

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

November 9, 2017

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

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

Planning Staff members present – Jim Duncan; Traci Wade; Chris Woodall; Tom Martin; Chris Taylor, Cheryl Gallt and Denise Bullock. Other staff members in attendance were: Vaughan Adkins, Division of Engineering; Casey Kaucher, Division of Traffic Engineering; Tim Queary, Environmental Policy; and Andrea Brown and Tracy Jones, Department of Law.

- II. **VETERANS DAY, NOVEMBER 11, 2017** – Mr. Wilson thanked everyone who served in the military and providing their services.

- III. **APPROVAL OF MINUTES** – A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 9-0 (Bell and Owens absent) to approve the minutes of the August 31, 2017, September 7, 2017 and October 12, 2017, meetings.

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

- a. PLN-MJSUB-17-00055: NDC PROPERTY, UNIT 5 (11/30/17)* - located at 551 Vincent Way.
(Council District 9)

(EA Partners)

Note: The Planning Commission postponed this item at their October 12, 2017, meeting.

The Subdivision Committee Recommended: **Postponement**. There were some questions concerning the closure of Vincent Way and the number of discussion items.

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. Denote purpose of amendment note on plan.
9. Denote typical lot size or identify dimensions on plan.
10. Denote private utility providers.
11. Delete note #8.
12. Denote there shall be no amendments required for a final development plan for alterations or additions to the single family homes.
13. Discuss landscape buffer adjacent to existing single family homes per the approved final development plan.
14. Discuss Vincent Way closure timing and consolidation to adjoining properties.
15. Discuss driveway location on Lots 1, 2 and 15.
16. Discuss house orientation on Lots 1, 13, 14 and 15.
17. Discuss maintenance of open space (Lot 16).
18. Discuss easement conflict and/or buildability of Lot 9.
19. Discuss existing stormwater improvements and their adequacy.

Representation present – Rory Kahly, EA Partners, requested an indefinite postponement to resolve the closure of Vincent Way.

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

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy and carried 9-0 (Bell and Owens absent) to indefinitely postpone **PLN-MJSUB-17-00055: NDC PROPERTY, UNIT 5**.

- b. PLN-MJDP-17-00070: ZANDALE SHOPPING CENTER & GREENLEAF MOTOR LODGE PROPERTIES (AMD) (11/2/17)* -
located at 2280 Nicholasville Road. (Council District 4) **(Brandstetter Carrol)**

Note: The Planning Commission postponed this item at their August 10, 2017; September 14, 2017 and October 12, 2017, meetings. 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.

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

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

Action - A motion was made by Ms. Plumlee, seconded by Mr. Brewer and carried 9-0 (Bell and Owens absent) to postpone **PLN-MJDP-17-00070: ZANDALE SHOPPING CENTER & GREENLEAF MOTOR LODGE PROPERTIES (AMD)** to the December 14, 2017, Commission's meeting.

V. LAND SUBDIVISION ITEMS - The Subdivision Committee met on Thursday, November 2, 2017 at 8:30 a.m. The meeting was attended by Commission members: Karen Mundy, Carolyn Plumlee, Will Berkley and Headley Bell. Committee members in attendance were: Vaughan Adkins, Division of Engineering; and Casey Kaucher, Division of Traffic Engineering. Staff members in attendance were: Traci Wade; Tom Martin; Cheryl Gallt; Denice Bullock; Lieutenant Joshua Thiel, Division of Fire & Emergency Services; Tracy Jones & Andrea Brown, Department of Law. The Committee made recommendations on plans as noted.

General Notes

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

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

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

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

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

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

Ms. Wade announced the following agenda items appearing on the Consent Agenda:

1. **PLN-MJSUB-17-00062: CADENTOWN (HORACE B. & TYRONA D. NELSON PROPERTY) (12/31/17)*** - located at 791 Caden Lane. (Council District: 6) **(Berry Land Surveying)**

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

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

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. Landscape Examiner's approval of landscaping.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection area(s) and required street tree information.
 6. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 8. Greenspace Planner's approval of the treatment of greenways and greenspace.
 9. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 11. Resolve improvements to Caden Lane and dedicate R.O.W to the approval of Traffic Engineering.
 12. Resolve sanitary sewer improvements.
2. PLN-MJSUB-17-00063: HENRY CLAY BOULEVARD SUBDIVISION, LOTS 6 & 7 (AMD) (12/31/17)* - located at 1586 Delaware Avenue. (Council District: 5) **(Randy Martin)**

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. Landscape Examiner'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. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 9. Correct typos on plan.
 10. Expand utility provider information to include addresses and phones numbers.
 11. Denote adjacent property information (railroad ownership) to the southeast of property.
 12. Resolve sanitary sewer lateral requirement.
3. PLN-MJSUB-17-00064: SEBASTIAN PROPERTY, UNIT 2-B (AMD) (12/31/17)* - located at 2944 Trailwood Lane. (Council District: 2) **(EA Partners)**

Note: The purpose of this amendment is to create 12 townhome lots and an HOA.

