MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS

March 10, 2016

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; Will Berkley; Mike Cravens; David Drake; Carolyn Plumlee; Carolyn Richardson; Frank Penn and Bill Wilson. Karen Mundy, Patrick Brewer and Joe Smith were absent.

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

II. **APPROVAL OF MINUTES** – There were no minutes to consider at this time.

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

a. DP 2016-23: SAMS PROPERTY & LARKIN PROPERTY (AMD) (5/1/16)* - located at 1510 Greendale Road and 2440 Innovation Drive. (Council District 2) **(Element Design)**

Note: The purpose of this amendment is to add floor area and parking on Lot 2.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:
1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. Kentucky Transportation Cabinet's approval of access to Greendale Road (KY 1978).
12. Denote lot coverage, floor area ratio and building height in site statistics, including applicable lot coverage and floor area (provided) information from previous plan (DP 2008-87).
13. Addition of required erosion control note referencing Chapter 16 of the Code of Ordinances.
14. Denote construction access on plan.
15. Denote Royal Spring Aquifer Committee's recommendation prior to certification.
16. Denote street cross-sections along all property frontages.
17. Darken and improve clarity of existing development plan information (from DP 2008-87) on plan.
18. Discuss possible improvements to Greendale Road and Spurr Road.
19. Discuss provision of sanitary sewer service to Lot 1 & Lot 2.
20. Discuss St. Claire spring protection measures.

Representation – David White, Element Design, was present representing the applicant, and requested postponement of DP 2016-23: SAMS PROPERTY & LARKIN PROPERTY (AMD) to the March 24, 2016, Planning Commission meeting.

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

Action - A motion was made by Ms. Plumlee, seconded by Mr. Wilson and carried 8-0 (Brewer, Mundy and Smith absent) to postpone DP 2016-23: SAMS PROPERTY & LARKIN PROPERTY (AMD) to the March 24, 2016, Planning Commission meeting.

b. DP 2016-19: INTERCHANGE SERVICE CENTER, LOT 8B (5/1/16)* - located at 2211 Elkhorn Road. (Council District 6) **(Abbie Jones Consulting PSC)**

The Subdivision Committee Recommended: **Postponement**. There were some questions regarding access to the pump station and the status of the CLOMR/LOMR letters.

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.

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

3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. Designate property lines as solid.
12. Darken metes and bounds to improve legibility.
13. Darken building dimensions to improve legibility.
14. Dimension driveway entrances on plan.
15. Correct F.F.E information to the approval of the Division of Water Quality.
16. Addition of required CLOMR-F/LOMR-F information to the approval of the Division of Water Quality.
17. Addition of required stormwater management note.
18. Remove notes #6, #8 and #11.
19. Denote dimensioned parking space as typical.
20. Denote all work in the floodplain to comply with Article 19 requirements.
21. Correct Planning Commission certification.
22. Denote 25' floodplain setback on plan.
23. Addition of cross-section for access easement.
24. Addition of steep slope note to plan.
25. Discuss pump station access and note #9.
26. Discuss dumpster location.

Representation – Abbie Jones was present representing the applicant, and requested postponement of DP 2016-19: INTERCHANGE SERVICE CENTER, LOT 8B to the April 14, 2016, Planning Commission meeting.

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

Action - A motion was made by Mr. Berkley, seconded by Ms. Richardson and carried 8-0 (Brewer, Mundy and Smith absent) to postpone DP 2016-19: INTERCHANGE SERVICE CENTER, LOT 8B to the April 14, 2016, Planning Commission meeting.

c. DP 2016-20: LEXMARK INTERNATIONAL, INC. (FKA: IBM) (5/1/16)* - located at 361 Newtown Pike.
(Council District 1) **(Vision Engineering)**

The Subdivision Committee Recommended: **Postponement**. There were some questions regarding the conflict between the private access proposed and the Legacy Trail; the access easement and the timing of required findings by the Planning Commission; and the unconventional internal intersection geometrics proposed.

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. Greenspace Planner's approval of the treatment of greenways and greenspace.
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. Kentucky Transportation Cabinet's approval of access points to Newtown Pike.
12. Delete note #5 (duplicate).
13. Specify lots affected in note #15.
14. Identify existing use of building on Lot 3.
15. Discuss conflict between the private access proposed and Legacy Trail.
16. Discuss timing and details for future Phase 2 development.
17. Discuss access easement and timing of required findings by the Planning Commission.
18. Discuss unconventional internal intersection geometrics proposed.

Representation – Matt Carter, Vision Engineering , was present representing the applicant, and requested postponement of DP 2016-20: LEXMARK INTERNATIONAL, INC. (FKA: IBM) to the March 24, 2016, Planning Commission meeting.

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

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

Action - A motion was made by Mr. Cravens, seconded by Ms. Richardson and carried 8-0 (Brewer, Mundy and Smith absent) to postpone DP 2016-20: LEXMARK INTERNATIONAL, INC. (FKA: IBM) to the March 24, 2016, Planning Commission meeting.

d. PLAN 2016-16F: LEXMARK INTERNATIONAL, INC. (FKA: IBM) (AMD) (5/1/16)* - located at 361 Newtown Pike.
(Council District 2) **(Vision Engineering)**

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

The Subdivision Committee Recommended: **Postponement**, due to the 30% infrastructure report not being submitted for Planning Commission review (as required by Article 4-5(b) of the Land Subdivision Regulations).

Should this plan be approved, the following requirements should be considered:
1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s).
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Delete "section" information on all lots, and renumber lots.
10. Denote address of detention basin on plan.
11. Discuss Legacy Trail conflict with proposed access easement.
12. Discuss timing and location (i.e., storm water basin and sanitary sewer) of public improvements and possible need for a waiver.
13. Discuss need for Royal Spring Aquifer note.

Representation – Matt Carter, Vision Engineering, was present representing the applicant, and requested postponement of PLAN 2016-16F: LEXMARK INTERNATIONAL, INC. (FKA: IBM) (AMD) to the March 24, 2016, 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. Plumlee and carried 8-0 (Brewer, Mundy and Smith absent) to postpone PLAN 2016-16F: LEXMARK INTERNATIONAL, INC. (FKA: IBM) (AMD) to the March 24, 2016, Planning Commission meeting.

e. DP 2004-66: KINGSTON HALL, UNIT 1 (4/18/16)* - located at 2175 & 2301 Russell Cave Road.
(Council District 12) **(EA Partners)**

Note: The Planning Commission postponed this item at their February 11, 2016, meeting. This property requires the posting of a sign and an affidavit of such. The Planning Commission originally approved this Preliminary Subdivision Plan/Preliminary Development Plan on September 9, 2004, and granted a one-year extension on September 8, 2005, 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 inventory map.
5. Greenspace Planner's approval of greenspace, greenways and bike/pedestrian facilities.
6. Department of Highways' approval of access and improvements to Russell Cave Road.
7. Clarify plan title.
8. Urban Service Area fencing and landscaping as required by zone-to-zone screening and A-R buffering be provided prior to construction of infrastructure.
9. Minimum setback to Russell Cave Road to be no less than 50 feet.

