MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS

February 8, 2018

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; Karen Mundy; Mike Owens; and Carolyn Plumlee. Headley Bell, Larry Forester, Carolyn Richardson, and Frank Penn were absent.

Planning Staff members present – Jim Duncan; Traci Wade; Tom Martin; Aliza Tourkow, Cheryl Gallt and Denice Bullock. Other staff members in attendance were Vaughan Adkins, Division of Engineering; Casey Kaucher, Division of Traffic Engineering; Captain Greg Lengal & Captain Joshua Thiel, Division of Fire & Emergency Services; and Tracy Jones, Department of Law.

II. APPROVAL OF MINUTES – There were no minutes to considered.

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

a. PLN-MJDP-17-00109: FULLER ET AL PROPERTY & MEADOWTHORPE COMMERCIAL BUSINESS CTR, LOT 3 (AMD) (02/08/2018)*- located at 1315 W. MAIN ST, LEXINGTON, KY.
(Council District 2)
Project Contact: Abbie Jones Consulting

Note: The Planning Commission postponed this item at their December 14, 2017 and January 11, 2017, meetings. The purpose of this amendment is to construct a gymnasium/indoor recreation facility.

Note: The revised plan removes the indoor recreation facility.

The Subdivision Committee Recommended: **Postponement**. There were some questions regarding the proposed angle parking, access easement and proposed gate.

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. 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 final record plat information for property.
11. Revise note #13.
12. Denote reciprocal parking and access.
13. Discuss known stormwater problem and impact of proposed development.
14. Discuss angle parking, access easement and proposed gate.

Representation present – Nick Jerdon, Abbie Jones Consulting, requested a one-month postponement in order to meet with staff concerning the design of the property.

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

Action - A motion was made by Mr. Owens, seconded by Mr. Brewer and carried 7-0 (Bell, Forester, Richardson, and Penn were absent) to postpone **PLN-MJDP-17-00109: FULLER ET AL PROPERTY & MEADOWTHORPE COMMERCIAL BUSINESS CTR, LOT 3 (AMD)** to the March 8, 2018, meeting.

b. PLN-MJDP-18-00001: HARPER WOODS (4/14/18)* - located at 2311 ARMSTRONG MILL ROAD AND 3539 KENESAW DRIVE.
(Council District 8)
Project Contact: EA 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.

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

5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. 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. Provided the Planning Commission makes a finding for the access easement.
13. Denote lot dimensions for single family lots.
14. Resolve timing of construction of Beringer Drive cul-de-sac.
15. Resolve enhanced VUA screening adjacent to single-family lots.
16. Resolve stormwater issues at northwest corner of the property.
17. Resolve proposed lotting pattern for Lots 6 & 7.
18. Resolve location of required street trees.
19. Resolve accessibility to trail.

Representation present – Jacob Walbourn, attorney, requested a two-week postponement in order to meet with staff concerning conditions #14 through #19 that were recommended by the Subdivision Committee.

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

Action - A motion was made by Mr. Cravens, seconded by Ms. Plumlee and carried 7-0 (Bell, Forester, Richardson, and Penn were absent) to postpone **PLN-MJDP-18-00001: HARPER WOODS** to the February 22, 2018, meeting.

c. PLN-MJDP-17-00114: LEXINGTON INDUSTRIAL FOUNDATION (BAUMANN PAPER COMPANY) (02/08/2018)*- located at 1601 BAUMANN DR, LEXINGTON, KY.
(Council District 2)
Project Contact: Gabbert Consulting Co., LLC

Note: The Planning Commission postponed this item at their December 14, 2017 and January 11, 2018, meetings. At the request of the applicant, the Subdivision Committee recommended postponement of this item at their December 7, 2017, January 4, 2018 and February 1, 2018, meetings.

The Technical Committee and Staff Recommended: **Postponement**. There were some questions regarding the plan's compliance with Article 21 of the Zoning Ordinance and parking per Article 8-22.

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. 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. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Addition of written scale.
11. Correct plan title.
12. Name, address and phone number of plan preparer.
13. Identify boundary of property as solid dark lines with bearings and distances.
14. Denote deed book and page or record plat of property in plan title.
15. Denote topography contours at 2-foot intervals.
16. Denote access for construction vehicles.
17. Addition of street cross-section.
18. Denote height of building in feet on plan.
19. Denote floor area for each building in site statistics, lot coverage & FAR per Article 21 requirements.
20. Dimension all buildings.
21. Improve clarity of vicinity map.
22. Denote use of existing building.
23. Document compliance with Article 21-7(b)(3) of the Zoning Ordinance (copies of post-certification).
24. Delete note #1.
25. Denote as Final Development Plan.

