

**MINUTES
URBAN COUNTY PLANNING COMMISSION
ZONING ITEMS PUBLIC HEARING**

June 22, 2017

- I. **CALL TO ORDER** – The meeting was called to order at 1:30 p.m. in the Council Chamber, 2nd Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.

Planning Commission members present: Bill Wilson, Chair; Will Berkley; Mike Cravens; Karen Mundy; Mike Owens; Frank Penn; Carolyn Plumlee, and Carolyn Richardson.

Planning staff members present: Jim Duncan, Director; Bill Sallee; Traci Wade; Tom Martin; Chris Bronczyk; and Debbie Woods. Other staff members present 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; Tracy Jones, Department of Law.

- II. **APPROVAL OF MINUTES** – A motion was made by Ms. Mundy, seconded by Ms. Richardson, and carried 8-0 (Brewer and Drake absent) to approve the minutes of the May 25, 2017 and June 8, 2017 meetings and the amended minutes of the April 27, 2017 meeting.

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

A. FINAL SUBDIVISION PLANS

- I. 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 and June 8, 2017, meetings.

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 – Matt Carter, with Vision Engineering, requested a two-week postponement to the July 13, 2017 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. Richardson, and carried 8-0 (Brewer and Drake absent) for postponement of PLN-MJSUB-17-00026: RML-CITATION (HILLENMEYER INTEREST, LTD.) to the July 13, 2017 meeting.

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B. DEVELOPMENT PLANS

- II. 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 and June 8, 2017, meetings.

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, with Vision Engineering, requested a two-week postponement to the July 13, 2017 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. Richardson, and carried 8-0 (Brewer and Drake absent) for postponement of PLN-MJDP-17-00042: RML-CITATION (HILLENMEYER INTEREST, LTD.) to the July 13, 2017 meeting.

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

1. **ZOTA 2016-5: AMENDMENT TO ARTICLE 23A-10: SUPPORTIVE USES AS A SPECIAL PROVISION IN THE ECONOMIC DEVELOPMENT (ED) ZONE** – petition for a Zoning Ordinance text amendment to Articles 23A-10 for supportive uses within the Expansion Area.

REQUESTED BY: Urban County Planning Commission

PROPOSED TEXT: Copies are available from the staff.

23A-10(j) SPECIAL PROVISIONS

12. Supportive uses shall be principal permitted uses, regulated subject to the following requirements:
 - a. Supportive uses shall not exceed a maximum of eighteen percent (18%) of the otherwise permitted floor area within a development, as identified on the associated final development plan. Mixed use buildings shall count toward the maximum permitted floor area of supportive uses herein, but not count toward the residential use maximum identified below in Article 23A-10(j)12b. Structures dedicated solely to residential use shall not toward the supportive use maximum because they will be limited by Article 23A-10(j)b. and d.
 - b. Residential land uses shall not exceed eight and one-half percent (8.5%) of the gross land area within a development, as identified on the associated final development plan.
 - c. A maximum of twenty percent (20%) of all supportive uses may be constructed prior to construction of other principal permitted uses listed in Article 23A-10(b). The allowable floor area for supportive uses shall be calculated based upon the total number of gross acres within the boundary of the final development plan and the permitted maximum Floor Area Ratio established by Article 23A-10(g).
 - d. The maximum density for townhouses (3 or more units attached) shall be 12 dwelling units per gross acre, not to exceed 360 total townhouses. The maximum density of multi-family dwellings shall be 24 dwelling units per gross acre, not to exceed 360 total multi-family dwellings.

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The Zoning Committee Recommended: **Approval**.

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

1. 1.The proposed text amendment to allow a relaxation in regulations for tracts less than 10 acres in size would create an incentive for land owners to subvert the requirements of Article 23A-10 the Zoning Ordinance for the Economic Development (ED) zone recently adopted by the Urban County Council. This is poor planning policy and creates opportunities for unintended consequences.
2. The proposed text amendment is contrary to the intent of the ED zone and the 2013 Comprehensive Plan in that it could encourage lower-paying service-related jobs, rather than the higher-paying manufacturing, industrial, technology, health care or professional jobs.
3. There is no reason why a tract of less than 10 acres in size could not successfully develop any number of the other principal permitted uses (new or long-standing) in the ED zone.
4. The proposed text amendment would encourage land owners to subdivide their property into small parcels in order to relax the new parameters for supportive uses in the ED zone just adopted within the past month. Given that subdivision of land is a "ministerial" act which, if the land subdivision regulations are met, which would be difficult to deny by the Planning Commission, this could deplete the supply of larger parcels for ED uses.

Petitioner Representation: Dick Murphy, representing the Miller family, said that they would like to request a two month postponement to the August 24, 2017 meeting.

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

Action: A motion was made by Mr. Cravens, seconded by Ms. Plumlee, and carried 8-0 (Brewer and Drake absent) for postponement of ZOTA 2016-5: AMENDMENT TO ARTICLE 23A-10: SUPPORTIVE USES AS A SPECIAL PROVISION IN THE ECONOMIC DEVELOPMENT (ED) ZONE to the August 24, 2017 meeting.

D. ZONING ITEMS

1. J. ROGER JONES, III ZONING MAP AMENDMENT & JONES/COTTRELL PROPERTY ZONING DEVELOPMENT PLAN

- a. PLN-MAR-17-00019: J. ROGER JONES, III (7/30/17)*- petition for a zone map amendment from a Single Family Residential (R-1B) zone to a Highway Service Business (B-3) zone, for 4.66 net (6.29 gross) acres, for property located at 2300 Paris Pike.

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.

The subject property is also located within the jurisdiction of the Paris Pike Corridor Commission. That Commission and the Planning Commission formulated and adopted a Corridor Plan (aka: Small Area Plan) along Paris Pike more than two decades ago. The Corridor Commission is expected to make a recommendation to the Planning Commission regarding the proposed zone change and corollary development plan.

The petitioner proposes a Highway Service Business (B-3) zone in order to construct an automobile service station with convenience retail sales and restaurant, and two additional restaurants, for a total of 22,800 square feet of space and associated off-street parking on the subject property.

The Zoning Committee Recommended: **Postponement**.

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

1. A restricted A restricted Highway Service Business (B-3) zone is in agreement with the 2013 Comprehensive Plan's Goal and Objectives, as well as the recommendations of the Paris Pike Corridor Small Area Plan (adopted by the Paris Pike Corridor Commission and by the Planning Commission in 1995), for the following reasons:
 - a. The Goals and Objectives of the 2013 Comprehensive Plan encourages infill development of long-time vacant land within the Urban Service Area (Theme A, Goal #2) and development that will uphold the Urban Service Area concept (Theme E, Goal #1). This site has been within the Urban Service Boundary since its inception in 1958, the subject property is adjacent to existing commercial development, and infrastructure is available or can be extended to serve the subject property.

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- b. The Goals and Objectives also recommend creation of new jobs near residential neighborhoods to promote the "live where you work" concept (Theme C, Goal #1d.). The site is located very near neighborhoods in the Joyland neighborhood, as well as neighborhoods along the northern-most Old Paris Pike.
 - c. The Paris Pike Corridor Small Area Plan (PPCSAP) recommends that the essential character of the corridor be preserved due to its nationally recognized scenic and historic qualities. Further, the SAP recognizes that the corridor is broken into three distinct areas of land use, and within the Lexington "urban end," (where the subject property is located), the SAP recommends future land use consistent with the current Comprehensive Plan.
 - d. The proposed B-3 zone is in agreement with the prior 1988 Comprehensive Plan's land use recommendation of Highway Commercial future land use, which was in place at the time the SAP was adopted in 1995. In addition, the most recent land use recommendation for the subject property in 2007 continued to be for Highway Commercial, which is consistent with the Highway Service Business (B-3) zone.
2. This recommendation is made subject to the approval and certification of PLN-MJDP-17-00046: Jones/Cottrell Property, 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 uses shall be prohibited on the subject property:
Prohibited Uses
 - a. Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
 - b. Cocktail lounges and nightclubs.
 - c. Car wash establishments.
 - d. Pawnshops.
 - e. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
 - f. Advertising signs, also known as billboards, as regulated by Article 17 of the Zoning Ordinance.

These restrictions are necessary and appropriate in order to restrict the most intense land uses on the subject property that could have a negative impact on adjacent agricultural and residential land uses and the aesthetic condition of the Paris Pike Corridor.

- b. PLN- MJDP-17-00046: JONES/COTTRELL PROPERTY (7/3017)* - located at 2300 Paris Pike
(Barrett Partners)

The Subdivision Committee Recommended: Postponement There is missing tree inventory information, the property may not have sanitary sewers & traffic impacts are based on a traffic signal which is not currently proposed.

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

1. Provided the Urban County Council rezones the property B-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. Department of Environmental Quality's approval of environmentally sensitive areas.
6. Denote existing and proposed utility easements.
7. Adjust convenience store building to meet the minimum A-R setback (25' from a "more restrictive zone").
8. Discuss proposed access alignment with Rogers Road.
9. Discuss sanitary sewer access availability to this site.
10. Discuss Art. 18 buffer requirements adjacent to railroad and A-R zoned property.
11. Discuss anticipated subdivision of the property and compliance with the Land Subdivision Regulations access standards requirements.
12. Discuss right-in/right-out access proposed to Paris Pike and possible waiver.

Postponement Request: Josie Giurgevich Jones, 689 Kingston Rd., present for the Joyland Neighborhood Association, said that they would like to request a one month postponement to the July 27, 2017 meeting. She said that they are located within the notification area and have asked Amy Clark to speak on their behalf.

Amy Clark, on behalf of the Fayette County Neighborhood Council, stated the reasons for a postponement to be granted. She said that the traffic impact study and the draft minutes of the Paris Pike Corridor Commission meeting were posted on the website today, at noon, only after their inquiry, and they have had no time to review them and make any response. She said that they haven't seen the staff review of the traffic impact study. She said that the Neighborhood Council has had a lot of discussion with Long Range Planning staff regarding the proposed process to include the neighborhoods in discussions and responses before decisions are made.

