

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

October 26, 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; Headley Bell; Will Berkley; Patrick Brewer; Mike Cravens; Karen Mundy; Mike Owens; Frank Penn; and Carolyn Plumlee.

Planning staff members present: Jim Duncan, Director; Traci Wade; Tom Martin; Cheryl Gallt; Chris Woodall; Chris Taylor; Jimmy Emmons; 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 Mr. Cravens, and carried 8-0 (Bell abstained; Forester and Richardson absent) to approve the minutes of the September 28, 2017 meeting.
- III. **POSTPONEMENTS AND WITHDRAWALS** - No such items were presented.
- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, October 5, 2017 at 8:30 a.m. The meeting was attended by Commission members: Frank Penn, Karen Mundy, Carolyn Plumlee, Will Berkley and Headley Bell. Committee members in attendance were: Hillard Newman, Division of Engineering; and Stephen Parker, Division of Traffic Engineering. Staff members in attendance were: Traci Wade; Tom Martin; Cheryl Gallt; Denice Bullock; Captain Greg Lengal and Joshua Thiel, Division of Fire & Emergency Services; 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.*
- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, October 5, 2017 at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Patrick Brewer, Mike Cravens, Carolyn Richardson, and Bill Wilson. The Committee members reviewed applications and made recommendations as noted.

A. **ABBREVIATED PUBLIC HEARINGS ON ZONING MAP AMENDMENTS**

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

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

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

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

The procedure for these hearings is as follows:

- Staff Reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) proponents (10 minute maximum OR 3 minutes each)
 - (b) objectors (30 minute maximum) (3 minutes each)
- Rebuttal & Closing Statements
 - (a) petitioner's comments (5 minute maximum)
 - (b) citizen objectors (5 minute maximum)
 - (c) staff comments (5 minute maximum)
- Hearing closed and Commission votes on zone change petition and related plan(s)

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

1. **CHRIS AND JENNA WALKER ZONING MAP AMENDMENT & URBAN COUNTY GOVERNMENT/THE GARDENS OF HARTLAND, UNIT 1 (AMD) PRELIMINARY SUBDIVISION PLAN**

- a. PLN-MAR-17-00034: CHRIS AND JENNA WALKER (11/30/17)*- petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Single Family Residential (R-1D) zone, for 0.53 net (0.64 gross) acres, for property located at 4907 Bates Creek 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 petitioner proposes to develop two detached single-family dwelling units on a larger tract of land, which would yield a residential density of 2.25 dwelling units per acre.

The Zoning Committee Recommended: Approval.

The Staff Recommends: Approval, for the following reason:

1. The Single Family Residential (R-1D) zone is appropriate and the existing Agricultural Urban (A-U) zone is inappropriate for the subject property, for the following reasons:
 - a. The proposed R-1D zone is consistent with the adjoining lot that is intended to be consolidated and reconfigured in conjunction with the subject property, and single family residential is compatible in this location. Two single-family residences also constitutes context-sensitive infill development.
 - b. The existing A-U zone is intended to be a holding zone until public facilities and services are adequate. Generally, urban services have been available to serve this portion of the Urban Service Area since the mid-1980s, and the final roadway improvements to Saron Drive were completed approximately 10 years ago. In addition, the subject property is too small to accommodate any agricultural use of the property.
 2. This recommendation is made subject to the approval and certification of PLN-MJSUB-17-00054: Urban County Government/The Gardens of Hartland, Unit 1 (Amd.), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
- b. PLN-MJSUB-17-00054: URBAN COUNTY GOVERNMENT/THE GARDENS OF HARTLAND, UNIT 1 (AMD) (11/30/17)* - located at 4907 and 4951 Bates Creek Road.

(Abbie Jones Consulting)

The Subdivision Committee Recommended: Postponement There is still a need to revise the plan to meet the requirements for a Preliminary Subdivision Plan.

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. Environmental Services' approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Delete all final record plat information and extraneous information.
10. Provide all required information for a preliminary subdivision plan per Article 5-1 of the Land Subdivision Regulations.
11. Department of Highway's approval of access on Bates Creek Road.
12. Discuss provision of sanitary sewer to proposed lots.
13. Denote access to Saron Drive to the approval of the Division of Traffic Engineering.

Staff Zoning Presentation – Ms. Wade presented the staff report and recommendations for the zone change, and displayed photographs of the subject property and aerial photographs of the general area. She said that there are two lots on the subdivision plan, but only one needed to be rezoned. She said the subject property was formerly the driveway to the Soby farm from Saron Drive to the Jessamine County line, which was purchased by the city to complete Saron Drive. She said the subject property is currently vacant.

Ms. Wade said that the applicant is proposing to consolidate the two properties to reconfigure the lots. She said the applicant contends that the current zoning is inappropriate and the proposed zone is appropriate at this location, which the staff agrees with. She said the staff and the Zoning Committee both recommended approval.

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

Development Plan Presentation – Mr. Martin presented a rendering of the revised preliminary subdivision plan associated with the zone change, and he handed out an updated staff report 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 R-1D; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Environmental Services' approval of landscaping.
5. Addressing Office's approval of street names and addresses.
6. Urban Forester's approval of tree preservation plan and required street tree information.
- ~~7. Department of Environmental Quality's approval of environmentally sensitive areas.~~
- ~~7.~~ 8. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
- ~~8.~~ 9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
- ~~9.~~ ~~10. Delete all final record plat information and extraneous information Remove 6' and 25' zoning setback from plan.~~
- ~~11. Provide all required information for a preliminary subdivision plan per Article 5-1 of the Land Subdivision Regulations.~~
- ~~10.~~ 12. Document Department of Highway's approval of access on Bates Creek Road.
- ~~11.~~ ~~13. Discuss provision of sanitary sewer to proposed lots Denote construction entrance.~~
- ~~12.~~ 14. Denote access to Saron Drive to the approval of the Division of Traffic Engineering.

He said that the subject property is an odd shaped configuration. He identified the lot that isn't included in the zone change. He said that staff has a few standard sign-off conditions, which include zoning setbacks that need to be removed, documenting the approval of the Department of Highway's approval of access on Bates Creek Road. He said the staff is now recommending approval, but the Subdivision Committee recommended postponement so the applicant could make revisions to meet the requirements for a preliminary plan.

