

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

May 11, 2017

- 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 – Bill Wilson, Chair; Carolyn Richardson; Karen Mundy; Carolyn Plumlee; Joseph Smith; Will Berkley; Mike Owens; Frank Penn; David Drake; Mike Cravens and Patrick Brewer.

Planning Staff members present – Jim Duncan; Bill Sallee; Tom Martin; Traci Wade; Denice Bullock; Chris Bronczyk and Cheryl Gallt. Other staff members in attendance were: Vaughan Adkins, Division of Engineering; Casey Kaucher, Division of Traffic Engineering; Captain Greg Lengal and Lieutenant Joshua Thiel, Division of Fire and Emergency Services; and Andrea Brown, Department of Law.

- II. **APPROVAL OF MINUTES** – A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 11-0 to approve the minutes of the April 13, 2017, meeting.

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

- a. PLN-MJDP-17-00006: LEXINGTON MALL (CROSSFIT MAXIMUS) (AMD #21) (5/11/17)* - located at 2397 Richmond Road. (Council District 5) **(Abbie Jones Consulting)**

Note: The Planning Commission postponed this item at their February 9, 2017, March 9, 2017 and April 13, 2017, meetings. The purpose of this amendment is to add 20,000 sq. ft. of buildable area and revise parking.

The Subdivision Committee Recommended: **Postponement.** The proposed development plan lacks the necessary information required by Article 21-6 of the Zoning Ordinance, and the latest development plan has not been used in preparation for this amendment.

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. Complete Parcel A property line information (using solid lines) as required by Art. 21-6(a)(2) of the Zoning Ordinance.
11. Correct plan title.
12. Revise all out lot information, per Lexington Mall Amd. #19 & Amd. #20.
13. Addition of location and dimensions of existing and proposed driveways, walk ways, parking areas, ingress and egress.
14. Denote construction access location on plan.
15. Denote building height in feet on plan for new building.
16. Addition of all information from previous development plan Lexington Mall Amd. #11 & Amd. #15 (DP 2005-118 and DP 2015-60).
17. Denote steep slope information, including topography on plan.
18. Addition of all existing and proposed utilities on Parcel A.
19. Clarify use of perimeter areas adjacent to building.
20. Correct site statistics.
21. Correct notes #2 & #3.
22. Addition of record plat information per proposed amended plat.
23. Addition of tree canopy information for Parcel A, as required by Art. 26 of the Zoning Ordinance.
24. Discuss pedestrian access to new proposed building from Woodhill Drive.

Representation present – Rich Murphy, representing Abbie Jones Consulting, requested to withdraw this application.

Citizen Comments - There were no audience members present to speak to this request.

Action - A motion was made by Mr. Owens, seconded by Ms. Mundy and carried 11-0 to accept the withdrawal of **PLN-MJDP-17-00006: LEXINGTON MALL (CROSSFIT MAXIMUS) (AMD #21)**.

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

- b. PLN-MNDP-17-00022: RESERVE AT WALNUT GROVE - located at 3812 Cayman Lane & 2513, 2581 and 2669 Cayman Heights. (Council District 12) **(EA Partners)**

Note: The trail system proposed is vastly different from that approved by the Planning Commission for this development ten years ago. Therefore, the staff is referring this plan to the Planning Commission under Article 21-7(b)(2) of the Zoning Ordinance.

Representation present – Rory Kahly, representing EA Partners, requested a one month postponement to the June 8th meeting.

Staff Comment – Mr. Sallee directed the Commission's attention to the staff report, and said that the staff has no objection to the applicant's postponement request, but since this minor development request is in the Expansion Area, the staff would ask the Commission to require that the applicant to post a sign on the subject site in accordance with Article 23B-5(b) of the Zoning Ordinance.

Citizen Comments - There were no audience members present to speak to this request.

Action - A motion was made by Ms. Mundy, seconded by Ms. Richardson and carried 11-0 to postpone **PLN-MNDP-17-00022: RESERVE AT WALNUT GROVE** to the June 8, 2017, meeting, including the posting of the sign on the subject property.

- c. PLN-MJDP-17-00015: ETHINGTON & ETHINGTON PROPERTY, TRACT 1 (5/11/17)* - located at 4145 and 4235 Harrodsburg Road. (Council District 10) **(Vision Engineering)**

Note: The Planning Commission postponed this item at their April 6, 2017, meetings.

The Subdivision Committee made no recommendation.

The Technical Committee and Staff Recommended: Postponement. There were some questions regarding timing of the public infrastructure and tree preservation 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. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. Addition of required 10' building line on all R-1T lots.
13. Delete proposed and existing zone site statistics table.
14. Denote lot coverage and floor area ratio for the B-1 area.
15. Denote townhome dimensions and height in feet on plan.
16. Addition of TPP per Article 26 of the Zoning Ordinance.
17. Discuss timing of Madrone Way construction.
18. Discuss timing of Syringa Drive construction.
19. Discuss landscaping adjacent to Harrodsburg Road.
20. Discuss sidewalk improvements to Harrodsburg Road.
21. Discuss proposed stormwater detention location(s).
22. Discuss architectural details and orientation for B-1 buildings.
23. Discuss landscaping along access easement (B-1 to R-1T).
24. Discuss exterior lighting in the B-1 area.
25. Discuss timing of median closure on Harrodsburg Road.

Representation present – Nick Nicholson, attorney, representing the applicant, requested a one month postponement to the June 8th meeting.

Citizen Comments - There were no audience members present to speak to this request.

Action - A motion was made by Mr. Penn, seconded by Mr. Brewer and carried 11-0 to postpone **PLN-MJDP-17-00015: ETHINGTON & ETHINGTON PROPERTY, TRACT 1** to the June 8, 2017, meeting.