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. Landscape Examiner's approval of landscaping.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection area(s) and required street tree information.
 6. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 8. Greenspace Planner's approval of the treatment of greenways and greenspace.
 9. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 10. Addition of purpose of amendment note.
 11. Denote location for access easement to greenway.
 12. Compete insert with street and area of amendment.
 13. Denote flood protection elevations.
4. PLN-MJSUB-17-00065: SEBASTIAN PROPERTY, UNIT 2-C (AMD) (12/31/17)* - located at 2944 Trailwood Lane. (Council District: 2) **(EA Partners)**

Note: The purpose of this amendment is to create 8 lots and an HOA lot.

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. Landscape Examiner'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.

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

7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 8. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 9. Addition of purpose of amendment note.
 10. Compete dashed lines for adjacent property.
 11. Correct insert to include street, easements and area of amendment.
 12. Relocate "open space" from HOA parking area.
5. PLN-MJDP-17-00100: FOUNTAIN PLAZA (EAGLE CREEK OFFICE PLAZA), UNIT 2, LOT 12 (MEDICAL VISION INSTITUTE, PSC) (AMD) (12/31/17)* - located at 181 Prosperous Place.
(Council District: 7) **(Carman)**

Note: The purpose of this amendment is to add parking and building square footage.

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. Landscape Examiner's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree preservation plan.
 6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 7. Division of Waste Management's approval of refuse collection locations.
 8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 9. Resolve existing Man o' War Boulevard landscaping and fence, and compliance with corridor landscape ordinance.
6. PLN-MJDP-17-00102: SHARKEY PROPERTY, UNIT 1, LOT 6-A (TIME TO SHINE CAR WASH) (12/31/17)* - located at 1776 Sharkey Way. (Council District: 2) **(Thoroughbred Engineering)**

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Landscape Examiner'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 address for off-site detention in note #11.
 11. Correct Floor Area Ratio statistic (ratio not percentage).
 12. Resolve type of landscaping adjacent to New Circle Road to the approval of the Division(s) of Planning and Environmental Quality (Landscape Examiner).
7. PLN-MJDP-17-00103: WOODWARD-LANDER, UNIT 1-A, LOTS 142 & 155 (AMD) (12/31/17)* - located at 3180 Sandersville Road & 3104 Daly Place. (Council District: 12) **(EA Partners)**

Note: The purpose of this amendment is to revise the number of units and the parking layout.

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. Landscape Examiner'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 access easement maintenance responsibility.

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

13. Denote construction entrances.
 14. Denote street trees shall be planted prior to issuance of a Zoning Compliance Permit.
8. PLN-MJDP-17-00105: TED R. OSBORN & THOMAS WOOD PROPERTY (MILLPOND, UNIT 1-B, SEC 2-A) (AKA WILLOW OAK) (12/31/17)* - located at 3900 Boston Road. (Council District: 9) **(Barrett Partners)**

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. Denote additional plats for property (H-738 and J-155).
12. Increase size of text on contours.
13. Denote landscaping and fence per note #14 on preliminary development plan.
14. Consolidation minor plat shall be certified and recorded prior to plan certification.
15. Resolve timing of resolution of easement conflicts.

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).

Audience members requesting full discussion: There were none.

Commission member requesting full discussion: There were none.

Action - A motion was made by Mr. Brewer, seconded by Ms. Plumlee and carried 9-0 (Bell and Owens absent) to approve the items listed on the Consent Agenda, as recommended by the Subdivision Committee.

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

The procedure for these hearings is as follows:

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

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

1. **DEVELOPMENT PLANS**

- a. PLN-MJDP-17-00058: HENRY CLAY SUBDIVISION (DOLLY LAND CO, LLC) (ADAPTIVE REUSE PROJECT) (11/2/17)* - located at 1400 Delaware Avenue. (Council District 5) **(MLH Civil Engineers)**

Note: The Planning Commission postponed this item at their July 13, 2017; August 10, 2017; September 14, 2017 and October 12, 2017, meetings. This plan requires the posting of a sign and an affidavit of such.

