

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

June 8, 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; Will Berkley; Frank Penn; David Drake (arrived at 1:45 p.m.); Mike Cravens and Patrick Brewer. Mike Owens was absent.

Planning Staff members present – Bill Saltee; 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** – There were no minutes.

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

- a. PLN-MJDP-17-00015: ETHINGTON & ETHINGTON PROPERTY, TRACT 1 (6/8/17)* - located at 4145 and 4235 Harrodsburg Road. (Council District 10) **(Vision Engineering)**

Note: The Planning Commission postponed this item at their May 11, 2017, meetings.

The Subdivision Committee Recommended: **Postponement**, due to the number of discussion items remaining on the 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. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. Addition of required 10% private open space areas on all R-1T lots.
13. Delete proposed and provide "parking statistics" near tree canopy statistics.
14. Denote that this plan is also a Preliminary Subdivision Plan (for all street construction).
15. Addition of TPP per Article 26 of the Zoning Ordinance for Lot 1, including cherry & oak trees along its frontage.
16. Denote Madrone Way to be constructed with Phase I and/or Lot 1.
17. Denote Syringa Drive to be constructed with Phase I, Lots 18-22 or 26-35.
18. Denote landscaping adjacent to Harrodsburg Road to meet Man o' War Boulevard Ordinance requirements, and provide detail on plan.
19. Discuss lack of sidewalk improvements to Harrodsburg Road.
20. Discuss lack of proposed stormwater detention location(s) outside of private street area(s).
21. Discuss architectural details and orientation for Lot 1 B-1 buildings.
22. Discuss lack of zone-to-zone landscaping along access easement (B-1 to R-1T).
23. Discuss potential exterior lighting restrictions in the B-1 area.
24. Discuss whether the median closure on Harrodsburg Road is to be completed during Phase I or after future commercial development.

Representation present – Nick Nicholson, attorney, representing the applicant, requested a two-week postponement of this plan to the June 22nd Commission's meeting.

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

Action - A motion was made by Mr. Brewer, seconded by Ms. Plumlee and carried 8-0 (Drake and Owens absent) to postpone **PLN-MJDP-17-00015: ETHINGTON & ETHINGTON PROPERTY, TRACT 1** to the June 22, 2017, meeting.

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

- b. PLN-MJDP-17-00052: DISTILLERY DISTRICT - WEST, UNIT 1 (ADAPTIVE REUSE PROJECT) (AMD) (7/30/17)* - located at 1158 Manchester Street. (Council District 2) **(Abbie Jones Consulting)**

Note: The purpose of this amendment is to revise the eastern parking lot. 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 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. 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. Revise all buildings to have solid lines, per the current Final Development Plan.
11. Correct Planning Commission certification (date of approval).
12. Revise title to reflect latest number of amendments.

Representation present – Rich Murphy, representing Abbie Jones Consulting, requested a two-week postponement to the June 22nd Commission's meeting.

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

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy and carried 8-0 (Drake and Owens absent) to postpone **PLN-MJDP-17-00052: DISTILLERY DISTRICT - WEST, UNIT 1 (ADAPTIVE REUSE PROJECT) (AMD)** to the June 22, 2017, meeting.

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

Note: The Planning Commission postponed this item at their May 11, 2017, meeting.

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

Representation present – Jihad Hallany, representing Vision Engineering, requested a two-week postponement to the June 22nd Commission's meeting.

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

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

Action - A motion was made by Ms. Plumlee, seconded by Ms. Richardson and carried 8-0 (Drake and Owens absent) to postpone **PLN-MJSUB-17-00026: RML-CITATION (HILLENMEYER INTEREST, LTD.)** to the June 22, 2017, meeting.

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

Note: The Planning Commission postponed this item at their May 11, 2017, meeting.

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 – Jihad Hallany, representing Vision Engineering, requested a two-week postponement of this plan to the June 22nd Commission's meeting.

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

Action - A motion was made by Mr. Penn, seconded by Ms. Mundy and carried 8-0 (Drake and Owens absent) to postpone **PLN-MJDP-17-00042: RML-CITATION (HILLENMEYER INTEREST, LTD.)** to the June 22, 2017, meeting.

Note: Mr. Drake arrived at this time.

- IV. LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, June 1, 2017, at 8:30 a.m. The meeting was attended by Commission members: Karen Mundy, Frank Penn 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; Jimmy Emmons; Traci Wade; Denise Bullock; Chris Bronczyk; Cheryl Gallt; Captain Greg Lengal and Lieutenant Joshua Thiel, Division of Fire & Emergency Services; and Tracy Jones, Department of Law. The Committee made recommendations on plans as noted.

General Notes

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

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

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

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

Requests can be made to remove items from the Consent Agenda:

- (1) due to prior postponements and withdrawals,
- (2) from the Planning Commission,
- (3) from the audience, and
- (4) from Petitioners and their representatives.

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

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

- a. PLAN 2016-29P: HAMBURG PLACE COMMUNITY, PHASE II (WEST WIND) (AMD) (8/29/17)* - located at 2350 Winchester Road. (Council District 6) **(Vision Engineering)**

Note: The purpose of this amendment is to revise the street cross-section of Flying Ebony Drive. The Planning Commission approved this item at their April 14, 2016, meeting, 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. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Document that the intersection of Flying Ebony Drive at Old Rosebud Road will meet the (80-degree) limitation of the Subdivision Regulations, prior to certification.
8. Denote that a barrier shall be erected at the termination of Flying Ebony Drive – its design to the approval of the Divisions of Engineering and/or Traffic Engineering.

Note: The applicant is now requesting reapproval of the plan.

The Staff Recommended: **Reapproval**, subject to the original conditions approved at the April 14, 2016, meeting.

- b. PLN-MJSUB-17-00028: HAMBURG EAST, TRACT 4, SECTION 3 (AMD) (7/30/17)* - located at 2575 Polo Club Boulevard. (Council District 12) **(Vision Engineering)**

Note: The purpose of this amendment is to create Section 3, Tract 4, and to dedicate right-of-way.

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. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 8. Revise note #14.
 9. Addition of exactions to the approval of the Division of Planning.
 10. Remove 2785 Polo Club Blvd from this plat (unless it is being amended).
 11. Clarify Little Herb Way dedication (with this plat).
- c. PLN-MJSUB-17-00029: CENTREPOINTE (FAYETTE LAND COMPANY) (AMD) (7/30/17)* - located at 100 W Main Street. (Council District 3) **(Abbie Jones Consulting)**

Note: The purpose of this amendment is to revise the air right configuration above the property.

