6) **(EA Partners)**

Note: The purpose of this amendment is to revise a street cross-section and notes #14 & #15.

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

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping.
 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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
2. PLAN 2015-103F: WILLIAMS PROPERTY, LOT 1 (11/29/15)*- located at 3400 Todds Road.
(Council District 7) **(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.
 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 note #5, to the approval of the Division of Engineering.
 9. Denote Planning Commission approval of waiver and access easement on plan.
 10. Denote that LFUCG shall not be responsible for maintenance of private storm sewers and easements.
3. PLAN 2015-104F: HAMBURG PLACE B-5P & B-6P AREA HIGHWAY COMMERCIAL (LOTS 10, 11 & 12) (AMD) (11/29/15)*- located at 2277 War Admiral Way. (Council District 6) **(Vision Engineering)**

Note: The purpose of this amendment is to subdivide Lot 12 into two lots and amend the boundaries of Lot 10.

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. Clarify engineer's certification to match Land Subdivision Regulations, to the approval of the Division of Engineering.
4. PLAN 2015-105F: PATCHEN WILKES TOWNHOMES (11/29/15)*- located at 2101 Patchen Lakes Lane.
(Council District 6) **(Eagle Engineering)**

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. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 9. Denote Amended Final Development Plan for townhomes' certification prior to plat recordation for Lots 1-8.
 10. Denote Board of Adjustment's Administrative Appeal approval (A-2015-56).
5. PLAN 2013-98F: MASTERSON HILLS, UNIT 1-C (12/22/15)* - located at 3000 Spurr Road.
(Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on September 12, 2013 and extended its approval on September 11, 2014, 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.

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

5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Provide flood protection elevation note to the approval of the Division of Engineering.
10. Denote "3' drainage easement maintenance responsibility for 10' cemetery lot proposed."
11. Indicate driveway location on corner lots to the approval of Traffic Engineering.
12. Addition of cemetery lot to this plat prior to certification, denoting cemetery protection required by Art. 3-7(b)(1), (2), (5), (6) & (7) of the Zoning Ordinance.
13. Denote on the plan a 5' side yard setback and a 4' fence height restriction on Lots 107 and 108 adjacent to the cemetery lot, prior to certification.

Note: The Commission's approval has since expired. The applicant now requests a reapproval for this Final Record Plat.

The Subdivision Committee Recommended: **Reapproval**, subject to the original conditions listed on today's agenda.

6. DP 2015-38: MASTERTON STATION CENTER, (CITATION VILLAGE) (AMD) (10/8/15)* - located at 2601 Leestown Road.
(Council District 2) **(EA Partners)**

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. 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. 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. Resolve compliance with stream mitigation as required by the Engineering Manuals.

7. DP 2015-90: MARATHON OIL CO. (SPEEDWAY SUPER AMERICA, LLC) (AMD) (11/29/15)* - located at 140 Mercer Road.
(Council District 2) **(McBride Dale)**

Note: The purpose of this amendment is to add a fueling station for commercial trucks behind the existing gas station and convenience store.

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. 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. Restore and clarify all information for convenience store and site from previous plan.
11. Denote property description of adjoining Lot 2.
12. Reduce size of landscape island at northeast corner of convenience store to place it outside of easement.
13. Denote tree protection area as identified on current development plan.
14. Revise dimensions of storage shed to include gross area.
15. Resolve pedestrian access to Lot 2.
16. Resolve stormwater detention necessary for the proposed use.
17. Resolve 52' wide apron onto Mercer Road from convenience store lot.

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

8. DP 2015-92: THE CHURCH OF THE GOOD SHEPHERD (AMD) (1/21/15)* - located at 533 East Main Street.
(Council District 3) **(Design Works)**

Note: The purpose of this amendment is to relocate the Columbarium on the site.

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. Addition of record plat information.
9. Identify exact locations of street cross-sections.
10. Label detention basin located along Main Street.
11. Label existing utility easements.
12. Correct note #6 making reference to Chapter 16 of the Code of Ordinance.
13. Correct spelling error in Owners' Certification.
14. Dimension Columbarium Garden.
15. Delete note #13.
16. Review by Technical Committee prior to plan certification.

In conclusion, Mr. Sallee said that the items identified on the Consent Agenda could be considered for approval at this time by the Commission, unless there was a request for an item to be removed from consideration by a member of the Commission, or the audience, in order to permit further discussion.

Consent Agenda Discussion – The Chair asked if anyone in the audience or on the Commission desired further discussion of any of the items listed on the Consent Agenda. Mr. Kevin Murphy requested that DP 2015-92 be removed from the Consent Agenda for further discussion.

Commission Comments – The Chair indicated that a request had been made to remove DP 2015-92 for further discussion, and noted that PLAN 2015-107F had been withdrawn (earlier), at the applicants request.

Action - A motion was made by Mr. Brewer, seconded by Ms. Richardson and carried 10-0 (Smith absent) to approve the items listed on the Consent Agenda, as recommended by the Subdivision Committee, removing DP 2015-92.

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

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

1. FINAL SUBDIVISION PLANS

- a. PLAN 2013-122F: SOUTHEND PARK, UNIT 1, SECTION 1 (1/26/15)* - located in the 700 & 800 blocks of De Roode Street. (Council District 3) **(Hall-Harmon Engineers)**

Note: The Planning Commission approved this plan at their November 14, 2013 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.

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

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: Lots 1-4 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. Complete owners' certification information per the Land Subdivision Regulations.
11. Provided the Planning Commission grants a waiver to Articles 4-7(d)(1) and 4-7(d)(9) of the Land Subdivision Regulations.
12. Review by Technical Committee prior to plan certification.

Note: The Planning Commission approved a one-year extension on October 9, 2014, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission; and then on March 13, 2014, the Commission also approved the requested waivers to the Land Subdivision Regulations, for these reasons:

1. Not granting the waivers would constitute an exceptional hardship for the applicant by impeding the development of the affordable housing component of the project.
2. Granting the waivers will not negatively impact public health and safety, as the completion of the public improvements will be completed; and warranties on the improvements will be provided by the standard contractual procedures utilized and required by the applicant.
3. Granting the waivers complies with 1-5(c) of the Land Subdivision Regulations that encourages waivers that facilitate infill and redevelopment projects.

Note: Section 1 of this plat (for lots 1-4) was recorded on March 17, 2014. The LFUCG Division of Engineering now requests a reapproval for the unrecorded (Section 2) of this plat.

The Staff Recommended: **Reapproval for the unrecorded Unit 1-B, Section 2 of this plat**, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission.

Staff Presentation – Mr. Martin directed the Commission's attention to Southend Park, Section 1, Unit 1 (the parent plat), also known as the Newtown Pike Corridor Extension project, located in the 700 & 800 blocks of De Roode Street. He directed the Commission's attention to a rendering of this plat to orient them to the location of the subject property and the nearby street system. He noted that the Planning Commission approved this plan at their November 14, 2013 meeting, as well as approved a one-year extension on October 9, 2014. Now the LFUCG Division of Engineering, along with the Kentucky Transportation Cabinet, has requested a reapproval for the unrecorded Unit 1-B, Section 2 of this plat.

Mr. Martin said that there is a waiver associated with this request, which involves the engineer's certification. He explained that the State of Kentucky is using Hall-Harmon, who prepared the plat; but they did not design or inspect the infrastructure and cannot sign the typical certification. What evolved from this issue was a modified engineer's certification that was acceptable to all parties involved.

Mr. Martin said that the staff is recommending reapproval for the unrecorded Unit 1-B, Section 2 of this plat, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission. He added that the project engineers were not present.

Planning Commission Questions – The Chair asked, since the waivers have already been approved by the Commission, if those needed to be reflected in the motion. Mr. Martin replied affirmatively.

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

Action - A motion was made by Mr. Cravens, seconded by Mr. Brewer, and carried 10-0 (Smith absent) to reapprove the unrecorded Unit 1-B, Section 2 of this plat, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission for PLAN 2013-122F: SOUTHEND PARK, SECTION 1, UNIT 1.

- b. PLAN 2011-8F: DENTON FARM, INC. UNIT 4-A, BLK J, LOTS 26-30; BLK L, LOTS 31-35 (AMD) (12/30/15)* -
located on Weston Park. (Council District 7) **(Strand Associates)**

Note: The purpose of this amendment is to create one new lot and add new easements. The Planning Commission approved this plan at their February 10, 2011, 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 required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.

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

6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Denote: This property shall be developed in accordance with the approved final development plan.
8. Correct adjacent property information per the most recent plat.
9. Correct purpose of amendment note.
10. Addition of exaction information to the approval of the Division of Planning.
11. Denote that no building permits will be issued on lots 29, 30, 34, 34A and 35 until an easement minor plat is recorded, or document easement release.
12. Document that the additional sewer taps have been installed for the new lot to the approval of the Division of Engineering.
13. Correct plan title.
14. Recordation of this plan prior to the recording of PLAN 2011-7F: Denton Farm, Inc., Unit 1-G.
15. Delete note #14 (references lot not part of this plat).
16. Delete note #15.

Note: The Commission's approval has since expired. The applicant now requests a reapproval for this Final Record Plat.

The Staff Recommends: **Reapproval**, subject to the original conditions listed on today's agenda.

Staff Presentation – Ms. Gallt introduced the final record plat for Denton Farm, Inc., Unit 4-A, Block J, Lots 26-30; Block L, Lots 31-35, located on Weston Park. She directed the Commission's attention to a rendering of this plat to orient them to the location of the subject property and the nearby street system. She indicated that the subject property is located off Richmond Road near the T-intersection of Weston Park and Ellerslie Park.

Ms. Gallt explained that the Planning Commission previously approved this plan at their February 10, 2011, meeting, subject to the conditions listed on today's agenda. She said that, at that time, the applicant had requested to increase the number of lots by one on the eastern side only, creating a total of six lots. She then said that the Commission's approval has since expired, and now the applicant is requesting a reapproval for this Final Record Plat.

Ms. Gallt said that the staff is recommending reapproval of this request, subject to the original conditions listed on today's agenda.

Planning Commission Questions – Mr. Penn asked for clarification to condition #15. Ms. Gallt explained that the applicant has made reference to a note from a different plat, and that note will need to be removed prior to the plan being certified.

The Chair asked if the applicant had anything further to add. Mr. Barlow, developer, responded that he did not.

Action - A motion was made by Ms. Richardson, seconded by Mr. Cravens, to reapprove PLAN 2011-8F: DENTON FARM, INC. UNIT 4-A, BLK J, LOTS 26-30; BLK L, LOTS 31-35 (AMD), subject to the original conditions listed on today's agenda.

Discussion of Motion – Ms. Mundy asked if documentation of the Division of Water Quality's approval of the Capacity Assurance Program requirements should be added. Mr. Sallee explained that this request is located in the Expansion Area 2; and under the Capacity Assurance Program, that entire Expansion Area is exempt from the program requirements because so much of the infrastructure is already in place.

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

The motion carried 10-0 (Smith absent).

2. DEVELOPMENT PLANS

- a. DP 2015-55: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM) & BURKE, HOCKENSMITH & MAGGARD PROPERTY, UNIT 5 (AMD.) (10/8/15)*- located at 2151 and 2221 Georgetown Road.
(Council District 2) **(Arnold Consulting)**

Note: The Planning Commission postponed this item at their July 9, 2015; August 13, 2015, and September 10, 2015, meetings. 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 availability 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.

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

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

Staff Presentation – Mr. Sallee directed the Commission's attention to Bluegrass Business Park, Lot 4 (Pemberton Farm) & Burke, Hockensmith & Maggard Property, Unit 5, located at 2151 and 2221 Georgetown Road. He said that the Planning Commission postponed this item at their July 9, 2015; August 13, 2015, and September 10, 2015, meetings. He then said that, without a request for postponement from the applicant, the deadline for the Commission to consider this request is October 8, 2015.

Mr. Sallee directed the Commission's attention to the photograph on the overhead projector, and briefly explained that the subject property is located at the southeast corner of Citation Boulevard and Georgetown Road. He said that Jaggie Fox Way is a collector street immediately to the west of Georgetown Road, near the railroad tracks. He then said that there is an industrial development immediately to the south of the subject property, and directly across Georgetown Road is Rood and Riddle Equine Hospital. He noted that Rood and Riddle Equine Hospital does have an access point onto Georgetown Road.

Mr. Sallee then directed the Commission's attention to the final development plan rendering, and said that at the center of this proposal there is a small piece of land that is zoned Agricultural Urban that is not part of this development plan. He then said that the development plan encompasses about 35 acres - almost the entirety of the vacant tract that was shown on the photograph. The applicant is proposing a 101,453 sq. ft, 35' tall industrial building that will have 143 parking spaces in the northern part of the site. He said that there would be a customer service area oriented toward Jaggie Fox Way, as well as large areas that would be used for the recycled asphalt and heavy duty concrete proposed for the trucks and the equipment parking. He said that the eastern third of the property is not currently being proposed for development, even though there is a proposed access to Georgetown Road directly across from the Rood and Riddle Equine Hospital.

Mr. Sallee directed the Commission's attention to the rendering for DP 2012-111: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM & BURKE, HOCKENSMITH & MAGGARD, UNIT 5 and explained that, at the December 13, 2012, meeting, the Commission had approved a development plan to construct a 7,300 sq. ft. building, along with 122 parking spaces. He said that, when comparing DP 2012-111 and DP 2015-55, the development approved on Lot 4 generally coordinates with this current proposal; but the 2012 version is less intense than today's version. In addition, the 2012 version had proposed to develop the corner of this property and provide for vehicular access off of Georgetown Road. He said the applicant had proposed to provide access to the subject property by way of two 60' access easements that connect from Georgetown Road and the rear of the site, which is gated. He explained that the 2012 version is just under 20 acres in size, so the balance then leaves an additional 15 acres where there was more speculative development proposed at that time. He said that the Planning Commission did approve DP 2012-111 on December 13, 2012; however, the applicant did not certify this plan within the one-year time allowed, and it has since expired. He then said that, in looking at the current proposal, the 2012 access easements have been removed; and there is no more speculative development for the 15 acres that fronts on Georgetown Road.

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

Mr. Sallee said that the Subdivision Committee had recommended postponement of this request, because the applicant had still not clarified the availability of sanitary sewer service to the proposed development, as required by the Capacity Assurance Program requirements, nor had they resolved the access proposed to the future lots. He explained that the subject property sits on a ridge and is located at the edge of two sanitary sewer banks. He said that at the Subdivision Committee meeting, it had been discussed that one of these banks had a very low to near zero capacity, while the other bank did have available capacity. He then said that there was an issue as to which way the sewage would flow from this development and as to whether or not there was capacity in the system for that sewage. Mr. Sallee said that to the staff's knowledge that question has not been answered since the Subdivision Committee meeting in July of this year.

Mr. Sallee circulated a number of email correspondences from the staff, (dated June 29th, June 30th, July 1st, July 8th, July 9th, August 12th, September 9th and September 30th), and explained that the staff had repeatedly contacted the applicant concerning these development plans issues, but has not been able to obtain any answers from the applicant. As a result, the staff would offer a revised recommendation of disapproval of this plan, for the following reasons.

1. The proposed development plan does not address significant concerns with the applicant's ability to provide the required public infrastructure, including sanitary sewer service to the site. There is a question as to whether there is compliance with the Capacity Assurance Program for this proposed development.
2. Stormwater Management measures due to the Royal Spring Aquifer protection area have not been addressed by this amended development plan.
3. Access to Georgetown Road, including any necessary public improvements, are far less detailed than those for the current development plan, approved previously for this location.
4. The applicant currently operates a similar, but smaller facility in an I-2 Zone, and the proposed development plan has not clarified all of its intended uses on the subject property to insure compliance with the existing I-1 Zoning of most of the subject property.
5. Under Article 21-7(e) of the Zoning Ordinance, the Commission may disapprove this amendment since the uncertainties listed above will "adversely affect the public health safety and welfare" and will "alter the essential character of the development as originally approved."

Mr. Sallee gave a brief summary of the each of the above reasons, and said that with the uncertainty of the plan and the loss of the access that was originally proposed in 2012, the staff is comfortable with their recommendation. He continued noting that the staff can answer any questions regarding the staff recommendation or about this final record plat listed on today's agenda.

Planning Commission Questions - Mr. Penn asked if the fill dirt is still on the subject property in front of Rood and Riddle Equine Hospital. Mr. Sallee said that on his last site visit, there was a stock piling of dirt on the site before the roadway was opened. It's the staff's understanding that dirt is associated with the road project, and he believes the dirt is still present there. Mr. Penn said that during the Subdivision Committee meeting, there was a discussion regarding moving the fill dirt. He asked, if the Commission were to accept the staff recommendation of disapproval, if the pile of dirt will remain there until the property is developed. Mr. Sallee responded that the staff is unsure. Mr. Penn said that it should be noted somehow, because to just to walk away from this problem would create an eyesore. Mr. Sallee said that Mr. Newman was not aware of any answer to this question.

Petitioner Presentation - The Chair asked if the applicant or their representation was present. Mr. Sallee responded negatively.

Discussion - The Chair said that he was at Rood and Riddle Equine Hospital, and there is a good 20' elevation of fill dirt with trucks coming and going from that location. He then said that he appreciates Mr. Penn's thoughts. It's concerning, and would appreciate any answers on this issue. He added one of the reasons for disapproval is the protection of the Royal Springs Aquifer and the fill dirt could impact that spring.

Mr. Sallee said that the LFUCG staff believes that the origin of the dirt is from the road project and it is under the negotiations with a State entity of the Transportation Cabinet, which is why the Urban County Government staff is not aware of its future or what those agreements require. The Chair asked if it is possible to get those answers without holding up the staff's recommendation of disapproval. Mr. Sallee said that, regardless of how the Commission acts on this plan, the staff can certainly pursue that and try to find out that information. He then said that they can ask the MPO staff to make contact with the Transportation Cabinet for this information.

Mr. Penn pointed out that dirt does not stay dirt, and the area is unsightly as it is. It will become a mess once the weeds take hold. He said that, if it is possible, this should be investigated; and if it's the responsibility of the State, then the State should take care of it. He then said that he doubts that there is a permit to dump that dirt, considering that the Subdivision Committee was told that it would be a temporary situation; but it is still there.

Ms. Plumlee asked if Code Enforcement could pursue this problem. Mr. Sallee responded that he is not sure, and said that these types of situations do pop up from time to time. He then said that there are rules as to whether or not the problem occupies an acre or more of land; and if it is over an acre, then significant State regulations would kick in.

Action - A motion was made by Mr. Wilson, seconded by Ms. Richardson and carried 10-0 (Smith absent) to disapprove DP 2015-55: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM) & BURKE, HOCKENSMITH & MAGGARD PROPERTY, UNIT 5 (AMD), for the reasons provided by the staff.

- b. DP 2015-92: THE CHURCH OF THE GOOD SHEPHERD (AMD) (1/21/16)* - located at 533 East Main Street. (Council District 3) **(Design Works)**

Note: The purpose of this amendment is to relocate the Columbarium on the site.

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. Addition of record plat information.
9. Identify exact locations of street cross-sections.
10. Label detention basin located along Main Street.
11. Label existing utility easements.
12. Correct note #6 making reference to Chapter 16 of the Code of Ordinance.
13. Correct spelling error in Owners' Certification.
14. Dimension Columbarium Garden.
15. Delete note #13.
16. Review by Technical Committee prior to plan certification.

Staff Presentation – Mr. Hunter directed the Commission's attention to the development plan for Church of the Good Shepard, located at 533 East Main Street. He said that the subject property is near downtown, at the intersection of Bell Court and Sayre Avenue. He then said that the purpose of this amendment is to relocate the previously approved Garden Columbarium next to Bell Court.

Mr. Hunter said that the Subdivision Committee recommended approval of this request, subject to the conditions listed on today's agenda. He briefly explained that conditions #1-7 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. He added that this request was filed as a "late plan"; therefore, this item will be placed on the October 28th Technical Committee agenda for their review.

Planning Commission Questions – The Chair asked if the Garden Columbarium is stand-alone or if it is attached to the building. Mr. Hunter explained that the Garden Columbarium is depicted as a detached structure, 4' in height. The fence material will be metal, pavers will be used instead of concrete, and it will open on the side. The Chair then asked if there will be a walkway provided. Mr. Hunter said that the final development plan references the use of stepping stones.

Representation – Mark Arnold, Design Works, was present representing the applicant, and indicated they do not have anything further to add.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. Mr. Kevin Murphy, who lives near the Church, said that even though this was an amended zoning development plan that was approved in 2000, there was no notice sent to the nearby residents for the current request. He gave a brief history of the subject property, and said that in 2000, a zoning development plan was part of the zone change for this property, which showed the Garden Columbarium to be located in the center of the proposed addition and the existing church. He then said that in September 2014, Good Shepherd Church appeared before the Board of Architectural Review for approval for the Garden Columbarium. He added that the BOAR does not consider the use issue - only aesthetic issues, so they granted approval of the applicant's request.