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Ms. Clark said that this zone change required the Paris Pike Corridor Commission to meet and render a decision on this zone change prior to the Planning Commission meeting. She said that in the Zoning Ordinance that established the Paris Pike Corridor Commission, there are specific recommendations about notice. She said the Paris Pike Corridor Commission is an open meeting, a public-body, and should have notice posted in advance, and if there was such notice, that it be furnished prior to the Planning Commission hearing.

Ms. Clark also referenced the Paris Pike Corridor Small Area Plan, and page 7 of the Enabling Ordinance, which states "the Commission shall publish a synopsis of its recommendations made to the Planning Commission's legislative bodies or Board of Adjustment in the newspapers of both counties prior to the meeting in which the appropriate body considers the proposal." She said that she was unable to locate this in the newspaper and contacted the newspaper, who also couldn't locate the publication. She said that she would like to see the synopsis prior to the hearing. She said that the Ordinance continues with this wording: "in addition the Commission shall send its written recommendations to the Chief Executive of each party of this agreement."

Ms. Clark said that for these reasons, they are requesting postponement because they are not confident that Paris Pike Corridor Commission's review was properly conducted.

Commission Questions – Mr. Wilson asked Ms. Giurgevich Jones and Ms. Clark if either of them is on the Paris Pike Corridor Commission. Ms. Giurgevich Jones and Ms. Clark both replied that they are not. Mr. Wilson asked if they were aware of the Paris Pike Corridor Commission meeting that was held on June 5, 2017. Ms. Giurgevich Jones said that she heard of the meeting after it been held.

Petitioner Objection – Dick Murphy, attorney, representing the petitioner. He said that his clients object to this request to postpone. He said that the traffic study was filed at the time of the zone change, which was May 1, 2017. He said that Ms. Clark is an experienced consultant to neighborhoods and is aware that she could go to the Planning office and get copies of these documents and not waiting until for them to appear on the website, for which there isn't any requirement that it be done. He said that at the Zoning Committee meeting, they were informed that they would need to also go in front of the Paris Pike Corridor Commission, which met on June 5, 2017 and recommended approval (7-1) for this zone change. He said that the Paris Pike Corridor Commission is not a Planning Commission and notice to surrounding property owners, prior to the meeting, is not required, they are only notified of the Planning Commission public hearing. He said that his client was disappointed that he wasn't informed that Ms. Clark wanted to discuss these issues and he would be happy to discuss issues with her and Ms. Giurgevich Jones. He said the issues brought forward by them were procedural issues and not related to the zone change. He said that the Paris Pike Corridor Commission met all of their requirements; it held an open meeting, with neighbors supporting the zone change, and the draft minutes of the discussion have been provided. He said that if this zone change is postponed, there will be issues with the date. He reiterated that he would be happy to meet with Ms. Clark and Ms. Giurgevich Jones outside the Chambers prior to the hearing to address any substantive issues.

Discussion - Mr. Wilson asked Ms. Giurgevich Jones if she would like discuss any issues with Mr. Murphy. She replied that they would like more time for the neighbors to be able to reply to the information that has been provided today. She said that the section of Paris Pike that is being developed is located within Lexington and the neighbors are very concerned.

Ms. Clark said that this an ordinance requires that the synopsis be published in the paper and also specifically mentions that an open meeting needs notice also. She asked if all that would be duly provided today could receive affidavits for them, as part of the record. She stated that this is the law, and said that the traffic impact study is an issue - whether or not the Planning Commission wants to hear from the neighbors, about it, who are very concerned and have a lot to add but they didn't have an opportunity to review it in advance.

Mr. Wilson asked Ms. Tracy Jones, Department of Law, if the Planning staff is in compliance with the Zoning Ordinance. Ms. Jones said that Ms. Clark is not citing provisions of the Zoning Ordinance; she is citing the Inter-local agreement between the City of Paris, and Bourbon and Fayette Counties to deal with the Paris Pike Corridor Commission. Ms. Jones said that may supersede the Planning Commission's ability to act as a Commission as set forth by Statute. Mr. Saltee said in regard to the procedural issues that have been raised; the Planning staff did publish a notice of the June 5, 2017 Paris Pike Corridor Commission meeting, which was printed in the local newspaper on Saturday, May 20, 2017, and that a copy is located in the planning office. He said the Planning staff doesn't ordinarily prepare affidavits about legal ads for Planning Commission meetings, the Paris Pike Corridor Commission, nor the Council Zoning hearings. He said that Bourbon County staff also had a legal ad published in their Bourbon County newspaper for this June 5th meeting.

Mr. Saltee said that as to the requirement of the publication of the synopsis, he said that the inter-local agreement dates to 1993, he has been a staff member since 1996, when the overlay was just being drafted and created. It has been applied to land from Johnson Road to the Fayette-Bourbon county line and also extends into Bourbon County. He said that in his 20 years of experience, he is not aware of any meeting synopsis being published in any newspaper. He said that this is signifi-

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cant because of the size of the legal ad that was published in the newspaper costs the Division of Planning hundreds of dollars even for a small ad, and if the synopsis were published, which is 2 pages in length, would costs thousands of dollars.

Ms. Jones said that the Inter-local agreement does mention the need to publish a synopsis, but since it has historically never been done and the Planning Commission has the Paris Pike Corridor Commission's recommendation and vote, and since both meetings were advertised, that would preclude the Planning Commission from hearing the zone change today, if you decide to do so.

Ms. Clark asked if an agenda for the Paris Pike Corridor Commission meeting was published with the legal ad, as per the inter-local agreement. She also stated that the synopsis could be smaller than the minutes. Mr. Wilson asked Ms. Jones or Mr. Sallee if an agenda was required to be published with the legal ad. Mr. Sallee replied that the legal ad in the Herald-Leader does state the information for this agenda item in the advertisement, but did, not contain the complete meeting agenda (for things like "roll call," "old business," etc.).

Commission Discussion – Mr. Berkley asked if "published" means in the newspaper. Ms. Jones replied that the Inter-local agreement states "published in a newspaper."

Mr. Penn stated that 22 days ago there was a Subdivision Committee hearing and a Zoning Committee hearing. At these meetings, all this information was provided, with the exception of the Paris Pike Corridor Commission meeting minutes.

Ms. Sallee said that since there are procedural questions being discussed, he clarified for the record, that those Committee meeting were technically "public meetings" and not "public hearings."

Chairman's Comments – Chairman Wilson stated that the hearing was now concluded, and he opened the floor for discussion.

No motion was made to postpone consideration of this zone change hearing.

- 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; Denice 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.*

B. DEVELOPMENT PLANS

- I. PLN-MJDP-17-00015: ETHINGTON & ETHINGTON PROPERTY, TRACT 1 (6/22/17)* - located at 4145 and 4235 Harrodsburg Road. (Council District 10) **(Vision Engineering)**

Note: The Planning Commission postponed this item at their April 6, 2017, May 11, 2017 and June 8, 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.

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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.

Staff Presentation – Mr. Martin presented the staff's rendering of this plan and a revised staff report on the final development plan for PLN-MJDP-17-00015, 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.
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, in compliance with Art. 8-10(o)(3) of the Zoning Ordinance.
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. 16. Addition of TPP per Article 26 of the Zoning Ordinance for Lot 1, including cherry & oak trees along its frontage.~~
- ~~16. 17. Denote that Madrone Way is to be constructed with Phase I and/or Lot 1.~~
- ~~17. 18. Denote Syringa Drive to be constructed with Phase I, Lots 18-22 or 26-35 1-17 & 23-38.~~
- ~~18. 19. Denote landscaping adjacent to Harrodsburg Road to meet Man o' War Boulevard Ordinance requirements, and provide detail on plan (except the berm).~~
- ~~19. 20. Discuss lack of sidewalk improvements to Harrodsburg Road Denote access easement maintenance per Art. 5-4(h)(1) of the Land Subdivision Regulations.~~
- ~~20. 21. Discuss Denote that architectural details and orientation for Lot 1 B-1 building shall substantially comply with the exhibit filed with the Division of Planning.~~
- ~~21. 22. Discuss lack of zone-to-zone landscaping along access easement (B-1 to R-1T).~~
- ~~22. 23. Discuss potential exterior lighting restrictions in the B-1 area.~~
- ~~23. 24. Discuss whether the median closure on Harrodsburg Road is to be completed during Phase I or after future commercial development.~~
20. Provided the Planning Commission grants the requested waiver to Art. 6-8(q)(2)(d)(6).

Mr. Martin said this area was recently rezoned by the Planning Commission and the Council. This rendering is for a combination of a Final Development and a Preliminary Subdivision Plan. He said this plat has been sectioned into phases and the Final Development Plan is for only one lot in phase one. He said the Subdivision Plan is for the 33 single family lots and the 25 townhouses along Syringa Drive. He said there will be a right-in/right-out on Harrodsburg Road, which is in phase one of the proposed development.

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Mr. Martin said that the applicant is proposing to extend Madrone Way in phase one. He said there was a lengthy discussion between the staff and the applicant to insure that this part of the infrastructure was completed at the beginning of the development.

Mr. Martin said the staff recommended a cross section, exhibit, for the landscaping along Harrodsburg Road. The staff recommended the same type of landscaping that is currently located along Man 'o War Blvd, with the exception of the berm. He also said there are architectural details and orientation of the proposed buildings to be addressed. He said there is also landscaping required along the townhouse boundary to shield the residents from the new retail shops and commercial uses.

Waiver Presentation - Mr. Martin presented the staff's report for the Findings for a Waiver of Land Subdivision Regulations for Article 6-8-(1)(3) & 6-8(q)(2)(d)(6) of the Land Subdivision Regulations, which governs Land Use Access standards. The waiver request is to reduce the minimum for the spacing of the Syringa Drive intersection onto Madrone Way. He said that it is for the access spacing from a local street to a collector, from Mangrove Drive to Syringa Drive, which is seventeen feet short of meeting the Land Subdivision Regulations' requirements.

Mr. Martin said the staff discovered that the access easement between the townhomes and the retail shops, won't meet the required spacing with Madrone Way, which will require another waiver for that area. He said that the applicant submitted a waiver for relief from the required street standards for access spacing. He said in lieu of a public street, the Planning Commission could find the access easement will be the appropriate frontage for the townhouses. He said the applicant also stated they would build the access easement to heavier, public street standards, for the anticipated amount of traffic.

Commission Questions – Ms. Mundy asked if the access easement is compliant with the emergency services requirements. Mr. Martin replied that the Fire and EMS staff will review and sign off on the plan.