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. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 6. Clarify lot boundaries as solid dark lines (and a different line weight).
 7. Revise plat maximum size to 11" by 22" on page 1 of 3.
 8. Resolve owner's certification versus notes #14 & #17 in reference to dedication.
- d. 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 Planning Commission continued consideration of this item at their May 11, 2017, meeting. 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: **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.

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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. Addition of note from plat regarding detention.

- e. PLN-MJDP-17-00045: BROOKHAVEN SUBDIVISION, UNIT 1F (AMD) (7/30/17)* - located at 2434 Nicholasville Road.
(Council District 4) **(Banks Engineering)**

Note: The purpose of this amendment is to add a drop-off lane, replace 10 parking spaces with a playground and 4 parking spaces.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Denote record plan or owner's name of adjoining property.
10. Clarify topography contours and intervals.
11. Denote dimensions of patio/sidewalk for Buildings C & D.
12. Denote dimensions of sidewalk for the Rite-Aid Drug Store.
13. Denote dimensions and fencing (if any) of playground area adjacent to Building D.
14. Increase font size on certifications, notes, statistics and cross-sections on plan.

- f. PLN-MJDP-17-00048: LEXMARK INTERNATIONAL, LOT 5B (AMD) (7/30/17)* - located at 675 Setzer Way.
(Council District 1) **(Banks Engineering)**

Note: The purpose of this amendment is to add buildable area, parking and circulation for Lot 5B and to remove note #15.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Denote plan as "Amended Final Development Plan (for Lot 5B)" in title.
10. Denote current record plat information in title.
11. Clarify street names and parcel location in area of amendment shown on vicinity map.
12. Show topography as dashed lines in area of amendment.
13. Dimension access point and walkways.
14. Delete note #26.
15. Denote construction access point location.
16. Dimension buildings from previous plan and for Lot 5B.
17. Denote height of building in feet on plan.
18. Addition of land owned where Legacy Trail relocation is proposed.
19. Resolve parking spaces on Lot 5A.
20. Resolve "future building" encroachment over existing Legacy Trail, and responsibility, timing, and funding for trail relocation proposed.

- g. PLN-MJDP-17-00050: EASTWOOD, UNIT 6, SEC. 2, LOT 6 (7/30/17)* - located at 2472 Fortune Drive.
(Council District 6) **(Vision 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.

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

3. Building Inspection's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree preservation plan.
 6. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 9. Division of Waste Management's approval of refuse collection locations.
 10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 11. Clarify tree protection and tree preservation information by deleting tree line shown on southeast property line.
 12. Denote that any office/laboratory/data processing center floor area will not exceed 75% of the total floor area shown in the site statistics.
 13. Revise note #16 to "Denote compliance with Art. 8-21(o)(1) of the Zoning Ordinance for overhead doors separation from nearby R-4 zone".
- h. PLN-MJDP-17-00051: FULLER ET., AL., PROPERTY, LOT 3 (MEADOWTHORPE COMMUNITY BUSINESS CENTER) (1321 WEST MAIN MINI WAREHOUSES) (7/30/17)* - located at 1321 W. Main Street.
(Council District 2) **(Abbie Jones Consulting)**

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Division of Waste Management's approval of refuse collection locations.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Clarify vicinity map.
10. Clarify access across Lot 2.
11. Remove public utility providers from plan.
12. Clarify site statistics of existing and proposed building square footage.
13. Clarify dimensions on plan face.
14. Clarify parking spaces.
15. Resolve deleting and restriping of parking spaces on "city street" (right-of-way).

Mr. Sallee indicated that PLN-MJDP-17-00052 was postponed due to the sign posting requirements not being met and is now ineligible for the Consent Agenda. He stated that the remaining 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 Ms. Mundy, seconded by Ms. Plumlee and to approve the items listed on the Consent Agenda, as recommended by the Subdivision Committee and the staff, removing **PLN-MJDP-17-00052**.

Commission Comments – Mr. Brewer indicated that he supports the motion, but he would be abstaining from consideration on PLN-MJDP-17-00048. Mr. Wilson asked to let the record show that Mr. Brewer would be abstaining from voting on PLN-MJDP-17-00048.

The motion carried 9-0 (However, Mr. Brewer abstained from voting on PLN-MJDP-17-00048; Owens absent).

- B. PERFORMANCE BONDS AND LETTERS OF CREDIT** – A motion was made by Mr. Cravens, seconded by Mr. Penn, and carried 9-0 (Owens absent) to approve the release and call of bonds as detailed in the memorandum dated June 8, 2017, from Barry Brock, Division of Engineering.
- C. DISCUSSION ITEMS** – Following requests for postponement, withdrawal and no discussion items, the remaining items were considered.

The procedure for these hearings is as follows:

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

- 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-17-00044: PARKWAY PLAZA, LOT 2 (FKA JEFFERSON & POOLE PROPERTY) (JOYLAND RECREATIONAL CENTER)) (AMD) (7/30/17)* - located at 2361 Paris Pike.
(Council District 6) **(Midwest Engineers)**

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

The Subdivision Committee Recommended: **Postponement**, due to the number of conditions remaining on the 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. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. Addition of maintenance of service road note from previous plan.
13. Denote access points across the street.
14. Denote and dimension sidewalks on property.
15. Denote construction access point location on plan.
16. Denote location of street cross-section on plan.
17. Addition of street cross-section for Paris Pike.
18. Dimension existing building.
19. Addition of 10' screening on north side of property per the previous plan.
20. Verify height of existing building.
21. Delete note #2.
22. Clarify note #10.
23. Increase text size on cross-sections.
24. Revise contour intervals to be at 2' per Art. 21.
25. Correct "Interior Landscape Provided" statistics.
26. Resolve use of the property on south side adjacent to 2353 Paris Pike.
27. Resolve increase of drive aisles to 40' width, and loss of existing landscape islands.
28. Resolve proximity of overhead doors to adjacent residential uses.

Staff Presentation – Ms. Gallt presented the staff's rendering of this plan and a revised staff report on the final development plan for PLN-MJDP-17-00044, which included the following revised conditions:

The Staff Recommends: **Approval**, subject to the following 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 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 geotechnical report.

