MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS

July 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; David Drake; Carolyn Plumlee; Carolyn Richardson; Frank Penn; Bill Wilson; Joe Smith and Karen Mundy. Patrick Brewer was absent.

Planning Staff members present – Director James Duncan; Bill Sallee; Tom Martin; Cheryl Gallt; Denice Bullock and Debbie Woods. Other staff members in attendance were: Vaughan Adkins, Division of Engineering; Casey Kaucher, Division of Traffic Engineering; Lieutenant Joshua Thiel, Division of Fire and Emergency Services; and Tracy Jones, Department of Law.

II. **APPROVAL OF MINUTES** – The corrected minutes of the September 10, 2015, and the minutes of the June 9, 2016, meetings will be considered by the Planning Commission at this time.

Action - A motion was made by Ms. Plumlee, seconded by Ms. Richardson and carried 10-0 (Brewer absent) to approve the corrected minutes of the September 10, 2015, and the minutes of the June 9, 2016, meetings.

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

a. DP 2016-65: KALUSKI PROPERTY (LEXAVE APARTMENTS) (9/4/16)* - located at 260 Lexington Avenue. (Council District 3) **(EA Partners)**

The Subdivision Committee Recommended: **Postponement.** There are concerns about Fire and Solid Waste access.

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. Dimension proposed building and delete building envelope dimensions.
11. Identify tree preservation areas on plan.
12. Dimension landscape buffer width along northern property line.
13. Discuss water quality measures (for redevelopment), per the Engineering Manuals.

Representation – Jacob Walbourn, attorney, was present representing the applicant, and requested postponement of DP 2016-65: KALUSKI PROPERTY (LEXAVE APARTMENTS) to the July 28, 2016, Planning Commission meeting.

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

Action - A motion was made by Ms. Mundy, seconded by Ms. Richardson and carried 10-0 (Brewer absent) to postpone DP 2016-65: KALUSKI PROPERTY (LEXAVE APARTMENTS) to the July 28, 2016, Planning Commission meeting.

b. PLAN 2016-68F: VIRGINIA SUBDIVISION, LOT 1 & HALF OF LOT 2 (AMD) (9/4/16)* - located at 1701 Clays Spring Lane. (Council District 5) **(Vision Engineering)**

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

The Subdivision Committee Recommended: **Postponement**. There were some questions regarding the proposed access easement and sanitary sewer service.

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

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

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

7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Delete note #3.
10. Denote all control monuments on plan, per Art. 6 requirements.
11. Discuss adequacy of the proposed access easement and the required finding by the Planning Commission.
12. Discuss the available public sanitary sewer service to the lots, and the possible need for a Preliminary Subdivision Plan.

Representation – Matt Carter, Vision Engineering, was present representing the applicant, and requested postponement of PLAN 2016-68F: VIRGINIA SUBDIVISION, LOT 1 & HALF OF LOT 2 (AMD) to the July 28, 2016, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. Bruce Simpson, attorney, was present representing the residents of this area. He said that the issues for the postponement recommendation still exist and asked that should the Commission grant the requested two week postponement, they adopt a condition to provide that the applicant submits all of the necessary information that had been asked for by next Friday (July 22, 2016). This would allow his clients time to review the revised submission before the July 28th Planning Commission meeting. The Chair asked if a 2 week postponement would allow his clients time to review the plat, to which Mr. Simpson replied affirmatively. The Chair asked if the applicant was agreeable to Mr. Simpson's request. Mr. Carter concurred.

Action - A motion was made by Mr. Cravens, seconded by Mr. Wilson and carried 10-0 (Brewer absent) to postpone PLAN 2016-68F: VIRGINIA SUBDIVISION, LOT 1 & HALF OF LOT 2 (AMD) to the July 28, 2016, Planning Commission meeting, provided the applicant submits all of the necessary information before July 22, 2016.

IV. LAND SUBDIVISION ITEMS - The Subdivision Committee met on Thursday, June 2, 2016, at 8:30 a.m. The meeting was attended by Commission members: Frank Penn, Karen Mundy, Carolyn Plumlee and Joe Smith. Committee members in attendance were: Vaughan Adkins, Division of Engineering; and Casey Kaucher, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee; Tom Martin; Cheryl Gallt; Denice Bullock; Captain Greg Lengal, Division of Fire & Emergency Services; Chris Schnelle, Division of Police; and Tracy Jones, Department of Law. The Committee made recommendations on plans as noted.

General Notes

The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.
1. *All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.*
2. *All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.*

A. CONSENT AGENDA – Following requests for postponement or withdrawal, items requiring no discussion will be considered.

Criteria:
(1) the Subdivision Committee recommendation is for approval, as listed on this agenda; and
(2) the Petitioner is in agreement with the Subdivision Committee recommendation and the conditions listed on the agenda; and
(3) no discussion of the item is desired by the Commission; and
(4) no person present at this meeting objects to the Commission acting on the matter without discussion; and
(5) the matter does not involve a waiver of the Land Subdivision Regulations.

Requests can be made to remove items from the Consent Agenda:
(1) due to prior postponements and withdrawals,
(2) from the Planning Commission,
(3) from the audience, and
(4) from Petitioners and their representatives.

At the request of the Chair, Mr. Sallee identified the following items appearing on the Consent Agenda, and oriented the Commission to the location of these items on the regular Meeting Agenda. He noted that the Subdivision Committee had recommended conditional approval for some the items listed and reapproval of the remaining items. (A copy of the Consent Agenda is attached as an appendix to these minutes).

1. PLAN 2016-47P: HILLENMEYER & SFH PROPERTIES (AMD) (7/31/16)* - located at 2373 and 2405 Sandersville Road. (Council District 2) **(EA Partners)**

   Note: The Planning Commission postponed this item at their June 9, 2016, meeting. The purpose of this amendment is to combine three previously adjacent preliminary subdivision plans and to revise the street alignment and lots.

   The Subdivision Committee Recommended: **Approval**, subject to the following conditions:
   1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
   2. Urban County Traffic Engineer's approval of street cross-sections and access.
   3. Building Inspection's approval of landscaping.
   4. Addressing Office's approval of street names and addresses.

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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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Clarify cross-sections for cul-de-sac streets (Corsage, Calista, Cravat, etc.)
11. Addition of required landscape buffers adjacent to railroad and A-U zones.
12. Clarify note #13.
13. Addition of tree protection area along north property line (detention basin).
14. Resolve Sandersville Road improvements.
15. Resolve access to Lot 387 (1.04 ac. detention lot), and side yard setbacks on adjacent lots (66 & 67).
16. Resolve tree protection areas along property boundaries.
17. Resolve sinkhole note from PLAN 2006-250P.
18. Resolve note #17 from PLAN 2012-99P.

2. PLAN 2016-63F: CHEVY CHASE SUBDIVISION, UNIT 27 (AMD) (9/4/16)* - located at 1229 Indian Mound Road. (Council District 5) **(Endris Engineering)**

Note: The purpose of this amendment is to reduce the front building line from 35' to 30'.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:
1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Addressing Office's approval of street names and addresses.
3. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
4. Correct plan title to "Amended Final Record Plat".

3. PLAN 2016-64F: JOHN & CAROL NELSON PROPERTY (9/4/16)* - located at 1575 Falcon Wood Way. (Council District 12) **(Berry Land Surveying)**

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. Denote: Department of Health approval of septic system required prior to issuance of building permit.
6. Correct Urban County Engineer's certification.
7. Denote adjacent property owner's information (across Falcon Wood and Yarnallton).
8. Denote 30' KAWC easement centerline with dashed lines.
9. Remove "A-R setback" requirements box from plan.
10. Label 50' building setback dimension on Yarnallton frontage.

4. PLAN 2016-65F: PROVIDENCE PLACE, SECTION 2 & KINGSTON HALL, UNIT 2 (AMD) (9/4/16)* - located at 1191 and 1150 Providence Place Parkway. (Council District 12) **(EA Partners)**

Note: The purpose of this amendment is to create Lots 3 & 4.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:
1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s).
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Denote: This property shall be developed in accordance with the approved final development plan.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Addition of maintenance note for lot owners.
10. Addition of engineer's and surveyor's certification.
11. Correct survey pin number "3674" and "2115" (or verify survey).
12. Identify storm drainage easement limits on Lot 3 (for existing basin).
13. Resolve timing of Providence Place Parkway extension and dedication.
14. Resolve size, timing and maintenance of access easement across Lots 3 & 4.