Mr. Murphy said that in July 2014, Good Shepherd Church advertised in their newsletter that a ground-breaking service would be held in August; subsequently, in September, the demolition began, removing the existing trees and shrubs. He then said that no permits were issued for the demolition, nor was there Board of Adjustment approval sought; but it's his understanding that there is an application that has been filed with the staff. Mr. Murphy said that he consulted Councilmember Gibbs, who had no knowledge of this request; and he also found that there were no permits issued for the demolition. He then said that he received an email correspondence from the Division of Building Inspection informing him that a fence permit was issued, and the applicant was required to file an application with the Board of Adjustment. This would be the first notification to the surrounding neighbors that informed them as to what was going on with this property. He said that, as of today, the fence has been removed, footings have been placed and blocks are in place.

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

Mr. Murphy said that his concern is with the lack of notification on this zoning development plan that was approved 15 years ago, as well as no notification for the Board of Adjustment, if they even filed an application. He asked if this would be considered a "de facto" approval of a conditional use that has not been approved by the Board of Adjustment. He then said that he would request that this application be disapproved, but a more reasonable request would be that this request be postponed. The reasons for the postponement would be due to not having the appropriate permits or the Board of Adjustment's approval. This would allow them to show a good faith effort in the process and procedures that have been set out by the Urban County Government to ensure the protection of the rights of the citizens of the community.

Planning Commission Questions – Mr. Cravens asked if Mr. Murphy is against what the Church is proposing. Mr. Murphy said that he is not against the idea of a Columbarium, and he understands that they are a great service to the community and a wonderful fundraiser, but his concern is the relocation of the structure from the center of the property, to along the frontage of Bell Court due to the safety issue it would create.

Staff Rebuttal – Mr. Martin said that he is not speaking on behalf of the Church concerning the permit issue; but he wanted to make it clear to the Planning Commission that this request is for a Final Development Plan, which had expired, and that is the reason this plan is in front of the Commission for reapproval. He then said that there is no notification requirement on a Final Development Plan, so no notice was sent out to the surrounding community. He added that this request was approved by the Board of Adjustment; and the conditions imposed by the BOA shown were on the overhead, as well as recorded on the Land Use Certificate (C-00-113). He said that condition #6 states "*That the action of the Board be noted on the Final Development Plan for the subject property submitted for Planning Commission approval.*" He then said that the Commission has the authority to amend this plan, as well as approve this plan; it does not need to return to the Board of Adjustment for approval. Mr. Martin repeated that notification is not required on a Final Development Plan.

Planning Commission Question – The Chair clarified that the Commission's approval on this Final Development Plan had expired, and now the applicant has requested to relocate the Garden Columbarium, as well. Mr. Martin replied affirmatively, and said that amending the plan allows the Commission to grant the reapproval.

The Chair confirmed that the Board of Adjustment had already granted approval on this request, to which Mr. Martin replied affirmatively. Mr. Sallee added, that in speaking with Mr. Emmons, who is the primary staff member for the Board of Adjustment cases, the Board did approve the Garden Columbarium in 2000; and in reviewing the Land Use Certificate, condition #1 states: "*That the property be developed according to the submitted application and site plan, or as amended by the Urban County Planning Commission.*" He then said that the words "site plan, or as amended by the Urban County Planning Commission" is the reason there is not an application for another conditional use permit for the Columbarium relocation. It's strictly a development plan issue.. He then said that there will not be need for a new conditional use permit for this property concerning the Garden Columbarium.

Mr. Penn asked if the fact that a permit was not obtained for demolition is germane to this conversation. Mr. Martin said that permits are required, plans do expire and not everyone is sophisticated about that sort of thing. He then repeated that he is not speaking on behalf of the applicant and why they took the actions as they did; but they did speak with the staff about the situation, and they were informed that the plan needed to be approved. They were told they should go ahead and amend the location of the Garden Columbarium on the Final Development Plan, which is what the applicant had done. He said that, since Phase II of this project has not been built, by having the plan reapproved the applicant is able to retain the Phase II portion of this project.

Representation Rebuttal – Mr. Arnold said that they were approved by, and received a Certificate of Appropriateness from the BOAR in 2014. At that time, the Church had no intention to build Phase II; but, unfortunately, when the development plan was submitted, the Garden Columbarium was associated with the Phase II portion of the development. He added that subsequent to 2000, the church had a need for the Columbarium. He explained that the Columbarium is a garden wall and a fence, and it is within the Church's right to build a small garden wall in their side yard as long as it is appropriate with the Board of Adjustment. He said that, once they met with the Division of Planning staff and talked to them about the procedure, it appeared that it was best to apply for a fence and wall permit to allow the construction of the garden, pavers, wall and the landscaping to begin. He then said that this would allow them to have a lag time for several months before the actual insertion of the metal niche went into the wall; and this is why they are presenting this application to the Commission for their consideration.

Mr. Arnold said that they did obtain a permit for the fence and garden wall, and they have obtained a permit to allow the construction that has been done. He then said that they need the Planning Commission's approval to relocate the Columbarium within that wall.

Planning Commission Question – Mr. Penn asked if the Church services can be contained to inside the property and not impact Bell Court. Mr. Arnold said that the space that will be enclosed for the Columbarium will not be appropriate for a large group of people; it will be more for smaller, more intimate gatherings, so the larger services will always be held within the Church sanctuary. Mr. Penn then asked if they see Bell Court being impacted. Mr. Arnold said that Bell Court will not be impacted any more than what it already is from the functions that are held in this area.

The Chair asked where the original Columbarium was located. Mr. Arnold directed the Commission's attention to the rendering to illustrate the location of the Columbarium, and said that it was attached to the Phase II portion of this development plan; and had the word "Columbarium" not been used, but named as an outside element, they would not need to present this request to the Commission. He then said that the Church has no future plans to build the Phase II portion at this time, but they do have a need to build the Columbarium. He added that, due to a number of concerns, the original location of the Columbarium was not suitable. This is why they submitted their application to the BOAR and were granted approval.

Opposition Rebuttal – Mr. Murphy indicated that it seems that he has received conflicting information from the different agencies, and said that even though the Land Use Certificate is shown on the overhead, he is still confused with how, what was originally submitted as a zone change in 2000 to allow a conditional use, would not go back to the Board of Adjustment. He then said that if this application was submitted to the BOA, it would trigger the notification to be sent out to the residents, showing that they want to amend or change the conditional use on this property. He then said that the Planning Commission cannot amend or change the conditional use on this property; and, to him, this is a "de facto" change with regard to what is happening and this concerns him. Mr. Murphy said he was very unclear as to why there is not requirement for an appeal to the Board of Adjustment.

The Chair said that this property has been to the Board of Adjustment and was granted approval for this use. He then said that, under the first condition listed on the Land Use Certificate, it states that the Planning Commission may amend this site plan, if necessary. Mr. Saltee responded in agreement, and said that the use had been approved by the BOA, and the Planning Commission does have the ability to change its location on the site through the language noted the first condition of the BOA's approval. Mr. Murphy indicated that he was unaware of that, and said that no notice was sent out. The Chair said that notice is not required for Final Development Plans. Ms. Jones said that under the Zoning Ordinance there is no notice provision, which is why no notice was required for this application. Mr. Murphy requested that the Planning Commission either disapprove this application or relocate the Columbarium back to its original location.

Planning Commission Question - The Chair asked for a brief summary of the applicant's design schematics. Mr. Arnold acknowledged the request, and explained the conceptual design of the building, and the layout of the outside garden area, as well as what materials will be used for the Columbarium to maintain a view that is appealing.

The Chair asked if Mr. Murphy had any comments regarding the explanation of the design schematic. Mr. Murphy said that Mr. Arnold is a landscape architect, but he is a licensed architect in the State of Kentucky and he is having a little bit of trouble with Mr. Arnold's reasoning that placing the Columbarium on the street would be more private than where it was originally proposed. He then said that he is not prepared to give a full statement since he was not aware of this application until just prior to this meeting, plus he believed there would be a public hearing at the Board of Adjustment. He then said that there have been times when the Church has used Bell Court for its ceremonies and rituals, and this has been problematic in the past year on a few occasions. He added that, should the Commission approve this request, he hopes that conditions can be added to address the issue with the use of Bell Court.

Planning Commission Questions – Mr. Drake asked if the Church is in compliance with the Zoning Ordinance and Land Subdivision Regulations. Ms. Jones said that, as far as the Zoning Ordinance requirements, they are not in violation of anything.

Mr. Brewer asked what was allowed or restricted under the current Zoning Ordinance. Ms. Jones said that the conditional use permit does not pertain to what happens on the street, only to the property. Mr. Brewer then asked what Division regulates what happens in the street, adjacent to this property. Mr. Martin said that if the Division of Planning were asked to sign off on a permit, the staff would review their request to ensure that the applicant was in compliance with the approved development plan. He then said that the applicant would be allowed to do whatever the approved development plan allows. He added that the current location of the Columbarium is closer to Main Street, and the applicant is proposing to relocate it next to Bell Court. He said that there will be no access added; and had this plan not expired, this request would have qualified as a minor amendment. He then said that minor amendments are not presented to the Planning Commission, but rather those are subject to only the staff's review. He explained that this request would have been approved for the movement of a structure in an already approved space. He said that had the staff felt there would have been an impact to Bell Court, then the other governmental agencies would have been involved; but for this request, the staff does not see an issue.

Mr. Brewer confirmed that the Planning Commission really does not have anything to say with what happens on Bell Court. Mr. Martin said that they are not allowed to infringe on public right-of-way, any more than someone else is allowed. He then said that the Final Development Plan that was approved on this property does not make any reference to anything other than existing zoning; but it appears that there is more than one principal structure on this property, which would explain the Final Development Plan. He added that the Final Development Plan does reference the BOA and the BOAR approvals.

Mr. Penn asked if it is appropriate on a minor amendment to condition the use of the street. Mr. Martin replied negatively, and said that if access was being requested or a change in the existing access, then the Divisions of

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Traffic Engineering and Fire would become involved in such a review. Mr. Penn said that Mr. Murphy had asked if a condition could be added concerning Bell Court, but that would be a whole different issue. Mr. Martin said that Bell Court is public right-of-way, and the Planning Commission's jurisdiction is only over the development plan.

Mr. Cravens indicated that Mr. Murphy was stating that if the Columbarium were on the other side of the building, then Bell Court would not be impacted, which Mr. Murphy confirmed.

Mr. Wilson said that Mr. Murphy noted that there are other activities taking place at the Church that have spilled out onto Bell Court. He then said that the neighborhood should get together with the rector of the Church and explain their concerns with the impact of the activities. The Chair agreed and said that this seems to be more of an issue with Code Enforcement.

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy and carried 10-0 (Smith absent) to approve DP 2015-92, as presented by the staff.

Note: Mr. Brewer departed the meeting.

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

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 9-0 (Brewer and Smith absent) to approve the release and call of bonds as detailed in the memorandum dated October 8, 2015, from Barry Brock, Division of Engineering.

Note: Mr. Brewer arrived at the meeting.

3. DEVELOPMENT PLANS (continued)

- c. DP 2011-41: BLACKFORD PROPERTY, PHASE 1, UNIT 5 & PHASE 3 (AMD) (1/12/16)* - located on Blackford Parkway. (Council District 12) **(EA Partners)**

Note: The Planning Commission approved this plan at their June 23, 2011, meeting, 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. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree protection plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike and 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's approval of emergency access and fire hydrant locations.
10. Provided the Planning Commission makes a finding that the plan is in compliance with the EAMP.
11. Resolve the details of the greenway connection at Lots 391 & 392.
12. Resolve tree preservation area conflict with the EAMP storm water plans (remove T.P.A).
13. Resolve the extent of the sinkhole (identify closed contour area).
14. Denote: No development of Lots 412-416 until Blackford Parkway is constructed.
15. Denote: No vehicular access to Walnut Grove Lane or Deer Haven Lane.

Note: This plan was certified on October 19, 2011. The Planning Commission granted approval of an extension of their previous approval at their October 9, 2014, meeting. They also made a finding, required by Article 4-4(d)(1) of the Land Subdivision Regulations, which states that "progress has been made in the physical construction of improvements" in order to grant that extension.

The applicant now requests approval of a one-year extension for the Preliminary Subdivision Plan portion of this plan.

The Subdivision Committee Recommended: Postponement. There has been no documentation provided by the applicant as to the "progress ... made in the physical construction of improvements" for this development over the past year.

Staff Presentation – Mr. Sallee introduced to the Commission the development plan for Blackford Property, Phase 1, Unit 5 & Phase 3, located on Blackford Parkway. He noted that the staff had provided the Commission a handout to help explain the postponement recommendation made by the Subdivision Committee.

Mr. Sallee directed the Commission's attention to a rendering of this development plan and oriented them to the location of the subject property and the nearby street system. He explained that the property is located at the terminus of Blackford Parkway, which extends westward toward Man o' War Boulevard, and it is immediately north of the most recent zone change on the Clark Property. He said that there is residential housing currently under development on the subject

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

site that is adjacent to the Greenbrier Golf course. Mr. Sallee further explained that this request is for an extension of the prior approval granted for an amended Preliminary Subdivision Plan. The rendering depicts the street and lotting pattern for the remainder of the development, including the open space area along Walnut Grove Lane, as well as the 200' building line that is required by the Zoning Ordinance. He said that even though there is a small section of land that is zoned EAR-2, the land is mostly zoned EAR-1, with a mixture of small and larger lots being proposed overall. He indicated that, since these two zones do not have a minimum lot size, once the land is developed, it will be very difficult to distinguish between the two zones because of how the lots will be integrated together throughout this unit of the subdivision.

Mr. Sallee said that the Planning Commission previously approved this plan at their June 23, 2011, meeting, subject to the conditions listed on today's agenda; and later that same year (October 19th) this plan was certified. He then said that the Planning Commission granted an extension of their previous approval at their October 9, 2014, meeting. He explained that, as part of the Land Subdivision Regulations, the Preliminary Subdivision Plan portion of this plan allows the developer to submit plans to the Division of Engineering for three years; so at the end of 2014, the applicant requested an extension to allow additional time to submit those plans. He then said that the Final Development Plan portion of this plan is good for five years, which has not expired at this time. He added that now the applicant is up against another timeline where they can no longer submit plans to the Division of Engineering for this development, so the applicant is requesting another approval from the Planning Commission for a one-year extension.

Mr. Sallee said that under Article 4-4(d)(1) of the Land Subdivision Regulations, in order for the Planning Commission to grant that extension, the Commission must find that "progress has been made in the physical construction of improvements" over the past year. He then said that, at the time of the Subdivision Committee meeting, no such documentation had been submitted to the staff, and this is what led to the postponement recommendation made by the Committee. He noted that the staff had since received, and today distributed the required documentation to the Commission for their review, showing the progress on the subject property. Staff had also received final record plat filings for the center portion of this site, which indicated that the infrastructure is or soon will be, in place. Mr. Sallee said that the requirement of the Land Subdivision Regulations has been met; and, as such, the staff is now recommending approval of a one-year extension for this plan.

Representation – Rory Kahly, EA Partners, was present representing the applicant. He indicated that they were in agreement with the staff's recommendations, and requested approval of a one-year extension for DP 2011-41.

Planning Commission Questions – Mr. Penn said that had the Committee seen the required documentation, the recommendation would have been different, and asked why the Committee did not see it. Mr. Kahly replied that they have never been asked to show this documentation in the past.

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

Action - A motion was made by Ms. Richardson, seconded by Mr. Drake, to reapprove DP 2011-41, as presented by the staff.

Discussion of Motion – Mr. Wilson asked if this approval was for a one-year extension. Mr. Sallee replied affirmatively and said that that is all that the Land Subdivision Regulations would allow.

Action – An amended motion was made by Ms. Richardson, seconded by Mr. Drake and carried 10-0 (Smith absent) to approve a one-year extension for DP 2011-41, as presented by the staff.

VI. COMMISSION ITEMS

- A. WORK SESSION – Mr. Duncan reminded the Commission members that they do not have a work session October 15th; but according their schedule, the next Planning Commission meeting will be on October 22nd and the next work session will be held on October 29th.
- B. COMMUNICATION FROM THE LAW DEPARTMENT – Ms. Jones informed the Planning Commission that the Law Department had received an appeal pertaining to the Planning Commission's decision on PLAN 2015-93F: ASHLAND PARK, INC., SUBDIVISION, NO. 12, LOT 3 (AMD) for property located at 508 Clinton Road.

VII. STAFF ITEMS

- A. COMMUNICATION FROM THE STAFF – Mr. Martin informed the Planning Commission that the Division of Engineering had sent word that DP 2015-55: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM) & BURKE, HOCKENSMITH & MAGGARD PROPERTY, UNIT 5 (AMD.) – the property located at 2151 and 2221 Georgetown Road does have a land disturbance permit for the fill associated with Citation Boulevard. The Chair asked if this is a temporary permit, to which Mr. Martin said that that information was noted on the permit.

VIII. AUDIENCE ITEMS – There were none.

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

IX. NEXT MEETING DATES

Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) October 28, 2015
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers **October 22, 2015**
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) November 5, 2015
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)..... November 5, 2015
Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers..... **November 12, 2015**

X. ADJOURNMENT - There being no further business, the Chair adjourned the meeting at 2:50 PM.

Mike Owens, Chair

Will Berkley, Secretary

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

October 8, 2015

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

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

Planning Staff members present – Acting Director James Duncan; 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; Jeff Neal, Division of Traffic Engineering; Captain Greg Lengal, Division of Fire and Emergency Services and Tracy Jones, Department of Law.

- II. **APPROVAL OF MINUTES** – The minutes of the August 13, 2015, meeting will be considered by the Planning Commission at this time, as well as a portion of the September 10, 2015, meeting (CT 2015-1).

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 10-0 (Smith absent) to approve the minutes of the August 13, 2015, meeting, as well as a portion of the September 10, 2015, meeting (CT 2015-1).

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

- a. PLAN 2015-106F: DISTILLERY DISTRICT WEST, UNIT 1 (PENDERY FINANCIAL, LLC PROPERTY) (11/29/15)*- located at 1151 Manchester Street. (Council District 2) **(2020 Land Surveying)**

The Subdivision Committee Recommended: **Postponement**, due to the lack of sanitary sewer service.

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 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 maintenance note per Art. 5-4(g).
10. Denote effective date of floodplain map information.
11. Denote flood protection elevation on plat to the approval of Water Quality.
12. Correct plan title.
13. Revise Urban County Engineer's certification.
14. Discuss dedication of right-of-way and possible improvements.
15. Discuss sanitary sewer service and possible waiver request.
16. Discuss certifications per possible need for waiver.

Representation – Justin Drury, 2020 Land Surveying, was present representing the applicant, and requested postponement of PLAN 2015-106F: DISTILLERY DISTRICT WEST, UNIT 1 (PENDERY FINANCIAL, LLC PROPERTY) to the November 12, 2015, Planning Commission meeting.

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

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy and carried 10-0 (Smith absent) to postpone PLAN 2015-106F: DISTILLERY DISTRICT WEST, UNIT 1 (PENDERY FINANCIAL, LLC PROPERTY) to the November 12, 2015, Planning Commission meeting.

- b. DP 2015-30: HIGH POINT SUBDIVISION (MONON, INC.) (10/815)* - located at 1123 Winchester Road. (Council District 5) **(Myke Robbins)**

Note: The applicant had requested that this previously postponed item be given consideration by the Commission. The Planning Commission postponed this item at their September 10, 2015, meeting, due to lack of representation by the applicant.

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

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

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

1. Urban County Engineer's acceptance of drainage, 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.
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.

Representation – Myke Robbins was present representing the applicant, and requested postponement of DP 2015-30: HIGH POINT SUBDIVISION (MONON, INC.) to the October 22, 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. Penn, seconded by Ms. Richardson and carried 10-0 (Smith absent) to postpone DP 2015-30: HIGH POINT SUBDIVISION (MONON, INC.) to the October 22, 2015, Planning Commission meeting.

- c. PLAN 2015-67P: COPPER CREEK SUBDIVISION (10/8/15)* - located at 1850 Old Higbee Mill Road (a portion of).
(Council District 9) **(EA Partners)**

Note: The Planning Commission postponed this item at their August 13, 2015 and September 10, 2015, meetings.

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 Wyndham 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 – Chris Clendenen, attorney, was present representing the applicant, and requested postponement of PLAN 2015-67P: COPPER CREEK SUBDIVISION to the October 22, 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.

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

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 10-0 (Smith absent) to postpone PLAN 2015-67P: COPPER CREEK SUBDIVISION to the October 22, 2015, Planning Commission meeting.

- d. PLAN 2015-107F: WILLIAM SHELY SUBDIVISION, UNIT 1, BLOCK A, LOT 2 & UNIT 2 (11/29/15)*- located at 435 West New Circle Road. (Council District 1) **(Endris Engineering)**

Note: The purpose of this amendment is to reduce the building line of the property from 65' to 55'.

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. Correct floodplain location in north corner of property.
7. Delete 65' building line information depicted.
8. Correct cabinet and slide information (on subject lot).
9. Increase font size of plan notes & certification on plan.
10. Update street cross-section information.

Staff Comments – Mr. Martin said that the staff had been contacted by the applicant, requesting to withdraw PLAN 2015-107F: WILLIAM SHELY SUBDIVISION, UNIT 1, BLOCK A, LOT 2 & UNIT 2. Mr. Sallee said that the staff had received the email correspondence just prior to today's meeting from the applicant's engineer.

