

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

April 14, 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; Carolyn Plumlee; Carolyn Richardson; Frank Penn; Bill Wilson; Karen Mundy, Patrick Brewer (arrived at 1:31 p.m.) and Joe Smith. David Drake was 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; Casey Kaucher, 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** – The minutes of the March 10, 2016, meeting were considered by the Planning Commission at this time.

Action - A motion was made by Mr. Cravens, seconded by Ms. Richardson and carried 9-0 (Brewer and Drake absent) to approve the minutes of the March 10, 2016, meeting

Note: Mr. Brewer arrived at this time.

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

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

Note: The Planning Commission postponed this item at their March 10, 2016, meeting.

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

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. 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 May 12, 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.

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

Action - A motion was made by Mr. Penn, seconded by Ms. Mundy and carried 10-0 (Drake absent) to postpone DP 2016-19: INTERCHANGE SERVICE CENTER, LOT 8B to the May 12, 2016, Planning Commission meeting.

2. DP 2016-39: WYNNDALE SUBDIVISION (6/5/16)* - located at 1580 Higbee Mill Road.
(Council District 9)

(Vision Engineering)

Note: The purpose of this amendment is to depict a townhouse development with the required parking on the subject property.

The Subdivision Committee Recommended: Postponement. There are still questions regarding the plan's compliance with the Land Subdivision Regulations, including its impact on the floodplain and the need for a dimensional variance.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping, and landscape buffers and required arterial screening.
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. Resolve difference between 20' access easement along east property line and correct base roadway information on plan.
12. Denote height and location of any proposed retaining walls in feet.
13. Delete note #10.
14. Delete reference to A-1 zone parking in site statistics.
15. Denote reference to Article 19 to the approval of Water Quality.
16. Identify location of "interior landscaping proposed" on plan (1845 sq. ft.).
17. Addition of a label for patios (not decks) in rear yard of proposed townhouses.
18. Discuss improvements to Higbee Mill Road along entire frontage.
19. Discuss frontage and access requirements for proposed townhouse lots.
20. Discuss floodplain setback and possible need for a variance.
21. Discuss impact on floodplain, easements and floodway.
22. Discuss maintenance responsibility for common areas and/or ~~private street~~ access easement.
23. Discuss parking generator provided versus number of bedrooms proposed.
24. Discuss landscaping next to R-1C properties.
25. Discuss justification for use of an access easement instead of a private street.
26. Discuss possibility of HOA maintenance responsibilities.
27. Discuss timing of CLOMR and/or LOMR.
28. Discuss proposed Lot 22 and revise open space in site statistics for Lots 1-21.
29. Discuss note #11 regarding rain gardens, and discuss their location.

Representation – Matt Carter, Vision Engineering, was present representing the applicant, and requested postponement of DP 2016-39: WYNNDALE SUBDIVISION to the April 28, 2016, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. Janet Cabaniss, residing at 704 Cumberland Road, asked if the postponement request was for only two weeks. The Chair replied affirmatively. Ms. Cabaniss asked if the Planning Commission hearing would be April 28th, which the Chair confirmed.

Action - A motion was made by Mr. Wilson, seconded by Mr. Cravens and carried 10-0 (Drake absent) to postpone DP 2016-39: WYNNDALE SUBDIVISION to the April 28, 2016, Planning Commission meeting.

The Chair asked that Mr. Carter stay in touch with the neighborhood on this item. Mr. Carter replied that they would.

3. DP 2016-12: LOUDON PARK ADDITION, BLOCK 2, LOTS 3-10 (4/14/16)* - 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 and March 10, 2016, meetings. 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

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

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

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

Representation – Mark McCain was present representing the applicant, and requested postponement of DP 2016-12: LOUDON PARK ADDITION, BLOCK 2, LOTS 3-10 to the May 12, 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. Brewer, seconded by Mr. Smith and carried 8-0 (Drake absent) to postpone DP 2016-12: LOUDON PARK ADDITION, BLOCK 2, LOTS 3-10 to the May 12, 2016, Planning Commission meeting.

4. DP 2016-29: TUSCANY, UNIT 1, LOT 169 (YMCA PROPERTY) (AMD) (6/5/16)* - located at 2681 Old Rosebud Road. (Council District 6) **(Brandstetter Carroll)**

Note: The purpose of this amendment is to alter the location of one entrance to Old Rosebud Road.

The Subdivision Committee Recommended: **Postponement**. The plan was not represented by the project engineer.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Denote name and address of developer on plan.
10. Denote 25' floodplain setback with dashed lines.
11. Denote information for adjacent Lot 168 on plan, per approved BOA site plan.
12. Supplement building dimensions for YMCA building on plan.
13. Denote address of property in plan title.
14. Correct notes #4 & #9.
15. Denote height of building in feet.
16. Correct Commission's certification, per Article 21-6(a)(16) requirements.
17. Delete notes #7, #8 & #12 and reorder notes.
18. Remove "DP 2006-84" from title block.
19. Correct owner's certification title.
20. Addition of bike and pedestrian easement on plan.
21. Correct note #1 to reference stormwater management.
22. Discuss need for drainage easement from Pascoli Place.

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant's representative, requesting postponement of DP 2016-29: TUSCANY, UNIT 1, LOT 169 (YMCA PROPERTY) (AMD) to the May 12, 2016, Planning Commission meeting.

* - 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 Ms. Plumlee, seconded by Mr. Wilson and carried 10-0 (Drake absent) to postpone DP 2016-29: TUSCANY, UNIT 1, LOT 169 (YMCA PROPERTY) (AMD) to the May 12, 2016, Planning Commission meeting.

IV. LAND SUBDIVISION ITEMS - The Subdivision Committee met on Thursday, April 7, 2016, at 8:30 a.m. The meeting was attended by Commission members: Frank Penn, 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: Bill Sallee; Tom Martin; Traci Wade; Cheryl Gallt; Denice Bullock; Kelly Hunter; Dave Jarman; Captain Greg Lengal and Lieutenant Joshua Thiel, Division of Fire & Emergency Services; and Tracy Jones and Andrea Brown, 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 staff has recommended reapproval of one item and the Subdivision Committee had recommended conditional approval for the remaining items listed. (A copy of the Consent Agenda is attached as an appendix to these minutes).

1. PLAN 2016-28F: SEBASTIAN PROPERTY, UNIT 1, SECTION 3 (AMD) (6/5/16)* - located at 2922 Peaks Mill Drive. (Council District 2) **(EA Partners)**

Note: The purpose of this amendment is to create 27 lots, dedicate public right-of-way and easements, and remove bike path and non-building restrictions.

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. 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. Denote HOA maintenance of Lot 27.
 10. Document that Lot 10 meets the minimum lot size and frontage requirements.
 11. Resolve building line for lot frontage for Lots 8 and 12.
2. PLAN 2015-1F: DENTON FARM, INC., UNIT 1-G, BLOCK J, LOT 32 (AMD) (6/27/16)* - located at 493 Weston Park. (Council District 7) **(John Hill)**

Note: The purpose of this amendment is to subdivide one lot into two lots. The Planning Commission approved this item on January 15, 2015, subject to the following conditions:

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

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

4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. 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. Denote applicable exactions to the approval of the Division of Planning.
9. Correct Urban County Planning Commission's certification.
10. Correct Land Surveyor's certification.
11. Addition of survey monument description and detail.
12. Increase font size for notes to at least match those on the parent plat (Cab. N, Sl. 961).
13. Correct survey notes and plan title plat references (Cab. M, Sl. 832).
14. Review by Technical Committee prior to plan certification.

Note: The Technical Committee reviewed this item on January 28, 2015, addressing condition #14. The applicant now requests a reapproval of this final record plat.

The Staff Recommends: **Reapproval**, subject to the original condition previously required by the Planning Commission on January 15, 2015, removing condition #14.

3. 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, March 10, 2016 and March 24, 2016, meetings. 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).

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.

Mr. Sallee noted that DP 2012-89: NEWMARKET PROPERTY, PHASE I, UNIT 10 requires the posting of a sign and an affidavit to be submitted, as well as the Commission finding that this item complies with the Expansion Area Master Plan. The affidavit was presented to the staff prior to the meeting, which appears to be in order; and the staff distributed the necessary finding(s) for the Commission to consider.

4. DP 2016-27: SCHROYER PROPERTY, LOTS 3 & 4 (6/5/16)* - located at 1009 and 1017 Wellington Way.
(Council District 10) **(Banks Engineering)**

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping 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 note #15 timing of consolidation plat recordation and development plan certification.

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10. Addition of record plat designation on plan, or in title block.
 11. Delete note #12.
 12. Denote access point for construction vehicles on plan.
 13. Denote height of building in feet.
 14. Correct site statistics for building coverage and length of street.
 15. Label location of outdoor restaurant seating on plan.
 16. Label zoning for adjacent property, per Preliminary Development Plan.
 17. Show entrance points to adjacent property.
 18. Resolve proposed dumpster location and impact on parking.
 19. Denote Board of Adjustment approval date for a dimensional variance.
5. DP 2016-31: MAN O' WAR, UNIT 2A, SECTION 2, LOT A2 (AMD) (6/5/16)* - located at 1973 Bryant Road.
(Council District 6) **(EA Partners)**

Note: The purpose of this amendment is to add 1,875 sq. ft., a covered patio, and to relocate the dumpster and parking.

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. Dimension covered area and patio.
 10. Document compliance with tree canopy (Art. 26) requirements, prior to certification.
6. DP 2016-32: GESS PROPERTY, UNIT 8 (AMD) (6/5/16)* - located at 4115 Sperling Drive
(Council District 7) **(EA Partners)**

Note: This plan requires the posting of a sign and an affidavit of such. The purpose of this amendment is to revise the multi-family residential development of Phase II.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Provided the Planning Commission makes a finding that the plan complies with the Expansion Area Master Plan.
12. Denote Phase I and Phase II areas.
13. Clarify purpose of amendment note.
14. Denote height of buildings in feet.
15. Addition of uses to be conducted in Community Center Clubhouse area.
16. Update floodplain map information on plan.
17. Resolve notes to be omitted and status of note requirements.

Mr. Sallee noted that DP 2016-32: GESS PROPERTY, UNIT 8 (AMD) requires the posting of a sign and an affidavit to be submitted. The affidavit was presented to the staff prior to the meeting, and it appears to be in order. He added that the staff had provided the Commission the necessary finding(s) demonstrating that this item complies with the Expansion Area Master Plan.

7. DP 2016-33: QUANTRELL REALTY COMPANY (AMD) (6/5/16)* - located at 2228 Young Drive and 1440 East New Circle Road. (Council District 5) **(EA Partners)**

Note: The purpose of this amendment is to add 2228 Young Drive to the plan, and add two buildings and space for new car display.

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

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 record plat information on plan.
 11. Denote required landscaping/buffering for adjacent R-4 zone.
 12. Denote height of buildings in feet.
 13. Document how tree canopy requirement (20%) will be met.
 14. Resolve stormwater easement conflict with proposed 3,700 sq. ft. building.
 15. Resolve need for pedestrian connectivity to Young Drive.
 16. Resolve stormwater management proposed for site.
8. DP 2016-35: HAMBURG EAST, LOT 4B (AMD) (6/5/16)* - located at 2500 Polo Club Boulevard.
(Council District 12) **(Vision Engineering)**

Note: This plan requires the posting of a sign and an affidavit of such. The purpose of this amendment is to revise the restaurant layout and parking circulation on outlot 4-B.

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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
9. Addition of bearings and distances on all property lines.
10. Denote that the proposed restaurant on Lot 4-B shall comply with Article 23A-9(k)(8) of the Zoning Ordinance.
11. Addition of an interior landscape island along the northwest property line of Lot 4B.
12. Division of Planning's approval of exaction information, including information from current development plan.
13. Provided the Planning Commission makes a finding that the plan complies with the Expansion Area Master Plan.
14. Resolve entrance location adjacent to Fitzgerald Court.
15. Resolve front orientation details for restaurant outlots.
16. Identify sidewalk connection from a public street to Lot 4B restaurant patio area.

Mr. Sallee noted that DP 2016-35: HAMBURG EAST, LOT 4B (AMD) requires the posting of a sign and an affidavit to be submitted. The affidavit was presented to the staff just prior to the meeting, and it appears to be in order. He added that that the staff had provided the Commission the necessary finding(s) demonstrating that this item complies with the Expansion Area Master Plan.