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

- d. DP 2014-64: SOUTH BROADWAY PLACE (PHASES IIA & III), LYNN GROVE ADDITION (AMD) (8/1/17)* - located at 107, 116, 118, 201 & 203 Simpson Avenue; 1100-1110 Prospect Avenue; and 99-103 & 109-119 Burley Avenue.
(Council District 3) **(Barrett Partners)**

Note: The purpose of this amendment is to revise the development of South Broadway Place, Lynn Grove Addition Townhouse (R-1T) area and redevelopment of R-4 areas of Lynn Grove Addition. The Planning Commission approved this plan at their September 11, 2014 and September 15, 2015, meetings, 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 street cross-sections through Export Street and Simpson Avenue.
11. Denote existing easements on face of plan.
12. Revise notes to include all relevant notes from approved plan.
13. Denote source of contour data on plan.
14. Resolve compliance with note #24 on approved plan prior to plan certification.
15. Resolve compliance with note #25 prior to issuance of a building permit.

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

The Staff Recommends: Postponement. This plan involves a Group Residential Project, which must be advertised. It was submitted after the publication of the advertisement for this meeting.

Representation present – Tony Barrett, representing Barrett Partners, requested a two week postponement to the May 25th meeting.

Citizen Comments - There were no audience members present to speak to this request.

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 11-0 to postpone **DP 2014-64: SOUTH BROADWAY PLACE (PHASES IIA & III), LYNN GROVE ADDITION (AMD)** to the May 25, 2017, meeting.

- e. PLN-MJSUB-17-00026: RML-CITATION (HILLENMEYER INTEREST, LTD.) (7/2/17)* - located at 2551 Leestown Road.
(Council District 4) **(Vision Engineering)**

The Subdivision Committee Recommended: Postponement. The staff still has concerns on the timing and provision of the required public infrastructure, and the fact that the required 30% Infrastructure Report has not yet been submitted.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. 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. Delete note #4.
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. Delete public utilities listed in "utility contacts" listing.
13. Addition of 25' floodplain setback on plan for the rear area of Lot 1.
14. Correction of land surveyor's signature of engineer's certification (due to infrastructure dedication).
15. Delete minor Planning Commission certification.
16. Denote FFE for Lot 1.
17. Denote: There shall be reciprocal parking and access on Lots 1-3.
18. Denote: There shall be no access to Citation Boulevard from Lots 1, 2 & 4.
19. Discuss timing of proposed access easement on plan, per the submitted final development plan.
20. Discuss planned maintenance of future detention basin.
21. Discuss possible sinkhole denoted on the preliminary development plan.

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

22. Discuss timing of public improvements and possible waivers.
23. Discuss owner's certification.

Representation present – Matt Carter, representing Vision Engineering, requested a one month postponement to the June 8th meeting.

Citizen Comments - There were no audience members present to speak to this request.

Action - A motion was made by Ms. Mundy, seconded by Ms. Plumlee and carried 11-0 to postpone **PLN-MJSUB-17-00026: RML-CITATION (HILLENMEYER INTEREST, LTD.)** to the June 8, 2017, meeting.

- f. **PLN-MJDP-17-00042: RML-CITATION (HILLENMEYER INTEREST, LTD.) (7/2/17)*** - located at 2551 Leestown Road.
(Council District 2) **(Vision Engineering)**

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

1. Urban County Engineer's acceptance of drainage, sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas and possible sinkhole.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. Revise and clarify note #10.
12. Denote as a Preliminary Subdivision Plan in title, for the addition of street and access easement-
13. Addition of tree protection plan per Article 26 requirements.
14. Resolve conflict between mini warehouse building and existing AT&T easement.
15. Discuss provision of access to the detention basin for future maintenance.
16. Discuss the need for signal at the intersection of Sandersville Road and Citation Boulevard.

Representation present – Matt Carter, representing Vision Engineering, requested a one month postponement to the June 8th meeting.

Citizen Comments - There were no audience members present to speak to this request.

Action - A motion was made by Ms. Mundy, seconded by Ms. Plumlee and carried 11-0 to postpone **PLN-MJDP-17-00042: RML-CITATION (HILLENMEYER INTEREST, LTD.)** to the June 8, 2017, meeting.

- g. **PLN-MAR-17-00018: KMJR, LLC** – a petition for a zone map amendment to modify the restrictions in a Neighborhood Design Character Overlay (ND-1) zone in the Single Family Residential (R-1C), for 0.39 net and gross acre, for property located at 1231 Eldemere Drive.

Proposed Design Standard Amendment:

10. **REAR YARD BUILDING SETBACKS**

- a. Maximum building dimension of the principal structure from the front building plane is ~~55~~ 65 feet (excludes allowable projections per Article 15-5 of the Zoning Ordinance).

(NOTE: ~~Stricken through~~ text above indicates a proposed deletion to the adopted Montclair ND-1 design standards for the subject property.)

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

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

1. The requested modification of the Neighborhood Design Character (ND-1) overlay zone Design Standard #10 for this parcel will not adversely affect the public health, safety or welfare, nor will it alter the character of the neighborhood. The proposed addition is similar in character, height, and massing to other principal structures along Eldemere Road. Construction of an addition at this location will allow for the continuity of appearance in the neighborhood and will not negatively affect the character of the neighborhood.
2. The special circumstance related to this application is that a large number of homes already meet or exceed the current standard within the immediate area of the subject property. Strict adherence to the design standard would be an unfair burden and unnecessary hardship for the applicant.

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3. Modifying the design standard by 10 feet will not prevent successfully achieving the Montclair neighborhood's general intent and preservation goals.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restriction is proposed to be modified for the subject property via conditional zoning as follows:
10. Rear Yard Building Setbacks
 - a. Maximum building dimension of the principal structure from the front building plane is 65 feet (excludes allowable projections per Article 15-5 of the Zoning Ordinance).

