

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

August 10, 2017

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

Planning Commission members present – Will Berkley; Patrick Brewer; Mike Cravens; Larry Forester; Karen Mundy; Carolyn Plumlee and Carolyn Richardson. Headley Bell; Mike Owens; Frank Penn and Bill Wilson were absent.

Planning Staff members present – Jim Duncan, Traci Wade; Tom Martin; Denice Bullock; Chris Bronczyk and Cheryl Gallt. Other staff members in attendance were: Vaughan Adkins, Division of Engineering; Kristan Curry, Division of Environmental Quality; Tim Queary, Environmental Policy; Casey Kaucher, Division of Traffic Engineering; Captain Greg Lengal, Division of Fire and Emergency Services; & Andrea Brown and Tracy Jones, Department of Law.

- II. **APPROVAL OF MINUTES** – The minutes of the July 13, 2017, meeting were not considered by the Planning Commission at this time.

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

- a. **PLN-MJDP-17-00061: THE PENINSULA & SQUIRES APARTMENTS (AMD)** (9/3/17)* - located at 440, 478 and 480 Squires Road. (Council District 7) **(EA Partners)**

Note: The Planning Commission postponed this item at their July 13, 2017, meeting. The purpose of this amendment is to replace 53 townhomes with apartments, and to develop a new subdivision.

The Subdivision Committee Recommends: **Postponement**, due to the remaining discussion items.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. Revise "existing tree canopy" information to include conditional zoning buffer areas, and cross-hatch those areas.
13. Denote H.O.A. maintenance of clubhouse area and "view to water" lot proposed (Lot 164).
14. Label proposed stormwater basin locations on plan (per Art. 21-6(a)(9) of the Zoning Ordinance).
15. Denote BOA approval of conditional use permit for clubhouse/private club.
16. Discuss timing and legal structure of providing access to Squires Road for single family homes.
17. Discuss timing of creation of 20-acre school site.

Representation present – Nick Nicholson, attorney, requested a one-month postponement.

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

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 7-0 (Bell, Owens, Penn and Wilson absent) to postpone **PLN-MJDP-17-00061: THE PENINSULA & SQUIRES APARTMENTS (AMD)** to the September 14, 2017, Commission's meeting.

- b. **PLN-MJDP-17-00073: LIBERTY HEIGHTS SUBDIVISION, BLOCK A (A PORTION OF LOTS 1, 2 & 3 AND ALL OF LOT 4) (CATLETT, HAMPTON, GRIFFITH PROPERTIES, INC.)** (10/1/17)* - located at 780 Winchester Road. (Council District 5) **(EA Partners)**

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

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.

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

5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. Correct plan title.
12. Dimension typical parking spaces and drive aisles.
13. Denote height of building and building addition in feet on plan.
14. Clarify contour line numbering & information (including intervals).
15. Revise off-street parking areas to comply with Article 18-2(c) of the Zoning Ordinance or denote landscape variance approved by the Board of Adjustment, on plan.
16. Addition of Tree Canopy information on plan, or denote Planning Commission approval of a waiver, under Article 26 requirements.
17. Resolve whether or not this development can satisfy all the Adaptive Re-use Project requirements.
18. Resolve location and type of public art display on the property.
19. Provided the Planning Commission makes a finding the plan meets the criteria for an Adaptive Re-use Project.

Representation present – Rory Kahly, EA Partner's, requested a two-week postponement.

Staff Comments – Ms. Wade explained that the August 24th docket had several items to be presented and suggested that this item be postponed for one-month. Mr. Cravens asked if the applicant was in agreement. Mr. Kahly replied affirmatively.

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

Action - A motion was made by Ms. Mundy, seconded by Ms. Plumlee and carried 7-0 (Bell, Owens, Penn and Wilson absent) to postpone **PLN-MJDP-17-00073: LIBERTY HEIGHTS SUBDIVISION, BLOCK A (A PORTION OF LOTS 1, 2 & 3 AND ALL OF LOT 4) (CATLETT, HAMPTON, GRIFFITH PROPERTIES, INC.)** to the September 14, 2017, Commission's meeting.

- c. **PLN-MJSUB-17-00045: DENTON FARMS, INC. UNIT 2, LOT 2 & A PORTION OF LOT 3 (AMD) (10/1/17)*** - located at 3935 Tatton Park. (Council District 7) **(John Hill L.S)**

Note: The purpose of this amendment is to subdivide tract 3 into 12 lots (10 buildable).

The Subdivision Committee Recommended: Postponement. There were concerns regarding the traffic issues on Ellerslie Place at its intersection with Richmond Road.