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

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 aisles 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 Presentation – Mr. Martin presented the staff's report on the Final Development Plan, and noted that the staff had distributed the following revised recommendation of approval to the Commission.

The Staff Recommends 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~~ Landscape Examiner'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"~~ Clarify the extend of the proposed community garden area.
11. ~~Addition of topography information at 5' interval~~ Denote a safe and well defined pedestrian access to the community garden area.
12. ~~Addition of driveways across the street~~ Clarify proposed use of gravel area associated with festival/market.
13. ~~Addition of construction access point on plan.~~
14. ~~Addition of location for street cross-section on plan face.~~
15. ~~Dimension drive aisles 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.~~
13. 23. Provided the Planning Commission makes a finding that the development plan meets the requirements of the Adaptive Re-use Project.

Mr. Martin noted that the staff had also distributed a memorandum to the Planning Commission that is designed to supplement the Zoning Ordinance requirements for an adaptive reuse project. The staff had reviewed the applicant's supporting documentation and finds this project meets the minimum filing requirements for consideration as an Adaptive Reuse Project, and the following finding should be included:

- a. A safe and well defined pedestrian access to the community garden should be denoted on the final development plan.

Commission Questions – Mr. Penn asked if a P-2 use would be allowed in an I-1 zone. Mr. Martin indicated that, as an adaptive reuse, a new use would be allowed under the requirements. Mr. Penn asked if an office space would be allowed in an I-1 zone. Mr. Martin replied affirmatively, and said that without the adaptive reuse projects there are square footage limitations for office uses associated for an I-1 zone.

Ms. Mundy asked where the art work would be located. Mr. Martin replied the art work would be located near the right-of-way along Winchester Road.

Representation – Kevin Compton, applicant, said that the art work would be provided by a local artist from the Kenwick neighborhood. He indicated that he was in agreement with the staff's recommendation, as well as the recommendation made on the Adaptive Reuse Project report.

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

Action - A motion was made by Ms. Richardson, seconded by Mr. Forester to approve the development plan for **PLN-MJDP-17-00058: HENRY CLAY SUBDIVISION (DOLLY LAND CO, LLC) (ADAPTIVE REUSE PROJECT)**, as recommended by the staff.

Discuss of Motion – Mr. Wilson asked if the findings could be included in the motion. Ms. Richard and Mr. Forester agreed. Mr. Wilson indicated that the motion on the floor would include the finding stating that this project meets the minimum filing requirements for consideration as an Adaptive Reuse Project.

The motion carried 9-0 (Bell and Owens absent)

- d. **PLN-MJDP-17-00101: THE TOWNHOUSES AT JEFFERSON ST., PHASE 3 (PRESTON SUBDIVISION) (12/31/17)* - (Endris Engineering)** located at 516 and 530 Maryland Avenue.

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. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Division of Waste Management's approval of refuse collection locations.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Denote construction entrance.
10. Denote height of building in feet on plan.
11. Denote compliance with Article 15-7.
12. Denote proposed and existing zoning in site statistics.
13. Resolve supplemental landscaping along western property boundary (R-1E zoning).
14. Resolve stormwater improvements.

Staff Presentation – Mr. Martin presented the staff's report on the Final Development Plan, and noted that the staff had distributed the following revised recommendation of approval to the Commission.

The Staff 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. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Division of Waste Management's approval of refuse collection locations.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. ~~Denote construction entrance~~ Correct TPP to include the existing and new canopy totals.

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

- ~~10. Denote height of building in feet on plan.~~
- ~~10. 11. Denote compliance with Article 15-7 design requirements.~~
- ~~12. Denote proposed and existing zoning in site statistics.~~
11. 43. Resolve supplemental landscaping along western property boundary (R-1E zoning).
12. 44. Resolve stormwater improvements to the approval of the Divisions of Engineering and Water Quality.

Mr. Martin distributed email correspondence that the staff had received regarding this request. (A copy of the emails are attached as an appendix to these minutes).

Commission Questions – Mr. Penn asked how wide is the access off Maryland Avenue. Mr. Martin replied the access is 22 feet, and currently functions for two-way traffic.

Ms. Mundy asked if the Division of Fire is agreeable to this proposal. Mr. Martin said that the Division of Fire had reviewed this proposal and they are in agreement. Also, traffic movement can maneuver through the adjoining site toward Jefferson Street to exit this area.

