

**MINUTES
URBAN COUNTY PLANNING COMMISSION
ZONING ITEMS PUBLIC HEARING**

January 28, 2016

- I. **CALL TO ORDER** – The meeting was called to order at 1:33 p.m. in the Council Chamber, 2nd Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.

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

Planning staff members present: Jim Duncan, Director; Bill Sallee; Barbara Rackers; Jimmy Emmons; Traci Wade; Cheryl Gallt; David Jarman; Kelly Hunter; and Stephanie Cunningham. Other staff members present were: Tracy Jones, Department of Law; Tim Queary, Urban Forester; Casey Kaucher, Division of Traffic Engineering; and Captain Greg Lengal and Lieutenant Joshua Thiel, Division of Fire & Emergency Services.

- II. **APPROVAL OF MINUTES** – A motion was made by Ms. Plumlee, seconded by Ms. Mundy, and carried 9-0 (Brewer and Penn absent) to approve the minutes of the December 17, 2015, meeting.

III. **POSTPONEMENTS AND WITHDRAWALS**

1. **ANDERSON BRIDGEWATER, LLC, ZONING MAP AMENDMENT & ANDERSON 2 SUBDIVISION (AMD.) ZONING DEVELOPMENT PLAN**

- a. MAR 2015-27: ANDERSON BRIDGEWATER, LLC (1/31/16)* - petition for a zone map amendment from an Expansion Area Residential-1 (EAR-1) zone to an Expansion Area Residential-3 (EAR-3) zone, for 12.32 net (12.51 gross) acres, for property located at 425 Chilesburg Road.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World. The 2013 Comprehensive Plan also encourages growing successful neighborhoods (Theme A) by expanding housing choices (Goal #1), supporting infill and redevelopment as a strategic component of growth (Goal #2), and providing well-designed neighborhoods and communities (Goal #3). In addition, the Plan calls for maintenance of the boundaries of the Urban Service Area (Theme E, Goal #3).

The subject property is located within the Expansion Area, more specifically Subarea 2C. The Expansion Area Master Plan recommends Expansion Area Residential-1 future land use for the subject property, with a Special Design Area along Chilesburg Road. The Expansion Area Residential-1 land use would permit a maximum of three dwelling units per gross acre of land.

The petitioner proposes a high density residential development with townhouses and a clubhouse in the southern portion of the subject property near Chilesburg Road (17 dwelling units), and an apartment complex in the northern portion of the site (192 dwelling units), for a total of 209 dwelling units and a residential density of 16.71 units per gross acre.

The Zoning Committee Recommended: **Postponement**, for the reasons provided by staff.

The Staff Recommends: **Postponement**, for the following reasons:

1. The proposed rezoning to Expansion Area Residential-3 is not in agreement with the Expansion Area Master Plan (for Expansion Area 2C), which is an element of the adopted 2013 Comprehensive Plan. High-density residential development was not envisioned for land that adjoined the Urban Service Area boundary at that time (including the subject property), in order to respect the established residential neighborhoods, such as Andover Hills.
 2. An adequate transition between land uses, specifically Andover Hills subdivision and the future Tucker Property development, has not been established to create a well-designed community as recommended by Theme A, Goal #3 of the 2013 Comprehensive Plan.
 3. Chilesburg Road, an existing two-lane rural roadway, has been designated by the Expansion Area Master Plan and the Zoning Ordinance as a Rural Scenic Roadway, which cannot be improved. The staff is concerned that the existing roadway may not be adequate to handle the proposed increase in density at this location, as no traffic impact study has been performed for this zone change.
- b. ZDP 2015-118: ANDERSON 2 SUBDIVISION (AMD) (1/31/16)* - located at 425 Chilesburg Road.
(Barrett Partners)

Note: The purpose of this amendment is to change single family development to multi-family residential.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

The Subdivision Committee Recommended: **Postponement**. There were some questions regarding the street termination, compliance with the EAMP Stormwater Master Plan, and the proposed apartment buildings' orientation to the adjacent R-1D zone.

The Staff Recommended: **Postponement**. There are remaining questions regarding the lack of a compliant street termination, compliance with the EAMP Stormwater Master Plan, and the proposed access to the development.

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

1. Provided the Urban County Council rezones the property EAR-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Denote lot coverage and floor area ratio in site statistics (per Article 21 requirements).
8. Provided the Planning Commission makes a finding that the Final Development Plan complies with the EAMP.
9. Discuss lack of street termination proposed (and need for waiver).
10. Denote the timing of compliance with Article 23A-2(o) of the Zoning Ordinance and note #13.
11. Discuss note #19 and compliance with the EAMP Stormwater Master Plan.
12. Discuss note #20 and potential access to Jacobson Park.
13. Discuss access proposed to the development.
14. Discuss proposed density relative to the transportation infrastructure of Chilesburg Road.

Petitioner Representation: Dick Murphy, attorney, was present representing the petitioner. He requested postponement of this item to the February 25, 2016, Planning Commission meeting.

Action: A motion was made by Mr. Cravens, seconded by Ms. Richardson, and carried 9-0 (Brewer and Penn absent) to postpone MAR 2015-27 to the February 25, 2016, Planning Commission meeting.

2. SOLAR ECLIPSE L.L.C. ZONING MAP AMENDMENT & SCHROYER PROPERTY, DOZIER PROPERTY, UNIT 2 & PALOMAR TRACE SUBDIVISION, UNIT 3C

- a. MARV 2016-4: SOLAR ECLIPSE L.L.C. (2/21/16)* - petition for a zone map amendment from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone, for 0.95 net (1.25 gross) acres; and from a Planned Neighborhood Residential (R-3) zone to a Professional Office (P-1) zone, for 0.25 net (0.29 gross) acre, for property located at 3600 Palomar Centre Drive and 2101 Palomar Trace Drive (a portion of). A dimensional variance is also requested.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The 2013 Plan's Goals and Objectives emphasize the importance of growing successful neighborhoods (Theme A), protecting the environment (Theme B), creating jobs and prosperity (Theme C), improving a desirable community (Theme D) and maintaining a balance between planning for urban uses and safeguarding rural land.

The petitioner proposes rezoning all of one property and a portion of another to create a lot for a fast food restaurant, and complete a service road (access easement) connection to Harrodsburg Road for commercial development.

The Zoning Committee Recommended: **Approval**, for the reasons provided by staff.

The Staff Recommends: **Approval**, for the following reasons:

1. Although the requested zone change is not in agreement with the 2013 Comprehensive Plan, there have been unanticipated changes of an economic nature within the area of the subject property, for these reasons:
 - a. The neighboring properties at 1009 & 1017 Wellington Way were rezoned from P-1 to B-1 in 2014, as is proposed with this application.
 - b. With the Board of Adjustment's approval of a child care center on the bulk of the 2101 Palomar Trace Drive property (a use which is now proposed for relocation to the southwest), the properties with frontage along Harrodsburg Road and Wellington Way are now approved to be significantly more commercial than residential in character, compared to three years ago when the Comprehensive Plan was initially adopted.

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2. The combination of the requested Neighborhood Business (B-1) and the Professional Office (P-1) zone is appropriate for these 1.25 acres of the subject property, and the existing combination of R-3 and P-1 zoning is no longer appropriate, for the following reasons:
 - a. The proposed connection of Palomar Centre Drive, incumbent with this rezoning and redevelopment proposal, has the potential to partially relieve existing traffic congestion at the Wellington Way/Palomar Centre intersection to the benefit of the general public and some of the nearby commercial uses.
 - b. The proposed B-1 zone would permit a restaurant to be developed in a manner consistent with other existing commercial uses in this general area.
 - c. The P-1 zone proposed would align with the access from Wellington Way (collector street) to Harrodsburg Road (arterial highway) via Palomar Centre Drive, which would serve other professional and business uses located in this general vicinity.
 - d. Retaining the existing single family home on 2101 Palomar Trace Drive will provide an excellent land use buffer between existing homes in the Harrods View and Palomar Trace subdivisions from the newly developing commercial uses in this vicinity.
3. This recommendation is made subject to approval and certification of ZDP 2016-6: Schroyer Property, Dozier Property, Unit 2, and Palomar Trace Subd., Unit 3C, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of any Planning Commission approval.

b. REQUESTED VARIANCE

Increase the maximum allowable front yard in a Neighborhood Business (B-1) zone from 20 feet to 40 feet.