On September 13, 2012, the Planning Commission reapproved this development plan, subject to the original conditions, and added the following condition:

10. Denote cemetery location and "50' No Disturbance" zone per Article 3-7 of the Zoning Ordinance.

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

Note: This plan was certified by the Commission's secretary on February 1, 2013, and the Commission's approval has since expired. The applicant has recently requested a reapproval of this plan.

The Subdivision Committee Recommended: **Reapproval**, subject to the original conditions.

The Staff Recommends **Postponement**. There has been a delay in posting of the notice sign on this property.

Representation – Rory Kahly, EA Partners, was present representing the applicant, and requested postponement of DP 2004-66: KINGSTON HALL, UNIT 1 to the March 24, 2016, Planning Commission meeting.

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

Action - A motion was made by Ms. Plumlee, seconded by Mr. Wilson and carried 8-0 (Brewer, Mundy and Smith absent) to postpone DP 2004-66: KINGSTON HALL, UNIT 1 to the March 24, 2016, Planning Commission meeting.

f. DP 2004-67: KINGSTON HALL, UNIT 2 (EAST BRIDGEFORD LAND & DEVELOPMENT COMPANY) (5/3/16)* - located off Newtown Pike. (Council District 12) **(EA Partners)**

Note: The Planning Commission postponed this item at their February 11, 2016, meeting. This property requires the posting of a sign and an affidavit of such. The Planning Commission originally approved this Preliminary Subdivision Plan/Preliminary Development Plan on September 9, 2004, and granted a one-year extension on September 8, 2005, 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 inventory map.
5. Greenspace Planner's approval of greenspace, greenways and bike/pedestrian facilities.
6. Department of Highways' approval of access and improvements to Newtown Pike.
7. Clarify plan title.
8. Provide fencing and the A-R landscape buffering prior to construction of infrastructure.
9. Denote: Temporary access from the boulevard to the 20-acre tract (Lot 1) will be abandoned at the time of the connection of the boulevard to the adjoining property.

The Planning Commission reapproved this item on September 13, 2012, subject to the original conditions, adding the following conditions:

10. Denote area designated for the regional pump station per the EAMP to the approval of the Division of Water Quality and relocate detention basin on Lot 1, as necessary.
11. Identify location of as-built detention basin on Lot 2.
12. Delete Section "H-H" from Lot 1 & Lot 2, prior to certification.

This plan was certified on March 26, 2013, but that's been more than three years since the Commission's approval. Thus, the Preliminary Subdivision Plan portion of this combined plan has since expired. The applicant has requested a reapproval of this plan.

The Subdivision Committee Recommended: **Reapproval**, subject to the following condition:

1. Addition of a second Planning Commission certification (referencing Planning Commission's reapproval date).

The Staff Recommends **Postponement**. There has been a delay in posting of the notice sign on this property.

Representation – Rory Kahly, EA Partners, was present representing the applicant, and requested postponement of DP 2004-67: KINGSTON HALL, UNIT 2 (EAST BRIDGEFORD LAND & DEVELOPMENT COMPANY) to the March 24, 2016, Planning Commission meeting.

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

Action - A motion was made by Ms. Plumlee, seconded by Mr. Wilson and carried 8-0 (Brewer, Mundy and Smith absent) to postpone DP 2004-67: KINGSTON HALL, UNIT 2 (EAST BRIDGEFORD LAND & DEVELOPMENT COMPANY) to the March 24, 2016, Planning Commission meeting.

g. DP 2007-141: NEWMARKET PROPERTY, UNIT 8 (4/18/16)* - located at 1501 Deer Haven Lane (a portion of). (Council District 12) **(EA Partners)**

Note: The Planning Commission postponed this item at their February 11, 2016, meeting. This plan requires the posting of a sign and an affidavit of such. This plan was approved by the Planning Commission at its December 13, 2007, meeting, subject to the following conditions:

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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 landscape buffer.
4. Urban Forester's approval of tree preservation plan.
5. Division of Fire's approval of emergency access and fire hydrant locations.
6. Division of Solid Waste's approval of refuse collection.
7. Approval of street names and addresses per e911 staff.
8. Addition of sanitary sewer force main easement.

On December 13, 2007, the Planning Commission made a finding that this development plan complies with the EAMP Compliance report, for the following reasons:
1. The proposed single family development is an allowable use, and is within the density recommended by the EAMP.
2. The applicant has designed this development to be consistent with previously approved plans fronting Polo Club Boulevard in this and adjoining units.
3. The EAMP requires Polo Club Boulevard on the subject property, which has been built and dedicated, as required.

On July 14, 2011, this plan was reapproved by the Planning Commission, subject to four conditions:
1. Addition of second Planning Commission certification (referencing today's date).
2. Correct note #4.
3. Revise limits of plan to permit construction of street stub in right-of-way.
4. Addition of proposed overhead electric utility easement.

Note: The plan was certified on May 14, 2008, but the Preliminary Subdivision Plan portion of this property has since expired. The applicant is now requesting a reapproval of that portion of the plan.

The Subdivision Committee Recommended: **Reapproval**, subject to one condition:
1. Addition of a second Planning Commission certification (referencing Planning Commission's reapproval date).

The Staff Recommends **Postponement**. There has been a delay in posting of the notice sign on this property.

Representation – Rory Kahly, EA Partners, was present representing the applicant, and requested postponement of DP 2007-141: NEWMARKET PROPERTY, UNIT 8) to the March 24, 2016, Planning Commission meeting.

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

Action - A motion was made by Mr. Cravens, seconded by Ms. Richardson and carried 8-0 (Brewer, Mundy and Smith absent) to postpone DP 2007-141: NEWMARKET PROPERTY, UNIT 8 to the March 24, 2016, Planning Commission meeting.

h. DP 2012-80: NEWMARKET PROPERTY, PHASE 1, UNIT 6 (AMD) (4/18/16)* - located at 1501 Deer Haven Lane (a portion of). (Council District 12) **(EA Partners)**

Note: The Planning Commission postponed this item at their February 11, 2016, meeting. This property requires the posting of a sign and an affidavit of such. The purpose of this amendment is to amend the lot standards and increase the number of lots by 28. The Planning Commission originally approved this plan at their October 11, 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 protection plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Division of Fire's approval of emergency access and fire hydrant locations.
8. Delete either note #9 or #16 (redundant).
9. Correct note #4 to reference Article 16 of the Code of Ordinances.
10. Revise amendment note to include lot increase and development standards.
11. Resolve note #13 relative to new school development across Polo Club Boulevard.

Note: The plan was certified on January 31, 2013, but the Commission's approval of the Preliminary Subdivision Plan portion of this plan has since expired. The applicant is now requesting a reapproval of that portion of the plan.