Representation – Richard Murphy, attorney, representing Jeff Morgan, the applicant, indicated that his client was in agreement with the staff's revised recommendation and requested approval.

Citizen Comments – Twyla Martins, 540 Maryland Avenue, was present. She submitted a petition into the record and voiced the neighborhood's concerns with this proposed request. (A copy of the Petition is attached as an appendix to these minutes).

Ms. Martins indicated that this area does not have a historic overlay, but the Vogt Reel House (246 Jefferson Street) is listed as a National Historic Landmark and Mr. Vogt's historic home is located adjacent to the site. Her concern with the proposed development is the compatibility and impact of the townhouses at Maryland Avenue and Jefferson Street. Most of the houses within this area are single-story dwelling units with limited parking. The proposed building height of the townhouses compared to the single family dwelling units is not compatible for this area. The decreased setback, especially next to the Vogt House, will result in the loss of mature trees and greenspace. She believes that increasing the setback would allow more of the mature trees to remain and would lessen the impact of the building height between the proposed townhouses and the single family dwelling units as well as the Vogt House. Ms. Martins said that the lack of parking for this area could result in some property owners and the church to move out of the area. There are some neighborhoods who now have restricted parking, and with this proposal, it could lead this area to restrict the on-street parking to residential only.

Ms. Martins said that according to the case review noted in the MAR 2002-10 staff report for downzoning of the area, it stated "R-4 zoning allows development at a much higher density than currently exists in this neighborhood. As such, it could inadvertently encourage the conversion of single family residences to multi-family residential properties, which is often perceived by residents as a degradation of the neighborhood. Although many of the properties in the subject area are rental properties and many others contain industrial, commercial, and professional uses, more than half of the properties in the area proposed for downzoning are single family detached residential uses, which is what the residents wish to preserve and maintain."

Ms. Martins further quoted the staff report as follows:

"The Land Use Element of the 2001 Comprehensive Plan recommends medium density residential use for the area, with selected properties being recommended for high density residential use or retail trade and personal services use, recognizing the existing uses of those properties. The existing density of the area, which is approximately five (5) units per gross acre, will not be allowed to change dramatically with this downzoning, but instead will be maintained as is, or will increase slightly with conversions to duplexes, or as industrial properties redevelop at a later date. It should be noted that the residential density was calculated with the entire acreage proposed to be downzoned (23.3 gross acres); however, properties that are either vacant or are non-residential in nature were not included in this calculation, which results in a lower overall density (statistic) for the area." She added that "In some cases, existing nonconforming uses can be changed to other nonconforming uses; however, they can be no more intense of a use than already exists and must obtain Board of Adjustment approval prior to any change to another nonconforming use. In any case, nonconforming uses may be continued, if not abandoned by the property owner. If re-developed as medium density residential uses, up to eight (8) dwelling units per gross acre would be permitted; but with R-1E and R-2 zoning, only single family dwellings or duplexes would be permitted. This would help to ensure the level of density that is recommended by the Comprehensive Plan for this area, and would prevent (allowable) increases in residential density above eight (8) units per gross acre."

Ms. Martins believed that this proposed development plan would place a higher density in this area than what was previously recommended by the 2001 Comprehensive Plan.

Sean McLaughlin, 535 Maryland Avenue was present. He was concerned with the height of building and what type of elevation changes this proposal will cause in the area. He said that there will be a significant height differential between the townhouses and existing structures on Maryland Avenue.

Mr. McLaughlin then said that the green space area next to the Vogt House has never been developed so it became open space, which helped with the absorption of rainwater. If this lot is developed, there will be an increase of water runoff on to the street. Coupled with the poor sewer lines, lack of or missing curbs, the water will drain towards Jefferson Street into the front yards of homes.

Rebuttal – Mr. Murphy presented a series of photographs, and gave a brief description of each. He indicated that the side yard in question is a private yard, not a public facility, that has been used for the Christian Care Community Center. As for the parking, the development plan shows the 12 required parking spaces for 12 units, but they are providing 36 onsite parking spaces. They do not believe this proposed development will contribute to the off-street parking problem on Maryland Avenue. Mr. Murphy said that, as for the density requirements, this proposal is within the allowable numbers for the R-4 zone, and they are not requesting any variances for this site. He then said that Vision Engineering would be addressing the drainage and how this property would have sanitary sewer service prior to obtaining any building permits. Mr. Murphy said that they would be providing an eight-foot side yard with over and above the required landscaping. He added that they are aware of the issues in this area and they are responding to those issues in a responsible way.