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

Action - A motion was made by Ms. Mundy, seconded by Ms. Plumlee and carried 10-0 (Smith absent) to withdraw PLAN 2015-107F: WILLIAM SHELY SUBDIVISION, UNIT 1, BLOCK A, LOT 2 & UNIT 2.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, October 1, 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, Cheryl Galt, Denice Bullock, Kelly Hunter and Dave Jarman, as well as Lieutenant Joshua Thiel, 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.

- Criteria:**
- (1) the Subdivision Committee recommendation is for approval, as listed on this agenda; and
 - (2) the Petitioner is in agreement with the Subdivision Committee recommendation and the conditions listed on the agenda; and
 - (3) no discussion of the item is desired by the Commission; and
 - (4) no person present at this meeting objects to the Commission acting on the matter without discussion; and
 - (5) the matter does not involve a waiver of the Land Subdivision Regulations.

- Requests can be made to remove items from the Consent Agenda:**
- (1) due to prior postponements and withdrawals,
 - (2) from the Planning Commission,
 - (3) from the audience, and
 - (4) from Petitioners and their representatives.

At the request of the Chair, Mr. Sallee identified the following items appearing on the Consent Agenda, and oriented the Commission to the location of these items on the regular Meeting Agenda. He noted that the Subdivision Committee had recommended conditional approval for these items listed. (A copy of the Consent Agenda is attached as an appendix to these minutes).

1. PLAN 2015-102P: TUSCANY, UNIT 10 (11/29/15)*- located at 2625 Sir Barton Way and 1970 Winchester Road (a portion of). (Council District 6) **(EA Partners)**

Note: The purpose of this amendment is to revise a street cross-section and notes #14 & #15.

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

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping.
 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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
2. PLAN 2015-103F: WILLIAMS PROPERTY, LOT 1 (11/29/15)*- located at 3400 Todds Road.
(Council District 7) **(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.
 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 note #5, to the approval of the Division of Engineering.
 9. Denote Planning Commission approval of waiver and access easement on plan.
 10. Denote that LFUCG shall not be responsible for maintenance of private storm sewers and easements.
3. PLAN 2015-104F: HAMBURG PLACE B-5P & B-6P AREA HIGHWAY COMMERCIAL (LOTS 10, 11 & 12) (AMD) (11/29/15)*- located at 2277 War Admiral Way. (Council District 6) **(Vision Engineering)**

Note: The purpose of this amendment is to subdivide Lot 12 into two lots and amend the boundaries of Lot 10.

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. Clarify engineer's certification to match Land Subdivision Regulations, to the approval of the Division of Engineering.
4. PLAN 2015-105F: PATCHEN WILKES TOWNHOMES (11/29/15)*- located at 2101 Patchen Lakes Lane.
(Council District 6) **(Eagle Engineering)**

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. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 9. Denote Amended Final Development Plan for townhomes' certification prior to plat recordation for Lots 1-8.
 10. Denote Board of Adjustment's Administrative Appeal approval (A-2015-56).
5. PLAN 2013-98F: MASTERSON HILLS, UNIT 1-C (12/22/15)* - located at 3000 Spurr Road.
(Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on September 12, 2013 and extended its approval on September 11, 2014, 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.

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

5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Provide flood protection elevation note to the approval of the Division of Engineering.
10. Denote "3' drainage easement maintenance responsibility for 10' cemetery lot proposed."
11. Indicate driveway location on corner lots to the approval of Traffic Engineering.
12. Addition of cemetery lot to this plat prior to certification, denoting cemetery protection required by Art. 3-7(b)(1), (2), (5), (6) & (7) of the Zoning Ordinance.
13. Denote on the plan a 5' side yard setback and a 4' fence height restriction on Lots 107 and 108 adjacent to the cemetery lot, prior to certification.

Note: The Commission's approval has since expired. The applicant now requests a reapproval for this Final Record Plat.

The Subdivision Committee Recommended: **Reapproval**, subject to the original conditions listed on today's agenda.

6. DP 2015-38: MASTERTON STATION CENTER, (CITATION VILLAGE) (AMD) (10/8/15)* - located at 2601 Leestown Road.
(Council District 2) **(EA Partners)**

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. 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. 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. Resolve compliance with stream mitigation as required by the Engineering Manuals.

7. DP 2015-90: MARATHON OIL CO. (SPEEDWAY SUPER AMERICA, LLC) (AMD) (11/29/15)* - located at 140 Mercer Road.
(Council District 2) **(McBride Dale)**

Note: The purpose of this amendment is to add a fueling station for commercial trucks behind the existing gas station and convenience store.

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. 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. Restore and clarify all information for convenience store and site from previous plan.
11. Denote property description of adjoining Lot 2.
12. Reduce size of landscape island at northeast corner of convenience store to place it outside of easement.
13. Denote tree protection area as identified on current development plan.
14. Revise dimensions of storage shed to include gross area.
15. Resolve pedestrian access to Lot 2.
16. Resolve stormwater detention necessary for the proposed use.
17. Resolve 52' wide apron onto Mercer Road from convenience store lot.

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

8. DP 2015-92: THE CHURCH OF THE GOOD SHEPHERD (AMD) (1/21/15)* - located at 533 East Main Street.
(Council District 3) **(Design Works)**

Note: The purpose of this amendment is to relocate the Columbarium on the site.

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. Addition of record plat information.
9. Identify exact locations of street cross-sections.
10. Label detention basin located along Main Street.
11. Label existing utility easements.
12. Correct note #6 making reference to Chapter 16 of the Code of Ordinance.
13. Correct spelling error in Owners' Certification.
14. Dimension Columbarium Garden.
15. Delete note #13.
16. Review by Technical Committee prior to plan certification.

In conclusion, Mr. Sallee said that the items identified on the Consent Agenda could be considered for approval at this time by the Commission, unless there was a request for an item to be removed from consideration by a member of the Commission, or the audience, in order to permit further discussion.

Consent Agenda Discussion – The Chair asked if anyone in the audience or on the Commission desired further discussion of any of the items listed on the Consent Agenda. Mr. Kevin Murphy requested that DP 2015-92 be removed from the Consent Agenda for further discussion.

Commission Comments – The Chair indicated that a request had been made to remove DP 2015-92 for further discussion, and noted that PLAN 2015-107F had been withdrawn (earlier), at the applicants request.

Action - A motion was made by Mr. Brewer, seconded by Ms. Richardson and carried 10-0 (Smith absent) to approve the items listed on the Consent Agenda, as recommended by the Subdivision Committee, removing DP 2015-92.

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

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

1. FINAL SUBDIVISION PLANS

- a. PLAN 2013-122F: SOUTHEND PARK, UNIT 1, SECTION 1 (1/26/15)* - located in the 700 & 800 blocks of De Roode Street. (Council District 3) **(Hall-Harmon Engineers)**

Note: The Planning Commission approved this plan at their November 14, 2013 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.

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

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: Lots 1-4 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. Complete owners' certification information per the Land Subdivision Regulations.
11. Provided the Planning Commission grants a waiver to Articles 4-7(d)(1) and 4-7(d)(9) of the Land Subdivision Regulations.
12. Review by Technical Committee prior to plan certification.

Note: The Planning Commission approved a one-year extension on October 9, 2014, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission; and then on March 13, 2014, the Commission also approved the requested waivers to the Land Subdivision Regulations, for these reasons:

1. Not granting the waivers would constitute an exceptional hardship for the applicant by impeding the development of the affordable housing component of the project.
2. Granting the waivers will not negatively impact public health and safety, as the completion of the public improvements will be completed; and warranties on the improvements will be provided by the standard contractual procedures utilized and required by the applicant.
3. Granting the waivers complies with 1-5(c) of the Land Subdivision Regulations that encourages waivers that facilitate infill and redevelopment projects.

Note: Section 1 of this plat (for lots 1-4) was recorded on March 17, 2014. The LFUCG Division of Engineering now requests a reapproval for the unrecorded (Section 2) of this plat.

The Staff Recommended: Reapproval for the unrecorded Unit 1-B, Section 2 of this plat, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission.

Staff Presentation – Mr. Martin directed the Commission's attention to Southend Park, Section 1, Unit 1 (the parent plat), also known as the Newtown Pike Corridor Extension project, located in the 700 & 800 blocks of De Roode Street. He directed the Commission's attention to a rendering of this plat to orient them to the location of the subject property and the nearby street system. He noted that the Planning Commission approved this plan at their November 14, 2013 meeting, as well as approved a one-year extension on October 9, 2014. Now the LFUCG Division of Engineering, along with the Kentucky Transportation Cabinet, has requested a reapproval for the unrecorded Unit 1-B, Section 2 of this plat.

Mr. Martin said that there is a waiver associated with this request, which involves the engineer's certification. He explained that the State of Kentucky is using Hall-Harmon, who prepared the plat; but they did not design or inspect the infrastructure and cannot sign the typical certification. What evolved from this issue was a modified engineer's certification that was acceptable to all parties involved.

Mr. Martin said that the staff is recommending reapproval for the unrecorded Unit 1-B, Section 2 of this plat, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission. He added that the project engineers were not present.

Planning Commission Questions – The Chair asked, since the waivers have already been approved by the Commission, if those needed to be reflected in the motion. Mr. Martin replied affirmatively.

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

Action - A motion was made by Mr. Cravens, seconded by Mr. Brewer, and carried 10-0 (Smith absent) to reapprove the unrecorded Unit 1-B, Section 2 of this plat, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission for PLAN 2013-122F: SOUTHEND PARK, SECTION 1, UNIT 1.

- b. PLAN 2011-8F: DENTON FARM, INC. UNIT 4-A, BLK J, LOTS 26-30; BLK L, LOTS 31-35 (AMD) (12/30/15)* - (Strand Associates)
located on Weston Park. (Council District 7)

Note: The purpose of this amendment is to create one new lot and add new easements. The Planning Commission approved this plan at their February 10, 2011, 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 required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.

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

6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Denote: This property shall be developed in accordance with the approved final development plan.
8. Correct adjacent property information per the most recent plat.
9. Correct purpose of amendment note.
10. Addition of exaction information to the approval of the Division of Planning.
11. Denote that no building permits will be issued on lots 29, 30, 34, 34A and 35 until an easement minor plat is recorded, or document easement release.
12. Document that the additional sewer taps have been installed for the new lot to the approval of the Division of Engineering.
13. Correct plan title.
14. Recordation of this plan prior to the recording of PLAN 2011-7F: Denton Farm, Inc., Unit 1-G.
15. Delete note #14 (references lot not part of this plat).
16. Delete note #15.

Note: The Commission's approval has since expired. The applicant now requests a reapproval for this Final Record Plat.

The Staff Recommends: **Reapproval**, subject to the original conditions listed on today's agenda.

Staff Presentation – Ms. Gallt introduced the final record plat for Denton Farm, Inc., Unit 4-A, Block J, Lots 26-30; Block L, Lots 31-35, located on Weston Park. She directed the Commission's attention to a rendering of this plat to orient them to the location of the subject property and the nearby street system. She indicated that the subject property is located off Richmond Road near the T-intersection of Weston Park and Ellerslie Park.

Ms. Gallt explained that the Planning Commission previously approved this plan at their February 10, 2011, meeting, subject to the conditions listed on today's agenda. She said that, at that time, the applicant had requested to increase the number of lots by one on the eastern side only, creating a total of six lots. She then said that the Commission's approval has since expired, and now the applicant is requesting a reapproval for this Final Record Plat.

Ms. Gallt said that the staff is recommending reapproval of this request, subject to the original conditions listed on today's agenda.

Planning Commission Questions – Mr. Penn asked for clarification to condition #15. Ms. Gallt explained that the applicant has made reference to a note from a different plat, and that note will need to be removed prior to the plan being certified.

The Chair asked if the applicant had anything further to add. Mr. Barlow, developer, responded that he did not.

Action - A motion was made by Ms. Richardson, seconded by Mr. Cravens, to reapprove PLAN 2011-8F: DENTON FARM, INC. UNIT 4-A, BLK J, LOTS 26-30; BLK L, LOTS 31-35 (AMD), subject to the original conditions listed on today's agenda.

Discussion of Motion – Ms. Mundy asked if documentation of the Division of Water Quality's approval of the Capacity Assurance Program requirements should be added. Mr. Sallee explained that this request is located in the Expansion Area 2; and under the Capacity Assurance Program, that entire Expansion Area is exempt from the program requirements because so much of the infrastructure is already in place.

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

The motion carried 10-0 (Smith absent).

2. DEVELOPMENT PLANS

- a. DP 2015-55: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM) & BURKE, HOCKENSMITH & MAGGARD PROPERTY, UNIT 5 (AMD.) (10/8/15)*- located at 2151 and 2221 Georgetown Road.
(Council District 2) **(Arnold Consulting)**

Note: The Planning Commission postponed this item at their July 9, 2015; August 13, 2015, and September 10, 2015, meetings. 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 availability 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.

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

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

Staff Presentation – Mr. Sallee directed the Commission's attention to Bluegrass Business Park, Lot 4 (Pemberton Farm) & Burke, Hockensmith & Maggard Property, Unit 5, located at 2151 and 2221 Georgetown Road. He said that the Planning Commission postponed this item at their July 9, 2015; August 13, 2015, and September 10, 2015, meetings. He then said that, without a request for postponement from the applicant, the deadline for the Commission to consider this request is October 8, 2015.

Mr. Sallee directed the Commission's attention to the photograph on the overhead projector, and briefly explained that the subject property is located at the southeast corner of Citation Boulevard and Georgetown Road. He said that Jaggie Fox Way is a collector street immediately to the west of Georgetown Road, near the railroad tracks. He then said that there is an industrial development immediately to the south of the subject property, and directly across Georgetown Road is Rood and Riddle Equine Hospital. He noted that Rood and Riddle Equine Hospital does have an access point onto Georgetown Road.

Mr. Sallee then directed the Commission's attention to the final development plan rendering, and said that at the center of this proposal there is a small piece of land that is zoned Agricultural Urban that is not part of this development plan. He then said that the development plan encompasses about 35 acres - almost the entirety of the vacant tract that was shown on the photograph. The applicant is proposing a 101,453 sq. ft, 35' tall industrial building that will have 143 parking spaces in the northern part of the site. He said that there would be a customer service area oriented toward Jaggie Fox Way, as well as large areas that would be used for the recycled asphalt and heavy duty concrete proposed for the trucks and the equipment parking. He said that the eastern third of the property is not currently being proposed for development, even though there is a proposed access to Georgetown Road directly across from the Rood and Riddle Equine Hospital.

Mr. Sallee directed the Commission's attention to the rendering for DP 2012-111: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM & BURKE, HOCKENSMITH & MAGGARD, UNIT 5 and explained that, at the December 13, 2012, meeting, the Commission had approved a development plan to construct a 7,300 sq. ft. building, along with 122 parking spaces. He said that, when comparing DP 2012-111 and DP 2015-55, the development approved on Lot 4 generally coordinates with this current proposal; but the 2012 version is less intense than today's version. In addition, the 2012 version had proposed to develop the corner of this property and provide for vehicular access off of Georgetown Road. He said the applicant had proposed to provide access to the subject property by way of two 60' access easements that connect from Georgetown Road and the rear of the site, which is gated. He explained that the 2012 version is just under 20 acres in size, so the balance then leaves an additional 15 acres where there was more speculative development proposed at that time. He said that the Planning Commission did approve DP 2012-111 on December 13, 2012; however, the applicant did not certify this plan within the one-year time allowed, and it has since expired. He then said that, in looking at the current proposal, the 2012 access easements have been removed; and there is no more speculative development for the 15 acres that fronts on Georgetown Road.

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

Mr. Sallee said that the Subdivision Committee had recommended postponement of this request, because the applicant had still not clarified the availability of sanitary sewer service to the proposed development, as required by the Capacity Assurance Program requirements, nor had they resolved the access proposed to the future lots. He explained that the subject property sits on a ridge and is located at the edge of two sanitary sewer banks. He said that at the Subdivision Committee meeting, it had been discussed that one of these banks had a very low to near zero capacity, while the other bank did have available capacity. He then said that there was an issue as to which way the sewage would flow from this development and as to whether or not there was capacity in the system for that sewage. Mr. Sallee said that to the staff's knowledge that question has not been answered since the Subdivision Committee meeting in July of this year.

Mr. Sallee circulated a number of email correspondences from the staff, (dated June 29th, June 30th, July 1st, July 8th, July 9th, August 12th, September 9th and September 30th), and explained that the staff had repeatedly contacted the applicant concerning these development plans issues, but has not been able to obtain any answers from the applicant. As a result, the staff would offer a revised recommendation of disapproval of this plan, for the following reasons.

1. The proposed development plan does not address significant concerns with the applicant's ability to provide the required public infrastructure, including sanitary sewer service to the site. There is a question as to whether there is compliance with the Capacity Assurance Program for this proposed development.
2. Stormwater Management measures due to the Royal Spring Aquifer protection area have not been addressed by this amended development plan.
3. Access to Georgetown Road, including any necessary public improvements, are far less detailed than those for the current development plan, approved previously for this location.
4. The applicant currently operates a similar, but smaller facility in an I-2 Zone, and the proposed development plan has not clarified all of its intended uses on the subject property to insure compliance with the existing I-1 Zoning of most of the subject property.
5. Under Article 21-7(e) of the Zoning Ordinance, the Commission may disapprove this amendment since the uncertainties listed above will "adversely affect the public health safety and welfare" and will "alter the essential character of the development as originally approved."

Mr. Sallee gave a brief summary of the each of the above reasons, and said that with the uncertainty of the plan and the loss of the access that was originally proposed in 2012, the staff is comfortable with their recommendation. He continued noting that the staff can answer any questions regarding the staff recommendation or about this final record plat listed on today's agenda.

Planning Commission Questions - Mr. Penn asked if the fill dirt is still on the subject property in front of Rood and Riddle Equine Hospital. Mr. Sallee said that on his last site visit, there was a stock piling of dirt on the site before the roadway was opened. It's the staff's understanding that dirt is associated with the road project, and he believes the dirt is still present there. Mr. Penn said that during the Subdivision Committee meeting, there was a discussion regarding moving the fill dirt. He asked, if the Commission were to accept the staff recommendation of disapproval, if the pile of dirt will remain there until the property is developed. Mr. Sallee responded that the staff is unsure. Mr. Penn said that it should be noted somehow, because to just to walk away from this problem would create an eyesore. Mr. Sallee said that Mr. Newman was not aware of any answer to this question.

Petitioner Presentation - The Chair asked if the applicant or their representation was present. Mr. Sallee responded negatively.

Discussion - The Chair said that he was at Rood and Riddle Equine Hospital, and there is a good 20' elevation of fill dirt with trucks coming and going from that location. He then said that he appreciates Mr. Penn's thoughts. It's concerning, and would appreciate any answers on this issue. He added one of the reasons for disapproval is the protection of the Royal Springs Aquifer and the fill dirt could impact that spring.

Mr. Sallee said that the LFUCG staff believes that the origin of the dirt is from the road project and it is under the negotiations with a State entity of the Transportation Cabinet, which is why the Urban County Government staff is not aware of its future or what those agreements require. The Chair asked if it is possible to get those answers without holding up the staff's recommendation of disapproval. Mr. Sallee said that, regardless of how the Commission acts on this plan, the staff can certainly pursue that and try to find out that information. He then said that they can ask the MPO staff to make contact with the Transportation Cabinet for this information.

Mr. Penn pointed out that dirt does not stay dirt, and the area is unsightly as it is. It will become a mess once the weeds take hold. He said that, if it is possible, this should be investigated; and if it's the responsibility of the State, then the State should take care of it. He then said that he doubts that there is a permit to dump that dirt, considering that the Subdivision Committee was told that it would be a temporary situation; but it is still there.

Ms. Plumlee asked if Code Enforcement could pursue this problem. Mr. Sallee responded that he is not sure, and said that these types of situations do pop up from time to time. He then said that there are rules as to whether or not the problem occupies an acre or more of land; and if it is over an acre, then significant State regulations would kick in.

Action - A motion was made by Mr. Wilson, seconded by Ms. Richardson and carried 10-0 (Smith absent) to disapprove DP 2015-55: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM) & BURKE, HOCKENSMITH & MAGGARD PROPERTY, UNIT 5 (AMD), for the reasons provided by the staff.

- b. DP 2015-92: THE CHURCH OF THE GOOD SHEPHERD (AMD) (1/21/16)* - located at 533 East Main Street. (Council District 3) **(Design Works)**

Note: The purpose of this amendment is to relocate the Columbarium on the site.

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. Addition of record plat information.
9. Identify exact locations of street cross-sections.
10. Label detention basin located along Main Street.
11. Label existing utility easements.
12. Correct note #6 making reference to Chapter 16 of the Code of Ordinance.
13. Correct spelling error in Owners' Certification.
14. Dimension Columbarium Garden.
15. Delete note #13.
16. Review by Technical Committee prior to plan certification.

Staff Presentation – Mr. Hunter directed the Commission's attention to the development plan for Church of the Good Shepard, located at 533 East Main Street. He said that the subject property is near downtown, at the intersection of Bell Court and Sayre Avenue. He then said that the purpose of this amendment is to relocate the previously approved Garden Columbarium next to Bell Court.

Mr. Hunter said that the Subdivision Committee recommended approval of this request, subject to the conditions listed on today's agenda. He briefly explained that conditions #1-7 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. He added that this request was filed as a "late plan"; therefore, this item will be placed on the October 28th Technical Committee agenda for their review.