Mr. Owens asked what direction the residential units will be facing. Mr. Martin said that the access easement is at the front of those units, with the driveway and garage to the rear of the buildings. Mr. Owens asked if the access easement intersects with Madrone Way. Mr. Martin said that it does. Mr. Owens also asked about along the frontage of the single family homes on Syringa Drive. Mr. Martin replied that those units will have front loaded garages.

Applicant Presentation - Nick Nicholson, attorney, was present representing the applicant. He said that they are in agreement with the staff. He displayed landscaping photos of the proposed landscaping along the access easement along the townhomes and the single family homes, which will be maintained by Taylormade Real Estate. He said the landscaping along Harrodsburg Road will have a four-plank horse fence along with larger trees, planted every fifty feet, and with bushes, which is called for by the Man o' War Blvd. Landscape Ordinance. He also displayed a development plan rendering, which was recently submitted to staff, and he said the applicant is aware of the significant trees that are on site.

Mr. Nicholson said that they wanted to make sure that Madrone Way was in place on phase one because of how much concern the neighborhood had with traffic issues. He said the applicant has also committed with Traffic Engineering and the Palomar Board to contribute money toward the traffic calming, such as narrowing Madrone Way and to place stop signs, striping, or other traffic calming devices inside the Palomar neighborhood.

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

Action – A motion was made by Mr. Owens, seconded by Ms. Mundy, carried 8-0 (Brewer and Drake absent) for approval of PLN-MJDP-17-00015: ETHINGTON & ETHINGTON PROPERTY, TRACT 1, with the 20 revised conditions and the inclusion of the waiver, for the reasons provided by the staff.

- II. 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 Planning Commission postponed this item at their June 8, 2017 meeting.

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.

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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.

Staff Presentation – Mr. Martin presented the staff's rendering of this plan and a revised staff report on the development plan for PLN-MJDP-17-00052, 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 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 for walls, as does per the current Final Development Plan.
11. Correct Planning Commission certification (date of approval).
12. Revise title to reflect latest number of amendments.
13. Revise the purpose of amendment note to include the addition of an outdoor seating area.
14. Identify the outdoor seating and bar area details.

Mr. Martin said this plan was postponed at the Planning Commission on July 13, 2017, so the applicant could post the required notice sign on the site, which was posted and an affidavit has been submitted. He identified the flood plain shown on the plan. There has been a LOMR on the property, which greatly reduced the depth of the water.

Mr. Martin said the purpose of this amended plan is that the applicant is reconfiguring the parking lot, and creating new access to the property. There is an adjacent business proposing a new development, a beer garden. He said there are the standard sign-offs for the Final Development Plan. There are a few clean-up conditions; such as - correct planning certification date, revise the title, and add the seating arrangement of the outdoor bar area.

Representation – Abbie Jones, Abbie Jones Consulting, agreed with the staff's recommendation and said she is available for any questions.

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 and carried 8-0 (Brewer and Drake absent) to approve PLN-MJDP-17-00052: DISTILLERY DISTRICT - WEST, UNIT 1 (ADAPTIVE REUSE PROJECT) (AMD), as recommended by the staff with the revised conditions.

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. Sallee reminded the Commission about the continuance of this plan and distributed the staff's report on the minor development plan for PLN-MNDP-17-00022. He displayed the current development plan, which is ten years old; the original submittal, from the June 8, 2017 meeting; and a revision of the Development Plan that was submitted after that meeting. He distributed handouts to the Planning Commission; including a revised staff report, the original staff report, correspondence from 2007, a memo from Tom Martin to the Planning Commission, and a staff report on a waiver to the Land Subdivision Regulations.

Mr. Sallee said this plan proposed a change in the pedestrian system internal to the development, as well as to the external pedestrian system for the development. The original systems, approved in 2007, are almost identical to this proposal, and were identified to be paved, and all were approved in lieu of sidewalk systems for the development. He said that the streets

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are public and don't have sidewalks near the curb line because a waiver was granted in 2007 to allow the street right-of-way to be coincident with the curb, which created a passage way easement beyond the curb.

Mr. Sallee said that staff was initially concerned with the proposal to do away with the paved trails internal to this system. He said the plan called for either turf or pervious pavements to be used on these trails. The staff had concerns with turf being used for the trails because they were approved – paved - in lieu of sidewalks. He said that since the Commission's June 8, 2017 meeting, the staff has met with the developer and received a revision to the plan, for which the turf trails were removed. He also said the staff has taken another look at the relationship between the lots and the original trail system and there is a significant distance between them.

Mr. Sallee said that this development must maintain at least 80% common open space. These open spaces are open to the public for pedestrian access and the Homeowners Association has discretion as to the location of the trails. He said the staff has also received a request for a waiver to the Land Subdivision Regulations to no longer have such a system in lieu of sidewalks but to actually waive the sidewalk requirement for a portion of the development. He said the external trail system will be paved, which will be the paved pedestrian system for the development, but unlike a sidewalk system, it will not conveniently serve every lot.

Mr. Sallee said the staff is recommending approval of this minor plan, with these revisions, with three conditions, as follows:

1. Denote the entire circumferential pedestrian trails are to be paved.
2. Bike & Pedestrian Planner's approval of the proposed pedestrian system serving these residential lots.
3. Revise Planning Commission's certification to include date of approval for this plan.

Mr. Sallee referred to the waiver report, (page two) where there is a typographical error, it should read as follows:

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

1. The requested waiver will have little negative impact on public safety to pedestrians, which is consistent with the basic intent of the Land Subdivision Regulations, given the notes that have been added to this development plan submission.
2. The waiver is justified as part of the proposed street and pedestrian system that reflects a unique development pattern consistent with the innovative and large scale development criteria of Article 1.5 of the Land Subdivision Regulations, and recommended by the EAMP.

Commission Questions – Mr. Owens asked when the trail will be built. Mr. Sallee said that the developer or the engineer will need to answer that question. Mr. Owens also asked if there is any guarantee that it will be built. Mr. Sallee said that it may not be a matter of the trail being built but a matter of the internal trails being established.

Mr. Penn said that he is concerned with waiving the condition for sidewalks, as now the applicant is asking for another to do away with first one that was already approved. Mr. Sallee said that in 2007, there wasn't a waiver granted for the sidewalk; the waiver was only to the cross-section to allow the right-of-way to be coincident with the curb instead of the back of the sidewalk.

Mr. Owens asked if this would pave the outside loop and do away with the internal loop. Mr. Sallee said that is so, but it will no longer the location of the internal loop as well. Mr. Owens also asked if the outside loop has been built yet. Mr. Sallee said that a small portion of the outside loop has been built on the eastern end of the development. Mr. Owens asked if there is any guarantee that it will be built. Mr. Sallee said that it should be bonded with the development, before this plat is recorded.

Ms. Mundy asked what would prohibit pedestrians cutting through other residents lots to reach this easement. Mr. Sallee said that each lot is private property and each owner could install a fence on their property line, to prevent such cut-through traffic, but the space behind their lot is common open space.

Ms. Plumlee asked about the internal open space. Mr. Sallee said that if the amended development plan isn't approved, the current development plan will remain the approved plan for this location. Ms. Plumlee said that she believed that the neighbors could place the internal trail where they choose to. Mr. Sallee said that if this amended plan is approved, he believes the neighbors will have that ability.

Representation – Tom Hatfield, EA Partners, submitted the affidavit for the notice sign and notification. He said that this is a unique development because of the "floating lots" that are not contiguous to the street right-of-way or to each other, due to the EAR-1 zone and the scenic overlay. He said they wanted to create a perimeter path, which will be used by the residents and the neighboring communities. He said the paved perimeter trail will be built this fall.

Commission Questions – Ms. Mundy asked about the floating lots, with breaks in between the lots that the association owns. Mr. Hatfield said that they are currently designed that way. Ms. Mundy said that she is concerned that a prescriptive easement will be needed at some time on some of the areas. Mr. Hatfield said they are proposing an access easement, by note that the pedestrians can use. He said that HOA will govern this and may need to create some rules to prevent abuse of the easement.

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Mr. Owens asked if the trail is bonded. Mr. Hatfield said that he doesn't recall if it was in 2007 or not. He said that the developer has every intention of building this trail this fall. Mr. Owens asked if the developer would agree to have it bonded if it isn't. Mr. Hatfield said that there isn't a mechanism to bond at this point, since the plat has already been recorded but he will confer with the Division of Engineering.

Mr. Penn asked if the trail is for humans or equine. Mr. Hatfield said that the trail is for humans and there is no access to the equine farms on the adjacent properties.

Discussion - Mr. Wilson said the intention is to build the perimeter trail but there isn't anything to require the developer to do so. Ms. Jones said that this a development plan amendment and this trail is a condition on it, which will be required as part of the approval. She said that it may not be bonded but it will be built. Ms. Jones said that condition says "denote", which could be changed to be more specific.

Mr. Owens suggested changing condition #1 to note that the trail to be completed by 50% of buildout of the development. Mr. Hatfield said that he will verify with the builder and the planning staff, to add a percentage or a date to that condition. Ms. Jones said that adding a date to the condition may be sufficient. Mr. Hatfield said they will commit to having the path built in 2017.

Mr. Wilson verified that condition #1 will read as follows:

1. ~~Denote~~ The entire circumferential pedestrian trails are to be paved by December 31, 2017.

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 7-0-1 (Owens abstained; Brewer and Drake absent) to approve PLN-MNDP-17-00022: RESERVE AT WALNUT GROVE, and the waiver with findings as recommended by the staff, with the revised conditions as follows:

1. ~~Denote~~ The entire circumferential pedestrian trails are to be paved by December 31, 2017.
2. Bike & Pedestrian Planner's approval of the proposed pedestrian system serving these residential lots.
3. Revise Planning Commission's certification to include date of approval for this plan.

- 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, David Drake, and Carolyn Richardson. 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.

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1. **AFTON COMMUNITY DEVELOPMENT, LLC ZONING MAP AMENDMENT & MELODY VILLAGE, UNIT 3-C, BLK C, LOT 12 ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-17-00016: AFTON COMMUNITY DEVELOPMENT, LLC (7/2/17)*- petition for a zone map amendment from a Single Family Residential (R-1D) zone to a Professional Office (P-1) zone, for 5.26 net (5.58 gross) acres, for property located at 3743 Red River 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.