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5. PLAN 2016-66F: GESS PROPERTY, UNIT 8-B (9/4/16)* - located at 4115 Sperling Drive.
(Council District 7) **(EA Partners)**

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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Greenspace Planner's approval of the treatment of greenways and greenspace.
8. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
9. Denote: Lot 34 shall be developed in accordance with the approved final development plan.
10. Denote exactions on the plan to the approval of the Division of Planning.
11. Denote lot addressing.
12. Denote regulatory floodplain elevation on plan.
13. Correct number of street trees required for Lot 34 (to 3).
14. Complete adjacent property information (northwest and northeast of Lot 34).
15. Denote: There shall be only one single family dwelling unit on Lots 23-33.
16. Addition of development standards for multi-family residential uses.
17. Addition of required landscape buffer area (or easement) along rear of Lots 23-33.

6. PLAN 2016-67F: LEXMARK INTERNATIONAL, INC. (FKA IBM) SECTION 2 (9/4/16)* - located at 361 W. Loudon Avenue.
(Council District 1) **(Vision Engineering)**

Note: The purpose of this amendment is to create one additional lot in this development, and to move Lots 9 & 10 to Section 1 of this development.

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).
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. Correct Urban County Engineer's certification.
11. Recordation for Section 1 shall occur prior to certification and recordation of this plan.
12. Addition of 20' building lines on Lot 2, and relocate its lot frontage along unimproved Freight Blvd.

7. PLAN 2016-69F: WYNNDALE SUBDIVISION, LOT 2 (AMD) (9/4/16)* - located at 1580 Higbee Mill Road.
(Council District 9) **(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, 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. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. Correct engineer's/surveyor's certification.
13. Correct Planning Commission's certification.
14. Correct Urban County Engineer's certification.

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15. Resolve timing of Higbee Mill Road improvements and possible waiver.

8. PLAN 2016-70F: ROMANY ROAD PROPERTIES, LLC (9/4/16)* - located at 325-355 Romany Road. (Council District 5) **(2020 Land Surveying)**

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. Denote owner's name and address.
7. Correct scale in title block.
8. Resolve need for reciprocal parking and/or access for all lots.

9. PLAN 2013-53F: 300 WEST VINE, LLC PROPERTY (10/4/16)* - located at 307-315, 317-331 and 343 South Broadway. (Council District 3) **(Strand & Associates)**

Note: The Planning Commission originally approved this plan on June 13, 2013, and granted a one-year extension on June 12, 2014 and June 11, 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.
4. Addressing Office's approval of street names and addresses.
5. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
6. Correct vicinity map (northern property).
7. Addition of building lines (10') as required by Article 8-18(h).
8. Addition of survey monument information.
9. Correct Engineer's certification to the approval of the Division of Engineering.
10. Resolve access and pedestrian easements from Lot 1 to serve Lot 2.

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

The Staff Recommends: **Reapproval**, subject to the original condition previously required by the Planning Commission on June 13, 2013, in addition to one other condition:
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.

10. PLAN 2014-51F: JOHNSON SUBDIVISION, LOT 26 (AMD) (10/4/16)* - located at 455-457 N. Martin Luther King Boulevard. (Council District 1) **(Randy Martin)**

Note: The purpose of this amendment is to subdivide one lot into two lots. The Planning Commission approved this item on August 14, 2014, subject to the following conditions:
1. Urban County Engineer's acceptance of drainage and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Addressing Office's approval of street names and addresses.
4. Urban Forester's approval of tree protection area(s) and required street tree information.
5. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
6. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
7. Denote date of plan preparation.
8. Denote addresses on lots.
9. Denote the front yard building line per the Zoning Ordinance.
10. Document existence of separate sewer laterals prior to certification.
11. Increase size of street cross-section (for legibility).
12. Denote that the structure will be a duplex (one unit per lot).
13. Document compliance with building code for separation prior to certification.
14. Addition of storm water easement.

Note: The applicant now requests reapproval.

The Staff Recommends: **Reapproval**, subject to the original condition previously required by the Planning Commission on April 14, 2014.

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

11. DP 2016-67: KINGSTON HALL, UNIT 1, LOT 22 (9/4/16)* - located at 2175 Russell Cave Road (a portion of). (Council District 12) **(EA Partners)**

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

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:
1. Urban County Engineer's acceptance of drainage, 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. Provided the Planning Commission makes a finding that the plan complies with the Expansion Area Master Plan.
11. Addition of exaction information to the approval of the Division of Planning, per the current rate tables.
12. Expand the development plan to include Providence Place Parkway, per the EAMP and Zoning Ordinance requirements.
13. Addition of proposed use in site statistics.
14. Approval of the Royal Spring Aquifer Committee prior to certification.
15. Greenspace Planner's approval of the treatment of greenways and greenspace.
16. Resolve timing of construction of Providence Place Parkway and mechanism for approval and/or dedication.

12. DP 2016-68: LEXMARK INTERNATIONAL, INC. (FKA IBM) (AMD) (9/4/16)* - located at 740 W. New Circle Road. (Council District 1) **(Vision Engineering)**

Note: The purpose of this amendment is to add a 7,100 sq. ft. building and associated off-street 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. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities, including alterations to the Legacy Trail.
8. Greenspace Planner's approval of the treatment of greenways and greenspace, including alterations to the Legacy Trail.
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. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. Delete notes #14 & #26.
13. Resolve intersection geometrics at intersection of Freight Blvd and Setzer Way.
14. Resolve timing of previously approved development plan certification.

13. DP 2016-69: HAMBURG PLACE B-5P & B-6P AREA (AMD) (9/4/16)* - located at 2344 Elkhorn Road. (Council District 6) **(Vision Engineering)**

Note: The purpose of this amendment is to add buildable area, a drive-through and to revise the parking and circulation on Lot 9.

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 bearings and distances of subject lot boundaries.
11. Denote contour lines at 2' intervals.
12. Denote source of contours.
13. Denote construction access location on plan.
14. Denote height of building on Lot 9, in feet.
15. Delete date in Commission's certification.
16. Delete duplicate "outlot 9" and address on that lot.
17. Document stacking room for five cars on new drive-through facility.
18. Resolve pedestrian facilities and extra-wide access proposed to Lot 9.

14. DP 2016-34: ADAMS PROPERTY & CADENTOWN, LOTS 3 & 4 (BRIGHTON 3050) (AMD #5) (9/21/16)* - located at 2985 Liberty Road. (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 Planning Commission approved this item on April 14, 2016, 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. 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.

The Planning Commission granted a waiver to Article 6-8 of the Land Subdivision Regulations, 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.

Note: The applicant now requests a continued discussion of this final record plat for the addition of retaining walls and to revise the parking lot on 2985 Liberty Road.

The Subdivision Committee Recommended: **Approval**, subject to the original condition previously required by the Planning Commission on April 14, 2016, in addition to these additional requirements:
16. Denote height of retaining wall on plan.
17. Addition of Buildings 7 & 12 dimension details on plan.
18. Clarify Building 12 limits.

15. DP 2016-72: CAHILL INDUSTRIAL PARK, UNIT 1, LOT 6, BLOCK A (AMD) (9/11/16)* - located at 1316 Cahill Drive. (Council District 2) **(EA Partners)**

Note: The Planning Commission approved this site for 4 buildings over 20 years ago. However, only 3 buildings have been constructed. The purpose of this minor amendment is to revise the location of the fourth approved building, reduce the buildable area and parking and update the standard notes.

The staff is referring this plan to the Commission under Article 21-4(f)(2) of the Zoning Ordinance. A new access point is proposed on the plan, one which was not originally shown on the development plan. As such, Commission action is required to approve the new access (an exit-only movement) on Rebmann Lane.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:
1. Urban County Traffic Engineer's approval of street cross-sections and access.
2. Addressing Office's approval of street names and addresses.
3. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
4. Division of Waste Management's approval of refuse collection locations.

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5. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
6. Denote height of new building, in feet.

Mr. Sallee said that the staff had received and reviewed the affidavit for the sign posting for DP 2016-67: KINGSTON HALL, UNIT 1, LOT 22 and it appeared to be in order. He then said that the staff had also distributed a memorandum to the Commission, which indicated DP 2016-67: KINGSTON HALL, UNIT 1, LOT 22 does meet the requirements for an Expansion Area Master Plan.

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. Doug Cauthen requested that PLAN 2016-47P: HILLENMEYER & SFH PROPERTIES (AMD) be presented to the full Commission to permit further discussion.

William Woodward requested that DP 2016-67: KINGSTON HALL, UNIT 1, LOT 22 be presented to the full Commission to permit further discussion.

Action - A motion was made by Mr. Penn, seconded by Ms. Plumlee and carried 10-0 (Brewer absent) to approve the items listed on the Consent Agenda, as recommended by the Subdivision Committee, removing PLAN 2016-47P: HILLENMEYER & SFH PROPERTIES (AMD) and DP 2016-67: KINGSTON HALL, UNIT 1, LOT 22.

B. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 10-0 (Brewer absent) to approve the release and call of bonds as detailed in the memorandum dated July 14, 2016, from Barry Brock, Division of Engineering.

C. **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 PLANS

a. PLAN 2016-47P: HILLENMEYER & SFH PROPERTIES (AMD) (7/31/16)* - located at 2373 and 2405 Sandersville Road. (Council District 2) **(EA Partners)**

Note: The Planning Commission postponed this item at their June 9, 2016, meeting. The purpose of this amendment is to combine three previously adjacent preliminary subdivision plans and to revise the street alignment and lots.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:
1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan 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. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Clarify cross-sections for cul-de-sac streets (Corsage, Calista, Cravat, etc.).
11. Addition of required landscape buffers adjacent to railroad and A-U zones.

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

12. Clarify note #13.
13. Addition of tree protection area along north property line (detention basin).
14. Resolve Sandersville Road improvements.
15. Resolve access to Lot 387 (1.04 ac. detention lot), and side yard setbacks on adjacent lots (66 & 67).
16. Resolve tree protection areas along property boundaries.
17. Resolve sinkhole note from PLAN 2006-250P.
18. Resolve note #17 from PLAN 2012-99P.

Staff Presentation – Mr. Martin introduced the amended Preliminary Subdivision Plan for HILLENMEYER & SFH PROPERTIES (AMD), located on a portion of 2373 and 2405 Sandersville Road. He directed the Commission's attention to the rendering of the plan to orient them to the location of the subject property and the nearby street system. He said that the subject property is located at the intersection of Sandersville Road and Greendale Road.

Mr. Martin said that the purpose of this amendment is to combine three previously adjacent Preliminary Subdivision Plans and to revise the street alignment and lots. He then said that there are 384 buildable single family lots on the subject site, with one access from Sandersville Road and two accesses to Greendale Road. He noted that when these plans were originally approved, there was much discussion concerning the nature and required improvements to the stone wall along Sandersville Road and Greendale Road. He said that one item that was agreed upon was to place the pedestrian facility inside the stone wall and provide minimal improvements to Sandersville Road. He then said that, even though there has been no traffic study, evidence does shows that the traffic level has increased on Sandersville Road with the completion of Citation Boulevard. Mr. Martin said the staff had met with Traffic Engineering as well as the applicant and determined that providing improvements to the access would be more beneficially to the safety of Sandersville Road. He then said that Greendale Road would also have improvements, but primarily on the opposite side of the road from the subject site, when that property develops.

Mr. Martin said that, until the internal street connections are made, there is a limit of 90 units that can be developed, and this is due to safety. He directed the Commission's attention to the overhead projector, and said that there has been considerable amount of discussion concerning the greenways, trails and pedestrian access. He said that, near Sandersville Road, the applicant has provided a single loaded street along the area that will allow pedestrian movement along the trail. However, the Greenspace Planner believes that this area could be redesigned to note only accommodate the trail, but keep the trail out of the rear of homes. He said that, if the redesign were to be used, there would be a decreased by one lot, which is a concern with developers.

Mr. Martin said that the Tree Board had submitted a letter to the staff regarding a larger number of Bur Oaks that were removed from the property. He then said that, when this area was approved in 2005, it was approved with a tree protection plan and there was an inventory list associated with the plan. The inventory list did not show any Bur Oak, it only listed the standard trees species, such as Hackberry. He said that the applicant did not list any significant trees on any of the three preliminary subdivision plans. He then said that the preliminary subdivision plan being presented today does include a tree preservation plan, but there is no specific information on the type of species.

Planning Commission Questions – Mr. Drake asked, with the redesign, what would the net loss be. Mr. Martin said that the redesign would decrease the number of lots by one.

The Chair asked for clarification on the tree inventory information shown on the plan. Mr. Martin said that the tree inventory information shows the numbers and acreages, but it does not list the types of species. The Chair then asked if that information should be shown. Mr. Martin said that that information is generally required on a plan and when the Commission approved the previous two preliminary subdivision plans that information was not listed.

Representation – Nick Nicholson, attorney, Al Gross, EA Partners and Buddy Goodwin, Ball Homes were present. He said that they believe this request is in complete compliance with the Land Subdivision Regulations. He then said that this is a combination of three Preliminary Subdivision Plans, which amounts to an amended plan. He indicated that the amended plan would be losing 100 lots from what was previously approved and has been certified to build today. He said that this is not in any way an attempt to squeeze out extra lots. He then said that they have met with the staff, as well as the neighbors and heard the concerns regarding the buffering, tree preservation and any type of additional greenspace. They have not been able to fully vet the staffs redesign, but they would be submitting an alternative design that they believe would meet all of the concerns that have been voiced. He said that their alternative design would increase the depths of the lots that are adjacent to Sandersville Road, which would more than adequately address the Greenspace Planners', as well as the neighbor's concerns.

Audience Comment – The Chair asked if anyone in the audience wished to speak in favor of this request. There was no response. The Chair then asked if anyone in the audience wished to speak in opposition to this request. Mr. Doug Cauthen, 2330 Sandersville Road, was present to speak on the tree buffering and protection along Sandersville Road. He presented a PowerPoint presentation to the Commission and gave a brief description of each slide. He indicated that there are several hundreds of trees near the rock wall fence that are not only viable, but a vital component to help air quality through reducing the carbon dioxide (CO_2) levels; improve surface drainage and reduce the effects of storm drainage flooding and increase property value of a home. He said that an assessment should be conducted by a third party to determine which trees should be saved. He added that the proposed plan does offer the opportunity for more greenspace than what is being proposed along Sandersville Road and Greendale Road.

Mr. Cauthen indicated that he was willing to put up half of the cost to ensure that additional Evergreens are planted along Sandersville Road. He said that he had spoken to Steven Hillenmeyer, who had agreed to plant the Evergreens at a discounted price. He then said that the idea was there, but the only thing that is missing was power by having a tree protection plan. He added that if the tree protection plan was in place then everyone is working together and the Commission would have some type power of that plan.

Mr. Cauthen requested that an additional 10 foot of buffer area be added and place the underground utilities and the sidewalks on the inside so not to harm the trees. He added that having a tree protection plan is the key.

Brian Bolton, Pastor of Centerpointe Christian Church, located at 865 Greendale Road. He indicated that he was in agreement with the concerns previously mentioned, and said that throughout the years they have watched the development in this area, but some of the greenspace in this area have not been taken care of. He then said that this is a beautiful area and they would like to keep the existing character.

Mr. Bolton said that, even though there was not traffic study conducted, the opening of Citation Boulevard has increased the traffic on Greendale Road, making the road very dangerous. He then said that now the applicant is requesting to add over 300 units, along with the apartment living in the area, improvements to Greendale Road will not be made until the land across from this subject site starts to develop. He asked if anything could be done sooner to provide the improvements to Greendale Road. He said that Greendale Road is being resurfaced and it has been widened just a little, but with the road being narrow the blacktop is curving around telephone poles. He added that improvements to Greendale Road should be looked at and considered with this development.

Mr. Bolton said that they would like a tree preservation agreement so that there are no more trees removed as there were on July 1st. He then said that the trees should be part of the beautification of the area that benefits the overall area and community.

<u>Planning Commission Questions</u> – The Chair asked for comments from the Urban Forester. Mr. Queary said that with regards to the issue of a tree protection area along Greendale Road and Sandersville Road, generally speaking the protection area does not boarder public right-of-way. He then said that this is probably why the applicant did not show any tree protection area along these roads on the plan. He indicated that the solution is to place a note on the plan to denote the treatment of the stone wall and the preservation of the trees along Sandersville Road and Greendale Road.

Mr. Queary said that if there were improvements made to the public right-of-way in the future adding a tree protection area note would probably prohibit the developer from making those improvements. He then said that generally speaking a tree protection area is not placed along the road frontage, but the applicant was willing to craft a note on the plan that would be sufficient for Sandersville Road and Greendale Road. That note should help with the preservation of the stone walls and the trees along both roads.

Mr. Queary said that he was out of town during the 4th of July holiday, and was later contacted by the developer over the removal of the trees. He then said that on a previous development plan that area was not shown as a tree protection area. In talking with the Planning Services and the Division of Engineering there was not a grading permit issued for any land disturbance to be occurring on this property. He said that he was not sure if this was an oversight on the contractor's behalf, but at Technical Committee Review, the staff had talked about denoting this area as a tree protection area and an environmentally sensitive area. He explained that the detention area is in the back corner of the property adjacent to the Church and at one time, this area was proposed as part of the greenway trail system. With that being said the trees have been removed from the property, but there were a few trees preserved near the back property line where it is shown on the development plan. Mr. Queary said that the area in question is shown as a regional detention basin, so without reviewing the construction plans, they do not know if it would had been possible to preserved those trees. He then said that the Tree Board discussed what would be the penalty be for someone who removed trees on a property where those trees were not shown on the development plan but should have been shown. He added that the staff had the ability during the signoff process to ask the applicant for the tree protection plan, but once those trees have been removed what is the enforcement after the fact. He indicated that enforcement will be an issue that will be discussed internally.

