

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

May 12, 2016

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

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

Planning Staff members present – Director James Duncan; Bill Sallee; Tom Martin; Kelly Hunter; Dave Jarman and Denise 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; Tim Queary, Environmental Policy and Tracy Jones and Andrea Brown, Department of Law.

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

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

- a. PLAN 2016-33F: WYNNDAL SUBDIVISION, LOT 1 (AMD) (7/3/16)* - located at 3757 Kings Glen Park.
(Council District 9) **(EA Partners)**

Note: The purpose of this amendment is to create 22 townhouse lots and a non-buildable lot.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. 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. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
10. Denote: This property shall be developed in accordance with the approved final development plan.
11. Addition of arterial screening along Man o' War Boulevard as required by Article 6-8 of the Land Subdivision Regulations.
12. Addition of 10' building lines on all lots.
13. Denote floodplain protection note on Lots 4-9.
14. Denote Lot 23 as "non-buildable."

Representation – Rory Kahly, EA Partners, was present representing the applicant, and requested postponement of PLAN 2016-33F: WYNNDAL SUBDIVISION, LOT 1 (AMD) to the June 9, 2016, Planning Commission meeting.

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

Action - A motion was made by Mr. Wilson, seconded by Mr. Drake and carried 9-0 (Brewer and Mundy absent) to postpone PLAN 2016-33F: WYNNDAL SUBDIVISION, LOT 1 (AMD) to the June 9, 2016, Planning Commission meeting.

- b. DP 2016-12: LOUDON PARK ADDITION, BLOCK 2, LOTS 3-10 (5/12/16)* - located at 720 Bryan Avenue and 130 & 138 Loudon Avenue. (Council District 1) **(S. Mark McCain, RLA)**

Note: The Planning Commission postponed this item at their February 11, 2016; March 10, 2016 and April 14, 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

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.

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9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Correct plan title.
11. Denote Final Record Plat information on plan or in title block.
12. Provided the Planning Commission makes a finding that the plan complies with Article 8-21(o)(4) of the Zoning Ordinance.
13. Clarify required parking generator for proposed restaurant use.
14. Clarify whether gates will be installed for all access points off Loudon Avenue.
15. Discuss proposed use for fenced area on east end of 138 Loudon Avenue.
16. Discuss proposed access for 130 Loudon Avenue.
17. Discuss area proposed for public art.
18. Discuss adaptive reuse proposed for 138 Loudon Avenue.
19. Discuss adaptive reuse proposed for 720 Bryan Avenue relative to Article 8-21(o)(4) of the Zoning Ordinance.

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant's representative, Mr. McCain, requesting indefinite postponement of DP 2016-12: LOUDON PARK ADDITION, BLOCK 2, LOTS 3-10.

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

Action - A motion was made by Ms. Plumlee, seconded by Mr. Wilson and carried 9-0 (Brewer and Mundy absent) to indefinitely postpone of DP 2016-12: LOUDON PARK ADDITION, BLOCK 2, LOTS 3-10.

- c. 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 Planning Commission postponed this item at their April 14, 2016, meeting. 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.

Commission Comments - The Chair indicated that Article 21 of the Zoning Ordinance required any development plan submitted to be reviewed by the Subdivision Committee prior to that item being forwarded to the Planning Commission. He then said that DP 2016-29: TUSCANY, UNIT 1, LOT 169 (YMCA PROPERTY) (AMD) had not yet been presented to the Subdivision Committee at either their April or May meeting; therefore, with the applicant's agreement, this item would be postponed today in order for it to be placed on the June 2, 2016, Subdivision Committee agenda.

Action - A motion was made by Mr. Penn, seconded by Mr. Cravens to postpone DP 2016-29: TUSCANY, UNIT 1, LOT 169 (YMCA PROPERTY) (AMD) to the June 2nd Subdivision Committee meeting.

Discussion of Motion – The Chair said that he believed that the applicant would be agreeable to postponing this plan to the June 9, 2016, meeting. The Chair asked if Mr. Penn was agreeable to postponing this item to the June 9th meeting, to which Mr. Penn indicated his agreement. The Chair then asked Mr. Cravens if he was agreeable to postponing this item to the June

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9th meeting. Mr. Cravens noted that the June 9th meeting was past the deadline for this item to be heard by the Commission. The Chair responded that the applicant was in agreement to postpone this item. Mr. Cravens indicated his agreement.