Commission Questions – Mr. Owens asked about the lines on the plan. Mr. Martin said that those lines depict the area that is currently zoned Agricultural Urban (A-U) and proposed to be changed.

Applicant Presentation – Abbie Jones, representing the petitioner, said the applicant is in agreement with the staff's recommendations and is available for questions.

Commission Question – Mr. Penn about the traffic at the entrance on Bates Creek Road. Ms. Jones said that the exact location of the entrance will need to be approved by the Department of Highway.

Citizen Comment – Ray Depa, president of Woodfield Homes Association, said that he is concerned with the stormwater drainage in the area. He said that the retention pond and nearby creek can't handle any more water. He said that he is also concerned about the increase of traffic especially during peak times.

William Madden, 1004 Red Rain Circle, said that he is concerned about stormwater runoff. He is also concerned with the stacking lane on Bates Creek Road turning onto Saron Drive; anyone exiting from the proposed driveway will need to cross that lane. He also asked if there have been any drainage/stormwater studies and traffic impact studies that have been completed for this area.

Applicant Rebuttal - Ms. Jones said that the subject area is comprised of only two lots, which will be single family, custom homes. She said that a traffic study is not required for projects that will generate less than 100 trips. She stated that two households will likely generate less than 5-10 trips per day. She indicated the placement of the driveway on Saron Drive, at the request of the Technical Committee, and the location of the driveway on Bates Creek Road, which has not been approved at this time. She also said the stormwater drainage is less defined on a preliminary plan, but the easements have been depicted on the plan. She said there are requirements that are being met.

Citizen Rebuttal - Mr. Depa said that driveways and roadways cause more runoff than open areas. He said that the creek rises close to the homes during a hard rain storm.

Staff Rebuttal – Mr. Martin said that there are engineers on the staff and the conditions state that "Urban County Engineer's acceptance of drainage, and storm and sanitary sewers." He said that these plans will be reviewed and that the same entity that awarded the stormwater grants is part of that review committee, and there were no concerns of stormwater drainage at the time of the Technical Committee meeting. He also added that that Planning Commission has authority over this preliminary subdivision plan and have the ability to restrict access onto Bates Creek Road.

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Commission Question – Mr. Owens asked what the size of the lot is. Mr. Martin replied that both lots are under one-half of an acre, which will be two single family lots.

Ms. Wade said that the zone change is one-half an acre and the other lot on the development plan is also one-half an acre an acre.

Ms. Jones said that the applicant does have email correspondence from the State Department of Highway that the single family driveway location is acceptable onto Bates Creeks Road, but the exact location has not yet been determined.

Mr. Madden asked for clarification of the portion on the map that is not within the boundary of the plan. Mr. Martin identified that section of land.

Mr. Wilson added that this is a preliminary subdivision plan and noted that there is more work and specificity to be completed. Ms. Wade said that next step is a final record plat, which under current regulations, would come back to the Planning Commission for approval.

Ms. Plumlee asked the Law Department if the driveway could still be restricted. Ms. Tracy Jones said that it could be restricted but that Ms. Abbie Jones stated that the state has approved the driveway, just not the exact location of it.

Zoning Action – A motion was made by Ms. Plumlee, seconded by Mr. Penn, and carried 9-0 (Forester and Richardson absent) to approve PLN-MAR-17-00034: CHRIS AND JENNA WALKER, for the reasons provided by the staff.

Development Plan Action – A motion was made by Ms. Plumlee, seconded by Mr. Owens, to approve PLN-MJSUB-17-00054: URBAN COUNTY GOVERNMENT/THE GARDENS OF HARTLAND, UNIT 1 (AMD), with the revised conditions provided by the staff, revising condition #10, as follows:

10. 12. ~~Document Department of Highway's approval of access on Bates Creek Road. Denote that will be no access onto Bates Creek Road.~~

Amended Motion – Mr. Cravens suggested it would be his preference to amend the motion to leave condition #10 as is.

Amended Motion - Mr. Penn suggested to amend the motion, which was seconded by Ms. Mundy, to approve PLN-MJSUB-17-00054: URBAN COUNTY GOVERNMENT/THE GARDENS OF HARTLAND, UNIT 1 (AMD), with the revised conditions provided by the staff, revising condition #10, as follows:

10. 12. ~~Document Department of Highway's approval of access on Bates Creek Road. Denote that access onto Bates Creek Road will be right turn only.~~

Ms. Wade said that Traffic Engineering has stated that the Department of Highways will not approve a right-in, right-out for residential only on Bates Creek Road. Ms. Kaucher said a right-in access only will not be permitted at this location, and if the Commission wishes to restrict access, then both driveways should be onto the lower classified roadway, which is Saron Drive. Mr. Penn withdrew this amendment.

Amended Motion – A motion was made by Mr. Cravens, seconded by Mr. Berkley, and carried 7-2 (Owens and Plumlee opposed; Forester and Richardson absent) to modify the list of conditions of approval to the revised conditions provided by the staff only, with no changes to condition #10.

Development Plan Motion - A motion was made by Ms. Plumlee, seconded by Mr. Owens, and carried 7-2 (Owens and Plumlee opposed; Forester and Richardson absent) to approve PLN-MJSUB-17-00054: URBAN COUNTY GOVERNMENT/THE GARDENS OF HARTLAND, UNIT 1 (AMD), with the revised conditions provided by the staff.

2. ANDERSON ACQUISITIONS, LLC ZONING MAP AMENDMENT & WINBURN LAND COMPANY ZONING DEVELOPMENT PLAN

- a. PLN-MAR-17-00035: ANDERSON ACQUISITIONS, LLC (12/30/17)*- petition for a zone map amendment from an Agricultural Rural (A-R) zone to an Economic Development (ED) zone, for 7.70 net (9.53 gross) acres, for property located at 2050 Newtown 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 2013 Comprehensive Plan also encourages creating jobs and prosperity (Theme C) and maintaining a balance between urban uses and safeguarding rural land (Theme E).

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The subject property is located within the Expansion Area, more specifically Subarea 3. The Expansion Area Master Plan recommends Economic Development (ED) future land use for the subject property. The petitioner proposes to develop this property with the principal permitted uses allowed in the Economic Development (ED) zone.