The Subdivision Committee Recommended: **Reapproval**, subject to one condition:
1. Addition of a second Planning Commission certification (referencing Planning Commission's reapproval date).

The Staff Recommends **Postponement**. There has been a delay in posting of the notice sign on this property.

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

Representation – Rory Kahly, EA Partners, was present representing the applicant, and requested postponement of DP 2012-80: NEWMARKET PROPERTY, PHASE 1, UNIT 6 (AMD) to the March 24, 2016, Planning Commission meeting.

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

Action - A motion was made by Mr. Cravens, seconded by Ms. Richardson and carried 8-0 (Brewer, Mundy and Smith absent) to postpone DP 2012-80: NEWMARKET PROPERTY, PHASE 1, UNIT 6 (AMD) to the March 24, 2016, Planning Commission meeting.

i. DP 2012-89: NEWMARKET PROPERTY, PHASE I, UNIT 10 (5/3/16)* - located at 1501 Deer Haven Lane (a portion of). (Council District 12) **(EA Partners)**

Note: The Planning Commission postponed this item at their February 11, 2016, meeting. This property requires the posting of a sign and an affidavit of such. The Planning Commission originally approved this plan on February 14, 2013, 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 preservation plan and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Greenspace Planner's approval of the treatment of greenways and greenspace.
8. Provided the Planning Commission makes a finding that the plan complies with the provisions of the EAMP.
9. Denote the area of storm water management improvements proposed for the adjacent Unit 6 property.
10. Addition of 10' tree protection areas on rear of Lots 30, 31, 33 and 34.
11. Delete duplicated note #15.
12. Revise lot numbering to relocate proposed Lots 147 and 148 (not between Lots 23 & 24).

Note: This plan was certified on March 26, 2013, but that's been more than three years since the Commission's approval. Thus, the Preliminary Subdivision Plan portion of this combined plan has since expired. The applicant has requested a reapproval of this plan.

The Subdivision Committee Recommended: **Reapproval**, subject to the following condition:

1. Addition of a second Planning Commission certification (referencing Planning Commission's reapproval date).

The Staff Recommends **Postponement**. There has been a delay in posting of the notice sign on this property.

Representation – Rory Kahly, EA Partners, was present representing the applicant, and requested postponement of DP 2012-89: NEWMARKET PROPERTY, PHASE I, UNIT 10) to the March 24, 2016, Planning Commission meeting.

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

Action - A motion was made by Mr. Cravens, seconded by Ms. Richardson and carried 8-0 (Brewer, Mundy and Smith absent) to postpone DP 2012-89: NEWMARKET PROPERTY, PHASE I, UNIT 10 to the March 24, 2016, Planning Commission meeting.

j. DP 2016-12: LOUDON PARK ADDITION, BLOCK 2, LOTS 3-10 (4/3/16)*- located at 720 Bryan Avenue, 130 and 138 Loudon Avenue. (Council District 1) **(S. Mark McCain, RLA)**

Note: The Planning Commission postponed this item at their February 11, 2016, meeting. This plan requires the posting of a sign and an affidavit of such.

The Subdivision Committee Recommended: **Postponement.** There were some questions regarding the plan's compliance with the Adaptive Reuse criteria contained in Article 8-21(o)(4) of the Zoning 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 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.

* - 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 Final Record Plat information on plan or in title block.
12. Provided the Planning Commission makes a finding that the plan complies with Article 8-21(o)(4) of the Zoning Ordinance.
13. Clarify required parking generator for proposed restaurant use.
14. Clarify whether gates will be installed for all access points off Loudon Avenue.
15. Discuss proposed use for fenced area on east end of 138 Loudon Avenue.
16. Discuss proposed access for 130 Loudon Avenue.
17. Discuss area proposed for public art.
18. Discuss adaptive reuse proposed for 138 Loudon Avenue.
19. Discuss adaptive reuse proposed for 720 Bryan Avenue relative to Article 8-21(o)(4) of the Zoning Ordinance.

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant's representative, requesting postponement of DP 2016-12: LOUDON PARK ADDITION, BLOCK 2, LOTS 3-10 to the April 14, 2016, 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. Plumlee and carried 8-0 (Brewer, Mundy and Smith absent) to postpone DP 2016-12: LOUDON PARK ADDITION, BLOCK 2, LOTS 3-10 to the April 14, 2016, Planning Commission meeting.

IV. LAND SUBDIVISION ITEMS - The Subdivision Committee met on Thursday, March 3, 2016, at 8:30 a.m. The meeting was attended by Commission members: Karen Mundy, Mike Owens, Will Berkley, Carolyn Plumlee and Joseph Smith. Committee members in attendance were: Hillard Newman, Division of Engineering; and Casey Kaucher, Division of Traffic Engineering. Staff members in attendance were: Jim Duncan, Director; Bill Sallee; Tom Martin; Cheryl Gallt; Denice Bullock; Kelly Hunter; Dave Jarman; 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.*

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 the items listed. (A copy of the Consent Agenda is attached as an appendix to these minutes).

1. PLAN 2016-4F: GREENDALE HILLS, UNIT 2-C (4/3/16)* - located at 2930 Spurr Road (a portion of).
(Council District 2) **(EA Partners)**

Note: The Planning Commission postponed this item at their February 11, 2016, meeting.

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 area (sinkhole area).

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

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. Resolve non-buildable area plan notes per Article 6-11(a)(4)(g) 1 & 2 of the Land Subdivision Regulations
10. Resolve shaded area as a sinkhole-related non-buildable area.
11. Resolve tree protection/tree canopy areas on property.

2. PLAN 2016-13F: PEMBERTON FARM, LOT 4 (BLUEGRASS BUSINESS PARK) & BURKE, HOCKENSMITH, MAGGARD, ET AL) (AMD) (5/1/16)* - located at 2221 & 2151 Georgetown Road.
(Council District 2) **(Arnold Consulting)**

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

The Subdivision Committee Recommended: **Approval**, subject to the revised conditions:
1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Darken all information shown on plat regarding easements and adjoining property.

3. PLAN 2016-14F: CLARK PROPERTY, UNIT 3-B, LOT 38 (AMD) (5/1/16)* - located at 2184 Milestone Way.
(Council District 12) **(EA Partners)**

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

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:
1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Addition of street tree and tree canopy information.
8. Denote exaction information on plan to the approval of the Division of Planning.

4. PLAN 2016-15F: THE FAIRWAYS @ ANDOVER (FORKER PROPERTY) (UNIT 1-C) (AMD) (5/1/16)* - located at Autumn Ridge Drive and Marco Lane. (Council District 6) **(EA Partners)**

Note: The purpose of this amendment is to depict the revised floodplain and to remove applicable notes and restrictions from the previous area of the property shown as a floodplain.

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. Division of Water Quality's approval of revision to environmentally sensitive areas.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Addition of signatures for property owner(s).
9. Denote Letter of Map Revision effective date and other pertinent information to the approval of the Division of Water Quality.