Mr. Penn said that that was the greatest pass the buck story he had ever heard. He asked why weren't the Bur Oaks trees listed on the tree inventory list, because these were very significant trees. He then asked if the applicant had listed the trees on the development plan, was the development plan ever reviewed. What happened here. Mr. Queary said that the trees were not shown on the development plan. As a condition of his signoff, he could have asked the applicant to list those trees, but the trees were already removed before he could ask for the tree inventory.

Mr. Penn said that the advice that is being given to the developers is to beg for forgiveness rather than ask permission. Mr. Queary said that the developer should not have been doing any activity on this property given that this plan had not been approved by the Commission. He then said that there should not be any land disturbance activity occurring on the property and he cannot answer why the trees were removed.

Mr. Penn said that it is not like the developer does not know what a Bur Oak tree looks like. Mr. Queary said that that is correct and they have preserved many on other properties. Mr. Penn said that that is his point. He then said that he does not want to accuse anybody of anything, but someone dropped the ball. He added that if this body is going to function then the information needs to be available before there is an enforcement issue and this needs to be fixed. He said that begging for forgiveness is fine but it is not like they do not know what a Bur Oak tree look like. Mr. Queary said that that is the Tree Boards feeling. He then said that the Tree Protection Ordinance is good for this community but it is not perfect. He added that the Tree Protection Ordinance has not been reviewed since the legislation was passed in the 2000, and now 16 years later the Ordinance had not been reviewed to see how effective it is. He said that there are times when information is not shown on a development plan and it is up to the Planning staff to bring that to the attention of the petitioner and this body. He then said that, other than the person removing the trees, he does not believe that anyone is at fault since that work was not authorized by the Lexington-Fayette Urban County Government. He added that it is private property, but other than mowing the grass, there should not be any activity to change the appearance, any tree removals or disturbing the soil.

Representation - Mr. Gross said that it is unfortunate that the trees were cut down and it was simply a mistake. He explained that in 2005, a portion of this plan was approved, and some seven years later, the remaining sections were approved. He said that the tree inventory was deemed to be complete and the documents were certified. He indicated that there was no tree protection shown anywhere, and there was no tree inventory. He asked why would there be tree protection around a plan that doesn't have trees on it. He said that it was understandable that perhaps that's how the conclusion was drawn. No tree inventory, no tree protection.

Mr. Gross said that, at the direction of Ball Homes, they submitted an amendment to these three plans. He then said that the purpose of the amendment is to reduce the number of lots, increase the size of the lots, and tend to the concerns from Mr. Cauthen in order to create a neighborhood with the highest quality homes in the area.

Mr. Gross said that they inherited the plans, and they submitted it to the staff at face value. He then said that the plan was reviewed by the Technical Committee and at that time, there was mention of good trees at this particular location on the property. It was duly noted and passed back to the developer. He said that the developer is a big operation and indicated that often when sending a communication on to the appropriate person, it either takes time or it is lost.

Mr. Gross said that due to the concerns from Mr. Cauthen and Mr. Snyder with Spring Valley Golf Course they agreed to postpone this plan one month. He then said that the focus was not on the storm water management area or the large species of trees, but rather their focused was on satisfying the concerns of Mr. Cauthen and Mr. Snyder with the perimeter screening and the potential impact on the golf course from the storm water. In the meantime, a decision was made to push forward with 90 lots at the corner of Greendale Road and the rail road track. He said that just upstream from the rail road tracks is the Chesapeake Equine development that is under construction with a large storm water management facility. Inside the office it was easy to achieve the goals of the tree protection and the conflicting storm water management shown on this plan. He said that the storm water management would be moved upstream basically killing two birds with one stone. Then over the 4th of July holiday, someone authorized the removal of those trees. He said that it happened through the construction end of Ball Homes with a private contractor removing the trees. He then said that he received the phone call as he was heading to Florida and everybody knew this was a problem, but there was no turning back. Mr. Gross said that there is no excuse that it happened. It could have been prevented, it should have been prevented, but it wasn't prevented. He then said that the one thing Ball Homes has done in the revamping of this development is to provide a large screening area around the perimeter of the property. This is their commitment and they would maintain and make improvements to Sandersville Road and Greendale Road screenings. He said that they agree with all aspects of the tree retention noted in the PowerPoint presentation. The only deviation from Mr. Cauthen suggestion is that they would not being using Dave Leonard, but Mr. Queary would be present. He then said that they would be creating a better environment and streetscape for Sandersville Road and Greendale Road. He added that the development plan will include the notations that Mr. Queary wants concerning the tree protection along the roadway.

Mr. Gross said that it is unfortunate that the Bur Oaks were removed, but there is one that was not removed that is substantial.

Planning Commission Questions – Mr. Penn said that the detention basin was to be placed where the tree were removed. Mr. Gross said that the detention basin will be moved. Mr. Penn said that it's a little late to move the basin. Mr. Gross replied no, it's not a little late to move it; it's on the plan so the basin can be moved, but it's a little late to save the trees. Mr. Penn replied that's his point, and said that the Commission is being asked to trust the applicant to not have a tree protection area; but at the same time, the Commission was told that someone dropped the ball and cut down the Bur Oak trees. Mr. Gross said that there will be a tree protection area on the subject site, but what they are asking the Commission to do is not burden them with placing a tree protection area along the public rights-of-way for Sandersville Road and Greendale Road. Mr. Penn asked if the applicant is referring to inside or outside the rock wall. Mr. Gross replied outside the rock wall. Mr. Penn asked if trees were being planted along the right-of-way. Mr. Gross replied affirmatively. Mr. Penn confirmed outside the rock wall. Mr. Gross replied inside the development walls along the rock wall. He said that if the Commission wants a tree preservations area along the outside of the rock wall. Mr. Penn said that that can't be done the area is only 4 to 5 feet to start with. Mr. Penn indicated that part of the problem with this plan was everyone was at fault, and said that those trees cannot be planted back so he wants this problem fixed, not just for Ball Homes, but for anyone who develops a piece of property that does not list a tree inventory. He then said that not listing the tree inventory was where the ball was dropped in the very beginning. He added that it does not matter who is at fault, but what matters is what's learned from it. Mr. Penn directed his attention to Mr. Queary, and said what is wrong here needs to be fixed, so this thing does not happen again. He said that it's not the end of the world, but it is for nine significant trees that are pretty rare. Mr. Gross said that he agreed and this does not happen often. Mr. Penn said that it is obvious that this cannot be prevented. Mr. Gross said that they do a pretty good job at preventing this type of occurrences. Mr. Penn said that not with the absence of a tree inventory list on the plan. Mr. Gross replied not with this particular case and he agreed that this is a bad situation. Mr. Penn said that he is not trying to belittle any particular development plan and he is very disappointment with what happened on this site. Mr. Gross said that he is not very happy with what happened either. Mr. Penn said that he is concerned that the Commission does not send the message that it's better to beg for forgiveness then ask for permission. He then said that this needs to be prevented while making Sandersville Road look the best possible way. Mr. Gross said that they want to do the same thing and they have told Mr. Cauthen and Mr. Hillenmeyer that they would help.

Mr. Queary said that a representative from Ball Homes did immediately call about this oversight. He then said that he believed that this was an honest mistake and the people who are in charge of the development were making every attempt to work with the staff to preserve the trees. However, a lot of times what they see on the development is the person operating the heavy equipment does not get the message. He said that he truly believes that after discussing this issue with the Ball Homes representative, whoever the operator was they did not get that message about the trees and it is unfortunate.

Ms. Plumlee said that the nine Bur Oak trees suffered a grievous assault and that cannot be rectified. She asked what would the tree canopy for the overall development. Mr. Queary said that the development will need to meet the 30% canopy, noting that the Bur Oak trees were never included in that percentage. He then said that he had intended to discuss those trees at today's meeting or at least through his signoff for those trees to be included. He added that the number shown on the development plan is what will be planted to make the 30 percent tree canopy. He said that he knows that trees will be planted, but the difference is planting a tree that is 2" caliber in size and preserving a 30" Bur Oak tree. That cannot be replaced in our life time.

Mr. Cravens asked how would the trail be addressed. Mr. Gross said that the road that is parallel to Sandersville Road will be moved additional 10' and the trail will be placed outside the back of the lot. He then said that the minimum depth of a lot is 130' and the area between the back of the lot and the edge of the rock wall will be future HOA maintained area or future public right-of-way. The trail will not be in the backyard of the future homeowners and it will not be their responsibility to maintain that area.