The motion carried 9-0 (Brewer and Mundy absent).

- IV. LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, May 5, 2016, at 8:30 a.m. The meeting was attended by Commission members: Frank Penn, Karen Mundy, Mike Owens, Will Berkley and Carolyn Plumlee. Committee members in attendance were: Hillard Newman, Division of Engineering; and Casey Kaucher, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee; Tom Martin; Cheryl Gallt; Denice Bullock; Kelly Hunter; Dave Jarman; Debbie Woods; Captain Greg Lengal, 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 Subdivision Committee had recommended conditional approval for the items listed. (A copy of the Consent Agenda is attached as an appendix to these minutes).

1. PLAN 2016-32F: HAMBURG PLACE OFFICE PARK, LOT 13 (AMD) (7/3/16)* - located at 1785 Vendor Way.
(Council District 6) **(Vision Engineering)**

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

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
6. Remove note #7 notation from plan.

2. PLAN 2016-34F: TUSCANY, UNIT 1-A, LOT 83 (AMD) (7/3/16)* - located at 2585 Pascoli Place.
(Council District 6) **(EA Partners)**

Note: The purpose of this amendment is to reduce the front yard setback by 10 feet and to reflect the reduction of a utility easement by 10' in width.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Denote LFUCG approval of utility easement modification per Article 6-5(c) of the Land Subdivision Regulations.
8. Provide documentation of private utility provider's release or encroachment for utility easement, prior to certification.

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3. 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 Planning Commission voted to continue the discussion of this plan at their April 14, 2016 meeting; and postponed further consideration of this item at their April 28, 2016, meeting, at the applicant's request. 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. Denote date (& case #) of BOA approval of heli-stop on plan, prior to plan certification.

4. DP 2016-39: WYNNDAL SUBDIVISION (6/5/16)* - located at 1580 Higbee Mill Road.
(Council District 9) **(Vision Engineering)**

Note: The Planning Commission postponed this item at their April 14, 2016 and April 28, 2016, meetings. The purpose of this amendment is to depict a townhouse development with the required parking on the subject property.

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, 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 prior to certification.
12. Denote reference to Article 19 to the approval of Water Quality.
13. Provide full half-section improvements to Higbee Mill Road along entire frontage (per Article 6-8(p) of the Land Subdivision Regulations), unless a waiver is approved by the Planning Commission.
14. Denote maintenance responsibility for common areas and access easement, per the Land Subdivision Regulations.
15. Denote details of proposed landscaping next to R-1C properties.
16. Denote: A LOMR shall be approved prior to the issuance of a building permit for the townhomes.
17. Addition of 10' building line on all townhouse lots.

5. DP 2016-50: HAMBURG PLACE, OFFICE PARK, LOT 13 (AMD) (7/3/16)* - located at 1785 Vendor Way.
(Council District 6) **(Vision Engineering)**

Note: The purpose of this amendment is to add buildable area and parking on a portion of Lot 13.

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.

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9. Addition of record plat designation on plan, in title block.

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, 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 the items listed on the Consent Agenda. Ms. Plumlee asked if there were any neighbors present for the Wynndale Subdivision development plan. Ms. Janet Cabaniss was present on behalf of the Stonewall Neighborhood Association. She asked if, in order for her to make a comment on DP 2016-39, this item would need to be presented. The Chair responded affirmatively. Ms. Cabaniss asked for DP 2016-39 to be presented to the full Commission.

Action - A motion was made by Mr. Wilson, seconded by Ms. Plumlee and carried 9-0 (Brewer and Mundy absent) to approve the items listed on the Consent Agenda, as recommended by the Subdivision Committee, removing DP 2016-39: WYNNDALE SUBDIVISION to permit full discussion.

- 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. DEVELOPMENT PLANS

- a. DP 2016-19: INTERCHANGE SERVICE CENTER, LOT 8B (5/12/16)* - located at 2211 Elkhorn Road.
(Council District 6) **(Abbie Jones Consulting, PSC)**

Note: The Planning Commission postponed this item at their March 10, 2016 and April 14, 2016, meetings.

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.

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

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.