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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Denote location of detention.
9. Denote HOA maintenance responsibility for non-buildable lots on plan.
10. Correct purpose of amendment note.
11. Denote building line for Lots 21 and 22.
12. Denote exactions to the approval of the Division of Planning.

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant's representative, requesting a one-month postponement.

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

Action - A motion was made by Ms. Richardson, seconded by Mr. Brewer and carried 7-0 (Bell, Owens, Penn and Wilson absent) to postpone **PLN-MJSUB-17-00045: DENTON FARMS, INC. UNIT 2, LOT 2 & A PORTION OF LOT 3 (AMD)** to the September 14, 2017, Commission's meeting.

- d. **PLN-MJSUB-17-00048: THE GARDEN OF HARTLAND, UNIT 3 (AMD) (10/1/17)*** - located at 5116 Ivybridge Drive. (Council District 12) **(Wes Witt)**

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

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

The Subdivision Committee Recommended: **Postponement**. There are some questions regarding the ability to provide sanitary sewer service to a proposed new lot.

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. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
8. Document release of Ashland Oil easement.
9. Denote monument information, per Art. 6 of the Land Subdivision Regulations.
10. Provided the Planning Commission grants a waiver of the required lot frontage.
11. Discuss provision of sanitary sewer service to Lots 5116 and 5121.
12. Discuss engineer's certification.
13. Discuss Urban County Engineers certification.
14. Discuss the need for Improvement Plan(s).

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant's representative, requesting a one-month postponement.

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

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 7-0 (Bell, Owens, Penn and Wilson absent) to postpone **PLN-MJSUB-17-00048: THE GARDEN OF HARTLAND, UNIT 3 (AMD)** to the September 14, 2017, Commission's meeting.

- e. **PLN-MJSUB-17-00049: THE TOWNHOMES AT JEFFERSON STREET (WEST JEFFERSON PLACE LOT 2 AND PRESTON SUBDIVISION LOTS 19 AND 20) (AMD)** (10/1/17)* - located at 500 and 508 Maryland Avenue.
(Council District 2) **(Endris Engineering)**

Note: The purpose of this amendment is to subdivide two lots into 17 lots.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Denote: This property shall be developed in accordance with the approved final development plan.
8. Denote conditional zoning restrictions.
9. Denote number of street trees per lot on Maryland Avenue.
10. Denote required open space per lot per R-1T zone requirements.
11. Addition of access easement maintenance note on plan, per the Land Subdivision Regulations.
12. Clearly delineate reciprocal parking and access easement on Lots 20-R and 20-S.
13. Denote 10' rear yard setback on lots per Planning Commission action on December 17, 2015.
14. Complete tree canopy information.
15. Addition of north arrow on plan.
16. Resolve front yards proposed from Maryland Avenue or document approved variance.

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant's representative, requesting a one-month postponement.

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

Action - A motion was made by Ms. Mundy, seconded by Mr. Forester and carried 7-0 (Bell, Owens, Penn and Wilson absent) to postpone **PLN-MJSUB-17-00049: THE TOWNHOMES AT JEFFERSON STREET (WEST JEFFERSON PLACE LOT 2 AND PRESTON SUBDIVISION LOTS 19 AND 20) (AMD)** to the September 14, 2017, Commission's meeting.

- f. **PLN-MJDP-17-00058: HENRY CLAY SUBDIVISION (DOLLY LAND CO, LLC) (ADAPTIVE REUSE PROJECT)** (9/3/17)* - located at 1400 Delaware Avenue. (Council District 5) **(MLH Civil Engineers)**

Note: The Planning Commission postponed this item at their July 13, 2017, meeting. This plan requires the posting of a sign and an affidavit of such.

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The Subdivision Committee Recommended: Postponement. As submitted, this development plan does not meet the requirements of the Adaptive Re-use criteria in Article 8-21(o)(4) of the Zoning Ordinance. A rezoning of the site may be required.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Correct plan title to include "Henry Clay Subdivision."
11. Addition of topography information at 5' interval.
12. Addition of driveways across the street.
13. Addition of construction access point on plan.
14. Addition of location for street cross-section on plan face.
15. Dimension drive isles and sidewalks on plan.
16. Dimension seating and area of outdoor patio on plan.
17. Addition of street frontage in site statistics.
18. Clarify grass and plantings between parking lot and public street sidewalk.
19. Clarify pedestrian/vehicular uses and areas in front and along southern wall of existing buildings and along rear of patio area.
20. Revise plan to include use/open space east of parking lot.
21. Revise vicinity sketch (relocate "Delaware" label for clarity) and add "Downtown" Lexington.
22. Addition of use of existing building and revise parking accordingly.
23. Provided the Planning Commission makes a finding that the development plan meets the requirements of the Adaptive Re-use Project.