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

7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
- ~~8. Greenspace Planner's approval of the treatment of greenways and greenspace.~~
- ~~8. 9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.~~
- ~~9. 10. Division of Waste Management's approval of refuse collection locations.~~
- ~~10. 11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.~~
- ~~12. Addition of maintenance of service road note from previous plan.~~
- ~~13. Denote access points across the street.~~
- ~~14. Denote and dimension sidewalks on property.~~
- ~~15. Denote construction access point location on plan.~~
- ~~16. Denote location of street cross-section on plan.~~
- ~~17. Addition of street cross-section for Paris Pike.~~
- ~~18. Dimension existing building.~~
- ~~11. 19. Addition of Clarify Tree Protection Area for 10' screening easements on north and east sides of property per the previous plan to account for "existing canopy preserved" site statistics.~~
- ~~20. Verify height of existing building.~~
- ~~21. Delete note #2.~~
- ~~12. 22. Clarify note #10 to include geotechnical report to the approval of Department of Environmental Quality.~~
- ~~23. Increase text size on cross-sections.~~
- ~~24. Revise contour intervals to be at 2' per Art. 21.~~
- ~~13. 25. Correct or document "Interior Landscape Provided" statistics.~~
- ~~26. Resolve use of the property on south side adjacent to 2353 Paris Pike.~~
- ~~14. 27. Resolve increase of drive aisles to 40' width, and Document compliance with Art. 18-3(b) of the Zoning Ordinance, given the extensive loss of existing landscape islands, prior to certification.~~
- ~~15. 28. Resolve proximity of all overhead doors (including loading dock) to adjacent residential uses, and zones.~~

Representation – Steve Baker, Midwest Engineering, indicated that the applicant was in agreement with the staff's revised recommendation, and requested approval.

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

Commission Discussion – There was none.

Action - A motion was made by Ms. Mundy, seconded by Mr. Brewer and carried 9-0 (Owens absent) to approve **PLN-MJDP-17-00044: PARKWAY PLAZA, LOT 2 (FKA JEFFERSON & POOLE PROPERTY) (JOYLAND RECREATIONAL CENTER)) (AMD)**, as recommended by the staff.

- b. PLN-MJDP-17-00049: THE GREATHOUSE PROPERTY (THE VILLAGE AT GREAT ACRES) (AMD) (7/30/17)* - located at 2731 Leestown Road. (Council District 2) **(Integrated Engineering)**

Note: The purpose of this amendment is to depict the commercial development of Lot 2 and the construction of the public street and storm water infrastructure.

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. 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. Improve clarity of left & right turn lane(s) information proposed adjacent to "Private Drive" off Lucille Drive.
13. Discuss proposed access spacing to Lot 2 and possible waiver.
14. Discuss timing of CLOMR.
15. Discuss timing of Summerfield Drive construction.
16. Discuss Lot 1 access relative to replacing existing access easement and Lucille Drive construction.
17. Discuss timing of Lucille Drive construction relative to Lot 2 development.

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

Staff Presentation – Mr. Martin presented the staff's rendering of this plan and the staff report on the final development plan for PLN-MJDP-17-00044. He indicated that the Subdivision Committee had recommended approval, subject to the conditions listed on today's agenda. As for conditions #13 through #17, he indicated that at the Subdivision Committee these issued were thoroughly discussed and could be changed to "resolved". He explained that the applicant has prepared a CLOMR and submitted it to the Division of Engineering, who in turn sends it to FEMA. He said that as the site is engineered the CLOMR will eventually become a LOMR permanently modifying the floodplain, once approved by FEMA. This is important because the road cannot be built in the floodplain until the construction of Summerfield Drive meets the timing of the approval of the LOMR. The staff believes this should be denoted on the plan since it is in an extensive floodplain. He said that the timing of Summerfield Drive should be noted, and begun with the first Phase of the development of the infrastructure shown on the preliminary development plan. He said that the Commission will see more development plans on the remaining portion of this property and the staff feels that the timing and construction of Summerfield Drive is an important issue.

Mr. Martin said that the timing of Lucille Drive construction is also important because it will provide a connection to Summerfield Drive. The staff wants to see Lucille Drive constructed in conjunction with the development of Lot 2. He said that the entrance on Leestown Road is a significant connection for Lucille Drive and Summerfield Drive and should not be terminated.

Mr. Martin said that Lot 1 is the Greathouse estate and the existing access easement that was previously platted will need to be revised to make a different connection to Lucille Drive once it is constructed.

Waiver Presentation - Mr. Martin presented the staff's report for the Findings for a Waiver of Land Subdivision Regulations for Article 6-8(q)(3) of the Land Subdivision Regulations, which governs Land Use Access standards. The waiver request is to reduce the minimum spacing that is required; however, the Land Subdivision Regulations requires a minimum spacing of 400' for this development and the proposed right-in access from the Leestown Road intersection is approximately 160'. He explained that the right-in off of Leestown Road does not allow vehicles to exit back onto Leestown Road, but rather cars would be exiting the development through a new access easement.

Mr. Martin said that the Staff does believe this access point should function in a manner consistent with the basic public safety intent of the Land Subdivision Regulations.

The Staff Recommends: **Approval of the requested waiver for intersection spacing**, for the following reasons:

1. The requested intersection waiver will have no negative impact on public safety to vehicles or pedestrians, which is consistent with the basic intent of the Land Subdivision Regulations. Commercial uses may access collector roadways.
2. The proposed intersection is an integral part of the overall large development traffic system design and is consistent with the criteria for a waiver under Article 1.5 of the Land Subdivision Regulations.

This recommendation is made subject to the following additional requirement:

- a. The proposed traffic circle on Lucille Drive must be designed to the approval of the Division of Traffic Engineering.

Mr. Martin said that the applicant has also requested a waiver to the intersection angles for the traffic circle; however it is the staff's understanding that the traffic circle design will be altered to meet the Division of Traffic Engineering's concerns and that waiver is no longer necessary.

Mr. Martin said that from the staff's perspective conditions #13 through #17 are timing issues and those could be changed to "resolve".

Commission Questions – Ms. Plumlee asked if the staff was suggesting that Summerfield Drive can be constructed without the official CLOMR. Mr. Martin said that the CLOMR is in the process of being submitted to FEMA. The construction of the road will not be done until the applicant actually designs, builds and engineers Summerfield Drive. The applicant will submit the finished plans to FEMA, who will then approve those plans. That is when the CLOMR would become a LOMR.