<u>Staff Comment</u> – Mr. Martin said that, to address the stone walls, there is a note on the plan stating that the applicant has agreed to meet the Stone Wall Ordinance. He then said that it is important to know that any note that is being worked up is relative to the trees is relative to their placement in relationship to those walls and the trail. He added that to not confuse anyone, it is the placement of the trees to help protect the stone walls. He said that the Stone Wall Ordinance does not have a maintenance requirement, but rather if the applicant chooses to restore the wall, then they will need to work with Historic Preservation to bring the walls up to standards.

Mr. Cravens asked, as far as the discussion that has taken place, is condition #16 adequate for the tree protection areas. Mr. Martin replied affirmatively.

Ms. Mundy said that there was a request for the trees not to be placed in the utility easements, but the developer does not have any say over the placement of the trees, only the utility providers as they are placing setting easement. Mr. Martin replied affirmatively, and said that smaller trees are used in easements. Ms. Mundy said that she wanted to make sure that the developer is not being put in a bind with something that is not feasible. Mr. Martin said that that is why he wanted to clarify the note would specify the locations and screening relative to the stone wall and not just a blanket of trees.

Mr. Gross said that between the stone wall and the back of the lots there will be a 25' wide corridor that will include a path, greenway, sidewalk and tree preservation, as well as additional screening. He then said that there will be some trees removed, as well as any undergrowth. He added that the additional screening will come from Ball Homes and Mr. Cauthen and Hillenmeyer install the plantings. The utility can be kept out of this corridor and placed at the rear of the lots.

The Chair asked if Mr. Cauthen had anything to add, to which he indicated negatively.

The Chair then asked if a note or a condition should be added to address the corridor. He said that it is very troubling that mistakes like this occur to this degree. He then said that the Tree Board had made some harsh comments in their letter. With the absent of nine significant trees, the Planning Commission would be looking at these types of issues more seriously in the future.

The Chair said that there has been testimony on compromises, agreements and so forth, but the Commission, as well as the staff has not seen any indication of this at the present time. He then said that the deadline for this item is not until the end of the month, so the Commission does not need to make a decision at this time, and suggested that this item could be continued for 2 weeks. This would allow the applicant and Mr. Cauthen time to come up with rendering and language that would address the concerns that have been mentioned today. Mr. Gross said that he was not trying to talk the Commission out of taking action on this item at this time, but the Commission does review the Final Record Plat for every lot on this development. He then said that, at the Final Record Plat stage, would be the best time to delay the plan to further consider any concerns.

The Chair said that in speaking with the staff the Commission would not be reviewing any Final Development Plans for this property, but the Commission would be reviewing Final Record Plats. Mr. Gross indicated that there is a process and the different Divisions of the LFUCG would be involved before one lot is created. Mr. Martin said that a Final Record Plat is based upon the fact that all infrastructure, easements, streets, commitments and so forth is in place in conformance with the submitted plans when it goes to record.

The Chair asked if the Final Record Plat is based upon the plan that is being reviewed by the Commission today. Mr. Martin said that this is the Preliminary Subdivision Plan and a Final Record Plat goes to record when those things are completed. The Chair then asked if the concerns should be resolved at this point. Mr. Martin replied that it's a little bit of both, and said that commitments have been made on the items that would be done. He then said that the staff does not have any problems with adding language in a note, which would be enforced before the plat is recorded.

Mr. Nicholson said that he was in agreement that a lot of this can be handled through a note, and there is already language through the resolve conditions. He then said that commitments have been made today and the staff would be reviewing the plan to ensure that those commitments are in compliance before this request is certified.

Mr. Drake asked other than the conditions listed, what additional information was needed that has not been covered at this time. The Chair said that, even with all of the discussion and everyone indicating their agreement, what has the applicant agreed too. He then said that the staff had offered their rendering of how the lotting pattern could be revised and the applicant had stated that the lots would be pushed back. He would like to see language and renderings to dictate that change to ensure that everyone is on the same page.

Ms. Plumlee said that the Commission had a bomb dropped on them with the nine Bur Oak trees being removed, so she agrees that this item needs to be continued.

<u>Action</u> - A motion was made by Mr. Penn, seconded by Ms. Plumlee and carried 6-4 (Berkley, Smith, Cravens and Richardson opposed; Brewer absent) to continue postpone <u>PLAN 2016-47P: HILLENMEYER & SFH PROPERTIES (AMD)</u> to the July 28, 2016, Planning Commission meeting.

b. <u>PLAN 2016-71P: TUSCANY, UNIT 11 (AMD)</u> (9/4/16)* - located at 1970 Winchester Road (a portion of).
(Council District 6) **(EA Partners)**

<u>Note</u>: The purpose of this amendment is to depict 102 buildable residential lots.

<u>The Subdivision Committee Recommended:</u> **<u>Approval,</u>** 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 preservation plan 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. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Denote record plat information for adjacent properties if available.
10. Denote easement for street tree planting.
11. Discuss future of adjacent greenway.
12. Discuss potential floodplain crossing for pedestrians and vehicular options.

<u>Staff Presentation</u> – Mr. Sallee introduced the Preliminary Subdivision Plan for <u>PLAN 2016-71P: TUSCANY, UNIT 11</u>, located on a portion of 1970 Winchester Road. He directed the Commission's attention to a staff exhibit of the Tuscany Property to orient them to the location of the subject property, the current land uses and the nearby street system. He indicated that the subject property is located along Winchester Road, Sir Barton Way and Old Rosebud Road, adding that Old Rosebud Road is the separation between the commercial uses and the nearby residential area. He explained that along Old Rosebud Road, between Flying Ebony Drive and Villa Medici Pass, is the Willows at Hamburg and the Hamburg Senior Residence Apartments. He said that Old Rosebud Road currently terminates a short distance from the end of Flying Ebony Drive. Mr. Sallee said that Unit 11 is bounded by these two facilities, by the existing lotting in the Tuscany development, as well as by a prominent floodplain and creek that flows to the north.

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

Mr. Sallee directed the Commission's attention to a rendering of the subdivision plan to orient them further to the location of the subject property and the nearby street system. He said that the purpose of this plan amendment is to depict 102 buildable residential lots, with a typical lot width of 80 feet to 90 feet now proposed. He then directed the Commission's attention to an aerial photograph, and noted the location of the subject property, the floodplain area and the existing tree line that runs along the edge of the floodplain area.

Mr. Sallee 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 #1-8 are typical sign-off requirements from the different Divisions of the LFUCG; and the remaining conditions, with the exception of conditions #11 & #12, are "cleanup" items that will need to be addressed prior to the plan being certified. He said that the cross-section for the streets indicated that the street trees are not to be located in the utility strip. This is not prohibited by the Land Subdivision Regulations, but the street tree planting areas will need to be denoted on the plan (condition #10).

Mr. Sallee directed the Commission's attention to the two discussion items, and said that with there being a floodplain on the subject property, there is a potential for that area to be designated as a greenway (condition #11), as well as a potential for a floodplain crossing for both pedestrians and vehicular options (condition #12). He said that, in looking at the aerial photograph, there is currently a floodplain crossing near the corner of this unit, along the tree line. He then said that the staff had reviewed this area for the best possible crossing for pedestrians, but as it has been discussed at the Subdivision Committee, the Division of Fire and Emergency Services had voiced that the crossing should also allow vehicular crossing. He explained that there is a limitation on the number of lots for an area to have only a one-way in and one-way out, and said that this proposal is just over that required number, so the Division of Fire and Emergency Services would like to see an additional access. He indicated that there is an opportunity for future street connections to be made once Tuscany begins to develop the other parts of their property.

Mr. Sallee said that the staff had not received a revised submission from the applicant, but had spoken with Mr. Al Gross about this development, and the staff is confident that Mr. Gross can provide the Commission with any additional information on this subject. He then said that at the end of Mr. Gross presentation, the Commission can choose whether or not to move forward with the plan, as recommended by the Subdivision Committee, or see any revised information.

Representation – Al Gross, EA Partners, was present representing the applicant. He directed the Commission's attention to the applicant's exhibit, and briefly explained the history of the Tuscany property. He indicated that Unit 9 is currently under construction, and in association with Unit 9, the storm water management system will also be built in the greenway. He said that the storm water system will form the embankment of a road that will connect to a newly constructed street that connects to Meeting Street. He then said that the storm water management system will be the future crossing over the greenway for both pedestrian and vehicular access, and there will also pedestrian trials that will be constructed at the developer's expense. He added that the future greenway will be maintained by the developer until such time it is turned over to the Neighborhood Association, unless and until the Lexington-Fayette Urban County Government takes over the greenway and storm water management system (condition #11).