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant's representative, requesting a one-month postponement.

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

Action - A motion was made by Mr. Brewer, seconded by Ms. Plumlee and carried 7-0 (Bell, Owens, Penn and Wilson absent) to postpone **PLN-MJDP-17-00058: HENRY CLAY SUBDIVISION (DOLLY LAND CO, LLC) (ADAPTIVE REUSE PROJECT)** to the September 14, 2017, Commission's meeting.

- g. **PLN-MJDP-17-00067: WAGON WHEEL, UNIT 3 (CHARTER RIDGE) (RIDGE BEHAVIORAL HEALTH SYSTEM) (AMD) (10/1/17)* - located at 3050 Rio Dosa Drive. (Council District 7) (The Drafting Board, Inc.)**

Note: The purpose of this amendment is to add buildable floor area to a site maintenance structure.

The Subdivision Committee Recommended: Postponement. There were questions regarding the area of amendment not meeting the requirements of Article 21 of the Zoning Ordinance, and missing information.

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. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
6. Division of Waste Management's approval of refuse collection locations.
7. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
8. Correct development plan type to reflect an "amendment" and identify the "area of amendment" on this site.
9. Addition of written and graphic scale.
10. Addition of record plat designation for amended property (Cab. D, SI 291) and adjacent property.
11. Clarify contour intervals (at 2') in area of amendment.
12. Dimension access, driveways and parking in area of amendment.
13. Dimension all walkways in the area of amendment.

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

14. Denote location of construction access on plan.
15. Improve legibility of street cross-section information.
16. Denote height of building in feet on plan, in the area of amendment.
17. Identify any proposed and existing easements on plan.
18. Remove note for "addition existing items..."
19. Addition of street frontage in site statistics for Man o' War Boulevard, Rio Dosa Drive and Locust Hill Drive.
20. Addition of north arrow.

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant's representative, requesting a one-month postponement.

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

Action - A motion was made by Ms. Plumlee, seconded by Ms. Richardson and carried 7-0 (Bell, Owens, Penn and Wilson absent) to postpone **PLN-MJDP-17-00067: WAGON WHEEL, UNIT 3 (CHARTER RIDGE) (RIDGE BEHAVIORAL HEALTH SYSTEM) (AMD)** to the September 14, 2017, Commission's meeting.

- h. **PLN-MJDP-17-00070: ZANDALE SHOPPING CENTER & GREENLEAF MOTOR LODGE PROPERTIES (AMD) (10/1/17)* - located at 2280 Nicholasville Road. (Council District 4) (Brandstetter Carrol)**

Note: The purpose of this amendment is to remove the note restricting the drive-through lane for a fast food restaurant and to relocate the dumpster and drive-through lane.

The Subdivision Committee Recommended: Postponement. There were some questions regarding the public safety benefit of moving the approved location of the proposed drive-through lane along Zandale Drive.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Division of Waste Management's approval of refuse collection locations.
8. Identify boundaries of property with bold, solid lines and adjacent property with dashed lines.
9. Clarify area of amendment on vicinity map.
10. Labeled height of contours on plan.
11. Dimension access points, sidewalks and drive aisles on plan.
12. Dimension all buildings on plan.
13. Denote height of building in feet on plan.
14. Addition of street frontage in site statistics for Zandale Drive, Nicholasville Road and Lowry Lane.
15. Addition of record plat designation.
16. Discuss proposed drive-through use and location near access point to Lowry Lane.
17. Discuss proposed dumpster location next to transformer and utility easement.
18. Discuss outside patio area and any proposed seating.
19. Discuss additions to internal pedestrian system.
20. Discuss proposed use in tenant space.
21. Discuss vehicular stacking area for proposed drive-through.

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant's representative, requesting a one-month postponement.

Citizen Comments – Barbara Grinnell, resident of the Zandale Neighborhood Association was in agreement with the postponement of this plan.

Action - A motion was made by Ms. Richardson, seconded by Ms. Plumlee and carried 7-0 (Bell, Owens, Penn and Wilson absent) to postpone **PLN-MJDP-17-00070: ZANDALE SHOPPING CENTER & GREENLEAF MOTOR LODGE PROPERTIES (AMD)** to the September 14, 2017, Commission's meeting.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, August 3, 2017 at 8:30 a.m. The meeting was attended by Commission members: Frank Penn, Karen Mundy, Carolyn Plumlee, Will Berkley and Mike Owens. Committee members in attendance were: Vaughan Adkins, Division of Engineering; and Steve Parker, Division of Traffic Engineering. Staff members in attendance were: Traci Wade; Tom Martin; Cheryl Gallt; Denice Bullock; Chris Bronczyk; Lieutenant Joshua Thiel, Division of Fire & Emergency Services; Andrea Brown and Tracy Jones, Department of Law. The Committee made recommendations on plans as noted.