Modification of the rear yard setback for the subject property is appropriate given the existing character of the immediate vicinity.

Staff Comments – Ms. Wade said that the staff failed to post the required zone change sign on the subject property, and requested postponement of **PLN-MAR-17-00018: KMJR, LLC** to the May 25th meeting. The applicant was agreeable to the staff requested for postponement.

Citizen Comments - There were no audience members present to speak to this request.

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 11-0 to postpone **PLN-MAR-17-00018: KMJR, LLC** to the May 25, 2017, Planning Commission meeting.

- IV. LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, May 4, 2017, at 8:30 a.m. The meeting was attended by Commission members: Karen Mundy, Carolyn Plumlee, Joe Smith, Frank Penn Will Berkley, and Mike Owens. Committee members in attendance were: Vaughan Adkins, Division of Engineering; and Casey Kaucher, Division of Traffic Engineering. Staff members in attendance were: Jim Duncan; Bill Sallee; Tom Martin; Denice Bullock; Chris Bronczyk; Cheryl Gall; Chris Taylor, Brandi Peacher; Lieutenant Joshua Thiel, Division of Fire & Emergency Services; and Tracy Jones and Andrea Brown, Department of Law. The Committee made recommendations on plans as noted.

General Notes

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

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

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

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

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

Mr. Sallee announced the following agenda items appearing on the Consent Agenda:

- a. **PLN-MJSUB-17-00024: FRITZ FARM (SUMMIT LEXINGTON) (AMD) (7/2/17)*** - located at 4100 Nicholasville Road and 280 Harrison. (Council District 4) **(HDR Engineering, Inc.)**

Note: The purpose of this amendment is to subdivide a portion of Tract A for a hotel (Tract F).

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

1. Urban County Engineer's acceptance of drainage, 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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Correct plan title and denote as an "Amended" plat in tile block.
9. Denote total area of all tracts combined.
10. Provided the Planning Commission makes a finding on the access easement, per Article 6-8 of the Land Subdivision Regulations.
11. Increase font size for "Utility Providers" and "Private Utilities" and street cross-section shown.

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12. Resolve timing of landscape easements and T.P.A on Tracts A & B.
 13. Resolve easement agreement.
- b. PLN-MJSUB-17-00025: GLEN CREEK (DOVE CREEK), UNIT 3-B, SEC. 5 (7/2/17)* - located at 1155 Jonestown Lane.
(Council District 8) **(Thoroughbred Engineering)**

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection area(s) and required street tree information.
 6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 8. Delete listing for public (L.F.U.C.G.) utilities from plan.
 9. Addition of required general notes on plan, as required by Art. 5-4(f) of the Subdivision Regulations.
 10. Dimension cross-sections for access easement and Jones Trail.
 11. Resolve location of access easement with the approved plan PLN-MJSUB-17-00027 (AKA: PLAN 2006-151F): GLEN CREEK, UNIT 3-C, SECTION 1 (DOVE CREEK).
 12. Denote: T.P.A. along the frontage of Jones Trail.
- c. PLN-MJDP-17-00033: PROVIDENCE PLACE AND INTERSTATE SERVICE CENTER, UNIT 6, LOT 2A (AMD) (7/2/17)*
- located at 1935 Stanton Way. (Council District 12) **(Palmer Engineering)**

Note: The purpose of this amendment is to demolish the existing hotel and construct a new 79 room hotel.

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. Urban Forester's approval of tree preservation plan.
 5. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 7. Division of Waste Management's approval of refuse collection locations.
 8. Complete Tree Protection Plan by adding street tree (existing & proposed) information.
 9. Clarify outdoor area adjacent to pool building.
 10. Denote sidewalk dimensions under the canopy area.
 11. Denote: This plan will supercede previously approved plan PLN-MJDP-16-00054.
 12. Resolve underground detention vault proposed.
- d. PLN-MJDP-17-00034: NEWTOWN SPRINGS (A PORTION OF TRACT 2) (7/2/17)* - located at 564 Asbury Lane.
(Council District 4) **(Eagle Engineering)**

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. 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. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. Revise B-1 area and site statistics to reflect current approved/certified plan(s) in that portion of the property.
13. Identify building dimensions for pool house and clubhouse building proposed.
14. Denote: The apartment buildings shall be constructed in substantial compliance with the exhibit on file with Division(s) of Planning and Building Inspection.
14. Resolve timing of connection of street connection to Hollow Creek Road.
15. Resolve area not a part of this plan (asst. living facility, B-6P area, etc.).
16. Resolve parking proposed (off-street) for clubhouse use, and document compliance with Zoning Ordinance minimum requirements.

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

- e. PLN-MJDP-17-00036: KAPPA KAPPA GAMMA, INC (7/2/17)* - located at 238-248 E. Maxwell Street.
(Council District 3) **(EA Partners)**

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Division of Waste Management's approval of refuse collection locations.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Denote Final Record Plat name along with Plat Cabinet Slide information in the title block.
10. Denote compliance with Article 15-7(a) of the Zoning Ordinance.
11. Denote tree protection areas (0.16 ac. Existing trees) on plan, and the number of new trees proposed.
12. Addition of gate note to the approval of Division of Fire, Water Control Office's.

- f. PLN-MJDP-17-00037: FRITZ FARM (SUMMIT LEXINGTON) (AMD) (7/2/17)* - located at 4100 Nicholasville Road.
(Council District 4) **(HDR Engineering, Inc.)**

Note: The purpose of this amendment is to revise the building foot print square footage and parking.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. 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. Remove "future" development from Buildings 2000, 2100 & 2400 and include in site statistics.
12. Resolve note #27 and Tract F inclusion.
13. Denote timing of landscape installation required by note #9 (especially along Harrison).