Mr. Gross said that the storm water management system will require that "Pond T" will be built in conjunction with Unit 9, and the road that crosses the floodplain will be built in future sections as more lots are submitted for the Commission's consideration (condition #12). He then said that the pedestrian and vehicular crossing was not proposed in the beginning, but rather, it was added later after some "give and take" among everyone who has been involved in the discussions.

Mr. Gross indicated that he agreed with the staff and will add a note to the plan stating that the number of lots will be decreased to ensure that the threshold limit was not beyond the requirements of the Fire Department. He said that they are in agreement with the staff's recommendation and requested approval.

Planning Commission Questions – The Chair asked how soon could the embankment provide a pedestrian and vehicular crossing over the greenway. Mr. Gross said that once the storm water system is built there will be access for pedestrians to cross the greenway, as well as the start of the future roadway. He then said that depending on when the remaining section are built will determine when the roadway is completed.

The Chair said that the applicant is asking for approval on the proposed plan and he's presuming that the road would go forward. Mr. Gross said that this request is not what's driving the connection; otherwise, the staff would be discussing building that connection with this unit.

The Chair asked for comments from Division of Fire and Emergency Services. Lieutenant Joshua Thiel indicated that they are in agreement with the applicant adding a note to the plan to limit the number of units to 100 until the second access is completed. The Chair said that it is surprising that two lots would make that much difference. Lieutenant Thiel said that that is NFPA standard.

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

Planning Commission Questions - Ms. Plumlee asked if an additional condition should be added to limit the number of lots to 100. The Chair indicated that is a good question.

The Chair asked if conditions #11 and #12 ae resolvable. Mr. Sallee responded affirmatively and said that with the Commission hearing testimony on both discussions items, these could potentially be deleted. He then said that the applicant's exhibit will be placed in the file for future reference.

The Chair then asked if the staff believes there should be an additional condition as stated by Ms. Plumlee. Mr. Sallee asked to hear the question again. Ms. Plumlee asked if an additional condition should be added to limit the number of lots to 100. Mr. Sallee replied affirmatively.

Action - A motion was made by Mr. Cravens, seconded by Ms. Richardson to approve PLAN 2016-71P: TUSCANY, UNIT 11, as presented by the staff, changing the following conditions to read:

11. Resolve future of adjacent greenway.
12. Resolve potential floodplain crossing for pedestrians and vehicular options.
13. Reduce the number of lots to 100.

Discussion of Motion – Mr. Berkley asked if condition #13 could restrict the number of lots until such time a second access is developed. The Chair replied affirmatively.

Amendment to Motion - Mr. Cravens replied that he would accept that change to the motion. Ms. Richardson also accepted that change to the motion.

The motion carried 10-0 (Brewer absent).

2. DEVELOPMENT PLANS

a. DP 2016-63: MAPLELEAF SUBDIVISION (AMD) (9/4/16)* - located at 3110 Mapleleaf Drive.
(Council District 7) **(Barrett Partners)**

Note: The purpose of this amendment is to provide a right-in/right-out turn on Man o' War Blvd.

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. Provided the Planning Commission grants a waiver to Article 6-8(q)(3)(b) of the Land Subdivision Regulations.

Staff Presentation – Ms. Gallt introduced the Final Development Plan for DP 2016-63: MAPLELEAF SUBDIVISION (AMD), located at 3110 Mapleleaf Drive. 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 just off Man o' War Boulevard on Mapleleaf Drive. She said that the subject property is the partially developed Mapleleaf Shopping Center and the applicant has proposed a new right-in/right-out access on Man o' War Boulevard. She then said that the Planning and Traffic Engineering staff met and believes a right-in only access point would be more appropriate for this location.

Ms. Gallt said that the Subdivision Committee had recommended approval of this plan amendment, 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 condition identified the need for a waiver to Article 6-8(q)(3)(b) of the Land Subdivision Regulations.

Waiver Report – Mr. Martin presented the Staff Report on this part of the application, and said that the waiver request is to Article 6-8(q)(3)(b) for the right-in access off Man o' War Boulevard in to the Mapleleaf Shopping Center. He then said that the Planning Commission had approved several rights-in and right-out accesses on Man o' War Boulevard, but for this proposal, it will only result in a right-in into the shopping center, with a de-acceleration lane. He said that the consensus among everyone is that this access point will relieve pressure on the signalized intersection, particularly during busy peak hours of heavy traffic. He explained that that the Commission had previously approved another right-in and right-out on Man o' War Boulevard that was 460 feet from an intersection, but along this partially developed shopping center, the right-in access is approximately 420 feet south of the intersection of Man o' War Boulevard and Mapleleaf Drive.

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

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

1. The requested intersection spacing wavier will have no negative impact on public safety to vehicles, or pedestrians, if correctly designed, which is consistent with the basic intent of the Land Subdivision Regulations.
2. Strict enforcement of the current access spacing requirements would constitute a hardship for the applicant and potentially could have a negative impact on public safety due to existing and increasing traffic pressures in the area of Mapleleaf Drive and Man o' War Boulevard.

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

a. The proposed de-acceleration lane for the right-in entrance to the subject site must be designed to the approval of the Division of Traffic Engineering, and to the Bike & Pedestrian Planner.

Planning Commission Questions – Ms. Plumlee asked what is the length of the de-acceleration lane. Mr. Martin explained that the length might vary from that shown, and that is why it is subject to Traffic Engineering's approval.

The Chair said that the purpose of the amendment reads that it is for a right-in and right-out. Mr. Martin said that that was part of the prior discussions, which is being handled through the waiver request.

Mr. Berkley said that the Commission had previously approved a right-in and right-out that was 460 feet from an intersection, but for this proposal the right-in only is 420 feet from the intersection, 40 feet shorter, and asked if that is the reason for the restriction. Mr. Martin said that Traffic Engineering felt that at this location the distance was a significant concern for them. Ms. Kaucher explained that the difference between the two developments is the location of the nearest traffic signal from the center and the location of the right-in/right-out. She said that the right-in/right-out on the Millpond (Boston Road) Shopping Center was "upstream" from the signalized light; whereas, with this shopping Center, the proposed right-out is "downstream" from the signalized light. She then said that if a right-out were to be approved, it would not allow enough time for traffic to maneuver toward the signalized light on Man o' War Boulevard. Another concern with the staff was the cross movements from cars exiting the shopping center through the right-out and cars trying to turn right onto Mapleleaf Drive. She noted that Traffic Engineering has specific standards to go by when getting a vehicle off man o' War Boulevard, and the length of the proposed de-acceleration lane is around 100 feet. She said that to ensure that the appropriate length is used; the applicant will need the approval of Traffic Engineering prior to the plan being certified.

Representation – Tony Barrett, Barrett Partner, 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.

Action - A motion was made by Ms. Richardson, seconded by Ms. Mundy and carried 9-0 (Drake and Brewer absent) to approve DP 2016-63: MAPLELEAF SUBDIVISION (AMD), as presented by the staff.

Action - A motion was made by Mr. Berkley, seconded by Ms. Plumlee and carried 9-0 (Drake and Brewer absent) to approve the waiver to Article 6-8(q)(3)(b) of the Land Subdivision Regulations, as presented by the staff.

b. DP 2016-64: GARDENSIDE CABANA CLUB (PARKSIDE SUBDIVISION, PHASE 3) (AMD) (9/4/16)* - located at 1048 Cross Keys Road. (Council District 11) **(EA Partners)**

Note: The purpose of this amendment is to add 36 units in Phase 3 of the development.

The Subdivision Committee Recommended: **Postponement.** There were some questions regarding the lack of Article 21 required information for Phases 1-3, per the certified development plan.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping 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. Denote exterior building dimensions on plan, in feet.
12. Denote drive aisle width.
13. Denote typical parking space dimensions.
14. Addition of Phases 1 and 2 information on plan, per the certified development plan.
15. Correct maximum height allowable for Phase 3 to 35', and denote proposed height on plan.

16. Addition of useable open space site statistics, per Article 9-6(h) requirements.
17. Discuss proposed retaining walls and their locations.
18. Discuss the provision of storm water detention.

Staff Presentation – Mr. Martin introduced the Final Development Plan for DP 2016-64: GARDENSIDE CABANA CLUB (PARKSIDE SUBDIVISION, PHASE 3) (AMD), located at 1048 Cross Keys Road. He directed the Commission's attention to a rendering of this plan to orient them to the location of the subject property and the nearby street system. He indicated that the subject property is located at the corner of Cross Keys Road and Maywick View Lane, and both of these streets connect with Alexandria Drive. He said that this is the 3rd Phase of an affordable housing project, and the purpose of this amendment is to add 36 dwelling units and associated parking. He added that this development does provide cross parking access throughout the site.