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

Representation present – Rob Gabbert, Gabbert Consulting, requested a one-month postponement in order to meet with staff concerning the parking requirements for this property.

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

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 7-0 (Bell, Forester, Richardson, and Penn were absent) to postpone **PLN-MJDP-17-00114: LEXINGTON INDUSTRIAL FOUNDATION (BAUMANN PAPER COMPANY)** to the March 8, 2018, meeting.

IV. LAND SUBDIVISION ITEMS - The Subdivision Committee met on Thursday, February 1, 2018, at 8:30 a.m. The meeting was attended by Commission members: Karen Mundy, Carolyn Plumlee, Mike Owens, 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: Jim Duncan; Traci Wade; Tom Martin; Cheryl Gallt; Denice Bullock; Captain Greg Lengal & Captain 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.*

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:

a. PLN-MJSUB-18-00004: HOUGHAM PROPERTY (4/14/18)* - located at 1100 ALEXANDRIA DRIVE.
(Council District 12)
Project Contact: Eagle 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.
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. Correct notes #5, #7 & #9.
10. Addition of private utilities on plan.
11. Denote tree protection areas.
12. Resolve Alexandria Drive access.
13. Resolve improvements to Alexandria Drive.

b. PLN-MJDP-17-00117: CHARLOTTE PRICE ESTATE, LOTS 61 & 62 (ADAPTIVE REUSE PROJECT) (2/18/18)* - located at 744 BELLAIRE AVENUE.
(Council District 1)
Project Contact: Vision Engineering

Note: The Planning Commission postponed this item at their January 11, 2018, meeting. This plan requires the posting of a sign and an affidavit of such.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:
1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.

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

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. Provided the Planning Commission makes a finding the plan complies with Article 8-21(o)4 of the Zoning Ordinance.
13. Denote review by the Royal Springs Aquifer Committee prior to certification.
14. Denote location of public art.
15. Denote Board of Adjustment's approval prior to certification.
16. Resolve the need for supplemental landscaping adjacent to railroad.

c. <u>PLN-MJDP-18-00003: HAMBURG PLACE OFFICE PARK, LOTS 12B AND 12C</u> (4/14/18)* - located at 1780 VENDOR WAY.
(Council District 6)
Project Contact: Vision Engineering

<u>Note</u>: The purpose of this amendment is to show Lot 12B as divided into two lots with buildings, an office and hotel and associated parking.

<u>The Subdivision Committee Recommended: **Approval**</u>, 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. Correct site statistics for Lot 12B.

d. <u>PLN-MJDP-18-00004 (AKA DP 2004-153): TRIPLE STARS PROPERTY</u> (4/20/18)* - located at 920 OLD TODDS ROAD.
(Council District 7)
Project Contact: CS International Group, Inc.

<u>Note</u>: The Planning Commission approved this plan at their October 14, 2004, meeting, subject to the following conditions:
1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
3. Building Inspection's approval of landscaping.
4. Urban Forester's approval of tree preservation plan.
5. <u>Denote</u>: No building permits shall be issued until a final subdivision plan has been approved and certified by the Planning Commission.

<u>Note</u>: This plan was certified on September 2, 2005. Since that time, no building permits have been obtained for this property and the Commission's original approval has expired. The applicant now requests a reapproval of this plan.

<u>The Subdivision Committee Recommended: **Reapproval**</u>, subject to the same conditions as previously required by the Commission, changing and adding the following conditions:
3. ~~Building Inspection's~~ <u>Landscape Examiner's</u> approval of landscaping and landscape buffers.
<u>6</u>. <u>Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification</u>.
<u>7</u>. <u>Revise general note on grading to reference Article 16 of the Code of Ordinance</u>.
<u>8</u>. <u>Verify or correct owner, applicant name and information</u>.
<u>9</u>. <u>Denote: No amendments to the Final Development Plan shall be required for additions or alterations to individual townhouses provided they comply with the Zoning Ordinance</u>.
<u>10</u>. <u>Correct current zoning in the site statistics</u>.

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

Ms. Wade said that the staff had received an affidavit for the sign posting for **PLN-MJDP-17-00117: CHARLOTTE PRICE ESTATE, LOTS 61 & 62 (ADAPTIVE REUSE PROJECT)** and everything appears to be in order.