9. DP 2016-36: FRITZ FARM (SUMMIT LEXINGTON) (AMD) (6/5/16)* - located at 4100 Nicholasville Road.
(Council District 4) **(HDR Engineering)**

Note: The purpose of this amendment is to revise the building footprint, square footage and drive-through.

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.

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10. Label landscape buffer area behind homes on Tangleway Way.
11. Denote location of newly constructed right-in/right-out access across Man o' War Boulevard.
12. Denote building setbacks proposed at corner of Habersham Drive and Man o' War Boulevard.
13. Denote spring treatment/protection measures approved by the Division of Engineering on plan.
14. Resolve geometrics of (35' wide) drive-through exit lane proposed.

10. DP 2016-37: THE TOWNHOMES AT JEFFERSON STREET (6/5/16)* - located at 500-512 Maryland Avenue.
(Council District 2) **(CMW, Inc.)**

Note: The purpose of this amendment is to depict 16 townhomes, a restaurant/pub and associated parking.

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. Addition of conditional zoning restriction from December 12, 2015 Planning Commission's approval on plan.
 11. Dimension driveways on plan.
 12. Dimension walkways on plan.
 13. Correct date in note #15.
 14. Clarify extent of plan with solid lines for bounds of plan.
 15. Clarify proposed lot lines for townhomes.
 16. Revise plan title to include "Preliminary Subdivision Plan" in title block.
 17. Denote sidewalk access from townhouse units to Maryland Avenue.
11. DP 2016-40: MILLER-BIRD COMMERCIAL SUBDIVISION, UNIT 1-B, BLOCK B, LOTS 9-18 (AMD) (6/5/16)* - located at 198 Moore Drive. (Council District 10) **(S. Mark McCain, RLA)**

Note: The purpose of this amendment is to depict the existing development on the property and to qualify for a flex-space project, per Art. 8-21(o)(5).

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. Denote plan as "amended" final development plan.
10. Denote topographical contours and source of contours.
11. Denote location of street cross-section on plan.
12. Correct "flex plan note" to read "purpose of amendment."
13. Revise existing tree canopy coverage site statistic (27.8%).
14. Provided the Planning Commission makes a finding that the plan complies with Article 8-21(o)(5) of the Zoning Ordinance.

Mr. Sallee noted that the staff had provided the Commission the necessary finding to demonstrate that this item qualifies for a flex-space project, as required by Article 8-21(o)(5) of the Zoning Ordinance.

12. DP 2016-41: MILLER-BIRD COMMERCIAL SUBDIVISION, UNIT 1-B, BLOCK C, LOTS 18-25 (AMD) (6/5/16)* - located at 2551 Regency Road. (Council District 10) **(S. Mark McCain, RLA)**

Note: The purpose of this amendment is to depict the existing development on the property and to qualify for a flex-space project, per Art. 8-21(o)(5).

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.

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

2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Denote plan as "amended" final development plan.
10. Denote topographical contours and source of contours.
11. Denote location of street cross-section on plan.
12. Correct "flex plan note" to read "purpose of amendment."
13. Clarify that existing trees will be preserved on the site.
14. Provided the Planning Commission makes a finding that the plan complies with Article 8-21(o)(5) of the Zoning Ordinance.

Mr. Sallee noted that the staff had provided the Commission the necessary finding to demonstrate that this item qualifies for a flex-space project, as required by Article 8-21(o)(5) of the Zoning Ordinance.

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

Consent Agenda Discussion – The Chair asked if anyone in the audience or on the Commission desired further discussion of any item listed on the Consent Agenda.

Butch Schroyer requested that DP 2016-27: SCHROYER PROPERTY, LOTS 3 & 4 be removed from the Consent Agenda for further discussion or delayed for 30 days in order to speak to the developer.

Jacob Walbourn, attorney, was present representing the applicant. He indicated that this item was placed on the Consent Agenda, so their preference would be for this item to be removed from the Consent Agenda and moved to the full hearing agenda for the Commission's consideration.

Action - A motion was made by Mr. Penn, seconded by Mr. Cravens and carried 10-0 (Drake absent) to include the removal of DP 2016-27: SCHROYER PROPERTY, LOTS 3 & 4 and to approve the remaining items listed on the Consent Agenda, as recommended by the Subdivision Committee, to include the finding(s) as presented by the staff.

B. DISCUSSION ITEMS – Following requests for postponement, withdrawal and no discussion items, the remaining items will be considered.

The procedure for these hearings is as follows:

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

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

1. PRELIMINARY SUBDIVISION PLAN

- a. PLAN 2016-29P: HAMBURG PLACE COMMUNITY, PHASE II (WEST WIND) (AMD) (6/5/16)* - located at 2350 Winchester Road. (Council District 6) **(Vision Engineering)**

Note: The purpose of this amendment is to revise the street cross-section of Flying Ebony Drive.

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

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

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

5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Denote that an amended final record plat will be certified and recorded dedicating the reconfigured right-of-way, as necessary, and amending the street cross-section for Flying Ebony Drive prior to the issuance of a building permit for Lots 269-272.
9. Include all the property for Lots 269-272.
10. Denote that the sanitary sewer easement on Lot 269 shall be released and the new easement dedicated on a final record plat or easement minor plat prior to the issuance of a building permit on Lot 269.
11. Denote the 25' floodplain setback on both sides of the floodplain on Lots 269-272.
12. Remove the cloud symbol from the plan face.
13. Resolve the termination of Flying Ebony Drive at Old Rosebud Road.

Staff Presentation – Mr. Martin introduced the amended Preliminary Subdivision Plan for PLAN 2016-29P: HAMBURG PLACE COMMUNITY, PHASE II (WEST WIND) (AMD), located at 2350 Winchester 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 Sir Barton Way, in the middle of Old Rosebud Road, Flying Ebony Drive and Star Shoot Parkway. He noted that on the opposite side of Old Rosebud Road is an assisted living facility, and the subject property has largely been developed as residential lots with single family homes and townhouses.

Mr. Martin said that the purpose of this amendment is to expand Lots 269 through 272, on Flying Ebony Drive, across the floodplain over to a remnant piece of land that has never been platted. He explained that the remnant piece of land was part of the old farm; and the applicant decided that without doing additional work, such as extending Old Rosebud Road to create access to it, they would expand Lots 269 through 272 over to it. He said that, by extending these lots, it would create longer linear lots that cross the floodplain; however, this would limit the buildable area on these lots.

Mr. Martin then said that the applicant is also proposing to revise the street cross-section of Flying Ebony Drive in front of Lots 269 through 272. He explained that Flying Ebony Drive was proposed to flare out onto Old Rosebud Road, and now they are proposing to match the street cross-section with the existing width and cross-section of the entire street. This is due to the lack of a stormwater easement near Old Rosebud Road. He said that the applicant will be adjusting the road to cross the creek, connecting with Old Rosebud Road.

Mr. Martin directed the Commission's attention to the staff handout, and the following revised recommendations:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. 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. Denote an amended final record plat will be certified and recorded dedicating the reconfigured right of way as necessary and amending the street cross section for Flying Ebony Drive prior to the issuance of a building permit for Lots 269-272.~~
- ~~9. Include all the property for Lots 269-272.~~
- ~~10. Denote that the sanitary sewer easement on Lot 269 shall be released and the new easement dedicated on a final record plat or easement minor plat prior to the issuance of a building permit on Lot 269.~~
- ~~11. Denote the 25' floodplain setback on both sides of the floodplain on Lots 269-272.~~
- ~~12. Remove the cloud symbol from the plan face.~~
7. 13. Discuss the termination Document that the intersection of Flying Ebony Drive at Old Rosebud Road will meet the (80-degree) limitation of the Subdivision Regulations, prior to certification.
8. Denote that a barrier shall be erected at the termination of Flying Ebony Drive – its design to the approval of the Divisions of Engineering and/or Traffic Engineering.

Mr. Martin explained that the applicant would need to document that the intersection of Flying Ebony Drive at Old Rosebud Road will meet the 80-degree limitation of the Subdivision Regulations, prior to certification (condition #7); as well as denote that a barrier shall be erected at the termination of Flying Ebony Drive – its design to the approval of the Divisions of Engineering and/or Traffic Engineering (condition #8). He said that the reason condition #8 was added is a safety precaution to prevent anyone from driving into an area that has not been completed. There are different ways to construct a barrier, and the staff felt that the Division(s) of Engineering and/or Traffic Engineering should approve the type of barrier that would be placed at the termination of Flying Ebony Drive.

Mr. Martin said that the staff was recommending approval of the revised submission, and he would try to answer any questions regarding the preliminary subdivision plan listed on today's agenda.

Representation – Matt Carter, Vision Engineering, was present representing the applicant. He indicated that they are in agreement with the staff's recommendation and requested approval.

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

Commission Question – The Chair asked if the Division(s) of Traffic Engineering and Fire, Water Control Office are in agreement with this request, to which they indicated their agreement.

Action - A motion was made by Mr. Berkley, seconded by Ms. Plumlee and carried 10-0 (Drake absent) to approve PLAN 2016-29P: HAMBURG PLACE COMMUNITY, PHASE II (WEST WIND) (AMD), as presented by the staff.

2. FINAL SUBDIVISION PLAN AND FINAL DEVELOPMENT PLAN

Note: Mr. Brewer said that because of his relationship with the next two items, he would recuse himself at this time.

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

Note: The Planning Commission postponed this item at their March 10, 2016, meeting. The purpose of this amendment is to subdivide two lots into ten lots.

The Subdivision Committee Recommended: Postponement. The required 30% infrastructure report has not been 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.

Staff Presentation – Mr. Sallee introduced the amended Final Record Plat for PLAN 2016-16F: LEXMARK INTERNATIONAL, INC. (FKA: IBM) (AMD), located at 361 Newtown Pike. 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 south of New Circle Road, east of Newtown Pike, and is immediately south of the main Lexmark plant building. He said that the subject property has about 200' of frontage along Loudon Avenue at the southernmost point and further south Loudon Avenue intersects with Newtown Pike. He added that the subject property is bounded by the YMCA and the Health Department to the west.

Mr. Sallee said that the applicant is proposing to subdivide this property into 10 lots, noting that Lot 1 is what's driving this proposal and it is to be the largest lot on the property. He then said that there are access easements through the property and a signalized exit from the Lexmark property (to the north) onto Newtown Pike. He noted that there has been discussions that the existing signalized light would be relocated toward the south to align with a new access location being proposed on this plan. He said that the new access would then tie into the existing accesses that run through the subject property. He then said that the applicant is also proposing an additional access be provided along the Loudon Avenue frontage.

Mr. Sallee said that the Subdivision Committee initially recommended postponement of this plan, due to the 30% infrastructure report not being submitted for Planning Commission review, which is a prerequisite set by the Land Subdivision Regulations. Since that Subdivision Committee meeting, the applicant has submitted that report and procedurally the application is in order. He directed the Commission's attention to the staff handout, and said that 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.

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

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~~ reconstruction with proposed access easement, is subject to the approval of the Greenspace Planner.
12. ~~Discuss timing and location (i.e., storm water basin and sanitary sewer) of~~ Provided the Planning Commission grants a waiver to Article 6-6(c) and Article 4-7(d)(1)(9) of the Land Subdivision Regulations regarding the public infrastructure improvements and possible need for a waiver.
13. ~~Discuss need for Denote: This site shall be developed in accordance with the recommendations approved by the Royal Spring Water Supply Protection Committee-Aquifer note.~~
14. Relabel "access easements" (except east of Lot 9) as private streets.

Mr. Sallee briefly explained that conditions #1-8 are typical sign-off requirements from the different Divisions of the LFUCG; and the remaining conditions are "cleanup" items that will need to be addressed prior to the plan being certified. He said that the applicant will need to delete "section" information from all of the lots and renumber those lots. He then said that it is anticipated that the 10 lots will be recorded in two sections including the largest lot (Lot 1) in the initial section. This is in part, because Lot 1 is driving the proposal, and not all of these lots are currently served by an access easement or sewers. He said that the staff does anticipate that the larger lot will be recorded and once the improvements are made to this area, other lots will be created in Section 2. He then said that the timing of this has not been worked out, but that is the concept the staff has been operating under.