Staff Presentation – Mr. Martin introduced the final development plan for DP 2016-19: INTERCHANGE SERVICE CENTER, LOT 8B, located at 2211 Elkhorn 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 Winchester Road at the end of Elkhorn Drive where there is a cul-de-sac, and Buena Vista Road begins. He explained that this area is dominated by hotels, fast food restaurants and other types of interchange businesses, and said that the applicant is proposing a 5-story motel with 85 rooms. It will be over 12,000 sq. ft. in size, and will provide 85 parking spaces. He said that the primary access to the front of the hotel will be off Elkhorn Drive, and the front entrance will be facing toward Winchester Road. He added that the front entrance to the motel will be canopied.

Mr. Martin explained that the Planning Commission postponed this item at their March 10, 2016 and April 14, 2016, meetings, and said that one of the reasons this item was postponed was due to the access easement that is being used for the LFUCG's pump station to the rear of the proposed motel. He explained that since the new pump station off of Winchester Road is on line, this pump station does not serve the Expansion Area anymore. However, it is still very significant to the nearby area, as it handles twenty million gallons of sewage a day as a pump station. He then said that access to the pump station comes off Elkhorn Drive and meanders back between the proposed motel and the adjacent lot. The access easement crosses the applicant's property, and this became the most significant issue that needed to be address for this request. In addition to the issue of the access easement, the proposed circulation on the property for the larger (such as used by the Division(s) of Fire and Solid Waste) and smaller vehicles was a concern, as was the conflict that the second access point would cause on the existing easement. He said that there is a floodplain that is associated with this this property; and with the conflict of the easement on its opposite side, the property does have limitations as to how the proposed motel could be designed.

Mr. Martin said that the Division of Water Quality had serious concerns with utilizing the access easement for anything other than their own use, and they want to ensure that the access to the pump station would be protected. He then said that the applicant also had legitimate concerns in providing efficient circulation that would be able to accommodate the larger vehicles, such as fire and solid waste, through the site. He added that there were public safety issues related to the site circulation, as well as being able to serve the pump station through the access easement.

Mr. Martin said that the LFUCG Law Department worked with the applicant's attorney to address the safety concerns with this site, and he thanked Ms. Jones. He directed the Commission's attention to the rendering, and said that the easement meanders back to the pump station. The applicant is proposing to straighten out the easement, making it parallel between the subject site and the adjacent property. This would allow the applicant to use part of the easement for two parking spaces and to exit the motel. He then said that the applicant has agreed, through a series of notes on the development plan, to restrict parking on the easement, maintain the easement and provide a 24-hour towing service at their own expense. This would allow the pump station to be accessed at any time of the day, if needed.

Mr. Martin directed the Commission's attention to 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 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 notes and bounds to improve legibility.~~
- ~~13. Darken building dimensions to improve legibility.~~
11. 14. Dimension driveway entrances on plan.
- ~~12.~~ 15. Correct F.F.E information to the approval of the Division of Water Quality.
- ~~13.~~ 16. Addition of required CLOMR-F/LOMR-F information and timing to the approval of the Division(s) of Water Quality and Engineering.
14. 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.~~
- 15. Provided that an easement minor plan shall be recorded prior to certification of this Final Development Plan.

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 need to be addressed prior to the plan being certified. He said that the staff is recommending approval of the applicant's request, and with that he would try to answer any questions regarding the final development plan listed on today's agenda.

Commission Questions – The Chair asked if having two parking spaces on an access easement is typical. Mr. Martin replied that this is not typical, but people sometimes do use access easements in this manner. The Chair then asked how many parking spaces are required. Mr. Martin said that they are proposing one parking space per room, which is what's required. He then said that in order for the applicant to maintain the number of rooms being proposed, they had to provide 85 parking spaces on the site. If the number of parking spaces is reduced, then the number of rooms would also be reduced. He added that the remaining parking area is typical. The Chair asked if compact parking would be provided. Mr. Martin said that some motels do not have compact parking spaces because they are unsure of who would be using the parking area, but the applicant is allowed to have 25 percent of their total requirement as compact parking if they choose. The Chair said that the two parking spaces on the easement could pose a problem when backing out. Mr. Martin said that the applicant is proposing one-way circulation through the parking area. The Chair said that the access easement is two-way. Mr. Martin said that for the LFUCG it is, but for the motel it is not a problem to restrict it to an exit only.

Mr. Penn asked where the dumpster would be located. Mr. Martin said that the dumpster is to be located in the back corner of the parking lot, north of the motel. He then said that the location would allow the solid waste trucks to enter and exit the site more efficiently than using the access easement.