Note: Mr. Sallee said that the next item listed on the Consent Agenda had a waiver request, which would require that it be presented to the Commission for their consideration. Therefore, this item would need to be removed from the Consent Agenda.

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

5. PLAN 2016-17F: CADENTOWN SUBDIVISION (JOHN E. MINK PROPERTY) (AMD) (5/1/16)* - located at 2833 Liberty Road. (Council District 6) **(Vision Engineering)**

Note: The purpose of this amendment is to subdivide one split-zoned lot into two lots along the existing zone line.

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. 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.
10. Denote Urban County Engineer's certification on plan.
11. Denote anticipated timing of Campbell Lane right-of-way closure on plan.
12. Clarify extent and timing of any required public infrastructure at the end of Campbell Lane.

Mr. Sallee continued reading the following plan (remaining) on the Consent Agenda.

6. DP 2016-7: BEAUMONT FARM, UNIT 1, SECTION 5, LOT 10 (4/3/16)*- located at 980 Midnight Pass. (Council District 10) **(Abbie Jones Consulting PSC)**

Note: The Planning Commission postponed this item at their February 11, 2016, meeting.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:
1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Division of Waste Management's approval of refuse collection locations.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Clarify vicinity map.
10. Addition of sidewalks on property to street right-of-way.
11. Clarify sidewalks (if any) from sides or rear of building.
12. Delete note #9.
13. Delete notes #12 & #13 and renumber general notes.
14. Addition of "conditional zoning restrictions" on plan.
15. Clarify and expand sidewalk width near entrance canopy locations identified in front of structure to the approval of the Bike & Pedestrian Planner.
16. Clarify height and use of proposed building in the rear (between pool and conference room).
17. Relocate proposed access point, across from Lake Crest Circle, to the originally approved location, per ZDP 2014-67.

7. DP 2016-14: BLUEGRASS BUSINESS PARK, LOT 4 (PEMBERTON FARM) & BURKE, HOCKENSMITH, MAGGARD, ET AL. PROPERTY (AMD) (5/1/16)* - located at 2221 & 2151 Georgetown Road. (Council District 2) **(Arnold Consulting)**

Note: The purpose of this amendment is to add building floor area and gates on the property, and revise storm water basin locations.

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 and steep slope note on 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.

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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. Correct spelling in note #8.
12. Delete note #11.
13. Denote the Royal Spring Aquifer Committee's approval and recommended protection requirements.

8. DP 2016-15: HOWARD & HEAFEY PROPERTY, LOT 3 (AMD) (5/1/16)* - located at 1134 Winchester Road. (Council District 5) **(CMW, Inc.)**

   Note: The purpose of this amendment is to increase buildable area, and to revise parking and circulation on Lot 3.

   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. Correct size of building in site statistics on Lot 3 (1850 sq. ft.).
   11. Clarify parking required site statistic for Lot 3.

9. DP 2016-16: ARCADIA INVESTMENTS, LOTS 3 & 4 (AKA MEADOWTHORPE MANOR) (AMD) (5/1/16)* - located at 1590, 1600 and 1610 Leestown Road. (Council District 2) **(The Roberts Group)**

   Note: The purpose of this amendment is to add 218 square feet of floor area, and to revise the parking layout and site statistics.

   The Subdivision Committee Recommended: **Approval**, subject to the following conditions:
   1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
   2. Urban County Traffic Engineer's approval of street cross-sections and access.
   3. Building Inspection's approval of landscaping and landscape buffers.
   4. Addressing Office's approval of street names and addresses.
   5. Urban Forester's approval of tree preservation plan.
   6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
   7. Division of Waste Management's approval of refuse collection locations.
   8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
   9. Addition of pedestrian crosswalk near 168 sq. ft. addition at pharmacy drive-through.

10. DP 2016-17: GARDENSIDE SHOPPING CENTER, PARCEL 3 (PEARSON & TRAPP PROPERTY) (AMD) (5/1/16)* - located at 1808 Alexandria Drive. (Council District 11) **(The Roberts Group)**

   Note: The purpose of this amendment is to add 1,500 square feet to the front of the building.

   The Subdivision Committee Recommended: **Approval**, subject to the following conditions:
   1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
   2. Urban County Traffic Engineer's approval of street cross-sections and access.
   3. Building Inspection's approval of landscaping and landscape buffers.
   4. Addressing Office's approval of street names and addresses.
   5. Urban Forester's approval of tree preservation plan.
   6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
   7. Division of Waste Management's approval of refuse collection locations.
   8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
   9. Document 25% difference in "parking floor area" site statistic, prior to plan certification.

11. DP 2016-18: SAND LAKE & ESTES PROPERTY (LOT 3) (AUTOZONE) (AMD) (5/1/16)* - located at 120 Sand Lake Drive. (Council District 7) **(Prism Engineering)**

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Note: The purpose of this amendment is to increase the building size and revise the layout on Lot 3.

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. Remove note stating "No building permit shall be issued unless and until a final development plan is approved by the Planning Commission."
11. Clarify tree canopy requirements on plan for Lot 3.
12. Documentation of release of easement prior to plan certification.
13. Resolve how the property will comply with the requirements of the Richmond Road Corridor Ordinance.

In conclusion, Mr. Sallee said that the items identified on the Consent Agenda, with the exception of PLAN 2016-17F: CADENTOWN SUBDIVISION (JOHN E. MINK PROPERTY) (AMD), could be considered for conditional approval at this time by the Commission, as recommended by the Subdivision Committee, unless there is 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 item listed on the Consent Agenda. There was no response.

Action - A motion was made by Ms. Plumlee, seconded by Mr. Wilson and carried 8-0 (Brewer, Mundy and Smith absent) to approve the items listed on the Consent Agenda, as recommended by the Subdivision Committee, noting the removal of PLAN 2016-17F: CADENTOWN SUBDIVISION (JOHN E. MINK PROPERTY) (AMD).

B. DISCUSSION ITEMS – Following requests for postponement, withdrawal and no discussion items, the remaining items were 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 2015-137F: BOONESBOROUGH MANOR SUBDIVISION, UNIT 1 (AMD) (3/10/16)* - located at 5354 Athens-Boonesboro Road. (Council District 12) **(Fred Eastridge/Wes Witt)**

Note: The Planning Commission postponed this item at their December 10, 2015; January 14, 2016 and February 11, 2016, meetings. The purpose of this amendment is to create Section 2, Lot 1 and dedicate Doe Run Trail right-of-way.

The Subdivision Committee Recommended: **Postponement**. The acceptance of a private street into the public system must follow a formal procedure, including review by the Chief Administrative Officer prior to Planning Commission consideration. Documentation of that review has not yet been provided to the staff.

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.

