

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

November 12, 2015

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

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

Planning Staff members present – Acting Director James Duncan; Bill Sallee; Barbara Rackers; Tom Martin; Cheryl Gallt; Dave Jarman and Denice Bullock. Other staff members in attendance were: Hillard Newman, Division of Engineering; Casey Kaucher, Division of Traffic Engineering; Captain Greg Lengal and Lieutenant Joshua Thiel, Division of Fire and Emergency Services and Tracy Jones, Department of Law.

- II. **APPROVAL OF MINUTES** – The minutes of the September 10, 2015 and October 8, 2015, meetings were considered by the Planning Commission at this time.

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 10-0 (Penn absent) to approve the minutes of the September 10, 2015 and October 8, 2015, meetings.

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

- a. PLAN 2015-118P: PATCHEN PLACE SUBDIVISION, (FKA DALLAS PLAZA, UNIT 1) (CONRAD CHEVROLET, INC.) (1/3/16)*-
located at 2800 and 2890 Richmond Road. (Council District 5) **(Wheat & Ladenburger)**

The Subdivision Committee Recommended: Postponement. There were concerns about additional right-of-way, street connection and compliance with the Richmond Road Ordinance.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan and required street tree information.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Denote construction access.
8. Correct plan title to indicate it is a Preliminary Subdivision Plan.
9. Discuss compliance with Richmond Road Corridor Ordinance.
10. Discuss proposed termination of street and possible connection(s) to Gribbin Drive.
11. Discuss proposed "dedication" and whether existing service road is public or private.

Representation – Kevin Phillips, Endris Engineering, was present on behalf of Roger Ladenburger (Wheat & Ladenburger). He requested postponement of PLAN 2015-118P: PATCHEN PLACE SUBDIVISION, (FKA DALLAS PLAZA, UNIT 1) (CONRAD CHEVROLET, INC.) to the November 19, 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. Brewer, seconded by Ms. Plumlee and carried 10-0 (Penn absent) to postpone PLAN 2015-118P: PATCHEN PLACE SUBDIVISION, (FKA DALLAS PLAZA, UNIT 1) (CONRAD CHEVROLET, INC.) to the November 19, 2015, Planning Commission meeting.

- b. PLAN 2015-119F: PATCHEN PLACE SUBDIVISION, (FKA DALLAS PLAZA, UNIT 1) (CONRAD CHEVROLET, INC.) (1/3/16)*-
located at 2800 and 2890 Richmond Road. (Council District 5) **(Wheat & Ladenburger)**

The Subdivision Committee Recommended: Postponement. There were concerns about additional right-of-way, street connection and compliance with the Richmond Road Ordinance.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s).
6. Department of Environmental Quality's approval of environmentally sensitive areas (steep slopes).
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.

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

9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Correct plan title.
11. Denote street names and lot frontage.
12. Denote construction access.
13. Remove utility easement from cul-de-sac right-of-way, if intended as a public street.
14. Discuss compliance with Richmond Road Corridor Ordinance.
15. Discuss proposed termination of street and possible connection to Gribbin Drive.
16. Discuss proposed "dedication" and whether existing service road is public or private.

Representation – Kevin Phillips, Endris Engineering, was present on behalf of Roger Ladenburger (Wheat & Ladenburger). He requested an indefinite postponement of PLAN 2015-119F: PATCHEN PLACE SUBDIVISION, (FKA DALLAS PLAZA, UNIT 1) (CONRAD CHEVROLET, INC.).

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. Brewer, seconded by Ms. Plumlee and carried 10-0 (Penn absent) to indefinitely postpone PLAN 2015-119F: PATCHEN PLACE SUBDIVISION, (FKA DALLAS PLAZA, UNIT 1) (CONRAD CHEVROLET, INC.).

- c. DP 2015-111: URBAN 221 (A PORTION OF) (1/26/16)* - located at 221 Corral Street.
(Council District 1)

(Carman & Associates)

The Subdivision Committee Recommended: Postponement. There were some questions regarding the uses proposed on the site, open space requirements, building orientations and building height limitations.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Denote the date of the Board of Adjustment's approval of requested variances prior to certification.
11. Clarify whether a Preliminary or Final Development Plan.
12. Correct Cabinet/Slide notation from 989 to 949.
13. Denote the required parking in site statistics.
14. Denote all existing and proposed easements.
15. Denote floor area and lot coverage in site statistics per Article 21-4 requirements.
16. Correct Planning Commission certification.
17. Delete note #10.
18. Denote compliance with Article 15-7 of the Zoning Ordinance governing Infill and Redevelopment construction.
19. Review by Technical Committee prior to plan certification.
20. Discuss need for pedestrian street improvements to Wickliffe Street and Corral Street.
21. Discuss compliance with open space requirements.
22. Discuss building height limitations relative to Article 8-18(m) of the Zoning Ordinance.
23. Discuss need for vehicular use area screening on surface parking lot.
24. Discuss whether or not gate will be employed.

Representation – Jacob Walbourn, attorney, was present representing the applicant, and requested postponement of DP 2015-111: URBAN 221 (A PORTION OF) to the November 19, 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 Mr. Smith and carried 10-0 (Penn absent) to postpone DP 2015-111: URBAN 221 (A PORTION OF) to the November 19, 2015, Planning Commission meeting.

- d. PLAN 2015-122F: LOCAL ENTERPRISES (AMD) (1/3/16)* - located at 4595 Tates Creek Road.
(Council District 4)

(EA Partners)

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

Note: The purpose of this amendment is to subdivide one lot into 24 lots, consolidate Parcel 1 with Lot 2, and depict drainage/detention easement.

The Subdivision Committee Recommended: **Postponement**. There were some questions regarding the lack of access to the proposed Lot 2.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. 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. Remove USA landscape buffer easement (5') from public street rights-of-way.
9. Identify access from public street to Lot 2 for Fayette County sanitation providers and emergency responders.
10. Revise submitted "30% Report" to include status of public street and sidewalk design and construction.
11. Identify potential sinkhole identified on the approved Preliminary Subdivision Plan.

Representation – Rory Kahly, EA Partners, was present representing the applicant, and requested postponement of PLAN 2015-122F: LOCAL ENTERPRISES (AMD) to the December 10, 2015, Planning Commission meeting.

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

Action - A motion was made by Ms. Mundy, seconded by Ms. Plumlee and carried 10-0 (Penn absent) to postpone PLAN 2015-122F: LOCAL ENTERPRISES (AMD) to the December 10, 2015, Planning Commission meeting.

- e. 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)**

Note: The Planning Commission postponed this item at their October 8, 2015, meeting.

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.

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant's representative, requesting postponement of PLAN 2015-106F: DISTILLERY DISTRICT WEST, UNIT 1 (PENDERY FINANCIAL, LLC PROPERTY) to the December 10, 2015, Planning Commission meeting.

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

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

- f. DP 2015-99: WILLOW OAK SHOPPING CENTER (MILLPOND CENTER) (AMD) (1/3/16)*- located at 3560 Boston Road. (Council District 9) **(The Roberts Group)**

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

Note: The purpose of this amendment is to add 1,200 sq. ft, revise the parking to add eight (8) covered spaces, add a pharmacy drive-through, correct parking calculations and add a new access to Man o' War Boulevard.

The Subdivision Committee Recommended: Postponement. There were some questions regarding the zoning of the property proposed for the new access location.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas (steep slopes).
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. Denote name and address of developer.
12. Denote record plat designation for all property.
13. Denote adjacent property information on plan.
14. Addition of sidewalks.
15. Denote construction access location.
16. Denote height of building, in feet.
17. Denote use of buildings (retail, restaurant, office, etc.).
18. Addition of tree canopy information.
19. Addition of street frontage in site statistics.
20. Complete note #2 in General Notes to include "Chapter 16 of the Code of Ordinances."
21. Correct owner's certification.
22. Provided the Planning Commission approves a waiver to Article 6-8(q)(3)(b) of the Land Subdivision Regulations.
23. Remove business names from plan.
24. Discuss A-U zoning on property to be used as access point.
25. Discuss Big-Box Design Guidelines for grocery store.

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant's representative, requesting postponement of DP 2015-99: WILLOW OAK SHOPPING CENTER (MILLPOND CENTER) (AMD) to the December 10, 2015, Planning Commission meeting.

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

Action - A motion was made by Mr. Wilson, seconded by Ms. Mundy and carried 10-0 (Penn absent) to postpone DP 2015-99: WILLOW OAK SHOPPING CENTER (MILLPOND CENTER) (AMD) to the December 10, 2015, Planning Commission meeting.

- g. PLAN 2015-126F: EASTERN STATE HOSPITAL, LOT 7, LFUCG, LEX-FAY BOH & LEXMARK INTERNATIONAL, LOT 1 (AMD)
(1/3/16)*- located at 341 and 361 W. Loudon Avenue.
(Council District 1)

(Abbie Jones Consulting)

Note: The purpose of this amendment is to subdivide a lot, and consolidate a portion of the property to an adjacent lot.

The Subdivision Committee Recommended: Postponement. There were some questions regarding the status of Lot 1 and the proposed "future road" depicted on the plat (which may require approval of a Preliminary Subdivision Plan).

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Greenspace Planner's approval of the treatment of greenways and greenspace.
8. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.

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10. Correct purpose of amendment note.
11. Addition of 20' building line along Loudon Avenue and along "future road."
12. Addition of maintenance note per Article 5-4(g) of the Land Subdivision Regulations.
13. Denote all lot boundaries as solid lines.
14. Remove consolidation symbol and all reference to "consolidation" (denote only as an Amended Final Record Plat).
15. Discuss status of proposed access to Lot 1.
16. Discuss "future road" and Lot 7B configuration.

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant's representative, requesting postponement of PLAN 2015-126F: EASTERN STATE HOSPITAL, LOT 7, LFUCG, LEX-FAY BOH & LEXMARK INTERNATIONAL, LOT 1 (AMD) to the December 10, 2015, Planning Commission meeting.

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

Action - A motion was made by Ms. Richardson, seconded by Ms. Plumlee and carried 10-0 (Penn absent) to postpone PLAN 2015-126F: EASTERN STATE HOSPITAL, LOT 7, LFUCG, LEX-FAY BOH & LEXMARK INTERNATIONAL, LOT 1 (AMD) to the December 10, 2015, Planning Commission meeting.