Representation – Nathan Billings, attorney, along with Abbie Jones, engineer, was present representing the applicant. He indicated that they do not have anything further to add but that they had submitted a revision of this plan to the staff after the Subdivision Committee meeting, and confirmed the conditions listed on the staff's handout.

Mr. Billings said that they have agreed to straighten out the easement, which benefits everyone, including the movement of the larger vehicles. He explained that the easement is approximately 24' wide and it provides for two-way movement. He said that currently they do not have compact parking spaces being proposed; but if the Commission wishes, the two parking spaces located on the easement could be designated as "compact parking only." This would eliminate a potential problem and would prevent the larger trucks from parking on the easement. He said that the easement would be striped for no parking and there would be a gated fence. Towing would be provided 24 hours a day, seven days a week. He added that, should the City have to tow a car, the applicant would reimburse them for that cost. He said that they would provide an easement minor plat to change the easement, prior to certification of this Final Development Plan.

Ms. Jones said that they have been working with the Division of Water Quality to ensure that the design notes meet their concerns as far as the timing of the CLOMR-F/LOMR. She then said that the staff was very specific to show the pre-construction and post-construction processes. She added that this request will meet both the City's and FEMA's regulations, and they believe that all of the technical issues have been addressed with the revised plan.

Commission Questions – Mr. Penn asked if the Division of Fire, Water Control Office's is in agreement. Captain Lengal indicated their agreement.

The Chair said that he was concerned with having two parking spaces located next to the access easement, not whether or not those parking spaces were compact or not.

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. Penn, seconded by Ms. Richardson and carried 9-0 (Brewer and Mundy absent) to approve DP 2016-19: INTERCHANGE SERVICE CENTER, LOT 8B, as presented by the staff.

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

Note: The Planning Commission postponed this item at their April 14, 2016 and April 28, 2016, meetings. The purpose of this amendment is to depict a townhouse development with the required parking on the subject property.

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

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

1. Urban County Engineer's acceptance of drainage, 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, 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 prior to certification.
12. Denote reference to Article 19 to the approval of Water Quality.
13. Provide full half-section improvements to Higbee Mill Road along entire frontage (per Article 6-8(p) of the Land Subdivision Regulations), unless a waiver is approved by the Planning Commission.
14. Denote maintenance responsibility for common areas and access easement, per the Land Subdivision Regulations.
15. Denote details of proposed landscaping next to R-1C properties.
16. Denote: A LOMR shall be approved prior to the issuance of a building permit for the townhomes.
17. Addition of 10' building line on all townhouse lots.

Staff Presentation – Mr. Jarman introduced the final development plan for DP 2016-39: WYNNDALE SUBDIVISION, located at 1580 Higbee Mill 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 Man o' War Boulevard, near the Clays Mill Road and Higbee Mill Road intersection. This is near where Higbee Mill Road connects to Cornwall Drive. He said that property is currently vacant; and the South Elkhorn Creek tributary runs through this area, under Man o' War Boulevard and on downstream to Clemens Heights.

Mr. Jarman explained that the applicant is proposing to subdivide the property into two lots. Half of the property will not be developed due to it being in a floodplain area, while the other half of the property is depicting a 20-unit townhouse development and its associated parking, with access to the property provided off Higbee Mill Road.

Mr. Jarman said that the Subdivision Committee had recommended approval of the plan, 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; 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 resolve the difference between the 20' access easement along the east property line and correct the base roadway information on the plan, prior to certification. This condition is in relation to Old Clays Mill Road that is located between the subject property and the adjacent property. He then said that the applicant will need to denote reference to Article 19 on the plan, which concerns the allowed activities in the FEMA floodplain, as well as denote the LOMR on the plan prior to the issuance of a building permit for the construction of the townhomes. This condition is not for site prep or grading, but for building construction. He added that they will also need to add a 10' building line to all the townhouse lots.

He said that the applicant will need to provide full half-section improvements to Higbee Mill Road along the entire frontage of the subject property, unless the Planning Commission approves a waiver to Article 6-8(p) of the Land Subdivision Regulations. He directed the Commission's attention to the landscape plan and said that the staff received the applicant's rendering that depicts the proposed landscaping between the subject property and the single family homes (condition #15). The rendering of the Landscape Plan was displayed for review by the Commission.