Ms. Wade then said that **PLN-MJDP-17-00117: CHARLOTTE PRICE ESTATE, LOTS 61 & 62 (ADAPTIVE REUSE PROJECT)** required the Planning Commission to approve the necessary finding 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. (A copy of the finding for the Adaptive Reuse Project is attached as an appendix to these minutes).

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 – Pastor Seibert Taylor, 709 Bellaire Avenue, requested further discussion on **PLN-MJDP-17-00117: CHARLOTTE PRICE ESTATE, LOTS 61 & 62 (ADAPTIVE REUSE PROJECT**.

Commission member requesting full discussion - There were none.

Action - A motion was made by Mr. Brewer, seconded by Ms. Mundy, and carried 7-0 (Bell, Forester, Richardson, and Penn were absent) to approve the items listed on the Consent Agenda, as recommended by the Subdivision Committee, removing **PLN-MJDP-17-00117: CHARLOTTE PRICE ESTATE, LOTS 61 & 62 (ADAPTIVE REUSE PROJECT)**.

B. PERFORMANCE BONDS AND LETTERS OF CREDIT – A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 7-0 (Bell, Forester, Richardson, and Penn were absent) to approve the release and call of bonds as detailed in the memorandum dated February 8, 2018, from Barry Brock, Division of Engineering.

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

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

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

1. FINAL SUBDIVISION PLAN

a. PLN-MJSUB-17-00077: THE TOWNHOUSES AT JEFFERSON STREET, PHASE 3 (PRESTON SUBDIVISION) (AMD) (4/14/18)* - located at 516 AND 530 MARYLAND AVENUE.
(Council District 2)
Project Contact: Endris Engineering

Note: The purpose of this amendment is to subdivide two lots into 13 lots.

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. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Submit the 50% Infrastructure Report prior to plan certification.
8. Provided the Planning Commission makes a finding on the access easement.
9. Provided the Planning Commission grants a waiver on the lot frontage.

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

Staff Presentation – Mr. Martin presented the staff's report on the final subdivision plan, and noted that the Subdivision Committee recommended approval.

Mr. Martin presented the Staff Report and Findings for a Waiver of Land Subdivision Regulations for Article 6-4(c) of the Land Subdivision Regulations, pertaining to the required street frontage for the creation of seven townhouse lots. (A copy of the Petition for a Waiver of Land Subdivision Regulations is attached as an appendix to these minutes).

The Staff Recommended: **Approval of the requested waiver**, for the following reasons:

1. Granting the requested waiver will not adversely affect public health, welfare and safety as the lots are governed by an approved final development plan and function as a unified development.
2. Granting the waiver is consistent with the intent of Article 1-5(c) of the Land Subdivision Regulations that encourages the facilitation of infill and redevelopment projects.

Article 6-8(m) of the Land Subdivision Regulations requires that the Planning Commission make a finding to approve lots, which are proposed to have their sole access provided via an access easement, rather than via a public or private street.

The applicant proposes to utilize an access easement to provide vehicular access and frontage to six townhouses and one HOA lot. This development is approved for 13 townhouses and the access easement is consistent with the approved development plan. This is also consistent with the infill and redevelopment provisions of the Land Subdivision Regulations that encourage facilitation of these types of developments.

Findings for appropriateness of access easements as sole access for certain lots:

1. Allowing for the townhouse lots to be accessed only via the access easement is appropriate for the proposed development and consistent with the infill and redevelopment provisions of Article 1-5(c) the Land Subdivision Regulations.
2. The property is subject to an approved final development plan, and the use of the access easement for these seven lots will not negatively impact public health and safety. This is consistent with the intent of the Land Subdivision Regulations.

Representation – Richard Murphy, attorney, indicated that the applicant was in agreement with the staff's recommendation, as well as the recommendation made on the waiver report. He briefly explained their reasoning as to why they were requesting a waiver under Article 1-5(a) Exceptional Hardship, Article 1-5(b) Design Innovation and 1-5(c) Infill and Redevelopment Facilitation of the Land Subdivision Regulations.

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

Action - A motion was made by Mr. Owens, seconded by Mr. Brewer and carried 7-0 (Bell, Forester, Richardson, and Penn were absent) to approve the final subdivision plan for **PLN-MJSUB-17-00077: THE TOWNHOUSES AT JEFFERSON STREET, PHASE 3 (PRESTON SUBDIVISION) (AMD),** as recommended by the staff.

Action - A motion was made by Mr. Owens, seconded by Mr. Brewer and carried 7-0 (Bell, Forester, Richardson, and Penn were absent) to approve the waiver to Article 6-4(c) of the Land Subdivision Regulations, as well as recognizing the appropriateness of the access easements as sole access for certain lots for **PLN-MJSUB-17-00077: THE TOWNHOUSES AT JEFFERSON STREET, PHASE 3 (PRESTON SUBDIVISION) (AMD)**, as recommended by the staff.