- IV. LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, November 5, 2015, at 8:30 a.m. The meeting was attended by Commission members: Karen Mundy, Joe Smith, 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, Jimmy Emmons, Traci Wade, Cheryl Galt, Denice Bullock, Kelly Hunter and Dave Jarman, as well as Captain Greg Lengal Division of Fire & Emergency Services; Chris Schnelle, Division of Police 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 most of these items, and the staff recommended reapproval for the remaining items. (A copy of the Consent Agenda is attached as an appendix to these minutes).

- a. PLAN 2015-120F: BLACKFORD PROPERTY, PHASE 3, UNIT 1-K (1/3/16)*- located at 2503 Cornelius Trace and 3221 Bay Springs Park. (Council District 12) **(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. 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. Denote: This property shall be developed in accordance with the approved final development plan.
9. Denote exaction information to the approval of the Division of Planning.

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

- b. PLAN 2015-121F: BLACKFORD PROPERTY, PHASE 3, UNIT 1-L (1/3/16)*- located at 2503 Cornelius Trace and 3221 Bay Springs Park. (Council District 12) **(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. 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. Denote: This property shall be developed in accordance with the approved final development plan.
9. Denote exaction information to the approval of the Division of Planning.

- c. PLAN 2015-124F: SEBASTIAN PROPERTY, UNIT 2 (1/3/16)*- located at 2826 Trailwood Lane. (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.
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. Reference to street stub closure Ordinance on plan (Trailwood Lane).
9. Addition of storm drain easement on Lot 148.
10. Addition of flood protection elevation on lots bordering detention basin.

- d. PLAN 2015-127F: EVANS MILL FARM SUBDIVISION (1/3/16)*- located at 2311 Evans Mill Road. (Council District 12) **(Abbie Jones Consulting)**

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

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).
6. Department of Environmental Quality's approval of environmentally sensitive areas (steep slopes).
7. Addition of utility easements as required by the utility companies.
8. Denote Board of Health's approval of septic system for Lot 2 prior to plan certification.
9. Addition of required building line from Evans Mill Road.
10. Addition of maintenance note per Article 5-4(g) of the Land Subdivision Regulations.
11. Clarify floodplain and add 25' building setback for Lot 1.
12. Denote all non-buildable areas on Lot 1 & Lot 2 per Article 6-4(i)(4)(b) of the Land Subdivision Regulations.
13. Correct owner's certification.
14. Clarify plat boundary so that 2308 and 2325 Evans Mill Road are not included on this plat.
15. Provide documentation of required "Subdivision Plan" sign posting (affidavit and photo).

Mr. Sallee noted that this plan required the posting of a sign and an affidavit to be submitted to the staff. However, the staff had not yet received that documentation; and if not received, this item would need to be removed from the Consent Agenda.

- e. PLAN 2015-133F: DEERFIELD SHOPPING CENTER (HAMPTON INN & GREER NICK ROAD, LLC PROPERTY) (AMD) (1/26/15)* - located at 1949 and 1953 Nicholasville Road. (Council District 3) **(Vision Engineering)**

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

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.

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

5. Urban Forester's approval of tree protection area(s).
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
8. Addition of plan's date of preparation.
9. Depict all adjacent property lines with dashed lines.
10. Addition of record plat designation (Cab. R, Sl. 178).
11. Complete owner's certification.
12. Correct engineer's certification.
13. Addition of conditional zoning restrictions.
14. Denote that this property shall have reciprocal parking and access.
15. Addition of note #14 from DP 2015-84 referring to floodplain LOMR and effective date.
16. Clarify purpose of dashed lines depicted at front of Lot 1.
17. Remove box from adjacent property.
18. Review by Technical Committee prior to plan certification.

- f. PLAN 2015-134F: FOURTH PROPERTIES, LLC (1/26/16)* - located at 1119 E. New Circle Road.
(Council District 6) **(Wes Witt)**

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s).
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Label New Circle Road adjacent to lot frontage.
10. Denote location for New Circle Road cross-section.
11. Label all existing and proposed easements.
12. Denote location description and material of survey monuments, per Article 6 of the Land Subdivision Regulations.
13. Resolve access location spacing.
14. Review by Technical Committee prior to plan certification.

- g. PLAN 2014-73F: WILHITE PARK, UNIT 1-B, SECTION 1 (AMD) (2/3/16)* - located at 3500 Arbor Drive.
(Council District 8) **(Vision Engineering)**

Note: The purpose of this amendment is to subdivide one lot into two lots and add an access easement. The Planning Commission originally approved this plan on October 9, 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.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
8. Addition of purpose of amendment note.
9. Addition of survey information per Art. 5-4(d)(6) of the Subdivision Regulations.
10. Addition of zones for subject property and adjacent properties.

Note: The applicant now requests a reapproval of the Commission's prior approval.

The Staff Recommends: **Reapproval**, subject to the conditions previously approved at the October 9, 2014, Planning Commission meeting.

- h. DP 2015-96: HAMBURG PLACE OFFICE PARK, LOT 5 (AMD) (1/3/16)* - located at 1730 Alysheba Way.
(Council District 6) **(Branstetter Carroll)**

Note: The purpose of this amendment is to add floor area for the office development on Lot 5.

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 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. Clarify lot coverage and floor area ratio site statistics for Lot 5.
11. Remove "future" building information, or denote fully as a part of this proposed amendment.
12. Identify storm water detention facility to be used for the subject site.
13. Clarify required parking calculations in site statistics.

- i. DP 2015-97: FRITZ FARM, LLC & DMK DEVELOPMENT GROUP (AMD) (1/3/16)*- located at 4210 Nicholasville Road.
(Council District 4) **(HDR Engineering, Inc.)**

Note: The purpose of this amendment is to revise the building layout, to modify the parking area and change the wall materials.

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 (steep slopes).
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Denote record plat designation.
11. Clarify lot frontage along each street.
12. Addition of underground stormwater detention from previous plan.
13. Delete note #14.
14. Clarify tracts A & B in note #17.
15. Revise note #18 to add Board of Adjustment's approval date and case number.
16. Remove old address information from plan.
17. Correct purpose of amendment note.
18. Complete landscape buffer information adjacent to the church property and to the Johnson property.
19. Resolve the need for tree planting along Man o' War Boulevard near proposed 19' retaining wall.

- j. DP 2015-98: FRITZ FARM (SUMMIT LEXINGTON) (AMD) (1/3/16)*- located at 4100 Nicholasville Road.
(Council District 4) **(HDR Engineering, Inc.)**

Note: The purpose of this amendment is to increase the building floor area, increase lot coverage, reduce the number of apartment bedrooms, revise the parking and add a drive-through lane.

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 and tree canopy 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. 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. Clarify termination of pedestrian feature extending into detention basin.
11. Denote that landscaping next to the Devondale Subdivision shall comply with the approved exhibit on file with the Division(s) of Planning and Building Inspection.
12. Label or add details of landscaping next to Devondale Subdivision.
13. Addition of necessary access easement to the west of Fox Harbour Drive.
14. Resolve height of retaining walls proposed along Nicholasville Road frontage.

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

15. Resolve parking structure #2 conflict with the detention basin.
16. Resolve lack of pedestrian connection from Tangley Way.
17. Resolve lack of sidewalk connection to Man o' War Boulevard.

- k. DP 2015-101: LAKEVIEW ESTATES, UNIT 2B, BLK J, LOT 7; BLK K, LOT 3 & UNIT 2E, BLK K, LOT 2 (AMD) (1/3/16)*-
located at 475, 503, 517 & 519 Laketower Drive. (Council District 5) **(Barrett Partners)**

Note: The purpose of this amendment is to increase the lot coverage and floor area for two townhouse buildings.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Denote Police, Fire and EMS access note as per fire department regulations.
10. Clarify 25' building setback information for Building #8 (per previous plan).
11. Clarify patios and/or decks proposed for Building #6.
12. Clarify whether 15'x15' pond pavilion is existing or proposed.
13. Correct note #21.
14. Resolve encroachment of Building #8 into 25' floodplain setback.

- l. DP 2015-112: NATIONAL STATION, LLC (FKA BEECHLAND SUBDIVISION, BELLEDALE ADDITION & EAST END ADDITION) (2/25/15)* - located at 949 National Avenue & 334, 340, 342 and 346 Richmond Avenue.
(Council District 3) **(Myke Robbins)**

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. Denote additional topographical elevations at 1' or 2' contours, per Article 21-4.
11. Denote TPA information on plan (as required buffer to existing residential area).
12. Denote Board of Adjustment approval of conditional use permit for 340 Richmond Avenue.
13. Correct zoning information shown in site statistics.
14. Correct plan title block information to denote name and address of plan preparer.
15. Correct parking and floor area site statistics, per the Preliminary Subdivision Plan.
16. Review by Technical Committee prior to plan certification.
17. Denote construction and composition of sound attenuation wall.
18. Resolve possible need for additional landscape buffering adjacent to residential areas.
19. Resolve joint parking agreement referenced in note #8.

- m. DP 2012-111: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM & BURKE, HOCKENSMITH & MAGGARD, UNIT 5 (2/3/16)* - located at 2151 & 2221 Georgetown Road.
(Council District 2) **(Strand & Associates)**

The Planning Commission approved this plan at their December 13, 2012, meeting, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. 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's approval of emergency access and fire hydrant locations.
9. Division of Waste Management's approval of refuse collection locations.

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

10. Clarify proposed detention areas on the north of the property.
11. Document compliance with Article 18 landscaping requirements on plan.
12. Division of Water Quality approval of crushed rock surface for equipment storage areas and dust control measures.
13. KDOT approval of proposed entrance on Georgetown Road.

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

The Staff Recommends: **Reapproval**, subject to the conditions previously approved at the December 13, 2012, Planning Commission meeting, and adding the following condition:

14. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.

In conclusion, Mr. Sallee said that the staff had not yet received the required documentation for PLAN 2015-127F; therefore, this item would need to be removed from the Consent Agenda. He then said that, as for all other items identified on the Consent Agenda, they could be considered for approval at this time by the Commission, as recommended; unless there was a request for an item to be removed from consideration by a member of the Commission, or the audience, in order to permit further discussion.