The Zoning Committee Recommended: **Approval**.

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

1. The requested Economic Development (ED) zone is in agreement with the 2013 Comprehensive Plan, and the 1996 Expansion Area Master Plan, for the following reasons:
 - a. The 1996 Expansion Area Master Plan recommends Economic Development (ED) future land use for the subject property, which is the primary employment land use in the Expansion Area. The applicant has requested Economic Development (ED) zoning for the subject property, in agreement with the Plan's recommendation.
 - b. The 2013 Comprehensive Plan's Goals and Objectives recommend creating prosperity and jobs (Theme C), and more specifically, to "foster the success and growth of large employment sectors; protect and provide readily available economic development land to meet the needs for jobs; and enable infill and redevelopment that creates jobs where people live" (Goal #2d.). The subject property will allow for a consistent and compatible use of the land between the Urban Service Area boundary and the interstate corridor for potential economic development opportunities within the community.
 - c. The proposed rezoning will create "shovel ready" economic development land. Infrastructure is either constructed or currently being constructed to serve the immediate area, and the land is generally flat; therefore, minimal grading would be needed.
 - d. The proposed rezoning maintains the current Urban Service Area boundary (Theme E, Goal #3), and encourages development of underutilized and/or vacant property within the current boundary (Theme E, Goal #1).
 - e. The 2013 Comprehensive Plan also recommends that there be a supply of "jobs infrastructure" ready for development in a variety of manners (pg. 72), including office, industrial and healthcare, all of which can be accommodated by the proposed Economic Development (ED) zone.
2. This recommendation is made subject to approval and certification of PLN-MJDP-17-00097: Winburn Land Company (Kingston Hall, Unit 3), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions within the Royal Spring Aquifer and Wellhead Protection Area are recommended via conditional zoning:
 - a. All above ground and underground storage tanks shall be designed to have spill containment facilities.
 - b. All establishments and facilities that store, or transport hazardous materials shall be designed to provide spill containment facilities and shall have emergency response plans approved by the appropriate Hazmat regulator (DEEM, Fire Department, or EPA, as necessary).
 - c. On-site disposal of any hazardous waste materials shall be prohibited.
 - d. Mining of non-metallic minerals and/or radium extraction shall be prohibited.

These use restrictions are both appropriate and necessary for the subject property for the following reasons:

1. The Planning Commission has adopted a Wellhead Protection Plan for the Royal Spring Aquifer, which sets forth a plan to ensure a continual source of potable groundwater from Royal Spring for Georgetown and Scott County, and to preserve the integrity of surface waters. This plan has been adopted by both the Planning Commissions of Fayette and Scott Counties, and has been approved by the Kentucky Division of Water.
2. The proposed restrictions within the Wellhead Protection Area will better protect the surface and groundwater in the area by prohibiting some uses and requiring "best management practices" for other uses that could potentially be harmful to the wellhead, thus ensuring greater compliance with the Royal Spring Wellhead Protection Plan.

- b. PLN-MJDP-17-00097: WINBURN LAND COMPANY (12/30/17)* - located at 2050 Newtown Pike.
(EA Partners)

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

1. Provided the Urban County Council rezones the property ED; 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 proposed use of subject property.
8. Resolve timing of completion of frontage along Aspiration Drive.
9. Resolve timing to remove platted 300' building line.
10. Resolve status of sanitary sewer service.

* - 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 the staff report and recommendations for the zone change. She displayed photographs of the subject property and aerial photographs of the general area. She said the subject property is located in Expansion Area 3 and is currently vacant.

Ms. Wade stated that the applicant believes that this rezoning is in agreement with the 2013 Comprehensive Plan and the Land Use recommendation from the 1996 Expansion Area Master Plan. She said that that subject property is also located in the Royal Springs Aquifer and the staff made a recommendation for condition zoning restrictions due to this environmental condition. She said the staff and the Zoning Committee recommended approval of this zone change.

Development Plan Presentation – Mr. Martin presented a rendering of the preliminary development plan and the preliminary subdivision plan associated with the zone change, and he handed out an updated staff report to the Commission with revised conditions, as follows:

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

1. Provided the Urban County Council rezones the property ED; 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 proposed use of subject property.~~
6. ~~7. Resolve Denote~~ timing of completion of frontage along Aspiration Drive shall be determined at final development plan.
7. ~~8. Resolve Denote~~ timing to remove platted 300' building line shall be determined at final development plan and denote platted building line on property.
8. ~~9. Resolve Denote~~ status of sanitary sewer service shall be determined at final development plan.

Mr. Martin said that access to the subject property will be from Aspiration Way. He said that staff has a few sign-off conditions and the applicant will need to submit a final development plan. He added that in an Expansion Area, the applicant will be submitting required compliance reports at the time of the final development plan.

Mr. Martin said that the subject property will be utilizing the existing sanitary sewer pump station located near Newtown Pike until the new regional pump station is completed.

Applicant Presentation – Mr. Murphy, attorney representing the petitioner, said the applicant is in agreement with the staff's recommendations and is available for questions.

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

Zoning Action – A motion was made by Mr. Owens, seconded by Mr. Brewer, and carried 9-0 (Forester and Richardson absent) to approve PLN-MAR-17-00035: ANDERSON ACQUISITIONS, LLC, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Owens, seconded by Mr. Brewer, and carried 9-0 (Forester and Richardson absent) to approve PLN-MJDP-17-00097: WINBURN LAND COMPANY, with the revised conditions provided by the staff.

Commission Item – Mr. Wilson announced that Mr. Martin Miley, the Mayor of County Kildare, Ireland, and some of his representatives were in the audience. Mr. Miley said that they have been twined with Lexington as a sister-city for 33 years and are here for celebration of the 60 year with Deauville. He also thanked the staff and the Planning Commission for their hospitality.

3. JAMES D. BAKER ZONING MAP AMENDMENT & SPRING BAY, UNIT 2 ZONING DEVELOPMENT PLAN

- a. PLN-MAR-17-00036: JAMES D. BAKER (11/30/17)*- petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 14.04 net (14.19 gross) acres, for property located at 1345 Greendale 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. In addition, the Plan encourages a mix of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

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

The petitioner proposes a residential development of 25 townhouses (divided into two separate locations), and 43 single-family residences (including an existing residence) for a total 68 dwelling units. This represents a density of 4.84 dwelling units per net acre.