Mr. Martin said that when the applicant originally submitted the development plan, it did not include Phase 1 or Phase 2 information. With this being a major development, the staff had concerns with the lack of information that is required by Article 21, as shown on the certified development plan. However, the applicant had submitted a revised version of this development plan addressing several of the conditions listed on today's agenda. Mr. Martin briefly described the conditions that were addressed through the revised submittal, 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.
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. Denote exterior building dimensions on plan, in feet.~~
~~12. Denote drive aisle width.~~
~~13. Denote typical parking space dimensions.~~
11. ~~14.~~ Addition of Phases 1 and 2 information on plan, per the certified development plan prior to plan certification.
~~15. Correct maximum height allowable for Phase 3 to 35', and denote proposed height on plan.~~
~~16. Addition of useable open space site statistics, per Article 9-6(h) requirements.~~
12. ~~17.~~ ~~Discuss~~ Denote height of proposed retaining walls and their locations.
13. ~~18.~~ ~~Discuss~~ Resolve the provision of storm water detention on site, to the approval of the Division of Engineering.
14. Delete note #11.

Representation – Al Gross, EA Partners, 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.

Action - A motion was made by Ms. Richardson, seconded by Mr. Wilson and carried 9-0 (Drake and Brewer absent) to approve DP 2016-64: GARDENSIDE CABANA CLUB (PARKSIDE SUBDIVISION, PHASE 3) (AMD), as presented by the staff.

c. DP 2016-67: KINGSTON HALL, UNIT 1, LOT 22 (9/4/16)* - located at 2175 Russell Cave Road (a portion of). (Council District 12) **(EA Partners)**

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

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

1. Urban County Engineer's acceptance of drainage, 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. Provided the Planning Commission makes a finding that the plan complies with the Expansion Area Master Plan.

11. Addition of exaction information to the approval of the Division of Planning, per the current rate tables.
12. Expand the development plan to include Providence Place Parkway, per the EAMP and Zoning Ordinance requirements.
13. Addition of proposed use in site statistics.
14. Approval of the Royal Spring Aquifer Committee prior to certification.
15. Greenspace Planner's approval of the treatment of greenways and greenspace.
16. Resolve timing of construction of Providence Place Parkway and mechanism for approval and/or dedication.

Staff Presentation – Mr. Martin introduced the Final Development Plan for KINGSTON HALL, UNIT 1, LOT 22, located on a portion of 2175 Russell Cave 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 between Newtown Pike and Russel Cave Road along I75/I64.

Mr. Martin said that the subject property is approximately 29 acres in size. He explained that the applicant is proposing a three story professional office building that is 102,000 sq. ft. in size with 354 parking spaces. He said that there is on site detention and the building is situated in the center of the property so there is enough room to expand in the future. He then said that the subject property will be built on Aspiration Drive, which connects to Destiny Way on over to Providence Place Parkway. He said that Providence Place Parkway is the collector street that is designed to serve the ED land in this area. He then said that the Parkway is also designed to allow the local streets to connect to and provide the local service that is necessary to the development. The local street system is dependent upon Providence Place Parkway being extended. He explained that to comply with the Ordinance for the exaction program, the Parkway must be shown on the development plan since it is an exactable feature of the Expansion Area Master Plan. He said that, as part of the agreement between the city and the developer, it is necessary to show Providence Place Parkway on the Final Development Plan. He then said that part of Providence Place Parkway that will provide connection to the development is moving forward in its construction. Mr. Martin said that there is one significant tree near the entrance of the site and the applicant is proposing to protect that tree.

Mr. Martin said that the staff is recommending approval of this request, subject to the conditions listed on today's agenda. He briefly explained that conditions #1-9 are typical sign-off requirements from the different Divisions of the LFUCG; and the remaining condition, with the exception of condition #10, are "cleanup" items that will need to be addressed prior to the plan being certified.

Mr. Martin directed the Commission's attention to the EAMP Compliance Report, and briefly explained the key elements associated with this request. He noted that, as part of the Infrastructure Element, a sanitary sewer pump station will be constructed a few hundred feet to the northwest of the subject property. He added that the Urban County Government is in the design phase for this facility and until that pump station is on line, the developer will connect with the existing pump station near Newtown Pike until this pump station is operational.

Mr. Martin said that the Final Development Plan for KINGSTON HALL, UNIT 1, LOT 22, is in compliance with the Future Land Use Element and is in substantial compliance with the Community Design Elements and the Infrastructure Element of the *Expansion Area Master Plan* for the following reasons:

1. The use and proposed development meet the definition of the Economic Development land use category in the EAMP and the uses allowed in the ED zone.
2. Many principles of the EAMP, including the orientation of the buildings and the majority of the parking, and use of the natural topography, have been incorporated into the design of this ED development. The development plan is therefore in substantial agreement with the Community Design Element.
3. Although sanitary sewer service does not currently exist to the subject property, and the planned regional sanitary sewer pump station to the northwest of the subject property is in its design phase (as recommended by the EAMP). Sanitary Sewer Service will be available to this property from the existing lines and pump station to the west.

Planning Commission Question – Ms. Plumlee asked if the posting of a sign and an affidavit was completed. Mr. Martin replied affirmatively, adding that Mr. Sallee had reported that the applicant submitted the proper documentation during the reading of the Consent Agenda.

Representation – Richard Murphy, attorney, was present representing Dennis Anderson and Al Gross, EA Partners, was present representing the buyer. He indicated, for the record, that they submitted the required posting of a sign and an affidavit to the staff.

Mr. Murphy said that a few months back the Commission had reviewed the final record plat that created this lot. That approval gave them the ability to build the Parkway at the same time the building is being built in order to accommodate the buyer for this property. He said that, since that time, they have completed the developer agreement and approved by the LFUCG Exaction Credit Committee and the Urban County Council. He then said that the portion of Providence Place Parkway shown on the rendering has been put out to bid.

Mr. Murphy said that the original submittal did not show the roadway because it had already been platted off. He then said that development plans are a way to keep track of exaction fees so the roadway was added back. He then said that the subject property is about 22 acres in size, but there is about 7 acres of right-of-way on the subject site. He added that every acre of land in the expansion area must pay exactions fees. This includes the right-of-way. He said that his client will have to dedicate the right-of-way to the city, pay to build Providence Place Parkway and pay the exactions fees on the acreage that is underneath the road that is being constructed. He then said that the staff had requested for Providence Place Parkway to be shown on the development plan so that the seven acres of right-of-way, in addition to the 22 acres of land, can be counted for exaction fee purposes. He noted that this development plan does not show the extension and would not allow the construction Providence Place Parkway to Russell Cave Road at this time. He said that the Comprehensive Plan and the Ordinance does show the connection between Newtown Pike and Russell Cave Road, but not at this time.

Mr. Murphy said that they are in agreement with the staff's recommendation and requested approval. He noted that they reserve the right to respond to any testimony given.

Audience Comments – The Chair asked if anyone in the audience wished to discuss this request. William Woodward, 282 Swigert Avenue, was present. He asked where would the building be placed in reference to Russell Cave Road. The Chair indicated that the building is half way between Newtown Pike and Russell Cave Road, boarding the interstate. Mr. Woodward said that he believes that this is placing the cart before the horse. He then said that, with all the sinkholes in this area, it concerns him that there is no plan to show how the road will connect with Russell Cave Road. He then said that the applicant is proposing an office building but there is no plan showing Russell Cave Road. The Chair said that there may be slight changes, but the roadway has been planned out. He then said that the access for the subject site would be strictly through Newtown Pike, there would be no access to Russell Cave at the present time. He added that down the road there would be future development plans that would show Providence Place Parkway. Mr. Woodward replied that we don't know where that is right now. Mr. Gross said that it is almost directly across from Faulkner. The Chair said that any sinkhole situation would be addressed at the time.

Mr. Woodward said that in the past development had stopped due to a sinkhole. He then said that placing an intersection, near the interstate, at Russell Cave Road is a huge mistake. He added that he is concerned with the increased traffic impacting this entire area, especially with the equine industry. The Chair said that at some future point Providence Place Parkway will connect with Russell Cave Road and this has been planned out for several years; and, at that time, traffic concerns will be addressed as it occurs.

Mr. Woodward said that he is concerned with the flooding on Russell Cave Road. The Chair said that the Commission has seen development in the past that have stopped due to sinkhole issues. He then said that anything down the road the sinkholes would be addressed.

Mr. Woodward indicated that the developments in Lexington are good and bad, but it worries him that this development is so close to the horse park. He said that this area will be too congested due to the office buildings and this area is one of the final frontiers of Lexington that is being changed dramatically. The Chair said that he appreciated Mr. Woodward concern, but that connection was made a long time ago. He then said that slowly development in this area will happen and the Commission is making it the best that they can. He added that for this development the property is about 20 acres with only 1 acre under roof leaving a lot of open space on the property.