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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. Department of Environmental Quality's approval of environmentally sensitive areas (steep slopes).
9. Addition of Athens-Booneboro Road cross-section.
10. Denote building line for Lot 1, Section 2.
11. Addition of maintenance note per Article 5-4(g).
12. List all private utility providers per Article 5-4(e).
13. Denote Council Resolution accepting the street as public right-of-way.
14. Discuss right-of-way along the front of Section 2, Lot 1.

Staff Presentation – Mr. Hunter introduced the amended final record plat for PLAN 2015-137F: BOONESBOROUGH MANOR SUBDIVISION, UNIT 1 (AMD), located at 5354 Athens-Boonesboro 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 just off Athens-Booneboro Road, near the on- ramp to I-75. He said that Doe Run Trail is located directly off Athens-Booneboro Road and separates the Speedway Super America gas station and the Marathon gas station. The purpose of this amendment is to create Section 2, Lot 1 and dedicate Doe Run Trail right-of-way as a public street.

Mr. Hunter explained that this item had been postponed several times because Doe Run Trail had not been inspected or accepted by the by the Chief Administrative Officer of the LFUCG. Yesterday, the staff had received an email correspondence from Mr. Chester Hicks, who stated that, within the next month, the dedication of Doe Run Trail would be acceptable, and should be placed on the Council docket for 1st reading. He pointed out on the rendering that Doe Run Trail is only partially constructed.

Mr. Hunter said that he would try to answer any questions regarding the final record plat listed on today's agenda.

Representation – Fred Eastridge was present representing the applicant. He indicated that they are in agreement with the staff's recommendation and requested approval.

Staff Comment – Mr. Martin directed the Commission's attention to the list of conditions on today's agenda, and said that condition #14 could be changed to read: "Resolve right-of-way along the front of Section 2, Lot 1.

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

Action - A motion was made by Mr. Cravens, seconded by Ms. Richardson and carried 8-0 (Brewer, Mundy and Smith absent) to approve PLAN 2015-137F: BOONESBOROUGH MANOR SUBDIVISION, UNIT 1 (AMD), as presented by the staff.

b. PLAN 2016-17F: CADENTOWN SUBDIVISION (JOHN E. MINK PROPERTY) (AMD) (5/1/16)* - located at 2833 Liberty Road. (Council District 6) **(Vision Engineering)**

Note: The purpose of this amendment is to subdivide one split-zoned lot into two lots along the existing zone line.

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. 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.
10. Denote Urban County Engineer's certification on plan.
11. Denote anticipated timing of Campbell Lane right-of-way closure on plan.
12. Clarify extent and timing of any required public infrastructure at the end of Campbell Lane.

Staff Presentation – Mr. Jarman introduced the amended final record plat for PLAN 2016-17F: CADENTOWN SUBDIVISION (JOHN E. MINK PROPERTY) (AMD), located at 2833 Liberty Road. The purpose of this amendment is to subdivide one split-zoned lot into two lots. He directed the Commission's attention to a rendering of this plan to orient them

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to the location of the subject property and the nearby street system. He indicated that the subject property is located at the northern corner of Liberty Road and Campbell Lane, not far from Man o' War Boulevard and Todds Road.

Mr. Jarman said that Tract 1, which is the proposed kennel and veterinary clinic, is zoned B-4 and tract 2 is zoned R-4. He then said that there are existing residential lots along Campbell Lane, adding that Campbell Lane terminates near Tract 2. He added that Tract 2 is part of the zoning development plan (ZDP 2016-5) that the Commission approved on January 28th of this year, as part of the zone change (MAR 2016-3). He explained that this request was associated with the Brighton 3050 zoning development plan, which was a petition for a zone map amendment from a Single Family Residential (R-1D) zone to a High Density Apartment (R-4) zone, for Tract 2, and is part of the expansion of an existing apartment complex.

Mr. Jarman said that the Subdivision Committee had recommended approval of this request, subject to the conditions listed on today's agenda. He briefly explained that conditions #1-9 are typical sign-off requirements from the different Divisions of the LFUCG; and the remaining conditions are "cleanup" items that will be addressed prior to the final record plat being certified.

Planning Commission Questions - Mr. Penn asked if there is public access service road between Tract 1 and Tract 2. Mr. Jarman replied that there is a fire gate between the two tracts, but no public access.

Waiver Report – Mr. Martin directed the Commission's attention to the staff report, and said that the applicant has requested a waiver to Articles 4-7(d)(1), 4-7(d)(9), 4-8, 6-2(a), 6-6(b) and 6-10(b) of the Land Subdivision Regulations, pertaining to the required substantial completion of public infrastructure, more specifically the provision of public sanitary sewer facilities to a subdivision prior to the recordation of a Final Record Plat.

Mr. Martin said that without considerable work and design, and due to existing topographic issues, the applicant cannot provide public sanitary sewer service to Tract 1. The other option would be to tie the Tract 1 sanitary sewer line into one located on the west side of Liberty Road, which also presents its own set of challenges. He said that when the final development plan for Tract 1 is submitted for review, at that time the sanitary sewer would be provided.

Mr. Martin said that Tract 2 can be sewered and will be incorporated into the overall development of the apartments. He then said that there is a final development plan for Tract 2 that is addressing the termination of Campbell Lane. He added that the applicant has submitted their information to the City to initiate the closure process of Campbell Lane. As for street trees, they are required along residential properties on a local street; however, since Campbell Lane will be closed, the property will need to meet the minimum (20%) canopy requirement, which will make street trees unnecessary for this proposed subdivision. He added that, due to the topography of the land and the issues of Liberty Road, the waiver for public sewer is justified for the subject property.

Mr. Martin said that the applicant has also requested a waiver of the Article 4-7(d)(9), which is the surety warranty requirements of the Land Subdivision Regulations. He then said that staff has never supported this waiver in the past and is recommending disapproval of it at this time. The warranties are a standard practice in the process of constructing and dedicating required public improvements. He said that bonding/surety of public improvements is the instrument that guarantees that the required public infrastructure will be constructed in compliance with the Land Subdivision Regulations.

Mr. Martin said that the staff could try and answer any questions regarding the final record plat listed on today's agenda.

Representation – Richard Murphy, attorney, was present representing Dr. Michael Gentry, who is purchasing the property. He said that, as the staff had pointed out, the lot on Liberty Road will be for the kennel and veterinary clinic (Tract 1) and the lot on Campbell Lane (Tract 2) will be conveyed to RML Construction, an affiliate of Ball Homes. He then said that the true purpose of this plat is to create that lot, so it can then be conveyed to Ball Homes. It's not dissimilar to a non-building plat. He noted that he had spoken with his client and he was agreeable to post the required sureties for the plat on this property.

Mr. Murphy directed the Commission's attention to condition #12 and asked if the wording could be changed to read: "~~Clarify~~ Resolve extent and timing of any required public infrastructure at the end of Campbell Lane at time of the final development plan for the RML Property." He said that a final development plan for Tract 1 has been submitted for review, and the closure for Campbell Lane has been filed with the City. With that being said, they are in agreement with the staff's recommendation and requested reapproval, subject to the conditions listed on today's agenda, modifying condition #12.