- g. PLN-MJDP-17-00038: GLEN CREEK (DOVE CREEK) (7/2/17)* - located at 1145 & 1156 Appian Crossing Way and 1155 Jonestown. (Council District 4) **(Thoroughbred Engineering)**

Note: The purpose of this amendment is to add and reconfigure parking, increase floor area by increasing the number of floors, denote Phases for construction of townhomes and denote the new floodplain location.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. Denote record plat designation in title block.
12. Resolve Jones Trail access point location.
13. Document compliance with interior landscape (10%) requirement, prior to certification.

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

- h. PLN-MJDP-17-00039: BLUEGRASS BUSINESS PARK (PEMBERTON FARM), LOT 2 (KITO USA) (7/2/17)* - located at 2550 Innovation Drive. (Council District 2) **(Denham Blythe Company)**

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree preservation plan.
 6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 7. Division of Waste Management's approval of refuse collection locations.
 8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 9. Identify boundaries of tree protection areas on the property with ~~solid dark~~ dashed lines and labeling.
 10. Addition of record plat designation in title block.
 11. Addition of dimensions for all driveways.
 12. Addition of dimensions for walkways on plan.
 13. Denote approval of, or review by, the Royal Springs Wellhead Protection Committee prior to certification.
 14. Addition of tree protection plan, tree canopy and parking lot interior landscaping statistics, per Zoning Ordinance requirements.
 15. Addition of 20' building line setback along street frontages.
 16. Remove miscellaneous construction information from plan.
 17. Addition of required general notes, per Article 21 requirements.
 18. Add future expansion information to plan and included in site statistics or remove from plan.
 19. Remove the parking lot spaces to permit the connection proposed.
- i. PLN-MJDP-17-00041: HAMBURG EAST, LOT 4 (THE POLO CLUB AT HAMBURG PLACE) (8/2/17)* - located at 2575 Polo Club Boulevard. (Council District 12) **(Vision Engineering)**

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. Provided the Planning Commission makes a finding that the plan complies with the EAMP.
 10. Denote DTR Density Transfer on plan, and denote recording location in Fayette County Clerk's Office.
 11. Denote zoning and open space (required & provided) in the site statistics.
 12. Document compliance with Art. 23A-7(k) of the Zoning Ordinance regarding required open space.
 13. Denote steep slopes note per Division of Environmental Services.
 14. Denote height of canopy in feet on plan.
 15. Denote timing of completion of sidewalk at corner of Polo Club and Little Herb Way.
 16. Denote timing of completion of curb and sidewalk along Little Herb Way at northern-most site entrance.
- j. DP 2016-23: SAMS PROPERTY & LARKIN PROPERTY (AMD) (8/1/17)* - located at 1510 Greendale Road and 2440 Innovation Drive. (Council District 2) **(Element Design)**

Note: The purpose of this amendment is to add floor area and parking on Lot 2. The Planning Commission approved this plan at their April 28, 2016, meeting, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.

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

10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. Kentucky Transportation Cabinet's approval of access to Greendale Road (KY 1978).
12. Denote Royal Spring Aquifer Committee's recommendation prior to certification.
13. Denote that improvements to Greendale Road and Spurr Road will be subject to the approval of the Kentucky Transportation Cabinet and the Division of Traffic Engineering.
14. Resolve provision of sanitary sewer service to Lot 1 & Lot 2.
15. Resolve St. Claire spring protection measures, prior to certification.
16. Identify improvements to Greendale and Spurr Roads, in cross-sections, as approved by the Kentucky Transportation Cabinet, District 7 Office and the Division of Traffic Engineering, prior to certification.

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

The Staff Recommends: **Reapproval**, subject to the conditions previously approved at the April 28, 2016, Planning Commission meeting.

Mr. Sallee also noted that PLN-MJDP-17-00041: HAMBURG EAST, LOT 4 (THE POLO CLUB AT HAMBURG PLACE) requires the Planning Commission to make a finding that this plan is in compliance with Art. 23A-7(k) of the Zoning Ordinance regarding the open space requirement. The staff finds that the Final Development Plan for Hamburg East (Waterstone) is in compliance with the Future Land Use, Community Design and Infrastructure element of the Expansion Area Master Plan, for the following reasons:

1. The use, density and proposed development meet the definition of the EAR-3 land use category of the EAMP that have been planned along Polo Club Boulevard.
2. The regional sanitary sewer pump station has been constructed and is function as designed, as is the regional stormwater detention areas along with Polo Club Boulevard.
3. The site has incorporated many features that substantially comply with the intent of the EAMP to create distinct and well defined neighborhoods.
4. The staff would recommend the following changes to the final development plan in order to ensure even greater compliance with the Community Design Element of the EAMP:
 - a. The submittal of landscape and architectural exhibits implementing the EAMP recommendation on the creation of distinct and well defined neighborhoods and compliance with Article 23a-2(q).
 - b. Denote on the final development plan that the proposed development will substantially comply with landscape and architectural exhibits, as submitted to the Division(s) of Planning and Building inspection.

Mr. Sallee also said that the staff had received an affidavit for a sign posting for this property (PLN-MJDP-17-00041), and everything with it appears to be in order.

Mr. Sallee stated that the items identified on the Consent Agenda could be considered for conditional approval at this time by the Commission, as has been recommended, unless there was a request for an item to be removed from consideration by a member of the Commission, or the audience, to allow an opportunity for its discussion. (A copy of the Consent Agenda is attached as an appendix to these minutes).

Audience members requesting full discussion - There were none.

Commission member requesting full discussion - There were none.

Action - A motion was made by Mr. Cravens, seconded by Ms. Richardson and carried 11-0 to approve the items listed on the Consent Agenda, as recommended by the Subdivision Committee and the staff, including the findings for **PLN-MJDP-17-00041: HAMBURG EAST, LOT 4 (THE POLO CLUB AT HAMBURG PLACE)**.