The Zoning Committee Recommended: **Approval**, for the reasons provided by staff.

The Staff Recommends: **Approval of the requested variance**, for the following reasons:

- a. Granting the requested variance to allow a maximum front setback of 40 feet will not adversely affect the public health, safety or welfare. It will not negatively impact the essential character of the general vicinity because buildings on other nearby properties have been at a similar setback, in part due to this sanitary sewer easement, and are likely to remain so.
- b. The special circumstance associated with the subject property is the existing sanitary sewer easement, which makes compliance with the required setback practically impossible. Although this feature does apply to other properties along this easement, it does not generally apply to most B-1 zoned properties in this area.
- c. To build a structure at the maximum building line in this case would likely require a relocation of the sanitary sewer facility and a release of the easement. This would be a hardship on this property, especially considering that most commercial structures in this vicinity are built to a similar setback to that now proposed, because of the easement.
- d. The requested variance is not an unreasonable circumvention of the Zoning Ordinance, based on the unique circumstances of this property, and the relationship of other commercial structures to US 68 in the vicinity.
- e. This variance is not the result of prior actions taken by this applicant, as no new construction has yet occurred on the subject site.

This recommendation of approval is made subject to the following conditions:

1. Provided the Urban County Council rezones the property B-1; otherwise, any Commission action of approval of this variance is null and void.
2. Should the property be rezoned, it shall be developed in accordance with the approved Development Plan, as amended by a future Development Plan approved by the Commission, or as a Minor Amendment permitted under Article 21-7 of the Zoning Ordinance.
3. A note shall be placed on the Zoning Development Plan indicating the variances that the Planning Commission has approved for this property (under Article 6-4(c) of the Zoning Ordinance).

- c. ZDP 2016-6: SCHROYER PROPERTY; DOZIER PROPERTY, UNIT 2; AND PALOMAR TRACE SUBD., UNIT 3C
(2/21/16)* - located at 3581 Harrodsburg Road, 2101 Palomar Trace Drive and 3600 Palomar Centre Drive.
(Eagle Engineering)

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

1. Provided the Urban County Council rezones the property P-1 & B-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage and storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Addition of tree inventory information on plan, and clarify tree protection plan information.
6. Denote that access to Harrodsburg Road will be subject to the approval of the Kentucky Transportation Cabinet.
7. Denote: No building permit shall be issued unless and until a final development plan is approved by the Planning Commission.
8. Denote record plat designation on plan or in title block.
9. Addition of topography and cite source on plan.

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10. Addition of sidewalks and crosswalks to right-of-way.
11. Denote location and direction of street cross-section on plan.
12. Discuss proposed dumpster location next to residential zone.
13. Discuss zone-to-zone screening necessary along residential property boundaries.

Petitioner Representation: Dick Murphy, attorney, was present representing the petitioner. He stated that his client is requesting a one-month postponement of this item in order to continue discussions with the representation of the Harrods View Neighborhood Association.

Action: A motion was made by Ms. Plumlee, seconded by Ms. Mundy, and carried 9-0 (Brewer and Penn absent) to postpone MARV 2016-4 to the February 25, 2016, Planning Commission meeting.

3. **LARRY LUTTRELL, JR., ZONING MAP AMENDMENT & LANE ALLEN PARK SUBDIVISION, LOT 4, ZONING DEVELOPMENT PLAN**

- a. MARC 2015-24: LARRY R. LUTTRELL, JR. (1/28/16)* – petition for a zone map amendment from a Single Family Residential (R-1A) zone to a Planned Neighborhood Residential (R-3) zone, for 2.6089 net and gross acres, for property located at 1911 Parkers Mill Road. A conditional use permit for a rehabilitation home is also requested.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World. The 2013 Comprehensive Plan also provides several Goals, Objectives and policies for the growth and development of the community well into the 21st century.

The petitioner proposes rezoning the subject property to a Planned Neighborhood Residential (R-3) zone, and requesting a conditional use permit for a rehabilitation home for approximately 15 persons. The petitioner wishes to operate a rehabilitation home (aka: a sober-living home) within the existing single family residence.

The Zoning Committee Recommended: **Postponement.**

The Staff Recommends: **Approval**, for the following reasons:

1. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. Theme A, Goal #1.c. of the Plan calls for "safe, affordable, and accessible housing to meet the needs of...disadvantaged residents." The residents of Liberty House meet this classification.
 - b. Goal #2 under Theme D of the Plan is to "provide for accessible community facilities and services to meet the health, safety, and quality of life needs of Lexington-Fayette County's residents and visitors." Liberty House is such a facility.
 - c. Goal #2.b. of Theme D of the Comprehensive Plan calls for cooperation "with educational and healthcare entities to meet the needs of Lexington-Fayette County's residents and visitors." An expanded Liberty House will more fully meet the needs of recovering citizens that have experienced addiction to alcohol.
 - d. Goals #2.a and #2.b of Theme C of the Comprehensive Plan call for promoting sectors of the economy that will flourish in the County, and for improvement of small business opportunities. Although Liberty House is a specialized residence more than a traditional "business," an expanded version of it will augment Lexington-Fayette County's offering of healthcare services since it will provide a unique type of rehabilitation home, provided the corollary Conditional Use Permit is also approved.
 - e. Liberty House's location in a portion of the community generally devoid of similar facilities will ensure that a needed community service will be provided in a manner consistent with the Plan's direction to disperse necessary facilities throughout our community.
2. This recommendation is made subject to the approval and certification of ZDP 2015-104: Lane Allen Subdivision, Lot 4, prior to forwarding this recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses shall be prohibited on the subject property:
 - a. Multi-family dwellings.
 - b. Group Residential Projects.
 - c. Townhouses.
 - d. Kindergartens and nursery schools.
 - e. Mining of non-metallic materials.
 - f. Family child care and child care centers.
 - g. Community centers.

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These use restrictions are appropriate and necessary for the subject property since they will provide greater protection for the adjacent residences and neighborhoods surrounding this location.

b. REQUESTED CONDITIONAL USE

A rehabilitation home in a Planned Neighborhood Residential (R-3) zone.

The Zoning Committee Recommended: **Postponement.**

The Staff Recommends: **Approval** of the requested conditional use, for the following reasons:

- a. Granting the requested conditional use should not adversely affect the subject or surrounding properties. The proposed use will retain the residential character of the property, which will be in character with the surrounding residential neighborhoods. The existing house and parking are adequate to serve up to 20 residents with one full-time employee on site at any given time.
- b. All necessary public services and facilities are available and adequate to the subject site; however, the septic system will need to be reviewed and approved for use by the Fayette County Health Department, or the property will need to be connected to the public sanitary sewer system, prior to commencing the proposed use.

This recommendation of approval is made subject to the following conditions:

1. Should the subject property be rezoned to R-3, it shall be developed according to the submitted Zoning Development Plan, or as further amended by the Planning Commission.
2. The proposed use shall be operated in accordance with the submitted application materials.
3. All necessary permits, including a Zoning Compliance Permit and Certificate of Occupancy, shall be obtained from the Divisions of Planning and Building Inspection prior to occupancy of the rehabilitation home.
4. The Fayette County Health Department shall inspect and approve the existing septic system, or a connection to the public sanitary sewer system shall be completed prior to operation of the rehabilitation home.
5. The parking shall not be expanded beyond the existing six parking spaces, and the total number of beds shall be limited to 20, with one full-time employee on the maximum working shift.
6. There shall not be any meetings or counseling services provided for outside groups or individuals of the general public.
7. As volunteered by the applicant, residents participating in this program shall not be there as a condition of their parole.
8. This conditional use permit shall not be transferable to another applicant without application to, and approval from, the Board of Adjustment.

c. ZDP 2015-104: LANE ALLEN PARK SUBDIVISION, LOT 4 (1/28/16)*- located at 1911 Parkers Mill Road.
(Endris Engineering)

Note: The Planning Commission postponed this item at their November 19, 2015 meeting.

The Subdivision Committee Recommended: **Postponement.** There were some concerns about a need for further discussion regarding sewage disposal, due to new information received since the Technical Committee meeting.