The Zoning Committee Recommended: **Postponement**.

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

1. The petitioner does not currently depict a shared extension of Lucille Drive on the corollary development plan, but rather that the adjacent parcel would carry a disproportionate portion of the cost of a collector street. The transportation system is considered incomplete when stub streets are not extended when new development of like character and density are proposed.
2. The Comprehensive Plan calls for well-designed neighborhoods which includes the integration of varied housing types. The proposed townhouses are located in two distinct and discrete nodes, which are in no way connected to each other, the proposed street network, nor could they be integrated into a future development of the radio station/tower site.

- b. PLN-MJDP-17-00098: SPRING BAY, UNIT 2 (11/30/17)* - located 1345 Greendale Road.

(EA Partners)

The Subdivision Committee Recommended: **Postponement**, there were some questions regarding the proposed site layout.

1. Provided the Urban County Council rezones the property R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Denote: No building permit shall be issued unless and until a final development plan is approved by the Planning Commission.
8. Remove Rockaway Place cul-de-sac right-of-way from adjacent property.
9. Label Lot 71 as HOA or open space.
10. Delete note #8.
11. Department of Highway's approval of access on Greendale Road.
12. Discuss access to Greendale Road.
13. Discuss proposed street layout.
14. Discuss proposed alignment of collector street (Lucille Drive) on the subject property.
15. Resolve Lot 40 and area adjacent to Lot 42 (Lot 6, Unit 3).

Staff Zoning Presentation – Ms. Wade presented the staff report and recommendations for the zone change. She displayed photographs of the subject property and aerial photographs of the general area. She said the subject property is currently occupied by one single family resident, and there are three radio towers located on an adjacent parcel.

Ms. Wade said that the applicant is proposing to build mixture of townhouses and single-family residences. The townhouses are proposed in two different locations, one is along the Greendale Road frontage and the second is in the western corner of the property. She stated that the applicant believes that this rezoning is in agreement with the 2013 Comprehensive Plan and also that the existing zoning is inappropriate, and the proposed B-3 zone is appropriate. She said that on October 5, 2017, the staff presented to the Zoning Committee that this zone change and development plan were contrary to several of the Goals & Objectives of the 2013 Comprehensive Plan. She said the staff met with the applicant on October 10, 2017, and expressed their concerns and offered multiple plan improvements. She said that there had been no communication with the applicant since that meeting. The staff would prefer that the petitioner postpone the hearing for two weeks so that these concerns could be addressed, so that the application can meet the 2013 Comprehensive Plan.

Ms. Wade presented six reasons of why the staff believes this zone change is not in agreement with the 2013 Comprehensive Plan and also stated that the staff recommended disapproval of this zone change.

Commission Question – Mr. Berkley said that Lucille Drive isn't constructed to abut any of the subject property and asked for clarification of how it will connect when the applicant doesn't own the adjoining property. Ms. Wade said that the angle of the terminated Lucille Drive is not what was approved on the adjoining parcel. She said that the applicant is displaying a different angle to connect Lucille Drive than what is approved on their plan. She said that the staff is recommending that the completion of Lucille Drive be shared between the subject and adjacent properties, and not approved to be built only by the adjoining property owner.

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

Mr. Owens asked if the property to the south has been developed yet, as well as Rockaway Place extended. Ms. Wade said that it is not yet developed. Mr. Owens asked how the homeowners will have access to the subject property. Ms. Wade said that it is a timing issue until Wigginton Point is developed on the west to tie into the subject property.

Development Plan Presentation – Mr. Martin presented a rendering of the preliminary development plan associated with the zone change. He said that the applicant is proposing to terminate Rockaway Place as a cul-de-sac. He said that staff has many concerns with the street layout.

Mr. Martin displayed a Zoning Development Plan from 1996 to illustrate the staff's concern about the street connection and the layout in this area, which depicts the original layout near the property. He said the orange lines at the bottom is the subject property and the pink road is a collector street that would have stubbed into this property. He also displayed a Zoning Development Plan from 2000 that depicts the layout of the property to the north, which has been amended. He said that the development of Wigginton Point and the proper alignment to Lucille Drive is extremely important to the development of the subject property.

Mr. Martin said the staff is recommending postponement to be able to meet with the applicant regarding these concerns.

Applicant Presentation – Mr. Kahly, representing the petitioner, said that many of the neighboring developments have been approved and are near certification. He said that on the development plan the existing approved streets lined up and that Lucille Drive was aimed at shared property line, and now the applicant has decided that it would turn. He said that Mr. Baker has been in contact with the adjoining property owner to see if they are interested in developing their property at this time.

Mr. Kahly submitted into the record a plan depicting the subject property and the neighboring properties, of which Mr. Baker owns the property to the south.

Commission Question – Mr. Berkley asked Mr. Kahly if he knew the cost per linear foot to build a collector street. Mr. Kahly replied that he did not know, but perhaps Traffic Engineering would know.

Mr. Baker, the petitioner and owner, said the staff's suggestion of Lucille Drive is not practical. He said that it isn't practical to build a street down the center of two properties with different owners.

Commission Question – Ms. Mundy asked about the roundabout, was if there a driveway set aside to the house on the subject property. Mr. Baker said that the driveway is on the property line and is accessed from Greendale Road. Mr. Kahly said that it's an access easement and doesn't connect to the roundabout.

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

Petitioner Rebuttal - Mr. Baker stated that he believes that the townhouse area along Greendale Road could be integrated with the adjacent property that he doesn't own.

Staff Rebuttal – Ms. Wade said that there are better options for this property, and that the petitioner's proposal is not in agreement with the Comprehensive Plan.

Commission Question – Mr. Owens asked if Lucille Drive was planned to go in the direction that is being projected. Ms. Wade said that it was approved by the Planning Commission in the past. Mr. Owens said the cost of building Lucille Drive should be shared. Ms. Wade agreed.

Mr. Berkley asked if it's appropriate for the Planning Commission to go forward with the zone change and postpone the development plan. Ms. Wade said that it is not appropriate to proceed with a zone change without the development plan. Mr. Berkley asked how the cost of Lucille Drive can be shared if the other property owner isn't involved. Ms. Wade said that it will be built when development of that property is proposed, and occasionally eminent domain is necessary.