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

Action - A motion was made by Mr. Cravens, seconded by Mr. Smith and carried 10-0 (Penn absent) to approve the items listed on the Consent Agenda, as recommended by the Subdivision Committee, removing PLAN 2015-127F: EVANS MILL FARM SUBDIVISION.

- 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 2015-123F: COVENTRY, LOTS 5 & 6 (BELMONT FARM) (AMD) (1/3/16)*- located at Remington Way.
(Council District 2) **(EA Partners)**

Note: The purpose of this amendment is to revise the street section "A-A" and eliminate one sidewalk from Remington Way.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Denote: This property shall be developed in accordance with the approved final development plan.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Addition of Gatton Way cross-section.
10. Correct note #4 to include address of basin.
11. Provided the Planning Commission grants a waiver to Article 6-8 and Exhibit 6-3 of the Land Subdivision Regulations.

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

Staff Presentation – Mr. Martin introduced the amended final record plat for COVENTRY, LOTS 5 & 6 (BELMONT FARM) located on Remington Way. He noted that the Planning Commission had approved this item in the past, and now the applicant is requesting the Commission to grant a waiver to Article 6-8 and Exhibit 6-3 of the Land Subdivision Regulations, which governs street geometrics.

Mr. Martin directed the Commission's attention to a rendering of this Final Subdivision plan to orient them to the location of the subject property and the nearby street system. He indicated that the subject property is located on the north side of Lexington on Citation Boulevard and east of Georgetown Road, near the Coldstream Research Park. He noted that Remington Way is between the subject site and the development's greenway/storm drainage area, and extends north from Citation Boulevard. Mr. Martin explained that the subject property consists of two lots; Lot 5 is zoned I-1 and will be the site of the new Sumitomo facility, and Lot 6 is zoned P-1. He said that adjacent to Lot 5 is the new condominium development along Citation Boulevard.

Mr. Martin said that the Subdivision Committee had recommended approval of the applicant's proposed plat, subject to the conditions listed on today's agenda. He then said that the key to this request is condition #11, which is the waiver to Article 6-8 and Exhibit 6-3 of the Land Subdivision Regulations. He directed the Commission's attention to two staff exhibits that were previously distributed, and said that these exhibits demonstrate the zoning in the area; and the preliminary subdivision plan is to demonstrate the length of the cul-de-sac that was originally approved to serve this development, including the Sumitomo facility.

Mr. Martin said that the applicant is requesting to remove approximately 900+ feet of sidewalk along the western side of Remington Way where the greenway/storm drainage area is located. He explained that Remington Way extends from Citation Boulevard to Gatton Way toward the north of the cul-de-sac, and it will serve the proposed industrial development on Lot 5, which is the new Sumitomo facility. He said that, if the waiver was granted, the sidewalk would not be constructed along the entire western side of Remington Way and the cul-de-sac.

Mr. Martin directed the Commission's attention to the Preliminary Subdivision Plan, and said that there was a considerable amount of discussion concerning pedestrian access trails from the residential area to the industrial area. He then said that most of that discussion was about encouraging people to walk to work. The applicant agreed and added two pedestrian access trails to the Preliminary Subdivision Plan connecting to Remington Way. He said that Remington Way not only serves the industrial zone in the area, but also serves (or will serve) the P-1, B-6P, R-3 and R-4 zoned properties that are within the general area. This area could have a diversity of development that would include residential, professional, business and industrial. He said that when staff reviewed this request, it was predicated on "large scale development and innovated design." He then said that one of the key issues was to look at the larger picture of the overall community, and to ensure that there is a fully functional transportation network being provided for not only vehicular traffic, but for pedestrian traffic as well.

Mr. Martin said that the Division(s) of Planning and Traffic Engineering had discussed this request and determined that, even though this is a larger scale design, the applicant has not demonstrated any innovative pedestrian facility that would accomplish or complement the goal of a complete street network that would serve the entire community's needs in this area. Therefore, the staff is recommending disapproval of the requested waiver for the following reasons:

1. Granting the waiver would be inconsistent with the public safety intent and requirements off the Land Subdivision Regulations. .
2. The applicant has not demonstrated that the waiver has met the criteria cited in Section 1-5(b) Design Innovation and Large Scale Development required by the Land Subdivision Regulations.

Planning Commission Questions – Mr. Berkley asked if the waiver request dealt with Lot 5 only. Mr. Martin replied negatively, and said that the sidewalk removal impacts approximately 2,100 feet up into the cul-de-sac on the western side of Remington Way.

The Chair asked where the sidewalks are located on the Preliminary Subdivision Plan. Mr. Martin explained that the sidewalk connection exists from Citation Boulevard and Remington Way up to Remington Way and Gatton Way Street, but the applicant is proposing to remove the sidewalk from the west side of Remington Way from Gatton Way Street to the cul-de-sac, leaving only the eastern side with a sidewalk.

The Chair then asked where would the sidewalk terminates on the east side of Remington Way. Mr. Martin replied within the cul-de-sac area. The Chair said that the pedestrian connections would be lost on the west side of Remington Way, to which Mr. Martin replied that that is one of the staff's concerns, and the applicant has not offered a solution.

Representation – Rory Kahly, EA Partners, along with Tim Haymaker, developer of the Coventry Property was present. He directed the Commission's attention to their conceptual proposal and briefly explained that originally the cul-de-sac came much further into the site because his client was not sure how the 80+ acres of industrial land would develop. He then said that they started with the first 30 acres of land, and now they are planning to submit the 20-acre piece of the land, defining what the vast majority of the land would be used for. He added that with the cul-de-sac not coming deeper into Lot 3, they are now looking at how the remaining acreages can be used.

Mr. Kahly explained that the area noted in green is the Coventry development detention area and greenway/open space area, and said that there will be a dam constructed that will take care of the water quality and water quantity for the development. He said that the Preliminary Subdivision Plan exhibit shows an asterisk for the pedestrian trail; but at the time this property was rezoned, they were not sure as to where the pedestrian connection would be, so they marked the future connections. Now that the majority of this area has been designed, they are still showing a pedestrian connection at the end of Spurr Road, across the dam linking with the cul-de-sac. He said that at this point they are proposing to keep the sidewalk on the side with the businesses, creating a direct link from the neighborhood to the industrial area on down to Citation Boulevard.

Mr. Kahly said that there is also another pedestrian connection that extends from Huntly Place down toward Remington Way. He explained that the pedestrian connection is proposed to run next to the proposed elementary school down toward Citation Boulevard and over to Remington Way, and it would separate the two different zones (R-4 and B-6P). This second pedestrian connection would allow people to come from the neighborhood to the school or down to the planned shopping center that would be adjacent to Citation Boulevard. He said that the pedestrian link is, in effect, for everyone in this area; and they are simply requesting that the sidewalks, next to the greenway area and where the basin would be located, to be removed along Remington Way.

Mr. Kahly directed the Commission's attention to the waiver report, and said that Exhibit 6-3 on page 6-20, is the standard for typical street cross-sections; and in reviewing the residential collector/connector street cross-section there is a note that states "*sidewalks may be eliminated on one side when the street is completely contained within an industrial area.*" He said that this note brought on a short discussion at the Subdivision Committee meeting as to whether or not this waiver was actually needed. He then said that they were told, since Remington Way is not entirely within the industrial area, that a waiver would be required. However, they are only requesting to remove the sidewalk that is within the industrial area.

Mr. Haymaker said that just because there are words on paper does not necessarily mean it's the right thing to do. He said that they have accomplished an innovative way to access and keep the trail system connected by providing a pedestrian connection off Spurr Road into the cul-de-sac. He explained that there will be a freight terminal with 34 employees on Lot 4; and Sumitomo, with about 200 employees, will be on Lot 5. He then said that the remaining sections of this area are zoned P-1, B-6P and R-4; and it is much more practical to have the second connection more toward Citation Boulevard to allow the residential neighborhoods easier access to the planned shopping center.

Mr. Haymaker said that when this property was rezoned, there were questions about the regional detention basin; and after speaking with the Division of Water Quality, it was decided that a ramp would be built from Remington Way to the bottom of the detention basin. He indicated that the ramp will extend over the sidewalk; but designing the sidewalk this way would allow the Division of Water Quality to take heavy equipment into the basin to help maintain the basin when necessary. He added that having the sidewalk on the eastern side of Remington Way and concentrated in two areas would be much safer, versus having people cross the street where there is no connection. He said that it would be difficult to maintain the sidewalk on the western side of Remington Way, and it's not financially sound to spend money on something that would not be utilized. He indicated that they would rather put those funds back into the community on amenities that would be utilized by the residents, such as a neighborhood park. He said that there are some disadvantages to not having a sidewalk on both sides of the street; but for this area there will be so few people coming from the nearby neighborhood because Sumitomo is bringing its employees from two factories to one location, so they are not hiring more employees. Mr. Haymaker indicated that they do have potential investors for the rear lot; and at some point in the future, they may be back in front of the Planning Commission requesting to subdivide that lot and expand the cul-de-sac.

Mr. Haymaker said that one of their issues was how to make a connection under the interstate with the Legacy Trail. It cannot be done due to the University of Kentucky's farm not allowing access. He pointed out on the rendering that the trail would need to come down Remington Way, onto Citation Boulevard and back toward Coldstream.

Mr. Haymaker said that they are not hindering the development, and they believe that their design is logical and based on common sense. He then said that they maintain their properties very well, and to have the ongoing maintenance cost for the greenspace would not be cost effective.

Planning Commission Questions - Mr. Cravens asked why the waiver is needed if the language listed on Exhibit 6-3 allows the sidewalk to be eliminated from one side. Mr. Kahly explained that Remington Way is not entirely within an industrial zone. Mr. Cravens said that the sidewalk would only be eliminated from the industrial side. Mr. Kahly said that in speaking with the staff, it was suggested that the applicant request the waiver. He then said that had the industrial zone come down to Citation Boulevard, the removal of the sidewalk would have been allowed under the Land Subdivision Regulations. Mr. Cravens asked if the staff told the applicant to request the waiver. Mr. Kahly replied affirmatively. Mr. Cravens then verified that the staff is now recommending disapproval of the waiver. Mr. Kahly replied affirmatively.