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

General Notes

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

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

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

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

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

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

Ms. Wade noted that PLN-MJDP-17-00049 was previously postponed and removed from the Consent Agenda. She then announced the following agenda items appearing on the Consent Agenda:

1. PLN-MJSUB-17-00044: BLUEBERRY HILL SUBDIVISION, UNIT 1-M, LOT 37 & UNIT 1-N, LOT 17, SOUTHERN ACRES CHRISTIAN CHURCH PROPERTY (AMD) (10/1/17)* - located at 301 Harvard Drive.
(Council District 4) **(John Hill L.S)**

Note: The purpose of this amendment is to subdivide Lot 17 into two lots, and revise the building line.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection area(s) and required street tree information.
 6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 7. Continue R-1C/R-1D zoning boundary information across the rear of Lot 37.
 8. Denote Board of Adjustment case (conditional use permit) involving Lot 17.
 9. Correct title block information.
 10. Increase font size of survey notes, certifications and utility providers on plan.
 11. Denote drainage maintenance note on plan.
 12. Revise 25' building line on Lot 37 to a minimum of 30'.
2. PLN-MJSUB-17-00046: HILLENMEYER PROPERTY, WEST, UNIT 3, SECTION C (AMD) (10/1/17)* - located at 2801 Sandersville Road. (Council District 12)
(Hall-Harmon Engineers, Inc.)

Note: The purpose of this amendment is to create 19 lots.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection area(s) and required street tree information.
 6. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 8. Clarify area of amendment on vicinity map.
 9. Increase font size for required notes, site statistics and certifications.
3. PLN-MJSUB-17-00047: HILLENMEYER PROPERTY, WEST, UNIT 3, SECTION D (AMD) (10/1/17)* - located at 2801 Sandersville Road. (Council District 12)
(Hall-Harmon Engineers, Inc.)

Note: The purpose of this amendment is to create 20 lots.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.

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2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection area(s) and required street tree information.
 6. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer
 8. Denote: Lot 143 shall be developed in accordance with the approved final development plan.
 9. Addition of listing of private utilities per the Land Subdivision Regulations.
 10. Increase font size for the required notes, site statistics and certifications.
4. PLN-MJSUB-16-00004: LEXMARK INTERNATIONAL, INC. (10/17/17)* - located at 740 W. New Circle Road.
(Council District 1) **(EA Partners)**

Note: The Planning Commission originally approved this plan on August 11, 2016, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s).
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. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. Dimension known width of all easements.
12. Denote required building lines on plat, per Article 6-4(c).
13. Denote 25' floodplain building setback.
14. Denote control monument information, per Article 6 requirements.
15. Denote adjacent property information, per Article 5-4(d)(l).
16. Addition of any tree protection areas, per development plan.
17. Clarify access to New Circle Road and Newtown Pike to include the access easement.
18. Approval of the Royal Spring Aquifer Committee prior to certification.

Note: Planning Commission approval will expire on August 11th. The applicant now requests a one-year extension of the Commission's previous approval.

The Subdivision Committee Recommended: **Approval of a one-year extension**, subject to the original conditions previously approved by the Planning Commission on August 11, 2016.

5. PLN-MJDP-17-00066: ALL ABOUT KIDS DAYCARE (10/1/17)* - located at 3280 Clays Mill Road.
(Council District 9) **(McGill, Smith & Punshon, Inc.)**

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree preservation plan.
 6. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 9. Division of Waste Management's approval of refuse collection locations.
 10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 11. Correct orientation of "one-way" label in parking lot.
6. PLN-MJDP-17-00069: HOPE CENTER PROPERTY (PALUMBO PROPERTY, LOT 1) (AMD) (10/1/17)* - located at 298 W. Loudon Avenue. (Council District 1) **(Palmer Engineering)**

Note: The purpose of this amendment is the addition of a rehabilitation home.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.

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2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree preservation plan.
 6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 8. Division of Waste Management's approval of refuse collection locations.
 9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 10. Denote review by the Royal Springs Aquifer Committee prior to certification.
 11. Denote existing conditional zoning restrictions and Planning Commission approval of conditional use (MARC 2005-46).
 12. Provided the BOA approves the expansion of the conditional use.
7. PLN-MJDP-17-00071: FEARS PROPERTY, UNIT 2, LOTS 2 & 3 (AMD) (10/1/17)* - located at 3600 Brookewind Way.
(Council District 7) **(EA Partners)**

Note: The purpose of this amendment is to add a 20'x40' storage building.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree preservation plan.
 6. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 9. Division of Waste Management's approval of refuse collection locations.
 10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 11. Clarify topography contours numbers and intervals.
 12. Denote height of building in feet on plan.
 13. Denote width of sidewalks on plan.
 14. Dimension pool area and tennis court on plan.
 15. Denote typical parking spaces.
8. PLN-MJDP-17-00074: JAMES PROPERTY, LOT 3 (AMD) (10/1/17)* - located at 3024 Blake James Drive.
(Council District 7) **(Carman and Associates)**

Note: The purpose of this amendment is to designate Lot 3 as a Flex-Space Project.