Mr. Wilson said that there are 17 conditions listed on the staff's recommendation, and asked if this involves a final development plan. Mr. Martin replied that this request is a final development plan for the corner lot only and it is a preliminary subdivision plan for the rest of the property to address the public infrastructure, and the street system. Mr. Wilson then asked if conditions #13 through #17 could be resolved. Mr. Martin replied affirmatively.

Representation – Richard Murphy, attorney, was present representing the applicant. He indicated that they have spoken with Traffic Engineering and will continue to work with the staff on the size (radius) of the roundabout and Summerfield Drive. If the concerns with the roundabout cannot be addressed, then the roundabout will default into a 4-way stop. As for the width of Summerfield Drive, Traffic Engineering wanted that street to be a collector, but they felt the road would create a safety hazard from speeding cars, so to help reduce the speed of the traffic Summerfield Drive will have a width of 34'. This width is larger than a local street, but smaller than a collector street. He briefly explained that they had also addressed conditions #13 through #17, and are in agreement with the staff's revised recommendation, and requested approval.

Commission Questions – Mr. Penn asked if the existing access easement is the old farm road. Mr. Murphy replied affirmatively. Mr. Penn then asked if the old farm road current connects to Leestown Road. Mr. Murphy replied that is does. Mr. Penn said that once Lucille Drive is constructed then the old farm road will be removed. Mr. Murphy replied that the old farm road would be connected to Lucille Drive, which would connect to Leestown Road.

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

Action - A motion was made by Ms. Richardson, seconded by Ms. Mundy to approve **PLN-MJDP-17-00049: THE GREATHOUSE PROPERTY (THE VILLAGE AT GREAT ACRES) (AMD)**, as recommended by the staff, changing conditions #13 through #17 from "Discuss" to "Resolve."

Discussion of Motion – Mr. Penn said that the Subdivision Committee members, staff and the applicant had a long discussion about this plan last week, and he wanted to compliment the applicant for how they have addressed those concerns.

The motion carried 9-0 (Owens absent).

Action - A motion was made by Ms. Richardson, seconded by Ms. Mundy and carried 9-0 (Owens absent) to approve the waiver to Article 6-8(q)(3) of the Land Subdivision Regulations, as recommended by the staff

- c. **PLN-MJDP-17-00007: CALVARY BAPTIST CHURCH (8/20/17)*** - located at 100 and 152 E. High Street; 212 and 216 S. Limestone; 238 and 252 Rhodes. **(Abbie Jones Consulting)**

Note: The Planning Commission approved this item at their April 27, 2017, meeting, subject to the following conditions:

1. Provided the Urban County Council rezones portions of the property B-2B; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Building Inspection's approval of landscaping and landscape buffers.
5. Addressing Office's approval of street names and addresses.
6. Urban Forester's approval of tree preservation plan.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Waste Management's approval of refuse collection locations.
9. Addition of all required information on plan per Article 21-6(a) of the Zoning Ordinance.
10. Denote record plat information on plan, including for adjoining property where available.
11. Addition of platted building line on Rodes Avenue.

Note: This plan has not been certified and Commission approval has since expired. The applicant now requests a reapproval of the Commission's prior approval.

The Staff Recommended: **Reapproval**, subject to the original conditions approved at the April 27, 2017, meeting.

Staff Presentation – Mr. Sallee presented a rendering of this plan and the staff's report on the zoning development plan for PLN-MJDP-17-00007. He said that the Planning Commission approved this item at their April 27, 2017, hearing, subject to the conditions listed on today's agenda. He then said that a zoning development plan has a two-week time frame to be certified, but this plan missed that deadline and now the Commission's prior approval has since expired. The applicant now requests a reapproval of this plan by the Commission. He indicated that the Staff had recommended approval, subject to the same conditions listed on today's agenda. He added that this item was eligible for the Consent Agenda, but due to the unique nature of this request, the staff felt it was important to directly present it to the Commission.

Commission Questions - Mr. Penn asked if Chrysalis Court was being requested for an internal street connection. Mr. Sallee replied that Chrysalis Court is now proposed to connect to S. Limestone and Rodes Avenue. Mr. Penn then asked if a development plan is needed for Chrysalis Court. Mr. Sallee said that a preliminary subdivision plan may be needed, unless Chrysalis Court is made part of the parking lot. The staff will check with the applicant as to whether or not Chrysalis Court will be made a public street or a private access easement, instead.

Representation – Abbie Jones was present representing the applicant. She indicated that the church will maintain the extension of Chrysalis Court as a private road and part of the parking lot. She indicated that the applicant was in agreement with the staff's recommendation, and requested reapproval.

Commission Questions – Mr. Penn said that Chrysalis Court is to be an access easement and asked how that road will be delineated. Ms. Jones replied affirmatively and added that the road will be striped, as well as a consolidation plat that will be submitted. Mr. Penn then asked if there will be another plat submitted showing Chrysalis Court. Ms. Jones replied affirmatively.

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

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

Commission Comments – Mr. Penn indicated that he would be recusing himself from voting on the motion.

Action - A motion was made by Mr. Brewer, seconded by Ms. Richardson and carried 8-0 (Penn recused; Owens absent) to reapprove **PLN-MJDP-17-00007: CALVARY BAPTIST CHURCH**, as recommended by the staff.

4. **MINOR SUBDIVISION PLAN**

- a. **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.

Staff Presentation – Mr. Martin presented a rendering of this plan and the staff's report on the minor development plan for **PLN-MNDP-17-00022**, and briefly explained that the staff is referring this plan to the Planning Commission under Article 21-7(b)(2) of the Zoning Ordinance. He noted that there is an issue as to whether or not the Land Subdivision Regulations requirements for a pedestrian system are being provided by this development.

Mr. Martin said that the paved pedestrian system were originally approved as an alternative design to public sidewalks and were specific called out in the original 2007 EAMP Compliance Report as an important element of this development. These passage ways are important because they are not only considered infrastructure, but they are also an aspect of the Community Design component that the Expansion Area expresses for the creation of a neighborhood. He then said that when the applicant submitted the minor development plan the staff believed the Planning Commission should weigh in on their request.