Commission Questions – Ms. Mundy asked what is the height of the existing and proposed buildings. Mr. Murphy responded 30 and 35 feet, respectively.

Citizen Rebuttal - Mr. McLaughlin explained that there is a significant drop-off from the foundation of the existing homes to the street level, and his concern is how will the applicant continue the existing grade from the nearby townhouses down to the proposed 12 townhouses.

Staff Rebuttal – There was none.

Commission Questions – Mr. Penn asked for more information on the grading. Mr. Morgan gave a brief explanation of the development proposal, the stormwater improvements to Jefferson Street and Maryland Avenue and the proposed grading of the property into the nearby properties.

Ms. Plumlee asked if the development will have adequate tree canopy. Mr. Tim Queary, Urban Forester, believes that there may be a net loss of the tree canopy due to the amount of existing trees on site. He said that even though the applicant is attempting to preserve the mature trees along the rear property line, there is a concern with whether or not the 30 percent tree canopy requirement will be met given the amount of density being proposed on this site. He then said that there will be trees removed, but none that are significant due to the type of species.

Ms. Plumlee then asked if trees would be supplemented to replace the invasive species. Mr. Queary said that the applicant would be submitting a Landscape Plan to the staff. Mr. Morgan submitted the Landscape Plan, and gave a brief description of the proposed layout to meet the 30 percent tree canopy requirement. (A copy of the Landscape Plan is attached as an appendix to these minutes).

Mr. Wilson confirmed that the Landscape Plan indicates that the development can meet the 30 percent tree canopy requirement. Mr. Morgan replied affirmatively.

Action - A motion was made by Mr. Berkley, seconded by Ms. Mundy and carried 9-0 (Bell and Owens absent) to approve the development plan for **PLN-MJDP-17-00101: THE TOWNHOUSES AT JEFFERSON ST., PHASE 3 (PRESTON SUBDIVISION)**, as recommended by the staff.

Mr. Wilson said that the Commission is concerned with the type of development being proposed for the community and even though the outcome was not as they wished, the Commission wanted to thank the neighbors for attending to voice their concerns on this case.

Mr. Wilson then said that he believes this development provides a lot to the community; and in terms of infill and redevelopment, this proposal provides it in a responsible fashion.

3. **MINOR DEVELOPMENT PLAN**

- a. **PLN-MNDP-17-00038: MELROSE ADDITION, BLOCK "F", LOTS 10, 11 & 12 - located at 363 Thompson Road. (Council District 2)** **(S. Mark McCain, RLA)**

Note: The purpose of this amendment is to change several of the proposed uses on the property, revise the parking layout and reduce the parking provided by ten spaces. The staff is referring this plan to the Planning Commission for further consideration under Article 21-7(b)(2) of the Zoning Ordinance.

Staff Presentation – Mr. Martin presented the staff's report on the Minor Development Plan, and noted that the staff had distributed the following recommendation of approval to the Commission.

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

1. Urban County Traffic Engineer's approval of street cross-sections, access and parking layout.
2. Bike & Pedestrian Planner's approval of the proposed pedestrian system.
3. Revise Planning Commission's certification to include date of approval for this plan.

Commission Questions – Mr. Penn asked if reducing the parking by 10 spaces was based on the current or projected uses for the building. Mr. Martin replied affirmatively. Mr. Penn then asked if the uses were to change, in the future, would the parking overflow utilize Thompson Road. Mr. Martin explained that over time the Distillery District parking has increased and decreased depending on the type of use, and this proposal is similar. Along with the applicant's justification to reduce the parking, the staff also discussed the management and timing of these uses.

Mr. Penn asked if this could create a situation to allow overflow parking for the nearby uses. Mr. Martin referred the question to the Mark McCain.

Representation – Mark McCain, was present representing the applicant, Mark Fisher. He presented a series of photographs to the Commission and gave a brief description of each photograph. He indicated that his client was in agreement with the staff's recommendation and requested approval.