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

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. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 6. Division of Waste Management's approval of refuse collection locations.
 7. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 8. Correct owner's signature line to reflect Lot 3, not Lot 2.
 9. Provided the Planning Commission approves the necessary finding for a Flex-Space Project.
9. PLN-MJDP-17-00078: TURNER PROPERTY 2, LLC (AMTECK UNIVERSITY) (10/1/17)* - located at 1387 E New Circle Road. (Council District 7) **(Banks Engineers)**

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

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

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

7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 8. Division of Waste Management's approval of refuse collection locations.
 9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 10. Denote height of building in feet on plan.
 11. Denote floor area ratio and lot coverage, per the requirements of Article 21 of the Zoning Ordinance.
 12. Delete zoning requirements for I-1.
 13. Certification of minor easement and consolidation plan prior to development plan certification.
10. PLN-MJDP-17-00079: BLUEGRASS EXECUTIVE PARK, UNIT 1-B, BLK F, LOT 4B (RAINMAKER HOSPITALITY OFFICE BUILDING) (AMD) (10/1/17)* - located at 2196 Thunderstick Drive.
(Council District 6) (MLH Civil Engineers)

Note: The purpose of this amendment is to revise the building and parking layout on this lot.

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

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. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 8. Division of Waste Management's approval of refuse collection locations.
 9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 10. Addition of all missing information from previous development plan (DP 2006-83), including other structures and adjacent property (2220 & 2240 Executive Drive).
11. PLN-MJDP-16-00003: LEXMARK INTERNATIONAL, INC. (10/17/17)* - located at 740 W. New Circle Road.
(Council District 1) (EA Partners)

Note: The Planning Commission originally approved this plan on August 11, 2016, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. 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. Denote width of all easements.
13. Addition of floor area, lot coverage, and building height, per Article 21 requirements.
14. Denote use of existing building and clarify utility sub-station owner/user.
15. Denote "1.6 acres landscape material" location(s) on plan, as part of the Tree Protection Plan.
16. Denote the Royal Spring Aquifer Committee approval prior to plan certification.
17. Denote: There shall be no permits issued for the proposed parking in the A-U zone until such time as a zone change is approved.
18. Denote that any future redevelopment of this property shall be reviewed for compliance with the recommendations in the Winburn Small Area Plan.
19. Resolve parking and vehicular use areas from the "Permanent Legacy Trail Easement" areas, prior to certification.

Note: Planning Commission approval will expire on August 11th. The applicant now requests a one-year extension of the Commission's previous approval.

The Subdivision Committee Recommended: **Approval of a one-year extension**, subject to the original condition previously approved by the Planning Commission on August 11, 2016.

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

Ms. Wade said that PLN-MJDP-17-00074: JAMES PROPERTY, LOT 3 (AMD) does require the Planning Commission to approve the necessary finding for a Flex-Space Project.

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

Commission member and/or audience members requesting full discussion – Mr. Brewer said that due to his relationship with several items listed on the Consent Agenda, he would be abstaining from voting.

Action - A motion was made by Ms. Mundy, seconded by Ms. Plumlee and carried 7-0 (Brewer abstained; Bell, Owens, Penn and Wilson absent) to approve the items listed on the Consent Agenda, as recommended by the Subdivision Committee and the staff.

Mr. Murphy asked if the findings for PLN-MJDP-17-00074 were included in the motion. Mr. Cravens replied affirmatively.

B. DISCUSSION ITEMS – Following requests for postponement, withdrawal and no discussion items, the remaining items will be considered.

The procedure for these hearings is as follows:

- Staff Report(s), including subcommittee reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) proponents (10 minute maximum OR 3 minutes each)
 - (b) objectors (30 minute maximum OR 3 minutes each)
- Rebuttal & Closing Statements
 - (a) petitioner's comments (5 minute maximum)
 - (b) citizen objectors (5 minute maximum)
 - (c) staff comments (5 minute maximum)
- Commission discusses and/or votes on the plan.

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the meeting. The Chair will announce his/her decision at the outset of the hearing.