Planning Commission Questions – The Chair asked if the Garden Columbarium is stand-alone or if it is attached to the building. Mr. Hunter explained that the Garden Columbarium is depicted as a detached structure, 4' in height. The fence material will be metal, pavers will be used instead of concrete, and it will open on the side. The Chair then asked if there will be a walkway provided. Mr. Hunter said that the final development plan references the use of stepping stones.

Representation – Mark Arnold, Design Works, was present representing the applicant, and indicated they do not have anything further to add.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. Mr. Kevin Murphy, who lives near the Church, said that even though this was an amended zoning development plan that was approved in 2000, there was no notice sent to the nearby residents for the current request. He gave a brief history of the subject property, and said that in 2000, a zoning development plan was part of the zone change for this property, which showed the Garden Columbarium to be located in the center of the proposed addition and the existing church. He then said that in September 2014, Good Shepherd Church appeared before the Board of Architectural Review for approval for the Garden Columbarium. He added that the BOAR does not consider the use issue - only aesthetic issues, so they granted approval of the applicant's request.

Mr. Murphy said that in July 2014, Good Shepherd Church advertised in their newsletter that a ground-breaking service would be held in August; subsequently, in September, the demolition began, removing the existing trees and shrubs. He then said that no permits were issued for the demolition, nor was there Board of Adjustment approval sought; but it's his understanding that there is an application that has been filed with the staff. Mr. Murphy said that he consulted Councilmember Gibbs, who had no knowledge of this request; and he also found that there were no permits issued for the demolition. He then said that he received an email correspondence from the Division of Building Inspection informing him that a fence permit was issued, and the applicant was required to file an application with the Board of Adjustment. This would be the first notification to the surrounding neighbors that informed them as to what was going on with this property. He said that, as of today, the fence has been removed, footings have been placed and blocks are in place.

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

Mr. Murphy said that his concern is with the lack of notification on this zoning development plan that was approved 15 years ago, as well as no notification for the Board of Adjustment, if they even filed an application. He asked if this would be considered a "de facto" approval of a conditional use that has not been approved by the Board of Adjustment. He then said that he would request that this application be disapproved, but a more reasonable request would be that this request be postponed. The reasons for the postponement would be due to not having the appropriate permits or the Board of Adjustment's approval. This would allow them to show a good faith effort in the process and procedures that have been set out by the Urban County Government to ensure the protection of the rights of the citizens of the community.

Planning Commission Questions – Mr. Cravens asked if Mr. Murphy is against what the Church is proposing. Mr. Murphy said that he is not against the idea of a Columbarium, and he understands that they are a great service to the community and a wonderful fundraiser, but his concern is the relocation of the structure from the center of the property, to along the frontage of Bell Court due to the safety issue it would create.

Staff Rebuttal – Mr. Martin said that he is not speaking on behalf of the Church concerning the permit issue; but he wanted to make it clear to the Planning Commission that this request is for a Final Development Plan, which had expired, and that is the reason this plan is in front of the Commission for reapproval. He then said that there is no notification requirement on a Final Development Plan, so no notice was sent out to the surrounding community. He added that this request was approved by the Board of Adjustment; and the conditions imposed by the BOA shown were on the overhead, as well as recorded on the Land Use Certificate (C-00-113). He said that condition #6 states "*That the action of the Board be noted on the Final Development Plan for the subject property submitted for Planning Commission approval.*" He then said that the Commission has the authority to amend this plan, as well as approve this plan; it does not need to return to the Board of Adjustment for approval. Mr. Martin repeated that notification is not required on a Final Development Plan.

Planning Commission Question – The Chair clarified that the Commission's approval on this Final Development Plan had expired, and now the applicant has requested to relocate the Garden Columbarium, as well. Mr. Martin replied affirmatively, and said that amending the plan allows the Commission to grant the reapproval.

The Chair confirmed that the Board of Adjustment had already granted approval on this request, to which Mr. Martin replied affirmatively. Mr. Sallee added, that in speaking with Mr. Emmons, who is the primary staff member for the Board of Adjustment cases, the Board did approve the Garden Columbarium in 2000; and in reviewing the Land Use Certificate, condition #1 states: "*That the property be developed according to the submitted application and site plan, or as amended by the Urban County Planning Commission.*" He then said that the words "site plan, or as amended by the Urban County Planning Commission" is the reason there is not an application for another conditional use permit for the Columbarium relocation. It's strictly a development plan issue.. He then said that there will not be need for a new conditional use permit for this property concerning the Garden Columbarium.

Mr. Penn asked if the fact that a permit was not obtained for demolition is germane to this conversation. Mr. Martin said that permits are required, plans do expire and not everyone is sophisticated about that sort of thing. He then repeated that he is not speaking on behalf of the applicant and why they took the actions as they did; but they did speak with the staff about the situation, and they were informed that the plan needed to be approved. They were told they should go ahead and amend the location of the Garden Columbarium on the Final Development Plan, which is what the applicant had done. He said that, since Phase II of this project has not been built, by having the plan reapproved the applicant is able to retain the Phase II portion of this project.

Representation Rebuttal – Mr. Arnold said that they were approved by, and received a Certificate of Appropriateness from the BOAR in 2014. At that time, the Church had no intention to build Phase II; but, unfortunately, when the development plan was submitted, the Garden Columbarium was associated with the Phase II portion of the development. He added that subsequent to 2000, the church had a need for the Columbarium. He explained that the Columbarium is a garden wall and a fence, and it is within the Church's right to build a small garden wall in their side yard as long as it is appropriate with the Board of Adjustment. He said that, once they met with the Division of Planning staff and talked to them about the procedure, it appeared that it was best to apply for a fence and wall permit to allow the construction of the garden, pavers, wall and the landscaping to begin. He then said that this would allow them to have a lag time for several months before the actual insertion of the metal niche went into the wall; and this is why they are presenting this application to the Commission for their consideration.

Mr. Arnold said that they did obtain a permit for the fence and garden wall, and they have obtained a permit to allow the construction that has been done. He then said that they need the Planning Commission's approval to relocate the Columbarium within that wall.

Planning Commission Question – Mr. Penn asked if the Church services can be contained to inside the property and not impact Bell Court. Mr. Arnold said that the space that will be enclosed for the Columbarium will not be appropriate for a large group of people; it will be more for smaller, more intimate gatherings, so the larger services will always be held within the Church sanctuary. Mr. Penn then asked if they see Bell Court being impacted. Mr. Arnold said that Bell Court will not be impacted any more than what it already is from the functions that are held in this area.

The Chair asked where the original Columbarium was located. Mr. Arnold directed the Commission's attention to the rendering to illustrate the location of the Columbarium, and said that it was attached to the Phase II portion of this development plan; and had the word "Columbarium" not been used, but named as an outside element, they would not need to present this request to the Commission. He then said that the Church has no future plans to build the Phase II portion at this time, but they do have a need to build the Columbarium. He added that, due to a number of concerns, the original location of the Columbarium was not suitable. This is why they submitted their application to the BOAR and were granted approval.

Opposition Rebuttal – Mr. Murphy indicated that it seems that he has received conflicting information from the different agencies, and said that even though the Land Use Certificate is shown on the overhead, he is still confused with how, what was originally submitted as a zone change in 2000 to allow a conditional use, would not go back to the Board of Adjustment. He then said that if this application was submitted to the BOA, it would trigger the notification to be sent out to the residents, showing that they want to amend or change the conditional use on this property. He then said that the Planning Commission cannot amend or change the conditional use on this property; and, to him, this is a "de facto" change with regard to what is happening and this concerns him. Mr. Murphy said he was very unclear as to why there is not requirement for an appeal to the Board of Adjustment.

The Chair said that this property has been to the Board of Adjustment and was granted approval for this use. He then said that, under the first condition listed on the Land Use Certificate, it states that the Planning Commission may amend this site plan, if necessary. Mr. Saltee responded in agreement, and said that the use had been approved by the BOA, and the Planning Commission does have the ability to change its location on the site through the language noted the first condition of the BOA's approval. Mr. Murphy indicated that he was unaware of that, and said that no notice was sent out. The Chair said that notice is not required for Final Development Plans. Ms. Jones said that under the Zoning Ordinance there is no notice provision, which is why no notice was required for this application. Mr. Murphy requested that the Planning Commission either disapprove this application or relocate the Columbarium back to its original location.

Planning Commission Question - The Chair asked for a brief summary of the applicant's design schematics. Mr. Arnold acknowledged the request, and explained the conceptual design of the building, and the layout of the outside garden area, as well as what materials will be used for the Columbarium to maintain a view that is appealing.

The Chair asked if Mr. Murphy had any comments regarding the explanation of the design schematic. Mr. Murphy said that Mr. Arnold is a landscape architect, but he is a licensed architect in the State of Kentucky and he is having a little bit of trouble with Mr. Arnold's reasoning that placing the Columbarium on the street would be more private than where it was originally proposed. He then said that he is not prepared to give a full statement since he was not aware of this application until just prior to this meeting, plus he believed there would be a public hearing at the Board of Adjustment. He then said that there have been times when the Church has used Bell Court for its ceremonies and rituals, and this has been problematic in the past year on a few occasions. He added that, should the Commission approve this request, he hopes that conditions can be added to address the issue with the use of Bell Court.

Planning Commission Questions – Mr. Drake asked if the Church is in compliance with the Zoning Ordinance and Land Subdivision Regulations. Ms. Jones said that, as far as the Zoning Ordinance requirements, they are not in violation of anything.

Mr. Brewer asked what was allowed or restricted under the current Zoning Ordinance. Ms. Jones said that the conditional use permit does not pertain to what happens on the street, only to the property. Mr. Brewer then asked what Division regulates what happens in the street, adjacent to this property. Mr. Martin said that if the Division of Planning were asked to sign off on a permit, the staff would review their request to ensure that the applicant was in compliance with the approved development plan. He then said that the applicant would be allowed to do whatever the approved development plan allows. He added that the current location of the Columbarium is closer to Main Street, and the applicant is proposing to relocate it next to Bell Court. He said that there will be no access added; and had this plan not expired, this request would have qualified as a minor amendment. He then said that minor amendments are not presented to the Planning Commission, but rather those are subject to only the staff's review. He explained that this request would have been approved for the movement of a structure in an already approved space. He said that had the staff felt there would have been an impact to Bell Court, then the other governmental agencies would have been involved; but for this request, the staff does not see an issue.

Mr. Brewer confirmed that the Planning Commission really does not have anything to say with what happens on Bell Court. Mr. Martin said that they are not allowed to infringe on public right-of-way, any more than someone else is allowed. He then said that the Final Development Plan that was approved on this property does not make any reference to anything other than existing zoning; but it appears that there is more than one principal structure on this property, which would explain the Final Development Plan. He added that the Final Development Plan does reference the BOA and the BOAR approvals.

Mr. Penn asked if it is appropriate on a minor amendment to condition the use of the street. Mr. Martin replied negatively, and said that if access was being requested or a change in the existing access, then the Divisions of

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

Traffic Engineering and Fire would become involved in such a review. Mr. Penn said that Mr. Murphy had asked if a condition could be added concerning Bell Court, but that would be a whole different issue. Mr. Martin said that Bell Court is public right-of-way, and the Planning Commission's jurisdiction is only over the development plan.

Mr. Cravens indicated that Mr. Murphy was stating that if the Columbarium were on the other side of the building, then Bell Court would not be impacted, which Mr. Murphy confirmed.

Mr. Wilson said that Mr. Murphy noted that there are other activities taking place at the Church that have spilled out onto Bell Court. He then said that the neighborhood should get together with the rector of the Church and explain their concerns with the impact of the activities. The Chair agreed and said that this seems to be more of an issue with Code Enforcement.

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy and carried 10-0 (Smith absent) to approve DP 2015-92, as presented by the staff.

Note: Mr. Brewer departed the meeting.

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

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 9-0 (Brewer and Smith absent) to approve the release and call of bonds as detailed in the memorandum dated October 8, 2015, from Barry Brock, Division of Engineering.

Note: Mr. Brewer arrived at the meeting.

3. DEVELOPMENT PLANS (continued)

- c. DP 2011-41: BLACKFORD PROPERTY, PHASE 1, UNIT 5 & PHASE 3 (AMD) (1/12/16)* - located on Blackford Parkway. (Council District 12) **(EA Partners)**

Note: The Planning Commission approved this plan at their June 23, 2011, meeting, 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. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree protection plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike and 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's approval of emergency access and fire hydrant locations.
10. Provided the Planning Commission makes a finding that the plan is in compliance with the EAMP.
11. Resolve the details of the greenway connection at Lots 391 & 392.
12. Resolve tree preservation area conflict with the EAMP storm water plans (remove T.P.A).
13. Resolve the extent of the sinkhole (identify closed contour area).
14. Denote: No development of Lots 412-416 until Blackford Parkway is constructed.
15. Denote: No vehicular access to Walnut Grove Lane or Deer Haven Lane.

Note: This plan was certified on October 19, 2011. The Planning Commission granted approval of an extension of their previous approval at their October 9, 2014, meeting. They also made a finding, required by Article 4-4(d)(1) of the Land Subdivision Regulations, which states that "progress has been made in the physical construction of improvements" in order to grant that extension.

The applicant now requests approval of a one-year extension for the Preliminary Subdivision Plan portion of this plan.

The Subdivision Committee Recommended: Postponement. There has been no documentation provided by the applicant as to the "progress ... made in the physical construction of improvements" for this development over the past year.

Staff Presentation – Mr. Sallee introduced to the Commission the development plan for Blackford Property, Phase 1, Unit 5 & Phase 3, located on Blackford Parkway. He noted that the staff had provided the Commission a handout to help explain the postponement recommendation made by the Subdivision Committee.

Mr. Sallee directed the Commission's attention to a rendering of this development plan and oriented them to the location of the subject property and the nearby street system. He explained that the property is located at the terminus of Blackford Parkway, which extends westward toward Man o' War Boulevard, and it is immediately north of the most recent zone change on the Clark Property. He said that there is residential housing currently under development on the subject

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

site that is adjacent to the Greenbrier Golf course. Mr. Sallee further explained that this request is for an extension of the prior approval granted for an amended Preliminary Subdivision Plan. The rendering depicts the street and lotting pattern for the remainder of the development, including the open space area along Walnut Grove Lane, as well as the 200' building line that is required by the Zoning Ordinance. He said that even though there is a small section of land that is zoned EAR-2, the land is mostly zoned EAR-1, with a mixture of small and larger lots being proposed overall. He indicated that, since these two zones do not have a minimum lot size, once the land is developed, it will be very difficult to distinguish between the two zones because of how the lots will be integrated together throughout this unit of the subdivision.

Mr. Sallee said that the Planning Commission previously approved this plan at their June 23, 2011, meeting, subject to the conditions listed on today's agenda; and later that same year (October 19th) this plan was certified. He then said that the Planning Commission granted an extension of their previous approval at their October 9, 2014, meeting. He explained that, as part of the Land Subdivision Regulations, the Preliminary Subdivision Plan portion of this plan allows the developer to submit plans to the Division of Engineering for three years; so at the end of 2014, the applicant requested an extension to allow additional time to submit those plans. He then said that the Final Development Plan portion of this plan is good for five years, which has not expired at this time. He added that now the applicant is up against another timeline where they can no longer submit plans to the Division of Engineering for this development, so the applicant is requesting another approval from the Planning Commission for a one-year extension.

Mr. Sallee said that under Article 4-4(d)(1) of the Land Subdivision Regulations, in order for the Planning Commission to grant that extension, the Commission must find that "progress has been made in the physical construction of improvements" over the past year. He then said that, at the time of the Subdivision Committee meeting, no such documentation had been submitted to the staff, and this is what led to the postponement recommendation made by the Committee. He noted that the staff had since received, and today distributed the required documentation to the Commission for their review, showing the progress on the subject property. Staff had also received final record plat filings for the center portion of this site, which indicated that the infrastructure is or soon will be, in place. Mr. Sallee said that the requirement of the Land Subdivision Regulations has been met; and, as such, the staff is now recommending approval of a one-year extension for this plan.

Representation – Rory Kahly, EA Partners, was present representing the applicant. He indicated that they were in agreement with the staff's recommendations, and requested approval of a one-year extension for DP 2011-41.

Planning Commission Questions – Mr. Penn said that had the Committee seen the required documentation, the recommendation would have been different, and asked why the Committee did not see it. Mr. Kahly replied that they have never been asked to show this documentation in the past.

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

Action - A motion was made by Ms. Richardson, seconded by Mr. Drake, to reapprove DP 2011-41, as presented by the staff.

Discussion of Motion – Mr. Wilson asked if this approval was for a one-year extension. Mr. Sallee replied affirmatively and said that that is all that the Land Subdivision Regulations would allow.

Action – An amended motion was made by Ms. Richardson, seconded by Mr. Drake and carried 10-0 (Smith absent) to approve a one-year extension for DP 2011-41, as presented by the staff.

VI. COMMISSION ITEMS

- A. WORK SESSION – Mr. Duncan reminded the Commission members that they do not have a work session October 15th; but according their schedule, the next Planning Commission meeting will be on October 22nd and the next work session will be held on October 29th.
- B. COMMUNICATION FROM THE LAW DEPARTMENT – Ms. Jones informed the Planning Commission that the Law Department had received an appeal pertaining to the Planning Commission's decision on PLAN 2015-93F: ASHLAND PARK, INC., SUBDIVISION, NO. 12, LOT 3 (AMD) for property located at 508 Clinton Road.

VII. STAFF ITEMS

- A. COMMUNICATION FROM THE STAFF – Mr. Martin informed the Planning Commission that the Division of Engineering had sent word that DP 2015-55: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM) & BURKE, HOCKENSMITH & MAGGARD PROPERTY, UNIT 5 (AMD.) – the property located at 2151 and 2221 Georgetown Road does have a land disturbance permit for the fill associated with Citation Boulevard. The Chair asked if this is a temporary permit, to which Mr. Martin said that that information was noted on the permit.

VIII. AUDIENCE ITEMS – There were none.

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

IX. NEXT MEETING DATES

Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) October 28, 2015
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers **October 22, 2015**
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) November 5, 2015
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)..... November 5, 2015
Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers..... **November 12, 2015**

X. ADJOURNMENT - There being no further business, the Chair adjourned the meeting at 2:50 PM.

Mike Owens, Chair

Will Berkley, Secretary

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

October 8, 2015

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

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

Planning Staff members present – Acting Director James Duncan; 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; Jeff Neal, Division of Traffic Engineering; Captain Greg Lengal, Division of Fire and Emergency Services and Tracy Jones, Department of Law.

- II. **APPROVAL OF MINUTES** – The minutes of the August 13, 2015, meeting will be considered by the Planning Commission at this time, as well as a portion of the September 10, 2015, meeting (CT 2015-1).

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 10-0 (Smith absent) to approve the minutes of the August 13, 2015, meeting, as well as a portion of the September 10, 2015, meeting (CT 2015-1).

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

- a. PLAN 2015-106F: DISTILLERY DISTRICT WEST, UNIT 1 (PENDERY FINANCIAL, LLC PROPERTY) (11/29/15)*- located at 1151 Manchester Street. (Council District 2) **(2020 Land Surveying)**

The Subdivision Committee Recommended: **Postponement**, due to the lack of sanitary sewer service.

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 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 maintenance note per Art. 5-4(g).
10. Denote effective date of floodplain map information.
11. Denote flood protection elevation on plat to the approval of Water Quality.
12. Correct plan title.
13. Revise Urban County Engineer's certification.
14. Discuss dedication of right-of-way and possible improvements.
15. Discuss sanitary sewer service and possible waiver request.
16. Discuss certifications per possible need for waiver.

Representation – Justin Drury, 2020 Land Surveying, was present representing the applicant, and requested postponement of PLAN 2015-106F: DISTILLERY DISTRICT WEST, UNIT 1 (PENDERY FINANCIAL, LLC PROPERTY) to the November 12, 2015, Planning Commission meeting.

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

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy and carried 10-0 (Smith absent) to postpone PLAN 2015-106F: DISTILLERY DISTRICT WEST, UNIT 1 (PENDERY FINANCIAL, LLC PROPERTY) to the November 12, 2015, Planning Commission meeting.

- b. DP 2015-30: HIGH POINT SUBDIVISION (MONON, INC.) (10/815)* - located at 1123 Winchester Road. (Council District 5) **(Myke Robbins)**

Note: The applicant had requested that this previously postponed item be given consideration by the Commission. The Planning Commission postponed this item at their September 10, 2015, meeting, due to lack of representation by the applicant.

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

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

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

1. Urban County Engineer's acceptance of drainage, 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.
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.

Representation – Myke Robbins was present representing the applicant, and requested postponement of DP 2015-30: HIGH POINT SUBDIVISION (MONON, INC.) to the October 22, 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. Penn, seconded by Ms. Richardson and carried 10-0 (Smith absent) to postpone DP 2015-30: HIGH POINT SUBDIVISION (MONON, INC.) to the October 22, 2015, Planning Commission meeting.

- c. PLAN 2015-67P: COPPER CREEK SUBDIVISION (10/8/15)* - located at 1850 Old Higbee Mill Road (a portion of).
(Council District 9) **(EA Partners)**

Note: The Planning Commission postponed this item at their August 13, 2015 and September 10, 2015, meetings.