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

1. Provided the Urban County Council rezones the property R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Building Inspection's approval of landscaping and landscape buffers.
5. Addressing Office's approval of street names and addresses.
6. Urban Forester's approval of tree preservation plan.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. Delete purpose of amendment note from plan.
12. Clarify required parking generator (beds).
13. Denote all parking spaces on plan.
14. Denote building line.
15. Clarify whether or not there will be dedication of right-of-way.
16. Discuss timing of sidewalk construction along Parkers Mill Road on plan.
17. Discuss need for improvements to Parkers Mill Road.
18. Resolve adequacy of existing septic system to serve proposed use.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Petitioner Representation: Kevin Phillips, Endris Engineering, was present representing the petitioner. He requested postponement of this item to the February 25, 2016, meeting.

Action: A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 9-0 (Brewer and Penn absent) to postpone MARC 2015-24 to the February 25, 2016, Planning Commission meeting.

4. TURWELL, LLC, ZONING MAP AMENDMENT & WYNNDALE SUBDIVISION, LOTS 1 & 2, ZONING MAP AMENDMENT

- a. MAR 2016-1: TURWELL, LLC (2/21/16)* - petition for a zone map amendment from a Townhouse Residential (R-1T) zone to a Planned Neighborhood Residential (R-3) zone, for 6.98 net (9.06 gross) acres, for property located at 1580 Higbee Mill Road.

COMPREHENSIVE PLAN AND PROPOSED USE

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The Comprehensive Plan encourages expanding housing choices (Theme A, Goal #1); identifying opportunities for infill, redevelopment and adaptive reuse that respect the area's context and design features (Theme A, Goal #2a.); encourages the development of underutilized and vacant land in a compact, contiguous and/or a mixed-use sustainable manner within the Urban Service Area (Theme E, Goals #1a., #1b. and #3); and locating higher density development near greenways and public parks (policy statement).

The petitioner proposes a Planned Neighborhood Residential (R-3) zone for the subject property in order to construct two multi-family residential buildings, with a total of 48 dwelling units (with 96 bedrooms). This equates to a proposed residential density of 6.88 dwelling units per net acre.

The Zoning Committee Recommended: **Postponement**.

The Staff Recommends: **Approval**, for the following reason:

1. A restricted Planned Neighborhood Residential (R-3) zone at this location would be in agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. The Goals and Objectives of the Plan encourage expanding housing choices (Theme A, Goal #1); identifying opportunities for infill, redevelopment and adaptive reuse that respect the area's context and design features (Theme A, Goal #2a.); and encouraging the development of underutilized and vacant land in a compact, contiguous and/or a mixed-use sustainable manner within the Urban Service Area (Theme E, Goals #1a., #1b. and #3). In addition, that the Goals and Objectives of the Plan also encourage providing for well-designed neighborhoods (Theme A, Goal #3); minimizing disruption of natural features when building new communities (Theme A, Goal #3d.); identifying and protecting natural resources and landscapes before development occurs (Theme B, Goal #3a.); and preserving urban neighborhoods (Theme D, Goal #3c.).
 - b. Increasing the allowable density of the subject property, while keeping a compatible development next to the adjoining Waverly Estates neighborhood, is possible with a restricted R-3 zone.
 - c. Splitting the density between the two developable areas of the site will help to minimize disruption of the natural floodplain on the property. By bridging the South Elkhorn Creek and its floodplain, rather than modifying the FEMA floodplain, the natural features of the property can be protected in a more thorough and comprehensive manner.
2. This recommendation is made subject to the approval and certification of ZDP 2016-3: Wynndale Subdivision, Lots 1 & 2, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are recommended via conditional zoning for the subject property:
 - a. Any development within 200 feet of the northern property boundary shall be limited to 20 dwelling units.
 - b. All lighting installed on the subject property shall be directed downward and shall be directed away from any single-family residential zone.
 - c. A 20-foot landscape buffer shall be established along the adjoining Waverly Estates subdivision. Within the landscape buffer, a 6-foot wall or fence may be constructed, and evergreen trees shall be planted along the rear of any residential lot under different ownership in two staggered rows so as to create a solid landscape screen.

These restrictions are appropriate in order to protect the adjacent residential properties to the north of the subject property from the possible noise and light pollution associated with the proposed development and its off-street parking area, and to more fully implement the 2013 Comprehensive Plan.

- b. ZDP 2016-3: WYNNDALE SUBDIVISION, LOTS 1 & 2 (2/21/16)* - located at 1580 Higbee Mill Road.

(Vision Engineering)

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

The Subdivision Committee Recommended: **Postponement**. There were some questions regarding the height of the proposed building and/or possible need for a variance, access to and the use of the open space, improvements to Higbee Mill Road and compliance with Article 16 of the Zoning Ordinance.

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

1. Provided the Urban County Council rezones the property R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Denote all environmentally sensitive areas on plan.
8. Denote that all ~~25'~~ floodplain construction shall meet the requirements of Article 19 of the Zoning Ordinance.
9. Denote location and size of all existing and proposed easements.
10. Revise plan to remove parking aisle in front yard per Article 16 of the Zoning Ordinance.
11. Discuss possible improvements to Higbee Mill Road.
12. Discuss proposed use of open area adjacent to Man o' War Boulevard.
13. Discuss landscaping adjacent to R-1C zone.
14. Discuss need for a variance or revise height of proposed wall in the front yard to meet the Zoning Ordinance limitations.

Petitioner Representation: Tom Lambdin, Vision Engineering, was present representing the petitioner. He requested postponement of this item to this February 25, 2016, meeting.

Citizen Opposition: Janet Cabaniss, president of Stonewall Community Association, requested that she and her neighbors receive more notice in advance of any future postponements for this item. She said that residents received notice of the petitioner's intent to postpone only 21 hours before this hearing, so they were not able to get the word out to all interested parties. Mr. Owens assured Ms. Cabaniss that the staff had encouraged the petitioner to notify the neighbors as soon as possible.

Action: A motion was made by Mr. Drake, seconded by Mr. Wilson, and carried 9-0 (Brewer and Penn absent) to postpone MAR 2016-1 to the February 25, 2016, Planning Commission meeting.

5. JAKE RIORDAN ZONING MAP AMENDMENT & VALLANDALE SUBDIVISION (AMD.) ZONING DEVELOPMENT PLAN

- a. MAR 2016-2: JAKE RIORDAN (2/21/16)* - petition for a zone map amendment from a Mixed-Use 2: Neighborhood Corridor (MU-2) zone and a Planned Neighborhood Residential (R-3) zone to a Highway Service Business (B-3) zone, for 1.253 net (1.553 gross) acres, for property located at 1501, 1505, 1507 & 1509 Versailles Road and 105 Delmont Drive.

COMPREHENSIVE PLAN AND PROPOSED USE

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The Cardinal Valley Small Area Plan (CVSAP), adopted by the Planning Commission in April 2015, encompasses the subject properties. The SAP outlined five recommendations: 1) neighborhood conservation, 2) Versailles Road corridor improvements, 3) recognition and development of the "Alexandria Drive International District," 4) Oxford Circle neighborhood center redevelopment, and 5) augmenting the open space network within the area.

The petitioner proposes rezoning the subject properties in order to build a gas station and convenience store, and associated off-street parking.

The Zoning Committee Recommended: **Disapproval**, for the reasons provided by staff.