Mr. Penn said that discussing how to make this development plan work isn't the job of the Planning Commission. He said that the Planning Commission's duty is to decide if this is an approvable development plan or not. He said that this zone change doesn't support the 2013 Comprehensive Plan.

Mr. Cravens asked Mr. Baker how much of Lucille Drive he has built. Mr. Baker replied that he and his partner have built approximately 75% of Lucille Drive. Mr. Cravens asked if he would consider sharing the cost, as the staff has suggested. Mr. Baker said that he has already built his share. Mr. Cravens asked Ms. Wade if this plan would be approved if Lucille Drive was already built. She said that she can't answer that at this time.

Ms. Mundy said that she has a problem with forcing a property owner to build something on someone else's property. Ms. Wade replied that the staff isn't asking anyone to build on someone else's property. She said that the staff is asking Mr. Baker to build

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a fair portion of Lucille Drive. Ms. Mundy said that as it is shown, is someone else's property. Ms. Wade replied that the petitioner's proposed development plan is depicting it that way, but that it doesn't have to be that way. That is up to the Planning Commission.

Commission Discussion – Mr. Owens stated that if this zone change is postponed, the deadline date for this case to be heard is November 30, 2017. Mr. Wilson said that if this case is postponed, the latest date for it to be heard will be November 9, 2017, because the 30th will be after the 90 day deadline. He said that the applicant could offer to continue or postpone and that will change the deadline date. Mr. Penn said that this development plan is not approvable as is. Mr. Cravens said that Mr. Baker could build Lucille Drive on his property and not connect it. Ms. Plumlee said that the staff recommended disapproval because this zone change doesn't agree with the 2013 Comprehensive Plan and that a lot of time has been spent trying to make a deal. Mr. Berkley said that he doesn't agree that it doesn't agree with the 2013 Comprehensive Plan and he believes that some tweaking of this plan could work.

Zoning Action – A motion was made by Mr. Berkley, seconded by Mr. Cravens to approve PLN-MAR-17-00036: JAMES D. BAKER, and asked for a break to discuss findings.

Note – Planning Commission went to recess at 3:50 and reconvened at 3:57.

Mr. Berkley withdrew his motion.

Zoning Action – A motion was made by Mr. Berkley, seconded by Mr. Cravens to continue PLN-MAR-17-00036: JAMES D. BAKER, to the November 9, 2017 Planning Commission meeting.

Mr. Baker asked for an indefinite postponement of the zone change and associated development plan.

Action – Mr. Berkley amended his motion, seconded by Mr. Cravens for an indefinite postponement PLN-MAR-17-00036: JAMES D. BAKER and PLN-MJDP-17-00098: SPRING BAY, UNIT 2.

Ms. Tracy Jones said that the hearing has already been held and expressed concern with an indefinite postponement that another hearing may be needed. Ms. Wade stated that if the Planning Commission members change, another hearing will be held. Ms. Jones stated on the record that this request is coming from the applicant, Mr. Baker.

Motion Action – Motion carried 8-0 (Bell abstained; Forester and Richardson absent) to indefinitely postpone PLN-MAR-17-00036: JAMES D. BAKER and PLN-MJDP-17-00098: SPRING BAY, UNIT 2.

4. JASON L. JUSTICE ZONING MAP AMENDMENT & ASHFORD OAKS VILLAGE (MEADOW OAKS) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-17-00037: JASON L. JUSTICE (11/30/17)*- petition for a zone map amendment from an Expansion Area Residential (EAR-2) zone to a Community Center (CC) zone, for 4.92 net (5.13 gross) acres, for property located at 6800 Man o' War Blvd (a portion of). A conditional use permit and a variance are also requested.

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 located within the Expansion Area, more specifically Subarea 2a. The Expansion Area Master Plan recommends Expansion Area Residential 2 future land use for the subject property.

The petitioner proposes a retirement community development, with services and amenities, on approximately 37 acres of land, including a mixed-use area, independent living units (townhouses, villas and cottages of varying sizes), and an assisted living facility with 120 beds. The petitioner is requesting that five acres of the property be developed in a Community Center (CC) zone to provide services within the community, like restaurants, barber and beauty shops, retail sales establishments and medical offices. A total of 260 dwelling units are proposed within the boundary of the corollary development plan, for an overall density of 7.02 dwelling units per gross acre. A conditional use and variance are also requested in association with the zone change application.

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

The Zoning Committee Recommended: **Approval**.

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

1. The requested Community Center (CC) zone is in agreement with the 2013 Comprehensive Plan, and in substantial agreement with the more detailed recommendations of the 1996 Expansion Area Master Plan (EAMP), for the following reasons:
 - a. The 2013 Comprehensive Plan recommends providing well designed neighborhood and communities, and the petitioner is expanding mixed-use development options and providing a continuum of housing options for seniors, all connected for various modes of transportation (Theme A, Goal #3).
 - b. The Plan further recommends providing accessible community facilities and services to meet the health, safety and quality of life need for the community, and the petitioner is assisted living and healthcare) (Theme D, Goal #2).
 - c. The proposed CC zone and its corollary development plan are in compliance with the principles of the EAMP, by successfully accomplishing the concept of organizing a mixed-use area around a public space (cemetery), and creating a main street entrance for the development.
 - d. The proposed density within the CC zone of 4.29 dwelling unit per gross acre (22 units) falls within the existing allowed density of 3–6 dwelling units per gross acre in an EAR-2 zone (14–29 dwelling units for 5.13 gross acres); therefore, no residential density will be lost through the amendment.
2. This recommendation is made subject to approval and certification of PLN-MJDP-17- 00099: Meadow Oaks (Ashford Oaks Village)(Amd.), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of Planning Commission Approval.

b. REQUESTED CONDITIONAL USE

1. Assisted living facility in an Expansion Area Residential (EAR-2) zone.

c. REQUESTED VARIANCE

1. To increase the maximum allowable height of the building from 35 feet to 48 feet.

The Zoning Committee recommended: **Approval** per the staff recommendations.