Mr. Sallee noted that there was an error on the agenda under PLN-MJSUB-17-00024: FRITZ FARM (SUMMIT LEXINGTON) (AMD) and said that this request does not require any specific findings be made from the Planning Commission.

B. PERFORMANCE BONDS AND LETTERS OF CREDIT – A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 11-0 to approve the release and call of bonds as detailed in the memorandum dated May 11, 2017, 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. **DEVELOPMENT PLANS**

- a. PLN-MJDP-17-00029: BEAUMONT FARM, UNIT 1, BLK B, SEC. 3, LOT 3 (TEXAS ROADHOUSE) (AMD) (7/2/17)* -
located at 3030 Lakecrest Circle. (Council District 10) **(GRD Group, Inc.)**

Note: The purpose of this amendment is to add buildable area.

The Subdivision Committee Recommended: **Postponement**, due to no representation at their meeting.

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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Division of Waste Management's approval of refuse collection locations.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Clarify dimensions of each of the two proposed additions.
10. Correct title block to reflect that this plan is an amended final development plan.
11. Clarify off-street parking areas.
12. Clarify bearings and distances for the boundary line of property.
13. Clarify ingress and egress locations.
14. Clarify text of easements, right-of-way and adjacent property.
15. Clarify vicinity map.
16. Correct note #14.
17. Correct Planning Commission's certification.
18. Clarify building square footage in site statistics.
19. Delete "construction document" note shown in title block.

Staff Presentation – Mr. Bronczyk presented a rendering of this amended final development plan (PLN-MJDP-17-00029). He indicated that the Subdivision Committee had recommended postponement of this request due to the lack of representation at the Committee meeting last week. The Staff is recommending approval of this plan now, subject to the conditions listed on today's agenda.

Commission Questions – Mr. Owens asked for clarification to condition #13. Mr. Bronczyk explained that with colored rendering it shows the ingress and egress clearly. However, when reviewing the original submittal, the ingress and egress were very difficult to read, so the staff wanted those to be clarified on the plan.

Mr. Owens asked if the rendering being presented was a revised plan. Mr. Bronczyk replied that the applicant's last revised plan was on May 3rd. Mr. Owens then asked why there were no revised conditions for this request since the Committee meeting. Mr. Bronczyk replied that he does not have an answer for that, but the applicant may be able to assist with that question.

Representation – Leland Jones, GRD Group, Inc., indicated that the applicant was in agreement with the staff's recommendation.

Discussion - Mr. Owens asked if the latest revised plan was submitted on May 3rd why wasn't the plan reviewed before the Commission meeting. Mr. Saltee said that the staff did email the applicant on Monday about submitting revisions for today's meeting, but with the deadline for new submittals being Tuesday at 1:30 p.m., there was some hesitation on the applicant's part as to whether or not to submit a new revision. He then said that the staff had told the applicant the plan could be approved, but it would not be eligible for the Consent Agenda.

Mr. Owens said that the rendering being presented to the Commission corrected condition #13, but he asked about the other conditions listed on today's agenda. Mr. Saltee said that the ingress and egress being shown on the rendering are visible because the plan is colored up. He then said that the line weights on the original submittal were part of the information that needed to be clarified, and are not as visible on a non-rendered plan.

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

Mr. Owens asked if the staff notified the applicant on Monday, why there weren't there any attempt to correct the conditions. Mr. Jones said that they were not able to submit the revisions before the 1:30, Tuesday deadline, but they would be submitting a cleaned up version of it to the staff.

Mr. Owens said that it would have helped if a representative would have been in attendance at the Subdivision Committee meeting to address the number of conditions listed on the agenda. He then said that this plan is poor quality work. Mr. Martin explained that the staff did receive a cleaner version of this request originally, but it did not have all of the necessary information that is required by the zoning regulations. On occasions, this does happen with an applicant.

Mr. Owens said that there was no one present at the Subdivision Committee meeting and this request has 19 conditions, most of them being clean-up conditions that came out of the Technical Committee meeting two weeks ago. He then said that nothing has been done to this plan and it seems that there has been no attempt to clean up or reduce the number of conditions, which is the reason the Subdivision Committee recommended this item be postponed. He added that had there been representation at the Committee meeting, the items listed on the agenda could have been clarified. The applicant knew these conditions needed to be done. Mr. Sallee said that the applicant's May 3rd submittal did alter the staff's recommendation from disapproval to approval, subject to the conditions listed on today's agenda.

Mr. Owens asked if this plan had more conditions coming out of the Technical Committee meeting. Mr. Sallee responded that the staff's initial recommendation for this plan was disapproval. Mr. Bronczyk said that with the original submittal was equal to construction plans so that resulted in a listing of over 30 conditions. He then said that the May 3rd submittal resulted in the conditions listed on today's agenda.

Mr. Wilson asked if the staff is recommending approval. Mr. Bronczyk replied affirmatively. Mr. Penn asked if the staff's recommendation of approval is subject to the 19 conditions listed on the agenda. Mr. Bronczyk replied affirmatively.

Ms. Plumlee said that the Commission usually sees the word "resolve" not "clarify" and asked for an explanation. Mr. Sallee directed the Commission's attention to conditions #13, and said that the required information is on the plan so there is nothing to be resolved. The access points do exist and condition #13 is a matter of clarifying the information on the line drawing so that the access points are as clear as the colored up rendering. He said that "clarify" does not mean that information is missing, but rather the plan needs additional augmentation to make the plan more visible for the average person reviewing the plan in the future.

Citizen Comments - There were no audience members present to speak to this request.