The Staff Recommends: **Disapproval**, for the following reasons:

1. The requested rezoning to a Highway Service Business (B-3) zone is not in agreement with the 2013 Comprehensive Plan or the Cardinal Valley Small Area Plan (CVSAP), adopted by the Planning Commission in April 2015, for the following reasons:

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

- a. Theme A: Growing Successful Neighborhoods of the Plan emphasizes the infill, redevelopment and adaptive reuse of the urban area that respects the area's context and design features (Goal #2a.), and encourages striving for positive and safe social interactions in neighborhoods (Goal #3b.). In addition, the Goals and Objectives suggest that the community should "enable infill and redevelopment that creates jobs where people live" (Theme C, Goal #1d.); attract and retain high-paying jobs (Theme C, Goal #2c.); and to uphold the Urban Service Area concept by encouraging "compact, contiguous, and/or mixed-use sustainable development within the Urban Service Area, as guided by market demand, to accommodate future growth needs" (Theme E, Goal #1b.).
 - b. The Plan encourages the consideration of how proposals relate to existing development in the immediate vicinity, as well as protecting neighborhoods and residential areas from incompatible land uses. Policy statements in the Plan focus on the need for the development of land in the most appropriate relationships, and compatibility of land uses. The proposed zoning category is not compatible with these specific recommendations, which are overarching ideas of the Plan, at this location.
 - c. The proposed convenience store and gas station along an entrance corridor to downtown Lexington that was recently studied by the Division of Planning and the Kentucky Transportation Cabinet (District 7) will not create a significant number of jobs, nor will such jobs be considered "high-paying" jobs for the benefit of the community.
 - d. While promoting business expansion, improving quality of life and providing services to the community are generally important priorities, they must be balanced with the community's need for this type of highway-oriented development and its impact on nearby residential areas. In this case, the petitioner is requesting one of the most intense business zones within the community at the entrance to a well-established neighborhood.
 - e. The site has a significant and lengthy zoning history, whereby at each stage, the proposed development intensity has increased. A highway-oriented zone, which will again intensify the use of the property, is not context sensitive to the adjoining neighborhood, nor would it encourage positive and safe social interactions.
 - f. Convenience stores and gas stations are necessary for any community; however, they are already rather common along the Versailles Road corridor, and can be found within a short 1/2-mile walk in either direction of the subject property.
 - g. The Cardinal Valley Small Area Plan encourages aesthetic and functional improvements that will make the corridor more accessible to pedestrians, which seems to speak to encouraging pedestrian-oriented development, rather than more auto-dependent development such as that proposed by the petitioner.
 2. Re-zoning this location to a B-3 zone may significantly impact the nearby neighborhoods within the area, especially Delmont Drive, and the senior housing facility immediately adjoining the subject properties, and therefore is inappropriate.
 3. Although the subject properties are collectively situated along a major arterial roadway, the proposed B-3 zoning category is not located on any adjoining or nearby land for it to be considered compatible in this vicinity.
 4. The existing Mixed-Use 2: Neighborhood Corridor (MU-2) zone remains appropriate for the subject property because it can more fully support the 2013 Comprehensive Plan goals and policies.
 5. There have been no unanticipated changes of a physical, social or economic nature within the immediate area since the Comprehensive Plan was adopted in 2013, or since the Cardinal Valley Small Area Plan was adopted last year, that would support B-3 zoning for the subject property.
- b. ZDP 2016-4: VALLANDALE SUBDIVISION (AMD) (2/21/16)* - located at 1501-1509 Versailles Road and 105 Delmont Drive.
(Vision Engineering)

The Subdivision Committee Recommended: Postponement. There were some questions regarding the proposed access to the site from Delmont Drive.

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

1. Provided the Urban County Council rezones the property B-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Denote area for proposed stormwater detention.
6. Discuss access proposed to Delmont Drive.
7. Denote that compliance with proposed Versailles Road Corridor improvements will be required at the time of Final Development Plan.
8. Denote that tree protection along rear property line shall be finalized at the time of the Final Development Plan.

Petitioner Representation: Tom Lambdin, Vision Engineering, was present representing the petitioner. He requested postponement of this item to the February 25, 2016, meeting.

Citizen Comments: Paula Singer, 110 Hamilton Park, stated that she and her neighbors had no objection to the petitioner's request for postponement. She said that they are very concerned, however, that the notification signs posted on the subject property had been on the site approximately two of the required 15 days prior to this hearing. It appeared that the signs, which were posted by staff, had been removed on more than one occasion. Ms. Singer asked that, the next time the required signs are posted, the staff ensure that they remain affixed to the property.

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Discussion: Mr. Owens said that it was his understanding that the signs had been posted on the property three times. The last time the signs were posted higher, so that they would be less likely to be removed. Mr. Sallee stated that the staff had posted signs on the subject property three times, the most recent being the day prior to this hearing. One of the signs was removed; most recently, the sign on the Versailles Road property was affixed to a utility pole, which tends to stand up better to harsh weather. The staff understands that, as of the day prior to today's meeting, the sign on the Delmont Drive property was still in place.

Ms. Singer said that the second sign posted by the staff was affixed to a large real estate sign on the property, which had been in place for over a year. However, both of those signs were recently removed. She reiterated that she and other area residents are concerned that proper notice is not being supplied.

Tony Hancock, Hillcrest Baptist Church, asked why this request is being postponed when it was recommended for disapproval by the staff and the Zoning Committee. Mr. Lambdin replied that the petitioner would like an additional month to develop a different plan, with an alternate use for the property. Mr. Hancock asked if the process would start over if the petitioner changed the plan. Mr. Owens responded that the process would continue with the revised plan. Mr. Sallee added that the staff would update the Subdivision and Zoning Committees at their meetings next week with any news about amendments concerning this zone change request, and would post additional "Zoning Change" signs in an attempt to keep them up longer.

Action: A motion was made by Mr. Wilson, seconded by Ms. Plumlee, and carried 9-0 (Brewer and Penn absent) to postpone MAR 2016-2 to the February 25, 2016, Planning Commission meeting.

- IV. LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, January 7, 2016, at 8:30 a.m. The meeting was attended by Commission members: Will Berkley, Karen Mundy, Mike Owens, Carolyn Plumlee and Frank Penn. Committee members in attendance were: Hillard Newman, Division of Engineering; and Casey Kaucher, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee; Tom Martin; Traci Wade; Cheryl Gallt; Denice Bullock; Kelly Hunter; Dave Jarman; Harika Suklun; Captain Greg Lengal and Lieutenant Joshua Thiel, Division of Fire & Emergency Services; and Tracy Jones, Department of Law. The Committee made recommendations on plans as noted.

General Notes

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

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

- V. ZONING ITEMS** - The Zoning Committee met on Thursday, January 7, 2016, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Mike Cravens, Carolyn Richardson, and Bill Wilson. The Committee members reviewed applications and made recommendations as noted.

A. ABBREVIATED PUBLIC HEARINGS ON ZONING MAP AMENDMENTS

The staff will call for objectors to determine which petitions are eligible for abbreviated hearings.

The procedure for these hearings is as follows:

- Staff 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) (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)
 - (d) Hearing closed and Commission votes on zone change petition and related plan(s)

- B. FULL PUBLIC HEARINGS ON ZONE MAP AMENDMENTS** – Following abbreviated hearings, the remaining petitions will be considered.

The procedure for these hearings is as follows:

- Staff 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) (3 minutes each)

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

- Rebuttal & Closing Statements
 - (a) petitioner's comments (5 minute maximum)
 - (b) citizen objectors (5 minute maximum)
 - (c) staff comments (5 minute maximum)
- Hearing closed and Commission votes on zone change petition and related plan(s)

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 hearing. The Chair will announce its decision at the outset of the hearing.

1. STRONGBOX, LLC, ZONING MAP AMENDMENT & MAN O' WAR DEVELOPMENT, UNIT 2A, LOTS A-2 & A-3 (AMD.) ZONING DEVELOPMENT PLAN

- a. MARV 2015-28: STRONGBOX, LLC (1/31/16)* - petition for a zone map amendment from an Interchange Service Business (B-5P) zone to a Light Industrial (I-1) zone, for 3.08 net (6.35 gross) acres, for property located at 1973 Bryant Road.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World. In addition, the Plan encourages a mix of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

The petitioner proposes a Light Industrial (I-1) zone in order to operate an establishment for the display, sale, service and minor repair of all-terrain vehicles (ATVs) and motorcycles on the subject property. The site is currently vacant, and would require only minor modifications in order for the proposed use to occupy the site.

The Zoning Committee Recommended: **Approval**, for the reasons provided by staff.