The 2015 Armstrong Mill Road West Small Area Plan (AMWSAP) is a plan for the revitalization of the 1900[±] acre area that establishes six goals for the area. The goals focus on improving safety; improving connectivity; promoting livable neighborhoods with housing choices (while maintaining the neighborhood form) and promoting green infrastructure; improving the quality of life and health including access to affordable and healthy food; and enhancing the sense of place by creating community spaces that foster social interaction and a sense of identity.

The petitioner proposes a Professional Office (P-1) zone for the subject property in order to adaptively re-use the existing two structures for an assisted living facility, medical offices, adult and child care center, and a community center. New structures are proposed for medical offices and senior housing on the site.

The Zoning Committee Recommended: Referral.

The Staff Recommended: Postponement, for the following reason:

1. The applicant has not provided a justification that addresses the 2015 Armstrong Mill West Small Area Plan, which is now an adopted amendment of the 2013 Comprehensive Plan. Until further assessment has been provided by the petitioner, the staff considers the current justification for this application to be incomplete.
 2. As proposed, re-zoning this location to a P-1 zone may significantly impact the nearby neighborhood with the potential for increased traffic, noise and light pollution - especially for those properties on Red River Drive and those immediately adjoining the subject property. For these reasons, it is inappropriate.
 3. There have been no unanticipated changes of a physical, social or economic nature within the immediate area since the Comprehensive Plan was adopted in 2013, or since the Armstrong Mill West Small Area Plan was adopted in 2015, that would support the requested P-1 zoning for the subject property.
 4. Until an assessment of the Small Area Plan is completed by the applicant, the existing Single Family Residential (R-1D) zone remains appropriate for the subject property because it is compatible with the neighborhood and can more fully support the 2013 Comprehensive Plan goals and policies.
- b. PLN-MJDP-17-00035: MELODY VILLAGE, UNIT 3-C, BLK C, LOT 12 (7/2/17)* - located at 3743 Red River Drive.
(Abbie Jones Consulting)

The Subdivision Committee Recommended: Postponement. There were some questions regarding the lack of site statistical information, building dimensions, tree inventory information and the inability to verify off-street parking compliance.

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

1. Provided the Urban County Council rezones the property P-1; 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. Clarify parking generator for proposed uses and provide required and proposed parking in site statistics.
6. Increase font size for owner/Planning Commission certifications
7. Resolve difference between P-1 FAR and lot coverage limitations, given two-story development proposed.
8. Provide type (size range & species) of existing trees on site.
9. Clarify walkways and walls in front yard for existing site conditions.
10. Discuss the need for an interior site pedestrian system for internal circulation.
11. Discuss plan status (final vs. preliminary).
12. Discuss proposed underground detention.

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Staff Zoning Presentation – Ms. Wade distributed a handout, including the supplemental staff report and staff exhibit items, to the Planning Commission. She said that there was one letter sent to the staff in opposition, as they were asking that certain uses be restricted if this zone change is approved. She proceeded to present and summarize the staff report and recommendations for this zone change, and displayed several photographs of the subject properties and aerial photographs of the general area. She said that the subject property is currently known as the Blue Grass Baptist School, which has its building located in the center of the property, surrounded by parking and open space. The applicant is proposing to reuse the existing buildings because the school is closing. She said that applicant is asking to use the property as an assisted living facility in the main building; along with a child care, adult day care and a community center in the gymnasium. She said the applicant would also like to add two additional uses on the property, which would be senior apartments and a stand-alone medical office.

Ms. Wade said the applicant contends that their application is in agreement with the 2013 Comprehensive Plan. She said the applicant originally submitted a justification that didn't address the Armstrong Mill West Small Area Plan, adopted by the Commission for this area. Since then, the applicant had submitted a revised justification. Upon review, the staff doesn't believe that this request is in agreement with the 2013 Comprehensive Plan or the Armstrong Mill West Small Area Plan.

Ms. Wade stated, for the record, that the 2013 Comprehensive Plan and the Armstrong Mill West Small Area Plan both offer many statements supporting elderly housing, child care, medical offices, and other services in our community but without a land use map, the 2013 Comprehensive Plan doesn't designate an appropriate location for those specific land uses. She said that the project that is being proposed, with assisted living, child care, adult day care, community center, senior apartments and medical offices, are recommended for our community. However, the staff doesn't believe that the P-1 zone at this location is recommended by the 2013 Comprehensive Plan. She said the 2013 Comprehensive Plan encourages considerations of how proposals relate to exiting development and their vicinity, protecting neighborhoods and placemaking, and making sure neighborhoods and residential uses. Infill, redevelopment, and adaptive reuse must be respectful of an area's context and design features. She also stated that this proposed zoning category is not compatible with the recommendation for enhancing our neighborhood nodes and commercial focal points, since its location is internal to this neighborhood. The staff is also concerned because the proposed P-1 zone doesn't allow elderly housing or any housing to be located on the first floor of a building.

Ms. Wade referred to the Goals and Objectives of the Armstrong Mill West Small Area Plan, regarding livable neighborhoods, maintaining the character of the neighborhood; improving our quality of life and health; promoting peaceful, safe, livable neighborhoods; improving circulation; and improving safety in the neighborhood. She said the Armstrong Mill West Small Area Plan indicates for enhancement of the existing commercial areas and not for new commercial areas to be created.

Ms. Wade said the applicant is asking for a professional office zone and not a residential zone to meet the housing recommendation of the 2013 Comprehensive Plan, which seems inconsistent. She said the proposed zone has a Floor Area Ratio that is twice the amount permitted in the R-4 zone, which would permit 300,000 square feet, here. The applicant is proposing an unrestricted P-1 zone, claiming that there isn't any impact to their proposal. She said the applicant hasn't been willing to amend their application or take the advice of the staff before bringing this application forward to the Commission. She said the staff is recommending disapproval of this zone change.

Commission Question – Mr. Owens asked if any of the proposed uses could be available through conditional uses if the subject property remained in an R-1D zone. Ms. Wade replied that it would not in the R-1D zone, but it could in the R-3 or R-4 zones, with the approval from the Board of Adjustment.

Development Plan Presentation – Mr. Martin presented a rendering of this development plan, which was displayed, and he also handed out an updated staff report to the Commission with revised conditions, as follows:

Should this plan not be postponed further, the Staff Recommends: **Approval**, with the following conditions:

1. Provided the Urban County Council rezones the property **P-1**; 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. Clarify parking generator for proposed legal P-1 uses and provide both required and proposed parking numbers in site statistics.
6. Increase font size for owner/Planning Commission certifications.
7. Resolve difference between P-1 FAR and lot coverage limitations, given two-story development proposed.
8. Provide type (size range & species) of existing trees on site.
9. Clarify walkways and walls in front yard for existing site conditions.
10. Discuss the need for an interior site pedestrian system for internal circulation.
8. 11. Discuss ~~Alter the plan status (final vs. to be for a preliminary)~~ development plan, and reflect in title.

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- ~~9. 12. Discuss Clearly delineate all the area(s) proposed for underground detention.~~
- ~~10. Remove the "elderly housing" dwelling units from plan and designate them as "assisted living" units, and alter all site statistics accordingly.~~
- ~~11. Correct site statistics for square footages based upon proposed buildings.~~

Mr. Martin identified the existing structure on the site and the proposed new building locations. He said there are discrepancies with the math shown for the square footage on the development plan. He said one of the main issues with the Development Plan, as Ms. Wade also noted, is that housing is not allowed on the first floor of the building in a P-1 zone. He also said that that main building has its noted use as an "assisted living facility or elderly housing".

Mr. Martin said the staff is still recommending postponement of this development plan. He said this plan could meet the requirements of the P-1 zone, except the applicant is proposing elderly housing, which is not allowed in the proposed zone. However, if the applicant was proposing all assisted living on the subject property, it would be a permitted use in the P-1 zone.

Mr. Martin said that this plan has been presented to the staff consistently as a Final Development Plan, but there is only a two week turn around for this plan to be certified, if the Planning Commission does approve it. He also stated that a Final Development Plan has a much higher level of review than a Preliminary Development Plan.

Mr. Martin said that if the Planning Commission does approve this plan, the label "elderly housing" must be removed; the plan should be changed to a Preliminary Development Plan, the applicant must delineate the underground detention areas; and also correct their site statistics.

Commission Question – Mr. Cravens asked if the revised staff report is incorrect because it states that the staff is recommending approval. Mr. Martin replied that the subdivision committee recommended postponement of this plan, and staff is recommending approval subject to the changes listed on the revised staff report.

Mr. Berkley asked if would be possible to make the Floor Area Ratio a conditional zoning restriction. Mr. Martin said that the applicant must meet the requirement of the proposed zone, which is a legal requirement. Mr. Berkley said that staff report states the proposed site will have the possibility of a 1.3 Floor Area Ratio. Mr. Martin said that it's possible with a redevelopment of the site. Mr. Berkley then asked what the minimum Floor Area Ratio is that is required in the proposed zone. Mr. Martin replied that there isn't a minimum, and the staff recommends less than the maximum. Mr. Berkley asked if that could be limited. Mr. Martin said that it could be restricted through conditional zoning.

Applicant Presentation – Bryan Hubbard, the applicant, was present. He gave a brief personal story of assisted living facilities. He said that he would like to provide a living environment for the elderly with dignity and prolongs the functionality of their lives. He, and his partner, Chuck Luttrell, met with the Blue Grass Baptist School to discuss their intent for the property. He said that they all agreed that the optimal use for this property was one that carries on the humanitarian mission that was originally associated with the school's foundation.

Mr. Hubbard said their intent is to open an adult medical daycare facility, which will be operated out of the gymnasium and it will be multi-purposed with a child care center. He said that based on a unique human development model, which established that early childhood, together with the elderly population, under the same roof, in an integrated social program, these uses thrive better together than separately. He also said that he wishes to be a good neighbor with the community, by allowing them to utilize their space, on off hours, for meetings, receptions, etc.