2. DEVELOPMENT PLAN

a. PLN-MJDP-17-00117: CHARLOTTE PRICE ESTATE, LOTS 61 & 62 (ADAPTIVE REUSE PROJECT) (2/18/18)* - located at 744 BELLAIRE AVENUE.
(Council District 1)
Project Contact: Vision Engineering

Note: The Planning Commission postponed this item at their January 11, 2018, meeting. This plan requires the posting of a sign and an affidavit of such.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. 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. Provided the Planning Commission makes a finding the plan complies with Article 8-21(o)4 of the Zoning Ordinance.
13. Denote review by the Royal Springs Aquifer Committee prior to certification.
14. Denote location of public art.
15. Denote Board of Adjustment's approval prior to certification.
16. Resolve the need for supplemental landscaping adjacent to railroad.

Staff Presentation – Mr. Martin presented the staff's report on the final development plan, and noted that the Subdivision Committee recommended approval. He directed the Commission's attention to condition #16, and said that with this Adaptive Reuse Project being entirely residential, the staff believes it is an important element to provide good landscaping along the railroad tracks. The staff is willing to work with the applicant to ensure that the supplemental landscaping is sufficient.

Mr. Martin presented the Memorandum for the Adaptive Reuse Projects, and said that the applicant is proposing a covered bicycle rack and an interpretive kiosk or map of the Legacy Trail as part of the public art display. He explained that, in the past, there has been some issues with the public art component for an Adaptive Reuse Project, and said that the intent of public art is to be associated with public space and to be accessible to the public. A bicycle rack is not suitable as a public art display and with the trail being located just off the property it would be more beneficial to the public, if those components are placed on the Legacy Trail.

Mr. Martin said that the staff finds that the plan meets the criteria for an Adaptive Reuse Project, for the following reasons:

- Staff has reviewed the applicant's supporting documentation and revised development plan. The staff finds that the applicant has now demonstrated minimum compliance with the adaptive reuse criteria. Staff recommends the Planning Commission makes a finding that the applicant has met the requirements, per Article 8-21(o)4 if the Zoning Ordinance with the following condition:
- Denote location of public art on the development plan and resolve its components.

Mr. Martin noted that the parking requirement for an Adaptive Reuse Project is half of what would be required for the proposed use in another zone.

Commission Questions – Referring to the Memorandum, Ms. Plumlee asked if the building shown in the report is residential and would the proposed building be similar to what is shown in the applicant's documentation. Mr. Martin replied that the applicant could answer that question.

Ms. Plumlee then asked if the structures are covered under the Zoning Ordinance. Mr. Martin replied that the structures were residential units. Ms. Plumlee commented that the structure is 600 square feet. Mr. Martin said that the Building Code, not the Zoning Ordinance, deals with the size of a dwelling unit.

Representation – Matt Carter, Vision Engineering, along with Jason Futch, the applicant, indicated that they were in agreement with the staff's recommendation, as well as the recommendation made on the Adaptive Reuse Project memorandum and report.

Commission Questions - Ms. Plumlee asked for further explanation concerning the size of the proposed structures. Mr. Futch said that the illustration used in their report was only an example to show the type of aesthetic that will be applied to the structures within the development. The built units will be much larger than the example shown in the packet.

Mr. Wilson asked what is the average square foot for each unit. Mr. Futch replied 600 square feet with one-bedroom per unit. Mr. Wilson then asked if the example shown in the report is to show the façade of the unit. Mr. Futch replied affirmatively. Mr. Wilson asked what type of material would be used. Mr. Futch replied cedar.

Citizen Comments – Michael Costello, 715 Bellaire Avenue, voiced his concerns with the number of proposed units and the increased demand for on-street parking.

Pastor Seibert Taylor, 709 Bellaire Avenue, voiced his concerns with pedestrian safety, increased traffic and the number of units being proposed. He said that other than the sign posting on the property, none of his neighbors were informed of this proposal. He explained that due to the number of accidents, he had asked the city to install a 3-way stop or stripe the curb at the corner of Bellaire Avenue and Delcamp Drive, but they have not received any information back concerning their request.

Mr. Futch said that they are sensitive to the neighborhoods concerns, but the Division of Planning mailed the site plan to the residents that were located within the required 200-foot notification area for a variance request being considered by the Board of Adjustment. He then said that he would be glad to share the site plan with the residents outside the 200-foot notification area.