The Staff Recommends: **Approval**, for the following reason:

1. A restricted Light Industrial (I-1) zone is in substantial compliance with the 2013 Comprehensive Plan, for the following reasons:
 - a. The site has been an underutilized site after more than two decades of B-5P zoning and a decade of failed restaurants. The property should be considered for a possible change to an alternative business zone (and use) in order to better serve the needs of the community within the Urban Service Area.
 - b. The proposed zoning and land use are generally compatible with the nearby "motorsports node" that has developed along Bryant Road. Conditional zoning restrictions to limit uses that may disturb visitors and guests in the adjacent hotels would be appropriate for the subject property to ensure land use compatibility.
 - c. The proposed redevelopment will be able to use the existing infrastructure and transportation networks (which are adequate to serve the use), and the proposed land use will not impair existing environmental conditions on the site. This is consistent with the guiding principles of the Comprehensive Plan, specifically Chapter 4: "Protecting the Environment," and Chapter 6: "Improving a Desirable Community."
2. This recommendation is made subject to approval and certification of ZDP 2015-120: Man o' War Development, Unit 2A, Sec. 2, Lots A-2 & A-3 (Amd), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the subject property shall be restricted in the following manner, via conditional zoning:

Prohibited Uses

- a. Ice plant.
- b. Tire re-treading and recapping.
- c. Machine shop.
- d. Outdoor kennels.
- e. Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment; contractor equipment; travel trailers; mobile homes; and/or precut, prefabricated or shell homes.
- f. Outdoor storage of supplies or materials.
- g. Auto-parts rebuilding; battery manufacturing; dextrine and starch manufacturing; enameling, lacquering and japanning; electric foundry; radium extraction; and tool manufacturing.
- h. Vehicle storage yards.
- i. Truck terminals.
- j. Advertising signs, also known as billboards, as regulated and defined by Article 17.

These restrictions are necessary and appropriate in order to restrict the most intense land uses on the subject property. Such uses could have a negative impact on the nearby hotels related to noise and their hours of operation.

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b. REQUESTED VARIANCE

1. Eliminate the property perimeter landscaping (zone-to-zone screening) for the entire property.

The Staff Recommends: Approval of the requested landscape variance, for the following reasons:

- a. Granting the requested variance will not adversely affect the public health, safety or welfare; will not alter the character of the general vicinity, and will not cause a hazard or nuisance to the public; conversely, if the required zone-to-zone screening were in place, this site would be out of character with the general vicinity.
- b. There are special circumstances that apply to this property that do not generally apply to land in the general vicinity: 1) there will be a business to business relationship with the adjacent B-5P zoned properties, and uses that would traditionally be a nuisance to the adjacent properties will be prohibited via conditional zoning; and 2) there are existing impediments on the subject property that greatly restrict the applicant from installing the full extent of the required landscaping, including an existing building, parking, and a large detention basin.
- c. Strict application of the requirements of the Zoning Ordinance would create an unnecessary hardship for the applicant because of the limited space available. The applicant intends to retain the existing vehicular use area screening, which will be a sufficient buffer for this property based on the unique circumstances of this request.
- d. The circumstances surrounding the requested variance are not the result of prior actions taken by this applicant, as no construction (or even building demolition) has yet occurred on the subject site.

This recommendation of approval is made subject to the following conditions:

1. Provided the Urban County Council rezones the property I-1; otherwise, any Commission action of approval of this variance is null and void.
2. Should the property be rezoned, it shall be developed in accordance with the approved Development Plan, as amended by a future Development Plan approved by the Commission, or as a Minor Amendment permitted under Article 21-7 of the Zoning Ordinance.
3. A note shall be placed on the Zoning Development Plan indicating the variance that the Planning Commission has approved for this property (under Article 6-4(c) of the Zoning Ordinance).

c. ZDP 2015-120: MAN O' WAR DEVELOPMENT, UNIT 2A, SEC. 2, LOTS A-2 & A-3 (AMD) (1/31/16)* - located at 1973 Bryant Road. **(EA Partners)**

Note: The Planning Commission postponed this item at their December 17, 2015, meeting. The purpose of this amendment is to change the use of the property from a restaurant to retail sales of vehicles, and revise parking.

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

1. Provided the Urban County Council rezones the property I-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Denote: No building permit shall be issued unless and until a final development plan is approved by the Planning Commission.
6. Denote height of building, in feet.
7. Dimension area between sidewalk and parking lot.
8. Dimension sidewalks internal to the site.
9. Dimension area between west parking lot and building.
10. Addition of purpose of amendment note.
11. Discuss relocating fence to inside of landscape islands to better comply with Article 18 of the Zoning Ordinance.
12. Discuss display area fencing and compliance with Article 18 of the Zoning Ordinance, per Article 16-4(b)(5) of the Zoning Ordinance.
13. Discuss perimeter screening along the eastern property line, per Article 18 of the Zoning Ordinance.
14. Discuss plan status.

Zoning Presentation: Ms. Wade presented the staff report on this rezoning request, briefly orienting the Commission to the location of the subject property. The property is located in the southern quadrant of the Interstate 75 & Man o' War Boulevard interchange, abutting the southern on-ramp, and it includes a portion of the right-of-way of the interstate. Bryant Road, which serves as the access to the subject property, includes mostly commercial uses, with a mix of B-5P and B-6P zoning. There is also a 15-acre section of I-1 zoning to the southeast of the subject property. Across Pleasant Ridge Drive from the commercial area is primarily single-family residential development, with some commercial uses closer to Man o' War Boulevard.

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Referring to an aerial photograph of the subject property and surrounding area, Ms. Wade noted that some of the property in the area remains vacant. The subject property includes an existing building, which was built in 2004, and was formerly occupied by three different chain restaurants. There are other restaurants in the general vicinity, as well as several hotels. One hotel is directly adjacent to the subject property.

Ms. Wade stated that the petitioner is proposing to rezone the subject property in order to operate an establishment for the display, sale, service, and minor repair of all-terrain vehicles (ATVs) and motorcycles, which is a permitted use in the I-1 zone. That use is also permitted in several other zones, but the petitioner indicated in their justification that, since I-1 zoning already exists in the general vicinity, they felt that zone might be the most appropriate.

Ms. Wade said that the petitioner contends that the proposed rezoning is in agreement with the 2013 Comprehensive Plan, and that there has been a change in the area that was unanticipated by the Plan. The staff agrees that the proposed rezoning is substantially in agreement with the recommendations of the Comprehensive Plan, for the reasons as listed in the staff report and on the agenda. The staff believes that an I-1 zone, with conditional zoning restrictions, would be appropriate on the subject property, given its proximity to the nearby hotels. The staff is proposing to prohibit 10 uses via conditional zoning, primarily ones that would involve noise in the off-hours. Ms. Wade stated that the staff and the Zoning Committee recommended approval of this request.

Development Plan Presentation: Mr. Hunter presented the rendered preliminary development plan, noting the location of the existing retail building on the property. He also indicated the locations of the proposed reconfigured parking area; a display area for vehicles; and a fenced area to secure vehicles overnight.

Mr. Hunter stated that the Subdivision Committee recommended approval of this plan, subject to the 14 conditions as listed on the agenda. Conditions #6 - #10 refer to primarily "clean-up" items on the plan. Condition #11 refers to the fenced area depicted on the plan, which is proposed to be used to secure vehicles overnight. The required landscape islands in the parking area are currently proposed to be located inside that fence; the staff is concerned that the islands could be removed, if they are not relocated outside the fence. Condition #13 is related to the variance request, which was filed in conjunction with this zone change. Mr. Hunter said that the staff recommended condition #14 because they thought the petitioner might like to change the plan status to final, but the petitioner has indicated a desire for this to remain a preliminary development plan.

Variance Presentation: Mr. Emmons presented the variance report, noting that perimeter landscaping, including a 6' fence, trees, and a hedge, is required by the Zoning Ordinance whenever an industrial zone adjoins any other zone. The petitioner is requesting to eliminate the required perimeter landscaping.

Mr. Emmons said that the staff is recommending approval of the requested variance, for the reasons as listed in the staff report and on the agenda. He noted that, due to the commercial nature of the area, requiring the landscaping would actually result in the subject property being out of character with the surrounding properties.

Mr. Emmons explained that, in addition, there are several unique circumstances that justify the requested variance. On the east side of the property, the building is located very near the property line, which would preclude the ability to install the minimum required landscaping there. The petitioner has agreed to maintain the vehicular use area parking screening, which includes a 3' hedge, which the staff believes is appropriate for the proposed use of the property.

Commission Questions: Ms. Mundy asked if the existing landscaping would be replaced if it died. Mr. Emmons answered that the vehicular use area screening is required, and it is included on the development plan, so it would need to be replaced.