The Chair asked if there is a sidewalk along Remington Way in front of the B-6P and R-4 portions. Mr. Kahly replied affirmatively. The Huntly Place will have sidewalks on both sides, and Remington Way will have sidewalks on both sides along the B-6P and R-4 areas. The Chair asked if there will be pedestrian connections to the sidewalks. Mr.

Kahly directed the Commission's attention to the rendering and explained that there is an approved preliminary subdivision plan for the R-4 and R-4 zones. He then said that the preliminary subdivision plan only shows potential connections because at that time it was a conceptual design. The Chair asked if it is the applicant's plan to have a pedestrian connection with a sidewalk. Mr. Kahly said that that was indicated by Mr. Haymaker. The Chair then asked if the sidewalk would be eliminated between the two pedestrian connections. Mr. Kahly said that the sidewalk connection could be stopped in several locations on Remington Way.

Mr. Cravens asked if the applicant wants to eliminate the sidewalk along the greenway, and if there is an exaggerated slope away from the curb. Mr. Kahly said that there is a steep slope along the greenway. Mr. Cravens said that it would take a lot of work to grade this area for the sidewalk. Mr. Kahly said that he was unsure because that would be engineered.

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

Staff Rebuttal – Mr. Martin said that the staff may advise an applicant that they need a waiver, but that does not mean that the staff will be automatically recommending approval or disapproval of that waiver. He then said that this is the approach that the applicant must take to address the Land Subdivision Regulations. He added that, as the staff had pointed out in this case, Remington Way serves various zones with the different businesses, along with the nearby residential in the general vicinity, the staff believes that there would be pedestrian traffic throughout this area. He pointed out that this is the first time the staff has seen the applicant's exhibit, and it has not been fully vetted or reviewed by the staff. He said that the staff believes that the greenway would be used by the nearby residents, and a sidewalk would have resulted in people crossing the street. Mr. Martin said that the staff believes in a complete transportation and street system.

Action - A motion was made by Mr. Cravens, seconded by Ms. Richardson and carried 10-0 (Penn absent) to approve PLAN 2015-123F, as presented by the staff.

Action - A motion was made by Mr. Cravens, seconded by Ms. Richardson and carried 10-0 (Penn absent) to approve the waiver to Article 6-8 and Exhibit 6-3 of the Land Subdivision Regulations, removing the sidewalk on the west side of Remington Way, adjacent to a greenway/storm drainage area.

- b. PLAN 2015-125F: FRITZ FARM (SUMMIT LEXINGTON) (1/3/16)*- located at 4100 Nicholasville Road.
(Council District 4) **(HDR Engineering, Inc.)**

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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
9. Denote: This property shall be developed in accordance with the approved final development plan.
10. Addition of utility providers on plan.
11. Reference the waiver to Article 6-8(q)(2) of the Land Subdivision Regulations that was approved on January 16, 2014 and also the approved right-in and right-out design from Man o' War Boulevard.
12. Clarify dashed lines shown along E. Tiverton Way lot frontage.
13. Denote improvements to south side of Man o' War Boulevard on "C-C" cross-section.
14. Denote storm water structures and easements.
15. Provided the Planning Commission grants a waiver for Article 4-7(d) to the approval of the Division of Water Quality.
16. Addition of maintenance of stormwater features note.
17. Resolve need for formal access to Tracts D & E.
18. Resolve possible need for an access easement west of Fox Harbour Drive.

Staff Presentation – Mr. Martin introduced the final record plat for Fritz Farm (Summit Lexington), located at 4100 Nicholasville Road. He directed the Commission's attention to a rendering of this plan to orient them to the location of the subject property and the nearby street system. He indicated that the subject property is located at the corner of Nicholasville Road and Man o' War Boulevard, with Habersham Drive to the east at the rear of the property. He said that access to serve this development will be provided by Habersham Drive, East Tiverton Way, Nicholasville Road and Man o' War Boulevard via a new right-in and right-out. He noted that the infrastructure is currently being installed on the site.

Mr. Martin said that the Planning Commission had just approved DP 2015-97 & DP 2015-98 for this property on the Consent Agenda as a "no discussion" item; and this plat will allow the property to be subdivided into several lots. He said

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

that that this mixed-use development consists of 49.8 acres, with over 1 million square feet of floor area, to include 424,458 square feet of residential space. He directed the Commission's attention to Tracts D and E, and said that these two lots are particularly important to the development of this site. He said that the applicant is moving forward in developing the residential area; and one of the things the applicant needs to do is create the lots in order to transfer property to the residential developer, which will be a condominium regime that is necessary for the significant residential component of the project.

Mr. Martin said that said that the Subdivision Committee recommended approval of this request, subject to the conditions listed on today's agenda. He briefly explained that conditions #1-9 are standard sign-off requirements from the different divisions of the LFUCG, and the various other conditions can be considered "cleanup" items that will be addressed prior to the plan being certified. He noted that condition #15 is a very typical waiver that the Commission has seen in the past, and is to Article 4-7(d) of the Land Subdivision Regulations, which is the public sewer. He explained that granting the waiver will allow the applicant to coordinate the design and construction of the sanitary sewer system currently with the actual development of the site. He said that the sanitary sewer facilities serving these five lots will be privately controlled; and the responsibility for the sewer lines and lift station maintenance, repair or replacement will be that of the private property owner(s) - not the Lexington-Fayette Urban County Government. He then said that the applicant does need to create the lots, and have them recorded, in order to facilitate the residential development, which is an important component to the first phase of this mixed-use development.

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

1. Granting the requested waiver will not adversely affect public health and safety, as the sanitary sewer system will be constructed according to state and local regulations, and prior to occupancy of the first unit of this mixed-use development.
2. Granting the waiver is allowable, given the intent of Article 1-5(b) of the Land Subdivision Regulations governing Design Innovation and Large Scale Development.

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

- a. Prior to certification of the Final Record Plat, denote private sewer easements and notes regarding maintenance and/or replacement of the sanitary sewer lines, to the approval of the Divisions of Engineering and Water Quality.
- b. Denote: No Zoning Compliance Permit and no Certificate of Occupancy shall be issued for Lots A, B, C, D or E until sanitary sewer service is provided to the site meeting the requirements of the Kentucky State Plumbing Code and accepted by the Division of Engineering and/or the Division of Water Quality.

Representation – Nick Nicholson, attorney, was present representing the applicant. He said that they are in agreement with the staff's recommendations, and requested approval of PLAN 2015-125F.

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. Brewer, seconded by Ms. Mundy and carried 10-0 (Penn absent) to approve PLAN 2015-125F, as presented by the staff.

Action - A motion was made by Mr. Brewer, seconded by Ms. Mundy and carried 10-0 (Penn absent) to approve the waiver to Article 4-7(d) to the approval of the Division of Water Quality, as presented by the staff.

- c. PLAN 2015-127F: EVANS MILL FARM SUBDIVISION (1/3/16)*- located at 2311 Evans Mill Road.
(Council District 12) **(Abbie Jones Consulting)**

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

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).
6. Department of Environmental Quality's approval of environmentally sensitive areas (steep slopes).
7. Addition of utility easements as required by the utility companies.
8. Denote Board of Health's approval of septic system for Lot 2 prior to plan certification.
9. Addition of required building line from Evans Mill Road.
10. Addition of maintenance note per Article 5-4(g) of the Land Subdivision Regulations.
11. Clarify floodplain and add 25' building setback for Lot 1.
12. Denote all non-buildable areas on Lot 1 & Lot 2 per Article 6-4(i)(4)(b) of the Land Subdivision Regulations.
13. Correct owner's certification.
14. Clarify plat boundary so that 2308 and 2325 Evans Mill Road are not included on this plat.
15. Provide documentation of required "Subdivision Plan" sign posting (affidavit and photo).

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

Staff Comments – Mr. Sallee said that the staff had received the affidavit and a photograph of the sign posting, but there are a couple of errors on the affidavit, of which the Commission should be aware before taking action on this request.

Mr. Sallee directed the Commission's attention to the overhead projector, and explained that 1) the affidavit has cited Appendix 23B-5(b) of the Zoning Ordinance, not the required Land Subdivision Regulations; and 2) the affidavit has been stamped by a notary from the State of Tennessee, not from the State of Kentucky. He said that, in reviewing the Land Subdivision Regulations, it is not required for the notary to be from the State of Kentucky, but it begs the question, as to whether the Commission is comfortable with this information to proceed to hear this plan. He then said that the photograph of the sign posting is in order, and the staff can attest from the phone calls they had received that the sign has been posted on the subject property.

Planning Commission Questions – Mr. Cravens asked if the affidavit is to document the sign has been posted. Mr. Sallee replied affirmatively, and said that the affidavit is a requirement of the Land Subdivision Regulations to ensure notification of a plat that involves subdivision of properties zoned Agricultural Rural, Agricultural Buffer or Agricultural Natural at least two weeks prior to the Planning Commission meeting. Mr. Cravens said that the notary only confirms that that is their signature no matter their location or state of residence. Mr. Sallee replied affirmatively.

Staff Presentation – Mr. Martin told the Commission that he had spoken with a gentleman just before today's meeting about this request. The reason he came to the meeting was because of the sign posted on the subject property. He said that the gentleman's concerns were addressed before the meeting and he is no longer present. With that being said, Mr. Martin 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 said that the purpose of this agricultural subdivision is to subdivide one lot into a 90-acre lot and a 278+ acre lot.

Mr. Martin directed the Commission's attention to the list of conditions noted on today's agenda. He said that the Subdivision Committee recommended approval of the applicant's request, and briefly explained that conditions #1-7 are standard sign-off requirements from the different divisions of the LFUCG. He then gave a brief summary of the remaining conditions, and indicated that these are "cleanup" items that will be addressed prior to the plat being certified.

Representation – The Chair asked if the applicant's representative was present. There was no response.

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. Plumlee, seconded by Ms. Mundy and carried 10-0 (Penn absent) to approve PLAN 2015-127F, as presented by the staff.