Commission Questions – The Chair said that during the Subdivision Committee meeting, one of the townhouses was being shown in the floodplain. Mr. Jarman said that, at the present time, the floodplain does run through the proposed development for which the applicant will need to obtain a Letter of Map Revision from FEMA before construction begins. The actual floodway is located to the south of the townhouses.

The Chair asked why the corner of the townhouse was highlighted at the Subdivision Committee meeting. Mr. Jarman said that it was probably due to the 25' floodplain setback, which touches the corner of the proposed building from the modified floodplain boundary proposed.

Representation – Matt Carter, Vision Engineering, along with Jason Hail, landscape architect, was present representing Jake Riordan. He said that with the Subdivision Committee meeting and the staff recommending approval of this request, they would forego any formal presentation. He then said that they had met with the Stonewall Neighborhood Association on April 25th, and they believe they have addressed their concerns with the revised submission of this plan. He indicated that they are in agreement with the conditions as presented by the staff, and requested approval.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. Janet Cabiniss was present representing the Stonewall Neighborhood Association. She indicated that they generally support this

request, but do have some questions concerning this proposal. She said that they understand, as a neighborhood association, that they have limited rights when making suggestions on a development plan in an R-1T zone. Nevertheless, the neighborhood association does not grasp as to how confirmation would be obtained regarding the few concerns they still have with this request. They are seeking assurance and protection for both neighborhoods, and they want to make sure this is a really good plan for their neighborhood. She said that nearly everyone is in agreement with what is being proposed on the development plan.

Ms. Cabiniss said that their concerns include that the neighborhood character of the development should match the character of the Stonewall Neighborhood. In speaking with the developer, they have indicated that the townhomes would be brick on three sides and apportioned with upscale amenities.

Ms. Cabiniss then said that the Comprehensive Plan shows that safety of neighborhoods should be extended to new developments within an existing neighborhood. This relates to the sidewalk being extended the entire length of Higbee Mill Road, and the applicant has not shown this on the development plan. They would like to see the sidewalk extended on the plan, as well as some type of raised "zebra crossing" provided on Higbee Mill Road. She requested that the Commission not grant the waiver for the sidewalk because the sidewalk would be a good pedestrian connection to the nearby park.

Ms. Cabiniss said that they are concerned with the waste management on this development and whether or not this development would need two dumpsters. The applicant has not addressed this concern with the neighborhood association.

Ms. Cabiniss said that, since this area floods, the applicant would need to denote a LOMR on the plan. She then said that they understand that the dirt can be moved, but asked if the word "denote" means to ensure that the LOMR would be obtained before the development begins.

Ms. Cabiniss said that, as far as the landscaping for this development goes, the applicant had indicated that the landscaping plan was on file; therefore, it applies. She asked that the landscaping be denoted on the development plan.

Ms. Cabiniss said that there is an opacity requirement in Article 18-2 of the Zoning Ordinance to provide for a 50 percent winter and 70 percent summer opacity. This is important for the single family homes that are adjacent to the subject property.

Ms. Cabiniss said that they do support the applicant's request, and they are in agreement with the R-1T (townhouse) development versus the apartment complex that was originally proposed for this site. She then said that, as a neighborhood, they wanted to mention a few things for the record to ensure that it was made part of the plan. She indicated that there are plenty of interested neighbors in the Stonewall Neighborhood and encouraged the applicant to keep talking with the residents.

Staff Comments – Mr. Jarman said that the word "denote" on conditions #15 and #16 means to place the specific verbiage on the face of the plan. He then said that condition #16 reads "Denote: A LOMR shall be approved prior to the issuance of a building permit for the townhomes," meaning that language would be placed on the development plan. This note would prohibit any building permits from being pulled until the LOMR is approved.

Commission Questions – Mr. Penn asked for clarification of the sidewalk issue. Mr. Jarman said that the sidewalk shown does not pass the proposed property line. The staff is in favor of the sidewalk being extended to the edge of the property. He noted that the park was located diagonally from the edge of the subject property and said that they believe, with this being a new development, the residents would want to take advantage of the park. He said that the staff believes that by having the sidewalk extended, it would enhance security and safety for those accessing the park.

Mr. Penn asked if that should be added as a condition. Mr. Martin said that it is covered by a condition (#13), and the applicant has indicated their agreement with that condition. He explained that the applicant will have to provide full half-section improvements to Higbee Mill Road along the entire frontage, unless a waiver is granted by the Commission. The applicant has not yet requested that waiver; and should that waiver be requested, it would be reviewed by the full Commission.