Mr. Cravens asked what type of fence is proposed in the parking area. Mr. Emmons answered that he did not know, but he would defer to the petitioner. Mr. Cravens asked if the petitioner would need to install additional landscaping in the parking area. Mr. Emmons responded that the staff is recommending that the fence be relocated to the inside of the landscape islands, rather than outside, as depicted on the current plan.

Petitioner Representation: Nick Nicholson, attorney, was present representing the petitioner. He said that their development plan will remain a Preliminary one, and the petitioner will defer the issues with the fence and landscaping to the Final Development Plan stage. The petitioner hopes to find a different means with which to secure vehicles overnight, in which case the fence would be removed from the plan. Mr. Nicholson noted, with regard to Ms. Mundy's question, that the petitioner would be required to replace any landscaping that has died. There are basic Zoning Ordinance requirements that must be met, and additional requirements for parking areas for the sale of automobiles.

Mr. Nicholson stated that the petitioner is attempting to maintain the existing appearance of the property, which is very open. He said that all of the lots in the area have the same shrubs and trees, and the same spacing, and the petitioner wants to maintain the subject property in keeping with the existing character of the area. With regard to concerns about proximity to hotels, Mr. Nicholson noted that there is a hotel directly adjacent to the subject property, but it is bordered on

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its other side by a use very similar to what is proposed for the subject property. That property has the same type of screening as the subject property.

Commission Questions: Mr. Cravens asked if parts or scrap vehicles would be stored outside. Mr. Nicholson answered that the petitioner does not propose to store any such items outdoors, particularly given the proximity of the adjacent hotel. Mr. Nicholson explained that the back wall of the hotel adjoins the subject property, so the view should not be an issue. He added that the petitioner is proposing to install bay doors in order to keep materials inside the building, and only small repairs would be done on the site.

Mr. Owens asked if condition #14 could be deleted, since the petitioner has indicated that the plan should remain preliminary. Mr. Sallee suggested that the Planning Commission could delete conditions #11 - #14. He said that the staff was concerned about maintaining the landscape islands, but the petitioner indicated they would like that condition removed.

Mr. Nicholson stated that the petitioner would be agreeable to maintaining condition #11, since they understand the staff's concern about the fence. He asked that the Commission change it to resolve the fence issue at the time of the Final Development Plan. Mr. Sallee suggested that, rather than changing the plan at this point with a "resolve" condition, that that condition could be deleted.

Zoning Action: A motion was made by Mr. Berkley, seconded by Ms. Mundy, and carried 8-1 (Brewer and Penn absent; Cravens opposed) to approve MARV 2015-28, for the reasons provided by staff, subject to the conditional zoning restrictions as recommended by staff.

Variance Action: A motion was made by Mr. Berkley, seconded by Ms. Richardson, and carried 8-1 (Brewer and Penn absent; Cravens opposed) to approve the requested variance, for the reasons provided by staff, subject to the conditions as listed in the staff report and on the agenda.

Development Plan Action: A motion was made by Mr. Berkley, seconded by Mr. Wilson, and carried 8-1 (Brewer and Penn absent; Cravens opposed) to approve ZDP 2015-120, subject to the first ten conditions as listed; deleting conditions #11, #12, #13, and #14.

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2. RML CONSTRUCTION, LLP, ZONING MAP AMENDMENT & CADENTOWN SUBDIVISION, LOTS 3 & 4 (AMD.) ZONING DEVELOPMENT PLAN

- a. MAR 2016-3: RML CONSTRUCTION, LLP (2/21/16*) - petition for a zone map amendment from a Single Family Residential (R-1D) zone to a High Density Apartment (R-4) zone, for 0.31 net (0.38 gross) acre, for property located at 836 Campbell Lane.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The Comprehensive Plan encourages expanding housing choices (Theme A, Goal #1), locating higher density development near greenways and public parks, and creating neighborhood nodes of commercial development to support residential neighborhoods.

The petitioner proposes a High Density Apartment (R-4) zone for the subject property to allow for expansion of the "Brighton 3050" (formerly "The Summit") apartment complex. The petitioner proposes to incorporate the subject property and the rear portion of 2833 Liberty Road, which was recently rezoned, into the apartment complex and construct two buildings, with a total of 56 residential dwelling units. Overall, the Brighton 3050 site is planned to have 372 dwelling units, for a density of approximately 19.9 dwelling units per net acre.

The Zoning Committee Recommended: **Approval**, for the reasons provided by staff.

The Staff Recommends: **Approval**, for the following reason:

1. Even though the requested High Density Apartment (R-4) zone is not in agreement with the 2013 Comprehensive Plan, it is appropriate and the existing Single Family Residential (R-1D) zone is inappropriate, for the following reasons:
 - a. Although single-family residential development is possible at this location, the surrounding zoning and proposed land use suggest that a more intense use of the property is more appropriate, especially since the subject property is bounded on three sides by R-4 zoning.
 - b. The proposed rezoning of the subject property will be compatible with and sensitive to the character of the immediate area, especially since the parcel across Campbell Lane was rezoned to R-4 in December 2015. Also, the proposed closure of Campbell Lane and construction of a residential building straddling the right-of-way will effectively complete the Brighton 3050 complex because additional expansion along Campbell Lane will be difficult.
 - c. The proposed R-4 expansion will create a more typical zoning boundary (extending straight from a shared property boundary with the Kennedy Landing development across Campbell Lane), rather than having a "notch" around an existing single-family home. This will improve the transition between zones and will allow for a solid and consistent landscape screen and buffer area between uses.
 - d. The proposed multi-family residential land use is considered a compatible and complementary land use that can support the established neighborhood-oriented development (Brighton Place Shoppes) because of its higher density.
2. This recommendation is made subject to the approval and certification of ZDP 2016-5: Cadentown Subdivision, Lots 3 and 4, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restriction is recommended via conditional zoning for the subject property:
 - a. Any lighting installed on the subject property shall be directed downward and shall be directed away from any single-family residential zone.

This restriction is appropriate in order to protect the adjacent low density residential properties to the southwest of the subject property from the possible light pollution associated with the proposed apartment building and its off-street parking area.

- b. ZDP 2016-5: CADENTOWN SUBDIVISION, LOTS 3 & 4 (AMD) (2/21/16)* - located at 836 and 852 Campbell Lane and 2833 Liberty Road (a portion of). **(EA Partners)**

Note: The purpose of this amendment is to rezone additional property and add apartment buildings to the existing residential development.

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

1. Provided the Urban County Council rezones the property R-4; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.

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4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Denote record plat designation or current deed information on plan.
7. Dimension buildings on plan.
8. Clarify compliance with lot coverage requirements of the proposed R-4 zone.
9. Discuss the timing of merging the subject property with the amended final development plan for the Brighton 3050 area, per the note on the Preliminary Development Plan.
10. Dimension building "Type 1" & "Type 2" details, exclusive of garage spaces.
11. Document compliance with floor area ratio requirements of the proposed zone on plan.
12. Discuss timing of the closure of right-of-way for Campbell Lane.
13. Discuss compliance with perimeter yard setbacks, per Article 9 requirements.
14. Discuss zone-to-zone screening proposed along adjacent B-4 and R-1D properties.

Zoning Presentation: Ms. Wade presented the staff report on this rezoning request, briefly orienting the Commission to the location of the subject property. The property is located at the end of Campbell Lane, which is an existing rural road, off of Liberty Road, inside of Man o' War Boulevard. Campbell Lane is located to the north of the major Liberty Road/Todds Road intersection. Much of the development in this portion of Lexington-Fayette County has occurred in the past 20 years, including the Liberty Road widening project, completed in 2008. That project took a few homes near the Campbell Lane/Liberty Road intersection, and the developers of the Brighton 3050 apartment development purchased several parcels at the end of Campbell Lane since that time.