- d. PLAN 2006-157F: BLACKFORD PROPERTY, PHASE 3, UNIT 1-B (1/25/16)* - located at 6600 Man o' War Boulevard (a portion of). (Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on August 10, 2006, 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. Approval of street names by e911 staff.
5. Urban Forester's approval of tree preservation plan.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Complete the exaction information.
8. Denote parking on one side of street for 24-foot cross-section.

Note: Most of the lots approved for this property have been recorded (Section 1 in late 2006 and Section 2 in early 2007). The Commission's approval has since expired, and the applicant now requests a reapproval for the remaining Section 3, comprised of two remaining lots.

The Subdivision Committee Recommended: **Reapproval**, subject to the original conditions approved on August 10, 2006, revising the following two conditions.

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

Staff Presentation – Ms. Gallt familiarized the Commission with the Blackford Property, Phase 3, Unit 1-B, using a rendered final record plat, which is located on a portion of 6600 Man o' War Boulevard. She oriented them to the location of the subject property and the nearby street system. She said that the Planning Commission originally approved this plan on August 10, 2006, subject to the conditions listed on today's agenda, and explained that the lots in Sections 1 & 2 had been recorded in late 2006 and early 2007. However, the Commission's approval has expired and the applicant is now requesting that the remaining Section 3 lots be reapproved.

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

Ms. Gallt said that the Subdivision Committee had recommended reapproval, subject to the original conditions approved on August 10, 2006, revising the following two conditions:

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

Planning Commission Questions – Mr. Wilson asked when this request expired. Ms. Gallt explained that the Commission approved this request in 2006; Section 1 was recorded in late 2006 and Section 2 was recorded in early 2007. However, since that time, nothing has happened on the remaining lots, and the approval more or less expired at that time. She said that the applicant is now requesting the Commission to reapprove this request in order to move forward with recording the remaining two lots. Mr. Sallee clarified that the Commission's approval is valid for one year from the date that it was approved, which was August 10, 2007.

Representation – Rory Kahly, EA Partners, was present representing the applicant. He indicated that they were in agreement with the staff recommendation.

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

Action - A motion was made by Ms. Mundy, seconded by Mr. Wilson and carried 10-0 (Penn absent) to reapprove PLAN 2006-157F, as presented by the staff.

3. DEVELOPMENT PLANS

- a. DP 2015-95: POOLE & JEFFERSON PROPERTY (BRUCE GLENN) (AMD) (1/3/16)*- located at 3340 Richmond Road. (Council District 12) **(Carman & Associates)**

The Subdivision Committee Recommended: Postponement. There are questions as to the property's compliance with the conditional zoning requirements.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Denote zone-to-zone screening on plan (next to residential zones) – 5' or 15' buffer.
11. Denote conditional zoning requirements on plan.
12. Discuss compliance with Article 16-8(d) of the Zoning Ordinance governing vehicle sales lots.
13. Discuss timing of compliance with conditional zoning restrictions imposed in 1995 for Parcel 3.

Staff Presentation – Mr. Sallee directed the Commission's attention to the amended final development plan for the Poole & Jefferson Property (Bruce Glenn), located at 3340 Richmond Road. He noted that the staff had distributed the revised staff report, a copy of Article 16-8(d) of the Zoning Ordinance(which deals with vehicle sales lots); and the recorded Land Use Certificate, which lists the conditional zoning restrictions for the property located at 201 Squires Road, which is also part of one of the dealer ships.

Mr. Sallee directed the Commission's attention to the rendered development plan, and oriented them to the subject property and the nearby street system. He said that the property is located just off Richmond Road between its intersection with Squires Road and South Eagle Creek Drive. He then said that South Eagle Creek Drive extends across Richmond Road to North Eagle Creek Drive, near the St. Joseph East Hospital. He noted that there are a number of Glenn automobile dealerships located on the south side of Richmond Road, as well as a complete service road that runs through the subject property, through the adjoining commercial properties and ends at Squires Road, just to the north of the subject site.

Mr. Sallee said that the applicant has requested to expand the building on Lot 2 and to change the vehicle parking and storage area on Parcel 3 from gravel to pavement. He then said that during the staff's review, it was discovered that conditional zoning restrictions were attached to a portion of the eastern side of the property through a 1995 zone change request. He directed the Commission's attention to several aerial photographs to further familiarize them with the subject property and its landscaping. He pointed out the location of Richmond Road, the subject site, the service road and the nearby street system, as well as the building that is being proposed for expansion and the vehicle parking and storage area. He said that a portion of this vehicle parking area has been graveled; and there is a considerable amount of

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vegetation along the boundaries of the vehicle parking area and a small section of the reservoir, where Squires Road crosses over the reservoir. Mr. Sallee said that, in reviewing the 1995 conditional zoning restrictions, the Urban County Council had made a requirement for additional landscaping to be installed; and looking at the aerial photograph, a number of mature trees do exist along Squires Road. With the current proposal, the applicant has shown a 10' landscape buffer along Squires Road and the service road.

Mr. Sallee then directed the Commission's attention to Squires Road, and said that directly across from the subject site there is a private club; the portion of the property directly across from the private club's entrance does not meet the technical requirement of the 1995 conditional zoning restrictions. He explained that along with the exterior landscaping issue, another landscaping issue, which led to the postponement recommendation made by the Subdivision Committee on November 5th, was the interior landscaping within the dealership property. In conjunction with the exterior landscaping the 1995 conditional zoning restrictions are not being met.

Mr. Sallee directed the Commission's attention to the staff handout, and said that the staff is now recommending approval of the applicant's request, subject to the following revised conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Denote zone-to-zone screening on plan (next to residential zones) – 5' or 15' buffer.
11. Denote conditional zoning requirements on plan.
12. ~~Discuss~~ Document compliance with Article 16-8(d) of the Zoning Ordinance governing vehicle sales lots for the lots impacted by this amendment.
13. ~~Discuss timing of~~ Obtain compliance with conditional zoning conditions imposed in 1995 for Parcel 3 by planting up to four (4) additional trees on Squires Road opposite of the private club's entrance, and by planting 3' high hedges adjacent to new paved areas.

Mr. Sallee briefly explained that conditions #1-#9 are standard sign-off requirements from the different divisions of the Lexington-Fayette Urban County Government. He said that condition #10 will require the applicant to indicate on the plan that the zone-to-zone screening, next to the residential zones, will either be a 5' or a 15' buffer. He said that when complying with Article 18, the applicant does have a choice as to how wide the buffer area will be. He then said that condition #11 will require the applicant to denote the 1995 conditional zoning requirements on the plan.

Mr. Sallee directed the Commission's attention to the remaining two discussion items, and said that the staff is asking the applicant to document compliance with the interior landscaping requirements for the lots impacted by this amendment (condition #12). He explained that this condition would impact Lot 2, which is the dealership building that is proposed to be expanded; and Parcel 3, which is the gravel area that is proposed to change to pavement. This condition will not impact the other lots on this site.

Mr. Sallee then said that, in terms of landscaping, the staff believes the applicant needs to do two things in order to comply with the conditional zoning restrictions. The first would be to augment the tree area along Squires Road opposite the private club entrance near Brookewind Way. He said that the staff is estimating that to meet the conditional zoning's 15' spacing requirement, the applicant would need to plant at least 3, maybe four trees in this area. There is sufficient tree coverage for the remaining section along Squires Road to meet the conditional zoning requirement. He then said that the staff is also asking that a 3' high hedge be planted, not in the 10' buffer area shown, but along the new paved area at the time the new paving is installed. He explained that with the applicant installing such a hedge along newly paved areas, it would meet the technical requirement of the conditional zoning restrictions along the reservoir side of the property and Squires Road. He said that this would not require the removal of the existing tree or hedge screening, even though those hedges probably do not comply with the Planting Manual; but it would maximize the landscape buffering in light of the 1995 requirement of the Council.

Representation – Jacob Walbourn, attorney, was present representing the applicant. He indicated that they were in agreement with the staff recommendation and could answer any questions regarding this final development plan listed on today's agenda.

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. Berkley, seconded by Mr. Wilson and carried 10-0 (Penn absent) to approve DP 2015-95, as presented by the staff.

- b. DP 2003-124: BRYAN STATION CENTER, PHASE 2 (2/3/16)* - located at 1651 Bryan Station Road.
(Council District 2) **(CMW)**

The Planning Commission approved this plan at their December 11, 2003, 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 parking, circulation, access and street cross-sections.
3. Building Inspection's approval of landscaping.
4. Urban Forester's approval of tree preservation plan.
5. Environmental Planner's approval of the treatment of environmentally sensitive areas.
6. Kentucky Department of Transportation's approval of access to Bryan Station Road.
7. Correct Commission Certification.
8. Addition of adjacent property information.
9. Addition of building heights.

Note: This plan was certified by the Commission's Secretary on March 8, 2004, meeting all nine conditions. However, under Article 21-4(f) of the Zoning Ordinance, no additional building permits may be issued for this location until the plan is reapproved by the Commission. The applicant now requests reapproval of this development plan.

The Staff Recommends: **Reapproval**, subject to the conditions previously approved at the December 11, 2003, Planning Commission meeting, revising the following condition:

5. ~~Environmental Planner's~~ Department of Environmental Quality's approval ~~of the treatment~~ of environmentally sensitive areas.

And adding the following conditions:

10. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. Addition of a second Planning Commission certification to this plan, referencing today's date and action.

Staff Presentation – Mr. Jarman introduced the Commission to the Bryan Station Center, Phase 2 development plan, located 1651 Bryan Station Road. He directed the Commission's attention to a rendering of this plan to orient them to the location of the subject property and the nearby street system. He indicated that the subject property is situated on a vacant lot behind the existing commercial use along E. New Circle Road, between Bryan Station Road and Old Paris Pike.

Mr. Jarman said that the Planning Commission originally approved this development plan for a 6,600 square-foot addition on Lot 5, subject to the conditions approved at the December 11, 2003, Planning Commission meeting. He then said that the plan was certified by the Commission's Secretary on March 8, 2004, after meeting all nine conditions of approval. However, the Commission's approval has since expired; and under Article 21-4(f) of the Zoning Ordinance, no additional building permits may be issued for this location until the plan is reapproved by the Commission. The applicant is now requesting reapproval of this development plan. He said that the staff reviewed the applicant's request, and recommends reapproval, subject to the 9 original conditions, noted on today's agenda, revising the following condition:

5. ~~Environmental Planner's~~ Department of Environmental Quality's approval ~~of the treatment~~ of environmentally sensitive areas.