Mr. Martin said that the applicant did post a sign on the property, as it is required by Article 23B-5(b) of the Zoning Ordinance, which has generated many phone calls and a two email correspondence in support of the change to the pedestrian system and the connections, which he circulated at this time. He then said that certain aspects of the loop system will still be paved, which is in compliance with the Americans with Disabilities Act. However, the internal system has been changed to from pavement to an alternative design, such as turf or mulch. He said that, with this development being in the expansion area, the staff felt this change should be vetted by the Planning Commission.

The Staff Recommends: **Postponement and that the applicant post the required "Development Plan" notice sign on this property, in accordance with Article 23B-5(b) of the Zoning Ordinance.**

The proposed change does not meet the requirements of the federal Americans with Disabilities Act, and does not have the prior review by the Bike & Pedestrian Planner of the LFUCG.

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

1. Denote the entire pedestrian system to be paved per the original Commission approval of the pedestrian system, or in an alternative fashion in compliance with the Americans with Disabilities Act.
2. Bike & Pedestrian Planner's approval of the proposed pedestrian system serving these residential lots.
3. Provided the Planning Commission makes a finding the plan complies with the EAMP.
4. Revise Planning Commission's certification to include date of approval for this plan.

Commission Questions - Mr. Drake asked what is the alternative to pavement. Mr. Martin said that there are several alternatives to use, such as pavers, but the applicant has suggested mulch or to leave it as grass or turf. Whatever method is used will be to be approved by the Bike & Pedestrian Planner.

Mr. Penn said that the development plan indicated pavement would be used throughout the site for these trails to include the connections. Mr. Martin replied affirmatively. Mr. Penn said that because this site is within the EAMP and this feature is a design element, the type of material would need to be defined versus saying the material will be an alternative material. Mr. Martin said that this is why the staff is referring this request to the Planning Commission.

Representation – Rory Kahly, EA Partners, was present representing the applicant. He explained that they met on site, as well as met with the Greenspace and Pedestrian Planner's to discuss what could be done. He said that the construction aspect of placing a paved trail through the treed areas was not the best idea. The 2007 final development plan was a conceptual plan because the land was vacant, but as this area developed the neighborhood began requesting these changes. He said that there is good and bad for each type of material that could be used on the trail system. They discussed these types, but their preference was to have a mowed trail system. They had added the non-porous surface as a caveat just in case some of the areas had to be changed due to its natural environment. For example, some areas may be more wet than others, which would require trail material to be more stable than grass.

Mr. Kahly said that, between the trail itself and the neighborhood, there is approximately 80% open space. He then said that along Walnut Grove, the tree area between the houses and the right-of-way is being kept and the trail will be paved, making

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

the exterior loop larger. He added that part of the agreement with the Greenspace Planner is where the trail area meets the streets, it would be a clearly defined the pedestrian area. He explained that this is a very interesting development because of the floating lots, and by keeping the trail "green" creates an illusion that the lots are larger, which is what the neighborhood wants.

Mr. Kahly said that, as for the staff's revised recommendation, he does not believe that every access point must be ADA compliance or even be paved, especially not through a natural area. However, for the record and to move forward to have this minor plan certified, if the Commission prefers it to be written that the material must be turf only, as opposed to other non-porous material, they can comply with that since this is in the Expansion Area Master Plan. He then said that coming in with other surfaces would also help with the maintenance of the trail.

Commission Discussion - Ms. Plumlee asked if the HOA will be maintaining the trail system. Mr. Kahly replied affirmatively, and said that this is within the area set aside for public open space, but it is a private path for the 53 residents in lieu of a true sidewalk.

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

Commission Discussion - Mr. Wilson asked if the findings could be displayed on the overhead. Mr. Saltee directed the Commission's attention to the staff handout, which included the following revised recommendation:

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

1. Denote the entire pedestrian system to be paved per the original Commission approval of the pedestrian system, or in an alternative fashion in compliance with the Americans with Disabilities Act.
2. Bike & Pedestrian Planner's approval of the proposed pedestrian system serving these residential lots.
3. Provided the Planning Commission makes a finding the plan complies with the EAMP.
4. Revise Planning Commission's certification to include date of approval for this plan.

Staff Rebuttal - Mr. Saltee explained the language is really bothersome to the staff is the idea that these paths which are replacing the sidewalks system could be made of only "turf". He then said that the staff would not be opposed to an alternative paving material to asphalt or concrete. The staff would not oppose plastic pavers to allow the grass to grow up through them. He said that plastic pavers would have a hard enough surface to comply with most ADA requirements. However, the idea of having a turf trail to essentially substitute for a sidewalk system is bothersome to the staff. He said that the applicant has not requested a waiver for the sidewalk system and this "trail" system was setup in 2007 in lieu of a sidewalk. There is no sidewalk shown on the cross-section for any of these streets so these trails are the only pedestrian system for the development.

Mr. Saltee said that the staff had discussed this issue with the Bike and Pedestrian Planner and he also had some initial concern. The term "turf" is what's really driving the applicant's proposal and giving the staff the most heartburn. He then said that changing condition #1 the staff would not agree to leave the word "turf" in the language unless it was clear the material would be some type of plastic paver or other material was going to accompany the turf. Having just a mowed grass area disturbs the staff in terms of the sidewalk system for the development.

Discussion - Mr. Wilson said that condition #1 reads: "Denote the entire pedestrian system to be paved" and asked if the staff is suggesting it to read asphalt or concrete. Mr. Saltee said that pavement is usually thought of as some type of hardscape, such as asphalt or concrete. He then said that condition #1 allows a relaxation or an alternative design that complies with most of the federal requirements. The staff is unsure that just a lawn or mowed grass area would achieve this, but suggested a paver system might also comply with the federal requirements.

Mr. Wilson asked if condition #3 (Provided the Planning Commission makes a finding the plan complies with the EAMP) was distributed to the Commission members. Mr. Saltee replied affirmatively, and said that the Commission has the original findings from 2007, as well as the findings provided from the previous month's meeting (wherein this plan was postponed).

Mr. Cravens asked if the applicant has cited hardship due to the need for large equipment to be going through the trees. Mr. Saltee said that the staff has not discussed this issue with the applicant since it was referred to the Commission 5 weeks ago. He then said that the staff understands the difficulty of maneuvering around some of the trees, and the alternative paving option for the "trails" makes sense if the applicant is worried about the tree roots. However, the tree areas are minimal in area, when compared to the size of the overall development.