Ms. Wade said that the larger portion of the Brighton 3050 complex is zoned R-3; the expansion proposed by the petitioner has been in the R-4 zone. Other zoning in the vicinity includes the Kennedy Landing townhouse development, which is also zoned R-3; single family homes along Campbell Lane and in the Cadentown Historic District, across Liberty Road; and a vacant B-4 site for a kennel and veterinary clinic, just to the northwest of the subject property. A commercial zoning node is located at the Man o' War Boulevard/Liberty Road/Todds Road intersection. The subject property has been single-family residential in the past, but is currently vacant. Referring to an aerial photograph, Ms. Wade noted the existing apartment complex on the former Adams Property, to the east of the subject property. The apartment complex is primarily accessible from Helmsdale Place, with an additional access point in the Brighton Place Shoppes to the south.

Ms. Wade stated that, in 2014, the petitioner rezoned two parcels at the corner of Old Todds Road and Liberty Road; in 2015, they rezoned a parcel across Campbell Lane from the subject property. This proposed rezoning will complete the apartment complex development. The petitioner is proposing to construct one building on the subject property, which would cross the right-of-way of Campbell Lane. That would effectively end Campbell Lane, which would then contain eight single-family residences and provide a closure for the apartment development. Ms. Wade displayed several photographs of the subject property, noting the location of the existing single-family homes on Campbell Lane; the parcel that was rezoned in late 2015; and the proximity of one of the existing apartment buildings to the property line.

Ms. Wade said that the petitioner contends that the proposed rezoning is in agreement with the 2013 Comprehensive Plan, because it proposes a variety of housing types; locates multi-family residential development near parks and greenways; and encourages developing neighborhood nodes to serve surrounding residential areas. The staff does not agree with the petitioner's contention that the proposed zone change is in agreement with the Comprehensive Plan; however, they believe that the proposed R-4 zone is appropriate, and the R-1D zone is no longer appropriate, for the reasons as listed in the staff report and on the agenda.

Ms. Wade stated that the staff is recommending one conditional zoning restriction, to require that exterior lighting on the subject property be shielded and directed away from the single-family residential area. The staff believes that, with the rear of a building facing the single-family residences, parking lot lighting should not affect the residents. Ms. Wade said that the staff and the Zoning Committee recommended approval of this request.

Commission Questions: Mr. Drake asked if the closure of Campbell Lane would isolate any other property. Ms. Wade answered that it would not. Referring to the aerial photograph, she noted that the apartment complex will use their two existing access points, while the single-family residences will continue to only use Campbell Lane.

Ms. Mundy asked if a turnaround would be provided on Campbell Lane, since it is very narrow. Ms. Wade responded that, currently, the development plan does not depict a public street termination for Campbell Lane. The issue might need to be addressed with the Final Development Plan for the property.

Development Plan Presentation: Mr. Jarman presented the corollary zoning development plan, explaining that the petitioner is proposing to add two apartment buildings to the existing Brighton 3050 residential development. He noted that the petitioner filed a revised version of the plan a few days prior to this hearing, which considerably expanded the original submittal and integrated it with the existing Brighton 3050 plan, in response to a recommendation by the Subdivision Committee. Referring to the rendered development plan, Mr. Jarman noted the location of the proposed new buildings, as

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well as existing features of the development, including the two access points and a large detention basin. He stated that the staff is recommending approval of this plan, subject to the following revised conditions:

1. Provided the Urban County Council rezones the property R-4; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Denote record plat designation or current deed information on plan.
- ~~7. Dimension buildings on plan.~~
- ~~8. Clarify compliance with lot coverage requirements of the proposed R-4 zone.~~
- ~~9. Discuss the timing of merging the subject property with the amended final development plan for the Brighton 3050 area, per the note on the Preliminary Development Plan.~~
- ~~10. Dimension building "Type 1" & "Type 2" details, exclusive of garage spaces.~~
- ~~11. Document compliance with floor area ratio requirements of the proposed zone on plan.~~
- ~~7.12. Discuss Denote that the timing of the closure of right-of-way for Campbell Lane will be resolved at the time of the Final Development Plan.~~
- ~~8.13. Discuss Denote: Compliance with perimeter yard setbacks, per Article 9 requirements, will be demonstrated at the time of the Final Development Plan.~~
- ~~9.14. Discuss Denote that compliance with zone-to-zone screening proposed along adjacent B-4 and R-1D properties will be documented at the time of the Final Development Plan.~~

Mr. Jarman stated that condition #7 refers to the closure of Campbell Lane, and the need to denote that the timing will need to be resolved at the time of the Final Development Plan for the property. Condition #8 is related to the perimeter yard setbacks for Group Residential Projects, while #9 refers to the need to document the zone-to-zone screening at the Final Development Plan stage.

Commission Questions: Mr. Drake asked if the portion of Campbell Lane proposed for closure is public right-of-way. Mr. Jarman answered that it is public right-of-way from Liberty Road to its terminus.

Mr. Owens asked if condition #7 would be sufficient to address the need for a turnaround on Campbell Lane, per Ms. Mundy's earlier question. Mr. Jarman responded that a solution could be proposed at the time of the Final Development Plan.

Mr. Berkley asked if there is currently a termination or turnaround on Campbell Lane, which Mr. Jarman answered in the negative. Mr. Berkley asked if the construction of a turnaround could affect the location of one of the proposed buildings. Mr. Jarman agreed that the building layout could be affected. Ms. Wade noted that there is evidence on Campbell Lane that cars currently turn around in the grass at the end of the roadway. Mr. Berkley noted that that activity is on private property. He added that he would be concerned about requiring the construction of a turnaround, because it could impact the location of the building. Ms. Wade commented that it could cause the location of the new building to shift. She noted that there are approximately 100 extra parking spaces on the property, so that could possibly accommodate any necessary relocation of the building.

Mr. Owens asked if there was some question about the status of Campbell Lane. Ms. Wade answered that, at this point, the staff believes that it is a public street.

Mr. Drake asked if the petitioner could be required to provide a turnaround for public right-of-way that they do not own. Mr. Sallee answered that, because the Commission will have the opportunity to review a Final Development Plan for this property, they will be able to consider if any such facility should be developed at the end of Campbell Lane. He said that the status of Campbell Lane is still in question; the staff understands that LFUCG has been maintaining it, but it might be a private street. The staff encountered a similar situation on Woodward Lane during a zone change process a couple of years ago. Campbell Lane and Woodward Lane were both old county roadways, developed many years prior to the local government merger, and records are very poor. Mr. Sallee said that, at the time of the Final Development Plan, the staff would want to know definitively the status of the street, and the Commission could consider whether a more typical turnaround should be provided at its terminus. Ms. Jones noted that the provision of a turnaround by the property owner would not be out of the ordinary; it would just need to be ensured that the cost of the improvements be proportional to the scope of the petitioner's development. She added that she believed that it should be considered as a Final Development Plan issue.

Petitioner Representation: Dick Murphy, attorney, was present representing the petitioner. He expressed his appreciation for the work done by Rory Kahly, of EA Partners, in revising this plan to show how this proposed rezoning would relate to the lot coverage for the whole development. He said that there were concerns at the Subdivision Committee meeting that the development plan included only the two proposed new buildings.

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Mr. Murphy said that this rezoning request is a “follow-up” to the rezoning of the Gentry property in December 2015. During the process of that zone change, the petitioner’s company entered into discussions to purchase the subject property. However, the petitioner could not hold up the Gentry zone change in order to allow the sale of the subject property to take place, so this request was filed separately. Mr. Murphy stated that the petitioner contends that the proposed R-4 zone is appropriate, since the property is surrounded by R-3 and R-4 zoning. He noted that the petitioner is in agreement with the staff’s recommendations.

With regard to the questions about the status of Campbell Lane, Mr. Murphy said that the deeds on Campbell Lane refer to an 18’ easement, rather than a road. The roadway has approximately 14’ of pavement, with only one lane, and it is not well maintained. The Division of Traffic Engineering staff believes that Campbell Lane is public right-of-way. The petitioner is committed to continuing their investigation into whether the right-of-way is public; if it is determined to be so, the petitioner will request closure from the Urban County Council. Mr. Murphy said that the petitioner does not see the need for a turnaround on Campbell Lane at this point, but they would discuss the issue at the time of a Final Development Plan for the property. Most drivers, he opined, do not drive to the end of Campbell Lane to turn around, due to the poor quality of the pavement. The petitioner is also providing a new fire gate into the apartment development on a portion of the Gentry property, which should increase the public safety situation for the complex.