Mr. Sallee pointed out the Legacy Trail on the rendering and said that a portion of the trail is on the subject property near the new access point proposed on Newtown Pike. He then said that there will be some slight modifications as to where the trail crosses the new access easement; therefore, the staff is recommending that the details of the Legacy Trail are approved by the Greenspace Planner.

Mr. Sallee said that the applicant will need to denote on the plan that this site shall be developed in accordance with the recommendations approved by the Royal Spring Water Supply Protection Committee. He pointed out the access easements on the rendering and said that the applicant will need to relabel the access easements, with the exception of the area east of Lot 9, as private streets. He then said that the Commission has not been provided any findings for this change but that would be the staff's preference.

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

Note: The Planning Commission postponed this item at their March 10, 2016, meeting.

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.

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

17. Discuss access easement and timing of required findings by the Planning Commission.
18. Discuss unconventional internal intersection geometrics proposed.

Ms. Gallt directed the Commission's attention to the Final Development Plan for LEXMARK INTERNATIONAL, INC. (FKA: IBM), located at 361 Newtown Pike. She directed the Commission's attention to a rendering of this plan to explain the layout of the proposed development plan. She said that the development of this property will be done in phases, and the staff would like for the timing and the details of the future development to be denoted on the plan.

Ms. Gallt directed the Commission's attention to the staff handout, and briefly explained that the following conditions are typical sign-off requirements from the different Divisions of the LFUCG:

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.

Ms. Gallt then said that the following remaining conditions are "cleanup" items that will be addressed prior to the plan being certified.

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 Resolve timing and details for future Phase 2 development via notes on the plan.~~
- ~~17. Discuss access easement and timing of required findings by the Planning Commission. Denote the recommendations from Royal Spring Water Supply Protection Committee on plan.~~
- ~~18. Discuss unconventional internal intersection geometrics proposed.~~

Ms. Gallt said that the staff is recommending approval of the applicant's request.

Waiver Report Presentation – Mr. Martin directed the Commission's attention to the staff report on the requested waiver, and explained that the applicant has requested to subdivide the property prior to the infrastructure and proposed access easement/private street system being completed. He indicated that the applicant is requesting a waiver to Articles 4-7(d)(1) & (9) of the Land Subdivision Regulations for the substantial completion of the public street improvements; and to Articles 6-2(a) & 6-6(b) for the completion of the sanitary sewer infrastructure.

Mr. Martin said that there is an older private sewer line that exists under the existing building on Lot 3, but the current condition of that line precludes public acceptance of that portion of the system. As one aspect of the staff's review of the waiver request, the maintenance of the private sewer system is clearly denoted on the plat for Lots 1, 3, 4 and 7, while the remaining lots on the plat, which will be recorded, will have a public sewer line.

Mr. Martin said that the access easements should be designated as private streets and constructed to public street standards, as required by the Land Subdivision Regulations. This would facilitate the future dedication of the roadway as public right-of-way. He then said that before the private streets are accepted as public streets, there is a review process that governs this procedure and it would have to be approved by the Lexington-Fayette Urban County Council. He added that the applicant has stated that their desire is to dedicate these streets in the future; plus, with the heavy traffic from the proposed industrial development, the staff is recommending that the access easements should be designated as private streets and constructed to public standards.

Mr. Martin said that the staff is recommending approval of the requested waivers of Articles 4-7(d)(1)&(9) & 6-8 & 6-3, for the following reasons:

1. The requested waivers would relieve an exceptional hardship for the applicant by allowing the coordination of the construction of the required public improvements with the other planned industrial site improvements.
2. Granting the waiver will not negatively impact public health and safety as the completion of public improvements will be provided prior to the development of the lots currently not served by sanitary sewer service.
3. The property will be served by a private street system constructed to public standards as well as an existing private sanitary sewer system.

Mr. Martin said that this recommendation is subject to the following conditions:

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

- a. The street system be required to be designated as a private street and constructed to public standards with maintenance the responsibility of the property owner, in conformance with the Land Subdivision Regulations.
- b. A note detailing the maintenance responsibility for the private sanitary sewer service shall be placed on the plat to the approval of the Divisions of Engineering and Planning.

Mr. Martin said that he would try to answer any questions regarding the waiver request for this property.

Commission Questions – Ms. Mundy asked, since these will be private streets, was there a need for bonding. Mr. Martin replied not as long as the street is built to public standards. He made note that in an industrial development a sidewalk is only required on one side of the street and the applicant has also requested a waiver to the sidewalk requirements, in order to utilize the Legacy Trail instead for this purpose.

Representation – Jihad Hallany, Vision Engineering, was present representing the applicant. He said that they are in agreement to building the private streets to public street standards. He explained that Phase I of this request would include building a new structure on the 25 acres, installing the major infrastructure for the roadway, the sanitary sewers, and relocating a 20 inch water line and the signalized light. He said that depending on the market's demand will determine the timing of Phase II, and if needed Phase III.

Mr. Hallany said that they are in agreement with the staff's revised recommendation and requested approval.

Commission Questions – Mr. Penn asked what is the proposed timing on replacing the older sewer line. Mr. Hallany said that the older sewer line must stay active until the new sewer line is installed from Loudon Avenue to the new road, which would then serve Lots 4, 5 & 7 and the existing building on Lot 3. He then said that once the new sewer is accepted by the LFUCG, the older sewer line will be taken off line and its manhole filled in with concrete.

Mr. Penn then asked if the older line is in use now. Mr. Hallany explained that since Lexmark is one lot, there is a force main that is being used for this area which drains to a manhole. The manhole runs under the existing building on Lot 3 toward Loudon Avenue. The older line will be abandoned once the new line is accepted.

Mr. Penn asked if there is an anticipation of the Legacy Trail being used for a sidewalk. Mr. Hallany said that the first phase of this development will be relocating and fencing in a portion of the trail. Mr. Penn said that the section of the trail that is not fenced in would be used in lieu of a sidewalk. Mr. Hallany indicated that they would be adding a 6' sidewalk that would extend from Loudon Avenue toward the Lexmark campus, as well as an easement near Loudon Avenue for the Legacy Trail. He also pointed out that there would be a trail access along Newtown Pike and from the YMCA.

Mr. Cravens said that there is a lot shown on the final record plat that is not shown on the development plan. Mr. Hallany said that that is part of Section 2 and there is no plan for that land at this time.

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. Wilson and carried 9-0-1 (Brewer recused; Drake absent) to approve PLAN 2016-16F: LEXMARK INTERNATIONAL, INC. (FKA: IBM) (AMD), as presented by the staff.

Action - A motion was made by Mr. Cravens, seconded by Mr. Wilson and carried 9-0-1 (Brewer recused; Drake absent) to approve the waiver to Articles 4-7(d)(1) & (9) of the Land Subdivision Regulations for the substantial completion of the public street improvements; and to Articles 6-2(a) & 6-6(b) for the completion of the sanitary sewer infrastructure, as presented by the staff.

Action - A motion was made by Mr. Cravens, seconded by Mr. Wilson and carried 9-0-1 (Brewer recused; Drake absent) to approve DP 2016-20: LEXMARK INTERNATIONAL, INC. (FKA: IBM), as presented by the staff.

Note: Mr. Brewer returned at this time.

3. FINAL SUBDIVISION PLANS

- a. PLAN 2016-26F: PATCHEN WILKES TOWNHOMES & PATCHEN WILKES, UNIT 2 (AMD) (6/5/16)* - located at 1811 and 2053 Winchester Road. (Council District 6) **(Eagle Engineering)**

Note: The purpose of this amendment is to subdivide two lots into 44 lots and to create an access easement.

The Subdivision Committee Recommended: **Postponement**. The required 30% infrastructure report has not been 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, 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.
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. Correct Engineer's certification.
8. Correct plan type "Amended."
9. Correct purpose of amendment note.

Staff Presentation – Ms. Gallt introduced the amended Final Record Plat, PLAN 2016-26F: PATCHEN WILKES TOWNHOMES & PATCHEN WILKES, UNIT 2 (AMD), located at 1811 and 2053 Winchester Road. She 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. She indicated that the subject property is located along Winchester Road, and the purpose of this amendment is to subdivide one lot into two lots in order to retain the farm house and to extend the access easement.

Ms. Gallt directed the Commission's attention to the revised staff report, and said that the staff is recommending approval, subject to the following revised conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
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. ~~Correct Engineer's certification~~ Complete bearings and distances on parent tract exhibit.
8. ~~Correct plan type "Amended"~~ cross-section labeling ("C-C").
9. Correct purpose of amendment note.
10. Addition of zoning information for Lot 1.
11. Remove or lighten access easement shading for access easements.

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

Commission Questions – Mr. Penn asked if the staff had received the 30% infrastructure report. Ms. Gallt said that since it is not part of the Preliminary Development Plan, and the applicant is only subdividing one lot into two lots, no improvements are needed at this time. Mr. Penn then asked why this item was recommended for postponement. Ms. Gallt said that the plan was changed. Mr. Penn said that, at the April 7th Subdivision Committee meeting, he remembered that this request was postponed due to the 30% infrastructure report, and he was wondering what happened between then and now. Ms. Gallt said that the applicant originally submitted a request showing the townhouse development, which does require the 30% infrastructure report. However, the applicant only wanted to create one lot from the parent tract, so they revised their submission to what is being presented to the Commission today.

Ms. Mundy said that there is a temporary access being shown on the property, and asked where the permanent access will be located. Ms. Gallt suggested that the question be referred to the applicant. Mr. Sallee said that there will be a permanent access easement near the front of the property that extends along Winchester Road.

Representation – Tony Barrett, Barrett Partners, along with Bill McAlpin, Eagle Engineering, were present representing the applicant. He indicated that they are in agreement with the staff's revised recommendation and requested approval.

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 Ms. Richardson and carried 10-0 (Drake absent) to approve PLAN 2016-26F: PATCHEN WILKES TOWNHOMES & PATCHEN WILKES, UNIT 2 (AMD), as presented by the staff.

- b. PLAN 2016-27F: KINGSTON HALL, UNIT 1, LOT 22 (6/5/16)* - located at 1150 Providence Place Parkway.
(Council District 12) **(EA Partners)**

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

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

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

8. Denote: This property shall be developed in accordance with the approved final development plan.
9. Denote address on lot.
10. Denote existing tree protection areas on plan.
11. Discuss whether exactions should be determined (to the approval of the Division of Planning) at the time of Final Development Plan.
12. Discuss sanitary sewer service to the proposed lot, or need for a waiver.
13. Discuss timing of public street construction and dedication, or need for a waiver.

Staff Presentation – Mr. Jarman introduced the amended Final Record Plat for PLAN 2016-27F: KINGSTON HALL, UNIT 1, LOT 22, located at 1150 Providence Place Parkway. 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 east of the I-75/I-64 interchange at Newtown Pike, near Providence Parkway. He noted that Providence Parkway is planned to connect with Russell Cave Road in the future. He said that the subject property is zoned Economic Development (ED) and the purpose of this request is to create Lot 22 and to dedicate public right-of-way.

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 #1-7 are typical sign-off requirements from the different Divisions of the LFUCG; and conditions #8 and 9 are "cleanup" items that will be addressed prior to the plan being certified. He directed the Commission's attention to the remaining conditions, and said that normally exactions are determined on the Final Record Plat for residential lots; however, with this request being a commercial property with commercial uses, the staff feels it is appropriate to have the exactions exhibited on the Final Development Plan. He then said that the applicant has requested a waiver to Articles 4-7(d)(1), 6-2(a) and 6-6(b) of the Land Subdivision Regulations, pertaining to the required substantial completion of public improvements - specifically the provision of streets and public sanitary sewer facilities to a subdivision prior to the recordation of a Final Record Plat, which Mr. Martin would present on a separate report.

Waiver Report Presentation - Mr. Martin directed the Commission's attention to the previously distributed staff report, and said that the applicant is proposing to create Lot 22 in advance of the required completion of public improvements (streets and public sanitary sewer facilities) and coordinate the proposed development with the development of the ED lot. He then said that there is a Preliminary Development Plan that governs this property, so a Final Development Plan will need to be submitted to develop the property, which is when the exactions will be paid. He added that, since this lot is located in Expansion Area 3 and zoned ED, the exactions will need to be paid before any building permits can be obtained.