1. FINAL SUBDIVISION PLANS

- a. PLN-MJSUB-17-00051 (AKA: PLAN 2003-9P): SEBASTIAN PROPERTY, UNIT 2, SEC. 2 & UNIT 3 (10/31/17)* -
located off Leestown Road. (Council District 2) **(EA Partners)**

Note: The Planning Commission originally approved this plan on February 13, 2003, and granted a one-year extension on February 12, 2004, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Urban Forester's approval of tree preservation plan.
5. Greenspace Planner's approval of the treatment of greenways/bike trails.
6. Environmental Planner's approval of treatment of possible sinkhole areas.
7. Correct note No. 8.
8. Revise Lot 202 to meet minimum lot requirements for R-1D zone.
9. Resolve treatment of detention basins prior to plan certification.

Note: On September 13, 2012, the Planning Commission reapproved this plan, subject to the original conditions approved on February 12, 2004, revising the following conditions:

3. Building Inspection's approval of landscaping ~~and required street tree information.~~
4. Urban Forester's approval of tree preservation plan and required street tree information.

This plan was certified on August 31, 2004, but its approval has since expired. The applicant now requests a one-year extension of the plan.

The Staff Recommends: **Approval of a one-year extension**, subject to the approved on September 13, 2012, adding the following condition:

10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.

Staff Presentation – Mr. Martin presented the staff's report on the Final Record Plat, which included the recommendations as noted on today's agenda.

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

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

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

Action - A motion was made by Ms. Richardson, seconded by Mr. Brewer and carried 7-0 (Bell, Owens, Penn and Wilson absent) to approve a one-year extension for **PLN-MJSUB-17-00051 (AKA: PLAN 2003-9P): SEBASTIAN PROPERTY, UNIT 2, SEC. 2 & UNIT 3**, as recommended by the staff.

2. **DEVELOPMENT PLANS**

- a. **PLN-MJDP-17-00042: RML-CITATION (HILLENMEYER INTEREST, LTD.) (8/10/17)* - located at 2551 Leestown Road. (Council District 2)** **(Vision Engineering)**

Note: The Planning Commission postponed this item at their May 11, 2017; June 8, 2017; June 22, 2017 and July 27, 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.

Staff Presentation – Ms. Gallt presented the staff's report on the Final Development Plan, which included the following revised recommendation:

The Staff Recommends: **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 Label zoning on adjacent property.
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.
12. 16. Discuss the need for Denote the timing for installation of a signal at the intersection of Sandersville Road and Citation Boulevard.

Representation – Matt Carter, Vision Engineering, indicated that the applicant was in agreement with the staff's revised recommendation, and requested approval.

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

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

Action - A motion was made by Mr. Fosterer, seconded by Ms. Mundy and carried 7-0 (Bell, Owens, Penn and Wilson absent) to approve **PLN-MJDP-17-00042: RML-CITATION (HILLENMEYER INTEREST, LTD.)**, as recommended by the staff.

- b. **PLN-MJDP-17-00060: SUNNY SLOPE FARM, UNIT 1-A (9/3/17)* - located at 3765 Winthrop Drive. (Council District 9) (EA Partners)**

Note: The Planning Commission postponed this item at their July 13, 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. 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. Denote purpose of amendment.
13. Clarify (and label) tree protection area(s) on plan.
14. Provided the Planning Commission grants a waiver to Article 6-8(b) and 6-8(f) of the Land Subdivision Regulations.

Staff Presentation – Mr. Bronczyk presented the staff's report on the Final Development Plan, which included the recommendations, as noted on today's agenda.

Mr. Martin indicated that the staff had distributed an email correspondence from a concerned resident regarding this proposed development.

Mr. Martin then presented the Staff Report and Findings for a Waiver of Land Subdivision Regulations for Article 6-8(b) and 6-8(f) of the Land Subdivision Regulations, which governs street continuation and cul-de-sacs respectively. (A copy of the Petition for a Waiver of Land Subdivision Regulations is attached as an appendix to these minutes).

The Staff Recommended: Approval of the requested waiver to Article 6-8(b) & (f), for the following reasons:

1. The requested waiver will have no negative impact on public safety to vehicles or pedestrians, which is consistent with the basic intent of the Land Subdivision Regulations.
2. The extension of the street and construction of a cul-de-sac would constitute a hardship for the applicant and could negatively impact an existing stormwater management facility.

Representation – Jacob Walbourn, attorney, indicated that the applicant was in agreement with the staff's recommendation, including the staff recommendation on the waiver report, and requested approval.