Planning Commission Questions – The Chair asked if Mr. Murphy wanted to resolve condition #12 at the final development plan. Mr. Murphy indicted that this should be resolved at the final development plan for the RML Property, Tract 2.

Mr. Penn asked if the sewer on Ball Homes property would be connected to the kennel and veterinary clinic. Mr. Murphy replied negatively, and said that he believed it will be separate, coming in from another complex.

Staff Comments – Mr. Jarman said that the staff is agreeable to changing the wording in condition #12.

Planning Commission Comment – The Chair asked for guidance as to how to word the motion. Mr. Sallee explained that the Commission may either consider the waiver and the plan together in one motion or separate out the waiver request from the Final Record Plat. He said that the plat would refer to today's date in the plan certification, and the minutes will have the complete discussion of everything that has been considered; plus, the staff report that was presented to the Commission will be placed in the minutes, making it clear for the record. He then said that to clarify, Tract 2, for the RML Property, does currently have access to a sewer line through a manhole in Campbell Lane. The subdivision of the Liberty Road lot is creating the need for the waiver.

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

Action - A motion was made by Mr. Cravens, seconded by Mr. Berkley and carried 8-0 (Brewer, Mundy and Smith absent) to approve PLAN 2016-17F: CADENTOWN SUBDIVISION (JOHN E. MINK PROPERTY) (AMD), as presented by the staff, changing condition #12 to "resolve."

Action - A motion was made by Mr. Cravens, seconded by Mr. Berkley to approve the waiver for PLAN 2016-17F: CADENTOWN SUBDIVISION (JOHN E. MINK PROPERTY) (AMD), for the following reasons:

1. Granting the requested waivers will not adversely affect public health and safety, as the properties will be developed under the approved final development plan. The sanitary sewer will be provided prior to occupancy of both the kennel and the apartment building.
2. Not granting the requested waiver would constitute an exceptional hardship to the applicant, by requiring the applicant to address the topographic grade issues prior to actually developing the subject property.

This recommendation is subject to the following condition:

a. The applicant will post a Performance/Warranty Surety in conformance with the Land Subdivision Regulations to cover 100% of the construction costs of the public improvements.

And disapprove the waiver of Article 4-7(d)(9), for the following reasons:

1. The requested waiver does not meet the intent of the Land Subdivision Regulations in protecting public health and safety by ensuring the timely completion of the required public improvements.
2. The applicant has not demonstrated any hardship associated with posting a surety as normally required by the Land Subdivision Regulations.

The motion carried 8-0 (Brewer, Mundy and Smith absent).

2. DEVELOPMENT PLANS

a. DP 2015-114: BROOKHAVEN SUBDIVISION (AMD) (3/10/16)* - located at 2434 and 2450 Nicholasville Road & 100 Malabu Drive. (Council District 4) **(Banks Engineering)**

Note: The Planning Commission postponed this item at their December 10, 2015; January 14, 2016 and February 11, 2016, meetings. The purpose of this amendment is to increase the buildable area for Buildings A, B & C and to revise the parking and circulation.

The Subdivision Committee Recommended: **Postponement.** There were some questions regarding parking compliance for proposed restaurant uses and outdoor site features (from the previous plan), including the orientation of Building C with respect to the street.

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. Correct street frontage and area in right-of-way information.
11. Delete note #9.
12. Denote height of buildings, in feet.
13. Correct note #8.
14. Correct parking statistics for retail uses and restaurant seating.

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

15. Discuss restaurant parking denoted for Buildings A, B & C.
16. Discuss loss of outdoor site features for Building C compared to current plan.
17. Discuss orientation of Building C with respect to Surfside Drive.
18. Discuss stormwater management requirements.

Staff Presentation – Mr. Jarman introduced the amended final development plan for the Brookhaven Subdivision, located at 100 Malabu Drive & 2434 and 2450 Nicholasville Road. The Planning Commission postponed consideration of this item at their December 10, 2015; January 14, 2016 and February 11, 2016, meetings. He said that the purpose of this amendment is to increase the buildable area for Buildings A, B & C (previously approved) and to revise the parking and circulation. He then said that the Subdivision Committee had recommended postponement of this plan, due to questions regarding parking compliance for the proposed restaurant uses and outdoor site features, including the orientation of Building C with respect to the street. However, on March 7th, the staff received a revised submission from the applicant after meeting with them several times to discuss the listed concerns. As a result of the new submission and the prior meetings, the staff could offer a revised recommendation to the Planning Commission for their consideration of this amended final development plan.

Mr. Jarman directed the Commission's attention to a rendering of this revised plan to orient them to the location of the subject property and the nearby street system. He indicated that the subject property is located along Nicholasville Road, between Malabu Drive and Surfside Drive, in the same shopping center as the existing Rite Aid Pharmacy store. He explained that the shopping center is split zoned; the Rite Aid Pharmacy is zoned B-1, and the applicant is proposing to add four buildings on the portion of the shopping center that is zoned B-3. He said that the original submission lacked many features that the revised plan is now offering, such as safer traffic circulation, pedestrian amenities, landscaping and so forth. He then said that the staff was originally concerned with the orientation of and the lack of architectural features for the rear of Building C and Building D along Surfside Drive. However, with the revised submission, in consideration of the various improvements, the staff is recommending 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. Correct street frontage and area in right-of-way information.
11. Delete note #9.
12. Denote height of buildings, in feet.
13. Correct note #8.
~~14. Correct parking statistics for retail uses and restaurant seating.~~
~~15. Discuss restaurant parking denoted for Buildings A, B & C.~~
14. ~~16.~~ ~~Discuss~~ Resolve the loss of outdoor site features for Building C compared to current plan.
15. ~~17.~~ ~~Discuss~~ Submission of a detailed landscape plan to mitigate the orientation of Building C with respect to Surfside Drive, to the approval of the Division of Planning.
~~18. Discuss stormwater management requirements.~~

Mr. Jarman briefly explained that conditions #1-9 are typical sign-off requirements from the different Divisions of the LFUCG; and the remaining conditions are "cleanup" items that will be addressed prior to the plan being certified. He noted that the applicant will need to submit a detailed landscape plan for Buildings C & D for the area along Surfside Drive.

Mr. Jarman said that the staff could answer any questions regarding the final development plan listed on today's agenda.

Planning Commission Question – The Chair asked for more information regarding the loss of features for Building C. Mr. Jarman pointed out Building C on the rendering, and said that Building C is what the applicant had referenced on this plan, as oppose to the original plan. He then said that the current development plan depicted more desirable architectural features and the proposed orientations of the buildings were facing inward, creating a solid blank wall down Surfside Drive. There were no architectural features nor was there any landscaping depicted along the street. However, with the revised submittal, the staff feels that there has been an improvement in these features, which led the staff to recommend approval of the final development plan.