The Staff Recommends: **Approval** of the requested conditional use, for the following reasons:

- a. Granting the requested conditional use should not adversely affect the subject or surrounding properties. The Expansion Area Master Plan recommends a variety of housing types, as does the 2013 Comprehensive Plan. What is proposed for the property is a variety of housing types as well as a variety of uses (including the assisted living facility), designed to create a cohesive retirement development for senior citizens with a sense of community, also recommended by the two Plans.
- b. As this is in the Expansion Area, if not already available, necessary public services and facilities such as fire and police protection, and sanitary and storm sewers, will be made available and adequate to serve the subject property.

The Staff Recommends: **Approval of the variance to increase the maximum allowable height of the building from 35 feet to 48 feet**, for the following reasons:

- a. Granting the requested variance will not adversely affect the public health, safety or welfare, nor will it alter the character of the general vicinity. The proposed building will be only 13 feet taller than the limitation of the EAR-2 zone but will be at the same height allowed in the CC zone, which is 48 feet. At the proposed height, the assisted living facility will create a visual anchor for the development and will provide a balance to the streetscape as it applies to the property and the general area.
- b. The special circumstance that serves to justify the variance is that this is a healthcare facility, which has greater floor-to-floor requirements for its mechanical and electrical systems. It will be a 3-story, 120-bed facility, and the increased height is necessary to accommodate its design.
- c. Strict application of the Zoning Ordinance would either restrict the building to two stories or would disallow construction in keeping with AIA guidelines for construction of healthcare facilities.

These recommendations of approval are made subject to the following conditions:

1. Should the portion of the subject property be rezoned to CC as proposed, the entirety of the property shall be developed according to the submitted Zoning Development Plan, or as further amended by the Planning Commission.
2. All necessary permits, including a Zoning Compliance Permit, Building and Paving permits, Land Disturbance permit and a Certificate of Occupancy, shall be obtained from the Divisions of Planning, Building Inspection and Engineering prior to any construction, and prior to occupancy of any of the buildings on the property.
3. The parking lot and driveway shall be paved, with spaces delineated, and landscaped/screened in accordance with Articles 16 and 18 of the Zoning Ordinance.
4. The final design of the parking lot, access drive and internal circulation shall be subject to review and approval by the Division of Traffic Engineering.
5. Any outdoor pole lighting for the parking lot shall be of a shoebox (or similar) design, with light shielded and directed downward to avoid disturbing adjoining or nearby properties. Such lighting shall have a maximum height of twenty-five feet.
6. A storm water management plan shall be implemented in accordance with the requirements of the adopted Engineering Manuals, subject to acceptance by the Division of Engineering.

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7. A note shall be placed on the Zoning Development Plan indicating the conditional use and variances that the Planning Commission has approved for this property [under Article 6-4(c) of the Zoning Ordinance].
- d. PLN-MJDP-17-00099: ASHFORD OAKS VILLAGE (MEADOW OAKS) (11/30/17)* - located at 6800 Man o' War Boulevard (a portion of). **(Barrett Partners)**

The Subdivision Committee Recommended: Postponement, there were some questions regarding whether or not the plan is in compliance with the open space, density and Community Center zone requirements.

1. Provided the Urban County Council rezones the property CC; 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 location of garage on all residential building.
8. Correct north arrow.
9. Addition of adjacent property information (N-392 on Bobwhite Trail).
10. Denote number and location of residential units in CC area.
11. Denote the approval of the conditional use in the EAR-2 zone.
12. Reduce density to comply with Article 23A-6(f) of the Zoning Ordinance for EAR-2 zone.
13. Denote front yard orientation of buildings in the EAR-2 zone.
14. Addition of any existing and proposed easements.
15. Discuss parking spaces on private streets.
16. Discuss compliance with front yard garage setback of 25' per Article 23A-2(f) (i)(2) of the Zoning Ordinance.
17. Discuss orientation and landscaping adjacent to Man o' War Boulevard.
18. Discuss compliance with Article 23A-9(k)2 of the Zoning Ordinance as to the timing of the residential component.
19. Discuss amenity conflicts with existing pond (at the clubhouse and pool).
20. Discuss pedestrian access to CC area along the main streets to be 6' in width.
21. Discuss intent to subdivide property.
22. Discuss pedestrian access to EAR-2 area north of CC area.
23. Discuss improvements to Man o' War Boulevard.

Staff Zoning Presentation – Ms. Wade stated that this hearing was to be a full hearing, but the applicant spoke with the citizens who were present and their concerns were addressed. She presented and summarized the staff report and recommendations for the zone change. She displayed aerial photographs of the subject property and general area. She said the farm was a community center zone that was rezoned in 2001 and a portion has been developed. She said that at this time the applicant is proposing to build a retirement community development, which would include mixed use, restaurant, retail, and dwelling units, such as an assisted living facility, townhouses, villas and cottages within a five-acre site.

Ms. Wade referenced the 2013 Comprehensive Plan and the 1996 Expansion Area Master Plan and stated that the recommendation for this site was for residential use with 14 to 29 dwelling units. She said that the applicant is proposing 22 dwelling units. She said the applicant is organizing the CC zone around a central location, which is desired in the 1996 Expansion Area Master Plan. She said the applicant believes their justification meets the 2013 Comprehensive Plan Goals and Objectives, which the staff agreed. She said the staff and the Zoning Commission both recommended approval of this zone change.

Development Plan Presentation – Ms. Gallt presented a rendering of the preliminary development plan, and she handed out an updated staff report to the Commission with revised conditions, as follows:

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

1. Provided the Urban County Council rezones the property CC; 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 location of garage on all residential building.~~
8. ~~Correct north arrow.~~
9. ~~Addition of adjacent property information (N-392 on Bobwhite Trail).~~
10. ~~Denote number and location of residential units in CC area.~~
6. 11. Denote the approval of the conditional use in the EAR-2 zone.