Mr. Hubbard said the second phase of this development would involve assisted living/personal care, which will be housed in the current main school building. There will also be community gardens and greenhouses on-site for vegetable gardens. He said they also would like to have a medical office, which will be available to their participants and local residents. He said this medical office will be staffed with a nurse practitioner or physician assistant, with a specialty in geriatric care, will provide walk-in clinical services to any member of the community at an inexpensive rate.

Abbie Jones, engineer, was also present with the petitioner. She said that they have worked diligently with the staff and have tried to come to an agreement about the medical office space. She said that R-3 and R-4 zones do permit a non-profit medical office but they are proposing more of a business office, which could be independent, which is not permitted in either of those zones.

Ms. Jones said that they met with the neighbors and they are excited about the proposed project. She said the medical office idea was well received by the community. She said that two members of the community are present in the audience in favor of this proposal.

Ms. Jones said that a traffic study is not required because of the volume. She also consulted the MPO staff and was told that it wasn't required. She went above and beyond and conducted a traffic study, which was submitted. She said that the result of the study showed that there will be less traffic, with this proposed project compared to the school, which is a difference of opin-

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ion than the staff had. She also said that they held a neighborhood meeting and the R-3 or R-4 zones were not popular with the neighbors. She said that the community will support a zone that has a development plan restriction, which is being proposed.

Ms. Jones stated that they had met with staff twice prior to submitting this application and they were not informed of the Small Area Plan, and they were disappointed that they submitted an incomplete application. She said that she had learned of this at the Subdivision Committee meeting, on May 4, 2017. She said that since this is an existing facility, the adequate infrastructure, the water, sewer, storm, electric, and gas are currently present at this property. She said that she believes that the staff's concern is about the road capacity for their uses. She said that this property has functioned as a non-residential use for over 30 years. The system has functioned for a church school and she believed that they are proposing something very similar to that, which will generate slightly less traffic. She is glad to have additional restrictions added as part of this rezoning. They have asked the staff if there are specific recommendations they would like for this and there was no response. She said the applicant is willing to restrict the Floor Area Ratio to the values on their development plan, adding five percent for final design. She said they are also willing to restrict the property to have dark sky friendly exterior lighting, as the lighting is replaced, and to restrict the property to have a fifteen foot undisturbed buffer along the side property lines.

She said the reason why they are proposing the P-1 zone is because it is the only zone that includes the medical component and justifications have been submitted that could be used if approval is chosen by the Commission at this meeting. She said that they are very interested in the Planning Commission's thoughts on this development.

Citizens Comment - Paula Waldrop, 1441 Dale Dr., said that she appreciates the thought and the vision of the proposed project. She said that the majority of the public that was present at the neighborhood meeting were interested in the project, they were sad to see the school no longer there and that they will be hesitant to see any change.

Commission Comments & Questions – Mr. Berkley asked the staff if there was a discussion with the applicant to restrict the Floor Area Ratio restrictions. Ms. Wade replied that this is the first time she has seen these proposed conditional zoning restrictions. Mr. Berkley asked if this addresses the main concern that the staff has with the request. Ms. Wade said there are also conditional use concerns. Mr. Berkley said that if the elderly housing is changed to assisted living, the only problem remaining will be the medical office. Ms. Wade said that issue wasn't addressed by the applicant. She said that in her experience a property has never been restricted by Floor Area Ratio restrictions, but total square footage has been restricted. Mr. Sallee said that the number of units is more commonly restricted and with assisted living facilities. However, some of the units are dwelling units and some are not, which makes that approach difficult.

Mr. Penn said that the location of zoning needs to be addressed before the development plan is finalized. He said that he is going to focus on the reasons the staff have presented of why this isn't the appropriate location for a P-1 zone or the appropriate use of the P-1 zone at this particular site. If the zone change doesn't get approved, the development plan won't mean anything.

Mr. Owens commended the applicant for trying to make this zone change work. However, he said that he is concerned with the location of the P-1 zone in the neighborhood. He said the applicant stated that the traffic would be less than it was with the school, until another P-1 development moves into the area, and asked if the applicant would be willing to continue this zone change to consider a split zone to let both of the proposed uses work.

Ms. Abbie Jones said that the applicant would be agreeable to a split zone; creating a smaller P-1 portion. She also said that they agree to change the label to say "assisted living."

Ms. Plumlee also said that she commends the applicant. However, the approval of this zone change will be contradicting the Small Area Plan.

Mr. Cravens said he is concerned about the many items that still need to be worked out and the Planning Commission doesn't have the time to do it at this public hearing. He asked the staff if it is possible to continue this case. Ms. Tracy Jones replied that at this point, because the case has already been heard, a continuance would be the proper way to go. Mr. Sallee added that the date by which the Planning Commission needs to consider this case by, is July 2, 2017, and to extend the time beyond that date will require the concurrence of the applicant.

Mr. Cravens asked if the applicant wishes to split the zones on this zone change, would that require another application. Ms. Wade said that the applicant would need to amend the current application, which includes a filing fee and new notifications to be mailed to the neighbors. Ms. Abbie Jones replied that the applicant would be agreeable to the continuance and the changes the Planning Commission have suggested. She then asked who has read the entire Small Area Plan, and said that her understanding of it is that it promotes elderly housing and medical space nearby, with grocery stores and reasonable restrictions on rental housing. She believed that this application meets many of those goals in their uses. She asked the Planning Commission for suggestions of how to get through the impasse about the medical office space.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Staff Rebuttal - Ms. Wade said it's inappropriate for the applicant to come to the Planning Commission's public hearing and take their temperature on the proposal and ask for postponement or continuance to amend their application. She said the applicant's justification stopped at page 54 of the Small Area Plan, and she believes the recommendations were not read, and Ms. Jones is presenting only what the neighbors would like in the Small Area Plan.

Discussion - Mr. Penn said that he also was very concerned about the process of this hearing. He said that this is not the process that the Planning Commission normally sees. He said that when an impasse is reached with the staff, and then presented to the Planning Commission for assistance, that puts the Planning Commission in a tough situation. He said that he believes the applicant took a chance for the Planning Commission to vote this case down so that they could get assistance to figure out this impasse.

Mr. Wilson agreed with Mr. Penn's comments and said this is not the Planning Commission's function. He said that this could be a good project, but when the staff gives the applicant direction and it is not agreed upon by the applicant, it isn't the Planning Commissions function to "fix it."

Zoning Action – A motion was made by Mr. Berkley, seconded by Mr. Cravens to continue PLN-MAR-17-00016: AFTON COMMUNITY DEVELOPMENT, LLC.

Ms. Tracy Jones said that if a continuance is being recommended, the applicant needs to get on the record that they are agreeable to it. Ms. Abbie Jones stated that they agree to the continuance until July 27, 2017.

Amended Action - A motion was made by Mr. Berkley, seconded by Mr. Cravens to continue PLN-MAR-17-00016: AFTON COMMUNITY DEVELOPMENT, LLC. to the July 27, 2017 Planning Commission meeting.

Discussion of Motion - Mr. Owens said that he doesn't believe that a continuance is the best thing do at this time. He said that he thinks the applicant should withdraw this application and re-apply with a split zone requested for this location.

Ms. Tracy Jones said that a continuance is applicable if it is amended, which may require new notices to be mailed out the neighbors and is required to be sent 21 days prior to the meeting. She believes the applicant may need more time to do so and suggested to continue to the August 24, 2017 Planning Commission meeting.

Ms. Abbie Jones said the applicant would need to send new notice letters to the neighbors and stated if the amended process could be continued until the Commission's August meeting.

Amended Action - A motion was amended by Mr. Berkley, seconded by Mr. Cravens, to continue PLN-MAR-17-00016: AFTON COMMUNITY DEVELOPMENT, LLC. to the August 24, 2017 Planning Commission meeting.

The motion carried 8-0 (Brewer and Drake absent).

2. J. ROGER JONES, III ZONING MAP AMENDMENT & JONES/COTTRELL PROPERTY ZONING DEVELOPMENT PLAN

- a. PLN-MAR-17-00019: J. ROGER JONES, III (7/30/17)*- petition for a zone map amendment from a Single Family Residential (R-1B) zone to a Highway Service Business (B-3) zone, for 4.66 net (6.29 gross) acres, for property located at 2300 Paris Pike.

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.

The subject property is also located within the jurisdiction of the Paris Pike Corridor Commission. That Commission and the Planning Commission formulated and adopted a Corridor Plan (aka: Small Area Plan) along Paris Pike more than two decades ago. The Corridor Commission is expected to make a recommendation to the Planning Commission regarding the proposed zone change and corollary development plan.

The petitioner proposes a Highway Service Business (B-3) zone in order to construct an automobile service station with convenience retail sales and restaurant, and two additional restaurants, for a total of 22,800 square feet of space and associated off-street parking on the subject property.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

The Zoning Committee Recommended: **Postponement**.The Staff Recommends: **Approval**, for the following reason:

1. A restricted Highway Service Business (B-3) zone is in agreement with the 2013 Comprehensive Plan's Goal and Objectives, as well as the recommendations of the Paris Pike Corridor Small Area Plan (adopted by the Paris Pike Corridor Commission and by the Planning Commission in 1995), for the following reasons:
 - a. The Goals and Objectives of the 2013 Comprehensive Plan encourages infill development of long-time vacant land within the Urban Service Area (Theme A, Goal #2) and development that will uphold the Urban Service Area concept (Theme E, Goal #1). This site has been within the Urban Service Boundary since its inception in 1958, the subject property is adjacent to existing commercial development, and infrastructure is available or can be extended to serve the subject property.
 - b. The Goals and Objectives also recommend creation of new jobs near residential neighborhoods to promote the "live where you work" concept (Theme C, Goal #1d.). The site is located very near neighborhoods in the Joyland neighborhood, as well as neighborhoods along the northern-most Old Paris Pike.
 - c. The Paris Pike Corridor Small Area Plan (PPCSAP) recommends that the essential character of the corridor be preserved due to its nationally recognized scenic and historic qualities. Further, the SAP recognizes that the corridor is broken into three distinct areas of land use, and within the Lexington "urban end," (where the subject property is located), the SAP recommends future land use consistent with the current Comprehensive Plan.
 - d. The proposed B-3 zone is in agreement with the prior 1988 Comprehensive Plan's land use recommendation of Highway Commercial future land use, which was in place at the time the SAP was adopted in 1995. In addition, the most recent land use recommendation for the subject property in 2007 continued to be for Highway Commercial, which is consistent with the Highway Service Business (B-3) zone.
2. This recommendation is made subject to the approval and certification of PLN-MJDP-17-00046: Jones/Cottrell Property, 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 uses shall be prohibited on the subject property:
Prohibited Uses
 - a. Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
 - b. Cocktail lounges and nightclubs.
 - c. Car wash establishments.
 - d. Pawnshops.
 - e. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
 - f. Advertising signs, also known as billboards, as regulated by Article 17 of the Zoning Ordinance.