Commission Questions – Mr. Penn said that the development plans proposed for Manchester Street are in compliance, but the problem with this area is the parking and pedestrian safety. He then said that, as this area develops, the parking and pedestrian safety should not be done on a piece-by-piece basis. He asked if this site would act as an area for the parking overflow for the Distillery District. Mr. McCain said that the property will be lighted and there will be signage restricting the parking to the proposed uses during the day. Mr. Penn indicated that he understood, and said that he wants to be proactive with the situation, rather than react to a bad situation. This area has a problem and it does not matter who is at fault. What matters is how the problem will be handled as this area re-develops. He asked if it's a fair statement to say that this development would allow the parking overflow from the other business. Mr. McCain replied negatively, and said that is not fair statement, because he does not know if the lot would be used for the overflow parking. He then said that there is signage restricting the parking to the current uses. This development is no different than any other developments in this area. If the overflow parking were to extend to this site, then there is the possibility those vehicles would be towed. Mr. Penn then asked if the parking lot would be patrolled. Mr. McCain said that the parking lot would have signage posted. Mr. Penn said that he understands about the signage, but a lot of people won't read those signs. The Commission needs to know if the parking lot would be patrolled, because he would hope the parking lot would be used for overflow parking from the other businesses in the area. Mr. Fisher said that they would work with the staff with regards to the parking since two of the proposed uses will utilize the parking during the day and one of the proposed uses would utilize the parking at night.

Mr. Berkley asked if the applicant had entered into an agreement to provide overflow parking. Mr. Fisher indicated they have not.

Mr. Wilson explained his experience with having his vehicle towed, and said that he thought the overflow parking was allowed on a different lot since that business was closed on the weekend, and with him missing the sign posted in restaurant about the possibility of being towed, his vehicle was taken to the nearby facility. He then said that he hopes the overflow parking would be accommodated on this property.

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

Commission Comments – Ms. Mundy said that there is a parking issue for this area, but to punish one property owner over what the Commission has allowed or because something has not been put into place as quickly as it should be, would not be fair.

Action - A motion was made by Ms. Mundy, seconded by Mr. Forester and carried 9-0 (Bell and Owens absent) to approve the minor development plan for **PLN-MNDP-17-00038: MELROSE ADDITION, BLOCK "F", LOTS 10, 11 & 12**, as recommended by the staff.

- b. **PLN-MNDP-17-00039: NDC PROPERTY, UNIT 1-B, LOT 19A (AMD)** – located at 209 Ruccio Way.
(Council District 9) **(Midwest Engineering)**

Note: The purpose of this minor amendment is to reconfigure the building layout, parking lot and to increase the lot coverage by 200 sq. ft.

The staff is referring this plan to the Commission under Article 21-7(b)(2) of the Zoning Ordinance because it exceeds the authority of the staff for minor development plans.

Staff Presentation – Ms. Galt presented the staff's report on the Minor Development Plan, and noted that the staff had distributed the following recommendation of approval to the Commission.

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

1. Update the Planning Commission certification on plan to reflect date of approval.
2. Remove "minor" from plan title.
3. Division of Traffic Engineering approval of the parking lot.

Commission Questions – Mr. Wilson asked if the lot coverage increase was 200 sq. ft. Ms. Galt replied affirmatively. Mr. Wilson then asked if the staff would classify this as a minor change. Ms. Galt replied affirmatively.

Representation – Chance Saylor, Midwest Engineering, indicated that his client was in agreement with the staff's recommendation and request approval.

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

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy and carried 9-0 (Bell and Owens absent) to approve the minor development plan for **PLN-MNDP-17-00039: NDC PROPERTY, UNIT 1-B, LOT 19A (AMD)**, as recommended by the staff.

IV. COMMISSION ITEMS

- a. **AMENDMENT TO THE 2017 MEETING & FILING SCHEDULE** - The Chair asked that the Commission consider an amendment to the "Official Meeting and Filing Schedule for 2017" to cancel the work session scheduled for November 16, 2017.

Action - A motion was made by Ms. Richardson, seconded by Mr. Forester and carried 9-0 (Bell and Owens absent) to amend the Official Meeting & Filing Schedule.

- b. **PLANNING COMMISSION WORK SESSION** – Mr. Wilson indicated that meeting would now adjourn to allow the staff to discuss a proposed Zoning Ordinance text amendment (ZOTA) related to the Planned Shopping Center (B-6P) zone with the Planning Commission.

VII. STAFF ITEMS – There were none.

VIII. AUDIENCE ITEMS – There were none.

IX. NEXT MEETING DATES

Work Session, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building	November 16, 2017
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	November 29 2017
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	November 30, 2017
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	December 7, 2017
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	December 7, 2017
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	December 14, 2017

X. ADJOURNMENT - There being no further business, the Chair adjourned the meeting at 2:56 PM.

William Wilson, Chair

Carolyn Plumlee, Secretary