Action - A motion was made by Mr. Cravens, seconded by Ms. Richardson and carried 7-4 (Brewer, Mundy, Owens and Plumlee opposed) to approve **PLN-MJDP-17-00029: BEAUMONT FARM, UNIT 1, BLK B, SEC. 3, LOT 3 (TEXAS ROADHOUSE) (AMD)**, as recommended by the staff.

- b. **PLN-MJDP-17-00043: ELLERSLIE PLACE, LOTS 2 & 2A (THE MIDLANDS) (AMD) (7/2/17)* - located at 225 Walton Avenue and 218 & 222 Midland Ave. (Council District 3) (Milestone Design Group)**

Note: The purpose of this amendment is to increase the unit size and decrease the number of units on Lot 2, increase the number of units on Lot 2A, revise the site layout for the proposed attached single family residential development on the proposed lots 32-48 and a commercial/apartment development on proposed Lot 2A.

The Subdivision Committee Recommended: **Postponement**, due to no representation at their meeting.

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. Correct title block.
10. Denote dimension of typical parking space on plan.
11. Denote dimension of typical driveway on plan.
12. Denote dimension of path on plan.
13. Denote dimension of sidewalks on plan.
14. Correct Planning Commission's certification.
15. Revise note #19 to match new proposed lotting.

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

16. Addition of note from plat regarding detention.
17. Discuss pedestrian access between former Lots 36 & 37 now Lot 44.

Staff Presentation – Mr. Bronczyk presented a rendering of this amended final development plan (PLN-MJDP-17-00043). He indicated that the Subdivision Committee had recommended postponement of this request due to the lack of representation at the Committee meeting last week. The Staff is recommending approval, subject to the conditions listed on today's agenda.

Commission Questions - Mr. Wilson asked if condition #17 had been resolved. Mr. Bronczyk explained that the previous development plan had an open space area between Lots 36 and 37, but now on this development plan, Lots 36 and 37 were combined to create Lot 44. By removing the open space area, this design had created 10 continuous townhomes with no pedestrian connection between the townhomes. Mr. Sallee added that on the previous development plan, there were two townhouse buildings approved with a gap between these two buildings. The applicant is proposing to remove that gap. Mr. Wilson asked if condition #17 should be removed. Mr. Sallee indicated the staff's agreement.

Representation – There was no one present representing the applicant at today's meeting.

Commission Question – Mr. Wilson asked if the applicant attended the Subdivision Committee meeting, and then asked if the applicant has any interested in this request.

Citizen Comments - There were no audience members present to speak to this request.

Commission Discussion – Mr. Penn said that it's not that the Subdivision Committee cannot complete their work without the applicant, but it makes it a lot easier if the applicant was present. Just on today's agenda, there have been two examples of people not showing up. He then said that he does not know the Subdivision Committee can operate in the manner that it needs to be operated at if the applicant's do not show up and the concerns have to be addressed through the staff to the applicant. He said that he is not saying to hold this item up and he is not saying to take action on it, but there have been two requests with no one present. He then said that he does not want the Commission to send the signal that the applicant does not have to attend and the staff will do the work for them. This is the wrong message to be sending to the applicant's.

Mr. Brewer said that the Commission has seen two applications in a row where no one was in attendance at Subdivision Committee meeting. Both of these items have a lot of conditions. Now with this application no one even bothers to show up and personally he cannot support this request.

Action - A motion was made by Mr. Owens, seconded by Ms. Plumlee to postpone **PLN-MJDP-17-00043: ELLERSLIE PLACE, LOTS 2 & 2A (THE MIDLANDS) (AMD)**.

Staff Comment - Mr. Sallee suggested the Commission continue this item to their June 8th meeting instead of postponing it. Mr. Owens and Ms. Plumlee indicated their agreement.

Amended Action - A motion was made by Mr. Owens, seconded by Ms. Plumlee to continue **PLN-MJDP-17-00043: ELLERSLIE PLACE, LOTS 2 & 2A (THE MIDLANDS) (AMD)** to the June 8th Planning Commission meeting.

Discuss of Motion - Mr. Brewer asked if the staff had contacted the applicant after the Subdivision Committee meeting. Mr. Bronczyk replied affirmatively. Mr. Brewer then asked if the applicant responded to the staff. Mr. Bronczyk replied negatively.

Mr. Wilson said that the Commission has to hear this case and asked for guidance from the staff. Mr. Sallee said that the Commission must hear this case before the deadline that is noted on the agenda (7/2/17). He then said that the Commission can continue or postponed this item for lack of representation up until that time.

Mr. Wilson said that would be fair and for anyone who does not show up to answer the Commission's question makes it very difficult to deal with. He then said that anything that has had discussion before the Subdivision Committee needs to go that way first.

Mr. Wilson indicated that there is a motion on floor and asked if this should be continued to the May 25th or the June 8th meeting. Mr. Owens indicated that a one month postponement would be appropriate. Ms. Plumlee was in agreement. Mr. Owens said that as far as this being a continued item, he believed it would be appropriate for the applicant to bring in a revised plan to allow the Subdivision Committee for their review.

Mr. Cravens said that he hates to see the Commission go to a different approach, and even though it would have been better if the applicant was present, they do not have to be here for this plan to move forward. He then said this involves a minor issue as did the one before. The staff is comfortable with the approval so he did not understand why this item should not be approved.

Mr. Penn said that the difference between the two – the other request involved 600 sq. ft., where this request backs up to Bell Court and the circulation pattern is changing within the subdivision. He did not see the two requests as equal and the main thing is he does not know is how the Commission is going to carry on with their work if the applicants are not showing up to discuss their proposals. He indicated that once the applicant doesn't attend the Technical Committee meeting, there will be more and more requests coming to the Subdivision Committee without any representation present.