Mr. Jarman indicated that the staff is also recommending adding the following conditions, as part of the Commission's reapproval:

10. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. Addition of a second Planning Commission certification to this plan, referencing today's date and action.

Representation – The Chair asked if the applicant wished to discuss this request. There was no representation present at today's meeting.

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. Plumlee, seconded by Ms. Mundy and carried 10-0 (Penn absent) to reapprove DP 2003-124, as recommended by the staff.

- e. DP 99-127: NDC PROPERTY (LEXINGTON CHRISTIAN ACADEMY) (AMD) (2/3/16)* - located off East Reynolds Road. (Council District 9) **(Strand Associates)**

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

The Planning Commission approved this plan at their December 16, 1999, meeting, subject to the following conditions:

1. Urban County Engineer's approval of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of parking, circulation, access and turn lanes, if needed.
3. Building Inspection's approval of landscaping.
4. Urban Forester's approval of the treatment of existing trees.
5. Greenway Planner's approval of the bike path.
6. Reference Board of Adjustment action to include any conditions or restrictions.
7. Addition of existing easements and resolve any building/easement conflicts, as necessary.
8. Parks Department's approval of the access to Shillito Park.

Note: This plan was certified by the Commission's Secretary on January 26, 2000, meeting all eight conditions. Since the Commission's original approval, two minor amendments had been certified. On July 12, 2002, a minor plan was approved by the staff to revise the parking and the maintenance building location, the size and associated vehicular circulation. On July 30, 2003, a minor amendment was approved by the staff to revise the parking and the location of the future Jr. High School & future aquatic center, as well as to reduce the future Jr. High School floor area and to revise the site statistics accordingly.

However, under Article 21-4(f) of the Zoning Ordinance, no additional building permits may be issued for this development plan "until the plan is reapproved by the Commission". The applicant now requests reapproval of the development plan, and the staff has identified the last plan for this location (DP 99-127) approved by the Planning Commission.

The Staff Recommends: **Reapproval**, subject to the conditions previously approved at the December 16, 1999, Planning Commission meeting, adding the following conditions:

9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. Addition of another Planning Commission certification, referencing today's date and action.

Staff Presentation – Ms. Gallt introduced the amended development plan for NDC PROPERTY (LEXINGTON CHRISTIAN ACADEMY) (AMD), located off East Reynolds Road. She directed the Commission's attention to a rendering of this development plan to orient them to the location of the subject property and the nearby street system. She indicated that the subject property is the Lexington Christian Academy that is located off Keithshire Way and West Reynolds Road.

Ms. Gallt noted that the Planning Commission previously approved this plan at their December 16, 1999, meeting, subject to the conditions listed on today's agenda, adding that the plan was certified on January 26, 2000. She explained that, since the Commission's original approval, there have been two minor amendments approved by the staff and certified to make minor changes to the parking, to adjust the square footage from one building to another building, and to revise the site statistics. She said that the applicant has now requested to build a "box" at the rear of the baseball field; and since this plan was approved in 1999, the Commission's certification has expired, which now required the development plan to be reapproved by the Commission in order for the applicant to obtain a building permit.

Ms. Gallt said that the staff is recommending reapproval of this request, subject to the conditions previously approved at the December 16, 1999, Planning Commission meeting, adding the following conditions:

9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. Addition of another Planning Commission certification, referencing today's date and action.

Representation – Terry Johnson, Lexington Christian Academy Athletic Director, was present. He clarified that the "box" will be behind the baseball field; however, its purpose will be used for the softball press box. He then said that this would rectify the Title IX issue by ensuring that their facilities are up to par, as well as replacing a storage shed. He indicated that they were in agreement with the staff's recommendations, and requested reapproval of DP 99--127.

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

Action - A motion was made by Mr. Wilson, seconded by Mr. Brewer and carried 10-0 (Penn absent) to approve DP 99-127, as presented by the staff.

- C. PERFORMANCE BONDS AND LETTERS OF CREDIT** – A motion was made by Mr. Cravens, seconded by Mr. Wilson, and carried 10-0 (Penn absent) to approve the release and call of bonds as detailed in the memorandum dated November 12, 2015, from Barry Brock, Division of Engineering.

4. **FINAL SUBDIVISION PLANS** (cont.)

- e. **PLAN 2015-78F: LOUDON PARK (GRIFFTOWN, LLC & BULLHORN, LLC) (2/1/16)*** - located at 800 and 806 North Limestone. (Council District 1) **(Randy Martin)**

The Planning Commission approved this plan at their August 13, 2015, meeting, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm sewer and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
8. Denote front yard setback (building line) on plan.
9. Denote Limestone cross-section location on plan.
10. Denote the non-conforming encroachment of the building into the front yard setback on Lot 1.

Note: The applicant has requested a waivers to Article 4-7(d)(1) and 6-6(b) of the Land Subdivision Regulations, pertaining to the required provision of the public sanitary sewer facilities to a subdivision prior to the recordation of this final record plat.

Staff Presentation – Mr. Martin introduced the final record plat for Loudon Park (Grifftown, LLC & Bullhorn, LLC), located at 800 and 806 North Limestone. He directed the Commission's attention to a rendering of this plan to orient them to the location of the subject property and the nearby street system. He indicated that the subject property is located at the corner of North Limestone and Loudon Avenue, near the most recently approved Adaptive Reuse Project in this area.

Mr. Martin explained that the subject property has been subdivided into three lots; during the plan certification stage of these lots, the applicant discovered that Lot 3 would need to be connected to the public sewer line in the Loudon Avenue right-of-way. This would cost the applicant \$30,000, not to mention it would cause a portion of Loudon Avenue to be torn up. He then said that there is an alternative direction the applicant could take, which is connecting Lot 3 to the sewer line in the North Limestone right-of-way. The applicant is requesting a waiver to Article 4-7(d)(1) and 6-6(b) of the Land Subdivision Regulations, which would allow the applicant to use the existing line in the North Limestone right-of-way by crossing Lot 2.

Mr. Martin said that this is the type of problem developers can run into when redeveloping older parts of Lexington; and under the Infill and Redevelopment criteria in Article 1-5, the applicant can request a waiver to the Land Subdivision Regulations. With that being said, the staff has reviewed the applicant's request, and is recommending approval of the requested waiver, for the following reasons:

1. Granting the requested waiver will not adversely affect public health and safety, as the sanitary sewer system will be required to meet all state and local regulations, even though it is to be privately maintained.
2. Granting the waiver is allowable, given the intent of Article 1-5(c) of the Land Subdivision Regulations governing Infill and Redevelopment.

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

- a. Prior to certification of the Final Record Plat, denote private sewer easements and notes regarding maintenance and/or replacement of the sanitary sewer lines, to the approval of the Divisions of Engineering and Water Quality.
- b. Denote: No Zoning Compliance Permit and no Certificate of Occupancy shall be issued for Lots 3 until sanitary sewer service is provided to the site, meeting the requirements of the Kentucky State Plumbing Code and accepted by the Division of Engineering and/or the Division of Water Quality.

Mr. Martin noted that there was no representation present at today's meeting.

Planning Commission Discussion – The Chair asked if the final record plat has already been approved by the Commission. Mr. Martin replied affirmatively, and said that this request is for the waiver to Articles 4-7(d)(1) and 6-6(b) of the Land Subdivision Regulations.

The Chair asked if the Commission has to approve the final record plat or just the waiver request. Mr. Martin replied that the Commission will be approving the plat with the associated waiver.

Ms. Mundy asked if a sewer line maintenance agreement would run with the land. Mr. Martin replied affirmatively, and said that it would have to be denoted on the plat that the maintenance agreement would be shared and privately maintained.

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

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

Planning Commission Questions – Mr. Brewer asked if the Commission should consider both the final record plat and the waiver; or just the waiver. Mr. Sallee replied that only the waiver request was now under consideration.

Action - A motion was made by Mr. Brewer, seconded by Ms. Richardson and carried 10-0 (Penn absent) to approve the waiver to Articles 4-7(d)(1) and 6-6(b) of the Land Subdivision Regulations, as presented by the staff.

- VI. **COMMISSION ITEMS** – The Chair announced that any item a Commission member would like to present would be heard at this time, noting that there would be a presentation on a proposed TIF application.

A. REVIEW OF UNIVERSITY VILLAGE TIF DEVELOPMENT AREA APPLICATION FOR SEVERAL PROPERTIES LOCATED BETWEEN SOUTH BROADWAY AND THE NORFOLK AND SOUTHERN RAIL LINE.

Staff Presentation – Ms. Rackers directed the Commission's attention to the next item on today's agenda. She said that normally there has not been audience discussion for either a TIF application or Public Facility Review; but this is a somewhat unusual situation, as there were two audience members present who would like to speak to this request.

Ms. Rackers said that this was a request for a Tax Increment Financing project for several properties located between South Broadway and the Norfolk and Southern Rail Line. She then said that this TIF application will be known as the University Village TIF Development Area. She directed the Commission's attention to the overhead projector and explained that the TIF boundary includes parts of Simpson Avenue, Burley Avenue and American Avenue as well as the smaller local streets that provide connection between those parallel streets. She said that, unlike other TIFs that the Commission has reviewed, this application is not a mixed-use project in a blighted area, but rather this application will be considered as a "State Real Property Ad Valorem" TIF. This is because the applicant will only be building residential structures, as opposed to any type of mixed-use buildings, after the infrastructure improvements are completed. That makes this application ineligible for a mixed-use project in a blighted area TIF.

Ms. Rackers then said that in order for the application to be accepted as a "State Real Property Ad Valorem" TIF, the following requirements must be met:

- * it must result in new economic activity in, and have a net positive economic and fiscal impact to, the Commonwealth;
- * the project shall result in a minimum capital investment of \$10,000,000; and
- * not more than 20% of the capital investment or 20% of the finished square footage shall be devoted to the support of the development of assets that will be utilized for the retail sale of tangible personal property.