Ms. Mundy asked if there are steep grades/slopes throughout the development. Mr. Kahly said that this development is hilly, and from what he knows about the few trail system built by the city that they have been associated with, complying with the ADA requirements is similar to building a road. The trail is no longer proposed to be a walking path through the neighborhood. He said that the 2017 development plan does give a paved loop that crosses the street at two points that can be accessed with people who are handicap. The others are improvements to the system that gives an alternative walking surface. This is good for the neighborhood and they want to delineate the two different path ways.

Mr. Wilson clarified if the staff was recommending postponement of this request. Mr. Saltee suggested that the Commission could continue consideration of this request if they wish this issue to be resolved. If the Commission wished

to proceed with this request, the staff would recommend to eliminate a solely turf trail as a sidewalk option system since there has been no waivers granted by the Commission for the pedestrian system.

Mr. Penn commented that the HOA will be maintaining this trails system, so the staff and the applicant need to work this issue out in his view. He said that, without a hard surface, there will be soft spots in the trail and for a runner, that would not be ideal. The issue does not need to be worked "out on the fly" and he suggested that the staff and the applicant meet about this.

Action - A motion was made by Ms. Plumlee, seconded by Mr. Drake and carried 9-0 (Owens absent) to continue **PLN-MNDP-17-00022: RESERVE AT WALNUT GROVE** to the June 22, 2017, meeting.

Applicant's comment - Mr. Kahly asked with this request involving a continuance for a plan in the Expansion Area, does the sign need to be updated to reflect the two-week continuance or would it be ok to leave it as is. Ms. Jones replied that to comply with the Expansion Area requirements, the sign will need to be updated either today or tomorrow. She indicated that it would be better if the sign was updated today, but she believed it would be fine if the sign were to be updated tomorrow (June 9, 2017).

- V. ZONING ITEMS** - The Zoning Committee met on Thursday, June 1, 2017, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Patrick Brewer, Mike Cravens, Carolyn Richardson, and David Drake. The Committee members reviewed applications and made recommendations as noted.

A. ABBREVIATED PUBLIC HEARINGS ON ZONING MAP AMENDMENTS

The staff will call for objectors to determine which petitions are eligible for abbreviated hearings.

Abbreviated public hearings will be held on petitions meeting the following criteria:

- The staff has recommended approval of the zone change petition and related plan(s)
- The petitioner concurs with the staff recommendations
- Petitioner waives oral presentation, but may submit written evidence for the record
- There are no objections to the petition

- B. FULL PUBLIC HEARINGS ON ZONE MAP AMENDMENTS** – Following abbreviated hearings, the remaining petitions will be considered.

The procedure for these hearings is as follows:

- Staff 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) (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)
- Hearing closed and Commission votes on zone change petition and related plan(s)

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 hearing. The Chair will announce its decision at the outset of the hearing.

1. ELKHORN SPRINGS DEVELOPMENT, LLC ZONING MAP AMENDMENT & WINBURN ESTATES SUBDIVISION, UNIT 3 ZONING DEVELOPMENT PLAN

- a. **PLN-MAR-17-00008: ELKHORN SPRINGS DEVELOPMENT, LLC (6/8/17)*** - petition for a zone map amendment from a Single Family Residential (R-1E) zone to a Planned Neighborhood Residential (R-3) zone, for 13.84 net (17.76 gross) acres, for property located at 1975 Russell Cave Road.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

In addition to the Comprehensive Plan mission statement, the Goals and Objectives of the Plan also encourage growing successful neighborhoods (Theme A), which includes the following elements or characteristics: inviting landscape; variety of housing choices; abundant private and public open space; neighborhood focal points; and quality connections with parks, schools and stores. The Comprehensive plan also encourages upholding the Urban Service Area concept through compact and contiguous development, and absorption of vacant and/or underutilized land (Theme E).

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

The subject property is located within the boundary of the recently adopted *Winburn-Russell Cave Neighborhoods Small Area Plan* (WRCN SAP), which is generally south of Interstate 64 & 75, west of Newtown Pike, north of New Circle Road and east of Russell Cave Road. The Plan identifies seven guiding principles and adopted multi-family residential design guidelines for the area that should be further considered by the Planning Commission.

The petitioner proposes the rezoning in order to construct a multi-family residential development with a total of 160 dwelling units, with 360 bedrooms, a clubhouse and associated off-street parking. This development proposes a residential density of 11.6 dwelling units per net acre.

The Zoning Committee Recommended: **Approval.**

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

1. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2013 Comprehensive Plan, and the adopted 2016 *Winburn-Russell Cave Neighborhoods Small Area Plan* (WRCN SAP), for the following reasons:
 - a. The 2013 Comprehensive Plan's Goals and Objectives encourage expanded housing choices (Theme A, Goal #1); support opportunities for infill, redevelopment and adaptive reuse that respect an area's context and design features (Theme A, Goal #2a.); encourage the development of underutilized and vacant land in a compact, contiguous and/or a mixed-use sustainable manner within the Urban Service Area (Theme E, Goals #1b. and #3); encourage providing for well-designed neighborhoods (Theme A, Goal #3); and support creating safe, affordable and accessible housing for all citizens (Theme A, Goal #1c.).
 - b. The 2016 *Winburn-Russell Cave Neighborhoods Small Area Plan* (SAP) identifies seven guiding planning principles to increase transportation connectivity; increase equity for residents; promote strategies to increase home ownership and improve housing conditions; optimize the use of land to promote mixed housing types; ensure infill is well designed and sensitive to existing neighborhoods; improve existing parks and improve public safety.
 - c. The requested zone change and proposed development will utilize vacant land inside the Urban Service Area, expand housing choices within the immediate area and provide a development pattern that respects the character of the immediate area.
 - d. The petitioner's proposal addresses the necessary transportation connection of Ward Drive from Russell Cave Road into the Winburn neighborhood, and several many of the design guidelines that ensure such infill is sensitive to the surrounding neighborhood.
 - e. As part of the SAP planning process, a set of design standards was developed for multi-family developments that provide a framework for evaluating the proposed development. The site planning guidelines have been partially met, based on preliminary design work, and any of the open space, landscaping, and architectural design guidelines will also be met.
 - f. Adherence to the design standards should ensure a context sensitive development and therefore, agreement with many of the goals established in the 2013 Comprehensive Plan and principles of the *Winburn-Russell Cave Neighborhood Small Area Plan*.
2. This recommendation is made subject to approval and certification of PLN-MJDP-17-00017: Winburn Estates Subdivision, Unit 3 prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following land use restrictions shall apply via conditional zoning:
 - a. A 15' landscape buffer shall be provided and maintained adjacent to I-64/I-75 that is to consist of at a solid fence eight feet (8') in height, trees located thirty feet (30') on center and a solid hedge.
 - b. All pole lighting on this site (exclusive of street lights provided on Ward Drive) shall be limited to a maximum of twelve feet (12') in height.