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 Wyndham 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 – Chris Clendenen, attorney, was present representing the applicant, and requested postponement of PLAN 2015-67P: COPPER CREEK SUBDIVISION to the October 22, 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.

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

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 10-0 (Smith absent) to postpone PLAN 2015-67P: COPPER CREEK SUBDIVISION to the October 22, 2015, Planning Commission meeting.

- d. PLAN 2015-107F: WILLIAM SHELY SUBDIVISION, UNIT 1, BLOCK A, LOT 2 & UNIT 2 (11/29/15)*- located at 435 West New Circle Road. (Council District 1) **(Endris Engineering)**

Note: The purpose of this amendment is to reduce the building line of the property from 65' to 55'.

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. Correct floodplain location in north corner of property.
7. Delete 65' building line information depicted.
8. Correct cabinet and slide information (on subject lot).
9. Increase font size of plan notes & certification on plan.
10. Update street cross-section information.

Staff Comments – Mr. Martin said that the staff had been contacted by the applicant, requesting to withdraw PLAN 2015-107F: WILLIAM SHELY SUBDIVISION, UNIT 1, BLOCK A, LOT 2 & UNIT 2. Mr. Sallee said that the staff had received the email correspondence just prior to today's meeting from the applicant's engineer.

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

Action - A motion was made by Ms. Mundy, seconded by Ms. Plumlee and carried 10-0 (Smith absent) to withdraw PLAN 2015-107F: WILLIAM SHELY SUBDIVISION, UNIT 1, BLOCK A, LOT 2 & UNIT 2.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, October 1, 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, Cheryl Galt, Denice Bullock, Kelly Hunter and Dave Jarman, as well as Lieutenant Joshua Thiel, 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.

- Criteria:**
- (1) the Subdivision Committee recommendation is for approval, as listed on this agenda; and
 - (2) the Petitioner is in agreement with the Subdivision Committee recommendation and the conditions listed on the agenda; and
 - (3) no discussion of the item is desired by the Commission; and
 - (4) no person present at this meeting objects to the Commission acting on the matter without discussion; and
 - (5) the matter does not involve a waiver of the Land Subdivision Regulations.

- Requests can be made to remove items from the Consent Agenda:**
- (1) due to prior postponements and withdrawals,
 - (2) from the Planning Commission,
 - (3) from the audience, and
 - (4) from Petitioners and their representatives.

At the request of the Chair, Mr. Sallee identified the following items appearing on the Consent Agenda, and oriented the Commission to the location of these items on the regular Meeting Agenda. He noted that the Subdivision Committee had recommended conditional approval for these items listed. (A copy of the Consent Agenda is attached as an appendix to these minutes).

1. PLAN 2015-102P: TUSCANY, UNIT 10 (11/29/15)*- located at 2625 Sir Barton Way and 1970 Winchester Road (a portion of). (Council District 6) **(EA Partners)**

Note: The purpose of this amendment is to revise a street cross-section and notes #14 & #15.

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

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping.
 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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
2. PLAN 2015-103F: WILLIAMS PROPERTY, LOT 1 (11/29/15)*- located at 3400 Todds Road.
(Council District 7) **(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.
 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 note #5, to the approval of the Division of Engineering.
 9. Denote Planning Commission approval of waiver and access easement on plan.
 10. Denote that LFUCG shall not be responsible for maintenance of private storm sewers and easements.
3. PLAN 2015-104F: HAMBURG PLACE B-5P & B-6P AREA HIGHWAY COMMERCIAL (LOTS 10, 11 & 12) (AMD) (11/29/15)*- located at 2277 War Admiral Way. (Council District 6) **(Vision Engineering)**

Note: The purpose of this amendment is to subdivide Lot 12 into two lots and amend the boundaries of Lot 10.

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. Clarify engineer's certification to match Land Subdivision Regulations, to the approval of the Division of Engineering.
4. PLAN 2015-105F: PATCHEN WILKES TOWNHOMES (11/29/15)*- located at 2101 Patchen Lakes Lane.
(Council District 6) **(Eagle Engineering)**

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. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 9. Denote Amended Final Development Plan for townhomes' certification prior to plat recordation for Lots 1-8.
 10. Denote Board of Adjustment's Administrative Appeal approval (A-2015-56).
5. PLAN 2013-98F: MASTERSON HILLS, UNIT 1-C (12/22/15)* - located at 3000 Spurr Road.
(Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on September 12, 2013 and extended its approval on September 11, 2014, 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.

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

5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Provide flood protection elevation note to the approval of the Division of Engineering.
10. Denote "3' drainage easement maintenance responsibility for 10' cemetery lot proposed."
11. Indicate driveway location on corner lots to the approval of Traffic Engineering.
12. Addition of cemetery lot to this plat prior to certification, denoting cemetery protection required by Art. 3-7(b)(1), (2), (5), (6) & (7) of the Zoning Ordinance.
13. Denote on the plan a 5' side yard setback and a 4' fence height restriction on Lots 107 and 108 adjacent to the cemetery lot, prior to certification.

Note: The Commission's approval has since expired. The applicant now requests a reapproval for this Final Record Plat.

The Subdivision Committee Recommended: **Reapproval**, subject to the original conditions listed on today's agenda.

6. DP 2015-38: MASTERTON STATION CENTER, (CITATION VILLAGE) (AMD) (10/8/15)* - located at 2601 Leestown Road.
(Council District 2) **(EA Partners)**

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. 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. 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. Resolve compliance with stream mitigation as required by the Engineering Manuals.

7. DP 2015-90: MARATHON OIL CO. (SPEEDWAY SUPER AMERICA, LLC) (AMD) (11/29/15)* - located at 140 Mercer Road.
(Council District 2) **(McBride Dale)**

Note: The purpose of this amendment is to add a fueling station for commercial trucks behind the existing gas station and convenience store.

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. 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. Restore and clarify all information for convenience store and site from previous plan.
11. Denote property description of adjoining Lot 2.
12. Reduce size of landscape island at northeast corner of convenience store to place it outside of easement.
13. Denote tree protection area as identified on current development plan.
14. Revise dimensions of storage shed to include gross area.
15. Resolve pedestrian access to Lot 2.
16. Resolve stormwater detention necessary for the proposed use.
17. Resolve 52' wide apron onto Mercer Road from convenience store lot.

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

8. DP 2015-92: THE CHURCH OF THE GOOD SHEPHERD (AMD) (1/21/15)* - located at 533 East Main Street.
(Council District 3) **(Design Works)**

Note: The purpose of this amendment is to relocate the Columbarium on the site.

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. Addition of record plat information.
9. Identify exact locations of street cross-sections.
10. Label detention basin located along Main Street.
11. Label existing utility easements.
12. Correct note #6 making reference to Chapter 16 of the Code of Ordinance.
13. Correct spelling error in Owners' Certification.
14. Dimension Columbarium Garden.
15. Delete note #13.
16. Review by Technical Committee prior to plan certification.

In conclusion, Mr. Sallee said that the items identified on the Consent Agenda could be considered for approval at this time by the Commission, unless there was a request for an item to be removed from consideration by a member of the Commission, or the audience, in order to permit further discussion.

Consent Agenda Discussion – The Chair asked if anyone in the audience or on the Commission desired further discussion of any of the items listed on the Consent Agenda. Mr. Kevin Murphy requested that DP 2015-92 be removed from the Consent Agenda for further discussion.

Commission Comments – The Chair indicated that a request had been made to remove DP 2015-92 for further discussion, and noted that PLAN 2015-107F had been withdrawn (earlier), at the applicants request.

Action - A motion was made by Mr. Brewer, seconded by Ms. Richardson and carried 10-0 (Smith absent) to approve the items listed on the Consent Agenda, as recommended by the Subdivision Committee, removing DP 2015-92.

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

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

1. FINAL SUBDIVISION PLANS

- a. PLAN 2013-122F: SOUTHEND PARK, UNIT 1, SECTION 1 (1/26/15)* - located in the 700 & 800 blocks of De Roode Street. (Council District 3) **(Hall-Harmon Engineers)**

Note: The Planning Commission approved this plan at their November 14, 2013 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.

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

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: Lots 1-4 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. Complete owners' certification information per the Land Subdivision Regulations.
11. Provided the Planning Commission grants a waiver to Articles 4-7(d)(1) and 4-7(d)(9) of the Land Subdivision Regulations.
12. Review by Technical Committee prior to plan certification.

Note: The Planning Commission approved a one-year extension on October 9, 2014, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission; and then on March 13, 2014, the Commission also approved the requested waivers to the Land Subdivision Regulations, for these reasons:

1. Not granting the waivers would constitute an exceptional hardship for the applicant by impeding the development of the affordable housing component of the project.
2. Granting the waivers will not negatively impact public health and safety, as the completion of the public improvements will be completed; and warranties on the improvements will be provided by the standard contractual procedures utilized and required by the applicant.
3. Granting the waivers complies with 1-5(c) of the Land Subdivision Regulations that encourages waivers that facilitate infill and redevelopment projects.

Note: Section 1 of this plat (for lots 1-4) was recorded on March 17, 2014. The LFUCG Division of Engineering now requests a reapproval for the unrecorded (Section 2) of this plat.

The Staff Recommended: **Reapproval for the unrecorded Unit 1-B, Section 2 of this plat**, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission.

Staff Presentation – Mr. Martin directed the Commission's attention to Southend Park, Section 1, Unit 1 (the parent plat), also known as the Newtown Pike Corridor Extension project, located in the 700 & 800 blocks of De Roode Street. He directed the Commission's attention to a rendering of this plat to orient them to the location of the subject property and the nearby street system. He noted that the Planning Commission approved this plan at their November 14, 2013 meeting, as well as approved a one-year extension on October 9, 2014. Now the LFUCG Division of Engineering, along with the Kentucky Transportation Cabinet, has requested a reapproval for the unrecorded Unit 1-B, Section 2 of this plat.

Mr. Martin said that there is a waiver associated with this request, which involves the engineer's certification. He explained that the State of Kentucky is using Hall-Harmon, who prepared the plat; but they did not design or inspect the infrastructure and cannot sign the typical certification. What evolved from this issue was a modified engineer's certification that was acceptable to all parties involved.

Mr. Martin said that the staff is recommending reapproval for the unrecorded Unit 1-B, Section 2 of this plat, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission. He added that the project engineers were not present.

Planning Commission Questions – The Chair asked, since the waivers have already been approved by the Commission, if those needed to be reflected in the motion. Mr. Martin replied affirmatively.

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

Action - A motion was made by Mr. Cravens, seconded by Mr. Brewer, and carried 10-0 (Smith absent) to reapprove the unrecorded Unit 1-B, Section 2 of this plat, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission for PLAN 2013-122F: SOUTHEND PARK, SECTION 1, UNIT 1.

- b. PLAN 2011-8F: DENTON FARM, INC. UNIT 4-A, BLK J, LOTS 26-30; BLK L, LOTS 31-35 (AMD) (12/30/15)* -
located on Weston Park. (Council District 7) **(Strand Associates)**

Note: The purpose of this amendment is to create one new lot and add new easements. The Planning Commission approved this plan at their February 10, 2011, 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 required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.

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

6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Denote: This property shall be developed in accordance with the approved final development plan.
8. Correct adjacent property information per the most recent plat.
9. Correct purpose of amendment note.
10. Addition of exaction information to the approval of the Division of Planning.
11. Denote that no building permits will be issued on lots 29, 30, 34, 34A and 35 until an easement minor plat is recorded, or document easement release.
12. Document that the additional sewer taps have been installed for the new lot to the approval of the Division of Engineering.
13. Correct plan title.
14. Recordation of this plan prior to the recording of PLAN 2011-7F: Denton Farm, Inc., Unit 1-G.
15. Delete note #14 (references lot not part of this plat).
16. Delete note #15.

Note: The Commission's approval has since expired. The applicant now requests a reapproval for this Final Record Plat.

The Staff Recommends: **Reapproval**, subject to the original conditions listed on today's agenda.

Staff Presentation – Ms. Gallt introduced the final record plat for Denton Farm, Inc., Unit 4-A, Block J, Lots 26-30; Block L, Lots 31-35, located on Weston Park. She directed the Commission's attention to a rendering of this plat to orient them to the location of the subject property and the nearby street system. She indicated that the subject property is located off Richmond Road near the T-intersection of Weston Park and Ellerslie Park.

Ms. Gallt explained that the Planning Commission previously approved this plan at their February 10, 2011, meeting, subject to the conditions listed on today's agenda. She said that, at that time, the applicant had requested to increase the number of lots by one on the eastern side only, creating a total of six lots. She then said that the Commission's approval has since expired, and now the applicant is requesting a reapproval for this Final Record Plat.

Ms. Gallt said that the staff is recommending reapproval of this request, subject to the original conditions listed on today's agenda.

Planning Commission Questions – Mr. Penn asked for clarification to condition #15. Ms. Gallt explained that the applicant has made reference to a note from a different plat, and that note will need to be removed prior to the plan being certified.

The Chair asked if the applicant had anything further to add. Mr. Barlow, developer, responded that he did not.

Action - A motion was made by Ms. Richardson, seconded by Mr. Cravens, to reapprove PLAN 2011-8F: DENTON FARM, INC. UNIT 4-A, BLK J, LOTS 26-30; BLK L, LOTS 31-35 (AMD), subject to the original conditions listed on today's agenda.

Discussion of Motion – Ms. Mundy asked if documentation of the Division of Water Quality's approval of the Capacity Assurance Program requirements should be added. Mr. Sallee explained that this request is located in the Expansion Area 2; and under the Capacity Assurance Program, that entire Expansion Area is exempt from the program requirements because so much of the infrastructure is already in place.

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

The motion carried 10-0 (Smith absent).

2. DEVELOPMENT PLANS

- a. DP 2015-55: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM) & BURKE, HOCKENSMITH & MAGGARD PROPERTY, UNIT 5 (AMD.) (10/8/15)*- located at 2151 and 2221 Georgetown Road.
(Council District 2) **(Arnold Consulting)**

Note: The Planning Commission postponed this item at their July 9, 2015; August 13, 2015, and September 10, 2015, meetings. 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 availability 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.

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

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

Staff Presentation – Mr. Sallee directed the Commission's attention to Bluegrass Business Park, Lot 4 (Pemberton Farm) & Burke, Hockensmith & Maggard Property, Unit 5, located at 2151 and 2221 Georgetown Road. He said that the Planning Commission postponed this item at their July 9, 2015; August 13, 2015, and September 10, 2015, meetings. He then said that, without a request for postponement from the applicant, the deadline for the Commission to consider this request is October 8, 2015.

Mr. Sallee directed the Commission's attention to the photograph on the overhead projector, and briefly explained that the subject property is located at the southeast corner of Citation Boulevard and Georgetown Road. He said that Jaggie Fox Way is a collector street immediately to the west of Georgetown Road, near the railroad tracks. He then said that there is an industrial development immediately to the south of the subject property, and directly across Georgetown Road is Rood and Riddle Equine Hospital. He noted that Rood and Riddle Equine Hospital does have an access point onto Georgetown Road.

Mr. Sallee then directed the Commission's attention to the final development plan rendering, and said that at the center of this proposal there is a small piece of land that is zoned Agricultural Urban that is not part of this development plan. He then said that the development plan encompasses about 35 acres - almost the entirety of the vacant tract that was shown on the photograph. The applicant is proposing a 101,453 sq. ft, 35' tall industrial building that will have 143 parking spaces in the northern part of the site. He said that there would be a customer service area oriented toward Jaggie Fox Way, as well as large areas that would be used for the recycled asphalt and heavy duty concrete proposed for the trucks and the equipment parking. He said that the eastern third of the property is not currently being proposed for development, even though there is a proposed access to Georgetown Road directly across from the Rood and Riddle Equine Hospital.

Mr. Sallee directed the Commission's attention to the rendering for DP 2012-111: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM & BURKE, HOCKENSMITH & MAGGARD, UNIT 5 and explained that, at the December 13, 2012, meeting, the Commission had approved a development plan to construct a 7,300 sq. ft. building, along with 122 parking spaces. He said that, when comparing DP 2012-111 and DP 2015-55, the development approved on Lot 4 generally coordinates with this current proposal; but the 2012 version is less intense than today's version. In addition, the 2012 version had proposed to develop the corner of this property and provide for vehicular access off of Georgetown Road. He said the applicant had proposed to provide access to the subject property by way of two 60' access easements that connect from Georgetown Road and the rear of the site, which is gated. He explained that the 2012 version is just under 20 acres in size, so the balance then leaves an additional 15 acres where there was more speculative development proposed at that time. He said that the Planning Commission did approve DP 2012-111 on December 13, 2012; however, the applicant did not certify this plan within the one-year time allowed, and it has since expired. He then said that, in looking at the current proposal, the 2012 access easements have been removed; and there is no more speculative development for the 15 acres that fronts on Georgetown Road.

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

Mr. Sallee said that the Subdivision Committee had recommended postponement of this request, because the applicant had still not clarified the availability of sanitary sewer service to the proposed development, as required by the Capacity Assurance Program requirements, nor had they resolved the access proposed to the future lots. He explained that the subject property sits on a ridge and is located at the edge of two sanitary sewer banks. He said that at the Subdivision Committee meeting, it had been discussed that one of these banks had a very low to near zero capacity, while the other bank did have available capacity. He then said that there was an issue as to which way the sewage would flow from this development and as to whether or not there was capacity in the system for that sewage. Mr. Sallee said that to the staff's knowledge that question has not been answered since the Subdivision Committee meeting in July of this year.

Mr. Sallee circulated a number of email correspondences from the staff, (dated June 29th, June 30th, July 1st, July 8th, July 9th, August 12th, September 9th and September 30th), and explained that the staff had repeatedly contacted the applicant concerning these development plans issues, but has not been able to obtain any answers from the applicant. As a result, the staff would offer a revised recommendation of disapproval of this plan, for the following reasons.

1. The proposed development plan does not address significant concerns with the applicant's ability to provide the required public infrastructure, including sanitary sewer service to the site. There is a question as to whether there is compliance with the Capacity Assurance Program for this proposed development.
2. Stormwater Management measures due to the Royal Spring Aquifer protection area have not been addressed by this amended development plan.
3. Access to Georgetown Road, including any necessary public improvements, are far less detailed than those for the current development plan, approved previously for this location.
4. The applicant currently operates a similar, but smaller facility in an I-2 Zone, and the proposed development plan has not clarified all of its intended uses on the subject property to insure compliance with the existing I-1 Zoning of most of the subject property.
5. Under Article 21-7(e) of the Zoning Ordinance, the Commission may disapprove this amendment since the uncertainties listed above will "adversely affect the public health safety and welfare" and will "alter the essential character of the development as originally approved."

Mr. Sallee gave a brief summary of the each of the above reasons, and said that with the uncertainty of the plan and the loss of the access that was originally proposed in 2012, the staff is comfortable with their recommendation. He continued noting that the staff can answer any questions regarding the staff recommendation or about this final record plat listed on today's agenda.

Planning Commission Questions - Mr. Penn asked if the fill dirt is still on the subject property in front of Rood and Riddle Equine Hospital. Mr. Sallee said that on his last site visit, there was a stock piling of dirt on the site before the roadway was opened. It's the staff's understanding that dirt is associated with the road project, and he believes the dirt is still present there. Mr. Penn said that during the Subdivision Committee meeting, there was a discussion regarding moving the fill dirt. He asked, if the Commission were to accept the staff recommendation of disapproval, if the pile of dirt will remain there until the property is developed. Mr. Sallee responded that the staff is unsure. Mr. Penn said that it should be noted somehow, because to just to walk away from this problem would create an eyesore. Mr. Sallee said that Mr. Newman was not aware of any answer to this question.

Petitioner Presentation - The Chair asked if the applicant or their representation was present. Mr. Sallee responded negatively.

Discussion - The Chair said that he was at Rood and Riddle Equine Hospital, and there is a good 20' elevation of fill dirt with trucks coming and going from that location. He then said that he appreciates Mr. Penn's thoughts. It's concerning, and would appreciate any answers on this issue. He added one of the reasons for disapproval is the protection of the Royal Springs Aquifer and the fill dirt could impact that spring.

Mr. Sallee said that the LFUCG staff believes that the origin of the dirt is from the road project and it is under the negotiations with a State entity of the Transportation Cabinet, which is why the Urban County Government staff is not aware of its future or what those agreements require. The Chair asked if it is possible to get those answers without holding up the staff's recommendation of disapproval. Mr. Sallee said that, regardless of how the Commission acts on this plan, the staff can certainly pursue that and try to find out that information. He then said that they can ask the MPO staff to make contact with the Transportation Cabinet for this information.

Mr. Penn pointed out that dirt does not stay dirt, and the area is unsightly as it is. It will become a mess once the weeds take hold. He said that, if it is possible, this should be investigated; and if it's the responsibility of the State, then the State should take care of it. He then said that he doubts that there is a permit to dump that dirt, considering that the Subdivision Committee was told that it would be a temporary situation; but it is still there.

Ms. Plumlee asked if Code Enforcement could pursue this problem. Mr. Sallee responded that he is not sure, and said that these types of situations do pop up from time to time. He then said that there are rules as to whether or not the problem occupies an acre or more of land; and if it is over an acre, then significant State regulations would kick in.