Mr. Cravens said that he used to be on the Subdivision Committee and the current Committee has done a good job with the applications and it takes a lot of hard work to get these request on the Consent Agenda. But he is objecting to the tone of the conversation and he sees this application involving only a minor change.

Mr. Wilson said that a motion is on the floor to continue **PLN-MJDP-17-00043: ELLERSLIE PLACE, LOTS 2 & 2A (THE MIDLANDS) (AMD)** to the June 8th meeting.

The motion carried 10-1 (Cravens opposed).

2. **FINAL SUBDIVISION PLANS**

- a. **PLAN 2012-32F: LOCHMERE ESTATES (MAPLE RIDGE), UNIT 1-A, SEC. 1 (AMD) (8/6/17)* - located at 651 Chilesburg Road. (Council District 7)** **(EA Partners)**

Note: The purpose of this amendment is to increase and reconfigure the lots, realign the pedestrian trail, update the notes, identify future lots and revise the development standards. The Planning Commission originally approved this plan on May 10, 2012, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, 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 and Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Denote: This property shall be developed in accordance with the approved final development plan.
9. Exactions shall be to the approval of the Division of Planning.
10. Addition of bearings, calls and acreage for Lot 62.
11. Clarify site statistics to account for all future lots proposed.
12. Complete owner's certification.
13. Denote flood protection elevations that apply to any lots.
14. Correct note #8.
15. Add standard note regarding silt control requirements.
16. Certification of Final Development Plan prior to plan certification.

Note: The Lexington-Fayette Urban County Council had agreed to accept the previously recorded private street as a public street. The applicant is now requesting Planning Commission approval of the plat that will allow for dedication of the right-of-way, per the Council's recent action.

The Planning Commission reapproved this plan on February 14, 2013, subject to the original conditions, deleting condition #16. Sections of this plan were recorded on June 21, 2013 and August 21, 2013.

The applicant is now requesting a reapproval of the unrecorded portions of this plat (for one lot in particular), subject to the reapproval conditions from February 14, 2013.

The Staff Recommends: **Reapproval**, subject to the first 15 conditions previously approved at the February 14, 2013, Planning Commission meeting.

Staff Presentation – Mr. Martin presented a rendering of this plat and the staff's report on the final record plan (**PLAN 2012-32F**). He indicated that the Staff is recommending reapproval, subject to the conditions listed on today's agenda.

Representation – Rory Kahly, EA Partners, indicated that the applicant was in agreement with the staff's recommendation and requested reapproval.

Citizen Comments - There were no audience members present to speak to this request.

Commission Question – Mr. Owens asked if condition #16 was to be removed. Mr. Martin said that this condition was not necessary any longer.

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

Action - A motion was made by Ms. Richardson, seconded by Mr. Brewer and carried 11-0 to approve the development plan for **PLAN 2012-32F: LOCHMERE ESTATES (MAPLE RIDGE), UNIT 1-A, SEC. 1 (AMD)**, as recommended 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. **PFR 2017-3: OLD FRANKFORT PIKE SCENIC VIEWING AREA** - a Public Facility Review to provide a Visitor Viewing Area at the beginning of Old Frankfort Pike Scenic Byway.

SUMMARY FINDINGS: The proposal is to design and build a Visitor Viewing Area at the beginning of Old Frankfort Pike Scenic Byway as it heads towards the western part of the county explaining the history of community along this rural corridor. This beautiful road is one of six scenic byways in Kentucky of America's 150 National Scenic Byways and it is also listed on the National Register of Historic Places. Old Frankfort Pike shows an exemplary rural landscape and this visitor's center can tell the story of 225 years of the history of the Bluegrass Region with the internationally-recognized Thoroughbred farms. The visitor's center will also, have information about distilleries and wineries, Keeneland Race Tract, the Kentucky Horse Park and show Lexington as the "The Horse Capital of the World". This road will also connect several of the surrounding communities such as Midway, Versailles and Frankfort, to complete the rural landscape of the Bluegrass Region.

Staff Presentation – Ms. Gallt presented the staff's report, and gave a brief explanation of the applicant's proposal. She indicated that the Comprehensive Plan is entirely supportive of the proposed project. Several themes, goals and objectives directly support the intended improvements to the subject property, as does the text of the Plan. (A copy of the staff report are attached as an appendix to these minutes).

Citizen Comments - There were no audience members present to speak to this request.

Commission Questions – Mr. Wilson asked if buses will be prohibited on this property. Ms. Gallt said that the staff believed there will be enough room for the larger vehicles. Mr. Wilson then asked if there is a pull-off area elsewhere in the area. Ms. Gallt replied that the Commission recently approved a trucking company for development on the opposite side of this entrance. She said that the viewing area will face a rural part of Lexington overlooking the roundabout.

Mr. Penn asked if the viewing area is toward Frankfort after one leaves the roundabout. Ms. Kaucher replied that the site distance will have to be met. Mr. Penn asked what happens after the Planning Commission review process. Ms. Gallt said that Traffic Engineering and Engineering will have to review the plan. Mr. Penn said that he wants some assurance that this entrance will be safe because Old Frankfort Pike is filled with horse vans and people do not understand what this road can be like, as people are killed on Old Frankfort Pike. Ms. Kaucher said that with a non-government request, the applicant would be required to "pull a permit" then at that time, the sight distance would be reviewed to see if the entrance would need to be shifted or some landscaping to be cleared out. She then said that since this a city project, she does not know if the same rules apply, but they will speak with Engineering to review the project and do a site visit. Mr. Saltee said that the Urban County Government will have to obtain a permit from the state for any access to a state road. Ms. Kaucher said that she could verify whether or not they will need an encroachment permit from the state. Ms. Gallt said that the State of Kentucky is one of the parties listed in their current application.