Citizen Comment: There were no citizens present to comment on this request.

Zoning Action: A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 9-0 (Brewer and Penn absent) to approve MAR 2016-3, and the conditional zoning restriction, for the reasons provided by staff.

Development Plan Action: A motion was made by Mr. Cravens, seconded by Ms. Richardson, and carried 9-0 (Brewer and Penn absent) to approve ZDP 2016-5, subject to the nine conditions as listed in the revised staff recommendation.

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C. PUBLIC HEARING ON ZONING ORDINANCE TEXT AMENDMENT REQUEST (CONTINUATION)

- a. **ZOTA 2015-8: AMENDMENT TO ARTICLE 17 FOR SIGNAGE FOR HOSPITALS AND REGIONAL MEDICAL CAMPUSES (AMD.)** – an amended Zoning Ordinance text amendment to allow additional wall-mounted and free standing signage for a hospital or a regional medical campus.

REQUESTED BY: Baptist Hospitals, Inc.

PROPOSED TEXT: Underlined text indicates an addition to the current Zoning Ordinance.

ARTICLE 17: SIGN REGULATIONS

17-7(e) Professional Office Zone (P-1) and Mixed Use 1: Neighborhood Node (MU-1) – Permitted signs may be either free standing or wall mounted, as specifically noted; signs shall be non-illuminated, indirectly illuminated, or internally illuminated unless otherwise specified. No free standing sign shall exceed ten (10) feet in height, with the exception of hospitals, as regulated below.

(12) In addition, and within a hospital campus or Regional Medical Campus (as generally defined in 23A-10(b)(9)), only:

- (a) Project identification signs, maximum three per campus, free standing or wall mounted; not exceeding one hundred and fifty (150) square feet in area and twenty (20) feet in height along a street classified as a collector or arterial and not exceeding seventy-five (75) square feet and fifteen (15) feet in height along a street classified as a local.
- (b) Project entrance identification signs of permanent construction, free standing or wall mounted; not exceeding one hundred (100) square feet in area; not exceeding ten (10) feet in height; no more than two per entrance along a street classified as a collector or arterial; not more than two entrances to be identified
- (c) Three wall-mounted identification or business signs for buildings with two street frontages, located on separate wall faces, not to exceed five percent (5%) of the wall area to which the signs are attached. Signs not located on a street frontage shall not be placed on a building face directly adjacent to any residential zone.

17-7(n) Office, Industry and Research Park (P-2) zone

(3) Project entrance identification signs shall be permitted and regulated under Section 17-7(e)(~~6~~10)(c) above.

17-7(q) Expansion Area Zones

(2)(a) Project entrance identification signs shall be for Professional Office ~~Parks~~ Projects, as specifically regulated under Section 17-7(e)(~~6~~10). All free-standing identification or business signs shall be monument type.

The Zoning Committee Recommended: **Approval**, for the reasons provided by staff.

The Staff Recommends: **Approval of the staff alternative text**, for the following reasons:

1. Hospitals often have multiple entrances, a need to help identify these entrances with additional free-standing signs, and a desire to assist visitors in arriving at these facilities quickly and safely.
2. The staff alternative text will ensure that this addition to the sign regulations will be consistent with other sign provisions in Article 17.

Chairman Comments: Mr. Owens noted that this item was continued from the Commission's December 17, 2015, meeting. He said that he and a couple of other members were absent from that meeting, but they had reviewed the video, the draft minutes and the associated documents, so they would all be able to participate in this hearing.

Mr. Owens said that this hearing was continued after the rebuttal had been offered. At that time, the staff was asked to review several items brought forth by the opposition during the hearing. The staff did so, and created a revised staff alternative text, which was distributed to the Commission members prior to the start of today's hearing.

Staff Presentation: Ms. Wade noted that she had distributed to the Commission members a packet of information received from Mr. Billings. She said that, after the Commission's December public hearing, Mr. Billings met with his clients, then consulted with the staff to discuss the residents' concerns. Based on those concerns, Mr. Billings submitted a revised alternative text.

Referring to the exhibit packet, Ms. Wade said that, at the December hearing, the staff had not had enough time to review the alternative text proposed by Mr. Billings. The staff has since reviewed that information, and found that the opposition is proposing the following changes: 1) to define "hospital campus;" 2) to clarify how signage would be handled at intersections, particularly the intersection of a collector street and local street; 3) to clarify "entrance" identification signs, which was generally a re-wording of the text to which the petitioner had agreed; 4) to add a new section that would restrict the lighting of any sign adjacent to a residential zone or along a local street to indirect lighting or no illumination; and 5) to specifically define "entrance" as it relates to a hospital campus, in order to address concerns that signs could be installed in an area that is not an entrance.

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Ms. Wade stated that, in their review of the opposition's proposal, they believed that the two definitions were not necessary. She said that all hospitals are on development plans, and the staff's view is that anything included contiguously on the development plan would be considered part of the hospital campus, while other sites owned by the same entity would not. With regard to the definition of "entrance" for hospital campuses, the staff did not believe that it was necessary, because the definition was so specific to that single use. The staff did generally agree with the neighbors' wording concerning how signage should be regulated at intersections. For project identification signs, the proposed text would allow three signs per campus; if located along a collector or arterial street, a sign could be 150 square feet in size and 20 feet in height. If a project identification sign was located at the intersection of a collector or arterial with a local street, it would only be allowed at half the size, and only 15 feet in height. No identification signs would be allowed along a local street, or at the intersection of two local streets. For project entrance identification signs, two entrances could be identified per campus. Rather than defining "entrance," the staff felt the opposition's concern could be addressed with the addition of this sentence: "Signs shall only be located at entrances shown on an approved development plan." Ms. Wade explained that the Planning Commission approves those entrances as part of the development plan process, and that wording would clarify for all parties where entrances could be identified. Up to two entrances would be permitted, with project entrance signs allowed only along collectors and arterials.

Ms. Wade said that the staff did consider the other nine hospitals in Lexington-Fayette County, and how the proposed changes to this text could affect them. The staff does not believe that there will be any unintended consequences resulting from the proposed text amendment.

Petitioner Presentation: Nick Nicholson, attorney, stated that this hearing was continued in order for the staff to have sufficient time to address the issues brought forth by the opposition at the December 2015 meeting, not to agree completely with their proposal or rehash the hearing. The petitioner continues to be in complete agreement with the staff's recommendation, including the proposed changes outlined at today's meeting.

Mr. Nicholson noted that during this process, the petitioner has agreed three times to reduce the number, size, and possible location of signs in order to directly address concerns brought forth by neighborhood residents. The petitioner has agreed to reduce the size of project identification signs by half and the height by one-fourth; and to eliminate those signs on local streets completely. The petitioner has also agreed to reduce the size of project entrance signs, and to locate them only on arterials and collectors.

Opposition Presentation: Nathan Billings, attorney, stated that his clients appreciated the staff's time and consideration in reviewing their proposed changes to the text. He said that his clients are largely in agreement with the staff's recommendation, while requesting that the Commission consider adopting the proposed definitions. The opposition would also like to ask that the Commission consider adopting their proposed changes with regard to lighting.

Rebuttal Comments: Ms. Wade indicated that the staff had no rebuttal comments.

Commission Discussion: Mr. Owens stated that the hearing was closed, and opened the floor for Commission comments.

Action: A motion was made by Ms. Richardson, seconded by Ms. Plumlee, and carried 9-0 (Brewer and Penn absent) to approve the staff alternative text of ZOTA 2015-8.

Chairman Comments: Mr. Owens opined that he is typically in favor of less signage, and that the Baptist Health campus is a well-known enough destination that it does not need three identification signs. He recognized, however, that signage is needed to direct drivers to the large facility, and asked that the petitioner attempt to be a good neighbor whenever possible, particularly with regard to the residents on Hiltonia Park.

VI. **COMMISSION ITEMS** – No such items were presented.

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

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

IX. **MEETING DATES FOR February, 2016**

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	February 4, 2016
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	February 4, 2016
Subdivision and ND-1 Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	February 11, 2016
Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	February 18, 2016
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	February 24, 2016
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers	February 25, 2016

X. **ADJOURNMENT** – There being no further business, Chairman Owens declared the meeting adjourned at 2:58 p.m.

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