The Chair asked if the outdoor site features were strictly on the back side of Building C. Mr. Jarman replied not necessarily - it also refers to the patio, pavers, sidewalk, architectural features and planters that were shown on the original plan, but were dropped off. The staff believes that pedestrian features, connections and security have been enhanced on the new plan.

The Chair asked if the staff was looking for more information with the submission of a detailed landscape plan, and asked about the architectural features along the back wall of Buildings C & D. Mr. Jarman said that the applicant had supplied renderings to the staff showing the architectural features, and perhaps the applicant could elaborate further.

Representation – Jacob Walbourn, attorney, was present representing the applicant. He explained that this item had been postponed a number of times, and the hotel is no longer proposed on this site. He said that they do believe the hotel is still coming to Lexington - it just will not be at this site. He then said that because of the substantial change to the layout and the issues with the first plan showing the hotel, he spoke with the staff multiple times and wanted to take this request back through the Subdivision Committee for their review.

Mr. Walbourn said that they are in agreement with the staff's revised recommendation, including the need for a landscaping plan. With respect to Building D, he displayed a rendering from Surfside Drive, and said that there is a retaining wall that goes along Surfside Drive that obscures the building; whereas, Building C is street level and will have landscaping. He submitted landscape renderings to the Commission for their review and said that the area will be treed, with landscaping added to the satisfaction of the Planning Staff. He requested approval, subject to the conditions listed on today's agenda.

Planning Commission Question – The Chair asked for more detail to the" backside" building materials proposed for Buildings C & D. Mr. Walbourn said that the top material will be more stucco than metal. Lewis Morris was present representing the owner. He explained that they are proposing to have some type of masonry ¼ ways up the building, then some type of stucco for the remaining ¾ area up to the roof line.

The Chair asked if there will be some type of breaks in the rear building walls. Mr. Morris replied affirmatively.

Ms. Plumlee asked how tall the wall is, to which Mr. Morris replied it is proposed to be 20 to 25 feet in height.

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 8-0 (Brewer, Mundy and Smith absent) to approve DP 2015-114: BROOKHAVEN SUBDIVISION (AMD), as presented by the staff.

b. DP 2016-11: TURFLAND MALL (TRACT 2 & OUTLOT D) (AMD #26) (4/3/16)*- located at 2033, 2097 and 2195 Harrodsburg Road. (Council District 11) **(EA Partners)**

Note: The Planning Commission postponed this item at their February 11, 2016, meeting. The purpose of this amendment is to revise the building and parking layout and to create two outlots.

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 location of existing storm sewer in southeast corner of property.
11. Addition of contour intervals and source on plan.
12. Dimension public space areas.
13. Discuss stormwater management planned for the development.
14. Discuss vehicular stacking for drive-throughs.

Staff Presentation – Mr. Hunter introduced the amended final development plan for Turfland Mall (Tract 2 & Outlot D, located at 2033, 2097 and 2195 Harrodsburg Road. He directed the Commission's attention to a rendering of this plan and said that the subject property is located at the southwest corner of Harrodsburg Road and Lane Allen Road. The purpose of this amendment is to revise the building and parking layout and to create two new outlots. He explained that one of outlots will be located along the Harrodsburg Road frontage; while the other outlot is located more toward the center of the shopping center, adding that the building and parking layout toward the rear would also be revised. He pointed out that there are at least three drive-throughs proposed for this development, and the

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stacking of the cars would be situated behind these buildings and cars would exit toward the parking lot and outdoor patio areas.

Mr. Hunter said that the Subdivision Committee recommended approval of this final development plan, subject to the conditions listed on today's agenda. He briefly explained that conditions #1-9 are typical sign-off requirements from the different Divisions of the LFUCG; and the remaining conditions, with the exception of conditions #13 and #14, are "cleanup" items that will be addressed prior to the final record plat being certified. He said that the staff was unaware of any stormwater problems downstream; but with the size of this development, following consultation with local officials, there needs to be some type of stormwater management plan in place. The applicant would need to discuss this with the LFUCG Division of Water Quality. He said that, as for the vehicular stacking for drive-throughs, the applicant had discussed this issue with the Division of Traffic Engineering; and there will be a 30-foot lane added between the existing UK Health Care Facility and the proposed buildings.

Mr. Hunter said that the staff could answer any questions regarding the final development plan listed on today's agenda.

<u>Planning Commission Question</u> – The Chair said that as far as stormwater management, there are no problems downstream and this is a large area. Mr. Hunter said that the staff would like to see some type of water quality feature provided in the middle of the development. Mr. Martin said that Turfland Mall must meet the same standards as Brookhaven Plaza, the previous development plan that was presented at today's meeting. He then said that Brookhaven has no known downstream flooding, and that development is decreasing its impervious area by creating more "greenspace," so with the size of this proposed development, it is subject to the same water quality standards as Brookhaven Plaza. He added that this development is largely the same as it was when it was the mall, the same amount of impervious surfaces. It is just basically a parking lot with some landscaping throughout the site. He said that the staff has concerns as to whether or not the new landscape islands at the center are impervious or landscaped. He then said that the applicant will need to submit a detailed infrastructure plan to the Division of Engineering to show whether or not there will be underground detention or best management practices, or if there is to be a reduction in impervious surfaces. He added that, in speaking with both the applicant and the Division of Engineering, condition #13 can be changed to "resolved."

<u>Representation</u> – Rory Kahly, EA Partners, was present representing the applicant. He said that they are in agreement with the staff recommendation, adding that he believed both conditions #13 and #14 could be resolved. He indicated that they understood they would need to address the stormwater once they are in the construction aspects of this redevelopment. He noted that this site currently has impervious surfaces, but they are making the situation better by adding more green areas. With that being said, he requested approval.

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

<u>Planning Commission Questions</u> – The Chair asked if the Division(s) of Engineering and Traffic Engineering were in agreement with conditions #13 and #14. Mr. Neal and Mr. Newman both indicated their agreement with this plan.

<u>Action</u> - A motion was made by Mr. Wilson, seconded by Ms. Richardson and carried 8-0 (Brewer, Mundy and Smith absent) to approve <u>DP 2016-11: TURFLAND MALL (TRACT 2 & OUTLOT D) (AMD #26)</u>, as presented by the staff, changing conditions #13 and #14 to "resolve."

C. **<u>PERFORMANCE BONDS AND LETTERS OF CREDIT</u>** – A motion was made by Mr. Cravens, seconded by Ms. Plumlee, and carried 8-0 (Brewer, Mundy and Smith absent) to approve the release and call of bonds as detailed in the memorandum dated March 10, 2016, from Barry Brock, Division of Engineering.

VI. **<u>COMMISSION ITEMS</u>** – The Chair announced that any item a Commission member would like to present would be heard at this time.