Action - A motion was made by Mr. Wilson, seconded by Ms. Richardson and carried 10-0 (Smith absent) to disapprove DP 2015-55: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM) & BURKE, HOCKENSMITH & MAGGARD PROPERTY, UNIT 5 (AMD), for the reasons provided by the staff.

- b. DP 2015-92: THE CHURCH OF THE GOOD SHEPHERD (AMD) (1/21/16)* - located at 533 East Main Street. (Council District 3) **(Design Works)**

Note: The purpose of this amendment is to relocate the Columbarium on the site.

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. Addition of record plat information.
9. Identify exact locations of street cross-sections.
10. Label detention basin located along Main Street.
11. Label existing utility easements.
12. Correct note #6 making reference to Chapter 16 of the Code of Ordinance.
13. Correct spelling error in Owners' Certification.
14. Dimension Columbarium Garden.
15. Delete note #13.
16. Review by Technical Committee prior to plan certification.

Staff Presentation – Mr. Hunter directed the Commission's attention to the development plan for Church of the Good Shepard, located at 533 East Main Street. He said that the subject property is near downtown, at the intersection of Bell Court and Sayre Avenue. He then said that the purpose of this amendment is to relocate the previously approved Garden Columbarium next to Bell Court.

Mr. Hunter said that the Subdivision Committee recommended approval of this request, subject to the conditions listed on today's agenda. He briefly explained that conditions #1-7 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. He added that this request was filed as a "late plan"; therefore, this item will be placed on the October 28th Technical Committee agenda for their review.

Planning Commission Questions – The Chair asked if the Garden Columbarium is stand-alone or if it is attached to the building. Mr. Hunter explained that the Garden Columbarium is depicted as a detached structure, 4' in height. The fence material will be metal, pavers will be used instead of concrete, and it will open on the side. The Chair then asked if there will be a walkway provided. Mr. Hunter said that the final development plan references the use of stepping stones.

Representation – Mark Arnold, Design Works, was present representing the applicant, and indicated they do not have anything further to add.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. Mr. Kevin Murphy, who lives near the Church, said that even though this was an amended zoning development plan that was approved in 2000, there was no notice sent to the nearby residents for the current request. He gave a brief history of the subject property, and said that in 2000, a zoning development plan was part of the zone change for this property, which showed the Garden Columbarium to be located in the center of the proposed addition and the existing church. He then said that in September 2014, Good Shepherd Church appeared before the Board of Architectural Review for approval for the Garden Columbarium. He added that the BOAR does not consider the use issue - only aesthetic issues, so they granted approval of the applicant's request.

Mr. Murphy said that in July 2014, Good Shepherd Church advertised in their newsletter that a ground-breaking service would be held in August; subsequently, in September, the demolition began, removing the existing trees and shrubs. He then said that no permits were issued for the demolition, nor was there Board of Adjustment approval sought; but it's his understanding that there is an application that has been filed with the staff. Mr. Murphy said that he consulted Councilmember Gibbs, who had no knowledge of this request; and he also found that there were no permits issued for the demolition. He then said that he received an email correspondence from the Division of Building Inspection informing him that a fence permit was issued, and the applicant was required to file an application with the Board of Adjustment. This would be the first notification to the surrounding neighbors that informed them as to what was going on with this property. He said that, as of today, the fence has been removed, footings have been placed and blocks are in place.

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

Mr. Murphy said that his concern is with the lack of notification on this zoning development plan that was approved 15 years ago, as well as no notification for the Board of Adjustment, if they even filed an application. He asked if this would be considered a "de facto" approval of a conditional use that has not been approved by the Board of Adjustment. He then said that he would request that this application be disapproved, but a more reasonable request would be that this request be postponed. The reasons for the postponement would be due to not having the appropriate permits or the Board of Adjustment's approval. This would allow them to show a good faith effort in the process and procedures that have been set out by the Urban County Government to ensure the protection of the rights of the citizens of the community.

Planning Commission Questions – Mr. Cravens asked if Mr. Murphy is against what the Church is proposing. Mr. Murphy said that he is not against the idea of a Columbarium, and he understands that they are a great service to the community and a wonderful fundraiser, but his concern is the relocation of the structure from the center of the property, to along the frontage of Bell Court due to the safety issue it would create.

Staff Rebuttal – Mr. Martin said that he is not speaking on behalf of the Church concerning the permit issue; but he wanted to make it clear to the Planning Commission that this request is for a Final Development Plan, which had expired, and that is the reason this plan is in front of the Commission for reapproval. He then said that there is no notification requirement on a Final Development Plan, so no notice was sent out to the surrounding community. He added that this request was approved by the Board of Adjustment; and the conditions imposed by the BOA shown were on the overhead, as well as recorded on the Land Use Certificate (C-00-113). He said that condition #6 states "*That the action of the Board be noted on the Final Development Plan for the subject property submitted for Planning Commission approval.*" He then said that the Commission has the authority to amend this plan, as well as approve this plan; it does not need to return to the Board of Adjustment for approval. Mr. Martin repeated that notification is not required on a Final Development Plan.

Planning Commission Question – The Chair clarified that the Commission's approval on this Final Development Plan had expired, and now the applicant has requested to relocate the Garden Columbarium, as well. Mr. Martin replied affirmatively, and said that amending the plan allows the Commission to grant the reapproval.

The Chair confirmed that the Board of Adjustment had already granted approval on this request, to which Mr. Martin replied affirmatively. Mr. Sallee added, that in speaking with Mr. Emmons, who is the primary staff member for the Board of Adjustment cases, the Board did approve the Garden Columbarium in 2000; and in reviewing the Land Use Certificate, condition #1 states: "*That the property be developed according to the submitted application and site plan, or as amended by the Urban County Planning Commission.*" He then said that the words "site plan, or as amended by the Urban County Planning Commission" is the reason there is not an application for another conditional use permit for the Columbarium relocation. It's strictly a development plan issue.. He then said that there will not be need for a new conditional use permit for this property concerning the Garden Columbarium.

Mr. Penn asked if the fact that a permit was not obtained for demolition is germane to this conversation. Mr. Martin said that permits are required, plans do expire and not everyone is sophisticated about that sort of thing. He then repeated that he is not speaking on behalf of the applicant and why they took the actions as they did; but they did speak with the staff about the situation, and they were informed that the plan needed to be approved. They were told they should go ahead and amend the location of the Garden Columbarium on the Final Development Plan, which is what the applicant had done. He said that, since Phase II of this project has not been built, by having the plan reapproved the applicant is able to retain the Phase II portion of this project.

Representation Rebuttal – Mr. Arnold said that they were approved by, and received a Certificate of Appropriateness from the BOAR in 2014. At that time, the Church had no intention to build Phase II; but, unfortunately, when the development plan was submitted, the Garden Columbarium was associated with the Phase II portion of the development. He added that subsequent to 2000, the church had a need for the Columbarium. He explained that the Columbarium is a garden wall and a fence, and it is within the Church's right to build a small garden wall in their side yard as long as it is appropriate with the Board of Adjustment. He said that, once they met with the Division of Planning staff and talked to them about the procedure, it appeared that it was best to apply for a fence and wall permit to allow the construction of the garden, pavers, wall and the landscaping to begin. He then said that this would allow them to have a lag time for several months before the actual insertion of the metal niche went into the wall; and this is why they are presenting this application to the Commission for their consideration.

Mr. Arnold said that they did obtain a permit for the fence and garden wall, and they have obtained a permit to allow the construction that has been done. He then said that they need the Planning Commission's approval to relocate the Columbarium within that wall.

Planning Commission Question – Mr. Penn asked if the Church services can be contained to inside the property and not impact Bell Court. Mr. Arnold said that the space that will be enclosed for the Columbarium will not be appropriate for a large group of people; it will be more for smaller, more intimate gatherings, so the larger services will always be held within the Church sanctuary. Mr. Penn then asked if they see Bell Court being impacted. Mr. Arnold said that Bell Court will not be impacted any more than what it already is from the functions that are held in this area.

The Chair asked where the original Columbarium was located. Mr. Arnold directed the Commission's attention to the rendering to illustrate the location of the Columbarium, and said that it was attached to the Phase II portion of this development plan; and had the word "Columbarium" not been used, but named as an outside element, they would not need to present this request to the Commission. He then said that the Church has no future plans to build the Phase II portion at this time, but they do have a need to build the Columbarium. He added that, due to a number of concerns, the original location of the Columbarium was not suitable. This is why they submitted their application to the BOAR and were granted approval.

Opposition Rebuttal – Mr. Murphy indicated that it seems that he has received conflicting information from the different agencies, and said that even though the Land Use Certificate is shown on the overhead, he is still confused with how, what was originally submitted as a zone change in 2000 to allow a conditional use, would not go back to the Board of Adjustment. He then said that if this application was submitted to the BOA, it would trigger the notification to be sent out to the residents, showing that they want to amend or change the conditional use on this property. He then said that the Planning Commission cannot amend or change the conditional use on this property; and, to him, this is a "de facto" change with regard to what is happening and this concerns him. Mr. Murphy said he was very unclear as to why there is not requirement for an appeal to the Board of Adjustment.

The Chair said that this property has been to the Board of Adjustment and was granted approval for this use. He then said that, under the first condition listed on the Land Use Certificate, it states that the Planning Commission may amend this site plan, if necessary. Mr. Saltee responded in agreement, and said that the use had been approved by the BOA, and the Planning Commission does have the ability to change its location on the site through the language noted the first condition of the BOA's approval. Mr. Murphy indicated that he was unaware of that, and said that no notice was sent out. The Chair said that notice is not required for Final Development Plans. Ms. Jones said that under the Zoning Ordinance there is no notice provision, which is why no notice was required for this application. Mr. Murphy requested that the Planning Commission either disapprove this application or relocate the Columbarium back to its original location.

Planning Commission Question - The Chair asked for a brief summary of the applicant's design schematics. Mr. Arnold acknowledged the request, and explained the conceptual design of the building, and the layout of the outside garden area, as well as what materials will be used for the Columbarium to maintain a view that is appealing.

The Chair asked if Mr. Murphy had any comments regarding the explanation of the design schematic. Mr. Murphy said that Mr. Arnold is a landscape architect, but he is a licensed architect in the State of Kentucky and he is having a little bit of trouble with Mr. Arnold's reasoning that placing the Columbarium on the street would be more private than where it was originally proposed. He then said that he is not prepared to give a full statement since he was not aware of this application until just prior to this meeting, plus he believed there would be a public hearing at the Board of Adjustment. He then said that there have been times when the Church has used Bell Court for its ceremonies and rituals, and this has been problematic in the past year on a few occasions. He added that, should the Commission approve this request, he hopes that conditions can be added to address the issue with the use of Bell Court.

Planning Commission Questions – Mr. Drake asked if the Church is in compliance with the Zoning Ordinance and Land Subdivision Regulations. Ms. Jones said that, as far as the Zoning Ordinance requirements, they are not in violation of anything.

Mr. Brewer asked what was allowed or restricted under the current Zoning Ordinance. Ms. Jones said that the conditional use permit does not pertain to what happens on the street, only to the property. Mr. Brewer then asked what Division regulates what happens in the street, adjacent to this property. Mr. Martin said that if the Division of Planning were asked to sign off on a permit, the staff would review their request to ensure that the applicant was in compliance with the approved development plan. He then said that the applicant would be allowed to do whatever the approved development plan allows. He added that the current location of the Columbarium is closer to Main Street, and the applicant is proposing to relocate it next to Bell Court. He said that there will be no access added; and had this plan not expired, this request would have qualified as a minor amendment. He then said that minor amendments are not presented to the Planning Commission, but rather those are subject to only the staff's review. He explained that this request would have been approved for the movement of a structure in an already approved space. He said that had the staff felt there would have been an impact to Bell Court, then the other governmental agencies would have been involved; but for this request, the staff does not see an issue.

Mr. Brewer confirmed that the Planning Commission really does not have anything to say with what happens on Bell Court. Mr. Martin said that they are not allowed to infringe on public right-of-way, any more than someone else is allowed. He then said that the Final Development Plan that was approved on this property does not make any reference to anything other than existing zoning; but it appears that there is more than one principal structure on this property, which would explain the Final Development Plan. He added that the Final Development Plan does reference the BOA and the BOAR approvals.

Mr. Penn asked if it is appropriate on a minor amendment to condition the use of the street. Mr. Martin replied negatively, and said that if access was being requested or a change in the existing access, then the Divisions of

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Traffic Engineering and Fire would become involved in such a review. Mr. Penn said that Mr. Murphy had asked if a condition could be added concerning Bell Court, but that would be a whole different issue. Mr. Martin said that Bell Court is public right-of-way, and the Planning Commission's jurisdiction is only over the development plan.

Mr. Cravens indicated that Mr. Murphy was stating that if the Columbarium were on the other side of the building, then Bell Court would not be impacted, which Mr. Murphy confirmed.

Mr. Wilson said that Mr. Murphy noted that there are other activities taking place at the Church that have spilled out onto Bell Court. He then said that the neighborhood should get together with the rector of the Church and explain their concerns with the impact of the activities. The Chair agreed and said that this seems to be more of an issue with Code Enforcement.

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy and carried 10-0 (Smith absent) to approve DP 2015-92, as presented by the staff.

Note: Mr. Brewer departed the meeting.

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

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 9-0 (Brewer and Smith absent) to approve the release and call of bonds as detailed in the memorandum dated October 8, 2015, from Barry Brock, Division of Engineering.

Note: Mr. Brewer arrived at the meeting.

3. DEVELOPMENT PLANS (continued)

- c. DP 2011-41: BLACKFORD PROPERTY, PHASE 1, UNIT 5 & PHASE 3 (AMD) (1/12/16)* - located on Blackford Parkway. (Council District 12) **(EA Partners)**

Note: The Planning Commission approved this plan at their June 23, 2011, meeting, 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. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree protection plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike and 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's approval of emergency access and fire hydrant locations.
10. Provided the Planning Commission makes a finding that the plan is in compliance with the EAMP.
11. Resolve the details of the greenway connection at Lots 391 & 392.
12. Resolve tree preservation area conflict with the EAMP storm water plans (remove T.P.A).
13. Resolve the extent of the sinkhole (identify closed contour area).
14. Denote: No development of Lots 412-416 until Blackford Parkway is constructed.
15. Denote: No vehicular access to Walnut Grove Lane or Deer Haven Lane.

Note: This plan was certified on October 19, 2011. The Planning Commission granted approval of an extension of their previous approval at their October 9, 2014, meeting. They also made a finding, required by Article 4-4(d)(1) of the Land Subdivision Regulations, which states that "progress has been made in the physical construction of improvements" in order to grant that extension.

The applicant now requests approval of a one-year extension for the Preliminary Subdivision Plan portion of this plan.

The Subdivision Committee Recommended: Postponement. There has been no documentation provided by the applicant as to the "progress ... made in the physical construction of improvements" for this development over the past year.

Staff Presentation – Mr. Sallee introduced to the Commission the development plan for Blackford Property, Phase 1, Unit 5 & Phase 3, located on Blackford Parkway. He noted that the staff had provided the Commission a handout to help explain the postponement recommendation made by the Subdivision Committee.

Mr. Sallee directed the Commission's attention to a rendering of this development plan and oriented them to the location of the subject property and the nearby street system. He explained that the property is located at the terminus of Blackford Parkway, which extends westward toward Man o' War Boulevard, and it is immediately north of the most recent zone change on the Clark Property. He said that there is residential housing currently under development on the subject

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

site that is adjacent to the Greenbrier Golf course. Mr. Sallee further explained that this request is for an extension of the prior approval granted for an amended Preliminary Subdivision Plan. The rendering depicts the street and lotting pattern for the remainder of the development, including the open space area along Walnut Grove Lane, as well as the 200' building line that is required by the Zoning Ordinance. He said that even though there is a small section of land that is zoned EAR-2, the land is mostly zoned EAR-1, with a mixture of small and larger lots being proposed overall. He indicated that, since these two zones do not have a minimum lot size, once the land is developed, it will be very difficult to distinguish between the two zones because of how the lots will be integrated together throughout this unit of the subdivision.

Mr. Sallee said that the Planning Commission previously approved this plan at their June 23, 2011, meeting, subject to the conditions listed on today's agenda; and later that same year (October 19th) this plan was certified. He then said that the Planning Commission granted an extension of their previous approval at their October 9, 2014, meeting. He explained that, as part of the Land Subdivision Regulations, the Preliminary Subdivision Plan portion of this plan allows the developer to submit plans to the Division of Engineering for three years; so at the end of 2014, the applicant requested an extension to allow additional time to submit those plans. He then said that the Final Development Plan portion of this plan is good for five years, which has not expired at this time. He added that now the applicant is up against another timeline where they can no longer submit plans to the Division of Engineering for this development, so the applicant is requesting another approval from the Planning Commission for a one-year extension.

Mr. Sallee said that under Article 4-4(d)(1) of the Land Subdivision Regulations, in order for the Planning Commission to grant that extension, the Commission must find that "progress has been made in the physical construction of improvements" over the past year. He then said that, at the time of the Subdivision Committee meeting, no such documentation had been submitted to the staff, and this is what led to the postponement recommendation made by the Committee. He noted that the staff had since received, and today distributed the required documentation to the Commission for their review, showing the progress on the subject property. Staff had also received final record plat filings for the center portion of this site, which indicated that the infrastructure is or soon will be, in place. Mr. Sallee said that the requirement of the Land Subdivision Regulations has been met; and, as such, the staff is now recommending approval of a one-year extension for this plan.

Representation – Rory Kahly, EA Partners, was present representing the applicant. He indicated that they were in agreement with the staff's recommendations, and requested approval of a one-year extension for DP 2011-41.

Planning Commission Questions – Mr. Penn said that had the Committee seen the required documentation, the recommendation would have been different, and asked why the Committee did not see it. Mr. Kahly replied that they have never been asked to show this documentation in the past.

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

Action - A motion was made by Ms. Richardson, seconded by Mr. Drake, to reapprove DP 2011-41, as presented by the staff.

Discussion of Motion – Mr. Wilson asked if this approval was for a one-year extension. Mr. Sallee replied affirmatively and said that that is all that the Land Subdivision Regulations would allow.

Action – An amended motion was made by Ms. Richardson, seconded by Mr. Drake and carried 10-0 (Smith absent) to approve a one-year extension for DP 2011-41, as presented by the staff.

VI. COMMISSION ITEMS

- A. WORK SESSION – Mr. Duncan reminded the Commission members that they do not have a work session October 15th; but according their schedule, the next Planning Commission meeting will be on October 22nd and the next work session will be held on October 29th.
- B. COMMUNICATION FROM THE LAW DEPARTMENT – Ms. Jones informed the Planning Commission that the Law Department had received an appeal pertaining to the Planning Commission's decision on PLAN 2015-93F: ASHLAND PARK, INC., SUBDIVISION, NO. 12, LOT 3 (AMD) for property located at 508 Clinton Road.

VII. STAFF ITEMS

- A. COMMUNICATION FROM THE STAFF – Mr. Martin informed the Planning Commission that the Division of Engineering had sent word that DP 2015-55: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM) & BURKE, HOCKENSMITH & MAGGARD PROPERTY, UNIT 5 (AMD.) – the property located at 2151 and 2221 Georgetown Road does have a land disturbance permit for the fill associated with Citation Boulevard. The Chair asked if this is a temporary permit, to which Mr. Martin said that that information was noted on the permit.

VIII. AUDIENCE ITEMS – There were none.

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IX. NEXT MEETING DATES

Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) October 28, 2015
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers **October 22, 2015**
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) November 5, 2015
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)..... November 5, 2015
Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers..... **November 12, 2015**

X. ADJOURNMENT - There being no further business, the Chair adjourned the meeting at 2:50 PM.

Mike Owens, Chair

Will Berkley, Secretary

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

October 8, 2015

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

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

Planning Staff members present – Acting Director James Duncan; 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; Jeff Neal, Division of Traffic Engineering; Captain Greg Lengal, Division of Fire and Emergency Services and Tracy Jones, Department of Law.

- II. **APPROVAL OF MINUTES** – The minutes of the August 13, 2015, meeting will be considered by the Planning Commission at this time, as well as a portion of the September 10, 2015, meeting (CT 2015-1).

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 10-0 (Smith absent) to approve the minutes of the August 13, 2015, meeting, as well as a portion of the September 10, 2015, meeting (CT 2015-1).

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

- a. PLAN 2015-106F: DISTILLERY DISTRICT WEST, UNIT 1 (PENDERY FINANCIAL, LLC PROPERTY) (11/29/15)*- located at 1151 Manchester Street. (Council District 2) **(2020 Land Surveying)**

The Subdivision Committee Recommended: **Postponement**, due to the lack of sanitary sewer service.

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 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 maintenance note per Art. 5-4(g).
10. Denote effective date of floodplain map information.
11. Denote flood protection elevation on plat to the approval of Water Quality.
12. Correct plan title.
13. Revise Urban County Engineer's certification.
14. Discuss dedication of right-of-way and possible improvements.
15. Discuss sanitary sewer service and possible waiver request.
16. Discuss certifications per possible need for waiver.

Representation – Justin Drury, 2020 Land Surveying, was present representing the applicant, and requested postponement of PLAN 2015-106F: DISTILLERY DISTRICT WEST, UNIT 1 (PENDERY FINANCIAL, LLC PROPERTY) to the November 12, 2015, Planning Commission meeting.