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- ~~12. Reduce density to comply with Article 23A-6(f) of the Zoning Ordinance for EAR-2 zone.~~
- ~~13. Denote front yard orientation of buildings in the EAR-2 zone.~~
7. 14. Addition of any existing and proposed easements.
8. 15. Discuss parking spaces on private streets.
- ~~16. Discuss compliance with front yard garage setback of 25' per Article 23A-2(f) (i)(2) of the Zoning Ordinance.~~
9. 17. Discuss Denote building front orientation and landscaping adjacent to Man o' War Boulevard.
10. 18. Discuss Resolve compliance with Article 23A-9(k)2 of the Zoning Ordinance as to the timing of the residential component at time of final development plan.
11. 19. Discuss amenity conflicts with Denote boardwalk location along existing pond (at the clubhouse and pool).
12. 20. Discuss Denote pedestrian access to CC area along Feliciana Lane, main entrance roadway and CC area roadway the main streets to be 6' in width.
13. 21. Discuss intent to subdivide property.
14. 22. Discuss Label pedestrian access to EAR-2 area north of CC area.
15. 23. Discuss improvements to Man o' War Boulevard and denote cross-section (G-G).
16. Discuss collector street cross-section for main entrance roadway and Feliciana Lane, including intersection spacing.

Ms. Gallt pointed out the access to the subject property and the CC area, townhomes and cottages and the assisted living facility on the development plan. She said that there are a few standard conditions on the plan, including to denote the conditional use, and several others. She said that pedestrian access needs to be 6' in width along the primary street, and that it would be inappropriate to discuss possible improvements on Man o' War Blvd.

Requested Conditional Use and Variance – Mr. Martin presented the staff report and the staff's recommendations for the requested conditional use and the variance for the subject property. He said that this is an assisted living facility and transitional elderly living development, which requires a conditional use in the Expansion Area Residential (EAR-2) zone. He said the applicant is proposing a three-story building with 120 beds, and 116 parking spaces. He said that the applicant is requesting a height variance in order for to meet the requirements in the industry; they need higher ceilings for their electrical and mechanical systems. He said that staff is recommending approval for both the conditional use and the variance.

Traffic Impact Study - Jimmy Emmons presented the MPO staff report on the submitted Traffic Impact Study for this zone change. He displayed the state's functional classification of the streets in the area. He said the Kentucky Transportation Cabinet has plans to widen Winchester Road and Man o' War Blvd.

Mr. Emmons said the staff's primary concern was the main street from Man o' War Blvd. to Feliciana Lane that serves the assisted living facility is being proposed as a local street and the staff believes that with the intensification of the land use in the area, that it will produce collector level traffic on that street. He said that entrance improvements are needed for the access onto Man o' War Blvd. He said the loop street within the CC zone has one intersection that is too close to Man o' War Blvd to meet the subdivision regulations and the staff believes that will be unsafe for an intersection. He said that Scott Thompson, Bicycle/Pedestrian Coordinator, recommended round-a-bouts in the area for safer pedestrian and cyclist environments. He said that at the time of the final development plan, the main entrance road at Feliciana Lane will be required to coordinate with District 7, Traffic Engineering and the Bicycle/Pedestrian Coordinator to create a roadway that will pay specific attention to mobility and safety for all users of this road.

Mr. Emmons said that conditions #15 and 16 could be changed as follows:

15. 23. Discuss Denote improvements to Man o' War Boulevard and denote cross-section (G-G).
16. Discuss Denote collector street cross-section for main entrance roadway and Feliciana Lane, including intersection spacing.

Applicant Presentation – Darby Turner, attorney, was present representing the petitioner. He said that the concern with the sidewalk along Man o' War Blvd. there is no requirement of sidewalks between I-75 and Winchester Road. With regard to condition #13 about the applicant's intent to subdivide the property; he said that this development will be condominium style and that there won't be any subdivision of units.

Commission Questions – Mr. Penn complimented the applicant for proposing the CC in this area.

Mr. Martin said the staff recommended that all of the "Discussion" items to state "Denote, the condition, shall be resolved at the final development plan stage."

Zoning Action – A motion was made by Mr. Cravens, seconded by Mr. Brewer, and carried 9-0 (Forester and Richardson absent) to approve PLN-MAR-17-00037: JASON L. JUSTICE, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Cravens, seconded by Mr. Brewer, and carried 9-0 (Forester and Richardson absent) to approve PLN-MJDP-17-00099: ASHFORD OAKS VILLAGE (MEADOW OAKS), with the revised conditions provided by the staff and revising condition numbers 8, 13, 15, and 16 to read as follows:

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

1. Provided the Urban County Council rezones the property CC; 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 location of garage on all residential building.~~
8. ~~Correct north arrow.~~
9. ~~Addition of adjacent property information (N-392 on Bobwhite Trail).~~
10. ~~Denote number and location of residential units in CC area.~~
6. 11. Denote the approval of the conditional use in the EAR-2 zone.
12. ~~Reduce density to comply with Article 23A-6(f) of the Zoning Ordinance for EAR-2 zone.~~
13. ~~Denote front yard orientation of buildings in the EAR-2 zone.~~
7. 14. Addition of any existing and proposed easements.
8. 15. Denote Discuss parking spaces on private streets shall be resolved at the final development plan stage.
16. ~~Discuss compliance with front yard garage setback of 25' per Article 23A-2(f) (i)(2) of the Zoning Ordinance.~~
9. 17. Discuss Denote building front orientation and landscaping adjacent to Man o' War Boulevard.
10. 18. Discuss Resolve compliance with Article 23A-9(k)2 of the Zoning Ordinance as to the timing of the residential component at time of final development plan.
11. 19. Discuss amenity conflicts with Denote boardwalk location along existing pond (at the clubhouse and pool).
12. 20. Discuss Denote pedestrian access to CC area along Feliciana Lane, main entrance roadway and CC area roadway the main streets to be 6' in width.
13. 21. Denote Discuss intent to subdivide property shall be resolved at the final development plan stage.
14. 22. Discuss Label pedestrian access to EAR-2 area north of CC area.
15. 23. Denote Discuss improvements to Man o' War Boulevard and denote cross-section (G-G) shall be resolved at the final development plan stage.
16. Denote Discuss collector street cross-section for main entrance roadway and Feliciana Lane, including intersection spacing shall be resolved at the final development plan stage.

Requested Conditional Use and Variance Action – A motion was made by Mr. Cravens, seconded by Mr. Brewer, carried 9-0 (Forester and Richardson absent) to approve the requested conditional use and variance, for the reasons provided by the staff.

VI. COMMISSION ITEMS

- a. **SRA 2017-3: AMENDMENTS TO UPDATE THE MAJOR SUBDIVISION PLAN PROCESS** – petition for a Land Subdivision Regulations amendment to Articles 4 and 5 to update the process for Major Subdivision Plans.