These restrictions are necessary and appropriate in order to restrict the most intense land uses on the subject property that could have a negative impact on adjacent agricultural and residential land uses and the aesthetic condition of the Paris Pike Corridor.

- b. PLN- MJDP-17-00046: JONES/COTTRELL PROPERTY (7/3017)* - located at 2300 Paris Pike
(Barrett Partners)

The Subdivision Committee Recommended: **Postponement** There is missing tree inventory information, the property may not have sanitary sewers & traffic impacts are based on a traffic signal which is not currently proposed.

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

1. Provided the Urban County Council rezones the property B-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. Department of Environmental Quality's approval of environmentally sensitive areas.
6. Denote existing and proposed utility easements.
7. Adjust convenience store building to meet the minimum A-R setback (25' from a "more restrictive zone").
8. Discuss proposed access alignment with Rogers Road.
9. Discuss sanitary sewer access availability to this site.
10. Discuss Art. 18 buffer requirements adjacent to railroad and A-R zoned property.
11. Discuss anticipated subdivision of the property and compliance with the Land Subdivision Regulations access standards requirements.
12. Discuss right-in/right-out access proposed to Paris Pike and possible waiver.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Staff Zoning Presentation – Ms. Wade presented and summarized the staff report and recommendations for this zone change. She displayed several photographs of the subject property and the general area and said that the subject property is currently vacant. She distributed to the Planning Commission, the draft minutes from the June 5, 2017 Paris Pike Corridor Commission meeting, to be entered as part of the record. She said that the subject property is located within an area that is in the area of jurisdiction of the Paris Pike Corridor Commission. She displayed a map from the 1995 Paris Pike Corridor Small Area Plan that depicts the size of all of the properties between Paris and Lexington that is incorporated in the Paris Pike Corridor Small Area Plan. That plan is part of the jurisdiction of the Commission under the Interjurisdictional Agreement between LFUCG, the City of Paris, and Bourbon County. She said the subject property has been recommended for several land use categories. She referenced Comprehensive Plans from the past 45 years that have recommended Low Density Residential and then Highway Commercial land use at this location.

Ms. Wade said that the applicant's justification states that this zone change is in agreement with the 2013 Comprehensive Plan and the Paris Pike Corridor Small Area Plan. She then summarized the Paris Pike Corridor Small Area Plan and its recommendations. She said the Paris Pike Corridor Commission met on June 5, 2017 and had a lengthy discussion about this zone change and about the development plan. She said that they did make a recommendation of approval of the zone change, to this Commission although they did have concerns about traffic impacts. She said the staff recommends approval of this request with six prohibited uses via conditional zoning restrictions.

Ms. Wade said the staff received one email, which was circulated to the Planning Commission at this time.

Development Plan Presentation – Mr. Martin presented the revised staff report on the Preliminary Development Plan associated with this zone change, which was displayed with a rendering, which he also handed it out to the Commission with revised conditions, as follows:

The Staff Recommended: Approval, subject to the following conditions:

1. Provided the Urban County Council rezones the property B-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. Department of Environmental Quality's approval of environmentally sensitive areas.
6. Denote existing and proposed utility easements.
7. Adjust convenience store building to meet the minimum A-R setback (25' from a "more restrictive zone").
8. ~~Discuss~~ Revise proposed access to alignment with Rogers Road.
9. ~~Discuss~~ Resolve sanitary sewer access availability to this site at time of the final development plan.
10. ~~Discuss~~ Resolve Art. 18 buffer requirements adjacent to railroad and A-R zoned property at time of the final development plan.
11. ~~Discuss~~ Resolve anticipated subdivision of the property and compliance with the Land Subdivision Regulations access standards requirements at time of the final development plan.
12. ~~Discuss~~ Remove right-in/right-out access proposed to Paris Pike ~~and possible waiver~~.

Mr. Martin identified the new access point proposed (which is to be aligned with Rogers Road), parking and the detention basin. He said that there are serious development challenges for this site, mostly with the sanitary sewer, access, and traffic. He said there was a handout distributed with a statement that needs to be on the plan addressing the traffic concern at this property. He said the staff didn't receive a revised plan, but has provided the Planning Commission with revised recommendations, which are mostly clean up items and sign-offs. He said that the access and alignment of Rogers Road can be revised; but the sanitary sewer, the buffering requirements along the railroad, and the subdivision of the property, can be resolved at the time of the Final Development Plan. He also said there was originally a waiver for the right-in/right-out access proposed to Paris Pike. The Division of Traffic Engineering, Transportation Planning, and the Division of Planning staff believe it's best to remove the right-in/right-out access from the plan, at this time.

Traffic Impact Study – Mr. Emmons presented the MPO staff report on the submitted Traffic Impact Study for this zone change. He said the traffic study showed that there will be a signalized intersection at Rogers Road and Paris Pike, where there is not one currently. He said that at the Zoning Committee meeting, the staff was very concerned with the timing of the signalization of Rogers Road and Paris Pike intersection. He said that both the staff and the applicant agree that if the property does develop as proposed, a signal will need to be installed at this location, as well as other transportation improvements. He also said that most of the staff's concern is with the "what-if" scenarios associated with this conceptual plan.

Mr. Emmons referenced the handout that was distributed the Planning Commission, as follows:

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

13. Denote on the Preliminary Development plan:

- a. The applicant shall submit an updated Traffic Impact Study at the time of the final development plan, which will address the appropriate infrastructure improvements and timing thereof for the cumulative effect of the development of this entire property.

Mr. Emmons said this note should be added the Development Plan as the 13th condition. He said the staff has four recommendations for this plan: 1) the addition of a signalized intersection; 2) the removal of the right-in/right-out; 3) the addition of a right turn lane at the Rogers Road intersection; and 4) the addition of sidewalks and crosswalks for the subject property.

Petitioner Presentation – Dick Murphy, attorney, was present representing the petitioner. He gave a brief history of the property; stating the difficulties of selling the property before it is zoned for commercial development. He displayed slides from the 1988, 1996, 2001, and 2007 Comprehensive Plans depicting the recommended land use as Highway Commercial, which was designated by the Paris Pike Corridor Commission. He said this application is also in agreement with the 2013 Comprehensive Plan.

Mr. Murphy said the applicant did present this to the Paris Pike Corridor Commission meeting on June 5, 2017, and after discussion, they voted to approve this zone change and the development plan.

Mr. Murphy requested a modification to the conditional zoning restriction 3.a., was presented by staff as follows:

3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses shall be prohibited on the subject property:

Prohibited Uses

- a. Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.

He said that the applicant is seeking a NAPA auto parts store in the proposed B-3 zone, and with this conditional zoning restriction including "supplies for such items," it would not be allowed. He asked the Planning Commission if that phrase could be deleted so that the applicant could sell auto part supplies on the subject property.

Mr. Murphy said that the development plan has been maximized because they don't have a set end user for the subject property yet. He said they wanted to show the maximum this property would support and when the applicant returns to the Planning Commission to have the Final Development Plan approved, with the end user, it will most likely be with a lower traffic generating use that may not require all traffic improvements.

Mr. Murphy said that the applicant is agreeable with the proposed note for the Development Plan by Mr. Emmons. He said that the applicant will conduct a Traffic Impact Study to show if they meet the level or not to get a traffic signal installed, by the Kentucky Department of Highways, at the intersection. He said that he would like this note to apply to the right-in/right-out also.

Mr. Murphy said the sanitary sewer is in a pipe, under the railroad, and the landscaping buffer will be resolved at the Final Development stage. He said the service road issue will be resolved after the final user is known.

Mr. Murphy said that he has been communicating with a resident who is concerned about headlight screening; the applicant has agreed to install a 6-foot solid wood privacy fence along the subject property boundary and along the railroad track with landscaping barrier. He said this will be added to the plan before it will be certified.

Diane Zimmerman, Traffic Engineer, said that right-in/right-outs generally lessen the traffic load at the traffic signal. She said that eliminating it will place more traffic load on the side roads. She said that she would evaluate this at the time of the Final Development Plan.

The following citizens were present in opposition to this application:

Josie Giurgevich Jones, 689 Kingston Rd., representing the Joyland Neighborhood Association, said that this is the gateway to the historic and famous Paris Pike Corridor and she is concerned that this will be the beginning of a new business area, which will affect the current farm owners. She said that traffic is a major concern and there are currently five gas/convenient stores, three restaurants, and three hotels within an eight block area. She is also concern with the light pollution from automobiles and the parking lot. She also said the neighborhood currently has major flooding issues, even with detention basins.

William Woodward, 282 Swigert Avenue, displayed a photo of the posted notice sign that was attached to a pole and couldn't be seen clearly. He stated the past Paris Pike Commission promised that there will never be any commercial development on this corridor. He is concerned why the zone change is happening before the development plan is complete and/or ready; that once the zone change is in place, anything could be developed on that property. He is also concerned about more commercial development being built on an historic area and increased traffic.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Amy Clark, representing the Fayette County Neighborhood Council, referenced the Paris Pike Corridor Small Area Plan and the 2013 Comprehensive Plan and whether this zone change is in agreement with those documents or not. She asked the Planning Commission how they distinguish this zone change and project from any other that is not protected by the Paris Pike Corridor Small Area Plan and is this zone change being treated any differently than others. She displayed a photo of this property for sale and said that the sign was asking for a very high price. She also displayed the Paris Pike Corridor Commission's Primary Goal, and considerable information and references to the transition zone.

Petitioner Rebuttal – Mr. Murphy said this application is based upon the 2013 Comprehensive Plan of the community, which includes the Paris Pike Corridor Small Area Plan. He said that the staff report states the uses that were proposed in the Paris Pike Corridor Small Area Plan for this property along the Lexington “urban end.” He said the Comprehensive Plan's designation for this property has been for Highway Commercial since 1995, because it is located inside of the Urban Service Boundary.