Mr. Martin said that Lot 22 is shown on the Preliminary Development Plan as two lots; it is part of the Kingston Hall, Unit 1, and access will be provided through Providence Parkway. He then said that Providence Parkway is an exactable credit; and once the developer constructs a portion of Providence Parkway, they can request credits toward the exactions on the property. He then said that the property will utilize the existing pump station near Newtown Pike and Stanton Way until the EAMP required pump station is constructed by the City.

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

4. Granting the requested waiver will not adversely affect public health and safety, as the property will be developed under an approved final development plan, and public improvements will be provided in association with that plan.
5. Not granting the requested waiver would constitute an exceptional hardship to the applicant, by requiring extensive public improvements prior to the transfer and subsequent development of the 22-acre property in question.

Mr. Martin then said that this recommendation is subject to the following two conditions:

- a. There shall be no Zoning Compliance Permit issued (nor any Certificate of Occupancy) for this development until construction of the new sewer line and street system has been completed, and accepted by the Division of Engineering in compliance with the applicable EAMP and Engineering Manual procedures.
- b. A bond for the entire cost of the public sewer and local street, exclusive of Providence Parkway, improvements be submitted and accepted by the Division of Engineering in conformance with their standard bonding procedures.

Representation – Richard Murphy, attorney, and Rory Kahly, EA Partners, were present representing the applicant. He indicated that they are in agreement with the staff's recommendation and requested approval. He said that this request is a matter of timing and the entity who will be purchasing Lot 22 would like to start working on the property during the same time the public infrastructure is being installed. He then said that they understand the need to bond the sewers and the local street and Providence Parkway as an exactable item, and the City collects fees for that as well.

Commission Question – Mr. Penn asked if a development plan will be submitted. Mr. Murphy replied affirmatively and explained that Lot 22 will require a development plan.

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

Commission Question – The Chair asked if condition #11 should read: “~~Discuss whether~~ **Resolve** exactions should be determined (to the approval of the Division of Planning) at the time of Final Development Plan,” and if conditions #12 and #13 should be resolved by using language that reads: “Provided the Planning Commission grants a waiver to Articles 4-7(d)(1), 6-2(a) and 6-6(b) of the Land Subdivision Regulations.” Mr. Jarman replied affirmatively.

Action - A motion was made by Ms. Mundy, seconded by Ms. Richardson and carried 10-0 (Drake absent) to approve PLAN 2016-27F: KINGSTON HALL, UNIT 1, LOT 22, changing condition #11 to read “Resolve exactions to the approval of the Division of Planning at the time of Final Development Plan” and replacing conditions #12 and #13 with a new condition #12 to read “Provided the Planning Commission grants a waiver to Articles 4-7(d)(1), 6-2(a) and 6-6(b) of the Land Subdivision Regulations” as presented by the staff.

- c. PLAN 2008-129F: KOKERNOT & RIGGS (6/28/16)* - located at 319 North Broadway.
(Council District 1) **(2020 Land Surveying)**

Note: The Planning Commission approved this item on October 9, 2008, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection areas.
6. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
7. Addition of site statistics, including zoning information, and place within box.
8. Addition of building lines.
9. Correct plan title.
10. Delete property improvement information on plat.
11. Correct North Broadway cross-section.
12. Resolve proposed development or development restrictions proposed on parcel 2.
13. Resolve parking easement or restrictions.

Note: The applicant now requests a reapproval of this final record plat.

The Staff Recommends: **Reapproval**, subject to the original conditions previously required by the Planning Commission on October 9, 2008, revising the following two conditions and adding one condition:

3. Building Inspection's approval of landscaping ~~and required street tree information~~.
5. Urban Forester's approval of tree protection area(s) ~~and required street tree information~~.
14. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.

Staff Presentation – Mr. Martin introduced the Final Record Plat for PLAN 2008-129F: KOKERNOT & RIGGS, located at 319 North Broadway. The Planning Commission approved this item on October 9, 2008, and the applicant is now requesting reapproval of this item. 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 off North Broadway and west Third Street, very close to Transylvania University. He pointed out the location of Morrow Alley and said that this alley splits the property into two buildable lots, adding that this is public right-of-way that was created in the late 1800s. He then said that these lots are zoned Two-Family Residential (R-2) and are located within the Infill and Redevelopment Area.

Mr. Martin said that the staff is recommending reapproval of this request, subject to the original conditions previously required by the Planning Commission on October 9, 2008, revising the following two conditions and adding one condition:

3. Building Inspection's approval of landscaping ~~and required street tree information~~.
5. Urban Forester's approval of tree protection area(s) ~~and required street tree information~~.
14. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.

Mr. Martin indicated that conditions #12 and #13 relate to the difficulty facing this property when redeveloping under the R-2 zone and infill and redevelopment standards, but the staff is comfortable that these two conditions can be addressed by the applicant. He said that he would try to answer any questions regarding the final record plat listed on today's agenda.

Representation – Justin Drury, 2020 Land Surveying, was present representing the applicant. He indicated that they are in agreement with the staff's revised recommendation and requested reapproval.

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

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

Action - A motion was made by Ms. Richardson, seconded by Mr. Brewer and carried 10-0 (Drake absent) to reapprove PLAN 2008-129F: KOKERNOT & RIGGS, as presented by the staff.

3. DEVELOPMENT PLANS

- a. DP 2016-27: SCHROYER PROPERTY, LOTS 3 & 4 (6/5/16)* - located at 1009 and 1017 Wellington Way.
(Council District 10) **(Banks Engineering)**

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping 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 note #15 regarding timing of consolidation plat recordation and development plan certification.
10. Addition of record plat designation on plan, or in title block.
11. Delete note #12.
12. Denote access point for construction vehicles on plan.
13. Denote height of building in feet.
14. Correct site statistics for building coverage and length of street.
15. Label location of outdoor restaurant seating on plan.
16. Label zoning for adjacent property, per Preliminary Development Plan.
17. Show entrance points to adjacent property.
18. Resolve proposed dumpster location and impact on parking.
19. Denote Board of Adjustment approval date for a dimensional variance.

Staff Presentation – Ms. Gallt introduced the Final Development Plan for DP 2016-27: SCHROYER PROPERTY, LOTS 3 & 4, located at 1009 and 1017 Wellington Way. She 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. She explained that the subject property is located at the corner of Wellington Way and Palomar Centre Drive, just off Harrodsburg Road, near the Palomar Shopping Centre. She said that the two lots are zoned Neighborhood Business (B-1), and the applicant is proposing a one-story building with retail use and associated parking on this site. She indicated that the applicant will need to consolidate these two lots before any building permits are issued by Building Inspection.

Ms. Gallt said that the Subdivision Committee had recommended approval of this request, subject to the conditions listed on today's agenda. She briefly explained that conditions #1-8 are typical sign-off requirements from the different Divisions of the LFUCG; and the remaining conditions, with the exception of condition #19, are "cleanup" items that will be addressed prior to the plan being certified. She directed the Commission's attention to condition #19 and said that, with the building being so close to the property line, the applicant will need the approval from the Board of Adjustment of a dimensional variance.

Representation – Jacob Walbourn, attorney, was present representing the applicant. He said that he understood that the staff had received a letter of opposition and there was an audience member present regarding this case. He then said that he believed it would be appropriate for any concerns to be heard first then those concerns could be addressed more directly. He noted that he had read the letter the staff received, which was primarily in regard to the proposed access. He added that they have spoken with the Division of Traffic Engineering staff and he believed that this issue could be addressed with them. He said that this request is not detrimental to the public health, safety or welfare and requires Traffic Engineering's approval before the plan is certified. He indicated that they were in agreement with the staff's revised recommendation and requested approval.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. Butch Schroyer, DMV, property owner of the Animal Care Clinic (3600 Palomar Centre Drive), was present. He said that he purchased the property in 1988 and was granted a zone change in 2002 from Agricultural Urban (A-U) to Professional Office (P-1). He explained that, at the time of the zone change, they were required to provide an access road across the property, which allowed additional egress and ingress. He said that as this area developed, an alternative egress and ingress has been maintained; and he would hate to lose that access point. He then said that they were notified about this case, due to the conditional use restrictions placed on this property.

Dr. Schroyer directed the Commission's attention to the rendering, and explained that the path of the access easement first created an L-shape from Wellington Way to Palomar Centre Drive, keeping the traffic away from the larger intersection of Wellington Way and Palomar Centre Drive. He said that in 2013, the Planning Commission had granted a zone change on the subject property; and, at that time, the development plan had shown an access

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running between the adjacent site and the subject site, meandering back toward the rear of the lot back to the intersection on Wellington Way. He said that this alternative access allowed the overflow of traffic (from his lot) a different direction to go if needed. He then said that with the proposed development plan, his lot is now being "locked" in with only one way out, which is the larger intersection of Wellington Way and Palomar Centre Drive.

Dr. Schroyer said that the applicant still has some design work to do, especially at the rear with the elevations; and they would be present for the dimensional variance request at the Board of Adjustment hearing. He then said that the applicant needs to maintain the access through the subject property, to allow a different route for egress and ingress to help with traffic. He indicated that they have done three traffic studies and each of those studies has supported an alternative access for this area.

Representation Rebuttal – Mr. Walbourn said that Jason Banks, Banks Engineering, was present and he could speak to the issue mentioned earlier regarding the elevation change. He indicated that the subject property has a significant slope going toward Wellington Way, and to connect the subject property to the adjacent property would result in a 5' grade difference above the proposed building. If there were cross access from one lot to the next lot, it would normally be done by placing notes or easements on the development plan. He said that there is no reciprocal parking or access note applicable to this development plan. He then said that they have provided the staff with several plats that showed a temporary access easement that does run across the rear of the Schroyer property. It particularly noted that the temporary access easement would expire or terminate once Wellington Way was extended to the point where the subject property could be accessed from that road. He said that the reason for this is that, if there is no road access, there must be a way to exit an otherwise land locked parcel. He then said that now that Wellington Way is extended, there is no need for the temporary access easement to remain.

Mr. Walbourn said that he understood the noble intentions that Dr. Schroyer was bringing forward, but what he was asking the Commission to do would be to impose a private access easement across two lots that he no longer controls. The notes on the development plan simply do not support his request. He said that developments change over time and this land has been in the state of flux since 2000. He then said that this item was placed on the Consent Agenda by the Commission's professional staff. They believe the proposed access functions well and it's in keeping with the neighborhood. He said that originally this building was designed to be a three-story building, and now they are proposing a one-story building. He then said that they do not believe that the requested access can be accomplished, nor do they believe it is required.

Audience Rebuttal - Dr. Schroyer said that he does not believe the applicant envisioned that they had to have access, which is why they don't believe it can happen. He then said that the applicant(s) have not put their heads together before because they were not aware of this until right before the meeting, which is why he asked them for a delay. He then said that he is not saying not to approve the development plan, but he believes there should be a delay to figure this out and to make it work better. He then said that the temporary access easement was placed on the land because Wellington Way was not constructed and the property was land locked. It had nothing to do with what was on the plans in 2002 when they were required to develop that access. He said that over the years the access easement note has been on the development plan; and when the applicant submitted their request for the three-story building in 2013, the temporary access easement was still being shown on the development plan. Now the applicant has removed the temporary access easement from this proposal. He said that the additional access needs to be maintained as it was required when this area was originally developed.

Commission Question – The Chair asked if the applicant had presented this request to the Board of Adjustment (condition #19). Ms. Gallt said that the request had not yet been approved and was scheduled for the end of April.

Traffic Engineering Comments – Ms. Kaucher said that the staff is concerned with the location of the access off Palomar Centre Drive and the proximity of that access to Wellington Way. She then said that the minimum standard is 50' from an intersection; but in speaking with the applicant, she believed that this issue can be resolved. She indicated that if the staff does not agree with the access, they will not sign the development plan and it will not be approved. She said that the applicant is aware of the staff's concerns; and if they cannot meet the requirements, then this proposal will come back to the Commission.

Commission Question - The Chair asked if the staff had any information on the temporary access. Ms. Kaucher replied negatively.

Mr. Penn asked if the staff is still recommending approval of this plan, given what has been said. Mr. Martin indicated agreement.