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

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy and carried 10-0 (Smith absent) to postpone PLAN 2015-106F: DISTILLERY DISTRICT WEST, UNIT 1 (PENDERY FINANCIAL, LLC PROPERTY) to the November 12, 2015, Planning Commission meeting.

- b. DP 2015-30: HIGH POINT SUBDIVISION (MONON, INC.) (10/815)* - located at 1123 Winchester Road. (Council District 5) **(Myke Robbins)**

Note: The applicant had requested that this previously postponed item be given consideration by the Commission. The Planning Commission postponed this item at their September 10, 2015, meeting, due to lack of representation by the applicant.

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

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

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

1. Urban County Engineer's acceptance of drainage, 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.
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.

Representation – Myke Robbins was present representing the applicant, and requested postponement of DP 2015-30: HIGH POINT SUBDIVISION (MONON, INC.) to the October 22, 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. Penn, seconded by Ms. Richardson and carried 10-0 (Smith absent) to postpone DP 2015-30: HIGH POINT SUBDIVISION (MONON, INC.) to the October 22, 2015, Planning Commission meeting.

- c. PLAN 2015-67P: COPPER CREEK SUBDIVISION (10/8/15)* - located at 1850 Old Higbee Mill Road (a portion of).
(Council District 9) **(EA Partners)**

Note: The Planning Commission postponed this item at their August 13, 2015 and September 10, 2015, meetings.

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 Wyndham 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 – Chris Clendenen, attorney, was present representing the applicant, and requested postponement of PLAN 2015-67P: COPPER CREEK SUBDIVISION to the October 22, 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.

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

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 10-0 (Smith absent) to postpone PLAN 2015-67P: COPPER CREEK SUBDIVISION to the October 22, 2015, Planning Commission meeting.

- d. PLAN 2015-107F: WILLIAM SHELY SUBDIVISION, UNIT 1, BLOCK A, LOT 2 & UNIT 2 (11/29/15)*- located at 435 West New Circle Road. (Council District 1) **(Endris Engineering)**

Note: The purpose of this amendment is to reduce the building line of the property from 65' to 55'.

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. Correct floodplain location in north corner of property.
7. Delete 65' building line information depicted.
8. Correct cabinet and slide information (on subject lot).
9. Increase font size of plan notes & certification on plan.
10. Update street cross-section information.

Staff Comments – Mr. Martin said that the staff had been contacted by the applicant, requesting to withdraw PLAN 2015-107F: WILLIAM SHELY SUBDIVISION, UNIT 1, BLOCK A, LOT 2 & UNIT 2. Mr. Sallee said that the staff had received the email correspondence just prior to today's meeting from the applicant's engineer.

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

Action - A motion was made by Ms. Mundy, seconded by Ms. Plumlee and carried 10-0 (Smith absent) to withdraw PLAN 2015-107F: WILLIAM SHELY SUBDIVISION, UNIT 1, BLOCK A, LOT 2 & UNIT 2.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, October 1, 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, Cheryl Galt, Denice Bullock, Kelly Hunter and Dave Jarman, as well as Lieutenant Joshua Thiel, 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.

- Criteria:**
- (1) the Subdivision Committee recommendation is for approval, as listed on this agenda; and
 - (2) the Petitioner is in agreement with the Subdivision Committee recommendation and the conditions listed on the agenda; and
 - (3) no discussion of the item is desired by the Commission; and
 - (4) no person present at this meeting objects to the Commission acting on the matter without discussion; and
 - (5) the matter does not involve a waiver of the Land Subdivision Regulations.

- Requests can be made to remove items from the Consent Agenda:**
- (1) due to prior postponements and withdrawals,
 - (2) from the Planning Commission,
 - (3) from the audience, and
 - (4) from Petitioners and their representatives.

At the request of the Chair, Mr. Sallee identified the following items appearing on the Consent Agenda, and oriented the Commission to the location of these items on the regular Meeting Agenda. He noted that the Subdivision Committee had recommended conditional approval for these items listed. (A copy of the Consent Agenda is attached as an appendix to these minutes).

1. PLAN 2015-102P: TUSCANY, UNIT 10 (11/29/15)*- located at 2625 Sir Barton Way and 1970 Winchester Road (a portion of). (Council District 6) **(EA Partners)**

Note: The purpose of this amendment is to revise a street cross-section and notes #14 & #15.

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

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping.
 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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
2. PLAN 2015-103F: WILLIAMS PROPERTY, LOT 1 (11/29/15)*- located at 3400 Todds Road.
(Council District 7) **(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.
 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 note #5, to the approval of the Division of Engineering.
 9. Denote Planning Commission approval of waiver and access easement on plan.
 10. Denote that LFUCG shall not be responsible for maintenance of private storm sewers and easements.
3. PLAN 2015-104F: HAMBURG PLACE B-5P & B-6P AREA HIGHWAY COMMERCIAL (LOTS 10, 11 & 12) (AMD) (11/29/15)*- located at 2277 War Admiral Way. (Council District 6) **(Vision Engineering)**

Note: The purpose of this amendment is to subdivide Lot 12 into two lots and amend the boundaries of Lot 10.

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. Clarify engineer's certification to match Land Subdivision Regulations, to the approval of the Division of Engineering.
4. PLAN 2015-105F: PATCHEN WILKES TOWNHOMES (11/29/15)*- located at 2101 Patchen Lakes Lane.
(Council District 6) **(Eagle Engineering)**

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. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 9. Denote Amended Final Development Plan for townhomes' certification prior to plat recordation for Lots 1-8.
 10. Denote Board of Adjustment's Administrative Appeal approval (A-2015-56).
5. PLAN 2013-98F: MASTERSON HILLS, UNIT 1-C (12/22/15)* - located at 3000 Spurr Road.
(Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on September 12, 2013 and extended its approval on September 11, 2014, 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.

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

5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Provide flood protection elevation note to the approval of the Division of Engineering.
10. Denote "3' drainage easement maintenance responsibility for 10' cemetery lot proposed."
11. Indicate driveway location on corner lots to the approval of Traffic Engineering.
12. Addition of cemetery lot to this plat prior to certification, denoting cemetery protection required by Art. 3-7(b)(1), (2), (5), (6) & (7) of the Zoning Ordinance.
13. Denote on the plan a 5' side yard setback and a 4' fence height restriction on Lots 107 and 108 adjacent to the cemetery lot, prior to certification.

Note: The Commission's approval has since expired. The applicant now requests a reapproval for this Final Record Plat.

The Subdivision Committee Recommended: **Reapproval**, subject to the original conditions listed on today's agenda.

6. DP 2015-38: MASTERTON STATION CENTER, (CITATION VILLAGE) (AMD) (10/8/15)* - located at 2601 Leestown Road.
(Council District 2) **(EA Partners)**

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. 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. 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. Resolve compliance with stream mitigation as required by the Engineering Manuals.

7. DP 2015-90: MARATHON OIL CO. (SPEEDWAY SUPER AMERICA, LLC) (AMD) (11/29/15)* - located at 140 Mercer Road.
(Council District 2) **(McBride Dale)**

Note: The purpose of this amendment is to add a fueling station for commercial trucks behind the existing gas station and convenience store.

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. 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. Restore and clarify all information for convenience store and site from previous plan.
11. Denote property description of adjoining Lot 2.
12. Reduce size of landscape island at northeast corner of convenience store to place it outside of easement.
13. Denote tree protection area as identified on current development plan.
14. Revise dimensions of storage shed to include gross area.
15. Resolve pedestrian access to Lot 2.
16. Resolve stormwater detention necessary for the proposed use.
17. Resolve 52' wide apron onto Mercer Road from convenience store lot.

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

8. DP 2015-92: THE CHURCH OF THE GOOD SHEPHERD (AMD) (1/21/15)* - located at 533 East Main Street.
(Council District 3) **(Design Works)**

Note: The purpose of this amendment is to relocate the Columbarium on the site.

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. Addition of record plat information.
9. Identify exact locations of street cross-sections.
10. Label detention basin located along Main Street.
11. Label existing utility easements.
12. Correct note #6 making reference to Chapter 16 of the Code of Ordinance.
13. Correct spelling error in Owners' Certification.
14. Dimension Columbarium Garden.
15. Delete note #13.
16. Review by Technical Committee prior to plan certification.

In conclusion, Mr. Sallee said that the items identified on the Consent Agenda could be considered for approval at this time by the Commission, unless there was a request for an item to be removed from consideration by a member of the Commission, or the audience, in order to permit further discussion.

Consent Agenda Discussion – The Chair asked if anyone in the audience or on the Commission desired further discussion of any of the items listed on the Consent Agenda. Mr. Kevin Murphy requested that DP 2015-92 be removed from the Consent Agenda for further discussion.

Commission Comments – The Chair indicated that a request had been made to remove DP 2015-92 for further discussion, and noted that PLAN 2015-107F had been withdrawn (earlier), at the applicants request.

Action - A motion was made by Mr. Brewer, seconded by Ms. Richardson and carried 10-0 (Smith absent) to approve the items listed on the Consent Agenda, as recommended by the Subdivision Committee, removing DP 2015-92.

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

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

1. FINAL SUBDIVISION PLANS

- a. PLAN 2013-122F: SOUTHEND PARK, UNIT 1, SECTION 1 (1/26/15)* - located in the 700 & 800 blocks of De Roode Street. (Council District 3) **(Hall-Harmon Engineers)**

Note: The Planning Commission approved this plan at their November 14, 2013 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.

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

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: Lots 1-4 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. Complete owners' certification information per the Land Subdivision Regulations.
11. Provided the Planning Commission grants a waiver to Articles 4-7(d)(1) and 4-7(d)(9) of the Land Subdivision Regulations.
12. Review by Technical Committee prior to plan certification.

Note: The Planning Commission approved a one-year extension on October 9, 2014, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission; and then on March 13, 2014, the Commission also approved the requested waivers to the Land Subdivision Regulations, for these reasons:

1. Not granting the waivers would constitute an exceptional hardship for the applicant by impeding the development of the affordable housing component of the project.
2. Granting the waivers will not negatively impact public health and safety, as the completion of the public improvements will be completed; and warranties on the improvements will be provided by the standard contractual procedures utilized and required by the applicant.
3. Granting the waivers complies with 1-5(c) of the Land Subdivision Regulations that encourages waivers that facilitate infill and redevelopment projects.

Note: Section 1 of this plat (for lots 1-4) was recorded on March 17, 2014. The LFUCG Division of Engineering now requests a reapproval for the unrecorded (Section 2) of this plat.

The Staff Recommended: Reapproval for the unrecorded Unit 1-B, Section 2 of this plat, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission.

Staff Presentation – Mr. Martin directed the Commission's attention to Southend Park, Section 1, Unit 1 (the parent plat), also known as the Newtown Pike Corridor Extension project, located in the 700 & 800 blocks of De Roode Street. He directed the Commission's attention to a rendering of this plat to orient them to the location of the subject property and the nearby street system. He noted that the Planning Commission approved this plan at their November 14, 2013 meeting, as well as approved a one-year extension on October 9, 2014. Now the LFUCG Division of Engineering, along with the Kentucky Transportation Cabinet, has requested a reapproval for the unrecorded Unit 1-B, Section 2 of this plat.

Mr. Martin said that there is a waiver associated with this request, which involves the engineer's certification. He explained that the State of Kentucky is using Hall-Harmon, who prepared the plat; but they did not design or inspect the infrastructure and cannot sign the typical certification. What evolved from this issue was a modified engineer's certification that was acceptable to all parties involved.

Mr. Martin said that the staff is recommending reapproval for the unrecorded Unit 1-B, Section 2 of this plat, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission. He added that the project engineers were not present.

Planning Commission Questions – The Chair asked, since the waivers have already been approved by the Commission, if those needed to be reflected in the motion. Mr. Martin replied affirmatively.

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

Action - A motion was made by Mr. Cravens, seconded by Mr. Brewer, and carried 10-0 (Smith absent) to reapprove the unrecorded Unit 1-B, Section 2 of this plat, subject to the original conditions 1-7 & 9, noting the prior approval of the waiver by the Commission for PLAN 2013-122F: SOUTHEND PARK, SECTION 1, UNIT 1.

- b. PLAN 2011-8F: DENTON FARM, INC. UNIT 4-A, BLK J, LOTS 26-30; BLK L, LOTS 31-35 (AMD) (12/30/15)* - (Strand Associates) located on Weston Park. (Council District 7)

Note: The purpose of this amendment is to create one new lot and add new easements. The Planning Commission approved this plan at their February 10, 2011, 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 required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.

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

6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Denote: This property shall be developed in accordance with the approved final development plan.
8. Correct adjacent property information per the most recent plat.
9. Correct purpose of amendment note.
10. Addition of exaction information to the approval of the Division of Planning.
11. Denote that no building permits will be issued on lots 29, 30, 34, 34A and 35 until an easement minor plat is recorded, or document easement release.
12. Document that the additional sewer taps have been installed for the new lot to the approval of the Division of Engineering.
13. Correct plan title.
14. Recordation of this plan prior to the recording of PLAN 2011-7F: Denton Farm, Inc., Unit 1-G.
15. Delete note #14 (references lot not part of this plat).
16. Delete note #15.

Note: The Commission's approval has since expired. The applicant now requests a reapproval for this Final Record Plat.

The Staff Recommends: **Reapproval**, subject to the original conditions listed on today's agenda.

Staff Presentation – Ms. Gallt introduced the final record plat for Denton Farm, Inc., Unit 4-A, Block J, Lots 26-30; Block L, Lots 31-35, located on Weston Park. She directed the Commission's attention to a rendering of this plat to orient them to the location of the subject property and the nearby street system. She indicated that the subject property is located off Richmond Road near the T-intersection of Weston Park and Ellerslie Park.

Ms. Gallt explained that the Planning Commission previously approved this plan at their February 10, 2011, meeting, subject to the conditions listed on today's agenda. She said that, at that time, the applicant had requested to increase the number of lots by one on the eastern side only, creating a total of six lots. She then said that the Commission's approval has since expired, and now the applicant is requesting a reapproval for this Final Record Plat.

Ms. Gallt said that the staff is recommending reapproval of this request, subject to the original conditions listed on today's agenda.

Planning Commission Questions – Mr. Penn asked for clarification to condition #15. Ms. Gallt explained that the applicant has made reference to a note from a different plat, and that note will need to be removed prior to the plan being certified.

The Chair asked if the applicant had anything further to add. Mr. Barlow, developer, responded that he did not.

Action - A motion was made by Ms. Richardson, seconded by Mr. Cravens, to reapprove PLAN 2011-8F: DENTON FARM, INC. UNIT 4-A, BLK J, LOTS 26-30; BLK L, LOTS 31-35 (AMD), subject to the original conditions listed on today's agenda.

Discussion of Motion – Ms. Mundy asked if documentation of the Division of Water Quality's approval of the Capacity Assurance Program requirements should be added. Mr. Sallee explained that this request is located in the Expansion Area 2; and under the Capacity Assurance Program, that entire Expansion Area is exempt from the program requirements because so much of the infrastructure is already in place.

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

The motion carried 10-0 (Smith absent).

2. DEVELOPMENT PLANS

- a. DP 2015-55: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM) & BURKE, HOCKENSMITH & MAGGARD PROPERTY, UNIT 5 (AMD.) (10/8/15)*- located at 2151 and 2221 Georgetown Road.
(Council District 2) **(Arnold Consulting)**

Note: The Planning Commission postponed this item at their July 9, 2015; August 13, 2015, and September 10, 2015, meetings. 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 availability 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.

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

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

Staff Presentation – Mr. Sallee directed the Commission's attention to Bluegrass Business Park, Lot 4 (Pemberton Farm) & Burke, Hockensmith & Maggard Property, Unit 5, located at 2151 and 2221 Georgetown Road. He said that the Planning Commission postponed this item at their July 9, 2015; August 13, 2015, and September 10, 2015, meetings. He then said that, without a request for postponement from the applicant, the deadline for the Commission to consider this request is October 8, 2015.

Mr. Sallee directed the Commission's attention to the photograph on the overhead projector, and briefly explained that the subject property is located at the southeast corner of Citation Boulevard and Georgetown Road. He said that Jaggie Fox Way is a collector street immediately to the west of Georgetown Road, near the railroad tracks. He then said that there is an industrial development immediately to the south of the subject property, and directly across Georgetown Road is Rood and Riddle Equine Hospital. He noted that Rood and Riddle Equine Hospital does have an access point onto Georgetown Road.

Mr. Sallee then directed the Commission's attention to the final development plan rendering, and said that at the center of this proposal there is a small piece of land that is zoned Agricultural Urban that is not part of this development plan. He then said that the development plan encompasses about 35 acres - almost the entirety of the vacant tract that was shown on the photograph. The applicant is proposing a 101,453 sq. ft, 35' tall industrial building that will have 143 parking spaces in the northern part of the site. He said that there would be a customer service area oriented toward Jaggie Fox Way, as well as large areas that would be used for the recycled asphalt and heavy duty concrete proposed for the trucks and the equipment parking. He said that the eastern third of the property is not currently being proposed for development, even though there is a proposed access to Georgetown Road directly across from the Rood and Riddle Equine Hospital.

Mr. Sallee directed the Commission's attention to the rendering for DP 2012-111: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM & BURKE, HOCKENSMITH & MAGGARD, UNIT 5 and explained that, at the December 13, 2012, meeting, the Commission had approved a development plan to construct a 7,300 sq. ft. building, along with 122 parking spaces. He said that, when comparing DP 2012-111 and DP 2015-55, the development approved on Lot 4 generally coordinates with this current proposal; but the 2012 version is less intense than today's version. In addition, the 2012 version had proposed to develop the corner of this property and provide for vehicular access off of Georgetown Road. He said the applicant had proposed to provide access to the subject property by way of two 60' access easements that connect from Georgetown Road and the rear of the site, which is gated. He explained that the 2012 version is just under 20 acres in size, so the balance then leaves an additional 15 acres where there was more speculative development proposed at that time. He said that the Planning Commission did approve DP 2012-111 on December 13, 2012; however, the applicant did not certify this plan within the one-year time allowed, and it has since expired. He then said that, in looking at the current proposal, the 2012 access easements have been removed; and there is no more speculative development for the 15 acres that fronts on Georgetown Road.

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

Mr. Sallee said that the Subdivision Committee had recommended postponement of this request, because the applicant had still not clarified the availability of sanitary sewer service to the proposed development, as required by the Capacity Assurance Program requirements, nor had they resolved the access proposed to the future lots. He explained that the subject property sits on a ridge and is located at the edge of two sanitary sewer banks. He said that at the Subdivision Committee meeting, it had been discussed that one of these banks had a very low to near zero capacity, while the other bank did have available capacity. He then said that there was an issue as to which way the sewage would flow from this development and as to whether or not there was capacity in the system for that sewage. Mr. Sallee said that to the staff's knowledge that question has not been answered since the Subdivision Committee meeting in July of this year.

Mr. Sallee circulated a number of email correspondences from the staff, (dated June 29th, June 30th, July 1st, July 8th, July 9th, August 12th, September 9th and September 30th), and explained that the staff had repeatedly contacted the applicant concerning these development plans issues, but has not been able to obtain any answers from the applicant. As a result, the staff would offer a revised recommendation of disapproval of this plan, for the following reasons.

1. The proposed development plan does not address significant concerns with the applicant's ability to provide the required public infrastructure, including sanitary sewer service to the site. There is a question as to whether there is compliance with the Capacity Assurance Program for this proposed development.
2. Stormwater Management measures due to the Royal Spring Aquifer protection area have not been addressed by this amended development plan.
3. Access to Georgetown Road, including any necessary public improvements, are far less detailed than those for the current development plan, approved previously for this location.
4. The applicant currently operates a similar, but smaller facility in an I-2 Zone, and the proposed development plan has not clarified all of its intended uses on the subject property to insure compliance with the existing I-1 Zoning of most of the subject property.
5. Under Article 21-7(e) of the Zoning Ordinance, the Commission may disapprove this amendment since the uncertainties listed above will "adversely affect the public health safety and welfare" and will "alter the essential character of the development as originally approved."

Mr. Sallee gave a brief summary of the each of the above reasons, and said that with the uncertainty of the plan and the loss of the access that was originally proposed in 2012, the staff is comfortable with their recommendation. He continued noting that the staff can answer any questions regarding the staff recommendation or about this final record plat listed on today's agenda.

Planning Commission Questions - Mr. Penn asked if the fill dirt is still on the subject property in front of Rood and Riddle Equine Hospital. Mr. Sallee said that on his last site visit, there was a stock piling of dirt on the site before the roadway was opened. It's the staff's understanding that dirt is associated with the road project, and he believes the dirt is still present there. Mr. Penn said that during the Subdivision Committee meeting, there was a discussion regarding moving the fill dirt. He asked, if the Commission were to accept the staff recommendation of disapproval, if the pile of dirt will remain there until the property is developed. Mr. Sallee responded that the staff is unsure. Mr. Penn said that it should be noted somehow, because to just to walk away from this problem would create an eyesore. Mr. Sallee said that Mr. Newman was not aware of any answer to this question.

Petitioner Presentation - The Chair asked if the applicant or their representation was present. Mr. Sallee responded negatively.