A. **<u>RURAL LAND MANAGEMENT PLAN COMMITTEE</u>** – The staff will request that the Planning Commission appoint one or two members of the Planning Commission to serve on an advisory committee to update the Rural Land Management Plan. The update is a task identified in the 2013 Comprehensive Plan and will likely take about a year to complete.

<u>Primary Staff Members</u>
Cindy Deitz, Greenspace Planner and staff for the Greenspace Commission
Beth Overman, PDR Director and staff for the Rural Land Management Board

<u>Advisory Committee (to date)</u>
Jamie Millard from the Greenspace Commission
Mariana Moore Marye from the Rural Land Management Board
Charlie Farmer, former USDA Natural Resources District Conservationist

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Note: This will be a working group that will be asked to complete tasks during the update process. The goal is to complete the update before substantial work begins on the Comprehensive Plan update, which will be in about a year. Once complete, the updated RLMP will be presented to the Planning Commission for adoption.

Staff Comments – Mr. Duncan said that the staff had sent the Commission a notice regarding the Commission's appointment of one or two members from the Planning Commission to serve on an advisory committee to update the Rural Land Management Plan. He then said that two other bodies have weighed in with their membership, and the staff would like the Planning Commission to be part of that Committee. He added that staff has been identified and would be working on this plan for the next year or so, and we would be looking for members of the Committee who would be willing to do homework and bring tasks back to follow-up meetings. This Committee would be a worthwhile endeavor; and once the Rural Land Management Plan is completed, it would be presented to the full Commission for adoption.

Planning Commission Comments – The Chair said that Mr. Penn had indicated an interest in this Committee, which Mr. Penn confirmed. The Chair asked if any other member would like to be appointed, to which there was no response. The Chair indicated that since there was no response, he would volunteer to be the second person.

Mr. Penn asked who is initiating this Committee. Mr. Duncan explained that this was identified by the 2013 Comprehensive Plan, and the Rural Land Management Board is a part of this; but this is as much a Planning Committee project, as well. Mr. Penn indicated that he serves on both Boards, and he doesn't want to get crossways here. He asked if it is safe to say that the Planning Commission is initiating this request. Mr. Duncan replied affirmatively and said that is fine.

B. **WORK SESSION** – Mr. Duncan reminded the Commission members of the upcoming work session that is scheduled for March 17, 2016 in the Phoenix Building, 1:30 p.m., 3rd floor conference room. He said that they are expecting a presentation from Commerce Lexington, which was postponed from the last meeting, as we continue to discuss the potential changes to the ED zone. The staff will also have additional items for the Commission at that time.

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

A. SUBDIVISION REGULATIONS TEXT AMENDMENT INITIATION – The staff would request that the Planning Commission initiate a text amendment to the Land Subdivision Regulations in order to modify the limitations for Non-Building Minor Subdivision Plats. The proposed change will enable more properties to qualify for this type of plat, by reducing the acreage requirement and allowing Development Plans to substitute for Subdivision Plans in allowing permits for such properties. If initiated by the Commission, the staff would hope to schedule the requisite public hearing on the change in April.

Staff Presentation – Mr. Sallee distributed a draft copy of the proposed amendment to Articles 2 and 3 of the Land Subdivision Regulations, and said that the last work session, the staff had discussed the possibility of expanding what is allowable as a Non-Building Minor Subdivision plat. The reason the staff is presenting this to the Commission is due to the relatively large increase in waiver requests for properties that wish to go forward without completing the required infrastructure. He then said that for many years, there has been a section in the Subdivision Regulations for a minor plat allowance for large properties, for that purpose. The common term for that type of plan is a "take-down plat." He said that the developer could take a piece of a larger property or all of a property to allow for transfer of ownership, knowing that that property would later be developed, at which time the normal infrastructure procedures would occur -much like the previous plan the Commission had reviewed earlier today and approved such a waiver.

Mr. Sallee said that the staff is suggesting two possible changes with the text amendment. One is to reduce the acreage requirement for that plat. In most cases, currently there is a 10-acre minimum, and the staff would suggest taking the acreage size to as low as 1 acre, except in the case of where the zone requires a much larger minimum lot size than 1 acre. That change would impact three or four zones, and it would make no sense, from the staff's perspective, to allow a parcel smaller than the minimum lot size allowed in those particular zones. He said that rather than a 10-acre requirement, the staff would suggest a 1-acre requirement or the minimum lot size allowed in those zones, whichever is greater.

Mr. Sallee then said that the second change is to allow a development plan to substitute for a record plat, in terms of allowing development to proceed on such property. He said that these days that is a more common occurrence for the Commission than receiving a follow up Final Record Plat. Again, this was designed in the era of large farms being developed into subdivisions; and now we are seeing much more of a focus on infill and redevelopment and those properties being developed. He said that the development plan procedure is common, if not more common, than the subdivision procedure is now for that. He then said that there is a corollary change required in Article 3 of the Land Subdivision Regulations - just to alter the common note that goes on this type of plan. He explained that that note will hopefully state that no building permits can be issued off of this type of minor plat, unless and until the Planning Commission later approves a subdivision plan or a development plan for that property; and that is the vehicle by which permits can be issued.

Mr. Sallee said that if the Commission was inclined to initiate this SRA today, there would be a full staff report for the next Committee meetings at the beginning of April, and then the staff would proceed to schedule the required public hearing in the future, with the Committee's approval.

Mr. Sallee said that the he could answer any questions regarding this text amendment.

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

Action - A motion was made by Mr. Cravens, seconded by Ms. Plumlee and carried 8-0 (Brewer, Mundy and Smith absent) to initiate the text amendment to Article(s) 2 & 3 of the Land Subdivision Regulations in order to modify the limitations for Non-Building Minor Subdivision Plats.

VI. COMMISSION ITEMS *(cont.)*

C. REQUEST FOR CLOSED SESSION – The Chair said that at this time, the staff of the Law Department had requested that the Commission enter into closed session to discuss a matter of pending litigation.

Action - A motion was made by Mr. Wilson, seconded by Ms. Richardson, and carried 8-0 (Brewer, Mundy and Smith absent) to enter into closed session at 2:31 p.m.

Note: The meeting reconvened in open session at 2:53 p.m.

Action - A motion was made by Mr. Penn, seconded by Ms. Richardson, to instruct the Law Department not to move forward with the matter of litigation with Skyway Towers, LLC.

The Chair confirmed that the motion on the floor is to not further the appeal.

The motion carried 8-0 (Brewer, Mundy and Smith absent).

VIII. AUDIENCE ITEMS – There were none.

IX. NEXT MEETING DATES

Work Session, Thursday, 1:30 p.m., 2nd Floor Council Chambers ....March 17, 2016
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers ....**March 24, 2016**
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) ....March 30, 2016
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) ....April 7, 2016
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building) ....April 7, 2016
Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers ....**April 14, 2016**

X. ADJOURNMENT - There being no further business, the Chair adjourned the meeting at 2:55 PM.

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Mike Owens, Chair

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Will Berkley, Secretary

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