REQUESTED BY: Urban County Planning Commission

PROPOSED TEXT: Copies are available from the staff.

The Subdivision Committee Recommended, Referral.

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

1. The proposed revision to the approval process for Final Record Plats will expedite recordation considerably by eliminating review by the Subdivision Committee and full Planning Commission.
2. The Planning Commission's opportunity to review the design of a subdivision still resides at the Preliminary Subdivision Plan stage, and no alteration to that process is proposed. Public input in a public meeting setting is most appropriate at the preliminary stage, not for a final record plat, once all the infrastructure is constructed and ready for dedication to the public.
3. Revising the timing for the submission of the Improvement Plan Progress Report will ensure that the document is submitted prior to any issuance of the "Notice to Proceed" by the Division of Engineering.

Staff Presentation – Mr. Taylor said that 2013 Comprehensive Plan had a recommendation in the Implementation Table to allow staff to review and approve final record plats in order to expedite review times on plans and reduce development costs. He said this has been a concern of the staff for a number of years, but there wasn't enough interest at that time to pursue the process changes. He said that during the Comprehensive Plan update, the staff believes that this is an appropriate way to handle final record plats. He said that staff is competent in their ability to review these plans and address comments from the Technical Committee and ensure that the conditions have been met and record the plats in such a fashion.

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Mr. Taylor said that the staff also has a concern with the improvement plan progress report of the Land Subdivision Regulations. He said that the staff would like to move the progress report from 30% of design to a 50% of design, so that there will be more information on the improvement plan progress report, and to also request this to be submitted at the time the developer seeks their land disturbance permit and their notice to proceed. He said that there will be no change to what the Planning Commission will see in terms of the reports, just a different timing as to when it will be available to the Planning Commission. He said the Subdivision Committee recommended referral and the staff recommends approval of the text amendment.

Mr. Taylor asked the Planning Commission to recommend an effective date of January 1, 2018.

Action – A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 9-0 (Forester and Richardson absent) to approve SRA 2017-3: AMENDMENTS TO UPDATE THE MAJOR SUBDIVISION PLAN PROCESS, for the reasons provided by the staff with an effective date of January 1, 2018.

- b. INITIATION OF SUBDIVISION REGULATION AMENDMENT FOR FINAL RECORD PLAT SIZE – The staff will request that the Planning Commission initiate an amendment to Article 5-4(b) of the Land Subdivision Regulations to increase the maximum allowable size for a Final Record Plat to 24" x 36". If initiated, the requisite public hearing would be held in December, after mailed notices are sent.

Staff Presentation – Ms. Wade said that this text amendment is requested by the Fayette County Clerk to adjust the size of the plats. She said the request is to create larger plats than what the Subdivision Regulations provide for, which is limited to 17" x 22". She said that the state allows a larger size and the County Clerk would like be allowed to provide that size as well, which is 24" x 36".

Action – A motion was made by Mr. Penn, seconded by Ms. Plumlee, and carried 9-0 (Forester and Richardson absent) to initiate the INITIATION OF SUBDIVISION REGULATION AMENDMENT FOR FINAL RECORD PLAT SIZE, for the reasons provided by the staff.

- c. INITIATION OF ZONING ORDINANCE TEXT AMENDMENT TO UPDATE THE PLANNED SHOPPING CENTER (B-6P) ZONE – The staff will request that the Planning Commission initiate amendments to the B-6P zone to update parking standards, increase lot coverage and floor area requirements, address transit facilities and residential dwelling units, and explore additional design standards. If initiated, the requisite public hearing would be held in December, after mailed notices are sent.

Staff Presentation – Mr. Taylor said that at the last Commission Work Session that staff would like to update the B-6P part of the Zoning Ordinance. He said that staff will provide a draft of the Zoning Ordinance to the Planning Commission by their next Work Session or the next Committee meeting.

Action – A motion was made by Ms. Plumlee, seconded by Ms. Mundy, and carried 8-0 (Penn abstained; Forester and Richardson absent) to initiate INITIATION OF ZONING ORDINANCE TEXT AMENDMENT TO UPDATE THE PLANNED SHOPPING CENTER (B-6P) ZONE, for the reasons provided by the staff.

VII. STAFF ITEMS – The staff will report at the meeting.

- A. ADOPTION OF 2018 MEETING & FILING SCHEDULE - The Chair will announce that the Commission will consider adoption of the "Official Meeting and Filing Schedule for 2018" at this time. Once adopted, the staff will distribute copies of the 2018 schedule for use by the Commission and the general public.

Staff Presentation – Ms. Wade asked the Planning Commission to adopt the meeting and filing schedule for 2018.

Action – A motion was made by Mr. Brewer, seconded by Ms. Plumlee, and carried 9-0 (Cravens and Penn abstained; Forester and Richardson absent) to adopt the ADOPTION OF 2018 MEETING & FILING SCHEDULE, for the reasons provided by the staff.

- B. COUNCIL MEETING UPDATE - Mr. Duncan that the Council held an ad hoc meeting, with staff, on Tuesday, October 24, 2017, where there was a lengthy discussion of Theme E, which is related to the Urban Service Area boundary. He stated that there were no changes made at that time. He also said that there was a public hearing on Tuesday, October 24, 2017, where there were many comments made regarding economic development and the Urban Service Area boundary.

Mr. Duncan said the next meeting by the Council will be on Tuesday, November 7, 2017, which is an ad hoc committee meeting to discuss any questions from the public hearing. The Council then plans to have their first reading of the Goals & Objectives of the 2018 Comprehensive Plan on Thursday, November 9, 2017.

VIII. AUDIENCE ITEMS – No such items were presented.

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IX. **MEETING DATES FOR NOVEMBER 2017**

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	November 2, 2017
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	November 2, 2017
Subdivision and ND-1 Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	November 9, 2017
Work Session, Thursday, 1:30 p.m., 1:30 p.m., 3rd Floor Phoenix Building.....	November 16, 2017
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	November 29, 2017
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	November 30, 2017

X. **ADJOURNMENT** - There being no further business, Chairman Wilson declared the meeting adjourned at 5:01 p.m.

William Wilson, Chair

Carolyn Plumlee, Secretary

TLW/TM/dw

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