Ms. Rackers then said that TIFs are allowed and used across the country; and each state has its own regulations, as well as its own recovery period. For the State of Kentucky, the recovery period is 20 years. She said that this application is within an area where there is significant deterioration in public infrastructure, making it eligible to use Tax Increment Financing to recover the cost of the infrastructure improvements. She explained that, as part of the Planning Commission's role, the state statute requires the Commission to review the proposed development plan for the TIF Development Area. She said that this application has nothing to do with the actual development plans that were approved for the area; it is just a review of the creation of the TIF area. She then said that once the Commission reviews the application and certifies that it meets the community's adopted Comprehensive Plan, it is forwarded to the Lexington-Fayette Urban County Council, who must review and hold a public hearing on the proposed TIF Development Area. If approved at the local level, the project is submitted to, and reviewed by, the State Economic Development Cabinet. Should the TIF be approved, the Commonwealth of Kentucky and the LFUCG would then enter into a formal agreement and implement the District.

Ms. Rackers said that the proposed TIF development area is approximately 38.25 acres in size, not including the street rights-of-way, which is much less than the three square miles that is generally allowable for a TIF District. She then said that all of the properties are zoned for residential development, with the exception of two that are zoned Professional Office. The TIF boundary was determined because it will be funded by a portion of real estate property tax, so the boundary has to be larger than the area where the infrastructure improvements will take place.

Ms. Rackers said that the developer of this TIF District is Mr. Dennis Anderson (Anderson Communities), and he intends to redevelop several properties that either have been neglected over the years or are vacant. She then said that Mr. Anderson will be providing a mixture of residential uses, to include new apartment buildings and townhouses. The parking area will have permeable pavers to allow better water infiltration into the stormwater detention basin, which, in turn, should help with the stormwater management in the area. These improvements will help mitigate the stormwater problems that are generated off site and that contribute to the flooding of the properties downstream. She said that the overall project would cost over \$27 million, almost \$5 million of which would be used to fund the public improvements in the area. Some of the public improvements would include the installation of an oversized underground detention basin; relocation of the sanitary sewer line to construct the underground basin; and construction of street, curb, gutter and sidewalk improvements.

Ms. Rackers said that this site is near the University of Kentucky, the hospitals and the downtown area; so it does have the potential to provide "live where you work" space for anyone who might wish to take advantage of that opportunity, which is endorsed by the 2013 Comprehensive Plan. She explained that the South Broadway Corridor Plan was adopted in 1990 as an element of the 1988 Comprehensive Plan and carried over to the 1996 Plan, noting that it contains valuable information about the area. She said that even though this Plan was approved 25 years ago, the Corridor/Small Area Plan can still be

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

consulted, as sections of the Plan that address the area's infrastructure are still applicable. She then said that the many of items that could be remedied with the TIF are included in the recommendations noted in the South Broadway Corridor Plan. Ms. Rackers said that the staff is not basing compliance with the Comprehensive Plan on that document or the 1988 and 1996 Comprehensive Plans, but it does have a lot to say about this area and can contribute valuable information to inform the Planning Commission recommendation.

Ms. Rackers said that some of the proposed projects that are eligible for funding through the TIF Development Area include:

- Site Preparation and Demolition (clearing, demolition & disposal, grading and site preparation)
- Sanitary and Storm Sewer Improvements (repairs and construction, as well as provision for storm water management and detention) that will comply with improvements mandated in the Consent Decree between the US Environmental Protection Agency and the Commonwealth of Kentucky vs. the Lexington-Fayette Urban County Government
- Utility Installation/Relocation and/or Burial (including relocation of the sanitary sewer line)
- Parking for the Residential Dwelling Units, which will include permeable pavers to allow improved water filtration to the underground detention basin(s)
- Streetscape Improvements (including lighting)

Ms. Rackers then said that the non-eligible improvements include

- Residential Dwelling Units
- Miscellaneous Costs not recoverable by TIF Funding

Ms. Rackers said that the 2013 Plan contains six general themes, all of which apply to and support, either directly or indirectly, for developing the proposed University Village TIF Development Area; and those include the following:

- Theme A. Growing Successful Neighborhoods
- Theme B. Protecting the Environment
- Theme C. Creating Jobs and Prosperity
- Theme D. Improving a Desirable Community
- Theme E. Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land
- Theme F. Implementing the Plan for Lexington-Fayette County and the Bluegrass

Ms. Rackers said that each of these themes has goals and objectives that are intended to help facilitate the 2013 Plan's implementation, and those can be reviewed in the staff report. She then said that *Destination 2040*, and Chapters 3 and 7 of the Comprehensive Plan, are in support of this proposal. She noted that Chapter 7 states that the "overall strategy of infill and redevelopment is "the improvement, reinvigoration and development of quality neighborhoods that create compact development, livable neighborhoods and viable neighborhood commercial centers, along with public services and spaces that support the efficient use of land." She added that it should encourage affordability and flexibility in housing types; and it should stimulate economic investment in established communities, and provide developers with a great number of options to make development more financially feasible. This is directly in support of the proposed TIF Redevelopment Area.

Ms. Rackers explained that as part of its certification of compliance with the Comprehensive Plan, any recommendation(s) regarding re-zoning, text amendments or other changes needed to accommodate the proposed TIF Development Plan are to be included. She said that the proposed TIF Redevelopment Area has had at least four zone changes within the last ten to fifteen years to allow for higher density development within its boundary. She then said that the properties where the applicant's multi-family development is proposed have been re-zoned to either R-1T or R-4, which will allow townhomes and group residential projects, (multi-family residential developments of several structures on one lot). She noted that at the time the zone changes were submitted, a Preliminary Development Plan was submitted with each of the requested zone changes, Final Development Plans were also submitted over the years, confirming the locations and square footages of buildings, as well as off-street parking statistics and location(s) on the properties. Ms. Rackers said that even though the zoning has been in place for many years, this project will take several months into the future to complete. She then said that with the number of improvements and type of improvements needed to develop this area, this TIF project can be one way to accomplish that part of the project, if approved by the State government.

Ms. Rackers said that the Vision for Lexington-Fayette County, as noted in the 2007 Comprehensive Plan and endorsed by the 2013 Comprehensive Plan, is to build areas in Lexington that are a "collection of diverse and unique neighborhoods, forming the building blocks of the community, while maintaining a high quality of life for current and future residents." She then said that the creation of the TIF Development Area and the implementation of the proposed project fit this vision and will help to implement the cited goals and objectives of the current Comprehensive Plan. Additionally, the infrastructure improvements proposed as part of this TIF District will comply with the Consent Decree requirements.

Planning Commission Questions – Ms. Plumlee said that the staff report references a retention basin, and it should reflect detention basin. Ms. Rackers agreed and said that that wording has been changed on the copy that will be submitted to the State.

The Chair confirmed that the Planning Commission's role is to determine if this application is in compliance with the 2013 Comprehensive Plan. Ms. Rackers replied affirmatively. The Chair asked what the Council's role will be. Ms. Rackers said that the Urban County Council must review and hold a public hearing on the proposed TIF Development Area to review things such as taxes and the revenue that would be created. The Chair confirmed that at that point it is forwarded to the State. Ms. Rackers replied affirmatively.

Representation – Jacob Walbourn, attorney, and Casey Bolton, Commonwealth Economics, were present representing the applicant. He indicated that the staff had done a fantastic job presenting this application. He said that they believe this application will help with, if not solve all of the stormwater flooding issues in this area; and he and Mr. Bolton were present, should the Commission have any questions regarding this proposal.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. Ginny Daley, residing at 136 Burley Avenue, was present. She asked that the Planning Commission find Anderson Community's application to create a TIF Development Area not in compliance with the Comprehensive Plan, or at least find that there is not enough information to make a determination at this point. She said that the University Village Project does not have a certified Final Development Plan associated with the project that one can readily evaluate with regard to compliance with the Comprehensive Plan. When Mr. Anderson submitted a final development plan for this area it was lacking the required Storm Water Management Study and the sanitary sewer plan. She then said that the Subdivision Committee, the staff and numerous members of the neighborhood recommended postponement until those reports could be received and reviewed by the Division of Engineering, primarily because the stormwater issues were going to be created by the development plan and would be so significant that it would alter the final plan. She said that the applicant argued that it would be more economical if the Commission were to approve the plan at that point rather than have Mr. Anderson come back after the studies were in. The majority of the Commission voted to approve the plan pending the receipt, review and approval of both studies. She said that to this day the stormwater and sanitary sewer plans have not been submitted and the final development plan has not been certified. She then said that with this application, Mr. Anderson claims that financial support is needed for stormwater and sanitary sewer infrastructure. However, Mr. Anderson has not included anything but a vague drawing of the retention areas that differ dramatically from the final development plans.

Ms. Daley said that there are no reports, comments from a licensed engineer, plan details, permits... nothing to evaluate the merits or the cost of this TIF Development Project. She then said that there is a misconception that there is a flooding problem in the area, but there is not. The current landscaping of the subject property and the existing University Village Apartments and the adjacent Campus Downs Condominium properties contain an intentionally constructed storm water retention system that reflects hydrology, and has been cited by the EPA and the Engineering Manuals as embracing current and best practices of Stormwater Management.

Ms. Daley said that there is not a flooding problem, and the current system works in her neighborhood. She then said that the only thing creating a stormwater problem in this area is Mr. Anderson's proposed development, which would create an extra burden destroying the existing retention basin. She then said that Mr. Anderson is requesting the TIF to solve a problem that he will be creating and asking for public funding to support a private venture. There are numerous ways that this property can be redeveloped and maintain compliance with the Comprehensive Plan by not creating a stormwater problem that requires public support. She asked, with an incomplete and uncertified Final Development Plan with a vague drawing of underground retention areas, how there is enough solid information to evaluate whether or not the TIF application is in compliance with the Comprehensive Plan. Surely the final development plan is not in accordance with the Comprehensive Plan until and unless the stormwater business is met and approved. She said that the bottom line is that the Planning Commission should not find the TIF in accordance with the Comprehensive Plan because it does not yet meet the Zoning Ordinance requirements denoted on the Final Development Plan.