Pastor Taylor said that none of his neighbors received notice on this proposal, and he would prefer to be involved with changes within his neighborhood.

Rebuttal – Mr. Carter said that this proposal meets the required parking for an Adaptive Reuse Project; and more than likely, each unit will have two cars, but not three cars. He then said that with this development being located next to the Legacy Trail, the idea was to place the emphasis on bicycles and promoting walking.

Mr. Futch said that this site is ¾ of an acre that is currently a junk yard, and this development will increase the land value in the neighborhood. He then said that the site is designed to keep resident parking within the development and off Bellaire Avenue, which will help minimize the impact to neighbors.

Pastor Taylor said that the applicant had indicated this development is geared toward the bicyclist, but not everyone who will move to this area will have a bicycle. He then said that as for the applicant saying this development will make the neighborhood better that is an insult to him. He added that he loves his neighborhood, and he does not need this development to make it better.

Mr. Martin said that for an Adaptive Reuse Project, the Zoning Ordinance deems it adequate to only require a sign posted on the property. For a variance request, the Board of Adjustment requires the residents within a 200-foot radius to be notified by mail. For a conditional use permit, the Board of Adjustment requires the residents within a 500-foot radius to be notified by mail. He said that the notice was mailed to the residents within a 200-foot radius of this development, which complies with the Zoning Ordinance. The legal notification has been met for this proposal.

Mr. Martin said that this is a residential Adaptive Reuse Project within an I-1 zone. The Planning Commission would have no say in the matter should this property develop as a light industrial use, which would be a by-right use. The applicant can obtain a permit, build the building, then that business could have large trucks, employees, among other things, coming to this area.

Commission Questions – Ms. Plumlee asked if Traffic Engineering could respond to the 3-way stop sign request. Ms. Kaucher indicated that the staff would look into that inquiry and follow-up with that request.

Mr. Cravens asked for clarification with the parking forgiveness in the Adaptive Reuse Project. Mr. Martin responded 50 percent of parking is forgiven. Mr. Cravens asked how many spaces are on-site and how many will be forgiven. Mr. Martin responded that the applicant is required to have 7 parking spaces, they are proposing 13 parking spaces, resulting in a difference of 6 parking spaces. He added that the Planning Commission can impose additional parking, if deemed necessary.

Mr. Cravens asked why does the applicant believe the 6 additional parking spaces are not needed. Mr. Futch said that he did not know they needed the additional 6 parking spaces. Mr. Cravens said that if this was not an Adaptive Reuse Project then the development would need 13 total parking spaces. Mr. Carter pointed out on the rendering, and explained that they are providing 13 parking spaces, which complies with the Adaptive Reuse Project. Mr. Martin said that 7 parking spaces are required for this development, and the applicant is providing a total of 13 parking spaces, which is the maximum of what the Zoning Ordinance requires.

Mr. Wilson said that the 50 percent decrease in the parking would be 7 parking spaces. The applicant is more than meeting what is required by providing 13 parking spaces. Mr. Martin replied affirmatively.

Mr. Owens said that, with this land being zoned I-1, there is the possibility of an industrial facility being developed, which could significantly increase the traffic in this area with large vehicles. He then said that what the applicant is proposing for this property is the lesser of two evils, in his opinion.

Action - A motion was made by Mr. Owens, seconded by Mr. Cravens and carried 6-1 (Mundy opposed; Bell, Forester, Richardson, and Penn were absent) to approve the final development plan for **PLN-MJDP-17-00117: CHARLOTTE PRICE ESTATE, LOTS 61 & 62 (ADAPTIVE REUSE PROJECT)**, as well as making a finding that the plan meets the criteria for an Adaptive Reuse Project, as recommended by the staff.

VI. COMMISSION ITEMS – There was none.

VII. STAFF ITEMS –

A. WORK SESSION – Mr. Duncan reminded the Commission that the next Work Session is scheduled for Thursday, February 15th.

VIII. AUDIENCE ITEMS – There was none.

IX. NEXT MEETING DATES

Work Session, Thursday, 1:30 p.m., 3rd Floor Phoenix Building .... February 15, 2018
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) .... February 21, 2018
Zoning Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers .... **February 22, 2018**
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) .... March 1, 2018
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building) .... March 1, 2018
Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers .... **March 8, 2018**

X. ADJOURNMENT - There being no further business, the Chair adjourned the meeting at 2:20 PM.

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William Wilson, Chair

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Carolyn Plumlee, Secretary

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