Commission Questions – Ms. Plumlee asked if the applicant was willing to maintain the vegetation along Waveland Museum Lane. Mr. Walbourn explained that Waveland Museum Lane has been proposed to be closed to vehicular traffic and the road would be used as a multi-use trail. The Waveland Museum Lane right-of-way, as well as the tree line along the front part of the property will be maintained. To the rear, a large amount of the property is located in the floodplain, and with the exception of removing unwanted shrubs and downed trees, that area would not be disturbed. He ensured that the floodplain regulations would be followed.

Citizen Comments – Keith McMunn, residing at 3872 Scarlet Oak Lane, was present representing the homeowners along Scarlet Oak Lane. He presented a few photographs of Waveland Museum Lane and the surrounding area, and explained that their concern with this development is the lack of privacy that they will have once the 35' tall apartment building is built. They were also concern with the loss of natural landscape buffer and trees that shield their backyards from the Waveland Museum Lane. He added that the residents of this area are committed and they would hope that the applicant has the existing residents in mind.

Tim Neese, residing at 3769 Winthrop Drive, was present. He indicated that he has the same concerns that were voiced by Mr. McMunn. He said that he was under the impression that the subject property was to remain vacant due to the floodplain. The subject property is a nice piece of land that could provide a benefit to the neighborhood. He expressed that there are already enough apartment complexes in the area, and building anything on this site would be a terrible move for the neighborhood. He believed that if more residents within this area knew about this proposal, then more people would have attended today's meeting.

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

Shannon McDaniel, residing at 3841 Everetts Dale, was present. It was his understanding that the subject property was within a floodplain; and, at one point, the land was proposed to be a park. However, since the land is in the floodplain, that a neighborhood park was not possible. Now, the applicant is proposing an apartment building, and he asked if the applicant was aware of the increased impact this development will cause to this area. He said that the city has a difficult time maintaining the streets and the current infrastructure would not support more traffic. Mr. McDaniel said that the city does not have a lot of neighborhood parks and there is a lot of infill being done in Lexington, which is taking away the greenspace. He asked the Commission would they want this development in their backyards. He said that this development will increase the runoff in this area creating more flooding; and if this site cannot be a park, then it should not be developed as an apartment complex.

Rebuttal – Mr. Walbourn said that unfortunately there can be misinformation about land when properties are sold. He then said that this site has been zoned Planned Neighborhood Residential (R-3) for an appreciable amount of time and this type of development has always been possible. He understands and the Commission understands as well, that infill can be difficult on neighborhoods. In the world of infill, this site makes a good project. He said that they are very mindful of the neighborhoods' concerns and would share the same concerns if he were a resident of the area. However, this is not a zone change request, and notice to the surrounding property owners is not required. The Planning Commission discretion is a little more feathered when it comes to development plans versus zone changes. He said that the development plan is in compliance with the Land Subdivision Regulations and the Zoning Ordinance, as well as the Comprehensive Plan. He requested that the Planning Commission approve this plan, subject to the recommendations as outlined by the staff.

Citizen Rebuttal – Julie McDaniel, 3841 Everetts Dale, asked if this item can be postponed so that the neighborhood can review the applicant's proposal, and the list of conditions that are on the agenda. She said that the properties on Everetts Dale, as well as the properties along Willow Oak and Waveland Museums Lane have flooded many times this year. Increasing the surface area will only make the flooding worse. Mr. Cravens said that the list of conditions on the agenda were the different government agencies that will need to individually approve this development plan before it is certified.

Staff Rebuttal – Mr. Martin said that it is understandable that the citizens may not be fully informed or aware of the process for development plans. He then said that the development plan was originally approved in 2004, and the entire plan that was approved included many of the lots where the neighbors currently live. As the Commission is aware, the infrastructure plans were submitted and approved at the time this area was constructed. The infrastructure plans include the calculations to determine the size of the detention basin that would handle the runoff in this area and the surrounding area. He then said that if there is flooding in this area, the staff recommends for the residents to contact the Division of Water Quality for assistance. Mr. Martin reiterated that the development plan was approved by the Planning Commission in 2004, and this is a relatively small amendment to the plan and there will be no construction in the floodplain.

Action - A motion was made by Mr. Berkley, seconded by Ms. Mundy and carried 7-0 (Bell, Owens, Penn and Wilson absent) to approve **PLN-MJDP-17-00060: SUNNY SLOPE FARM, UNIT 1-A**, as recommended by the staff.

Action - A motion was made by Mr. Berkley, seconded by Ms. Mundy and carried 7-0 (Bell, Owens, Penn and Wilson absent) to approve the waiver of Land Subdivision Regulations for Article 6-8(b) and 6-8(f) of the Land Subdivision Regulations for **PLN-MJDP-17-00060: SUNNY SLOPE FARM, UNIT 1-A**, as recommended by the staff.