Discussion - The Chair said that he was at Rood and Riddle Equine Hospital, and there is a good 20' elevation of fill dirt with trucks coming and going from that location. He then said that he appreciates Mr. Penn's thoughts. It's concerning, and would appreciate any answers on this issue. He added one of the reasons for disapproval is the protection of the Royal Springs Aquifer and the fill dirt could impact that spring.

Mr. Sallee said that the LFUCG staff believes that the origin of the dirt is from the road project and it is under the negotiations with a State entity of the Transportation Cabinet, which is why the Urban County Government staff is not aware of its future or what those agreements require. The Chair asked if it is possible to get those answers without holding up the staff's recommendation of disapproval. Mr. Sallee said that, regardless of how the Commission acts on this plan, the staff can certainly pursue that and try to find out that information. He then said that they can ask the MPO staff to make contact with the Transportation Cabinet for this information.

Mr. Penn pointed out that dirt does not stay dirt, and the area is unsightly as it is. It will become a mess once the weeds take hold. He said that, if it is possible, this should be investigated; and if it's the responsibility of the State, then the State should take care of it. He then said that he doubts that there is a permit to dump that dirt, considering that the Subdivision Committee was told that it would be a temporary situation; but it is still there.

Ms. Plumlee asked if Code Enforcement could pursue this problem. Mr. Sallee responded that he is not sure, and said that these types of situations do pop up from time to time. He then said that there are rules as to whether or not the problem occupies an acre or more of land; and if it is over an acre, then significant State regulations would kick in.

Action - A motion was made by Mr. Wilson, seconded by Ms. Richardson and carried 10-0 (Smith absent) to disapprove DP 2015-55: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM) & BURKE, HOCKENSMITH & MAGGARD PROPERTY, UNIT 5 (AMD), for the reasons provided by the staff.

- b. DP 2015-92: THE CHURCH OF THE GOOD SHEPHERD (AMD) (1/21/16)* - located at 533 East Main Street. (Council District 3) **(Design Works)**

Note: The purpose of this amendment is to relocate the Columbarium on the site.

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. Addition of record plat information.
9. Identify exact locations of street cross-sections.
10. Label detention basin located along Main Street.
11. Label existing utility easements.
12. Correct note #6 making reference to Chapter 16 of the Code of Ordinance.
13. Correct spelling error in Owners' Certification.
14. Dimension Columbarium Garden.
15. Delete note #13.
16. Review by Technical Committee prior to plan certification.

Staff Presentation – Mr. Hunter directed the Commission's attention to the development plan for Church of the Good Shepard, located at 533 East Main Street. He said that the subject property is near downtown, at the intersection of Bell Court and Sayre Avenue. He then said that the purpose of this amendment is to relocate the previously approved Garden Columbarium next to Bell Court.

Mr. Hunter said that the Subdivision Committee recommended approval of this request, subject to the conditions listed on today's agenda. He briefly explained that conditions #1-7 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. He added that this request was filed as a "late plan"; therefore, this item will be placed on the October 28th Technical Committee agenda for their review.

Planning Commission Questions – The Chair asked if the Garden Columbarium is stand-alone or if it is attached to the building. Mr. Hunter explained that the Garden Columbarium is depicted as a detached structure, 4' in height. The fence material will be metal, pavers will be used instead of concrete, and it will open on the side. The Chair then asked if there will be a walkway provided. Mr. Hunter said that the final development plan references the use of stepping stones.

Representation – Mark Arnold, Design Works, was present representing the applicant, and indicated they do not have anything further to add.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. Mr. Kevin Murphy, who lives near the Church, said that even though this was an amended zoning development plan that was approved in 2000, there was no notice sent to the nearby residents for the current request. He gave a brief history of the subject property, and said that in 2000, a zoning development plan was part of the zone change for this property, which showed the Garden Columbarium to be located in the center of the proposed addition and the existing church. He then said that in September 2014, Good Shepherd Church appeared before the Board of Architectural Review for approval for the Garden Columbarium. He added that the BOAR does not consider the use issue - only aesthetic issues, so they granted approval of the applicant's request.

Mr. Murphy said that in July 2014, Good Shepherd Church advertised in their newsletter that a ground-breaking service would be held in August; subsequently, in September, the demolition began, removing the existing trees and shrubs. He then said that no permits were issued for the demolition, nor was there Board of Adjustment approval sought; but it's his understanding that there is an application that has been filed with the staff. Mr. Murphy said that he consulted Councilmember Gibbs, who had no knowledge of this request; and he also found that there were no permits issued for the demolition. He then said that he received an email correspondence from the Division of Building Inspection informing him that a fence permit was issued, and the applicant was required to file an application with the Board of Adjustment. This would be the first notification to the surrounding neighbors that informed them as to what was going on with this property. He said that, as of today, the fence has been removed, footings have been placed and blocks are in place.

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

Mr. Murphy said that his concern is with the lack of notification on this zoning development plan that was approved 15 years ago, as well as no notification for the Board of Adjustment, if they even filed an application. He asked if this would be considered a "de facto" approval of a conditional use that has not been approved by the Board of Adjustment. He then said that he would request that this application be disapproved, but a more reasonable request would be that this request be postponed. The reasons for the postponement would be due to not having the appropriate permits or the Board of Adjustment's approval. This would allow them to show a good faith effort in the process and procedures that have been set out by the Urban County Government to ensure the protection of the rights of the citizens of the community.

Planning Commission Questions – Mr. Cravens asked if Mr. Murphy is against what the Church is proposing. Mr. Murphy said that he is not against the idea of a Columbarium, and he understands that they are a great service to the community and a wonderful fundraiser, but his concern is the relocation of the structure from the center of the property, to along the frontage of Bell Court due to the safety issue it would create.

Staff Rebuttal – Mr. Martin said that he is not speaking on behalf of the Church concerning the permit issue; but he wanted to make it clear to the Planning Commission that this request is for a Final Development Plan, which had expired, and that is the reason this plan is in front of the Commission for reapproval. He then said that there is no notification requirement on a Final Development Plan, so no notice was sent out to the surrounding community. He added that this request was approved by the Board of Adjustment; and the conditions imposed by the BOA shown were on the overhead, as well as recorded on the Land Use Certificate (C-00-113). He said that condition #6 states "*That the action of the Board be noted on the Final Development Plan for the subject property submitted for Planning Commission approval.*" He then said that the Commission has the authority to amend this plan, as well as approve this plan; it does not need to return to the Board of Adjustment for approval. Mr. Martin repeated that notification is not required on a Final Development Plan.

Planning Commission Question – The Chair clarified that the Commission's approval on this Final Development Plan had expired, and now the applicant has requested to relocate the Garden Columbarium, as well. Mr. Martin replied affirmatively, and said that amending the plan allows the Commission to grant the reapproval.

The Chair confirmed that the Board of Adjustment had already granted approval on this request, to which Mr. Martin replied affirmatively. Mr. Sallee added, that in speaking with Mr. Emmons, who is the primary staff member for the Board of Adjustment cases, the Board did approve the Garden Columbarium in 2000; and in reviewing the Land Use Certificate, condition #1 states: "*That the property be developed according to the submitted application and site plan, or as amended by the Urban County Planning Commission.*" He then said that the words "site plan, or as amended by the Urban County Planning Commission" is the reason there is not an application for another conditional use permit for the Columbarium relocation. It's strictly a development plan issue.. He then said that there will not be need for a new conditional use permit for this property concerning the Garden Columbarium.

Mr. Penn asked if the fact that a permit was not obtained for demolition is germane to this conversation. Mr. Martin said that permits are required, plans do expire and not everyone is sophisticated about that sort of thing. He then repeated that he is not speaking on behalf of the applicant and why they took the actions as they did; but they did speak with the staff about the situation, and they were informed that the plan needed to be approved. They were told they should go ahead and amend the location of the Garden Columbarium on the Final Development Plan, which is what the applicant had done. He said that, since Phase II of this project has not been built, by having the plan reapproved the applicant is able to retain the Phase II portion of this project.

Representation Rebuttal – Mr. Arnold said that they were approved by, and received a Certificate of Appropriateness from the BOAR in 2014. At that time, the Church had no intention to build Phase II; but, unfortunately, when the development plan was submitted, the Garden Columbarium was associated with the Phase II portion of the development. He added that subsequent to 2000, the church had a need for the Columbarium. He explained that the Columbarium is a garden wall and a fence, and it is within the Church's right to build a small garden wall in their side yard as long as it is appropriate with the Board of Adjustment. He said that, once they met with the Division of Planning staff and talked to them about the procedure, it appeared that it was best to apply for a fence and wall permit to allow the construction of the garden, pavers, wall and the landscaping to begin. He then said that this would allow them to have a lag time for several months before the actual insertion of the metal niche went into the wall; and this is why they are presenting this application to the Commission for their consideration.

Mr. Arnold said that they did obtain a permit for the fence and garden wall, and they have obtained a permit to allow the construction that has been done. He then said that they need the Planning Commission's approval to relocate the Columbarium within that wall.

Planning Commission Question – Mr. Penn asked if the Church services can be contained to inside the property and not impact Bell Court. Mr. Arnold said that the space that will be enclosed for the Columbarium will not be appropriate for a large group of people; it will be more for smaller, more intimate gatherings, so the larger services will always be held within the Church sanctuary. Mr. Penn then asked if they see Bell Court being impacted. Mr. Arnold said that Bell Court will not be impacted any more than what it already is from the functions that are held in this area.

The Chair asked where the original Columbarium was located. Mr. Arnold directed the Commission's attention to the rendering to illustrate the location of the Columbarium, and said that it was attached to the Phase II portion of this development plan; and had the word "Columbarium" not been used, but named as an outside element, they would not need to present this request to the Commission. He then said that the Church has no future plans to build the Phase II portion at this time, but they do have a need to build the Columbarium. He added that, due to a number of concerns, the original location of the Columbarium was not suitable. This is why they submitted their application to the BOAR and were granted approval.

Opposition Rebuttal – Mr. Murphy indicated that it seems that he has received conflicting information from the different agencies, and said that even though the Land Use Certificate is shown on the overhead, he is still confused with how, what was originally submitted as a zone change in 2000 to allow a conditional use, would not go back to the Board of Adjustment. He then said that if this application was submitted to the BOA, it would trigger the notification to be sent out to the residents, showing that they want to amend or change the conditional use on this property. He then said that the Planning Commission cannot amend or change the conditional use on this property; and, to him, this is a "de facto" change with regard to what is happening and this concerns him. Mr. Murphy said he was very unclear as to why there is not requirement for an appeal to the Board of Adjustment.

The Chair said that this property has been to the Board of Adjustment and was granted approval for this use. He then said that, under the first condition listed on the Land Use Certificate, it states that the Planning Commission may amend this site plan, if necessary. Mr. Saltee responded in agreement, and said that the use had been approved by the BOA, and the Planning Commission does have the ability to change its location on the site through the language noted the first condition of the BOA's approval. Mr. Murphy indicated that he was unaware of that, and said that no notice was sent out. The Chair said that notice is not required for Final Development Plans. Ms. Jones said that under the Zoning Ordinance there is no notice provision, which is why no notice was required for this application. Mr. Murphy requested that the Planning Commission either disapprove this application or relocate the Columbarium back to its original location.

Planning Commission Question - The Chair asked for a brief summary of the applicant's design schematics. Mr. Arnold acknowledged the request, and explained the conceptual design of the building, and the layout of the outside garden area, as well as what materials will be used for the Columbarium to maintain a view that is appealing.

The Chair asked if Mr. Murphy had any comments regarding the explanation of the design schematic. Mr. Murphy said that Mr. Arnold is a landscape architect, but he is a licensed architect in the State of Kentucky and he is having a little bit of trouble with Mr. Arnold's reasoning that placing the Columbarium on the street would be more private than where it was originally proposed. He then said that he is not prepared to give a full statement since he was not aware of this application until just prior to this meeting, plus he believed there would be a public hearing at the Board of Adjustment. He then said that there have been times when the Church has used Bell Court for its ceremonies and rituals, and this has been problematic in the past year on a few occasions. He added that, should the Commission approve this request, he hopes that conditions can be added to address the issue with the use of Bell Court.

Planning Commission Questions – Mr. Drake asked if the Church is in compliance with the Zoning Ordinance and Land Subdivision Regulations. Ms. Jones said that, as far as the Zoning Ordinance requirements, they are not in violation of anything.

Mr. Brewer asked what was allowed or restricted under the current Zoning Ordinance. Ms. Jones said that the conditional use permit does not pertain to what happens on the street, only to the property. Mr. Brewer then asked what Division regulates what happens in the street, adjacent to this property. Mr. Martin said that if the Division of Planning were asked to sign off on a permit, the staff would review their request to ensure that the applicant was in compliance with the approved development plan. He then said that the applicant would be allowed to do whatever the approved development plan allows. He added that the current location of the Columbarium is closer to Main Street, and the applicant is proposing to relocate it next to Bell Court. He said that there will be no access added; and had this plan not expired, this request would have qualified as a minor amendment. He then said that minor amendments are not presented to the Planning Commission, but rather those are subject to only the staff's review. He explained that this request would have been approved for the movement of a structure in an already approved space. He said that had the staff felt there would have been an impact to Bell Court, then the other governmental agencies would have been involved; but for this request, the staff does not see an issue.

Mr. Brewer confirmed that the Planning Commission really does not have anything to say with what happens on Bell Court. Mr. Martin said that they are not allowed to infringe on public right-of-way, any more than someone else is allowed. He then said that the Final Development Plan that was approved on this property does not make any reference to anything other than existing zoning; but it appears that there is more than one principal structure on this property, which would explain the Final Development Plan. He added that the Final Development Plan does reference the BOA and the BOAR approvals.

Mr. Penn asked if it is appropriate on a minor amendment to condition the use of the street. Mr. Martin replied negatively, and said that if access was being requested or a change in the existing access, then the Divisions of

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Traffic Engineering and Fire would become involved in such a review. Mr. Penn said that Mr. Murphy had asked if a condition could be added concerning Bell Court, but that would be a whole different issue. Mr. Martin said that Bell Court is public right-of-way, and the Planning Commission's jurisdiction is only over the development plan.

Mr. Cravens indicated that Mr. Murphy was stating that if the Columbarium were on the other side of the building, then Bell Court would not be impacted, which Mr. Murphy confirmed.

Mr. Wilson said that Mr. Murphy noted that there are other activities taking place at the Church that have spilled out onto Bell Court. He then said that the neighborhood should get together with the rector of the Church and explain their concerns with the impact of the activities. The Chair agreed and said that this seems to be more of an issue with Code Enforcement.

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy and carried 10-0 (Smith absent) to approve DP 2015-92, as presented by the staff.

Note: Mr. Brewer departed the meeting.

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

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 9-0 (Brewer and Smith absent) to approve the release and call of bonds as detailed in the memorandum dated October 8, 2015, from Barry Brock, Division of Engineering.

Note: Mr. Brewer arrived at the meeting.

3. DEVELOPMENT PLANS (continued)

- c. DP 2011-41: BLACKFORD PROPERTY, PHASE 1, UNIT 5 & PHASE 3 (AMD) (1/12/16)* - located on Blackford Parkway. (Council District 12) **(EA Partners)**

Note: The Planning Commission approved this plan at their June 23, 2011, meeting, 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. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree protection plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike and 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's approval of emergency access and fire hydrant locations.
10. Provided the Planning Commission makes a finding that the plan is in compliance with the EAMP.
11. Resolve the details of the greenway connection at Lots 391 & 392.
12. Resolve tree preservation area conflict with the EAMP storm water plans (remove T.P.A).
13. Resolve the extent of the sinkhole (identify closed contour area).
14. Denote: No development of Lots 412-416 until Blackford Parkway is constructed.
15. Denote: No vehicular access to Walnut Grove Lane or Deer Haven Lane.

Note: This plan was certified on October 19, 2011. The Planning Commission granted approval of an extension of their previous approval at their October 9, 2014, meeting. They also made a finding, required by Article 4-4(d)(1) of the Land Subdivision Regulations, which states that "progress has been made in the physical construction of improvements" in order to grant that extension.

The applicant now requests approval of a one-year extension for the Preliminary Subdivision Plan portion of this plan.

The Subdivision Committee Recommended: Postponement. There has been no documentation provided by the applicant as to the "progress ... made in the physical construction of improvements" for this development over the past year.

Staff Presentation – Mr. Sallee introduced to the Commission the development plan for Blackford Property, Phase 1, Unit 5 & Phase 3, located on Blackford Parkway. He noted that the staff had provided the Commission a handout to help explain the postponement recommendation made by the Subdivision Committee.

Mr. Sallee directed the Commission's attention to a rendering of this development plan and oriented them to the location of the subject property and the nearby street system. He explained that the property is located at the terminus of Blackford Parkway, which extends westward toward Man o' War Boulevard, and it is immediately north of the most recent zone change on the Clark Property. He said that there is residential housing currently under development on the subject

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site that is adjacent to the Greenbrier Golf course. Mr. Sallee further explained that this request is for an extension of the prior approval granted for an amended Preliminary Subdivision Plan. The rendering depicts the street and lotting pattern for the remainder of the development, including the open space area along Walnut Grove Lane, as well as the 200' building line that is required by the Zoning Ordinance. He said that even though there is a small section of land that is zoned EAR-2, the land is mostly zoned EAR-1, with a mixture of small and larger lots being proposed overall. He indicated that, since these two zones do not have a minimum lot size, once the land is developed, it will be very difficult to distinguish between the two zones because of how the lots will be integrated together throughout this unit of the subdivision.

Mr. Sallee said that the Planning Commission previously approved this plan at their June 23, 2011, meeting, subject to the conditions listed on today's agenda; and later that same year (October 19th) this plan was certified. He then said that the Planning Commission granted an extension of their previous approval at their October 9, 2014, meeting. He explained that, as part of the Land Subdivision Regulations, the Preliminary Subdivision Plan portion of this plan allows the developer to submit plans to the Division of Engineering for three years; so at the end of 2014, the applicant requested an extension to allow additional time to submit those plans. He then said that the Final Development Plan portion of this plan is good for five years, which has not expired at this time. He added that now the applicant is up against another timeline where they can no longer submit plans to the Division of Engineering for this development, so the applicant is requesting another approval from the Planning Commission for a one-year extension.

Mr. Sallee said that under Article 4-4(d)(1) of the Land Subdivision Regulations, in order for the Planning Commission to grant that extension, the Commission must find that "progress has been made in the physical construction of improvements" over the past year. He then said that, at the time of the Subdivision Committee meeting, no such documentation had been submitted to the staff, and this is what led to the postponement recommendation made by the Committee. He noted that the staff had since received, and today distributed the required documentation to the Commission for their review, showing the progress on the subject property. Staff had also received final record plat filings for the center portion of this site, which indicated that the infrastructure is or soon will be, in place. Mr. Sallee said that the requirement of the Land Subdivision Regulations has been met; and, as such, the staff is now recommending approval of a one-year extension for this plan.

Representation – Rory Kahly, EA Partners, was present representing the applicant. He indicated that they were in agreement with the staff's recommendations, and requested approval of a one-year extension for DP 2011-41.

Planning Commission Questions – Mr. Penn said that had the Committee seen the required documentation, the recommendation would have been different, and asked why the Committee did not see it. Mr. Kahly replied that they have never been asked to show this documentation in the past.

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

Action - A motion was made by Ms. Richardson, seconded by Mr. Drake, to reapprove DP 2011-41, as presented by the staff.

Discussion of Motion – Mr. Wilson asked if this approval was for a one-year extension. Mr. Sallee replied affirmatively and said that that is all that the Land Subdivision Regulations would allow.

Action – An amended motion was made by Ms. Richardson, seconded by Mr. Drake and carried 10-0 (Smith absent) to approve a one-year extension for DP 2011-41, as presented by the staff.

VI. COMMISSION ITEMS

- A. WORK SESSION – Mr. Duncan reminded the Commission members that they do not have a work session October 15th; but according to their schedule, the next Planning Commission meeting will be on October 22nd and the next work session will be held on October 29th.
- B. COMMUNICATION FROM THE LAW DEPARTMENT – Ms. Jones informed the Planning Commission that the Law Department had received an appeal pertaining to the Planning Commission's decision on PLAN 2015-93F: ASHLAND PARK, INC., SUBDIVISION, NO. 12, LOT 3 (AMD) for property located at 508 Clinton Road.

VII. STAFF ITEMS

- A. COMMUNICATION FROM THE STAFF – Mr. Martin informed the Planning Commission that the Division of Engineering had sent word that DP 2015-55: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM) & BURKE, HOCKENSMITH & MAGGARD PROPERTY, UNIT 5 (AMD.) – the property located at 2151 and 2221 Georgetown Road does have a land disturbance permit for the fill associated with Citation Boulevard. The Chair asked if this is a temporary permit, to which Mr. Martin said that that information was noted on the permit.

VIII. AUDIENCE ITEMS – There were none.

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IX. NEXT MEETING DATES

Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) October 28, 2015
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers **October 22, 2015**
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) November 5, 2015
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)..... November 5, 2015
Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers..... **November 12, 2015**

X. ADJOURNMENT - There being no further business, the Chair adjourned the meeting at 2:50 PM.

Mike Owens, Chair

Will Berkley, Secretary