Mr. Penn said that he is not concerned about traffic because of what the staff has stated, but he is concerned with the access easement and notes on the plan. Mr. Walbourn directed the Commission's attention to the rendering and pointed out the location of the temporary access easement and the subject property. He said that the temporary access easement does not cross the subject property; rather, it leads to nowhere. He then said that the access easement label say "see note #9," which reads: "The 23' access easement, along with the property line of Lots 2 and 3 serving Lot 4, shall be released by owners of Lot 4 when proposed Wellington Way is extended so as to permit direct access to Lot 4." He said that his client is the owner of Lot 4; and Lot 4 now has access to Wellington Way, so that easement has become

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extraneous. He then said that he is not aware of any other note or anything on a development plan that would require them to maintain that access easement. He added that the final record plat was updated in 2005 and it carries forward that same note.

Dr. Schroyer said that the temporary easement was designed to give access to a parcel that was land locked and it had nothing to do with the traffic conditions at the time the zone change was granted. He then said that he is not arguing that there is an easement on the property, but that the Commission did require that easement for ingress and egress to the property. He added that the fact that the applicant is not aware of the note does not mean the note does not exist. He said that he simply wants a delay for 30 days.

The Chair asked where the property that is land locked is located. Dr. Schroyer pointed out to the Commission the location of the lot, and said that he acquired this lot in 1993 when Wellington Way was not extended. He said that he understands that the easement no longer exists, but the Commission laid out a plan that gave an egress and ingress point that is being lost. He then said that the zone change in 2013 still maintained some form of that easement, but this proposal completely removes the easement.

The Chair said that it seems that the note was meant to be temporary to provide access to a landlocked piece of property. Unfortunately the piece of land is no longer landlocked because it has access.

Action - A motion was made by Ms. Richardson, seconded by Mr. Penn and carried 10-0 (Drake absent) to approve DP 2016-27: SCHROYER PROPERTY, LOTS 3 & 4, as presented by the staff.

- b. DP 2016-28: HUMANA, INC. (ST. JOSEPH EAST EXPANSION) (AMD) (6/5/16)* - located at 150 North Eagle Creek Drive. (Council District 7) **(CDP)**

Note: The purpose of this amendment is to add parking, construct a heli-stop, add a maintenance building and improve loading docks.

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. 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. Correct stormwater improvement note and zoning note.
12. Correct notes #3 and #9.
13. Denote date (& case #) of BOA approval of heli-stop on plan, prior to plan certification.
14. Label proposed maintenance building on plan and denote height in feet.
15. Denote record plat information on plan.
16. Denote street cross-section locations on plan.
17. Label existing tree protection areas on plan.
18. Label front building line setback.
19. Clarify office parking floor area.
20. Contract building envelope for building #100 (on Lot 2).
21. Show bike and pedestrian easement on plan.
22. Addition of steep slope note on plan.
23. Discuss potential improvements to pedestrian access from North Eagle Creek Drive and Blazer Parkway.

Staff Presentation – Mr. Jarman introduced the amended Final Development Plan, DP 2016-28: HUMANA, INC. (ST. JOSEPH EAST EXPANSION) (AMD), located at 150 North Eagle Creek Drive. 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 between Richmond Road and Blazer Parkway along North Eagle Creek Drive. He said that the purpose of this amendment is to add parking throughout the property, construct a heli-stop near Richmond Road, add a maintenance building and improve the loading docks.

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 #1-10 are typical sign-off requirements from the different Divisions of the LFUCG. The remaining conditions, with the exception of #23, are "cleanup" items that will be addressed prior to the plan being certified. He directed the Commission's attention to the applicant's supplementary exhibit and explained that condition #23 is in regard to the potential improvements for pedestrian access from North

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Eagle Creek Drive and Blazer Parkway. He said that the applicant had submitted a rendering showing the proposed location of the sidewalks, and the staff believes this proposal does resolve condition #23.

Representation – Scott Southall, CDP, was present representing the applicant. He indicated that they are in agreement with the staff's revised recommendation and requested approval.

Commission Questions – Mr. Penn said that he appreciated condition #23 being addressed, but asked if there were any other conditions that could have been addressed before today's hearing. He then said that, at the Subdivision Committee meeting, the number of conditions was discussed and it was indicated that the plan should be cleaned up. He then said that the Commission is not in the habit of seeing this many conditions and the Committee was under the impression that this plan would be cleaned up before the hearing. Mr. Southall said that they were not able to submit the revised plan before the deadline, but they were able to address most of the conditions listed through their discussions with the staff. Mr. Penn asked if there are any revised conditions on this plan. Mr. Sallee explained that the reason the Commission did not have a revised staff recommendation was due to the applicant missing the filing deadline. He indicated that the applicant did make an attempt to submit the revised plan to the staff, and the staff has no doubt that a lot of the conditions listed were cleaned up; but the revised submittal was delivered about an hour after the deadline and was therefore rejected by the staff.

Mr. Wilson asked which conditions have not been resolved. Mr. Southall replied that the only condition not resolved was #21, which was the bike and pedestrian easement. He said that, just prior to today's hearing, they received confirmation from the staff that the easement was never recorded.

Mr. Brewer confirmed that the only condition not resolved was #21. Mr. Southall replied affirmatively. Mr. Brewer asked if the staff had any opinion on the conditions being addressed. Mr. Sallee explained that when the staff turned back the applicant's revised submittal that meant the staff did not review it. He said that ordinarily when plans are submitted between the Subdivision Committee and the filing deadline on Tuesday, the Commission will receive a revised staff report for that item at their public hearing. However, if the staff does not have anything new to review other than what the Subdivision Committee had reviewed, the Commission will not receive a revised recommendation that is different from what the Subdivision Committee had recommended.

Mr. Penn said that the Subdivision Committee requested the applicant to clean up this plan before the Planning Commission hearing, which did not happen in this case. He said that it is hard for the Commission to approve an item with this many conditions not being addressed. He suggested that this item be postponed until the plan is cleaned up. The Chair replied that the Commission could continue consideration of this item.

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

Commission Discussion – Mr. Wilson said that the staff had recommended approval of this item; and the applicant had indicated that the only remaining item was condition #21. The Chair said that, at the Subdivision Committee meeting last week, the staff did recommend approval of this item, subject to the conditions listed on today's agenda. He then said that after discussing condition #23, the applicant indicated that item #23 could be addressed; therefore, he made a motion to approve this item with the understanding that the applicant would clean up the remaining conditions. However, at this point this has not been done. Mr. Sallee said that if this item were continued for two weeks, that would allow the staff to accept and review the revised submittal, then report back to the Commission at their April 28th meeting. He then said that the Commission could consider a revised recommendation for this plan at that time.

Mr. Brewer agreed with Mr. Penn, and said that there were too many conditions to move this forward and recommended this item be postponed. The Chair indicated that, since the Commission had reviewed this item, the item would not be postponed, but rather a continued. Mr. Southall agreed.

Action - A motion was made by Mr. Brewer, seconded by Mr. Wilson and carried 10-0 (Drake absent) to continue DP 2016-28: HUMANA, INC. (ST. JOSEPH EAST EXPANSION) (AMD), to the April 28, 2016, meeting.

- c. DP 2016-30: GREENDALE HILLS, UNIT 2-C (AMD) (6/5/16)* - located at 2700 Magnolia Springs Drive.
(Council District 2) **(EA Partners)**

Note: The purpose of this amendment is to add 48 apartments for a group residential project (240 bedrooms in 6 buildings) with associated parking.

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.

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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. Denote building height in feet on plan.
12. Correct acres of existing trees in site statistics.
13. Label zoning line (I-1/R-3) and correct site statistics acreages.
14. Correct plan title.
15. Dimension maintenance building on plan.
16. Denote garage detail on plan.
17. Clarify topographic elevation in sinkhole area.
18. Denote purpose of amendment note on plan.
19. Discuss possible need for a secondary entrance for emergency vehicles.
20. Discuss timing of the planned extension of Mable Lane right-of-way.
21. Discuss the use of sinkhole area as stormwater management.
22. Discuss parking provided (no surplus proposed).
23. Discuss incomplete pedestrian circulation system.

Staff Presentation – Mr. Martin introduced the amended Final Development Plan for DP 2016-30: GREENDALE HILLS, UNIT 2-C, located at 2700 Magnolia Springs Drive. 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 Citation Boulevard at the corner of Magnolia Springs Drive and Mable Lane, noting that Mable Lane does terminate toward the middle of the subject property.

Mr. Martin said that the subject property is proposed for a multi-family development opposite the assisted living facility that is almost completed. He explained that the applicant is proposing 144 units (240 bedrooms), associated parking, and a clubhouse, as well as storm water management near Citation Boulevard right-of-way. He said that there is a sinkhole on this property in the same area where the storm water management will be used. He pointed out on the rendering the location of the sinkhole. He said that the State of Kentucky had built a section of Citation Boulevard over the sinkhole, and it is assumed that the appropriate investigations were performed by the State when building Citation Boulevard. He said that the applicant is proposing a single access off Magnolia Springs Drive, and there was considerable discussion regarding a secondary access for emergency vehicles. He then said that the applicant expressed concerns with the topography and slope along Mable Lane, so they will be providing the secondary access at the end of Mable Lane once it is extended. He added that the applicant does not control when Mable Lane will be extended, but condition #22 will require them to denote the anticipated timing of that extension on the plan.

Mr. Martin said that with the revised submission of this plan, 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. 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. Denote building height in feet on plan.~~
- ~~12. Correct acres of existing trees in site statistics.~~
- ~~13. Label zoning line (I-1/R-3) and correct site statistics acreages, accordingly.~~
- ~~14. Correct plan title.~~
- ~~15. Dimension maintenance building on plan.~~
- ~~16. Denote garage detail on plan.~~
- ~~17. Clarify topographic elevation in sinkhole area.~~
- ~~18. Denote purpose of amendment note on plan.~~
- ~~19. Discuss possible need for a secondary entrance for emergency vehicles.~~
- ~~20. Discuss anticipated timing of the planned extension of Mable Lane right-of-way on plan.~~
- ~~21. Discuss the use of sinkhole area as stormwater management and vehicular access to the approval of the Division of Engineering.~~
- ~~22. Discuss parking provided (no surplus proposed).~~
- ~~23. Discuss incomplete pedestrian circulation system internal to the site, prior to plan certification.~~

Mr. Martin briefly explained that conditions #1-10 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 address condition #11 and correct the site statistics acreages on the plan.

Representation – Rory Kahly, EA Partners, was present representing the applicant. He said that there will be a geotechnical engineering firm investigating the sinkhole, and a report will be submitted to the Division of Engineering for approval to move forward with storm water management (condition #13). He then said that, since the adjacent land is owned by another entity and they do not know how quickly that land will develop, they are in agreement to make the emergency connection within 6 months from the construction and dedication of Mable Lane. He added that, as for condition #11, they believe this was an error in drawing the R-3/I-1 zoning line; but they will speak to GIS. He said that when they submitted the plan to staff, they also submitted it to the Bike & Pedestrian Planner, who has indicated that the proposed plan was acceptable (conditions #7 and #14).

Mr. Kahly indicated that they are in agreement with the staff's revised recommendation and requested approval.

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

Action - A motion was made by Mr. Wilson, seconded by Mr. Smith and carried 10-0 (Drake absent) to approve DP 2016-30: GREENDALE HILLS, UNIT 2-C (AMD), as presented by the staff.

- d. DP 2016-34: ADAMS PROPERTY & CADENTOWN, LOTS 3 & 4 (BRIGHTON 3050) (AMD #5) (6/5/16)* - located at 3050 Helmsdale Place. (Council District 6) **(EA Partners)**

Note: The purpose of this amendment is to incorporate the 836 and 852 Campbell Lane properties into the multi-family development.

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. 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. Addition of building height in feet.
12. Denote: "No construction vehicles will utilize Campbell Lane for apartment construction."
13. Discuss storm water detention needs for Buildings 8 & 9.
14. Discuss termination of Campbell Lane, per note #16, and dimension turnaround.
15. Discuss perimeter setback compliance, per note #17.