Ms. Daley asked who decided where the TIF boundary would be placed, and why. She said that the proposed boundary does not jive with the explanation of the TIF project and the requested TIF report. She then said that, while the application specifically states the applicant will manage the stormwater originating across the railroad tracks, those properties are not within the proposed TIF boundary. She added that there are numerous properties included within the boundary that appear to have no impact on the stormwater and would be of no benefit regarding the improvements.

Ms. Daley said that she would like to challenge the relevance of the Themes and Goals and Objectives that were outlined on the application, some of which were echoed by the staff. She then said that the TIF application simply includes text that was plucked out of the Comprehensive Plan, offering no explanations as to how or even how well this TIF project supports those specific objectives. This project does not respect the context of the areas design features because it is removing tree canopy and replacing it with pavement, creating a stormwater problem. This project does not protect natural resources and landscapes before the development occurs. This project does not encourage public safety and reduce opportunity for crime when, in fact, large developments of transient student housing attract crime and bring it in to other neighborhoods with single family dwellings. She said that this project does nothing to encourage the development of appropriate attractions and support uses that prompt tourism. She then said that there is a lot of text in this application that simply fluffs up the importance of this project and does not render a true picture of how well this project complies with or supports the Comprehensive Plan.

Ms. Daley requested that the Planning Commission take a hard look at this application and ask questions. She said that, at the very least, this application does not provide enough information to properly evaluate whether or not the proposed TIF project is in line with the Comprehensive Plan. She believes that this TIF project does not comply with the Comprehensive Plan, given that the primary development plan for this TIF area does not meet the zoning requirements as listed on the final development plan.

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

Amy Clark, residing at 628 Kastle Road, was present. In reference to the TIF funding associated with street improvements and closed rights-of-way, she asked if those funds would apply to private or public roads.

Rebuttal – Mr. Walbourn explained that TIF funds are only eligible for public infrastructure and cannot be used on private roads, such as the rights-of-way that have been closed. He then said that they are not here over a final development plan but rather a TIF area designation. He opined that this type of application is more like a zone change than a final development plan consideration, and indicated that the broader picture should be viewed. He believes that the TIF application is fully in compliance with the Comprehensive Plan.

Mr. Walbourn said that, with regard to the TIF boundary that is an economic consideration and Mr. Bolton could address how the boundary was drawn.

In conclusion, Mr. Walbourn said that parts of the Comprehensive Plan offer more support than other parts; however, the water quality and stormwater features being installed are addressing the most critical element of the Comprehensive Plan, which is addressing the EPA Consent Degree.

Staff Rebuttal – Ms. Rackers said that the Commission is not taking action on a final development plan, as that would involve a separate application; but, rather, they are being asked to find whether or not the proposed TIF Development Area, including the planned infrastructure improvements, is in compliance with the adopted Comprehensive Plan. She said that she could not see how providing infrastructure improvements is not in compliance with the Comprehensive Plan.

Planning Commission Questions – Ms. Plumlee said that the staff report indicates that the Commission has approved the final development plan for this site. Mr. Walbourn explained that there are different “moving pieces” in this area, and the Commission has approved the vast majority of the final development plans proposed in this vicinity.

Mr. Berkley asked if the passageway over the railroad could be applied to this TIF application. Mr. Walbourn said that the passageway is not part of this application, but it could technically be a TIF-eligible expense.

Action - A motion was made by Mr. Berkley, seconded by Mr. Smith, and carried 9-0 (Plumlee opposed; Penn absent) to certify that the Lexington-Fayette County Planning Commission finds that the University Village Conceptual Plan for the proposed TIF Development Area is hereby found to be in compliance with the adopted 2013 Comprehensive Plan Update for Lexington and Fayette County, and adopts this report as its official statement to be included as a part of the development plan as it is forwarded to the Lexington-Fayette Urban County Council for consideration.

- B. ADOPTION OF 2016 MEETING & FILING SCHEDULE** - The Chair announced that the Commission would consider the adoption of the “Official Meeting and Filing Schedule for 2016” at this time. The Board of Adjustment adopted the 2016 schedule at their meeting on October 30th, and once adopted, the staff will distribute copies of the 2016 schedule for use by the Commission and the general public.

Discussion - The Chair asked if there were any changes made to the 2016 Meeting and Filing Schedule. Mr. Sallee directed the Commission’s attention to the 4th line under “Major Subdivision & Development Plans,” and said that the words “Subject to triple filing fees” have been crossed through on “Late Filing Deadlines;” and on the 9th line, a new “48-hour” deadline has been put in place for any plan revisions submitted to the staff prior to any meetings. He then said that, with the changes being made to the Meeting & Filing Schedule, the staff questioned whether this would be the time for the Commission to continue with the Late Filing deadline or not. He added that it is the staff’s position to do away with the Late Filing deadline, since the Accela Software that is being implemented in 2016 will not have the same impact as Late Filing does now. He indicated that if the Meeting and Filing Schedule were to be adopted “as is,” it will keep the Late Filing deadline as noted on the schedule. The Chair verified that the Commission can do away with the Late Filing deadline at today’s meeting. Mr. Sallee replied affirmatively.

The Chair said that there was some discussion at the last Work Session; and with the implementation of the Accela Program, the Late Filing deadline would be omitted anyway.

Mr. Brewer said that Late Filing will not be needed due to the Accela Software. The Chair explained that the Accela software will be implemented in 2016; but it is unknown as to when. Mr. Sallee said that the consultants are estimating that the software will go live in the middle of 2016, perhaps in the 3rd quarter, around July. He then said that the Accela software will allow an automated filing system that will have different component parts to all of the filing materials that applicants generally bring in to the Division of Planning Office on a monthly basis. He added that these submittals will not be considered a filing until all of these components are filed, at which time the applicants can review their filing status. He said that there will not be a mechanism to bypass certain steps and, operationally, there will be no ability to have Late Filings once the Accela software goes live.

The Chair said that the Commission can elect to omit Late Filing starting January 2016.

Mr. Cravens said that there is no reason to change the procedure until the new software is implemented, which would remove the Late Filing deadline. Mr. Wilson concurred.

Mr. Berkley asked what type of burden the staff anticipates. Mr. Sallee said that if the Late Filing deadline remains on the 2016 Meeting & Filing Schedule, then there will not be any change to past procedure. If the Late Filing deadline is removed, then it would omit one whole filing cycle that the staff has to deal with every month. Thus, it would simplify the staff's work schedule. He then said that there would still be deadlines for continued discussion, reapproval, and approval extensions, just without Late Filing deadline, for plans which are generally reviewed by the Subdivision Committee first, before the Technical Committee meeting.

Mr. Duncan said that because the Lexington-Fayette Urban County Council has indicated through their action of eliminating the Late Filing fee, essentially they do not believe late files are an appropriate option. However, that is still up to the Planning Commission to make that final decision. He then said that for those who file late, plans are on an unequal footing because there is no longer a disincentive, such as triple filing fees. Mr. Duncan said that there are two issues – the policy that has been telegraphed by the Council's action by eliminating the triple filing fee, and then the technical issue of the implementing the Accela software. He then said that the implementation of the Accela software will not be tomorrow, and it may be this time next year; but nevertheless, it is coming. If the late filing is continued without the filing fee penalty, there would be no incentive to file plans on time.

Mr. Cravens asked if the Planning Commission can keep the triple fees. Mr. Duncan replied negatively and said that the Council has already set those fees.

Mr. Berkley said that often the plans that are submitted as "Late Filings" have a number of conditions that have not been worked through or reviewed by the Technical Committee, and he does not want to force that much work through that pipeline. The Chair agreed.

Action - A motion was made by Ms. Plumlee, seconded by Mr. Smith, and carried 9-1 (Cravens opposed; Penn absent) to adopt the 2016 Meeting & Filing Schedule, discontinuing the Late Filing deadline.

The Chair asked if the staff can adjust the Meeting & Filing Schedule. Mr. Sallee said that, as a result of the Commission's action, the staff will remove the 3rd and 4th lines under #1. Major Subdivision & Development Plans.

Action - A motion was made by Ms. Plumlee, seconded by Mr. Wilson, and carried 9-1 (Cravens opposed; Penn absent) to adopt the revised 2016 Meeting & Filing Schedule, as it was presented by the staff, removing the 3rd and 4th lines under #1. Major Subdivision & Development Plans..

VII. STAFF ITEMS – The Chair will announce that any item a Staff member would like to present would be heard at this time.

- A. SUBDIVISION REGULATIONS TEXT AMENDMENT INITIATION** – The staff requested Commission initiation of a text amendment to Article 4-4(d)(1) of the Land Subdivision Regulations with regard to the Commission's action on Preliminary Subdivision Plans. The proposed changes to Article 4 were presented and discussed at the Commission's work session on October 29, 2015. If initiated, the required public hearing could be held as early as the Commission's December 10, 2015, meeting.

Staff Presentation - Mr. Sallee explained that this text amendment was the same exact item that was presented to the Commission at their last Work Session. He said that, more specially, it is to Article 4-4(d)(1) of the Land Subdivision Regulations. He then said that the text amendment will increase the "life" of a Preliminary Subdivision Plan from 3 years to 5 years. He explained that, as the Commission has recently seen, a combination plan that is both Preliminary Subdivision and a Final Development Plan could have different expiration dates for the different components of those plans; so it would be much easier for the community and the staff, as well as the Planning Commission, to make combination plans match for five years versus having each part of the plan expire in three years.

Mr. Sallee said that should the Planning Commission initiate this change, the staff will send out the required notification and proceed to a public hearing as early as December, or perhaps early in 2016.

Action - A motion was made by Mr. Brewer, seconded by Ms. Richardson, and carried 10-0 (Penn absent) to initiate a text amendment to Article 4-4(d)(1) of the Land Subdivision Regulations with regard to the Commission's action on Preliminary Subdivision Plans.

- A. WORK SESSION** – Mr. Duncan reminded the Commission members that the next Planning Commission meeting will be on November 19th.

VIII. AUDIENCE ITEMS – There were none.

IX. NEXT MEETING DATES

Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	November 19, 2015
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	November 25, 2015
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	December 3, 2015
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	December 3, 2015

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

Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers..... **December 10, 2015**

- X. **ADJOURNMENT** - There being no further business, the Chair adjourned the meeting at 3:37 PM.

Mike Owens, Chair

Will Berkley, Secretary