Mr. Woodward asked if the plat is available online. The Chair responded affirmatively and said that the staff can help with that.

Planning Commission Comments - Mr. Penn said that his family lived on Kingston Farm and there is only one sinkhole on the property that was created due to the interstate. He then said that what was described is the Scott Farm across the road. He added that the drainage on that particular farm will be handled with the basin and each farm is different due to the karst topography on that land. He said that the subject property is 20 acres out of 200 acres and it will not cause an increased flooding issue.

Audience Comments (cont.) - Katherine Perkins, secretary of Joyland Neighborhood Association, was present. She asked if this plan were to be approved would this development be subject to the conditions listed on today's agenda. The Chair said that this is a Final Development Plan and before anything can be done on the property, the conditions listed on today's agenda must be met and the plan certified. Ms. Perkins said that the conditions listed on today's agenda have not been met at this point. The Chair responded that not all have been met, but before the plan is certified those conditions must be met.

Ms. Perkins asked if there was already someone who will be utilizing the building. The Chair said that he is presuming there is someone; otherwise the building would not be built. Ms. Perkins asked how could the Joyland Neighborhood Association or the nearby resident know who would be going into that building. Mr. Murphy responded that they are under a contractual requirement and prohibited to disclose any names at this time. Ms. Perkins then asked if Mr. Murphy was prohibited from saying the nature of the business that would be utilizing the building. Mr. Murphy indicated the development would be an office type building. Ms. Perkins said that there are lots of those in Lexington.

Ms. Perkins asked if the paved area would impact the interstate. The Chair said that the Division of Engineers would be reviewing the development plan for any possible storm water situation.

Ms. Perkins said that the Neighborhood Association has concerns with the increased traffic through the neighborhood. The Chair indicated his understanding, and said that this land has been scheduled for this type of development for several years. Ms. Perkins said that they wanted to voice their concerns to the Commission. She asked if the house of the land would be preserved. The Chair said that this hearing is unrelated to the house and the Commission does not have any information on the house.

Mr. Woodward asked if the traffic study was available. The Chair indicated that the staff could help with that request.

Action - A motion was made by Mr. Wilson, seconded by Mr. Smith and carried 10-0 (Brewer absent) to approve KINGSTON HALL, UNIT 1, LOT 22, as presented by the staff, including the compliance with the EAMP.

d. DP 95-80 (PLN-MJDP-16-00010): NORTH PARKWAY ACRES (AMD #2) (10/4/16)* - located at 2203 Paris Pike.

Note: The purpose of this amendment is to add buildable area. The Planning Commission approved this item on June 20, 1995, subject to the following conditions:

1. Urban County Engineer's approval of drainage, storm and sanitary sewers.
2. Building Inspection's approval of landscaping.
3. Delete note #10.

Note: This plan was certified on July 28, 1995, and the Commission's approval expired on June 20, 2000. The applicant has requested reapproval of the Commission's previous action.

The Staff Recommends: **Reapproval**, subject to the conditions originally approved by the Commission and subject to the following additional conditions:

4. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
5. Addition of second Planning Commission's certification to the plan.

Staff Presentation – Mr. Martin introduced the Final Development Plan for DP 95-80 (PLN-MJDP-16-00010): NORTH PARKWAY ACRES (AMD #2), located at 2203 Paris 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 on Paris Pike between Judy Lane and Parkside Drive. He said that the last amendment to this development plan was in 1995, which was for the adjacent Waffle House restaurant. He then said that the purpose of this request is to allow a dirt storage area on this site for a public improvement project. He explained that this type of activity would require a Land Disturbance Permit from the Division of Engineering, and said that, in order to obtain that permit, the plan must be reapproved and active. He added that there is a sink hole on the property, which does inhibit much of the development potential on this land.

Mr. Martin said that the staff is recommending reapproval of this request, subject to the conditions listed on today's agenda. He briefly explained that conditions #1-4 are typical sign-off requirements from the different Divisions of the LFUCG; and the remaining condition is a "cleanup" item that will need to be addressed prior to the plan being certified. He said that, even though the applicant was not proposing any type of development on the property, condition #4 is required to be listed. He then said that since this plan was last approved in 1995, it would require a second Planning Commission's certification to be added on the plan.

Representation – Steve Baker, Midwest Engineering, was present representing the applicant. He indicated that they are in agreement with the staff's recommendation and requested reapproval.

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

Action - A motion was made by Ms. Mundy, seconded by Ms. Plumlee and carried 10-0 (Brewer absent) to reapprove DP 95-80 (PLN-MJDP-16-00010): NORTH PARKWAY ACRES (AMD #2), as presented by the staff.

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

A. **INITIATION OF A TEXT AMENDMENT FOR INCREASED USES IN THE ED ZONE** - Mr. Sallee directed the Commission's attention to the proposed text amendment to Article 23A-10 of the Zoning Ordinance. He briefly explained that the Commission had recently discussed expanding a number of new uses for the ED zone at their recent Work Session. From that discussion, the staff had incorporated the Commission's comments into this proposed text amendment. He then said that, should the Commission initiate the text amendment, the staff would begin working on the required notification letters, as well as schedule this text amendment to be heard at a public hearing later this summer. He added that the required notification letters would ordinarily include a copy of the revised text amendment.

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

Mr. Sallee directed the Commission's attention to a copy of a portion of the Kentucky Revised Statues, and said that, effective July 15, 2016; there will be a change to the definition of a "winery" as noted in KRS 241.010(69). The Commission was concerned that the language, as written in the KRS would require additional review time for this draft text amendment. However, the staff has reviewed the language in KRS 241.010(69) and does not believe additional time or worry is warranted.

In conclusion, Mr. Sallee requested that the Planning Commission initiate the text amendment to Article 23A-10 of the Zoning Ordinance.

Planning Commission Questions – Ms. Mundy said that it's concerning that under 23A-10(b)(14) and (15) a nursing home could be built right next to a manufacture/factory. Mr. Sallee replied that that could happen in the ED zone. Ms. Mundy indicated that that is unsettling to her. Mr. Sallee said that, with today's regulations, nursing homes and assisted living facilities are not permitted in the ED zone.

Action - A motion was made by Mr. Berkley, seconded by Mr. Wilson, and carried 10-0 (Brewer absent) to initiate the text amendment to Article 23A-10 of the Zoning Ordinance.

B. ELECTION OF OFFICERS – The Chair said that Commission's By-laws state that at the first regular meeting in July, the Commission shall elect a Chairperson, Vice-Chairperson, Secretary, and Parliamentarian. He indicated that the Nominating Committee discussed the slate of officers at the last work session and is ready to present its slate for consideration by the Planning Commission. Nominations may also be made from the floor.

The current officers are as follows:

Chairperson	-	Mike Owens
Vice Chairperson	-	Mike Cravens
Secretary	-	Will Berkley
Parliamentarian	-	William Wilson

Ms. Plumlee said that the Committee's recommended slate of officers is as follows:

Chairperson	-	William Wilson
Vice Chairperson	-	Frank Penn
Secretary	-	Carolyn Plumlee
Parliamentarian	-	Karen Mundy

Action - A motion was made by Ms. Plumlee, seconded by Ms. Richardson to approve the Planning Commission's Slate of Officers, as presented by the Nominating Committee.

Discussion – Mr. Cravens moved for the Nomination to cease and accept the slate by acclamation. The Chair indicated that there are two motions on the floor and asked for guidance from the Parliamentarian. Mr. Wilson said that two motions are not required, unless there is a modification to the first motion. Mr. Cravens said that it is the same motion that was previously stated. The Chair said that the second motion is a modification of the first motion made by Ms. Plumlee and seconded by Ms. Richardson.

The motion carried 10-0 (Brewer absent)

C. DELEGATION OF SECRETARY'S DUTIES – The Chair said that the Commission's past procedure for carrying out the Secretary's duties, except for signing minutes, has been to delegate that authority to the Director of the Division of Planning and his staff.

Action - A motion was made by Ms. Plumlee, seconded by Mr. Smith, and carried 10-0 (Brewer absent) to delegate the Secretary's duties, with the exception of signing minutes, to the Director of the Division of Planning and his staff.

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

VIII. AUDIENCE ITEMS – There were none.

IX. NEXT MEETING DATES

Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) .... July 27, 2016
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers .... **July 28, 2016**
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) .... August 4, 2016
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building) .... August 4, 2016
Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers .... **August 11, 2016**

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

X. **ADJOUNRNMENT** - There being no further business, the Chair adjourned the meeting at 4:08 PM.

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Mike Owens, Chair

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Will Berkley, Secretary