These restrictions are necessary and appropriate for the subject property to ensure greater compliance with the specific Winburn-Russell Cave Neighborhoods Small Area Plan recommendations, and to mitigate the noise impact that the I-64/I-75 expressway would have on a new residential development at this location.

- b. PLN-MJDP-17-00017: WINBURN ESTATES SUBDIVISION, UNIT 3 (6/8/17)* - located at 1975 Russell Cave Road.
(Banks Engineering)

Note: The Planning Commission postponed this item at their May 25, 2017, meeting.

The Subdivision Committee Recommended: **Postponement.** This plan is much improved, but several unresolved issued remain with this development,

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

1. Provided the Urban County Council rezones the property R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.

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

5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Correct plan title.
8. Remove "copyright" note from plan.
9. Addition of final record plat information in title block.
10. Denote construction access point location on plan.
11. Addition of purpose of amendment note and label as an "Amended" plan.
12. Correct note #9.
13. Discuss Small Area Plan's recommendations for Ward Drive and Russell Cave Road intersection, per the small area plan recommendation.
14. Denote: the Small Area Plan's design guidelines for multi-family dwellings, lighting, landscaping and open space will need to be reviewed at the time of a Final Development Plan proposed.
15. Discuss need for second access point for over 100 dwelling units for public safety.
16. Discuss capacity of existing pump station and timing for removal.
17. Discuss improvements along the Russell Cave Road frontage.
18. Discuss access to open space area on south side of Ward Drive.
19. Discuss maintenance of open space area on south side of Ward Drive.
20. Discuss pedestrian system per the Small Area Plan recommendations.

Staff Presentation - Ms. Wade presented the staff report on this zone change using a rendered zoning map to display the areas proposed for rezoning from a Single Family Residential (R-1E) zone to a Planned Neighborhood Residential (R-3) zone, for 13.84 net (17.76 gross) acres, as well as displayed a PowerPoint presentation of the subject property. She summarized the staff recommendations for the proposed zone change, noting that the petitioner was proposing to construct a multi-family residential development with a total of 160 dwelling units, with 360 bedrooms, a clubhouse and associated off-street parking.

Ms. Wade said that even though the 2013 Comprehensive Plan no longer makes a specific land use recommendation for the subject property, the Goals and Objectives, as well as the adopted Small Area Plan for this area of the Urban Service Area was referenced.

Ms. Wade then said that the subject property was located within the boundaries of the *Winburn-Russell Cave Neighborhoods Small Area Plan* (WRCN SAP), which was recently adopted and made part of the 2013 Comprehensive Plan on June 30, 2016. Additionally, since this project is a multi-family development, the *Multi-Family Design Standards* (appendix to the SAP) are relevant to this proposal and should be adhered to.

Ms. Wade said that the Small Area Plan has very specific recommendations for the treatment of the intersection of Ward Drive and Russell Cave Road that should be addressed through the development plan review. She explained that if the land use is proposed for higher intensity residential uses, that development should be located away from the existing single family properties located with Winburn neighborhood fabric and it should provide extensive landscaping for effective buffering along the adjacent interstate corridor. She said that the staff believes this proposed zone change could meet these two recommendations because there is no single family residential area that is adjacent to the proposed apartment complex, with Ward Drive right-of-way along the southern property boundary, it creates two large open space areas along the boundary of the Winburn Subdivision. She then said that the staff is recommending conditional zoning restriction to provide a larger buffer area along the interstate above and beyond what is required in Article 18 of the Zoning Ordinance in order to meet the recommendation of the Small Area Plan.

Ms. Wade said that the design standards are being met by the petitioner's submitted preliminary development plan, and generally, the staff believes that the goals and objectives of the 2013 Comprehensive Plan, as well as the goals and principals of the *Winburn-Russell Cave Neighborhoods Small Area Plan* are being met by the proposed R-3 zone and the proposed development plan. She indicated that the Zoning Committee did recommend approval, as did the staff, subject to the reasons listed on today's agenda.

Commission Question – Mr. Wilson asked, in terms of multi-family, is an apartment complex considered multi-family. Ms. Wade replied affirmatively and said that anything with 3 or more attached units is considered multi-family; whereas, anything that has two attached units are considered a duplex. The word "complex" means there are multiple structures.

Zoning Development Plan Presentation – Mr. Martin presented the staff report and a rendering of the corollary zoning development plan, and briefly explained the location of this subject property and the nearby street system.

Mr. Martin indicated that the Subdivision Committee had recommended postponement of this plan, due to several unresolved issues that remain with this development. Since that time, the applicant provided a revised submission to the staff addressing several conditions identified by the Subdivision Committee at their May 4th meeting. The staff can now offer the Planning Commission a revised recommendation for this zoning development plan.

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

The Staff Recommends: **Approval**, subject to the following revised conditions:

1. Provided the Urban County Council rezones the property R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Correct plan title.
8. Remove "copyright" note from plan.
9. Addition of final record plat information in title block.
10. ~~Denote construction access point location on plan~~ Correct FEMA floodplain note.
11. ~~Addition of purpose of amendment note and label as an "Amended" plan.~~
11. 12. ~~Correct notes #9 & #12.~~
12. 13. ~~Discuss Small Area Plan's recommendations for Ward Drive and Russell Cave Road intersection, per the small area plan recommendation~~ Depict area of plan subject to further environmental study.
13. 14. ~~Denote: the addition of the words: "This plan's agreement with" before Note #14~~ Small Area Plan's design guidelines for multi-family dwellings, lighting, landscaping and open space will need to be reviewed at the time of a Final Development Plan proposed.
15. ~~Discuss need for second access point for over 100 dwelling units for public safety.~~
14. 16. ~~Discuss capacity of existing pump station and timing for removal.~~
15. 17. ~~Discuss~~ Denote improvements along the Russell Cave Road frontage in that road's cross-section(s).
16. 18. ~~Discuss access to open space area on south side of Ward Drive.~~
19. ~~Discuss maintenance of open space area on south side of Ward Drive.~~
17. 20. ~~Discuss~~ Denote that the pedestrian system per the Small Area Plan recommendations shall be resolved at Final Development Plan.