The Chair asked if a crosswalk was possible. Casey Kaucher, Traffic Engineering, responded that she was not sure as to where the neighborhood association was requesting the crosswalk, but the staff would not have any issues with it being at the intersection of Higbee Mill Road and Clays Mill Road. She then said that their staff would not approve a crosswalk in the middle of the road for safety reasons. Mr. Sallee said that he believes that Ms. Cabiniss meant for the crosswalk to be at the intersection of Old Clays Mill Road (now a driveway) and Higbee Mill Road. Ms. Kaucher said that their staff would not make that a condition to this plan, but it is something that could be reviewed. She then said that as soon as a crosswalk is marked, it is telling the public (the pedestrian) that that is the best safe place to cross the road. Without looking at the plan further, she doesn't believe that would be a good idea.

Representation Comments – Mr. Carter said that they have agreed to install the sidewalk for the full length of the property; and at this time, they are not pursuing the waiver for the improvements to Higbee Mill Road. He then said that the applicant is agreeable to providing a crosswalk, but they want to work with the Division of Traffic Engineering to provide the safest location. Mr. Carter said that, as for the opacity on the landscape screening, what they are proposing does exceed Article 18-2 of the Zoning Ordinance. He then said that there is no perfect option for the dumpster, and they believe that placing the dumpster at the end where it could be screened properly is the best scenario. He added that the garbage truck would be on site once a week and the noise from the truck would not be as loud as if it needed to serve 20 individual homes with herbies. Mr. Carter said that they will be providing upscale amenities and perhaps a walking path through their development.

Commission Questions – The Chair asked if brick would be used on the townhouses. Mr. Carter said that the applicant is agreeable to have brick facing the adjacent single family homes only.

The Chair said that the neighborhood is concerned with the number of dumpsters. Mr. Carter replied that they are showing two dumpsters, but only need one dumpster. He then said that the reason for two dumpsters is that one would be used for recycling.

Ms. Plumlee said that the Commission received a letter from Ms. Johnson, who was concerned with maintenance of the property. Mr. Carter said that each of the units stands on its own; but as for the maintenance of the property, that would be handled through the homeowner's association fees.

The Chair asked if the dumpsters are shown on the plan. Mr. Carter pointed out the dumpster location on the rendering.

The Chair said that the front of the townhouses would be brick, and asked about the sides. Mr. Carter said that the plan is to brick the front and ends of the townhouse buildings.

Audience Comments - Ms. Cabiniss asked if the rear lawns would be maintained, as well. Mr. Carter said that the homeowners association would maintain the lawn, not the residents.

Action - A motion was made by Ms. Plumlee, seconded by Ms. Richardson and carried 9-0 (Brewer and Mundy absent) to approve DP 2016-39: WYNNDALE SUBDIVISION, as presented by the staff.

- C. PERFORMANCE BONDS AND LETTERS OF CREDIT** – A motion was made by Mr. Cravens, seconded by Ms. Richardson, and carried 9-0 (Brewer and Mundy absent) to approve the release and call of bonds as detailed in the memorandum dated May 12, 2016, from Barry Brock, Division of Engineering.

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

- A. WORK SESSION** – Mr. Duncan said that the Commission normally has a work session scheduled the week after the Planning Commission meeting, but for this month a work session has not been set for May 19, 2016.

Mr. Duncan then said that the May 26th Planning Commission meeting would very likely be held in the Phoenix Building in the 3rd floor conference room. He explained that the Council has scheduled a meeting in that Chambers the afternoon, and said that for now, the Commission members should plan on attending the May 26th Planning Commission meeting in the Phoenix Building on the 3rd floor conference room. The staff would keep the members informed as the meeting date comes closer.

Mr. Duncan said that there was construction next to Martin Luther King Blvd., so the sidewalk to the side door of the Government Building is not accessible. He then said that the garage entrance and the front door of the Government building were still open, should they need to access the building. He added that the entire garage is being renovated and it will take several months to complete.

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)	May 25, 2016
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	May 26, 2016
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	June 2, 2016
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building).....	June 2, 2016
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	June 9, 2016
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	June 23, 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 2:24 PM.

Mike Owens, Chair

Will Berkley, Secretary