Staff Presentation – Mr. Sallee introduced the amended Final Development Plan for DP 2016-34: ADAMS PROPERTY & CADENTOWN, LOTS 3 & 4 (BRIGHTON 3050) (AMD #5), located at 3050 Helmsdale Place. 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, noting that this is the same rendering that was presented to the Subdivision Committee at their April 7th meeting. He indicated that the subject property is located on Liberty Road very near Man o' War Boulevard. There are two signalized intersections at Man o' War Boulevard and Helmsdale Place & at Man o' War Boulevard and Liberty Road. He then said that Helmsdale Place is the primary access into this site and the Brighton Place Shoppes.

Although there have been two zone changes within this area over the last 18 months, Mr. Sallee said that this development has very little frontage along Liberty Road. He said that the proposed amendment for this property is at the end of Campbell Lane, which is an old rural road that has been incorporated into the urban area. He then said that there are several single family lots on each side of Campbell Lane; and with the construction and widening of Liberty Road, this lane was impacted. He indicated that much of the issue regarding Campbell Lane is at the end of the road where the two apartment buildings are being proposed. He said that there are 356 units with a total of 660 bedrooms on this site, and each of the proposed buildings will hold just under 30 units with a mix of 1 to 3 bedrooms. He then said that, even though the primary zoning on this property is R-3, the Commission had approved the two apartment buildings to become a more intense development (R-4 zone) from a floor area ratio standpoint.

Mr. Sallee said that the Subdivision Committee recommended approval, subject to the conditions listed on today's agenda. He briefly explained that conditions #1-10 are typical sign-off requirements from the different Divisions of the

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LFUCG; and the remaining conditions, with the exception of the conditions #13-15, are "cleanup" items that will be addressed prior to the plan being certified. He explained that there is no additional storm water management proposed for this site, and the reason for condition #13 was due to the wetland that is associated with the storm water for this project. He said that this discussion item can be answered by determining whether or not the water could drain into the existing system or if it needs some other type of treatment. Therefore, condition #13 can be changed to read: "Resolve storm water detention needs for Buildings 8 & 9."

Mr. Sallee then said that the termination of Campbell Lane would be addressed in the waiver report, which would be presented by Mr. Martin. As for the last condition (#15), he said that compliance with the perimeter setback, per note #17, notes that the setback will be determined at the time of a Final Development Plan. This request is a Final Development Plan, so now is the time for that determination. He said that the building closest to Campbell Lane has a couple of projections that conflict with the required setback; and it seems that, overall, the setback would average. The staff believes though, by changing condition #15 to read: "Delete perimeter setback note #17" it would address staff's concern with this issue. He then said that, prior to the plan being certified, the applicant will need to resolve this issue on the plan to ensure that the proper setback requirement is being met.

Waiver Report – Mr. Martin directed the Commission's to the staff's waiver report and said that the waiver request relates to the termination of Campbell Lane as it comes into the subject property. He then said that Campbell Lane is a rural road with a few houses on each side, and it has always stubbed into the adjoining property. There is an emergency gate at the end of Campbell Lane preventing access into the subject property. He said that there is another emergency access, near the Type 9 building, that can be accessed from the Sheabel Veterinary Clinic parking lot. He pointed out the Type 8 building and said that the applicant is proposing to construct the apartment building across the existing Campbell Lane right-of-way. He then said that the applicant has requested the release of that right-of-way, which is being reviewed by the Urban County Council. To address the need for emergency access, the applicant is providing a turnaround, which would normally be a cul-de-sac, but not in this case; however, the turnaround will be approved by the Division of Traffic Engineering.

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

1. Granting the requested waiver will not adversely affect public health and safety, as the properties will be developed under the approved final development plan, will have adequate access and can accommodate emergency vehicles.
2. Not granting the requested waiver would constitute an exceptional hardship to the applicant, by requiring the applicant to construct a cul-de-sac for public use in a private multi-family development with existing adequate access.

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

Representation – Richard Murphy, attorney, along with Rory Kahly, EA Partners, were present representing the applicant. He said that requesting the waiver for the cul-de-sac would decrease the number of properties on Campbell Lane, resulting in a decrease in the traffic volume. He then said that they are proposing to decrease the length of Campbell Lane and provide an emergency turnaround at the end of the street. They are also providing another emergency access through the Sheabel Veterinary Clinic parking lot. He indicated that they are in agreement with the staff's revised recommendation and requested approval. He explained that they are keeping these lots separated due to the mortgage on these properties; and at some point in time, there may be a need for a variance along the property lines, but that can be worked out with the staff.

Mr. Kahly indicated that they have submitted the stormwater report to the Division of Engineering for approval and explained that there is capacity on this development, and all of the water will flow into the existing basin on site.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. Jeff Morgan said that he lives on and has done some development on the other side of Caden Lane. He then said that he has done storm water projects in this area. He believes that this request is well thought out and that the applicant is doing a good job, and indicated his support of this request.

Action - A motion was made by Mr. Penn, seconded by Mr. Brewer and carried 10-0 (Drake absent) to approve DP 2016-34: ADAMS PROPERTY & CADENTOWN, LOTS 3 & 4 (BRIGHTON 3050) (AMD #5), changing the following conditions:

13. Resolve storm water detention needs for Buildings 8 & 9.
14. Provided the Planning Commission grants a waiver to Article 6-8 of the Land Subdivision Regulations.
15. Delete perimeter setback note #17 prior to certification.

Action - A motion was made by Mr. Penn, seconded by Mr. Brewer and carried 10-0 (Drake absent) to approve the waiver for DP 2016-34: ADAMS PROPERTY & CADENTOWN, LOTS 3 & 4 (BRIGHTON 3050) (AMD #5), for the following reasons:

1. Granting the requested waiver will not adversely affect public health and safety, as the properties will be developed under the approved final development plan will have adequate access and can accommodate emergency vehicles.

2. Not granting the requested waiver would constitute an exceptional hardship to the applicant, by requiring the applicant to construct a cul-de-sac for public use in a private multi-family development with existing adequate access.
- e. DP 2016-38: FIELD & MAIN (6/5/16)* - located at 367-375 East Main Street and 107-111 Eastern Avenue. (Council District 1) **(CMW, Inc.)**

The Subdivision Committee Recommended: **Postponement**. There are concerns with the remaining discussion items.

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. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
6. Division of Waste Management's approval of refuse collection locations.
7. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
8. Denote boundary of property with a solid dark line.
9. Recordation of consolidation plat prior to plan certification.
10. Addition of topography with contour intervals.
11. Denote construction access on plan.
12. Denote height of building in feet.
13. Delete notes #12 & #14.
14. Remove maximum building height from site statistics.
15. Complete building exterior wall dimensions (along rear wall).
16. Addition of planting, sidewalk, fences, wall, etc. in the 8.1' front yard.
17. Denote Board of Adjustment's approval for conditional use permit prior to certification.
18. Discuss proposed solid waste service.
19. Discuss compliance with Article 8-18(m) of the Zoning Ordinance.
20. Discuss compliance with Article 15-7, as applicable.
21. Discuss compliance with Downtown Streetscape Master Plan.

Staff Presentation – Ms. Gallt introduced the amended Final Development Plan for DP 2016-38: FIELD & MAIN, located at 367-375 East Main Street and 107-111 Eastern Avenue. She 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. She indicated that the subject property is located along East Main Street and Eastern Avenue, near Thoroughbred Park. She said that the applicant wants to demolish a couple of buildings and have a mix of uses in one building, to include a bank on the first floor and housing on the other floors. She then said that parking for this site will be accessed from Eastern Avenue. She noted that there was concern with the turning radius inherent with the drive-through, but the applicant is now proposing to move the drive-through further back from the building in order to provide more room for vehicles to exit the parking lot.

Ms. Gallt directed the Commission's attention to the revised staff report, and briefly explained that the following conditions are typical sign-off requirements from the different Divisions of the LFUCG:

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. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
6. Division of Waste Management's approval of refuse collection locations.
7. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.

Ms. Gallt then said that the following conditions are "cleanup" items that will be addressed prior to the plan being certified:

- ~~8. Denote boundary of property with a solid dark line.~~
8. 9. Recordation of consolidation plat prior to plan certification.
- ~~10. Addition of topography with contour intervals.~~
- ~~11. Denote construction access on plan.~~
- ~~12. Denote height of building in feet.~~
- ~~13. Delete notes #12 & #14.~~
- ~~14. Remove maximum building height from site statistics.~~
- ~~15. Complete building exterior wall dimensions (along rear wall).~~

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- ~~9. 16. Addition of planting, Denote that sidewalks will comply with ADA requirements, fences, wall, etc. in the 8-1' front yard.~~
- ~~10. 17. Denote Board of Adjustment's approval for variances and/or conditional use permit prior to certification.~~
- ~~18. Discuss proposed solid waste service.~~
- ~~11. 19. Discuss Resolve compliance with Article 8-18(m) of the Zoning Ordinance.~~
- ~~12. 20. Discuss Resolve compliance with Article 15-7, as applicable.~~
- ~~21. Discuss compliance with Downtown Streetscape Master Plan.~~

Ms. Gallt said that Ms. Brandi Peacher has reviewed the applicant's request and is confident that the applicant will be able to comply the Downtown Streetscape Master Plan. She then said that this request will be presented to the Board of Adjustment, and the applicant will need to denote the Board's approval of the variances and/or conditional use permit prior to certification.

Ms. Gallt said that she would try to answer any questions regarding the final development plan listed on today's agenda.

Representation – Richard Murphy, attorney, along with several representatives from CMW; Field & Main Bank; and Siemens Company were present with Jeff Morgan, the developer of the property. He said that, at the Subdivision Committee meeting, a question was asked concerning trash collection and informed the Commission that this site would be using a privately owned service. They have submitted a revision showing that the drive-through lanes have been addressed and would be presented to the Board of Adjustment for approval. He noted that they would also be requesting a variance to address compliance with Article 8-18(m) of the Zoning Ordinance.

Mr. Murphy said that they have received support from both neighbors and they are very grateful for their support. He then said that they are in agreement with the staff's revised recommendation and requested approval.

Commission Comments – The Chair indicated that a rendering of the streetscape was shown at the Subdivision Committee meeting and asked if that rendering was available. He said that he likes the idea of this request, and the main concerns were the dumpsters and the drive-through. He then said that he liked the rendering that was presented at the Committee meeting; and if it was available, he would like the full Commission to see the proposal. The staff presented the phot from the recent newspaper article for the Commission's review.

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 Ms. Richardson and carried 10-0 (Drake absent) to approve DP 2016-38: FIELD & MAIN, as presented by the staff.

4. MINOR SUBDIVISION PLAN

- a. PLAN 2016-25C: GOODWIN ACRES, LOTS 31, 32, 33 & 34 (6/5/17)* - located at 3798 Royster Road.
(Council District 12) **(Randy Martin)**

Note: The staff is referring this plan to the Commission under Article 3-2(b) of the Land Subdivision Regulations.

Staff Presentation – Mr. Sallee introduced this minor subdivision plan for property located at 3798 Royster Road. He directed the Commission's attention to the staff exhibit RSA 23 Zoning Atlas (1995) to orient them to the location of the subject property and the nearby street system. He said that the subject property is zoned Agricultural Rural (A-R) and is located very near the Columbustown Rural Settlement, which is to the north and west of the property. He then said that the subject property is located just off Winchester Road, along Royster Road near the existing rural fire station. He noted that the property is located in the rural section of Fayette County and it is approximately a half mile or so from the nearest edge of the Rural Service Area. The predominant zoning in this area is Agricultural Rural (A-R).

Mr. Sallee directed the Commission's attention to the rendering of the plat, and said that the purpose of this minor amendment is to consolidate four lots into two lots. He then directed the Commission's attention to the aerial photograph, and explained that the center property is identified as 3798 Royster Road; there is an existing house, as well as several agricultural buildings on the property. He said that it is shown as one parcel, adding that 3784 and 3776 are to the north and west of the subject site and these parcels range in size from 2 to 4 acres.

Mr. Sallee directed the Commission's attention to the May 1947 plat for the Goodwin Acres Subdivision, noting that the lots in question have been highlighted for the Commission's review. He said that these lots were recorded during a time when there were no zoning regulations in Fayette County, only in the City of Lexington. He then said that each of these lots' frontage is a little over 100', and each of the lots is approximately 2 acres in size, which is the basis of the proposed consolidation plat.