Mr. Berkley asked if this project is located on the state right-of-way. Ms. Gallt replied affirmatively. Mr. Berkley then asked if project is near a drainage area and is anything being done to address the drainage. Mr. Martin recalled the discussion of the drainage on the Little Property, and said that this project is above where the previous drainage basin was located. Mr. Berkley said that he wanted to make sure that, should there be a 100-year flood event here, the people who visit this site would be safe. Mr. Martin said that this project is outside the 100-year floodplain and it was determined that this area can handle to runoff from the proposed development on the Little Property.

Ms. Kaucher introduced Andrew Grunwald, Division of Engineering and said that the Planning Commission had been asking if the sight distance had been reviewed or does it still need to be evaluated. He said that they have submitted an application to the Kentucky Transportation Cabinet, who will be reviewing and approving this project for compliance, but he does not believe there will be a sight distance problem. Ms. Kaucher said that she has not visited the site so she could not confirm the sight distance situation. Mr. Grunwald said that when the roundabout was created there was significant regrading of the area and from this project the other side of the roundabout can be seen.

Mr. Penn asked if this project was at the top of the hill on Old Frankfort Pike going toward Frankfort. Mr. Grunwald said that this project is on the other side of the roundabout. Mr. Owens indicated that project is located before the roundabout coming from Lexington. Mr. Penn said that this project is on the side of Old Frankfort Pike toward Lexington, and Mr. Grunwald replied affirmatively.

Mr. Wilson said that he raised the issue about parking and asked if larger vehicles would be allowed on site, and if not, how would these be taken care. Mr. Grunwald said that there are significant constraints on the site and six parking spaces are the most that can fit on this property. He then said that the Division of Engineering has not coordinated with the tourist Board about this site and he does not believe a full bus could maneuver through this site. Mr. Wilson said that the larger vehicles need to know so they do not try to enter the site. Mr. Grunwald said that they would contact the tourist Board to make sure

that happens. Mr. Wilson said that signage might be appropriate. Mr. Grunwald indicated that signage could be included stating that there is no buses parking allowed.

Mr. Owens asked what is the purpose of the gate and will it be closed some times. Mr. Grunwald said that this project will be operated as a city park and it will be closed at dusk. Mr. Owens said that this would be a good place for tourism so he would be cautious in saying not to allow any tour buses. He asked if there will be any plans to provide maps or literature for the public on site. Mr. Grunwald replied that on the city's part there has not been any coordination to make that happen, but he would bet that would come in the future. Mr. Owens said that it's just a shame that the location of the scenic view will only provide a 180 degree view. Mr. Grunwald said that the view shed is meant to overlook the country side.

Ms. Mundy said that she cannot support this request. She believed that this is not a good thing to do just because there is a remnant piece of property. She then said that it seems something is being forced on a small remnant piece of property that will probably end up having some bad traffic accident in this area. She added that this request does not make sense to her to have a viewing place looking over a traffic circle.

Ms. Plumlee asked if there is a cost for this to the public. Mr. Grunwald explained that there is a budget through TAP funds, which is a federal grant, and said that the property was donated to the city and the city donated the property to the project. The estimated cost, including the land, is about \$700,000.

Mr. Drake asked what happens to the funds if this project is not completed. Mr. Grunwald said that the funds would be reallocated to a different TAP project somewhere else in the state. He then said that the money is spent it is just a question of where will it be spent.

Mr. Wilson said that he understood where Ms. Mundy is coming from and he is not worried about the project but more about the design of the project. He asked if there is enough money to redesign the project to something better. Mr. Grunwald directed the Commission's attention to the overhead projector, and explained that property is very narrow and the grade of the land ranges from 6 to 12 percent slope so there are constraints that are being dealt with. He said that the lot was not meant for this purpose, but the property is being utilized the best way it can be made useable.

Mr. Owens said that the Planning Commission's purpose is not to approve or disapprove a Public Facility Review, but determine whether or not it is in agreement with the Comprehensive Plan. Mr. Wilson replied affirmatively and said that it is. Mr. Owens then said that the Planning Commission can always make a recommendation. Ms. Brown replied that is correct and said that it requires the Commission's approval if you find that the project is in compliance with the Comprehensive Plan.

Action - A motion was made by Mr. Owens, seconded by Mr. Brewer and carried 9-2 (Cravens and Mundy opposed) to approve PFR 2017-3: OLD FRANKFORT PIKE SCENIC VIEWING, noting that this request is in agreement with the Comprehensive Plan, subject to one condition that would require the staff to review the current design layout of the project.

B. UPCOMING MEETINGS

Mr. Duncan informed the Planning Commission of the schedule for following upcoming public meetings:

Bike & Pedestrian Greenway Master Plan, Tuesday, May 16, 2017, 5:00 p.m. to 8:00 p.m., West Sixth Brewing
Planning Commission Work Session, Wednesday, May 24, 2017, 1:30 p.m., 3rd Floor Phoenix Building
Zoning Items Public Hearing, Thursday, 1:30 p.m., May 25, 2017, 3rd Floor Phoenix Building

Mr. Duncan also reminded the Planning Commission of the following cancellation:
Planning Commission Work Session, Thursday, May 18, 2017

VII. STAFF ITEMS – There were none.

VIII. AUDIENCE ITEMS – There were none.

IX. NEXT MEETING DATES

Planning Commission Work Session, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building.....	May 3, 2017
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	May 24, 2017
Planning Commission Work Session, Wednesday, 1:30 p.m., 3 rd Floor Phoenix Building	May 24, 2017
Zoning Items Public Hearing , Thursday, 1:30 p.m., 3 rd Floor Phoenix Building	May 25, 2017
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	June 1, 2017
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	June 1, 2017
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	June 8, 2017

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

- X. **ADJOURNMENT** - There being no further business, the Chair adjourned the meeting at 2:43 PM.

William Wilson, Chair

Carolyn Plumlee, Secretary

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