- c. **PLN-MJDP-17-00072: MASTERTON STATION CENTER (CITATION VILLAGE) (AMD) (10/1/17)* - located at 2601 Leestown Road. (Council District 2) (EA Partners)**

Note: The purpose of this amendment is to revise the layout of outlots 1, 2 & 3.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Denote height of building in feet on plan.
10. Denote height of canopy in feet on plan.
11. Clarify rectangle area west of canopy on Outlot 2.
12. Clarify purpose of amendment note.
13. Dimension patio on Outlot 1.
14. Discuss circulation on west side of building on Outlot 2.

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

15. Discuss Outlot 1 access geometry to Abigale Way.
16. Discuss internal pedestrian system and lack thereof.
17. Discuss Outlot 2 access to Abigail Way.

Staff Presentation – Mr. Martin presented the staff's report on the amended Final Development Plan, which included the recommendations, as noted on today's agenda.

Mr. Martin turned the Commission's attention to conditions #14 through #17, and explained that since this development plan was filed, the applicant met with the Planning and Traffic Engineering staff several times to discuss conditions #14 through #17. What resulted with those meetings was an exhibit that addressed the proposed changes to the development plan. He said that the applicant did not submit a revised plan to the staff in the time allowed for it to be presented to the Commission; however, the staff was comfortable in still recommending approval of the development plan, changing conditions #14 through #17 from "Discuss" to "Resolve".

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

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

Action - A motion was made by Mr. Berkley, seconded by Ms. Mundy and carried 7-0 (Bell, Owens, Penn and Wilson absent) to approve **PLN-MJDP-17-00072: MASTERSON STATION CENTER (CITATION VILLAGE) (AMD)**, as recommended by the staff.

- C. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – A motion was made by Mr. Forester, seconded by Ms. Richardson, and carried 7-0 (Bell, Owens, Penn and Wilson absent) to approve the release and call of bonds as detailed in the memorandum dated August 10, 2017, from Barry Brock, Division of Engineering.

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

- A. **INITIATION OF A SUBDIVISION REGULATION AMENDMENT FOR FINAL RECORD PLATS** – The staff will request that the Planning Commission initiate an amendment to Articles 4 and 5 of the Land Subdivision Regulations to revise the approval procedures for Final Record Plats.

Staff Presentation – Mr. Taylor presented the staff's request to initiate a Land Subdivision Regulation amendment and said that the staff plans to bring the proposed text to the Subdivision Committee within the next few months.

Action - A motion was made by Ms. Richardson, seconded by Mr. Forester and carried 7-0 (Bell, Owens, Penn and Wilson absent) to approve the initiation of a Subdivision Regulation Amendment to Articles 4 and 5 of the Land Subdivision Regulations.

- B. **CIVIL ACTION NO. 17-C1-00633** – Ms. Jones distributed the court order document from the Commonwealth of Kentucky, Fayette Circuit Court, Fourth Division, Civil Action No. 17-C1-00633 to the Commission. She said that this case involved Boone Creek Properties, LLC, and Old Richmond Road Neighborhood Association. She briefly explained that the Planning Commission and the Urban County Council had approved the zone change request in conjunction with the conditional use permit. However, the Neighborhood Association had filed an application to appeal the decision for the conditional use permit. When that happened, the Law Department on behalf of the Planning Commission, the Board of Adjustment and the Urban County Council, along with Boone Creek Properties, LLC, filed motions to dismiss the case because they did not believe the Neighborhood Association had met the statutory requirements that requires the plaintiff to demonstrate certain facts as to how the plaintiff had been injured or aggrieved by the decision made by the administrative agency. Ms. Jones said that on June 30, 2017, Judge Pamela Goodwine granted the motion to dismiss the case. She then said that the Neighborhood Association had 30 days to appeal Judge Goodwine's decision, which they did not. This means that Civil Action No. 17-C1-00633 was a final decision.

Ms. Jones said that there are still other cases that are pending but she did not believe that those were necessarily against the Planning Commission, but she believed that those would probably be dismissed over time, as well.

VII. **STAFF ITEMS**

- A. **WORK SESSION** – Mr. Duncan reminded the Commission that the next Work Session is scheduled for Thursday, August 31st.

VIII. **AUDIENCE ITEMS** – There was none.

IX. **NEXT MEETING DATES**

Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers **August 24, 2017**
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) August 30, 2017
Work Session, Thursday, 1:30 p.m., 3rd Floor Phoenix Building..... August 31, 2017
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) September 7, 2017

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

Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building) September 7, 2017
Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers **September 14, 2017**

X. **ADJOURNMENT** - There being no further business, the Chair adjourned the meeting at 2:33 PM.

William Wilson, Chair

Carolyn Plumlee, Secretary

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