Mr. Sallee said that when the staff reviews a major or minor application, the Zoning Regulations or Land Subdivision Regulations are referenced. He then said that under Article 2-3(a) of the Land Subdivision Regulations, a Consolidation Minor Subdivision plat is defined as "to change the lot boundaries of two or more properties, or to combine at least two (2) properties into a lesser number of lots than originally existed." He noted that the basic rule for a consolidation plat noted

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in Article 2-3(a) states: "No consolidation may result in there being more separate transferable parcels after consolidation than prior to consolidation." He said that this one sentence is the key to the Planning Commission reviewing this plat and explains why the staff has referred this plat to the Commission.

Mr. Sallee said that under Article 3, the procedure that is followed for a minor subdivision plat is the compliance with all applicable regulations. If any questions arise, the staff has the ability to refer that item to the Commission for their review. He then said that the staff also reviews the Zoning Ordinance, which, for this case, the Agricultural Rural (A-R) zone was reviewed. He explained that the permitted use for this parcel is a single family detached dwelling unit, and said that there is one home with a number of accessory structures on this 8-acre tract of land. He then said that the accessory buildings are associated with agricultural uses, which include agricultural structures, along with a private garage.

Mr. Sallee said that, in looking at the Property Valuation Administrator (PVA) records, the legal description for this address shows that Lots 31 & 34 are included on an 8.16-acre tract of land that is zoned Agricultural Rural (A-R). He then said that the PVA record also shows the accessory buildings as being a garage, a horse barn and a tobacco barn with the one house. This is significant from the staff's perspective. He said that the staff had spoken with the PVA staff about the subdivision plat; and, like the staff, they do recognize that the plat was recorded in 1947, which is the basis of why the petitioner filed this application.

Mr. Sallee said that the staff is recommending disapproval of the applicant's request, for the following reasons:

1. The proposed Consolidation Plat is not in accordance with Article 2-3(a) of the Land Subdivision Regulations. The property at 3798 Royster Road is not "two or more properties," which is a threshold requirement for any Consolidation Plat under these Regulations. Also, the current deed for the property, the current use of the property, and the current tax records all indicate a singular property at this address.
2. According to recent reports to the staff, a real estate closing has recently transpired for the property encumbered by this proposed plat. If that is the case, then this plan is immaterial to the use of the property, and is therefore, unnecessary.

Commission Questions – Mr. Cravens asked what the highlighted lots are indicating on the 1947 plat. Mr. Sallee explained that the 1947 plat is showing Lots 27 through 38, and the lots in question (Lots 31 through 34) have been highlighted.

Mr. Cravens then asked if the highlighted lot shown on the RSA 23 Zoning Atlas encompasses all of the lots. Mr. Sallee replied that the schematic shows eight of the original 1947 lots.

Mr. Cravens said that there are several addresses being shown on the zoning atlas, but it does not indicate four lots. Mr. Sallee said that, according to the PVA records, 3784 Royster Road is Lots 35 and 36; and 3776 Royster Road is Lots 37 and 38. He then said that the reason the zoning atlas appears much larger is that some of the lots have been transferred off. The deed to the property shows about 17 acres in size, so it appears that some lots have been conveyed off of the parent tract. He said that from the staff's perspective, the question is whether this is one property or four properties, and whether or not the plat could be approved.

Ms. Mundy said that the PVA report states that this is Lots 31 through 34; so, in her mind, there are four lots. Mr. Sallee said that the staff understood her point, and that is the issue at hand. Ms. Mundy said that the staff mentioned that there were two and two lots; but according to PVA, there are four lots. Mr. Sallee agreed that PVA is showing Lots 31 through 34, but in the Land Subdivision Regulations the only mention of "lots" is post-consolidation requirements and pre-consolidation condition is about the number of actual properties there. That difference is the issue today.

Ms. Mundy said that, according to the staff report, reason #2 states that a real estate closing has recently transpired for the property encumbered by this proposed plat. She asked if this property was sold, then represented that the proposed plat is what they were buying rather than what PVA has reported. Mr. Sallee said that he did not know. He then said that the staff had initially raised this issue with the land surveyor and was told that that the applicant may go forward with the transfer under the existing plat. The applicant did not communicate with the staff for a number of weeks, until earlier this week when told that a transfer had occurred. The staff can only presume that the transfer was off of the 1947 plat, since the plat that is being shown has not been recorded.

Mr. Penn asked if the two-acre lots were ever recorded. Mr. Sallee replied affirmatively, and said that the 1947 plat is of record in the Clerk's Office. Mr. Penn then asked if only the two acre tract could be purchased today, as it is platted. Mr. Sallee said that he was not sure.

Mr. Penn asked the Law Department if it was their view that the applicant wants to consolidate four lots into two lots. Ms. Jones said that if the decision is based solely upon the 1947 plat, which is the only plat of record, then the answer is yes. Mr. Penn said that this plat was grandfathered in before the 40-acre rule was adopted. Ms. Jones replied affirmatively and said that it was also platted before the 10-acre rule. Mr. Penn asked if the two-acre lots are sellable today. Ms. Jones indicated that the two-acre lots probably could be sold today. She said that the reason the staff is presenting this request to the Commission was due to the mapping and PVA being not the same as the 1947 plat. She then said that she spoke to the title attorney, and he assured her that the 1947 plat is the only one on record. She added that, in looking at the 1947 plat and the Zoning Atlas, the staff believes that Lots 35 through 38 are addressed as 3784 and 3776 Royster Road and were probably sold off by deed. She said that it is obvious that the lots are there; it just initially gave the staff some pause. She then said that the owner could sell a lot that is two acres based upon the 1947 plat.

Mr. Cravens said that, based upon the 1947 plat, there are four lots that could be consolidated. Ms. Jones said that it could be interpreted that way. Mr. Sallee added that the Land Subdivision Regulations speak to properties, not lots.

Mr. Berkley said that the two properties next to this request with addresses seem to be two lots. Ms. Jones said that those two addresses could very well be two lots; but the staff does not know, since they only have what is pertaining to this particular consolidation request. Mr. Berkley asked if the issue is that the applicant cannot build a house over the property line. Ms. Jones said that if these are not four separate lots, but rather one lot; and if a consolidation plat is created for two lots, the question is if that will be contrary to the Land Subdivision Regulations, since it states that a consolidation plat cannot be created to make less lots than what are currently recorded. She then said that the Land Subdivision Regulations speak to property and lots, and she believes it's the lots that are controlling this plat. There is some room for interpretation; plus it is in the A-R zone, which is why the staff is referring this request to the Commission for their review. She added that this request is not contrary to the minimum lot size in the A-R zone since the 1947 plat was clearly in place way before the regulations. Mr. Sallee said that 3776 Royster Road is showing as Lots 37 and 38, and 3784 Royster Road is showing as Lots 35 and 36, both just over 4.1 acres each. He then said that it appears that these have been transferred based on the 1947 plat. He added that the history of this area has been a combination of lots to create a singular property, which is the issue in front of the Commission.

Representation – Wayne Goins was present on behalf of the property owners. He said that Mr. Green purchased 8 two-acre lots in 1947; approximately 15 years ago, he deeded two pairs of lots to his daughters, which left the other two pairs that they want to consolidate. He then said that rather than having four small homes, there would be two four-acre lots, which they believe would improve and maintain the integrity of the neighborhood. He said that the attorney that closed the previous sale on Lots 31 and 32 feels strongly that the 1947 plat is the standard for this area. He then said that their attorney has checked with Republic, who is the title company, and has spoken with Ms. Jones; and they believe they are correct in making this request.

Commission Questions – The Chair asked if Lots 31 and 32 were recently sold. Mr. Goins said that those lots have been transferred, leaving Lots 33 and 34. The Chair confirmed that that is what's precipitating this request. Mr. Goins replied affirmatively and said that the buyer for Lots 33 and 34 preferred to have a new plat. He said that they were trying to do the right thing by platting the 4 two-acre lots, making them 2 four-acre lots.

Mr. Cravens asked if Lots 31 and 32 were deeded by using metes and bounds. Mr. Goins replied that he was not sure. Mr. Cravens then asked if the property owners want to take the 4 two-acre lots and create 2 four-acre lots. Mr. Goins said that they want to make Lots 31 and 32 a four-acre lot and Lots 33 and 34 a four-acre lot. He then said that this would maintain the character of the neighborhood. He added that he would understand the opposition if they were trying to go from a four-acre lot to a two-acre lots. He said that the PVA created one tax bill for the property owner's convenience; it had nothing to do with replatting the property.

The Chair agreed that having 2 four-acre lots is better than having 4 two-acre lots. He then said that from what the staff had said, the difference is between "property" and "lots."

Mr. Cravens said that he sees four lots, and there is no reason not to say that there are four lots. He then said that nobody has produced a different plat other than the 1947 plat.

Mr. Penn asked what Articles in the Land Subdivision Regulations would prohibit the Commission from approving this request, because he thought this request was creating another non-conforming use. However, he does not believe that conforming or non-conforming is part of the issue. Mr. Sallee said that he agreed -conforming and non-conforming uses were not part of the issue today because single family homes are permitted in that A-R zone. He then said that even if the applicant built another single family home on the transferred property, it is permitted by the A-R zone, and it is not a non-conforming use. Mr. Goins said that the property owner's intentions are to build a single family home on each four-acre tract, which would be part of their deed restrictions.

Mr. Penn asked why the staff recommended disapproval of the applicant's request and how the Land Subdivision Regulations differ from what is being requested. Mr. Sallee said that the reason the staff mentioned the A-R zone was to demonstrate that there is one principal use and several accessory uses on the eight acres, and that helped the staff come to the conclusion that this is "one property." Mr. Penn then asked if the staff sees this as one eight-acre property. Mr. Sallee responded affirmatively, and said that there is one home with several accessory structures on it today. He then said that it goes back to the words "property" and "lot." Mr. Goins asked where the plat is that supports the staff's conclusion, because they are using the only plat on record. The Chair indicated that the Commission closed the meeting to any further testimony.

Mr. Brewer said that the Commission should either follow the staff's recommendation of disapproval or reverse the recommendation to approval. He then said that it seems that the same thing can be done regardless of the outcome and asked if he was misinterpreting that. Ms. Jones indicated that the word difference between "lots" and "property" in the Land Subdivision Regulations creates a lot of questions with this request. She said that the staff had a difference of opinion as to how to interpret these words. This request is an eight-acre piece of property, but she believes it is made up of 4 two-acre lots and that is what's on record. She then said that it is very possible for the property owners to just deed

the lots off, but this would result in a four-acre tract made up of a 2 two-acre tracts and another four-acre tract made up of 2 two-acre tracts. She added that one of the new property owners wanted another plat on record, which brought this question to the staff. She said that if the Commission believes this to be one piece of property, then a consolidation plat cannot be created; but if the Commission believes these are separate lots, then those can be consolidated and a new plat recorded under the Land Subdivision Regulations.

Audience Comment – The Chair indicated that there was an audience member who wished to discuss this request. Eric Rid, who is the prospective buyer of Lots 33 and 34, said that he spent a significant amount of time at the PVA Office researching this property, and there is nothing else that trumps the 1947 recorded plat. He then said that the reason they are pursuing the consolidation of these lots was due to Building Inspection stating that a house cannot be built across the property line. He said that he wants to consolidate the lots to build a single family home on the property.

Mr. Cravens said that if the property owner tried to build a home across the property line, Building Inspection would send them to the Division of Planning to seek relief.

Action - A motion was made by Mr. Cravens, seconded by Ms. Richardson and carried 10-0 (Drake absent) to approve the consolidation of PLAN 2016-25C: GOODWIN ACRES, LOTS 31, 32, 33 & 34.

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

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 10-0 (Drake absent) to approve the release and call of bonds as detailed in the memorandum dated April 14, 2016, from Barry Brock, Division of Engineering.

VI. COMMISSION ITEMS – The Chair will announce that any item a Commission member would like to present will be heard at this time.

- a. **SRA 2016-1: AMENDMENT TO ARTICLE 4-4(D)(1)** - petition for a text amendment to the Land Subdivision Regulations to increase the “life” of a Preliminary Subdivision Plan approved by the Commission from 3 years to 5 years.