Mr. Murphy displayed photos of adjacent properties, which have been designated Highway Commercial since the 1988 Comprehensive Plan; including a Speedway gas station, Whitaker Bank, and a second convenient store.

Mr. Murphy replied to the light pollution comment that the applicant will have downward directed lights, to limit the direct light onto neighboring properties, in addition to the six-foot tall fence and landscaping along the railroad tracks.

Mr. Murphy said that the applicant is before the Planning Commission to “plan” the uses of the property, to be specific of what can be done to the property when developing.

Citizen Rebuttal – Ms. Clark stated that the staff's passage it stating to “respect the existing use designation” and the citizen's passage, from the Paris Pike Corridor Small Area Plan, states “respect existing uses.” She said that the passage that the staff is referring is from the 1988 Goals and Objectives, which is outdated. She displayed maps from the Paris Pike Corridor Small Area Plan. She cited the 2013 Comprehensive Plan, (C.1.b.), “Strengthen regulations and policies that propel the agricultural economy, including but not limited to, local food productions and distribution, agri-tourism, and the equine industry that showcase Lexington-Fayette Count as the horse-capital of the world.”

Staff Rebuttal – Ms. Wade displayed pages 29 and 30 from the Paris Pike Corridor Small Area Plan that was adopted in 1995. She said that the Lexington end has a transition zone of approximately a 1½ mile, which the subject property is located within. She said that Ms. Clark was speaking of the transition area from the Fayette County Urban Service Boundary to where the Paris Pike Overlay was put in place, at Johnson Road. She said the staff cited the Goals and Objectives from the 2013 Comprehensive Plan, not from the 1988 Comprehensive Plan.

Mr. Martin said that the applicant requested the right-in/right-out remain on the plan, however, Traffic Engineering, Transportation Planning, and the Planning staff have all recommended removing it. If it is proven to be needed by the applicant's traffic impact study, they can prove it then, at the final development plan stage.

Commission Question – Mr. Cravens asked about the staff's recommendation for prohibited uses 3.a. to remove “or supplies for such items”. Mr. Sallee said that the staff didn't review that and the Planning Commission could remove it.

Zoning Action – A motion was made by Mr. Berkley, seconded by Mr. Cravens, and carried 7-1 (Plumlee opposed; Brewer and Drake absent) to approve PLN-MAR-17-00019: J. ROGER JONES, III, for the reasons provided by the staff, with the prohibited uses via conditional zoning, as follows:

Prohibited Uses

- a. Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, ~~or supplies for such items.~~
- b. Cocktail lounges and nightclubs.
- c. Car wash establishments.
- d. Pawnshops.
- e. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
- f. Advertising signs, also known as billboards, as regulated by Article 17 of the Zoning Ordinance.

Discussion of Motion - Ms. Plumlee commended the neighbors for their effort in this decision. Mr. Penn commended the staff for their hard work.

Development Plan Action – A motion was made by Mr. Berkley, seconded by Ms. Richardson, and carried 7-1 (Plumlee opposed; Brewer and Drake absent) to approve PLN- MJDP-17-00046: JONES/COTTRELL PROPERTY, for the revised conditions provided by the staff with the addition of condition #13, as follows:

1. Provided the Urban County Council rezones the property B-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. Department of Environmental Quality's approval of environmentally sensitive areas.
6. Denote existing and proposed utility easements.
7. Adjust convenience store building to meet the minimum A-R setback (25' from a "more restrictive zone").
8. ~~Discuss~~ Revise proposed access to alignment with Rogers Road.
9. ~~Discuss~~ Resolve sanitary sewer access availability to this site at time of the final development plan.
10. ~~Discuss~~ Resolve Art. 18 buffer requirements adjacent to railroad and A-R zoned property at time of the final development plan.
11. ~~Discuss~~ Resolve anticipated subdivision of the property and compliance with the Land Subdivision Regulations access standards requirements at time of the final development plan.
12. ~~Discuss~~ Remove right-in/right-out access proposed to Paris Pike ~~and possible waiver~~.
13. Denote on the Preliminary Development plan:
 - a. The applicant shall submit an updated Traffic Impact Study at the time of the final development plan, which will address the appropriate infrastructure improvements and timing thereof for the cumulative effect of the development of this entire property.

3. COMPASS CAPITAL, LLC ZONING MAP AMENDMENT & SOUTH ELKHORN VILLAGE ZONING DEVELOPMENT PLAN

- a. PLN-MAR-17-00020: COMPASS CAPITAL, LLC (7/30/17)*- petition for a zone map amendment from a Neighborhood Business (B-1) zone to a Planned Shopping Center (B-6P) zone, for 5.78 net (7.58 gross) acres, for property located at 4379 Old Harrodsburg 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 Plan's 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.

The petitioner proposes a rezoning to the South Elkhorn Village neighborhood shopping center in order to facilitate increased signage and reduced parking requirements for the center. No physical changes to the subject property are planned, other than a new shopping center identification sign, by the petitioner.

The Zoning Committee Recommended: **Approval**.

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

1. The existing Neighborhood Business (B-1) zone is no longer appropriate, and the proposed Planned Shopping Center (B-6P) zone is appropriate for the subject property, for the following reasons:
 - a. The subject property meets the definition of a "neighborhood shopping center" as established in Article 12 of the Zoning Ordinance. It is greater than three acres in size and provides for the "sale of convenience goods ... and personal services."
 - b. The subject property's parking requirements can be standardized and the parcel can be utilized in a more efficient manner with the proposed B-6P zone.
 - c. Due to the property's topographic situation related to the nearby Harrodsburg Road, and due to the established development pattern, the B-6P zone and designation as a shopping center is more appropriate than the allowable collection of independent businesses possible in the existing B-1 zone.
2. This recommendation is made subject to the approval and certification of PLN-MJDP-17-00047: South Elkhorn Village, 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 prohibited uses and landscape buffers are recommended for the subject property via conditional zoning:
 - A. Landscape Buffers (in addition to the requirements of Article 18 of the Zoning Ordinance)
 - i. Along the northwestern and northeastern boundaries, a 20-foot wide landscape buffer shall be provided.
 - ii. Included within the buffer shall be an eight-foot (8') tall brick wall, except that the wall shall allow a fifty-foot (50') wide gap where Palmetto Drive adjoins the property.
 - iii. Included in the landscape buffer shall be evergreen trees planted 20-foot (20') on center along the northeastern boundary (shared A-U zone boundary).

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

B. Use Conditions

i. Lighting

- a. All outdoor lighting shall be directed downward and away from adjoining land that is residentially and agriculturally zoned; and the light source shall be shielded so as to prevent direct lighting of the adjoining Palomar Hills Subdivision or the historic South Elkhorn Christian Church.

ii. Prohibited Uses

- a. Self-service laundries or laundry pick-up stations
- b. Self-service car washes
- c. Trailer, truck and/or equipment rental
- d. Outdoor miniature golf or putting courses
- e. Circuses and carnivals
- f. Arcades, including pinball and electronic games
- g. Mining
- h. Automobile service stations, automobile and vehicle refueling station, and gasoline pumps available to the public without an employee on the premises
- i. Recycling drop-off centers
- j. Rehabilitation homes

The land use and buffering restrictions, most of which have been in existence for the past decade, are necessary and appropriate for the subject property in order to protect the adjoining residential area and historic church from the potential negative effects of more intensive non-residential uses on the subject property.

- b. PLN- MJDP-17-00047: SOUTH ELKHORN VILLAGE (7/30/17)* - located at 4401 Old Harrodsburg Road.
(EA Partners)

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

1. Provided the Urban County Council rezones the property B-6P; 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. Denote: No building permit shall be issued unless and until a final development plan is approved by the Planning Commission.
8. Denote height of buildings in feet, on plan.
9. Denote width of existing sidewalks.
10. Clarify whether existing trees will have protection measures, and what those will be.

Staff Zoning Presentation – Ms. Wade presented and summarized the staff report and recommendations for this zone change. She displayed several photographs of the subject property and the general area and said that the subject property is currently the South Elkhorn Village shopping center. This shopping center is on Old Harrodsburg Road, which is approximately 10 feet below the new Harrodsburg Road (US 68) that was built about 10 years ago. She said that the applicant believes that the proposed zone will benefit this property by allowing it to be utilized in a more efficient manner.

Ms. Wade said that the parking and sign allowances are different in the proposed zone. She said that the parking requirement is a flat ratio shared between all the shops in the center. The sign allowance is for one free-standing sign per shopping center in a B-6P zone, which also allows a larger sign, and one which could list the shopping center tenants.

Ms. Wade said that the applicant's justification states that this zone change is in agreement with the 2013 Comprehensive Plan, but the staff can't find that, without a physical change to the subject property, that there isn't any supporting documentation affecting this zone change request. However, the staff does agree with the applicant that the proposed zone would be more appropriate at this location.

Ms. Wade said that the applicant is willing to continue the conditional zoning restrictions that were put in place in 2006, and have also offered more restrictive limitations, for the subject property. She said that with the standardized parking, the shopping center will no longer need to lease parking from South Elkhorn Church. She concluded by saying that the staff is recommending approval of this zone change. She distributed a handout of the revised conditional zoning restrictions, as follows (changes in bold):

3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following prohibited uses and landscape buffers are recommended for the subject property via conditional zoning:
 - A. Landscape Buffers (in addition to the requirements of Article 18 of the Zoning Ordinance)

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- i. Along the northwestern and northeastern boundaries, a 20-foot wide landscape buffer shall be provided.
 - ii. Included within the buffer along the northwestern boundary with Palomar Hills Subdivision shall be an eight-foot (8') tall brick wall, except that the wall shall allow a fifty-foot (50') wide gap where Palmetto Drive adjoins the property.
 - iii. Included in the landscape buffer shall be evergreen trees planted 20-foot (20') on center along the northeastern boundary (shared A-U zone boundary).
- B. Use Conditions
- i. Lighting
 - a. All outdoor lighting shall be directed downward and away from adjoining land that is residentially and agriculturally zoned; and the light source shall be shielded so as to prevent direct lighting of the adjoining Palomar Hills Subdivision or the historic South Elkhorn Christian Church.
 - ii. Prohibited Uses
 - a. Self-service laundries or laundry pick-up stations
 - b. Self-service car washes
 - c. Trailer, truck and/or equipment rental
 - d. Outdoor miniature golf or putting courses
 - e. Circuses and carnivals
 - f. Arcades, including pinball and electronic games
 - g. Mining
 - h. Automobile service stations, automobile and vehicle refueling station, and gasoline pumps available to the public without an employee on the premises
 - i. Recycling drop-off centers
 - j. Rehabilitation homes

The land use and buffering restrictions, most of which have been in existence for the past decade, are necessary and appropriate for the subject property in order to protect the adjoining residential area and historic church from the potential negative effects of more intensive non-residential uses on the subject property.