Mr. Martin indicated that the condition #14 should be changed to read: "~~Discuss~~ Denote that capacity of existing pump station and timing for removal shall be resolved at Final Development Plan" and condition #16 should be changed to read; "~~Discuss~~ Denote that access to open space area on south side of Ward Drive shall be resolved at Final Development Plan."

Petitioner Presentation – Bruce Simpson, attorney, was present representing the petitioner. He said the applicant was in agreement with the staff's recommendations.

Mr. Simpson said that this property has been inside the Urban Service Area for 48 years and it has remained undeveloped. He said that there have been two different zone changes granted on this property. He then said that this project is an infill project that is adjacent to a substantial neighborhood that has only one-way in and one-way out, which poses a safety problem for the residents of this area. This development proposal will provide an additional access in and out of the larger area, as well as offer more housing opportunity.

Mr. Simpson said that they reached out to the neighborhood, as well as Winburn Board of Directors and held two public meetings at the Wesley United Methodist Church. There were no objectors to this proposal because they have been transparent throughout this process in terms of the information, and they have also worked with the staff to resolve many of their questions.

Mr. Simpson said that this zone change was postponed at the May 25th hearing due to a preliminary report from Red Wing Ecological Services concerning the intermittent stream located on the property. He explained that this stream was predominantly supplied by a 48" storm sewer pipe that comes out of the Winburn neighborhood and empties on to the subject property. Water only flows on this property part of the year and the rest of the time, this land was dry. According to the Clean Water Act, the applicant will need to pay a fee to the Army Corp of Engineers in lieu of or find another property to perform on-site mitigation. He said that because of the stormwater fed stream the applicants are looking at paying 275,000 dollars to place the stream in the same type of stormwater pipe that currently exist in the Winburn neighborhood. He said that they looked at alternative design options, but since there would be no significant changes in the amount that would be paid, they would be keeping the design that was vetted with the neighborhood and the Subdivision Committee.

Mr. Simpson said that the Subdivision Committee inquired about the proposed access onto Russel Cave Road. They had met with the District 7 Office of the KTC in an effort to move the access further south, but with the need to have a left turn lane on Russel Cave Road that request was denied due to safety reasons. He then said that District 7 determined that the proposed location was the safest location for the access point.

Mr. Simpson said that they were in agreement with the staff's recommendations, and requested approval.

Commission Questions – Mr. Penn asked how many people live in apartments versus being a homeowner in the Winburn neighborhood. Mr. Simpson could not provide a breakdown of this type, but noted that there are 1,400 people who live in the area, and there are 500+ school children that attend the Winburn Middle School.

Mr. Penn then asked if the Small Area Plan specifically speaks to the need for developing more apartments. Mr. Simpson said that the Small Area Plan spoke to mixed housing units, more specifically affordable housing, which is what this project is. He then said that this project has been vetted through the Kentucky Housing Corporation and the LFUCG Affordable Housing Program.

Ms. Plumlee asked if the mitigation fee would remain or go away once the stream is piped. Mr. Simpson said that once the fee is paid then the stream can be piped.

Ms. Wade said that the Small Area Plan does speak to the housing types for the entire SAP area. She briefly explained the types of housing and the percentage of each of those types between the boundaries of Russell Cave Road, New Circle Road, Newtown Pike and the interstate.

Citizen Comment – There were no citizens present to speak to this application.

Zoning Action – A motion was made by Ms. Richardson, seconded by Mr. Brewer to approve **PLN-MAR-17-00008: ELKHORN SPRINGS DEVELOPMENT, LLC**, for the reasons provided by the staff.

Discussion of motion – Mr. Penn said that he was concerned with having more apartments in the Winburn neighborhood. He understands that these are newer apartments, which will be more attractive, and they will provide a place for people to live, but this proposal does not provide affordable housing for purchase. He then said that this area has morphed into something that was not envisioned in the beginning. This is not a reflection of the applicant's development plan, but he was hoping this area would have more affordable housing so people could own their homes.

The motion carried 8-1 (Penn opposed; Owens absent).

Development Plan Action – A motion was made by Ms. Richardson, seconded by Mr. Brewer, carried 8-1 (Penn opposed; Owens absent) to approve **PLN-MJDP-17-00017: WINBURN ESTATES SUBDIVISION, UNIT 3**, as recommended by the staff.

VI. **COMMISSION ITEMS**

- A. **WORK SESSION** – Mr. Sallee informed the Commission that the next Work Sessions were scheduled for Thursday, June 15th and June 29th, which will be located on the 3rd Floor Phoenix Building.

B. **NOMINATING COMMITTEE FOR COMMISSION OFFICERS**

Mr. Wilson said that according to the Commission's By-Laws, at the first regular and official meeting in June, the Commission will elect three members to a nominating committee. This committee will present a slate of officers for consideration by the Planning Commission. The slate is to be presented at their work session in June.

Mr. Wilson indicated that he had asked Carolyn Plumlee, Mike Cravens and Mike Owens if they would like to volunteer to serve on the nominating committee, which they had agreed to do so.

Action - A motion was made by Mr. Penn, seconded by Ms. Mundy, and carried 9-0 (Owens absent) to appoint the nominating committee, as presented.

Mr. Wilson said that there are two work sessions in the month of June, the Nominating Committee can, at that time, discuss the options of the retaining the current slate of officers or take nominations for a new slate of officers. He indicated that the Commission's By-laws state that at the first regular meeting in July, the Commission shall elect a Chairperson, Vice-Chairperson, Secretary, and Parliamentarian. At that time, the Nominating Committee would present its slate for consideration by the Planning Commission or nominations may also be made from the floor, ballot, mail or the Chairperson.

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.....	June 15, 2017
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	June 22, 2017
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	June 28, 2017
Planning Commission Work Session, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building.....	June 29, 2017
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	July 6, 2017
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	July 6, 2017
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	July 13, 2017

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- X. **ADJOURNMENT** - There being no further business, the Chair adjourned the meeting at 3:27 PM.

William Wilson, Chair

Carolyn Plumlee, Secretary