REQUESTED BY: Urban County Planning Commission

PROPOSED TEXT: (Text underlined indicates an addition to the existing Land Subdivision Regulations.)

(1) APPROVAL - Means the developer is authorized to proceed with the preparation of the required improvement plan. Preliminary plan approval by the Planning Commission automatically grants a developer ~~three (3)~~ five (5) years from the date of Commission action within which he shall submit final plans for all property shown on the preliminary plan for Planning Commission consideration. Before expiration, the Commission may extend the approval period in increments not to exceed one year at a time, provided the Commission finds that progress has been made in the physical construction of improvements. In conjunction with such approval extensions, the Commission shall have the right to require changes in the preliminary plan when it finds that time has necessitated such changes for the health, safety and welfare of the residents of the community or when applicable ordinances and regulations have been changed. Upon the expiration of any approval period specified under this section, the plan shall be deemed as disapproved by the Commission.

The Subdivision Committee made a recommendation of Approval.

The Staff Recommends: Approval, for the following reasons:

1. The removal of the conflict in the Zoning Ordinance and the Land Subdivision Regulations regarding the allowable “life” of a combined Final Development Plan/Preliminary Subdivision Plan would be eliminated with this proposed amendment.
2. The long-standing practice of allowing Improvement Plans to be filed within three years of the certification of a Preliminary Subdivision Plan would be replaced with the certainty of a statement in the Regulations allowing up to “five (5) years from the date of Commission action” on the plan. In most instances, this will allow project engineers 12-23 months longer than the past practice to perform this task.

Staff Presentation – Mr. Sallee directed the Commission’s attention to the proposed text amendment to Article 4-4(d)(1) of the Land Subdivision Regulations regarding the approval of Preliminary Subdivision Plans. He said that, at the request of the staff, this text amendment was initiated by the Planning Commission to increase the allowable “life” of a Preliminary Subdivision Plan approval from 3 years to 5 years from the date of the Commission’s approval of that plan. This text amendment was designed to dispel two current uncertainties and confusing items in the Land Subdivision Regulations.

Mr. Sallee indicated that the Commission has seen a number of combined Preliminary Subdivision and Final Development Plans. He explained that under the Zoning Ordinance, a Final Development Plan allows building permits to be obtained for up to 5 years; but the Preliminary Subdivision Plan will expire in 3 years, which is 2 years earlier than the rest of the plan. This proposed change will extend the life of all Preliminary Subdivision Plans to 5 years from the date of the Planning Commission’s approval. This would then make both the Preliminary Subdivision Plan and the Final Development Plan match exactly with what is listed in the Zoning Ordinance for the life of a development plan.

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

Mr. Sallee said that the proposed change would also eliminate the uncertainty of when the 3-year clock would begin. He explained that, for years, the staff had interpreted the 3-year clock as beginning on the date the Preliminary Subdivision Plan was certified. That is the date the staff certified that the plan had met all of the conditions from the Planning Commission's approval. However, in reviewing this issue more closely with the Law Department, that practice was ambiguous. This proposed text amendment would take away that ambiguity, making it clear - it would be 5 years from the date of the Planning Commission's approval.

Mr. Sallee said that the Subdivision Committee and staff were recommending approval of the proposed change to Article 4-4(d)(1) of the Land Subdivision Regulations, for the following reasons:

1. The removal of the conflict in the Zoning Ordinance and the Land Subdivision Regulations regarding the allowable "life" of a combined Final Development Plan/Preliminary Subdivision Plan would be eliminated with this proposed amendment.
2. The long-standing practice of allowing Improvement Plans to be filed within three years of the certification of a Preliminary Subdivision Plan would be replaced with the certainty of a statement in the Regulations allowing up to "five (5) years from the date of Commission action" on the plan. In most instances, this will allow project engineers 12-23 months longer than the past practice to perform this task.

Citizen Comment – There were no citizens present to comment on this proposal.

Action - A motion was made by Mr. Brewer, seconded by Ms. Richardson, and carried 10-0 (Drake absent) to approve SRA 2016-1: AMENDMENT TO ARTICLE 4-4(D)(1), as presented by the staff.

- b. **SRA 2016-2: AMENDMENT TO ARTICLE(S) 2-3(B) AND 3-5(B)** - petition for a text amendment to the Land Subdivision Regulations to modify the limitations for these Minor Subdivision Plats by 1) reducing the acreage requirement for that plat (in most instances); and 2) to allow a Final Development Plan to substitute for a Final Record Plat, in terms of allowing development to proceed on such a property.

REQUESTED BY: Urban County Planning Commission

PROPOSED TEXT: (Text underlined indicates an addition to the existing Land Subdivision Regulations.)

2-3(b) NON-BUILDING MINOR SUBDIVISION - Shall be primarily for the purpose of assisting developers in acquiring land for future urban subdividing without having, at this time, to meet the requirements for a major subdivision. Except for alteration to existing buildings, or except for construction allowed by a recorded Display House Minor Subdivision Plan or an approved Final Development Plan, no new building development shall be permitted for residential, commercial, or industrial activity. Whenever such new development is desired, the developer must submit a major subdivision or development plan or a Display House Minor Subdivision Plan. Each division resulting from a non-building minor subdivision plan shall be at least the minimum lot size of zoning classification for the property, or one (1) ten (10) acres in size, whichever is greater.

3-5(b) NON-BUILDING PLANS - The following note shall be required to be placed upon the plan:

"The divisions created by this subdivision shall be used for non-building purposes. Except for alteration to existing buildings, no new construction shall be permitted for any residential or non-residential activity (except for that allowed for a portion of this property by the recording of a Display House Minor Subdivision Plan) unless and until a major subdivision or development plan is approved by the Planning Commission and recorded certified by the Commission's Secretary."

The Subdivision Committee made a recommendation of **Approval**.

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

1. The proposed text amendment is a timely relaxation to the Land Subdivision Regulations regarding the process to "take down" an undeveloped parcel of land in advance of more routine development approvals by the Planning Commission.
2. These types of minor subdivision plats have been little used in recent years, due to their lot size limitations and the need for a follow-up Final Record Plat. These two changes to the requirements for Non-Building Plats should make it easier for developers to acquire and dispose of smaller tracts in advance of their development, without violating any provisions of the Zoning Ordinance relating to the minimum lot sizes in each zone.

Staff Presentation – Mr. Sallee directed the Commission's attention to the proposed text amendment to Article(s) 2-3(b) and 3-5(b) of the Land Subdivision Regulations regarding the allowable conditions for Non-building Minor Subdivision Plans. He said that there are two changes being proposed by this amendment to change the minimum lot size that are allowable for these types of minor plans. He then said that currently there is a 10-acre minimum for this type of plans and what the staff has seen over the past five to ten years is that these types of plats have rarely been proposed for as much as 10 acres. Because the larger tracts have been divided several times, the normal type and size of a "take down" plat has gone down, more in the range of 3 to 7 acres, over the past few years (Final Record Plats).

Mr. Sallee said that the staff is proposing a change to account for the greater lot size requirement by some of the agricultural zones. He explained that having a 10-acre tract is still below the minimum lot size requirement in some ag zones, and has created an unusual circumstance that did not exist 25 years ago. He said that one of the major changes the staff is proposing is to reduce the 10-acre requirement, in most circumstances to allow a non-building lot to be created with at least an acre in size unless the zoning of the property has a larger minimum lot size requirement. In this case, the larger of the two would be

the minimum for a non-building plat, rather than a flat 10 acres across the board. He said that this would eliminate the possibility of someone believing that they could have a lot smaller than the minimum agricultural size lot, a required by the Zoning Ordinance, while still accommodating the recent trend that the staff is seeing for non-building plats.

Mr. Sallee then said that the staff is also proposing to allow a non-building plat, to not replace only with a Final Record Plat, but with either a Final Record Plat or a Final Development Plan. He then said that both the reason and the need for this change are primarily due to Infill and Redevelopment areas. He explained that it is very common now to not have another Final Record Plat for a property within the Infill Area, but it is common to see a Final Development Plan. He said that both of these types of plans have to be approved by the Planning Commission and both must comply with any associated conditions that were imposed with the Commission's approval. He then said that, from the staff's perspective, it is reasonable to allow either of these types of plans to be able to eliminate a non-building restriction on a lot.

Mr. Sallee said that the primary purpose for making these two changes at the same time is to attempt to eliminate or at least reduce the number of waiver requests that the Commission has been receiving for infrastructure construction. Based upon the staff's experience over the past few years, by making these changes, the number of waiver requests could be greatly reduced in the future. He then said the Subdivision Committee and staff are recommending approval of this amendment, for the following reasons:

1. The proposed text amendment is a timely relaxation to the Land Subdivision Regulations regarding the process to "take down" an undeveloped parcel of land in advance of more routine development approvals by the Planning Commission.
2. These types of minor subdivision plats have been little used in recent years, due to their lot size limitations and the need for a follow-up Final Record Plat. These two changes to the requirements for Non-Building Plats should make it easier for developers to acquire and dispose of smaller tracts in advance of their development, without violating any provisions of the Zoning Ordinance relating to the minimum lot sizes in each zone.

Citizen Comment – There were no citizens present to comment on this proposal.

Action - A motion was made by Mr. Cravens, seconded by Ms. Plumlee, and carried 10-0 (Drake absent) to approve SRA 2016-2: AMENDMENT TO ARTICLE(S) 2-3(B) AND 3-5(B), as presented by the staff.

c. **COMMISSION ITEMS**

The Chair directed the Commission's attention to Page 11, Item q, and said that at the April 7th Subdivision Committee meeting, the staff had recommended postponement of DP 2016-39 due to issues regarding the plan, which is shown by the number of conditions, especially 12 discussion items, listed on today's agenda. He then said that the applicant gave no revisions to the staff to review, and the Subdivision Committee felt that this item was not ready to move forward to the Planning Commission. The Committee had a brief discussion on this item and ultimately recommended postponement of DP 2016-39 due to lack of representation and the number of conditions listed on the Committee agenda. Now at the beginning of today's hearing, the applicant had only requested a 2-week postponement, which surprised him.

The Chair indicated that, at the end of the April 7th Committee meeting, there was a brief a discussion as to whether or not this type of behavior was appropriate, particularly with the number of citizens present to speak in opposition to that request. The applicant had recognized that this item was not ready to move forward and requested that it not to be heard. He asked if there was some type of leeway the Planning Commission could give to the staff to simply keep items such as this off the Committee agenda until the applicant supplies the necessary information and/or corrections to the staff to move the plan forward.

The Chair said that the staff has been made aware of the Committee's concerns; and even though the next work session is not until June 30th, this issue would be an excellent item to discuss. He asked the Commission to take note of the situation and consider what might be done.

Mr. Penn explained that at the April 7th Subdivision Committee there were 27 cases on that agenda, and he understands that there is a deadline as to when the applicant can submit any revisions. However, for this case, if those 12 discussion items have not been addressed, then there is no reason for the Committee to waste their time in hearing that case. He said that the Committee cannot handle 12 discussion items and bring the Commission a substantive recommendation, and he doesn't know how this can be fixed. He would like the staff to think about what the Commission can do to cut down on this type of situation.

Mr. Penn said that when someone comes to speak on an item listed on the Committee agenda, but that item is not ready to be heard, it creates a problem for those people. Also, if the staff has not had the chance to review any new revisions, it creates a bad light with people who come to these meetings to speak on an item.

Ms. Plumlee asked if this issue could be placed on the June 30th work session agenda. The Chair responded affirmatively.

Mr. Wilson said that what has been said makes a lot of sense and asked if there are any legal issues, adding that if this should go forward the Chair of the Subdivision Committee should take part in that decision making.

Mr. Sallee said that the staff can look at both the Bylaws and the current regulations, and then advised the Commission accordingly.

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

The Chair agreed with Mr. Sallee. He then said that there was much discussion after the Committee meeting; and with the work session being two months away, he felt it was appropriate to inform the entire Planning Commission of this issue.

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

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

IX. **NEXT MEETING DATES**

Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	April 27, 2016
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	April 28, 2016
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	May 5, 2016
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building).....	May 5, 2016
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	May 12, 2016
Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers	June 30, 2016

X. **ADJOURNMENT** - There being no further business, the Chair adjourned the meeting at 4:09 PM.

Mike Owens, Chair

Will Berkley, Secretary