Ms. Wade also said the South Elkhorn Church has been next door for 250 years and the staff doesn't believe that the property will be rezoned and redeveloped anytime soon. They should enjoy the same buffering requirements that are typical for most shopping centers. She said that the landscape buffers have been separated so that the wall that has been required along the Palomar subdivision will not be required along the church boundary. This wall had been requested by the Palomar subdivision in 2006, is already in place and is currently only required along the northwestern boundary of the subject property.

Development Plan Presentation – Mr. Bronczyk presented the staff report on the 4th amended Development Plan associated with this zone change. He said that there are no physical changes being proposed to the site. He said that most of the conditions are related to standard sign-offs. He said that the height of each building should be denoted in feet as well as the dimensions of all the sidewalks. He said that to be in compliance with Article 26, the staff needs clarification of the protection measures intended for the existing trees.

Petitioner Presentation – Jacob Walbourn, attorney, was present representing the petitioner. He said the applicant is in agreement with the staff's recommendations. He said the grade difference of the shopping center to US 68 is a disadvantage to the shopping center. The applicant believes that this zone change will help make their development more visible and viable. He said that the applicant would like to deploy tenant panels on their signage instead of more wall signs.

Mr. Walbourn also said that the applicant is in agreement with the conditional zoning restrictions proposed. He said that the applicant is currently leasing parking from South Elkhorn Church, which is highly underutilized. Under the proposed zone, all of the parking requirements will be met on their own property.

Commission Question – Ms. Plumlee asked for verification of the brick wall. Mr. Walbourn said that the brick wall that was requested by the neighborhood association was installed years ago. He said that they don't want the wall to extend to the church property line, as they don't believe it is necessary for buffering purposes. He said that the applicant is in agreement with the revised staff's recommendation for conditional zoning restrictions, and they will install a new landscape buffer.

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

Zoning Action – A motion was made by Mr. Owens, seconded by Ms. Richardson, and carried 8-0 (Brewer and Drake absent) to approve PLN-MAR-17-00020: COMPASS CAPITAL, LLC, for the reasons provided by the staff along with the staff's revised recommendation for conditional zoning restrictions.

Development Plan Action – A motion was made by Mr. Owens, seconded by Ms. Richardson, and carried 8-0 (Brewer and Drake absent) to approve PLN- MJDP-17-00047: SOUTH ELKHORN VILLAGE, for the reasons provided by the staff.

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C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

1. **ZOTA 2017-4 & SRA 2017-2: DIVISION OF ENVIRONMENTAL SERVICES – COMMERCIAL LANDSCAPE EXAMINER** – petition for a Zoning Ordinance text amendment to Articles 5, 8-1, 18, and 26 of the Zoning Ordinance, as well as Article 6-10 of the Land Subdivision Regulations to allow the LFUCG Division of Environmental Services to assume the duties of the former Landscape Examiner in the Division of Building Inspection.

REQUESTED BY: Urban County Planning Commission

PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: **Approval.**

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

1. The proposed text amendments will update the Zoning Ordinance and Land Subdivision Regulations to accurately reflect organizational changes made within the Urban County Government.
2. These changes will ensure more experienced and qualified personnel within the Urban County Government are assigned to monitor and inspect landscape material throughout the community. Adequate enforcement will also ensure that the existing tree canopy on developed land is not diminished.

Staff Zoning Presentation – Ms. Wade presented and summarized the staff report and recommendations for this text amendment. She said this is a request made by the Division of Environmental Services, for changes to the Zoning Ordinance and Land Subdivision Regulations to enable them to transfer responsibility for the Landscape Examiner position mentioned in the Ordinance from the Division of Building Inspection to the Division of Environmental Services. She said that this change has already occurred in terms of the LFUCG organization, as a new employee has been hired to assume these duties in Environmental Services.

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

Discussion – There was none.

Action – A motion was made by Mr. Penn, seconded by Ms. Plumlee, and carried 8-0 (Brewer and Drake absent) to approve **ZOTA 2017-4 & SRA 2017-2: DIVISION OF ENVIRONMENTAL SERVICES – COMMERCIAL LANDSCAPE EXAMINER**, for the reasons provided by the staff.

D. EARLY REHEARING REQUEST

1. **EFR 2017-1: ATCHISON HELLER CONSTRUCTION, LLC** – early rehearing request for a zone change from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 11.37 net (11.76 gross) acres, and from a Townhouse Residential (R-1T) zone to a Planned Neighborhood Residential (R-3) zone, for 0.13 net (0.25 gross) acre, for properties located at 2311 Armstrong Mill Road and 3539 Kenesaw Drive.

Zone Change: From: Agricultural Urban (A-U) and Townhouse Residential (R-1T) zones
(If EFR is granted) To: Planned Neighborhood Residential (R-3) zone

Acreage: 11.37 net (11.76 gross) acres and 0.13 net (0.25 gross) acre

Location: 2311 Armstrong Mill Road and 3539 Kenesaw Drive

Related Case: PLN-MAR 17-00002: ATCHISON HELLER CONSTRUCTION, LLC

Past Action: The Planning Commission recommended disapproval of a zone change request from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone and from a Townhouse Residential (R-1T) zone to a Planned Neighborhood Residential (R-3) zone on March 23, 2017. (Withdrawn by applicant prior to Council meeting).

The Zoning Committee Recommended: **Approval.**

The Staff Recommended: **Approval,** for the following reason:

1. The applicant has made effort to address the staff's and the Planning Commission's previous concerns regarding the future development of the property. A single, private street is now proposed to provide access to townhouse and single family residential uses planned for the subject site, and open space and tree preservation is still envisioned for the site.

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2. Although the number of residential dwelling units originally proposed has been reduced slightly by the applicant, a cul-de-sac from Beringer Drive is now proposed to terminate that public street, and allow service vehicles to maneuver properly across the subject property from the existing Summerhill subdivision.
3. A multi-use trail is now proposed along a 100' wide open space along an intermittent stream, which is different from the previous proposal associated with the prior zone change on this site.
4. These, taken together, constitute enough of a change that might have altered the outcome of the prior rezoning request, had they been previously proposed by the petitioner.

Staff Presentation – Mr. Sallee presented and summarized the staff report for this early rehearing request. The Planning Commission's bylaws require an applicant to wait at least one year before filing any zone change on the same property previously denied for rezoning. The zone change for the previous case involving this site was denied on March of 2017. He said that the applicant is seeking permission to file a new zone change on the property. The staff has reviewed what is different on the new application than on the previous one and believes there are sufficient changes to allow an early rehearing of this case to proceed.

Petitioner Presentation – Jacob Walbourn, attorney, was present representing the petitioner. He said that the applicant is in agreement with the staff's recommendation. He appreciated the staff's favorable consideration of their request.

Commission Comments – Mr. Penn said that one year requirement is in place for a reason - to create a workable condition between the staff and applicant. He said that he believes that the new information presented today would have made a difference previously.

Mr. Owens suggested that the applicant continue to communicate and work with the staff to work out details prior to the Planning Commission hearing.

Ms. Mundy said that the Planning Commission is here for applicants and their representatives to learn from, and for the staff to relay what the Planning Commission is looking for to applicants.

Citizen Comments – Allen Moore, Vice President of Vineyard Neighborhood Association, was present. He said the association still has concerns and issues that were brought before the Planning Commission and the staff that have not been addressed. He said the association would like to ask the Planning Commission to consider their early rehearing very carefully because this decision will set a precedent for future applicants that will be able to use to their advantage. He is also concerned about the traffic that travels across Kenesaw Drive and Armstrong Mill will opt to go back through the neighborhood to Springfield Drive.

Petitioner Rebuttal - Mr. Walbourn said he and the applicant would be willing to meet with Mr. Moore to discuss these issues. He said that they are here today to ask for an early rehearing request and that some of these concerns are definitely valid and will be addressed in the future.

Citizen Rebuttal – Mr. Moore said that he didn't specifically name the issue that the neighborhood has concern about and the reason for that is that his first comment/question was omitted from the Commission's March minutes. He said that he will mention it if necessary and it will be a sensitive subject.

Staff Rebuttal and Comments – The staff offered no rebuttal at this time.

Mr. Duncan stated, for the record, that the staff's feelings were not hurt on this previous case; they get disappointed sometimes, delighted sometimes, and even surprised sometimes but don't have hurt feelings. He said that the staff doesn't respond to applicants and applications with hurt feelings.

Action – A motion was made by Mr. Owens, seconded by Mr. Cravens, and carried 8-0 (Brewer and Drake absent) to approve EFR 2017-1: ATCHISON HELLER CONSTRUCTION, LLC, for the reasons provided by the staff.

VI. COMMISSION ITEMS – No such items were presented.

VII. STAFF ITEMS – Mr. Duncan reminded the Planning Commission of the Work Session scheduled for next Thursday, June 29, 2017, in the 3rd Floor, Conference Room of the Phoenix Building. He said that it will involve continuation of the Comprehensive Plan and the report from the Nominating Committee will also be available.

VIII. AUDIENCE ITEMS – No such items were presented.

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IX. MEETING DATES FOR July 2017

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	July	6, 2017
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	July	6, 2017
Subdivision and ND-1 Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	July	13, 2017
Work Session, Thursday, 1:30 p.m., 1:30 p.m., 2nd Floor Council Chambers.....	July	20, 2017
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	July	26, 2017
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	July	27, 2017

X. ADJOURNMENT - There being no further business, Chairman Wilson declared the meeting adjourned at 7:30 p.m.

William Wilson, Chair

Carolyn Plumlee, Secretary

TLW/TM/WLS/dw

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